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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS
SECOND SESSION.

SENATE.

WEDNESDAY, *June 14, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 2664. An act for the relief of Jesse Goodin;

S. 2666. An act for the relief of Ed Thomas and Pauline Thomas;

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 9859. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11265. An act to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington;

H. R. 11407. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 11646. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio;

S. J. Res. 7. Joint resolution authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States;

S. J. Res. 204. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots for the use of the members of the United Confederate Veterans during the sessions of the national encampment of the United Confederate Veterans at Richmond, Va., from June 19 to 22, 1922; and

H. J. Res. 127. Joint resolution to reerect the statue of Abraham Lincoln upon its original site.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting a list of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery, Thursday, June 15, 1922, which was ordered to lie on the table for the information of Senators.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by the board of directors of the Social Hygiene Society, the Social Hygiene Council, the executive board of the League of Women Voters, and the College Women's Club, all of the District of Columbia, protesting against the selection of a site at Blue Plains for the location of an institution for the feeble-minded and suggesting that some other site having the advantage of being sufficiently isolated and extensive be chosen rather than Blue Plains, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented petitions of sundry citizens of Kansas City, Kans., praying for the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. LENROOT presented the memorial of Mrs. M. E. Rotier, corresponding secretary Wisconsin Federation of Women's Clubs, of Milwaukee, Wis., remonstrating against the food, tableware, and women's-wear schedules in the pending tariff bill, which was referred to the Committee on Finance.

PROPOSED DUTY ON CASEIN.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have inserted in the RECORD and have referred to the Committee on Finance a communication from the American Paper & Pulp Association protesting against the tariff duty fixed on casein, and also a communication from the Robert Gair Co. protesting against the same duty and indicating the effect that duty will have on the paper trade. The American Paper & Pulp Association assert that the duty in the pending bill means a direct increase in cost of about $1,000,000 a year to the consumers of coated paper.

There being no objection, the communications were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

AMERICAN PAPER PULP ASSOCIATION,
New York, June 7, 1922.

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR WALSH: The proposed tariff of 4 cents per pound, H. R. 7456, Schedule 1, paragraph 17a, on casein means a direct increase in cost of about $1,000,000 a year to the American consumers of coated paper, if, in fact, the coated paper industry can continue to exist if its main source of supply of this indispensable material is so taxed as to divert two-thirds of the total supply to European competitors.

It is only a matter of such tremendous importance to an industry representing a capital investment of $75,000,000 that leads this committee of five, authorized representatives of the entire coated-paper industry of the United States to trespass on your courtesy at a time when so many other matters are demanding your attention.

In view of the importance of this question to both the consumer and the producer of coated paper, we are inclosing for your careful consideration a copy of the brief which has been filed with the Committee on Finance of the United States Senate.

We hope you can see from this presentation of the facts that it is proper to cast your vote against this proposed duty.

Yours very truly,

MARTIN CANTINE, *Chairman,*
CHARLES A. GORDON,
CHARLES F. SHIRLEY,
WALTER D. RANDALL,
HUGH P. BAKER,
Committee of Coated Paper Manufacturers.

—

NEW YORK, *June 10, 1922.*

Hon. D. I. WALSH,
Senate of the United States, Washington, D. C.

MY DEAR SENATOR:

(H. R. 7456.) Schedule 1, paragraph 17a. Casein or lactarene, 4 cents per pound.

The amendment referred to above was adopted by the Committee of the Whole on May 23, 1922, and purports to fix a duty of 4 cents per pound on imported casein.

Casein is a dairy by-product, indispensable to the surfacing of paper. Coated papers, for the manufacture of which casein is the principal medium, are extensively used in educational books, periodicals, and scientific, also commercial catalogues wherein photographs are reproduced by a printing process. In both æsthetic and practical printing or lithography clay-coated paper produced with the assistance of casein is the only surface upon which full justice to the workman's skill and art treatment can be preserved. And upon box boards, of which folding cartons are manufactured for the protection and identification of all forms of foods and necessities, it is extensively used to impart a cleanly printing surface.

The quantity of casein produced in the United States is insufficient. The domestic output is considerably less than the domestic need, and this shortage is made up by importations from Holland and the inferior substance from the Argentine. Four cents per pound added to the import price will encourage an advance in the American market for domestic casein, and as there is no industry to protect the proposed tariff will be retroactive upon the adopted policy of the country to abate high prices and bring costs down. This 4 cents per pound on casein will prompt and stimulate higher prices for a raw necessity,

which is not abundant enough to supply the demand and which will fall directly upon the box board and paper industries, as it is there that 90 per cent of all domestic and imported casein is consumed.

Since this tariff is, to our minds, opposed to the common interests of the country and is altogether unjust to the industries mentioned, we ask for your close consideration of the amendment quoted above and protection against its adoption.

Yours very truly,

ROBERT GAIR CO.,
GEO. W. GAIR, *President.*

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3275. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812 (Rept. No. 770); and

H. R. 8569. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 771).

Mr. RAWSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army, reported it without amendment and submitted a report (No. 772) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3707) for the relief of Hazel E. Simms (with accompanying papers); to the Committee on Finance.

By Mr. SUTHERLAND:

A bill (S. 3708) granting a pension to James J. Holland; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3709) to provide for an examination and report on the condition and feasibility of a reclamation project at Hope, Eddy County, N. Mex.; to the Committee on Irrigation and Reclamation.

CIVILIAN INSTRUCTORS AT NAVAL ACADEMY.

Mr. POMERENE. Mr. President, I understand it is the intention of the majority side to take up the naval appropriation bill to-morrow. As Senators know, I have on one or two occasions referred to the instructors at the Naval Academy who have been taken from civil life. The other day I had a conference with Admiral Wilson, the Superintendent of the Naval Academy. It was an informal exchange of views, and I asked him to reduce to writing any statement which he desired to make. I have his letter before me. I shall not take the time of the Senate to have it read, but I think it may be of interest to Senators in view of the expectation that the naval appropriation bill will be taken up for consideration to-morrow. I therefore ask that it may be incorporated in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., 10 June, 1922.

MY DEAR SENATOR POMERENE: Referring to our conversation of last Wednesday (7 June, 1922), in which you asked me to comment on your remarks in the Senate as published in the CONGRESSIONAL RECORD of 2 June, 1922, I am pleased to note that you take an intense interest in the proper training of the midshipmen, and you state that the methods of instruction in the two service academies should be equal to those which prevail in the great universities of the country. I can assure you that we are in accord as to this, and it is our aim at the Naval Academy to do everything we can to maintain high standards in methods of instruction, and because of your interest in this matter I am taking it for granted that you would like to be informed a little more fully of the steps being taken to accomplish this purpose.

There has been in some quarters a misunderstanding of my attitude toward civilian instructors at the Naval Academy. What I advocate is not elimination of civilian instructors from the Naval Academy but simply a return to the status which existed before the World War. You will appreciate that war demands made inroads on the officers detailed to the Naval Academy. At the same time the more instructors were needed because the number of midshipmen was more than doubled. This caused somewhat of an upheaval in the teaching staff. Large numbers of civilian instructors were employed in lieu of officers not then obtainable, due to the needs of the service afloat. Having in view an economic administration of the Naval Academy combined with efficiency, a careful investigation has convinced me that it is to the best interests of the Government that the ratio of civilian instructors to naval officers be reduced to what it was before the war. The official Board of Visitors appointed by the President, Vice President, and Speaker of the House of Representatives, in their report of 27 April, 1922, also recommended as follows:

"It is the opinion of the board that the ratio of civilian instructors to officer instructors should be that existing prior to the war. In arriving at this conclusion the board recognizes the great value of civilian instructors, particularly as a means of keeping the curriculum modern and in harmony with the growth of educational thought. It is highly important, however, that midshipmen be brought in contact early in the course with officers who have seen real service. Such teachers bring an inspiration that is most important, and close personal contact with experienced officers throughout the course is, in the opinion of the board, most essential. Officer instructors, however, should be carefully selected. All men can not teach successfully, and the officer instructors should be selected as much for teaching fitness as for other qualities."

The value of civilian instructors at the Naval Academy is keenly appreciated. It is most important to have the advice and assistance of expert teachers in mathematics, English, modern languages, physics, chemistry, and electricity, but what we need at present is quality rather than quantity. At the same time I do not wish to work undue hardship on civilian instructors, and therefore reductions will be made step by step. As the classes get smaller there will be reductions in the teaching staff, both civilians and officers, until the Naval Academy is once more on its normal peace-time footing.

In the history of the Naval Academy from the date of its foundation the ratio of civilian instructors to officer instructors has varied from one extreme to the other. As a result of these years of experience, the ratio that existed before the war was finally settled upon as giving best results.

Long experience has demonstrated that many naval officers make excellent teachers. The work of a naval officer afloat involves study to keep up with advances in naval science. An officer's life work is essentially leadership of men with the consequent necessity for continuous instruction and teaching of subordinates in handling men, operation of guns and machinery, and numerous drills. Consequently all naval officers are to a degree students and teachers. Of course, some are better than others. This applies both to civilian teachers and to officers. The civilian teacher may be a more finished scholar, but, on the other hand, the naval officer has an advantage in that midshipmen listen carefully to what he tells them, because they know that his teaching is backed by experience with ships and men. What we are striving for is the best possible combination of high-grade civilian teachers and high-grade officer teachers working together in a spirit of cooperation.

The "Hearings before Subcommittee of House Committee on Appropriations" on "Navy Department appropriation bill, 1913," pages 610, 611, 612, 613, and 614, contains statements made by me in more detail.

Thanking you for your kind consideration,

Very sincerely,

HENRY B. WILSON,
Rear Admiral, United States Navy, Superintendent.

HON. ATLEE POMERENE,
United States Senate, Washington, D. C.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. PHIPPS obtained the floor.

Mr. McCUMBER. Mr. President, will the Senator yield just long enough for me to state that when the consideration of the pending bill is resumed I shall ask the Senate to proceed with paragraph 408, shingles.

Mr. JONES of Washington. Mr. President. I ask that that paragraph may go over until any time the chairman desires next week. On account of arrangements made heretofore I was not expecting it to come up to-day and have made no preparation for it. I shall be engaged in a conference on the Army appropriation bill this afternoon and probably to-morrow. So, if it will not discommode the Senator too much, I hope that the paragraph may go over until any time he may desire next week.

Mr. McCUMBER. I think we can accommodate the Senator. I will ask, therefore, that the paragraph 408 may be passed over.

The VICE PRESIDENT. The paragraph will be passed over.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the amendment of the House to the amendment of the Senate numbered 1 to House bill 10101, the District of Columbia appropriation bill.

There being no objection, the Senate proceeded to consider the amendment of the House to the amendment of the Senate No. 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with an amendment.

Mr. UNDERWOOD. Mr. President, I had no objection to taking up the matter, but as there may be Senators who are not present who wish to be informed on the question, I suggest the absence of a quorum that absent Senators may be here.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Calder	Culberson	Edge
Borah	Cameron	Curtis	Ernst
Brandegee	Capper	Dial	Fernald
Broussard	Caraway	Dillingham	Gerry

Hale	McCumber	Pepper	Swanson
Harreld	McKinley	Phipps	Underwood
Harris	McNary	Poindexter	Wadsworth
Harrison	Nelson	Ransdell	Walsh, Mass.
Johnson	Newberry	Rawson	Walsh, Mont.
Jones, Wash.	Nicholson	Sheppard	Watson, Ind.
Kellogg	Norbeck	Simmons	Williams
Kendrick	Norris	Smoot	Willis
Ladd	Oddie	Spencer	
Keyes	Overman	Sterling	
McCormick	Owen	Sutherland	

Mr. CURTIS. I wish to announce that the senior Senator from Wyoming [Mr. WARREN] is absent on account of illness in his family.

Mr. UNDERWOOD. I desire to announce that the junior Senator from Alabama [Mr. HEFLIN] is necessarily absent; that the senior Senator from Florida [Mr. FLETCHER] is absent on account of illness; and that the senior Senator from Nevada [Mr. PITTMAN] is absent on official business.

Mr. HARRIS. My colleague [Mr. WATSON of Georgia] is detained by illness.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. PHIPPS. The District of Columbia appropriation bill, House bill 10101, has received the approval of both Houses, with the exception of the first amendment of the Senate, the fiscal feature of the bill, which was amended by the House, and the House amendment was referred to the Committee on Appropriations. I was authorized by that committee to report it back with a slight amendment, which will be found on page 3 of the amendment adopted by the House, and which is to insert, after the word "discretion," in line 10 of the House text:

To any rate not in excess of the rate imposed upon real estate.

It is simply a matter of precaution to have the language put in such form that it can not be misunderstood or misconstrued. I ask that the amendment may be approved.

The PRESIDING OFFICER. The Secretary will report the amendment of the House to the amendment of the Senate No. 1.

The reading clerk proceeded to read the amendment of the House, and read to line 14, page 2, as follows:

That annually from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927.

Mr. PHIPPS. Mr. President, at this point I wish to say that it was desired by various civic organizations of the District that their comments and their objections to the proposed changes be heard, and the conferees have been in touch with those organizations through their accredited representatives. They have strongly urged that the provision for the change in tax-paying dates proposed in the bill introduced by the Senator from Washington [Mr. JONES], Senate bill 3565, and which has had the approval of the Committee on the District of Columbia, be incorporated in this amendment. The language follows, and I ask the Secretary to read the proposed amendment to the House amendment.

The READING CLERK. Following the numerals "1927," in line 14, it is proposed to insert the following:

and that beginning with July 1, 1922, and annually thereafter, one-half of the tax levied upon taxable real property in the District of Columbia shall become due and payable on the 1st day of November of each year and the other half of such tax shall become due and payable on the 1st day of May of each year; and if one-half of such tax shall not be paid before the 1st day of December of each year, said installment shall thereupon be in arrears and delinquent; and there shall then be added, to be collected with such tax, a penalty of 1 per cent upon the amount thereof, and a like penalty on the 1st day of each succeeding month until payment of said installment and penalty; and if said installment shall not be paid before the 1st day of June of each year, together with the one-half of said original tax due on the 1st day of May, a like penalty beginning with the 1st day of June shall then be added on said last one-half of such tax; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law; and that hereafter the board of personal tax appeals, consisting of the assessor, as chairman ex officio, together with the three members of the board of real estate assessors and the three members of the board of personal tax appraisers, shall constitute the board of personal tax appeals, which shall convene on the first Monday in January and remain in session until the second Monday in February of each year for the hearing of appeals from assessments on personal property; and the same members shall also constitute the board of equalization and review of real estate assessments.

Mr. PHIPPS. Mr. President, if it is in order, I move that the amendment to the amendment be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the House amendment.

The amendment to the amendment was agreed to.

The reading of the House amendment was continued to line 10, page 3.

The amendment of the Committee on Appropriations was, on page 3, line 10, after the word "discretion," to insert "to any rate not in excess of the rate imposed upon real estate," so as to read, after line 14, page 2:

and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion to any rate not in excess of the rate imposed upon real estate) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "Miscellaneous Receipts," but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:

The PRESIDING OFFICER. Without objection, the amendment of the Committee on Appropriations to the House amendment is agreed to.

The reading of the House amendment having been concluded,

Mr. PHIPPS. Mr. President, I understand the Senator from Mississippi [Mr. HARRISON] has an amendment which he desires to offer to the amendment.

Mr. HARRISON. I desire to offer an amendment to the amendment, to come in on page 4, line 5, after the word "made." I move to insert the provision which I send to the Secretary's desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi to the amendment will be stated.

The READING CLERK. On page 4, line 5, after the word "made," it is proposed to insert:

and that a joint committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created and authorized and directed to ascertain and determine what, if any, indebtedness there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878; and that said committee in reaching a conclusion shall consider not only legal but equitable claims and obligations and shall report its conclusions and recommendations to each House of Congress on or before the first Monday in January, 1923; and that said committee is authorized to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and expert assistance as may be necessary, and to pay for the same upon vouchers signed by the chairman, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives; and that said committee is authorized and directed to avail itself of the services of the Bureau of Efficiency and such expert and legal help of the Treasury Department and of the District of Columbia as it may deem practicable so to do.

Mr. HARRISON. Mr. President, I desire to say that the amendment to the amendment just read is the same as the joint resolution known as the Jones resolution, which has been adopted by the Senate and which has been favorably reported in the other House. It has not, however, yet been acted on by the House.

Mr. SMOOT. If this is a conference report, the amendment is not in order. If the item was in dispute and the action taken represents the agreement of the conferees of the two Houses, that is one matter; but if it is an amendment to a conference report, it is not in order at all.

Mr. HARRISON. The Senator from Utah will recall that a great many items which were in dispute have been adjusted, but this particular item was not embodied in the conference report, as it was thought a point of order would probably lie against it, but we are trying to adjust the whole matter and hoped that the whole controversy might be settled by the adoption of this amendment.

Mr. SMOOT. I am told that the action proposed represents an agreement between the conferees of the two Houses in reference to the subject; and that, of course, I think might be in order; but an amendment offered on the floor of the Senate to a conference report would not be in order.

Mr. JONES of Washington. Mr. President, that is not the situation. The situation is that the House of Representatives concurred in a Senate amendment with an amendment. It is that amendment of the House which is before the Senate, and to that amendment an amendment is now offered. The amendment before the Senate is not a part of the conference report.

Mr. SMOOT. Have the conferees on the part of the two Houses agreed to it?

Mr. JONES of Washington. No; it is not a part of the conference report. The House concurred in the Senate amendment with an amendment.

Mr. SMOOT. This, then, is not an amendment offered on the floor of the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi to the amendment.

The amendment to the amendment was agreed to.

Mr. PHIPPS. I believe that amendment numbered 1 as amended is now in form for adoption.

The PRESIDING OFFICER. The question is on agreeing to the House amendment as amended.

The amendment as amended was agreed to.

Mr. HARRISON. Mr. President, I desire to occupy but a moment to congratulate the conferees upon the part of the Senate on the very able and fair manner in which they have handled this whole question. I objected to the amendment as it came from the other House for the reason that I thought it included so many matters which were in dispute that it should go to a committee, and that there should be a hearing upon the part of the committee of those citizens in the District who might desire to be heard. The conferees, however, took another course. They have heard every citizen who desired to be heard; they have been fair, and have performed a splendid work. I am very glad the amendment has been agreed to, and I think it will be satisfactory to all concerned.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11827) granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River, in which it requested the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I desire the attention of the Senator from Louisiana [Mr. BROUSSARD]. We took a recess on yesterday evening while that Senator was in the midst of his address. I desire to ask the Senator, if he wishes, to proceed now.

Mr. BROUSSARD. I am now prepared to proceed.

Mr. McCUMBER. Then I suggest that the Senator proceed now, and after he has concluded, then I shall ask to take up paragraph 302, relative to ferrotungsten alloys.

Mr. BROUSSARD. Mr. President, I desire to complete the argument which I began yesterday. At this stage I should like to ask the chairman of the committee whether or not the industrial alcohol manufacturers who use blackstrap molasses made a request that blackstrap molasses be placed on the free list?

Mr. McCUMBER. I think not. I am not certain, for I can not remember all the testimony; but, as I recall, the main request came from the agricultural users.

Mr. BROUSSARD. That was my understanding; that those who manufacture industrial alcohol have made no request that blackstrap molasses be put on the free list.

In order, Mr. President, to indicate the interest those engaged in the production of industrial alcohol have in having blackstrap molasses placed on the free list, I desire to set forth the amount of blackstrap molasses consumed by the industrial alcohol manufacturers of the United States, and in view of the fact that they did not oppose a duty on molasses, show how unfair and inequitable the result of the action of the committee will be to the manufacturers of blackstrap molasses in the United States. I shall now refer to a pamphlet published by Mr. Burnell R. Tunison, of the United States Industrial Alcohol Co., of New York City, on the subject of industrial alcohol. I may say that the pamphlet was published in 1920. On page 411 there is a table which I ask unanimous consent to have inserted in the RECORD in full.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The table referred to is as follows:

TABLE VIII.—*Grain and other materials used for production of distilled spirits, year ended June 30, 1919, by States.*

States.	Corn.	Rye.	Malt.	Other materials.	Molasses.	Dilute saccharine liquid.	Total.	
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Gallons.*	*Gallons.*	*Bushels.*	*Gallons.*
California	988				11,714,888		988	11,714,888
District of Columbia	111,107		150,658	72,343	917,159		334,108	917,159
Illinois	2,752,509	4,259	268,324		12,868,046		3,025,092	12,868,046
Indiana	216,957	2,930	29,463	714			250,064	
Kentucky	497,428	7,387	58,817		417,637		563,632	417,637
Louisiana			3	787	27,073,185	3,534,458	740	30,607,643
Maryland			129		21,289,577		129	21,289,577
Massachusetts (third district)					7,564,766			7,564,766
Montana					154,041			154,041
New York	42,830	898	5,229		33,554,286		48,957	33,554,286

TABLE VIII.—*Grain and other materials used for production of distilled spirits, year ended June 30, 1919, by States*—Continued.

States.	Corn.	Rye.	Malt.	Other materials.	Molasses.	Dilute saccharine liquid.	Total.	
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Gallons.*	*Gallons.*	*Bushels.*	*Gallons.*
Ohio	241,574		42,833				284,407	
Pennsylvania					7,945,108			7,945,108
South Carolina				894		6,266,877	894	6,266,877
Wisconsin	26,954	9,830	17,790	10,936			65,510	
Total	3,890,347	25,304	537,246	85,624	123,498,693	9,801,335	4,574,521	133,300,028
Total for fiscal year 1918	14,544,545	248,864	1,689,677	172,039	118,027,960	68,527,242	16,665,125	186,555,202

Mr. BROUSSARD. Mr. President, I wish now to comment briefly on the table. As will be observed it shows, by States, the grain and other materials used in the production of distilled spirits for the year ended June 30, 1919. I shall only give the round numbers.

The table shows that of industrial alcohol made of molasses, California produced 11,000,000 gallons; the District of Columbia, 917,000 gallons; Illinois, 12,000,000 plus; Kentucky, 417,000 gallons plus; Louisiana, 27,000,000 gallons plus; Maryland, 21,000,000 gallons plus; Massachusetts, 7,000,000 gallons plus; Montana, 154,000 gallons plus; New York, 33,000,000 gallons plus; Pennsylvania, 7,900,000 gallons; making a total of blackstrap molasses consumed in the manufacture of industrial alcohol of 123,498,693 gallons.

Now, I wish to refer the Senate to a document published by the Agricultural Department, entitled "Production of Principal Feeds," referred to also as commercial feeds. On page 60 of that pamphlet there are given in detail for the year 1919 the total importations of blackstrap molasses. My idea in referring to that is to account for the difference between the number of gallons used for industrial alcohol and the total of the domestic production plus the importations. By the way, I am referring only to the cane blackstrap molasses and not to the beet blackstrap molasses; but my idea is to show and account for the difference between the cane blackstrap molasses converted into industrial alcohol and the total importations plus the domestic production, so as to show what the difference available for other purposes amounts to.

I find in this pamphlet, issued by the Agricultural Department, called "Commercial Feeds," on page 60, that in 1919 the importations from Porto Rico were 15,554,493 gallons; the importations from Hawaii were 9,882,567 gallons; the importations from Cuba were 110,244,781 gallons. I have added these importations, and they make a total of importations of 141,683,841 gallons.

Granting that all of the 16,000,000 gallons produced in the United States—and I may say that 99.9 per cent of it was produced in Louisiana, amounting to more than 16,000,000 gallons—may have been thrown into this class of imported blackstrap molasses, we get the following result: Adding the 16,000,000 to the total importations of 141,000,000 plus, we get a total of 157,63,841 gallons, which was the total available for all purposes in the United States; and deducting that used in the manufacture of alcohol from the total available blackstrap molasses we get a balance of 34,185,148 gallons used for feed and adulterants in the United States for the year 1919.

Mr. President, the question which I have just propounded to the chairman of the committee clearly demonstrates my object. The industrial alcohol people have never asked that blackstrap molasses be put on the free list. The industrial alcohol people have been satisfied with the present duty that is on blackstrap molasses. The industrial alcohol people have never protested against the Payne-Aldrich tariff rates on blackstrap molasses; and still, under these figures, Mr. President, we find that out of 157,683,841 gallons available for all purposes, the industrial alcohol people consume 123,498,693 gallons, and still they are not asking that blackstrap be put on the free list.

Mr. PHIPPS. Mr. President——

Mr. BROUSSARD. I yield to the Senator.

Mr. PHIPPS. I should like to ask the Senator if he has the figures showing the consumption of blackstrap molasses by the alfalfa feed mills?

Mr. BROUSSARD. I have that information and will give it presently.

Mr. PHIPPS. I should like to have it.

Mr. BROUSSARD. But here are documents that are authentic, that are backed with authority, that show that out of 157,683,841 gallons there was a little over 34,000,000 gallons used for all purposes outside of the manufacture of industrial alcohol, and still the people using nearly all the blackstrap molasses and converting it into alcohol are not asking a reduction of the House rate. They never protested the rate which the people from my State have demanded of the Ways and Means Committee of the House. They never appeared there; and still a few people who believe that the price of feedstuffs to the dairyman and to the feeder might be increased have been fooled into that attitude—as I demonstrated yesterday and propose to go over again to-day—have been used as cat's-paws to destroy an industry which is competitive, and they are practicing fraud and deception by palming off this as Louisiana molasses after having filtered it, which is merely a physical process.

Not only that, Mr. President, but we find—and I have the facts here—that the people who have started this propaganda are the Penick & Ford Co. (Ltd.), which is owned and operated by the American Sugar Trust, and which has two objects in view. One is to profit by the reputation which we cane growers in Louisiana have built, and there is nobody on this floor but that remembers in his boyhood that he bought Louisiana molasses, and that was a product that was expensive to make, and these people want to have free blackstrap molasses to refine or to filter and then palm it off on the reputation which the domestic industry has established as Louisiana molasses. The other is—and that is the vital thing in which the Senator from Colorado is as vitally interested as the people of Louisiana—that these people are trying to destroy the domestic sugar industry, and wherever they can cut one-quarter of a cent of profit per gallon of by-product of molasses they revel in it.

I am surprised that any Senator representing any State that produces sugar and has a by-product to dispose of should ever espouse the cause of the enemy, who are trying to work both ways, using the dairyman against the domestic cane-sugar producer and using, on the other hand, the argument which they advance for the purpose of reducing a duty and then indirectly destroying the production of sugar in the United States.

I am absolutely solid on my foundation when I make this statement. I know what I am talking about; and what do they present to the dairymen or to the feeders? I shall now dwell on the question which the Senator from Colorado has asked me. Are not the dairy people asking us to protect their butter? And if we are to protect their butter against the importations of foreign butter, why is it not right to grant us one-fourth of a cent a gallon on a by-product of a domestic industry? I am willing to vote for a duty on butter, but I resent the narrow-minded view of the dairyman who wants 10 cents a pound protection on his butter and wants to deny the American sugar producers of this country one-fourth cent per gallon on the blackstrap molasses, which, if analyzed—and I think at one time the Senator challenged the figures which I produced, and I have another set to produce—means 6 cents a ton on feed to the dairyman if he uses the cheaper grades of blackstrap molasses, and if he uses the highest grades in the manufacture of feedstuffs it means a difference of only 34 cents per ton of feed which he consumes. What right has he to ask you and to ask me to vote for a duty on butter and then want to expose us and to subject us to competition with Cuban blackstrap molasses? And if you once admit that that is the correct argument, what becomes of your argument when you stand up here and ask for a duty of $1.60 per ton on sugar? What is the difference? Why does the committee allow $1.60 per hundred pounds on Cuban sugar, and why do some of us now claim 2 cents or $2 per 100 pounds? Why do we ask $2, or why has the committee agreed to $1.60 per 100 pounds on sugar unless it be to put us on a parity as to American cost of production with the Cuban cost of production? If that applies to sugar, is not the blackstrap molasses produced by the same labor, in the same factories, and under the same conditions in competition with the same American labor, the same American production, in the same factories, and under the same conditions? You can not admit one and deny the other unless you destroy your position on the first.

I think the dairymen have reversed their attitude. I know that the grain people have. I demonstrated that yesterday, and I propose to do it again, with additional proofs, to show that it is the most narrow-minded, it is the most unintelligent conclusion that any set of men could ever arrive at, that they should want to permit the industrial alcohol people, who consume over 80 per cent of this blackstrap and who are not demanding that it be put on the free list, be given now free blackstrap molasses, without their request, in order that the man who feeds for the market and who wants a duty on his hides and who wants a duty on the carcasses of his animals should save 6 cents per ton additional cost on his feed because of this duty which the House has placed in the Fordney bill. It is the most absurd proposition that I have ever heard of.

Mr. PHIPPS. Mr. President——

Mr. BROUSSARD. I yield to the Senator.

Mr. PHIPPS. In order that the Senator may catch his breath——

Mr. BROUSSARD. I am not out of breath; I have just started.

Mr. PHIPPS. And so that I may not be misunderstood, I want to say, with his permission, that I was prevented from hearing his speech yesterday and I have not yet had time to read it in the RECORD. I was trying to ascertain his attitude to learn what he is advocating and upon what he bases it.

Briefly, in just a word, I want to say that so far as my information from the sugar producers is concerned they are not interested in the question of whether there is or is not to be a duty on blackstrap molasses. The consumers of blackstrap molasses in the alfalfa-feed mills, however, called my attention to the fact that up to a certain percentage they felt that it was all right, but the percentage had been set at 48 in the House instead of 56, and they thought that the additional duty should not apply until it reached 56; and that is what I advocated before the Finance Committee. I have advocated nothing beyond that. I was not present when the Finance Committee decided on the rate, and can not say on what it based its decision to put blackstrap on the free list, but that is my information, that that has been done. It was done, as far as I am aware, at the urgent request of the alfalfa-feed mills.

Mr. BROUSSARD. I would ask the Senator who, except the feed manufacturers of this country, advocated free blackstrap molasses before the Finance Committee?

Mr. PHIPPS. I am sorry I can not inform the Senator.

Mr. BROUSSARD. They are the only people who advocated it, and when they got through advocating it they joined the feeders and dairymen and asked the committee to give them a duty on the carcasses of animals, on the hides, and on butter. I come from the Democratic side of this Chamber.

Mr. PHIPPS. I notice the Senator is sitting very near the corner.

Mr. BROUSSARD. I am a protectionist.

Mr. PHIPPS. So am I.

Mr. BROUSSARD. I announced my candidacy in the State of Louisiana as a protectionist, and I have voted for protection, and I stand here now and claim that which I have accorded to every other State in the Union. I am not familiar with the beet-sugar industry, but I know the cane-sugar industry from top to bottom. I do believe you use your blackstrap molasses for feeding purposes, do you not?

Mr. PHIPPS. That is my information.

Mr. BROUSSARD. Then what is the idea in asking this committee to put blackstrap on the free list, in so far as industrial alcohol and feeding purposes are concerned? Have you not jumped across this way and taken a stand like that taken by some of my friends over here who want to have a certain industry protected but are not willing to accord protection to another State or another section?

Mr. PHIPPS. Of course, I am perfectly willing always to stand my share; but I submit that the Senator has no information upon which to base the statement that I advocated that it be put on the free list.

Mr. BROUSSARD. I misunderstood, and I apologize to the Senator. I understood that to be his statement just now.

Mr. PHIPPS. The fixing of the percentage at which the additional tariff should apply was at the request of the alfalfa feed people. I do not know where the other movement originated or started.

Mr. BROUSSARD. That is the only movement, and I am explaining that it originated with the American Sugar Trust, and the soap manufacturers, who want to have free blackstrap molasses in competition with the grain manufacturers of this country, in order to pan off their cottonseed meal and their cottonseed hulls, and whatever scraps they can buy, and all the sweepings they can get in all the warehouses of this country, and all the feed that is alone not acceptable or consumable by any animal, but which, when smeared with blackstrap molasses, will be palatable and undersell corn and oats. I am surprised that so many Senators on this floor have accepted this plea, which is so indefensible, and are permitting the people who are underselling the corn and the oats with inferior and unconsumable stuff, but which, when mixed with molasses, will undersell the very grain they are producing in their States, to get away with it.

Mr. PHIPPS. I do not like to interrupt the Senator, but I want to ask him one question now, because I am compelled to leave the Chamber. At what price has the blackstrap molasses of the Louisiana sugar refiners been selling on the market?

Mr. BROUSSARD. I will answer that, and I am glad to answer it at this time, although I expected to go over that very proposition later. Penick & Ford, who started this propaganda and who are manufacturers of Louisiana molasses and sirups, have furnished a document, to which I shall refer presently, in which they say that blackstrap is blackstrap, like "pigs is pigs." They make no difference, and the Louisiana blackstrap molasses must sell in competition with the cheapest kind of Cuban by-products and must bring the same price. When they buy ours they sell it to you in Colorado for Louisiana sirups and molasses, but we can not get a larger price because they do not make any differentiation between the Louisiana product, which is a very high product, and that imported from the other side. Here is the average they give: Pre-war in New Orleans, 4 to 4½ cents a gallon. Last year it was less than 3 cents a gallon, and it cost us nearly that much to get it to the market.

I want to explain to the Senator, if he must leave, that that is just the question with us; not the making of a profit from this by-product, but we must get enough protection to permit us to market it, because unless you market it, it is the most disagreeable thing you can have on the plantation. You must set aside certain acreage of your plantation in order to keep it within bounds, because if it gets in the drainage ditches it will worry everybody in the country. If you turn it into the streams the United States marshal arrests you. We were asking 1 cent duty per gallon on this and the House gave us a quarter of a cent per gallon, and I doubt very seriously whether the quarter of a cent would permit us to bring it to market. But if we got that quarter of a cent we would be willing to go into our pockets for a little bit of a sum in order to get it from the plantation.

What are we to do with it? If we let it get into the streams it pollutes the streams, it kills the fish, and the marshal arrests us for doing it. If we are denied this almost insignificant duty we can not market it, and it will become then a very heavy expense to us.

Mr. PHIPPS. And you expect to have the 1 cent per gallon duty added, which would give you 4 to 5 cents a gallon for your product?

Mr. BROUSSARD. We would like to have that.

Mr. PHIPPS. That is where you would land.

Mr. BROUSSARD. I have not reached that yet. That is what we asked the Ways and Means Committee to do, and I wish to state at this time that the Ways and Means Committee proposed to allow us three-quarters of a cent per gallon. The House defeated that under this new propaganda, which nobody had discovered, and the motive of which the dairymen and the feed people and the grain people had not then discovered. They reduced it to one-quarter of a cent, and the Finance Committee foolishly cuts off this quarter of a cent a gallon.

Mr. PHIPPS. The quarter of a cent was added as the percentage of the sugar in the molasses increased. There is a graduated scale, according to my recollection.

Mr. BROUSSARD. That was the basis: One-quarter of a cent for 48° total sugar and two hundred and seventy-five one-thousandths for each additional degree. I wish to say to the Senator that if he takes the Louisiana blackstrap molasses which he buys in the market as a sample, he absolutely does not know what blackstrap is, because hardly any State in the Union has ever fed Louisiana blackstrap molasses except on the plantation where it is made. Whatever gets on the market is sold at the rate of 95 cents a gallon after they run it through a filter. Louisiana blackstrap molasses is the only molasses that comes within the degrees the Senator has mentioned.

I wish to make this statement, and I know I speak with authority in this: We wanted 1 cent a gallon duty on blackstrap molasses, and we were accorded by the Ways and Means Committee three-fourths cent, and, as I expect to show later, the feed people of the United States organized a national association in Tennessee in 1917, and were prodded on by the enemies of the sugar industry of this country, and by Penick & Ford, of New Orleans, and then by the soap manufacturers, who wanted to put blackstrap on the free list in order to add

additional profits which they are making on molasses and on inferior feedstuffs over the grain growers of this country. They prodded the dairy people and the feeders to demand the lowering of the rate, and when the Fordney bill reached the floor of the House Mr. BYRNS of Tennessee, on behalf of the feed people, made the motion to reduce the rate from three-fourths of a cent to one-fourth cent per gallon, and it was carried. The rate carried by the House bill was what they wanted. Nobody in the House knew anything about this propaganda then, and they are excusable for their action; but this propaganda continued, and having decreased the rate to what they wanted, they then proceeded to defeat their own rate. I wish to say that the greatest disappointment ever met with by propagandists was when the Finance Committee made the exception that any blackstrap molasses imported for the purpose of human consumption should pay the tax. They are themselves now under the exception which the Finance Committee has imposed, entirely left out of the benefits which they started out to secure for themselves. I am glad of that, and anybody who understands the sugar situation in the United States knows that the American Sugar Trust and the enemies of the domestic sugar producers, which includes the international bankers of the United States who make loans to Cuban sugar producers, which includes many manufacturers in the United States, have had no limit to which they would not go in order to accomplish that which has been their goal since 1887—the absolute control and domination of the American market in so far as sugar and its by-products are concerned.

I now appeal to the members of the Finance Committee. This is an old story, with which all of them are familiar, and I am speaking the truth when I say that this movement originated with the enemies of the domestic sugar producers of the country, and whether the committee intended it or not, I am very happy they have not been included within the exemptions extended by the committee.

Mr. President, I now wish to refer again to the pamphlet entitled "Industrial Alcohol," by Mr. Tunison, previously referred to. I am sorry that all of the Senators who represent constituents who are feeders in the country and those who grow grain are not present to hear me. In a table are set forth the various products which may be converted into industrial alcohol. I wish to compare only the amount of alcohol which may be obtained from a given unit of sugar molasses and of maize, which is corn. We find that out of 1 ton of sugar molasses 65 gallons of industrial alcohol may be manufactured, and out of 1 ton of maize 85 gallons of industrial alcohol. It is the simplest proposition that any man ever tried to solve. I know that whenever alcohol is mentioned there are a great many people who are prejudiced against it, but the industrial alcohol industry of any country is one of the most important that any civilized nation could ever have. Germany's wonderful progress in the sciences, as I have demonstrated before, was due to her encouragement in the manufacture of low-cost alcohol.

When we figure that a ton of corn will only make 85 gallons of alcohol, and then we find that a ton of blackstrap molasses, containing 117 gallons, which they buy at 3 cents a gallon, which is less than $4 a ton, may compete with corn at less than $5 a ton, what are the grain people thinking about when they want to open the door wide open and give to the industrial alcohol people—who, by the way, are not asking for this rate—cheaper molasses in order to compete with the grain growers of the country? For $4 of blackstrap they can manufacture nearly as much alcohol as they can out of a ton of corn. Figure what the value of the corn per bushel would be at that price.

It is perfectly amazing to me that Senators should be swayed by a man who feeds 20 head of stock or a man who has 100 head of cattle, and who says, "Please give me cheap feed and bring in blackstrap molasses free." He is only repeating what the feed compounder in this country has told him to repeat. Then he turns around to the same committee and says, "But please protect my butter, because I can not compete; please protect my calves and my cows, because I can not compete; but give me cheaper feed."

I demonstrated yesterday that out of every ton of feedstuff which the feed manufacturers of the country put on the market and sell to the dairymen or to the feeder, they make on the blackstrap content on that ton alone, without considering the practicability of the use of inferior products, a profit of $4.57½ a ton, because they buy it at 3 cents a gallon and there are nearly 12 pounds to the gallon. They sell the feed containing 400 pounds of blackstrap molasses to every ton at 1.4 cents a pound, and therefore they realize an enormous profit out of the gallon of blackstrap. Also, in the inferior products that they palm off on the feeder in competition with the better grades of feed, and at the same time make the animal eat the inferior feed which was being capitalized by him. He is making on the molasses content $4.57½ from every ton sold to these people, and then he says, "Unless you cry out against this duty I will have to raise the price of feed." That is the situation.

This pamphlet is one issued by one of the several industrial alcohol concerns that converts practically 90 per cent of all the blackstrap imported into this country into alcohol, and if I am using their chief chemist as my authority on this proposition I know I can not be wrong. I wish to refer to the industrial alcohol proposition on pages 385–6:

> Cane molasses. The chief source of industrial alcohol in the United States is cane or blackstrap molasses. Only a few years ago the disposal of molasses by the sugar mills was a serious trade waste problem.

I wish now to call the attention of the committee that unless we award a duty upon this article it will again become a serious trade waste problem with the people of my State, because they will have to market it at a loss or sustain a loss in order to impound it upon their own properties.

Continuing:

> But it is now very largely used the world over as a raw material for alcohol manufacture. In the East and West Indies molasses disposal was a matter of expense. The conversion of molasses into alcoholic liquor, especially into rum, is an old enterprise. West Indies rum has been famous in New England for more than 200 years, and the use of molasses in large quantities for industrial alcohol production is a development of the last few years. As far as ease of manipulation is concerned, molasses unquestionably surpasses any other known material. Also, in the past it has been a very cheap material. Ordinarily it contains both sucrose and reducing sugars in varying proportions.

To those who are not familiar with the sugar industry I wish to explain that that means dextrose and levulose which the cane juice contains and which prevents the crystalization of a certain proportion of the sucrose into crystals, and when you are through with the blackstrap molasses, you have not only that portion of sucrose which it does not pay to further convert, but you have additional sugars, dextrose and levulose, which are just as valuable in the manufacture of alcohol or in the feeding of cattle as is the sucrose which has not been crystallized.

Continuing:

> The grades used by distillers usually contain between 45 and 60 per cent of sugars.

I want to call the attention of the committee to what I stated yesterday. Here is a chemist, an expert of the principal industrial alcohol plant in the United States, who beyond controversy demonstrates to the committee that when they fix 65 per cent total sugars, they let in every drop of blackstrap molasses into the country free of duty. Here is a firm which would be very largely benefited. Here is one that will be more largely benefited by having blackstrap on the free list than all the cattle feeders and all the sirup and molasses makers for human consumption combined could benefit. I am not talking wildly when I say that. The output of this one plant in alcohol is immense, and what they would save if this article were put on the free list, as the amendment proposes to do, would place in the coffers of this corporation more money than all of the cattle feeders and all the dairy people and all the manufacturers of molasses for human consumption combined could save.

I wish to repeat this to show how wrong the committee is:

> The grades used by distillers usually contain between 45 and 60 per cent sugars, averaging about 50.

So that the minimum amount which the Finance Committee have fixed as 56 is, according to this authority, 6 degrees over the average blackstrap molasses imported into this country. I can not altogether excuse the committee, because if the committee were thoroughly convinced that no sugar could be extracted out of what they intended to admit free of duty they would not have added this clause, and I direct the attention of the committee to it, because it proves my statement of yesterday and the statement which I am making now. I am reading from paragraph 1615a:

> Molasses not testing above 56 per cent total sugars—

What does it say after that?—

> not imported to be commercially used for the extraction of sugar.

If the idea of the committee was to let in blackstrap molasses to be used exclusively in the manufacture of feedstuffs, why did they not fix the limit so that they would not have to employ this clause? They have gone 6 per cent of total over the highest amount which is ever imported. The point I am making is that the committee deliberately, in my opinion, fixed 6 per cent greater than the maximum total sugars imported as blackstrap. If they had been innocent about it, they should not have put in these words—

> not imported to be commercially used for the extraction of sugar—

because if they mean to put on the free list only blackstrap molasses they should have fixed that degree which we are

asking for. Then they would not have to worry about the extraction of sugars from blackstrap molasses.

I think that the man largely responsible for that was on the floor yesterday, the chairman of the Tariff Commission. I have stated to the committee—and I have some knowledge of the sugar business and of sugar manufacturing—that whenever they fixed on 52 per cent they were clearly 4 degress above what had been accepted in the past as the dividing line between blackstrap molasses and molasses fit for human consumption; and that there was no reason to yield to the importunities of people who merely imagined that they would be obliged to pay an increase in the cost of the feed which they gave their cows. The committee disregarded the advice, but they are absolutely wrong, as I can show by every authority, not only in the United States but in the world, who knows anything about sugar and molasses. I intend to go as far as I can, because I have other authorities.

Yesterday I quoted the experts who were appointed by the Food Administration to relieve the imposition upon the public of people who were charging 95 cents a gallon for blackstrap molasses. The complaint reached here that there was a misrepresentation of the goods; that they were giving us a minimum price for our Louisiana molasses, running it through a filter and selling it as first-class sirup.

These experts—and mind you, Mr. President, two of them were from Lousiana, both of them being thoroughly acquainted with the Louisiana sugar industry—in the face of the fact that it was selling for 27 cents on the plantation, fixed a maximum price of 18 cents a gallon. The commodity which was being thus sold in the New Orleans market was almost exclusively a Louisiana product, because the imported molasses did not begin to come within 10 per cent of the total sugars of the Louisiana product. The imported article was sold to the industrial alcohol manufacturers and to the feed people in this country. We fixed our own maximum price, not the average price, and said that nobody should sell it for more than 18 cents a gallon.

I wish to reiterate—for it is very significant—that the industrial alcohol people, in contradiction of whatever information the Finance Committee may have had from the Tariff Commission when they fixed 56 per cent at the behest of the feed manufacturers, but not feed growers, without any request on their part are being granted over 90 per cent of the relief which it is desired to afford to the dairymen and the cattle feeders, and yet they say that the grades used by the distillers usually contain between 45 and 60 per cent total sugars. Those are the two extremes, the average being about 50. So the committee, in the face of the statements of the people who are most largely to benefit by it and who confessedly are not prejudiced against us, although they are the beneficiaries, have fixed 6 per cent above the actual facts as disclosed by the trade.

I wish also to call the attention of the committee to the fact that we have a Bureau of Standards, in which we now have a sugar division. The chief of that division is Mr. T. C. Bates, who is the assistant director. After having applied to Mr. Bates and Mr. Stratton, the director, I have a letter from them this morning, dated June 14, which is addressed to me, in which they say:

> In reply to your request of even date, I am pleased to give you below a list of current analyses of blackstrap molasses. The data show the direct polarization and the total sugars for each sample. These samples cover all that were received between definite dates. This was done in order that they may be entirely representative of the average molasses received by the Bureau of Standards for accurate testing. A definite fee is charged for each sample. The samples were submitted by commercial concerns and the data are presumably used as a basis of settlement between buyer and seller. We believe the samples here represented are somewhat better in quality and therefore run somewhat higher in total sugars than the average Cuban blackstrap. In normal years it is generally considered by the trade that the average blackstrap will test around 52 per cent total sugars.

I have here, Mr. President, the different samples which have been submitted; and I wish to state that the maximum sugar content in any sample submitted was 57.24 per cent, but this letter specifically states that in total sugars contained these samples are all far above the molasses imported from Cuba. The statement from which I have read, of course, comes from a disinterested source.

As I quoted from the pamphlet issued by the industrial alcohol producers a while ago—and the producers of industrial alcohol are one of the chief beneficiaries of the amendment proposed by the committee—I now desire to call the attention of the Senate to a document issued by Penick & Ford (Ltd., Inc.), of New Orleans. I have here, Mr. President, a circular which they sent broadcast giving the analyses of some 35 samples of blackstrap molasses. I wish to read to the Senate the figures as to the total sugars contained in the samples which they analyzed. Mind you, Mr. President, these people are not engaged in buying blackstrap molasses for industrial alcohol, nor are they engaged in buying blackstrap molasses for cattle feeding, but they are interested in buying blackstrap molasses for human consumption. The heading on their circular reads:

> Penick & Ford (Ltd.) (Inc.).
> Sugar, cane, and corn products.
> New Orleans, La.

They do not sell anything to the industrial alcohol producers nor do they sell anything to the cattle feeders of this country. Every gallon which they buy is intended for human consumption, and we may therefore naturally assume that they buy a higher grade of molasses than is bought by the two other classes of consumers of blackstrap molasses in this country. I wish to put in the RECORD a statement of the total sugars disclosed by their analyses of the different blackstrap molasses which they have listed by name. For instance, the analyses show that in the kind of blackstrap molasses called Rochelle the total sugar content is 45.02 per cent; Marcoris, 45.64 per cent—let us bear in mind that the committee has fixed a limit of 56 per cent total sugars—J. O. Boyd, 47.24 per cent.

Mr. NICHOLSON. Mr. President, will the Senator yield for a question?

Mr. BROUSSARD. I gladly yield.

Mr. NICHOLSON. Taking the 56 per cent blackstrap molasses, how many pounds of sugar can be extracted from that molasses?

Mr. BROUSSARD. I will say to the Senator from Colorado that some of the sugar in blackstrap molasses is what we call invert sugar, and is of such a character as to prevent the extraction of 100 per cent of sucrose out of the juice, so that the proportion of sugar which is extractable will depend upon the proportion of dextrose and levulose, which are sugars also contained in the molasses.

Mr. NICHOLSON. Taking the blackstrap molasses of 56 per cent to which the Senator has referred, what would be the average amount of sugar possibly extractable from such molasses?

Mr. BROUSSARD. It is impossible to give an answer in pounds.

Mr. NICHOLSON. Can the Senator state the amount approximately?

Mr. BROUSSARD. It is impossible to give the answer in pounds, but if it was ascertained that in the blackstrap there was a certain percentage of levulose and a certain percentage of dextrose, then any chemist could figure the extractable sugar.

Mr. NICHOLSON. That is true. I thought perhaps, however, the Senator had that data.

Mr. BROUSSARD. I regret that I have not.

Mr. NICHOLSON. In California a few years ago, during the war, there was a great deal of accumulated blackstrap molasses, and a certain gentleman invented a process by which he extracted a large quantity of sugar out of the blackstrap molasses and placed it on the market as salable sugar. What I am trying to develop now is whether the blackstrap molasses imported into this country, say from Cuba, or wherever it may come from, is susceptible of being so treated as to extract a salable sugar to be placed upon the market.

Mr. BROUSSARD. I can not give a definite answer as to pounds unless a specific proposition is submitted. I may say, however, that it is doubtful whether or not any sugar could be economically extracted out of blackstrap molasses testing 54 per cent total sugars under the present market price, because the sugar is very cheap; but if the Cuban-American Sugar Trust should again hold the American people in its grip, as it did in 1920, when it advised the Cuban sugar producer to hold his sugar, which he had offered to the Government at 6½ cents a pound, for a price of 24 cents, so that it reached the consumer at a price of from 28 to 30 cents, then the committee knows that under those conditions sugar would be extracted out of molasses testing 56 per cent total sugars, because they took the precaution to provide against such an extraction by putting in a provision subjecting it to a duty. I may say to the Senator, however, that in my opinion whenever your beet sugar sells for 6 cents to 6½ cents a pound it is practicable and it is economical, I believe, for the sugar refiners at certain periods, when business is dull and when they want to carry on operations over the dull period, to go into the extraction of sugar out of 56 per cent total sugars after an examination of the sample in order to ascertain the surplus of the sucrose contents over the total of the dextrose and levulose, which is the margin of extraction.

I could think of samples containing 58 per cent that would not pay to extract the sugar, but I could think of samples of 55 and 54 per cent, where the proportion of sucrose was greater

than the total of dextrose and levulose, where they would absolutely take it out and then sell the residue for blackstrap molasses again, or they might go further in that process; they might refine it and sell it for sirups and molasses for human consumption.

Mr. SMOOT. Mr. President, I want to say to the Senator that about a month ago an attorney came into my office, well known to myself—in fact, he was an attorney from my home town—and presented to me the result of a new discovery in the extraction of sugar from molasses. The inventor of it is a Mr. Cutler. They were applying for a patent, and he showed me the different grades of sirups made from molasses that could be put upon the market, and the percentage of sugar that could be taken out profitably from 40 per cent sugar content in the molasses.

Mr. GERRY. Does the Senator mean total sugars, or the polariscope test?

Mr. SMOOT. Total sugars under the sugar test. By the way, I will say that young Mr. Cutler is the son of Thomas R. Cutler, the father, we often call him, of the beet-sugar industry in America. It was a remarkable statement that was made by the attorney who had the patent in hand. I will say that the patent has not been issued yet, but if they realize a small part of what they claim for it, the whole question of molasses and the extraction of sugar from it and the sirups will be revolutionized, not only in this country but in the world.

I recognize that many patents never materialize; but they had samples of the five grades of sirups that are made from 40 per cent molasses, and the sugar that was extracted from it, and the claims that were made were really remarkable. As to whether the result will materialize in a practical way or not, I can not say; but I do say that if a small part of all that they claim is realized, this whole question of the production of sugar from molasses is going to be revolutionized, not only in this country but in the world.

Mr. BROUSSARD. Mr. President, just along those lines, I am glad the Senator made this suggestion. The possibilities of chemistry are just opening. It is a question of reducing the various systems of production to an economic basis where it will be profitable; but we know, for instance, that chemists can take sawdust and make starch, they can then take the starch and make alcohol. They can take the sugar and make alcohol, and it is just a rearrangement of the elements composing the carbohydrate. Now, levulose and dextrose and sucrose are practically the same thing in chemistry, and if we stop to think that they have demonstrated that they can make sugar out of sawdust and make alcohol out of it, or sugar into alcohol, I do not doubt that very soon the sugar chemists will find a way either to convert the dextrose and levulose into sucrose, or at any rate to neutralize them and release the sucrose which is held down under the present conditions and prevented from crystallizing. Those things are within the possibilities, and they are not only within the possibilities but we may expect those things to be done very soon.

I will say this, and I should like to make this statement, because I know the facts: The Louisiana sugar industry has been denounced on this floor and on the floor of the other House for a hundred years. It has been said that it is a hothouse plant, and it is this, and it is that, and they have charged that to us. I want to say to anybody who knows the sugar industry of the world that Louisiana deserves the credit for having reduced the world price of sugar from 12 cents and more to what you can buy it for to-day. We have had a sugar school in my State for 60 years. There is not a cane-growing plantation of any consequence in the universe to-day that has not a Louisiana sugar man at the head of its factory and at the head of its sugar chemistry, who not only takes care of the fertilizing of the soil for the purpose of obtaining the maximum amount of sucrose and the diminution of the dextrose and the levulose, which is an enemy of the sugar industry, but in the plant we have reduced the cost.

We have had within my recollection in the domestic sugar industry not less than ten reversals, and whenever we were thrown down we availed ourselves of science and we met the reduction, and whenever they let us alone for six years we met the price of our competitors. The prices of sugar, dating back from the origin of this Government to date, show a drop from decade to decade, all of which is reflected not from the beet-sugar manufacturers of this country and Europe, but is reflected from the cane production of the West Indies, of South America, of India, and of the world. It is the cane sugar that has brought down that price, and it is, I should say, the only article of food the price of which has continually declined from the time it became generally accepted as a human food to the present day. There has been a general decline, without any variation, most of which I claim was due to the expert knowledge and the information obtained in the sugar-cane fields and in the laboratories in the State of Louisiana.

I did not get through; I was diverted, but I should like to insert the column to which I was referring before this interruption, circulated by the Penick & Ford Co. (Inc.), giving the total sugars of all the molasses which they brought into New Orleans, their domicile, and the location of their factories. The largest percentage of total sugars was 53.78, and that is the only sample that disclosed this much total sugars; so that when the committee fix the minimum at 56 per cent total sugars, they have exceeded by 2.12 per cent the highest total sugars sample ever received by this chief enemy of a duty on this very article. I can not vouch for the correctness of that; the total sugars might have been less; but the people interested in driving down this duty and putting the product on the free list admit that they have had a sample as high as 53 per cent, which means that very probably this sample contained less; but I wish to have this table inserted in the RECORD.

The PRESIDING OFFICER (Mr. BURSUM in the chair). Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

"Total sugars" in blackstrap molasses received by Penick & Ford (Ltd.) (Inc.), New Orleans, La.

Proposed tariff provides for duty of 1 cent per gallon on molasses testing 48 per cent "total sugars" plus two hundred and seventy-five one-thousandths of 1 cent for each additional per cent or fraction thereof. The method of determining "total sugars" is not specified. Two methods are shown below:

Ex tanker.	Sucrose direct by polariscope.	Reducing sugars.	Total sugars.	Proposed duty.	
				Cents per gallon.	Dollars per ton.
Rochelle	25.6	19.42	45.02	1	$1.71
Macoris	28.4	17.24	45.64	1	1.71
J. O. Boyd	26.4	20.84	47.24	1	1.71
Inspector	24.8	26.32	51.12	2.100	3.59
Sucrosa	29.6	18.52	48.12	1.275	2.18
Do	29.6	20.00	49.60	1.550	2.65
Do	26.4	23.81	50.21	1.825	3.20
Nelson	28.0	22.73	50.73	1.825	3.12
Do	26.0	27.78	53.78	2.650	4.53
Do	28.8	20.84	49.64	1.550	2.65
Tilford	28.0	20.00	48.00	1	1.71
Louisiana	24.0	26.32	50.32	1.825	3.12
Sucrosa	28.0	20.84	48.84	1.275	2.18
Nelson	29.6	20.84	50.44	1.825	3.12
Cubadist	31.2	17.86	49.06	1.550	2.65
Do	26.0	19.23	45.23	1	1.71
Do	31.2	17.55	48.75	1.275	2.18
Nelson	29.4	18.87	48.27	1.275	2.18
Cubadist	22.4	18.35	40.75	1	1.71
Milero	26.0	17.86	43.86	1	1.71
Cubadist	23.2	16.97	40.17	1	1.71
Do	29.2	17.24	46.44	1	1.71
Marti	30.2	14.50	44.70	1	1.71
Regina	25.6	14.93	40.53	1	1.71
Do	32.8	19.23	52.03	2.375	4.06
Nelson	26.4	17.02	43.42	1	1.71
Milero	21.6	18.45	40.05	1	1.71
Cubadist	24.0	18.18	42.18	1	1.71
Sucrosa	24.0	16.13	40.13	1	1.71
Marti	28.9	17.54	46.44	1	1.71
Nelson	25.6	23.25	48.85	1.275	2.18
Do	30.8	19.23	49.31	1.550	2.65
Cubadist	30.6	18.52	49.12	1.550	2.65

Blackstrap molasses is not bought or sold on sugar test. Blackstrap is blackstrap, same as "pigs is pigs." No sugars can be profitably extracted from blackstrap, and there is no sense in departing from custom of entering blackstrap as "molasses not over 40 degrees by polariscope." An ad valorem duty based on American money valuation in country from which shipment is made is most scientific, as it provides for an increase and decrease as supply and demand create the market.

Mr. BROUSSARD. I think the Senator from Ohio [Mr. WILLIS], who happens to be near me at this time, was interested yesterday to know if blackstrap molasses was ever used for human consumption. I have here a document which was issued by Mr. Payne, who is in charge of the molasses division of the Bureau of Chemistry of the Agricultural Department. For instance, here is the molasses on the market, and this is issued by this bureau. It does not say where it came from, but it says:

Sells straight cane sirup under brand names, and mixture of cane and corn sirups down to 50 per cent cane and 50 per cent corn sirup, called New Orleans molasses—

It cost the farmers of my country many a drop of sweat and many a sacrifice to make a reputation for this New Orleans molasses. What does it contain now, according to the Department of Agriculture?

Formulas of sirup mixers:
Sixty per cent first centrifugal molasses—

A centrifugal molasses is not a molasses at all in the sense that the New Orleans molasses was known, which is made under an entirely different process.

Sixty per cent first centrifugal molasses, 40 per cent corn.

Here is another one:

Eighty per cent first centrifugal molasses, 20 per cent corn.
Seventy-five per cent first centrifugal molasses, 25 per cent corn.
Fifty per cent first centrifugal molasses, 50 per cent corn.

One of our by-products.

Now, take the cottonseed fellows, the cattle-feed people; for instance, Procter & Gamble. The Soap Trust owns half of the cottonseed crushers in my State.

Cottonseed hull, corn chop, cottonseed meal, alfalfa dust—

And cobs, I might add, because I know it. It is not contained here, but in the case of anything that the cattle will not eat it is only necessary to put molasses over it and they will eat it.

I will go back again, in order to quote accurately:

Cottonseed hull, corn chop, cottonseed meal, alfalfa dust, salt for palatability, average use of molasses 15 per cent.

That is what these people use. Most feeders use 20 per cent; some use 40 per cent.

Feed mixers are of three classes: First, the manufacturers of cereal foods making feeds from their by-products.

Do they want to deny us protection because molasses is a by-product? Do they want to give that advantage to the manufacturers of the cereal foods, who may get free molasses and convert these by-products of theirs in competition with the corn and the oats and the barley and hay grown by the farmers of this country?

First, the manufacturers of cereal foods making feeds from their by-products, using blackstrap molasses; second, manufacturers who have by-products at strategic shipping points who, if need be, can buy all the ingredients; third, concerns like Procter & Gamble, who do not manufacture foods, but have large accumulation of by-products from cottonseed oil, such as hulls, meal, etc.

I can explain what the "etc." stands for. I have seen these feeds manufactured in my State. I have seen them go and buy a haystack which had been standing in the lot for months, which stock would not touch even though starving. I have seen them take it and run it through a chopper and put 20 per cent molasses in it, and the animals would leave fresh corn, one month in the barn, and eat this old stuff. When they got rid of this old hay or these sweepings, they were not only making a profit out of an article of food which animals would not eat, but for every ton of that food they sold to the man who feeds they made $4.575 profit on the molasses alone in that ton of feed. But they want to deny us 6 cents per ton protection. It is the most absurd thing I ever heard of.

In order to do that you will have to violate the opinion of every expert who knows anything about sugar and blackstrap molasses. You have put in that very clause a provision that if a man extracts sugar from that blackstrap molasses he must pay a duty, because you have made it so high that whenever sugar sells for over 6½ cents, you will find people extracting sugar from this molasses.

Mr. WILLIS. Mr. President, the Senator said just a moment ago that there was a duty of 6 cents a ton. Did he mean that?

Mr. BROUSSARD. No; I did not mean that; I meant a duty of a quarter of a cent per gallon.

Mr. WILLIS. That is, on the molasses itself?

Mr. BROUSSARD. On the molasses; and you use 32.4 gallons per ton of feed.

Mr. WILLIS. Then how do you figure out the 6 cents?

Mr. BROUSSARD. I will show the Senator. Every gallon of that brings us 3 cents, though we could not get 3 cents last year. The man sells that feed at an average price of $28 a ton, which is at the rate of 1.4 cents per pound. He uses 32.4 gallons per ton, which amounts to 400 pounds, because each gallon weighs 11.7 pounds.

Every pound of this molasses which he sells brings him 1.4 cents. There are 11.7 pounds to the gallon, so that each gallon brings him 16 and a fraction cents, and it costs him 3 cents. He makes a profit of 13 and a fraction cents per gallon for every gallon which he puts into this feed. But the addition of this duty of one-fourth of a cent to his 3 cents would make a difference of 6 cents a ton for the molasses which he puts into this ton of feed, if you take the minimum of 48 degrees, fixed under the Fordney bill. As you increase, you will find that the maximum which any man could be called upon to pay as an increase due to the Fordney tariff rate would be 34 cents per ton increase, without taking into consideration—and this, of course, would reduce it—the fact that there is now a duty of 15 per cent ad valorem on blackstrap up to 40 degrees, and 2½ cents above; so that if your molasses had only 15 degrees, it would be 15 per cent ad valorem; if it had 38 degrees, it would be 15 per cent ad valorem. So that there is a duty, and my figures must be reduced by that duty.

There is this other consideration, that that molasses at 56 degrees, which we are conceeding in order to meet this argument, is never put into industrial alcohol or into feedstuffs because there is a market for it for human consumption.

If the dairy people of the Senator's State want a duty on butter, want a duty on hides, and want a duty on the carcasses of the animals, what right have they to ask us to increase the profits of the feed manufacturer on the molasses consumed by the manufacturer in the production of a ton of feed, which, considered without the duty, would make him $4.56½, in order that he might not increase the price of his feedstuffs? The fellow is a profiteer now, so far as molasses is concerned, because he makes no distinction when he sells you a ton of feed. He sells you the 400 pounds of molasses at the same rate per pound as he does the other worthless feed which he has in it.

But I will go a little further with this: Every dark mixture primarily used for baking consists of 16 parts of Cuban blackstrap, 6 parts Louisiana centrifugals.

Whenever they use any of that stuff they put the Louisiana product in it because our finished product is so far superior to their finished product that there is the same difference between our blackstrap molasses and theirs; but I will come in a moment to what Penick & Ford, who started this propaganda, state. They say blackstrap is blackstrap, like "pigs is pigs."

Our blackstrap frequently carries 56 per cent total sugars. The Cuban product will go from 40 to 45 or 48 total sugars. But we bring our 56 per cent on the market—and I will read that to the Senate in a moment—and the man who buys our stuff says, "Blackstrap is blackstrap, like pigs is pigs," and he makes no distinction between the degrees of total sugars in the molasses. We received less than 3 cents in 1921 because the buyer could get blackstrap molasses from Cuba cheaper than we can sell it in New Orleans, because from the plantation to New Orleans the transportation rate is about twice as much as it is from Cuba to New Orleans by water.

This is what the Department of Agriculture says:

Some Cuban molasses is undoubtedly not fit for food, but I have never seen any I was unable to use.

It is a physical process. You filter it, and you get it down at the other end an edible article. If you compound it with good molasses, say, corn or sugar-cane sirup, and mix it in proportion, you can palm it off. You get this at 3 cents, and you do not sell it at 95 cents a gallon, but you sell it at that rate, because you sell the compound at that price, and therefore that proportion of it goes at that. But I shall reach presently the statement that they do sell it at 50 cents just as they receive it. We sell it to them at 3 cents, and they do not want us to have a duty of a quarter of a cent a gallon.

I want to read this to the Senate, because I think it will interest the Senator from Ohio and interest all the Senators from the grain States. This is from a statement submitted to Congressman MONDELL last year:

Inasmuch as the greater part of Cuban and Porto Rican is used for distilling spirits—distilled spirits, since the passage of prohibition amendment, being restricted to denatured alcohol and denatured rum used for tobacco manufacture. The latest report from internal revenue for fiscal year ending June 30, 1919, was 123,498,693 gallons of molasses used for the manufacture of distilled spirits. The total includes two sources of saccharine liquors from wood and sulphite liquors. In the year (fiscal) 1916 the total amount of such saccharine liquors other than cane molasses used for production of alcohol amounted to 4,070,113 gallons. It is possible, but has never exceeded 6,000,000 gallons.

Therefore cane molasses used for production ended June 30, 1919, was 117,000,000 gallons, in round figures.

The amount of molasses brought into the United States during the fiscal year 1919 was:

	Gallons.
Cuba	124, 254, 663
Porto Rico	15, 118, 678
Hawaii	11, 065, 996
All other	5, 820, 054
Total	156, 259, 391

This total consists almost exclusively of the grade known as blackstrap. Of the above total, 117,000,000 gallons were used for distilled spirits; 39,000,000 gallons for other purposes.

Domestic production, December, 1918, to September, 1919, approximately 16,000,000 gallons. Only negligible portion of blackstrap used for alcohol—

That is, they do not use our blackstrap for alcohol; it is too good. This continues:

Only negligible portion of blackstrap used for alcohol, therefore above added to imports approximates 55,000,000 gallons available for purposes other than alcohol, which was used primarily for human food and cattle feed. Small amounts used for making cores for foundries and for blacking.

Here is the point to which I wish to call attention:

Fifty-five million gallons used for feed equals 11,800,000 bushels of corn—

That is, chemically, and by demonstration—

which it displaces. The 117,000,000 gallons used for alcohol making displaces 25,100,000 bushels of corn for alcohol making; making a total of 36,900,000 bushels of corn displaced by the use of blackstrap molasses.

In other words, the corn grower gets it both ways.

The feed manufacturers will not buy corn at 60 cents per bushel when they can get blackstrap molasses at 3 cents a gallon, and when 4⅔ gallons of blackstrap equal the caloric or feeding value of 1 bushel of corn. The industrial alcohol people will not buy corn at 60 cents a bushel when 6 gallons of blackstrap molasses will make the same quantity of alcohol as a bushel of corn. The farmers of Illinois have recognized that. I placed in the RECORD their estimate that the blackstrap molasses imported from Cuba displaces 40,000,000 bushels of corn in this country. If the man who wants protection on his butter and cattle and hides wants to put us on the free list, he is simply helping the man who is competing with his corn. He is destroying a domestic industry that is willing to help him get protection for what he wants. It is a very short-sighted policy for him to put the other fellow on the free list and to demand protection for himself.

Mr. President, I would like to insert in the RECORD two tables that came from the Department of Commerce which show the average per gallon duty imposed on blackstrap molasses entering this country between 1910 and 1920. They also show that the highest duty imposed on blackstrap molasses was 3.6 cents per gallon and that under the present law it amounts to 2.4 cents per gallon on the high grades. So that we submit to the Senate, considering that all previous administrations of both parties have accorded us a duty, it is most unwise now, when the rates are being raised on every article as compared to the existing rates under current law. In this particular instance, instead of giving us a similar increase, one which would follow the increases in the duties imposed on sugar, and inasmuch as this is a by-product of sugar, it is inconceivable that the Republican Party or the Finance Committee would want to go back and say, "Yes; we will take the current rate or the present rate on sugar under the current law, which is 1 cent, and we will make it 1.60, but we find that there is 15 per cent ad valorem on blackstrap molasses up to 40°, and above that 2½ cents a gallon, so we will increase the tariff on sugar, but the blackstrap will go backward and on the free list. We will go the Democratic Party one better." In other words, the committee say to the Democratic Party, "We will go you one better in one way by giving higher protection on sugar, and then we will go you one better the other way, because we dare to put blackstrap on the free list." It is an indefensible thing.

The two tables which I asked to have printed in the RECORD show the duties imposed on the imports of molasses from Cuba and the duties imposed upon imports of molasses from other countries than Cuba. I ask permission that they may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BURSUM in the chair). Without objection, the tables will be printed in the RECORD.

The tables are as follows:

TABLE VII.—*Molasses (blackstrap) not above 40°.—Imports for consumption from Cuba.*

(Data from the Department of Commerce.)

Fiscal year ending June 30.	Legal rate of duty.	Quantity.	Value.	Duty collected.	Average per gallon in Cuba.	Actual rate of duty paid.
		Gallons.				*Per cent.*
1910	20 per cent, less 20 per cent.	30,489,714	$1,067,156	$170,744	$0.035	16
1911	do	20,000,337	700,365	112,058	.035	16
1912	do	25,451,085	882,710	141,233	.035	16
1913	do	29,468,901	1,508,995	169,439	.036	16
1914	do	25,334,987	872,667	139,626	.034	16
1914	15 per cent, less 20 per cent.	24,826,991	663,173	75,980	.026	12
1915	do	74,748,504	1,609,582	193,149	.025	12
1916	do	82,501,070	3,377,721	405,326	.041	12
1917	do	105,788,759	10,377,340	1,245,280	.097	12
1918	do	126,055,181	8,322,225	998,667	.066	12
Calendar year:						
1918	do	136,092,374	9,119,348	1,094,322	.067	12
1919	do	110,244,781	3,471,871	416,625	.031	12
1920	do	148,082,698	3,543,942	425,273	.024	12

TABLE VIII.—*Molasses (blackstrap) not above 40°.—Imports for consumption other than from Cuba.*

(Data from the Department of Commerce.)

Fiscal year ending June 30.	Legal rate of duty.	Quantity.	Value.	Duty collected.	Average per gallon in country of origin.
		Gallons.			
1910	20 per cent	506,990	$16,835	$3,367	$0.033
1911	do	2,222,693	64,743	12,948	.029
1912	do	1,521,185	45,860	9,172	.030
1913	do	1,768,674	59,764	11,952	.034
1914	do	459,378	18,371	3,674	.037
1914	15 per cent	130,773	6,227	934	.048
1915	do	3,594,221	95,711	14,356	.027
1916	do	3,724,082	129,445	19,416	.035
1917	do	2,205,714	250,554	37,533	.114
1918	do	4,624,907	162,136	24,320	.035
Calendar year:					
1918	do	4,341,297	345,845	51,877	.080
1919	Free [1]	9,470	5,374		.585
1920	15 per cent	7,544,820	196,665	29,500	.026
	Free [2]	15,190	11,437		.750
	15 per cent	11,556,556	317,803	47,670	.027

[1] From Virgin Islands. [2] From Virgin Islands and Philippines.

Mr. BROUSSARD. Mr. President, I wish to appeal to the grain growers who are taking an interest in this matter. I want to read, for instance, an experiment conducted in the State of Maryland, as shown in Bulletin 117, issued in April, 1907, by the Maryland Agricultural Experiment Station. They make the statement that using molasses in stock feed was tried as an experiment on six steers. I am not using a Louisiana experiment, where we have been conducting such experiments for 40 years. I am using a near-by State, a State farther north. The experiment showed that the digestibility of hay and corn mixed with molasses had increased 17 per cent; of crude fiber, 8.2 per cent; of entirely free extracts, 22 per cent; and of sugars, practically, 21 per cent. I quote from the pamphlet as follows:

These results show that the addition of molasses to a ration has a tendency to increase the digestibility of both hay and grain feed. This, coupled with the generally observed fact that molasses contributes toward making feeds more palatable and also acts as an appetizer, gives molasses a relatively high place as a stock feed and makes it more valuable than its analysis alone would indicate.

Here is the interesting part of the statement:

Comparisons of costs of to-day, using not the price of cash corn and oats but the average of the low prices quoted for delivery of these grains from December to May of 1917, shows molasses at 20 cents per gallon—

Just think of it. At that time the people here were paying 20 cents per gallon for molasses. As I said, we tried to contract for 3 cents a gallon last year.

Molasses at 20 cents a gallon is equal to $1.70 per hundred pounds; oats at 64 cents a bushel is equal to $2 per hundred pounds; corn at $1.20 per bushel is equal to $2.14 per hundred pounds. The above comparisons of value show oats to cost 17.6 cents per hundred pounds more than molasses and whole corn 25.8 cents per 100 pounds more than molasses.

What I am trying to show is that as an article of food it has been demonstrated by every agricultural station in the United States that oats and corn, when compared with their cost, are not as efficient as food for animals as is the blackstrap molasses. The bulletin further says:

The corn is only paralleled in food value with the molasses after the expense of crushing it shall have been incurred.

I come back now to the report of the committee on cane sirup and molasses made to the Food Administrator in 1918. On page 13 is a question which they propounded to every expert they could reach:

From practical use of molasses in feeding stock what would you consider its value as compared, say, with the value of corn? In other words, what price would blackstrap molasses have to reach to induce you to quit feeding it entirely and feed only corn, oats, hay, or other farm products?

Here is what the committee reports:

One answer fixed the price at 12 cents per gallon; the next lowest was 20 cents per gallon, and the highest 40 cents per gallon, the average being 26 cents per gallon, while others answered that they would feed some blackstrap at any price. In addition to the above information, we have called a number of persons before us to ascertain their views as to what they would consider a fair price for blackstrap molasses, and their estimates ranged from 18 cents to 25 cents per gallon, a great majority naming the latter price.

A number of experiments have been conducted by the Agricultural Department of the United States Government and some of the agricultural departments of the States, and they rate blackstrap as a stock feed very high, equal in value to corn, pound for pound.

The committee, while they had all the information which fixed the price as an article of food from 40 cents down to 20 cents,

and finding that the article was being sold for human consumption in many cases at 95 cents a gallon, taking into consideration everything—and out of five members there were two from Louisiana—fixed a maximum price on this product of 18 cents per gallon. So it can be easily understood that the grain growers are just as much interested in the proposition as we are, except that if they can not get rid of their corn which is displaced by this product they can feed it on the farm, or at any rate, it will not make it oppressive or inconvenient for their neighbors. But with us, what we need is a small protection which will permit us to market the product in order to get it off the plantation where it is a perfect nuisance, and where it can not be taken care of except at great sacrifice and great expense.

Mr. President, I think I have said about all I want to say with reference to the matter. I appeal to the committee. If there is anything I have said that is not absolutely according to the facts I would like to have it called to my attention. I have stated previously that for a number of years, before we Louisiana people showed the value of this article as a foodstuff and then showed its value as an article which would be converted into industrial alcohol, we were put to great expense and sacrifice of land and having disagreeable odors and fermentation on the property which made it disagreeable even for the passers-by on the roadside. As I said, we can not put the product into the streams, because if we do we pollute the water and kill the fish and we are arrested under a Federal statute. We must set aside a certain piece of land of equal value with the rest of the farm in order to impound it there, and year after year we have the same thing to contend with.

All we need is a little bit of protection to permit us to bring it to market. Whether we make a profit out of it or not is not the question. We want to be relieved of it. There is no reason for placing it on the free list when the industrial alcohol people, who are using over 90 per cent of this by-product imported into the country, have not asked that it be placed on the free list. It is only the feed people and the dairy people who have asked it. They have asked it because they conceive that the feed manufacturer is going to raise the price of feed unless it is put on the free list. They have never raised that question before.

Now that we are increasing all rates it is beyond reason for the committee to propose to put us on the free list while increasing every other article of American product. We would like to have, as we said before the Ways and Means Committee, a 1 cent tariff duty. The House made it, in answer to the demand of the feed manufacturers, one-quarter of a cent. I do not know what rate I shall propose. The Senator from Illinois has an amendment pending proposing to make the rate 10 cents a gallon. My people have never asked that rate before either committee.

I wish to make the request now, if it meets with the approval of the chairman of the Finance Committee, that we permit this paragraph to go over, to be taken up with paragraph 1615a, so that when we pass upon that paragraph we can pass upon this one at the same time. I understand the Senator from Illinois desires to urge his amendment at that time. It will naturally be disposed of at that same time. Otherwise I shall be compelled to ask for a vote now as to a few words which I do not think would bind us at all. I hope the chairman of the Finance Committee will permit this paragraph to go over until we come to the consideration of paragraph 1615a, which proposes to put this article on the free list. In the meantime I hope that the committee may reconsider this matter, so that we may have some kind of proper readjustment.

Mr. McCUMBER. The matter may be passed over for the day at least, and I will consult with the Senator from Louisiana as to a time at which it may subsequently be taken up.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over temporarily.

Mr. GERRY. I understand the Senator from North Dakota to say that he intends to pass over the amendment in paragraph 503?

Mr. McCUMBER. The amendment which has just been discussed is in the molasses paragraph, which the Senator from Louisiana [Mr. BROUSSARD] has asked may go over until we consider the sugar schedule, and the paragraph in the free list covering molasses testing not above 56 per cent total sugars.

Mr. GERRY. As I understand, the paragraph 503 bears a relation to paragraph 1615a, on page 227, which places a certain class of molasses on the free list. Paragraph 1615a will not be considered until the free list is reached; but the amendment in paragraph 503 will be considered now unless the Senator has asked that it go over.

Mr. McCUMBER. I have asked that it may go over now for the day, at the request of the Senator from Louisiana.

Mr. GERRY. I could not hear the Senator, and that is what I was trying to get straightened out.

Mr. WALSH of Massachusetts. I ask unanimous consent to have inserted in the RECORD and referred to the Committee on Finance a copy of resolutions recently adopted at the annual convention of the American Feed Manufacturers' Association, requesting free entry of blackstrap molasses—the product which the Senator from Louisiana [Mr. BROUSSARD] has just been discussing.

There being no objection, the resolutions were referred to the Committee on Finance and order to be printed in the RECORD, as follows:

Resolved by the American Feed Manufacturers' Association, in convention assembled at Chicago, Ill., June 8 and 9, 1922, said association representing approximately 150 manufacturers of feeding stuffs from all sections of the United States, employing a capital of more than $100,000,000, That we respectfully urge Congress in the interest of this important industry and in the interest of the dairymen, cattlemen, and consumers of meats, poultry, eggs, and dairy products, and the users of feeds for horses and mules, to permit free entry of blackstrap molasses for feed purposes.

That we also respectfully ask Congress in passing the tariff bill to follow the original House draft in fixing the tariff on ground and unground screenings. We consider it detrimental to the American farmer, manufacturers, and consumer to place a higher duty on the raw material (unground screenings) than on the manufactured article (ground screenings), especially in view of the fact that screenings ground in Canada is so imperfectly done that it does not eliminate the only objection that can be raised to the use of screenings as feed, viz, the possibility of befouling American soils.

That we also respectfully call the attention of Congress to the fact that the importation of ground screenings, when prices are low as at present, is impracticable on account of high freight rates. Ground screenings must be bagged or sacked before shipment and then shipped by railroad at high freight rates, whereas unground screenings are usually shipped in bulk by water at very much lower rates.

Unanimously adopted on June 9, 1922.

Attest:

L. F. BROWN, *Secretary.*

Mr. McCUMBER. Mr. President, my attention has been called to an article in the New York World of June 14. I will merely read the headlines of the article, which are as follows:

Bounty on potash urged with tariff as boost for HALE. Maine Senator convinces committee, but SMOOT charges it is mere electioneering. Plan would cost public $40,000,000 in five years.

I feel that this article is so unjust to the Senator from Maine [Mr. HALE] that it becomes my duty to correct the misstatement. The Senator from Maine did appear before the committee and earnestly opposed any tariff on potash. He never discussed, however, with the committee the question of a bounty in the place of a tariff, nor did he refer to it in any way, shape, or manner. After he had left the committee the members who were present took up the subject and tentatively proposed in lieu of the tariff to place potash upon the free list, and for the purpose of protecting, or at least encouraging the American industry, to grant a bounty equivalent to tariff rate for a period of five years, and at the same tariff rate. That is, however, but tentatively proposed, and no final decision will have been made until the committee reports the matter to the Senate. The reason for the protection which was given by the Committee on Ways and Means was that during the war the price of potash rose to $450 per ton, and it was thought best by the Committee on Ways and Means to protect it for a period of five years, with a gradually diminishing tariff, so that potash would be free at the expiration of five years. During the boom incident to the war, however, when the price encouraged the greatest possible development, the production of potash was but 54,000 tons. If we should provide a bounty to-day there would be nothing paid on it, because there is not a single one of the potash factories in operation; and if we should even go up to a production of 50,000 tons a year, during the next few years the amount would not exceed $2,500,000 for the first year, $2,500,000 for the second year, $2,000,000 for the third year, $1,500,000 for the fourth year, and $1,000,000 for the fifth year. That is on a basis of possible production of 50,000 tons a year.

However, I did not rise at this time to discuss the merits of the proposition at all, but simply to explain the part which the Senator from Maine took before the committee in asking that potash be put on the free list and to state what was the limit of his request.

Mr. OVERMAN. Does the Senator from North Dakota think that the Committee on Finance will report in favor of the proposition of putting potash on the free list?

Mr. McCUMBER. Yes; the committee has decided to do that.

Mr. President, I now ask that we return to paragraph 302, page 41, line 15. I think we have covered everything in the paragraph except one clause.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Shortridge
Ball	Gooding	McNary	Simmons
Borah	Harreld	Nelson	Smoot
Broussard	Harris	Newberry	Spencer
Bursum	Harrison	Nicholson	Sterling
Calder	Hitchcock	Norbeck	Sutherland
Cameron	Johnson	Norris	Swanson
Capper	Kellogg	Oddie	Townsend
Caraway	Kendrick	Overman	Underwood
Curtis	Keyes	Phipps	Walsh, Mass.
Dial	Ladd	Poindexter	Walsh, Mont.
Edge	Lenroot	Pomerene	Watson, Ind.
Elkins	McCormick	Ransdell	Willis
Ernst	McCumber	Sheppard	

Mr. CURTIS. I desire to announce the necessary absence of the Senator from Pennsylvania [Mr. PEPPER] on business of the Senate.

I also wish to state that the Senator from Wyoming [Mr. WARREN] is detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The question is on agreeing to the amendment of the committee, which will be stated.

The READING CLERK. In paragraph 302, page 49, line 16, it is proposed to strike out "72" and insert "60," so as to read:

ferrotungsten, metallic tungsten, tungsten powder, tungstic acid, and all other compounds of tungsten, 60 cents per pound on the tungsten contained therein.

Mr. WALSH of Montana. Mr. President, I supposed we had disposed of that item.

Mr. SMOOT. No; I will say to the Senator that I asked that it go over for further consideration of the duty of 45 cents per pound on the tungsten contained in the ore, thinking perhaps there would be a change in that, and if there was a change in that, it would necessarily change the item now before the Senate, which is the metallic tungsten, tungsten powder, and tungstic acid; but with no change in the 45 per cent there will be no change in the other items named.

Mr. WALSH of Montana. The Senator is not proposing to offer any amendment?

Mr. SMOOT. No; I shall not offer any amendment.

Mr. WALSH of Montana. The Senator from Nevada [Mr. PITTMAN] is particularly interested in that feature of the paragraph, and he is unavoidably absent to-day.

Mr. SMOOT. I do not think the Senator from Nevada objects to the rates in the bill.

Mr. WALSH of Montana. That is my understanding. I do not think he has any objection to these rates.

Mr. SMOOT. I am quite sure he has not.

Mr. WALSH of Montana. On the assurance of the Senator, then, I will offer no objection to disposing of the matter now.

Mr. SMOOT. I will assure the Senator that if the Senator from Nevada has any objection, when he returns to the Chamber I will ask for a reconsideration of it.

Mr. WALSH of Montana. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The READING CLERK. On the same page, line 17, it is proposed to strike out "15" and insert "25," so as to read:

and 25 per cent ad valorem.

The amendment was agreed to.

The READING CLERK. The next amendment is on the same page, line 20, where it is proposed to strike out "72" and insert "60," so as to read:

ferrochromium tungsten, chromium tungsten, chromium cobalt tungsten, tungsten nickel, and all other alloys of tungsten not specially provided for, 60 cents per pound on the tungsten contained therein.

The amendment was agreed to.

The READING CLERK. On the same page, line 21, it is proposed to strike out "17" and insert "25," so as to read:

and 25 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I ask now to take up paragraph 382, tinsel wire.

Mr. WALSH of Montana. Mr. President, before we pass this paragraph, I observe that the compounds of chromium carry 30 per cent ad valorem, chrome being on the free list. They are found on page 50.

Mr. SMOOT. I will say to the Senator that there is no change made in that.

Mr. WALSH of Montana. But the rates here are fixed on the basis of free chrome, of course.

Mr. SMOOT. Free chrome ore; yes.

Mr. WALSH of Montana. I inquire of the Senator what were the considerations which induced the committee to put chrome ore on the free list?

Mr. SMOOT. The information that the committee had was that chrome ore was found only in a scattered condition in this country, and that the quality was very inferior to that which was imported from foreign countries; and not only that, but the users of it in this country state that it is not dependable, and therefore chrome ore was put upon the free list.

Mr. WALSH of Montana. They made exactly the same representations concerning manganese, did they not?

Mr. SMOOT. No; in the case of manganese it was put upon the ground that there was not sufficient of it in the United States, but the question of quality was not involved.

Mr. WALSH of Massachusetts. The production of chrome ore did develop very largely during the war, did it not?

Mr. SMOOT. But it was at prices that nobody could think of paying in ordinary times. It was like other items that went twenty times as high as they were in normal times.

Mr. WALSH of Montana. I am interested in the thing not particularly so far as the tariff is concerned, but because of the reasoning upon which the item goes on the free list. The fact about the matter is that we are as fortunately situated in the State of Montana with respect to chrome ore as we are with respect to manganese. We can supply the world with chrome ore. There is no limit to the quantity we can produce, and, so far as quality is concerned, of a quality equal to that produced anywhere. It is a mere matter of the development of the industry; and it is simply a question of policy as to whether we shall make the steel manufacturers pay somewhat more for the chrome that they use in producing steel or whether we will allow it to lie undeveloped for some period, until conditions change and it becomes profitable to mine it; that is all.

Mr. SMOOT. The industry has not been developed, and I do not remember anybody coming before the committee and asking for it.

Mr. WALSH of Montana. I think that is so. I have not heard very much from the Montana producers; but the ore is there in unlimited quantities.

Mr. SMOOT. Since the Senator brought up the question I have been trying to think whether or not anyone appeared before the committee on this subject, and I can not remember whether they did or not, but I do not believe they did.

Mr. WALSH of Montana. The properties most extensively developed are in the State of California, and I suppose that California has been rather in evidence in requesting these tariff rates.

Mr. SMOOT. I do not not want to say anything against the products of California, but I really must say that all that is produced in California is very unsatisfactory.

The PRESIDING OFFICER. The Secretary will state the amendment of the committee in paragraph 382, on page 86.

Mr. SMOOT. Mr. President, I send to the desk an amendment to this paragraph. I will ask the Senator from North Carolina to follow the amendment that I have offered to paragraph 382, and if he does not understand it I will explain it.

Mr. SIMMONS. I have not seen it.

Mr. SMOOT. It will be read now from the desk.

Mr. SIMMONS. Before it is read I want to ask the Senator from Utah why we can not now proceed with the sugar schedule and dispose of that finally.

Mr. SMOOT. All that we could dispose of would be the candy amendment. The Senator from Rhode Island [Mr. GERRY] stated to me that he was going to leave the Chamber, as he had something to do, and that when we got through with these items he would ask to take up the other one, and I told him it would be perfectly satisfactory to me.

Mr. SIMMONS. I want to state frankly to the Senator that I would rather not take up these items now. I will take up this first one, paragraph 382, if the Senator insists upon it; but there are three or four following that in the metal schedule that have been passed over that relate to zinc and lead ore and various ores, that I was under the impression that the Senator from Montana [Mr. WALSH] had looked up and would present; but it seems that he and I misunderstood each other, and I am not now prepared to take those up. Of course, I can prepare myself as we go on, but it will take much more time than if the Senator will let them go over until I have had an opportunity to investigate them somewhat.

Mr. SMOOT. I do not think the Senator will object to the action proposed in the case of paragraph 386, because we take tin bars off the dutiable list at 2 cents a pound, as the House provided for it, and put it on the free list. I do not think there will be any objection on the part of the Senator to the action of the committee on that item.

Mr. SIMMONS. No; I would not ask that that particular item go over, because it is proposed to strike it out and put it somewhere else. When we get to the place where it is proposed to put it, I may want to consider it.

Mr. SMOOT. It goes on the free list.

Mr. SIMMONS. If it does, then I should make no objection to it.

Mr. SMOOT. I knew that the Senator would not.

Mr. SIMMONS. But I was speaking about paragraph 382, and then the heavier items that follow that, such as paragraph 387, which relates to bottle caps of metal, and so forth.

Mr. SMOOT. The Senator is prepared to go on now with paragraph 382, tinsel wire; is he not?

Mr. SIMMONS. Yes.

Mr. SMOOT. I ask, then, that the amendment which I have sent to the desk may be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The READING CLERK. On page 86, paragraph 382, following the numeral "382," is it proposed to strike out down to and including the words "ad valorem," leaving the semicolon, in line 18, and in lieu thereof to insert the following:

Tinsel wire, made wholly or in chief value of gold, silver, or other metal, 5 cents per pound and 10 per cent ad valorem; lame or lahn, made wholly or in chief value of gold, silver, or other metal, 5 cents per pound and 20 per cent ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 5 cents per pound and 35 per cent ad valorem.

Mr. SMOOT. I will say to the Senator that in the rest of the paragraph there will be no changes made other than those that were made by the committee in the first instance.

Now perhaps it will be of interest to the Senator to know just what these changes are.

Mr. SIMMONS. I shall be glad to have the Senator explain them.

Mr. SMOOT. I think I can explain them very briefly.

Tinsel wire, lame, and lahn, under the House provision and under other laws, have carried the same rate of duty. There should not be the same rate upon tinsel wire that there is upon lame and lahn. Therefore the committee has now decided to make a rate on tinsel wire, and then another rate upon lame or lahn, and a still further rate upon the bullions and metal thread made wholly or in chief value of tinsel wire, lame, or lahn.

The Senator will notice that in the first place we take tinsel wire and instead of placing a duty of 10 cents per pound and 30 per cent ad valorem upon it, as the House has done, we impose upon it a duty of 5 cents a pound and 10 per cent ad valorem.

Mr. SIMMONS. That is more than cutting it in two.

Mr. SMOOT. It is half of the specific duty, and only a third of the other. Then we take lame or lahn, and instead of having the duty 10 cents a pound and 30 per cent ad valorem we impose a duty of 5 cents a pound and 20 per cent ad valorem.

Mr. SIMMONS. That is one-half in one case——

Mr. SMOOT. That is one-half of the specific duty, and two-thirds of the ad valorem.

Mr. SIMMONS. Yes.

Mr. SMOOT. Then in the case of the bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, instead of 10 cents a pound and 35 per cent ad valorem we cut the specific duty in two, making it 5 cents a pound. That is a better classification, taking into consideration the labor that is put upon these articles.

Mr. SIMMONS. What rate does the Senator fix on bullions?

Mr. SMOOT. Five cents a pound and 35 per cent ad valorem. Those rates correspond with the rates imposed later in the bill as reported to the Senate. It is a very much better division. The House imposed a duty of 10 cents a pound and 30 per cent ad valorem on the tinsel wire, while they imposed only 55 per cent on the ribbons, fringes, and tassels made wholly or in chief value of any of the foregoing. There was no uniformity in the duties imposed, and as this amendment is offered it balances all the items in the paragraph.

Mr. SIMMONS. Let me ask the Senator about the provision "not specially provided for," on line 22. It provides "woven fabrics, ribbons, fringes, and tassels made wholly or in chief value of any of the foregoing, 55 per cent ad valorem."

Mr. SMOOT. Those are all woven fabrics, and the others are not.

Mr. SIMMONS. Those are not changed?

Mr. SMOOT. No; those are not changed. Those are woven fabrics, and the Senator knows they are the highest type of fabrics.

Mr. SIMMONS. Mr. President, I am very much pleased that the committee has seen fit to so radically cut the House rates with reference, at least, to a part of the items contained in paragraph 382. It must be conceded with reference to these items that the imports are very heavy and the production in this country is light, most of the imports being from France.

So far as the duties reduced by the committee are concerned, I find that they are not materially different from the duties of the present law. They are slightly different, however; in some respects a little higher and in other respects somewhat lower.

I am afraid, however, that the rate imposed upon these products not specially provided for is higher than is justified, and upon the more highly finished products I think the duty of 55 per cent is too high. But those rates were not changed by the committee, and I suppose they are not subject to amendment.

Mr. SMOOT. No; not at this time.

Mr. SIMMONS. I think the rates the committee has fixed are somewhat higher, but not very substantially higher, than the rates in the present law. The subsequent rates, with reference to which there is no proposed amendment and which will be open to amendment hereafter, I think are entirely too high.

Mr. SMOOT. The Senator knows that these articles are used by only a very few people, and the committee thought that anybody who could afford them could pay this rate of duty.

Mr. SIMMONS. We need not discuss that now. There is nothing before the Senate except the amendment, and I am ready for a vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the committee was, on page 86, line 19, to strike out the word "ribbons" and the comma.

The amendment was agreed to.

Mr. KING. May I inquire what item that is?

Mr. SMOOT. This is the tinsel wire, lame or lahn paragraph.

Mr. SIMMONS. We can vote on that. There are several amendments, but I will state to the Senator from Utah that the committee amendments in one instance reduce the rate to one-half the House rate and in the other instance to one-third of the House rate; then, in the next instance, to one-half the House rate and two-thirds of the House rate. By a comparison I have found they are not materially different from the rates in the present law, and I have no objection to them.

Mr. KING. While I have the floor, I call the attention of my colleague to the fact that on yesterday I mentioned to Mr. Walker and to the Senator from North Dakota [Mr. MCCUMBER] that I would be compelled to be absent from the Chamber most of the time to-day. The naval appropriation bill will be brought up to-morrow, and we may take several days in the discussion of it. I have not had a chance even to read it through. I asked as a favor that the schedules which I was to look after, involving certain metals, might be passed over to-day, and they assented to it.

Mr. SMOOT. That was as to zinc in blocks?

Mr. KING. Yes; and if those may go over, I would like to return to my office to resume the work which I am compelled to do with respect to the measure coming up to-morrow.

Mr. SMOOT. Will the Senator allow us to finish with these amendments?

Mr. SIMMONS. Mr. President, I wish to say, in this connection, that I was under the impression that the Senator from Montana [Mr. WALSH] would look after those articles, but I find that it was the Senator from Utah instead of the Senator from Montana who has them in charge. I have not myself examined them, because I expected other Senators to look after them, and I shall be very glad if the Senator in charge of the bill will let those go over to accommodate the convenience of the junior Senator from Utah.

Mr. MCCUMBER. Very well.

The next amendment of the committee was, on page 86, line 20, after the word "wire" and the comma, to insert the words "metal thread" and a comma; on line 20, after the word "lahn" and the comma, to insert the words "or of tinsel wire, lame or lahn"; on line 23, after the word "fabrics," to insert the word "ribbons" and a comma; and on line 23, after the word "made," to insert the words "wholly or in chief value," so as to make the paragraph read:

PAR. 382. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 cents per pound and 30 per cent ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 10 cents per pound and 35 per cent ad valorem; beltings, toys, and other articles made wholly or in chief value of

tinsel wire, metal thread, lame or lahn, or of tinsel wire, lame or lahn and india rubber, bullions, or metal threads, not specially provided for, 45 per cent ad valorem; woven fabrics, ribbons, fringes, and tassels, made wholly or in chief value of any of the foregoing, 55 per cent ad valorem.

The amendment was agreed to.

Mr. SMOOT. I ask that we now take up paragraph 386.

The amendment of the committee was, on page 87, beginning with line 15, to strike out paragraph 386, as follows:

PAR. 386. Tin in bars, blocks or pigs, and grain or granulated and scrap tin, 2 cents per pound.

Mr. SIMMONS. It is my understanding that in striking that out it is with a view of putting those articles on the free list and that this item will not reappear in some other dutiable section?

Mr. SMOOT. It will not. It goes to the free list, and is specifically provided for on the free list.

The amendment was agreed to.

Mr. McCUMBER. Now we can go to paragraph 504. Possibly we can find somebody present who will not ask that that go over.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. SIMMONS. I have no objection. There is no amendment in that paragraph except striking out the words "or unmanufactured," and we might as well dispose of it.

The amendment was, on page 96, line 23, after the words "natural state," to strike out "or manufactured,"; so as to make the paragraph read:

PAR. 504. Maple sugar and maple sirup, 4 cents per pound; dextrose testing not above 99.7 per cent and dextrose sirup, 1½ cents per pound. Sugar cane in its natural state, $1 per ton of 2,000 pounds; sugar contained in dried sugar cane, or in sugar cane in any other than its natural state, 75 per cent of the rate of duty applicable to manufactured sugar of like polariscopic test.

The amendment was agreed to.

Mr. SIMMONS. There are certain changes reported in paragraph 505 which are mere eliminations.

The PRESIDING OFFICER. The Secretary will report the amendment.

The amendment was, on page 97, line 6, after the word "mannose," to strike out "melitzitose" and to insert "melezitose"; and in line 7, after the word "other," to strike out "of the higher saccharides required for scientific purposes" and to insert "saccharides"; so as to make the paragraph read:

PAR. 505. Adonite, arabinose, dulcite, galactose, inosite, inulin, levulose, mannite, d-talose, d-tagatose, ribose, meliblose, dextrose testing above 99.7 per cent, mannose, melezitose, raffinose, rhamnose, salicin, sorbite, xylose, and other saccharides, 50 per cent ad valorem.

The amendment was agreed to.

Mr. McCUMBER. I understand the Senator from Rhode Island [Mr. GERRY] desires to have the next paragraph passed over.

Mr. SIMMONS. Mr. President, I make the point of no quorum. We will see if I can not get that Senator here.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Harris	Nelson	Shortridge
Bursum	Hitchcock	Newberry	Simmons
Calder	Johnson	Nicholson	Smoot
Cameron	Jones, Wash.	Norbeck	Spencer
Capper	Kellogg	Norris	Sutherland
Culberson	Kendrick	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	Ladd	Owen	Trammell
Dillingham	Lenroot	Phipps	Underwood
Edge	McCormick	Poindexter	Wadsworth
Elkins	McCumber	Pomerene	Walsh, Mass.
Ernst	McKinley	Rawson	Willis
Fernald	McNary	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present.

Mr. McCUMBER. Mr. President, the Senator from Rhode Island [Mr. GERRY], I think, did not respond to the quorum call just now.

Mr. SIMMONS. He is on his way and will be here in a few minutes. I suggest, if the Senator has no objection, that we take up the tobacco schedule.

Mr. McCUMBER. The Senator from Connecticut [Mr. McLEAN] is not here, and he desires to be present when that paragraph is taken up.

Mr. SIMMONS. May I not suggest to the Senator from North Dakota that we might go to paragraph 601, wrapper tobacco? That is not the one in which the Senator from Connecticut is interested, I believe. I think it is paragraph 602 in which the Senator from Connecticut is especially interested.

Mr. McCUMBER. Paragraph 601 is wrapper tobacco.

Mr. SIMMONS. It is the schedule in which certain wrapper tobacco is advanced from $2.10, the rate fixed by the House, to $2.35, the rate fixed by the Finance Committee. The House rates were about the same, I think, as those in the emergency tariff law, and all the Senate committee rates are higher. I do not think the other paragraphs are affected by the change in paragraph 601.

Mr. McCUMBER. Mr. President, I think the committee have been a great deal more considerate of the convenience of the several Senators who desire to be present than those Senators have been of the convenience of the committee to dispose of the items in a somewhat logical order. We have yielded so much that it seems that no one is ready to take up a number of articles that ought to be disposed of before we reach the agricultural schedule. In all earnestness I want to plead with Senators that they be ready, after we get through with the naval appropriation bill, to go on with the consideration of the tariff bill. It is far more convenient for individual Senators to be prepared to take up a schedule when it is reached than it is for the committee, which must sit every morning preparing its work for the day, and then throw that work entirely aside to take up something that it has not considered as it desired to do before the final vote.

I will ask that we now go to the agricultural schedule, on page 99.

Mr. SIMMONS. May I ask the Senator from North Dakota if we have disposed of paragraph 375, metallic magnesium, which I asked the other day should go over?

Mr. McCUMBER. No; that has not been disposed of. There are some Senators who have asked that it may be passed over, and I have agreed to do so.

Mr. SMOOT. I will say to the Senator from North Carolina that there has been a request also made as to what the price of the article really is to-day, not what it was last August, and that information is being collected for the committee and more than likely will be ready in a very short time.

Mr. SIMMONS. Very well.

Mr. McCUMBER. If we can return to paragraph 701, Mr. President, we will give some consideration to the cattle, the sheep, and the goats.

The PRESIDING OFFICER. The first amendment in Schedule 7 will be stated.

The READING CLERK. Schedule 7, agricultural products and provisions, paragraph 701, cattle, on page 99, lines 6 and 7, the committee proposes to strike out "less than 2 years old, 1 cent per pound; 2 years old or over, 1½ cents per pound," and insert "weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound," so as to read:

Cattle weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound.

Mr. SIMMONS. Mr. President, I am sure a number of Senators desire to be heard upon this particular paragraph. One Senator was talking to me about it this morning. Of course, we have reached the paragraph rather unexpectedly, and the Senators who are interested in the whole schedule generally are out of the Chamber. I make the point of no quorum so that I may have them called in and notified that the agricultural schedule is before the Senate.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Elkins	Lenroot	Shortridge
Borah	Ernst	McCumber	Simmons
Broussard	Fernald	McNary	Smoot
Bursum	Gerry	Nelson	Spencer
Calder	Harris	Newberry	Sterling
Cameron	Hitchcock	Nicholson	Swanson
Capper	Johnson	Norbeck	Townsend
Caraway	Jones, N. Mex.	Norris	Wadsworth
Culberson	Jones, Wash.	Oddie	Walsh, Mass.
Curtis	Kellogg	Overman	Walsh, Mont.
Dial	Kendrick	Pomerene	Watson, Ind.
Dillingham	Keyes	Rawson	Willis
Edge	Ladd	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

Mr. McCUMBER. Mr. President, just before the call for a quorum the Senator from Rhode Island [Mr. GERRY] entered the Chamber. He now desires to go on with the paragraph relating to confectionery, and I therefore ask that we may return to that paragraph.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GERRY. Does the Sentaor from North Dakota desire to have considered the amendments in paragraphs 504 and 505?

The PRESIDING OFFICER. The amendments to paragraphs 504 and 505 have been agreed to. The Secretary will state the committee amendments in paragraph 506.

The READING CLERK. On page 97, in paragraph 506, line 10, before the word "sugar," the Committee on Finance proposes to strike out the word "on."

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 97, line 11, before the words "per cent," to strike out "30" and insert "40," so as to read:

PAR. 506. Sugar candy and all confectionery not specially provided for, and sugar after being refined, when tinctured, colored, or in any way adulterated, 40 per cent ad valorem.

Mr. GERRY. Mr. President, I desire to offer an amendment to the committee amendment. On page 97, paragraph 506, line 11, I move to strike out "40" and to insert in lieu thereof "23."

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be stated.

The READING CLERK. On page 97, paragraph 506, line 11, before the words "per cent," it is proposed to strike out the numeral "40" and to insert in lieu thereof the numeral "23," so as to read:

or in any way adulterated, 23 per cent ad valorem.

Mr. GERRY. Mr. President, this paragraph differs from the similar paragraph in the Underwood-Simmons law of 1913. Under that law on candy valued at 15 cents per pound or less the rate was 2 cents per pound; if valued at more than 15 cents a pound, the rate was 25 per cent ad valorem. Under the bill as it comes to us from the other House all candy and confectionery is proposed to be admitted at a flat rate of 30 per cent ad valorem, that rate, of course, being based on American valuation. The bill as reported by the Senate committee proposes a rate of 40 per cent ad valorem, foreign valuation, which would be a lower duty. For the higher grades the rates are ad valorem, both in the pending bill and in the Underwood-Simmons law. Under the Underwood-Simmons law the rates were 25 per cent as against 30 per cent as proposed in the House bill. I think it is only fair to say, though, that in the House bill the rate, as I have stated, is based on the American valuation and is, therefore, compared to the 25 per cent ad valorem rate of the Underwood law, considerably higher than the mere difference in percentage would indicate.

Mr. President, as nearly as I can figure it, the duty of 2 cents per pound is equivalent practically to 23 and a fraction per cent, as against 40 per cent proposed by the Senate Finance Committee.

The Tariff Summary shows that the products of the establishments engaged in the manufacture of confectionery are valued at $447,800,000. The exports increased during the war from $1,200,000 to an annual average of $1,800,000. The imports for 1918, the table which I hold in my hand shows, were valued at about $27,000; in 1919 they were valued at $195,000; in 1920 they were valued at $371,000; and in 1921 they were valued at $122,000. I submit that an industry such as this, the exports of which so largely exceed in value its imports from any source, needs no such protection. The industry is well on its feet; it has a tremendous market within the country, and to impose such a duty on the commodity as this simply means to give the domestic producer an additional advantage and an opportunity to charge the general public more. I think the figures are so clear that it is unnecessary to say anything more on the schedule.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island to the amendment reported by the committee.

Mr. BROUSSARD. Mr. President, I ask that the amendment proposed by the Senator from Rhode Island to the amendment of the committee may be again stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 97, paragraph 506, line 11, before the words "per cent" the Committee on Finance proposes to strike out the numeral "30" and insert in lieu thereof the numeral "40." The Senator from Rhode Island [Mr. GERRY] proposes to insert in lieu of the numeral "40" the numeral "23," so that the paragraph will read:

PAR. 506. Sugar candy and all confectionery not specially provided for, and sugar after being refined, when tinctured, colored, or in any way adulterated, 23 per cent ad valorem.

Mr. BROUSSARD. Mr. President, I was out of the Chamber when this question came up. I have proposed an amendment to paragraph 506. I do not think at this time the amendment would be in order; but I wish to make a brief statement.

In this instance there is no reason to reduce the duty proposed by the committee, because the duty proposed by the committee is totally inadequate. It will be observed, of course, that under paragraph 501, which is not proposed to be amended by the Finance Committee, there is a duty proposed of 1 16/100 cents per pound on all sugar testing not above 75 degrees, and for each additional sugar degree shown by the polariscopic test, four one-hundredths of 1 per cent per pound additional, and fractions of a degree in proportion. If paragraph 506 were to be permitted to remain as the committee has reported it, it would make it possible, by merely coloring sugar with a harmless substance, to import it on a basis of 40 per cent ad valorem and escape the duty imposed by paragraph 501 upon sugar.

I wish also to state at this time that the words "and sugar after being refined, when tinctured, colored, or in any way adulterated," have never been applied to any previous rate on sugar or candy, and I believe that they have been incorporated in paragraph 506 without the committee ever realizing the import of the words proposed.

As I have stated before, even under a tariff for revenue bill it was never intended that any sugar merely because of being colored or adulterated with some other substance should be imported here at a lower rate of duty than that imposed on sugar itself. There have been, however, in previous acts duties corresponding to the now proposed duty on sugar, candy, and confectionery.

Mr. GERRY. Mr. President, will the Senator yield to me?

Mr. BROUSSARD. I yield.

Mr. GERRY. If I understand the Senator's contention correctly, he is not objecting so much to the rate I offer with respect to sugar candy and confectionery, but the objection is that sugar may come in under this amendment?

Mr. BROUSSARD. That was my great objection; but at the same time, when a certain rate of duty is imposed on a basic article, we should try in a fair way to put a compensatory duty on the product manufactured from the basic article in order to protect that product, and I am not yet satisfied that 40 per cent is adequate when it is considered that the intention of the framers of the bill is to put a duty of 2 cents a pound on sugar. If 2 cents a pound on sugar is considered a reasonable rate—so far as I am concerned it is not a reasonable rate, because I want a larger rate if I can get it, and I expect to try to get it——

Mr. CARAWAY. We will compromise on one.

Mr. BROUSSARD. We do not have to compromise on one, because that is the Democratic rate; but 40 per cent, I think, would not compare with a 2-cent rate per pound on sugar, because there is some candy that has had no labor added, just a little ribbonlike coloration around it, and is then introduced into the country. If the 2-cent rate be finally agreed to in this bill, that 2 cents compared to the cost of production in Cuba would be 100 per cent tariff, and a 40 per cent rate on candy would not be adequate to protect; and if I had any complaint to offer about that I would make it 50 per cent as a minimum, anyway.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. GERRY] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The READING CLERK. On lines 12, 13, and 14 it is proposed to strike out:

The value of the immediate coverings other than the outer packing case or other covering shall be included in the dutiable value of the merchandise.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I ask now that we return to paragraph 503; and I will state to the Senator from Louisiana that we ought now to agree to the amendment in paragraph 503 striking out "sirups" and putting in "sugar sirups, not specially provided for"——

Mr. BROUSSARD. What page is that?

Mr. SMOOT. That is on page 96; and that will clean up all of the committee amendments in this schedule.

I will ask that the committee amendment be agreed to now.

Mr. BROUSSARD. That is the "sugar sirups, not specially provided for"?

Mr. SMOOT. Yes; because this will be the result: I should like to have it cleaned up, and then when we reach the sirups

that have already been placed upon the free list if that is not agreed to we can offer an amendment to reject this one, but let us clean up this schedule now as far as the committee amendments are concerned.

Mr. BROUSSARD. With the understanding that if this is agreed to, it will not prejudice——

Mr. SMOOT. I will assure the Senator that it will not, because when the bill reaches the Senate any kind of amendment can be offered to it.

Mr. BROUSSARD. Then if, when we reach paragraph 1615a, that is not agreed to——

Mr. SMOOT. Then this would not amount to anything anyhow, because it would not be provided for anywhere else.

Mr. BROUSSARD. I merely wanted to put it so we may have the understanding in the RECORD that if we should disagree to paragraph 1615a then of course the committee would support the cancellation of this.

Mr. SMOOT. Yes.

Mr. BROUSSARD. Then I have no objection to the agreement.

The PRESIDING OFFICER. Is there objection to returning to paragraph 503? The Chair hears none. The amendment of the committee will be stated.

The READING CLERK. In paragraph 503, on page 96, line 13, it is proposed to strike out "sirups" and insert "sugar sirups, not specially provided for," so as to make the paragraph read:

PAR. 503. Molasses and sugar sirups, not specially provided for, testing not above 48 per cent total sugars, twenty-five one-hundredths of 1 cent per gallon; testing above 48 per cent total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion.

Mr. GERRY. Mr. President, this paragraph, 503, has a different wording and is based on a different test from that in the Underwood bill. Under this bill, the test is on total sugars. Under the Underwood bill and under all former bills, as I understand, the test was a polariscopic one. Possibly it might clear up some of the debate that took place yesterday and today to show the difference that that makes in the report of the sugar content.

I shall read from the hearings, where there is a table on page 2356 in which it is shown that sucrose by polariscope ranged from 22 to 23 per cent as compared with sucrose by the Clerget method, which would average between 32 and 40 per cent. Reducing sugars would be between 14 and 28 per cent, and total sugars by polariscope would be from 40 to 54 per cent, as compared to total sugars by the Clerget method between 48 and 62 per cent.

As we are only considering now the committee amendments, I shall not take up the time of the Senate in discussing this paragraph more fully, or in offering amendments. I am entirely in favor of what the committee proposes in the amendment now before us, where it says "molasses and sugar sirups not specially provided for," and then it provides in paragraph 1615a that molasses testing above 56 per cent total sugars not imported to be commercially used for extraction of sugar, or for human consumption, shall be put on the free list.

Mr. President, this was done so that the makers of cattle feed should have the advantage of receiving the molasses that was used in that feed free of duty, and I presume with the idea of doing something for the farmers. Molasses has done much to build up cattle feed, and to help the farmer both to fatten his stock and to produce greater quantities of milk. I know that in my own State it is very largely used by farmers in feeding their cows, and that it is really one of the necessities of farm feed. The use of this blackstrap molasses really acts not only as a fattener but also as an appetizer for the cattle.

While I am very heartily in favor of doing this for the farmer, it does seem to me that there is somewhat of a paradox in the bill, because while the farmer is allowed this advantage in order to have the feed for his cattle made lower by the molasses that his cattle get entering free, yet if he wants to use the molasses himself on his own table he must pay a duty.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Rhode Island yield to the Senator from Louisiana?

Mr. GERRY. I yield, with pleasure.

Mr. BROUSSARD. In the Senator's last remark, is he criticizing the committee for permitting molasses to be used for human consumption to come in under a tax, while giving it to cattle free?

Mr. GERRY. I was just calling attention to that fact.

Mr. BROUSSARD. Now, coming back to the statement which the Senator has just made, that some of the people in his State are interested in having this blackstrap molasses come in free, are they dairy people, or are they feeders?

Mr. GERRY. They are dairymen.

Mr. BROUSSARD. Do they want to have their butter and their other dairy products put in competition with the world and have no duty placed against them?

Mr. GERRY. Personally, I do not think duty on butter will have the effect in my State of increasing the profit to the farmer, and undoubtedly this will be true in other States.

Mr. BROUSSARD. The Senator believes it will not?

Mr. GERRY. I do.

Mr. BROUSSARD. Then, does the Senator think that those who are asking that feedstuffs be put in open competition with the world are advocating that their own products be placed in open competition with the world?

Mr. GERRY. I do not think I get the Senator's question.

Mr. BROUSSARD. In other words, are the dairy people who would like to have blackstrap molasses come in free willing and asking that their own products of the dairy be put in open competition with the world?

Mr. GERRY. I can not speak for the dairy people of the country. I do not know what they are asking. The Senator from Rhode Island is speaking simply his own views.

Mr. BROUSSARD. But the Senator from Rhode Island will concede that if the dairy people want a protection for their dairy products, they should be willing to accord a very small protection to the people who grow the feed with which they feed their stock and produce these dairy products.

Mr. GERRY. I think that is a question for the dairy people to answer, and involves a discussion of the whole theory of protection, and on this question the Senator from Rhode Island and the Senator from Louisiana differ so much in their ideas of the principle upon which this bill is based that I am afraid we would not get a meeting of the minds.

Mr. BROUSSARD. I was not trying to elicit the opinion of the Senator from Rhode Island on this particular question. I was simply trying to get his judgment as to whether or not a dairyman who wants to have his products protected should ask for free materials to convert into the products which he wants protected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. McCUMBER. I believe we are now brought to the consideration of the agricultural schedule.

Mr. GOODING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	Myers	Smoot
Broussard	Harris	Nelson	Spencer
Bursum	Hitchcock	Newberry	Sterling
Calder	Johnson	Nicholson	Sutherland
Cameron	Jones, N. Mex.	Norbeck	Townsend
Capper	Jones, Wash.	Norris	Underwood
Caraway	Kellogg	Oddie	Wadsworth
Curtis	Kendrick	Overman	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Dillingham	Ladd	Poindexter	Watson, Ind.
Edge	Lenroot	Pomerene	Willis
Ernst	McCormick	Sheppard	
Fernald	McCumber	Shortridge	
Gerry	McNary	Simmons	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present.

Mr. McCUMBER. Mr. President, every day or so the precious hours which ought to be employed in a just and fair discussion of the items on which duties have been levied in this bill have been spent in reading into the RECORD editorials from those papers which represent the importing industries of the country. I have been requested by the committee to meet the arguments which have been made by the press. So far we have kept silent as to the profits that are made by the great importing houses of the country and those who are now so strenuously engaged in attempting to destroy the purposes of the bill.

I have before me upon the desk a number of articles. I shall have occasion to show what is paid for those articles in foreign countries and what the American consumer is charged for the same articles in the United States; but before I do that I want to lay the foundation for the presentation of some of these matters, and I, or perhaps other members of the committee, will present a number of other articles. I think we have now in our possession between two and three hundred of them, and we will try to select those articles used most commonly by the American people.

If those editorial pages presented any real argument on any one of the items under discussion we might excuse the verbosity of their long essays. But while they criticize and condemn, not one of them attempts to really analyze a single item in this bill.

The time spent by some of them in cussing the chairman because he fails to be the representative of New York, or what they denominate the great financial interests of the country, it seems to me might be spent to better advantage. The chairman of the committee is but 1 of the 16 members who constitute the Finance Committee, and but 1 of the 10 Republican members who, of course, assume the responsibility of presenting what the American people by their decisive vote in 1920 demanded that we should present.

On the Republican side of the committee I think it can truthfully be said that there is represented every view, from the very lowest tariff that could be called a protective tariff at all to a very high protective policy. And if those papers desire to eliminate what influence the chairman, coming from a purely agricultural section of the country, may have in the determination of tariff schedules—if they feel that his life and business have not brought him into sufficiently close contact with what they consider the great financial interest of the country—and they seem to think that the banking and the importing interests are about all that need to be considered—I think I can most properly call their attention to the fact that the Republican side is still splendidly represented in this Finance Committee by the Senator from New York [Mr. CALDER], by the Senator from New Jersey [Mr. FRELINGHUYSEN], by the Senator from Connecticut [Mr. MCLEAN], by the Senator from Vermont [Mr. DILLINGHAM], all representatives of both the great manufacturing and the importing interests of the East; by the Senator from West Virginia [Mr. SUTHERLAND] and the Senator from Indiana [Mr. WATSON], representing great mining and manufacturing interests; by the Senator from Wisconsin [Mr. LA FOLLETTE], by the Senator from Kansas [Mr. CURTIS], and by the Senator from Utah [Mr. SMOOT], all representing agricultural States. And I would like to ask these papers, these representatives of the great department stores which are so deeply interested in importations, if it would be possible for them to select any group of representatives who could better represent all the divers interests of the United States—manufacturing, agricultural, mining, and every other industry—than those who constitute the Republican side of the Finance Committee?

These papers know as well as I do that the interests of New York and New Jersey, of Pennsylvania, of Pittsburgh, and Chicago are represented not only by some of the most able Senators in the Senate but also by those who are well acquainted with every great financial and industrial interest. The inconsistency of this so-called Republican press is that while it supports these Senators as able representatives of their States, it nevertheless, at the behest of these great importing interests, condemns the very men it supports as its representatives. More than this, while it ardently supports the President of the United States, it assails those policies for which he stands and which he reasserts on every occasion.

The great metropolitan press of the country has it in its power to do very much to bring about a revival of business in the United States. It has it in its power to do very much to destroy American industry, upon which alone such revival must be predicated. And when it stops to recall that more than 90 per cent of all our trade is trade with each other it ought to recognize the importance of sustaining all of our American industries, to the end that each and every individual shall have profitable employment to enable him to purchase the product of his neighbor, and that none of them can have that profitable employment if the foreigner is allowed to supply an undue proportion of the American trade or if in order to maintain our home markets with each other we must reduce the wages of employees to more closely approach the wages of the foreign labor.

So I have asked these papers to furnish the committee with real facts and figures to demonstrate that it has made a rate too high or too low, or that its compensatory duties have not been worked out with proper mathematical precision.

I can assure them that if they will send anything to the committee to demonstrate that it has made an error, the committee will be more than pleased to give further consideration to the rate of duty on any item in this bill. We not only have had in the consideration of this bill the assistance of the most able of our Senators, some of whom I am certain are far better equipped with general information on tariff matters than any of these newspaper critics, but we have also had with us during all the period of our investigation and even up to the present time the assistance of the very best tariff experts the departments could furnish us, the very best information that the Tariff Commission could give us. Among those experts we have had those of the Democratic as well as of the Republican faith. They have furnished us with facts, figures, and estimates, and their calculations, when called for, have always been made with mathematical accuracy, irrespective of political belief. There has never been any disagreement among these experts on the facts in any case, and I submit to the Senate and to the country in all good faith, Is not the careful and deliberate judgment, based upon such unbiased evidence by Senators representing every section of the country, more reliable than the mere capricious condemnation of those whose opinion must be colored by the interest of those from whom they receive their revenues?

If these metropolitan papers want to be fair to the American people, I invite them to take a hundred or more of the leading articles which are imported into the United States in competition with comparable articles manufactured in the United States; let them put in one column just what the great department store pays for these articles in a foreign country and what it sells them for at retail in this country, with its percentage of profit, and in another column just what it costs the American manufacturer, with his higher wages, ranging often from five to ten times as much as the foreign wages, and what he sells his product for in the American market, with his percentage of profit.

While it is true that such a table would astonish the American public, it is equally certain to my mind that it would convert them all into ardent protectionists. They would insist that the importer who purchases an article for $1 abroad and forces them to pay him $10 for that article should at least pay the Government 50 cents for this privilege of fleecing the people out of $8.50.

I am not condemning or criticizing people because they want to buy an article as cheaply as they can and sell it at as big a profit as possible. That is a part of our selfish human nature. But I do think they ought not to use their influence over the press in a vicious fight to destroy the American manufacturer, whose profits on the turnover are not one-tenth of what the importers receive.

I have here on my desk some of the advertisements appearing in a New York paper. I pick up as a fair illustration the New York Herald of May 4, 1922, and I find in big headlines this advertisement:

> An extraordinary sale of $12,000 worth of English luggage at liberal savings—the remaining stock on hand of an importer about to retire from business. Every piece is perfect and of a quality that will appeal especially to those who have a penchant for fine luggage.

Here is a cut of an imported English suit case, a very plain-looking case, with a checked lining. Underneath the cut we find the following: "Regularly $40," but it is to be sold at a great reduction—at $25.95. Of course, they do not say what they paid for this suit case. I know that but a very few years ago you could buy at retail in the West such a case for about $6, and that is assuming that it was made of all leather, made of "tough bull hide found in the pit where the tanner died." You can make a fair guess of about what the wholesale price of this suit case must have been in England. They say they have been selling it for $40.

Mr. President, a short time ago I leased a neat eight-room, two-story dwelling house in my home town for $40 per month, $480 a year. On account of recent paving, I paid a tax and insurance of about $345. That left me $135. So for a whole year's rent of this little home I could become the proud possessor of three of these imported suit cases. And the house that imposes that outrageous charge against the American consumer—that probably sold that suit case for $30 more than it paid for it—is damning a Republican Congress because it dare suggest that they should pay a dollar or two import duty.

I find that kit bags of the same material were selling regularly at from $40 to $45. I wish that the American purchasing public could cast their eyes upon the invoiced price of this suit case and this bag. Mr. President, I have before me some evidence along this line, and in the light of such evidence your 30 per cent ad valorem and your 60 per cent ad valorem will be as a gnat to an elephant compared with the mighty percentage which measures the scale of difference between the importing and selling prices of these articles and which the American people pay.

Now, when such enormous profits are made and when the American public is paying for these enormous profits, are we committing a crime if we say that the American importer shall pay a few pennies or a few nickels out of such immense profits for the right to make these profits in the United States?

I have here an advertisement from the Boston Herald advertising imported articles. It states that these articles are imported from Hungary, Switzerland, France, Ireland, Italy, Belgium, England, Porto Rico, Japan, Czechoslovakia. You can imagine at what prices these articles were purchased in Czechoslovakia, where men receive from 10 to 20 cents a day and women from 40 to 60 cents a week. We know that because of

the condition in that country everything is produced at a lower cost than ever before; and then when we measure these wonderful retail prices of to-day with what they were before the war in this country, we can get some idea of the mighty profits of this importer.

Recently there came into my hands a letter sent by B. Russell Herts, president of the Herts Bros. Co., of New York, in regard to a European antique furniture pool. Mr. Herts, according to this letter, is now in Europe making purchases for this pool. These are to be sold to the American public in October at such inflated prices that the speculators and investors in the pool are assured 300 per cent profit within six months. I am going to quote just two paragraphs of this letter.

Mr. CARAWAY. Mr. President, may I ask the Senator a question right at that point?

Mr. McCUMBER. I will say to the Senator that I would like to have this matter condensed, and if he would just as soon defer his question I shall be obliged to him.

Mr. Herts says:

> As examples of purchases that have been made abroad during the past six months which have afforded unusual profits, we may recite the experience of one dealer from New York who found a number of beaded bags in Berlin which he purchased for 25 marks each, or about 10 cents, which were afterwards sold in this country for $15 each.

Think of it, Mr. President, a beaded bag purchased for 10 cents and retailed in this country by the importer for $15, an increase of 15,000 per cent. And these are the men who are condemning this tariff bill because it seeks to provide that the man who makes those enormous profits, the man who buys a beaded bag for 10 cents and sells it for $15, shall pay 6 cents import duty.

Let me read the next paragraph:

> In the line of interior decorations is the purchase of various articles, such as ormolu mounted commodes, which cost $25 in Europe and were retailed for $250 in this country. The duty on such articles, if modern, is only 15 per cent, and if antique nothing at all. Similarly, tapestries have been brought to this country without duty and sold at more than ten times their initial cost.

Could not the great metropolitan papers do more for the interest of the American people if they would use their columns in calling attention to these colossal frauds against the Treasury and against the people of the country than by condemning the attempt of Congress to collect a very small sum as duty upon these imported articles to meet the demands which are being made every day upon the American Treasury?

This letter, Mr. President, discloses in a nutshell one of the reasons for opposing this tariff bill. Mr. Herts is only one among hundreds of importers who are to-day spending millions of dollars in Europe buying everything from toys to antiques, paying for them in the cheap, depreciated paper currencies of Europe, and selling them at enormous profits to the American consumer—buying beaded bags, for example, which cost 10 cents in Berlin and are resold in New York for $15.

With such profits is it any wonder that the great importing interests of New York and Chicago, Boston and Philadelphia should be spending vast sums of money in propaganda to defeat tariff legislation?

Is it not astonishing, under these circumstances, that the Democratic Members of the Senate, who allege that they are opposed to huge profits, should be defending these importing interests? They talk about an excess-profits tax. Here is the place to find the excess profits and here is the place to tax them.

Republican Members of the Senate who are striving to enact an American tariff bill to protect American workers and American industries are fighting this battle for the American producer. We want a tariff which will at least lessen this enormous profiteering in foreign merchandise. What manufacturer in the United States to-day is making 300 per cent within six months on anything he produces? What manufacturer is making 15,000 per cent on a single turnover?

The line between the friends and opponents of the pending tariff measure is sharply drawn. On our side are Senators who believe in protecting and safeguarding America first. We stand for American prosperity, despite the campaign of the opposition to delay tariff legislation for the benefit of Europe and Asia and the remainder of the world and a few hundred importers.

The great metropolitan newspapers to-day are attacking this bill because their prosperity, for the moment, depends upon the prosperity of their advertisers, and their advertisers are making fortunes buying cheaply abroad and selling at tremendously high prices to the American consumer. The more they make the more avaricious they grow; and so they are damning the tariff because it seeks to secure a penny out of a dollar of their huge profits, just as they are damning what they call the bonus bill because it means a little tax.

Last year, according to the business manager of the New York Times, advertisers spent $700,000,000 in advertising in the daily and weekly newspapers of the United States. Most of this money was spent by the large department stores in the larger cities. One department store in Detroit alone spent $600,000 with three Detroit newspapers last year. In New York City the department stores spend even larger sums. And they are all heavy importers.

And what do they advertise? I call attention to an advertisement in the New York Herald of some time ago. It reads:

> All over the world, in little far-away villages in the Tyrol, in quiet corners of Bruges and Brussels, in the highlands of Scotland, and in the workrooms of the Rue de la Paix, men and women and girls are busy every day making lovely things for women here in New York.

The advertisement then goes on to say that—

> This store is the gateway through which these lovely things will pass, and through which, in return, will pass money that buys food and clothes and life for the people who are at work in Europe.

Now, notice—

> It is a romantic and fascinating business this, a business that brings happiness and content to those who make things for us and satisfaction to those who buy from us.

How romantic it is, Mr. President, to force a little child, whose tiny fingers have worked possibly for three weeks to make a little beaded bag over in the Tyrol, to accept, because of its half-starved condition, 10 cents for that bag! Ah, truly, Mr. President, it is romantic. And how fascinating it is to sell that bag to the American women for $15. Ah, indeed, it is a fascinating business!

Why, then, do the New York and Boston newspapers attack the tariff bill? Why do they print articles and editorials to deceive the American people? Why do those responsible for the propaganda throw upon the moving-picture screens falsehoods, stating that tariff duties are based on the retail prices, which are from 100 per cent to 15,000 per cent greater than the foreign prices upon which the duties are levied?

In the case of the metropolitan press it is because their life-blood depends upon the revenue from their big advertisers, and their big advertisers depend for their prosperity upon the cheapness with which they can buy abroad and the high prices they can get in the American market from the American consumer.

A short time ago my colleague, the junior Senator from North Dakota [Mr. LADD] exposed the untruthful propaganda of the Washington correspondent of the New York Tribune that the tariff on hides would increase the cost of shoes $2 per pair. The New York Tribune published on its first page deliberate—because I can not conceive that they did not know better—misstatements of facts about the hide schedule and its effect upon the price of shoes. The junior Senator from North Dakota exposed and nailed these misstatements, but not one word of his reply appeared in the New York Tribune. Do the Senate or the American public need any greater proof than this that the New York newspapers are afraid to publish the truth when it hits their advertisers or their advertisers' interests?

Now, Mr. President, this is not true of the great majority of newspapers in the United States. This campaign of misrepresentation against the tariff is centered in the big cities, where the importers' advertisements dominate the newspapers. But the thousands of daily and weekly newspapers throughout the country whose prosperity depends upon American prosperity—the newspapers which serve and inform the great mass of Americans—are not thus influenced, as is evidenced by their impartial handling of tariff news and their fair editorials.

The great reservoir of democracy in this country lies in the small cities and on the farms. These people are not misled by the importers' propaganda. They know what it means. They understand the system by which the importing houses bring in foreign goods and sell at high prices in the big cities and dump the surplus into the mail-order houses. The farmers and merchants in the small towns of this country know that there is a gulf that separates the prosperity of their communities from the prosperity of those who can buy abroad in cheap money and sell in 100-cent dollars to the American consumer.

The little country merchant is compelled to buy much of his stock from these large importing stores. They sell to him for a small discount below the retail price. He gets no benefit from the cheap prices paid abroad, and if there be a surplus of these articles the country merchant finds that this surplus is being catalogued and sold in competition with him in his own territory; and if he would inform himself he would find that in many instances what are called seconds—defective products—are purchased, catalogued, and sold under his very nose.

Mr. President, I am not a pessimist; neither am I a blind optimist; but I would consider myself blind indeed if I failed to recognize any danger to our American industries, any danger to our national welfare, in the stupendous wealth and power of the great department stores of the country. We decry loudly the growth, development, and power of the gigantic industrial concerns of this country. But, Mr. President, these industries have employed, and still employ, American capital in America. These industries have given profitable employment to millions upon millions of American citizens. These industries have made America great and prosperous; but the great department stores have found of late years that they can double and treble their profits if they can purchase abroad, and so one department store can go abroad and purchase the entire year's output of a foreign factory. With their ready cash in millions they can drive a bargain more exacting than the most avaricious dreams of a Shylock. They are rapidly dispensing with the service of the old-time importer and saving the 33⅓ per cent commission and overhead charges of the importer.

The public has never yet received any corresponding benefits because of these cheap purchases abroad. The department-store importer has so far not attempted to drive out of business his little, tiny brother merchant in the large city, who must pay from 40 to 60 per cent more for his goods. He is not much of a competitor; and being compelled to sell his merchandise at a higher price because of higher costs, the department store is enabled to sell at the same price and thereby amass a mighty fortune because of the cheaper purchases.

I want to say to the great manufacturing industries of the country, those which are not specially favored like the iron and steel business, but those which must meet European and Asiatic conditions at a great disadvantage, "This is your battle for your life!" I want to say to every laborer employed by these industries, "This is your battle. Every dollars' worth of products purchased from abroad displaces about $3 worth of the like products of your labor."

With every metropolitan paper, the mouthpiece of the importer who buys its advertising pages, the very foundation of the temple of protection is being undermined by this insidious propaganda. Not only are they now using the press of the country but they are also using the movies to impress their falsehoods upon the public. They well know that, as a rule, it is not necessary to add a single penny to the selling price of the article imported and sold by them. They know that they could absorb the tariff many times over and still receive an unconscionable profit. They know that this tariff is not a tax upon the consumer, and that it is but a meager tax upon the importer.

Mr. President, after these importers began their propaganda work, I asked the services of the Treasury Department through the customs branch of that department to get at the actual cost of imported articles in general use—just what they were imported at. These same articles were purchased from the stores importing them and receipts taken for the purchase price. Every article was examined and identified by the customs appraisers; and I am going to present to the Senate and to the country, so far as I can, a partial view of the most astounding profits reaped by those who have organized themselves into a propaganda, and who are now seeking to strike to death the American industries, that they may continue to amass their mighty fortunes. I am going to take these articles just as they come to me.

This cuckoo clock, which seems to be in the way, I will take first and get it out of the way. I am not going to state here from whom the purchases were made, although I have the receipts; but the foreign cost of that clock was 94 cents, and it was purchased here at retail for $22.

Mr. WILLIAMS. How much?

Mr. McCUMBER. Twenty-two dollars. It cost 94 cents.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. I would rather go through with these articles, but if the Senator insists I will yield.

Mr. CARAWAY. I should just like to ask the Senator if he is going to give the names of those profiteers to the Attorney General, who was out hunting profiteers the other day?

Mr. McCUMBER. I do not know of any way in which the Attorney General can reach the retail store that imports for a few cents and sells for a big price.

Mr. CARAWAY. He was spending a lot of money looking up the American profiteer and the retail merchant, and I thought he knew some way to reach these people.

Mr. McCUMBER. All that the Attorney General will have to do will be to read the RECORD to-morrow morning.

Mr. CARAWAY. No; the Senator declines to give the names.

Mr. McCUMBER. I have the names of the parties here.

Mr. CARAWAY. Will the Senator turn them over to the Attorney General?

Mr. McCUMBER. Mr. President, let me say here that never in my life have I made any kind of an argument personal, and I do not desire to criticize this store or that one. I have the name of the store importing, and the receipt from that store; but that is not what I am trying to present here. I am endeavoring to show the immense profits and what the tariff means.

If the Senate will listen to me again, the foreign cost of that cuckoo clock was 94 cents. It is invoiced at that price. The retail price was $22. There was a spread of $21.06 on an article costing 94 cents. The percentage of spread was 2,240 per cent. The Senate duty upon that clock would be 50 per cent ad valorem, and taking the 50 per cent from the 2,240 per cent would still leave the importer 2,190 per cent to cover his overhead charges and the cost of landing and profit.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield.

Mr. WALSH of Montana. It seems obvious, then, that the evil must be reached in some other way than by the tariff.

Mr. McCUMBER. What I am trying to show here is not the matter of the tariff; I am trying to show that these importers, using the great press of the country to condemn this tariff, are reaping enormous benefits and do not want to pay into the Treasury a penny out of their profits. That is all I am trying to show.

Mr. WALSH of Montana. I should like to ask the Senator another question.

Mr. McCUMBER. I am going to ask, after I answer this question—I will answer this one—that I may be allowed to finish, as it will take some time. I yield to the Senator.

Mr. WALSH of Montana. I wanted to ask just the significance of these items as we go along. I wanted to inquire what is the extent of the importation of these cuckoo clocks, and what is the amount of production in this country?

Mr. McCUMBER. How many?

Mr. WALSH of Montana. Yes.

Mr. McCUMBER. Oh, I do not know. Of course, there are a great many here. You see them in practically every store. All I wanted to get at was the price.

Now, if Senators will allow me, I will go on with this.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. Yes; I will yield once more.

Mr. SIMMONS. The Senator said that clock was sold in America for $22.

Mr. McCUMBER. It can be bought for $22.

Mr. SIMMONS. Can the Senator tell me the price of a comparable clock produced in this country and sold in this market?

Mr. McCUMBER. I do not know. I am not interested in that in this connection. It may be that it costs an American $4, and it may be that it costs him $15; I do not know. I am not now seeking to decide what this particular duty would be, but to show that the duty is such that the importer can well pay it and still have left an enormous profit.

Mr. SIMMONS. I simply wanted to know whether the Senator meant to argue that the foreign article is sold in the American market at a higher price than the comparable domestic article.

Mr. McCUMBER. I do not know whether it is or not. I assume that if they can get an American article at a very much cheaper price than this it would sell in the place of this article, but I do not know. There is a general belief that an imported article is always better, and people will often pay a higher price for it. What I want to show is that, after paying the duty provided in this bill, the importer will still have 2,190 per cent to cover his overhead expenses and his profits.

Mr. SIMMONS. The Senator did not let me finish my inquiry——

Mr. McCUMBER. I wish the Senator would allow me to go on. I have asked him to do so as a matter of courtesy, and I hope he will.

Mr. SIMMONS. Of course, if the Senator does not wish me to finish the line of inquiry I was pursuing I will not do it.

Mr. McCUMBER. I have asked that. I would try to answer the inquiry but it takes time.

I have in my hand now a beautiful little article, not a pearl necklace, but I believe the stone is called the Tecla pearl.

It has a good name in the United States, and women pay a pretty good price for it. This identical Tecla pearl necklace was imported from France for $12.25. It was purchased at retail, I think from the importer, for $150. It cost $12.25; it sold for $150. I do not know whether they threw in the box or not.

There was a spread of $137.75. The percentage of spread was 1,124 per cent. The Senate committee duty upon that, coming in at that price, would have been 60 per cent. In other words, the man who imported that article for $12.25 and sold it for $150, would have been compelled to pay into the Treasury of the United States the enormous sum of $7.35, and because we would exact that sum of him he wants to destroy this vicious bill. But that left a balance, after paying 60 per cent, of 1,064 per cent for the importer to live on.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I ask the Senator if he will not let me finish without further interruption.

The PRESIDING OFFICER. The Chair understands that the Senator declines to yield.

Mr. McCUMBER. I have asked that three or four times.

Mr. JONES of New Mexico. I understand; but it was a very modest question I wanted to ask.

Mr. McCUMBER. However, the Senator is always so pleading that I am going to listen to him.

Mr. JONES of New Mexico. I just want to ask if the Senator has the names of the purchasers of those articles?

Mr. McCUMBER. Oh, yes.

Mr. JONES of New Mexico. Would he mind giving them to the Senate?

Mr. McCUMBER. I do not desire to do that. If any Senator desires he can get the name of the party who made the purchase, the store from which it was purchased, the invoice, and the receipt, so that he can get all the facts in connection with the matter; but there is no use bringing in the names of stores, and importers, and so on, except to say that we have carefully guarded against any possible mistake.

I will take these samples as they lie here before me. Here is an article the duty on which we discussed a short time ago. Here are a half dozen tableknives, the ordinary kitchen tableware, with solid handles. Senators think it is imposing upon the housewife when we put a duty upon these articles; but let us see whether the importer imposes upon her in any way.

The cost of each of these is 2.75 cents. The retail price is 30 cents each. The spread is 27¼ cents. The profit is 991 per cent. The spread would be 752 per cent. That would give a balance of 239 per cent. The duty on this is 45 per cent ad valorem.

I have here a barber's clipper, used in all the barber shops of the country. We place a duty upon it. According to the invoice we have, this article was imported for 13 cents. It retails at 85 cents. That leaves a profit of 554 per cent. The duty is 20 cents each and 32 per cent ad valorem, and still the importer would have a profit after paying all duties of 350 per cent.

Another article is linen napkins. These have yet to be cut apart. The foreign cost was $12.20 per dozen. They are retailed at $65 per dozen. It is good linen, and the napkins retail at $65 per dozen upon a cost of $12.20 per dozen. That leaves a spread of $52.80 a dozen. The percentage of spread is 432 per cent. The Senate duty is 50 per cent ad valorem, which would still leave after paying the little 50 per cent ad valorem 382 per cent for profit and overhead charges.

This is an ordinary globe, which we use for electric lights, an electric-light bulb, I presume, of the quality used in our homes. The foreign cost of that is 5.3 cents. The retail price is 30 cents. The spread, therefore, is about 25 cents, and that leaves a spread for profit of 477 per cent. The Senate duty is 45 per cent ad valorem, which would still leave the importer 432 per cent profit to cover his overhead expenses.

Those people who are calling for an excess-profits tax I would ask, Is not this profit sufficiently excessive to merit your serious consideration?

Here is a little watch, silver backed, I think. I do not know whether it is bought by the gross or by the piece. The foreign cost is a dollar, and it is retailed in this country for $9.45. The spread, therefore, is $8.45, and the profit, of course, would be 845 per cent. The Senate duty on that is high, 130 per cent. But after taking the 130 per cent from 845 per cent we are still leaving the importer 715 per cent, and that ought to satisfy him.

Here is a pair of lady's gloves. If we go to Chicago and New York we would find in all the large retail stores ladies taking signatures of other ladies to protest against the awful imposition upon American women of a tariff upon these kid gloves. The foreign cost of this pair of kid gloves was 27½ cents. It seems to be a good pair of gloves. The retail price is $2. There is a spread of $1.72, or 627 per cent profit. I would be pleased to have the lady who takes the names of these women who are protesting present to those women a statement of the profit made by these stores, which import an article for 27½ cents and charge them $2.

Mr. CALDER. What is the duty on them?

Mr. McCUMBER. The duty is 70 per cent, and that still leaves them 55 per cent profit.

Mr. TOWNSEND. It is 70 per cent on the importing price.

Mr. McCUMBER. Yes; 70 per cent on the importing price, of course.

Mr. CALDER. That is a duty of only 14 cents.

Mr. McCUMBER. We had considerable talk the other day about the imposition of this tariff duty upon the poor women who have to buy shears and scissors, and I confess that it was very touching; but here is something that will touch the pocketbook, and should, I think, carry as much weight as the arguments that were made at that time.

Here is a pair of shears that cost 15 cents abroad. I think it is good steel, but the price is 15 cents. That same pair of shears is retailed for $2.65. The spread is $2.50. The percentage of profit is 1,667 per cent. Let me ask those who are watching over the new-made grave and say that we lay the heavy hand of taxation upon the weeping widow and the sobbing child, does not this living profiteer, this man who makes 1,667 per cent, this daily profiteer who turns these shears over many times in the course of a year, present to you any field for a portion of a little revenue for the Government of the United States? The duty upon these shears is 20 cents a pair and 45 per cent ad valorem, and after deducting that duty we would still leave the importer 1,489 per cent profit.

Now, I have here a razor. This is not a cheap razor. I think this is a very good razor, one that sells for a good price, made of manganese steel. This razor was imported at a cost of 21 cents and it is a good razor. No one claims anything to the contrary. This razor which costs 21 cents was sold for $5 over the counter. There was a spread of $4.79. The duty upon it is 35 cents each and 15 per cent ad valorem. The spread is 2,281 per cent, and after taking off the duty the importer still has a profit of 2,064 per cent.

Mr. President, the Representative of the people who votes for every appropriation to spend money and against every tax to raise money, I know, may become very popular. I think he often is. But after all he is not a very useful Representative. We are appropriating about $4,000,000,000 per year. We must raise the money to meet these appropriations. We must do it in the way that will least disturb the great business of the country and will be the least burdensome upon the people. Now, remembering that the money must be raised somewhere, can anyone imagine a shoulder better fitted to bear a little portion of this mighty burden than that of the importer who, after paying the duty, has 2,064 per cent to spare?

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. I can not yield. I have a number of other articles here to present.

Mr. President, here is a very interesting article. Married men know what it is. It is a curling iron. That was imported and I presume it was sold by the importer, who is the retailer, at what he considered to be a very low price. It was imported for 9.6 cents and it was sold for $1.39. That left a spread of $1.294. That in percentage was 1,348 per cent. The Senate committee duty upon that article is 40 per cent ad valorem, and that after deducting the duty leaves a balance of 1,308 per cent to cover overhead charges and profit.

We have here a thermos bottle, imported. I do not know whether it is good or bad. I know we used to have to pay during war times $5 or $6 for these bottles, but I understand the price has come down somewhat. At any rate, this thermos bottle passed the customhouse at New York for 10 cents. It retailed for 75 cents, and that is the most reasonable spread that I have seen. The spread is 65 cents. The spread in percentage is 650 per cent. The Senate committee duty is 20 cents each and 50 per cent ad valorem. That would leave a balance of 450 per cent after paying all the duties to cover the overhead expense of the importer and his profit.

Of course it will be understood that these articles were imported under the general law, but I have not given the rates under the present law. I am simply taking what it costs in the foreign country and then considering what profit there would still be left after the duty had been paid which we

propose in the pending bill. This would give them, as I said, 406 per cent on which to do business. That is not turned over once in the year for 406 per cent. It means that much on every turnover, and probably the capital is turned over a great many times in the course of a year.

Here is an English-made straw hat. They always make good articles there. This is a nobby little hat. It came in at the invoice price of 69 cents. It was purchased here for $4. The spread, therefore, was $3.31, but bear in mind it cost 69 cents and was sold for $4. The spread in percentage is 479 per cent. The party importing that hat would have to pay 50 per cent ad valorem. Of course that would be 50 per cent of 69 cents, and that would still leave a balance of 429 per cent on which to do business.

Here is another very ordinary article. It is what I would call a lady's workbasket. It has the usual assortment of little articles inside. The foreign cost was $1.29. It was purchased from the importer at $7.54. That left a spread of $6.28, and in percentage the spread was 498 per cent. The Senate committee duty is 50 per cent ad valorem, and that would leave the importer 448 per cent out of which to pay his overhead expenses and profit.

Here is a cane, a good cane, I think. It cost 16.8 cents. It is a good cane, although it cost only 16.8 cents. The New York gentleman who bought it paid $1.50 for that cane which cost 16 cents. That left $1.33 profit, or 792 per cent profit. The Senate committee would compel the importer to disgorge the awful sum of 40 per cent ad valorem, leaving him only 752 per cent, and he thinks he is imposed upon, and so he organizes this propaganda and calls upon the great press through which he advertises to destroy every American industry that he may have special benefits.

Here is one of the carving sets we were discussing the other day. I think it is a first-class set, with staghorn handles. I know it is first class because it cost $1.86 abroad. It was imported as such. The retail price was $15, which was paid for this set. That left $13.14 profit. That meant a spread of 706 per cent. The Senate committee rate of duty is equivalent to 77 per cent ad valorem, which would give the importer a profit of 629 per cent after having paid the duty. I really believe he could still do business with that kind of a profit, and I further believe that he is not justified in organizing this mighty propaganda to protect him in his enormous profits from paying a little, a very small percentage of it, to take care of the amounts which we must appropriate so frequently in the Senate of the United States.

Here [exhibiting] is a very fine jackknife, an imported knife. While I think it contains but two or three blades and appliances, it is supposed to be the very best which is made. That jackknife came through our customs at a cost of 57 cents and 7 mills. It has a little gold stamp upon it. Bear in mind the price—57 cents 7 mills. It was purchased from the gentleman who imported it for $8.40. That gave a spread of $7.823, or a difference of 1,356 per cent.

Senators will remember that when we had the knife item before us we imposed upon knives what appeared to be an enormous rate of duty, and which undoubtedly is larger than any of the other duties in the schedule; we imposed upon such a knife as this a duty of 40 cents and 60 per cent ad valorem; but after paying that duty the seller would still have a balance of 1,127 per cent profit.

Mr. President, I have here [exhibiting] a very beautiful plate. This comes in by the piece. It is finely decorated and would be pleasing to the eye of any lady. It is a good plate. It came in at a price of 19 cents; but it was sold by the retailer at 98 cents. That left 79 cents profit and gave the retailer a profit of 411 per cent. The rate of duty in the Senate committee bill is 70 per cent ad valorem, which would still leave the retailer 341 per cent profit on which to do business. I again submit that I believe the retailer can do business upon that profit, and still pay this little sum to help pay the expenses of the American Government.

I do not know what this (exhibiting) is now called, but when I was a boy we would have called it a flapjack turner. I presume it goes under some more euphonious name at the present time, but anyway, it is used in the kitchen. I think it is made of aluminum, a subject which we discussed here some days ago. That article came in for 4 cents and 1 mill, but it retails for 16 cents. That gives a profit of 11.9 cents, or 285 per cent. The duty proposed by the Senate committee is 15 cents a pound and 60 per cent ad valorem, which, figured out, gives an equivalent of 71 per cent. That leaves a balance on which to do business of 214 per cent. That, I believe, Mr. President, is the least percentage we have found in this list.

Here [exhibiting] is another article on which there is not so much profit made, but it is a beautiful article. It is made by the cheap labor of Czechoslovakia. It is a very beautiful wool blanket, probably one of the most expensive makes. That came in at considerable valuation, its cost being $19.40 at the customhouse, but it was retailed here for $65. That gave a profit of $45.60, or a spread of 275 per cent. In the bill as reported by the Senate committee the duty is 40 cents a pound and 40 per cent ad valorem, and reduced to an equivalent ad valorem it would be 46 per cent. After deducting the 46 per cent the importer would still have 189 per cent profit on which to do business.

Here [exhibiting] is another article, the delight of many a man. It is a briar pipe, undoubtedly one of the best made. It comes in at a big price. It is a fancy article.

Mr. STERLING. Where is it made?

Mr. McCUMBER. It is made in England. It comes in at a cost of $4.32.

Mr. WILLIS. It is too much.

Mr. McCUMBER. I know it is too much, but the dude who bought it paid $25 for the same article. That also is too much. That made a spread of $20.68 or 479 per cent profit. In the bill as reported by the committee the duty upon that briar pipe is 60 per cent ad valorem; and after paying that 60 per cent ad valorem there would still be left a profit of 419 per cent. How many times it is turned over, I am not prepared to say.

Mr. President, I shall finish up with this little article [exhibiting] which is now used, I think, in practically every American home where there is electric lighting. It is an ordinary electric smoothing iron or flatiron. Ladies know what price they pay here for it; but it came into this country—and it is a good iron; it is not a cheap article—for 59 cents, as the invoice shows, and the duty was paid upon 59 cents. It retailed for $5.50. So the spread between the invoice price and the retail price was $4.91, which left the poor importer only 832 per cent to cover his profit and overhead expenses. The duty as reported by the Senate committee upon that article is 50 per cent ad valorem and 10 cents per pound, I think; at any rate, it amounts in all to 60 per cent ad valorem, and it will still leave the seller 772 per cent profit.

Mr. President, the argument I have been making has not been made to justify any particular line of prices; it has been made solely to answer the propaganda of the press against the pending tariff bill, which propaganda is conducted by the press simply at the behest and because of the influence of the great importing houses of the country. There is not a single duty imposed by the pending bill but could be paid many times over by the importer without adding one penny to the sale price of the article to the American public and still allow a fairly good profit.

I repeat, we have got to raise money to run this Government; we can not run it on wind. So long as we vote appropriations we have got to impose some kind of a tax on some one to provide every dollar of our appropriations. After Senators consider this list let me ask, in all fairness and justice, do they know of any place on earth where we could levy a tax with less injustice than upon the enormous profits made by the importers?

Mr. UNDERWOOD. Mr. President, I have listened with great interest to the new argument that comes from the protection camp. In all my experience in Congress this is the first time that I ever heard an argument to sustain the principle of protection made on such a basis as that advanced by the Senator from North Dakota.

I wish to review for a moment the position which the chairman of the Finance Committee has taken. He comes before the Senate not to attack his opponents upon this side of the Chamber; not to attack those who believe in a theory of levying taxes at the customhouse, which differs from his theory, but to bring an indictment against the press of the country; not the Democratic press, but the Republican press of the United States, charging them with a venal offense; that notwithstanding their papers have maintained the principles of the Republican Party, notwithstanding they have stood in the past for the principle of protection as advocated and maintained by the Republican Party, they have sold their columns—yes, more, that they have sold their editorial columns—for the price of advertisements from the great department stores of the metropolitan cities; that they have become venal and corrupt, abandoned the principles they have advocated in the past, and abandoned the principles of the party to which they have held allegiance in the past, because through their advertising columns their editorial columns have been purchased by the profits of the great department stores of America.

Mr. President, that is a most remarkable argument, a most remarkable position for the leader of the Republican Party on the floor of the Senate to take against the press of his own party, and yet that is all there is in the argument. That is the basis of the argument. That is the purpose of the speech to which we have just listened—an indictment of the Republican press of the country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I do.

Mr. NORRIS. I should like to ask the Senator from Alabama if this wonderful address of the Senator from North Dakota—and I think it is wonderful—had been made at the time the Senate had before it the bill repealing the excess-profits tax, whether in his judgment it would have been deemed then a sufficient reason for the defeat of the bill repealing the excess-profits tax?

Mr. UNDERWOOD. If that represented the profits of the country, undoubtedly; but I hardly think the Senate would have tried all the people of the United States on the indictment that the Senator from North Dakota brings against the department stores. I rather think, as has been suggested in debate, that if this remarkable statement to which we have just listened is true, it is a question for the Department of Justice rather than for excise tax or customs tax. I am sorry that the Senator has not put into the RECORD the names of those who would profiteer on the American people, as he gives us his word as a Senator that some firms have done. The best indictment that could be brought against them would be to have their names published in the CONGRESSIONAL RECORD and let the scorn of public opinion produce the result, not in the interest of increased cost but in the interest of the American people, by letting them know the fact of profiteering, if it is a fact, as asserted by the Senator from North Dakota.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. UNDERWOOD. I yield.

Mr. CARAWAY. I simply want to call attention to the fact that on October 6 of last year the Senator from North Dakota contended in a speech, as appears on page 6078 of the RECORD, that the big concerns paid no excess-profits tax; that they were not making over 8 per cent; and now he stands here and indicts them for making 2,000 and 2,500 per cent. In other words, when he wanted to relieve them of taxes he said they did not make over 8 per cent, and now, when he wants to indict the Republican papers for telling the truth about his tariff bill, the same Senator, on the same floor, standing at the same desk, says that these concerns that he then said were making only 8 per cent were making 2,500 per cent. I should like to have him tell the North Dakota farmers who have gone into bankruptcy just how it was that when you wanted to relieve a concern of an excess-profits tax it was not making more than 8 per cent, but when you want to load an additional tax upon the consumers the importers are making 2,500 per cent.

Mr. UNDERWOOD. As the Senator from Arkansas says, the position the Senator from North Dakota has taken this afternoon is truly a reversal of form.

Mr. President, I was very much impressed by the opening remarks of the Senator from North Dakota. In his appeal to the country, in his appeal to the protectionists of the United States, he said that he wanted the great manufacturing industries of America to understand that this was their fight, not his fight; that this was their fight, not the fight of the Republican Party. He wanted the labor of the United States to understand that this was their fight, not his fight; that this was labor's fight, not the fight of the Republican Party. And yet what is the inevitable conclusion, if his statement is true and truly represents conditions in his bill? And I do not say that it is true, Mr. President. I know—and I do not charge it against the Senator from North Dakota—that there is a fake proposition in this statement. We are not given the name of the man who investigated the cost at the customhouse, nor are we given the name of the firm that sold to the purchaser these articles; but I want to try this case on the Senator's own theory.

The Senator appeals to the manufacturing interests of the United States and to labor in the United States on the ground that this is their fight. And then what does he prove, if his statements are correct in this matter? He first shows us a cuckoo clock, of which he says the cost abroad, the importing price, was 94 cents, and that it was sold in New York for $22, making a profit, so the Senator asserts, of 2,240 per cent—2,240 per cent on this cuckoo clock—and he says that he is going to protect the American manufacturer and American labor against a profit of 2,240 per cent by levying a duty of 50 per cent, which would leave a profit in excess of what he proposes to levy, if his story is correct, of 2,190 per cent.

If this Republican bill is not a fake, not a fraud, not a pretense against the American people, and the story of the leader of the Republican Party to which we have just listened is true, what appeal have you got left for the American manufacturer of clocks in the United States when you prove, according to the exhibits you bring before the Senate, that there is a profit to the importer of 2,240 per cent, and you attempt to protect the domestic industry with a 50 per cent duty—a 50 per cent duty—and appeal to labor on the ground that this is their fight? If that is true, Mr. President, the Senator from North Dakota and his committee are perpetrating a fraud on labor.

Let me say incidentally, however, that the annual production of clocks in the United States amounts to something like $230,000,000, and that the greatest importation of clocks during the last two or three years amounts to about $500,000, and that we are exporting in the neighborhood of $4,800,000 worth of clocks to foreign markets in competition with the world. With a manufacture of clocks in the United States of $233,000,000 and imports of about half a million dollars, the total imports are only a little over two-tenths of 1 per cent, and yet, Mr. President, the Senator from North Dakota has come before the Senate and the country giving an exhibit of what is typical in the competition of the clock industry in foreign countries with that of the home manufacturers, and contends that there is an opportunity to make a profit of over 2,200 per cent.

Why, Mr. President, if that opportunity lay here in the business, if there is no catch in this matter, if this is an honest presentation of the real difference in the cost of production abroad and production at home, are not the American people sufficiently informed to know that if there were a profit of 2,200 per cent in favor of the importation of clocks from abroad the American market would be flooded with foreign clocks instead of the amount of imports coming in being only about two-tenths of 1 per cent?

Mr. SIMMONS. Mr. President, I hope the Senator will not forget that the argument advanced from the beginning in support of the rates in this bill was that the American producer was being threatened with destruction on account of the low prices of foreign products and not on account of the high prices of foreign products.

Mr. UNDERWOOD. As sold in America, undoubtedly. But, Mr. President, the Senator said when he started out that he had taken the officers of the Treasury Department into his confidence and ordered them to find these facts; that he wanted to show how much profit these horrible department stores were making; and now I suppose these gentlemen, having been ordered by the highest authority in the Republican Party to go out and make a case, picked the cheapest clock they could find for importation and bought it at the store where they found that it was sold for the highest price.

Of course, I do not really expect the American public to believe that the illustrations made by the Senator are typical of American purchases abroad and American sales at home.

The Senator has exhibited a number of very attractive articles. I shall not refer to them at all. He shows us a pair of gloves, the import price of which he says is 27 cents, and he states that they retail for $2. He says himself that that gives a retail profit of 627 per cent, and he is levying a duty of only 70 per cent on them.

I have in the past gone to Gloversville, N. Y., to speak. The Senator has appealed to the labor of the country, and I suppose that was intended as an appeal to the labor of Gloversville, where a large portion of the profits growing out of these increased taxes will ultimately land; but I want to know how much of an appeal can come from the Republican Party as to protection of American labor, when the chairman of the Finance Committee stands on this floor and, speaking of an article of common use, such as gloves, says that there is a profit to the importer in this country of 627 per cent, and he is giving a protection of only 70 per cent. How does such an argument appeal to labor? You say you are going to protect American labor against foreign importations, and then you show that on a simple pair of kid gloves the profit to the importer is 627 per cent.

Mr. CALDER. Will the Senator yield?

Mr. UNDERWOOD. Certainly.

Mr. CALDER. If I calculate the duty correctly, the duty under the Underwood Act on this pair of gloves is something like 21 cents, while the 70 per cent provided in this bill would be only 18 cents.

Mr. UNDERWOOD. I am not talking about how much it is; I am talking about the figures the Senator from North Dakota gave. The Senator from New York need not try to convince me that the chairman of the Finance Committee has been wrong in his side show this afternoon. I am sure of that myself. I agree with the Senator about that. I am simply carrying the argument of the Senator from North Dakota to its final conclusions on his own basis. I know perfectly well that his figures are not correct. I know it just as well as does the Senator from New York.

Mr. McCUMBER. May I ask the Senator what figures are not correct? I am not in the habit of presenting fictitious figures.

Mr. UNDERWOOD. I say that these figures are not representative of the imports which come into America; that these are selected articles, which do not reflect the general conditions of the trade. That is what I mean.

Mr. McCUMBER. Let me say to the Senator that that is an entirely different matter from stating that I presented figures which were not correct.

Mr. UNDERWOOD. I hope the Senator will allow me to proceed; I did not interrupt him.

Mr. McCUMBER. I have known the Senator too long to believe that he wanted to make a statement that was incorrect, and I thought he would yield to have it corrected.

Mr. UNDERWOOD. Certainly; but let me correct it first. I said some 15 minutes ago that I knew these things were not correct, but I discharged the Senator from North Dakota of any misrepresentation in reference to the matter. The Senator knows perfectly well that I am not making any personal charge against him. I know that these men whom he sent out to get these figures reported to him just as he has read them to the Senate. I do not question that.

Mr. McCUMBER. I think the Senator does not understand how they were obtained.

Mr. UNDERWOOD. Oh, yes; I listened to the Senator, and I know how they were obtained.

Mr. McCUMBER. The Senator assumes something that is entirely wrong, but if he does not desire to have it corrected of course I will not do it now.

Mr. UNDERWOOD. I know perfectly well that the Senator has truthfully stated the facts as they were brought to him, but I know just as well that if his committee believed that there was a profit of 627 per cent to the retail importer of gloves they would not bring in a protective tariff of 70 per cent and say that that protected American industry. The Senator knows, as well as I do, that that particular pair of gloves is not representative of the general line of imports which come into the United States. He knows I mean that, and he knows that is true. If I was discourteous to the Senator a moment ago, I ask him to forgive me; I did not intend to be so.

Mr. McCUMBER. I simply wanted the Senator to understand the basis on which these figures were obtained. I believe the Senator thinks we first went to the customs officers. That is not the way it was done. The goods were first purchased. I do not think somebody was looking for a special bargain; I never heard of that. The goods were purchased, and then identified by the customs appraisers. So there could be no question about it.

Mr. UNDERWOOD. I understand that. These men were sent out to find an indictment against the department stores, they brought the indictment to the table of the Senator from North Dakota, and he has presented it here; but I know that this is not a representative article, and I will tell the Senator why I know it. I will not call the name of the principal witness who appeared before his committee in reference to gloves, a very able gentleman, a very distinguished gentleman. I had the pleasure of serving with him in the House of Representatives for many years.

I have heard him testify before the Ways and Means Committee of the House, and he is the leader in the manufacture of gloves in the United States. He did not represent in his testimony before the committee that there was any such difference in profits between the imported glove and the domestic article as 627 per cent, and he is content with the tax the Senator from North Dakota has given him in this bill of 70 per cent, because the Senator from North Dakota gave him the tax he asked for. I know, when that is the case, the performance this evening does not represent truly American import conditions, and I am sure the Senator from North Dakota will not contend that it does.

Let us go on a little further. The Senator showed us a pair of shears, on which he said the retail profit was 1,667 per cent, with a duty of 20 cents a pair and 45 per cent ad valorem added, making a total duty as levied in the bill the Senator has before the Senate of 178 per cent. In other words, if his statement is correct and the import price of this pair of shears, reflected into the profits of the seller in New York, amounts to 1,667 per cent, and the Senator gives a duty of 178 per cent to offset that, where is the American manufacturer of shears, how is American labor taken care of, if the statement of the Senator from North Dakota represents the true conditions in that line, when he proposes to leave to the importer a profit of 1,189 per cent, as he said he would?

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I do.

Mr. EDGE. The Senator will certainly admit, however, that the increased duty proposed in the pending bill does come that much nearer protection than the duty under the Underwood law.

Mr. UNDERWOOD. Of course, if the story were true——

Mr. EDGE. And the pending bill likewise provides for certain discretionary powers on the part of the Chief Executive when these great differences occur.

Mr. UNDERWOOD. The Senator met my argument before I got to it. He reached the conclusion before I could; but I am glad the distinguished Senator from New Jersey admits what we are coming to, and I shall speak to that in a minute. I am glad he confesses on the record what this bill will do to the American people, if the story told by the Senator from North Dakota this afternoon is correct.

Mr. EDGE. Mr. President, I cheerfully admit, with great satisfaction and pleasure, if the Senator will yield for a moment, that the proposal in the pending bill, from my viewpoint, at least, provides the only possible method through which we can scientifically reach the tremendous differences which now exist between the cost of production abroad and the cost of production here, and if under the law which bears the name of the distinguished Senator from Alabama importers can make such tremendous profits, certainly under the pending bill, if it becomes a law, those profits will be substantially reduced.

Mr. UNDERWOOD. I thank the Senator for this testimony. Now, just allow me to mention a few more items, and we will go to that point.

Mr. POMERENE. May I suggest to the Senator that if these extraordinary profits could be made in the way which has been related to us to-day, the imports into this country would have been very largely in excess of what they in fact have been.

Mr. UNDERWOOD. Of course, that is true; but I am not testifying for the Senator from North Dakota. I am not accepting his conclusions. In fact, I am sure he is entirely wrong. But we are trying the case now on the testimony that has been laid before the court this afternoon, and that is all I am trying to work out.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I would like to test the importance of these figures by referring to the matter of production and imports of a few of the items. I will refer to just one, because I do not want to take the time of the Senator.

Electric-light bulbs are included in the articles with reference to which the importers are making such enormous profits. I find that of electric-light bulbs in 1919 we produced $59,372,000 worth. We imported in 1920 less than $500,000 worth, and in 1921 we imported less than one-half of that amount—not to exceed $250,000 worth—while we exported $4,000,000 worth.

Mr. UNDERWOOD. Of course, the statement of the Senator from Montana demonstrates beyond question that if these enormous profits were a fact and not a theory, the American market would have been overflowed with electric-light bulbs, whereas the imports were negligible.

Let us take the question of the razor, which the Senator said was a really good razor. I do not know whether the shears were good or not, but he said the razor is a good one. He said the import price was 21 cents, and that it sold for $5. He stated that the duty levied in this bill was 30 cents and 35 per cent ad valorem, which left a profit to the importer of 1,500 per cent above the protection levied in the bill.

The Senator exhibited a thermos bottle, about a 30-cent bottle. I will not go into that, because anybody who looked at the bottle saw conclusively that it was made out of paper and would not last long.

Let us take up the question of the hat the Senator showed—a very good-looking hat. I do not know how it would wear, but it looked all right across the Chamber. He said that it was imported at 69 cents and that the retail price was $4, leaving a profit to the importer of $3.31, or 479 per cent, against which

the Senator proposed to protect American manufacturers and American labor by levying a tax of 50 per cent.

Now, just think of it! The Senator from North Dakota carries the flag of protection. He stands here the embodiment of all that the protection system means, and yet he comes on the floor of the Senate and confesses that he has evidence to show that to the importers of straw hats there is a profit of 479 per cent, and he is going to protect these people against the pauper labor of Europe by levying a 50 per cent tax. Is it not just awful, Mr. President, to think how the Senator from North Dakota has surrendered the great trust which has been imposed upon him to protect the American laborer against the pauper labor of Europe, and given to the importer of goods made by pauper labor an advantage of 479 per cent over the American-made article. Why, Mr. President, it is outrageous to think of it from a protection standpoint.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. GOODING. Of course, the Sentaor understands that there are provisions in the bill by which the President can put on the American valuation an increase of duties to the extent of 50 per cent. In such cases as these, may I ask the Senator, should not the President put on the American valuation and protect American industry? And is not that the purpose of that provision of the bill?

Mr. UNDERWOOD. I will ask the Senator, instead of answering his question, whether he thinks the President in a case like this ought to do that?

Mr. GOODING. Most assuredly I think he should. If I had my way I would have the American valuation in the bill to start with, and I would protect without bothering the President at all. Again, I will say to the Senator that if we had the American-valuation plan the imports, which show up now as negligible or nothing at all, would be very high of these particular articles from the foreign countries.

Mr. UNDERWOOD. The Senator is a real protectionist.

Mr. GOODING. Yes; I am.

Mr. UNDERWOOD. He believes in that principle——

Mr. GOODING. All the way through.

Mr. UNDERWOOD. And he is not afraid to say so. That is the man I like to see, the man who when he has a principle stands for it. I thank the Senator for his testimony in this matter, because that is what I am coming to. I wanted some sustaining testimony. I have already had the testimony of the Senator from New Jersey [Mr. EDGE] and now I have testimony from a real protectionist, whose protectionism nobody can doubt.

Mr. GOODING. I will say to the Senator from Alabama that if it were not for the provision in the bill which gives the President the right to put on the American valuation all he says would be true, but the fact that it is there causes his argument to fall to the ground. That is why the provision is in the bill. Again let me say to the Senator that there will be no trouble about the names of these importing department stores before we get through with this debate. This is only a part of the show.

Mr. UNDERWOOD. I thank the Senator for his testimony. My recollection is that the Senator said the other day that agriculture in this bill was protected at an average rate of 21 per cent. Am I correct about that?

Mr. GOODING. Yes; 21½ per cent.

Mr. UNDERWOOD. Twenty-one and one-half per cent.

Mr. GOODING. And I also stated that the Underwood-Simmons law gave the manufacturers of the country a protection of 24½ per cent, and on some of the articles shown this afternoon the Underwood-Simmons law gave a duty of 60 per cent and 55 per cent.

Mr. UNDERWOOD. I thank the Senator for testifying to the reasonableness of the rates in the existing law.

Mr. GOODING. I ask the Senator when he is going to take up the schedule of rates that he has put on the manufacturers, and let them down?

Mr. UNDERWOOD. I thank the Senator for calling my attention to the very moderate rates in the present law compared to where he wants to put them. But let me finish my canvass of the illustrations we had this afternoon, and then I shall not detain the Senate very much longer, because I want to point out a conclusion.

We were shown a very beautiful carving set, of which the Senator from North Dakota said the import price was $1.80, and that it was sold by the importer at $15, leaving him a profit of $13.14, or a spread of 706 per cent. The Senator from North Dakota says that he intends to protect the American manufacturer and American laborer against that 706 per cent of profit of the importer by a duty of 77 per cent. Just think of it. With a profit on carving sets to the importer of 706 per cent, the Senator is going to do his duty by a protective tariff to the American laborer by levying a tax of 77 per cent.

On a jackknife which cost 5.73 cents and which sold for $8.40 by the importer, the importer got a spread or a percentage profit of 1,357 per cent. The Senator from North Dakota protests against that enormous profit by levying a duty of 40 cents and 60 per cent ad valorem, or 229 per cent. Then he carried us into the household as to plates and showed us a plate that cost 19 cents and sold for 98 cents, and he said that was one of the lowest percentages that the importer got out of these articles. In that case the importer got 411 per cent, and the Senator is levying a duty of only 70 per cent against those articles to protect against the importer's profit of 411 per cent.

Now, Mr. President, the Senator from North Dakota is either wrong or right about the proposition that these enormous profits are being made. These specfic figures are not the only protection that he gives in the bill. The Senator from New Jersey and the Senator from Idaho anticipated what I was leading to. The Senator from North Dakota and his committee have placed a provision in the administrative features of the bill authorizing the President of the United States to ascertain the difference in competitive value—I am not useing the exact language, but that is the meaning of it—which I will interpret to be the difference in cost value, and then to increase the tax as much as 50 per cent. So if the articles which the Senator from North Dakota has brought before the Senate are truly illustrative of import conditions in the United States the American public can take it from the argument of the Senator from North Dakota that the taxes which are going to be levied against them on imported articles are not going to be what are stated in the bill, but that under the administrative provisions of the bill the President of the United States will be compelled to increase by 50 per cent each tax that is levied. In other words, to the tax on jackknives, which now is 229 per cent, the President will be compelled to add 114½ per cent more to the tax carried in the bill.

So the American people, in estimating the kind of a bill under which they are going to be taxed, must at least increase this class of taxes 50 per cent above what they are to-day proposed to be made. The Senator from Idaho and the Senator from New Jersey agree with me that that is the condition which we must face. If that is so, and these enormous profits have been made, I think the Senator from North Dakota was very modest in his inroads on the pocketbooks of the American people when he limited the power of the President to increase the tax by Executive order to not more than 50 per cent.

Now, to come right down to the question, this exhibit is nothing new to me. I have seen the same kind of an exhibit made before the taxing committee of the House. It has been brought before the taxing committee of the House on almost every tariff bill that has been written in recent years. It is the old form in which the protected monopoly proceeds to make its argument. Of course, there are department stores which are making enormous profits on certain articles and which also sell other articles at very reasonable prices. It would not be difficult for anyone who would take the time and the energy to follow through some particular article of import that can be palmed off on the American people who do not know and show an enormous difference in cost.

This form of exhibit is nothing of to-day or of this hour or of this year. It was done repeatedly before the Ways and Means Committee of the House when I was a member of that committee. I have had men come to my office and make this same kind of an exhibit with the same class of articles as displayed in the show we have had before the Senate this afternoon. I have no doubt, as to the particular articles which were brought before me or which the chairman of the Finance Committee brings before us this afternoon, that they can prove the fact. But they do not represent American industry; they do not represent general conditions abroad nor general conditions at home. It is just one of these side-show plays that do not represent the actual conditions.

There are two things which prove that my statement is absolutely true. First, in all these lines the American market has not been flooded by this class of imports, which flood undoubtedly would take place if it were so profitable to bring them in. Second, because the representatives of the great manufacturers of America come before the committees time after time asking protection, and they always ask for more than they expect to get. They ask the limit and never ask any rates approximating what the exhibit of the Senator from

North Dakota this afternoon would indicate were the profits of the importer. In truth and in conclusion let me say——

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. If that exhibition and exhibit—I refer to both—represents the real difference in cost of manufacture abroad and in the United States, then in order to protect the American industry against extinction by the importation of foreign-made goods we would have to raise the cost of living on an average about 2,000 per cent, would we not?

Mr. UNDERWOOD. Undoubtedly.

Mr. CARAWAY. On a pair of shoes, for instance, that cost $10 now, the price would have to go to $200, if that is true.

Mr. LENROOT. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. If it is true that the importers are exacting these enormous profits, how would the imposition of such a duty raise the cost of living?

Mr. UNDERWOOD. Mr. President——

Mr. CARAWAY. May I answer that question, Mr. President.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. UNDERWOOD. I yield.

Mr. CARAWAY. I merely wish to suggest that if the tariff does not raise the price of the article, it does not protect anybody. If a thousand per cent duty be placed on an article of American make and the seller should be forced to sell it at the same price for which he was previously selling it, he would get no benefit of protection, would he?

Mr. UNDERWOOD. No.

Mr. CARAWAY. Of course he would not, and the Senator from Wisconsin [Mr. LENROOT] knows that.

Mr. UNDERWOOD. The Senator from Wisconsin read the statement of the Senator from Arkansas backward. The Senator from Arkansas said that if such a condition existed—of course it does not exist; the Senator from Wisconsin knows it does not exist, and I know it does not exist——

Mr. CARAWAY. Everybody knows it does not exist.

Mr. UNDERWOOD. But that if it did exist, and the American manufacturer was threatened with that kind of competition, and we had to raise the rates of duty to equalize the difference, it would make a pair of shoes cost $200; that that would be the case under such circumstances; but, of course, the circumstances do not exist.

Mr. President, I did not intend this afternoon to be harshly critical. I challenged the statement of the Senator from North Dakota not as to his veracity or his earnestness or his honesty, but I challenged it as to the facts, because I know that the facts are not representative of the import conditions or conditions of the American market. However, I do not blame the Senator for coming to the defense of the bill. It is time for him to come to its defense. He has been indicted by the press of his party from coast to coast because of the indefensible rates contained in the bill and the burden of taxation that was about to be placed on the American public. He has sat in silence and accepted the condemnation for weeks and weeks and weeks, and I had expected long before this that the Senator from North Dakota would accept the challenge of the newspapers of his own party and reply to them. If he does not reply to them satisfactorily, of necessity he will be condemned, so far as this bill is concerned, in the eyes of the American public. It is but natural, therefore, for the Senator from North Dakota to reply.

However, I wish to say to the Senator from North Dakota that he must bring before the Senate a real defense, a defense that goes to the real conditions, and he must not expect the American public or the American newspapers to relinquish their present line of argument and present understanding of this bill because of a showing as to a few articles concerning which abnormal conditions prevail, an exhibition that might do credit to a side show in Barnum's Circus. The illustrations brought forward by the Senator are too unusual and too unnatural to stand as his defense before the American public.

Mr. McCUMBER. Mr. President, the Senator from Alabama has always been so fair in his presentation of questions before the Senate that I confess I am surprised, I am amazed, I may say, to find the Senator now departing so far from his usual custom in the presentation of his side of the case. It is a surprise to me to listen to the Senator from Alabama, who is an expert upon tariff legislation, arguing before the Senate that, because we have demonstrated the existences of a retail price of several thousand per cent profit, we should impose a duty to protect against such a retail price. Again and again in this debate has the Senator from Alabama asserted that instead of imposing a rate of 50 per cent upon a hat or 70 per cent upon scissors or whatever the article might be, if my argument were correct, I should have proposed to levy a duty of as many per cent as would equalize the difference between the importing price and the retail selling price of the article.

The Senator knows that is an unfair statement. The Senator knows that a protective tariff duty is not to protect the retail price, but is to protect the American manufacturer. The American manufacturer sells his product at wholesale, sometimes to the jobber and sometimes to the merchant, who may be the retailer, but in all instances, if there is to be a protective duty, the duty should measure the difference between the landing cost of the foreign article in the American market and the selling price of the manufactured article by the manufacturer in the American market.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. I will yield in a moment. If, therefore, a 50 per cent duty or a 70 per cent ad valorem duty is sufficient to measure the difference between the importing price and the selling price of the comparable American article by the American manufacturer, then 60 or 70 per cent ad valorem should be the rate of duty. No one has ever dreamed, however, of suggesting a duty, either directly or through the intervention of the President, under the special provisions of the bill, that would meet the difference between the importing price and what any retailer sought to charge the American public. The retail price may be 2,000 per cent higher, as has been shown, in some instances, and yet the American producing price of the comparable article may be only 70 per cent higher.

By the exhibits which I have produced, and the illustrations I have given, I have merely sought to show that the American importers who are also retailers are making such enormous profits—of course, I did not refer to the manufacturers' profits but the retailers' profits—that they could absorb the little tax upon the imported article many times over without in the slightest degree affecting their prosperity. I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I confess my surprise at the argument used by my friend, the Senator from North Dakota. He has referred to the profits which have been derived by the retailers selling imported articles. It is true they have derived great profits, but the retailers can just as well make exorbitant profits out of articles manufactured in this country. The Senator's argument, therefore, must lead to the conclusion that it is the retailer and not the importer who has been offending against the country.

Mr. McCUMBER. No matter what he makes, I have given the facts, and the facts are that the articles to which I referred were imported at the prices quoted and they were sold by the importer at the enormous advances indicated. The only object I had in view was to show that the spread between the importing price and the selling price of the importer, who is also the retailer, is sufficient to take care of the tax without passing that tax on to the American consumer, and to demonstrate my belief that the consumer would not bear it, although the importers are evidently holding up the consumer for everything they can get out of him, irrespective of price. I have not attempted to analyze their overhead charges; I know they are more or less great; but, nevertheless, after paying them, they will have still a sufficient profit to meet the tariff duty. I do not want the duty to represent the profit which is finally derived from the sale of the article by the retailer; I want the duty to represent as nearly as possible the difference in the landing cost of the imported article and the manufacturing cost of the American manufacturer. The Senator from Alabama must admit, I think, that it is unfair to charge or to assume that I would impose a tariff sufficiently high to meet the two or three thousand per cent which is made by the retailer, who also is an importer.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, of course, I did not charge the Senator with that. I merely took the Senator's argument and endeavored to show where it would lead. Of course, I assume, as every other man must assume, that if the condition as to prices portrayed by the Senator were true, and if it had anything to do with the tariff, it was because the American manufacturer could not meet those prices, and that if the importers could sell at such enormous profits indicated by the Senator, of course they could control the American market and that the rates proposed by the bill would not protect the American manufacturer. I was merely drawing a conclusion from the Senator's own statement.

Of course, I know perfectly well, without controverting a single statement made by the Senator as to the articles which the Senator put in evidence, that those articles are not representative of the competitive conditions prevailing as between

this country and foreign countries, and I said that I was simply making my argument on the basis that the Senator said the importer had that much profit, and, of course, if he did and you were going to protect against that much profit to the importer you would have to put up the rate to meet it.

Mr. McCUMBER. Of course, if we made our rates measure the retail selling price, we would have to do that; but we would not be protecting the American manufacturer. We would simply be placing an embargo upon imports, because if we put at any time on any article a tariff that represented the difference between the cost of the foreign article and the retail price in the United States not a single article could be imported into the United States, and no one would for a moment think of an argument of that kind.

But, Mr. President, the Senator is mistaken in saying that these are not representative articles. That is a representative hat—an ordinary hat—bought down here in the spring of the year for from four to five dollars, perhaps reduced in September to a dollar. That hat cost 69 cents. It was sold for $4, and it is a representative hat. Probably the American manufacturer can make that hat for a dollar and a quarter or a dollar and a half. If he could make it for a dollar and a quarter, then his 50 per cent ad valorem would take care of it. That has nothing to do with the retailer.

Mr. UNDERWOOD. Of course, that looks like a hat that people ordinarily wear, and in that respect it is representative. What I contended was that the conditions of its purchase and its sale were not representative. Of course, I know that that is a hat; but the Senator has finally admitted himself out of his own case, because he says that the immense spread of profit that he asked the Senate to believe in an hour or two ago does not exist. Of course, I know what he is coming to, and what is the fact—that these retailers and wholesalers have taken out their profits along the line, and that the cost of selling is very great; and when you come down to analyze this great spread which the Senator represented as going to the importer you will not find that it is there. It is absorbed by the wholesaler's profit if it is a wholesaler, and in the case of the retailer by the cost of running the business. As I said, what the Senator represented as a spread on these articles of profit when you come to the last analysis does not exist, because if it did exist, as I have argued from the Senator's own statement, if there were any such profit existing to the American importer, this country would be flooded with imports, and the Senator knows that as well as I do.

Mr. McCUMBER. Mr. President, if there were a profit to the importer without making the sales at retail, the Senator is correct in saying that this country would be flooded with imports as soon as the articles could be manufactured in the foreign countries; but the Senator still avoids the real point and the real purpose of presenting everything that I have presented to-day.

I do not argue myself out of court when I say that the spread between the manufacture of a like article in the United States and this article does not amount to two or three or five or six hundred per cent, or two thousand per cent, whatever is the difference between that and the retail price. That is not the purpose of the presentation of this case at all. We are giving a protection that will approximately take care of the manufacturer of this hat. If we think that 70 per cent ad valorem upon the foreign value will take care of the manufacturer, that is all we should give him; but that has nothing to do with the question whether or not the department store, which is itself an importer and sells this hat at a spread of five or six hundred per cent, can afford to pay the 70 per cent ad valorem tax, if it be a tax at all.

Mr. UNDERWOOD. Mr. President, that comes right down to the point at which we want to arrive. Of course, I knew it came there. I do not think the spread between the importing cost and the cost of manufacture of that hat or the average hat at home or abroad amounts to 70 per cent, but the Senator does, because he says himself he has fixed 70 per cent to cover that difference.

Mr. McCUMBER. The spread is more than that, but I will not go into that now.

Mr. UNDERWOOD. Well, that is what the Senator thought would cover the difference. That is what he put before the country as a proper protection, and he is a protectionist, and he put that there to show that he was covering the difference in cost. He now says that the profit on that hat, according to my recollection, was 600 per cent, and yet that a tariff of 70 per cent will cover it.

Mr. McCUMBER. No; I am not talking about the retailer's profit.

Mr. UNDERWOOD. If the Senator will let me proceed a minute, then the difference in the competitive point between the American article and the foreign article is only 70 per cent. The Senator has said that these retail stores make 600 per cent, or, at least, had a 600 per cent profit without taking out the cost.

Then, Mr. President, it is merely a question that has nothing to do with imports. It clearly demonstrates that that increased price is absorbed somewhere, or that somebody is profiteering.

If it is absorbed in the ordinary cost of running these stores—their clerks, their rent, and so on, except reasonable profit—there is nobody to complain. If they are profiteering above the 70 per cent on foreign goods, you can rest assured that they are profiteering above that per cent on the American goods; and that is not a question of tariff at all, or of tariff tax, or of paying the tax, because the importer and the storekeeper do not pay it. They make the American public pay it; and then it is a question of the Department of Justice bringing an indictment against somebody, because the store is not going to pay the tax. The store takes it out of the man or the woman who buys the goods from its shelves.

Mr. McCUMBER. Mr. President, the Senator still avoids the whole trend and purpose of this argument.

Mr. UNDERWOOD. I must say, then, that I have not seen it. If I have avoided it, I have not seen it.

Mr. McCUMBER. Let me make it so clear that a child can understand it, and then I hope the Senator will not go off on that tangent again.

Here is the great press of the country, representing the great department stores who purchase its advertising space. The department stores are both importers and retailers of the same article. They are the ones, through this press, that are condemning this tariff as being an imposition upon them and saying that it will require them to raise their prices to the consumer. That is a clear statement that anyone ought to understand. I seek to meet that by showing that, taking their present selling prices and the profits they make over and above their importing prices, they can absorb the 50 or 60 or 70 per cent and it will scarcely be a drop in the bucket compared with the spread between the importing prices and their retail prices.

I have not discussed in this matter for one moment what was necessary to protect the manufacturer. The duty which will protect him we will put upon the product as nearly as we can. We do not need always to make it just as large as the difference. He lives here at home. This is his country. He has his agents over the country. He can respond quickly to an order. That gives him some advantage, and a considerable advantage, as a rule, over his competitor. Therefore, I would not give him in any case an amount that would actually measure the difference between the foreign importing price and his selling price. I do not think it is necessary. I would make it less at all times.

Let us just leave the matter of protection to the manufacturer out of consideration in this connection, because I have not touched upon it. I have simply demonstrated by these exhibits that the duty which we have laid upon these goods can be absorbed several times over and still leave this importing retailer a sufficient profit without adding the duty to the cost to the public.

Mr. UNDERWOOD. Does the Senator really think that? I am sure he must if he says so, but he has not given us any figures to show the cost of sales by the retailer. He has not brought any figures here. He showed us some very large profits between the import price and the selling price, but he has not shown any figures as to how that is absorbed.

Mr. McCUMBER. No; I have not, Mr. President.

Mr. UNDERWOOD. The Senator is merely assuming that that is the case.

Mr. McCUMBER. Yes; I am.

Mr. UNDERWOOD. And, because the Republican press has turned on the Senator's bill, he wants to turn the wrath of the American people upon the Republican press and the department stores. I think the Senator has not made out his case.

Mr. McCUMBER. Mr. President, the press of which the Senator speaks has always been against protection since the advent of the great department stores and their mighty influence through the medium of their advertising. They may be Republican on everything else, but when it comes to a tariff bill the papers of which the Senator speaks have always advocated the interest of the importer. I do not care what you call them, but those are the facts.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. Yes.

Mr. CARAWAY. If you can corrupt a paper, say, like the New York Tribune, by giving it advertising, you could buy it with money straight out, probably, could you not?

Mr. McCUMBER. That is what the Senator says; I have not said that.

Mr. CARAWAY. What does the Senator from North Dakota say?

Mr. McCUMBER. I have not said that.

Mr. CARAWAY. If a man will sell out for advertising, would he not sell out for cash?

Mr. McCUMBER. I have not said that at all.

Mr. CARAWAY. What did the Senator mean to say when he said these people were controlled and influenced by the great department stores? Did he mean to say that they were selling their editorials?

Mr. McCUMBER. Mr. President, the Senator from Arkansas has views entirely different from mine.

Mr. CARAWAY. Not about honesty, I hope.

Mr. McCUMBER. He represents the views of his constituents.

Mr. CARAWAY. Let me ask the Senator a question.

Mr. McCUMBER. I have no doubt but that his views are colored more or less by the sentiments of the people who daily surround him in his home State. I would not say that, because his views were thus influenced and thus colored by his surroundings, he was not acting honestly.

Mr. CARAWAY. Just a moment. The Senator is getting away from the question. Did I not understand the Senator to say that these papers were controlled by the advertisements which appeared in their pages?

Mr. McCUMBER. Mr. President, the Senator heard what I said.

Mr. CARAWAY. Does the Senator——

Mr. McCUMBER. It may be that the Senator thinks he is before a justice of the peace, and that I am put on trial. I assure him that I shall not put myself in that position, though it may be decidedly pleasing to the Senator. Let him ask me a straight question, and he will get an answer.

Mr. CARAWAY. Is it always——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CARAWAY. He did not object to my asking a question. Nobody is doing that but the Chair.

The PRESIDING OFFICER. The Senator has a right to talk in his own time, and no two Senators shall talk at the same time while the present occupant is in the chair. The Senator from North Dakota has the floor.

Mr. CARAWAY. The Senator from North Dakota yielded to me.

Mr. McCUMBER. I will yield for any question the Senator asks, but I decline to be catechized in that manner.

Mr. CARAWAY. If the Senator does not want to answer a question yes or no, he has a perfect right to refuse. I had thought, however, that some way or another he wanted to bring in an indictment, and both of us having practiced law, we usually say just what we mean as to what a man has done. I understood the Senator to say that these great papers had sold out merely to get advertising. I do not say he used that language, but it was that in effect.

Mr. McCUMBER. I yielded for a question. I wish the Senator would ask it, and if I think it is a proper question I will answer it.

Mr. CARAWAY. Was that what the Senator meant to charge?

Mr. McCUMBER. I decline to answer it, because I do not think it is a proper question. I have stated that these papers were influenced, very naturally, by the great importing houses that use their columns. That is their work. They are in close connection with it. I do not mean that they could be bought for money any more than I would say that the Senator could be so bought because he is influenced by his Democratic surroundings and because he arrives at conclusions which are entirely different from mine. I do not think the Senate floor is the proper forum in which to charge criminality of that kind against anyone.

I have presented the facts. I think the facts which I have presented are well authenticated, and that the Senator from Alabama [Mr. UNDERWOOD] is mistaken when he says that these are a few articles and they are not representative. Every article was bought in the open market at these stores, and the prices I cited were the prices at which they were sold that day. Not a single one of them was purchased upon a red-letter day, but only in the ordinary course of purchases. I think they are representative, and I think I have established the one fact I sought to establish, namely, that these importing houses, which are also retailers, and which are the ones crying out the most loudly against this bill, can well afford, with these profits, to take care of the little tax we have levied against them.

Mr. WALSH of Montana. Mr. President, I offer the following resolution, and ask that it be read at the desk.

The PRESIDING OFFICER. It will be read.

The resolution (S. Res. 306) was read, as follows:

Whereas it has been charged upon the floor of the Senate, supported by figures descending into particulars and evidenced by documents, that importers are making unconscionable profits on many articles made abroad and sold in American markets, amounting in some cases to upwards of 2,000 per cent; and

Whereas most—or, at least, many—of such articles are imported and sold by various individuals and corporations supposed to be competing against each other for the trade in such articles; and

Whereas it is evident that the exorbitant prices at which such commodities are sold, as shown by evidence submitted to the Senate, if they generally prevail could be exacted or maintained only if a combination exists among such importers in violation of the Sherman Antitrust Act: Be it

Resolved, That the Attorney General of the United States be, and he hereby is, directed to advise the Senate whether such conspiracy does in fact exist and what steps have been taken or are to be taken to bring the participants therein to justice.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. McCUMBER. I am not satisfied with the whereases of the resolution. If the Senator wants an investigation as to whether these goods are sold abroad for the prices I have mentioned, I most heartily welcome the investigation.

Mr. WALSH of Montana. I shall be very glad to have that investigation made.

Mr. McCUMBER. But I shall not be a party to assuming that there is any conspiracy upon the part of the sellers of these articles, or the importers, and therefore I ask that the resolution may go over. If it be made to conform to an examination into the real facts, facts which have been stated here, I shall most earnestly support it.

The PRESIDING OFFICER. Objection is made to the present consideration of the resolution, and it will go over.

Mr. GOODING. Mr. President, the articles exhibited here this afternoon tell the story, in my judgment, of a World War, of a world out of adjustment, of depreciated currency, of labor in some countries receiving practically nothing at all, and time and again evidence has been submitted in the Senate to prove that fact.

Only to-day I met a pioneer from my State in my office, who but a short time ago returned from Germany, and he told me the story of men working there in factories for 20 cents a day, and in pretty nearly every line of industry. I have submitted here on two different occasions facts as to the employment of men in the trades in Germany for 70 cents a day, on the average, men engaged in the principal trades followed in America.

I think we can understand that the goods which have been shown here this afternoon can not be produced when the world is at normal for the prices which have been stated here this afternoon. There is no question of the need of the American valuation, which this bill provides as the basis for figuring the duties, so that this country and the industries represented in these particular goods can be protected.

I have an editorial here from a Democratic paper, the Fort Worth Star-Telegram, which I send to the desk and ask to have read. It tells the story of a debate upon the floor of the Senate between the Senator from North Carolina [Mr. SIMMONS] and the Senator from Utah [Mr. SMOOT], and it so well tells the story of depreciated currency and what it means in the purchase of goods on the gold basis, that I want it in the RECORD. I ask to have the editorial read.

There being no objection, the editorial was read, as follows:

A SAMPLE OF DEMOCRATIC LEADERSHIP.

Senator SIMMONS, of North Carolina, the other day supplied the country with a striking illustration of the kind of leadership the Democrats have to depend upon in the United States Senate.

The tariff bill was being discussed, and Senator SIMMONS was endeavoring to show that the German manufacturer to-day has no advantage over the American manufacturer in the matter of cheap labor. And here is the way he went about it:

"Everybody who knows anything about the matter," he said, "knows that the exchange value of the mark—and that is the value upon which our purchases from Germany are based—is entirely different from the purchasing power of the mark in Germany; that is to say, a mark has one value in international trade and has an entirely different value in the German market. It has a purchasing power in the German market which it has not in the world at large by reason of the reduction of the paper currency in Germany to the gold standard that obtains in international trade.

"The wages paid the German laborer in marks to-day will buy for him as much, or nearly as much, of the necessaries of life as the wages paid in American factories will buy. I heard the testimony given before the Finance Committee in the general hearings. The mark has one purchasing power in Germany, but it has a different purchasing power

in the markets of the world. The Germans have some confidence in their mark, while we have none and the world has none."

Now, let it be understood that Senator SIMMONS was citing this to show that the German manufacturer has no advantage over the American manufacturer. It proves the very opposite, of course, but by some mysterious process of reasoning Senator SIMMONS arrived at the conclusion that it proved that it cost quite as much to manufacture goods in Germany as it costs in the United States.

Senator SMOOT, of Utah, took full advantage of the curious lapse of the Senator from North Carolina. He called particular attention to Senator SIMMONS's utterance, and said:

"I hope the Senate will now remember the statement which has just been made by the Senator from North Carolina, because I am going to call his attention to it a good many times in the future if this question shall then come up. The position of the Senator now is in exact accord with what I have stated on the floor of the Senate several times. Because of the exchange situation to which the Senator has referred, the German laborer, with the purchasing power of the mark in Germany greater than it is outside, has that much advantage over the American laborer, while the American dollar does not have any greater purchasing power in purchasing labor or any other commodities in the United States than it has abroad. The Senator from North Carolina simply makes his case that much worse by the statement which he has just made."

This is a fact, of course. There is one commodity which a German mark can buy no more of in Germany than it can buy elsewhere, and that commodity is gold. And that's because gold is the world's standard of value. And any currency convertible into gold on any basis has the same advantages in Germany that the mark has. Senator SIMMONS says that the German mark will buy more in Germany than it will buy outside of Germany. In other words, it will buy more German goods than it will buy of American goods. That's only another way of saying that the German goods are cheaper. And what is true of the mark is certainly true of the dollar, is it not? The dollar will buy more German goods than it will buy of American goods. Does that not give the German manufacturer an advantage over the American manufacturer in the American market?

We thought that "everybody who knows anything about the matter" knew that until the ranking Democratic member of the Senate Finance Committee, the leader of the Democratic Party on the question of the tariff in the Senate, disclosed that he does not know it.

Mr. SIMMONS. Mr. President, I had intended to indulge in some remarks this afternoon in reply to the argument of the Senator from North Dakota [Mr. MCCUMBER]. I shall not do so because of the lateness of the hour, but shall content myself with probably doing so later on. All I desire to say this afternoon is that, in my humble judgment, the Senator from North Dakota, in the speech he made this afternoon, has argued both himself and his bill out of court.

The Senator complains bitterly of the way in which the newspapers of the country, especially independent and Republican newspapers, have assailed his bill. With the new light which the Senator from North Dakota has thrown upon the bill, I am satisfied that many more Republican papers in the future than in the past will deal with the Senator's bill like those papers of which he has complained. I am likewise satisfied that many Republicans other than those who have heretofore repudiated his bill will, as a result of his utterances upon the floor this afternoon, be added to the number of critics and opponents of the bill.

If the Senator is right in his contention this afternoon, then the bill affords no remedy whatsoever for the conditions which he says exist, and nothing, Mr. President—absolutely nothing—will afford the remedy which the Senator says he desires and is seeking except a universal embargo.

Mr. President, I regret very much that I have not, on account of the lateness of the hour, and without unnecessarily wearying the Senate, an opportunity to enter upon a discussion of the speech of the Senator from North Dakota.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I yield.

Mr. GOODING. I thought the Senator had concluded. I merely wish to say, with reference to the exhibits offered this afternoon by the Senator from North Dakota, that every transaction and every step in the work will be given to the Senate. There will be nothing left unsaid or undone to give the country the whole truth—every particle of it—all the way through. I think the country is entitled to it. I think the people are entitled to know who the importers are, who the retailers are, and everything else in connection with the exhibits which were made here this afternoon and which will be made in the future.

Mr. SIMMONS. If the Senator from Idaho has concluded, I will say that the information which the Senate is now getting from the other side of the Chamber and the information which the Senator from Idaho promises in the future was not forthcoming until we smoked them out by exposing their bill.

Mr. MCCUMBER. I ask unanimous consent that when the Senate closes its session on this calendar day it shall recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSOURI RIVER BRIDGE.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11827) granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River, was read twice by its title and referred to the Committee on Commerce.

Mr. JONES of Washington. I have from the Committee on Commerce a favorable report on an identical bill, and I desire to report back the House bill just referred and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. I should like to ask if the bill is in the usual form?

Mr. JONES of Washington. It is in the usual form.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county courts of Howard and Saline Counties, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Glasgow, in the county of Howard, and State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. MCCUMBER. I move that the Senate take a recess, the recess being under the order just made, until to-morrow at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, June 15, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 14, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To our bountiful Father in heaven we offer our tribute of thanksgiving, for we are blest and kept in Thy love. We ascribe unto Thee, O Lord, dominion, honor, and glory. Throughout our country diminish the causes of crime, vice, and poverty. Everywhere dispel the mists of folly and presumption and teach men that righteousness, justice, and obedience to law exalteth a nation. Convert into noble effects all the forces of our beings. May the din of desire or the pressure of affairs never be able to drown our soul's appeal, which is to know God, whom to know is life eternal. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE MISSOURI RIVER, IN HOWARD COUNTY, MO.

Mr. PATTERSON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11827) granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county courts of Howard and Saline Counties, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Glasgow, in the county of Saline, and State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, page 1, strike out the word "Saline" and insert in lieu thereof the word "Howard."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what is the pressing necessity for considering this bill to-day rather than on the call of the Unanimous Consent Calendar on Monday next?

Mr. PATTERSON of Missouri. Because they are waiting to start the construction of this bridge. The bonds have all been voted, and it is a part of our program in the State in the building of highways.

Mr. STAFFORD. Does the gentleman believe that a delay of four days will be disastrous to the county courts of Saline and Howard Counties, Mo., in the consideration of this bill?

Mr. PATTERSON of Missouri. I do not know. However, I may be called away on account of sickness in my family at home, and I am very anxious to get the bill through on that account.

Mr. STAFFORD. Of course, if it is a matter of personal convenience to the gentleman, that is a different matter; but I could not understand why there should be so much importance in a delay of four days.

Mr. GARNER. Mr. Speaker, if I understand the reason for the gentleman's calling it up, and probably the reason why the Speaker recognized the gentleman, it is that there is an emergency existing because of the fact that the gentleman's family is sick and he wants to leave the city.

The SPEAKER. The Chair will state that he did not recognize the gentleman for that reason. The Chair was not aware of that fact. The Chair recognized the gentleman because he was told that there was an emergency, and that they were waiting in order to commence the construction of the bridge.

Mr. GARNER. Mr. Speaker, I would state to the Chair that, of course, if a delay for a period of four days is such an emergency it would justify taking the bill up and the gentleman ought to be recognized, but the gentleman has a good reason why he should call it up in view of the fact that there is sickness in his family.

Mr. PATTERSON of Missouri. I do not mean to say that I am going to leave, but I may be called at any time; such are the circumstances.

Mr. STAFFORD. Of course, this bill needs the presence of the gentleman here because it is of great importance. However, I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PATTERSON of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 8785. An act granting the consent of Congress to the Mobridge Bridge Co., of Mobridge, S. Dak., to construct a pontoon bridge across the Missouri River;

H. R. 10330. An act to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott in the State of Wisconsin; and

H. R. 11345. An act authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.;

H. R. 11407. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 11646. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 9859. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11265. An act to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington; and

H. J. Res. 127. Joint resolution to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 2664. An act for the relief of Jesse Goodin;

S. 2666. An act for the relief of Ed Thomas and Pauline Thomas;

S. J. Res. 204. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots for the use of the members of the United Confederate Veterans during the sessions of the national encampment of the United Confederate Veterans at Richmond, Va., from June 19 to 22, 1922; and

S. J. Res. 7. Joint resolution authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

The Clerk called the Committee on Banking and Currency.

STATE TAXATION OF NATIONAL BANKS.

Mr. McFADDEN. Mr. Speaker, I call up the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That section 5219 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 5219. That nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by authority of the State within which the association is located, but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject to the following restrictions:

"1. (a) That the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of the individual citizens of such State coming into competition with the business of national banks.

"(b) That in any State where a tax in lieu of a property tax is assessed upon the net income derived from such other moneyed capital, such State may, in lieu of a tax on the shares, impose upon the bank an income tax, assessed upon the net income of the bank, but such tax shall not be at a greater rate than is assessed on the net income of such other moneyed capital.

"2. That the shares of any national banking association, owned by nonresidents of any State, shall be taxed in the city or town where the bank is located and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

"3. That the provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax has been or is in accord with the provisions of paragraph 1 of this section: *Provided*, That this shall not apply to taxes attempted to be levied before January 1, 1917."

Mr. McFADDEN. Mr. Speaker, this bill proposes to amend section 5219 of the Revised Statutes, the act of June 3, 1864, as amended in 1868. That is the section of the statute which gives the States the right to tax in a limited manner the stockholders of national banks. For the purpose of getting this matter clearly before the House, I want to read the original law of 1864, and then the bill as amended in 1868. It is a rather complex proposition, and I hope the Members of the House will pay particular attention to the reading of the statute and the amended portions thereof. Section 41 of the national banking act of 1864 read as follows:

That nothing in this act shall be construed to prevent all the shares of any of the said associations held by any person or body corporate from being included in the valuation of personal property of such person or corporation in the assessment of taxes imposed by and under State authority at the place where such bank is located, and not elsewhere; but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State: [*Provided further*, That the tax so imposed under the laws of any State upon the shares of the associations authorized by this act shall not exceed the rate imposed upon the shares of any of the banks organized under the authority of State where such association is located:] *Provided also*, That nothing in this act shall exempt the real estate of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

Now, section 5219, as amended in 1868, reads as follows:

SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by an authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by nonresidents of any State shall be taxed in the city or town where the bank is located,

and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

Now, Mr. Speaker, the occasion for this amendment is brought about by a decision last year in the United States Supreme Court in the case of the Merchants' National Bank of Richmond, Va., against the city of Richmond. The courts of last resort in Virginia sustained a tax assessed by the city of Richmond in the year 1915 in form against the plaintiff in error in the National Banking Association against the shareholders, overruling the contention based upon the Constitution and laws of the United States. Now, the Merchants' National Bank of Richmond felt that the city of Richmond was practically beyond their right under the law, and they brought this action and the case was tried, and when the bank presented the facts in the case to the lower court I believe there was an unintentional misstatement of the facts, but those statements were not disputed by the opposition, and the case was finally carried up to the United States Supreme Court. Except for the fact that there had been a misstatement of these facts in the case, I do not believe that this case would ever have come up to the Supreme Court, but the fact that they were not, and the Supreme Court made this decision, has brought about a situation which is particularly troublesome in a number of the States.

I believe it was stated to the committee that some 27 States are affected by this decision. The result has been that many banks have employed counsel and brought suits, or have paid their taxes under protest, and a large amount of money or taxes is being held up in the various States and a serious line of litigation is in progress, and more is threatened. Now, when this matter was called to the attention of the Banking and Currency Committee it was requested by some of the tax commissioners of the United States that the committee take some action thereon. At the same time the bankers involved in the situation were very much agitated, and when these different interests appeared before our committee and asked for relief the chairman took it upon himself to suggest, both to the tax commissioners representing the affected States and the representatives of the banks, that if possible they should get together and agree upon a corrective resolution, so that the Banking and Currency Committee could feel that both of the interested parties were in agreement. Following that suggestion, the tax commissioners and the representatives of the banks got together here in the city of Washington and held several conferences thereon. They were not able, however, to iron out their differences on one or two points, and at the request of the tax commissioners I introduced a bill in the House, prepared by the tax commissioners, representing their views. But the same was objected to by the representatives of the banks as an infringement upon their rights and taking away from them rights which they had had since the original statute was formed in 1864, and which had been in operation since 1868 without any question whatever.

The committee held extensive hearings. We gave very wide latitude to both sides in the controversy and a very voluminous hearing was had, and finally, after very careful consideration by the committee, and the committee coming to no decision thereon, the chairman appointed a subcommittee, which went into the situation very, very carefully, and as a result of the deliberations and the report of that subcommittee I introduced last week in the House H. R. 11939, which is the committee's solution of this very complex tax problem as brought about by this Richmond decision. which is the bill now before us.

The subcommittee, and finally the full committee, went into this new bill very extensively. Inasmuch as there is tied up in the litigation in the various States several million dollars which is supposed to be under the control of the taxing power, and being under the control of the States themselves, we were confronted with a very difficult problem. Many of these States collect this tax and provide for redistribution in the localities in which it is collected; in other words, local municipalities are to get this money. For the past two years in the State of New York, for instance, I understand that something like $16,000,000 worth of these taxes is tied up in litigation. In the State of Massachusetts something like $10,000,000 or $11,000,000 is involved in litigation.

Now, for the Congress of the United States to deliberately enact a piece of legislation validating laws which are passed by the States was quite a questionable problem for us to contend with. Other members of the committee have gone into that, and, being lawyers, are very carefully prepared to discuss that phase of the question, and we have tried so far as we were able to present a bill here which would accomplish what was intended to be accomplished without working any particular hardship on the banks and at the same time giving the States the right to levy equitable taxes in accordance with the previous law and modern conditions, as they are entitled to levy against the banks. Considerable of a controversy arose in the question of classifying the national banking association of the country in the same class as the State banks and trust companies.

Mr. WINGO. Will the gentleman yield there?

Mr. McFADDEN. I will.

Mr. WINGO. It might be well for the gentleman to direct attention to the fact that the last section of the bill—the validating section—is not a validation by Congress, but it is a declaration of authority to the States to enact validating or back-tax laws that will settle the controversies that are now in court involving assessments that have been attacked. In other words, the Congress does not undertake to validate or pass a back-tax statute, but the Congress undertakes to authorize States to validate.

Mr. WALSH. What is the difference between Congress validating it or Congress saying to the States that they can do it? Can the States do it without Congress's permission?

Mr. WINGO. I think not; and I think the law now authorizes it, but this is disputed.

Mr. WALSH. Then there is not any difference?

Mr. WINGO. Of course, if the gentleman does not grasp the difference on the mere statement I have made, I doubt if I can make him understand it.

Mr. WALSH. If the gentleman from Pennsylvania [Mr. McFADDEN] will permit, I would like to ask the gentleman from Arkansas to explain to me the difference between Congress authorizing the State legislatures to validate taxes that are now in litigation and Congress doing it?

Mr. WINGO. Will the gentleman from Pennsylvania yield?

Mr. McFADDEN. I will.

Mr. WINGO. I think I see what is bothering the gentleman. He overlooks this fact, that the legislatures of the States have no authority to levy a tax on these shares of stock except by specific grant by Congress of power to do it, because the national banks are agents of the Federal Government, and the early cases decided that the States could go no further than the permissive grant given by Congress.

Now, the question of this validation grows out of this kind of a situation: The assessment and the collection of taxes in New York and in Massachusetts, and possibly in some other States, has been attacked in the courts by some of the banks on the ground that it violates the permissive statute of Congress. Now, the last section put in here, the validating section, does not propose that Congress validate any assessment, but it does this: It will prevent the banks after this act is passed, through their attorneys in court, from resisting a supplemental assessment that might be made under the present authority of law in Massachusetts or in New York; or if the Legislature of Massachusetts, which is now in session, or of New York, which will be in session later, should find that they are afraid that their assessments on these banks are void for any reason, then they can pass a supplemental assessment act, or a back-tax assessment act, and then if the lawyers come and say that the power given by Congress in the first instance was only a power to assess at the regular time of the assessment, and therefore that the supplementary assessment was not valid, this act here would remove that legal quibble.

Mr. WALSH. In other words, the gentleman has demonstrated clearly that there is not a particle of difference between Congress validating the act itself and passing an act providing that the State could do it, because in the absence of a grant of power from Congress the States in this matter could not act.

Mr. WINGO. No. The gentleman is a very able lawyer, but there is a difference here which he does not seem to see. Congress has no power at all to levy a tax on a bank for State purposes. If it has no power to levy a tax on a bank for State purposes, then it has no power to validate an assessment of tax that has been made or levied. All on earth that Congress can do is to point out, through the permissive grant to the States to tax a Federal agency, the limitation of the extent to which the State might go.

Now Congress has passed a general statute. Lawyers say that that statute must be strictly construed, and that if a legislature or State taxing power fails to make a valid assesment at the regular assessment time the State can not by a back-tax act reach them, and that the banks could actually escape. There is a difference of opinion among lawyers about that.

Mr. WALSH. Does the gentleman think paragraph 3 of this bill is constitutional?

Mr. WINGO. Oh, nobody has raised the question of constitutionality of our act in authorizing the State to do it. I took the position that it was not constitutional for Congress to validate the tax, but that we could, under the power to fix the limit to which the State might tax, authorize the State to a certain extent to levy a back tax.

Mr. WALSH. Will the gentleman state that he believes it is within the power of Congress, under the Constitution, where a tax has been paid under protest and a suit is now pending in a State court, for Congress to pass an act and say to the State legislature, "You can validate that tax now if you want to"? That is what is done in this act. That is what paragraph 3 says, which is the validating paragraph.

Mr. WINGO. The gentleman overlooks this point, that the legislature has no authority to tax national banks, save as the act of Congress authorizes it. The gentleman will agree that we had constitutional authority to authorize the State legislatures to tax national banks in the first instance, does he not?

Mr. WALSH. Yes.

Mr. WINGO. All right. If we have that constitutional authority, then have we not by the same line of reasoning the same constitutional authority to authorize them to levy a back tax to cover a failure?

Mr. WALSH. I do not believe so, in view of the decision of the courts.

Mr. JONES of Texas. The time to do that is when the tax is assessed.

Mr. WINGO. The State can levy a back tax. The gentleman's State of Texas can levy a back tax.

Mr. JONES of Texas. In the original instance, but this is not the original instance. The time for levying the tax has lapsed.

Mr. WALSH. At the time when this tax was originally assessed and levied the party against whom it was assessed made a protest, and a suit is now pending. Now, is it constitutional for Congress to come in and say, "You can validate that tax"?

Mr. WINGO. The only duty that Congress owes to the national bank is——

Mr. WALSH. The question is whether Congress can interfere with litigation that is pending in a State court by coming in with an original or additional grant of authority.

Mr. WINGO. The gentleman is getting down to the effect of it. I do not believe that the gentleman, if he will reflect for a moment, will doubt the power of Congress to prescribe by a permissive statute to a legislature, either by a general act or by a back tax act or a validating act, the tax to be assessed on shares of a national agency, a national bank. That involves a question of policy.

Mr. WALSH. I have doubt about the power.

Mr. WINGO. I make no pretense to any extraordinary knowledge on this subject, but I give the gentleman the benefit of the hearings and the discussion, and I am trying to tell him what the effect will be.

Mr. WALSH. My question was as to the constitutional power.

Mr. WINGO. The gentleman asked me if Congress could interfere in a lawsuit in the State. That is one of two reasons why the committee put in section 3, to help the gentleman's State of Massachusetts and to help the State of New York. That is the only purpose of section 3. They have brought suits there. My candid judgment is that they can win some of the suits if they are tried properly.

Mr. WALSH. Who? The States?

Mr. WINGO. Yes; the States. In other words, the banks will lose. But suppose the State court of Massachusetts, or the Federal court, should ultimately hold that the assessment and the attempted collection and the payment under protest of taxes by a bank in Massachusetts failed because it violated section 5219? Then unless Congress has this power and unless Congress exercises the power set out in section 3, granting permission to the States to make a back tax levy, that bank would absolutely escape any tax whatever for the years 1919, 1920, and 1921, the years in question, if the contention of some lawyers is correct.

Mr. WALSH. That is what the bank was seeking to do when it paid under protest.

Mr. WINGO. No; I do not believe that. I know there was not a single representative of any bank in Massachusetts who said the banks would object to a fair tax. None of them said they wanted to take advantage of a technical failure of the State to exercise its power properly and to defeat the tax entirely. I do not think there is a single bank in the gentleman's State that will object to a validating statute enacted by the Massachusetts Legislature that will tax the banks upon the equality basis that is prescribed in section 1 of the general law.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. WINGO. Yes; if the gentleman from Pennsylvania [Mr. MCFADDEN] will permit.

Mr. BANKHEAD. What is bothering me in connection with the legal power the gentleman is asserting is the question, What is the constitutional authority to clothe a State with the right to make retroactive an invalid law?

Mr. WINGO. The gentleman understands that, in the first instance, we could grant to the States the authority to tax national-bank shares to any extent?

Mr. BANKHEAD. Yes; undoubtedly.

Mr. WINGO. All right. If we have unlimited authority to authorize the State to tax in an unlimited manner, then does not the whole include the lesser?

Mr. BANKHEAD. Yes; but I doubt if we have that unlimited authority.

Mr. WINGO. Then the gentleman's previous answer was incorrect. This is a Federal agency.

Mr. BANKHEAD. Yes.

Mr. WINGO. If the gentleman will take the decisions of the courts, he will find that the power of taxation over national-bank shares by the States is in the absolute control of Congress, and the States get only such authority as we specifically grant to them. Now, if Congress has the power to authorize them to make a levy at one time, does the gentleman think the Constitution will prohibit making a levy at another time for the same purpose?

Mr. BANKHEAD. The thing that is worrying me is the right to make it retroactive.

Mr. WINGO. It is not retroactive.

Mr. BANKHEAD. Your bill provides that, does it not?

Mr. WINGO. Oh, no. They will not pay more taxes than were bona fide due under the law at the time. They will have the authority to validate a correct levy.

Mr. BANKHEAD. I was assuming that it was possible that the State courts might hold that the levy was invalid.

Mr. WINGO. All right. Suppose they do hold that the levy was invalid. Then we permit the States by this legislation to make a valid assessment.

Mr. BANKHEAD. And the gentleman thinks Congress has the right to go that far, does he?

Mr. WINGO. I think Congress has the right to permit the legislature of the State to make a valid assessment on the shares of national banks, just so long as they do not discriminate against them under the protective rule that Congress has laid down.

Mr. GREEN of Iowa. Will the gentleman from Arkansas yield?

Mr. WINGO. The gentleman from Pennsylvania [Mr. MCFADDEN] has the floor.

Mr. MCFADDEN. I yield to the gentleman.

Mr. GREEN of Iowa. Right in connection with what the gentleman from Arkansas [Mr. WINGO] has been saying, some gentlemen seem to be troubled by the fact that this legislation will have a retroactive effect. In reference to that matter I will say that in the consideration of the subject of taxation before the Ways and Means Committee the question of whether there was any constitutional objection to the imposition of a retroactive tax has often come up, and the consensus of opinion has been that there was no constitutional objection thereto.

Mr. MCFADDEN. Mr. Speaker, I ask unanimous consent that the time be extended an additional hour.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he control two hours of debate.

Mr. STAFFORD. Mr. Speaker, there are no two hours of debate on a House Calendar bill on Calendar Wednesday. This is a bill being considered in the House.

Mr. SNELL. The gentleman is asking unanimous consent.

The SPEAKER. The gentleman asks unanimous consent that the time be extended one hour. Is there objection?

There was no objection.

Mr. SNELL. I want to ask the gentleman from Pennsylvania, as he understands the legal situation that exists in New York State with reference to this matter, just what it will be necessary for us to do in order to straighten out that situation?

Mr. MCFADDEN. I would like to make a brief further statement in connection with this. I want to be perfectly frank with the House.

Mr. SNELL. I think it is an important matter and a very interesting one.

Mr. McFADDEN. These litigations that have arisen are all subsequent to the decision "of the Richmond case" of the Supreme Court. We have in this country some very clever lawyers who are constantly watching the decisions of the Supreme Court. When the decision in this Richmond case was handed down, some of these lawyers immediately took up with their banks the question of their legally paying these taxes. As a result these suits were started. I do not know of a single instance where a national bank was protesting about the payment of its taxes in New York or Massachusetts prior to this decision of the Supreme Court.

Mr. WALSH. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WALSH. I can cite the gentleman an instance where they paid it under protest years before.

Mr. McFADDEN. Those are exceptional cases; practically since 1868 the banks have been paying the tax under the law without any protest. Now, to answer the gentleman's question, my understanding is—and I will confirm what the gentleman from Arkansas has said regarding the third section in this bill—that this was put in largely to help out the situation in New York and Massachusetts and was done at the instance of the taxing representatives from those States. My understanding is that by the passage of this bill, as construed by the best tax authorities of New York State, they will be able to secure legislation in New York, and my understanding is that legislation is now pending there to correct this situation. They feel that without the validating clause they will be unable to correct the situation in New York State. The problem is very vexing to them because it ties up large sums of money which would be returned and in some instances have been returned, and each municipality will be obligated to return the money.

To illustrate, I understand that to cite the case of the city of Rochester, N. Y., it has borrowed all the money under the law it can borrow. There has been paid back as their share of this tax two or three million dollars. Now, if the city of Rochester is forced to return that tax it presents a very embarrassing situation. A similar situation presents itself in many other localities.

Mr. VOIGT. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. VOIGT. Do I understand that if a State for three or four years back has levied a tax against national banks which was unlawful under the Richmond case that the State may now pass a statute legalizing that tax for three or four years back?

Mr. McFADDEN. Back to January, 1917. That is the reason we put the limitation on it. We wanted to deal with the cases brought about by this special decision. At first we wanted to go back to 1918, but we found that Massachusetts would not be able to collect its tax tied up in litigation, so we went back to January 1, 1917.

Mr. VOIGT. What I want to find out is, is it intended to give the State power to pass a retroactive tax law against national banks?

Mr. McFADDEN. To the extent of going back to January, 1917, if you call it retroactive. A tax was levied prior to the Richmond decision. What we are trying to do is to cooperate with the State so that they may make legal these taxes that are tied up and get it into the Treasury for distribution.

Mr. VOIGT. What I want to get at is this: Let us say a State has been taxing national banks for several years under what it supposed was a correct law, but was determined unconstitutional under the Richmond decision. Can the State pass another law which will put a proper tax on the banks for four or five years back?

Mr. McFADDEN. I do not understand they can levy a higher tax than they levied before, but the States can legalize a tax that has already been assessed. I do not understand that they could levy a higher tax.

Mr. VOIGT. I understand that. But suppose the State had a law that was unconstitutional under the Richmond case. Can the State now enact a law under this to collect those back taxes under section 3?

Mr. McFADDEN. My understanding is they could.

Mr. SNELL. They could collect the tax already assessed.

Mr. VOIGT. It does not validate the tax that has been levied, but provides that when they enact a law——

Mr. WINGO. It does not validate anything. It authorizes the State to validate a fair tax levy that for any technical reason has failed. It gives the State specific grant of power to do a proper thing which may have failed by reason of some mistake of the tax assessing officers or the manner of taxing.

Mr. VOIGT. The point I am getting at is this. This admits of the legalizing of certain taxes. Suppose Wisconsin had for the last five years a law which levied a certain tax on national banks. That law is found to be unconstitutional. Now, under subdivision "c" can the State of Wisconsin pass any law which will collect the taxes from the national banks for the past five years?

Mr. WINGO. The effect of the case which the gentleman mentions would be this. Your State could pass a back tax and make a proper nondiscriminatory levy on the national banks for the back years provided they did not go contrary to the general rule laid down in section 1; and if they did so, the attorney for any bank that might seek to escape could not set up the legal quibble that Congress only granted authority to the States to tax by a general levy and gave them no authority to cure the defective levy by a special or supplementary levy.

Mr. VOIGT. It seems to me that if it is the intention by this bill to give the State of Wisconsin, or any other State, the power to reassess an appropriate tax for several years back, this language will not give the State that power. Notice the reading of subdivision 3:

That the provisions of section 5219 of the Revised Statutes of the United States heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed.

Mr. WINGO. But the gentleman has not read all of it.

Mr. VOIGT. This only allows the State to legalize a tax heretofore paid, levied, or assessed.

Mr. SNELL. These taxes have all been levied or assessed, have they not?

Mr. VOIGT. I know, but you can not legalize those taxes because they are not in harmony with paragraph 1 of that section.

Mr. WINGO. But the gentleman did not read all of subdivision 3. It reads:

heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof to the extent that such act has been or is in accord with the provisions of paragraph 1 of this section.

In other words, it authorizes them by proper legislation to ratify an assessment to the extent that will be reasonable and fair and just.

Mr. VOIGT. What I want to see is a retroactive law which will make these banks pay their just taxes.

Mr. GRAHAM of Illinois. Even though the court had held and adjudged that the tax was illegal?

Mr. WINGO. Yes; for the reason that it violated section 1.

Mr. GRAHAM of Illinois. That is not what it says.

Mr. WINGO. I am talking about the effect of it. I would like to get the benefit of the gentleman's opinion upon that. If the court held the tax invalid it would be because the tax was levied prior to the permissive grant of Congress which is contained in section 5219. This would enable the legislature then not to ratify or confirm that tax in its entirety that the court had held had violated section 1, but to legalize and collect to the extent that it is permitted, and which the court has said would not be in violation of section 1.

Mr. GRAHAM of Illinois. If it was in accord with the provisions of section 1 and the court has passed upon it and held that it was legal, then this act would validate that tax.

Mr. WINGO. I think it would.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WALSH. Is it not a fact and was it not disclosed in the hearings that while there are a great many suits pending there are only a very few cases where the taxes were paid under protest prior to the suits being instituted?

Mr. McFADDEN. The gentleman is correct.

Mr. WALSH. What can be the harm of an amendment exempting from the provisions of section 3 those cases where the taxes were paid under protest and suit was brought?

Mr. STAFFORD. Does not the gentleman want to be fair to all?

Mr. WALSH. I want to be fair to the person who was awake, who was alive at the time the payment was made, and who raised the question.

Mr. SNELL. The gentleman wants to protect the few big banks.

Mr. WALSH. Why should we protect people who slept on their rights?

Mr. STAFFORD. The gentleman wants to favor the tax sharks. We want it to apply to all alike.

Mr. WALSH. Oh, no; a lot of people in Wisconsin went to sleep and paid this money, and they are coming now to Congress to get it back.

Mr. STAFFORD. Oh, no. We pay our just taxes in Wisconsin.

Mr. WALSH. I would like the gentleman to answer my question. The gentleman yielded to me.

Mr. CLARKE of New York. Mr. Speaker, I demand the regular order.

Mr. WALSH. Oh, the gentleman need not be disturbed about the regular order. The gentleman from Pennsylvania yielded to me.

Mr. McFADDEN. To answer the question of the gentleman from Massachusetts, we have been trying to deal with this intricate problem in a manner that is just, and as the gentleman says, a few of these banks that paid taxes, paid taxes under protest. The great majority did not. What we are trying to do is to provide means whereby the States can collect the tax from these banks, and the banks themselves are not disputing it; they are ready to pay a legal tax. Unless we have this language in section 3, these banks are going to escape the payment of their legal taxes for this period of time. I realize that it is a very delicate point constitutionally, and that lawyers probably can find a flaw in it.

Mr. WALSH. If the banks were not disputing this tax, why were they paying it under protest?

Mr. McFADDEN. Under the advice of very clever lawyers, I presume.

Mr. SNELL. Will the gentleman from Massachusetts tell us how many banks paid it under protest—what proportion of them?

Mr. WALSH. I understand only one in Massachusetts, and less than six in New York.

Mr. SNELL. And these are the very largest banks, are they not?

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEAGALL. In the first place, lawyers differ about the effect of the validating section of this bill. Many contend that the States have already the power to pass correctional legislation. In one respect at least, section 3 of the bill before us is a limitation, because it provides that you can not go further back than January 1, 1917, in any validating act to be passed. Whether it does accomplish the purpose or not is beside the question asked a moment ago by the gentleman from Massachusetts [Mr. WALSH]. The answer to that is this: No matter how you construe this legislation, it can not do anything more than let the States levy upon the national banks such taxes as were authorized by the Federal statute originally. If we do not validate as to those banks that have litigated we would have this situation; that the banks in a State, which, without question and in deference to the enactments of their legislatures and in patriotic desire to meet the responsibilities resting on them, come forward voluntarily and pay their taxes would be worse off than the banks that refused to accept and abide by the legislation of their States. In other words, we would put a premium upon the effort of banks to litigate and test out the right of the States to tax them. We would let those that resort to the courts to question the validity of the taxes assessed against them escape entirely, while banks that are inclined to respect the laws of the State and pay their taxes would have to meet the burdens put upon them.

Mr. SNELL. Will the gentleman yield right there?

Mr. STEAGALL. In just one moment.

This law is not retroactive in any true sense of the word. All that is undertaken to be done is to enable the legislatures to levy against all banks just such taxes as the Federal statute authorized half a century ago, and such as other people were paying and what the banks themselves are willing to pay.

Mr. SNELL. If we adopt the suggestion of the gentleman from Massachusetts, we would be protecting a few big banks to the detriment of the banks that have paid the taxes.

Mr. McFADDEN. The gentleman is correct in that. The large banks have attorneys who look out for these things, whereas the country banks are not always alive to the situation. The country banker who was in the habit of paying his taxes under this statute was probably not advised of this Supreme Court decision. The case in Massachusetts is one of the larger banks. I believe it is the First National Bank of Boston.

Mr. WALSH. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. WALSH. Suppose the court should decide against the banks, how would it be protecting the banks? In New York, and Massachusetts also, where would there be any protection to the banks?

Mr. McFADDEN. If the court does not decide against the bank, it would get out of the payment of the taxes.

Mr. WALSH. It should be decided by a legally instituted proceeding brought by people who are desirous of the right.

Mr. SNELL. The gentleman from Massachusetts evidently wants the big banks protected and to have the little banks escape.

Mr. McFADDEN. Mr. Speaker, I desire to insert in the RECORD at this point the Supreme Court decision in this case of the Merchants' National Bank, of Richmond, Va., against the city of Richmond.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The decision is as follows:

Supreme Court of the United States. No. 240. October term, 1920. The Merchants' National Bank of Richmond, Va., plaintiff in error, v. The City of Richmond. In error to the Supreme Court of Appeals of the State of Virginia.

(June 6, 1921.)

Mr. Justice Pitney delivered the opinion of the court.

The court of last resort of Virginia sustained a tax assessed by the city of Richmond in the year 1915, in form against plaintiff in error, a national banking association, in substance and effect against its shareholders, overruling a contention based upon the Constitution and laws of the United States. To review its judgment a writ of error has been sued out and allowed, and application has been made also for the allowance of a writ of certiorari. The proceeding originated in the Hustings court of the city of Richmond with a petition filed by the bank against the city to correct the assessment as erroneous. The first hearing resulted in an order granting the relief prayed for, upon grounds not now material; but, upon review by the supreme court of appeals, this was reversed (124 Va. 522), and the case remanded for further proceedings in conformity with the views of that court; in consequence of which, correction of the alleged erroneous assessment was refused by the trial court, and the proceeding dismissed. An application for a writ of error to review this judgment was denied by the supreme court of appeals, with the effect of affirming the judgment of the Hustings court.

The tax was imposed pursuant to an ordinance approved April 9, 1915, passed under the powers conferred upon the city by its charter and an act of the general assembly approved March 15, 1915 (Virginia acts 1915, ch. 85, p. 119). The opinion of the court of last resort shows that plaintiff in error drew in question the validity of the ordinance and statute, as construed and applied, upon the ground of their alleged repugnance to section 5219, Revised Statutes of the United States, and that the court sustained their validity notwithstanding. Under section 237, Judicial Code, as amended by act of September 6, 1916 (ch. 448, 39 Stat. 726), a writ of error is the appropriate process for reviewing the final judgment in this court, and the petition for allowance of a writ of certiorari will be denied.

It will not be necessary to recite the provisions of the statute and ordinance beyond saying that, taken in connection with another act of the general assembly, approved March 17, 1915 (Virginia acts 1915, ch. 117, p. 160), they authorized the imposition for the year 1915 upon banks, stocks, State and National, of a tax for State purposes at the rate of 35 cents and a tax for city purposes at the rate of $1.40—a total of $1.75—upon the $100 of valuation, while upon intangible personal property in general, including bonds, notes, and other evidences of indebtedness, the State rate was 65 cents and the city rate 30 cents, an aggregate of 95 cents, upon each $100 of valuation.

The bank's petition alleged, and the evidence showed without dispute, that in the city of Richmond, in 1915, city and State taxes at the rates first mentioned were imposed upon national bank stocks (including that of plaintiff in error) to the aggregate value of more than $8,000,000, and stocks of State banks and trust companies to the value of $6,000,000 and upward, while taxes at the lower aggregate rate of 95 cents per $100—city tax 30 cents, State tax 65 cents—were imposed for the same year upon bonds, notes, and other evidences of indebtedness aggregating $6,250,000. It is to be inferred that a substantial part of this aggregate was in the hands of individual taxpayers; the precise amount does not appear. It also was shown by evidence without dispute that moneyed capital in the hands of individuals invested in bonds, notes, and other evidences of indebtedness comes into competition with the national banks in the loan market.

Neither of the State courts passed upon this evidence or made findings of fact thereon; doubtless because, under their respective views of the applicable law, the facts referred to were immaterial. But this omission does not relieve us of the duty of examining the evidence for the purpose of determining what facts reasonably might be, and presumably would be, found therefrom by the State court if plaintiff in error's contention upon the question of Federal law should be sustained, and the facts thereby shown to be material. (Carlson v. Curtiss, 234 U. S. 103, 106.)

The Supreme Court of Appeals entertained the view that the purpose of section 5219, Revised Statutes, was confined to the prevention of discrimination by the States in favor of State banking associations as against national banking associations, and that since none such is shown here there was no repugnance to the Federal statute. This, however, is too narrow a view of section 5219. It traces its origin to section 41 of the act of June 3, 1864 (ch. 106, 13 Stat. 99, 111–112), in which, besides the restriction that State taxation of the shares of national banking associations should not be at a greater rate than that assessed upon other moneyed capital in the hands of individual citizens of such State, there was an express proviso that the tax should not exceed the rate imposed upon the shares of State banks. But this was modified by act of February 10, 1868 (ch. 7, 15 Stat. 34), in a manner which, as was pointed out in Boyer v. Boyer (113 U. S. 689, 691–692), precluded the possibility of an interpretation permitting the States, while imposing the same taxation upon national bank shares as upon shares in State banks, to discriminate against national bank shares in favor of moneyed capital not invested in State bank stock. "At any rate," said the court, "the acts of Congress do not now permit any such discrimination." In the amended form the provision was carried into the Revised Statutes as section 5219, which prescribes that State taxation of shares in the national banks "shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State."

By repeated decisions of this court, dealing with the restriction here imposed, it has become established that while the words "moneyed capital in the hands of individual citizens" do not include shares of stock in corporations that do not enter into competition with the national banks, they do include something besides shares in banking corporations and others that enter into direct competition with those banks. They include not only moneys invested in private banking, properly so called, but investments of individuals in securities that represent money at interest and other evidences of indebtedness such as normally enter into the business of banking. In Evansville Bank *v.* Britton (105 U. S. 322, 324) the court said: "The act of Congress does not make the tax on personal property the measure of the tax on bank shares in the State, but the tax on moneyed capital in the hands of the individual citizens. Credits, money loaned at interest, and demands against persons or corporations are more purely representative of moneyed capital than personal property, so far as they can be said to differ. Undoubtedly there may be much personal property exempt from taxation without giving bank shares a right to similar exemption, because personal property is not necessarily moneyed capital. But the rights, credits, demands, and money at interest mentioned in the Indiana statute, from which bona fide debts may be deducted, all mean moneyed capital invested in that way. * * * We are of opinion that the taxation of bank shares by the Indiana statute, without permitting the shareholder to deduct from their assessed value the amount of his bona fide indebtedness, as in the case of other investments of moneyed capital, is a discrimination forbidden by the act of Congress."

And in Mercantile Bank *v.* New York (121 U. S. 138) the court, speaking by Mr. Justice Matthews, after reviewing previous decisions and pointing out (p. 154) the policy and purpose of the act the key to its proper interpretation, proceeded to declare (p. 157): "The terms of the act of Congress therefore include shares of stock or other interests owned by individuals in all enterprises in which the capital employed in carrying on its business is money, where the object of the business is the making of profit by its use as money. The moneyed capital thus employed is invested for that purpose in securities by way of loan, discount, or otherwise, which are from time to time, according to the rules of the business, reduced again to money and reinvested. It includes money in the hands of individuals employed in a similar way, invested in loans or in securities for the payment of money, either as an investment of a permanent character or temporarily with a view to sale or repayment and reinvestment. In this way the moneyed capital in the hands of individuals is distinguished from what is known generally as personal property." Proceeding then to quote the passage we have cited from Evansville Bank *v.* Britton, supra.

In Amoskeag Savings Bank *v.* Purdy (231 U. S. 390–391) the above-mentioned declaration of the court in Mercantile Bank *v.* New York (121 U. S. 138, 157), including the citation from Evansville Bank *v.* Britton, was repeated, and it was pointed out that the rule of construction thus laid down had since been consistently adhered to.

No decision of this court to which our attention is called has qualified that rule or construed section 5219 as leaving out of consideration the rate of State taxation imposed upon moneyed capital in the hands of individual citizens invested in loans or securities for the payment of money, either for permanent or temporary purposes, where such moneyed capital comes into competition with that of the national banks. Thus in Bank of Commerce *v.* Seattle (166 U. S. 463, 464) the precise ground of decision was the want of a showing that "the moneyed capital left unassessed was, as to any material portion thereof, moneyed capital coming into competition with that of national banks." To the same effect National Bank of Wellington *v.* Chapman (173 U. S. 205, 219). In the present case there is a clear showing of such competition, relatively material in amount, and it follows that upon the undisputed facts the ordinance and statute under which the stock of plaintiff in error was assessed, as construed and applied, exceeded the limitation prescribed by section 5219, Revised Statutes, and hence that the tax is invalid.

Application for writ of certiorari denied.

Judgment reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Mr. Justice Brandeis dissents.

A true copy.

Test:

Clerk Supreme Court United States.

Mr. STAFFORD. Did the gentleman think of having it incorporated in the report?

Mr. McFADDEN. The report is printed separately, but I thought it better to have it in the permanent RECORD.

Mr. Speaker, I reserve the balance of my time.

Mr. WINGO. Mr. Speaker, I ask for recognition, unless there is some one opposed to the bill.

Mr. McFADDEN. I reserve the balance of my time.

Mr. WINGO. Mr. Speaker, this question has given the Banking and Currency Committee a great deal of trouble. I do not know of any question that we have gone into more carefully and given more extensive hearings on than on this bill. The decision in the Richmond case, according to my view as a lawyer, did not lay down any new proposition at all. With all due respect to the lawyers that tried that case, representing the city of Richmond, I think they were in error when they practically stood on a demurrer to the bank's petition. In other words, they practically demurred to the allegation of the petition of the bank, because they did not introduce any evidence to contradict the assumption that the city of Richmond was taxing at a lower rate moneyed capital that was in the hands of private individuals in the city of Richmond. My understanding is that if they had not stood on the false theory of the law they could have introduced proof that would have met the allegation of the bank's petition and the bank's proof and the court would have decided differently.

Now, if you lawyers would take the Mercantile Bank case and other cases and note the line of decisions, I venture the assertion that every one of you would agree that the decisions of the courts of the United States have been fair and uniform from the beginning down to and including the Richmond case. And what we do by this bill is that we only change really that part of the rule governing the assessment and tax of the shares of national banks by the States, as found in subsection (b), line 8, on page 2. That provides:

That in any State where a tax in lieu of a property tax is assessed upon the net income derived from such other moneyed capital, such State may in lieu of a tax on the shares impose upon the bank an income tax, assessed upon the net income of the bank, but such tax shall not be at a greater rate than is assessed from the net income of such other moneyed capital.

In other words, we say, to conform to the old general rule, they must not discriminate against the national banks by levying a greater tax upon the shares of national banks than would be levied on the income of an individual citizen of the State or the income of the two. In other words, we simply broaden the statute, not as to the extent that you can levy but to the classification of your taxing system in the State. So that those States which have seen fit to discard the old general property tax and undertake to classify their taxation and provide for a tax on incomes in lieu of a property tax, the States may do that, just so they conform to the nondiscriminatory rule laid down in the law, which has been the law for a long time.

Mr. VOIGT. I want to ask the gentleman what is the use of using all this involved language in paragraph (b), which says:

That in any State where a tax in lieu of a property tax is assessed upon the net income derived from such other moneyed capital—

And so forth. Why do you not just say that if a State has an income tax applicable to the banks in general such a tax may be levied on the national banks?

Mr. WINGO. Because that would be contrary to the existing law and contrary to the views of the committee.

Mr. VOIGT. The bill provides for an income tax on income derived from moneyed capital. I understand that to be the rule at the present time.

Mr. WINGO. The wording of the statute has been defined by the court.

Mr. VOIGT. Yes. But does not the gentleman think that the State ought to be given the right to tax a national bank to exactly the same extent and in the same manner, and without discrimination, as it taxes its own State banks?

Mr. WINGO. It has that power. They have the power now, this does not disturb it.

Mr. VOIGT. The State is certainly not given the power by subdivision (a) of section 1.

Mr. WINGO. The gentleman is a lawyer?

Mr. VOIGT. Yes.

Mr. WINGO. That does not give the States power. The States do not derive from Congress power to tax State banks. If they are going to discriminate against banks, would you have Congress undertake to regulate the State legislatures and protect State banks, too?

Mr. VOIGT. No. I am talking about what is attempted to be accomplished by this bill.

Mr. WINGO. Show me in this bill anything that lays down a rule on a legislature in assessing or taxing State banks. It does not cover that question at all.

Mr. VOIGT. No; but this bill attempts to convey power to the States. In the absence of a statute of course the State would have no power to tax a national bank, because it is a Federal agency. This attempts to delegate that power to the States. It seems to me the only fair rule would be this, to give the States the power to tax national banks to the same extent and no further than they tax State banks within their own borders. This bill does not do it.

Mr. WINGO. I gather what the gentleman means. In other words, you want to do this: You want to make it possible for the State to permit private bankers to be taxed less than national bankers?

Mr. VOIGT. No.

Mr. WINGO. I did not mean to say that the gentleman wants to do that, but that is the effect of his suggestion.

Mr. VOIGT. No. What I want to do is this: If there is a bank in a town in my State that is chartered by the State that has a capital and surplus, say, of $150,000, and in that same town there is another bank chartered by the United States which has the same amount of capital and surplus and does practically the same business, I want those two institutions to pay the same amount of tax to the State, and this bill does not do it.

Mr. WINGO. Oh, no. This bill does this: This bill does not restrict the State to that narrow limit. You might do this: You might have the situation arise in some States—because it has arisen—and it is true that some States exempt private

bankers from taxation and make their national banks and State banks bear the entire burden. Why should J. P. Morgan & Co. be taxed less than that which is paid by a State or National bank in New York City?

Mr. VOIGT. If the gentleman asked me that question, I should say that J. P. Morgan & Co. should pay the same tax as other bankers do; and if they do not do it, then something should be inserted in this bill to make them do it, and you have the power to do it.

Mr. WINGO. But what right has the Congress to tell the State of New York what they shall tax bankers? The gentleman objects to moneyed capital in the hands of private individuals being the rule. You want the limitation to be capital invested in State banking institutions?

Mr. VOIGT. Banking in general.

Mr. WINGO. Now, if you limit it to that, then the question would come in—because it has actually arisen by experience—whereby men who are practically engaged in the banking business, but not technically so, but are in direct competition with the State banks and with the national banks, might be exempted entirely from tax on their moneyed capital, whereas a State institution or a national bank, a Federal institution trying to compete with them, will be compelled to bear a greater part of the burden of taxation in that community than they ought to. Under this bill we do not change the present existing rule except as presented in subsection (b). We retain the rule that they must not discriminate in favor of moneyed capital in the hands of private individuals in the States.

That is in the law now, and we decided almost unanimously in the committee to bring it forward in this amendatory bill, and the only change that has been made in the present law, which has been interpreted by the Supreme Court in numerous cases, which is clear, and which the banks understand, and the State taxing commissions understand, and which every lawyer understands who has studied it, we will not disturb that, but we will simply say this: We will say to these States that seek to have a progressive system of taxation by substituting an income tax in lieu of a property tax, if the States want to do that we say, "All right; if you want to do that, do it, except that in levying that income tax you must make the measure the same; that you will not discriminate in favor of the moneyed capital in the hands of private individuals in your State engaged in banking."

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. NEWTON of Minnesota. The gentleman made a statement a moment ago to the effect that in the State of New York private bankers like J. P. Morgan & Co. did not have to pay a tax.

Mr. WINGO. No. They pay a lighter tax. In other words, the State law discriminates in favor of the private banker in New York, according to our information, and against the State banker and the national banker.

Mr. NEWTON of Minnesota. I understood the gentleman to say that they did not pay any tax.

Mr. WINGO. No; I did not mean to say that.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. WILLIAMSON. In subdivision (a) of the first section it is stated—

That the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of the individual citizens of such State coming into competition with the business of national banks.

Most of the States assess moneys and credits in the hands of individuals at a less rate than they assess other property, including bank stock. For instance, here is a man who has $1,000 or $10,000 that he loans to his neighbor. On that class of loans there is a smaller assessment. Under the bill as it stands how are you going to compel the national banks to pay the same tax that the State banks pay? Are you not limiting it to a rate of levy upon moneys and credits in the hands of individuals who may loan their savings?

Mr. WINGO. The decision of the Supreme Court determines that.

Mr. WILLIAMSON. But this is the decision.

Mr. WINGO. I happen to be associated with the gentleman, and I know something about his legal ability, and I am satisfied that if the gentleman will study the Richmond case he will say that the lawyers made a mistake in not traversing the allegation of fact in the plaintiff's petition and meeting the testimony supporting the allegations.

The decision in the Richmond Bank case does not lay down a single new principle. The Supreme Court decided that case on the fact that the bank alleged and offered evidence in support of the allegation that the city of Richmond taxed at a lower rate several million dollars of money capital in the hands of individuals in competition with the banks, and the city offered no testimony to refute that allegation and proof. In other words, they admitted themselves out of court. They admitted that the city of Richmond was permitting certain money lenders who were in direct substantial competition with the banks to be taxed at a lower rate than the banks were taxed. They admitted themselves out of court when they admitted that.

Mr. WILLIAMSON. The lower court made no findings upon those facts.

Mr. WINGO. The lower court of Virginia went off on a different theory than the Supreme Court of the United States did, as I now recall. If the gentleman has studied that decision, he will see that the Supreme Court said in as polite a way as they could, although they did not say it in so many words, but the gentleman can see that in discussing the matter privately the judges said to one another, "Why, that lawyer just admitted his case out of court by not traversing the allegation that there were $8,000,000 or $10,000,000 of moneyed credits in the hands of private individuals, in direct substantial competition with the banks, that were taxed at a lower rate than the banks were." When they did not traverse that allegation every lawyer recognizes that it is the same as if the city of Richmond had filed a general demurrer to the complaint and stood upon that.

Mr. SNELL. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from New York.

Mr. SNELL. This measure is particularly for the purpose of correcting the manner of taxing national banks, not specially to take care of private banking institutions. What would be the objection in section 1, after the word "capital," to amend by saying "employed in the business of banking," instead of the language used in the present bill?

Mr. WINGO. There would be this difference. There might be some competition of a substantial character, and the courts have held that it must not be any little incidental thing. They look at the facts of each particular case. The only variation in the decisions is because there was a variation in the facts disclosed in the different records. If the gentleman undertook to limit it to banking institutions, he might meet with that difficulty.

Mr. SNELL. In the banking business, I said.

Mr. WINGO. But the gentleman will notice in lines 6 and 7 on page 2 we put the test—

coming into competition with the business of national banks.

In other words, if the gentleman will permit, this gave us lawyers in the committee a good deal of concern.

Mr. SNELL. It certainly did.

Mr. WINGO. And here is what we decided. We took all the decisions, and every one of us lawyers agreed that the Supreme Court in that long line of decisions had not varied from the general principles first laid down. We all agreed that the apparent differences in the decisions grew out of different facts in the record in each case. We said, "The Richmond case has not announced any new principle. It just simply happened to wake up a lot of lawyers and bankers and started this litigation." Now, we did think that the request of the State taxing commissioners that we amend the law should not be granted, but growing out of the discussion in the hearings before the committee it developed that some of the States are getting away from the taxing system of general property taxes and adopting an income tax. Now, the question was raised whether or not they had authority to do that under section 5219; so we said, "We will stand by the present law except that we will permit the States to use the alternative system." So we did not undertake to change the law by this bill in any other respect, and used this language—"coming in competition with the business of national banks."

Mr. SNELL. Is it not the interpretation of that language that caused the trouble?

Mr. WINGO. No; we used that language because the Supreme Court of the United States had used it and defined it, and the decisions in the cases have disclosed what the courts will hold to be the measure as defined by that language.

Mr. SNELL. Does the gentleman think there is no trouble about that language?

Mr. WINGO. We think there will be no trouble. I will be perfectly frank with the gentleman. I think we could use language that would be simpler.

Mr. SNELL. It would be simpler to me.

Mr. WINGO. But it would be new language. We thought it would avoid litigation and be safer for the banks themselves if we took language that had been specifically interpreted in cases

involving the taxing of national bank stock, by the Supreme Court of the United States. We thought we would not disturb the present rule, but just simply broaden the method by which that rule was followed in State taxation so as to permit the alternative of an income tax instead of a general property tax.

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I have had some difficulty as to whether the phraseology of paragraph (b) of section 1 will cover the existing taxation system of my own State of Wisconsin. Paragraph (b) says:

That in any State where a tax in lieu of a property tax is assessed—

But in Wisconsin we have not enacted a State income tax law in lieu of the property tax. We have enacted it supplemental to the personal property tax. The personal property tax is enforced, but if a person pays a personal property tax he may deduct it from the income tax; but if the personal property tax is greater than the income tax, he has to pay the excess as levied on his personal property.

Mr. WINGO. In other words, the gentleman's question is this: Why do we not permit the States to use both systems, one supplemental to the other, instead of taking the alternative?

Mr. STAFFORD. I think the phraseology should be changed so as to meet the condition where the income tax law is supplemental to the property tax, as in the State of Wisconsin. We have not discontinued the personal property tax in Wisconsin. We have supplemented it. My suggestion to the gentleman is, after the words "in lieu of a tax on the shares," to insert the words "or as supplementary thereto."

Mr. WINGO. Candor compels me to admit that personally I hold to the view of the gentleman. I think if a State wants to levy a general property tax which is right, and supplemental thereto also to have an income tax, the State ought to have that right; but the fact was brought to the attention of the committee, either in the public hearings or in private conversation with some of these experts, that discrimination in effect might arise, and my contention in that regard was somewhat overcome by the possibility of using these dual systems as a means whereby a real discrimination in effect might be made against the bank stock and in favor of private moneyed capital.

Personally I was in favor of giving the States the broadest latitude. I think the correct rule is recently stated in one of the New York cases, and I think the Supreme Court may yet uphold it. It was in effect that you must consider the entire taxing system of a State, and if in the last analysis the tax burden, however it may be made, under whatever classification, if the tax burden that is finally collected is nondiscriminatory, if it levies on the bank no greater burden than it levies on other property, the bank can not complain because the State adopted one scheme for getting the tax of one group and another scheme for getting it from another group. The committee disagreed with me and I agreed to this, as it is about the best we can agree on.

Mr. STAFFORD. I question whether the phraseology in the bill as reported will bring any relief to the State of Wisconsin, to the tax commission under the existing taxation system, because the income tax law is not in lieu of the personal property tax.

Mr. WINGO. The gentleman is proceeding on the theory that Congress has the power to grant relief to States, when the only duty which it has to discharge in this regard is to be sure it will restrain the States from discriminating against the Federal agencies, to wit, the holders of shares in national banks. If your State wants relief it can get relief by its own act; it is not the business of Congress to give it relief.

Now, I will be frank with the gentleman—personally I would be willing to permit the supplementary system, but the committee was against me on that, and this does permit your State to adopt the alternative system if it wants to, and does not hold it down to the general property tax.

Mr. STAFFORD. It does not bring the relief to the State of Wisconsin so that we can place the taxation of national banks on a parity with State banks.

Mr. WINGO. I think you can get your tax by using either one of the two methods.

Mr. WALSH. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. WALSH. Assuming that a bank in 1918, which was three years before the Richmond decision, paid its tax under protest and brought suit, and did likewise in 1919 and 1920. That is before the Richmond decision and before the litigation was instituted. Why should we make the power that we are conferring on the legislature seemingly retroactive so that these people in 1918, before the Supreme Court decision on this question, when they paid under protest and brought suit—why should we say that the States can validate that tax?

Mr. WINGO. While we do not do that, I understand what the gentleman means is, What is the necessity for section 3?

Mr. WALSH. I would like to know why, if there are only a few instances, why not let the court settle those cases instead of Congress saying that we will find against the plaintiffs.

Mr. WINGO. If I thought that section 3 was a finding in fact or in law against either party, I would not be for it.

Mr. WALSH. It is in effect; it says that the legislature can validate the tax.

Mr. WINGO. That is the gentleman's interpretation; I do not give it that interpretation.

Mr. WALSH. If that is not the case, does the gentleman contend that the legislature can not validate the tax that is now subject to litigation?

Mr. WINGO. No; I do not; but better lawyers than I am do. I am going to be perfectly frank with the gentleman. This section 3, while it was drawn by the gentleman's colleague, Mr. LUCE, of Massachusetts, was put on the bill at my insistence. The subcommittee reported sections 1 and 2. The gentleman from Massachusetts [Mr. LUCE] preferred other language. Now, the committee settled the dispute between the subcommittee report, which is all of the bill down to section 3, and other proposals. It voted largely in favor of the subcommittee's conservative report, which would do nothing more than make a change I have pointed out.

I suggested that while the original bill introduced provided for the direct validation by Congress, and while I was opposed to that because I did not believe Congress could do that, I was willing to go this far in order to grant relief to Massachusetts and New York. And for the purpose of settling the lawsuits and for the purpose of enabling the litigants of these two States, the State commissioners, and the attorneys for the banks to get together I am going to make the same candid statement to the House that I made in the discussion before the committee on the legal provisions. I said personally I believed the State of Massachusetts, if the court should hold that the legislature for 1918 which the gentleman mentioned, that it was wholly void—I do not care for what reason—I believe the State Legislature of Massachusetts could enact a back-tax statute authorizing whatever agency in that State makes an assessment, authorizing that agency to extend for the next year along with other taxes for the current year, proper taxes for 1918 that had been held to be void. I believe that the Legislature of the State of Massachusetts could do that, provided that in making that levy they conformed to section 1 of the act—that is, section 5219—that the levy they made does not contravene that. Why? Because the court will have bottomed its decision on a finding of fact, that the invalid tax was void for one of several reasons, but for the purposes of this discussion for one reason only, and that is because it contravenes the rule laid down in section 5219. Then if the legislature sought to cover up that omission by a tax that came not only within the rule of section 5219 but within the rule laid down by the court, which must be the same, then I think the State of Massachusetts has that authority. However, a lawyer for whose legal opinion I have great respect, and other lawyers, have said to the contrary, and I think there is one lawyer connected with one of those bank litigations who says that should the State lose, and the State of Massachusetts should attempt to do that, or the State of New York—I do not remember which State he is from—then he would go into court and he would resist that supplementary or confirming statute or back-tax statute, whatever you call it, upon the ground that the State had no power to tax the shares of national-bank stocks by supplementary or confirming statutes and that it only got the power to tax them at all through an express grant from Congress when it enacted section 5219, and that section 5219 only permitted the assessment at the regular assessing time—in other words, a regular levy and a regular collection—and that it did not permit the States to make a confirming levy or a back-tax levy. I said to the committee that while I did not believe that position to be sound, that while I believed that any court would override it and would say that the Congress in enacting section 5219 had acted in the light of the constitutional powers of the several States to levy a back tax, yet the presumption was that Congress intended to put only one restriction and leave the States the power to tax in any way they saw fit, save and except the one limitation which would prevent discrimination.

But I said that if we can help the people of Massachusetts or the people of New York in any way that is within the power of Congress to adjust this matter amicably, then all right; and I suggested that section 3 would give these State representatives, the State taxing commissions, a club over these attorneys and banks, and would enable them to say to them, if you do not settle this on a fair basis, on a conceded nondiscriminatory

basis, then we will undertake to enact further legislation by having the legislature pass a supplementary act that will be beyond any question within the limitations of section 5219. That would be one club. The other reason was that it would remove that legal quibble which I think was unfounded. I now yield to the gentleman.

Mr. WALSH. What the gentleman stated I conceive is a proper motive, particularly where suits have been instituted since the Richmond decision, but where the persons who have been taxed have prior to that time been paying these taxes under protest, it seems to me questionable whether Congress could now step in and say that notwithstanding they raised this question before the Supreme Court of the United States determined it, notwithstanding they stood upon their rights and paid the tax under protest—and these instances are very few—yet that we shall say to the legislatures of the States, that they can validate, ratify and confirm, or make a further levy upon them, even though the case is in litigation. As to the cases where they paid the tax without question, or where they have instituted suits since the Richmond decision, I concede that the gentleman's position is sound, but it does seem to me that there may be some doubt as to the authority of Congress in the matter.

Mr. WINGO. The gentleman will concede that the motive is good?

Mr. WALSH. I do not raise any question about that.

Mr. WINGO. As I understand, the gentleman raises the question of the power of Congress to do this?

Mr. WALSH. Yes; where the taxes were paid prior to the Richmond decision under protest.

Mr. WINGO. If the gentleman will read the Richmond decision in the light of the other bank-stock cases, he will see that it does not lay down any new rule at all, but he will find it went off because the attorney for the city saw fit to stand upon a theory of law instead of traversing an allegation of fact, which allegation fitted the Federal statute, and thereby it took him out of court.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. I wish to know whether I understand the gentleman correctly. If I understand the gentleman's argument, then I agree with his conclusion. In the first place, he says that this litigation that went to the Supreme Court of the United States relative to the Richmond tax of 1915 was decided finally upon the ground that the tax was a discriminatory tax.

Mr. WINGO. Yes.

Mr. MOORE of Virginia. And that was the sole ground?

Mr. WINGO. In other words, it decided this, that it was alleged by the petitioner and proven, and not controverted by the other side, that there was some eight or ten or twelve million dollars of moneyed capital in the hands of private people in competition with the national banks of Richmond that was not taxed to the extent that the bank in question was taxed.

Mr. MOORE of Virginia. The court seems to have put its decision upon the ground altogether that there was discrimination, and it is to be inferred that if it had not found discrimination it would have upheld the tax as a valid tax.

Mr. WINGO. I do not think there is any question about that.

Mr. MOORE of Virginia. That, in the first place. In the second place, as I understand it, this final provision of this bill validates any tax that does not contain the feature of discrimination. That, in substance, is what it does?

Mr. WINGO. Yes; except I think the gentleman still overlooks the fact that this does not seek to validate anything. It says that the present existing law shall not prevent the States from validating, just so long as they do not discriminate, just so long as they follow the rule Congress has laid down.

Mr. MOORE of Virginia. That detail I included in the suggestion I made. The effect of the third section is to enable any State that has levied a nondiscriminatory tax to validate or collect it. That is the effect of the final section.

Mr. WINGO. The effect would be to enable them to do it.

Mr. MOORE of Virginia. To enable them to do it, and if that is all the legislation is clearly constitutional?

Mr. WINGO. I do not think there is any question about it.

Mr. MOORE of Virginia. If that were not true, if the Congress of the United States was undertaking to enable any of the States to impose a tax collectible now, which the States had no right to impose in 1915, 1916, 1917, or 1918, then you would have very grave doubts as to the constitutionality of it?

Mr. WINGO. I do not think Congress could validate it. I said I do not believe that Congress has the power to directly validate or confirm; that all on earth Congress has the power to do is to permit the States, in other words, to say to the States that they may tax this Federal agency to a certain limit, not in a certain manner for a certain purpose, but for any State purpose you see fit, just so they do not discriminate. We will permit the States to tax, just so that they do not discriminate against the shares of stock in these Federal agencies.

Mr. MOORE of Virginia. I understand from what the gentleman has just stated it is not his idea that Congress could vest any new power of a retroactive character in the States?

Mr. WINGO. No.

Mr. MOORE of Virginia. That is what the Supreme Court decided in the case of Forbes against the Board of Commissioners of Everglades, decided in April of this year. The opinion says:

> But general ratification of an act is not good if attempted at a time when the ratifying authority could not legally do the act.

Mr. WINGO. If the gentleman will notice, I would not have agreed to subsection 3 if there had not been these words in it, "to the extent of," and so forth. In other words, if the Legislature of Massachusetts should pass a confirming or back-tax statute to the extent of holding taxes to the extent of the law covered by section 1, and which was in existence at the time this void assessment was made, then we would take away from that bank the alleged right it had under the old law to plead that no assessment could be made except at the regular period for all assessments.

Mr. MOORE of Virginia. In other words, this bill in substance redeclares the law.

Mr. WINGO. We redeclare the law, and we simply remove a legal quibble by simply saying that they shall not set up a legal quibble, because Congress did not in the first instance say to them that they could make a back levy.

Mr. WALSH. The gentleman does not mean to say that Congress is redeclaring the law?

Mr. WINGO. That is what we are doing.

Mr. WALSH. The gentleman means that he is saving from the wreck of the Richmond decision what was not scrapped?

Mr. WINGO. I think everybody by common consent, when we went into the Richmond decision, put it aside.

Mr. WALSH. Of course, the Richmond decision is the reason for this legislation. Does the gentleman say the legislature of any State would have the right to legalize and confirm without Congress specifically conferring the authority by some legislation?

Mr. WINGO. I think so; just so——

Mr. WALSH. What will section 3 add?

Mr. WINGO. I think the States have the power now. But good lawyers think they have not the power, and I think that that section is a declaration by Congress, that there was no intention in enacting section 5219, which we reenact here in this vital part, to say to the States that they are limited to the assessment of the collection at the regular period, and that they have the right to cure a defective levy by a back tax or confirmation statute.

Mr. WALSH. Is that the reason for the peculiar language of paragraph 3, that it shall not prevent the legalizing, and so forth?

Mr. WINGO. Certainly that was the object. Section 3 was drawn to meet an objection I made to the original proposition, that Congress had no power to do this itself. I think it would be unfortunate to leave Massachusetts or New York in such a position that some bank might escape its just proportion of tax in those States, I think it is the duty of Congress, now that we have the question before us, to make it clear, that so far as Congress is concerned the Congress did not intend by restrictive powers to tie the hands of New York and Massachusetts. I thought it was impossible to settle these matters in the committee, and I was willing to say to the States that they should have the power to levy these taxes just so they keep within the well-settled and judicial interpretation of the rule, so that they do not discriminate against these banks in favor of any moneyed capital in those States. Let the States adopt any tax system they want. All that Congress ought to do is to say that they shall not discriminate against Federal agencies. Why should I in Congress say to Massachusetts or Arkansas or New York or Arizona what kind of tax system they should have? Let them have their own taxing system, just so they do not tax out of existence the Federal agency by discriminating against it. I think that is a sound rule that the Congress should follow.

Mr. DUNBAR. I agree with the statement the gentleman has just made in regard to the object of passing this bill, but I would like to know something in detail regarding its operation. Under the provisions of section 5219 of the Revised

Statutes I understand that the national banks of the State of Massachusetts will be permitted to retain or to recover $16,000,000 worth of taxes which Massachusetts has supposed it would collect from these national banks. Now, under section 3 will it be possible for the State of Massachusetts to collect that $16,000,000?

Mr. WINGO. Provided that $16,000,000 is a correct amount, measured by section 1. In other words, here is the practical difficulty that confronts Massachusetts and New York: Most of these towns and communities have taken this money and have spent it, and they are up against it. That is the reason why, instead of saying they could pass a back tax statute that could legalize it to a certain extent, so that in passing the law they would not be said to be passing a back taxing statute, it could be said to the communities and cities that collected this tax that they could retain a certain measure, provided that measure and that extent did not go beyond the rule laid down in section 1. That would be the effect of it.

Mr. DUNBAR. Yes. I understand that most of the money has been spent by the States of Massachusetts and New York, so that it is going to be a matter of very serious embarrassment to those States if they are compelled to refund to the national banks the amount of money which they have collected for taxes under section 5219. Am I correct?

Mr. WINGO. Well, if I followed the gentleman, I think he is, but I was somewhat diverted at the moment.

Mr. DUNBAR. Now, under the provisions of this bill, taking the State of New York, for instance, where private capital is almost exempt from taxation, national banks and State banks will be put upon the same basis of taxation, but they will not be put upon the same basis of taxation as compared with capital in the hands of private individuals. Am I right on that?

Mr. WINGO. I see what the gentleman has in mind.

Mr. DUNBAR. Am I right on that?

Mr. WINGO. No; I think not. The gentleman proceeds on a different theory, and, as I think, upon an erroneous theory. What the State of New York does is its own business.

Mr. DUNBAR. I know. I want to come to that later.

Mr. WINGO. I have yielded already more time than I intended to. I promised to yield to the gentleman from South Carolina [Mr. STEVENSON]. The gentleman from Indiana made a false assumption there. He said this would permit so and so. If the State of New York wants to permit the private banker to pay less than his proportion as compared with the national bank, it has that right, but Congress can say, "So far as you seek to tax the national banker in a discriminatory manner you shall not levy upon the national banker any greater burden than you levy upon the moneyed capital in the hands of individuals engaged in the banking business. Now, how can they get that relief? Either by the New York Legislature amending the law so as to put the national banks and State banks on the same basis as private bankers, or else by putting the private bankers on the same basis as the national banks and the State banks.

Mr. DUNBAR. I am aware of that, but I want the gentleman to answer a specific case. Take the case of J. P. Morgan & Co.——

Mr. WINGO. The gentleman from South Carolina [Mr. STEVENSON] will answer that. I have used more time than I intended to use. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 14 minutes.

Mr. WINGO. The gentleman from South Carolina was on the subcommittee that prepared this bill, and he is familiar with the question raised by the gentleman from Indiana. I yield to the gentleman from South Carolina the remainder of my time.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 14 minutes.

Mr. STEVENSON. I would like to have 30 minutes.

Mr. McFADDEN. Mr. Speaker, I yield to the gentleman 15 minutes.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 30 minutes.

Mr. DUNBAR. Mr. Speaker, will the gentleman yield for a question? Then he can answer at any time during the course of his statement.

Mr. STEVENSON. All right.

Mr. DUNBAR. Under the provisions of this proposed law it is optional to the State of New York to assess National and State banks on a par with capital in the hands of private individuals. Am I right?

Mr. STEVENSON. Yes, sir.

Mr. DUNBAR. Now, another question: Under the provisions of this bill National banks and State banks in the State of New York would be assessed no more for taxation than J. P. Morgan & Co. and other private bankers in the State of New York. Am I right?

Mr. STEVENSON. Not entirely. To a certain extent you are right, and to a certain extent you are not right. I will come to that.

Mr. DUNBAR. Will the gentleman permit another question? Then I will ask no more.

Mr. STEVENSON. All right.

Mr. DUNBAR. Under section 3 provision is made that the State shall not be prevented from legalizing or ratifying or confirming by the States any tax heretofore paid. Now, the State of New York under section 3 can ratify any tax law which they have had in existence heretofore that made National banks and State banks pay more taxes than was paid by capital in the hands of private individuals?

Mr. STEVENSON. Yes; that is the gentleman's conclusion, which is entirely wrong, because he did not read the entire proviso. The entire proviso is that they are not prevented from ratifying or confirming any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collection thereof, to the extent that such tax has been or is in accord with the provisions of paragraph 1 of this section, which is that it must have been levied not at a higher rate than other moneyed capital coming in competition with it, if levied on the value, or must not have been levied at a higher rate on the income than the levy that has been made on private capital coming in competition with it.

So much for that. Now, as to the other question, about J. P. Morgan & Co. and others of that kind, the tax must be equal. That has always been the holding. There must be an equal burden laid upon the stockholder of the national bank and the holder and user of other moneyed capital coming in competition with a national bank. It is not "all other moneyed capital." For instance, they exempted capital invested in real estate mortgages in one State, and it was held that that did not apply because there was a sound public policy for that, to wit, that they were taxing the mortgage and taxing the land, making a double tax, and therefore they had the right to exempt from taxation, and did exempt from taxation, large amounts of property as a homestead exemption, and that did not destroy it; but it must be capital coming in competition with the national banks. Now, the gentleman refers to J. P. Morgan & Co. I will state frankly that I was opposed to putting in section 3 here, because if States violate the law, as they did here, they did it in contravention of the act of 1868.

I was opposed to putting it on so as to interfere in any way with that; but as section 3 is written it merely gives them the authority in case any levy is declared to be void, because of illegal levies heretofore made, when the banks are about to escape all taxation, then that the legislature may provide for the taxation of those banks; but the legislature must provide for taxation within the scheme of this act and thereby collect the back taxes. Now, nobody wants any institution or individual that ought to pay taxes to escape the payment of taxes, and as I say, I did not favor putting this on, because the legislature has that power already. There is no doubt that where a tax levy is held to be void the legislature can then impose a legal tax in a legal way and collect it for the period which the taxpayer was about to escape; and the only effect of section 3 that amounts to anything is this: That in making the new levy they can either levy it on the income or on the value. That is the only effect, except that it limits it to the year 1917. They can not go back of that in levying these taxes.

Mr. REED of West Virginia. Will the gentleman yield for a short question there?

Mr. STEVENSON. Yes.

Mr. REED of West Virginia. For several years the national banks have been sending to their stockholders an urgent request that they file an affidavit stating any indebtedness that they may owe as an offset or a reduction of the tax they are to pay. Does this do away with that?

Mr. STEVENSON. No; it does not. It has been held since the Britton case, in One hundred and fifth United States, right up to this date that if you tax them ad valorem the stockholder has the right to deduct his indebtedness from the value of his bank stock and pay a tax upon the balance only.

Mr. REED of West Virginia. The bank pays the tax.

Mr. STEVENSON. The bank pays the tax; but the value is reduced by the amount of the indebtedness of the taxpayer and stockholder, provided he shows that he has no other credit against which to offset that.

Mr. REED of West Virginia. Was that based on a system of taxation heretofore under which the national banks paid their share of the tax for roads, schools, and so forth?

Mr. STEVENSON. That was based on the theory that they must be on the same level with all the other moneyed capitalists competing with the national banks, and that if the other moneyed capital in the hands of an individual was allowed to deduct the individual's indebtedness when he returned his credits, and to return only the balance, then the stockholder of the national bank had the right to do the same thing. Some States allow that and some do not, and therefore it is different in different States.

Mr. WALSH. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Massachusetts.

Mr. WALSH. Why did the committee fix on 1917?

Mr. STEVENSON. That is the time back within which this controversy arises in the States of Massachusetts and New York. Frankly, that is the reason.

Now, to come to the question of Morgan & Co. and others, this proposition is one that had a great deal of popularity when it was first brought to our committee—that the people had unwittingly gone along and assumed that the taxation of national-bank stock was all right, provided it was not taxed higher than State-bank stock. That was the law when the national banks were created. In 1864 they put that very thing in the law, and in the case of Boyer against Boyer, in One hundred and thirteenth United States, decided in 1884, you will find that that question was explicitly met, and the Supreme Court explicitly said it was not equality with the other banks that was required, but that it was equality with the individual owner of capital in competition with it that they proposed to enforce.

Now, as I say, in 1864 when Congress passed the national banking act, they created that equality and said that the tax must not be higher than the tax on State bank stock. Well, what happened? A lot of lawsuits sprung up. In the first place a great many States had banks of issue and other banks, and they provided that those banks should merely pay a bonus to the State instead of paying any tax. A great many others provided that when the State bank returned its stock for taxation it had the right to deduct all the United States bonds and State bonds which it held, and the result was that the State banks in those States paid nothing. They just went out and invested in United States bonds on the 31st day of December, and on the 1st of January they paid no tax. The result was that the tax levied by the States upon the national bank stock was knocked out wherever that point was raised.

Mr. REED of West Virginia. Not only that, but they had what they called greenbacks, which they held for years, and toted them around from one bank to another when the necessity arose.

Mr. STEVENSON. Yes; and that resulted in their changing the law so that it provided that the equality must apply to the individual who owned capital and used it in competition with the national banks. That has gone along and been determined by the Supreme Court at least twenty-five times, and the Supreme Court has always held the same on that question.

Mr. VOIGT. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Wisconsin.

Mr. VOIGT. I want to ask the gentleman what is the objection to passing a plain statute that every one can understand, providing that a State shall have the right to tax a national bank to the same extent and no more than it taxes State banks and private banks.

Mr. STEVENSON. Here comes the very proposition that I was laying down. A good many of the States at one time allowed, and a good many of them yet for that matter allow, the State banks to deduce from the value of their stock the value of their nontaxable bonds that they hold, for instance United States bonds, and therefore the State bank would be absolutely exempt from paying any tax, and so would the national bank if you passed an act in that form.

The other proposition is this. Everybody believes in the taxation of banks; there is no doubt about that. The tax gatherer is after them; as the gentleman from Mississippi [Mr. QUIN] said some time ago, he sits on their front doorsteps all the time. Under the equality clause of the Constitution of the United States you can classify the property of taxpayers into classes, and you can tax one class higher than another; you can tax one class in a different way and not violate the clause that requires you to give equal rights to all. Now, you put the National banks and the State banks all in a class by themselves, and what have you got? Why, you will say to the tax gatherer, "Go to it." Do as they did in the State of South Dakota, put 15 mills on them and 5 mills on other credits. They would say, "Go to it and tax the banks, for they have no friends; they have the money, and you can make them shell out." Well, now, we did not propose to do anything of the kind. We propose to say to the individual that puts his money into the national bank that he shall stand equal with others. Is there any reason for that? Where would your Federal reserve system be if you discriminated against the national banks in taxation and going to the point of driving them out of business? The foundation of the Federal reserve system is the national bank. When you allow them to be discriminated against the Supreme Court has said, it is to preserve them against unfriendly discrimination, and if you drive the national banks out, you undermine the Federal reserve system and all systems of credit.

Let me show you how it will work. Take the State of New York, and a good many people have been clamoring and abusing the Committee on Banking and Currency as a set of bankers. It is 20 years since I owned a share of stock in a national bank. I own $600 of shares in a State bank, and that is all the connection I have, but I have always been as zealous in taking care of banks as anybody when they were right.

What was the situation in New York? They got into a lawsuit over there and the representatives of the State of New York proposed as findings of fact to the court, which the court approved, and let me read you to show where the justice comes in. These are the court's findings:

During the year 1921 the operations of national banks consisted of receiving deposits, discounting commercial paper, making loans on collateral securities, and buying and selling corporate obligations such as bonds and notes, and dealing in acceptances, dealing in negotiable securities issued by Governments, such as Government bonds, municipal bonds, and State bonds, buying and selling foreign securities and issuing circulating notes as money; and with the exception of issuing circulating notes such operations were engaged in by individuals or moneyed corporations other than banks and trust companies in competition with national banks, the amount of capital invested in the business of private banking in this city being over $200,000,000, such private banking houses, including J. P. Morgan & Co., Kuhn, Loeb & Co., Speyer & Co., J. & W. Seligman, Hallgarten & Co., Ladenburg, Thalman & Co., Goldman, Sachs & Co., and Blair & Co., generally, not invariably, composed of individuals doing business as partnerships and mostly partnerships. (S. M. pp. 58, 59, 60, 62, 63.)

Now, how were they taxed? The banks were levied upon by a tax of 10 mills, 1 per cent, of the value of their stock, and their stock, mind you, has always been valued high enough. How were the $200,000,000 of the private bankers taxed?

Three per cent on their income. Now, let us figure that out a minute. Here is a national bank with $100,000 capital invested, and they tax it 10 mills, or 1 per cent, $1,000. Here is Morgan with $100,000 of his capital involved in a deal. He makes 10 per cent, or $10,000. They tax him 3 per cent on that—$300. How much fairness is there in that? Is not that what the Supreme Court says when it speaks of building up an unfriendly competition by unfriendly legislation to national banks?

That is not the only case in New York they are litigating, and let them fight it out as far as I am concerned. Now, what is the situation in Boston? Boston is represented by a very distinguished gentleman, Mr. LUCE, who is on this committee and on the subcommittee. Mr. LUCE states that the national banks in Massachusetts paid $2,999,000 last year; but if they had been assessed the same as Lee, Higginson & Co., Kidder, Peabody & Co., and others who occupy the same place in Boston that Morgan does in New York, they would have paid $490,000, a difference between $490,000 and $2,999,000 against the national banks in one State alone. Now, you will say very readily that the States will never discriminate in an unfriendly way, but they are doing it. We propose merely to give them the right if these levies are declared to be invalid to put a valid tax on these banks and collect it, and that is what section 3 means and nothing else. That is the principle we establish, and it will have to stand if we expect to maintain the great financial institutions of this country. If we expect to maintain the Federal reserve system, we have got to let these national banks live, we can not discriminate against them.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WILLIAMSON. I agree with the statement the gentleman has just made, but what would be the objection to amending section 1, subdivision "a," by inserting after the words "moneyed capital" the words "used in banks or similar operations"?

Mr. STEVENSON. What is the objection to the words that we have put in there, which are the words of the Supreme Court—

coming into competition with the business of national banks?

We are adding those words as an explanatory part of the sentence. The language the gentleman suggests is untried language, while the other is settled, determined by the Supreme

Court, reaffirmed up to the Virginia case last year, language that has always stood the test.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WALSH. In certain States, prior to the Richmond decision, these taxes were paid under protest and suit was brought. Is it the gentleman's understanding or contention that before the legislature can ratify or confirm a tax where litigation is pending, the litigation must run its course?

Mr. STEVENSON. No. There are certain limitations in validating a tax.

Mr. WALSH. Yes. It must be in accord with paragraph 1.

Mr. STEVENSON. There are other limitations.

Mr. WALSH. Does the gentleman think where a bank, for instance, was watchful, and three years prior to the Richmond decision had paid a tax under protest and brought suit that Congress should now step in and say to the legislature that it can validate that tax if it wants to?

Mr. STEVENSON. That is exactly what the gentleman from South Carolina has always objected to, and there is nothing in this act that provides for it. Those people will have to pay their legitimate tax whether we pass anything here or not, and this section is put in there to satisfy some people that they can go back and get a valid tax from these people, if they get it back on their controversy now in the courts.

Mr. WALSH. And there is nothing to prevent it in the absence of section 3.

Mr. STEVENSON. Nothing in the world. I have maintained that all of the time. Mr. Speaker, the question that we have to determine—and we have given a great deal of thought to this—is whether we will make any progress in the taxation systems in this country. I think everyone agrees that there should be no discrimination against the national banks in favor of people competing with them. There is another thought in that connection. The State banks are a very important factor in our financial system, and the States will never levy a heavier tax on the State banks than they will on the national banks; but if you put them in a class by themselves, then it will go up and up and up. As long as you protect the national banks from the unfriendly legislation which puts a heavier burden upon them than on the private banker you are protecting the State banks also, because the legislature of no State can stand up in the face of its constituents and say that it will tax State banks higher than it will tax national banks. Therefore by retaining the law as it is you get absolute justice for all the banking institutions of this country, and none of them want any more, so far as I know, and none of them should have any more.

We say that no measure of taxation should be ironclad, that there is progress in the affairs of humanity, that there is progress in the affairs of government. Many of the States are resorting to the taxation of income instead of the value of the property. They are doing that because they can get at the income where a man can cover up his investments. When it comes to his income, he has to be mighty smart if Uncle Sam and the States together do not find out what the income is. Then they get much more tax from the fellow who shaves notes when they tax his income.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. STEVENSON. In a moment. We say to any State that desires to be progressive, that desires to tax the income instead of the corpus of this investment, of this capital in the hands of individuals, you can do so, but you are not allowed to tax the income higher than you tax the income of individual citizens who make their living in the same way. I now yield to the gentleman from Ohio.

Mr. FESS. My question relates to a statement of a while ago, to the effect that the State would not tax the State banks higher than the national banks. Can the State tax the national banks?

Mr. STEVENSON. Yes. The State, by authority of national law is given the right to tax the stock in a national bank, and that is the statute about which we are having this controversy. The rule laid down in 1868 was that they could tax that stock, but that they must not tax it at a higher rate than they tax other moneyed capital in the hands of individuals in the State coming in competition with the national banks. In other words, that the private banker must pay at the same rate as the national banks.

Mr. FESS. I am asking purely for information. In the case of McCullough against Maryland was the question of taxing the State involved?

Mr. STEVENSON. Yes; that involved that question, and it was held that that was an instrumentality of government, and that it could not be taxed without the consent of the Government. When the national bank act was passed, the same point was made, and it was expressly put in there that the State should have the right to tax the stock of national banks, and they have always done it; but the Congress put this limitation in, that in taxing that stock the States should not tax it at a higher rate than they did the capital in the hands of individuals which came in competition with it. That is a result of it. We propose now by this amendment to allow them to tax either the share itself or the net income of the national bank, where they tax the income of the other moneyed capital in lieu of taxing the capital itself.

Mr. FESS. I have just come into the Chamber, and the argument of the gentleman throws a light upon the subject which has been in considerable doubt in my own mind. Is it not possible, if this is permitted, that a State may entirely destroy a national agency?

Mr. STEVENSON. That was the decision of Congress, and it has been the decision of the Supreme Court of the United States, but they say that you can not tax it at a higher rate than you tax other moneyed capital in the hands of the individual, and when you place that safeguard there, then, if you undertake to tax it so as to forfeit it, you have the individual to deal with, and the tax that runs above the individual tax will be held to be null and void.

Mr. DUNBAR. Suppose in a State there were this kind of law, that capital in the hands of an individual was taxed 1 per cent, that State banks were taxed 3 per cent; in the event of this bill becoming a law national banks would then have to pay no more than the tax assessed against capital in the hands of individuals, which would be 1 per cent; then the tax against State banks would still remain at 3 per cent. Is that right?

Mr. STEVENSON. That would be right, and that is a matter for the State to regulate. If a State has a legislature with no more sense than to so discriminate against its institutions, the people would tend to it the next time. But that is not our concern. It is our concern that the State has ample right to tax the national banks as much as it does and in conformity with what it taxes other capital. And if the State sees fit to enact freak legislation which destroys its own institutions we can not help it. There are 48 States in the Union, and we can not legislate in conformity with the vagaries of all of them.

Mr. DUNBAR. Then it is the contention that if a State taxes any of its institutions out of existence it is none of our concern, just so long as they do not discriminate against national banks?

Mr. STEVENSON. So far as our power goes, it is forbidden them to tax a national agency out of existence. If they do that, if the States were so unpatriotic as to tax State institutions out of existence, they have got to take care of that themselves. I will give you an instance of that.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McFADDEN. I yield to the gentleman five minutes more.

Mr. STEVENSON. In the State of North Dakota—and you will see it in the hearings—they established a State bank, which was not taxed at all. Then they passed a law to take the money out of the other banks in the State and put it in that bank—money that was for any public business at all; I believe $33,000,000. They put a tax of 15 mills on the value of all the bank stock—and I believe it was 5 mills that they put on personal property and 5 mills on real estate, but exempted to each man $2,000 worth of real estate and took off the value of the improvements, so that when they went to assess a man's farm they took off the value of the improvements first and then cut off $2,000, and assessed him the balance at 5 mills. The hearings will show whether or not that is correct, but that is my recollection. What was the result? They ruined nearly all the banks in North Dakota. And it was done to promote the interest of this great State institution and drive out of existence all of the other banks. Now, that is the shining instance of what States might do under certain circumstances if we should let down the bars and tell them that they can tax this national agency in any way that they please.

Mr. DUNBAR. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. DUNBAR. Under the laws of the State of New York national banks can be assessed no more than capital in the hands of private corporations. Then the national banks will probably be assessed at about 1 per cent?

Mr. STEVENSON. They are assessed by law at 1 per cent.

Mr. DUNBAR. At 1 per cent?

Mr. STEVENSON. Yes, sir. The law fixes it absolutely. The curious thing about it is that they have a provision in there

that bank stocks shall not be assessed at a higher rate than moneyed capital in the hands of individual citizens of the State. They have copied the statute of the United States, and after they got into trouble they went and repealed that part of it. That is the situation as to the legislation in New York, and it shows you we can not legislate with reference to the legislation of every State. What we have got to do is to lay down a fair, square, upright rule that the States shall tax without discrimination and stand against that discrimination and stand by that rule.

Mr. DENISON. Will the gentleman yield?

Mr. STEVENSON. Yes, sir.

Mr. DENISON. When was that law passed in North Dakota?

Mr. STEVENSON. In the last three or four years.

Mr. DENISON. Was that done by the Nonpartisan League?

Mr. STEVENSON. Yes. You will find it in the hearings. Mr. Devitt, of that State, gave us a thorough history of it, and we know from the newspapers what happened.

Mr. DENISON. The gentleman was not at all surprised that it was done by the Nonpartisan League?

Mr. STEVENSON. That may be, but who knows where the Nonpartisan League will break out? Who knows where partisanship or a man will undertake to destroy the agency that is the foundation of the Federal system and the foundation of our currency system? Therefore we can not legislate because some State is getting its fingers burnt by reason of the fact that she has tried to do something which is picturesque. We have to legislate for our institutions and give them a square deal as between them and other moneyed capital.

Mr. DUNBAR. I am in accord with everything the gentleman says, but I am wondering if this will give equity to all the national banks in the United States in the matter of taxation?

Mr. STEVENSON. The Supreme Court of the United States says there is no law that will give absolute equality in the matter of taxation. They will shade valuation, so that inequality will necessarily arise; but the intention of Congress was that a fairly equitable assessment and levy should be made and collected on the national banks, and that beyond that no State has the right to go.

Mr. DUNBAR. The gentleman did not allow me to complete my question.

Mr. STEVENSON. All right.

Mr. DUNBAR. If this bill becomes a law——

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. STEVENSON. Mr. Speaker, when the national bank act was so amended in 1864 (13 Stat. 111) as to allow the States to tax shares in national banks, it was provided that they should not be taxed at a higher rate than shares of stock in any of the banks organized under the authority of the State where the national bank was located. Under this law many difficulties arose and the case of Lionburger *v.* Rouse (9 Wall. 468) reached the United States Supreme Court. As a result of these difficulties and the decision in that case the act was amended in 1868 (15 Stat. 34), and the measure as it stands to-day was adopted making other moneyed capital in the hands of individuals the measure instead of State bank stocks.

As time went on the question was raised in Pennsylvania as to whether "other moneyed capital" meant other bank stock or other capital generally doing competitive business. In Boyer *v.* Boyer (113 U. S.), at page 695, sums up the decisions to that date—1884—which will be found instructive, and on page 702 the court decides the question squarely that it is not the tax levied on State banks but on "other moneyed capital in the hands of individuals" which must measure the tax rate on national-bank shares.

The decision has been the same all the time from that day to this. In the case of Weaver (100 U. S. 539) they had held that rate of taxation meant burden, and if the rates levied were the same but the assessed value was greater on bank stock than on "other moneyed capital" the vice was there. They held that exemption of notes secured by real estate did not destroy the right to tax bank stock, as it was only partial and justified by public policy, and so of savings banks and county, State, and municipal bonds, and all are discussed in the Boyer case. On page 694 it lays down this rule or construction: "The intention of that statute" was "to protect corporations formed under its authority from *unfriendly* [italics used by court] discrimination by the State in the exercise of its taxing powers."

In Supervisors *v.* Stanly (105 U. S. 305) this equality with the individual was emphasized by holding that where the taxing officers refused to allow a stockholder to deduct his indebtedness from the amount of his stock and be taxed only on the balance when that right was allowed the individual capitalist the assessment was void. This was followed by the case of Brittan (105 U. S. 323). So the law was settled, and has been ever since, that it was the burden laid upon capital in the hands of individuals that measured the burden that could be laid on national-bank stock.

Then the question arose as to what is "other moneyed capital." This question reached the Supreme Court in 1886 in Mercantile National Bank *v.* New York (121 U. S. 138), and they then defined it on page 156, as follows:

> The business of banking, as defined by law and custom, consists in the issue of notes payable on demand, intended to circulate as money where the banks are banks of issue; in receiving deposits payable on demand; in discounting commercial paper; making loans of money on collateral security; buying and selling bills of exchange; negotiating loans; and dealing in negotiable securities issued by the Government, State and National, and municipal and other corporations. These are the operations in which the capital invested in national banks is employed, and it is the nature of that employment which constitutes it in the eye of this statute "moneyed capital." Corporations and individuals carrying on these operations do come into competition with the business of national banks, and capital in the hands of individuals thus employed is what is intended to be described by the act of Congress.

Then, after discussing the cases fully on page 161, the court says:

> It was not intended to cut off the power to exempt particular kinds of property if the legislature chose to do so.

And the court adds as to such exemptions:

> The only limitation, upon deliberate reflection, we now think it necessary to add is that those exemptions should be founded upon just reason and not operate as an unfriendly discrimination against investments in national-bank shares.

This, then, defined "other moneyed capital," and that has never been overruled or modified but has been followed 36 years without "shadow of turning." On page 155 the court says that the purpose was to prevent unfriendly and unequal competition.

The next question that arose was all moneyed capital incidentally used in the above, or occasionally used and in comparatively small amounts, embraced in the term "or only such as was in actual substantial competition with the banks"?

In Seattle Bank *v.* Seattle (166 U. S. 463) and in Bank *v.* Chapman (173 U. S. 205) that question is answered as follows (173 U. S., p. 213):

> The main purpose of Congress in fixing limits to State taxation on investments in national banks was to render it impossible for the State in levying such a tax to create and fix an unequal and unfriendly competition by favoring institutions or individuals carrying on a similar business and operations and investments of a like character.

And then concludes—

> The result seems to be that the term—

Moneyed capital—

> as used in the Federal statute does not include capital which does not come in competition with the business of national banks.

Then there was an acquiescence in that status from 1899 until the decision in the Bank against Richmond, and it held that the rule in the Mercantile Bank case (121 U. S.) and the Chapman case had not been modified, thus reaffirming these as follows:

> By repeated decisions of this court, dealing with the restriction here imposed, it has become established that while the words "moneyed capital in the hands of individual citizens" do not include shares of stock in corporations that do not enter into competition with the national banks, they do include something besides shares in banking corporations and others that enter into direct competition with those banks. They include not only moneys invested in private banking, properly so called, but investments of individuals in securities that represent money at interest and other evidences of indebtedness such as normally enter into the business of banking. In Evansville Bank *v.* Britton (105 U. S. 322, 324) the court said: "The act of Congress does not make the tax on personal property the measure of the tax on bank shares in the State, but the tax on moneyed capital in the hands of the individual citizens. Credits, money loaned at interest, and demands against persons or corporations are more purely representative of moneyed capital than personal property, so far as they can be said to differ. Undoubtedly there may be much personal property exempt from taxation without giving bank shares a right to similar exemption, because personal property is not necessarily moneyed capital. But the rights, credits, demands, and money at interest mentioned in the Indiana statute, from which bona fide debts may be deducted, all mean moneyed capital invested in that way. * * * We are of opinion that the taxation of bank shares by the Indiana statute, without permitting the shareholder to deduct from their assessed value the amount of his bona fide indebtedness, as in the case of other investments of moneyed capital, is a discrimination forbidden by the act of Congress."

And in Mercantile Bank *v.* New York (121 U. S. 138) the court, speaking by Mr. Justice Matthews, after reviewing previous decisions and pointing out (p. 154) the policy and purpose of the act the key

to its proper interpretation, proceeded to declare (p. 157): "The terms of the act of Congress therefore include shares of stock or other interests owned by individuals in all enterprises in which the capital employed in carrying on its business is money, where the object of the business is the making of profit by its use as money. The moneyed capital thus employed is invested for that purpose in securities by way of loan, discount, or otherwise, which are from time to time, according to the rules of the business, reduced again to money and reinvested. It includes money in the hands of individuals employed in a similar way, invested in loans or in securities for the payment of money, either as an investment of a permanent character or temporarily with a view to sale or repayment and reinvestment. In this way the moneyed capital in the hands of individuals is distinguished from what is known generally as personal property." Proceeding then to quote the passage we have cited from Evansville Bank *v.* Britton, supra.

In Amoskeag Savings Bank *v.* Purdy (231 U. S. 390–391) the abovementioned declaration of the court in Mercantile Bank *v.* New York (121 U. S. 138, 157), including the citation from Evansville Bank *v.* Britton, was repeated, and it was pointed out that the rule of construction thus laid down had since been consistently adhered to.

No decision of this court to which our attention is called has qualified that rule or construed section 5219 as leaving out of consideration the rate of State taxation imposed upon moneyed capital in the hands of individual citizens invested in loans or securities for the payment of money, either for permanent or temporary purposes, where such moneyed capital comes into competition with that of the national banks. Thus in Bank of Commerce *v.* Seattle (166 U. S. 463, 464) the precise ground of decision was the want of a showing that "the moneyed capital left unassessed was, as to any material portion thereof, moneyed capital coming into competition with that of national banks." To the same effect National Bank of Wellington *v.* Chapman (173 U. S. 205, 219). In the present case there is a clear showing of such competition, relatively material in amount, and it follows that upon the undisputed facts the ordinance and statute under which the stock of plaintiff in error was assessed, as construed and applied, exceeded the limitation prescribed by section 5219, Revised Statutes, and hence that the tax is invalid.

It will be seen that there was no modification of the rules in the leading cases, and no surprise has been sprung on intelligent lawyers by this case, but the case was decided on the admitted facts that it was admitted that the capital carrying the lower rate was "in competition" and in substantial amount. Then it developed that the States of New York and Massachusetts had been violating this statute by taxing corporate banks, including national banks, 1 per cent on their book value and taxing other moneyed capital 3 per cent on the income, and the tax commissioners wanted a law passed to validate or allow validation of past levies and permission to continue this. It is sufficient to say that J. P. Morgan & Co. and other like concerns, as found by the courts in New York, last year used $200,000,000 of such capital with only a 3 per cent income tax in full competition with national banks who paid 1 per cent on the value of the stock. It is, if possible, worse in Massachusetts. The committee refused to countenance that program and reported a bill that allows the State in lieu of tax on value to tax on the net income, and that is as far as the House Committee on Banking and Currency would go. For further statement of facts see my remarks when the bill was on its passage, page 8729 et seq. of the RECORD, June 14, 1922.

CONTESTED-ELECTION CASE OF PAUL *v.* HARRISON.

Mr. DALLINGER, from the Committee on Elections No. 1, submitted a privileged report on the contested-election case of Paul *v.* Harrison, from the seventh district of Virginia, which was referred to the House Calendar.

STATE TAXATION OF NATIONAL BANKS.

The SPEAKER. The gentleman from Pennsylvania [Mr. MCFADDEN] is recognized.

Mr. MCFADDEN. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

The SPEAKER. The gentleman from South Dakota is recognized for five minutes.

Mr. WILLIAMSON. Mr. Speaker and gentlemen of the House, the gentleman from South Carolina [Mr. STEVENSON] has discussed this bill with all the zeal and ability which was displayed by him in proving that Andrew Jackson was born in his State. [Laughter.] He has done both exceedingly well.

I want, however, to call the attention of the House to the language used by the Supreme Court in the opinion in the case of the Merchants' National Bank of Richmond against the City of Richmond, rendered by Mr. Justice Pitney, of the United States Supreme Court. In discussing the matter he says:

> The Supreme Court of Appeals entertained the view that the purpose of section 5219, Revised Statutes, was confined to the prevention of discrimination by the States in favor of State banking associations as against National banking associations, and that since none such is shown here there was no repugnance to the Federal statute. This, however, is too narrow a view of section 5219. I traced its origin to section 41 of the act of June 3, 1864 (ch. 106, 13 Stat. 99, 111–112), in which, besides the restriction that State taxation of the shares of national banking associations should not be at a greater rate than that assessed upon other moneyed capital in the hands of individual citizens of such State, there was an express proviso that the tax should not exceed the rate imposed upon the shares of State banks. But this was modified by act of February 10, 1868 (ch. 7, 15 Stat. 34), in a manner which, as was pointed out in Boyer *v.* Boyer (113 U. S. 689, 691–692), precluded the possibility of an interpretation permitting the States, while imposing the same taxation upon national-bank shares as upon shares in State banks, to discriminate against national-bank shares in favor of moneyed capital not invested in State bank stock. "At any rate," said the court, "the acts of Congress do not now permit any such discrimination." In the amended form the provision was carried into the Revised Statutes as section 5219, which prescribes that State taxation of shares in the national banks "shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State. * * *

I want to call particular attention to the following language:

> By repeated decisions of this court, dealing with the restriction here imposed, it has become established that, while the words "moneyed capital in the hands of individual citizens" do not include shares of stock in corporations that do not enter into competition with the national banks, they do include something besides shares in banking corporations and others that enter into direct competition with those banks. They include not only moneys invested in private banking, properly so called, but investments of individuals in securities that represent money at interest and other evidences of indebtedness such as normally enter into the business of banking. In Evansville Bank *v.* Britton (105 U. S. 322, 324) the court said: "The act of Congress does not make the tax on personal property the measure of the tax on bank shares in the State, but the tax on moneyed capital in the hands of the individual citizens. Credits, money loaned at interest, and demands against persons or corporations are more purely representative of moneyed capital than personal property, so far as they can be said to differ. Undoubtedly there may be much personal property exempt from taxation without giving bank shares a right to similar exemption, because personal property is not necessarily moneyed capital."

Mr. STEVENSON. Mr. Speaker, will the gentleman yield right there?

Mr. WILLIAMSON. Yes.

Mr. STEVENSON. Did they not expressly say that the rule laid down in the case of the Mercantile Bank against New York in One hundred and twenty-first United States, which was never modified, was the rule that had been followed? Did he not say that?

Mr. WILLIAMSON. They do use that language. However, the language used in this decision is not found in the case cited by the gentleman. Therefore I say that the term in the bill here, "moneyed capital," is entirely too general to carry out the purpose sought to be accomplished by this bill.

Mr. STEVENSON. Has the gentleman read the one hundred and fifty-sixth page of that Mercantile Bank case? That contains the exact language that the gentleman has referred to and more. It says:

> The business of banking, as defined by law and custom, consists in the issue of notes payable on demand, intended to circulate as money where the banks are banks of issue; in receiving deposits payable on demand; in discounting commercial paper; making loans of money on collateral security; buying and selling bills of exchange; negotiating loans; and dealing in negotiable securities issued by the Government, State and National, and municipal and other corporations. These are the operations in which the capital invested in national banks is employed, and it is the nature of that employment which constitutes it in the eye of this statute "moneyed capital." Corporations and individuals carrying on these operations do come into competition with the business of national banks, and capital in the hands of individuals thus employed is what is intended to be described by the act of Congress.

Mr. WILLIAMSON. The decision from which I have quoted goes further than has been suggested by the gentleman from South Carolina. It will be observed that the language is "credits, moneys loaned at interest, and demands against persons or corporations," which the court states are "more purely representative of moneyed capital than personal property, so far as they can be said to differ." In other words, the definition given to "moneyed capital" in this decision is so broad that it would include loans from one individual to another, investments of individuals in securities that represent money at interest, and other evidences of indebtedness which in no proper sense enter into competition with banking.

If the decision does not expressly hold this, it at least foreshadows what may be expected by way of further definition in future decisions. True, the court modifies its language by stating that such evidences of indebtedness must be such as normally enter into the business of banking; but as long as we are legislating upon the subject it seems to me that we should make it so clear and explicit that there could be no future ground for argument in the matter.

If subdivision (a) of section 1 of the bill under consideration is amended as suggested by me to the gentleman from South Carolina [Mr. STEVENSON] when he had the floor by inserting after "moneyed capital" the words "used in banking or similar operations," so as to read—

> 1. (a) That the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital used in banking or similar operations in the hands of the individual citizens of such State coming into competition with the business of national banks—

I think the bill would accomplish the purpose of those who have been working for this remedial legislation.

As the bill now reads it is open to a construction which would put national banks in a favored position as against State banks in those States where moneys and credits in the hands of indi-

viduals not engaged in the banking business are assessed at a lower rate than bank stock and other personal property. For instance, in my State—South Dakota—farm mortgages are not assessed in the ordinary sense of the term, but the mortgagee at the time of filing his mortgage for record must pay a registry tax in lieu of other taxes, which is much lower than the taxes would be upon personal property of like value. This is also true in Minnesota and in a number of other States in the Union.

On May 2, 14 national banks in our State had started suits to recover taxes paid under protest. How many more there will be no one can tell, but if recovery is had the State will have to repay very large sums of money which have already been paid into the public treasury.

There has never been any discrimination in South Dakota in the assessment of national banks as against State banks, nor have State banks been unjustly assessed in comparison with other lines of business. National banks should be willing, and if not willing they ought to be required, to carry the same burdens as institutions within the State carrying on a like business. There has never been any favoritism shown in the matter of assessment and taxation to private bankers in the State. They are subject to the same rules and regulations and must in all respects comply with the requirements of the law applicable to State banks. Now that we are seeking to remedy the difficulty which has arisen it should be done in such a way as to leave no room for misunderstanding.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. WILLIAMSON. The gentleman from South Carolina took up most of my time. [Laughter.] Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

The SPEAKER. The gentleman from Alabama is recognized for five minutes.

Mr. STEAGALL. Mr. Speaker and gentlemen of the House, in the consideration of this bill I have been and am still in accord with the view suggested by the gentleman from New York [Mr. SNELL]. If I had my way I would leave the States free to work out their own tax problems in their own way. I can understand why it might be desirable to deal differently in matters of taxation with a banking institution which is a corporation and enjoys many privileges and benefits that do not obtain as to a mere individual in handling his private funds. But the Federal Government has the sole power to control the taxation of national banks, which are governmental instrumentalities or agencies, and it is desirable, if we are going to set on foot such institutions as national banks, to at least see that they are protected in the right to live and do business. So that, if we allow the States to make a difference between capital invested in banks and capital in the hands of individuals we should necessarily give them free hand in the taxation of capital invested in national banks, and in doing that we should put in the hands of the States the absolute power to destroy national banking institutions.

I do not know of any way by which we can grant any relief to the States in these matters further than is carried in the bill now under consideration. The Supreme Court, in construing this law, defines capital in the hands of individuals to be capital employed in substantial competition with national banks, so that if we attempt to limit the Federal statute in its protection to a requirement that capital invested in national banks shall be taxed only to the extent that similar capital invested in State banks is taxed, then we leave open all private banking institutions and all capital in the hands of individuals or employed by any agencies or instrumentalities other than State banks to be taxed differently from capital invested in national banks, and thereby pull down the bars for discrimination against capital invested in national banks.

I had the idea in my own mind and I attempted to work out a plan by which we could limit the application of the Federal statute to securing an equality of right as between national banks and other institutions engaged in similar business. But it is out of the question to frame an act in that way without failing to give the protection which it has always been considered desirable to give capital invested in national banks. The Supreme Court in construing the original act which put capital invested in national banks upon equality with other moneyed capital in the hands of individuals liberalized the act by holding other moneyed capital to be such as comes in substantial competition with capital invested in national banks. This is as good as we can make it.

Whenever we depart from the principles and the language used by the Supreme Court of the United States we shall wind up with a power left in the States to discriminate against capital invested in national banks. I take it that no one considers it wise to do that. No one takes such a position, so far as I know. It is highly important that the States be given power to tax capital invested in national banks, because without it State banking institutions would be destroyed or at least put at unfair and unjust disadvantage. So all agree that there should be no discrimination one way or another.

Mr. WILLIAMSON. Does not the gentleman think that the States have the right to discriminate between an individual who loans his own money and the stock in national banks, so long as there is no discrimination between the national banks, the State banks, and private individuals engaged in a like and competitive business?

Mr. STEAGALL. I think I answered the gentleman's question just a moment ago. The Supreme Court defines capital in competition with national banks as capital in substantial competition, and it is of no use to write a law saying that you can not discriminate against the stock or capital invested in national banks, and then make it possible for others by any method whatever to enter into substantial competition with national banks and tax them differently. So we decided that the only way to work out the matter, to get any relief at all, is the method expressed in the legislation which we now offer to the House, and I think it is the best that can be offered. [Applause.]

Mr. McFADDEN. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, with the first two paragraphs in this bill I am in hearty accord. I desire to state that my colleague [Mr. LUCE], a member of the committee, is unable to be present and participate in the discussion of this measure to-day, although he has been very active during the hearings upon the bill, and I understand has participated in framing the same. If I mistake not he was a member of the subcommittee. His absence is due to the very serious illness of his wife, whom he is obliged to take away from Washington during the heated season.

Mr. STEAGALL. I will say, as a member of the Banking and Currency Committee, that the gentleman from Massachusetts [Mr. LUCE] has worked very industriously and helpfully in the preparation of this legislation, and it is a matter of regret to every member of the committee that he is not present to-day.

Mr. WALSH. I thank the gentleman for that statement, and am sure that it will be very much appreciated by my colleague [Mr. LUCE].

The paragraph of this bill that has bothered me somewhat is the third paragraph; but as a result of the discussion that has been held here I have about arrived at the conclusion that the third paragraph is unnecessary, and that probably it will make no difference whether it is attached to the measure or not.

Mr. McFADDEN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. McFADDEN. I will say to the gentleman that that paragraph was prepared by the gentleman's colleague [Mr. LUCE].

Mr. WALSH. I understood that was the paragraph which particularly interested my colleague, as a result of the situation which exists in Boston and also with respect to some banks in New York.

Mr. STEAGALL. Will the gentleman permit?

Mr. WALSH. Yes.

Mr. STEAGALL. I will say in that connection that my own view is—and I think it is probably the best opinion of the lawyers who discussed the matter before us—that this third section of the bill is really unnecessary, and that it accomplishes nothing, unless it does effect a limitation in that it provides that any legislation to cure defects can date back only to 1917. But the gentleman, as a lawyer, will readily understand that this provision of the bill might have some practical benefit in working out a solution of the litigation and controversies that have arisen in Massachusetts and elsewhere. It indicates a purpose on the part of contract which might command consideration. For that reason the gentleman from Massachusetts [Mr. LUCE] wanted the third section in the bill.

Mr. WALSH. It seems to me that if there are institutions which prior to the decision in the Richmond case had been paying these taxes under protest and had instituted suits, I doubt whether we ought by act of Congress to authorize the legislatures of the States to step in now and determine those

suits. It seems to me they ought to proceed in court to their natural termination.

Mr. MACGREGOR. The gentleman would not be in favor of permitting those banks to escape taxation altogether during that period, would he?

Mr. WALSH. Of course I would not, and those banks would not escape taxation altogether.

Mr. MACGREGOR. Yes; they would.

Mr. WALSH. They would not. The banks themselves do not maintain that position.

Mr. STEAGALL. The gentleman does not mean to say that this act would determine those suits at all. This legislation proceeds upon the theory that the suits might be determined in favor of the banks, and in that event it provides that the former legislation shall not be construed as denying to the legislature the right to pass whatever legislation is necessary in order to collect from those banks the taxes which are authorized by law and about which there can be no controversy.

The SPEAKER. The time of the gentleman has expired.

Mr. McFADDEN. I yield 10 minutes to the gentleman from Wisconsin [Mr. A. P. NELSON].

Mr. A. P. NELSON. Mr. Speaker, I make bold to state here, as I did in the Committee on Banking and Currency, where this bill was framed, that the present form of the bill does not materially change the situation as it now exists. Indeed, I am of the firm opinion that it does not change the present situation at all, and that unless some amendments or modifications are made to the present bill it will do little more than to merely continue the present confused tax situation in the various States.

I take it that the only reason for any legislation on the subject is to bring about a condition that will make certain, in every State of the Nation, a square and equitable tax levy on all classes of capital employed in the banking business, be that private, State, or national.

Mr. Speaker, I believe that national banks in all States should ask for nothing more, and they should be granted nothing less than to be on a parity as to taxation with any competing capital employed in the banking business, be that private, State, or national, and our legislation here to-day should be not simply to reiterate or reaffirm what we already have on our statute books, but should be constructive and should clarify the present confused situation, and impose a tax program that will be equitable and just to all banking capital in the various States.

Mr. Speaker, the National Tax Association met in conference, and after careful deliberation and counsel suggested legislation that I believe was, in the main, reasonable and just, giving no special privilege or advantage to any capital employed in banking, but attempting to tax all capital employed in the banking business in the various States exactly alike, which, in my judgment, is the only correct basis of taxation in this case.

Much has been said in the debate here to-day about permitting private banking firms like J. P. Morgan & Co., Lee, Higginson & Co., and so forth, to escape their legitimate taxes. Of course, no one desires this condition. Every Member of Congress would be opposed to any such taxing condition. These big private bankers should be made to pay the same tax as any small bank or banker. No discrimination of this kind should be permitted under any law or system of taxation. But, Mr. Speaker, this discrimination, according to those who raised the point in debate, exists now even under section 5219. Hence some definite change, such as proposed by the National Tax Association, should be brought out in our legislation. We should do nothing to injure the national banks, nor should we do anything to place the State banks and trust companies in any disadvantage as compared to national banks. My contention is that all capital employed in the banking business should be taxed on the same basis.

Money and credit tax laws in some States and net income tax laws in other States, devised to tax the moneys and credits and incomes in the hands of the ordinary private individuals, are making satisfactory progress, and, no doubt, will be strengthened by experience and growth; but no one, I think, will contend to-day that this system would suffice as a taxing medium for capital employed in the banking business.

The pending bill, if enacted into law, would, as I have already stated, simply reiterate the present situation and would not give any relief whatsoever to the situation as it now exists in several of the States, notably New York, Massachusetts, and Wisconsin, but I think would tend to further confound and confuse the situation and tend to make national banks the favored banking class among the banks, or else so reduce the taxes on all banking capital as to make capital employed in banking especially favored in the payment of their just property taxes in their respective communities. Neither of these two conditions should be permitted to exist.

It is argued that banks now, in some communities, pay an unjust proportion of the tax compared with other taxable properties. I believe that this is true, but it is equally true that the taxing of banking capital as other moneys and credits in the hands of private individuals would be absolutely unfair to all other property taxpayers and would be especially favorable to banks. It is competing capital that should be made the measuring rod of equality as to taxation, and all banking capital, private, State, and national, should be assessed on the same basis.

I wish to state that I desire to be absolutely fair and square to all classes of banks. Banks should not be overtaxed. On the other hand, I can not see my way clear, as a representative of the rights of all the people, to vote for any legislation that I do not believe is going to be equally fair to all other interests and permit any possible escape of taxation by banks which they should rightfully pay in their respective communities. I for one do not believe that any State will long tax banks except on a fair basis as compared to all other property.

I favor the validating clause in the bill, but I question whether the validation as given in the bill is sufficient, and believe that it should be broadened as indicated in the amendment proposed by my colleague [Mr. NEWTON of Minnesota]. I also believe this bill should be amended by inserting, after the word "tax," in line 9, page 2, the words "or as supplementary thereto," in order to help out the proper assessment of bank stock in States like Wisconsin, where the income tax law is not in lieu of, but supplementary to, the present property tax.

Indeed, Mr. Speaker, I believe that unless the chairman is willing to accept these amendments to the pending bill, I shall be compelled to move to recommit with instructions to add the following amendments to the bill:

Amend, on page 2, line 5, by striking out, after the word "capital," the remainder of said line, all of lines 6 and 7, and inserting in lieu thereof the following: "employed in the business of banking," so that the said subdivision will read as follows:

"I. (a) That the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital employed in the business of banking."

Page 2, line 9, after the word "tax," insert "or as supplementary thereto."

Amend subdivision 3, on page 3, line 1, after the word "thereof," strike out the remainder of the paragraph and insert in lieu thereof the following: "*Provided*, That such taxation is not greater than the taxation imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof," so that the section will read as follows: "That the provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof: *Provided*, That such taxation is not greater than the taxation imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof."

I wish to call to your attention a few observations suggested by the tax commission of my own State, which I think are pertinent to the bill and to this discussion.

The pending bill does not change materially the language of the present statute as interpreted by the Richmond decision, which means that no State can tax the shares of stock in a national bank at a higher rate than is imposed upon notes, stock, bonds, and similar securities in the hands of private individuals.

When we recall that there are 15 States in which a special and very much lower rate is prescribed for moneys and credits in the hands of private individuals than upon any other class of property, and when we further recall the fact that in three States, including my own State of Wisconsin, such moneys and credits are exempt from taxation altogether, it becomes very plain that by the terms of the bill proposed national banks will escape taxation on the shares of stock in three States altogether and be limited to a mere fraction of what all other property pays, except moneys and credits, in 15 other States. This situation is exactly what the tax commissioners of the several States wish to remedy, and it seems to me that the adoption of the pending bill really affords no relief for the present situation.

The provision of the bill which provides "That in any State where a tax in lieu of a property tax is assessed upon the net income derived from such other moneyed capital, such State may, in lieu of a tax on the shares, impose upon the bank an income tax assessed upon the net income of the bank, but such tax shall not be at a greater rate than is assessed on the net income of such other moneyed capital," is practically the only feature in the new bill which alters the present law in any material respect, and due reflection will show the inadequacy of this provision.

It will be noted that the authority to tax the net income of the bank conferred by this provision is not in addition to but

in lieu of the taxation of the shares of stock. In other words, the States may tax either the shares of stock, as prescribed in the first subdivision of the bill, or the income of the bank, as prescribed in the second subdivision of the bill, but it can not tax both. If the income tax was intended to be or was in fact an equivalent for the property tax, there would really be some merit in this proposal. But it will be found that the income tax in some States is supplementary and additional to the property tax and not in lieu thereof.

I wish to give Wisconsin as an example. The highest amount of income taxes ever collected in this State was slightly less than $7,000,000, and the aggregate taxes for the entire State that year were $72,000,000. It is clear, therefore, that the income tax never yielded as much as 10 per cent of our total taxes, and the collections in Wisconsin for 1921 were only $4,681,000 out of an aggregate tax of $112,291,000, or less than 5 per cent of the total. It will be observed that, even if the provision of the Wisconsin law, which authorizes the offset of personal property taxes against income taxes, were repealed, the aggregate assessment of income taxes would not in normal years amount to 10 per cent of the total tax levy.

It is my information that substantially the same proportions between the yield of the income tax and property taxes obtain in the States of Massachusetts and New York.

If we should apply the income tax at the Wisconsin rates, which are the highest imposed by any State income tax in the country, to the income of banks, assuming 10 per cent net earnings on capital, surplus, and undivided profits, the maximum rate that could be imposed on a property basis would be 6 mills on the dollar, whereas, we are informed, the actual tax rates in the cities and villages of the State range from 2½ to 3½ per cent, averaging close to 3 per cent of the assessed valuation. It is clearly seen that this is from four to five times more than the maximum rate that could be applied to national banks under the proposed bill, assuming a 10 per cent profit. Of course, it is to be observed that if profits were larger than that the ratio would be reduced.

I wish to insert a table provided by the tax commission of the State of Wisconsin to visualize clearly just what the provision of the bill to put income tax in lieu of ordinary property tax would do:

	Assessed bank stock, 1921.	Tax rate.	Present tax.	Income tax on capital stock only.	Income tax on capital stock, surplus, and undivided profits.
Milwaukee (city)	$18,872,095	$0.0292	$551,065	$86,420	$149,276
Superior (city)	898,500	.02687	24,143	4,415	6,894
La Crosse (city)	1,831,461	.026	47,618	6,650	12,145
Grantsburg (village)	63,000	.0458	2,883	290	653

Permit me to say in closing that I desire to be absolutely equitable and just in our tax provisions, but I do not believe that banks should ask to be relieved of their just tax burdens in any community as compared to all other property. I believe the amendments which I have suggested would make this bill a better bill, just to all competing banks, be they private, State, or national, and also just to the other taxpayers in the community. Legislation is of little value that merely reiterates and reaffirms the present situation without offering some actual relief to the situation as it now exists, for which the tax commissioners of the majority of the States of the Union are pleading.

Mr. McFADDEN. Mr. Speaker, I do not care to take any more time. I had promised some time to the gentleman from Minnesota, but he has been called out. Does the gentleman from Arkansas wish to use any more time?

Mr. WINGO. No; I am willing to vote now.

Mr. McFADDEN. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

Mr. VOIGT. Mr. Speaker, a parliamentary inquiry. Does that shut out debate on amendments?

The SPEAKER. It does.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALSH. The Speaker having declared the vote, and a parliamentary inquiry intervening, does that result in an automatic roll call?

The SPEAKER. The Chair thinks it would, but the Chair is not certain he declared the vote.

Mr. WALSH. The Chair said the previous question was ordered.

The SPEAKER. The gentleman from Wisconsin [Mr. VOIGT] was on his feet. The Chair thinks that he would have a right to claim that the previous question had not been ordered; that he would have a right to demand a division. The recollection of the Chair would be that he did not say that the previous question had been ordered, but he may have. Very frequently the Chair states the result of the vote, and then a gentleman rises and the Chair never insists that the vote has been completed.

Mr. WALSH. Did not the gentleman rise to propound a parliamentary inquiry? He did not doubt the vote.

Mr. WINGO. It was obvious that the parliamentary inquiry was for the purpose of determining whether or not he would challenge the vote. I think the Speaker is right.

The SPEAKER. It seems to the Chair to be fair play to the House to hold that the gentleman had a right to demand a division and a roll call on the question. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on ordering the previous question.

The question was taken; and there were—yeas 201, nays 28, answered "present" 2, and not voting 199, as follows:

YEAS—201.

Ackerman	Favrot	Layton	Sandlin
Almon	Fess	Lea, Calif.	Scott, Mich.
Andrews, Nebr.	Fisher	Lee, Ga.	Scott, Tenn.
Anthony	Fitzgerald	Lehlbach	Shaw
Appleby	Focht	Lineberger	Shelton
Aswell	Frothingham	Little	Sinnott
Atkeson	Fulmer	Logan	Sisson
Bacharach	Funk	Longworth	Smith, Idaho
Bankhead	Gahn	Lowrey	Smith, Mich.
Barbour	Garner	Luhring	Smithwick
Beedy	Garrett, Tenn.	Lyon	Speaks
Begg	Gensman	McDuffie	Sproul
Bird	Glynn	McFadden	Steagall
Bland, Ind.	Gorman	McKenzie	Stedman
Bond	Graham, Ill.	McLaughlin, Mich.	Stephens
Bowling	Green, Iowa	McLaughlin, Nebr.	Stevenson
Box	Greene, Mass.	McPherson	Strong, Kans.
Brand	Greene, Vt.	MacGregor	Summers, Wash.
Briggs	Griest	Magee	Sumners, Tex.
Brooks, Ill.	Hadley	Martin	Swing
Brown, Tenn.	Hammer	Merritt	Taylor, N. J.
Butler	Hardy, Colo.	Michener	Ten Eyck
Byrnes, S. C.	Hardy, Tex.	Miller	Thomas
Byrns, Tenn.	Hawley	Millspaugh	Thompson
Cable	Hayden	Montague	Tillman
Campbell, Kans.	Hays	Moore, Va.	Timberlake
Chalmers	Herrick	Morin	Tincher
Chandler, Okla.	Hickey	Newton, Mo.	Tinkham
Clarke, N. Y.	Hoch	Nolan	Tucker
Clouse	Hudspeth	Norton	Upshaw
Cole, Iowa	Hukriede	Ogden	Vaile
Cole, Ohio	Hull	Oldfield	Vinson
Collier	Jacoway	Oliver	Walsh
Collins	Jeffers, Ala.	Overstreet	Walters
Connally, Tex.	Johnson, Ky.	Paige	Ward, N. C.
Cooper, Ohio	Johnson, Miss.	Parker, N. Y.	Watson
Coughlin	Johnson, Wash.	Patterson, Mo.	Weaver
Crisp	Jones, Tex.	Pou	Webster
Curry	Kearns	Pringey	Wheeler
Dale	Kelly, Pa.	Quin	White, Kans.
Dallinger	Ketcham	Rainey, Ill.	White, Me.
Davis, Tenn.	Kincheloe	Raker	Williams, Tex.
Denison	King	Ramseyer	Wilson
Dominick	Kissel	Rankin	Wingo
Doughton	Kline, N. Y.	Reece	Wise
Dunbar	Kline, Pa.	Rhodes	Wright
Edmonds	Kraus	Ricketts	Wurzbach
Elliott	Lanham	Roach	Wyant
Ellis	Lankford	Rose	
Fairchild	Larsen, Ga.	Sanders, N. Y.	
Faust	Lawrence	Sanders, Tex.	

NAYS—28.

Anderson	Haugen	Mapes	Stafford
Browne, Wis.	Huddleston	Nelson, A. P.	Steenerson
Chindblom	James	Newton, Minn.	Voigt
Clague	Keller	Radcliffe	Volstead
Colton	Knutson	Rogers	Williamson
Fairfield	Kopp	Schall	Woodruff
French	London	Snell	Young

ANSWERED "PRESENT"—2.

Cramton	McArthur

NOT VOTING—199.

Andrew, Mass.	Britten	Christopherson	Dempsey
Ansorge	Brooks, Pa.	Clark, Fla.	Dickinson
Arentz	Buchanan	Classon	Dowell
Barkley	Bulwinkle	Cockran	Drane
Beck	Burdick	Codd	Drewry
Bell	Burke	Connell	Driver
Benham	Burroughs	Connolly, Pa.	Dunn
Bixler	Burtness	Cooper, Wis.	Dupré
Black	Burton	Copley	Dyer
Blakeney	Campbell, Pa.	Crago	Echols
Bland, Va.	Cannon	Crowther	Evans
Blanton	Cantrill	Cullen	Fenn
Boies	Carew	Darrow	Fields
Bowers	Carter	Davis, Minn.	Fish
Brennan	Chandler, N. Y.	Deal	Fordney

Foster	Kiess	Murphy	Sears
Frear	Kinkaid	Nelson, J. M.	Shreve
Free	Kirkpatrick	Nelson, Me.	Siegel
Freeman	Kitchin	O'Brien	Sinclair
Fuller	Kleczka	O'Connor	Slemp
Gallivan	Knight	Olpp	Snyder
Garrett, Tex.	Kreider	Osborne	Stiness
Gernerd	Kunz	Padgett	Stoll
Gilbert	Lampert	Park, Ga.	Strong, Pa.
Goldsborough	Langley	Parker, N. J.	Sullivan
Goodykoontz	Larson, Minn.	Parks, Ark.	Swank
Gould	Lazaro	Patterson, N. J.	Sweet
Graham, Pa.	Leatherwood	Perkins	Tague
Griffin	Lee, N. Y.	Perlman	Taylor, Ark.
Harrison	Linthicum	Petersen	Taylor, Colo.
Hawes	Luce	Porter	Taylor, Tenn.
Henry	McClintic	Purnell	Temple
Hersey	McCormick	Rainey, Ala.	Tilson
Hicks	McLaughlin, Pa.	Ransley	Towner
Hill	McSwain	Rayburn	Treadway
Himes	Madden	Reber	Tyson
Hogan	Maloney	Reed, N. Y.	Underhill
Hooker	Mann	Reed, W. Va.	Vare
Humphreys	Mansfield	Riddick	Vestal
Husted	Mead	Riordan	Volk
Hutchinson	Michaelson	Robertson	Ward, N. Y.
Ireland	Mills	Robsion	Wason
Jefferis, Nebr.	Mondell	Rodenberg	Williams, Ill.
Johnson, S. Dak.	Montoya	Rosenbloom	Winslow
Jones, Pa.	Moore, Ill.	Rossdale	Wood, Ind.
Kahn	Moore, Ohio	Rouse	Woods, Va.
Kelley, Mich.	Moores, Ind.	Rucker	Woodyard
Kennedy	Morgan	Ryan	Yates
Kendall	Mott	Sabath	Zihlman
Kindred	Mudd	Sanders, Ind.	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Stiness with Mr. McClintic.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kahn with Mr. Cantrill.

Mr. Cramton with Mr. Carter.

Mr. Kennedy with Mr. Fields.

Mr. Treadway with Mr. Cockran.

Mr. Maloney with Mr. Kitchin.

Mr. Luce with Mr. Sullivan.

Mr. Knight with Mr. Bland of Virginia.

Mr. Graham of Pennsylvania with Mr. Humphreys.

Mr. Dickinson with Mr. Bell.

Mr. Beck with Mr. Hooker.

Mr. Fuller with Mr. Linthicum.

Mr. Brennan with Mr. Park of Georgia.

Mr. Langley with Mr. Clark of Florida.

Mr. Arentz with Mr. Riordan.

Mr. Kendall with Mr. Gallivan.

Mr. Murphy with Mr. Drewry.

Mr. Reber with Mr. O'Brien.

Mr. Olpp with Mr. Cullen.

Mr. Goodykoontz with Mr. McSwain.

Mr. Hicks with Mr. Barkley.

Mr. Lee of New York with Mr. Tague.

Mr. Moore of Ohio with Mr. Kindred.

Mr. Rossdale with Mr. Mansfield.

Mr. Morgan with Mr. Dupré.

Mr. Larson of Minnesota with Mr. Harrison.

Mr. Leatherwood with Mr. Sears.

Mr. Perlman with Mr. Garrett of Texas.

Mr. Reed of New York with Mr. Woods of Virginia.

Mr. Yates with Mr. Buchanan.

Mr. Dowell with Mr. Lazaro.

Mr. Strong of Pennsylvania with Mr. Tyson.

Mr. Burtness with Mr. Black.

Mr. Hutchinson with Mr. Kunz.

Mr. Wood of Indiana with Mr. Campbell of Pennsylvania.

Mr. Robsion with Mr. Deal.

Mr. Taylor of Tennessee with Mr. Padgett.

Mr. Patterson of New Jersey with Mr. Sabath.

Mr. Kreider with Mr. Gilbert.

Mr. Fenn with Mr. Drane.

Mr. Burke with Mr. Carew.

Mr. Henry with Mr. O'Connor.

Mr. Codd with Mr. Garrett of Texas.

Mr. Osborne with Mr. Griffin.

Mr. Kiess with Mr. Swank.

Mr. Ansorge with Mr. Parks of Arkansas.

Mr. Siegel with Mr. Taylor of Colorado.

Mr. Perkins with Mr. Mead.

Mr. Crowther with Mr. Rayburn.

Mr. Winslow with Mr. Stoll.

Mr. Mondell with Mr. Rucker.

Mr. Evans with Mr. Blanton.

Mr. Volk with Mr. Taylor of Arkansas.

Mr. Michaelson with Mr. Hawes.

Mr. Frear with Mr. Goldsborough.

Mr. Davis of Minnesota with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. A. P. NELSON. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. A. P. NELSON. I am in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. A. P. NELSON moves to recommit the bill to the Committee on Banking and Currency with instructions to report the same back forthwith with the following amendments:

Amend, on page 2, line 5, by striking out after the word "capital" the remainder of said line, all of lines 6 and 7, and inserting in lieu thereof the following: "employed in the business of banking," so that the said subdivision will read as follows:

"I. (a) That the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital employed in the business of banking."

Page 2, line 9, after the word "tax," insert "or as supplementary thereto."

Amend subdivision 3 on page 3, line 1, after the word "thereof," strike out the remainder of the paragraph and insert in lieu thereof the following: "*Provided*, That such taxation is not greater than the taxation imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof," so that the section will read as follows: "That the provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof: *Provided*, That such taxation is not greater than the taxation imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof."

Mr. McFADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WALSH. The gentleman can not debate this at this time.

Mr. NEWTON of Minnesota. I want to submit a unanimous-consent request.

The SPEAKER. The Chair will recognize the gentleman for that.

Mr. NEWTON of Minnesota. Mr. Speaker, at 12 o'clock two amendments which were embodied in the motion to recommit were submitted to the gentleman from Pennsylvania [Mr. McFADDEN] as chairman of the committee and also on the other side.

I was necessarily out of the Chamber for a moment when the motion was made for the previous question, and with no intimation that debate was to be shut off and opportunity to amend prevented by a motion for the previous question. I ask unanimous consent to make a five-minute statement with reference to the proposed motion to recommit.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, it will open up another question, and if the gentleman is going to make an ex parte statement on that I think the gentleman from Pennsylvania [Mr. McFADDEN] or some one who knows the legal effect of this should be heard.

Mr. NEWTON of Minnesota. I have no objection to that.

Mr. WALSH. The order for the previous question shuts out debate, anyhow.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the motion to recommit.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. VOIGT. Division, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin does not understand. If the previous question is voted down it is not to shut off debate. This would simply prevent further amendment.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If the previous question had been moved, would not my colleague be entitled to proceed for a time in debate?

The SPEAKER. No. The right to debate was ended when the House voted the previous question on the bill. Now, the only result of ordering the previous question on the motion to

recommit is to prevent amendments by that motion. There will be no more debate.

The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. A. P. NELSON] to recommit the bill with instructions.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. VOIGT. Divison, Mr. Speaker.

The House divided; and there were—ayes 47, noes 96.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum. I object to the vote on that account.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. Those in favor of the motion to recommit will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 61, nays 173, answered "present" 2, not voting 194, as follows:

YEAS—61.

Anderson	Graham, Ill.	Lampert	Stafford
Andrews, Nebr.	Green, Iowa	Lineberger	Steenerson
Anthony	Greene, Mass.	MacGregor	Summers, Wash.
Barbour	Haugen	Mapes	Swing
Benham	Hickey	Merritt	Thompson
Bland, Ind.	Hoch	Michener	Tincher
Browne, Wis.	Huddleston	Nelson, A. P.	Voigt
Campbell, Kans.	Hull	Newton, Minn.	Volstead
Chindblom	James	Paige	Walsh
Clague	Keller	Radcliffe	White, Kans.
Colton	Kelly, Pa.	Ramseyer	Williamson
Dallinger	Ketcham	Rogers	Woodruff
Dowell	Kleczka	Schall	Young
Fairfield	Knutson	Sinnott	
French	Kopp	Sisson	
Frothingham	Kraus	Smith, Mich.	

NAYS—173.

Ackerman	Ellis	Layton	Sanders, Tex.
Almon	Fairchild	Lea, Calif.	Sandlin
Appleby	Faust	Lee, Ga.	Scott, Mich.
Aswell	Favrot	Lehlbach	Scott, Tenn.
Atkeson	Fenn	Little	Shaw
Bacharach	Fess	Longworth	Shelton
Bankhead	Fisher	Lowrey	Slemp
Beedy	Fitzgerald	Luhring	Smith, Idaho
Begg	Focht	Lyon	Smithwick
Bird	Fulmer	McArthur	Snell
Bowers	Funk	McDuffie	Speaks
Bowling	Gahn	McFadden	Sproul
Box	Garner	McPherson	Steagall
Brand	Garrett, Tenn.	Magee	Stedman
Briggs	Gensman	Martin	Stephens
Brooks, Ill.	Glynn	Miller	Stevenson
Brown, Tenn.	Gorman	Millspaugh	Strong, Kans.
Bulwinkle	Greene, Vt.	Mondell	Sumners, Tex.
Burdick	Griest	Montague	Taylor, N. J.
Butler	Hadley	Montoya	Thomas
Burnes, S. C.	Hammer	Moore, Va.	Tillman
Byrns, Tenn.	Hardy, Colo.	Mott	Timberlake
Cable	Hawley	Newton, Mo.	Tinkham
Campbell, Pa.	Hayden	Nolan	Tucker
Chalmers	Hays	Norton	Upshaw
Chandler, Okla.	Herrick	Ogden	Vaile
Clouse	Hudspeth	Oldfield	Vinson
Cole, Iowa	Hukriede	Oliver	Ward, N. C.
Cole, Ohio	Jeffers, Ala.	Overstreet	Watson
Collier	Johnson, Ky.	Parker, N. Y.	Weaver
Collins	Johnson, Miss.	Patterson, Mo.	Webster
Connally, Tex.	Johnson, Wash.	Pou	Wheeler
Cooper, Ohio	Jones, Tex.	Pringey	White, Me.
Coughlin	Kearns	Quin	Williams, Ill.
Crisp	Kincheloe	Rainey, Ill.	Williams, Tex.
Curry	King	Raker	Wilson
Dale	Kissel	Rankin	Wingo
Davis, Tenn.	Kline, N. Y.	Ransley	Wise
Dominick	Kline, Pa.	Reece	Wright
Doughton	Kunz	Rhodes	Wurzbach
Dunbar	Lanham	Ricketts	Wyant
Echols	Lankford	Roach	
Edmonds	Larsen, Ga.	Rose	
Elliott	Lawrence	Sanders, N. Y.	

ANSWERED "PRESENT"—2.

Cramton	London

NOT VOTING—194.

Andrew, Mass.	Buchanan	Connell	Dunn
Ansorge	Burke	Connolly, Pa.	Dupré
Arentz	Burroughs	Cooper, Wis.	Dyer
Barkley	Burtness	Copley	Evans
Beck	Burton	Crago	Fields
Bell	Cannon	Crowther	Fish
Bixler	Cantrill	Cullen	Fordney
Black	Carew	Darrow	Foster
Blakeney	Carter	Davis, Minn.	Frear
Bland, Va.	Chandler, N. Y.	Deal	Free
Blanton	Christopherson	Dempsey	Freeman
Boies	Clark, Fla.	Denison	Fuller
Bond	Clarke, N. Y.	Dickinson	Gallivan
Brennan	Classon	Drane	Garrett, Tex.
Britten	Cockran	Drewry	Gernerd
Brooks, Pa.	Codd	Driver	Gilbert
Goldsborough	Kreider	O'Connor	Sinclair
Goodykoontz	Langley	Olpp	Snyder
Gould	Larson, Minn.	Osborne	Stiness
Graham, Pa.	Lazaro	Padgett	Stoll
Griffin	Leatherwood	Park, Ga.	Strong, Pa.
Hardy, Tex.	Lee, N. Y.	Parker, N. J.	Sullivan
Harrison	Linthicum	Parks, Ark.	Swank
Hawes	Logan	Patterson, N. J.	Sweet
Henry	Luce	Perkins	Tague
Hersey	McClintic	Perlman	Taylor, Ark.
Hicks	McCormick	Petersen	Taylor, Colo.
Hill	McKenzie	Porter	Taylor, Tenn.
Himes	McLaughlin, Mich.	Purnell	Temple
Hogan	McLaughlin, Nebr.	Rainey, Ala.	Ten Eyck
Hooker	McLaughlin, Pa.	Rayburn	Tilson
Humphreys	McSwain	Reber	Towner
Husted	Madden	Reed, N. Y.	Treadway
Hutchinson	Maloney	Reed, W. Va.	Tyson
Ireland	Mann	Riddick	Underhill
Jacoway	Mansfield	Riordan	Vare
Jefferis, Nebr.	Mead	Robertson	Vestal
Johnson, S. Dak.	Michaelson	Robsion	Volk
Jones, Pa.	Mills	Rodenberg	Walters
Kahn	Moore, Ill.	Rosenbloom	Ward, N. Y.
Kelley, Mich.	Moore, Ohio	Rossdale	Wason
Kendall	Moores, Ind.	Rouse	Winslow
Kennedy	Morgan	Rucker	Wood, Ind.
Kiess	Morin	Ryan	Woods, Va.
Kindred	Mudd	Sabath	Woodyard
Kinkaid	Murphy	Sanders, Ind.	Yates
Kirkpatrick	Nelson, J. M.	Sears	Zihlman
Kitchin	Nelson, Me.	Shreve	
Knight	O'Brien	Siegel	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Additional general pairs:

Mr. Cramton with Mr. Carter.

Mr. Morin with Mr. Hardy of Texas.

Mr. Hutchinson with Mr. Ten Eyck.

Mr. Clark of New York with Mr. Lazaro.

Mr. Sinclair with Mr. Drane.

Mr. Vare with Mr. Logan.

Mr. Snyder with Mr. Rucker.

Mr. Cannon with Mr. Jacoway.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MCFADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Banking and Currency any further business?

Mr. MCFADDEN. It has not. Mr. Speaker, I move that the House do now adjourn.

Mr. KEARNS rose.

The SPEAKER. Will the gentleman withhold that motion for a moment?

Mr. MCFADDEN. I will withhold it.

VIEWS OF MINORITY ON MUSCLE SHOALS.

The SPEAKER. The gentleman from Ohio [Mr. KEARNS] is recognized.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to have the time for filing views of minority on the Muscle Shoals matter extended to next Tuesday at midnight.

Mr. MONDELL. Not to interfere with the consideration of the measure.

The SPEAKER. Not to interfere with the consideration of the measure. Is there objection?

Mr. BANKHEAD. As I understand it, Mr. Speaker, the minority views have already been filed and printed.

Mr. MONDELL. There is another minority report.

Mr. KEARNS. Yes. Certain views have been reduced to writing and printed, but there are other views that have not been printed.

Mr. BANKHEAD. I do not object.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made a few days ago regarding interstate commerce.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend in the RECORD his remarks made a few days ago regarding interstate commerce. Is there objection.

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. VOLSTEAD. Mr. Speaker, some time ago a suit was brought by a national bank against the city of Richmond, Va., for the purpose of having the tax assessed against the stockholders of the bank declared void as being in violation of section 5219 of the Revised Statutes of the United States. That section makes it illegal for a State to tax at a greater rate the shares of a national bank than is assessed upon other moneyed capital in the hands of individual citizens of the State. It was established upon the trial that a tax rate of $1.75 for $100 was imposed upon the capital stock of the bank, while a rate of only 95 cents per $100 was imposed upon notes, bonds, and other evidences of indebtedness, and that a part of such indebtedness was moneyed capital in the hands of individuals that came in competition with the bank in the loan market. Upon this showing the Supreme Court held that the tax against the shares of the bank was void. When this decision was announced State taxing officers throughout the country at once appealed to the Congress for an amendment to this section. The tax commissioners of different States met here in Washington and formulated suitable amendments. They appeared before the Committee on Banking and Currency of the House and strenuously urged relief from this decision, but they were as strenuously opposed by the national banks. Many suits have been instituted by national banks in different States to defeat the payment of all taxes imposed upon them by taking advantage of this ruling of the Supreme Court.

The bill prepared and urged by the committee grants no relief whatever to the States from the doctrine announced in this case. It may be assumed that the argument advanced in support of this bill embodies the reasons which have swayed the committee. Briefly they are: First, that the Richmond case announces no new doctrine; second, that the case was lost by the city of Richmond because it was not properly tried; and, third, that the States ought to change their laws so as to conform to this rule for the reason that the national banks are instrumentalities of the National Government and should not be subjected to the competition forbidden by this section. These reasons—if they can be called reasons—do not appeal to me and do not satisfy the States in their demand for an amendment to this section. It is clearly immaterial whether the doctrine announced is old or new, and it is of even less consequence whether the Richmond case was properly tried or not. The question for the House to decide is whether we can defend application of the doctrine announced in that case to modern conditions.

This statute seeks to prevent States from discriminating against national banks and in favor of State banks, private or corporate, competing with national banks. No one can fairly object to a statute that prevents a State from taxing the shares of a national bank higher than it taxes the shares of a State bank doing substantially the same kind of business. But this statute goes a great deal further. It does not only prohibit a State from taxing the stock of a national bank higher than it taxes the stock of a State bank, but it prohibits a State from taxing a promissory note taken upon a private loan at a less rate than it taxes the stock of a national bank. At the time that this statute was passed I presume it worked no great hardship upon the States, for the reason that in the States credits were then taxed the same as bank stock and at the same rate. Since then a more enlightened policy has been adopted by many States. Instead of taxing such credits as other personal property a number of States do not tax credits at all, and other States impose only a nominal or very low rate, much lower than that imposed on other property. A tax imposed upon credits is a burden upon business conducted on credit, and as a tax on credits is nearly always shifted by the creditor to the debtor it is a tax upon a class of persons least able to pay it.

Not only does the decision in the Richmond case plainly announce that if a person loans, collects, and reloans his own money the note or bond he takes for that loan must under the State law be taxed at as high a rate as that imposed upon the stock of a national bank, but in other cases the Supreme Court has held, and it is the recognized law, that if a State allows a creditor to deduct his debts from his credits, every owner of stock in a national bank in that State must be permitted to deduct his debts from the assessed value of such stock. This is the acme of absurdity.

Instead of preventing States from discriminating against national banks this statute discriminates in an utterly indefensible fashion in favor of national banks. To insist that a promissory note must be taxed at the same rate as a share in a national bank can not be defended. Bank stock represents a share in a going business that has a franchise and a good will of great value, neither of which receives any substantial consideration in estimating the value of bank stock for taxation purposes. That value is usually assessed upon the book value of its assets. A bank earns nearly all of its dividends not on its own money, but upon the money of its depositors, still it pays no tax upon such deposits. (Bank of Redemption *v.* Boston, 125 U. S. 60.)

No one has and no one can point out any good reason why the State should not be permitted to tax the shares of such a business at a higher rate than it taxes the note of a private investor who loans his own money. The specious plea that national banks are instrumentalities of the National Government and for that reason must not be subjected to the kind of competition that this statute prohibits can deceive no one. The national banks can not justify any such favoritism upon any such pretense. The governmental functions with which these banks are invested are only incidental to the ordinary business of banking, and are as a rule privileges rather than obligations, privileges from which these banks derive substantial advantage and profit.

There is no reason, and no ingenuity has been able to suggest one, why national banks should not be subject to the same rate of taxation as State banks. There is no reason why the States should be put in a strait-jacket to prevent them from dealing with this subject in a fair and just way. Those who favor this legislation are trifling with a tornado that is likely to wipe them off the face of the earth.

Since the Richmond case was decided this matter has become acute, and unless the Supreme Court comes to the rescue—and it can not do so without legislating—some of my friends will have to do a lot of apologizing. To tell the States to depend upon the ingenuity of lawyers to defeat the plain language of the statute as construed by the Supreme Court is offering a stone in place of bread.

ADJOURNMENT.

Mr. McFADDEN. Mr. Speaker, I renew my motion that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, June 15, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

644. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, an estimate of appropriation for the War Department for the fiscal year ending June 30, 1921, and prior fiscal years, amounting to $4,593.74 (H. Doc. No. 348); to the Committee on Claims and ordered to be printed.

645. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Interstate Commerce Commission for the fiscal year ending June 30, 1923, in the amount of $110,000 (H. Doc. No. 349); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALSH: Committee on the Judiciary. S. 3156. An act to amend section 70 of the Judicial Code to change the terms of the District Court for the Northern Division of the Southern District of Alabama; with amendments (Rept. No. 1098). Referred to the House Calendar.

Mr. DALLINGER: Committee on Elections No. 1. House Report No. 1101. A report on the contested-election case of Paul *v.* Harrison. Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 11298. A bill amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city; and to authorize the erection on said new site, when acquired, a public building suitable for post-office purposes, and for other purposes; without amendment (Rept. No. 1099). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER: Committee on Insular Affairs. H. R. 9270. A bill to confer upon the territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act, and all acts amendatory thereof or supplementary thereto; without amendment (Rept. No. 1102). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 12019. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 1097). Referred to the Committee of the Whole House.

Mr. PARKER of New Jersey: Committee on Military Affairs. H. R. 6204. A bill to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes; with an amendment (Rept. No. 1100). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 12019) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ELLIS: A bill (H. R. 12020) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments; and to authorize payment of amounts allowed in the determination of such claims; to the Committee on Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 12021) to amend and supplement the merchant marine act, 1920, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. CABLE: A bill (H. R. 12022) relative to the naturalization and citizenship of married women; to the Committee on Immigration and Naturalization.

By Mr. SMITHWICK: A bill (H. R. 12023) providing for an additional appropriation for eradication of citrus canker in Florida; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PATTERSON of Missouri: A bill (H. R. 12024) granting a pension to Mary J. Replogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12025) for the relief of Henry Shull; to the Committee on Military Affairs.

Also, a bill (H. R. 12026) granting a pension to Alexander Surrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12027) granting an increase of pension to Mary E. Logan; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12028) granting an increase of pension to Elizabeth J. Thorn; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12029) granting a pension to Florence A. Patterson; to the Committee on Pensions.

By Mr. WURZBACH: A bill (H. R. 12030) granting a pension to T. J. Cage; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5996. By Mr. CHALMERS: Petition signed by the principal and teachers of the Roosevelt School of Toledo, Ohio, protesting against intrusting the Armenians to Turkish rule; to the Committee on Foreign Affairs.

5997. By Mr. KELLY of Pennsylvania: Petitions of citizens of Pennsylvania, praying for release of political prisoners; to the Committee on the Judiciary.

5998. By Mr. KISSEL: Petition of Labor, Washington, D. C., Edward Keating, manager, relative to the recent wage decisions of the United States Railroad Labor Board; to the Committee on Labor.

5999. Also, petition of Republican Interstate League, Washington, D. C., urging the enactment of the antilynching bill; to the Committee on the Judiciary.

6000. By Mr. NEWTON of Missouri: Petition of 342 citizens of St. Louis, Mo., protesting against the passage of House bill 9753, introduced by Mr. Fitzgerald; to the Committee on the District of Columbia.

6001. By Mr. VARE: Memorial of Central Labor Union of Philadelphia, asking recognition of Russia; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *June 15, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

NAVAL APPROPRIATIONS.

The VICE PRESIDENT. Under the unanimous-consent agreement previously entered into, the tariff bill will be temporarily laid aside, and the Chair lays before the Senate the naval appropriation bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gooding	McKinley	Sheppard
Borah	Harris	McNary	Shortridge
Bursum	Heflin	Nelson	Simmons
Calder	Hitchcock	Newberry	Smoot
Cameron	Johnson	Nicholson	Sterling
Capper	Jones, N. Mex.	Norbeck	Swanson
Culberson	Jones, Wash.	Oddie	Trammell
Curtis	Kellogg	Overman	Underwood
Dial	Kendrick	Pepper	Wadsworth
Edge	Keyes	Phipps	Walsh, Mass.
Elkins	King	Pittman	Walsh, Mont.
Ernst	Lenroot	Poindexter	Watson, Ind.
Fernald	Lodge	Pomerene	Willis
Gerry	McCormick	Rawson	

Mr. CURTIS. I desire to announce that the Senator from Wyoming [Mr. WARREN] is absent on account of illness in his family.

Mr. UNDERWOOD. I wish to announce that the senior Senator from Florida [Mr. FLETCHER] is absent by reason of illness.

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is detained by illness.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. POINDEXTER. Mr. President, in connection with the naval appropriation bill which has just been laid before the Senate there was a report submitted. The report was printed some days ago and sets out the most important changes recommended by the Senate Committee on Appropriations in the bill as it passed the House. I do not care to take the time of the Senate in making a speech upon the bill or any feature of it at this time. I ask unanimous consent that we may proceed first to the consideration of the committee amendments. When they are disposed of the bill will then be subject to any amendments that may be proposed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. KING. Does that mean that there is to be no reading of the bill?

Mr. POINDEXTER. I did not mention whether there should be a reading of the bill or not, but unless there is some reason for reading the bill at length, I would much prefer to dispense with its formal reading. I shall be very glad, indeed, to stop at any point in the bill which any Senator desires to have specially considered and take such time as may be necessary for the reading of any provision as to which that may be required.

Mr. KING. I shall not insist upon the formal reading of the bill, with the understanding that we may pause as the reading progresses, and such explanations may be asked for and given as Senators may desire.

Mr. POINDEXTER. It is the desire of the committee to have the fullest consideration of any disputed feature of the bill. I shall be very glad to cooperate with the Senator from Utah to that effect.

Mr. President, there are just one or two remarks I would like to make in regard to the bill in explanation of the general status of the matters covered by it. Senators will remember that there was quite a discussion, more or less prolonged, upon the question of personnel. The House committee reported the bill to the House of Representatives providing for a personnel of 67,000 enlisted men, of which 2,000 were to be apprentices. After a very extended debate in the House of Representatives that number was increased by action of the House to 86,000 enlisted men.

While there were some members of the committee who regretted that a larger personnel was not provided for, in view of all the conditions surrounding the Navy at this time, it was decided not to recommend any change in the provisions of the bill as to personnel as it passed the House of Representatives, and the bill contains no changes in that respect.

However, since the bill passed the House of Representatives Congress has enacted a law making some changes in the pay both of the enlisted and commissioned personnel of the Army, the Navy, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service, all the commissioned services of the Government. That has become a law, having been approved by the President. Of course whatever force we retain in the Navy will have to be paid in accordance with the provisions of that law.

I emphasize again, to those who have not had occasion to follow the matter, that that law has been enacted since the Navy appropriation bill passed the House of Representatives. Consequently it became necessary to readjust the amount of the appropriation carried in the bill for pay of the Navy, and also for provisions of the Navy to some extent, to make it correspond with the basis provided in the law to which I have just referred. That constitutes a total of approximately $20,000,000 net increase in the appropriations carried in the bill and the chief item of increase in the appropriations, about which of course I can not see that there can be any dispute after there is an agreement as to the personnel, because it is a matter of law.

We have added an appropriation of $10,000,000 for carrying on the work which is now in process upon the new ships of the Navy which have been under construction for several years. They include 4 battleships, 10 scout cruisers, 42 submarines, a few destroyers, and some auxiliary vessels. These are the ships left in the complement of the United States Navy under the terms of the recent naval limitation treaty entered into between the United States, Great Britain, Japan, France, and Italy.

The committee believed it to be demonstrated beyond any reasonable doubt that it was in the interest of economy, as long as we are to complete the program as to certain of the ships to which I have referred, to carry on the work steadily rather than to close down the plants and allowing the organization to be separated and then having to start up again. Such a course as that would be extravagant; and it would be an inefficient manner of proceeding. So we believe that the comparatively moderate increase of $10,000,000 on account of what is technically called an increase of the Navy—that is, to carry on work upon ships under construction—is in the interest of economy.

There is one other increase that is made in the bill.

Mr. KING. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. KING. The Senator has alluded to an increase of $10,000,000 which is carried in the bill for naval construction. May I inquire whether that is for the construction of submarines, airplane carriers, or capital ships other than airplane carriers?

Mr. POINDEXTER. It includes all the purposes which the Senator from Utah has mentioned.

Mr. KING. Is any other part of the appropriation of several hundred million dollars to be devoted to the completion of vessels which are now upon the ways or for the construction or repair of vessels?

Mr. POINDEXTER. Does the Senator mean for the construction and repair of vessels that are already in commission?

Mr. KING. Yes.

Mr. POINDEXTER. Yes; there is another appropriation in the bill for the construction and repair of vessels that are already in commission.

Mr. KING. Then the appropriation for $10,000,000 is for new construction solely?

Mr. POINDEXTER. It is for the construction of new ships; it is called "for the increase of the Navy."

Mr. KING. Take, for instance, the *West Virginia*, which, I presume, will be retained; will that be completed out of this appropriation of $10,000,000?

Mr. POINDEXTER. Work will be carried on upon the *West Virginia* from a fund provided in the bill, some of which was carried in the bill as it passed the House, and which will include the $10,000,000 if that sum is added to it. Work will be carried on upon the *West Virginia* and upon the other ships to which the Senator from Utah has referred from that fund.

Mr. KING. May I inquire, though perhaps the inquiry is not quite germane to the point to which I am now directing attention, whether the appropriation carried in the last naval appropriation bill has been exhausted?

Mr. POINDEXTER. No; it has not, and that is the reason that only the sum of $10,000,000 is appropriated in this bill. There was no new appropriation whatever in the bill as it passed the other House for new construction, but simply a reappropriation of the unexpended balance of the fund to which the Senator from Utah refers.

Mr. KING. The Senator will recall that the last naval appropriation bill carried ninety-odd million dollars for construction. How much of that will be available on the 1st of July next?

Mr. POINDEXTER. The sum of $44,385,000 will then be available.

Mr. KING. Then about 50 per cent of last year's appropriations will have been expended on the 1st of July?

Mr. POINDEXTER. Yes.

Mr. KING. What becomes of the $44,000,000 which has not been expended?

Mr. POINDEXTER. A reply to the Senator's question would involve quite an extended detailed statement. The Senator will find printed in the concluding pages of the report of the Senate Appropriations Committee on the pending bill a statement showing just how much of the unexpended balance will be expended upon each ship and upon each class of ships. It will be used upon 42 submarines, 3 battleships, 10 scout cruisers, and 2 airplane carriers to be converted from battle cruisers which were to be eliminated or converted in accordance with the terms of the arms limitation treaty.

Mr. KING. The Senator from Washington refers to that part of the report on the pending bill which is found on pages 7, 8, and 9?

Mr. POINDEXTER. Yes.

Mr. President, there is one other item that I may mention, and then I think there will be set clearly before the Senate the important recommendations of the committee reporting this bill.

The committee recommends an appropriation of $6,500,000 for new aircraft. There was nothing carried in the bill as it passed the other House for new aircraft. However, in the report of the House committee to the House it was stated that, in the opinion of that committee, some $7,000,000 would be required for the construction of new aircraft, and some $500,000 for the construction of hangars and other appurtenances at aircraft stations; but the House made no appropriations for those purposes. In view of the conceded importance of the Air Service in naval warfare, as shown by the experience of other nations and by demonstrations and tests that have been carried on in this country, the committee regarded it as of vital importance that the United States should not altogether stop the construction of aircraft and the maintenance of an Air Service in the Navy. Consequently we have added an appropriation of $6,500,000 for new aircraft and $300,000 for construction at stations, which means the construction of buildings which are necessary to the maintenance, operation, and repair of the new aircraft to be constructed.

Mr. POMERENE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. I was informed on yesterday that under this bill an effort was made to eliminate from the Air Service, I think, 50 commissioned officers. Is that correct?

Mr. POINDEXTER. Does the Senator refer to the bill as it passed the House of Representatives?

Mr. POMERENE. No; I refer to the bill as it is now pending before the Senate.

Mr. POINDEXTER. The bill as reported by the Senate committee has just the opposite effect of that, as compared with the bill as it came to the Senate from the House. Instead of eliminating 50 temporary officers in the Aviation Service, it provides for retaining in the service that number of commissioned officers.

Mr. POMERENE. Mr. President, possibly I may have misunderstood my informant. Do I understand now from what

the Senator has said that the House bill would have relieved 50 of those officers from duty?

Mr. POINDEXTER. The House bill would have relieved from duty a great many more than that, or, more correctly speaking, would not have prevented their separation from the service, because they would have been separated from the service under existing law unless some new provision was made for them.

Mr. POMERENE. Let me ask the Senator further, so that my understanding may be clear about this question, if I am justified in inferring from what the Senator has said that under the pending bill the Air Service connected with the Navy Department will continue as it now is?

Mr. POINDEXTER. No; not strictly speaking; but it will continue as it now is, with the exception that under the existing law some of the temporary aviation officers will be separated from the service by limitation of time on the 1st of July. That is what the law now provides entirely separate and apart from this bill.

Mr. POMERENE. How many of them?

Mr. POINDEXTER. In the neighborhood of 83.

Mr. WALSH of Massachusetts. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Perhaps I can enlighten the Senator from Ohio, because, as the Senator from Washington will recall, I had something to do with the hearings before the subcommittee of the Naval Affairs Committee on this subject.

Mr. POINDEXTER. Will the Senator from Massachusetts allow me to complete the statement I was making, in order that the Senator from Ohio, if I may make myself clear, may get a correct idea of the matter?

Mr. WALSH of Massachusetts. Certainly.

Mr. POINDEXTER. In the neighborhood of 83 aviation officers failed in the examinations which were given them some time ago, and, having failed, they would be separated from the service by the expiration of time and the limitations of existing law on the 1st of July. We recommend in this bill that an opportunity be given to not exceeding 50 of those officers to be reexamined.

Mr. POMERENE. May I ask for a reference to the page of the bill which contains that provision to which the Senator has alluded?

Mr. PITTMAN. It is on page 35.

Mr. POINDEXTER. It is at the bottom of page 35 of the bill.

Mr. WALSH of Massachusetts. Mr. President——

Mr. POINDEXTER. I yield the floor.

Mr. BORAH. May I ask a question in regard to the procedure here?

Mr. WALSH of Massachusetts. I yield.

Mr. BORAH. Do I understand that the formal reading of the bill has been dispensed with and that it is to be read for committee amendments?

Mr. POINDEXTER. I understand that we are to proceed to take up the committee amendments as they are reached in the reading of the bill. In the colloquy on the floor, while there was no formal agreement on the subject, it was tentatively understood that the reading of the entire bill was dispensed with, unless some Senator should ask that some portion of it in which he was interested be read.

The VICE PRESIDENT. The Chair understands the Senator from Washington to request unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment, and that the committee amendments be first considered. Is there objection?

Mr. BORAH. I have no objection to that procedure, Mr. President.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. WALSH of Massachusetts. Mr. President, at a later time I will explain in detail the situation in connection with the aviation service of the Navy as to which the Senator from Ohio has asked. I understand, however, the Senator from North Carolina [Mr. SIMMONS] desires to take the floor, and I will not take the time to discuss the matter at present. I yield the floor to the Senator from North Carolina.

THE TARIFF.

Mr. SIMMONS. Mr. President, I dislike very much to interfere with the naval appropriation bill which is now before the Senate, but I gave notice on yesterday evening that, while I could not then speak because of the lateness of the hour, I desired at the first opportunity to make some remarks in reply to the very remarkable speech delivered on yesterday by the Senator from North Dakota [Mr. MCCUMBER] with reference to the tariff bill.

The Senator from North Dakota delivered a speech yesterday which divides itself naturally and logically into two parts: First, an explanation, or an attempted explanation, of the criticisms and assaults upon his bill by the Republican press, especially the great metropolitan Republican newspapers; and, secondly, an argument in favor of his bill based upon the spread between the invoice or landing cost of the foreign article and the retail selling price of that article in the American market. I think an examination of the bill will show that such was its objective, and that as an explanation on the one hand of the newspaper opposition to his bill, and an argument on the other hand in favor of the rates in the bill, the Senator's effort was wholly inadequate and must have been a dismal disappointment to those who sympathized with his purposes.

Mr. President, I wish as briefly as I possibly can to analyze the Senator's several contentions; and first let me direct my attention to his defense of his bill from the assaults that have been made upon it by the newpapers and the general public. It is well known that heretofore, in the discussion of tariff measures, very little attention has been paid to the specific schedules in the bill. The discussions have centered around the fundamental differences with respect to the tariff principles of the two great political parties, the difference between what the Republicans termed low tariff or free trade, as advocated by the Democrats, and high tariff or protection, as advocated by the Republican Party.

I have had to do with many tariff bills, and I have discovered how little light such general discussions have thrown upon these measures that are of such vital importance to the people. I therefore determined, Mr. President, as the minority member of the committee responsible for the management of this bill upon the floor of the Senate, that I would see to it that this bill had a thorough discussion, not only of a general character, not only of an academic character, but a discussion in detail of the paragraphs and the items and the schedules, to the end that the press of the country and the people of the United States might be advised as to the extent of the taxes imposed and the reasons of their imposition, that they might intelligently pass judgment upon whether the circumstances and facts of the particular case justified the tax. So for the first time in the history of tariff making in this country we began a detailed discussion of every item as it was reached, presenting the facts and the figures touching the particular article taxed, and exposing the injustice of the tax in case the facts did not in our opinion warrant the duty imposed.

When we first began that discussion, the other side of the Chamber refused to respond, and let it be understood that having the votes to pass this measure they did not care to participate in the discussion of the items. It was with difficulty that we secured from them responses to inquiries for information, but we were not disheartened. We pressed on with the discussion, we made exposure after exposure, and as a result in a short time we began to reach the public with our facts and arguments against these rates. Then we began to reach the press of the country. As never before, the public began to discuss these tariff rates, while certain great metropolitan papers that had always stood for protection, that had always been orthodox in their Republicanism, began to take interest in these daily discussions and to investigate these rates. They soon saw that the bill was not a protective measure at all, that its rates did not square with any principle of protection that had ever been advocated in this country by the champions of protection or that had ever been declared by Republican conventions as the basis of rates. They began to see that instead of being a tariff for protection it was a tariff to maintain existing exorbitant profits and prices of the products of the protected industries; that it was not only a tariff for the purpose of maintaining those profits but it was a tariff which afforded an opportunity further to advance those profits to the point of further profiteering without danger of competition from abroad. As a result, Mr. President, a great metropolitan paper of the Middle West, always stanch in its Republicanism and adherance to the theory of a protective tariff, unable to square this bill with that theory and with the welfare of the American people, came out in a great editorial denouncing the measure. I refer to the Chicago Tribune, a paper of as large circulation, as I understand, as any paper in the Middle West. The Chicago Tribune declared the bill to be iniquitous; it declared that it ought never to pass in the form in which it was then presented. That was followed by a great editorial in the New York Journal of Commerce, another great Republican

paper, upon the same lines, making substantially the same arguments that we had been making here upon the floor of the Senate against these items, one after another.

Mr. President, I took occasion to read these editorials into the RECORD and to comment upon them, and at the same time to express the hope that other great newspapers in this country, irrespective of party, would follow these discussions and make independent investigations of these rates, and discharge their duty to the public by exposing this bill and these rates if in their judgment, after these investigations, they thought it proper to do so. As a result, other papers—I shall not recount them now, but later I shall refer to them again—other great newspapers in this country representing the Republican Party, and Democratic and independent papers as well, not only in the great metropolis of the country but in the smaller towns of the country, speaking as Republican organs, speaking as independent organs, speaking as nonpartisan and as commercial papers, came out in denunciation of the measure; whereupon the chairman of the Finance Committee, becoming alarmed at the effect of these assaults upon his bill, felt the necessity of making some answer, felt the necessity of making some explanation, in the hope of breaking the force of this volume of opposition and protest from the press which was meeting a ready response from the people of the United States, including many lifelong and stanch Republicans and protectionists.

Mr. HITCHCOCK. Mr. President, I will ask the Senator to allow me to interrupt him to cite the fact that at least one important commercial body, the Chamber of Commerce of the city of Lincoln, Nebr., a Republican stronghold, formally met, and the retail section of that chamber of commerce adopted resolutions protesting against the passage of the bill, and those resolutions were formally transmitted to the Senators and Representatives from Nebraska by the Chamber of Commerce of Lincoln, a city which is overwhelmingly a Republican center. I have been informed that other representative bodies of that sort, representing the business interests of the community, have held similar meetings of protest.

Mr. SIMMONS. I recall that the Senator did present the resolutions to which he refers, adopted by the Chamber of Commerce of the city of Lincoln, Nebr.

The Senator from North Dakota, in charge of this bill, under the impulsion of necessity, from his standpoint, took occasion to make a violent assault upon the Republican newspapers from which I had read. He charged that they were influenced to make their attacks upon his bill because of the advertising patronage which they receive from the department stores and the importers, of course charging, by that, that the commercial opponents of this bill were confined to the department stores and the importers. He attempted to account for their opposition upon the ground that these great journals were moved in their opposition by the advertising subsidy they were charged with receiving from those sources. The Senator from Arkansas [Mr. CARAWAY] asked the Senator from North Dakota if he meant to say that these importers and these department stores could have purchased the support of these great newspapers with cash, and he declined to answer, but let his charge stand.

When the Senator in his first speech attempted in this way to account for the assaults of the two papers—the only ones I had quoted at the time of his defense—I countered by quoting not one or two but a half dozen or more additional papers, some of them Republican and some of them independent papers. A few days thereafter I supplemented that list by presenting to the Senate articles from nearly a score of papers published in different parts of the country, some of them farm papers, some of them commercial papers, some of them nonpartisan papers, one of them, I think, a religious paper, and others independent papers, and to this good day he has persisted in the contention that the motive he assigned accounted for this opposition to his bill on the part of these great newspapers.

Yesterday he repeated his former charge and devoted much of his speech to renewed denunciation of these papers and these alleged sinister influences charged with influencing their action in this behalf.

Mr. POMERENE. Mr. President, I will not interrupt the Senator, if he objects, but I have before me an editorial from the Ohio State Journal, a Republican paper, of June 3, 1922, bearing upon this subject. I will not introduce it now, unless the Senator desires me to present it.

Mr. CARAWAY. Will not the Senator from Ohio let me set him right? He will remember that the junior Senator from Ohio [Mr. WILLIS] read that paper out of the Republican Party the other day.

Mr. POMERENE. I know it has been independent at times, but the editor and publisher of the paper contributed liberally to the Republican campaign fund in Ohio in 1920.

Mr. SIMMONS. If the New York papers, such as the Journal of Commerce, the Globe, the Daily News Record of New York, the New York Tribune, and the New York Herald, five great Republican papers in that city, five of the leading papers of the greatest metropolis on earth, can be influenced to oppose a measure of this kind, promulgated by the party in charge of the Government, a measure claimed to be in the interest of general prosperity; if they can be purchased by the advertising of two relatively small classes of interests, then indeed has the press of America sunk to a low level; then indeed are the vital interests of the American people, whose palladium of liberty and freedom is largely an untrammeled and an honest press, in jeopardy.

These are all great papers. They are supposed to be highly prosperous and to be backed by adequate finances. They are published in the metropolis of the world, so to speak, where the press is supposed to be free from the local and partisan influences which may obtain in small communities. The country at large is in the habit of looking to the great metropolitan press for a fair, honest, impartial expression of opinion with reference to public questions, and yet the chairman of the Finance Committee would have the country believe that five of the great Republican papers of the metropolis of the country can be purchased, their columns and their editorials, with advertisements.

When it was shown, as it has been shown, that the opposition is not confined to the press of the metropolis or to the great importing centers, but is widely distributed, the Senator persists in the charge that the baneful influence of the department stores and the importer upon the newspapers of the country, perverting the channels of information upon which the people are wont to rely for aid to solve the great public questions which confront them, accounts for the opposition to this bill, which has assumed threatening proportions in the ranks of his own party.

Mr. President, I can not conceive of anything more farfetched than that. Even if the opposition were confined to the newspapers published in the immediate vicinity of the importing metropolis, or in the immediate vicinity of the department stores, I can not understand the argument, and I can not understand why the chairman of the Finance Committee should be willing to present to the American people such an argument as that in explanation of these assaults upon the bill. It seems not only inadequate but, if I may say it without discourtesy, trifling and frivolous.

Mr. President, are the importers the chief advertisers of the country? Indeed, are they large newspaper advertisers at all? If we take up the great newspapers of New York or of Chicago or of Philadelphia or of Baltimore, I venture the assertion that we will find in them very little advertising by the importers. The great advertisers are not the importers. The great advertisers are the men who make the special articles, the great industrial combinations and corporations, many of which have received such specially favorable consideration and treatment in the bill. They are the greatest newspaper advertisers. Many of them are in favor of the bill and want it passed.

But is it conceivable that these great newspapers with these two classes of advertisers, one the importer doing a small amount of advertising as compared with the other doing a large amount of advertising, in order to serve the smaller advertising patron would deliberately antagonize the larger and more profitable one?

Mr. HITCHCOCK. Mr. President——

Mr. SIMMONS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I rather deplore the apparent admission of the Senator from North Carolina that it would be possible under any circumstances for any set of advertisers to control the papers of New York or any other city.

Mr. SIMMONS. Why, Mr. President, nothing could be further from my thought than admitting it. I said "if" it could be done.

Mr. HITCHCOCK. The Senator from North Carolina would be justified in condemning the arguments of the Senator from North Dakota [Mr. MCCUMBER] as childish and provincial and entirely out of date. If there is one thing fairly established in the newspaper world to-day it is that advertising is placed upon the strictest business principle. There is not an advertiser of any importance who does not buy his publicity at the cheapest price at which he can get it. There is not one of them who spends a dollar if he can avoid spending it. Of the millions of dollars invested every year in advertising in the newspapers

of New York City, practically every dollar is put into the newspaper advertising upon the most cold-blooded business principle. There is not an advertiser who goes into a paper by reason of favor and I doubt whether one one-hundredth part of 1 per cent of the advertising in New York City is a matter of favor.

Merchants do their advertising because they have to reach the public. They buy their advertising space as they buy the goods they sell, upon the lowest possible market and to get the greatest amount of publicity for the least amount of money. Any paper in New York, probably every paper in New York, rejects thousands of dollars of advertising a year and declines to accept it. I repeat, the money of the advertiser that goes into the newspapers nowadays goes in because the merchant is compelled to do it to get publicity, and the day has gone when advertising is placed by favor.

I will say to the Senator from North Carolina that during the last generation advertising has developed into a science. The great merchants of New York employ men at high salaries to find how they can get the largest amount of advertising, the largest amount of publicity, for the least amount of money, and they figure down to the very one-hundredth part of a cent how much an inch of space costs per thousand of circulation, and they buy that inch. They buy it not because they want to favor the paper, but because they must have the publicity to run their business. So this talk about advertising being placed by favor is not only an unjustified charge against the New York newspapers and against the newspapers of any city, but it is an idiotic charge, Mr. President.

Mr. BURSUM. Mr. President, I desire to ask the Senator from Nebraska a question about newspapers.

Mr. HITCHCOCK. No man would make such a statement who understood anything about advertising in this day and age.

Mr. BURSUM. Does the Senator from Nebraska believe that the newspapers of the metropolitan cities, such as New York, are more patriotic than the newspapers of the State of Michigan?

Mr. HITCHCOCK. No; no more than the people of New York are more patriotic than the people of the State of Michigan.

Mr. BURSUM. Then, how does the Senator from Nebraska reconcile the attitude on his side of the Chamber——

Mr. SIMMONS. Mr. President, I am not going to yield for a political argument.

Mr. BURSUM. When the charge was made on the floor of the Senate that by reason of extensive advertising by Mr. NEWBERRY in the neswpapers of the State of Michigan the press was controlled and influenced.

Mr. HITCHCOCK. I have never made such a charge.

Mr. SIMMONS. Mr. President, I will not yield further for this political argument.

The VICE PRESIDENT. The Senator from North Carolina has the floor and declines to yield.

Mr. SIMMONS. I will permit the Senator from Nebraska to conclude his statement, but I decline to yield for a political argument.

Mr. HITCHCOCK. I do not want to detract at all from what the Senator from North Carolina has said. He is absolutely correct in condemning the ridiculous charge made by the Senator from North Dakota. All I wanted to say is that the Senator from North Dakota [Mr. MCCUMBER] has betrayed his absolute ignorance of modern business methods when he argues that advertisement is placed by favor. A merchant would be an idiot to advertise by favor. What he is doing is to advertise for business, and he is placing his advertising where he can get the most publicity and circulation for the least possible money.

Mr. SIMMONS. Mr. President, what I tried to say and what I think I did say in substance was that the special articles which are put upon the market by the protected industries of the country and which find a ready and universal sale by reason of general advertisement are not advertised by the retailer, but by the producer. I might illustrate that by the American Tobacco Co. and the Liggett & Myers Tobacco Co. The retailers who sell their products do not do the advertising of those products. The producers and manufacturers advertise throughout the country, making the brands popular, and thereby stimulating business and the demand for their products in the different localities of the country.

They and not the importers are the great advertisers. If the newspapers had to choose between the small advertiser and the large advertiser, they would undoubtedly not choose so as to offend the large patron in the interest of the smaller patron, was the statement I made, and, of course, that is true.

Again, Mr. President, the Senator from North Dakota thinks that the opposition to the bill not attributable to the influence of the importers over the newspapers is due to the influence of the advertising patronage of the great department stores. He violently assaults these stores. He referrend to them, as I recall it, as octopuses working much havoc and wreckage to the business welfare. Finally, as I recall it, in the heat of argument he compared them to the trusts. He puts the department stores in the same evil category as the trusts.

Mr. President, the trusts of the country are outlawed because they tend to stifle competition and arbitrarily establish prices. They are the subject of animadversion for that reason. But the department stores, which the Senator from North Dakota so bitterly denounced, do not suppress competition. On the contrary they are one of the greatest agencies in the country in the regulation of competition to the end of keeping down prices. They are popular with the people and almost continuously are putting on reduced price sales at which they must sell on small profit margins and which encourage and promote competition. Their prices and profits, while, of course, large in some instances, are relatively small. The reduced prices of the department stores, news of which is carried over the country in their advertisements, have their effect, too, upon the prices in stores in the smaller cities and towns. In the cities the competition among the department stores themselves is generally real and very sharp.

Department stores, therefore, instead of operating against the interest of the consumers of this country, operate in their interest through the regulation of prices. I will admit that during the World War the department stores, together with everybody else, went wild upon the subject of high prices, and that to a certain extent prices are still far too high; but I submit that the general influence of the department stores has not been against the public welfare; has not added to the burdens of the consumer but has been a restraining influence upon unbridled profiteering.

Mr. President, the Senator from North Dakota proceeded throughout his argument upon the theory that the department stores were practically the only importers. Nothing could be further from the mark than that. He claimed that they were the chief beneficiaries of the high retail prices which the Senator called to the attention of the Senate on yesterday and denounced. As a matter of fact, the department stores are not large importers and their prices are lower than the average retailer. Some of them are not importers at all. A representative of Marshall Field & Co. came to my office a few days ago and discussed this subject with me, and he made the statement—and I believe it is true—that 90 per cent of the goods and wares carried in the department stores which are controlled and owned by Marshall Field & Co. are produced in the United States and that this was the average percentage. He stated that 10 per cent of their goods were of foreign origin, but that a larger part of that 10 per cent was composed of articles which were not produced in this country at all, and that the greater portion of the remainder consisted of foreign novelties and fancy designs which the trade demanded. I imagine this is true of many, if not of most, of the department stores.

It is necessary for these great establishments to keep a full line of goods. Unlike the ordinary big stores, their line of goods has to include everything, for they advertise to the people that they sell practically every article of merchandise sold in the American market. If an article is not produced in this country, they must go abroad and get it. If it is produced in this country, but not according to the design that is most attractive and popular to the consumer, they must go abroad for it.

The department stores, I repeat, are not great importers.

Who are our greatest importers? They are our great manufacturing industries. Many of them are large importers of raw materials; some import practically all their raw materials. If Senators will take the statistics and examine them, they will find that the bulk of our imports are materials which are for use in manufacturing. For instance, take silk. We are one of the greatest silk-manufacturing countries in the world; yet we do not produce raw silk. Practically every pound of raw silk converted in this country—and we manufacture sufficient to supply our domestic demand, which is very great—comes from the Orient. I might go on down the line and further demonstrate the fact that the department stores are relatively small importers.

The Senator from North Dakota in his assault upon the department stores has no basis or justification in fact; he predicated his assault upon a fictitious situation. The importers are not more interested in the defeat of this bill than the average business which is not a special beneficiary of its gratuities. I think, as the Senator from Nebraska has stated,

it is absolutely silly to assign such reasons as those which I have discussed as the cause of the general uprising of the newspapers against the pending measure. Mr. President, this uprising is not confined to the newspapers. The Senator from North Dakota seems to think that it is confined to the newspapers. It extends to the people, irrespective of party. Why, bless my soul, it is not partisan but, indeed, bipartisan, so to speak.

It is only necessary to mix with Republicans to ascertain how obnoxious this measure is to many of them, how they regard it as violative of every principle of protection for which their party has heretofore stood. The Senator from North Dakota has offered no sufficient or even plausible reason for this Republican opposition to his bill, and the answer he makes as to the newspapers' opposition is vain and futile.

The Senator does not like the editorials criticizing and condemning his bill I have from time to time read to the Senate; but at the risk of further offending I wish to now read a few more, and I now ask to put in the RECORD certain additional editorials bearing out my statement as to the general uprising against this bill and to further enlighten the Senator from North Dakota with reference to the widespread character of this hostility. First, I will read an editorial from the Chicago Daily News—not the Chicago Tribune, a Republican paper which the Senator thinks was subsidized by advertisements, but the Chicago Daily News—an independent newspaper, which speaks as follows:

> Protectionist newspapers, stanchly Republican in politics, are almost daily directing attention to the excessive and extortionate duties in the pending bill. General business sentiment is hostile to it—

General business sentiment, Mr. President; the Senator from North Dakota thinks that nobody is hostile to it except the newspapers which have been bribed (?) by advertising patronage, but the Chicago Daily News, published in the great Middle West, says:

> General business sentiment is hostile to it and hopes it will not be passed. In such circumstances the suggestion of cloture—

This editorial is dated May 27—

> the suggestion of cloture is stupid and untimely.

Listen, Mr. President—

> More light on the jokers and anachronisms of the bill is urgently needed.

We have given light day after day, but the opposition has been trying to becloud and smother that light.

> Thus far its opponents have rendered the public valuable service. They are to be commended for their patient studies of obscure—

And listen again, Mr. President—

> of obscure and tricky provisions that unpleasantly suggest the notorious Schedule K of the Aldrich tariff.

Mr. BORAH. What is the Senator reading from?

Mr. SIMMONS. I am reading from the Chicago Daily News, an independent newspaper, denouncing this measure, declaring that the general business sentiment of the country is hostile to it, declaring that it is full of "jokers" and anachronisms, that it ought not to pass, and that the Democrats and the other opponents of the bill have rendered the public a service in exposing it, especially its obscure and tricky provisions.

Now, I want to read another article from the New York Tribune. This article was written after the Senator from North Dakota had denounced the Chicago Tribune and the New York Journal of Commerce for "selling out" to the department stores and the importers.

Mr. WALSH of Montana. Mr. President, will the Senator pardon me?

Mr. SIMMONS. Yes.

Mr. WALSH of Montana. The Chicago Daily News will serve very well to illustrate the point made by the Senator from Nebraska [Mr. HITCHCOCK] a few minutes ago. That paper is not required to accommodate its editorial policy to the desires of any class of advertisers. I have no doubt the fact is, as the Senator from North Carolina has stated, that its patronage from domestic producers is very much larger than its patronage from either the department stores or the importers; but it is not obliged to accommodate its editorial policy to the desires of any class of advertisers. It is one of the great, profitable newspaper enterprises of the country, and it is not obliged to court any kind of advertising. It is always overwhelmed with applications for space in its columns.

Mr. SIMMONS. I do not think these other great newspapers are obliged to court advertising, either. They are highly prosperous and are able to be independent.

Now I want to read from the New York Tribune. Mr. President, is there any paper published in the United States whose Republicanism is less subject to criticism or question than that of the New York Tribune? Down in my country it has always been regarded as the very impersonation of extreme Republicanism and extreme protectionism, though it is a very great paper, one of long life and one of great prosperity. I do not believe that the New York Tribune could be bought by the advertisements that a department store would give or by the little advertisements that it could get from the importers of New York. In fact, I think the Senator from North Dakota would search that paper in vain to find an importer's advertisement. I imagine that they are not doing much advertising now. I do not think they ever have done much advertising. I never have seen much importers' advertising matter in the papers.

Mr. CARAWAY. Mr. President, may I interrupt the Senator? A man who is making that much profit does not need to advertise?

Mr. SIMMONS. That is true, if he makes as much as the Senator from North Dakota contends.

Mr. CARAWAY. But I was going to suggest that the Senator from North Dakota picks out the Tribune and accuses it of willfully misrepresenting the facts about shoes and says that when it was set right it would not publish the correction.

Mr. SIMMONS. Yes; well, I am going to read what this paper says, anyhow, Mr. President:

> A tariff bill is not the sort of bill which should be railroaded through Congress. It affects a vast variety of individuals and group interests. It touches nearly every citizen. The more open and exhaustive the discussion on it the better—if the discussion is honest. Not even Mr. MCCUMBER claims that the Senate measure is error proof or that it should be taken as anything but a guess at what the country needs in the way of protection.
>
> A tariff bill at this session would be a gift of little value to the party or the country. A steam-rollered bill would be a challenge to party discontent and public indignation. (New York Tribune (Rep.), May 29, 1922.)

Mr. President, I want to read now an editorial from a paper published in Akron, Ohio. I do not know whether there are any great department stores in Akron, and I do not know anything about this newspaper. It is the Akron Times. I am told that it is an independent paper. I assume that it is honestly edited and that it is above bribery through advertising. If the Senator from Ohio [Mr. POMERENE], who sits before me, can throw any light upon it before I read, I shall be glad to yield to him.

Mr. POMERENE. It is a very high-class paper.

Mr. WILLIS. Mr. President——

Mr. SIMMONS. I suppose the Senator from North Dakota would have difficulty in showing that there was any immediate connection between this paper and the department stores or the importers.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. SIMMONS. I yield to the Senator for a question, but I am not going to enter into any argument or controversy.

Mr. WILLIS. I simply want to ask a question of my colleague, if the Senator from North Carolina will permit me. I want to ask my colleague whether he indorses the view expressed by the Senator from North Carolina that the Akron Times is an independent paper.

Mr. POMERENE. I did not answer that question. I think it is a Democratic paper.

Mr. WILLIS. That is my understanding. It is a high-class Democratic paper.

Mr. POMERENE. It is a very high-class paper. I think Democrats and Republicans alike concede that.

Mr. SIMMONS. It was given to me as an independent paper, and I will read what it says, for both Ohio Senators admit it is a high-class paper:

> Demands from the majority Senators that debate upon the McCumber tariff bill be squashed after but four weeks' consideration must appear somewhat arbitrary, in view of the fact that the majority Members have been over three years producing the bill and that the bulky tome already has more than 2,000 separate amendments.
>
> From the mere standpoint of party strategy it might be a wise thing for the minority to submit and permit the bill to go on its way undisputed.

And undoubtedly it would be if we were taking only a partisan view of it.

> It would be a policy of giving the opposition calf rope to hang itself. But the bill threatens the industrial welfare of the Nation too seriously to be tacitly tolerated, and its passage or defeat becomes a question involving much more than mere party advantage or disadvantage.
>
> The tariff question to-day is one that reaches above and below mere partisan politics. It is a question which involves not only the prosperity of our own country but the good will of the world. The present bill is nothing less than criminal in its stupidity.

Mr. President, I ask permission to insert without reading—because I have not had an opportunity to read it, and it is

rather long—an editorial just handed me by the Senator from Ohio [Mr. POMERENE] from the Ohio State Journal, which, I understand from the statement of the Senator from Ohio, criticizes this bill very severely. Does the Senator know of any influences on the part of department stores and importers that might overcome the scruples of this journal and cause it to depart from the course its judgment might dictate with reference to this question?

Mr. POMERENE. Mr. President, I do not think anybody would presume to charge that that paper could be influenced editorially through its advertising columns.

Mr. SIMMONS. I thought not.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

The editorial referred to is as follows:

(From the Ohio State Journal of Saturday, June 3, 1922.)

DODGING THE QUESTION.

One of Senator MCCUMBER'S arguments for the tariff bill is that the many Republican newspapers which oppose that ill-timed, and we trust ill-starred, measure, and the number of them includes nearly all the more important and influential ones, are Democratic newspapers in disguise. Another is that the newspapers are all under department-store influence anyway, from which we gather, not having known it before, that the department stores are supposed to be actively opposing the McCumber-Fordney bill.

These fancies of the hard-pressed Senator are of course no arguments for the enactment of a foolish and harmful law, nor would they be even if they were facts. When a man publicly points out the error of some course you are bent upon, it is no answer at all to say that he is a sneak or an unworthy tool of somebody else, even if that were true. The only question which it is up to you to answer is, Is what he says true? If you dodge that question and begin to abuse him, thoughtful people see at once that you are pretty shaky in your mind about the defensibility of your own position. We have not seen any report of an attempt on Senator MCCUMBER'S part to prove the incorrectness of the arguments of the newspapers which he accuses of masquerading and subservience.

Mr. SIMMONS. Mr. President, I wish now to read from the St. Louis Globe-Democrat, a Republican paper which at present, I understand, has independent leanings. Heretofore it has been a consistent Republican paper.

All it (protection) should attempt to accomplish—

Says this paper—

is to establish equitable conditions of competition giving the American producer and manufacturer a fair opportunity. When it goes beyond that it operates to throttle commerce and to oppress the American consumers. The present tariff bill, we are convinced, goes far beyond this standard of protection, and in seeking to help industry will inevitably work injury to it. This bill has not been constructed with due regard to the public welfare, and it ought not to be passed in its present form.

Now, I want to read from the Chicago Tribune an editorial that has not heretofore appeared in the RECORD, and it ought to go in the RECORD. This editorial says:

The tariff makers are working on exactly the old logrolling methods which have been operative for decades. One man, desiring a high tariff on a certain commodity, regardless of its effect upon the country as a whole, agrees with another man desiring a high tariff on another commodity, regardless of its effect upon the public, that each will support the other's demands. They do so, the tariff is fixed on these two commodities, and the public interest is ignored.

The result is a tariff of exploitation rather than of protection. If such a bill is passed and becomes law, it will not do the Republican Party any good at the coming election. Each interest which is so advanced may cast a grateful ballot at a coming election, but even so they will be in a minority compared to the mass of voters who get high prices without high wages out of the arrangement.

Without reading, I ask leave to put in an article from the New York Herald.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRRATIONAL GLOVE TARIFF.

Senator SMOOT, of the Finance Committee, using the economic sense he possesses in large measure, tried to steer the mad McCumber tariff makers away from the folly which makes their glove schedules an irrational tariff. But they, like Mr. Littauer, thought they knew more than the world's economists and bankers, or, more likely, they didn't care so long as they piled up the duties.

Even if Mr. Littauer's dream of pre-war prices came true, a $2 specific duty on $8 was 25 per cent, but a 60 per cent duty on $8 is $4.80, or an increase of 140 per cent. And such treatment of American women, newly possessed of the ballot, is nothing less than political as well as economic lunacy.

Mr. SIMMONS. I now ask leave to put in another editorial from the New York Herald, in which the severest language used by any newspaper in referring to this bill is indulged in. I shall not read it, but I desire to have it go in the RECORD at this point to accompany these five or six other editorials.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HERALD'S TARIFF STAND.

The American Economist, which is the organ of the American Tariff League, is pained by the position of the New York Herald toward the Fordney-McCumber tariff makers. The American Economist thinks that the New York Herald "returns to its first love," free trade, "the faith in which it was established by James Gordon Bennett, the elder, and maintained by James Gordon Bennett, the younger." And the American Economist sees the New York Herald "as pronouncedly opposed to the protective tariff as it was under the Bennett régime."

What the New York Herald was in respect of political policies, economic principles, or anything else under its former ownerships has nothing to do with its principles and policies under its present ownership. As a matter of fact, the owner of the New York Herald is, always has been, and always expects to be a believer in a sound, rational, workable protective tariff for American industries and American labor.

The New York Herald, reflecting the protective principles and convictions of its owner, is a consistent and steadfast advocate of the American tariff system. But the owner of the New York Herald can not stand for damn fool protectionism, and the New York Herald will not stand for it.

Mr. SIMMONS. One of these editorials I have just put in the RECORD declares this bill is nothing less than criminal in its stupidity. Another declares that it is political and economic lunacy.

Another characterizes it as foolhardy and harmful, and another, the New York Herald, a Republican and protectionist organ, refers to it as "damn fool protectionism." I dislike to use those ugly words, but those are the descriptive words used in the quotation from these great Republican journals.

That is not all. I want to nail this business, because the Senator from North Dakota has stated the only reason which has been given by any Republican for this revolt of the Republican press of the country against this bill, and I want to nail it effectually before I leave it, to the end that it may clearly and unmistakably appear that this opposition on the part of the Republican press and the Republican business men of the country, who have openly declared against it, is the outcome of a conviction that the thing is not in the interest of the people or in conformity with the Republican theory of protection.

I have here before me the Literary Digest, which has assembled statements and comments in regard to this bill from Republican, independent, and Democratic papers published in different and widely separated sections of the country. An examination of this article will show that the Republican, independent, and nonpartisan papers which have criticized or declared opposition to the measure, according to the Literary Digest, greatly outnumber those given by it as supporting the bill. I take it the papers quoted were selected as papers representative of the parties in the different sections of the country.

I will read from the list only those papers classed as Republican, independent, and nonpartisan, commercial, and agricultural papers which are opposing this bill or severely criticizing it, so that it may appear how utterly ridiculous is the charge of the subsidizing of newspapers. The papers to which I shall refer are all Republican or independent papers, farm and trade journals.

The first journal in opposition or criticism noted by the Literary Digest is the Journal of Commerce, of New York, Republican. The second is the New York Tribune, Republican. The third is the St. Louis Globe-Democrat, a Republican paper also. The fourth is the Syracuse Post Standard, a Republican paper. The fifth is the Boston Transcript, an independent Republican newspaper. The sixth is the Ohio State Journal, from which I have just read, a Republican newspaper, as I understand. The seventh is the Business Farmer, of Mount Clemens, a Michigan agricultural newspaper. The eighth is the Southland Farmer, of Houston, Tex. The ninth is the New York American Agriculturist. The tenth is the St. Paul Dispatch. The eleventh is the Minnesota Journal. The twelfth is the New York Herald, Republican. The thirteenth is the New York Evening Post, Republican. The fourteenth is the New York Globe, Republican. The fifteenth is the Kansas City Star, independent Republican. The sixteenth is the Springfield Republican. The seventeenth is the Chicago Daily News, independent Republican; and the eighteenth is the Indianapolis News, independent Republican.

It will be seen that with the exception of five or six of those papers they are not great metropolitan journals, but are papers scattered about indiscriminately throughout the country, all Republican, independent, or nonpartisan.

Mr. President, I want now briefly to discuss that part of the speech of the Senator from North Dakota in which he discussed the tariff in connection with the samples he exhibited. For a long time, as the Senator proceeded with his argument, it was difficult for me to ascertain exactly what was his objective.

Finally, in response, I believe it was, to the senior Senator from Alabama, he told us that his main purpose was to show that the great department stores, which he claimed were the chief importers, were making enormous profits out of their importations by reason of the fact that they were both importers and retailers; that they got the high profits which the importer

ordinarily makes, and, added to that, the enormous profits which the retailers of this country are making. That, we finally were assured, was his main objective. Yet, for more than half an hour the Senator stood before the Senate producing sample after sample of imported articles, explaining to the Senate that the invoice price or landed cost of the article was so-and-so, a very small price, and then giving the high retail selling price of the foreign article in the American market, declaring that the spread between those prices was attempted to be covered in his bill by a tariff duty of such a per cent ad valorem, and then he proceeded to discuss the utter inadequacy of that rate of duty to cover this wide spread.

He exhibited to the Senate, by way of illustration, an ordinary straw hat, which he said was an English hat, the invoice or landing cost being 69 cents, as he alleged, and he said that foreign-made hat, which cost 69 cents, sold at retail in the markets of the United States for $4.50. He pointed out the inadequate insufficiency of the tariff rates in his bill to cover that spread. Such was the argument and such was the statement of the Senator as to practically every article he exhibited. What was his purpose in declaring to the Senate that there was such a spread between the foreign price of the articles and their selling prices in the American market, if it was not to create the impression in the country that that spread was the thing at which the tariff should legitimately be leveled, and that the rates which he had put in his bill instead of being too high or excessive were utterly insufficient to cover that spread?

The Senator did not give the price charged by the American manufacturer for the comparable American product, the retail price of the domestic article. He gave us simply the two figures—the landing cost and the selling price in this market of the foreign article, which was, as we all now know, the retail selling price. When the Senator took his seat, an American citizen who was not familiar with the tariff and the basis on which tariff duties ought to be levied would have assumed that there was an advantage in favor of the foreigner, in the case of the hat, of about $3.80, which ought to be covered, under the theory of the pending bill, by a rate sufficient to measure that difference.

That was the line of argument and that was the impression which would have been conveyed but for the statement the Senator from North Dakota subsequently made in response to the observations upon his statement and argument by the Senator from Alabama [Mr. UNDERWOOD].

Mr. President, I think the subject ought to be dealt with fairly. I state right now that not an argument made by the Senator on yesterday, drawn from the prices which he gave with respect to the samples he displayed, had anything whatsoever to do with the question of the adequacy or the inadequacy of the rates in the bill, because it is not conceivable that anybody would maintain that a tariff upon an imported article should be sufficiently high to cover the difference between the invoice or manufacturer's price of the foreign article and the price at which that article sells at retail in the American market. The tariff has nothing properly to do with the high retail prices at which a foreign product sells in the American market.

The retail price at the present time, as we all know, of the domestic article or the retail price of the foreign article in our market to-day bears very little comparable relation to the cost of production in either this country or the foreign country in which the competing article is produced. At present, as well as during the war, in many, if not in most instances, the retail price is established and maintained in defiance and in violation of all economic laws, and that profiteering is the element of chief power in them. These retail prices are in many instances, as we know, from 200 to 300 and 400 per cent higher than the manufacturer's or the producer's price.

Take the common article of the Irish potato. That is an agricultural product. When that product leaves the hands of the producer in many instances the barrel of potatoes does not sell for more than 75 cents or $1. When it reaches the wholesaler it is probably sold by him to the retailer for $2 or possibly $2.50 a barrel. When the retailer divides it up and sells it by the peck or the quart, it has advanced in price to five, six, or seven dollars a barrel. So it is with all lines of business in the country. We know it. It is a matter of everyday experience and knowledge that the retail prices are excessive as compared with the original price obtained by the producer, and that at present profiteering is the chief element of weight in arriving at and fixing the price. But we are supposed to be framing a permanent tariff, and it is hoped there will soon be an end to these profiteering practices.

But why, I should like to ask the Senator from North Dakota—and I am sorry he is not in his seat this morning—is the retailer of the foreign article able to get such a high price in the American market for these foreign products which the Senator displayed? Is it not because, and solely because, the American product sells at an equally high or higher price in this market? If the hat which the Senator displayed cost only 69 cents and was sold in the retail market in this country for $4.50, undoubtedly it was because the domestic hat of like character and kind was being sold in the retail markets for at least $4.50.

If the Senator from North Dakota had wanted to be fair in this matter, I think he would not have made a comparison between the producer's price and the retail price in order to find the spread which should be measured by the tariff. What should he have done if he wished to make a fair comparison for the purpose of levying a tariff tax? Mr. President, he should have given the Senate not only the invoice or landing price of the foreign-made hat and of the other foreign-made articles which he exhibited here yesterday but he should have given us the American manufacturer's price for a similar and comparable hat. Those two prices would have been the basis of comparison for the purpose of ascertaining the tariff under the theory under which the bill is framed. And yet the Senate will bear me out when I state that in no instance on yesterday when the Senator from North Dakota was making, as he claimed, a tariff argument, when he was stating to the country the spread which ought to be covered by the tariff, did he undertake to give us what was the American manufacturer's selling price of any one of the articles he displayed. He gave us the foreign invoice price, which is the foreign manufacturer's price with no profit added except the manufacturer's profit, and he ought to have given us at the same time, if he wanted to make a proper comparison, the American manufacturer's selling price with no profit added except the manufacturer's profit. Then we would have had the spread which, according to the theory of this bill, ought to be covered by the tariff duty.

Did the Senator give them? Why did the Senator consume an hour of the time of the Senate in giving us the difference between the foreign invoice landed cost and the retail price at which the foreign products were sold in this market and telling us about the greatness of the spread and the inadequacy of the tariff rates which he is imposing to cover that spread? He knew as well as I know that the proper spread to be covered, according to the theory of the bill, was not the difference between the foreign invoice price and the retail price but the difference between the foreign invoice price and the American manufacturer's price. Why did not the Senator give these figures and facts to us? If the Senator will get those prices upon representative articles and transactions and present them to the Senate, I think it will be easy to show that the duties which he has imposed in this bill not only measure the spread but greatly exceed the spread and allow thereby the manufacturer to advance his present prices without fear of competition from abroad.

I heard a few days ago that this side show was to be staged here. I heard that a squad of appraisers had been organized and were flying about over the country from one port of entry to another port of entry trying to find cases to bolster up the rates in the bill, and that they were bringing in a line of samples which were a little later to be exhibited with dramatic stage effect to the Senate. I supposed, naturally, we were going to have samples of the foreign articles and samples of the domestic articles with which to make comparison, but we did not have any samples of domestic articles; we had only samples of foreign articles. I supposed the Senator from North Dakota was going to undertake to compare the landed cost of the foreign product with the domestic manufacturer's cost price in this country, and that he would have those two prices here at the time he compared the domestic sample with the foreign sample.

Supposing that, I read into the RECORD the day before yesterday a letter addressed to me by an importer, in which he said that the majority members of the Finance Committee, through the Tariff Commission, had requested him to send them a statement of his profits, and that he had very promptly complied, but that he had suggested that in order to be fair about it they ought also to get the profits of the American manufacturer and wholesaler, to compare his profits with their profits. The letter said that he had received a reply from the Tariff Commission saying that the Finance Committee had only asked them for the importer's profits; that they had not asked for the domestic wholesaler's or the domestic manufacturer's profits. I read that letter to the Senate and called the attention of the chairman of the Finance Committee to it and requested him to have the Tariff Commission ascertain the profits of the American

producer or wholesaler of the articles upon which he had asked the importer's profits. I have not heard about it since, and I do not suppose I will ever hear about it again. Concealment and camouflage are the order of the day on the part of the proponents of the tariff measure.

Now, Mr. President, I stated in the outset that the speech of the Senator from North Dakota had but two objects:

One was to convince the country of the truth of his charge that the opposition to his bill from Republican and independent newspapers was the result of sinister influences upon those newspapers exerted by the importers and the department stores. I think that I have sufficiently exposed that pretense, if, indeed, it needed any further exposure.

The only other purpose of the Senator's argument seemed to be to draw a comparison between the producer's selling price of foreign products and the retail selling price in this country. I think that I have shown and shown conclusively that, so far from that being a tariff argument, by no stretch of the imagination could this spread possibly have anything to do with the laying of tariff taxes. Nobody has ever contended that tariff taxes should be levied on any such basis. I think if anybody ever should contend that tariff taxes should be levied on that basis, he would write himself down as an ass. I suppose the Senator from North Dakota would not think of making such a contention; and while his speech was undoubtedly calculated to leave the impression that he thought that was a spread which could properly be covered by a tariff, nevertheless I do not think he meant to have the Senate believe or to have the country believe that he thought the spread which he disclosed to the Senate—and that was all he did with his samples—was the proper measure of the tariff which should be imposed upon these particular articles in order to protect the American producer.

Mr. President, I regret that I have taken so much time this morning. Unfortunately I had not digested what I desired to say; in fact, I did not come to the Senate expecting to speak at all to-day; I did not expect to speak until after the naval appropriation bill should have been disposed of and the consideration of the tariff bill resumed; but under the advice of some of my colleagues I have ventured to make this speech at this time. I think I owe the Senate an apology for the length of time I have taken and for the rather disconnected and inadequate manner in which I have presented the views which I desired to convey to the Senate and the country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8785. An act granting the consent of Congress to the Mobridge Bridge Co., of Mobridge, S. Dak., to construct a pontoon bridge across the Missouri River;

H. R. 10330. An act to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin;

H. R. 11345. An act authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; and

H. R. 11827. An act granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the Women's Auxiliary Railway Mail Association, of Wichita, Kans., favoring the use of full steel construction and the best sanitary equipment on all cars in the Railway Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented a resolution of the Bismarck (N. Dak.) Rotary Club, favoring irrigation, reclamation, and water-power development in the source stream area of the Missouri-Yellowstone watershed, so as to control the flood menace in the Mississippi Valley, which was referred to the Committee on Irrigation and Reclamation.

Mr. LODGE presented resolutions adopted by the board of aldermen of the city of Chelsea, Mass., favoring the enactment of legislation to punish the perpetrators of lynchings, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by East Boston Post, No. 608, Veterans of Foreign Wars of the United States, protesting against further reduction in the personnel of the Army and Navy, which were referred to the Committee on Military Affairs.

Mr. WILLIS presented the memorial of M. L. Whitis and sundry other citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6258) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., reported it without amendment and submitted a report (No. 773) thereon.

He also, from the same committee, to which was referred the bill (S. 2597) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; reported it with an amendment and submitted a report (No. 774) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on June 15, 1922, they presented to the President of the United States the following enrolled bills and joint resolutions:

S. 2664. An act for the relief of Jesse Goodin;

S. 2666. An act for the relief of Ed Thomas and Pauline Thomas;

S. J. Res. 7. Joint resolution authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States; and

S. J. Res. 204. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots for the use of the members of the United Confederate Veterans during the sessions of the national encampment of the United Confederate Veterans at Richmond, Va., from June 19 to 22, 1922.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3710) for the relief of the dependent widow and children of Herman Mednick, deceased; to the Committee on Claims.

A bill (S. 3711) providing for the enlargement, extension, remodeling, and improvement of the Federal building located at the corner of Washington and Johnson Streets, Borough of Brooklyn, New York, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SPENCER:

A bill (S. 3712) granting an increase of pension to J. K. Taylor; to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 3713) to establish a bureau of prohibition, and for other purposes; to the Committee on the Judiciary.

HOUSE BILL REFERRED.

The bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Banking and Currency.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was resumed and continued to line 9 on page 3.

The PRESIDING OFFICER (Mr. WILLIS in the chair). In accordance with the unanimous-consent agreement heretofore made the Secretary will state the first amendment of the Committee on Appropriations.

Mr. POMERENE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Dillingham	Heflin	Ladd
Bursum	Edge	Hitchcock	La Follette
Cameron	Ernst	Jones, N. Mex.	Lenroot
Capper	Gerry	Jones, Wash.	Lodge
Caraway	Glass	Kellogg	McCormick
Curtis	Harreld	Kendrick	McCumber
Dial	Harris	King	McKinley

McNary	Overman	Sheppard	Underwood
Nelson	Pepper	Simmons	Wadsworth
Newberry	Phipps	Smoot	Walsh, Mass.
Nicholson	Pittman	Sterling	Walsh, Mont.
Norbeck	Poindexter	Sutherland	Watson, Ind.
Norris	Pomerene	Swanson	Willis
Oddie	Ransdell	Townsend	

Mr. CURTIS. I desire to announce that the Senator from Wyoming [Mr. WARREN] is absent on account of illness in his family.

Mr. HARRIS. I wish to announce that my colleague [Mr. WATSON of Georgia] is absent on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Secretary will state the first amendment reported by the Committee on Appropriations.

Mr. KING. Mr. President, may I inquire of the Senator from Washington whether there have been any reductions in the number of civilian employees in the office of the Secretary of the Navy or whether this bill carries substantially the same appropriation for civilian employees in the Navy Department as in the past?

Mr. POINDEXTER. There have been a great many reductions in the number of civilian employees in the service, particularly in the navy yards, but I think there have been practically no reductions in the office of the Secretary.

Mr. KING. May I inquire whether there have been any reductions in the number of civilian employees in the clerical force in Washington; and if not, why not?

Mr. POINDEXTER. I will give the Senator a statement showing the number of civilian employees in the Navy Department from June, 1916, down to the present time. On June 30, 1916, there were 787 civilian employees in the department; on December 31, 1918, as a result of the war, that number had been increased to 6,388; on February 28, 1922, the number had been reduced to 1,762; on April 30, 1922, the number was 768, and practically remains at that figure at the present time.

Mr. KING. Then there was an increase in the number during the year?

Mr. POINDEXTER. There was an increase of six civilian employees on April 30, 1922. What the number is at the immediate moment I can not state.

Mr. KING. Mr. President, the number is not so very large——

Mr. POINDEXTER. I should like to say in that connection, by way of further explanation to the Senator, with regard to the numbers that I have given, that of the number of 6,388 civilian employees in the department on December 31, 1918, approximately 4,000 were naval reservists employed on work ordinarily performed by civilian employees.

Mr. KING. Mr. President, I am not quite clear from the Senator's statement as to the situation respecting civilian employees. I notice in the next paragraph a provision headed "Temporary employees, Navy Department," and an appropriation is carried of $58,340. Running through the bill there will be found upon every few pages appropriations for "temporary employees" in various bureaus or agencies of the Navy Department. One would suppose that the period for "temporary employees" had ended, and that there would be with the bringing of the Navy down to what might be denominated a peace status a material reduction in the number of employees and a peace status number of civilian employees. May I inquire of the Senator why there is this appropriation for temporary employees in the Navy Department?

Mr. POINDEXTER. The purpose of that was to avoid the establishment on a permanent basis of these extra employees who were required by reason of the increase of the Navy and the increase of the naval activities during and following the war. It is much more economical to have them on a temporary basis than upon a permanent basis. It is to be hoped and expected that as we return to a reduced Naval Establishment many, if not all, of these employees can be dispensed with altogether. The Senator will notice that it is a House appropriation.

Mr. KING. Yes.

Mr. POINDEXTER. We had the benefit of a very determined effort on the part of the members of the House committee having charge of this bill to reduce the expenditures in every possible way.

Mr. KING. It will be perceived that in the particular item which has just been read by the Secretary $72,000 is appropriated for the compensation of the employees who are immediately under the control and jurisdiction of the Secretary of the Navy—employees who might be denominated his immediate employees—but that item is followed by an appropriation of nearly as much, $58,340, for temporary employees in the same office. I recall that the appropriation bill a year ago introduced the same policy. It seems to me that the number of temporary employees is too great, and the amount appropriated is too great. We do not know the number, except that there is a limitation as to the amount which may be paid to any particular employee.

When we return to the bill I shall move to strike out the item of $58,340. I can not do it now, under the unanimous-consent rule that we shall consider only amendments which have been offered by the Senate committee.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, under the subhead "Contingent expenses, Navy Department," on page 3, line 9, after the word "offices," to strike out "$70,000" and insert "$85,000," so as to read:

For stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons; maintenance, repair, and operation of motor trucks or motor delivery wagons, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; garage rent; street car fares not exceeding $500; freight, expressage, postage, typewriters, and computing machines; necessary traveling expenses for collection of records not exceeding $100; and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $85,000.

Mr. KING. Mr. President, I should like to inquire of the Senator the reason for that increase. The House doubtless made a thorough investigation, and in view of the very liberal appropriations which are carried in the bill for overhead, I can not understand the reason for the increase in the item which has just been read by the Secretary.

Mr. POINDEXTER. There is no increase in the appropriation carried in the bill on that account. The $15,000 added at that point is deducted on page 40 of the bill, line 23. It is occasioned by the transfer of certain appropriations hitherto carried under different heads, but really covering employees in the Navy Department, so that the appropriation will be made directly for the actual purpose for which it is used.

Mr. KING. Mr. President, this bill contains very liberal appropriations for every bureau and every agency of the Government; and yet we find here this item of $85,000 for contingent expenses, notwithstanding, as I stated, the very liberal appropriations which are carried in the bill and which would seem to embrace every conceivable expenditure that might be made by the Navy Department.

I think those who had expected material reductions in the Navy bill will experience some disappointment when they are advised of the fact that the bill carries substantially $300,000,000. I am not sure as to the amount of obligations which will have to be met later on that are created by the bill, or how many executory contracts are authorized to be entered into which will pledge the Government to larger appropriations in the future; but the bill itself calls for direct appropriations of approximately $300,000,000, and in addition it authorizes, I think, the expenditure of unexpended balances which heretofore have been authorized and which aggregate a good many millions of dollars.

Anybody who reads this bill very carefully will be impressed with the fact that the overhead expenses are enormous. I do not know whether they are greater proportionately than those in the Army or not; but when you examine the bill, the various items, the provisions for civilians and for the multitude of activities herein provided for, the impression will grow and continue to grow that we are paying very dearly for our whistle. I do not recall just exactly the cost of the Navy per annum prior to 1916, but my recollection is that it was around $100,000,000 a year, and from that down. Notwithstanding the work of the Washington conference, which was hailed by some of our friends throughout the land as the greatest achievement of all time and as the great panacea for all the ills of the world and as a method to relieve the American people of the burdens of taxation, we are called upon to pay approximately $300,000,000 for the maintenance of the Navy for the coming year. The Army bill carries an appropriation which, as I recall, exceeds this; so that for the Army and Navy of this Republic in times of peace—a Republic which theoretically is pledged to peace throughout the world—we are to burden the American people with between six and seven hundred million dollars for the coming year.

Business is depressed; the people everywhere are groaning beneath the heavy burdens of taxation; and it has been averred that the Army and the Navy were to be the avenues through which we might pass to escape the oppressive burdens of taxation which were imposed upon the American people. Now we are confronted with the fact that the American people are to

be taxed approximately $650,000,000 to $700,000,000 for the coming year, in time of peace, although before the war our appropriations for all purposes were approximately $1,000,000,000.

Our Republican friends who have control of Congress, who are shaping the legislation that is enacted, are not redeeming the promises which they made to the people to relieve them from these oppressive burdens. I think this bill carries at least fifty to seventy-five million dollars more than it ought to carry, and that by adequate pruning and by a proper consideration of the imperative needs of the Navy we could have subtracted from this bill at least fifty to seventy-five million dollars and have given to the American people an adequate and up-to-date Navy.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Printing and binding," on page 3, after line 18, to insert:

That portion of the appropriation for the Government Printing Office for the fiscal year 1922 which may be necessary to execute printing and binding for the Navy Department under orders placed with the Public Printer during the fiscal year 1922, within the total allotment to the Navy Department for that fiscal year, is hereby reappropriated and made available during the fiscal year 1923 for that purpose.

Mr. KING. Mr. President, I rise to inquire of the Senator if under existing law there was no obligation upon the part of the Government Printing Office, or the custodian of the money, or the agency to which it was appropriated, to cover into the Treasury of the United States any unexpended balance?

Mr. POINDEXTER. There would not be any obligation to cover it in at least until the end of the fiscal year; and the purpose is to make the money which has already been appropriated available to do the work which has accumulated for the current fiscal year, not the work that is to be current in the fiscal year covered by this bill. This reappropriation of the money is to make it available for the work for which it was originally appropriated, but which has not been done, due to causes of various kinds in the Government Printing Office which made them behind in the current work.

Mr. KING. May I inquire of the Senator the amount that will be unexpended at the end of the fiscal year?

Mr. POINDEXTER. In the neighborhood of $100,000.

Mr. KING. Is any appropriation carried in the bill, other than this reappropriation, for the same work which was to be performed by this appropriation?

Mr. POINDEXTER. No; this is the only appropriation for that work. There is an appropriation in the bill for current work for the year 1923, but not for the work that is on hand now.

Mr. KING. Then there will be no method, except by going to the books and tracing the various appropriation bills and the items, of determining just what was expended for printing for the fiscal year 1922 and for the fiscal year 1923?

Mr. POINDEXTER. It could be very easily determined by an examination of the accounts of the Government Printing Office showing what work was done with this money, thereby determining what work for the year 1922 was paid for out of this appropriation, and what work was done for the year 1923 which would be paid for out of the appropriation for that year.

Mr. KING. Mr. President, I know that the habit of carrying over appropriations has been persisted in until it almost has the force of law. It would be far better, it seems to me, not only for economy but for accuracy, and in order to determine just what the expenditures are from year to year, if at the end of a fiscal year any amount which remains unappropriated should be covered into the Treasury, and then, if additional money is required to complete some incomplete work, application should be made in the regular way and the appropriation obtained in the regular way. I think the present condition makes for extravagance and waste, and for a sort of lax and confused method of performing work.

SALE OF LIQUORS ON AMERICAN SHIPS.

Mr. CARAWAY. Mr. President, I shall interrupt the consideration of the pending bill just a minute. I notice that Mr. Lasker, of the Shipping Board, says you can not run a ship without liquor. I should like to remind him that you can not run a blind tiger without liquor, either. People have not been very successful in running saloons without liquor. You could not very well run a gambling joint without it. There are any number of institutions we might name which thrive upon the sale of liquor. However, I have never before known an officer of the United States to undertake to defend the violation of the law on the ground of necessity.

Of course, Mr. Lasker does not pretend to be a lawyer; he is an expert on publicity, and nothing else, Lasker publicity; but there is no lawyer, however he may have been limited in his practice—the Senator from North Dakota intimated yesterday that we were running a justice of the peace court here in the Senate Chamber—there is no lawyer who has practiced law even in that high court who would pretend that they can sell whisky or wine or intoxicating liquors of any kind on board American ships anywhere without violating the law. Any lawyer who had waived his examination and been admitted to the bar who would assert that in any decent company would be laughed out of court. It is a question of determining to sell whisky though the law says it shall not be sold.

What pains me more is that Mr. Wayne B. Wheeler, who is presumed to sit here as the guardian of the prohibition forces of this country, who, I have understood, has claimed that all prohibition legislation has originated in his office, should connive at this open, flagrant violation of the law. He says that the man who called attention to the violation of the law was trying to discredit prohibition. That may be good logic for Wayne B. Wheeler, but no one else will accept it. Whenever the time comes that the man who calls attention to a violation of the law is the man who encourages violation of the law, of course that ends law enforcement, and when Mr. Wheeler made that statement he was not any more candid than in the statement he made to me about the judges' bill, which he would not affirm over his own signature. I voted for prohibition. I do not think we have always gotten out of it the good effects the legislation ought to bring. I have sometimes been disappointed in its effect. People have not always accepted the view I entertained, and all communities have not looked with favor upon the law. But I have never before known a law-enforcing officer to apologize for not enforcing the law, and expect people to commend him for it.

The Attorney General says he will hold to the opinion rendered by former Assistant Attorney General Frierson, a Democrat, until the courts shall decree otherwise. Mr. Lasker says he will hold to the opinion of a lawyer, whose name is so much like beer that I can not pronounce it, until the courts hold otherwise. Mr. Haynes says that between the two he is not going to do anything, and Mr. Wheeler, the guardian of prohibition, and who is paid for that, says that any man who calls attention to the sale of liquor is trying to discredit prohibition.

Between them and among them they are countenancing an open, flagrant, daily violation of the law. Whether a man be for prohibition or against it, he ought to be for law enforcement, and when the time has come that the highest officials of the land—the Attorney General and the chairman of the Shipping Board, and, aside from these, the accredited agent of all the temperance people of America—shall condone the sale of liquor, open and flagrant, and apologize, one saying you can not run a ship without it, another saying that somebody else said they can do it legally, and the man who is charged with the enforcement says that as between the two opinions he can not do anything, I am curious to know what the temperance people are going to do.

I know, and every lawyer knows, that wherever the American flag flies over an American ship it is American territory, and a violation of the law of America upon that ship is a violation of the law as much as if it took place here under the shadow of the dome of this Capitol. It is childish, it is foolish, it is dishonest for anyone to make any other contention.

I do not believe the Attorney General is going to try to enforce the law against the sale of liquor, although he is the chief law officer of this Nation, and yet he says:

I understand that a former Assistant Attorney General has ruled it is a violation of the law, and I will acquiesce in his decision, but do nothing until somebody else gets the matter to the courts and ascertains what the courts will say—

Which means no enforcement, and everybody might as well understand it. All the millions of women through the States who have been praying for prohibition, who have been working for prohibition, who have believed that it meant the salvation of the race, may as well realize now as later that there is to be no enforcement of prohibition as long as the present Attorney General is at the head of the law-enforcing branch of the Government. I do not care whether he was ever in a court or not—and I understand he never was in a court to try a case—I know a man can not hang around a justice of the peace court as many years as he has without knowing that it is a violation of the law to sell whisky on an American ship, when it is a violation of the law to sell whisky in the District of Columbia under our national amendment and prohibition law.

I presume that when our friends on the other side bring in a ship subsidy bill one item in it will be for so many hundred thousand or millions of dollars for the purchase of whisky to

be sold on the subsidized American ships, because Mr. Lasker says you can not run them without it, that it would be suicide to run a ship without selling whisky on it. Therefore, if you are going to tax the people to run the ships be candid and say that so much is for the subsidy and so much for keeping the liquor stock always replenished.

I can see my friend, the junior Senator from Ohio [Mr. WILLIS], who has been so ardently fighting in the ranks of prohibition, voting enthusiastically for a ship subsidy, with a certain knowledge that he is voting to license as many saloons as we have ships. If he votes for a ship subsidy every man and woman in Ohio will know that he voted to license a saloon, and every other man who votes for a subsidy will vote to license saloons. Then, if they want to be fair, if the rich, who are able to travel on ships, are to be permitted to buy whisky, why not legalize saloons here, where the workingman can always get his drink? Let us not play favorites. Let us proclaim to the world that we were hypocrites—as some people have suspected—and that we believe in selling whisky, but that we want to do it under a pretense that we are subsidizing ships. That is all it is.

Wayne B. Wheeler, for whom I have had some respect heretofore, and have not a bit now, after reading the opinion that he is alleged to have given out, that he thinks that one who calls attention to the violation of the law is fighting prohibition, and his other pretense that we need more legislation. He wants a 25-mile limit instead of a 3-mile limit. If you can legally cross the 3-mile limit with a cargo of liquor, you could cross 25 miles, and the thirsty could hold their breath until they got out of the 25-mile limit. It is such a cheap subterfuge, such a patent endeavor to accept the money of the prohibitionists of this country and tolerate the open, notorious violation of the law.

I hope—I will not say hope, because that implies expectation, and I have not any—but in the interest of decency I wish some of you gentlemen close to the Attorney General would ask him to enforce one law. I will not be hard on him and ask him to enforce more, because I do not think he would do it, but he ought to enforce this one law, and the Senator from Ohio [Mr. WILLIS], who has always rushed to the defense of the Attorney General when anybody criticized him, ought to go to him and say, "Mr. Attorney General, in the interest of common decency now let us enforce this law." I appeal to the Senator from Ohio, as soon as he can get some one to take the chair, to call on his friend from Ohio to put an end to this shameful traffic in liquor.

The Senator from Ohio was a lecturer for the Anti-Saloon League, I understand, and hails from the same State from which come Mr. Wheeler and the Attorney General, and clear out into Arkansas we look to that trio to keep us dry. I have no kind of influence with any of them, except the Senator from Ohio [Mr. WILLIS], and I am appealing to him to urge upon Mr. Wheeler and the Attorney General to have this one law enforced.

However light this may seem to some people, I know that there are millions of people in this country who look upon the violation of this law with more disfavor than upon the violation of any other law on the statute books. It is an insult to them. It is a disappointment to them. It is a shameful violation of the law to permit this open, flagrant running of saloons under the guise of running ships. I hope that before there is brought before the Congress for its consideration a ship subsidy bill these men will be dissuaded from asking us to vote away $100,000,000 a year to enable people to run saloons. I use the word "hope" as applying to my friend the Senator from Ohio, in whom I have confidence, whom I know to be a good man, whom I know to be a sincere man, and whom I know to be influential with these two gentlemen whose names I have mentioned, and I believe he will have them stop this outrageous violation of the law.

Mr. KING. Mr. President, the Senator from Arkansas has called attention to an agency of the Government which has been the subject of criticism almost from the hour of its creation. In my opinion it has merited much of the criticism leveled against it, and its present policies have not tended to blunt the sharp edge of public criticism. No Government agency has been more extravagant and inefficient. Its officials in the past and those who now control it seem indifferent to public censure. If there were any hope of reforms or improvement, there would be a disposition to cover the past with a mantle of charity. There is much advertisement and publicity and promise upon the part of those who direct the Shipping Board and the Emergency Fleet Corporation, but there are no achievements and no satisfactory developments.

And now Mr. Lasker and others connected with this corporation are engaged in an intensive and extensive drive to secure a ship subsidy. Some of these officials are carrying on a vigorous propaganda to force public opinion and to put through the bill formulated by Mr. Lasker and his aids and subordinates.

I had supposed that when Congress created boards and commissions and Federal positions and executive agencies it was the duty of the persons selected for service therein to execute the law, to perform the duties defined by statute, and to not spend their time as crusaders and propagandists in support of some plan to extend their authority or some policy which the administration desired to force through the National Congress.

President Harding has the right to recommend to Congress the passage of a subsidy bill. That is his business. I think his policy is unwise, and I shall oppose it. But it is no part of the duty of executive employees to spend their time and efforts as missionaries to carry forward Mr. Harding's plans. Mr. Lasker and the members of the board and other agencies of the Government should devote their energies to the discharge of their duties; their time ought to be devoted to the execution of the law and not to carrying on propaganda in favor of executive policies. If they so conduct themselves, I think they ought to be called to account; perhaps their salaries ought to be cut off. They might then give their attention to their duties, instead of engaging in propaganda and spending their time advocating policies which will increase their authority and extend the functions and powers of executive agencies.

I think it has become a public scandal the manner in which some executive officials spend their time in writing, in crusading, in engaging in various activities throughout the country to drive through policies which some executive department or agency desires and which will increase their authority, augment their power, and multiply the number of Federal employees. Mr. Lasker is now engaged in the pleasing task of writing articles in favor of a ship subsidy, and we are told that others connected with the Shipping Board are giving some of their time to the task of converting the American people to the beauties of a ship subsidy. Who appointed them and paid them to carry on a propaganda in favor of a policy to which a large number of the American people are opposed? Mr. Lasker was not appointed to the position which he occupies in order to be a missionary in favor of a ship-subsidy scheme which will further tax the American people. I respectfully submit that he is subject to criticism because of his partisan efforts and persistent zeal to secure a ship subsidy of millions of dollars annually.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. KING. I yield.

Mr. CARAWAY. If this, to me, so absurd ruling is correct that a ship goes beyond the law and the protection of the law when it goes beyond the 3-mile limit, what is there to indicate that an American ship is American territory at all? If they can violate the liquor law that way, could they not cut the captain's throat and there be no law to punish them?

Mr. KING. The Senator from Arkansas is an able lawyer, and I think he can answer that question perhaps better than I can. I suppose that one of the evidences that it is an American ship is that the Stars and Stripes fly from the masthead.

Mr. CARAWAY. But if the one law can be ignored as soon as they get beyond the 3-mile limit does any other law follow the ship?

Mr. KING. The question of the Senator answers itself. Obviously not. I agree with the Senator that the law should be enforced. I believed the eighteenth amendment to be unwise. I thought it was an infringement upon the rights of the States, that it interfered with their sovereign powers, and would prove a dangerous precedent which would eventually lead to the destruction of the police powers of the States; but it has become a part of the organic law of the Republic and we ought to enforce it. Those who violate the Volstead Act or other laws passed pursuant to the eighteenth amendment should be punished as the courts punish those who violate other laws of the land.

Mr. CARAWAY. The thing I was inquiring about, because I have a great deal of admiration for the legal learning of my friend the Senator from Utah, is if this law will not follow the ship and the flag, no other law can do so, and anybody could seize one of our ships outside the 3-mile limit and plunder us of every dollar's worth of goods. There would be no law to punish them, because the ship ceases to be American territory when it gets beyond the 3-mile limit. It is so absurd that the very quarrel we had with Germany would reflect upon us, because she never came within the 3-mile limit to sink any of our ships. She waited until they got outside and then sunk them. Now, the question of the law being enforced is raised in this way, and there is no law to protect the American and

to prevent the violation of American law on an American ship when it is beyond the 3-mile limit. It is so absolutely absurd that it ought to shock everybody.

Mr. KING. I am a little surprised to learn that Mr. Wheeler, to whom the Senator has referred, should entertain the views which the Senator expresses, because I have a rather indistinct recollection that Mr. Wheeler or others representing the Anti-Saloon League some time ago insisted that we enact a law which would prohibit the sale of intoxicating liquors in China by Americans.

Mr. CARAWAY. Why, of course.

Mr. KING. They wanted the laws of the United States to extend to China and other countries if Americans happened to be there. How they could advocate that policy and yet advocate the vending of liquors upon American ships is something I can not quite understand.

Mr. CARAWAY. I want to get another opinion from the Senator from Utah. I was shown a statement issued by Mr. Wheeler a while ago by the Representative from Pennsylvania, Mr. KELLY, in which Wheeler said he wants the law amended so that we shall have a 25-mile limit instead of a 3-mile limit. Can the Senator see any virtue in that? If they can legally cross the 3-mile limit with a floating saloon, they could cross the 25-mile limit as well, could they not?

Mr. KING. I think if a man wants to drink liquor or a ship wants to sell liquor the distance between the 3-mile limit and the 25-mile limit will quickly be covered.

Mr. CARAWAY. And where does the efficacy come in? If the 3-mile limit has no legal effect, what effect would the 25-mile limit have? Does the law depend upon the number of miles?

Mr. WALSH of Massachusetts. Perhaps it would enable them to secure a better price.

Mr. CARAWAY. They would be able to charge a higher price when they got out beyond the 25-mile limit.

Mr. KING. It may be the purpose to increase the speed of the ships after they cross the 3-mile limit in order to reach the 25-mile limit.

Mr. CARAWAY. And come in more slowly.

Mr. KING. Yes.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 3.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 6, after line 12, to strike out:

EXPERIMENTAL AND RESEARCH LABORATORY.

For laboratory and research work and other necessary work of the experimental and research laboratory for the benefit of the naval service, as authorized in the naval appropriation act approved August 29, 1916, including the construction of temporary test houses, additions to equipment, the operation of a laboratory, maintenance of buildings and grounds, and the employment of scientific civilian assistants as may become necessary, to be expended under the direction of the Secretary of the Navy, $100,000: *Provided*, That the sum to be paid out of this appropriation for technical, drafting, clerical, and messenger service shall not exceed $25,000.

Mr. WALSH of Montana. Mr. President, I should like to have some information from the Senator in charge of the bill with reference to this amendment. It is apparently intended to eliminate the experimental research laboratory.

Mr. POINDEXTER. I was unable to hear the Senator on account of the confusion in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WALSH of Montana. I inquire of the Senator in charge of the bill if he will not make some explanation of the item. It is apparently intended to eliminate the experimental and research laboratory. That feature of our Naval Establishment, it will be recalled, was inaugurated by virtue of the act of August 29, 1916, upon, as my recollection is, the suggestion and earnest advocacy of Mr. Edison, who felt that the Navy ought to have the benefit of whatever inventive genius there is in the country. I supposed this was a very general and popular feature of our Naval Establishment. I should like to know what impelled the committee to take this course.

Mr. POINDEXTER. I think, so far as its being popular is concerned, very little is known about the laboratory. I doubt very much whether anybody knows what it consists of or what it is doing. As a matter of fact, it is a group of more or less expensive buildings at a place called Bellevue, in the District of Columbia, on the shores of the Potomac River. There is nothing going on there at all except construction work on the buildings. There seems to be little or no equipment in the buildings. The appropriation of $100,000 carried in the bill could not possibly result in any very great amount of scientific work being done. It looked to the committee as though it would be throwing $100,000 away. It does not amount to anything more than the employment of a lot of supernumeraries connected with the laboratory without accomplishing any result.

I am in entire accord with the Senator from Montana, if I understood him correctly, as to the desirability of promoting scientific study as to naval equipment, naval appliances, and machinery.

I call the Senator's attention to the fact that on page 26 the bill carries an appropriation of $200,000 for an engineering experiment station at the United States Naval Academy, Annapolis, Md. That experiment station is in operation. It has been in operation for some years. The committee felt that scientific experiments ought to be carried on there and that that station should be properly supported, rather than waste a portion of our money on a large, expensive embryo establishment at Bellevue. That establishment is really an outgrowth of the war or of preparation for the war. We are confronted in this case, as we are in many other cases, with the question of getting back to normal conditions, on the one hand, or, on the other hand, of going on with more or less extravagant and exaggerated activities which never would have been established but for the war.

Mr. WALSH of Montana. Mr. President, I do not think the items to which the Senator has called our attention, for the continuance of the experiment station at the Naval Academy, meets the conditions for which the experimental and research laboratory was established. The experiment station at the academy, as a matter of course, is conducted by the officers of the Navy. About the time that the war broke out, or prior thereto, a large number of inventions were offered to the Navy by inventors throughout the country. Most of them were rejected, and in all probability deservedly so, and yet our experience has disclosed that the naval officers do not know all about those things, and frequently inventions are made by people outside of both the Army and the Navy which prove invaluable in the course of time. I think we have had some rather sad experiences about the rejection of inventions of American inventors which were afterwards adopted by foreign countries.

There was a general opinion prevailing that there was a prejudice existing in the Navy Department against inventions which came from civilians. Apparently Mr. Edison shared the suspicion that the civilian inventor was not accorded the consideration to which he was entitled. No doubt Congress believed as much and made provision for the establishment of this experimental and research laboratory, where inventions which seemed to give some promise might, as I understood it, be tried out. In that connection the Naval Consulting Board was established, Mr. Edison, my recollection is, acting as chairman of the board. That seems to have gone by the board in this appropriation bill also, for the next amendment in the bill disposes of the appropriation for that purpose. My attention is called to this, Mr. President, by a very distinguished engineer, formerly of my State but now residing in New York. I send to the desk and ask that the Secretary may read a letter which I have received from him.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

NAVAL CONSULTING BOARD OF THE UNITED STATES,
New York, June 14, 1922.

Hon. T. J. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am writing you this letter as a member and vice chairman of the Naval Consulting Board of the United States, which organization during the war realized in attempting to carry on its work to the best advantage the lack of an experimental laboratory for Navy use, and the board, through its chairman, Mr. Edison, was instrumental in securing an appropriation from Congress for the building and maintenance of the laboratory. An appropriation of $100,000 for operating the laboratory located on the Potomac River near Washington was also made, and likewise an item of $4,000 to defray the expenses of the Naval Consulting Board.

I am in receipt of a letter from Rear Admiral W. Strother Smith, in which he states that the Senate has cut out the item of $100,000 for operating the laboratory, and also the item of $4,000 for the Naval Consulting Board, including the Naval Consulting Board clerk in the office at Washington.

It is my judgment that each of the above sums of money is necessary for the purpose for which it was appropriated, and I trust that you will

be willing to use your influence in the Senate to have these two items put back on the bill. I can assure you that we shall appreciate your efforts in this direction to the utmost.

I am sending a similar letter to Senator MYERS.

With kindest regards, I am, as always,

Yours very truly, B. B. THAYER.

Mr. WALSH of Montana. Mr. President, I think it was understood at the time that the establishment of such research work designed to afford to civilian inventors an opportunity to have their inventions tried out was never in very high favor with the officers of the Navy, and I suppose that that prejudice is to a very large degree responsible for the failure to realize the expectations which were entertained concerning the development of this feature of the Naval Establishment. The Senator in charge of the bill advises us that nothing has ever been accomplished. Perhaps nothing was to be expected when the administration was left in the hands of people who were unfriendly to the enterprise from the start.

I have no interest in the matter except that I want to call attention to the fact that this promising feature of the Naval Establishment which was inaugurated in the interests of civilian inventors, so that the Navy could get the benefit of whatever inventive genius there might be outside of the officers of the Navy themselves, goes by the board and is not going to be supported any more.

Mr. NEWBERRY. Mr. President, perhaps it might throw a little light on the subject if I were to read an excerpt from the statement of the Chief of the Bureau of Steam Engineering. The laboratory has not as yet been entirely completed. When properly equipped, possibly it might do a great deal of useful work and be placed in the category of desirable public activities; but the Chief of the Bureau of Steam Engineering, in his testimony before the House committee, when asked how the work was being done at present, said:

> The sort of work that we expect will be done at the laboratory is now being undertaken at the Washington Navy Yard and by the Bureau of Standards.

The amount of money for which request was made would be used mainly to create a new staff of experts and to pay the wages of those employed to assist in the work. No doubt the activities of such a laboratory when properly equipped would be very useful to the Navy, but in the view of the committee it is not absolutely necessary at this time.

Mr. WALSH of Montana. Will the Senator advise us exactly what has been done in the laboratory heretofore?

Mr. NEWBERRY. As I have stated, the laboratory is not finished, and nothing has been done as yet.

Mr. WALSH of Montana. How much money has been spent upon it?

Mr. NEWBERRY. I think about a million and a half dollars have been spent upon it; but I am not certain as to the amount.

Mr. WALSH of Montana. A million and a half dollars have been spent upon it. We have entered upon this enterprise, have spent a million and a half dollars on it, have never got anywhere on it, and now we are going to abandon it?

Mr. NEWBERRY. I think the laboratory has not as yet been equipped or even finished. I am corrected in my statement in regard to the expenditures, which, I am now informed, have been $1,200,000.

Mr. WALSH of Montana. The situation is, then, that we entered upon the plan and system of establishing a laboratory in which could be tested out inventions of civil inventors which were supposed to be of some value in connection with naval operations. Having entered upon that plan, we spent $1,200,000, but the laboratory has not yet been completed; the system has never been tried out; and we now propose to abandon it and to allow the civilian inventors to take their chances so far as devices of use to the Navy are concerned.

Mr. POINDEXTER. Just a word, if the Senator will permit me. The appropriation contained in the House bill makes no change whatever in that respect. If this laboratory is established and maintained, there is nothing proposed that would change the control of it; it would still remain under the Navy Department, under naval officers, and the same attention would be given to civilian inventors and their inventions without this appropriation that would be given with it. There would not be any change whatever in that respect. A great many experiments are being carried on by the Navy Department, particularly at the navy yard at Philadelphia, as to new methods of the use of fuel, in which a great deal of scientific progress has been made, involving a great saving of money to the Navy by reducing the amount of fuel which is consumed.

I have received the same complaints, and I have had the same feeling to which the Senator from Montana [Mr. WALSH] has referred about the apathy and sometimes the apparent hostility of naval officers toward the inventions that are submitted to them; but I was merely calling the attention of the Senator to the fact that that situation would not be involved or changed in any way at all by the appropriation.

Mr. WALSH of Montana. Mr. President, the Senator from Washington means, of course, that the naval officers will be in control of the laboratory to be constructed, and that civilian inventors will be subject to exactly the same depressing influences; but my understanding is that the naval consulting board has a persuasive voice in connection with the operations of the research laboratory.

Mr. POINDEXTER. I think the Senator is mistaken about that. I do not think the naval consulting board has any authority over the laboratory at all under the law. Furthermore, the naval consulting board did not accomplish a great deal. I have known several members of the naval consulting board, some of whom were men of great distinction as practical inventors and highly scientific. They were very badly treated by the majority of the naval consulting board. It seemed to resolve itself into factions and quarrels among its members, and I thought a great deal of injustice was done by the majority of the naval consulting board to some men on the board who, as was proved by subsequent events, had their criticisms and suggestions been adopted, would have been of immense value to the Navy. But, so far as the practical results of the activities of the naval consulting board are concerned, I think the Senator from Montana would have some difficulty in pointing them out.

Mr. WALSH of Montana. Mr. President, I do not intend to enter upon any defense of the Naval Consulting Board, but my understanding was that the Naval Consulting Board was not supposed to know very much about the operation of ships or, perhaps, even about the construction of ships, nor about the general activities of the Navy. I associated the Naval Consulting Board with the movement to establish a research laboratory in the interest of the civilian inventors, and that the two appropriations go together here and that they fall together has confirmed me in the belief that the two are associated. So I imagine very likely that the civilian inventor whose invention went into the research laboratory had some kind of a proper consideration in that the laboratory was, in some way at least, under the control or supervision of the Naval Consulting Board, consisting of civilians.

Mr. McCORMICK. Mr. President, will the Senator allow me to interrupt him in order to ask a question of the Senator from Montana or the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. McCORMICK. Will one or the other of the two Senators tell the Senate how and under what circumstances the construction of this laboratory was begun? Was an appropriation made for it in an appropriation bill or was it provided for in a lump-sum appropriation during the war?

Mr. POINDEXTER. There was a special appropriation in the act of 1916, at the time when the Navy entered upon its enlarged program, undoubtedly through the apprehension created by the European war, although it was before we entered the war.

Mr. McCORMICK. How long has it been since any work has been done on the laboratory?

Mr. POINDEXTER. There is some work under way toward the completion of the building.

Mr. McCORMICK. Has work toward the completion of the building been carried on during the last year?

Mr. POINDEXTER. It has.

Mr. SWANSON. Mr. President, the act of August 29, 1916, was the act in which this country got ready for war. I was acting chairman of the Naval Committee at that time, and those who knew the situation were satisfied that ultimately this country would get into war with Germany.

Mr. McCORMICK. When was that?

Mr. SWANSON. I refer to the act of August 29, 1916.

Mr. McCORMICK. That was before the election of that year?

Mr. SWANSON. It was August 29, 1916.

Mr. McCORMICK. Was it before the election of that year that those to whom the Senator refers were satisfied that we were going to war?

Mr. SWANSON. I am not indulging in petty politics, although the Senator does not seem to be able to get above it. The act itself shows what preparations were made; the act speaks for itself better than the Senator from Illinois or I, in a partisan way, could speak for it. That act, on account of the

emergency, increased the Navy from 55,000 to 87,000 men, and authorized the President, if he saw proper, to make a survey of all the navy yards and of all the ships. At that time we were trying to get ready for war. The act to which I have referred was really designed, if the emergency should arise, to be prepared for it. That is the reason I may say the Navy was ready when war was declared, regardless of any election. All that it is necessary to do in order to be satisfied of that fact is to read the act itself.

In that act a provision was also made to secure the services and cooperation of the inventors and scientific men of the country, so as to obtain the benefit of their labor and their knowledge. We could not get a scientist to work for the Navy unless he was given a commission. The act which I have mentioned authorized the employment of men such as Edison, men who were particularly expert in connection with the telephone and telephone inventions, and also explosives. At the same time a laboratory was established. I may say that Mr. Edison did splendid work. The listening device, to a large extent, was evolved by the consulting board, and it proved to be really one of the best means of fighting the submarine. I might also mention the depth bomb. Other civilians outside of the Navy did splendid work.

The provision was put in the bill as a war measure in order to enable the Navy to get ready for hostilities. Various scientists were employed. Mr. Edison was down here for months. He invented a method by which a ship could be so painted as to reduce its visibility to such an extent that the chances of a submarine on coming to the top seeing it would be lessened by at least one-half. Other schemes were devised for painting ships so as to deceive a pursuing ship and give the impression that it was going north when it was really going south.

I repeat that the establishment of the research laboratory and the Naval Consulting Board was a war measure. I am not prepared to say whether the work should be continued; I am willing to let the amendment proposed prevail so that the matter may go to conference. I have not examined to see whether or not the laboratory and the work proposed to be carried on there should be continued, but I know that the members of the Naval Consulting Board performed a valuable service. They came here and served practically without any pay whatever during the war and aided very materially in developing inventions and discoveries which were of great benefit to the Navy, as well as rendering service in consultation and advice.

I simply desire not to have the work of those men reflected on. They took no pay; they were down here at great loss and inconveniece to themselves; their own business was neglected; and they did splendid work, from my knowledge of them, during the war.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, before we pass from this subject I desire to place in the RECORD the provisions of the act of 1916 for the establishment of the experimental and research laboratory. It is found on page 570 of volume 39 of the Statutes at Large, and reads as follows:

Experimental and research laboratory: For laboratory and research work on the subject of gun erosion, torpedo motive power, the gyroscope, submarine guns; protection against submarine, torpedo, and mine attack; improvement in submarine attachments, improvement and development in submarine engines, storage batteries and propulsion, airplanes and aircraft, improvement in radio installations, and such other necessary work for the benefit of the Government service, including the construction, equipment, and operation of a laboratory, the employment of scientific civilian assistants as may become necessary, to be expended under the direction of the Secretary of the Navy (limit of cost not to exceed $1,500,000), $1,000,000: *Provided*, That nothing herein shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the fiscal year ending June 30, 1917, as heretofore conducted under other appropriations: *Provided further*, That the Secretary of the Navy shall make detailed reports to the Congress not later than June 30, 1917, and annually thereafter, showing the manner in which all expenditures hereunder have been made.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 7, to strike out:

CIVILIAN NAVAL CONSULTING BOARD.

For actual expenses incurred by and in connection with the civilian naval consulting boards, including the services of one clerk, at $1,400 per annum, for duty in connection with the board at Washington, D. C., $4,000.

The amendment was agreed to.

The next amendment was, under the head "Office of Judge Advocate General. Salaries, Navy Department," on page 9, after line 10, to insert:

To pay George Melling for compiling the laws and decisions relating to the Navy, Navy Department, and Marine Corps made prior to July 1, 1922, including an index thereto, and in accordance with Senate resolution of March 30, 1914, $3,000, to be available upon completion of said work.

Mr. KING. Mr. President, before proceeding to consider this amendment, may I inquire of the Senator for information, calling attention to lines 7 to 13, page 7, if in view of the reduction in the number of marines—and I will add, in passing, that the number should be still further reduced—it is necessary to employ private schools for the instruction of marines? My understanding is that we are providing at San Diego and elsewhere very adequate and efficient schools for the instruction of marines, and I am wondering whether it is necessary now to make provision to pay various States.

Mr. POINDEXTER. The Senator misunderstands the purpose of that provision. It does not relate to marines technically at all. It relates to sailors. It does not affect the Marine Corps in any way whatever.

I will say to the Senator that these schools are entirely different schools from the naval training stations. They are maintained by the States. These sums are purely for the purpose of cooperating with the States. I think three States have expended some $50,000 for the maintenance of these nautical schools. The experience of those schools and everybody who is familiar with those schools seems to have demonstrated that they are of immense value, far beyond the expense incident to them, in the development of the young men, even aside from promoting their usefulness and serviceability in the Navy. The parents of boys who have attended these schools are very loud in their praises of the effect upon the youths who have been trained there. They are schools maintained by the States. This provision is to reimburse the States for one-half the amount of money which they have expended.

Mr. KING. Do I understand the Senator to mean that enlisted men of the Navy are sent, after their enlistment, to these schools which are maintained by the States for instruction in the duties which they would be compelled to perform in the naval service?

Mr. POINDEXTER. Oh, no; not at all.

Mr. KING. Then is this a mere gratuity by the Federal Government to the States to aid them in developing a sort of a nautical branch of their educational institutions?

Mr. POINDEXTER. The purpose of it in the Navy bill is not as a gratuity at all, but it is considered in the interest of the public policy of the country to encourage the States in assisting in the maintenance of a place where young men can be instructed in the ways of the sea and at the same time disciplined to a certain extent, so that they are available not only for the merchant marine but in time of emergency would be available for the Navy. It is not regarded as a gratuity. It is regarded by the Congress—because this is simply a repetition of what Congress has done for a number of years—as the promotion of a good public policy for the country.

Mr. KING. Then, as I understand—I want to get the matter clearly in my mind—a number of the States in some institutions which are maintained by public taxation have instructors who give some sort of instruction or some training in naval matters to young men who come to the State institutions?

Mr. POINDEXTER. Not in naval matters but in nautical matters, which knowledge, of course, would be useful in case they should be called into the Navy.

Mr. KING. Just the same as it would be important, perhaps, that young men should know something of astronomy if they were called into the Navy; but the point I am trying to get at is that the States are maintaining certain schools, and in those schools some attention is paid to nautical matters, and the States make contributions to those schools, because they teach nautical matters?

Mr. POINDEXTER. It is just the other way. The States maintain the schools and the Federal Government makes contributions to them.

Mr. KING. But there are no employees of the Government, no sailors of the Government, in those schools?

Mr. POINDEXTER. Not at all.

Mr. LODGE. Mr. President, I will say to the Senator that there is one of these schools in my State. The schools are conducted on ships which are maintained by the States. This $25,000 is given under an act of Congress, so that it is given by law.

Mr. KING. I was aware of that fact, because I know it has been carried in a number of appropriation bills.

Mr. LODGE. The act was passed in 1911, and for a long time there were only two States, Massachusetts and New York, and I think Oregon, but I do not know. That seems to have dropped

out. I suppose it has given up the school. Pennsylvania is new.

Mr. KING. I ask for information: Has the Senator made any investigation in his own State so that he is convinced that those schools are beneficial?

Mr. LODGE. Oh, very; they are very good; and they are maintained really by the States. They have a commissioned officer on the ship in my State, and have maintained it for a great many years, and the school is on a ship.

Mr. KING. Then the amount contributed by the Federal Government would not be sufficient, of course, to maintain the school?

Mr. LODGE. Oh, no.

Mr. KING. And the benefit to the Government is indirect——

Mr. LODGE. Yes.

Mr. KING. In that young men who attend there may subsequently come into the Navy and have the advantage of the nautical training which they have received in the State school?

Mr. LODGE. Yes; that is exactly it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 9.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Naval training station, California," on page 13, line 24, after the word "Island," to strike out "and San Diego," so as to read:

Maintenance of naval training station, Yerba Buena Island, Calif.: For labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $125,000.

Mr. POINDEXTER. Mr. President, on behalf of the committee, on account of additional information which has been received since that amendment was proposed, in view of the fact that the Navy now is in a period of transition so far as this training school is concerned between San Francisco and San Diego, and that a part of the year the school will probably have to be maintained at San Francisco and a part of the year at San Diego, I ask to have that amendment rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, in view of what I understand to be the facts from letters which I have received, I should like to ask the acting chairman of the committee whether he believes it necessary to have two naval stations in California?

Mr. POINDEXTER rose.

Mr. KING. If I may state what my information is first, then I shall be very happy to have the Senator answer.

As I understand, at San Francisco Bay there is now a very excellent naval training station. One of the islands in that magnificent bay has been used for that purpose for a number of years. The Senator knows that many of our ships will be anchored there constantly. We shall have all classes of ships in that great harbor, both capital ships, submarines, and all kinds of naval craft. It would seem that San Francisco Bay and the surroundings are most admirably located for a naval training station, far better than San Diego. It would seem to me—and yet I profess to have no knowledge whatever upon the subject—that one naval station in California would be sufficient. To break it up, to divide it, to have the training station part of the time at San Francisco and part of the time at San Diego, would seem to me to be improper, and also expensive. May I ask the Senator the reason why there is a plan to break up or weaken the San Francisco naval training station?

Mr. POINDEXTER. The Senator apparently was not paying attention to the speech that I made a moment ago in regard to it. The purpose of the committee is to accomplish the very thing that the Senator from Utah suggests—that is, to have only one training station on the Pacific coast. I agree with him in that. In some years past the question of whether or not that training station should have been developed at San Francisco might have been a practical question; but in recent years we have constructed at San Diego, at an expense of $2,000,000, permanent buildings for a training school for sailors, and in view of the policy of having only one training station on the Pacific coast it is intended to abandon the temporary building at San Francisco and concentrate the training activities at San Diego. We have not increased the appropriation in any way; but the suggestion I made a moment ago was that in the coming fiscal year there would be a period of transition between the two schools, moving from one place to the other, and in order to accommodate the appropriation to that situation I asked that both names be left in, not for the purpose of having two schools but to cover the period when they are moving from one place to the other.

Mr. KING. Then, as I understand the Senator—and I did not gather this from his first statement—it is the purpose to abandon the school at San Francisco?

Mr. POINDEXTER. That is the intention, and that has been acted upon by Congress through a period of years.

Mr. KING. Of course, if, as the Senator stated, they have constructed buildings and a plant at San Diego costing $2,000,000 there may be wisdom in abandoning the school at San Francisco, but it would seem to me, in view of the considerable sum which was spent at San Francisco, and in view of the fact that the school had been there for many years, that it was not the wisest policy to expend $2,000,000 at San Diego. One would have supposed that the great San Francisco Bay, having, as I have indicated, a great fleet there, and the fullest opportunity to familiarize the students with all sorts of naval craft, would have been the ideal place for a naval training station, far better than at San Diego. However, if we are to have but one, I suppose the experts in the Navy have determined that San Diego is the place, and in view of the fact that we are to have but one, in which I concur, I shall not object to the amendment offered by the Senator.

Mr. POINDEXTER. I ask that the committee amendment be rejected.

Mr. KING. I would like to ask the Senator what there is in the bill to indicate the abandonment of San Francisco, and that no funds will be expended at San Francisco.

Mr. POINDEXTER. There is nothing in the bill except the limitation on the appropriation, which would indicate it. It is impossible to conduct two training schools with the $125,000 that is carried in the bill.

Mr. KING. Of course, they would be permitted to divide the appropriation if they saw fit.

Mr. POINDEXTER. It is not the intention of the department to divide it, but to move the school from one place to the other.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

The next amendment of the committee was, under "Naval Training Station, Rhode Island," on page 14, line 14, after the words "Rhode Island," to insert "(exclusive of Coddington Point)" and a colon.

The amendment was agreed to.

The next amendment was, on page 15, line 5, to strike out "$125,000" and to insert in lieu thereof "$225,000," so as to read:

In all, $225,000.

Mr. McCORMICK. Mr. President, before we continue with the discussion, in view of the fact that this is a matter of some moment, I make a point of no quorum, in order that more Senators may be present for the consideration of the matter.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Harris	McKinley	Simmons
Broussard	Heflin	McNary	Smoot
Bursum	Hitchcock	Nelson	Spencer
Cameron	Johnson	Newberry	Swanson
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Oddie	Trammell
Culberson	Kendrick	Overman	Underwood
Dial	King	Pepper	Wadsworth
Dillingham	Ladd	Phipps	Walsh, Mont.
Edge	La Follette	Pittman	Warren
Ernst	Lenroot	Poindexter	Willis
France	Lodge	Pomerene	
Gerry	McCormick	Ransdell	
Glass	McCumber	Sheppard	

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] is absent on official business.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the committee amendment, which the Secretary will again report.

The ASSISTANT SECRETARY. On page 15, line 5, the committee proposes to strike out "$125,000" and in lieu thereof insert "$225,000."

Mr. McCORMICK. Mr. President, will the chairman of the committee tell the Senate how the respective sums of $125,000 and $225,000 compare with the sum appropriated a year ago for the same purpose? The figures which have been supplied to

me indicate that the appropriation for the training station at Newport last year was $185,000.

Mr. POINDEXTER. Mr. President, at Newport there are a number of permanent buildings, thoroughly equipped, which have been utilized for years for housing a naval training school for apprentices in the Navy. In the management of this matter by the Navy Department that school has been abandoned during the past year.

Mr. McCORMICK. Did the Senator say "management"?

Mr. POINDEXTER. I used the word "management." I might use the word "administration." The Senator can choose whatever word he likes as the more appropriate. It was considered by the committee that instead of developing a new training school, being put to the necessity of erecting a lot of new permanent buildings while these stand idle, to the extent to which those buildings are capable of accommodating a training school they should be used, and upon hearings before the committee the details of the cost of the maintenance of a training school there for 2,500 men, which the advisers of the committee said was the number which could be accommodated there, were worked out and the amount was fixed at the amount carried in the amendment—$225,000.

The $125,000 carried in the bill as it passed the House would practically have been a loss, appropriated for a school which was not being used, from which no results were being obtained. If we add $100,000 to it, we will get some benefit of the $125,000 which was carried in the bill as it passed the House and get a training school in operation. We do not increase the total of the appropriation at all, because we take off a similar sum from Hampton Roads, and through the broadmindedness, if I may use that expression, of the member of the committee from Virginia there was no objection to that adjustment between the two States.

Mr. McCORMICK. Mr. President, the appropriation for the naval training station at Newport this year, then, is $30,000 in excess of the sum appropriated for that purpose a year ago.

Mr. POINDEXTER. I hope the Senator will not overlook the point, in dwelling upon the comparison between the amount appropriated a year ago and the amount appropriated this year, what is really the controlling feature of this question, that under the appropriation a year ago there were no activities carried on at the school. I do not know what they did with the money, but there were no men being trained there. The committee proposes that there shall be 2,500 men trained there with this increased amount.

Mr. McCORMICK. Thirty thousand dollars more is appropriated this year for the training station at Newport, and if I am rightly informed $200,000 less is appropriated this year for the training station at Great Lakes, the only naval establishment accessible to the people of the States which lie between the watershed of the Alleghenies and those of the Rocky Mountains. Is that true?

Mr. POINDEXTER. I think that is true. The question is whether that is the only training station in the interior?

Mr. McCORMICK. Yes.

Mr. POINDEXTER. I think that is correct.

Mr. McCORMICK. It is an interesting coincidence that from Key West to Kittery Point the constituencies are dotted with ammunition dumps, guarded by companies of marines; torpedo schools; navy yards; and naval colleges. If I remember rightly, the State of North Carolina, among those States the shores of which are washed by the Atlantic, by some strange combination, has never been made the site of a naval establishment of any sort. I presume that it was the existence of the mint in North Carolina at one time which offset the development of a seafaring population at a naval base in that State.

The committee itself is, perhaps naturally, made up largely of seaboard Senators from these various States where the establishments are to be found. There are two Senators on the Naval Committee from seaboard States for every one from an interior State. I do not mean that they are willfully biased in their determination as to what ought to be done.

I submit, Mr. President, that for a great many years a large proportion of the enlisted personnel of the Navy have come from those interior States, whence the men would naturally go to the single interior training station.

Under the management, as the Senator said, of the Secretary of the Navy, who has sailed on the *Henderson* for Japan at the time this reorganization bill is under consideration by the Senate, apprentices for the Navy and newly enlisted men in the Marine Corps were being concentrated at Norfolk and Charleston. I share the view of the Senator from Washington that it was absurd, ludicrous, fantastic, if nothing worse, to abandon permanent buildings at Newport to concentrate apprentices in temporary buildings at Norfolk. The recommendation must have been approved at a time while the plans for the sailing of the class of 1881 preoccupied the department.

But I submit that if it would be absurd that youth from the North Atlantic States should be sent to Norfolk for their naval training, it is something more absurd to close the training station on the Great Lakes, built upon land given to the Government, and to make it necessary for the mothers and fathers of the young men from the inland States of Iowa, Illinois, Indiana, Michigan, and Wisconsin to go to Norfolk or to Newport to see their sons who have offered their services to the Navy.

There are some of us Senators from the inland States who, in the fulfillment of our judgment of what would serve the national interest, have supported measures looking to the maintenance of the American Navy and the reestablishment of the merchant marine, but I think it must be a very dull man who would imagine that he would enhance an understanding of the Navy and interest in the training of naval apprentices throughout the States of the upper Mississippi Valley by abandoning the only naval training station to which the sons of that country could go. I do not know how other Senators from the upper Mississippi Valley may feel, but I know for one that I am perfectly clear that if Secretary Denby or the Navy staff understand so little of human psychology that they think to arouse interest in the Navy by withdrawing from the interior the only station which embodies the Navy and makes it visible to the people of the interior, I can not agree with them.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. McCORMICK. Certainly.

Mr. KING. For information I would like to ask the able Senator from Illinois, with whose remarks in the main I entirely agree, about what proportion of the recruits in peace times for naval service come from what might be denominated the interior States and what proportion come from the Atlantic seaboard and the Pacific seaboard?

Mr. McCORMICK. If my memory serves me right, in the old days well-nigh half the enlisted personnel of the Navy came from the interior. I have been told within the last few days, by one of the officers attached to the Naval Establishment, that for some strange reason that proportion has seriously changed and that relatively few recruits are coming from the interior. None, as it happens, during the period of their apprenticeship are now stationed at the Great Lakes Station, where the mothers and fathers and sisters can go and see the young men during the period of their schooling.

Mr. KING. May I suggest to the Senator that perhaps one reason for the greater number now coming from the seaboard arises from the fact that there have been numerous discharges from the Navy and from the Army, and perhaps many of them, not having sufficient funds to go home or having had a taste of sea or marine service, immediately reenlist and give their residence perhaps as of the seaboard State rather than the interior. But, without suggesting that as a reason to explain the situation just described, may I ask the Senator whether it is contended that the training obtained at the Great Lakes Station is inadequate or insufficient or is not as good as that which is obtained at Newport?

Mr. McCORMICK. I have never heard that alleged. The Senator knows, I think, that the training in the naval station is precedent to training at sea. It is not long since I stepped aboard a transport and was told by the commanding officer that half of the crew before the mast had never been to sea before. They were about to embark on their first voyage. At the naval training station, as the Senator knows from experience, the training is preliminary and precedent to the training which the enlisted man has at sea.

Mr. KING. That is my understanding. I was wondering if those who are such ardent advocates of having our training stations on the coast urged as a reason for it that they could not get adequate training at the Great Lakes Station.

Mr. McCORMICK. I have never heard that urged. If I am not mistaken the attempted abandonment—I was about to say destruction—of the large and permanent naval stations at Newport and the Great Lakes was determined by the present Secretary of the Navy, but upon whose recommendation I have not been told. It was he who ordered the concentration of all the apprentices in the temporary buildings at Norfolk. I have asked and shall presently receive, so I am advised, a list of the munition dumps and depots, torpedo schools, naval colleges, establishments, wireless schools, and other places for which appropriations are made in the bill.

I think that Senators who will study, for example, the report of the Marine Corps will be perfectly astonished by the distribution of marines, from Vladivostok, where there are 15, to Quantico, where there are 2,500. Any man who will

study that report will ask himself if a joint committee ought not to be appointed to examine stringently into what has been called the management of the Navy. The Navy, militarily, is efficient. Nautically, it is efficient. Under the very able direction of Admiral McGowan the paymaster's service became very efficient. But I am beginning to doubt that that which would be called management, the efficient and economic disposition of its land establishments, is what the country in these days of retrenchment has a right to expect of every department.

I have nothing further to say on the amendment in line 5, but in conjunction with what I have said I shall have an amendment to offer in line 1 on page 16.

Mr. KING. Mr. President, I am sure the observations just made by the Senator from Illinois must have proven interesting as well as instructing to those Senators who had the opportunity to hear them. I think the Senator's criticisms of what might be denominated the business administration of the Navy are entirely warranted. I had occasion a few moments ago to say that the overhead expenses of the Navy were entirely too great. I called attention to the fact then very briefly that the appropriations, instead of being reduced to such limits as the American people had reason to believe they would be reduced to, had reached the stupendous sum of practically $300,000,000. The naval appropriation bill in 1903 was only $78,000,000; in 1904, $81,000,000; in 1905, $92,000,000; 1906, $100,000,000; 1907, 102,000,000; 1908, $98,000,000; 1909, $122,000,000; 1910, $136,000,000; 1911, $131,000,000; 1912, $126,000,000; 1913, $123,000,000; 1914, $140,000,000; 1915, $144,000,000; 1916, $149,000,000.

Then came the war, with, of course, the attendant increase in the naval and military expenditures, but even in 1917, when we were thrust so precipitately into the great World War, the naval expenses were only $313,000,000. In 1920 they were $616,000,000; in 1921, $433,000,000; for 1922 I have not the figures before me, but, as I recall, they were substantially $400,000,000. For the fiscal year ending June 30, 1923, $300,000,000 is asked.

The Senator from Illinois has challenged attention to what I conceive to be an evil in the administration of the affairs of the Navy. I hope the Senator from Illinois will move at the appropriate places in the bill to strike out the appropriations for a number of so-called naval bases or stations, and the various schools and camps and stations.

They dot both the Atlantic and the Pacific coast. The Senator has indicated that there is only one State upon the Atlantic coast which has not obtained its share of the plunder.

It was said for many years that the river and harbor bills were framed by log-rolling activities upon the part of the representatives of the people, and that every little creek and rivulet in many of the States received large appropriations. I recall when I had the honor to serve in the House of Representatives, during the discussion of the river and harbor bill before the Committee of the Whole, a State—I shall not now designate it—was named by the Secretary, who was reading the bill. There were a number of items of appropriations for little creeks and streams, known and unknown, in that State, and the Representative who was sitting at my side, attracted by the reading of the name of his State, rose and said that he had never heard of a given stream which was receiving a very large appropriation; it was a small State, too. However, by the process of conciliation and log-rolling, these great appropriation bills, which in the aggregate have taken from the Treasury of the United States more than $1,000,000,000, have been passed.

Our public building bills have been drawn in the same way; and so we have scattered throughout the United States a large number of buildings in little towns. The Government of the United States has been compelled to pay for their erection, and is now being compelled to pay for their upkeep. So it has been with our Naval Establishment. This bill, carrying $300,000,000, is a revelation of the extravagance and the waste which have characterized the conduct of the Navy Department and which still persists and reflects itself in many of the items found in the bill. Instead of having a score or two score or perhaps a hundred stations of various kinds—I think the number will be a hundred—why not concentrate into a few, and thus reduce the tremendous and extravagant overhead of the Navy?

We hear a great deal about the economies of the present administration, and every few days we are told that the Budget has saved the country enormous sums. As a matter of fact, Mr. President, the Budget as a reducer of expenses of the Government has proven utterly futile. The economies which have been effectuated have resulted from the action of the legislative branch of the Government. Much also is due to the splendid services of Representative MADDEN and much to the fine work of the distinguished Senator from Wyoming [Mr. WARREN] and other members of the Appropriations Committee of the Senate; but I think that the appropriations are still too great. Instead of keeping within our income, we are advised by the Secretary of the Treasury that the deficit for the fiscal year of 1922 will be approximately $500,000,000. I make bold to assert that when all of the deficiencies shall have been reported, and all of the appropriations made which will have to be provided in order to meet expenditures for the present year, the deficit will be over $600,000,000. It is already reported that the expenditures for 1922 will aggregate $2,831,479,212, plus $1,393,164,200, and those sums do not include any of the deficiency appropriations which have not yet been reported, although some of them may have been reported, but perhaps not yet acted upon. So, Mr. President, this administration, with the enormous income which is being derived from the heavy taxes which are placed upon the people, will have a deficiency of between five hundred and six hundred million dollars. What the deficiency will be next year no one can determine.

Mr. BORAH. Mr. President——

Mr. KING. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Utah is discussing a subject in which the whole country is interested, and that is the apparent inability of Congress to reduce expenditures. As I view the situation, the figures, as I have studied them, indicate that we have made very little progress, comparatively speaking, none at all. The country is naturally asking and everybody is asking what is the remedy? It is very clear to my mind that so long as we regard the party in power as being responsible for these expenditures we shall never make any progress. It does not make any difference which of the parties is in power, the expenditures continue to rise and taxes continue to increase. I do not say this to raise a partisan question but rather to obviate such a suggestion, for when we consider the expenditures which have been provided for up to this time it is apparent there is no party responsibility for them. Appropriations, many of which, I think, are intolerable and unjustifiable, have been supported from the other side of the Chamber just as eagerly as they have been supported from this side of the Chamber.

Now, so long, Mr. President, as that condition continues, and at the same time the impression is conveyed to the country that the particular administration or party in power is responsible for it, we are not getting the real facts of the situation to the country; and the abuse can not be corrected except through the power of public opinion. Let it be understood when the sum total is made up and the tremendous expenditures are known and the taxes continue to increase that it is not by reason of the action of one party but by reason of the action of both parties here in this Chamber. Neither side of the Chamber has any plan of economy, but both sides of the Chamber are always willing to swell appropriations whenever they have an opportunity to do so.

Mr. KING. Mr. President, I think the Senator from Idaho will acquit me of any partisanship in the discussion of appropriation bills. The Senator will recall that when the Democratic Party was in power perhaps I was more critical of the appropriations made by it than I have been of the appropriations carried in the bills reported by the present Republican majority, not because I thought the Democratic Party was more censurable than the Republican Party but because I felt that the Democratic Party, with its professions for economy, ought to know better and that it deserved more serious criticism than did the Republican Party. The Democratic Party has made greater professions of economy and efficiency of the administration than has the Republican Party, and I think the Democratic Party is more deserving of censure for extravagant appropriations, if they are made when that party is in power, than is the Republican Party, because the Democrats know better, they are pledged to economy, and they know when they are not economical and not efficient they are violating their platform and the principles upon which the Democratic Party rests.

I agree entirely with the Senator from Idaho that the record of the Democratic Party in the Senate and in the House is not free from criticism by any means upon the question of appropriations; upon these matters I would as quickly condemn my own party for what I regard as extravagance as I would condemn the Republican Party; but I want to say to my good friend from Idaho that the American people have not yet learned what economy is in governmental expenditures. As the Senator knows, we are whipped and spurred by our constituents and by the people throughout the United States to make appropriations upon every conceivable subject.

Mr. BORAH. By a very small portion of them. We get a telegram with reference to an appropriation for a particular part of the country; perhaps it represents a dozen men who

are interested in the proposition; but the other several thousand we do not hear from, and to them we pay no attention. We legislate upon the call of a very small minority when it comes to the question of increasing appropriations. I have no doubt at all that the great mass of people are opposed to large appropriations, and that if the true voice of the people could be ascertained from the entire people it would be against them; but a few telegrams put us in action.

Mr. KING. There is very much in what the Senator says. The brave and courageous men in the Senate—and, of course, it would be unparliamentary for me to refer to those at the other end of the building, in the House of Representatives—are thrown into perturbation when telegrams and letters come demanding appropriations; but I invite the attention of the able Senator from Idaho to the fact that in our municipalities, in our political subdivisions, precincts, counties, school districts, and in our States there has been for the past 10 years a growing tendency toward extravagance and increased appropriations. If the Senator will now pick up the New York newspapers of to-day, or of any day, he will find there advertisements of various bond issues by political subdivisions, by States, by counties, and by school districts. The people seem to feel that they are warranted in bonding themselves and their inheritance and placing yokes and burdens upon their children and their children's children for many years to come.

I put into the RECORD some months ago figures showing the bonded indebtedness of the States and the municipalities and the counties in the United States. The sum is startling because of its magnitude. The bonded indebtedness of the United States, as the Senator knows, is approximately $24,000,000,000. I think there should be an educational campaign in the interest of public economy. We have not set the example here. The Senate has responded to the demands of executive departments, and the Senator knows that the voracity of the appetite of executives never can be appeased. I venture the assertion that as to the bill before us when the estimates were presented by the representatives of the Navy Department there were demands for two or three hundred million dollars more than are carried by the bill. The executive departments, no matter which party is in power, ask for more and still more; they are never satisfied, and would never be satisfied, no matter what appropriations might be made.

There is some sort of a malignant disease that takes possession of executive officials when they get into office. They want more power, and they want larger appropriations, and they want an extension of their authority; and Congress too freely, too liberally, too quickly responds to their demands, and so the appropriations increase by leaps and bounds. We will appropriate for the coming year perhaps nearly $4,000,000,000, and then there will be a deficit, and when the bonus bill is passed instead of its being four billions it will probably be six or seven or eight billions of dollars. So the expenses of the Government will increase, and we will proclaim our devotion to economy and to efficiency, but there will be none. It seems as if it were a hopeless task.

If the public will concern themselves in these appropriations, and will scourge the public servants, their Representatives in the House and their Senators, and demand of them economy, and threaten them with political annihilation unless there is economy, we may get it; and if we will curb the rapacity of executive officials, it will be a long step in the direction of economy.

I repeat, I hope that when we reach the appropriate places in the bill the able Senator from Illinois [Mr. MCCORMICK] will move to strike out the appropriations carried for a multitude of these useless and unnecessary bases for all sorts of things. We can prune this bill of fifty to seventy-five million dollars and leave an adequate amount for an efficient, a scientific, a modern, an up-to-date Navy, such as the American people will be proud of.

The PRESIDING OFFICER (Mr. LADD in the chair). The question is on the committee amendment on page 15, line 5.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, at the end of line 9, to strike out "$15,701.60" and to insert "$20,000," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $20,000.

Mr. KING. Mr. President, I see no reason for this increase. The House allowed $15,701. I presume, however, it will be assigned as a sufficient reason that having increased the general amount from $125,000 to $225,000, there ought to be an increase here.

Mr. WARREN. Mr. President, this comes out of the other amount. It does not increase the total. This $20,000 is a part of what we have just passed on.

Mr. LODGE. It does not increase any appropriation.

Mr. KING. I understand that, but I am trying to limit the amount to be paid to civilian employees.

Mr. POINDEXTER. Mr. President, the Senator no doubt has examined the bill carefully and is familiar with its provisions; and, if so, he will have noticed that corresponding to the increase of $5,000 on page 15 there is a decrease of $5,000 on page 16, so that it leaves the total exactly as it was before.

Mr. KING. Yes; but the point I had in mind, if the Senator will pardon me, is that all through this bill we find such large amounts, according to my view, devoted to clerical help, so much paid for overhead. These few thousands here—$5,000 in this place and $10,000 in another place, for clerks and overhead, and so on—in the aggregate make a very large sum. I think we ought to prune.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 16, line 1, to increase the appropriation for maintenance of the Great Lakes Naval Training Station from "$160,000" to "$200,000."

Mr. MCCORMICK. Mr. President, I move to amend the amendment of the committee by striking out "$200,000" and inserting in lieu thereof "$350,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois to the amendment of the committee, which will be stated.

The ASSISTANT SECRETARY. In lieu of the sum proposed to be inserted by the committee, "$200,000," it is proposed to insert "$350,000."

Mr. POINDEXTER. Mr. President, I desire to call attention to the fact that the increase made here is all that was asked for by the Navy Department and all that was asked for by the colleague of the Senator from Illinois in the amendment which he proposed before the Committee on Appropriations.

Mr. MCCORMICK. What was the item submitted by the Budget?

Mr. POINDEXTER. Three hundred and sixty thousand dollars.

Mr. MCCORMICK. Was that asked by the department?

Mr. POINDEXTER. Not in the hearings before the committee. I will read the Senator what was asked.

Mr. MCCORMICK. Presumably that was a figure which the Director of the Budget did not force on the department.

Mr. POINDEXTER. The testimony of Admiral Washington before the committee was that—

It is hardly practicable to get along with that amount—

That is, referring to the amount allowed by the House—

and carry on the schools which we hope to carry on, namely, radio and aviation schools at Chicago.

The principal item is coal, and I think an increase of $40,000 over what the House allowed us would be sufficient to meet our needs.

So we added that $40,000 and made the total $200,000 upon the motion of the Senator's colleague.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois to the amendment of the committee.

Mr. MCCORMICK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. Mr. President, may I inquire of the Senator from Illinois as to the amount that has been appropriated for a number of years past for the training station at Great Lakes?

Mr. MCCORMICK. Last year the amount was $400,000. This is $50,000 less than last year, whereas the amount proposed to be appropriated for Newport, and appropriated under the decision of the Senate, is $30,000 more than last year.

Mr. KING. While I concede that there is perhaps no proper basis for comparison, I should like to inquire of the Senator approximately the amount appropriated in 1915, 1916, and 1917 for naval training.

Mr. MCCORMICK. I am not able to tell the Senator. As he knows, the establishment has been very much enlarged since that time.

Mr. KING. Yes.

Mr. MCCORMICK. I am frank to say that if there is to be but one concentration of apprentices in this country, in view of the one hundred and some naval establishments running from Bremerton to Key West and from Key West to Kittery, I should

think we in the interior might be given a glimpse of our common Navy at the Great Lakes Station.

Mr. BORAH. Mr. President, I desire to ask the Senator in charge of the bill a question. I understood him to say that this amount of $200,000 was appropriated because it was the amount asked for by the department. Is that correct?

Mr. POINDEXTER. No; I did not say it was appropriated because it was asked for, but I said that it was asked for and that the committee was of the opinion that it should be appropriated.

Mr. BORAH. What I meant to say was the committee conformed to their request?

Mr. POINDEXTER. Yes. Of course, we considered the purpose for which it was asked. We went very carefully into the purpose for which it was to be used. There is a radio school there and an aviation school.

I may say, in regard to this naval training station at Great Lakes, that it is very largely the product of the war, like many other establishments that we are now trying to reduce.

This bill as it stands on the report of your committee carries $200,000, however, for this training school, as against $125,000 for the entire Pacific coast and $260,000 for Hampton Roads and $225,000 for Newport; and I fail to see any very great discrimination or discrepancy between those allowances.

Mr. McCORMICK. Will the Senator from Washington explain why, in his judgment, it is appropriate to increase the appropriation for Newport as compared with last year and to decrease that for Great Lakes?

Mr. POINDEXTER. Because of the fact that the increase of $100,000 at Newport was demonstrated to be necessary to operate the permanent buildings there.

Mr. McCORMICK. Are the buildings at Great Lakes any less permanent than those at Newport?

Mr. POINDEXTER. Much less permanent so far as a great number of them are concerned.

Mr. McCORMICK. How many men will the permanent buildings at Newport house, and how many men will the permanent buildings at Great Lakes house?

Mr. POINDEXTER. They will house a great many, but they will house 2,500 at Newport.

Mr. McCORMICK. How many at Great Lakes?

Mr. POINDEXTER. Probably equally as many.

Mr. McCORMICK. Why should there be the distinction?

Mr. POINDEXTER. I am informed that the number of men estimated as capable of being housed in the permanent buildings at Great Lakes is 1,800. A radio school and an aviation school are being conducted there.

Mr. McCORMICK. How many men are there in those two schools now?

Mr. POINDEXTER. There are 400 men there in those schools.

Mr. McCORMICK. There is room for 1,400 more men there, then. It is an interesting coincidence.

Mr. BORAH. Mr. President, before the Senator sits down, it does not seem to me that the true test here is whether or not this appropriation compares with that for Newport, but the question is, How much is really needed? According to the statement of the Senator from Washington, the committee has already appropriated all that could be used.

Mr. McCORMICK. Mr. President, I will say to the Senator from Idaho that if the Secretary of the Navy determines to keep these apprentices in the shacks at Norfolk, not a dollar of the increased appropriation will be needed at Newport. It may very well be that he will take that view, even though he has no high opinion of the judgment of the Senate. It will take approximately the sum of $350,000 if he orders to Great Lakes as many apprentices as it can comfortably house.

Mr. BORAH. I am willing to go back to Newport and keep down the amount to $125,000, but I am not willing, if we made a mistake on Newport, to make a second mistake on Great Lakes; and the question is not what we did with reference to Newport, but whether this increased amount is really needed at Great Lakes. As I understand, the Senator's colleague [Mr. McKINLEY] moved for this amount in the committee upon the hearings, and upon the motion of the Senator's colleague, based upon the evidence, the amount was made $200,000.

Mr. McCORMICK. Yes; and that presumed the abandonment of the apprentice school at Great Lakes. For one I am not willing to assent to the proposition that apprentice seamen enlisted in the interior shall all be ordered to Norfolk or Newport or San Diego. It would be just as sound and more sound to order the seaboard apprentices to the interior, in view of the establishments—one hundred and some—which are maintained from Bremerton to Key West, and from Key West to Newport, as I have said.

Mr. BORAH. I think if the boys had their choice they would likely want to go just as far away from their homes to get their education as they could. That is the general experience that we have.

Mr. McCORMICK. Of course there is an establishment at Vladivostok.

Mr. BORAH. Yes; and I understand that we are maintaining it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois [Mr. McCORMICK] to the amendment of the committee, on which the yeas and nays have been called for and ordered. The Secretary will call the roll.

The Assisant Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. PAGE], and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Pennsylvania [Mr. PEPPER], and vote "nay."

The roll call was concluded.

Mr. BALL (after having voted in the negative). I find that my general pair, the senior Senator from Florida [Mr. FLETCHER], has not voted. So I transfer that pair to my colleague [Mr. DU PONT], and let my vote stand.

Mr. EDGE (after having voted in the negative). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Maryland [Mr. WELLER], and let my vote stand.

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. CURTIS. I desire to announce that the junior Senator from Pennsylvania [Mr. PEPPER] is detained on official business.

Mr. COLT. Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The PRESIDING OFFICER. He has not voted?

Mr. COLT. In his absence, as I have a general pair with that Senator, I withhold my vote.

Mr. FRELINGHUYSEN. I transfer my general pair with the senior Senator from Montana [Mr. WALSH] to the junior Senator from Iowa [Mr. RAWSON], and vote "yea."

Mr. GLASS (after having voted in the negative). I transfer my general pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Texas [Mr. CULBERSON], and permit my vote to stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a general pair with that Senator, which I transfer to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. KING. The senior Senator from North Carolina [Mr. SIMMONS] is paired with the junior Senator from Minnesota [Mr. KELLOGG]. Both Senators are necessarily absent from the Chamber.

Mr. CURTIS. I desire to announce the following pairs:

The junior Senator from New York [Mr. CALDER] with the Senator from Georgia [Mr. WATSON];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR].

The result was announced—yeas 17, nays 37, as follows:

YEAS—17.

Bursum	Gooding	McKinley	Shortridge
Cameron	Harreld	McNary	Willis
Ernst	Johnson	Oddie	
France	Lodge	Pomerene	
Frelinghuysen	McCormick	Sheppard	

NAYS—37.

Ashurst	Glass	Myers	Sutherland
Ball	Harris	Newberry	Swanson
Borah	Heflin	Overman	Townsend
Broussard	Hitchcock	Phipps	Underwood
Capper	Jones, Wash.	Pittman	Walsh, Mass.
Caraway	Kendrick	Poindexter	Warren
Curtis	King	Ransdell	Watson, Ind.
Dial	Ladd	Smoot	
Edge	La Follette	Spencer	
Gerry	McCumber	Sterling	

NOT VOTING—42.

Brandegee	Hale	Nicholson	Smith
Calder	Harrison	Norbeck	Stanfield
Colt	Jones, N. Mex.	Norris	Stanley
Crow	Kellogg	Owen	Trammell
Culberson	Keyes	Page	Wadsworth
Cummins	Lenroot	Pepper	Walsh, Mont.
Dillingham	McKellar	Rawson	Watson, Ga.
du Pont	McLean	Reed	Weller
Elkins	Moses	Robinson	Williams
Fernald	Nelson	Shields	
Fletcher	New	Simmons	

So Mr. MCCORMICK'S amendment to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 16, line 11, to reduce the appropriation for maintenance of Naval Training Station at Naval Operating Base, Virginia, Hampton Roads, Va., from "$360,000" to "$260,000."

The amendment was agreed to.

The next amendment was, on page 16, at the end of line 15, to strike out "$25,000" and insert "$20,000," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Reserve Force," on page 16, line 20, after the word "wharfage," to strike out "$50,000: *Provided*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent," and to insert, "pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, $3,000,000, which amount shall be available, in addition to other appropriations, for fuel and transportation and for all expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve Force: *Provided*, That members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof to be charged against the clothing and small-stores fund: *Provided further*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent," so as to read:

For expenses of organizing, administering, and recruiting the Naval Reserve Force and Naval Militia; for the maintenance and rental of armories, including the pay of necessary janitors, and for wharfage, pay and allowances of officers and enrolled men of the Naval Reserve Force, etc.

Mr. BORAH. I would like to ask a question of the Senator having the bill in charge. I do not understand this amendment. Is it an increase in the appropriation over the House appropriation from $50,000 to $3,000,000?

Mr. POINDEXTER. It is.

Mr. BORAH. I wish the Senator would explain the necessity for that.

Mr. POINDEXTER. My understanding is that the opinion of the framers of the bill in the House was that the matter of training the Naval Reserve ought to be left until such time as the entire establishment of the Naval Reserve was reorganized by new legislation, which will probably have to be done. It was thought by the Senate committee, however, that rather than forego entirely the training of the Naval Reserve in the coming fiscal year, which would be the result of following the policy just stated, we would make appropriations for that in this bill. The amount of $3,000,000 we considered a very modest amount for the purpose of training 10,000 enlisted men and 3,000 officers in the reserve.

Mr. KING. I would like a little further explanation from the Senator. Is there a general law which authorizes the course which this bill seems to prescribe?

Mr. POINDEXTER. There is.

Mr. KING. What was the amount expended last year for this, and how many responded, both enlisted men and reserve officers?

Mr. POINDEXTER. There was no training last year at all.

Mr. KING. Let me say to the Senator that I have received three letters, one from an officer and two from men, claiming that this was a good deal of a farce. I express no opinion, because I do not know enough about it to justify me having an opinion. One officer who wrote me stated that it was just a holiday, that he had a delightful time. As I recall, he went a year or two ago, down on the Pacific somewhere, down toward Peru, and obtained very good compensation, as he stated, far more than he was receiving at home. He rather protested against it, and claimed that the Government was not receiving a quid quo pro.

It would seem to me that the greater part of this appropriation would be consumed in paying the traveling expenses of the enlisted men from the interior, or wherever they lived, to the boats and back home. May I inquire of the Senator how it operates and whether any good has resulted from the system?

Mr. POINDEXTER. It is the judgment of most competent officers that the training of these men for periods of two weeks in naval discipline and naval instruction is of the utmost value. Men responding to this opportunity for training put themselves under obligation to be taken into the naval service of the country in case of emergency or in case of war, so that we create here, for comparatively small expense, a large force of partially trained men. Of course we can not train them completely in this short time.

I would not attach very much importance, I may say to the Senator from Utah, to the statement of an officer who took part in this training and then said that it did not amount to anything, that the Government was not getting anything out of it, but that he had a pleasant cruise. Any man who goes into it and does his duty will do a great deal more than that. He is bound to get some benefit for himself if he does the work outlined for him and obeys the orders given to him, or if he is an officer and gives proper instruction to the men under him. On the face of it, a comment of that kind from a man who served as an officer in the training of the Naval Reserve condemns its author and falls of its own weight, in my opinion.

We have had a great deal of experience with the matter, and it is the universal opinion of those who are capable of judging that very great benefit is derived from the training of the men.

Mr. KING. I should like to inquire of the Senator how many officers in any one year have availed themselves of this provision of the law, and also the highest number of men who have availed themselves of it?

Mr. POINDEXTER. I am not able to give the Senator the figures as to all the previous years, but it is hoped and expected that there will be 3,000 officers and 10,000 men who will attend for training this year. I call the Senator's attention to the fact that there is scarcely any precedent of value in view of the fact that prior to the war the Naval Establishment, so far as ships and tonnage and men were concerned, was very small as compared with even that provided for in this bill; that during the war all of the activities of training of Naval Reserves were suspended, and that in the reorganization and reestablishment which has been going on since the war they have also been interrupted. So we are practically starting upon a new system, which will, as I said a moment ago, call for a revision of the law relating to the Naval Reserve and putting it, we hope, upon a more economical basis.

We carry a great many men now upon practically retired pay, which list is being constantly added to. It is one of those very liberal and generous provisions which came out of the spirit of generosity and liberality, if not extravagance, which characterized the people during the war and following the war. There will be need for revision of the law to come back to normal conditions.

Mr. KING. How much is paid to the officers and how much is paid to the men? I do not mean in the aggregate, but to each.

Mr. POINDEXTER. Of the items of pay, the men and officers will receive $1,165,682. The mileage of officers will be $77,680. The active-duty ship keepers, $304,286; provisions for ship keepers, $109,500. Rent of armories, which is rather a misnomer, because we really have no armories and will have to acquire rooms where the men will meet and put on uniforms and undergo drill and where they can get some shelter, $250,000. There will be a small number of officers on active duty and there is $51,926 provided for them. For pay of all men for 17 days—that is, counting 15 days of actual training and a day going and a day coming—$715,000; for provisions for men during the

period of training, $75,000; and for fuel for the operation of the ships upon which the training will be given, $250,000.

Mr. KING. That means practically, if I follow the Senator, that the officers get the major portion of it.

Mr. POINDEXTER. The officers get very little of it. I have not the segregated figures, but it is a mere matter of clerical computation. Pay of 3,000 officers during two weeks and pay of 10,000 men during the same period can easily be figured out. Each class of men will get what is allowed that class under the provisions of the pay law which was recently enacted by Congress.

Mr. KING. The Senator gave an item of one million several hundred thousand dollars.

Mr. POINDEXTER. That was for officers and men, retainer pay—one month's retainer pay for officers and men.

Mr. KING. Then the men receive, in addition to the $715,000 for 17 days' pay, retainer pay for one month?

Mr. POINDEXTER. Yes.

Mr. KING. And the officers receive retainer pay for one month?

Mr. POINDEXTER. That is true.

Mr. KING. And then pay for 17 days?

Mr. POINDEXTER. Yes. Of course, the retainer pay is fixed by law for the various classes of the naval reserves. The purpose of it is to compensate men for putting themselves under the obligation of responding to the call of the country in case of an emergency or in case of war.

Mr. KING. May I inquire of the Senator whether that retainer pay is given to the men prior to or after the service of 17 days, because if we pay in advance we may not get the 17 days' service.

Mr. POINDEXTER. What was the Senator's question?

Mr. KING. Is the retainer pay of one month given to the man in advance of the actual 17 days' service?

Mr. POINDEXTER. Not at all. It is given to him only when he responds and volunteers for the service.

Mr. KING. There is no question about that, I understand?

Mr. POINDEXTER. There is no question about it.

Mr. KING. And they draw the same compensation as if they were in the Navy? If they bear the grade of captain or admiral, they get a month and 17 days' pay of a captain or admiral or whatever rank they may hold?

Mr. POINDEXTER. Yes. I imagine there will be no admirals and probably very few captains, but whatever rank or grade they occupy, they will get one month's pay as a retainer and in addition to that will get 17 days' pay of the grade which they hold.

Mr. KING. Then the proposition is simply, as I understand it, that 10,000 men and more than 1,000 officers are to be paid, under existing law—and this bill carries the appropriation—one month's compensation each year and compensation for 17 days' service, for the 17 days they are absent from their homes. In other words, to get them to give 17 days' service each year we pay them for the 17 days and in addition to that one month's compensation. It may be worth it, but I confess I am not able to perceive it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. KING. Mr. President, I would like to ask one more question of the Senator from Washington. He may have answered it, but I did not hear it. What reason was assigned by the House for not putting this item in the bill?

Mr. POINDEXTER. The reason was that the law relating to the Naval Reserve will soon be revised and there ought to be a general revision, and they preferred to wait and have a special appropriation bill for the training of the Naval Reserve. The only difference of opinion in that respect between the Senate committee and the House committee is that the Senate committee recommends that the appropriation be made in this bill, notwithstanding the prospective revision of the Naval Reserve act.

Mr. KING. I should like to ask the Senator to put this item over until to-morrow and give me a chance to examine into it a little further. If we take a vote now I may be compelled to move to reconsider. I have no objection to taking a vote on it now, if the Senator will consent to permit a motion to reconsider to-morrow in the event I desire to reopen the question.

Mr. POINDEXTER. I was in hopes that we might go on with the matter and dispose of it.

Mr. KING. I have no objection. I merely ask that the vote on this particular item may go over until to-morrow, or, if the Senator desires to take a vote now, that I may make a motion to-morrow to reconsider if I shall be so advised.

Mr. POINDEXTER. That will be entirely satisfactory. Let us take the vote, and then, if the Senator desires to reopen it, he can make his motion.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. KING. May I inquire of the Senator from Washington with respect to the item providing for "Naval War College, Rhode Island"? It is not subject to amendment under the present method of procedure; but what is the necessity of maintaining the Naval War College there or of making this appropriation?

Mr. POINDEXTER. The Naval War College at Newport has been established for a number of years and is regarded by a great many men, such as Admiral Sims, for instance, who is at the head of it at the present time, as the most valuable institution in the Navy. It is the only school in the Navy which trains officers in the art of war. The purpose of it is to give a post-graduate course to officers of the Navy in the strategy and tactics of naval campaigns and battles. There will be found there taking this course commanders and admirals. The college at Newport is regarded as having proved its usefulness by the interest which it has created among the officers of the Navy and by the improvement which they have received from the course which they have there taken.

Mr. KING. Mr. President, I concede the wisdom and the propriety of having such a post-graduate school, but it occurred to me that we have the War College here at Washington, as the Senator knows, and, though its functions are somewhat different, it might be amplified to embrace the work of the institution at Newport——

Mr. POINDEXTER. That has been suggested.

Mr. KING. And thereby save the expense of having another college in some other place. The most expert men are here at the War College; they are up to date on all modern naval warfare and its technique; and it occurred to me that it would be better to concentrate and have one splendid naval war college.

Mr. POINDEXTER. But, of course, the War College here relates to warfare on land.

Mr. LODGE. The War College here has to do with the Army.

Mr. GERRY. Mr. President, if the Senator from Utah will allow me, the War College at Newport is a naval war college, while the War College here in Washington is an Army war college. The War College in Newport has been established, as the Senator from Washington [Mr. POINDEXTER] has stated, for a great many years. The officers who undergo instruction there pursue a course of intensive study. I do not know whether the Senator from Utah has ever seen the war games, but the officers at Newport work out maneuvers on a board and then try them out practically with the fleet. It has really been a great source of strategic naval devolopment.

Apart from that, the college at Newport is utilized to its full capacity, as I think the War College is in Washington; and it would really be an additional expense, even supposing that it were a practical proposition, to try to enlarge the War College here and to do away with the Naval College at Newport, where all necessary facilities have been provided. If the idea of the Senator from Utah is one of economy, I feel sure he is going in the opposite direction if he advocates the abandonment of the Naval War College at Newport.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Naval Observatory, salaries, Navy Department," on page 23, line 11, before the word "two," to strike out "two at $1,400 each" and insert "one $1,400," so as to read:

Astronomers—1 $3,200, 1 $2,800; assistant astronomers—1 $2,400, 1 $2,000, 1 $1,800; assistant in department of nautical instruments, $1,600; clerks—chief $2,000, 1 $1,800, 1 $1,600, 1 $1,400.

Mr. LODGE. Mr. President, I desire to address the Senate very briefly in regard to the amendments proposed by the committee reducing the number of employees provided by the House bill for the Naval Observatory and the Nautical Almanac. The provisions made by the House are very moderate. The Nautical Almanac and the Naval Observatory perform a service of the very highest value. They are engaged in activities which are essential, and they are as free from overhead expenses, to which my friend from Utah [Mr. KING] is fond of objecting, as are any institutions of which I know in the Navy or in any other department of the Government. I have therefore secured some facts in regard to these two adjuncts to the naval service which I wish to lay briefly before the Senate.

Mr. KING. To what specific item is the Senator from Massachusetts referring?

Mr. LODGE. I am referring to the amendments reported by the committee affecting the Naval Observatory and the Nautical Almanac. I am going to consider them both together. In my

judgment, there ought to be no reduction in the appropriations for either the Naval Observatory or the Nautical Almanac below those provided by the House. The economies that are proposed to be effectuated by the amendments of the Senate committee are trifling, while the work which these two great organizations perform is absolutely vital to the naval service; and it is performed at a lower rate of cost than similar work is performed at the observatory at Greenwich or at any other foreign observatory. I may add also that a larger amount of work is done.

The first amendment to which I desire to call attention is, on page 23, line 11, where the committee propose to reduce the number of clerks at $1,400 in the Naval Observatory from two to one. From the statement which has been furnished to me it appears that—

this clerk is needed to keep up with current work in the material business of the Bureau of Navigation which is done at the observatory. The effective number of clerks has not been increased over the 1915 standard, because then two clerks were borrowed from other branches and enlisted clerical force was available. They did not show on this appropriation. This arrangement is no longer permitted. Business has much increased since 1915.

It seems that they have dispensed with some of the clerical assistance in that particular office; and I do not think there ought to be any further reduction.

The next amendment to which I desire to refer is on page 23, line 13, which proposes to reduce the number of assistants from three at $1,600 each to two at $1,600 each, and from three at $1,400 each to two at $1,400 each, a reduction of one in each class.

These "assistants" are astronomers in the making. The cut results in taking off one observer (who also does high-class computing) from each of two principal astronomical instruments. These men represent a considerable Government investment in the years of training they have received here for the work needed. Or else the $1,600 cut results in removing the acting head of the computing division, to whom the same statement applies. None can be spared.

On page 23, line 16, one fireman is eliminated, the number being reduced from four to three; the number of watchmen is reduced from seven to five, and the number of laborers from eight to six. In connection with this proposed reduction the statement to which I have heretofore referred says:

There are now four firemen. Out of 46 buildings scattered over 62 acres, 18 buildings are heated by the central plant. These men handle coal, look after pumps, boilers, piping, plumbing, etc., and also run motor lawn mowers. The Government allows each 30 days' leave a year, and more if he gets sick. Under these conditions three firemen as a total can not do the work, and with only three allowed it is not possible to obtain reliable men at the low wage offered.

Similar reasons apply to the need for the present seven watchmen. The guarding of separate buildings containing astronomical apparatus, and valuable stocks of navigational instruments, from fire and theft, the work by night adjusting shutters to instrument houses, etc., and attendance at the telephone switchboard can not be adequately done under the reduction. Nor can the reduced number of laborers accomplish the necessary upkeep efficiently.

On page 23, line 22, the item of $5,000 for miscellaneous computations in astronomy is stricken out.

"Miscellaneous computations" covers the pay of four to five computers, whose duty is to do the routine computing resulting from the observations made on the various instruments.

Of course, without the necessary computations the observations are valueless—

One (and sometimes two, as occasion demands) computes for the chronometer and time service. The higher class of computation work is done by the observers. The miscellaneous computation fund has remained stationary at $5,000 since 1915 but covers less work than at that time, due to the impossibility now of obtaining workers at the 1915 rate of wages. The deprivation of this $5,000 so slows the results obtainable from the observations as to throw the work seriously in arrears. Moreover, it removes the source of supply for juniors who act as assistants in the time service and at the instruments to fill temporary vacancies, and who must be relied on to fill the higher places later in life. The restoration of the sum for miscellaneous computations is vital to the production of astronomical results.

The amendments propose a cut of 30 per cent in the department of observations (astronomical), and the number at present employed is fewer than the work demands. The table shows the totals.

I ask to have the table printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

	1915	1922	Proposed by amendments.
Professors of mathematics (U. S. Navy)	2	2	2
Astronomers		2	2
Assistant astronomers	3	3	3
Assistants	8	6	4
Miscellaneous computers	5	4	
Time service		1	1
Librarian	1	1	1
Total	19	19	13

Mr. LODGE. As to the amendment on page 24, line 18, which reduces from $6,500 to $5,000 the appropriation "for cleaning, repair, and upkeep of grounds and roads," the following statement is made:

The Naval Observatory grounds are maintained as a park in the city of Washington. The roads are mostly for public use. Some are thoroughfares. Whether they can be satisfactorily maintained a credit to the Government for a less sum than hitherto remains to be proved. The larger sum is recommended.

Now, Mr. President, I wish to describe briefly the work of the Naval Observatory. I presume all Senators have seen it:

The Naval Observatory is a large and expensive plant in which the Government has a heavy investment. The purpose for which it was established is best served by utilizing a sufficient personnel to carry on the work efficiently. A less personnel causes, for the sake of a small assumed economy, a definite loss on the investment.

I ask the attention of the Senate to the following statement:

The product of the Naval Observatory is:

(a) Time signals.

(b) The Nautical Almanac (salaries in another special appropriation).

(c) Astronomical observations for position of heavenly bodies (used for time signals, for Nautical Almanac, and for scientific investigations).

(d) Navigation instruments for naval vessels and aircraft.

Such instruments are cared for and regulated at the observatory.

The time for the United States comes from the Naval Observatory. With time signals twice daily, by cooperation of the Naval Radio Service, the observatory is in communication with every naval vessel at sea in the Atlantic and also with thousands of merchant vessels. It gives them that exact time without which they can not safely navigate and without which, in war, location of rendezvous at sea would be impossible. By cooperation of the telegraph companies the time is flashed across the land at noon, and is of inestimable value to science, commerce, and the industries. This time service is acknowledged abroad to be among the best. Australia has used these time signals to determine State boundaries in longitude.

To insure the requisite accuracy in nautical almanacs requires continuous and numerous astronomical observations of the sun, moon, planets, and stars. This astronomy of position is the main business of the department of observations at the Naval Observatory and of a few observatories of other governments. The Naval Observatory carries on continuously the heavy and tedious labor of determining the accurate positions of the heavenly bodies and the fundamental astronomical constants upon which all investigations in astronomy depend. This is not work usually done by other than government observatories. The amount of such work now being done in the world is insufficient for astronomical needs. The quota expected from the United States should not be diminished.

I invite the attention of the Senate to the following comparison between the United States Naval Observatory and the Greenwich Observatory, England:

In the year 1920—the latest official data available—comparison with Greenwich Observatory, England, shows 16 observers and 14 computers there, the Naval Observatory at Washington having only 12 observers and 6 computers. Comparison of cost and output shows efficiency and economy. The meridian circle is one of the important instruments in astronomy of position. In 1920 Greenwich made 9,735 observations and the Naval Observatory 9,601. There are nine important astronomical instruments in operation at the Naval Observatory.

I shall not weary the Senate by reading the remainder of the description of the work of the observatory, but I ask that it may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The star places now in use for the determination of time, longitude, and latitude are based on observations made 25 and more years ago. This observatory, as well as others, has a large amount of material available for the improvement of the star places. Such an improvement is being demanded constantly by astronomers, by the requirements of the time signals, and by survey work. Any curtailment of the present force of the observatory and almanac hinders the observatory in meeting the present demands for better modern star places, data which it is its distinct province to furnish. In other words, the data which the observatory will accumulate as one of the results of its observations from now on for the next 25 years will be the foundation for the next set of star catalogues. If the observations cease, this country will have no data available at that time and other sources of information must be sought.

A single program of astronomical work often takes many years to carry out. The kind of work done at the Naval Observatory requires a larger number of employees than the kinds of work done in many astronomical observatories. It is a difficult matter to recruit such personnel, as there are comparatively few to select from. The experience and training of these employees represent a considerable expenditure on the part of the Government. They are of recognized standing among the scientific men of the country and are well qualified to reflect credit upon the observatory and to efficiently and capably make the contributions which the world expects this Government to make to this important utilitarian branch of astronomy. They are underpaid, as can be seen from the Government scheme of reclassification.

The rating of chronometers and timepieces for naval vessels and aircraft and the repair and development of navigational instruments done at the Naval Observatory is correlated with the astronomical work. It is in the interest of economy to utilize the facilities and the talent there provided, and a large saving of costs results.

The administration of the material business of the Bureau of Navigation is handled at the Naval Observatory. Such material runs from a $30,000 gyro compass installation in a dreadnaught to a toy balloon for measuring air currents. Timepieces, sextants, binoculars, and other portable instruments are held in reserve stock here. The clerical and storekeeping work is voluminous.

The foregoing is a general description of the principal work carried on in this establishment. Many of the activities attract little notice despite their essential value, and some are not well understood without close study. Visitors and inquirers are welcomed at the Naval Obervatory.

Mr. LODGE. Mr. President, the principal business of the Naval Observatory of the United States is the "astronomy of position," as it is called. It is strictly utilitarian. Of course, great discoveries have been made there; but the activities of the observatory are not purely scientific; they are eminently utilitarian. The work of the observatory is of the greatest possible service to every railroad, to every merchant vessel, to every naval vessel, and to all the business of the world. I ask to print at this point a list of apparatus, and so forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

A list of the principal astronomical apparatus and the principal work of each instrument is appended.

WORK ASSIGNED TO ASTRONOMICAL INSTRUMENTS AT THE UNITED STATES NAVAL OBSERVATORY.

Twenty-six-inch equatorial (Professor Hall and Mr. Bower): Observations of satellites of the planets for improving the tables given in the American Ephemeris and for determining the masses of the planets for improving the planetary tables. Occultations of stars by the moon for improving the lunar tables. Eclipses of Jupiter's satellites for testing uniformity of the earth's rotation period. Observations of asteroids and comets for determination of orbits.

Twelve-inch equatorial (Professor Hall, Mr. Peters, and Mr. Bower): Observations of bright comets and asteroids and occultations of stars by the visitors on the regular visitors' night.

Photographic equatorial (Mr. Peters): Observations of asteroids in a selected zone, for the purpose of keeping track of these objects and to furnish positions for improved orbits.

Photoheliograph (Mr. Peters): Daily photographs of the sun near noon for recording the sun spots and studying their relation to magnetic phenomena, electric storms, and auroras, including disturbances affecting telegraph and cable lines. The Western Union Telegraph Co. and Bureau of Engineering of the Navy Department are cooperating in this work. Telegraph and cable companies depend on results here to know when to take precautions against heavy induced currents, thus saving damage and expense due to destruction of their cables.

Six-inch transit circle (Mr. Hammond and Mr. Watts): Observations of standard stars, sun, Venus, and Mercury for the purpose of improving their positions—a series of approximately 50,000 observations extending over eight years is now completed. Its reduction is approaching completion and will soon be ready for publication. Determinations of time for the use of the time service in sending out daily time signals.

Nine-inch transit circle (Mr. Morgan, Mr. Burton, Mr. Pawling, and Mr. Raynsford): Observations of intermediary stars by which reference stars to be used in reducing photographic plates are to be determined, and in connection with this observation of standard stars, sun, moon, and planets. Present program was begun in 1913 and will be completed in two years.

Prime vertical (Mr. Hill): Observations of transits over the prime vertical for the determination of the nutation constant, the aberration constant, the variation of latitude; also the declinations of certain stars with especial reference to determining their proper motions. A series of observations extending over 19 years is completed and the results will soon be ready for publication.

Photographic zenith tube (Professor Littell, Mr. Wise, and Mr. Willis): Observations of stars very near the zenith for determining the variation of latitude and the constant of aberration of light. The variation of latitude, as determined by this instrument, is necessary for the reduction of observations made with the transit circles at this observatory. The observations for variation of latitude should be carried on continuously at this place.

Alt-azimuth (Professor Littell and Mr. Wise): Observations of standard stars and the sun for the improvement of their declinations. Long job, 10 years (2 years done).

Mr. LODGE. I think work of the character of that performed by the Naval Observatory ought to be done in the most efficient and accurate manner. It is done now with a higher degree of efficiency and at a lower cost than in any of the other observatories for which I have been able to obtain figures. I have taken, of course, Greenwich as the most famous observatory in the world.

I wish now to say a word about the Nautical Almanac Office. It is proposed in that case to strike out some of the assistants and greatly to reduce the very moderate amounts given by the House.

The duties of the Nautical Almanac Office are twofold: The publication of the annual volumes of the American Ephemeris—which gives the positions of the planets and is absolutely essential to navigation—and the Nautical Almanac, which, of course, as its name implies, is equally essential to every man who goes to sea. The safety of navigation depends on these publications.

The American Ephemeris and Nautical Almanac must be published and distributed prior to the beginning of the year to the navigators of ships, surveyors, and astronomers, in whatever part of the world they may be. This book is now a volume of 800 pages, 30 per cent larger than a few years ago.

Here is a point which I think the committee must have overlooked, and that is the agreement we have made with other nations to carry on this work.

Congress in 1912 authorized the exchange of data with foreign almanac offices—

With a view to reducing the amount of duplication of work in preparing the different national nautical and astronomical almanacs and increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris and Nautical Almanac.

A proviso was adopted providing for the employment of certain men in that work.

The arrangement thus authorized has been entered into with Great Britain, France, Germany, and Spain. It should be noticed that this arrangement had for its purpose increasing the information available for navigators and astronomers without increasing the expenses of the various national almanac offices. Any cut in the force immediately curtails the work that can be done in improving the tables of the planets, moon, and stars.

I think to economize on an international agreement of that kind is not only very poor economy indeed—for the amounts are trifling—but it is not living up to our agreements. I think we ought to live up to our agreements of that kind with other nations from whom we are receiving very valuable information. In short, Mr. President, I confess that I am surprised by, and I greatly regret, the amendments made by the Senate committee in regard to the Observatory and the Nautical Almanac Office. They are run with the utmost economy now. I am satisfied of that; in fact, it is demonstrated by the fact that the House accepted these amounts. They are run with great efficiency. To that I can testify from years of knowledge in regard to the work; and I wish very much the committee would be willing to consider those reductions again before taking a final vote.

Mr. DIAL. Mr. President, I should like to suggest to the Senator there that he might call the attention of the committee to the expense to which the Government has been put for carrying on this work for the last number of years.

From 1883 to 1915 it appears that there were 10 persons employed, with appropriations of from $6,000 to $8,600 for piecework.

From 1916 to 1920 there were 12 persons employed, with only $3,000 appropriated for piecework.

From 1921 to 1922 there were only 11 persons employed, with $1,500 for piecework.

Now the committee proposes to cut this down about a third more.

Mr. LODGE. I am very glad the Senator put in those figures. They are very illustrative. They show that there have been no increases here.

Mr. DIAL. The cut now is to a point about a third under the lowest amount there has been.

Mr. LODGE. Yes.

Mr. DIAL. The amount now is the smallest amount that has been appropriated in a generation for this great work.

Mr. LODGE. Yes; and the work is of such enormous importance, not only to the Navy—because there they take care, as I have said, of all the naval instruments, and regulate all the chronometers—but the observations and information furnished by the Nautical Almanac are the sailing directions of all our commerce, and are largely used by other nations. There are very few departments of work undertaken by the Government which have the general value that the Naval Observatory and the Nautical Almanac have to the business and commerce of the world.

There are few Senators present, and nobody has paid much attention to what I have been saying. That, no doubt, is my fault. I have not said it in a sufficiently fascinating way, I suppose; but I should like to appeal to the committee to let this matter go over and consider it a little further before they make these cuts, which are really trivial in comparison to the great sums which we are appropriating here—very properly, I think, for I am thoroughly in favor of the bill, and of all that we have done—but I dislike exceedingly to see these cuts voted. No increase is asked for. These are all reductions of the House appropriations. The total amount involved is very small, and it is reducing the appropriations for one of the most important branches of our Government service.

In connection with the amendments concerning the Nautical Almanac and American Ephemeris, I ask to have printed in the RECORD an official statement from the Superintendent of the United States Naval Observatory.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

NAVAL OBSERVATORY, *June 13, 1922.*

STATEMENT CONCERNING PROPOSED AMENDMENTS TO NAUTICAL ALMANAC APPROPRIATIONS FOR 1923.

H. R. 11228 (Rept. No. 762), in the Senate, April 20, 1922. (See pp. 24, 25.)

The following amendments are proposed by the Senate Appropriations Committee to the appropriations for the Nautical Almanac Office carried in the Navy Department appropriation bill as reported to the Senate June 10, 1922:

Strike out "one assistant at $1,400, two assistants at $1,200; for pay of computers on piecework, $1,500." This is a cut of 33⅓ per cent in personnel.

The present civilian force of the office is 11 assistants, with the addition represented by $1,500 for piecework. The present force is the result of reductions of 15 per cent made two years ago in the interest of efficiency and economy. The force is now less than it has been for a generation.

The table shows the force appropriated for in the Nautical Almanac Office for past years:

	1883-1915	1916-1920	1921-22
Number of assistants	10	12	11
Allotment for pieceworkers	$5,000-$8,600	$3,000	$1,500
Equivalent total expressed in terms of number of assistants	15	14	12

The present force is under the supervision and direction of a professor of mathematics (United States Navy), who is a theoretical and practical astronomer of ability and long experience.

The cuts in personnel contemplated will reduce the product of the Nautical Almanac Office to a damaging extent and injure the usefulness of the office and its international repute.

The duties of the almanac office are twofold—the publication of the annual volumes of the American Ephemeris and Nautical Almanac, and improving the tables of the planets, moon, and stars which are used in preparing the annual volumes.

The American Ephemeris and Nautical Almanac must be published and distributed prior to the beginning of the year to the navigators of ships, surveyors, and astronomers in whatever part of the world they may be. This book is now a volume of 800 pages—30 per cent larger than a few years ago.

On August 22, 1912, Congress authorized the exchange of data with foreign almanac offices—

"With a view to reducing the amount of duplication of work in preparing the different national nautical and astronomical almanacs and increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris and Nautical Almanac"—

with the proviso—

"That any employee of the Nautical Almanac Office who may be authorized in any annual appropriation bill and whose services in whole or in part can be spared from the duty of preparing for publication the annual volumes of the American Ephemeris and Nautical Almanac may be employed by said office in the duty of improving the tables of the planets, moon, and stars."

The arrangement thus authorized has been entered into with Great Britain, France, Germany, and Spain. It should be noticed that this arrangement had for its purpose increasing the information available for navigators and astronomers without increasing the expenses of the various national almanac offices. Any cut in the force immediately curtails the work that can be done in improving the tables of the planets, moon, and stars.

Thus to use this international arrangement to economize on the working force, thus reducing the promised results, may be open to the criticism of not living up to our agreement with the foreign national offices.

Moreover, a large part of the data in the Ephemeris can not be computed until that in other parts are finished. Much of the data furnished to the foreign offices by the American office is of this nature and must await the receipt of data apportioned to be furnished from abroad. When these data are received, it is necessary for several months to put the entire present force of this office to work preparing the data to be sent abroad. A reduced force would be unable to prepare the data in time for publication.

Most of the foreign almanacs, as well as our own, obtain their data pertaining to the sun, planets, and stars from the tables prepared in the American Nautical Almanac Office.

The star places, now in use, for the determination of time, longitude, and latitude, are based on observations made 25 and more years ago. An improvement of these places is being demanded by astronomers, by the requirements of the time signals, and by survey work. This work of revision is now being carried on in the Nautical Almanac Office.

It is earnestly urged that the appropriations for the Nautical Almanac Office for the year 1923 be restored to the form in which they were when the bill passed the House.

Mr. POINDEXTER. Mr. President, the committee agree with the Senator from Massachusetts as to the importance of the work done at the Naval Observatory and in the Nautical Almanac Office in the preparation of the American Ephemeris; but upon the most complete information that was submitted to the committee which considered the bill they could not resist the conclusion that there are quite a number of supernumeraries employed in this establishment, which has grown up through a long period of years, some of these places being more or less sinecures. It is perhaps unavoidable that they should be so. When Senators look over the classes of employees, and consider the number of them, and see the reductions that have been made by the committee, it would be difficult, it seems to me, for anyone, even upon the very face of the provision, if he knew what this establishment was, to resist the conclusion that the reductions which have been made here will not interfere in the slightest degree with the conduct of this work.

For instance, the bill provides an astronomer, an assistant astronomer, two other assistant astronomers, an assistant in the department of nautical instruments, a chief clerk at $2,000, a clerk at $1,800, another clerk at $1,600, two clerks at $1,200, an instrument maker at $1,500, an electrician at $1,500, a librarian at $1,800, a stenographer and typewriter at $900, a foreman and captain of the watch at $1,000, a carpenter, an engineer, and a mechanic. Those have not been interfered with at all. All those places have been left just as provided in the House bill. In addition to those, the House bill carried two clerks at $1,400 each, three assistants at $1,600 each, and three at $1,400 each. The only change that the committee has made is in allowing one clerk instead of two at $1,400, two assistants instead of three at $1,600, and two instead of three at $1,400, reducing the total amount from $56,400 to $48,520.

As to the Nautical Almanac, the bill as it came from the House provided for one assistant in preparing for publication the American Ephemeris and Nautical Almanac at $2,500, one at $2,000, two at $1,800 each, two at $1,600 each, two at $1,400 each, and three at $1,200 each. The committee has left all of those, except that it has provided for one at $1,400 instead of two, and one at $1,200 instead of three, making a reduction from $18,420 to $14,620. We are informed by competent evidence that the work of preparing the Nautical Almanac and the American Ephemeris can be done just as competently with a reduced force as it can with those carried in the House bill, which is merely a formal matter brought over from the old establishment and the old appropriation from year to year; simply nobody has paid any attention to it or examined whether or not there were more people there than were necessary.

Of course, wherever you undertake to reduce a force you are going to meet with objection; it does not make any difference where it is. The persons who hold those positions will find some one to champion their cause, and, of course, we sympathize with them; but if they are competent men I judge there will be no difficulty in their finding places somewhere else. For instance, where they have four firemen in the Naval Observatory, we reduce them to three. The fireman who loses his job no doubt can be taken care of somewhere else.

Mr. LODGE. Mr. President, I want to say to the Senator on that particular point that that does not require scientific knowledge, although I think I know something about the value of the work done there. Here are 46 buildings and 62 acres. These four firemen have charge of the heating apparatus, which supplies, I think, 18 buildings, and they do a great deal of other work, plumbing, and so forth, which would have to be done outside if they were not there. For 46 buildings and 62 acres to be covered by 7 watchmen and 4 firemen does not seem to me excessive. I know perfectly well that I could not do it if I had 46 buildings to take care of. The result is that the buildings are not properly taken care of; then more money has to be spent in repairing them and in guarding them.

It seems to me that that is exceedingly moderate for such a large estate as that is; but, of course, that is not vital, I admit. You can go with shabby grounds and buildings out of repair and run the risk of fire and all that if you choose, but the work of the Nautical Almanac and the work of the Naval Observatory is essential, in my judgment, to the proper conduct not merely of the Navy but of all the railroads and all the ships that sail the seas, in which the United States is interested, and to the regulation of the chronometers on which the safety of those ships depends.

I have known a good deal about the observatory in past years. Nobody who is losing a place has been near me, let me say, but I have always taken an interest in the observatory, and I know it has not been a place for sinecures. On the contrary, they are a very hard-worked body of men, who have done a great deal of good work, and the test is in a comparison with Greenwich. With fewer men, they have made more observations and done more work, and I say that to cut down $12,000 altogether in such an important matter as this is following a mistaken policy.

Mr. POINDEXTER. We should not overlook the fact that in addition to the five watchmen who are to be retained under the Senate committee amendment there is a captain of the watch, so that if the Senate committee amendment is adopted we would have a captain of the watch and five watchmen.

Mr. LODGE. It is very difficult to get first-rate men at the Government rates of wages, but if the Senator thinks that the place can be properly guarded with the watchmen and laborers allowed, and that the provision carried in the bill will insure the safety of the buildings and the care of the property, which is of very great value, which cost great sums of money, I am not disposed to dispute his judgment, but I think it most unfortunate to cut down, particularly in the matter of the Nautical Almanac and the American Ephemeris. To make these petty economies in this particular department of the Government does not seem to me to be right.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The question is on agreeing to the committee amendment on page 23, which the Secretary will state.

The ASSISTANT SECRETARY. On page 23, line 10, the committee proposes to strike out "two at $1,400 each" and insert in lieu thereof "one, $1,400" and a comma.

The amendment was agreed to.

Mr. LODGE. I shall not ask for a roll call now, for I want to get the bill through, but when it gets into the Senate, when I hope we shall have a better attendance, I shall ask for a record vote on these reductions.

The next amendment was, on page 23, in line 13, after the word "assistants," to strike out "three" and insert "two"; in the same line, before the words "at $1,400 each," to strike out "three" and insert "two"; in line 16, before the word "firemen," to strike out "four" and insert "three"; in the same line, before the word "watchmen," to strike out "seven" and insert "five"; in line 17, before the word "laborers," to strike out "eight" and insert "six"; and in line 18, to strike out "$56,400" and insert "$48,520"; so as to make the paragraph read:

Astronomers—one $3,200, one $2,800; assistant astronomers—one $2,400, one $2,000, one $1,800; assistant in department of nautical instruments, $1,600; clerks—chief $2,000, one $1,800, one $1,600, one $1,400, two at $1,200 each; instrument maker, $1,500; electrician, $1,500; librarian, $1,800; assistants—two at $1,600 each, two at $1,400 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter, $1,000; engineer, $1,200; three firemen, at $720 each; five watchmen, at $720 each; mechanic, $900; six laborers, at $660 each; in all, $48,520.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent and miscellaneous expenses, Naval Observatory," on page 23, line 21, to strike out "For miscellaneous computations, $5,000."

Mr. LODGE. Mr. President, on that particular proposition I do wish to make a protest of the strongest kind. It is absolutely cutting down the work of the observatory. It is not getting rid of men; it is cutting off the work of the observatory, work which the observatory is established to do. If we do not have this appropriation for computations, the observations are valueless, and that is what the whole institution exists for. To cut off $5,000 for miscellaneous computations is simply arresting and stopping the work of the observatory.

Mr. POINDEXTER. Mr. President, the committee is informed that the work can be done by the force available there under the Senate committee amendment, but if it should appear in conference that that is not the case the committee would be very glad to restore it.

Mr. LODGE. I got my figures from the head of the observatory, who is not affected by a single appropriation here, as he is an officer of the Navy, in charge of the observatory. I have talked with no one else, but I know enough about their work to know that cutting off the appropriation for computations is cutting off their right hand. I should like to know who it is who says that the work is not important, and that it can be done without this appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] The noes seem to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. GLASS (when his name was called). Making the same announcement as on the previous vote, I vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Nevada [Mr. ODDIE] and vote "yea."

The roll call was concluded.

Mr. STERLING. Making the same announcement as on the last vote, I vote "yea."

Mr. SUTHERLAND. Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. ERNST. I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. FRELINGHUYSEN. Making the same announcement as before, I vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from New York [Mr. CALDER] with the Senator from Georgia [Mr. WATSON].

The result was announced—yeas 33, nays 16, as follows:

YEAS—33.

Ball	Frelinghuysen	Lenroot	Sterling
Borah	Gerry	McKinley	Sutherland
Cameron	Glass	Newberry	Townsend
Capper	Harris	Overman	Wadsworth
Caraway	Heflin	Owen	Warren
Curtis	Jones, Wash.	Phipps	Watson, Ind.
Dillingham	King	Poindexter	
Edge	Ladd	Smoot	
Ernst	La Follette	Spencer	

NAYS—16.

Broussard	Johnson	McNary	Sheppard
Bursum	Lodge	Pepper	Underwood
Dial	McCormick	Pomerene	Walsh, Mass.
France	McCumber	Ransdell	Willis

NOT VOTING—47.

Ashurst	Hale	Nelson	Shortridge
Brandegee	Harreld	New	Simmons
Calder	Harrison	Nicholson	Smith
Colt	Hitchcock	Norbeck	Stanfield
Crow	Jones, N. Mex.	Norris	Stanley
Culberson	Kellogg	Oddie	Swanson
Cummins	Kendrick	Page	Trammell
du Pont	Keyes	Pittman	Walsh, Mont.
Elkins	McKellar	Rawson	Watson, Ga.
Fernald	McLean	Reed	Weller
Fletcher	Moses	Robinson	Williams
Gooding	Myers	Shields	

So the committee amendment was agreed to.

The next amendment was, in the items for the Naval Observatory, on page 24, line 18, to reduce the appropriation for cleaning, repair, and upkeep of grounds and roads from "$6,500" to "$5,000."

The amendment was agreed to.

The next amendment was, under the subhead "Salaries, Nautical Almanac Office," on page 24, line 22, after the word "each" where it occurs the second time, to strike out "two at $1,400 each, three at $1,200 each," and insert "one $1,400, one $1,200," and in line 24 to strike out "$18,420" and insert "$14,620," so as to make the paragraph read:

For assistants in preparing for publication the American Ephemeris and Nautical Almanac—1 $2,500, 1 $2,000, 2 at $1,800 each, 2 at $1,600 each, 1 $1,400, 1 $1,200; assistant messenger, $720; in all, $14,620.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $1,500.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Engineering," on page 26, line 7, to strike out "$12,100,000" and insert "$14,795,000," so as to read:

ENGINEERING.

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books, and periodicals, stationery, and instruments; instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work in radiotelegraphy at the naval radio laboratory; in all, $14,795,000.

Mr. KING. Mr. President, may I inquire of the Senator having the bill in charge the reason for this great increase over the bill as passed by the House?

Mr. POINDEXTER. This is $2,000,000 less than was urged by the Secretary of the Navy and Admiral Robison, chief of the Bureau of Engineering. The appropriation covers the maintenance of very valuable and complicated machinery of the entire fleet, also the care of the machinery and the delicate instruments in the ships which may be put out of commission or kept in ordinary under the plan and program laid out by the department in pursuance of the reduction made in the Navy in the limitation of armament treaty. It was con-

sidered by the committee that the increase made here, from the testimony, which was quite voluminous both before the House committee and the Senate committee, was a comparatively small increase, and probably less than the bureau really ought to have. But we made it less than was asked for by the department in the hope and in the belief that the efforts which are being made by Admiral Robison, and which are referred to in the report of the Senate committee, will result in economy and that the cost of supplies and labor may be somewhat reduced and that by cutting down the appropriation considerably below what the department asked, an additional incentive will be furnished for extraordinary economy. With that in view and in order that there might not be an absolute insufficiency of funds to maintain the machinery of the ships and at the same time that there should be an incentive for economy, we compromised with the department by giving the increase which we have provided and at the same time refusing $2,000,000 requested.

Mr. KING. The explanation of the Senator is very clear and comprehensive, and I express my appreciation of the same, and yet I am not quite clear as to the reason for even the first amount. May I inquire of the Senator if there were any additional facts presented to the Senate committee over those which were presented to the House committee? The Senator stated, as I understood him, that the hearings were very extensive both before the House and Senate committees. I have read some of the hearings. The House went into matters more fully than did the Senate committee. I have no doubt the House committee evidenced just as great a desire to take care of the machinery and property of the Government as did the Senate committee. What reason did they have for limiting the appropriation to $12,000,000?

Mr. POINDEXTER. There was this difference. In the first place, the Senate committee went more extensively into an examination of the question than did the House committee. There was a great amount of detail testimony from the chief of the bureau and other experts before the Senate committee. But in addition to that is the important circumstance that the figures in the House bill were based upon a Navy of 67,000 men, which was the proposed enlisted strength of the Navy provided in the bill reported to the House. As it passed the House, the House of Representatives increased the personnel 19,000 men, to 86,000, but there was no increase made in the appropriation by the House. There was an expectation there, I may say, if it is not inappropriate, that when the bill came to the Senate corresponding adjustments of the various appropriations for the bureaus to comport with the increase in the personnel would be made. That accounts to a large extent for the increase.

It was estimated by the chief of the bureau and the Secretary of the Navy that if only 67,000 men were allowed they would not be able to keep in commission the same number of ships that they would be able to keep in commission with 86,000 men. They figured that with 67,000 men they could only keep in commission 12 battleships, but with 86,000 men they could keep in commission the entire quota of 18 battleships allowed the United States under the international agreement. They figured they could only keep in commission some 80 destroyers. With 86,000 men they can keep in commission 103 destroyers, and so as to a number of other classes of ships, making a corresponding increase in appropriation for maintenance of machinery of the vessels.

Mr. WILLIS. Mr. President, I understood the Senator from Washington to say that the House increased the personnel of the Navy 19,000 men and yet made no increase whatever in the appropriation for the pay of those added numbers. Did I understand him correctly?

Mr. POINDEXTER. I said that in the item of engineering, and also in other items of the bill, except those of pay and provisions, there were no increases made. My understanding is that it was the expectation of those who were responsible and particularly interested in the bill that the Senate would make increases in the appropriations for the various bureaus, in addition to pay and provisions, to correspond with the increased number of men. The only items increased by the House of Representatives on account of the increase in personnel were the obvious items where an exact calculation could be made as to pay and provisions. Those items have had to be revised by the Senate committee—at least the Senate committee recommends the necessity for revising them—by reason of the change of law as to pay which had been enacted since the House passed the bill. But as to engineering, as to construction and repairs, as to maintenance of yards and docks, as to fuel and transportation, as to maintenance of supplies and accounts, as to ordnance and ordnance stores, and as to transportation and recruiting no increase was made by the House of Representatives on account of the increase made in the number of men.

Mr. KING. The paragraph, beginning on page 25 and ending on page 26, is so confusing that it is impossible for one to read and determine just what branches of the naval service are included within it or just what property is to be cared for and repaired, and just what the expenditures call for are in detail. For instance, it states in line 7:

> For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus.

The statement of the Senator from Washington would seem to indicate that the greater part of this nearly $15,000,000 related to the care of delicate machinery which must be taken care of because some of the vessels are withdrawn from commission. Then we find included in this paragraph provision for—

> Range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service.

I am not sure whether this is to purchase all these various classes of naval machinery or merely for their repair. Then reference is made to—

> Care, custody, and operation of the naval petroleum reserves.

How much is to be devoted to the operation of naval oil reserves? Does that mean that the Government is to begin the development of the naval oil reserves, sink oil wells, construct pipe lines, and conserve the oil? If so, how much of the fourteen or fifteen million dollars is to be devoted to that purpose? There is nothing to indicate that. I do not know what part of the $15,000,000 is to be devoted to the operation of the naval petroleum reserves. The able Senator from Wisconsin [Mr. LA FOLLETTE] a few days ago offered a resolution of inquiry and, as I remember, called for information from the Secretary of the Interior relative to one of the naval oil reserves in Wyoming. Is it contemplated that we shall appropriate for the purpose of opening that reserve?

I pause at this point to ask the Senator from Washington if he will kindly advise the Senate what part of the $15,000,000 is to be devoted to the operation of the naval petroleum reserves referred to in line 21?

Mr. POINDEXTER. One hundred thousand dollars.

Mr. KING. Can that be used for some other purpose?

Mr. POINDEXTER. It could; but it is allotted and intended to be used for that purpose by the Navy. The appropriation, as the Senator will notice, follows invariably the form of appropriations under this head in being in a lump sum covering the various items which the Senator has mentioned, leaving to the department the segregation and allotment of the funds to the various activities in that bureau.

Mr. KING. May I inquire of the Senator whether it is the custom of the Navy Department, where figures are furnished upon which an appropriation is sought and the appropriation is made, to use the appropriation thus obtained for some other purpose than that for which it was designed by the committee and by the Senate?

Mr. POINDEXTER. My information is that that has not been the custom of the department, although that is sometimes done when an emergency arises. However, the custom of the department is to adhere with considerable strictness to allotment of funds which is set out ordinarily before the Appropriations Committee.

Mr. KING. Assume that no operations are carried on in the naval petroleum reserve, and that $100,000 were not expended for that purpose, could that fund be devoted to some other purpose covered in this provision?

Mr. POINDEXTER. Under the law it could be; the law would permit it. It would be subject to the disposition of some proper use, under the language of that paragraph, but not beyond that, in the discretion of the Secretary of the Navy.

Mr. KING. I understand. Mr. President, it seems to me that this is a very improper way of legislating. I can appreciate that if there is a similitude, if I may be permitted that expression, of all of the items in a given paragraph, in case of the failure to devote the entire estimate suggested for a given purpose, it might be used for other items of the same character. For instance, if in a bill $15,000,000 were appropriated for a battleship and the figures which were submitted to the Committee on Appropriations as the basis of the appropriation called for $10,000 for a smokestack and $5,000 for a stairway, and it should be discovered in the prosecution of the work that the staircase was not needed, I can understand that, perhaps, there would be no impropriety in utilizing the $5,000 for some

other purpose in the construction of the ship; but to take that $5,000 and use it to buy a motor boat or to acquire land or to buy supplies, would, in my opinion, be highly improper and would subject the department to criticism.

Mr. POINDEXTER. I agree with the Senator, but, taking the illustration suggested by him, it would be impossible to use the money for any one of the other purposes indicated. In this instance the appropriation could not be used for any purpose other than that provided under the heading of the appropriation and specified in the appropriation. For instance, the purchase of land or the purchase of supplies would come under an entirely different bureau and come out of an entirely different fund. None of this money could be used for any such purpose as that.

Mr. KING. Now, let me bring that matter home to the provision under discussion. The committee very wisely—and I will assume that the committee acted wisely because I have such confidence in them—under the evidence adduced felt constrained to add to this bill $100,000 in a lump sum for the care, custody, and operation of the naval petroleum reserves.

Suppose Secretary of the Navy Denby, acting under information which comes to him and which he did not possess at the time that he or those under him appeared before the committee and solicited the appropriation, concluded that it would be unwise to utilize that $100,000 for the development of the naval petroleum reserves; I submit that it would be highly improper for Secretary Denby or for any official of the Navy Department to take that $100,000 and apply it to some other purpose; for instance, the payment of employees who might give their attention to some of the activities that are to be performed under the provisions of this paragraph. I think that it would be unfair; and that is the reason, it seems to me, that these bills are misleading to those who have not before them the estimates of the department. When we ask for the information and are advised that the department estimated $100,000 for the development of the petroleum reserves, and the committee and the Senate vote for the $100,000 in the aggregate, with the understanding that it will be utilized for that purpose, I submit that it is improper for it to be applied to some other purpose.

I do not know how we are going to remedy the situation, unless we should add to this bill a proviso that no part of the $15,000,000 shall be used for any other purpose than that indicated in the specifications submitted by the Navy Department to the committee which became the basis of the aggregate appropriation of $15,000,000.

I am unwilling to vote, Mr. President, for these shotgun appropriations, be they $15,000,000 or $5,000,000, which the committee were induced to put into the bill upon information submitted to them, with the understanding that the Navy Department may, if it wishes, cancel the appropriations with respect to some of the items mentioned and devote the amounts for which they asked to some other purpose within the scope of the paragraph.

I am sure that the able Senator from Washington, who is notoriously so fair and so judicial in his actions, in his conduct, and in his consideration of legislative matters, will agree with me; and I ask him if his committee, before the bill is passed, will not frame an amendment which will deal with this and other provisions of the bill in harmony with the views which I have suggested? If not, I shall ask for further information before I am willing to vote for the appropriation of this large sum.

Mr. POINDEXTER. Mr. President, I feel that the committee will be glad to give thought to the Senator's suggestion. I myself shall do so. I hope, however, that the Senator himself will give additional thought to the matter. His suggestion is a very radical one and would revolutionize the methods of administering the various departments of the Government. If the system which the Senator suggests should be applied to the Navy Department, no doubt it should be applied to all of the other departments.

Mr. KING. Exactly; I agree with the Senator.

Mr. POINDEXTER. We would have Congress as a legislative body undertaking to go into details and limiting expenditures in each bureau to a certain amount for every particular activity. Undoubtedly it would result, in many instances, in tying up the department and result in loss to the Government. Whether on the whole, in view of what the Senator has said, the country would lose or benefit by it may be the subject of speculation, but I doubt exceedingly whether it would be wise without an investigation.

If the Senator at some time would propose a complete inquiry into the subject governing the appropriations of Congress, it might serve a very useful purpose, but until such inquiry has been made, the expediency of undertaking to revolutionize the method of making appropriations while we are in the midst of the consideration of an appropriation bill, upon the floor of the Senate, seems very doubtful.

Mr. KING. Mr. President, I appreciate that there is a good deal of merit in what my able friend has said, and yet I want him to view the other side of the shield. We have in this bill appropriations for Bremerton, for Mare Island, for San Diego, and for various other naval bases and stations. How did the committee reach the conclusion that $250,000 or $750,000 should go to Mare Island; that $500,000 or $600,000 should go to Bremerton; that $250,000 should go to Norfolk; and that $225,000 should go to Newport? They did it upon the testimony which was adduced before them, and they exercised their judgment based upon a full investigation. They did not vote for an appropriation of $225,000 for Newport upon the theory that if the department later concluded to shut up Newport the $225,000 could be transferred to Bremerton or Mare Island or to any other place. It seems to me that it is too clear for argument that there ought to be some limitation placed upon the power of the Navy Department to make transfers of appropriations thus provided in an omnibus bill.

Mr. POINDEXTER. Mr. President, the point suggested by the Senator is covered by the bill. It would be impossible where there are specific appropriations such as those he has mentioned to use them for any other purpose. They could not be transferred from the purpose specified in the law.

Mr. KING. Exactly.

Mr. POINDEXTER. That is true as to the general appropriation for the Bureau of Engineering. The items which go to make up the amount are not segregated in the proposed act; the whole appropriation is confined to engineering and can not be used for any other purpose. Furthermore, there is not a sufficient appropriation, in all probability, according to the testimony before the committee, to serve the actual needs of the Navy unless the utmost economy is exercised.

I may illustrate what the Senator has said about appropriations, for instance, by taking a naval station. If Congress makes an appropriation for Pearl Harbor and specifies that there shall be an extension of a machine shop, we would not go into details and provide how much shall be expended for the brick and how much shall be expended for labor and how much shall be expended for the roofing and the other different materials which enter into the building, and I doubt very much whether it would be wise to undertake to do that.

Mr. KING. I agree with the Senator.

Mr. POINDEXTER. There must be a point where, in the interest of efficiency, some discretion is left to the executive branch as to the expenditure of the money which is put in their hands, restricted by the general terms of the purpose for which it is appropriated.

Mr. KING. But, to carry out the illustration which the Senator has just given—and absolutely I agree with the Senator so far as he has gone—suppose the Navy Department had come before the Senator's committee and said it was necessary that there should be constructed at Pearl Harbor a house for the officers and a building for the storing of ammunition and a tower for radio purposes, and figured out that $2,000,000 would be required for the various items presented to the committee; and the committee, instead of stating that $200,000 should be appropriated for the officers' quarters, $1,000,000 for the ammunition depot, and so on, had lumped the amount together and fixed the aggregate at $2,000,000 for the construction of the radio station, the officers' quarters, and the depot, and after the Navy had made further investigations, and before the money had been expended, they concluded that they did not need as large a radio station or as large a depot for ammunition as they had contemplated, and that instead of a million dollars for the depot $500,000 would be adequate. I deny that they would have the right to take the $500,000 thus salvaged and apply it to the radio station; and yet that is what could be done under this bill and under the policies and methods heretofore pursued and employed.

Coming back to the paragraph before us, there is a provision—and the Senator has argued to us the importance of it—carrying $15,000,000. He called our attention to the delicate machinery, the fine armament, and the fact that they must be preserved; and I agree with the Senator. He did not tell us, and I did not know until I read the bill carefully, that part of this $15,000,000 was for the operation and development of the naval reserves.

If I had not examined the bill carefully, I would have supposed from the Senator's statement—and he made it frankly, and intended to make a full and complete canvass of the situation—that a part of the appropriation was for some other purpose than that indicated by the Senator. My point is that the

Navy Department would not have the right to use for other purposes in the bill that $100,000 which they had asked for to open up an oil reserve. Is there any intimate relation between the oil reserve in Wyoming or in California and caring for the machinery, so that an appropriation for machinery and for the oil reserve would permit the interchange of the appropriation? Would it be right to use $100,000 appropriated for the oil reserve for the purpose of building a gun, or to use $100,000 appropriated for the purpose of building a gun for opening up an oil reserve, simply because both appropriations were stated in a lump sum and carried in the same paragraph?

Mr. POINDEXTER. Mr. President——

Mr. KING. I yield.

Mr. POINDEXTER. Of course, I did not undertake, in the general statement which I made of the purpose of this appropriation, to cover every dollar and every particular expenditure. I referred to the importance of maintaining machinery; and I call the Senator's attention to the fact that in the estimates which are given us, out of an allowance of $14,795,000, $12,061,323 comes under the head of "ship costs"—that is, the maintenance and repair of machinery on ships—so that, I think, substantially supports the statement which I made.

Mr. KING. Then the Senator concedes that they could not use the $100,000 for the naval oil reserve for the construction of ships?

Mr. POINDEXTER. For the construction of ships? Certainly.

Mr. KING. For the purpose the Senator indicated—that $12,000,000.

Mr. POINDEXTER. For the maintenance of the machinery of ships?

Mr. KING. Yes.

Mr. POINDEXTER. It could be used if the Secretary of the Navy sanctioned its use for that purpose.

Mr. KING. Though it was appropriated for the development of the oil reserve?

Mr. POINDEXTER. It is all appropriated for engineering. It is not appropriated for the development of the oil reserves. If it were appropriated for the development of the oil reserves by the terms of the law, it could not be used for any other purpose. The whole question which the Senator is arguing is whether or not it ought to be appropriated in that way. It never has been appropriated in that way. Of course, if it were, it would have to be used for that purpose.

Mr. KING. Suppose that the Navy Department had not said a word about the operation of the naval oil reserves, and had not asked for a cent of appropriation, would that $100,000 have gone into this lump sum?

Mr. POINDEXTER. It would not have been taken into account in making up the total.

Mr. KING. It would have carried $100,000 less, would it not?

Mr. POINDEXTER. Very likely it would.

Mr. KING. Then the Senator intends to permit the Navy Department to use $100,000, if they want to, for a purpose for which it was not designed by the committee, and when they would not have made the appropriation if they had not understood that it would be devoted to the operation of the naval oil reserves.

The PRESIDING OFFICER (Mr. BALL in the chair). The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, I wish the Senator would let this matter go over, and give me a chance, if the Senator does not frame an amendment, to do so; or, if the Senator will consent if I move to reconsider to-morrow in order to offer an amendment, that will be satisfactory.

Mr. POINDEXTER. Of course, if the Senator should desire to do so, I shall have no objection. I should like to get a decision on this amendment.

Mr. KING. With that understanding, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 26, line 13, to strike out "$1,675,000" and insert "$2,048,000," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1923, shall not exceed $2,048,000.

Mr. KING. Mr. President, may I have the attention of the Senator from Washington? On line 7, $14,795,000 was appropriated. The Senator will recall that in other parts of the bill provisions are made—quite liberal provisions, I think—for clerical help, civil employees, and so forth; yet, out of this $14,795,000, which ostensibly is for machinery, we allow $2,048,000 for clerical help, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material. It does seem to me that that sum, $2,048,000, for clerical help and for messengers and for inspection, is entirely disproportionate to the sum appropriated for the purposes indicated. I ask the Senator if, from the testimony before the committee, he conceives that such a large proportion of the $14,000,000 should be devoted to that end?

Mr. POINDEXTER. Mr. President, the Senator will observe that that is merely a limitation, that not exceeding that amount shall be used for the purposes which the Senator mentions. The most important element within that limitation is the services of draftsmen for machinery, a very high class of technical skill being required. High-priced men and a considerable number of them are necessary for the maintenance of the machinery in a fleet such as is provided for in this bill—18 battleships, various scout cruisers, and submarines, and auxiliary vessels that go to make up the fleet. The language of this limitation is simply an adoption of the ordinary language of appropriation bills. These matters have grown up from year to year through experience in the departments, and the language is retained in the form which Congress has been accustomed to use in making appropriations.

Mr. KING. Is it contemplated that under this section new machinery will be constructed?

Mr. POINDEXTER. No; not new machinery; but it contemplates repairs to old machinery.

Mr. KING. Will draftsmen of the high grade of which the Senator speaks be required for the repair work? The important feature seems to be clerical work.

Mr. POINDEXTER. For the machinery of new vessels under construction the drafting would be paid out of this appropriation, but not for the hulls.

Mr. KING. I have not the testimony before me, and so I am unable to state what it is. I take the word of the Senator. It seems to me, though, that it is a very large appropriation. This seems to be another exhibition of the absolute extravagance of the Navy Department, and if one tried to put his hand upon the many evidences of their extravagance he would be having his fingers extended all the time. This is one paragraph which, in my judgment, shows very great waste and extravagance on the part of the Navy Department.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head "Bureau of Construction and Repair," on page 29, line 1, to strike out "$14,200,000" and insert "$16,200,000," so as to read:

CONSTRUCTION AND REPAIR OF VESSELS.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipage; rugs, carpets, curtains, and hangings on board naval vessels, $16,200,000.

The amendment was agreed to.

The next amendment was, under the head "Bureau of Ordnance," on page 30, line 21, to strike out "$9,500,000" and insert "$10,000,000," so as to read:

ORDNANCE AND ORDNANCE STORES.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled freight and passenger carrying vehicles, to be used only for official purposes at naval ammunition

depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots; in all, $10,000,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to strike out:

That no part of this appropriation or any other appropriation contained in this act shall be available for expenditure at the Naval Proving Ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis.

Mr. FRANCE. Mr. President, this amendment, I think, will provoke some discussion, and I ask the chairman of the committee if he desires to proceed this evening with it.

Mr. POINDEXTER. It is the purpose of the committee to proceed for a little while longer, and then we expect to move an executive session. I prefer that course. If the Senator is not prepared to go on with this amendment now, I will consent to let it go over.

Mr. FRANCE. It is nearly 6 o'clock now, and——

Mr. POINDEXTER. I have no objection to passing over the amendment on the request of the Senator from Maryland.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the committee was, on page 32, line 25, to strike out "$25,893,986," and insert in lieu thereof "pay, $25,586,102; rental allowance, $5,712,771; subsistence allowance, $3,218,643; in all, $34,517,516."

Mr. KING. I shall move to-morrow to reduce the personnel of the Navy, and it will affect the item under consideration. I have no objection to the amendment being agreed to to-night, if the Senator desires, with the understanding that I may move to reconsider for the purpose of offering my amendment. Is that agreeable to the Senator from Washington?

Mr. POINDEXTER. I understand the Senator agrees that we shall proceed with these items, and, of course, if the motion of the Senator from Utah to reduce the personnel should be agreed to, I would be very glad to consent to go back over it again.

Mr. KING. That is what I ask. I want to help the Senator expedite the passage of the bill as far as possible.

The amendment was agreed to.

The next amendment was, on page 33, line 2, after the words "retired list," to strike out "$3,114,840" and insert "$3,623,715"; and beginning in line 3 to strike out:

commutation of quarters for officers, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, and mates, naval constructors, and assistant naval constructors, $1,310,400; and also members of Nurse Corps (female), $1,000.

The amendment was agreed to.

The next amendment was, on page 33, line 11, to strike out the words "or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops"; on line 17 to strike out "$675,566" and insert in lieu thereof "$944,689"; and on line 19 to strike out "$5,981,900" and insert in lieu thereof "$2,809,675," so as to read:

for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $20,000; pay of enlisted men on the retired list, $944,689; extra pay to men reenlisting under honorable discharge, $2,809,675.

Mr. KING. I did not know we had reached the item on lines 17 and 18. May I inquire of the Senator whether the Senate committee had any additional evidence before it which justified it in increasing the item of "$675,566" to "$944,689" for pay of enlisted men on the retired list? It seems to me that is a matter as to which there would be no difference. You would base it upon evidence submitted by the department, and the House and Senate ought to reach the same conclusion.

Mr. POINDEXTER. That is due to the change made in the law by the pay bill which has just been passed. The calculations are based upon that.

Mr. KING. Would there be a greater number of retired men or would they merely receive a larger sum?

Mr. WARREN. Both.

Mr. POINDEXTER. Of course the increase in the Navy will result in an increased number of retired enlisted men.

Mr. KING. I comprehend that.

The amendment was agreed to.

The next amendment was, on page 33, line 20, after the word "pay" to insert the words "and allowances."

The amendment was agreed to.

The next amendment was, on page 33, line 24, after the word "Corps," to strike out "$62,108,534" and insert "pay, $75,356,780; allowance for lodging and subsistence, $2,836,050; in all, $78,192,830."

Mr. KING. The same situation has developed with respect to the item of $78,192,830 as suggested a moment ago. If my amendment reducing the personnel of the Navy should prevail then a reduction would necessarily have to be made in this item.

Mr. POINDEXTER. On behalf of the committee, I ask unanimous consent to modify the amendment by striking out of the amendment, lines 1 and 2, on page 34, the words "allowance for lodging and subsistence, $2,836,050; in all, $78,192,930," for the reason that a mistake was made in putting this item under the head of "Pay of the Navy," the impression being that that was required by the new pay law. As a matter of fact, it should be retained under the head, "Provisions, Navy." It is a mere matter of its proper place in the bill.

Mr. KING. The Senator desires to remove it from this line?

Mr. POINDEXTER. I simply desire to transpose the appropriation of $2,836,070 from the head "Pay of the Navy" to "Provisions, Navy," and when we reach "Provisions, Navy" I shall offer an amendment to insert the language there. I move to strike out of the amendment of the committee, as printed in the bill, in lines 1 and 2, on page 34, the language "allowance for lodging and subsistence, $2,836,050; in all, $78,192,830."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. POINDEXTER. I am very much gratified that we have made such good progress with the bill to-day, and I think perhaps it would subserve an expeditious conclusion of the bill if we would suspend its consideration at this time until to-morrow morning.

Mr. TRAMMELL submitted an amendment intended to be proposed by him to the bill, which was ordered to lie on the table and to be printed, and to be printed in the RECORD, as follows:

On page 65, line 14, after the word "purposes," insert the following:

"That any officer of the Navy who has served four years as chief of a bureau in the Navy Department and shall be retired subsequent to the completion of such period of service for physical disability due to wounds inflicted by the enemy while in the performance of his duty shall be retired with the rank, pay, and allowances now authorized by law for the retirement of a chief of bureau."

DECISIONS OF UNITED STATES SUPREME COURT.

Mr. DIAL. Mr. President, I deplore the tendency of the times to criticize public men and public institutions in our country. It seems that our people—a great many of them, at least—have almost gone mad in trying to find fault with somebody.

A great deal of propaganda has gone out abusing the South for employing children in cotton mills. I do not propose to take up more than a moment or two of the Senate's time, but I expect to make a few remarks on this subject within a few days. This is done either intentionally, with a view of trying to injure our section and to injure the business of manufacturing, or it is done ignorantly. I notice in the papers almost every day some misrepresentations about this occupation. They are entirely unjustified and unfounded. I believe that there are child-labor laws in 46 States of the Union. We have stringent laws on the subject in my State, and no child under 14 years of age has worked in a cotton mill there for a number of years. The progress that we are making in that section is phenomenal. The improvements in education and in refinement and in living conditions are unsurpassed in any part of our Union. However, well-meaning people, I take it, or perhaps some fanatics, or members of this so-called "uplift" crowd who ought to be at work, are going around trying to disturb the public mind and trying to create dissatisfaction between employer and employee.

I have no patience whatever with any such procedure; and, as I say, it is unfounded in our part of the country, and absolutely unjustified. I deplore to see in an afternoon paper that a member of the Cabinet paid his respects to the Congress in no complimentary terms. I also deplore to see in the morning paper that a Member of Congress has so far forgotten himself as to abuse the Supreme Court.

Mr. President, I take it that the Supreme Court needs no defense at my hands; but I say if there is one institution in the United States that we ought to be proud of, it is the Supreme Court.

All the recent criticism of that court has been unfounded, uncalled for, and out of place; and if there is anything that we desire more than another, it is a perpetuation of the Constitution of the United States and of the Supreme Court. I only wish that other bodies besides the Supreme Court would act in as just a manner as they do, and in as courageous a manner.

It is startling, it is terrifying, to see the tendency of legislative bodies to follow the popular whim, whether it be right or be wrong.

Mr. President, I do hope that Congress at least will keep its equilibrium, and not run off at a tangent, following these false notions. It is time that we were calling a halt, and I hope that these matters will not receive serious attention. They should not even be introduced into this body.

I shall have more to say later; but I say that the Supreme Court of the United States and, in fact, all the courts in the United States enjoy and have enjoyed the confidence and the respect and the esteem of the people of this country. Even during the Civil War the decisions of the Supreme Court of the United States were unanimously respected and looked up to. So it is out of place, it is in poor taste, to criticize them now; and I feel that these criticisms come from people who are trying to disrupt our Government. Very recently the court has made some important decisions. I do not suppose that any first-class lawyer in the United States would question the soundness and the wisdom of those decisions; and I say that if there is one temporal thing more than another that we ought to pray for, it is the perpetuation of the Constitution of the United States and of the courts.

ORDER FOR RECESS.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that when the Senate closes its business to-day it shall take a recess until to-morrow at 11 a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

Mr. BALL submitted the following concurrent resolution (S. Con. Res. 26), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That a commission is hereby created, consisting of three Members of the Senate, appointed by the Vice President, and three Members of the House of Representatives, appointed by the Speaker, to investigate the needs of the office of the recorder of deeds for the District of Columbia, and to report not later than December 20, 1922, (1) what quarters, equipment, and facilities are necessary properly to care for and protect all records and papers in such office, and (2) what additional personnel, if any, is required to perform the duties imposed by law upon such office.

PROCTER & GAMBLE CO.

Mr. WILLIS. Mr. President, in his remarks yesterday the junior Senator from Louisiana [Mr. BROUSSARD] referred to the Procter & Gamble Co., of my State, as being interested in legislation relative to feedstuffs. I thought at the time he was mistaken. I have since ascertained that he was mistaken. I ask permission to have printed in the RECORD a telegram which I send to the desk stating the facts.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CINCINNATI, OHIO, *June 14, 1922.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.:

Our attention called to press dispatch of Senator BROUSSARD in reference to tariff on blackstrap molasses. This company is not interested, and has taken no part whatever in connection with tariff legislation on this item.

THE PROCTER & GAMBLE CO.

EXECUTIVE SESSION.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 6 o'clock p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, June 16, 1922, at 11 o'clock a. m.

NOMINATIONS.

PROMOTIONS IN THE CONSULAR SERVICE.

The following-named persons for promotion in the Consular Service of the United States from interpreter at $3,000 to consul of class 6, as follows:

Jay C. Huston, of California.
Norwood F. Allman, of Louisiana.

From vice consul de carriere of class 1 to consul of class 7:

H. Merle Cochran, of Arizona.
Joseph F. McGurk, of New Jersey.
Charles J. Pisar, of Wisconsin.
Louis H. Gourley, of Illinois.
James J. Murphy, jr., of Pennsylvania.
George Wadsworth, of New York.
Orsen N. Neilsen, of Wisconsin.
Walter A. Adams, of South Carolina.
William W. Heard, of Maryland.
George A. Makinson, of California.
John L. Bouchal, of Nebraska.
Lynn W. Franklin, of Maryland.
George L. Brandt, of the District of Columbia.
S. Bertrand Jacobson, of New York.
Robert F. Fernald, of Maine.
Ilo C. Funk, of Colorado.
V. Winthrope O'Hara, of Kansas.
H. Earle Russell, of Michigan.
William P. George, of Alabama.
Samuel R. Thompson, of California.
George T. Colman, of New York.

From interpreter at $3,000 to consul of class 7:

Dillard B. Lasseter, of Georgia.
Harvey T. Goodier, of New York.

APPOINTMENT IN THE CONSULAR SERVICE.

Philip Adams, of Massachusetts, to be a consul of class 7 of the United States of America.

UNITED STATES DISTRICT JUDGE.

William H. Barrett, of Georgia, to be United States district judge, southern district of Georgia, vice Beverly D. Evans, deceased.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Arthur Watts Skilling, of Massachusetts, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice F. E. Joekel, resigned.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

SIGNAL CORPS.

First Lieut. Harrison William Johnson, Infantry, with rank from July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15 (legislative day of April 20), 1922.

SURVEYOR OF CUSTOMS.

J. Howard Reed to be surveyor of customs, district No. 11, Philadelphia, Pa.

COLLECTOR OF CUSTOMS.

Joseph L. Crupper to be collector of customs, district No. 14, Norfolk, Va.

PUBLIC HEALTH SERVICE.

Ralph L. Lawrence to be assistant surgeon.
Edwin C. Sorenson to be assistant surgeon.

POSTMASTERS.

NORTH DAKOTA.

Lena L. Diehl, Dunn Center.

SOUTH CAROLINA.

Ida A. Calhoun, Clemson College.
Jean C. Sloan, Pendleton.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 15, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, we bow at Thy footstool in the name of Him who was wounded for our transgressions. We will say of Thee, Thou art our refuge and strength; and with gratitude our hearts proclaim it. Let all the people praise Thee, O Lord. Preserve them from the perils of exaggerated and malicious speech. May our fellow countrymen move forward with constant pride and enthusiastic passion for the tenets of our great Government. Everywhere increase reverence for law and for those fundamentals established by our forefathers. In the questions of the day enable us to be wise, prudent, and reflective. Give us confidence in Thy truth, and help us to build upon the rock that can not be shaken. In the name of Jesus, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair appoints as a member of the Committee on the Reorganization of the Executive Departments, to take the place of Mr. REAVIS, resigned, the gentleman from Washington [Mr. WEBSTER].

CALL OF THE HOUSE.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrew, Mass.	Driver	Kiess	Reber
Ansorge	Dunn	Kindred	Reed, N. Y.
Anthony	Dupré	Kirkpatrick	Reed, W. Va.
Arentz	Dyer	Kitchin	Robertson
Bacharach	Echols	Kleczka	Robsion
Barkley	Edmonds	Knight	Rosenbloom
Beck	Ellis	Kreider	Rossdale
Bell	Evans	Langley	Rouse
Bixler	Fess	Larson, Minn.	Rucker
Black	Fields	Lazaro	Ryan
Blanton	Fish	Lee, N. Y.	Sabath
Boies	Fitzgerald	Lehlbach	Sanders, Ind.
Bond	Focht	Linthicum	Schall, Minn.
Brennan	Fordney	Luce	Sears
Britten	Foster	McClintic	Shaw, Ill.
Brooks, of Pa.	Frear	McCormick	Shreve
Buchanan	Free	McLaughlin, Pa.	Siegel
Burke	Freeman	Madden	Sinclair
Burtness	Fuller	Maloney	Smith, Idaho
Burton	Gahn	Mann	Snyder
Cannon	Gallivan	Mead	Stiness
Cantrill	Garrett, Tex.	Michaelson	Stoll
Carew	Gilbert	Mills	Strong, Pa.
Carter	Goodykoontz	Moore, Ill.	Sullivan
Chandler, N. Y.	Gould	Moore, Ohio	Summers, Wash.
Chandler, Okla.	Graham, Ill.	Morin	Swank
Clark, Fla.	Graham, Pa.	Mudd	Sweet
Classon	Greene, Mass.	Murphy	Tague
Cockran	Griffin	Nelson, Me.	Taylor, Ark.
Codd	Haugen	Nelson, J. M.	Taylor, Tenn.
Connell	Hayden	Newton, Minn.	Temple
Cooper, Wis.	Henry	O'Brien	Tilson
Copley	Hersey	O'Connor	Treadway
Crago	Hicks	Olpp	Tyson
Crisp	Hogan	Osborne	Underhill
Crowther	Hooker	Padgett	Vare
Cullen	Hutchinson	Park, Ga.	Vestal
Curry	Ireland	Parks, Ark.	Volk
Darrow	Jacoway	Patterson, N. J.	Ward, N. Y.
Davis, Minn.	Jefferis, Nebr.	Perkins	Ward, N. C.
Deal	Jeffers, Ala.	Petersen	Wason
Dempsey	Johnson, S. Dak.	Porter	Watson
Dickinson	Jones, Pa.	Pou	White, Me.
Doughton	Kahn	Rainey, Ala.	Winslow
Drane	Kendall	Ransley	Wood, Ind.
Drewry	Kennedy	Rayburn	Woodyard

The SPEAKER. On this roll call 246 Members have answered to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

VIEWS OF MINORITY IN PAUL *v.* HARRISON.

Mr. HUDSPETH. Mr. Speaker, on behalf of the minority of the Committee on Elections No. 1, I ask unanimous consent that the minority be given until June 26 to file minority views. That agreement was had in the committee on yesterday.

The SPEAKER. The gentleman from Texas asks unanimous consent that the minority of Committee on Elections No. 1 have until June 26 to file minority views in the contested-election case of Paul against Harrison. Is there objection?

Mr. MONDELL. Mr. Speaker, of course that is not to interfere with the consideration of the case?

Mr. HUDSPETH. Yes; it is to interfere with consideration of the case before the 26th. By an agreement in the committee yesterday the minority were to be given until the 26th to file minority views, and it was understood that the case was not to be taken up before that time.

Mr. MONDELL. I have no idea that we will take it up, but I had not heard of any agreement.

Mr. ROSE. It was agreed in the committee that the minority might have 10 days in which to file minority views. The gentleman from Illinois [Mr. RODENBERG] made the motion in the committee.

Mr. MONDELL. All right.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 11827. An act granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives No. 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, with amendments, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3610. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8785. An act granting the consent of Congress to the Mobridge Bridge Co., of Mobridge, S. Dak., to construct a pontoon bridge across the Missouri River;

H. R. 11345. An act authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.;

H. R. 11827. An act granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River; and

H. R. 10330. An act to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNN, indefinitely, on account of illness in his family (at the request of Mr. PARKER of New York).

To Mr. MONTOYA, indefinitely, on account of important business.

PANAMA CANAL ZONE.

Mr. DENISON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11872.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, with Mr. LONGWORTH in the chair.

Mr. HUDSPETH. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, I do not care to talk about the bill under consideration to amend the Panama act. I suppose it is all right, but it is only chicken feed in comparison with the bill I am going to call to your attention for a few minutes. I want to talk about the offer of Henry Ford for Muscle Shoals. [Applause.]

The people back home and in every part of the country are complaining and are becoming dissatisfied about the delay of Congress in acting on the offer of Henry Ford for Muscle Shoals. Some of them seem to think that any Member of Congress can call this bill up and have it voted on at any time, but we know that such is not the case. We know that the Republican leaders, especially the Republican steering committee and the Republican members of the Rules Committee, decide which bills shall and which bills shall not be considered and

voted on. So I want to address my remarks especially to these leaders and the members of the committees I have referred to and urge them to allow the bill reported by the Military Committee providing for the acceptance of the offer of Henry Ford for Muscle Shoals property to be called up, considered, and voted upon.

This measure is neither sectional nor political; it is a great economical question, in which all of the people in every part of the country are most vitally interested. No other subject of legislation during this session of Congress has attracted such favorable and nation-wide interest. There is ten times more interest in this than there is in the tariff, the ship subsidy, or any other legislation pending in Congress. [Applause.] What answer could you give to the country and your constituents when you go back home if you refused to allow the House to vote on this question at this session? [Applause.]

You could not claim that it was for the want of time. We have plenty of time while we are waiting on the Senate to consider the bills which have already passed the House. You could not justify it on account of the amount to be appropriated. If the Ford offer is accepted, it will not cost the Government a penny in the end. Of course, under the provisions of the Ford offer the Government will advance about $7,000,000 a year for the next six years to complete the water-power development, but the Ford Co. will pay 4 per cent interest as an annual rental on these amounts, and by means of a sinking fund and amortization plan repay the entire amount to the Goverment during the period of the lease. At the same time the dams and all equipment, which will be of immense value, will be the absolute property of the Government.

Besides this it will save the Government many millions of dollars in caring for the Muscle Shoals nitrate plants, which will be kept in an up-to-date running order by the Ford Co., and be available to the Government without expense for war purposes if ever needed.

We have been diligent in our efforts to enact legislation in the interest of the farmers; we have secured large amounts of national aid to rural roads; we have provided a system of farm-loan banks at a low rate of interest; we have revived the activities of the War Finance Corporation in order to assist the farmers in marketing their crops; we have recently enacted a cooperative marketing bill. We now have an opportunity to do something further by accepting the Ford offer and protecting the American farmers from further imposition by the Chilean and Fertilizer Trusts, who fix and manipulate the prices of fertilizer at their will without regard to the price of farm products or the financial ability of the American farmer.

There are 6,500,000 farmers in all parts of this country asking and urging Congress to accept the Ford offer. They are intelligent and know what it will mean for them. They represent an investment of $80,000,000,000, by far the largest of any business, the next largest being that of railroading, with $20,000,000,000 investment. The farmers are expecting Congress in this way to enable them to get from under the yoke of the Chilean Nitrate and Fertilizer Trusts.

Some one may say that there is no Fertilizer Trust. We all know that there is, but they are so smart that we might have trouble in proving it in the courts. They certainly have an agreement as to sales, prices, and distribution. When the price of corn, wheat, cotton, and other farm crops goes down the trust raises the price of fertilizer.

Do not let any Member of this House deceive himself by thinking that the interest in this bill is confined to the farmers in any section or limited part of this country. They are all interested, from Maine to California. The yield of wheat in some of the Western States has been reduced from 50 to 20 bushels per acre on account of depletion of the soil. If they do not all use fertilizer now it will not be long before they will have to, and will do so if they can get a good grade at a fair price.

Neither should you deceive yourselves by thinking that the interest in this bill is confined to the farmers. The Members of the House from the cities, as well as the rural districts, should help to get this bill up and vote for it. It will enable the farmer to double the production of cotton, live stock, and food crops, and reduce the cost of living. It will provide an increased demand for what the manufacturer and wholesale and retail merchants have to sell.

A few Members of this House from the city districts continue to make the mistake of voting against national aid to roads. Good roads improve the farms. When the farmer increases his production the cost of living in the city is reduced. You city Congressmen should run over each other to help get this Ford bill before the House and vote for it. [Applause.]

Do not worry about Mr. Ford not being able to make cheap fertilizer and do everything else at Muscle Shoals that he claims will be done if his offer is accepted. Thomas A. Edison and other experts on the subject say that it is practicable. Henry Ford has always succeeded in everything he has undertaken. His business success is the marvel of the century. The people have faith in him and his big plans at Muscle Shoals, so let us give him a trial. [Applause.]

He does not want Muscle Shoals in order to make money; he has all and more than he needs. He wants to do something more for his fellow man. He wants to make fertilizer, automobiles, trucks, tractors, and aluminum ware cheaper than ever before so that people of limited means may be able to obtain these articles which ordinarily would be beyond their reach. [Applause.]

If his offer is accepted, he will give work at good wages to tens of thousands of people from every part of the country, many of whom are ex-service men, who are out of employment and who are waiting in breathless suspense for Congress to pass this great measure. [Applause.]

The Ford offer was made about a year ago at the invitation of this administration and was sent to Congress with other offers some five months ago, all of which were referred to the Military Committee of the House composed of 15 Republicans and 6 Democrats. This committee after four months of earnest, faithful, and hard work in the consideration of these offers, has reported a bill providing for the acceptance of the offer of Henry Ford and filed their report recommending its acceptance, and at the same time reporting that they did not consider any other offer as being worthy of serious consideration. While the report of the committee is not unanimous, still the full committee urges prompt consideration and disposition of this important question.

The issue is now made up with the great masses of the people in favor of the Ford offer on one side and the Chilean nitrate and fertilizer trusts and other selfish interests with their active and insidious lobby on the other. [Applause.] The Members of this House compose the jury to decide this issue.

In conclusion, I urge the Republican leaders of the House who have it in their power to have this measure brought before the House for decision to make provision promptly for a rule in order that it may be considered and voted upon.

Let the roll of the House be called, and let each Member answer "yes" or "no." If it is passed, the country will know who did it; if it is defeated, the country will know upon whom to place the responsibility. Give us a vote, and when this is done I hope and confidently believe that the last and final offer of Henry Ford, made on the 31st day of last month, will be accepted by a large majority. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Alabama has 25 minutes remaining.

Mr. HUDDLESTON. I yield 10 minutes to tne gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, the recent decision of the Supreme Court with reference to child labor laws has again called attention to the fact that we have an unreformed house of lords as the supreme government. The first child labor act, passed by both Houses with very little opposition, and signed by the President, has been declared by a bare majority of the Supreme Court unconstitutional. The second child labor act has also been declared unconstitutional. The Constitution is undoubtedly one of the greatest documents ever framed by man, but it was framed in 1787, and no one can seriously contend that the mightiest intellects of the eighteenth century could have foreseen the problems that confront us to-day. More than 1,800 amendments have been offered to the Constitution since 1787. The first 10 amendments are practically an integral part of the original Constitution and can hardly be classed as amendments. The original document could not have been ratified if the promise had not been held out that the 10 amendments would be immediately adopted. Two minor changes were made up to 1804. Three amendments are the result of the Civil War. Of the four amendments adopted in our generation two amendments—the woman suffrage and the prohibition amendments—can also be traced to the war. There would have been no prohibition amendment if it had not been for the war, and the woman-suffrage amendment has been hastened by the new current of thoughts born of the war.

It is impossible to reconcile democratic institutions with an institution which permits a bare majority of one or two of a court consisting of nine members to override the will of the elected representatives of the people.

I have given a good deal of thought to this question. I share the opinion of those who believe that it was never intended that the Supreme Court should have the power to declare acts of Congress unconstitutional. Whatever the situation may be in that regard, the important thing before us today is to make the fundamental law of the land more flexible, more adapted to present conditions. It is proposed to offer an amendment to the Constitution to meet the objections of the Supreme Court in the child labor act.

Assuming that such an amendment after 15 or 20 years' agitation is adopted, the very adoption of the amendment permitting child-labor legislation will by implication be held to block other social legislation. The court will continue to nullify action by Congress and will prevent it from giving legislative expression to the wishes of the people. The stupendous economic and social changes of modern times emphasize the necessity of harmonizing the legal structure of society with its industrial needs.

The remedy lies in the direction of making the amendment provision of the Constitution more elastic, so that the Constitution should be a living organism, growing and expanding with the people.

The State of New York provides that a constitutional amendment may be adopted in the following manner: The amendment is adopted by the legislature, then it is proposed to the next legislature elected during a year at which senators are elected. Senators are elected in our State every two years. Then the amendment is submitted to the people, to a referendum, and if adopted it becomes a part of the constitution.

The present cumbersome method of changing the Constitution should be replaced by a simple and direct appeal to the people through a referendum, either upon the initiative of Congress or upon the initiative of a part of the people. In order to save the country from a general prevalence of contempt for the court, the court must not be put in a position where it will disregard the will of the people, where it will not set itself up against every progressive thought, where it will in the name of the dead past hinder the solution of living problems. Democracy is entitled to its faults, to its mistakes; democracy exercises its right to be stupid now and then, but democracy prefers to suffer from its own stupidity rather than from that of seven or nine men.

Mr. WALSH. Will the gentleman yield?

Mr. LONDON. I will.

Mr. WALSH. Is it the gentleman's contention that the only people who are bound by the Constitution are those whom they elect to office and who take the oath to support it?

Mr. LONDON. Those who are elected to office to represent the people have their constitutional obligations. Every one of us who has sworn to support the Constitution has honestly voted for the child labor bill, for example, in the belief that he was supporting the Constitution. Our conception of the Constitution, and the conception of the United States Senate of the Constitution, and the conception of the President of the United States of the Constitution shall not be overridden by nine men.

Mr. WALSH. The gentleman is not answering the question that I propounded. I am asking the gentleman if he believes the ordinary citizen is not just as much bound to support and defend the Constitution as the elected officials?

Mr. LONDON. Undoubtedly. I did not think that was the question, because that answers itself.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MONTAGUE. Is it not the tendency of the times for members in legislative bodies, State and National, to pay less and less regard to the Constitution, and to pass all questions of constitutionality to the courts, the members of these legislative bodies thereby relieving themselves of their obligation, and impairing the highest and most solemn political morality? The Congress thus coerces the courts to pass upon such questions.

Mr. LONDON. But that is a most cowardly thing.

Mr. MONTAGUE. Of course it is. Congress is more blameworthy than the courts.

Mr. LONDON. The legislator who deliberately votes for a law knowing that the Supreme Court will declare it unconstitutional is false to himself and false to his oath.

Mr. HUDDLESTON. But is it not true that under our present system there is a great tendency to encourage the legislatures to ignore their obligations to the Constitution and to put the whole question up to the courts?

Mr. LONDON. Oh, when you permit the existence of an institution that is out of tune with the demands of the times the institution becomes a dead letter or an obstruction, and despite the prohibition of contempt it invites contempt. If it should be easier to amend the Constitution, it will become impossible for the legislator to evade responsibility and to throw the blame for defeating the will of the people upon the courts.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. LONDON. In one moment. Let me illustrate this. We have now in session a convention of the American Federation of Labor, representing millions of law-abiding, organized workers, and the name of Chief Justice Taft, when mentioned, is hissed at that convention. When the Supreme Court sustained the income-tax law, the representatives of the plutocratic papers throughout the country condemned the Supreme Court in most vigorous terms. Most of the time, however, it is the progressive elements that are discontented, for the very simple reason that the decisions of the court are necessarily based upon the old past.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, will the gentleman yield me a couple of minutes more?

Mr. HUDDLESTON. Mr. Chairman, I yield two minutes additional to the gentleman.

Mr. LONDON. I now yield to the gentleman from New York.

Mr. CLARKE of New York. Does not the gentleman think that part of these results could be attributed to the direct primaries, in that there are numbers of legislators who go to the different legislatures with the idea of perpetuating themselves instead of perpetuating American institutions?

Mr. LONDON. Those who advocate the abolition of the direct primary are advocating the abolition of one of the democratic methods of bringing the Government under the control of the people.

Mr. CLARKE of New York. But the records show, if the gentleman will permit, that not more than 20 or 25 or 30 per cent of the people at most are ever out at the primaries.

Mr. LONDON. The people should take more interest in the primaries, but because only 30 per cent of the people participate in the primaries, it does not follow that the whole question of nominating officials should be left to a clique of half a dozen men in a saloon in the city of New York.

Mr. WALSH. Sometimes there is a contempt on the part of the people for constitutional amendments that have been adopted and laws that have been passed under them. Would the gentleman have the effect of a law or a constitutional amendment based upon whether it is held in contempt by the people?

Mr. LONDON. I think that a constitutional amendment that is forced upon the people by the peculiar provision that we have now, an amendment that is adopted really in disregard of the wishes of the people—and the gentleman is probably referring to the prohibition amendment and the Volstead law—is artificial. It is adopted by two-thirds of the vote of Congress and three-fourths of the legislatures, but is not adopted by the people. There is not any doubt that there would have been no such amendment on a referendum. That is why I have proposed that constitutional amendments should be voted for by the people.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HUDDLESTON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WARD].

Mr. WARD of North Carolina. Mr. Chairman, to my mind it is obvious that among the many questions with which the public mind is agitated no single one is hardly so acute to-day with the cultured and Christian thought of America as is the question, What will the nations do to relieve the shocking, harrowing butchery and slaughter of Christians in Armenia, and when will they do it, and what part will our Government take in it? Is the bloody battle-ax of the unspeakable Turk to hold its unchecked sway and wade on in Christian blood until there is no more Christian blood left for it to wade in? Or has the world an effective civilization, with a heart consecrated and an eye directed to the end and purpose of resisting this process? Will this great country, with its thousands of temple spires rising over Christian altars pretending to point the way to the Cross, its thousands of Christian schools strengthening and educating its Christian life and character, its countless millions of free-gift Christian offerings made to relieve suffering and to spread the gospel of peace and civilization, ever rise to "magnify its

office" and to do the plain duty of executing the public will by exercising itself to put a stop to it?

For myself, I do not believe that tariffs, subsidies, or bonuses, or any other political or economic questions rise to the level of this great humanitarian question in the public conscience of America to-day. My desk is somewhat laden with evidences of the correctness of my opinion, and no doubt is that of every Member of this Congress.

From an editorial in the Living Church of May 27, 1922, I take the following:

It is reported that Great Britain has invited the United States to join her, with France and Italy, in the appointment of an international commission to investigate the Armenian situation and the Turkish atrocities in the Near East.

Recognizing the embarrassments of the present administration over such an invitation, as we do, we yet earnestly hope that it may be accepted. The American people owe it to the world to cooperate in protecting the Christian populations of the Near East from the Turks.

From the Right Rev. Joseph Blount Cheshire, bishop of North Carolina, come to me resolutions adopted May 17, 1922, by the Episcopal Convention of the Diocese of North Caorlina, calling upon our Government to—

aid the Christian nations of the world to put a stop to these relentless persecutions of these ancient peoples of God.

I have presented this resolution for its reference to the Committee on Foreign Affairs.

From an archdeacon in my State, of date June 1, 1922, comes the following appeal:

Will you not raise your voice in the House of Representatives on behalf of our persecuted Christian brothers in Armenia? Could there be a darker stain on our Nation's story than to sit by quietly while those long-oppressed people are handed back to the sovereignty of the brutal and despotic Turks?

From a presiding elder of the Methodist Church comes an equally strong appeal, which among others of equal moral and intellectual force have compelled the submission of these remarks. I have answered them all that they should be addressed to some Member or Members of the Congress nearer in touch with the administration, and especially to members of the Committee on Foreign Affairs of the House, of which I have not the honor to be one.

These evidences of popular concern and of righteous indignation have caused me to observe, as far as my opportunities permit, the attitude of the administration on this great question.

The history of the present situation rightly begins probably with the treaty of Sevres, which met soon after the Versailles conference, and in which our Government did not directly participate. At that treaty the so-called ruler of so much as had survived of the Turkish Government, having to do with the Armenian status, or his diplomatic representative, executed an agreement that the then President of the United States should arbitrate certain boundary lines, the settlement of which was intended to mark the limitation of Turkish tyranny and atrocity upon the Armenians. Thereupon soon followed surveys and investigations looking to the question of a mandate on the part of this Government over the Armenian territory and population. Those of Brigadier General Mosely and of Major General Harbord are replete with information (S. Doc. 281, 66th Cong.). On the 24th of May, 1920, President Wilson addressed to the Congress a message responding to an official communication from the Senate, which communication was in the form of a resolution adopted by the Senate. This resolution, directed primarily to the protectorate along the line of railroad from Batum to Baku, is interesting to the point of my remarks for its recital of the facts of the "reported massacres and other atrocities from which the Armenian people have suffered, and that the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia." It constitutes an acknowledgment and recognition of these facts by the United Senate Senate. In his message the President made mention that—

almost at the same time I received information that the conference of statesmen now sitting at San Remo, for the purpose of working out the details of peace with the Central Powers, had formally resolved to address a definite appeal to this Government to accept the mandate of Armenia.

Of great significance is one of the reasons given by that conclave of European statesmen for this request, to wit: "Because they believe that the appearance on the scene of the power emancipated from the prepossession of the Old World will inspire a wider confidence and afford a firmer guaranty for stability in the future than would the selection of any European power."

Readiness to accept this great responsibility and argument in support of its wisdom and necessity was given to the Congress in that message in the President's characteristic strength of expression, but unfortunately, as I believe, the proposition was emphatically repudiated by the Congress. Nothing, therefore, has come of the offer of the Turkish authorities to arbitrate the boundary line, nor of the suggested mandate in which the heart and soul of Christendom was so deeply involved. Persecutions, expatriations, atrocities, massacres, and butcheries have gone on and still continue. The appetite for blood and murder has grown on what it fed on, and rivers and waysides run red with Christian blood. Earlier evidences are contained in an article appearing in the New York Times on June 6, 1922, containing an interview with Dr. Mark H. Ward, of Suffern, N. Y., an American official of the Near East Relief, who has just returned from Harpoot, in which he relates facts, bringing them practically up to date. The human soul shudders and the blood runs cold at the reading of his recitals. I quote the following:

Doctor Ward told how men, women, and children had been forced by the Turks to toil over the roads, carrying such belongings as they most prized on their backs, until they fell exhausted. Between Sivas and Harpoot was counted 1,500 dead bodies.

This is recited here, Mr. Chairman, not to add to the horror of the evidence but to bring it up to date and to show that it is still not too late to do something.

Some time during the past winter the gentleman from Massachusetts [Mr. ROGERS], at the request of the office of the Armenian-American Society in New York City, introduced House Resolution No. 244. I submit a copy of it as a part of my remarks:

RESOLUTION.

Whereas the Armenians and other Christian peoples of Turkey continue in their evil plight and the refugees are unable to return to their homes; and

Whereas the evacuation of Cilicia, already begun, has brought calamity to the Christian population there; and

Whereas the humanitarian sentiment of the people of the United States is strongly enlisted in behalf of these Christian populations, for whom American relief has been generously given: Therefore be it

Resolved, That the President be requested to express to the de facto government at Angora the moral protest of the United States against the persecution of the Armenians and other Christian peoples; and be it further

Resolved, That the President be requested, if not incompatible with public interest, to take up with Great Britain, France, and Italy the question of calling a conference for the purpose of considering methods by which the Armenians may be given an opportunity to establish themselves as a nation.

On the 7th day of March, 1922, the Committee on Foreign Affairs of this House, to which this resolution was referred, held a hearing on it. There were present at the hearing Mr. Walter George Smith, president of the Armenian-American Society; Mr. George R. Montgomery, its director; Rev. Mihram T. Kalaidjaim, pastor under the Congregational Home Missionary Society and officially connected with the Armenian-American Society; Mr. G. H. Papazian; Mr. Charles V. Vickery, general secretary Near East Relief; Rev. W. C Emhardt, representing the presiding bishop and council of the Episcopal Church of the United States; and Mr. M. Vartan Malcom, of New York. A few extracts from the statements of these witnesses are submitted, bearing, first, upon the real conditions as now existing and the history of Armenian sufferings, to wit:

Question by Mr. COCKRAN. About how many of the population were left; what population is there now?

Mr. SMITH. I can only make a guess; there were at least 1,000,000 of them utterly destroyed.

Mr. LINEBERGER. A million massacred? Does that include battle casualties on both sides?

Mr. SMITH. I am not speaking of battle casualties; I am speaking of the actual massacres, estimated at 700,000, and those dying in deportation, estimated at 300,000.

Mr. COCKRAN. Were those massacres by troops or by infuriated people?

Mr. SMITH. By private persons—cutthroats and other persons among the Turks.

It is useless to continue recitals of these evidences of horror appearing by all the witnesses on this hearing. The current literature and news of the day is reeking with it, and the world stands aghast, astounded, and asking in despair, "Are governments useless or impotent? Is Christianity a failure, or is it afraid or too impotent to assert itself in a world of crime and lawlessness of these gigantic proportions?"

My remarks are intended to have a purpose and point beyond these recitals and beyond and outside of the things of the past, which the culture and Christianity of the world so much regret, that caused the Congress to repudiate the proffered mandate of the President. These things are water behind the wheel. They are gone, but I hope and believe not forever. I look for their return. The purpose of this speech is to ask—is to appeal—first, to the Committee on Foreign Affairs of this House; next, to the whole House; and next to the State Department, and on and on wherever an appeal can properly lie, for as early action upon the spirit of that resolution now pending before the Foreign Affairs Committee as is compatible with the possibilities of human action in governmental agencies. This resolution has been slumbering in the office of that committee now

for more than 90 days, while Christian blood still flows and murder and death horrify the world. Why should it not be reported out, is the question this speech is intended to ask. I am asking the question with official and personal respect to every member of that committee and to every agency of the Government higher up that may exercise its secret influence over its deliberations. I use this expression because I have been told by one who possibly knew, not a great distance from the committee room, that such influence was being exerted and the State Department did not want it reported. If this is so, it is my privilege to remark, "How wide the limit stands" between the policy of the State Department and the heart and soul of American Christianity and culture.

I know, Mr. Chairman, that governments of republics hardly less than those of monarchies have from time immemorial acted upon the doctrine that it will not do to let the people rule in the councils of international affairs. I am not disposed to subject myself to the charge sure to be made—of radicalism, demagoguery, and anarchy—far enough to assail this doctrine at this hour. Along its whole front it may have some strong intrenchments somewhere in the science of government and in human psychology. There may be something I do not see, some cause my limited experience has not revealed to me, why the people may be capable of exercising every other phase of self-government and be totally unfit to exercise this preeminently important one. It may be proper that far above the voice and touch of the great masses of mankind, whose hearts wring with anguish at such conditions, and who have been taught to think they had some sacred rights of direct interposition in the affairs of their Government, there should sit enthroned in a halo of sanctity and self-conceited wisdom a department having control exclusively of the Nation's foreign affairs. If so, it is a hard and disappointing thought to realize. It simply is not so. I do not know what reasons there may be acting upon this committee if not the influence above suggested, but I express the belief that there is one of an extraordinary character. As a committee composed of Members of the House of Representatives, in all respects, saving none, directly representing the people, I can not conceive of it that 90 days could pass after a recital before it of the facts it has heard, and that an appeal of the character which the hearings disclose would be refused action of some kind, giving its reasons for the same for this long a period, if there was not some cause controlling it which can not be appreciated beyond its secret councils. If this resolution is brought into the House with a favorable report, I venture the opinion that it will pass with practical unanimity.

Is it true that the prevailing view of international aloofness and exclusiveness from the touch of Europe growing out of the last election is the controlling cause? If so, I profess to represent the best sentiment of Christian culture of America in protesting against its application to this particular resolution. I know the popular vote of the election of 1920 is construed by this administration and all its supporters as a command to keep hands off of all the affairs of a struggling, suffering world if any of them are at the other end of an Atlantic cable. I protest against the correctness of that construction, but to quarrel with it now and here would detract from rather than add to the possibilities of any effect my appeal might have because there is hardly any limit to which partisan sensibility and consequent resentment may not sometimes go. I am protesting only against the application of the mandate of the American vote in the 1920 election to the case at bar—to the resolution to which I am speaking. Perhaps the committee asserts its justification in its view of the real effectiveness and the practicability of the resolution itself. Perhaps the controlling influence of the committee thinks the resolution impracticable and that it would accomplish nothing. To that argument I address myself, first, by the citation of some of the reasons given by some of the witnesses for asking for its adoption. These witnesses are of high intellectual and moral equipment. Their souls are consecrated to this great question.

They have studied it, consulted over it, and prayed over it, after all of which they have asked the gentleman from Massachusetts to introduce it. They are not committed with slavish adherence to the particular language of its text. They seek after its spirit. What, then, is its spirit? Its spirit is that this Government should make a "moral protest against the persecution of the Armenian and other peoples," and that with such force as it has frequently done in the past for similar causes and in similar instances; that it should take up with Great Britain, France, and Italy this question and, if thought good, call a conference for the purpose of jointly considering it. If there is harm and danger in this, then certainly this Government and its people are asleep over the crater of a volcano of which the people do not know and of which they are entitled to be informed. By this I mean that if such a delicate, tender, and inoffensive action as this may have in it the possibilities of international embarrassment and serious complications, or if the probabilities of war would be involved in it, then certainly our condition is much more precarious and unfortunate than the people have imagined. If national diplomacy is so chary, cautious, and justly subject to alarm as this would indicate, then the sword of Damocles hangs over a people and a Nation of which I think they have no intelligent understanding. This is simply not so, and all the diplomats of all the nations will tell it in vain to an unbelieving world.

The people have not forgotten that, in the face of a world of nations armed to the teeth, Presidents Cleveland and Roosevelt made the hand of this Nation felt in matters much more potential and pregnant with danger than this matter can be, and that without war. Nor have they forgotten that Mr. Webster did not fear to undertake exactly the same thing.

Now, as to the question whether the resolution is properly withheld from the House by reason of any conviction on the part of the committee or its chairman that it is useless, ineffective, or impractical. It was introduced at the request of the only organization of gentlemen that has this question immediately in hand. This organization must enjoy in the largest measure the confidence of that class of the American public whose minds and souls are big enough and whose numbers are sufficient to reflect the character of America as a Christian nation. These people have contributed, as the hearing shows, more than $63,000,000 since the armistice for the relief of Armenian suffering, to be applied through the agency of this society. Stronger evidences of public confidence could hardly be asked for. The officers of this society and their helpers have concentrated their conclusions upon the idea expressed in the statement of President Smith, as follows:

Now, what can you do, you ask me, gentlemen, in frankness. Is it to commit the United States Government to a change in its traditional policy? Not at all. We do not ask that. What I ask you to do is to set the seal of your approval upon the majority sentiment of the American people; that they look with anxiety and with the most marked disapproval upon this do-nothing policy of European powers.

Mr. COCKRAN. Supposing you get this resolution through for Executive action, what definite action can the powers, or any of them, take?

Mr. SMITH. In my humble judgment, and I think the recent epoch-making events of the conference in Washington prove it all, all the armies in the world and all the navies in the world are not as strong as the moral influence of the world. The favorable sentiment of the American people is the best asset that any nation can have in the world to-day. It seems to me if the properly accredited representative of the United States Government—for instance, Admiral Bristol, the American high commissioner in Constantinople—were dispatched to Mustapha Kemal Pasha and told to say to him that the further destruction of Christian lives and property under his jurisdiction would be sternly punished, it seems to me it would stop in a moment. I can not doubt that the civilization of the world to-day depends upon the wisdom and statesmanship of the leaders of the American people, and if we fall back into the same cynical selfishness that has brought ruin on Europe, the civilization of the world may not be lost, but it is largely impaired. We come to you gentlemen asking not for a dollar of money or a gun or a bayonet, but we ask you as representatives of the American people to express officially what has been expressed unofficially from San Francisco to New York and from Portland, Me., to New Orleans.

From Secretary Montgomery I quote as follows:

If Congress would accept the resolution, we feel that it would be tremendously effective, because the great thing is to bring about an agreement among the European powers—Great Britain, France, and Italy.

As has been pointed out by Mr. Smith, and I think by some of the members of the committee, it is a fact that it is a disagreement among the powers that perpetuates the present condition and will continue the present condition, unless influence should come in from the outside, from the United States, as suggested here. We do not ask the United States to call the conference but simply to take up with Great Britain, France, and Italy the question of calling a conference. It becomes an offer of good will, of the use of good offices. If it could go so far that the conference would be called, the mere presence of the United States in that conference would serve to bring about a different attitude on the part of some of those powers. The mere use of its good offices by the United States would do a great deal toward settling in a right way the Near East matters. A European statesman who is in a position to know all the currents of European politics writes in a recent letter: "I am not in a position to judge whether there is the slightest hope of the American Government's intervening to assist all the devoted work which so many American subjects have carried on in Asia Minor. I believe that a decided action by Washington would change the whole situation in the most startling manner. I fear that I do not see what else could do so.

From Rev. Mr. Kalaidjian:

We appeal to you because the destiny of a Christian nation and the extinction or revival of Christian civilization in Armenia will depend on America raising its voice in behalf of Armenia, and I believe it will be heard in the chancelleries of Europe and bear good results. This morning in reading the paper I read that the foreign ministers have a conference in the Near East on the 20th of this month.

If this Congress should pass a resolution and the executive branch of the Government could participate in that conference, I am sure, without a battleship, without spending a dollar of American money, without any soldiers, our moral influence will be enough to bring harmony and union among the allied powers. We have no doubt that if Congress will adopt this resolution the Armenians will live and have a new lease of life.

Says Mr. Secretary Vickery:

I would rather have traveled through central Anatolia with the protection of American citizenship papers than to travel with a bodyguard of soldiers of any other country. I have this feeling about the thing. I am not in favor of any armed intervention. I do not think armed intervention is necessary. I said in 1919 a person could have traveled anywhere in Turkey with no other or better protection than American citizenship, but I believe that if to-day the so-called great powers, the civilized powers, including America, would agree on what is right and say these are rights approved by international law and we propose to stand by the principles of international law, that without the firing of a gun or the loss of a drop of blood this whole thing could be righted by moral force, economic forces, commercial forces, and diplomatic procedure. It requires somebody who will stand for what is right.

I am not authorized to express the opinion of any member of the committee, but I draw my own deductions favorable to this resolution as to some of them from questions submitted to the witnesses. First is that of Mr. MOORE of Virginia, whose opinion stands in value second to none among the membership of this House:

Mr. MOORE. To be specific in this resolution, as I understand it, there is no expression for the employment of force ultimately, but what you desire is to enlist the persuasive influence of this Government?

Mr. SMITH. Exactly.

Mr. MOORE. Exactly as that influence was exerted in the House of Representatives under the leadership of Mr. Webster when it passed the resolution with reference to the situation then existing in Greece. In that situation the Greeks were being oppressed and murdered by the Turks.

After some colloquy, Mr. MOORE says:

Mr. MOORE. The point I am making is this, that the House of Representatives has never hesitated to express itself with reference to such a condition as exists now in Armenia. You are not asking for any independent action by the House or Congress. You are only asking the House of Representatives to pass a resolution bringing this matter in a respectful way to the attention of the executive department.

From interrogatories by Mr. COOPER, of the committee:

Mr. COOPER. Is it not true that the indignant protests, a forceful protest of the American people, supposedly the most independent and most powerful and most disinterested on this question of any in the world, sent to European officials, without any threat of physical force in contemplation, would have a tremendous effect in rousing public sentiment in continental Europe on that question?

Mr. SMITH. I have no doubt of it.

Mr. COOPER. And no Government over there can withstand public opinion any more than our Government?

Mr. SMITH. Absolutely not.

Mr. COOPER. Now, then, if this would do or tend to accomplish that, would it not be a very beneficent purpose to attempt?

Mr. SMITH. At any rate, it would be doing all that we can do at this time.

Here are expressions of the purpose of this resolution and of opinions as to its utility, proceeding from a source which must commend it to a respectful consideration, and if I am not misinterpreting the mental drift of members of the committee, there is respectable sentiment on the committee favorable to the disposition of the resolution and believing in its effectiveness. And yet the coffin lid of hope is nailed upon it for more than 90 days. Mr. Chairman, this is not a quarreling nor a faultfinding speech. "What private griefs men have, I know not," and what honest opinions men entertain are only for me to respect, but I am not to agree with them nor surrender to them nor fail to protest against them when they infringe my own and the moral sensibilities of the world, and that the withholding of this resolution, the failure to report, the failure of the State Department to respond in a proper and an effective way, which I know it can do, to the righteous demands of the Christian people of the Nation, do offend the moral sensibilities of the world, I do not for a moment doubt. The only position, so far as I can know, of this Government in this matter is set out in the following:

[For the press.]

DEPARTMENT OF STATE, *June 3, 1922.*

ANATOLIA.

The Secretary of State to-day announced that the United States Government is prepared to join in a proposed investigation of the reports relating to the deportation of Christian minorities in Anatolia and the alleged atrocities connected therewith. The Secretary of State made the following statement:

"On May 15, 1922, a note was received from the British ambassador referring to reports of the renewal of the deportation of Christians by the Turkish authorities at Angora, and the alleged atrocities connected therewith, and communicating a proposal of the British Government that the American, British, French, and Italian Governments should at once depute carefully selected officers to proceed to such places in Anatolia as might best enable them to conduct an appropriate investigation.

"In a subsequent memorandum of May 19 the British ambassador indicated that the Turkish deportations and outrages might lead to retaliatory action in territory held by the Greek forces and suggested that the Government of the United States should join in requesting the authorities functioning in Greece to permit the dispatch of officers to regions under Greek occupation.

"In answering these communications the Secretary of State has said that the situation of the Christian minorities in Turkey has enlisted to a marked degree the sympathies of the American people and it has been noted with deep concern that the work of benevolent and educational institutions in Turkey has steadily been hampered, that the rights which American citizens have long enjoyed in Turkey in common with the nationals of other powers have often been disregarded and the property rights and interests of Americans and other foreigners placed in jeopardy.

"In view of the humanitarian considerations which are involved and of the desire of this Government to have adequate information through a thorough and impartial investigation of the actual conditions prevailing in Anatolia, in order that this Government may determine its future policy in relation to the authorities concerned, the President is prepared to designate an officer or officers to take part in the proposed inquiry.

"In informing the British Government of the foregoing the Government of the United States has made it clear that the proposed action is limited in scope to an inquiry to obtain accurate data as to the situation in Anatolia for the information of the Governments participating therein and has stated that this Government assumes no further obligation and enters into no commitment.

"In order to expedite the inquiry it was at the same time suggested by this Government that officers should be designated by the respective Governments to institute inquiries concurrently in the districts respectively under Greek and Turkish occupation, and that these two commissions, upon the completion of their investigation, should unite in a comprehensive report."

If anything in human life, official or unofficial, can be more pitiably weak, impotent, and ineffective than this response it is hard to conceive of it. The agreement to designate an officer to take part in an inquiry is sapped of all its vitality and vigor by the emphatic assurance—

that this Government assumes no further obligation and enters into no commitment.

Certainly the President sees hobgoblins, ghosts, and demons. With him and the Secretary of State—

'Tis now the very witching time of night, when churchyards yawn and witches walk and bandogs howl and hell itself breathes out contagion to the world.

If the world is this full of ghosts, it is not known outside the State Department.

For nearly 400 years Armenia has been the object of the affectionate sympathy of the Christian world, and naturally so. Its persecutions commenced to horrify the world during the fourteenth century. At its highest peak in its history it represented a population of 20,000,000. Decimation, persecution, murder, and rapine have so depleted its ranks and scattered them to the four winds of the heavens that 3,000,000 souls are about all that can be found on the face of the earth to-day. The last six years, three of war and three of nominal peace—and three times more in the latter—have witnessed the butchery and destruction of a million five hundred thousand of them. They are a wonderful people—the superior of all the Asiatic and eastern European peoples industrially, intellectually, and religiously. They have always made valuable additions to American citizenship and assimilated the principles of our Government with remarkable adaptitude. They have always been intuitively Christian. The world storms of paganism and Mohammedism have swept over and around them in vain. Like a consecrated sentinel they have stood through the Dark Ages of a dark continent, holding high the cross. Out of this wonderful history of Christian loyalty, coming down the corridors of time from the very feet of the apostles, there is handed down a beautiful tradition, of which I had never heard until I saw mention of it by one of the witnesses in the hearings to which I have above referred. I think it ought to be more generally known, whether accepted or not. Mr. Montgomery said:

Armenia was the first nation officially to adopt Christianity, with all that that act involved in a pagan world. Dickran was King of Armenia and was supposed to have been in Urfa, and in a letter he sent an invitation to the Christ, when he knew that He was being persecuted in Jerusalem, to come up there and take refuge, or at least to visit them. The reply of Christ was that it was impossible for Him to come, but that He would arrange to send some of His disciples up there. That was in the year 31 A. D.

Mr. Chairman, whether this tradition is true or not its existence shows the record of Christian loyalty through all the long history of the nation. If, sir, there is a spiritual life there is a spiritual accountability, and if a spiritual accountability there is a spiritual responsibility, and if it is individual it is no less collective. If men live by it and die by it then nations stand by it and fall by it. That responsibility, as sure as we live to-day, is enjoined upon this Government of ours to come out in the open light of day before the open eyes of an anxious world and intervene in behalf of murdered Christianity. If the Christ to which the beautiful tradition attaches lives to-day, as we believe He does, He enjoins that responsibility on this Government, but it can not be doubted that between Him and the Armenians somewhere the connecting cord of human responsibility is broken, and for myself I believe it is broken here in Washington. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I am absolutely opposed to the policy of the United States Shipping Board in permitting the sale of intoxicating liquors on American ships. We

are told that the present Shipping Board has inherited this policy from their predecessors, but I believe this practice should be stopped. When the merchant marine bill comes before the House I shall support an amendment to the bill which will make it illegal beyond question to sell liquor on vessels operated under the American flag.

The continuation of the present policy does, in my opinion, justify the charge that "Uncle Sam" is engaged in bootlegging. Our Constitution prohibits the sale and manufacture of intoxicating liquor within the United States and its Territories, and yet we have the disgraceful condition of our Government-owned ships sailing under the protection of our flag, upon which the spirit, if not the letter, of the constituted law of the land is being openly violated. Is it any wonder that the people of Europe say that Americans are not sincere in their efforts to enforce prohibition, when they observe the spirit of the Constitution being violated on our own Government-owned ships?

No one will deny that the lawbreaker and bootlegger in our own land will be encouraged to carry on his work by reason of the policy of the Shipping Board, for it places the Government in the position of admitting its inability or unwillingness to enforce its own laws. Our Government can not afford to permit this condition to continue, and the Shipping Board has no more right to permit liquor to be sold on Government-owned ships operated under the American flag than the moonshiner and bootlegger at home has to dispense his poison bootleg whisky and raisin jack. The law of our land should follow our flag wherever it goes, whether on land or sea. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, I now yield to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I yield the remainder of my time to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I want to talk for a minute this morning and direct the attention of this committee to what is being done with the subject on which we very emphatically expressed ourselves when the tariff bill passed this House. It will be remembered that in Committee of the Whole we adopted an amendment placing a tariff on hides. Then the proposition was made to place what was called a compensatory duty on shoes and other manufactured leather products. That was defeated, and then the tariff on hides when we came back into the House was defeated, because the leather manufacturers were determined to have compensation if they had to carry a tariff on hides. What has been done?

The other body has reported, and I understand it passed, a portion of the bill placing on the hides of cattle of the bovine species 2 cents per pound. Take a 30-pound hide, and 2 cents a pound is 60 cents. Now, it was stated here in the debate in the committee that a 30-pound hide makes 10 pairs of shoes. That is 6 cents a pair of shoes, is it not? If you put 60 cents on a hide that will make 10 pairs of shoes, that makes 6 cents on a pair of shoes. Let us see what they do for the fellow that makes the shoes and the fellow that wears them. It says:

Boots and shoes, made wholly or in chief value of leather made of hides of cattle of the bovine species, 12 cents per pair and 5 per cent ad valorem.

Every time you put 6 cents on raw material that a manufacturer of leather goods uses he wants 12 cents on his product, and that is what he is getting. You put 6 cents on the hide that goes into a pair of shoes and they put 12 cents on the shoes, but they do not stop there. They want to be dead sure they get the worth of the money. Twelve cents a pair and 5 per cent ad valorem. Here is the farmer who plows and wears brogans. He goes to buy them, and they say they are $3, and they add 12 cents and then 5 per cent ad valorem, which is 5 per cent of $3. Fifteen cents and 12 cents make 27 cents. In other words, they add 9 per cent to the price of his shoes; that is, the farmer who plows and wears a cheap shoe. Some of us wear $12 shoes. I have had to pay that for mine, but I dislike to admit it. There are lots of people who pay more. But take a $12 shoe. They add 12 cents and then 5 per cent, which is 60 cents, and which is the total of 72 cents to his shoes, which is 6 per cent of the price. In other words, 6 per cent is added to the price for a man who wears expensive shoes, and 9 per cent to the price for the fellow who works in the trench or plows in the field. You can very readily see where they land. Of course on the cheap shoe they pay but 6 cents in the tariff on the hide. They have made 21 cents profit on it.

Mr. WINSLOW. Will the gentleman yield?

Mr. STEVENSON. I can not. I know this shoe pinches a man from Massachusetts.

They have put this on, and they go out——

Mr. WINSLOW. Will the gentleman yield?

Mr. STEVENSON. If the gentleman is so anxious, I will yield.

Mr. WINSLOW. I want to ask you if you will be kind enough to make a concrete example, based on mathematics, to illustrate what will happen with that 6 cents, and 12 cents, and 5 per cent, because it is pretty difficult for people to understand it in any other form.

Mr. STEVENSON. If the gentleman is through, I can give him an illustration. Here is a farmer who wears brogan shoes, and when he goes to buy shoes they add 27 cents to a pair of shoes. That is concrete. That is 9 per cent of the cost. I have added it up, too. I can not do it twice. If you have a man who buys a $12 pair of shoes, they add 60 cents and 12 cents, and they charge the man who buys the shoe 72 cents.

Mr. WINSLOW. Will the gentleman kindly extend his mathematics concretely in the RECORD?

Mr. STEVENSON. I will do it. I never have run away from a statement that I made on the floor of the House. If the gentleman can not understand it, I can not furnish him with understanding. Here is what the proposition is. Here is a man that buys cheap shoes, and he has got to pay a higher rate in the shape of a tariff tax than the man who buys the higher priced shoes. Are you going to meet some of your people that way this fall? If so, I would like to meet you jointly on the proposition. This is a discrimination between the poor man and the rich man, and you can not get away from it. Let us see what you propose to have. On a $12 pair of shoes they pay 6 cents tariff on the hide, according to the statement made here. On the plea of getting a compensatory duty they have added 72 cents, being 66 cents to the profit.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the Panama Canal Act, approved August 24, 1912, is hereby amended to read as follows:

"SEC. 7. That the Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the Governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100, or imprisonment exceeding 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this act and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrate courts, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts shall be appointed by the Governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The Governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

"Appeals in civil and criminal cases are hereby authorized from the judgments and rulings of the magistrate courts to the district court under the rules and regulations prescribed by section 6 of Executive order of March 12, 1914, relating to the Canal Zone judiciary: *Provided, however,* That there shall be no right of appeal in criminal cases, except in those cases wherein the defendant has been sentenced to jail or has been fined in amount exceeding $25."

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois [Mr. DENISON] a question or two relative to the hearings on this bill. I have the hearings that are supposed to be all the hearings, at least all that I could get from the Committee on Interstate and Foreign Commerce, and which purport to be on H. R. 8409. I notice in the gentleman's report that a number of bills heretofore reported to the House on the same subject mat-

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ter refer to the hearings set out in this pamphlet that I hold in my hand. In this pamphlet I notice that the district attorney of the Canal Zone comes before the committee and explains the provision of H. R. 4809, which was introduced long before this bill was introduced and contains no provision in it about the abolishment of the United States marshal's office in Panama. I notice further that a letter there by Secretary Weeks does not refer in any way, although it discusses the bill in detail, to the subject of abolishing the United States marshal. And then, in the hearings we find the statement by Governor Morrow, favoring the bill, and it does not say anything about the abolishment of the United States marshal's office. Outside of the testimony of the district attorney and the statement of Governor Morrow, I do not find anything of any value so far as the hearings are concerned. Now, as to the bill containing the provision that would abolish the United States marshal, what witnesses, if any, came before the committee and testified?

Mr. DENISON. Well, Mr. Chairman, of course the provision in regard to the United States marshal does not appear in this particular section of the bill. I would not want to go into a discussion of that question at this time. I would prefer that the gentleman postpone that question about the marshalship until we reach the provision of the bill relating to it.

Mr. BLAND of Indiana. It has a bearing upon the subject matter in this section. The things taken up in this section were taken up in the hearings, and yet nothing was said in those hearings in regard to the abolishment of the United States marshal. What witnesses appeared before the committee advocating the abolition of the United States marshal's office?

Mr. DENISON. Mr. Chairman, of course, I have explained this matter to my friend from Indiana [Mr. BLAND] privately, but if he wants me to explain it in the RECORD, as he doubtless does——

Mr. BLAND of Indiana. Certainly; I want the Members to understand it.

Mr. DENISON. In the beginning of this session I filed a bill, known as H. R. 4809, which covers part of the subject matter of the pending bill. During the former Congress there were several bills filed by the members of the Committee on Interstate and Foreign Commerce of the House, and I remember that two of them particularly were filed by Mr. Esch, then the chairman of the committee. These bills were filed and hearings held on them by the committee.

Mr. BLAND of Indiana. Neither one of them contained this provision, did it?

Mr. DENISON. Hearings were held on them by the committee, and they were ordered reported to the House. That was near the close of the former Congress. But they were not reached, and Congress adjourned. Then, in the beginning of this Congress, Mr. Esch not being on the committee any longer, similar bills were filed by myself upon this subject, amending the Panama Canal act and other legislative acts relating to the Canal Zone.

Now, afterwards it became advisable, in my judgment, to have a new bill to take the place of H. R. 4809, in view of the hearings we had on that bill, so as to include in the legislation certain changes which the committee had decided upon after the hearings on H. R. 4809.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last two words.

Mr. DENISON. If the gentleman will yield further, I will continue my statement.

Mr. BLAND of Indiana. I wish the gentleman would answer the question I asked him.

Mr. DENISON. There were four bills pending, and the committee had before it the hearings on former similar bills, and we did not feel justified in asking that the witnesses should come to the United States from Panama to testify upon a matter on which they had already testified before the same committee, so that the committee used those hearings on the former bills and the information which the various members of the committee had gotten personally when visiting on the Canal Zone.

Mr. BLAND of Indiana. What witnesses?

Mr. DENISON. One of them was Governor Harding. He was the former Governor of the Canal Zone. I do not know who they all were now, but at any rate the committee had those hearings before them, and the committee thought that they had sufficient information to enable them to act upon these bills.

Now, in addition to the testimony of Governor Harding we had communications from the present governor, and we had communications from the present Secretary of War, who is charged with the administration of affairs in Panama. Now, let me state for the benefit of my friend from Indiana that in none of these bills was there any provision about abolishing the office of marshal, but after we had concluded the hearings and after those bills had been reported the Secretary of War called our attention to the fact that a special investigating committee had made an investigation of the Canal Zone and had recommended that this office of marshal be abolished. Therefore he sent a communication to the chairman of the committee and asked that one of the bills be amended so as to make that provision.

Then, when the time came recently to take up these Panama bills, as I explained the other day when we had the bill up for consideration, as a matter of expediency it was decided by the committee to combine all four of the bills in one, and in doing that we embodied in the combined bill the provision with reference to the marshal as it had been recommended and urged by the Secretary of War.

Mr. BLAND of Indiana. Then, you had no one suggesting the advisability of abolishing the office of United States marshal in Panama except the letter of the Secretary of War. Is that right?

Mr. DENISON. Mr. Chairman, I have made my statement, and I thought I had made it very clear. I do not intend to discuss that question further now, but will do so when we come to it.

Mr. BLAND of Indiana. The gentleman refuses to answer that question. Will the gentleman answer another one? The Federal judge of the zone has been here recently. Did you ask him anything relative to the abolition of the office of United States marshal in Panama? Did you ask him concerning it? Did he testify?

Mr. DENISON. He did not.

Mr. BLAND of Indiana. Did you ask him anything on the subject?

Mr. DENISON. I am not testifying now.

Mr. BLAND of Indiana. The district attorney of the Panama Canal was here, was he not? Did you ask him anything about this subject? No; and he did not testify anything on the subject at all. The Attorney General of the United States, Mr. Daugherty, appointed the United States marshal. Did you inquire if he was in favor of having the office abolished? The gentleman does not answer.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a question?

Mr. BLAND of Indiana. I shall be glad to yield.

Mr. WINGO. Is the gentleman in favor of discharging this marshal because Mr. Daugherty appointed him?

Mr. BLAND of Indiana. I am in favor of consulting the man who appointed him, when he is under the jurisdiction of the Department of Justice. It is shown here that the Secretary of War wrote a letter to abolish the office. They have it in the bill. Of course, there were military fellows about him, and the men who went down there to make an investigation recommended the discontinuance of the marshalship, and that man who was the master mind of the commission was General Connor, and you know that there is a Bourbon military man who has the military notion on all subjects.

Mr. WINGO. What reason does the Secretary of War give for wanting to abolish the office of the marshal?

Mr. BLAND of Indiana. He says the police can do it, and that they have not much to do, and that they can appoint deputies. They will have enough additional policemen down there to more than treble the amount of salary paid. But why not have a United States marshal down there to carry out the edicts and orders of the Federal court?

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That section 8 of the Panama Canal act is hereby amended to read as follows:

"SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed, amended, or repealed by order of the President.

"(b) The said district court shall have jurisdiction of—

"All felony cases under the laws of the Canal Zone;

"All offenses arising under section 10 of this act;

"All cases in equity;

"All cases in admiralty;

"All cases of divorce and annulment of marriage;
"All cases at law involving principal sums exceeding $300;
"All appeals from judgments rendered in the magistrates' courts;
"All matters and proceedings not otherwise provided for which at the time this act took effect were within the jurisdiction of the Supreme Court of the Canal Zone, the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof; and

"In addition to the jurisdiction now specifically conferred on it by certain acts of Congress, the said court shall have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed upon the high seas beyond the territorial limits of the Canal Zone, on vessels belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense: *Provided*, That this provision shall not be construed to deprive district courts of the United States of any jurisdiction now provided by law. The procedure and practice in such cases shall be the same as in other criminal cases tried under the laws of the Canal Zone.

"The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same as is exercised by the United States district judges and the United States district courts, and the practice and procedure shall be the same as in the United States district courts.

"(c) The judge of the district court shall provide for the selection, summoning, and serving of jurors from among the citizens of the United States, subject to jury duty, to serve in the division of the district in which such jurors reside; and a jury shall be had in any civil or criminal case originating in said court on the demand of either party. The compensation of jurors shall be prescribed by order of the President.

"(d) The said district judge shall receive the same salary as is allowed to United States district judges, and when holding court away from home shall be allowed the same mileage and per diem as is allowed to United States district judges; he shall appoint the clerk of said court, and may appoint one assistant clerk and such other additional help as the President may authorize; all of such officials and help shall receive such compensation as shall be prescribed by order of the President.

"(e) During the absence of the district judge or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by a special judge, to be designated by the President, which designation may be made by cablegram or otherwise, and who shall be an attorney at law qualified to practice before the courts of the Canal Zone or any of the United States district courts or any of the superior courts of any State, Territory, or possession of the United States, and who during such service shall be paid at the same rate of compensation and the same mileage and per diem as that paid the district judge of the Canal Zone.

"(f) There shall be a district attorney for said court, who shall be paid a salary of $5,000 per annum.

"It shall be the duty of the district attorney to conduct all legal proceedings, civil and criminal, for the Government, and to advise the Governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs.

"Effective 60 days from the passage of this act the position of marshal is hereby discontinued, and the duties of marshal of said court shall be performed by the chief of police of the Canal Zone, and such members of his force as he may deputize for that purpose, with the approval of the court.

"It shall be the duty of the chief of police, and his deputies designated for that purpose, to execute all process of the court, preserve order therein, and do all things usually incident to the office of marshal.

"(g) The district judge and the district attorney shall be appointed by the President, as heretofore, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified; they shall reside within the Canal Zone during their term of office, and shall be allowed six weeks' leave of absence each year with pay, under such regulations as the President may from time to time prescribe."

Mr. ROGERS. Mr. Chairman, I move to strike out the last word. In the course of general debate there was reference made by the gentleman from North Carolina [Mr. WARD] to Armenia. I suppose there is no Member of this House who does not share the feeling that the conditions in Armenia and the plight of the Armenians present one of the most lamentable and deplorable things to be found anywhere in the history of civilization, and certainly the most lamentable and deplorable condition existing anywhere in the world to-day. The gentleman from North Carolina alluded to the fact that some months ago I had introduced a resolution on the subject of Armenia, and regretted the fact that the Committee on Foreign Affairs had not taken affirmative and favorable action on the resolution, or something like it.

I did introduce such a resolution, and hearings have been held thereon. At those hearings many facts of importance as to conditions in Armenia and the Near East were brought out. At the time when the Committee on Foreign Affairs was very seriously considering whether a report of some kind should be made we learned, as it was our business to learn, that the executive branch of the Government was directly interesting itself in the Armenian question, and hoped in some tangible and specific way to show that interest. I suppose that we should all agree that this problem is primarily and in the first instance an executive rather than a legislative one; that is, these questions involve the conduct of the foreign relations of the United States and must be dealt with from the other end of Pennsylvania Avenue, in most cases, and perhaps in all cases, rather than at this end of the Avenue. In my judgment the Congress of the United States is pretty apt to make a grievous mistake when it undertakes to dabble in international questions of this general character—resolutions of sympathy and the like. They properly belong to the Executive.

So when the Committee on Foreign Affairs learned of the program of the Executive it suspended its operations; while it has not taken any action and will not take any negative action on the resolution, it will probably take no favorable action.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. MOORE of Virginia. The gentleman introduced the resolution, which meant the assumption that Congress might very properly act, and that was done last year. The hearings were completed, as I recollect, on the 7th of March. I may say in commenting on the last remarks of the gentleman that the committee has never heard that there has been any suspension of the purpose to go on to a final conclusion, and certainly the minority members never have heard of it.

Mr. ROGERS. I will say frankly that there has been no formal action looking toward suspension. I thought and a good many thought, as I am advised—and certainly there was no partisan element in the question—that if the State Department was to be active concerning the Armenian question there was not the same occasion for us in Congress to proceed.

It is with reference to the program of the Department of State that I wish to address myself for a moment. The Secretary of State on the 3d of this month gave out a statement to the press concerning his program and the administration's program in reference to Armenia. That statement in substance announced that the American Government was to join with the other principal Governments of the world in deputing carefully selected officers to proceed to the Near East and to find out for themselves what the conditions were. That is not going very far, perhaps, but it makes a start in getting the information upon which the American Government could then base appropriate action.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to print in the RECORD the Hughes statement and an exchange of letters between the Secretary of State and myself.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ROGERS. The statement is not a long one, and I think it is exceedingly important in itself. My impression is that it did not receive the attention in the press that its consequence seemed to warrant. At all events, Mr. Chairman, I have been receiving since that time, and as I am informed my colleagues have been receiving since that time, letters which would indicate that while the American people are vitally interested in the welfare of the Armenians they have not been aware of the definite steps taken by the Secretary of State. Believing, as I did, that it might be well to have amplified the views of the department and the administration on this matter, I wrote to the Secretary of State on June 7 as follows:

JUNE 7, 1922.

Hon. CHARLES E. HUGHES,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: I am receiving daily many letters from people of high standing who are much concerned over the Armenia situation and are of the opinion that positive action of some kind should be undertaken by the United States.

I think it is not generally realized that you have accepted an invitation extended by Great Britain to investigate conditions in Asia Minor. Those who know the fact seem unaware of the extent of the commitment and of the nature of the results likely to follow. Will you not be good enough to write me indicating the administration view and plans with respect to Armenia, with especial reference to the above-mentioned investigation?

Sincerely yours,
JOHN JACOB ROGERS.

The Secretary of State has just replied and has sent me a press copy of the statement of June 3, to which I have already referred and which I will print with my remarks.

The letter of transmittal adds little or nothing to the previous statement, but for the information of Members of the House I will read it. It is as follows:

DEPARTMENT OF STATE,
Washington, June 14, 1922.

The Hon. JOHN JACOB ROGERS,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your recent communication with reference to the situation of the Christian minorities in Turkey.

In reply, I beg to inform you that the President has decided to designate officers to cooperate with officers selected by the British, French, and Italian Governments in investigating reports which have been received of deportations and alleged atrocities committed against the Christian minorities of Asia Minor.

For your further information and convenience, there is inclosed a copy of the statement on this subject issued by the department on June 3.

I have the honor to be, sir,
Your obedient servant, CHARLES E. HUGHES.

Inclosure: Statement issued by the Secretary of State on June 3.

I know from personal contact with my fellow Members that they are concerned about Armenia, and that part at least of the reason why they are concerned is because their constituents are deeply concerned and have so indicated to them in their correspondence. It seemed to me that it might, therefore, be of some convenience to Members of the House if they had available in the CONGRESSIONAL RECORD the situation as it exists to-day. I think that they may be glad to be able to advise their constituents that neither Congress nor the executive branch of the Government is unaware of the gravity of the situation, but is determined to do whatever may appropriately be within the power of the American people to remedy the situation and to put a stop to the atrocities in the Near East so far as they are found to exist. [Applause.]

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. LAYTON. To what does the gentleman most attribute the conditions in Armenia and those other Asia Minor Christian peoples?

Mr. ROGERS. I think that they are probably attributable to two major causes. One is the disposition of the Turks toward the peoples of Asia Minor, especially to those of Christian faith, and the other is the rather unfortunate disposition of the problems there which were brought about by the treaty of Sevres.

The following is the statement of the Secretary of State, to which I have already referred:

[For the press.]

DEPARTMENT OF STATE, *June 3, 1922.*

ANATOLIA.

The Secretary of State to-day announced that the United States Government is prepared to join in a proposed investigation of the reports relating to the deportation of Christian minorities in Anatolia and the alleged atrocities connected therewith. The Secretary of State made the following statement:

"On May 15, 1922, a note was received from the British ambassador referring to reports of the renewal of the deportation of Christians by the Turkish authorities at Angora, and the alleged atrocities connected therewith, and communicating a proposal of the British Government that the American, British, French, and Italian Governments should at once depute carefully selected officers to proceed to such places in Anatolia as might best enable them to conduct an appropriate investigation.

"In a subsequent memorandum of May 19 the British ambassador indicated that the Turkish deportations and outrages might lead to retaliatory action in territory held by the Greek forces and suggested that the Government of the United States should join in requesting the authorities functioning in Greece to permit the dispatch of officers to regions under Greek occupation.

"In answering these communications the Secretary of State has said that the situation of the Christian minorities in Turkey has enlisted to a marked degree the sympathies of the American people, and it has been noted with deep concern that the work of benevolent and educational institutions in Turkey has steadily been hampered, that the rights which American citizens have long enjoyed in Turkey in common with the nationals of other powers have often been disregarded and the property rights and interests of Americans and other foreigners placed in jeopardy.

"In view of the humanitarian considerations which are involved and of the desire of this Government to have adequate information through a thorough and impartial investigation of the actual conditions prevailing in Anatolia, in order that this Government may determine its future policy in relation to the authorities concerned, the President is prepared to designate an officer or officers to take part in the proposed inquiry.

"In informing the British Government of the foregoing the Government of the United States has made it clear that the proposed action is limited in scope to an inquiry to obtain accurate data as to the situation in Anatolia for the information of the Governments participating therein and has stated that this Government assumes no further obligation and enters into no commitment.

"In order to expedite the inquiry it was at the same time suggested by this Government that officers should be designated by the respective Governments to institute inquiries concurrently in the districts respectively under Greek and Turkish occupation, and that these two commissions upon the completion of their investigation should unite in a comprehensive report."

Mr. BLAND of Indiana. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-five Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Bacharach	Bell	Blanton
Ansorge	Barkley	Bixler	Boies
Arentz	Beck	Black	Brennan
Britten	Fuller	Luce	Rossdale
Brooks, Pa.	Gahn	McClintic	Rouse
Buchanan	Gallivan	McKenzie	Rucker
Burke	Garrett, Tex.	McLaughlin, Nebr.	Ryan
Burtness	Gilbert	McLaughlin, Pa.	Sabath
Burton	Glynn	Madden	Sanders, Ind.
Cantrill	Goodykoontz	Maloney	Sears
Carew	Gould	Mann	Shaw
Carter	Graham, Ill.	Mansfield	Shreve
Chandler, N. Y.	Graham, Pa.	Mead	Siegel
Clague	Greene, Vt.	Merritt	Sinclair
Clark, Fla.	Griffin	Michaelson	Smith, Mich.
Classon	Hammer	Mills	Smithwick
Cockran	Harrison	Moore, Ill.	Snell
Codd	Henry	Moore, Ohio	Snyder
Connell	Herrick	Mott	Stiness
Cooper, Wis.	Hersey	Murphy	Stoll
Copley	Hicks	Nelson, Me.	Strong, Pa.
Crago	Hill	Nelson, J. M.	Sullivan
Crisp	Hogan	Newton, Minn.	Summers, Wash.
Crowther	Hooker	O'Brien	Swank
Cullen	Humphreys	O'Connor	Sweet
Darrow	Hutchinson	Oliver	Tague
Davis, Minn.	Ireland	Olpp	Taylor, Ark.
Deal	James	Osborne	Taylor, Colo.
Dempsey	Jefferis, Nebr.	Padgett	Taylor, Tenn.
Dickinson	Johnson, S. Dak.	Park, Ga.	Temple
Drane	Jones, Pa.	Parker, N. Y.	Thomas
Drewry	Kahn	Parks, Ark.	Tillman
Driver	Kearns	Patterson, N. J.	Tilson
Dunn	Kelley, Mich.	Perkins	Treadway
Dupré	Kendall	Petersen	Tyson
Dyer	Kennedy	Porter	Underhill
Evans	Kiess	Purnell	Vare
Fairfield	Kindred	Rainey, Ala.	Volgt
Fess	Kitchin	Rayburn	Volk
Fields	Knight	Reber	Volstead
Fish	Kreider	Reed, N. Y.	Ward, N. Y.
Fordney	Lampert	Riddick	Ward, N. C.
Foster	Langley	Robertson	Wason
Frear	Larson, Minn.	Robsion	Wood, Ind.
Free	Lazaro	Rodenberg	Woodyard
Freeman	Lee, N. Y.	Rosenbloom	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11872, and finding itself without a quorum he had directed the roll to be called, when 246 Members answered to their names, a quorum, and he handed in a list of the absentees.

The committee resumed its session.

Mr. BLAND of Indiana. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: After the word "affairs," page 7, line 16, insert the following: "There shall be a marshal for such district, and it shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The marshal shall be paid a salary of $5,000 per annum."

Strike out all after the word "affairs," in line 16, page 7, to and including line 2, on page 8.

Strike out the word "and" after the word "judge" in line 3, page 8, insert a comma, and add the words "and the marshal" after the word "attorney" in said line.

Mr. BLAND of Indiana. Mr. Chairman, that amendment purports to put the United States marshal's status back as it was under the original Panama Canal act. I have taken the act and quoted the language of it in this amendment. I have sought to strike out the part of section 2 as proposed by the bill which puts the duties of the United States marshal in the hands of the chief of police. I spoke the day before yesterday on this subject, and inserted in the RECORD many of the reasons why I felt this action on the part of the House ought not to be taken. I think you will find on very close scrutiny of this bill that there are a great many defects in it. I have been trying to get the gentleman who is the author of the bill to answer some questions concerning his bill, but I have not been able to get very much information out of him. I am going now to yield a part of my time to him to let him answer a few questions: First, has anyone else recommended the repeal of the part of the law creating and paying the salary of the United States marshal except the Secretary of War?

Mr. DENISON. Mr. Chairman, I would be very glad if the gentleman from Indiana would go ahead and present his case to the House, and I shall make my statement after he is through.

Mr. BLAND of Indiana. This is the first time in the history of this House that a man purporting to be the author of a bill refuses to answer plain questions that are pertinent to the bill.

Mr. DENISON. I will say to the gentleman that I shall answer them in my own time.

Mr. BLAND of Indiana. If the gentleman were quite fair to the House he would give the information at a time when it may be commented upon. I venture to say that nobody else recommended this provision. The United States district attorney appeared before that committee when this provision was not in the bill. This is the fourth or fifth bill of this kind, and this is the only bill that ever came before the House that had this provi-

sion in it. The district judge was here the other day, and he was never asked a word as to whether he was in favor of abolishing this court officer, and the man is in the United States now, and I understand that he is violently opposed to the abolition of his court officer. Why do they not consult him? I will tell you why. Gen. W. D. Connor headed a commission to straighten out the Canal Zone, after the 4th of last March. When he went down there, military man that he is, he undertook to make it more of a military place than it ever was before. God knows the original military act gives more power to the Governor of the Canal Zone than any ruler ever had. He can deport a man without trial and reason, and this bill seeks to give additional authority. I published in the RECORD yesterday a manifesto, a public reprimand of an American citizen, issued by the acting governor in the absence of the governor, where they had brought that American citizen up and examined him and said, "We will let you slip through this time, but don't do it again." This bill seeks to give them more power, this bill seeks to take the jurisdiction from where it is now and put it in the hands of the magistrates' courts. The gentleman from Illinois [Mr. DENISON] may say that that is not true. I say that it increases the jurisdiction of the magistrates' courts to hear misdemeanors under the liquor laws. They say that the courts are full of liquor cases down there, and why? Because the Federal court tries them under the present law, and they seek to give the hirelings appointed there by this military governor the right to enforce the liquor law. They want more power down there, and they are going to get it if this bill passes. The first attack when they went there was upon the judiciary, the appointment made by Attorney General Daugherty, and I want to say to gentlemen here on this side of the House that the Attorney General is opposed to this proposition.

There is only one person who is asking for this, and that is the Secretary of War, and I venture to say that it was a purely formal matter with him; that he wrote the letter on the request of some Army officer who told him that he could save a little money there. You know how they will save money if they leave it to the Army bunch. They will have a half dozen deputies to do the work of the United States marshal and you will be paying out more money than under existing conditions.

I think this amendment ought to prevail. No man who appeared before the committee advocated the abolition of this office, as far as I am able to find out. I have asked the committee for the hearings. No person has ever asked it except the Secretary of War.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND of Indiana. I have diligently sought to find out if anybody else was interested in having this particular provision in the bill except the Secretary of War and I can not find anyone in favor of it. The commission says that the author of this bill recommended it, and who was the commission? I do not care who the lesser lights were. I know that Gen. W. D. Connor was at the head of it and that it was his mind that controlled the report of the commission.

And that was the report that proposed to stop the appropriations for the health department in eradicating mosquitoes down there until the health rate of the zone equaled the health rate of the United States. That was an asinine demonstration by an Army officer after the great reputation made down there by General Gorgas in making it possible to build that canal by eradicating the mosquito and stopping yellow fever. He goes down there and makes the recommendation to stop the appropriations for that kind of service until the death rate from yellow fever and other diseases on the Canal Zone equals that in other cities. He would have recommended the stopping of the destruction of the yellow-fever germs until the yellow fever got started again.

The acting governor said to this fellow, "You are liable to hurt the reputation of the governor." So he posted his name on the trees. That is military goose step, if you please.

Suppose I said President Harding was a bad President and ought to be kicked out, do you think he would "hoss" me up and reprimand me publicly? He might do it privately, and I would take it, but the American citizen does not have to live under a military heel. But that is what this bill does. It intends to take the power away from the marshal and give it to a militaristic governor. And if you would leave it to the word of the Federal employees down there you would find that 90 per cent of them are in favor of sending the present governor away from the Zone. I say that advisedly.

Who has the author of this bill conferred with in bringing in this bill? If he did not remain as silent as the bones of Job in the valley, I would ask him who brought this bill to him? The military bunch, of course. The United States district attorney says he is in favor of it, but this was before it contained the provision abolishing his marshal. There were other bills introduced, I know. The gentleman from Wisconsin [Mr. ESCH] introduced a bill changing somewhat the judicial procedure, but there was not a word said in it about abolishing the United States marshal. Who was it that brought it to the chairman of this committee and asked him to abolish the marshalship? I can not find out, except that it was Secretary of War Weeks, and you know that the Secretary of War follows the advice of the Army officers down there. I say there is nobody advocating this except the war lords that want to put more power in their own hands. They have got enough, God knows, down there now.

This is one of the greatest injustices of this bill. There will be a good many more pointed out before we get through with it. I hope at the proper time to move to recommit this monstrous piece of gall and put it back with the committee. There is no doubt there are some things down there that ought to be remedied. For instance, there are the divorce practices. The gentleman from Massachusetts was the first man that called my attenton to it. I have not had a chance to go over it very much. You have provisions in this bill under which almost any man in this House could be divorced. It will be a divorce haven down there. My friend from Illinois, TOM WILLIAMS, says he believed the gentleman from Illinois had it put in there for the benefit of old bachelors. [Laughter.] I do not think that is so. They simply wrote it up and gave it to him. I do not believe he is in favor of that liberal law in favor of divorces, and I believe if he thought of it long enough he would not be in favor of abolishing the United States marshal and appointing deputy policemen to do the bidding of the military autocrat down there. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Gentlemen, we have before us in this amendment one of the clearest illustrations of the difficulty of abolishing a job. Here is one of the best examples we have had in the Congress since I have been a Member, of the fuss that can be raised, and the smoke screen that can be thrown out, and the noise that can be had, when Congress undertakes to abolish a useless job and save the Treasury a few thousand dollars.

Now, if this bill had not contained the simple provision of doing away with the office of a marshal on the Canal Zone, my friend from Indiana [Mr. BLAND] would have said it was a fine bill; but because it contains that provision he attacks other provisions of the bill. Now, all of this talk, gentlemen, about militarism, military autocracy, and military rule should not fool you. That is all a smoke screen. That is simply thrown out in order to create a certain kind of prejudice. What for? To get you to save this office of United States marshal.

I want to make this confession. When this bill was filed, or when this provision was put in the bill, I did not know where the United States marshal was from. I did not know he was a personal friend and political manager of my friend from Indiana. I did not know that at all, and I perhaps do not blame him for feeling that he would like to have him continue on his job. But here is the difference between our two positions. He is speaking to try to save a job for a friend of his; I am speaking in the interest of the Government. That question is put squarely to the House to-day. I am trying to represent the policy of economy of the present administration. My friend is trying to save a job for his friend.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. DENISON. I have not the time.

I want to explain how it came to be recommended. Before the present administration came in Secretary Baker sent an able inspector down to make an investigation of conditions on the Canal Zone. He made his report just before the last administration went out, and then when the present administration came in the report of that investigator was found; the Secretary of War decided he would make a further investigation, so he appointed a commission, with the approval of the President, to go down to the Canal Zone and make a thorough investigation of conditions down there. My friend says it was a military commission. Of course he made an inaccurate statement. There was one military man on the commission and three civilians.

General Connor was chairman of it. He has been since the war the chief of the Transportation Department of the Army. He is a man of great ability, and said to be one of the ablest men in the Army on the subject of transportation. He served valiantly in France in connection with transportation and supplies during the recent war. Now, that may discredit him with some of the Members, but I am giving you the facts for what they are worth. He was chairman of the commission. Another man on that commission was Mr. A. B. Fry, who was formerly connected with the Naval Reserves, and is now connected with the Treasury Department, and during the Spanish-American War was associated with Secretary Weeks in connection with the Naval Militia; he is now a supervising engineer in New York, and is a man of unusual ability, so the papers stated at the time of his appointment. And I have that information from other sources. Another man on the commission was Mr. F. A. Molitor, who was a railroad and civil engineer of great ability, and another man is H. P. Wilson, president of the Western Power Co. of California, and considered one of the highest authorities in the United States on inland waterways, and is a man of great administrative ability. The Secretary picked the very best men he could find. They went down and made an investigation of the Canal Zone, and, among other things, they made this recommendation to the President:

The court system of the Canal Zone consists of one district court and two magistrate courts. There is a United States district attorney and a United States marshal, who has a deputy marshal. After full consultation and consideration the commission is of the opinion that the duties of marshal can be performed by the present chief of police.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes; I yield.

Mr. LONDON. Is there any way of providing that the chief of police should come from the district of the gentleman from Indiana?

Mr. DENISON. Of course, the Congress might put that in if it wishes to do so.

Mr. BUTLER. Mr. Chairman, this is no time for joking. I want some figures. Will the gentleman please state to us how much service the marshal has to perform down there in that little court? I am interested in knowing.

Mr. DENISON. I will try to do so.

Mr. BLAND of Indiana. Did you consult the Attorney General? Was he, as a part of this administration, in favor of doing away with this job?

Mr. DENISON. I did not.

Now, when we got ready to report this bill to the House—and, as I stated the other day, this bill was reported recently, and it is simply a combination of four other bills that were on the calendar—the Secretary of War, Mr. Weeks, sent a communication to the gentleman from Massachusetts [Mr. WINSLOW], the chairman of the committee, and I want to read it to you. I read:

WAR DEPARTMENT,
Washington, May 15, 1922.

Hon. SAMUEL E. WINSLOW,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The special Panama Canal commission appointed by me last year recommended, among other things, that the position of marshal of the Canal Zone be abolished and the duties transferred to the chief of police of the Canal Zone. The matter of making this change was first taken up with the Attorney General, and he advised me that the Panama Canal act clearly prohibited the proposed action, which could only be attained, in his opinion, by additional legislation by Congress. The Governor of the Panama Canal concurred in the recommendation of the special commission, and as there will be a saving to the United States Government if this position is abolished, I recommend that the necessary legislation be enacted. In this connection I would invite your attention to a bill now pending before the House of Representatives (H. R. 9022) to amend sections 7, 8, and 9 of the Panama Canal act, and for other purposes, and would suggest that, as section 8 originally required the appointment of a marshal, suitable amendments be added to the bill along the lines indicated below, in order to accomplish the object mentioned in the foregoing.

Then he goes ahead and suggests the amendments to be made to the bill then pending in the House in order to bring about this result. He says:

I hope that your committee will consent to the proposed amendments to this bill, and, as the legislation contemplated by the entire bill is of considerable importance to the Panama Canal, I would appreciate it if action thereon by the House of Representatives could be expedited as much as possible.

Now, there is the recommendation of the President's representative. He says he consulted the Attorney General. He thought he would have the right under the law to abolish the office of marshal himself and transfer the duties to the chief of police, but upon consultation with the Attorney General he was told that it was a matter of law, and that the law would have to be amended, and thereupon the Secretary comes to a committee of the House and recommends that this legislation be enacted.

We have one court on the Canal Zone with two districts. We have heretofore had a marshal for that court. We have also had a chief of police for the Canal Zone. Their territories are identical. The chief of police is a police officer, and he has numerous policemen under him. We have this office of marshal for the same territory as that covered by the chief of police. His duties are what? To keep attendance on the court and to serve process in the Canal Zone. It has been ascertained by this commission and others down there that the office of marshal is a wholly useless one, and as a matter of fact, gentlemen of the House, it is a perfectly useless one. The Government furnishes the marshal with a mansion to live in free and $5,000 salary, and he does not do anything except to live comfortably. Now, that is a very nice thing; it is a very nice thing indeed; but the time comes now and then when we must look after the interest of the Treasury.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BLAND of Indiana. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. BLAND of Indiana. If the marshal has nothing to do, what is the court doing? He acts on the process of the court. What is the use of the court?

Mr. DENISON. The marshal theoretically has something to do, but practically he does it through his deputies. Now, that work might just as well be done through the chief of police. We have a chief of police there, with his deputies, and the bill says that the duties heretofore performed by the marshal shall hereafter be performed by the chief of police through such deputies as he may select with the approval of the court.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BANKHEAD. As I understand, he proposes to abolish the office of marshal and confer his duties upon the chief of police of the Canal Zone?

Mr. DENISON. Exactly.

Mr. BANKHEAD. Does the canal act creating the government of the zone confer that authority upon the chief of police, or would it require remedial legislation to relieve the marshal of those duties?

Mr. DENISON. This act transfers the duties of marshal to the chief of police.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. What saving would there be?

Mr. DENISON. We have these two sets of officers, the chief of police and his deputies and the marshal and his deputies. One set of officials could do all the work without any inconvenience or any additional expense.

Mr. LAYTON. How many deputies has the marshal?

Mr. DENISON. I am told that the salary and expenses of the marshal's office amount to $10,000 a year. The man who occupies the position of chief of police is a civilian living on the Canal Zone, and he is a very efficient man. He has been there since 1906. By this act we transfer the duties of the marshal and his deputies to the chief of police, and he with the force under him can do all this work. In that way, by the abolition of the marshal and his deputies, we save the Treasury about $10,000 a year.

Mr. VESTAL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. VESTAL. Why not save a little more and abolish the office of marshal in the District of Columbia?

Mr. DENISON. That is not a pertinent question in connection with this legislation for the government down there. We are now dealing with the Panama Canal. I have no personal interest in this matter. It makes no difference to me personally. For personal reasons I would rather let it alone. But there is a duty resting upon us, I suppose, as representatives of the people. The Secretary of War went to work to try to cut down the expenses of the Canal Zone. He has discharged thousands of the ordinary laborers in order cut down the expenses down there, and we have complaints coming in from the laborers and their organizations to the effect that we are putting their men out of their jobs. Now, the Secretary of War wants to let out a few men higher up, the salaried men who are not needed, as well as those drawing day's wages, and the moment we undertake to do it by law, here come the friends of the man who has the job throwing out a great hullabaloo about "autoc-

racy" and "military rule." I hope that no one in the House is going to be misled by it.

Mr. HICKEY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HICKEY. When ships are taken in charge by a United States marshal it is necessary to give bond, is it not?

Mr. DENISON. Yes.

Mr. HICKEY. Does not much of that have to be done down on the Panama Canal Zone?

Mr. DENISON. Well, if they have work of that kind, it has to be done, but the chief of police can do it just as well as the marshal.

Mr. HICKEY. Can it be done by the chief of police?

Mr. DENISON. Certainly, because under this act we transfer all the duties of the marshal to the chief of police.

Mr. HICKEY. Is not that an unusual thing?

Mr. DENISON. No; not at all. Congress can do all those things if it prefers to; it is simply a matter of keeping up these useless offices and spending $10,000 out of the Treasury, or transferring those duties to the chief of police and his deputies and thus saving that amount of money. We claim to our constituents that we are trying to reduce the costs of government. Our pretenses of economy will not get us anywhere, unless we put them into practical effect by abolishing useless and unnecessary jobs when we have a chance to do so.

We have here a splendid chance. If you want to continue this job of marshal in order to give a comfortable home and big salary to a friend of the gentleman from Indiana, all right. But if you want to have some regard for the Treasury and for your claims of economy you should support the provision of the pending bill. I have no personal interest whatever in the matter. I only want to do what I think is my duty.

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. DENISON. I yield to the gentleman.

Mr. HARDY of Texas. The gentleman from Indiana [Mr. VESTAL] a moment ago asked why not, on a parity, abolish the office of marshal of the District of Columbia? Is there any comparison between the two positions? Does the marshal here in the District of Columbia perform duties only in the District, or has he a wider scope and a wider service?

Mr. DENISON. There is no similarity at all. The territorial jurisdiction of the marshal of the Canal Zone is the 10-mile strip, and so is that of the chief of police. Now, this is an effort on the part of the Government to economize in the administration of the Canal Zone, and the Secretary of War wishes to see that economy carried out.

Mr. OGDEN. What is the attitude of Judge Kerr, the district judge down there, upon this proposition?

Mr. DENISON. To be frank, I have not consulted the judge about that. I do not know how he feels about it.

Mr. OGDEN. He was here last week.

Mr. DENISON. I talked with Judge Keer in a social way, and told him I wanted to discuss these matters of legislation with him. He said he would be back and see me before he returned to the Canal Zone. At that time I did not know this bill was coming up so soon. I regret I did not get to consult him before this bill was reached for consideration by the House.

Mr. BUTLER. How much work does this marshal do? How many writs does he have to serve? And, in the gentleman's judgment, will the chief of police have time to perform the duties of both these offices?

Mr. DENISON. There is no question in the world that he will.

Mr. BUTLER. I should think he would, but I want to know.

Mr. DENISON. There is no question that he will.

Mr. BLAND of Indiana. He will if he appoints deputies.

Mr. DENISON. He has the deputies there now.

Mr. NOLAN. Mr. Chairman and gentlemen of the committee, I think this House ought to be interested in the report of the commission that went to the Panama Canal Zone, that seems to have stirred up the Committee on Interstate and Foreign Commerce on this particular measure. The gentleman from Ohio [Mr. COOPER] some months ago introduced in this House a measure which was referred to the Committee on Interstate and Foreign Commerce, and I know for quite a while he was trying to get a hearing before that committee, to hear the complaints of the Panama Canal employees regarding the recommendations of this commission that were put into effect. Up to the present time, as far as I know, the Committee on Interstate and Foreign Commerce have not seen fit to give Mr. COOPER and the friends of that bill a hearing.

Mr. WINSLOW. Will the gentleman yield?

Mr. NOLAN. I yield to the gentleman from Massachusetts.

Mr. WINSLOW. Does the gentleman think that Mr. COOPER will subscribe to that statement?

Mr. NOLAN. I think so.

Mr. WINSLOW. Will the gentleman be willing to ask him?

Mr. NOLAN. Yes; if he is here. I know that a month ago he had not been able to get a hearing, or had not been able to get the chairman of the Committee on Interstate and Foreign Commerce to set a hearing.

Mr. WINSLOW. I am taking the gentleman's statements as he makes them, and now I am ready to take this one. The gentleman is misinformed.

Mr. NOLAN. I spoke to the gentleman from Massachusetts about it myself.

Mr. WINSLOW. The gentleman did speak to me about it, but the gentleman is not informed as to the facts.

Mr. NOLAN. But you seem to be able to give hearings on this pending measure and to report it out.

Mr. WINSLOW. We gave the hearings, but the gentleman does not seem to know about them.

Mr. NOLAN. What did this commission do when they went down there? The gentleman from Illinois [Mr. DENISON] says the fight is made when they want to remove some high officials. The commission went there and made some recommendations that took away from the Panama Canal employees privileges that they had from the days of Theodore Roosevelt, conditions of employment down there that were given to them as an inducement to go from the States to the Panama Canal Zone. They took away from them free rent, free light, free water, and free fuel, privileges given to every white man working for any concern in the Tropics. This commission also made a recommendation that hundreds of white American citizens be discharged from mechanical positions, skilled and semiskilled, on the Panama Canal Zone, and that those positions be turned over not to native Panamans but to alien Jamaica negroes, because they could be hired cheap.

That is another recommendation that this commission made which recommends the passage of this pending bill. They made the further recommendation, after cutting down all of these employees and dropping them from the pay roll, that the military chief of the Panama Canal Zone, Colonel Morrow, have his salary almost doubled, and that the high officials in connection with the administration of affairs down there along with Colonel Morrow have their salaries increased. Those are some of the recommendations of the commission that went to Panama, that took away from the white American citizens privileges of employment that this Government guaranteed them when it asked them to go down there to Panama.

The men are not complaining of the reduction in wages. According to law they had to take the reduction in wages. Their wages are based on the wages paid in the navy yards, and when you took away the bonus from the navy yard employees you also took it away from the Panama Canal employees. When the wages of navy yard employees were reduced, automatically that reduction went into effect among the employees of the Panama Canal. They are not complaining about that, but they are complaining about this Government of ours violating its agreement with them which it made when it took these men to the Tropics, conditions which surround every white man working for a concern in the Tropics. In doing this that commission has not been consistent. There is a whole lot more to that report that we would have liked to exploit before the Interstate and Foreign Commerce Committee if we had had a fair opportunity and could have had hearings to air the whole thing. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, personally I know nothing about the question as to who is to hold the job of marshal or who is not to hold it, and I care less, so long as a good competent American is at the helm, but it seems to me that a larger question is involved. It is a question of principle that ought to be considered by the House. The argument made in regard to abolishing the office of marshal of the Canal Zone would apply absolutely to the District of Columbia. It would apply practically to the States where there are district courts. Why not turn over the marshal's office here to the chief of police? Their jurisdiction is territorially the same. There can be no argument made in favor of abolishing the office of marshal of the Canal Zone that does not apply to abolishing the office of marshal of the District of Columbia.

Mr. DENISON. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman; yes.

Mr. DENISON. What office of marshal does the gentleman refer to in the District of Columbia?

Mr. RAKER. The marshal of the District of Columbia, the United States marshal.

Mr. DENISON. There is no such office there.

Mr. RAKER. Yes; there is.

Mr. DENISON. What is it?

Mr. RAKER. The marshal under the Federal law who attends the Federal court. He and his deputies execute the writs from the Federal courts.

Mr. DENISON. I thought the gentleman meant the marshal of the Supreme Court of the United States.

Mr. RAKER. No; I am talking about the marshal of the District of Columbia. The Supreme Court of the United States, of course, includes more than the District of Columbia, even the States of Illinois and California.

Now, let me call your attention to the fact that the territory of the chief of police at Panama covers the entire Canal Zone. The jurisdiction of the marshal covers the Canal Zone. The gentleman has to admit that one of the provisions of the bill is that you are reducing the jurisdiction of the court and giving jurisdiction to the police judge because the court now is overrun with business. There is no other reason. You are reducing the penalty and reducing the fine, taking the jurisdiction from the court so as to relieve it from the present congested condition that it is now in.

Let me call your attention to the fact that if this court is given this general jurisdiction over the trial of a case on appeal from the magistrate of the police court or the trial of civil cases involving over $300 up to the trying of a man for murder, with all other jurisdiction granted a nisi prius court, you are now going to say that a court with that dignity, that power, shall have as its official the policeman of the district or the territory in which the court is located. It is not an officer of his own selection, not of the selection by the President, by and with the consent of the Senate, as in other district courts, but you are going to say that the court has no control over it. The bill only transfers the duties of the marshal to the chief of police and gives him the power to serve processes, and so when the court calls upon the officer to maintain order it shall be a police officer. You are taking it from the jurisdiction and power that appoints him, a man who ought to be a man of high character. It is not a question of expense.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from California asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. RAKER. You are turning these duties over to the chief of police to protect that court. It is not a question of dollars and cents. If, as a matter of fact, the chief of police is not busy, he should discharge the duties of his office and let the marshal perform the functions of his office as created, giving it unlimited jurisdiction and everything which involves the welfare of all who live in the zone. It is not the function of a police court, it is not the control of a police court, nor should it be an officer of the police force over the jurisdiction of the Federal court.

It is not a question of dollars and cents, and it ought not to be involved, and if the statement as presented by both gentlemen of the House is correct, that the marshal has been busy through his deputies, the chief of police has been busy with his deputies, and now you are going to say that we will dispense with the office of marshal and we will give the chief of police and his deputies the right to do the business through the deputy policemen and execute the orders of the Federal court. Gentlemen, you ought not to allow such a provision as that to stand.

Mr. VESTAL. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. VESTAL. Under the language of this bill would the Federal court have any authority over the chief of police?

Mr. RAKER. My view is that he does not. I have read that provision of the bill, and this is what it says. It says "and the duties of marshal of said court shall be performed by the chief of police of the Canal Zone."

Now, you know and I know that the judge has plenary power, by virtue of the Constitution and statute of the court, in the appointment of the marshal. This is by the President, by and with the advice of the Senate. The judge has power over the marshal in many matters pertaining to his office and official duties. In this bill you want the Governor of the Canal Zone to appoint the chief of police, and then the chief of police look after the Federal court. It will not do, gentlemen.

Mr. DENISON. The judge does not appoint the marshal; the marshal is appointed by the President.

Mr. ROSE. And he appoints the chief of police.

Mr. RAKER. You mean the governor does that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ELLIOTT. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, the charge has been made that the proponent of this amendment is trying to save a citizen of Indiana who has a salary. He is not from my district, I barely know the young man. I have seen lots of things done in the name of economy, but the abolition of a United States marshal in one of the jurisdictions of the courts of the United States in the name of economy is the greatest piece of foolishness that I ever witnessed.

The Panama Canal Zone is about 50 miles long and 10 miles wide.

Mr. LAYTON. Twenty miles wide.

SEVERAL MEMBERS. No; 10 miles wide.

Mr. LAYTON. It is 10 miles on each side of the canal.

Mr. ELLIOTT. Never mind, I am not yielding for that controversy. It is more than five times as big as the District of Columbia. It has a lot of important towns. It has the most important highway there is in the world going through it. The court in the Canal Zone is an important court, and as time goes on it is going to be more important. There is nobody in this House who would advocate the turning over of the duties of the United States marshal of the District Columbia to a constable or to the chief of police or to anybody else. I want to tell you now that if it is important enough to have a United States court in the Canal Zone, it is important enough to have a proper officer to enforce whatever decrees it may render.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BLAND of Indiana. I understand the United States marshal has to give bond, and if he seizes a ship on a libel and commits any error he is liable on his bond. Does the gentleman think that those duties in one of the most important ports in the world, where there is such a large amount of shipping, ought to be turned over to the chief of police?

Mr. ELLIOTT. I do not think there should be a United States court in the country that did not have all of the proper officers necessary to enforce its decrees and who acted directly under the orders of the court. I think the abolition of the United States marshal in the Canal Zone is a piece of foolishness, the same as it would be anywhere else. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. DENISON) there were—ayes 47, noes 44.

Mr. DENISON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENISON and Mr. BLAND of Indiana to act as tellers.

The committee again divided, and the tellers reported—ayes 57, noes 29.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. Section 9 of the Panama Canal act is hereby amended so as to read as follows:

"SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

"All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

"(b) The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party or by other competent evidence, and also in criminal cases wherein the offense charged is punishable as a felony; and also in civil and criminal cases in which the jurisdiction of the trial court is in issue, but whenever any such case is not other-

wise reviewable in said appellate court the question of jurisdiction alone shall be reviewable by said appellate court. And such appellate jurisdiction, subject to the right to review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States. Cases pending in the said circuit court of appeals at the time of the passage of this act shall not be affected hereby, but the same shall be disposed of as though this act had not been enacted.

"(c) That it shall not be necessary in the district court of the Canal Zone to exercise separately the law and equity jurisdiction vested in said court; and the code of civil procedure of the Canal Zone and the rules of practice adopted in said zone, in so far as they authorize a blending of said jurisdictions in cases at law and in equity, are hereby confirmed."

Mr. STEVENSON. I move to strike out the last word. There is one clause in this bill as to which I want to inquire whether the gentleman who prepared the bill has given careful consideration. I refer to the provision that the members of the Supreme Court of the Canal Zone shall continue in office as long as the President shall deem necessary to conclude the business that is now before them. That is about the substance of it. Have we authority to give the President power to fix a term of office, or do not we have to fix a limit beyond which they can not continue?

Mr. DENISON. The provision to which the gentleman refers is existing law. That was enacted in 1912, and in amending that section we have simply repeated the section. The supreme court has long since been abolished.

Mr. STEVENSON. It has gone out of existence?

Mr. DENISON. Yes.

Mr. STEVENSON. That part of it has ended long ago?

Mr. DENISON. Yes.

The Clerk read as follows:

SEC. 4. That section 288 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 288. A person who engages in, instigates, aids, encourages, or does any act to further a fight commonly called a ring or prize fight, or who engages in a public or private sparring exhibition, with or without gloves, within the Canal Zone, who sends or publishes a challenge or acceptance of a challenge for such an exhibition or fight, or trains or assists any person in training or preparing for such an exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not more than $5,000, or be imprisoned in the penitentiary not more than three years, or both: *Provided, however,* That the provisions of this section shall not apply to voluntary boxing or sparring exhibitions conducted under rules and regulations to be promulgated by the President of the United States, or by the Governor of the Panama Canal Zone by authority of the President of the United States."

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last word. Will the gentleman from Illinois indicate what is new in this section 28?

Mr. DENISON. The proviso.

Mr. LEHLBACH. In what sense is the word "voluntary" used in the proviso—

voluntary boxing or sparring exhibitions, etc.

Would the gentleman not agree to eliminating that word?

Mr. DENISON. That is used to distinguish between where a man gets into a fight involuntarily, if drawn into it, and where it is a boxing exhibition. That is the usual term used in designating boxing and fighting contests.

Mr. LEHLBACH. Involuntary fighting, or a fight that really means a fight, is not an exhibition. It is an exhibition only when it is under the rules and regulations promulgated by the Governor of the Canal Zone or the President of the United States, as is provided here. Will the gentleman not agree to accept an amendment to strike out that word?

Mr. DENISON. No; I would not. Does the gentleman know of any harm that it does?

Mr. LEHLBACH. It undoubtedly restricts the right of the Governor of the Panama Canal Zone to arrange for exhibitions, which in view of the situation down there in the Canal Zone are extremely desirable. Opportunities for recreation, diversion, or amusement are somewhat restrictive, and why possibly make the entire proviso nugatory by using an ambiguous term that can do no good and may do harm?

Mr. DENISON. What other kind of a contest could be permitted except a voluntary contest?

Mr. LEHLBACH. I would say that the provisions should not apply to boxing or sparring except where conducted under rules and regulations to be promulgated, and so forth. Mr. Chairman, I move to amend by striking out the word "voluntary" in line 7, page 11.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 11, line 7, strike out the word "voluntary."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I am not going to criticize anybody; I am not going to mention any names; but I do believe in justice to myself and others similarly situated that I have a right to read, without referring to names, a quoted article from a California newspaper. One of the subheads of this article to which I refer is headed "House has about finished work, and so Congressman comes home." I read from the article now, without quoting the name:

Mr. ——— said yesterday that for eight months he had presided over hearings before his committee. He remained on the job until the House of Representatives practically finished its work.

"The House is about finished for the session," said ———, "and is now taking a recess of three days a week."

Of course, Mr. Chairman, it has been my supposition all along that the House is really doing business and is in session practically every day. I take it for granted that what they do is business here, and that the President knows what he is talking about when he says that one of the most important pieces of business yet before Congress is the ship subsidy bill, and I believe that there is also other legislation. Of course, it is a bit unfortunate for some of us who can not have large papers publish these matters for us, and so let it be inferred that we are simply sitting around here at Washington doing nothing and are not able to go home once in a while to attend to matters personal. However, I take it for granted that the majority side believe that we are still doing business here and have some important work to do, and that we are going to stay in session until we complete that important work.

It occurs to me that I have the right to make this observation. It has been my policy every since I have been here to stay until Congress adjourned, and when Congress is in session I have always believed that it is doing valuable work. I have never found it convenient yet to relieve myself of responsibility for being absent by the statement that the majority is not doing anything; that the business is completed; that we are adjourning three days at a time. I am sure the majority think we are working here and that they have a lot of important legislation yet to enact. If I am mistaken in that, then possibly I ought not to have quoted from this article appearing in one of the great daily papers of the West. Some of us who live about 3,000 miles from home do not go home very often. We do not go home very much unless the work is completed. We do not go home while the Congress is in session. Of course, we have not this broad publicity given to a statement that the others are simply idling here in Washington and are not home looking after matters that ought to be looked after, so that we would be in a better position to enact legislation. One has to go home now and then, you know, to see what the people want and to be able to represent their ideas. However, one can not be in two places at once.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 289 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"SEC. 289. That every person willfully present as a spectator at any exhibition or fight mentioned in the preceding section is guilty of a misdemeanor."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. How does that section 289 read at present?

Mr. DENISON. Well, the only change made in that section is that the word "contention" is stricken out. In the original it reads:

That every person willfully present as a spectator at any exhibition, contention, or fight.

The committee thought the word "contention" ought not to be in there. That would make it apply to a mere affray.

Mr. WALSH. It might apply to some of the congressional parties that go down there.

Mr. LEHLBACH. Mr. Chairman, I oppose the pro forma amendment of the gentleman from Massachusetts. When this language, "exhibition or fight," mentioned in the preceding section, was used there was no proviso making lawful certain exhibitions. If you leave the word "mentioned" in the preceding section in, you have a proviso making it legal to hold voluntary boxing and sparring exhibitions under rules promulgated by the President or by the governor, but make it a misdemeanor for anybody to be present, because these excepted exhibitions are mentioned in the previous section. And it

seems to me the word "mentioned" ought to be stricken out and the word "prohibited" substituted.

I move to amend by striking out the word "mentioned" and insert in lieu thereof the word "prohibited."

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 11, line 15, by striking out the word "mentioned" and insert in lieu thereof the word "prohibited."

Mr. DENISON. I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the amendment was agreed to.

Mr. BUTLER. Does the gentleman think we ought to have a fine for punishment? If a man goes to see a fight in this country now he does not get put in jail.

Mr. DENISON. I will say to my friend from Pennsylvania that the penalty for that sort of offense is defined elsewhere in the Criminal Code.

Mr. LEHLBACH. Will the gentleman tell us what the penalty for the misdemeanor is?

Mr. DENISON. It is a fine of not more than $300 or imprisonment in jail for not more than 30 days.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 6. That section 342 of the Penal Code of the Canal Zone, as amended by the Executive order of March 13, 1907, is hereby amended to read as follows:

"SEC. 342. That grand larceny is larceny committed in either of the following cases:

"1. When the property taken is of the value of $50 or more;

"2. When the property is taken from the person of another;

"3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to know whether the last three words here in this section are the names of animals designated, or are they some peculiar kind of animals that inhabit the Canal Zone?

Mr. DENISON. Well, Mr. Chairman, I will say that that is simply a repetition of the present law. It has been the law there for years and years. Those are terms used to designate the peculiar animals which are in use in the Canal Zone, on the Isthmus of Panama.

Mr. WALSH. What is the difference between this section as you amend it and the section as it exists?

Mr. DENISON. The difference is this, that in the first paragraph, line 22, the value is fixed at $50 in the amended bill. The present law fixes it at $10 and makes it grand larceny to steal or take property of the value of $10 or more. The authorities think that is a harsh and unreasonable law. The committee concurred in that view, and we recommend to raise the value to $50 to constitute grand larceny. And I will say that is in harmony with the law of a great many of the States.

Mr. WALSH. Is that the only change?

Mr. DENISON. That is the only change.

Mr. WALSH. I would like to know if the gentleman from Illinois can state on whose recommendation there is this encouragement to commit petty larceny carried in this bill?

Mr. DENISON. Well, Mr. Chairman, it is on the recommendation of the district attorney of the Canal Zone, of the district judge of the Canal Zone, of the Governor of the Canal Zone, and the Secretary of War. But, of course, their recommendation is not to do the thing stated by the gentleman from Massachusetts.

Mr. WALSH. None of these war lords that have been mentioned here are involved in this recommendation?

Mr. DENISON. No war lords, unless the Secretary of War is a war lord. I do not know whether he can be so designated or not.

Mr. WALSH. Probably he was included.

Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment eliminating "jenny."

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. ROACH. Mr. Chairman, I move to strike out the last two words for the purpose of asking the gentleman from Illinois [Mr. DENISON] a question. As to this section 342, is that merely a repetition of the law as it now stands as to the definition of grand larceny, with the exception of the penalty?

Mr. DENISON. It is, with the exception of the amount which would constitute grand larceny.

Mr. ROACH. What provision have you on larceny from a dwelling house in the Canal Zone?

Mr. DENISON. The offense of burglarly is elsewhere defined in the Criminal Code.

Mr. ROACH. I know; but to constitute burglarly there must be the breaking into of the dwelling. If a person goes into a private dwelling through an open door, there is not any burglary there, and he might steal something of less value than $50, but which would have a sacred value to the owner of the dwelling. It seems to me that the entering of a dwelling, irrespective of the worth of the article stolen, should be made grand larceny. I was wondering if the Penal Code as it now stands took care of that or not. It is not taken care of in this bill.

Mr. DENISON. The Penal Code of the Canal Zone makes no provision of that kind. This is the definition of grand larceny as it appears in the Penal Code.

Mr. ROACH. I think there is a deficiency in that respect.

In enumerating the live stock over there which it is stated constituted grand larceny to take, the word "heifer" is not included. I do not inquire facetiously, but I would like to ask if one would steal a heifer there would it be grand larceny?

Mr. DENISON. I will say we simply repeat there that part of the old law. We had to do so in order to amend it elsewhere.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 11. That section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916, be amended to read as follows:

"SEC. 6. That deposit money orders issued in the Canal Zone in lieu of postal savings certificates in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 3 per centum per annum."

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. The gentleman from Illinois [Mr. DENISON] gave some explanation of this change in the law. I would like to ask him why the people in the Canal Zone should be permitted to receive a higher rate of interest on postal savings deposits than people in this country? Why do you pick them out and give them 3 per cent interest on their deposits when in this country we pay only 2 per cent?

Mr. DENISON. Well, Mr. Chairman, in answer to the question of the gentleman from Massachusetts, I will say that the Government down there desires to encourage thrift and saving on the part of the employees, and the banks in the city of Panama are offering inducements to the employees to come over to the city of Panama and deposit money in their banks.

There have been two rather unfortunate bank failures there, and our Government officials have thought that it is wiser policy for our employees to deposit their money in the post offices and let the Government pay them as much as 3 per cent rather than have them go into the city of Panama and deposit their money in the banks there, with the accompanying risks that might be involved. And then there is this further reason: These funds that are deposited in the post offices are in turn redeposited by the Canal Zone government in the banks of this country, and they get 3 and 3½ per cent interest from the banks for the money, and the administration down there thought the employees ought to have the benefit of it.

Mr. WALSH. Well, all that the gentleman has said will apply to deposits made in this country. There are banks in the various cities here that are paying 3 and 4 per cent on deposits, and which would be very glad to have them, and the money that is deposited in the postal savings banks in this country is also by the department put into other institutions at a higher rate of interest. If you are going to increase the rate of interest, why do it by piecemeal and pick out the Panama Canal Zone for the special favor?

Mr. DENISON. It is not a special favor. But we are legislating here for the Canal Zone in this legislation. If the gentleman's statement is true, it is a reason why the interest rate should be increased in the United States rather than a reason why it should not be increased on the Panama Canal Zone.

Mr. WALSH. Well, I am opposed to picking out the employees simply because they happen to be on the Panama Canal Zone and giving them special consideration in the matter of the money they are putting in the postal savings banks by increasing the rate of interest.

Mr. BEEDY. Mr. Chairman, will the gentleman yield there?

Mr. WALSH. Yes.

Mr. BEEDY. Is it not true that our people on the Panama Canal Zone do not have the same opportunity to deposit their savings that they would have at their homes here? Are not the American banks limited down there?

Mr. DENISON. There are no American banks down there, except possibly some branch banks.

Mr. BEEDY. Was not that one of the reasons why this provision was inserted in the bill?

Mr. DENISON. Of course, that is true. Congress made provision in 1916 for this arrangement for encouraging saving and thrift on the Panama Canal Zone. I think it is a very wise provision, Mr. Chairman, and I think it should be left in the way we have put it.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 12. DIVORCE—CAUSES.—That in every case in which a marriage has been, or hereafter may be, contracted and solemnized between any two persons, and it shall be adjudged, in the manner hereinafter provided, that either party at the time of such marriage and continues to be (1) naturally impotent; or (2) that he or she had a wife or husband living at the time of such marriage; or (3) that either party has committed adultery subsequent to the marriage, except as hereinafter provided; or (4) has willfully deserted or absented herself or himself from the husband or wife without any reasonable cause for a period of one year; or (5) has been guilty of willful neglect which shall consist of the willful failure of the husband to provide for his wife the necessaries of life, he having the ability to do so, or the willful failure to do so by reason of voluntary idleness, profligacy, or dissipation, in either case continued for a period of one year; or (6) has been guilty of habitual drunkenness for the space of two years; or (7) has attempted the life of the other by any means showing malice; or (8) has been guilty of extreme and repeated cruelty, involving acts of grievous bodily injury or producing grievous mental suffering endangering life, health, or reason; or (9) has been, subsequent to the marriage, convicted of felony or other infamous crime, it shall be lawful for the injured party to obtain a divorce and dissolution of such marriage contract in the district court of the Canal Zone.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "grievous," in line 2 of page 15.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to correct the spelling of the word "grievous," in line 2 of page 15. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. What is the present law on the Canal Zone with reference to cause for divorce by reason of desertion?

Mr. DENISON. There is no divorce law on the Canal Zone now. A divorce can not be had for any cause there now.

Mr. WALSH. You can get a marriage annulled?

Mr. DENISON. No; I do not think so.

Mr. WALSH. I think the gentleman, if he will consult the law, will find that they can. We had this law before the Judiciary Committee before the Governor of the Canal Zone appeared before the Committee on Interstate and Foreign Commerce, and I think if the gentleman will examine the code he will find that there is law for annulling a marriage.

Mr. DENISON. Perhaps the gentleman was not in when I explained that on the day before yesterday. There is no law at this time respecting divorce on the Panama Canal Zone, but a former judge did assume jurisdiction and did annul some marriages and granted some divorces. There is a provision in the pending bill to validate those divorces. The former court assumed jurisdiction. The present judge has investigated the matter very carefully and has rendered an able opinion on that whole subject. He holds that the court is absolutely without any jurisdiction, and he has dismissed all cases of that kind that came before him.

Mr. WALSH. And the other judge, with an equally able opinion, assumed jurisdiction and proceeded to act. Now, how did you arrive at the period of desertion as one year? Is that the usual period in the United States?

Mr. DENISON. That is the average period provided for in the laws of the different States as a ground of divorce for willful desertion.

Mr. BLAND of Indiana. It is two years in Indiana.

Mr. WALSH. That period of one year is a minimum, and there are very few States that have it except States that boast of a Reno and various other havens for people who like to consider contracts of marriage as a pastime. I would like to know if the gentleman thinks, inasmuch as we are going to furnish the Canal Zone with a law relating to divorces, whether or not we ought perhaps to make the period for which the desertion shall continue a little longer than a year?

Mr. DENISON. The law in a number of States provides that where a husband willfully deserts his wife and leaves her entirely without support for one year, the wife should be entitled to a divorce. I do not think a woman who has been willfully deserted by her husband without cause, and who is thereby thrown upon her own resources, should be compelled to wait and suffer for a period of two years.

Mr. WALSH. Why not make it three months then, along that line?

Mr. DENISON. The gentleman's question answers itself.

Mr. WALSH. No; it does not. The gentleman is making the argument that the poor woman ought not to be compelled to suffer. If that is the purpose, to eliminate suffering, and this is a palliative, three months might be preferable; but if a brute of a husband is addicted to drunkenness the poor wife must suffer for two years before she can get a divorce, and the husband may not be contributing a cent to her support, but is living with her, and he must be habitually drunk or guilty of habitual drunkenness for two years.

Mr. DENISON. Yes.

Mr. WALSH. But if he goes over into Jamaica to reside among the dark-hued gentlemen, he has to stay there only a year before she can get a divorce.

Mr. DENISON. I think there is a difference between the two, and that the gentleman from Massachusetts will see it at a glance. A person who is guilty of habitual drunkenness yields to a natural weakness or appetite, which is not, perhaps, a moral fault on his part. It may be due to a natural appetite.

Mr. WALSH. How is anybody going to be guilty of habitual drunkenness for two years down there under the existing constitutional amendment and the Volstead law?

Mr. DENISON. To continue my statement, when a man willfully deserts his wife, that is not the yielding to a natural appetite or weakness. That is a direct and willful injury to her. He repudiates all his marital duties and obligations.

Mr. WALSH. I appreciate that the gentleman is an expert in such matters, but I would like to know——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask that the time be extended three minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Illinois be extended three minutes. Is there objection?

There was no objection.

Mr. DENISON. If the gentleman will permit me, I think there is a moral difference between a man yielding to his appetite for drink and a man willfully deserting his wife and leaving her without support.

Mr. WALSH. I would like to ask the gentleman if this applies to the people who have gone from the United States to the Canal Zone?

Mr. DENISON. Yes; certainly.

Mr. BLAND of Indiana. Or from Panama.

Mr. WALSH. And the one year for which the desertion must continue will not begin to run until this act becomes a law. Is that correct?

Mr. DENISON. Oh, no; I would not say that that was so.

Mr. WALSH. Mr. Chairman, I offer an amendment in line 17, at the end of the line, to strike out the word "one" and insert the word "two," and in line 18, strike out the word "year" and insert the word "years."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 14, line 17, strike out the word "one" and insert the word "two," and in line 18 strike out the word "year" and insert in lieu thereof the word "years."

Mr. WALSH. Mr. Chairman, we do not enact very many statutes covering the proceedings in divorce. Now for the first time we are providing a divorce law for the Panama Canal Zone. Notwithstanding the very pathetic presentation made by the distinguished gentleman in charge of this measure, it would seem to me that rather than take the minimum which prevails in the States of the Union we might take the average length of time which is required. Some States require three years, some one, and one, I think, six months; although it is my impression that the one State which heretofore required six months has lengthened that time to a year, and I think it would be more in keeping with the proprieties of the occasion, if they might be so termed, if Congress did not start out by holding out the hope that when it does take over the marriage and divorce laws of the country, as a great many people wish it to do, we will make it particularly easy to secure divorces. I do not agree with the contention made by the gentleman from Illinois [Mr. DENISON]. If his argument is sound the length of time might be made three months; but here is a colony down there, a zone under our jurisdiction, with a great many people going down there from the States and procuring positions, and

quite a few of them losing their positions. All that would be necessary would be for a year to elapse before they would be permitted to secure divorces.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. WALSH. Certainly.

Mr. LEHLBACH. Is there any distinction in the gentleman's mind between the terms "willfully deserted" and "absented herself or himself"?

Mr. WALSH. There certainly is.

Mr. LEHLBACH. In States which have made desertion a cause for divorce it has been held that the desertion must be against the will of the deserted party.

Mr. WALSH. Yes.

Mr. LEHLBACH. But merely to "absent herself or himself" might be with or without the consent of the deserted party, or a matter of indifference, and this bill does not say "has willfully deserted and absented himself for one year," or two years, as the case may be, but it says "has willfully deserted or" simply "absented himself."

Mr. WALSH. The gentleman is correct in that.

Mr. LEHLBACH. I would suggest that either the words "or absented herself or himself" be stricken out as superfluous, or else that the "or" be changed to "and," because "absented himself" is merely a description of the continuation of the desertion in that event.

Mr. DENISON. The word "willfully" would apply both to "deserted" and "absented."

Mr. LEHLBACH. But the question is whether the absenting himself is without the consent of the other party.

Mr. WALSH. I think the amendment suggested by the gentleman from New Jersey should be adopted, but I should like to see the time of the desertion extended for a year. There will be other trips taken by gentlemen who go down to Panama and become very familiar with the wishes of the authorities there and who will present legislation in accordance with their desires. If we make this too long, gentlemen when they arrive will have it duly explained and the gentleman can introduce a bill and have it considered.

Mr. DENISON. Mr. Chairman, that provision in the bill was suggested in a bill drafted by the special attorney for the Canal Zone government. I found upon looking at the divorce laws of several States—I am more familiar with the Illinois law—that they have similar provisions providing for a divorce where the husband or the wife has willfully deserted the other for a period of one year.

Mr. McKENZIE. Is it one year or two years in Illinois?

Mr. DENISON. Two years willful desertion, I think; but my memory may not be correct.

Mr. BLAND of Indiana. Mr. Chairman, I did not think that Illinois had a one-year provision in the statute of desertion or one year for a failure to support. But that may be true. In any of the States where it is less than two years it is regarded as too liberal for very good reasons. I heard a colleague of mine say that if a man willfully deserted his wife for one year they ought to be divorced. The trouble is that they agree to separate and go to a place where they can stay for one year so that one can say truthfully that the other walked off and deserted. The failure to provide comes under the same kind of evidence, because if he deserts her he fails to provide. If they could not separate so quickly, if they had to wait two years before they could get unhitched, then they would have to suffer, as the gentleman from Illinois says, for two years.

Mr. LAYTON. It makes no difference what time you provide for; if it was 10 years it would be the same if they wanted to get a divorce.

Mr. BLAND of Indiana. Oh, no; they have time to cool off. We have a cooling-off period in Indiana. They can not get a divorce for 60 days after they file the application, and many go back and live together. If you make the time two years, they will have time to think it over. It is the policy of the court to promote marriage instead of divorce, but this promotes divorce instead of marriage.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. McKENZIE. Is it not the observation of the gentleman that the more lax you make the divorce laws the greater the willingness of young men and young women to take a chance at it, knowing that if it does not work out all right they can be separated?

Mr. BLAND of Indiana. Yes; that is right.

Mr. BUTLER. Why not make it 20 years?

Mr. BLAND of Indiana. In some States they have no cause for divorce at all except adultery.

Mr. WILLIAMSON. Mr. Chairman, I am inclined to favor the amendment offered by the gentleman from Massachusetts, but I think in Illinois, Iowa, Minnesota, Michigan, North and South Dakota, Nebraska, Kansas, and Wyoming, in all those States, the limit is one year.

Mr. BLAND of Indiana. It is two years in Michigan. I think there would be less divorces and more people would continue to live together if you make it two years.

Mr. BEEDY. Mr. Chairman, departing for a minute from the consideration of time, will the chairman explain the significance of the word "naturally" in the phrase "naturally impotent"?

Mr. LAYTON. That simply means where the person is congenitally impotent—where he is impotent from birth.

Mr. BEEDY. Then impotence by reason of his own debauchery would not be a ground for divorce?

Mr. LAYTON. No; not under this provision.

Mr. BLAND of Indiana. If he was in that condition prior to marriage——

Mr. LAYTON. That is not what this refers to; this refers to a man that is congenitally impotent—that is, impotent from birth.

Mr. BLAND of Indiana. We have a statute of that kind in Indiana.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. DENISON) there were—ayes 27, noes 18.

So the amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I move to amend by striking out the word "or," in line 16, on page 14, and inserting the word "and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 16, strike out the word "or" where it occurs the first time and insert in lieu thereof the word "and."

Mr. LEHLBACH. Mr. Chairman, I wish to say that the word "desertion" has a judicial well-defined meaning, and is ground for divorce. It means not only absence against the will of the deserted party but includes failure to support on the part of the husband. As it is, desertion would be a ground for divorce, and mere absence, which might be acquiesced in, would be a ground of divorce which is not intended, but if you change the conjunction "or" to "and" the willful desertion must be continued for two years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word. I do not see any use for that first word. Suppose a woman marries a man who is impotent; then, regardless of how it happens, her relief should be the same, whether it happened naturally or by virtue of his own conduct, if it was before he married her. I think it ought to say "continued to be impotent" and not "naturally impotent." If he is impotent at the time of marriage, no matter whether from natural causes or otherwise, she should have the right to that relief.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 15. Process—service—notice by publication: (a) The clerk of the district court shall issue a summons for the defendant to appear and answer, which summons shall be personally served on the defendant, if the defendant is found on the Canal Zone, by delivering a true copy thereof to the defendant in person.

(b) When any petitioner shall file in the office of the clerk of the district court an affidavit showing—

(1) That the husband and wife have their legal domicile in the Canal Zone and that the defendant has gone out of the Canal Zone and willfully refuses to return, so that process can not be personally served upon him or her; or

(2) That the marriage was celebrated in the Canal Zone and the wife, being the petitioner, continues to reside therein, and the husband, being the defendant, has abandoned his wife and gone out of the Canal Zone to avoid his marital obligations; or

(3) That the marriage was celebrated in the Canal Zone and the husband, being petitioner, continues to reside therein and was abandoned by his wife, the defendant, who has gone out of the Canal Zone in disregard of her marriage obligation; and

When such affidavit states the present place of residence of the defendant, if known, or that upon diligent inquiry his or her present place of residence can not be ascertained, and stating the last known place of residence of the defendant, the clerk shall cause publication to be made in some newspaper published in the Canal Zone, and if there is no newspaper published in the Canal Zone, then in the nearest reliable newspaper with a general circulation published in the Republic of Panama, and printed in English or having an English section or edition, containing notice of the pendency of such suit, the names of the parties thereto, the time and place of return of the summons in the case; and he shall also, within 10 days after the first publication of such notice, send a copy thereof by mail addressed to the defendant at the last known place of residence stated in the affidavit. The certificate of the clerk that he has sent such notice shall be evidence thereof.

(c) The notice by publication required herein may be given at any time after the commencement of the suit and after summons has been returned showing that the defendant was not found on the Canal Zone, and shall be published at least once each week for three successive weeks, and no default or proceeding shall be taken against any defendant not personally served with summons and not appearing, unless 90 days shall intervene between the first publication as aforesaid and the date at which such default or proceeding is proposed to be taken. All the facts necessary to constitute personal service, where personal service is had, or to authorize the notice by publication, where service is had by publication, must be established to the satisfaction of the court by competent evidence: *Provided*, That if the defendant resides or is found within the Republic of Panama and the place of such residence is established to the satisfaction of the court by competent evidence, then such default or other proceeding may be taken against the defendant when 30 days shall intervene between the first publication and the date at which such default or proceeding is proposed to be taken.

Mr. LOWREY. Mr. Chairman, I move to amend by striking out the whole section on divorce.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LOWREY: Page 16, beginning on line 13, strike out all of section 15.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was rejected.

The Clerk read as follows:

SEC. 16. Issue and trial: (a) The cause shall stand for trial after the summons has been personally served upon the defendant at least 10 days, or 90 days after the first publication, or 30 days after the first publication if the defendant resides in the Republic of Panama. The process and practice under proceedings for divorce shall be the same as in other cases in chancery except as in this act otherwise provided, and except that the answer of the defendant need not be under oath.

(b) If the bill is taken as confessed, the court shall proceed to hear the cause by examination of witnesses in open court, and in no case of default shall the court grant a divorce unless the judge is satisfied that all proper means have been taken to notify the defendant of the pendency of the suit, and that the cause of divorce has been fully proven by competent evidence. Whenever the district judge is satisfied that the interests of the defendant require it, the court may order such additional notice as equity may seem to require.

(c) No admission of the defendant shall be taken as evidence unless the court shall be satisfied that such admission was made in sincerity and without fraud or collusion to enable the complainant to obtain a divorce. If it shall appear to the satisfaction of the court that the injury complained of was occasioned by collusion of the parties, or done with the assent of the complainant for the purpose of obtaining a divorce, or that the complainant was consenting thereto, then no divorce shall be decreed.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill about the concluding language in subsection (a) of section 16, in lines 8 and 9—

and except that the answer of the defendant need not be under oath.

What is the reason for that?

Mr. DENISON. Of course, the gentleman is familiar with the chancery rule that if the answer of the defendant is under oath it shifts the burden of proof. Generally, it is expressly waived in the bill of the complainant in order to avoid the answer being made under oath.

Mr. KINCHELOE. Suppose the husband answers, denying his wife's allegation, and states affirmatively the fact that the wife has been guilty of lewd conduct? Does the gentleman then say that the defendant ought to have the right to make such an answer without its being under oath if the wife elects?

Mr. DENISON. Oh, I do not think so. He would have to go into court and prove it anyway.

Mr. KINCHELOE. He would have to do that in any proceeding. If the wife sued the husband upon the ground of desertion for two years, and the husband should file an answer and deny the allegation in the petition and then assert affirmatively that his wife was guilty of lewd conduct, then I think the wife ought to have the right to demand that the husband swear to that proposition before it should be considered in any court.

Mr. DENISON. Of course, the gentleman states an extreme case.

Mr. KINCHELOE. Oh, I think it is not an extreme case.

Mr. MOORE of Virginia. It is provided in the paragraph that the proceedings shall be the same as in other causes in chancery. Why not leave the matter of the answer to the divorce proceeding the same as in other cases in chancery? Why make an exception in so far as divorce cases are concerned? It seems to me that is indefensible. Why not leave the equity proceeding in a divorce case just as the equity proceeding is left in other cases, in so far as the answer is concerned?

Mr. DENISON. This provision in section 16 is taken literally from divorce laws of several of the States, and if the gentleman can state any particular reason why it should not be there, I have no objection to its going out. We are simply following the precedents used in other States.

Mr. MOORE of Virginia. I would state to my friend that he would be perfectly safe in omitting it and leaving the equity proceedings in a divorce case exactly as they are in other cases.

Mr. KINCHELOE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KINCHELOE: Page 19, line 8, strike out the comma after the word "provided" and the words "and except that the answer of the defendant need not be under oath."

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. RAKER. The report shows that the procedure here is adapted from the State of California. In all cases there where the complaint is sworn to the defendant must verify his answer.

Mr. KINCHELOE. The gentleman says that this shows on its face that it is a departure from the general proceedings in chancery. In line 6 it is provided that the process and practice under the proceedings for divorce shall be the same as in other cases in chancery, except as in this act otherwise provided, and then there is the further exception that the answer of the defendant need not be under oath. When a woman goes into court and sets up in good faith legitimate grounds for divorce on the ground of desertion or nonsupport or drunkenness, I do not believe the man ought to have the right to come in and set up in his answer an aspersion upon her good name unless he swears to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. Legitimacy of children: No divorce shall in anywise affect the legitimacy of the children of such marriage, except in cases where the marriage shall be declared void on the grounds of a prior marriage.

Mr. CURRY. Mr. Chairman, I move to amend, in line 11, page 20, by striking out the words "except in cases where the marriage shall be declared void on the grounds of a prior marriage."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CURRY: Page 20, line 11, after the word "marriage" strike out the comma, insert a period, and strike out the remainder of the section.

Mr. CURRY. Mr. Chairman, a child who is the result of such a marriage is certainly entitled to protection in the use of the family name and in the right to inherit property. The child is born in wedlock, afterwards declared to be illegal on the ground of misinformation given by one party to the other. I do not think the child should be penalized in that way.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. Cross petition and proceedings thereon: In addition to an answer, the defendant may file a cross petition for divorce; and when filed the court shall decree the divorce to the party legally entitled thereto. If the original petition be dismissed after the filing of the cross petition, the defendant may proceed to the trial of the cross petition without further notice to the adverse party; and the case upon such cross petition shall in all things be governed by the same rules applicable to a case on an original petition.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois [Mr. DENISON] why should section 19 be in the bill at all? Under the provisions of subsection (a) of section 16 you say the practice shall be the same as in other cases of chancery. In other proceedings he has the right to do it, anyhow. I am asking for information.

Mr. DENISON. This is making arrangements for special proceedings for divorce. This authorizes the defendant to come in and file a cross petition and obtain the same relief the plaintiff is asking for in the original petition.

Mr. KINCHELOE. Would he not have that same right as set out in subsection (a), section 16?

Mr. DENISON. I do not know.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 20. Alimony pending suit: (a) In all cases of divorce the court may require the husband to pay to the wife or pay into court for her use during the pendency of the suit such sum or sums of money as may enable her to maintain or defend the suit; and in every suit for divorce, the wife, when it is just and equitable, shall be entitled to alimony during the pendency of the suit. And in case of appeal or writ of error by the husband, the district court may grant and enforce

the payment of such money for her defense and such equitable alimony during the pendency of the appeal or writ of error as to the court shall seem reasonable and proper.

(b) The court, upon granting to a woman a divorce from the bonds of matrimony, may allow her to resume her maiden name or the name of any former husband.

(c) Whenever a divorce is granted, if it shall appear to the court that either party holds the title to property equitably belonging to the other, the court may compel conveyance thereof to the party entitled to the same, upon such terms as it shall deem equitable.

(d) When a divorce shall be decreed the court may make such order touching the alimony and maintenance of the wife, the care, custody, and support of the children, or any of them as, from the circumstances of the parties and the nature of the case, shall be reasonable and just; and in case the wife be complainant, to order the defendant to give reasonable security for such alimony and maintenance, or may enforce the payment of such alimony and maintenance in any other manner consistent with the rules and practice of the court. And the court may, on application, from time to time make such alterations in the allowance of alimony and maintenance and the care, custody, and support of the children as shall appear reasonable and proper. In decreeing a divorce to the wife the court may order the husband to pay alimony in a gross sum or in installments, as may seem best. And it may make such orders and enforce the same by attachment and secure the payment of such alimony, but judgment for alimony can not be taken when the defendant is not personally served with summons or does not voluntarily appear.

Mr. ROACH. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill a question. In subsection (b), just read, of section 23, you allow her to resume her maiden name or the name of her former husband. Should that permission be granted where children are born of a marriage?

Mr. DENISON. Well, the courts hardly ever do that when there are children, but I think if the party wants to do it and the court sees no objection to its being done, it would be all right.

Mr. ROACH. It seems to me that should be limited to cases where there are no children born of the marriage.

Mr. DENISON. Sometimes the children are in custody of the other party and there might be no objection to it.

Mr. ROACH. It would be discretionary with the judge. It becomes mandatory in the manner in which it is written here.

Mr. DENISON. It says "may allow." It is left to the discretion of the court, and generally where there are children from the marriage the court should not allow the wife to resume her maiden name. This simply allows the court to do that where there is no reason why it should not be done.

Mr. ROACH. The maiden name is restored where there are no children living?

Mr. DENISON. This gives the court the right to change the woman's name back to her maiden name under such circumstances as the court thinks it ought to be done.

The Clerk read as follows:

SEC. 21. Remarriage within one year forbidden: In every case in which a divorce has been granted neither party shall marry again within one year from the time the decree was granted: *Provided*, That when the cause for such divorce is adultery the person decreed guilty of adultery shall not marry for a term of two years from the time the decree was granted: *Provided, however*, That nothing in this paragraph shall prevent the persons divorced from remarrying each other, and every person marrying contrary to the provisions of this paragraph shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years, and said marriage shall be held absolutely void.

Mr. RAKER. I want to call the attention of the chairman to this: In line 15, page 22, you make the time of limitation commence to run from the "granting" of the decree. In most of the States, in practically all of them, the time it commences to run is when the decree is "entered." For this reason: The court renders the decree, and there is no knowledge of it or record of it; nobody pays any attention to it; and you protect the parties. You have got something to act upon, and the limitation does not commence to run until the time is finally entered on the decree or judgment book by the clerk. What is the reason for making a change here?

Mr. DENISON. I am not aware of any distinction between the two.

Mr. RAKER. It is the law that the marriage is absolutely void if a marriage is made at any time within a year after the decree is entered, but it may have been rendered three years before.

Mr. GREEN of Iowa. It does not say "entered." It says "granted."

Mr. RAKER. "Granted" does not amount to anything. Now, the court renders the decree in open court. The mere fact of the recordation and signing is another thing. But in all these divorce cases—let me make it plain—the limitation of a year does not begin to run until the decree is actually entered. As an illustration of many of them in the Western States and the Eastern States, a woman got a divorce some seven years ago, and the attorney told her the decree was entered. She waited two years and the decree was not entered. She married within a year after the decree was entered. She married a soldier. The soldier died. She applied for a pension. The department held and the court held that the marriage was illegal, and she was guilty of the offense because she married within one year after the decree was entered, but over three years had elapsed after the decree was "granted."

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. GREEN of Iowa. In most of the courts there is no way of telling when the decree was actually transcribed in the record. It is stated the court did a certain thing on that day, but very often they are not actually transcribed on the record until some other date. There is no way of telling when they are put on the record.

Mr. RAKER. That is the only way to tell. This is a judgment and decree, and the clerk's record certifies and states when the decree is entered. It may be granted, but it may be a month or two months before the clerk enters it.

Mr. DENISON. Will the gentleman yield?

Mr. RAKER. Now, there ought to be a definite time when the year commences, and I want to suggest to the gentleman that he amend it by making it a year after the decree is entered.

Mr. DENISON. Whenever the court grants a decree it amounts to nothing unless he enters it on the record. Whenever the decree is written on and entered upon the record it is entered of the date when the court granted it.

Mr. RAKER. This law says within a year after the decree is granted. Now, when the judge announces from the bench a decree it is granted, but it may not be entered for a month or two months or for a year afterwards.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. RAKER. I will.

Mr, DOWELL. Suppose the decree is never entered of record. Do you say, then, the divorce is granted?

Mr. RAKER. It is granted, but no final judgment has been entered. This should and must be done, and not until this is done shall the time commence to run.

Mr. CHALMERS. Mr. Chairman, a point of order.

Mr. RAKER. I am telling you that the courts of your State and of practically all the Western States say that a party can not be married within a year after the decree is entered. Now, it may run a month or two months.

Mr. DOWELL. Of course, it is a question of statute.

Mr. RAKER. A decree may be signed by the judge. If the party marries within a year and the decree has not been entered by the clerk, as it ought to be, and recorded, and the party marries, the marriage is void and the party is guilty of an offense.

Mr. DOWELL. That is because of a special statute in your State.

Mr. RAKER. No; not a special statute.

Mr. DOWELL. But in this case the divorce is granted when the decree is placed on the record.

Mr. RAKER. That does not say that at all.

Mr. BLAND of Indiana. If the gentleman will notice the first three lines he will see they require the court to order that the parties do not marry again for one year. In Indiana that has been held unconstitutional as abridging the right of contract. Here is a divorce law that gives the right to a woman to go and get a divorce because she married a man who was impotent. Suppose you give her a divorce for that reason. Now you penalize her and say she shall not marry for a year. I do not think it is right. I do not think you have a right to do that under the Constitution. Our judges do not pay much attention to this kind of law in Indiana. Nobody has ever had the nerve to take it up to the Supreme Court of Indiana. Our local courts have held that it is clearly an abridgment of the right of contract, and I call your attention to the fact that in this specific instance it would be very unwise.

Mr. WINGO. Do I understand the gentleman to say that a divorce which is granted by statute shall not be limited by a statute determining the rights of the party?

Mr. BLAND of Indiana. I do not think you have the right to restrain a marriage contract after a decree has been granted.

Mr. WALSH. Do the Indiana laws hold that if a man has one wife and marries another she is not allowed to marry again on account of the abridgment of a contract?

Mr. BLAND of Indiana. It is the policy of marriage and the policy of the court and the policy of the country that you can not have more than one wife, but it is against public policy to discourage the marrying contract.

Mr. WALSH. Well, I suppose it has been decided in that way by some decision rendered at somebody's corners in the State of Indiana.

Mr. WINGO. Mr. Chairman, I have an amendment. On line 17, page 22, strike out the word "two" and insert in lieu thereof the word "ten."

Mr. WALSH. In some of the States a decree is granted as a decree nisi, and it does not become absolute until the expiration of a year after the entry of the decree nisi, and of course the divorce does not become effective until the entry of the absolute decree, which is a year from the time the decree was entered nisi.

Mr. WINGO. That is not the case in this instance. In the bill that we have under consideration now a man who has been divorced on account of adultery is kept from marrying again for two years. I think he should have at least 10 years. I am wondering what the law is in the State of Indiana. We have heard a great deal about it this afternoon. I wonder if the provision in this bill is a copy of the Indiana statute. I propose to make it 10 years.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WINGO. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Arkansas asks for a division.

The committee divided; and there were—ayes 3, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 22. That all proceedings in the district court of the Canal Zone, wherein and whereby a decree of divorce has heretofore been granted upon legal service, and wherein other orders have been made affecting the status of the parties or their children, are hereby legalized.

Mr. MOORE of Virginia. Mr. Chairman, I would like to suggest to the gentleman that where he undertakes to validate what has been done by the decree of the court in certain cases, where the action was taken on legal service, if the court acted without authority there was no legal service at all. What the gentleman ought to do, it seems to me, would be to provide that where the decree of divorce was granted without authority the bill should refer to the service that was actually had.

Mr. DENISON. That is what is meant by the word "legal"—either personal service or service by publication.

Mr. MOORE of Virginia. But there was no legal service.

Mr. DENISON. What else except personal service or service by publication would be legal service?

Mr. MOORE of Virginia. But there was nothing that could be considered legal service at the time the court acted, because there was no legal foundation for the action of the court, and it is important that you should define what you mean, that the judge or judges who granted divorces without jurisdiction to do so granted them upon personal service or upon service by publication. It will clarify your meaning to state that.

Mr. DENISON. We are trying to accomplish the same purpose.

Mr. MOORE of Virginia. That is what is intended, and I offer this amendment, Mr. Chairman, that in line 3 the word "legal" be stricken out and the word "personal" substituted, and following the word "service," to insert the words "or service by publication," so that the paragraph as amended will read—

wherein and whereby a decree of divorce has heretofore been granted upon personal service or service by publication.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 23, line 3, strike out the word "legal" and insert in lieu thereof the word "personal," and after the word "service," insert the words "or service by publication."

Mr. GREEN of Iowa. Mr. Chairman, it seems to me the gentleman's amendment goes a good deal further than the bill provides for, because there might be service by publication, but a service which was defective and not in legal form.

Mr. MOORE of Virginia. But we want to validate divorces granted in cases where the defendant was served personally or where there was publication, even though that publication may not have been of the character prescribed in this bill for future proceedings.

Mr. ROACH. Will the gentleman's amendment cover proceedings where there was neither personal service nor service by publication, but where the parties voluntarily entered their appearance in court?

Mr. MOORE of Virginia. I take it for granted that would be assumed to be considered personal service as a matter of course.

Mr. DENISON. We are trying by the provisions of the bill to validate those cases where divorces have been granted, where the parties were before the court.

Mr. MOORE of Virginia. I think that is quite proper.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Virginia [Mr. MOORE].

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That all laws, orders, and regulations, or parts thereof in conflict with this act are hereby repealed.

Mr. DENISON. Mr. Chairman, there is an error in the title to the bill. I do not know whether that ought to be corrected now or later.

Mr. CHALMERS. That should be corrected in the House.

The CHAIRMAN. That can be corrected in the House.

Mr. DENISON. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11872) to amend sections 7, 8, and 9, of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENISON. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. DENISON. Mr. Speaker, I ask for a separate vote on the so-called Bland amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The other amendments were agreed to.

The SPEAKER pro tempore. The question is on the Bland amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: After the word "affairs," page 3, line 16, insert the following: "There shall be a marshal for said district. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The marshal shall be paid a salary of $5,000 per annum."

Strike out all after the word "affairs," in line 16, page 7, to and including line 2, page 8. Strike out the word "and," after the word "judge," in line 3, page 8, insert a comma, and add the words "and the marshal" after the word "attorney" in said line.

The SPEAKER pro tempore. The question is on the amendment.

The question being taken, on a division (demanded by Mr. DENISON) there were—ayes 28, noes 21.

Mr. DENISON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. The gentleman makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees. Those in favor of the amendment will as their names are called answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 132, nays 93, not voting 205, as follows:

YEAS—132.

Almon	Benham	Browne, Wis.	Cole, Iowa
Andrews, Nebr.	Bird	Burdick	Colton
Appleby	Bland, Ind.	Cable	Cooper, Ohio
Atkeson	Bland, Va.	Campbell, Pa.	Coughlin
Bankhead	Bowling	Christopherson	Cramton
Barbour	Brand	Clague	Crisp

Curry	Johnson, Miss.	Morgan	Speaks
Doughton	Kearns	Mott	Steagall
Dowell	Keller	Nelson, A. P.	Steenerson
Drewry	Kelly, Pa.	Newton, Mo.	Stephens
Dunbar	Ketcham	Nolan	Taylor, N. J.
Dyer	King	Norton	Ten Eyck
Echols	Kissel	Ogden	Thompson
Elliott	Kline, N. Y.	Oliver	Timberlake
Ellis	Knutson	Porter	Tincher
Fairchild	Kopp	Purnell	Tinkham
Faust	Lampert	Radcliffe	Towner
Favrot	Lawrence	Rainey, Ill.	Upshaw
Fitzgerald	Leatherwood	Raker	Vestal
Fulmer	Lee, Ga.	Reece	Vinson
Garner	Lineberger	Reed, W. Va.	Voigt
Gensman	Little	Rhodes	Volstead
Gorman	Logan	Ricketts	Wheeler
Green, Iowa	Lowrey	Roach	White, Kans.
Hadley	Luhring	Rodenberg	Williams, Ill.
Hawley	McArthur	Rose	Williamson
Hays	McPherson	Schall	Wilson
Hickey	Magee	Scott, Mich.	Wingo
Huddleston	Martin	Scott, Tenn.	Woodruff
Hukriede	Michener	Shelton	Wurzbach
Hull	Millspaugh	Sisson	Wyant
Jacoway	Montoya	Smith, Idaho	Young
Jeffers, Ala.	Moores, Ind.	Smith, Mich.	Zihlman

NAYS—93.

Ackerman	French	Lankford	Sandlin
Aswell	Frothingham	Larsen, Ga.	Shaw
Beedy	Garrett, Tenn.	Layton	Sinnott
Begg	Gernerd	Lea, Calif.	Sproul
Bond	Glynn	London	Stafford
Box	Goldsborough	Longworth	Stevenson
Briggs	Greene, Vt.	McDuffie	Strong, Kans.
Brooks, Ill.	Griest	McFadden	Summers, Wash.
Bulwinkle	Hammer	McLaughlin, Nebr.	Sumners, Tex.
Butler	Hardy, Colo.	McSwain	Swing
Byrnes, S. C.	Hardy, Tex.	MacGregor	Tillman
Byrns, Tenn.	Haugen	Madden	Tucker
Campbell, Kans.	Hawes	Mapes	Vaile
Chalmers	Hayden	Miller	Walsh
Chandler, Okla.	Hill	Moore, Va.	Watson
Clouse	Hoch	Oldfield	Webster
Collier	Hudspeth	Overstreet	Williams, Tex.
Collins	Humphreys	Paige	Winslow
Connally, Tex.	Husted	Parker, N. J.	Wise
Dale	Jones, Tex.	Pringey	Woods, Va.
Dallinger	Kiess	Quin	Yates
Davis, Tenn.	Kincheloe	Ramseyer	
Denison	Kline, Pa.	Rankin	
Fisher	Lanham	Sanders, Tex.	

NOT VOTING—205.

Anderson	Dupré	Kraus	Riddick
Andrew, Mass.	Edmonds	Kreider	Riordan
Ansorge	Evans	Kunz	Robertson
Anthony	Fairfield	Langley	Robsion
Arentz	Fenn	Larson, Minn.	Rogers
Bacharach	Fess	Lazaro	Rosenbloom
Barkley	Fields	Lee, N. Y.	Rossdale
Beck	Fish	Lehlbach	Rouse
Bell	Focht	Linthicum	Rucker
Bixler	Fordney	Luce	Ryan
Black	Foster	Lyon	Sabath
Blakeney	Frear	McClintic	Sanders, Ind.
Blanton	Free	McCormick	Sanders, N. Y.
Boies	Freeman	McKenzie	Sears
Bowers	Fuller	McLaughlin, Mich.	Shreve
Brennan	Funk	McLaughlin, Pa.	Siegel
Britten	Gahn	Maloney	Sinclair
Brooks, Pa.	Gallivan	Mann	Slemp
Brown, Tenn.	Garrett, Tex.	Mansfield	Smithwick
Buchanan	Gilbert	Mead	Snell
Burke	Goodykoontz	Merritt	Snyder
Burroughs	Gould	Michaelson	Stedman
Burtness	Graham, Ill.	Mills	Stiness
Burton	Graham, Pa.	Mondell	Stoll
Cannon	Greene, Mass.	Montague	Strong, Pa.
Cantrill	Griffin	Moore, Ill.	Sullivan
Carew	Harrison	Moore, Ohio	Swank
Carter	Henry	Morin	Sweet
Chandler, N. Y.	Herrick	Mudd	Tague
Chindblom	Hersey	Murphy	Taylor, Ark.
Clark, Fla.	Hicks	Nelson, Me.	Taylor, Colo.
Clarke, N. Y.	Himes	Nelson, J. M.	Taylor, Tenn.
Classon	Hogan	Newton, Minn.	Temple
Cockran	Hooker	O'Brien	Thomas
Codd	Hutchinson	O'Connor	Tilson
Cole, Ohio	Ireland	Olpp	Treadway
Connell	James	Osborne	Tyson
Connolly, Pa.	Jefferis, Nebr.	Padgett	Underhill
Cooper, Wis.	Johnson, Ky.	Park, Ga.	Vare
Copley	Johnson, S. Dak.	Parker, N. Y.	Volk
Crago	Johnson, Wash.	Parks, Ark.	Walters
Crowther	Jones, Pa.	Patterson, Mo.	Ward, N. Y.
Cullen	Kahn	Patterson, N. J.	Ward, N. C.
Darrow	Kelley, Mich.	Perkins	Wason
Davis, Minn.	Kendall	Perlman	Weaver
Deal	Kennedy	Petersen	White, Me.
Dempsey	Kindred	Pou	Wood, Ind.
Dickinson	Kinkaid	Rainey, Ala.	Woodyard
Dominick	Kirkpatrick	Ransley	Wright
Drane	Kitchin	Rayburn	
Driver	Kleczka	Reber	
Dunn	Knight	Reed, N. Y.	

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. Kahn with Mr. Cantrill.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Stiness with Mr. McClintic.

Mr. Maloney with Mr. Kitchin.

Mr. Treadway with Mr. Cockran.

Mr. Kennedy with Mr. Fields.

Mr. Luce with Mr. Deal.

Mr. Dickinson with Mr. Rainey of Alabama.

Mr. Evans with Mr. Smithwick.

Mr. Fordney with Mr. Riordan.

Mr. Reber with Mr. Carter.

Mr. Beck with Mr. Mead.

Mr. Henry with Mr. Dupré.

Mr. Brennan with Mr. Sabath.

Mr. Michaelson with Mr. Barkley.

Mr. Arentz with Mr. Padgett.

Mr. Davis of Minnesota with Mr. Tague.

Mr. Frear with Mr. Rayburn.

Mr. Burke with Mr. Pou.

Mr. Hicks with Mr. Blanton.

Mr. Ansorge with Mr. Parks of Arkansas.

Mr. Bowers with Mr. Stoll.

Mr. Lee of New York with Mr. Cullen.

Mr. Patterson of New Jersey with Mr. Drane.

Mr. Crowther with Mr. Taylor of Arkansas.

Mr. Fess with Mr. Johnson of Kentucky.

Mr. Perkins with Mr. Dominick.

Mr. Lehlbach with Mr. Carew.

Mr. Strong of Pennsylvania with Mr. Black.

Mr. Vare with Mr. Garrett of Texas.

Mr. Taylor of Tennessee with Mr. Griffin.

Mr. Connell with Mr. O'Brien.

Mr. Langley with Mr. Clark of Florida.

Mr. Patterson of Missouri with Mr. Sears.

Mr. Robsion with Mr. Buchanan.

Mr. Mondell with Mr. Sullivan.

Mr. Rossdale with Mr. Kunz.

Mr. Sinclair with Mr. Lazaro.

Mr. Burtness with Mr. Weaver.

Mr. Wood of Indiana with Mr. Gallivan.

Mr. Volk with Mr. Hooker.

Mr. Snell with Mr. Kindred.

Mr. Kendall with Mr. Harrison.

Mr. Snyder with Mr. Rucker.

Mr. Knight with Mr. O'Connor.

Mr. Graham of Pennsylvania with Mr. Linthicum.

Mr. Osborne with Mr. Mansfield.

Mr. Hutchinson with Mr. Lyon.

Mr. Goodykoontz with Mr. Montague.

Mr. Olpp with Mr. Park of Georgia.

Mr. Codd with Mr. Thomas.

Mr. Funk with Mr. Tyson.

Mr. Greene of Massachusetts with Mr. Bell.

Mr. Fuller with Mr. Taylor of Colorado.

Mr. Murphy with Mr. Ward of North Carolina.

Mr. Kreider with Mr. Wright.

Mr. Bacharach with Mr. Swank.

Mr. Morin with Mr. Stedman.

Mr. Boies with Mr. Gilbert.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LOWREY. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. LOWREY moves to recommit H. R. 11872 to the Committee on Interstate and Foreign Commerce, with instructions to report the same back to the House forthwith with the following amendment:

Strike out sections numbered 12 to 22, inclusive.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to amend the title by substituting the word "operation" for the word "opening" in line 5 of the title.

The SPEAKER pro tempore. Is there objection.

There was no objection.

On motion of Mr. DENISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. FAIRFIELD, for three weeks, on account of important business.

ORDER OF BUSINESS.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that it shall be in order to-morrow to take up the Private Calendar to consider bills unobjected to, the call to commence where the last call left off.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that to-morrow it shall be in order to consider bills on the Private Calendar unobjected to, beginning the call where the call last left off. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10101) making appropriations for the District of Columbia, disagree to the Senate amendment to the House amendment to amendment No. 1 of the Senate, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 10101, the District of Columbia appropriation bill, disagree to the Senate amendment to the bill, and ask for a conference. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, has not this bill been to conference?

Mr. MADDEN. It has been to conference, and the conferees made a report. The House adopted that report, and the Senate amended the report adopted by the House, and it now comes back with an amendment to the House amendment to Senate amendment No. 1, which has not yet been in conference.

Mr. GARRETT of Tennessee. Was the other report a complete report?

Mr. MADDEN. As I understand it; yes.

Mr. STAFFORD. Did the House take any action on those amendments to which the House disagreed?

Mr. MADDEN. It did. The Senate amended the amendment of the House to the amendment of the Senate, which the House had agreed to as a result of the conference, and when the action of the House went back, after the adoption of the conference report, the Senate amended that, and it now comes back to the House amended.

Mr. STAFFORD. There is only one amendment in disagreement, and that is Senate amendment No. 1?

Mr. MADDEN. As I understand it; yes.

Mr. GARRETT of Tennessee. What is that amendment?

Mr. MADDEN. That has to do with the fiscal affairs of the District of Columbia.

Mr. GARRETT of Tennessee. Is that the amendment creating a commission?

Mr. MADDEN. There are several phases to it. It creates a commission, fixes different kinds of payment of taxes, and other things.

Mr. GARRETT of Tennessee. Is the course which the gentleman is asking to have taken agreeable to the gentleman from Kentucky [Mr. JOHNSON]?

Mr. MADDEN. It is done after consultation with him. We are unanimous about it.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MAPES. As I recall the procedure, the House adopted amendment No. 1 as a separate proposition, as an amendment to the conference report.

Mr. MADDEN. That is right.

Mr. MAPES. That went back to the Senate, and the Senate amended it by putting on the so-called Jones resolution.

Mr. MADDEN. Yes.

Mr. MAPES. And that is the matter which the gentleman wants to have sent to conference?

Mr. MADDEN. They modified it in other ways also.

Mr. STAFFORD. My impression was that when the bill last left the House there were other Senate amendments in disagreement besides Senate amendment No. 1, and that no conference has been had between the two bodies since then, and the Senate has taken action only on Senate amendment No. 1 and left the other Senate amendments in disagreement.

Mr. MOORE of Virginia. Is the so-called Jones resolution or bill the only matter in disagreement?

Mr. MADDEN. Oh, no; there are two or three items in disagreement.

Mr. MOORE of Virginia. Modifying the fiscal plan, generally?

Mr. MADDEN. Yes. There are two or three items in one amendment.

Mr. STAFFORD. I examined the papers that were returned to the House this morning and found that there were several amendments still in disagreement. I know the chairman of the committee has been very busy since these papers came over considering estimates on the deficiency bill. According to the report of May 3 the House receded from its disagreement to Senate amendment No. 1 with an amendment. It also receded from its disagreement to Senate amendment No. 78 with an amendment, also Senate amendment No. 79 and other Senate amendments, and the House insisted upon its disagreement to Senate amendment No. 186. Senate amendment No. 186 relates to the purchase of property in Rock Creek and Potomac Parkway, and I should think the gentleman would like to have a conference on all the matters in disagreement.

Mr. MADDEN. I understood there was but one matter in disagreement. As the gentleman says, I have been very busy. I desire to disagree to all of the Senate amendments, of course, and have them go to conference.

The SPEAKER pro tempore. Apparently the Senate has not acted on some of the House amendments. It has acted on Senate amendment No. 1 and returned it. The message accompanying the papers refers to only one amendment. There are several other amendments which the House has concurred in with an amendment upon which the Senate has not yet acted.

Mr. MADDEN. Mr. Speaker, may I read what Senator PHIPPS, chairman of the subcommittee, said in connection with this:

Mr. PHIPPS. The District of Columbia appropriation bill, House bill 10101, has received the approval of both Houses, with the exception of the first amendment of the Senate, the fiscal feature of the bill, which was amended by the House, and the House amendment was referred to the Committee on Appropriations. I was authorized by that committee to report it back with a slight amendment, which will be found on page 3 of the amendment adopted by the House, and which is to insert, after the word "discretion," in line 10 of the House text, "to any rate not in excess of the rate imposed upon real estate."

It is simply a matter of precaution to have the language put in such form that it can not be misunderstood or misconstrued. I ask that the amendment may be approved.

So from the RECORD it would appear that there was only one amendment to be considered.

Mr. STAFFORD. From the papers in the custody of the House it shows that the Senate has not acted upon the other amendments in disagreement.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 10101, the District of Columbia appropriation bill, disagree to the amendments of the Senate to the amendment of the House to the amendment of the Senate No. 1; insist on the amendments of the House to the amendments of the Senate Nos. 78, 79, 86, 101, 115, 116, 142, 155, 163, and 187; further insist on the disagreement to the amendment of the Senate No. 186; and ask a conference. Is there objection?

Mr. GARRETT of Tennessee. Of course, the House has already insisted on these other matters. I will not object if the gentleman thinks this is the best.

The SPEAKER pro tempore. The House concurred with an amendment.

Mr. GARRETT of Tennessee. They insisted on a disagreement to No. 186, according to the statement made by the gentleman from Wisconsin [Mr. STAFFORD] just now.

Mr. MADDEN. If they have not receded, we want to be authorized to take up all of them.

Mr. GARRETT of Tennessee. If the gentleman wants to do this, all right; but it seems to me the proper course would be to return the bill to the Senate and let them act on the part they have not acted on. However, I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Is there objection to the Chair appointing the conferees? [After a pause.] The Chair hears none.

The SPEAKER pro tempore named the following conferees: Mr. MADDEN, Mr. CRAMTON, and Mr. JOHNSON of Kentucky.

COLLECTION OF CUSTOMS.

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report from the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Iowa presents a privileged report from the Committee on Ways and Means, of which the Clerk will read the title.

The Clerk read as follows:

House Joint Resolution No. 344, authorizing the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve a point of order as to whether it is privileged.

The SPEAKER pro tempore. The gentleman from Tennessee reserves a point of order as to whether it is privileged, and reserves all points of order on the resolution.

ADDRESS OF PRESIDENT HARDING AT FORT M'HENRY.

Mr. HILL. Mr. Speaker, I desire to make a unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HILL. Yesterday at Fort McHenry, in Baltimore, the President dedicated a memorial to Francis Scott Key, the author of "The Star Spangled Banner." Recently there appeared in some of the newspapers a paid advertisement attacking the national anthem, which symbolizes the ideals for which our men have fought and died. I ask unanimous consent, as an answer to such propaganda, to extend my remarks by inserting the address of the President in 8-point type.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by printing in 8-point type the address delivered by the President yesterday at Fort McHenry.

Mr. LINEBERGER. Reserving the right to object, I want to ask the gentleman if he proposes to insert anything regarding the criticism of "The Star Spangled Banner," or only the President's address?

Mr. HILL. I will say to the gentleman that no man in this Chamber could read the attack which was publicly printed against "The Star Spangled Banner" without having his blood boil, but I feel such an attack should not be dignified by any further reference to it. I think that the magnificent address of the President itself stands for the spirit back of the "Star Spangled Banner" and alone is sufficient answer to the slanders I referred to.

Mr. LINEBERGER. Then, it is the address only?

Mr. HILL. Yes.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does the gentleman from Maryland know whether this is also to be printed in the Senate proceedings?

Mr. HILL. My information is that it is not to be so extended, but I do not know definitely.

Mr. CRAMTON. If the gentleman should learn that it is to be extended, he would not duplicate?

Mr. HILL. I would not.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

ADDRESS OF THE PRESIDENT OF THE UNITED STATES AT THE DEDICATION OF THE FRANCIS SCOTT KEY MEMORIAL AT FORT MCHENRY, BALTIMORE, JUNE 14, 1922.

My fellow Americans, the shrines of American patriotism not only reflect the quality of its gratitude, but they are ever refreshing and inspiring. We are assembled to-day to rededicate one of these sacred shrines. We are met to commemorate a historic victory in arms, when the young Republic was first asserting its national rights against an armed foe. And we are met to commemorate a very unique achievement in the literature of national inspiration. Here the patriotic sons of the early Republic crushed one of the most ambitious invasions ever aimed against our Nation. Here, during the rage of combat, was born the swelling anthem of American patriotism.

It is wholly fitting that Flag Day should be chosen for this commemoration and rededication, because our hymn of patriotism is an apostrophe to the flag we love. Yea, it is apostrophe and invocation as well, born of a patriotic and poetic soul in the travail of a sublimely heroic night.

Some one has said, in substance: "Let me write the songs of a people and I care not who makes their laws." That quotation presents one of the living truths, in every land, under every sky, about the appeal of poetry and song to the finer sentiments of the human heart. The truth is completely demonstrated in the appeal which "The Star-Spangled Banner" made to the American people from the day it came from the poet's heart and pen.

I think it fair to say that we have come here to-day not so much to pay tribute to the genius which caught the inspiration of a vital moment and wrote that inspiration into one of the songs of the ages, but rather more to memorialize the patriotic service of the author in his everlasting contribution to the soul uplift and exaltation of his countrymen who live after him.

Francis Scott Key, though he produced some splendid lines, which are less familiar than they deserve, was not a great poet. He was less, but he was also more, than a great poet. He was possessor of a patriotism which in a supreme moment could make words and meters its creatures and servitors; and so a modest genius was raised in one flaming hour to place among the immortals. That the song became instantly popular, and that when set to music it was immediately adopted as the anthem of militant Americanism, testifies that already, more than a century ago, the conviction of a great nationalism and a great destiny had taken hold upon the American people. To give ringing voice to such a conviction, to such an aspiration, was one of the greatest services which any man could do for the young Republic. That was the service of Francis Scott Key. It was not in the production of soul-stirring lines, thrilling with martial appeal; it was in the contribution of his great hymn toward creating that sense of national pride and that realization of responsibility for a great adventure in behalf of humanity, which became at last the inspiration of union preserved and of nationalism established.

To one who has a bent for such oddities there will be found much of absorbing interest in the study of those songs of patriotism which at different eras have enjoyed popularity. The Civil War brought a generous contribution of songs, good, bad, and indifferent, but all aiding to fire the national spirit. Once they were on millions of tongues, sung in every assembly; yet one will have difficulty finding anybody of the present generation who is familiar with more than a line or two from any of them. I must, of course, except "Dixie," which in the years since Appomattox has been claimed, like every other good thing that the South possessed, as part of the common heritage of the entire people.

Again, the Spanish-American War set us all singing "There's a Hot Time in the Old Town To-night," which in a day became the Army's marching and fighting song. The World War produced a really remarkable group of the songs of inspiration and patriotism. It seems only yesterday that we were singing them. There were many, and they served well; but none has ever for a moment threatened the throne which "The Star Spangled Banner" occupies as the royal anthem of American patriotism.

The composition of "The Star Spangled Banner" seemed at the time a minor incident among major events. The British Government had sent a great expedition to occupy the Chesapeake, and to drive out the privateers which from its waters made their tireless forays against British shipping, and to create the base from which to drive a great military force northward. Simultaneously an army was to advance from Canada southward through the Hudson Valley, the general plan being to split the country along the line of the Hudson, the Delaware, and the Chesapeake. It was the same strategical conception fundamental in the British program of Revolutionary years.

The campaign started off successfully. The British occupied the lower Chesapeake and Potomac, captured Washington, and then turned to reduce Fort McHenry, sentinel at the gates of Baltimore. Then the way would be open for the army's operation in accordance with the general design.

One need not tell a Maryland audience how significant was the failure of the night attack on Fort McHenry. It spelled the failure of the most ambitious project ever put forth for the subjugation of this continent. The Maryland Militia and the limited force of Regulars saved the Chesapeake, and won for Baltimore the distinction of being the only great seaport on the Atlantic coast which has never been occupied by an enemy. I trust that for all the future Baltimore will have to share that fortune with every other seaport; but the fact remains that when the British armada of 1814 retired, beaten, from Fort McHenry, it left with Baltimore the eminence of being the one great American port over which no enemy flag had ever waved.

Great as were the issues decided that September day, the victory has proved of very minor interest in the popular mind, compared to the fact that the battle inspired "The Star Spangled Banner." Mr. Key had gone as a quasi-official envoy on board the British flagship to seek release of an American prisoner. Admiral Cockburn was unwilling to let him return until after the bombardment, lest some of the plans should get to the knowledge of the Americans. So Mr. Key and a friend were retained on board a cartel ship, the *Minden*, from which they saw the bombardment. "The rocket's red glare, the bombs bursting in air" were watched all night long by the two Americans, torn with anxiety for the fate of their city and country.

The poem was written on an envelope and other scraps of paper during the bombardment and within a few hours afterwards. It was literally the inspiration of a great moment and a moving experience. On the retirement of the defeated fleet, Mr. Key was given his freedom, and the poem was published at once, attaining instant popularity.

Did Francis Scott Key, during the harrowing hours of that summer-night vigil in the storm of battle, realize that he was producing an immortal work? Is it possible that to his poet's soul came later realization that he had written lines which meant undying fame? There are evidences that he did conceive that the great inspiration had raised him to heights he had never touched before. When the poem was printed and circulated in Baltimore he watched its reception with the profoundest interest; he wrote of his gratification that it was so well regarded.

If one, forgetting the music, will ponder that poem of battle and victory and thanksgiving, I think he will comprehend the elements that have made it great—great as a song of patriotism and exaltation, great merely as a piece of poetical portraiture. The first stanza tells the anxiety with which, after the bombardment had ceased, the author peered through the mists of dawn and asked the one question whose answer would tell the fateful story:

* * * Can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming, * * *?

In the second stanza he glimpses the banner, and bursts into song of rejoicing. The third stanza is a defiance of the oppressor; and then, in the fourth and last stanza, we find the note of thanksgiving, the prayer that the victory may be justified in the conduct of a race of freemen:

O, thus be it ever, when freemen shall stand
Between their lov'd home and the war's desolation.

That was the poet's prayer. We may fairly claim, in pride for the deeds of our fathers, our sons, our brothers, the prayer has been granted. The faith has been kept.

It is the hope of every American heart to-day that it will continue to be kept. The intervening century has brought our country power and high place. It has cast upon us heavy burdens of responsibility, making us share the difficult problems of a world in the turmoil of a new time. We need all the inspiration and faith which fired his glowing soul of patriotism. No generation of men has ever come into the world to find its path smoothed, or to find its problems solved for it in advance. Solution is the fit price we pay for our great inheritance of liberty and opportunity.

The outstanding and the reassuring thought of to-day is the supreme exaltation of Key, in the hour of great trial, to reveal the soul of a patriot in the night of surpassing anxiety and devotion to country.

No concern for self narrowed his thought. No glorification of the individual marred his vision. No pursuit of fame set his soul ablaze. No personal advantage hindered his pen. His country and his concern for its safety were combined in his all-consuming thought; the Nation was the great, uplifting, and exalting love. In this impassioned, anxious, self-sacrificing, exalting, and exulting love of country, transcending all else, Key reached the sublime heights, and wrote the poetic revelation of an American soul aflame.

If our generation is called to shoulder unprecedented burdens, it may rejoice in unexampled strength. Everlastingly right in the great fundamentals, we may face the future with every confidence, providing men give first of heart and soul to the Republic and its righteous institutions, and give first thought and unfailing devotion to the Nation's perpetuity.

An American citizenship of the high and simple faith of Francis Scott Key, aflame for defense, and no less devoted in meeting the problems of peace, will add to the luster of the banner he so proudly acclaimed. Every glittering star is fixed, every worth-while procession is the more impressive for its bearing, every passion for country is refined by its unfolding. On ships of mercy or vessels of war, in the armed camp or at the memorials of peace, in rejoicing procession or flying from the staff over the simple temples of the schooling youth of America—everywhere it pleases the eye, and reassures the heart and stirs the soul, until we sing in all confidence with the poet-patriot—

The Star-Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave.

EXTENSION OF REMARKS.

Mr. BROWNE of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the coal strike and on the threatened railroad strike.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. BROWNE of Wisconsin. Mr. Speaker, on March 30, addressing my remarks to the then threatened coal strike, I said: "Because of the drastic cut in their wages, amounting to one-fourth of the present wage, 500,000 coal miners will go out on a strike April 1, which gives promise of being one of the largest and most bitter industrial struggles in the history of this Nation." To-day there are at least 650,000 coal miners idle and the output of the coal mines in the United States is so small that there will be a terrible coal shortage even if the men should go back to work to-morrow. However, the coal strike is further from a settlement than it was April 1, when the men stopped work.

BLAME OF THE COAL STRIKE RESTS UPON THE MINE OWNERS.

Despite the tons of propaganda and misleading advertisements of the coal operators, the reading public have placed the blame where it unquestionably should be placed, upon the coal operators, who refused to carry out their agreement made with the miners and sanctioned by the Government, to meet the miners and the conciliation board of the Department of Labor. I went into the merits of this controversy between the coal operators and the miners very fully in my speech of March 30, and I think established the fact that the strike might have been averted if the mine operators had kept their agreement or had accepted the urgent request of Commissioner Davis, of the United States Department of Labor, to confer with him. I again call attention to what Secretary of Labor Davis, a high Government official, a member of the President's Cabinet, who speaks as the voice of the President and the administration, says regarding the merits of the controversy:

I have always believed, and every citizen is with me in the belief, that employers and employees who have signed a wage agreement or contract should observe it in spirit and to the letter. If the two parties to a trade dispute get together, it is always possible to work out a satisfactory settlement and maintain peace.

In fairness it must be said that the miners' officials were willing and ready to go into the conference agreed upon, but some of the operators declined to meet.

The operators and miners were bound to a conference; that this conference might have led to a new agreement and the country might not have been confronted with a stoppage of coal production, a suspension avoided, ample supplies of coal and a gradual reduction in price would have resulted.

I can not but express keen disappointment at the failure of certain operators to fulfill the terms of their obligation to meet in conference with a view to peace in the coal industry for two years more.

The Secretary of Labor says further:

There may be faults on both sides of this bituminous dispute, but the side that openly repudiates its written and signed obligations has crippled its case before the bar of public opinion.

The agreement signed by the parties regarding a future conference is as follows:

Resolved, That an interstate joint conference should be held prior to April 1, 1922, the time and place for holding such meeting to be referred to a committee of two operators and two members from each State herein represented, together with the international officials of the United Mine Workers of America.

The mine operators, notwithstanding this solemn agreement, which both parties entered into at the instance of the Government, absolutely refused to keep their agreement, and, taking advantage of the fact that there were millions of men out of employment, gave notice that April 1, 1922, they would reduce the wages of their employees one-fourth of the present wage.

PUBLIC ENTITLED TO THE FACTS.

When the Federal Trade Commission, another Government agency of the highest standing, attempted two years ago to get the facts as to the cost of mining coal and what it could be sold for at a reasonable profit, the coal operators immediately applied to the United States district court and upon their affidavit, with no notice to the Government, obtained an injunction which has prevented the Government from obtaining the desired information. The Federal Trade Commission appealed, but the appeal is still pending. The commission was enjoined on the ground that the coal business was intrastate, and hence the Federal Trade Commission had no jurisdiction. At the same time a State commission in one of our States undertook to investigate the coal operators in that State. The United States court promptly issued an injunction restraining the State commission from proceeding, on the ground that the coal business was interstate. Surely both of these positions can not be right. The Federal Trade Commission has been sustained in 13 out of 14 appeals to the United States Supreme Court. Notwithstanding this splendid record, the district courts go on the presumption that the Federal Trade Commission is always wrong and the corporation right.

Another case of the Federal Trade Commission having its arms tied by the courts was when it started to investigate the Steel Trust under the statute passed by Congress which plainly gave it that power. That case is still pending in the appellate court.

If the Federal Trade Commission could have made its investigation of the coal companies when it attempted to two years ago, the facts would have been known and the present strike prevented.

TRUTH WILL HURT NO ONE.

Why do the owners of the coal mines object to the Government of the United States having the facts as to the cost of mining a ton of coal and delivering it to the producers? Why do they not welcome a conference with Secretary of Labor

Davis? Why are they not willing to meet the representatives of the miners and sit around the table with a member of President Harding's Cabinet and discuss the facts as they agreed in writing to do?

There is only one answer, and that is that they fear the facts. They know that if the truth was brought out, the way it would be by the Federal Trade Commission, they could no longer mislead the public with their propaganda, and the condemnation of 100,000,000 people would rest upon them and compel them to be fair to their employees and fair to the public. If we had known the facts in the time of the war the public would not have allowed 38 per cent of the coal companies to make over 100 per cent profit on their capitalization.

FACT-FINDING AGENCIES SHOULD BE ESTABLISHED.

The first step taken by Congress should be to establish a permanent fact-finding agency on the coal industry. It should be endowed with full power to get and to publish all the facts without the interference of ex parte injunctions. Let the presumption be that the Government agency is right and let the corporation appeal to the courts, and pending the appeal let the decision of the Government agency stand until it is reversed. Now, the presumption seems to be that the Government is always wrong and the corporation right, although, as I have shown, the highest court in the land sustained the Federal Trade Commission in 13 out of 14 cases.

THREATENED RAILROAD STRIKE.

Over 1,200,000 railroad employees directly affected by the drastic wage reduction will go out on a strike July 1. Undoubtedly the strike will be augmented so that it will ultimately result in a strike of over 2,000,000 railroad employees.

The cut in wages of the maintenance-of-way employees brings the wages of these men, they claim, below a living wage. Are the men justified in striking under these circumstances?

LESS THAN A LIVING WAGE.

Under this drastic cut in their wages 100,000 section men will receive a wage of $563.04 a year. The average wage of all section men—more than 250,000—will be $800.50 per year, with reductions for every day lost on account of bad weather, sickness, or a day taken off for a vacation. Divide these amounts by 312 days—the number of working days in a year, figuring 26 working days to the month—and you have 100,000 men working for $1.83 per day and 250,000 men working for an average of $2.59 per day. I challenge anyone to show how a man can live as a human being should live, to say nothing about supporting his family according to American standards, on $1.83 per day or $2.59 per day.

The statisticians of our Government, disinterested and high authorities, figure the cost of living of a family of three according to American standards at not less than $1,800 per year.

Contrast the wages received by these 100,000 men, most of them men with families, working for $1.83 per day, and the 250,000 other employees working for $2.59 per day, with the words and promises of the highest officials of our Government. Take, first, President Harding's splendid utterances. President Harding, speaking in New York May 24, 1921, said:

> In our effort at establishing industrial justice we must see that the wage earner is placed in an economically sound position. His lowest wage must be enough for comfort, enough to make his house a home, enough to insure that the struggle for existence shall not crowd out the things truly worth living for.
>
> There must be provision for education, for recreation, and a margin for savings.
>
> There must be such freedom of action as will insure full play to the individual's abilities.

If this splendid sentiment so beautifully expressed by President Harding were carried out in fixing the wages of the laborers of the United States there would be no labor troubles, there would be no discontent, and prosperity and happiness and contentment would follow.

Secretary Davis, a member of President Harding's Cabinet, in defining a "buying and saving wage," said:

> It must be sufficient for even the lowest paid wageworker to be able to purchase the necessaries of a comfortable living based on American standards and to save an amount that will meet the exigencies of a time when the wageworker shall have ceased to be a producer.

Senator CUMMINS, of Iowa, one of the authors of the Esch-Cummins bill, said in a speech April 17, 1922:

> I suppose those who framed the transportation act never dreamed that when the Government undertook to fix wages the wages of any man who was required to work would be less than would be necessary to support him and his family in reasonable comfort.

How can we reconcile these fine sentiments of men in places of power with wages of $1.83 a day and $2.59 a day for men with families to support? These men can not live on splendid-sounding phrases. These words will not buy bread and butter for hungry children, nor shoes and stockings, nor pay coal bills, nor pay exorbitant rents to shelter the laborer and his family from the winter storm.

CHURCH PAPER CONDEMNS CUT IN WAGES.

What does a great church paper say about the drastic cut made in the wages of the railroad workers? The Congregationalist, official organ of the Congregational Church of Massachusetts, a paper that has readers throughout the length and breadth of the United States, has the following editorial on the wage cutting:

> Those who have viewed with hope the tendencies in recent years on the part of large private, public, and semipublic corporations to treat labor as something more than a mere commodity and to bring the wages of unskilled labor a little nearer the standard of reasonable subsistence, will view with regret, if not with a measure of alarm, the great cut in wages of unskilled railroad workers which the Railroad Board, with the three representatives of labor dissenting, has recently ordered. The former scale of wages was considerably below the requirements for the maintenance of life and home, according to what Government experts have established as a reasonable standard. Few of those who will favor this reduction would themselves care to accept that as a personal standard, and all honest and considerate men will recognize that with prices still at a high level the reduced wages are far below any scale of decent living, to say nothing of comfort and proper home life.
>
> We may rest assured that when any large group of workers are ill housed, ill fed, and ill clad the community ultimately pays the price. Cheap labor is the costliest of all cheap things.
>
> It is idle to say that labor is a commodity and that the laws of supply and demand are inexorable. That is only partly true. In the higher walks of life more or less arbitrary standards of pay have been established, affording reasonable reward and comfort to the men doing certain work, quite independently of the fact that other men could be secured to do the work as well at lower pay. The recognition of many men in control of public corporations and large industries that wages must have some relation to living conditions has tended to raise the level of wages of unskilled workers everywhere. We deplore, therefore, an example that is likely to have evil effect all around, and we regard as especially inimical to public interest and safety the pushing downward of that great army of workers in "maintenance of way" upon our railroads. If there were no other than a selfish consideration, too much depends upon those workers to risk the weakening of their morale.

LABOR ALWAYS LOYAL.

The laboring classes of this country responded to their country's call in the last war and in every other war we have ever had with an enthusiasm and loyalty that won for them the plaudits of the people.

ENTIRE NATION INVOLVED.

I was informed by the Department of Labor that at the time of the coal strike, April 1, there were at least 5,000,000 men out of employment. Add to this the 650,000 coal miners who are striking because they were not given a living wage, and then add to this 2,000,000 men who will undoubtedly be involved in the threatened railroad strike July 1, and we have 7,650,000 people out of employment. Figuring four persons as dependent upon each wage earner, which is a conservative estimate, and we have over 30,000,000 people without means of support. These 30,000,000 people will cease to be purchasers except to a very limited extent, for idle men and women have very little to purchase with. Every line of industry in the United States will, of course, suffer. As Secretary of Labor Davis said:

> If each of the 7,097,283 women clerks and wage earners in the United States and the wives and daughters of the 23,346,373 men clerks and wage workers in the United States could buy another cotton dress, another woolen dress, another silk dress, the question of unemployment in the textile industries would be solved. And what is true of textiles is true of nearly all other industries.
>
> Reduce wages to that of the Chinese coolie, and you close the factories of the United States, you close the coal mines, and you stop the railroads.

The Secretary of Labor further says that in paying the American worker in terms of a buying and saving wage "we are not giving capital away; we are bringing new brains and enterprise into the use of capital."

Take again the tremendous loss in wages of 7,650,000 men out of employment, at a wage of $3 per day, the minimum wage fixed by Congress in the District of Columbia, and you have a loss in wages alone of $22,950,000 a day. Besides this, the amount of loss in what these men would produce would amount to many times their wages. Economists say that the coal strike has already resulted in a loss of over $500,000,000.

ECONOMIC LOSS NOT AS GREAT AS OTHER LOSSES.

The economic loss to the Nation, although very great, is small in comparison with other ills that follow unemployment. What will be the effect upon the 30,000,000 people involved in this unemployment? There will be an increase of tuberculosis and other diseases that feed on undernourished children and men and women; you will have millions of excellent citizens embittered and resentful and desperate because they are out of work and out of money and unable to purchase food; crime is always more prevalent and many other curses always follow in the wake of unemployment and poverty.

ENTIRE NATION SUFFERS.

With the coal mines being operated in only a small way and the scarcity of coal becoming greater every day, so that it is

inevitable that there will be a shortage the coming winter even if the strike should stop now and the railroads should be run to their greatest capacity, it means that the prices for coal will be prohibitive and if obtainable at all will be only within the reach of the well to do, and many will be unable to keep from freezing. When we augment the situation caused by the coal strike with the railroad strike, the textile strikes, and the unemployment, we are facing the greatest crisis that ever confronted this Nation.

SUPERCORPORATIONS.

The same powerful interests that own the coal mines own the railroads. In my speech on March 30 on the threatened coal strike I gave a list of the powerful financial interests who, through their interlocking directorates, control the output of coal. I also showed how these same interests control the greater portion of the country's steam transportation system. I gave the names of 25 men who control 82 per cent of the country's steam transportation system, operating 211,280 miles of railroad.

I repeat this statement and at the close of the extension of my remarks I am giving the names of the railroads and other corporations in which these men hold directorships. My authority is the Directory of Directors of the City of New York, the latest print that was available in the Congressional Library being from 1919 to 1920. This work is issued by the Audit Co. of New York, 14 Wall Street, New York, and is considered authentic.

Take, for example, J. P. Morgan & Co., the Guaranty Trust Co., the Bankers Trust Co., and the First National Bank of New York. Back in 1913, in the Money Trust investigations by Congress, these five financial institutions held 89 directorships in various banks and trust companies, 29 directorships in insurance companies, 78 directorships in transportation systems, 49 directorships in producing and trading corporations, and 16 directorships in public utility corporations; in all, 261 directorships. (Page 997, vol. 10–20, U. S. Money Trust Investigation.) The wealth of these companies has been augmented very much in the last 10 years.

Take, for another example, the Chase National Bank, of New York, one of the powerful financial interests. Back in 1912, at the time of the Money Trust investigation, the Chase National Bank had 22 directorships in 10 of the largest banks and trust companies.

The National Bank of Commerce of New York in 1912 had 57 directorships in 22 large banks and trust companies, these banks and trust companies having resources of over $2,000,000,000. This bank also had at that time 21 directorships in 9 insurance companies, including the Equitable and the Mutual Life Insurance Co.

Railroad labor need not expect any mercy from these people, because they are the same interests that have brought on the coal strike. They are the same interests that have oppressed the laboring men in the steel industry, which was condemned in a most scathing report of the interchurch committee that investigated the steel industry three years ago.

LEST WE FORGET.

The exploitation of the railroads of the United States by their officials and directors has repeatedly been a national scandal. The crédit mobilier, in 1873, involved directors of railroads, judges, and legislators. Anyone that is interested can get from the library the Poland Report No. 77. Another inquiry was made into the affairs of the Union Pacific Railroad Co. and like conditions unearthed and can be found in the Wilson Report No. 78.

Skipping over these earlier railroad scandals, I take up the reports of the United States Interstate Commerce Commission, rendered from 1914 to 1917, in re financial transactions of the New York, New Haven & Hartford Railroad Co., docket No. 6569. Report of the investigation of the St. Louis & San Francisco Railroad and others, docket No. 5933. In re Pere Marquette Railroad Co. and Cincinnati, Hamilton & Dayton Co., docket No. 6833. Investigation of the financial transactions, history, and operation of the Chicago, Rock Island & Pacific Railway Co., docket No. 6834. In re financial relations, rates, and practices of the Louisville & Nashville Railroad Co., docket No. 6319.

If you read these reports you will see how the railroads have been exploited by these same men—the Morgans, Vanderbilts, and Rockefellers—that are now controlling the railroad systems of this country.

I have not the time to quote extensively from the reports of the Interstate Commerce Commission, who have condemned in the strongest way the practices of these railroad officials in exploiting these railroads. I will quote briefly a few extracts from the report on the New Haven scandal:

THE NEW HAVEN SCANDAL.

The New York, New Haven & Hartford Railroad, on June 30, 1903, with a total mileage of 2,040 miles, had a total capitalization of $93,000,000, of which $79,000,000 was stock and $14,000,000 bonds.

On June 30, 1912, the capitalization, excluding stock premiums, had been increased to $417,000,000, an increase of $324,000,000 in nine years, although in that time mileage operated had only been increased 50 miles. (See Reports of Interstate Commerce Commission, vol. 27 and vol. 31, which disclose the details of the scandalous history of the New Haven Railroad.)

FALSIFICATION OF BOOKS.

The extent of the fraudulent methods of the New Haven road is illustrated by the following extract from the report of the Interstate Commerce Commission:

As one illustration of the devious financial operations of this railroad let us take the undisputed facts appearing of record as to shifting of funds to show dividends earned in the year 1912, as exhibited in the annual accounts. This is not an isolated case, but was more in the nature of a practice with the subsidiary companies, as the investigation discloses.

To make up its own income account, the New York, New Haven & Hartford Railroad Co. reported as receiving certain sums as dividends on stocks owned and controlled, the largest of which appears to be a dividend of $2,252,500 from the New England Navigation Co., which was paid, according to the record, on June 26 and 29, 1912.

* * * * * * *

The effect of the transaction means that the New York, New Haven & Hartford Railroad Co. advanced $2,000,000 in cash for another company to pay to it dividends on its stock and included the amount so advanced in its income as a dividend received. In other words, the New York, New Haven & Hartford Railroad Co. set up in its income account an item of $2,000,000 on one side and an asset consisting of $2,000,000 in paper on the other side.

* * * * * * *

The accounts of the company are replete with instances in which profits have been declared to be earned by the transfer of stock, bonds, debentures, and securities of one of the subordinate and subsidiary companies of the New Haven system to another such subsidiary company, and such profits are solemnly recorded as real profits in making up the account of the system as a whole.

Is it right to deny a living wage to the laborers who make it possible for the railroad companies to operate their lines? In other words, is the dollar to be placed above the man?

I have taken up just one of the groups of railroad employees affected by the Labor Board's decision. The second decision affected the so-called "shop crafts," including machinists, boilermakers, blacksmiths, sheet-metal workers, electrical workers, car men, and so forth. The third decision had to do with the clerical forces, stationary firemen, engineers, oilers, and the signal department employees.

An equally strong case could be made against the cut in the wages of the above group included in decisions Nos. 2 and 3. The public has been misled by the propaganda and extensive advertising of the railroad companies to believe that the engineers and other employees of the railroads were receiving extremely high wages. The true facts have been brought to light by data collected by the Interstate Commerce Commission and the United States Railroad Labor Board. According to the carefully compiled figures of the Railroad Labor Board the average daily earnings of the engineers are as follows:

	Per day.
Passenger engineer	$6.00
Through freight engineer	7.05
Local freight engineer	7.44

This includes overtime as well as regular pay, and is the total daily compensation received by the average engineer since July 1, 1921, when decision No. 147 of the Labor Board was rendered.

In the same report there is also given the average monthly wage received by engineers, which indicates that many of them do not work full time. The highest average wage stated is but $185.93 per month, which tapers to $119.56 for yard and local engineers per month.

When we consider the great responsibility of the engineer, the number of lives that are dependent upon his careful, vigilant, and skilled service, also the fact that an engineer has to measure up to the highest physical test—so severe that 17 per cent of the firemen who aspire to become engineers are rejected at the end of three years because their eyesight becomes impaired by the fierce glare of a grate of coal throwing off 2,800 degrees of heat, and an additional 76 per cent failing to exhibit the temperament and natural ability required of an engineer, so that only 17 out of every 100 candidates ever become engineers—we can not help but come to the conclusion that engineers have certainly never been overpaid.

RAILROADS INSIST ON LARGE RETURNS FOR THEIR INVESTMENT.

While the railroads are demanding that the workers' wages be reduced, they are insisting that the wages of the dollar—the returns on the capital they have invested—shall be increased. During the war the Government paid the railroads $906,000,000 a year rental, which was supposed to be the average of their net income during the most profitable years of their existence, 1915, 1916, and 1917. Senator CUMMINS said this was so high that it "shocked the moral sense of mankind,"

and he claimed it should be reduced by $200,000,000. In its latest decision the Interstate Commerce Commission has authorized the railroads to collect 5¾ per cent on $18,900,000,000, which would amount to $1,086,750,000, or $180,000,000 more than the Government paid during the war.

But the railroads are not satisfied. During the hearings before the Interstate Commerce Commission their authorized spokesmen demanded 6 per cent on a valuation of $30,000,000,000.

We hear the claim made that the railroads have been skimped during recent years. They certainly were not skimped when the Government paid them $906,000,000 a year rental.

In 1918, the first year of Government control, the Government spent $622,000,000 more on maintenance than had been expended in 1917 and over $700,000,000 more than had been expended in 1916. In 1919 the Government expended on maintenance, and so forth, $297,000,000 more than the preceding year, and in 1920, eight months of which were under Government control or Government guaranty, $625,000,000 more was spent on maintenance, and so forth, than the preceding year.

These figures are sustained by the testimony before the Senate Committee on Interstate Commerce, and can be found in the testimony of Dr. Frank J. Warne, a statistician and economist of national reputation.

These figures corroborate the statement of Walker D. Hines, former Director of Railroads, and William G. McAdoo, who testified before the same committee, and ought to put at rest the statement that the railroads were starved during Government control.

THE COMPANIES THAT REDUCE WAGES HAVE NOT REDUCED THEIR COMMODITIES.

Coal and gasoline continue to rise in price and are higher now than at any time in the war. At the signing of the armistice, November, 1918, anthracite coal, according to the operators' own figures, sold at the mouth of the mine for $6.10. October, 1920, two years afterwards, when farm produce had deflated so that it was selling for less than the cost of production, anthracite coal sold at the mouth of the mine for $7.95, $1.85 per ton in advance of two years previous and $2.90 more than it did December 1, 1917, when we were engaged in war and when the companies were making over 100 per cent profits.

The following are figures furnished by the anthracite operators themselves:

In 1902 anthracite coal sold for $3.75 per ton at the mouth of the mine. The price stayed about the same when it was raised to $4 per ton in 1912. The following gives the cost of coal at the mouth of the mine.

	Per ton.
June, 1912	$4.00
May, 1916	4.40
May, 1917	4.70
December, 1917	5.05
November, 1918	6.10
August, 1919	6.60
April, 1920	7.45
October, 1920	7.95

CONCLUSION.

It is an open boast of the great financiers who have obtained their great wealth largely through the acquirement and monopolization of great natural resources, who are the owners of the railroads, coal mines, and who control iron, steel, copper, petroleum, and so forth, that they are going to destroy organized labor. They are going to attempt to do this if they stop production, paralyze the industries of the country, and let gaunt famine stalk throughout the land. They are appealing to the Government and courts to aid them. Will the Federal Government lend its aid to such purpose? I can not believe that it will when I read the message of President Harding delivered before Congress December 6, 1921, in which he said:

> The right of labor to organize is just as fundamental and necessary as is the right of capital to organize. The right of labor to negotiate, to deal with and solve its particular problems in an organized way, through its chosen agents, is just as essential as is the right of capital to organize, to maintain corporations to limit the liabilities of stockholders. Indeed, we have come to recognize that the limited liability of the citizen as a member of a labor organization closely parallels the limitation of liability of the citizen as a stockholder in a corporation for profit. Along this line of reasoning we shall make the greatest progress toward solution of our problem of capital and labor.

DIRECTORSHIPS OF THE POWERFUL GROUP OF FINANCIERS TAKEN FROM THE DIRECTORY OF DIRECTORS OF THE CITY OF NEW YORK, THE LATEST PRINT AVAILABLE IN THE CONGRESSIONAL LIBRARY FOR 1919 AND 1920. ISSUED BY THE AUDIT CO. OF NEW YORK, 14 WALL STREET, AND CONSIDERED AUTHENTIC.

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LEONOR F. LOREE.

President, member of board of managers, and chairman of executive committee, the Delaware & Hudson Co.
Director, Air Reduction Co.
Director, Albany & Susquehanna Railroad Co.
President, chairman of executive committee, and director, Albany Coal Co.
Trustee, American Surety Co. of New York.
Director, Baltimore & Ohio Railroad Co.
President, chairman of executive committee, and director, Bluff Point Land Improvement Co.
Director, Boston, Cape Cod & New York Canal Co.
President, chairman of executive committee, and director, Capitol Railway Co.
Director, Champlain Transportation Co.
Director, vice president, etc., Chateaugay & Lake Placid Railway Co.
Director, Chicago Junction Railways & Union Stock Yards Co.
Director, Cincinnati, Hamilton & Dayton Railway Co.
President, chairman of executive committee, and director, Cohoes Railway Co.
Director, Cooperstown & Charlotte Valley Railroad Co.
President and director, Cooperstown & Susquehanna Valley Railroad Co.
Director, Electric Express Co.
Director, Erie Railroad Co.
President and director, Fort William Henry Hotel Co.
President, chairman of executive committee, and director, Great Western Turnpike Road.
Chairman of executive committee and director, Greenwich & Johnsonville Railway Co.
President, chairman of executive committee, and director, Hudson Coal Co.
President, chairman of executive committee, and director, Hudson Valley Railway Co.
President, chairman of board of directors, and chairman of executive committee, Kansas City Southern Railway Co.
President and director, Kingston Realty Co.
President, chairman of executive committee, and director, Lake George Steamboat Co.
Director, Mechanics & Metals National Bank of the City of New York.
President and director, Mechanicville & Fort Edward Railroad Co.
President, chairman of executive committee, and director, Napierville Junction Railway Co.
Director, National Employment Exchange.
Director, National Railways of Mexico.

Director, New York, Ontario & Western Railway Co.
President, chairman of executive committee, and director, North River Railway Co.
President, chairman of executive committee, and director, Northern Coal & Iron Co.
President and director, Northern New York Development Co.
Director, Ontario, Carbondale & Scranton Railway Co.
Director, Pere Marquette Railway Co.
President, chairman of executive committee, and director, Plattsburg Traction Co.
Director, Port Jervis, Monticello & Summitville Railroad Co.
President, chairman of executive committee, and director, Quebec, Montreal & Southern Railway Co.
Director, Rensselaer & Saratoga Railroad Co.
President and director, Rutland & Whitehall Railroad Co.
Director, Schenectady Railway Co.
President, chairman of executive committee, and director, Schuylkill Coal & Iron Co.
Director, Seaboard Air Line Railway Co.
President, chairman of executive committee, and director, Shanferoke Coal Co.
Director, Sheafer's Creek Water Co.
Director, Silverton Coal Co.
Director, Southern Pacific Co.
President and director, Troy & New England Railway Co.
Director, Troy Union Railroad Co.
President, chairman of executive committee, and director, United Traction Co.
Director, Warren County Electric Light, Heat & Power Co.
Director, Waterford & Cohoes Railroad Co.
Director, Wells, Fargo & Co.
Director, Wheeling & Lake Erie Railway Co.
Director, Wilkes-Barre Connecting Railroad Co.

ALBERT J. COUNTY.

Vice president, Pennsylvania Railroad Co.
President and director, American Contract & Trust Co.
Director, Arcade Real Estate Co.
President and trustee, Associates of the Jersey Co.
President and director, Atlantic Avenue Elevated Railroad Co.
Director, Baltimore & Delaware Bay Railroad Co.
Vice president and director, Baltimore, Chesapeake & Atlantic Railway Co.
President and director, Barnegat Railroad Co.
President and director, Belvidere Delaware Railroad Co.
President and director, Blair Water Gap Supply Co.
President and director, Blandburg Water Co.
Vice president and director, Bradford Railroad Co.
Vice president and director, Buffalo Coal Co.
President and director, Camden & Burlington County Railway Co.
President and director, Central Elevator Co., Baltimore.
Assistant president and director, Cherry Tree & Dixonville Railroad Co.
President and director, Citizens Water Co., Scottdale.
President and director, Clearview Water Supply Co.
President and director, Connecting Railway Co.
Director, Connecting Terminal Railroad Co.
President and director, Coopers Point & Philadelphia Ferry Co.
President and director, Dauphin Consolidated Water Supply Co.
President and director, Delaware, Maryland & Virginia Railroad Co.
President and director, Delaware River Railroad & Bridge Co.
President and director, Delaware Water Co.
President and director, Dunbar Water Supply Co.
President and director, Duquesne Warehouse Co.
President and director, Elmira & Lake Ontario Railroad Co.
Assistant to president and director, Enola Realty Co.
Director, Erie & Western Transportation Co.
President and director, Freehold & Jamesburg Agricultural Railroad Co.
Director, Girard National Bank, Philadelphia.
Vice president and director, Girard Point Storage Co.
Vice president and director, Glen Cove Railroad Co.
Vice president and director, Glendale & East River Railroad Co.
Vice president and director, Greenmount Water Supply Co.
Vice president and director, Harrison & East Newark Connecting Railroad Co.
Vice president and director, High Ridge Water Supply Co.
Vice president and director, Huntington Railroad Co.
Vice president and director, Johnsonburg Railroad Co.
Vice president and director, Katherine Water Co.
Vice president and director, Kensington & New Jersey Ferry Co.
Vice president and director, Kingston Realty Co.
Director, Kirby Wharf Co.
President and director, Long Island Consolidated Electrical Co.
Director, Long Island Electric Railway Co.
President, manager, and director Lykens Valley Railroad Co.
Director, Lykens Water Co.
Vice president and director, Manor Real Estate & Trust Co.
Vice president and director, Maryland, Delaware & Virginia Railroad Co.
Director, Mineral Railroad Mining Co.
Director, Monongahela Railway Co.
President and director, Montauk Steamboat Co.
President and director, Montauk Water Co.
President and director, Mountain Water Supply Co.
Director, Mutual Fire, Marine & Inland Insurance Co.
President and director, Nassau County Railway Co.
President and director, Nekoda Water Supply Co.
Director, New York & Long Island Traction Co.
President and director, New York & Rockaway Beach Railway Co.
President and director, New York Bay Railroad Co.
President and director, New York, Brooklyn & Manhattan Beach Railway Co.
Assistant president and director, New York Connecting Railroad Co.
Vice president and director, New York, Philadelphia & Norfolk Railroad Co.
Vice president and director, Norfolk & Portsmouth Belt Line Railroad Co.
President and director, Northern Central Connecting Railway Co.
Vice president and director, Northern Central Railway Co.
President and director, Northport Traction Co.
Vice president and director, Northwestern Coal & Iron Co.
President and director, Ocean Electric Railway Co.
Director, Ocean City Bridge Co.
President and director, Octoraro Water Co.
President and director, Pennsylvania & Atlantic Railroad Co.
Vice president and director, Pennsylvania & Newark Railroad Co.
Director, Pennsylvania Canal Co.
Director Pennsylvania Co.
President and director, Pennsylvania Terminal Real Estate Co.
Vice president and director, Pennsylvania Tunnel & Terminal Co.
President and director, Perth Amboy & Woodbridge Railroad Co.
President and director, Philadelphia & Beach Haven Railroad Co.
Director, Philadelphia & Camden Ferry Co.
President and director, Philadelphia & Trenton Railroad Co.
Vice President and director, Philadelphia, Baltimore & Washington Railroad Co.
Director, Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co.
Assistant president and director, Pittsburg Joint Stock Yards Co.
President and director, Prospect Park & Coney Island Railroad Co.
Vice president and director, Richmond-Washington Co.
Vice president and director, Rocky Hill Railroad & Transportation Co.
Vice president and director, Rosslyn Connecting Railroad Co.
Vice president and director, Roxborough Railroad Co.
Vice president and director, Shamokin Dam Water Co.
Vice president and director, Shamokin Valley & Pottsville Railroad Co.
Vice president and director, South River Water Co.
Vice president and director, Southern Pennsylvania Railway & Mining Co.
Assistant president and director, Stuyvesant Real Estate Co.
President and director, Summit Water Supply Co.
Director, Susquehanna Coal Co.
President and director, Tipton Railroad Co.
President and director, Tipton Water Co.
President and director, Trenton, Delaware Bridge Co.
President and director, Trout Run Water Supply Co.
President and director, Union Railroad Co. of Baltimore.
Director, Washington Southern Railway Co.
Vice president and director, Washington Terminal Co.
President and director, West Jamaica Land Co.
Vice president and director, West Jersey & Seashore Line.
Vice president and director, Western New York and Pennsylvania Railway Co.
Director, Western Warehousing Co.
President and director, Wilkes-Barre Connecting Railroad Co.
President and director, Winslow Water Co.
President and director, York, Hanover & Frederick Railway Co.

ALVIN W. KRECH.

President and trustee, The Equitable Trust Co.
Director, Buxton & Landstreet Co.
Vice president and director, Chicago & Eastern Illinois Railroad Co.
Director, City Investing Co.
Director, Davis Coal & Coke Co.
President and director, Equitable Safe Deposit Co.
Director, Federal Sugar Refining Co.
Director, Foreign Bond & Share Corporation.
Director, Great Atlantic & Pacific Tea Co.
Director, John L. Roper Lumber Co.
Director, Manhattan Railway Co.
Director, Metropolitan Opera Co.
Director, Midland Securities Co.
Director, Missouri, Kansas & Texas Railway Co.
Director, National Surety Co.
Director, Norfolk Southern Railroad Co.
Director, Raleigh, Charlotte & Southern Railway Co.
Director, Robins Conveying Belt Co.
Director, St. Bartholomew's Loan Association.
Trustee, St. Luke's Hospital.
Director, Southern Cotton Oil Co.
Director, Southern New York Power & Railway Co.
Director, Texas & Pacific Railway Co.
Director, Trans-Oceanic Commercial Corporation.
Director, Union Dye & Chemical Corporation.
Director, United States Food Products Corporation.
Director, Virginia-Carolina Chemical Co.
Director, Wabash Railway Co.
Director, Western Maryland Railway Co.
Director, Western Pacific Railroad Co.
Director, Western Power & Light Co.
Director, Westinghouse, Church, Kerr & Co.
Trustee, Woodward Iron Co.

FRANK H. DAVIS.

Vice president, treasurer, and director, Chesapeake & Ohio Northern Railroad Co.
Vice president, treasurer, and director, Chesapeake & Ohio Railway Co.
Vice president, treasurer, and director, Des Moines & Fort Dodge Railroad Co.
Vice president and director, Hocking Valley Railway Co.
Vice president, treasurer, and director, Iowa Central Railway Co.
Vice president, treasurer, and director, Minneapolis & St. Louis Railroad Co.
Director, Missouri, Kansas & Texas Railway Co.
Director, Newport News Ship Building & Dry Dock Co.
Director, Pittsburgh & Shawmut Railroad Co.
Director, Pittsburgh, Shawmut & Northern Dry Dock Co.
Director, Standard Safe Deposit Co. of New York.
Director, Toledo, St. Louis & Western Railroad Co.
Director, Western Power Co.
Director, Western Power Corporation.
Vice president and director, White Sulphur Springs (Inc.).

FAIRFAX HARRISON.

Member of firm Bangs, Stetson, Tracy & McVeagh, New York.
Vice president, Southern Railway Co., 1906 to 1910.
President, Chicago, Indianapolis & Louisville Railway Co., 1910 to 1913.
President, Southern Railway Co., 1913.
Chairman of Railroads War Board, 1917.

W. W. ATTERBURY.

Director, Long Island Railroad Co.
Director, Norfolk & Western Railway Co.
Director, Pennsylvania Co.
Director, Pennsylvania Tunnel & Terminal Railroad Co.

JACKSON E. REYNOLDS.

Director, Chattel Loan Society.
President and director, First National Bank of New York.
Director, First Security Co.
Director, Gerstendorfer Bros.
Director, Lehigh & Wilkes-Barre Coal & Coke Co.
Director, Mercantile Trust Co.
Director, New Jersey General Security Co.
Director, Southern Railway Co.
Director, West Virginia Coal & Coke Co.

CHARLES STEELE.

Member of firm of J. P. Morgan & Co.
Director, Atchison, Topeka & Santa Fe Railway Co.
Director, Cerro De Pasco Copper Corporation.
Director, Chicago, Great Western Railroad Co.
Director, General Electric Co.
Director, International Mercantile Marine Co.
Director, Northern Pacific Railway Co.
Director, Southern Railway Co.

HOWARD ELLIOTT.

Chairman and director, New York, New Haven & Hartford R. R. Co.
Director, Chicago, Burlington & Quincy Railroad Co.
Director, New York, Ontario & Western Railway Co.
President and director, Northern Pacific Railway Co.
Director, Rutland Railroad Co.

J. PIERPONT MORGAN.

Director, Aetna Insurance Co.
Director, Discount Corporation Co. of New York.
Director, First Security Co. of New York.
Director, International Mercantile Marine.
Director, Montana Farming Corporation.
Director, New York & Harlem Railroad Co.
Director, Northern Pacific Railway Co.
Director, Pullman Co.
Director, United States Steel Corporation.
And the control of J. P. Morgan & Co., which in itself has directorships in at least 100 banks, trust companies, insurance companies, transportation systems, and public utility corporations.

CHARLES HAYDEN.

Director, Adams Express Co.
President and director, Alaska Gastineau Mining Co.
President and director, Alaska Gold Mines Co.
Director, Allis-Chalmers Manufacturing Co.
Director, American Locomotive Co.
Director, American Pneumatic Service Co.
Director, Art Metal Construction Co.
Vice president and director, Bingham & Garfield Railway Co.
Executive committee and trustee, Boston & Worcester Electric Co.
Director, Boston & Worcester Street Railway Co.
Vice president and director, Butte & Superior Copper Co.
Vice president and director, Chicago, Rock Island & Pacific Railway Co.
Vice president and director, Chino Copper Co.
Director, Continental Zinc Co.
Director, Cramps Ship & Engine Building Co.
Director, Cuba Cane Sugar Corporation.
Director, Duquesne Light Co., of Pittsburgh.
Trustee, Equitable Trust Co., of New York.
Director, Foreign Bond & Share Corporation.
Vice president and director, Foster Engineering Co.
Director, International Nickel Co.
Director, Lamson Store Service Co.
Director, Massachusetts Institute of Technology.
Chairman of board, Minneapolis & St. Louis Railway Co.
President and director, Nassau Light & Power Co.
Director, National Surety Co.
Director, Nevada Consolidated Copper Co.
Director, Nevada Northern Railway Co.
Director, Pere Marquette Railway Co.
Director, Philadelphia Co., Pittsburgh.
Treasurer and director, Ray & Gila Valley Railway Co.
Vice president and director, Ray Consolidated Copper Co.
Director, Scandinavia Trust Co.
Vice president and director, Simms Magneto Co.
Director, Twin City Rapid Transit Co.
Vice president and director, Utah Copper Co.
Director, Utah Power & Light Co.
Director, Utah Securities Corporation.
Director, Wright-Martin Aircraft Corporation.

ALBERT H. HARRIS.

Vice president, New York Central Railroad Co.
Director, Addison Railroad Co.
Director, Beech Creek Extension Railroad Co.
Vice president and director, Beech Creek Railroad Co.
Director, Calumet Western Railway Co.
Director, Central Indiana Railway Co.
Vice president and director, Chicago, Kalamazoo & Saginaw Railway Co.
Vice president and director, Cincinnati, Lafayette & Chicago Railroad Co.
Vice president and director, Cincinnati Northern Railroad Co.
Vice president and director, Cincinnati, Sandusky & Cleveland Railroad Co.
Director, Cleveland & New Castle Railway Co.
Vice president and director, Columbus, Hope & Greensburg Railroad Co.
Director, Dayton & Union Railroad Co.
Vice president and director, Detroit River Tunnel Co.
Director, East Side Traction Co.
Director, Electric Express Co.
Vice president and director, Evansville, Mount Carmel & Northern Railway Co.
Vice president and director, Fairport & Phalanx Railroad Co.
Director, Findlay Belt Railway Co.
Vice president and director, Fort Wayne, Cincinnati & Louisville Railroad Co.
Director, Fulton Chain Railway.
Director, Genesee Falls Railway Co.
Director Glen Haven Improvement Co.
Director, Guaranty Trust Co., of New York.
Vice president and director, Hudson River Bridge Co., of Albany.
Vice president and director, Hudson River Connecting Railroad Corporation.
Vice president and director, Indiana Harbor Belt Co. Railroad.
Vice president and director, Kanawha & Michigan Railroad Co.
Vice President and director, Kanawha & West Virginia Railroad Co.
Vice president and director, Lake Erie, Alliance & Wheeling Railroad Co.
Vice president and director, Lake Erie & Eastern Railroad Co.
Vice President and director, Lake Erie & Western Railroad Co.
Director, Lansing Transit Railway Co.
Director, Louisville & Jeffersonville Bridge Railroad Co.
Director, Mahoning & Shenango Valley Railway Co.
Director, Mahoning Coal Railroad Co.
Director, Merchants Despatch Transportation Co.
Director, Mohawk Valley Co.
Director, Monongahela Railway Co.
Director, New Gauley Coal Corporation.
Vice president and director, New Jersey Junction Railroad Co.
Vice president and director, Northern Ohio Railway Co.
Director, New York State Railways.
Director, New York & Fort Lee Railroad Co.
Vice president and director, Ottawa & New York Railway Co.
Director, Ogdensburg Terminal Co.
Vice president and director, Peoria & Eastern Railway Co.
Vice president and director, Pittsburgh & Lake Erie Railway Co.
Director, Pittsburgh, McKeesport & Youghiogheny Railroad Co.
Director, Raquette Lake Railway Co.
Director, Rochester Electric Railway Co.
Director, Rochester Railway & Light Co.
Director, Rochester & Genesee Valley Railroad Co.
Director, Rutland & Noyan Railroad Co.
Director, Rutland Railroad Co.
Director, Rutland Transit Co.
Vice president and director, St. Clair & Western Railroad Co.
Vice president and director, St. Lawrence & Adirondack Railway Co.
Director, Schenectady Railway Co.
Director, Shenango Valley Railroad Co.
Director, Stewart Railroad Co.
Vice President and director, Toledo & Ohio Central Railway Co.
Director, Toronto, Hamilton & Buffalo Railway Co.
Director, Troy Union Railroad Co.
Director, Union Depot Co., Columbus, Ohio.
Vice president and director, Vernon, Greensburg & Rushville Railroad Co.
Vice president and director, Wallkill Valley Railroad Co.
Vice president and director, Western Transit Co.
Vice president and director, Zanesville & Western Railway Co.
Director, Zanesville Terminal Railroad Co.

JULIUS KRUTTSCHNITT.

President and director, Southern Pacific Co.
Executive committee member, American Railway Association.
Executive committee member and director, Arizona Eastern Railroad Co.
Director, Erie Railroad Co.
Executive committee member and director, Galveston, Harrisburg & San Antonio Railway Co.
Director, Harriman National Bank.
Executive committee member and director, Hillside Coal & Iron Co.
Executive committee member and director, Houston & Shreveport Railroad Co.
Executive committee member and director, Houston & Texas Central Railroad Co.
Executive committee member and director Houston, East & West Texas Railway.
Executive committee member and director, Louisiana Western Railroad Co.
Executive committee member and director, Morgan's Louisiana & Texas Railroad & Steamship Co.
Director, Northern Pacific Terminal of Oregon.
Executive committee member and director, Northwest Mining & Exchange Co.
President and director, Pacific Fruit Co.
Executive committee member and director, Penn Coal Co.
President and director, Rockaway Pacific Corporation.
President and director, Sonora Railway Co.
Executive committee member and director, Southern Pacific Railroad Co. of Mexico.
Director, Southern Pacific Railroad Terminal Co.
Executive committee member and director, Texas & New Orleans Railroad Co.
Executive committee member and director, Western Union Telegraph Co.
Director, United States Mortgage & Trust Co.

CHARLES E. INGERSOLL.

Organizer and president, Choctaw Northern Railroad Co.
Organizer and president, Midland Valley Railroad Co.
Director, Pennsylvania Railroad Co.
Director, Girard Trust Co.
Director, Philadelphia Savings Fund Society.
Director, Central National Bank.
Director, Philadelphia Electric Co.
Director, General Asphalt Co.
Director, Missouri Pacific Railroad.
Director, Philadelphia & Western Railroad Co.
President, North Pennsylvania Railroad Co.

EDWARD T. STOTESBURY.

Member of firm, J. P. Morgan Co.
Member of firm, Drexel Co.
President and director, Buffalo Creek Railroad Co.
Director, Central Railroad Co. of New Jersey.
Director, Cox Bros. & Co. (Inc.).
Director, Delaware, Susquehanna & Schuylkill Railroad Co.
Director, Fidelity Trust Co.
Director, Girard Trust Co. of Philadelphia.
Director, Highland Coal Co.
Director, Interstate Live Stock Co. (Inc.).
Director, Lehigh & Hudson River Railway Co.
Director, Lehigh & New York Railroad Co.

Director, Lehigh & Wilkes-Barre Coal Co.
Director, Lehigh Valley Coal Co.
Director, Lehigh Valley Railroad Co.
Director, Lehigh Valley Railroad Co. of New Jersey.
Director, Lehigh Valley Railway Co.
Director, Lido Corporation.
Director, Metropolitan Opera Co.
President and director, Metropolitan Opera House Co. of Philadelphia.
Director, Morris Canal & Banking Co.
Director, National Horse Show Ass'n of America.
Director, National Storage Co.
Director, National Umbrella Frame Co.
Director, New York & Middle Coal Field Railroad & Coal Co.
Director, New York Short Line Railroad Co.
Director, Philadelphia & Reading Coal & Iron Co.
Trustee, Penn Mutual Life Insurance Co.
Chairman of board directors, Philadelphia & Reading Railway Co.
Director, Philadelphia Trust, Safe Deposit & Insurance Co.
President and director, Reading Co.
Director, Schuylkill & Lehigh Valley Railroad Co.
Director, Temple Iron Co.
Director, Transportation Mutual Insurance Co.
Director, United Gas Improvement Co.
Director, United Transfer Co.
Director, Wyoming Valley Coal Co.

EUGENE V. R. THAYER.

President and director, Chase National Bank.
Director, American Cotton Oil Co.
Director, American Foreign Banking Corporation.
Director, American Telephone & Telegraph Co.
Chairman of board directors, Bankers & Shippers' Insurance Co.
Director, Bethlehem Steel Corporation.
Director, Boston Elevated Railway.
Vice president and director, Chase Securities Corporation.
Vice president and director, Chicago Junction Railways & Union Stock Yards.
Director, Discount Corporation, of New York.
Director, Fairbanks Co.
President and director, Foreign Bond & Share Corporation.
Director, Industrial Finance Corporation.
Director, Massachusetts Bonding & Insurance Co.
Director, Mathieson Alkali Works.
Director, Mercantile Trust Co.
Director, Minneapolis & St. Louis Railroad Co.
Director, Morris Plan Co., of New York.
Director, Otis Elevator Co.
Director, Pere Marquette Railway Co.
Director, Philadelphia Co.
Director, Pilot Cotton Mills.
Director, Pittsburgh & West Virginia Railway Co.
Director, St. Louis-San Francisco Railway Co.
Vice president and director, United States Guarantee Co.

THOMAS DE WITT CUYLER.

Chairman Association of Railway Executives, Philadelphia, Pa.
Director, the Appraisals Corporation.
Director, Arcade Real Estate Co.
Director, Atchison, Topeka & Santa Fe Railway Co.
Director, Audit Co. of New York.
Director, Bankers' Trust Co.
Director, Commercial Trust Co.
Director, Equitable Life Assurance Society of the United States.
Trustee, Equitable Trust Co. of New York.
Director, Girard Trust Co.
Director, Guarantee Co. of North America.
Director, Guaranty Trust Co., New York.
Director, Interborough Consolidated Corporation.
Director, Interborough Rapid Transit Co.
Director, the Lido Corporation.
Director, Long Island Consolidated Electrical Co.
Director, Long Island Railroad Co.
Director, Matawok Land Co.
Director, Metropolitan Opera Co.
Director, Metropolitan Trust of New York City.
Director, New York, New Haven & Hartford Railroad Co.
Director, New York, Ontario & Western Railway Co.
Director, New York Railways Co.
Director, New York, West Chester & Boston Railway.
Director, Pennsylvania Co.
Director, Pennsylvania Co. for Insurance on Lives and Annuities.
Director, Pennsylvania, New York & Long Island Terminal Co.
Director, Pennsylvania Fire Insurance Co.
Director, Pennsylvania Railroad Co.
Director, Pennsylvania Tunnel & Terminal Co.
Director, Philadelphia Savings Fund Society.
Director, Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co.
Director, Rapid Transit Subway Construction Co.
Director, Rutland Railroad Co.
Director, Standard Steel Works Co.
Director, Subway Realty Co.
Director, United States Guarantee Co.
Director, United States Mortgage & Trust Co.
Director, Waldorf-Astoria (Inc.).
Director, Western Union Telegraph Co.

HENRY WALTERS.

Director, Atlanta & West Point Railroad Co.
Chairman of board of directors Atlantic Coast Line Co.
Chairman of board of directors Atlantic Coast Line Railroad Co.
Director, Belt Line Railway Co., Montgomery, Ala.
Chairman of board of directors Charleston & Western Carolina Railway Co.
Director, Chesapeake Steamship Co.
Director, Chicago, Indianapolis & Louisville Railway Co.
Director, Columbia, Newberry & Laurens Railroad Co.
Director, Cuba Co.
Chairman of board of directors Louisville & Nashville Railroad Co.
Director, Milledgeville Railway Co.
Director, Northern Central Railway Co.
Director, Northwestern Railway Co. of South Carolina.
Director, Old Dominion Steamship Co.
Director, Richmond, Fredericksburg & Potomac Railroad Co.
Director, Richmond-Washington Co.
Chairman of board of directors Safe Deposit & Trust Co.
Director, Southern Cotton Oil Co.
Director, Virginia-Carolina Chemical Co.
Director, Washington Southern Railway Co.
Director, Western Railway of Alabama.
Vice president and director, Wilmington Savings & Trust Co. of North Carolina.

ADJOURNMENT.

Mr. DENISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Friday, June 16, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

646. A letter from the Secretary of War, transmitting a draft of a bill to authorize appropriations for the relief of certain officers of the Army of the United States; to the Committee on Claims.

647. A letter from the Acting Secretary of Commerce, transmitting a complete set of general rules and regulations prescribed by the board of supervising inspectors, Steamboat Inspection Service, at the meeting of January, 1922, which regulations have been approved by the Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on the Public Lands. S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stats., p. 437), to certain lands in Utah; without amendment (Rept. No. 1104). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Committee on Military Affairs. S. 2363. An act to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915; without amendment (Rept. No. 1103). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes; without amendment (Rept. No. 1103). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DALLINGER (by request): A bill (H. R. 12031) to incorporate the World Commerce Corporation; to the Committee on the Judiciary.

By Mr. McARTHUR: A bill (H. R. 12032) to allow officers and employees of the United States to be commissioned in the Officers' Reserve Corps and to receive pay and allowances when on active duty; to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 12033) to amend section 47c of the act of Congress approved June 3, 1916, as amended by the act of Congress approved June 4, 1920; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 12034) authorizing the use of a special canceling stamp in a certain post office; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of Indiana: A bill (H. R. 12035) to establish a bureau of prohibition, and for other purposes; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Resolution (H. Res. 366) authorizing an investigation of alleged conduct of the Naval Academy class of 1922 toward Leonard Kaplan, a member of that class; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 12036) granting a pension to Ellen Mary Tweedy; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 12037) granting a pension to Peter Masterson; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 12038) granting a pension to Abigail J. Gardner; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 12039) for the relief of Howard R. Gurney; to the Committee on Claims.

By Mr. HARDY of Colorado: A bill (H. R. 12040) granting a pension to Frank E. Jacobs; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12041) for the relief of the Hamilton County Bank, of Cincinnati, Ohio; to the Committee on Claims.

By Mr. LUHRING: A bill (H. R. 12042) granting an increase of pension to Daniel Grubb; to the Committee on Pensions.

Also, a bill (H. R. 12043) granting a pension to Mary Jewett; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 12044) granting a pension to Kitty Lyons; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12045) granting an increase of pension to Sarah Kennell; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 12046) granting a pension to Martha J. Moulder; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12047) for the relief of Florence M. Becksted; to the Committee on Claims.

By Mr. TEN EYCK: A bill (H. R. 12048) granting a pension to Frank Morrow; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12049) granting an increase of pension to Susan Shew; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6002. By the SPEAKER (by request): Petition of sundry citizens of Bridgeport, Okla., urging Congress to do all in its power for the protection of the Armenians; to the Committee on Foreign Affairs.

6003. Also (by request), resolutions adopted at the thirty-seventh annual meeting of the conference of State and provincial health authorities of North America relative to the production and manufacture of narcotics and to limit the supply to the real needs for medicinal purposes; to the Committee on Ways and Means.

6004. Also (by request), resolutions adopted by the Furniture Manufacturers' Association of Grand Rapids, Mich., relative to the transportation problem; to the Committee on Interstate and Foreign Commerce.

6005. Also (by request), resolutions adopted at the thirty-seventh annual meeting of the conference of State and provincial health authorities of North America approving the transfer of the legal and police activities formerly exercised by the International Social Hygiene Board in protecting the soldiers and sailors of the United States from venereal diseases to the Department of Justice; to the Committee on Interstate and Foreign Commerce.

6006. Also (by request), resolutions adopted at the thirty-seventh annual meeting of the conference of State and provincial health authorities of North America extending its gratitude for the continued appropriation made for the purpose of reducing the prevalence of venereal diseases in the civilian population of this country; to the Committee on Appropriations.

6007. By Mr. CONNOLLY of Pennsylvania: Resolutions from the following organizations, all of Philadelphia, Pa., favoring the enactment of an adequate tariff law based on the American valuation plan: Philadelphia Press Assistants' Union No. 11; Philadelphia Printing Pressmen's Union No. 4; and the United Garment Workers of America, Local No. 263; to the Committee on Ways and Means.

6008. By Mr. KISSEL: Petition of Hugo Reisinger, New York City, N. Y., relative to paragraph 216 of House bill 7456; to the Committee on Ways and Means.

6009. Also, petition of L. J. & C. D. Jaffee (Inc.), New York City, N. Y., relative to the pending tariff legislation; to the Committee on Ways and Means.

6010. By Mr. MAPES: Resolutions of the Grand Rapids Furniture Manufacturers' Association, relative to the transportation problem; to the Committee on Interstate and Foreign Commerce.

6011. By Mr. TEN EYCK: Petition from the employees of the United States Arsenal at Watervliet, N. Y., requesting the early enactment into law of an amendment to the present retirement act to provide for such employees of the Government as may be dismissed from the service due to disarmament and other causes for which they are not responsible; to the Committee on Reform in the Civil Service.

6012. By Mr. WASON: Petition of Rev. P. E. Miller and 59 other residents of Henniker, N. H., in favor of having our Government take such immediate and drastic measures as it may deem advisable in delivering the Armenian people out of the hands of the Turkish power; to the Committee on Foreign Affairs.

6013. By Mr. YOUNG: Resolution of Bismarck Rotary Club, Bismarck, N. Dak., in respect to the reclamation of land and control of flood waters in the Mississippi and Missouri Valleys; to the Committee on Flood Control.

SENATE.

FRIDAY, *June 16, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gerry	McKinley	Shortridge
Borah	Glass	McNary	Simmons
Brandegee	Harris	Myers	Smoot
Bursum	Heflin	Nelson	Spencer
Capper	Johnson	Newberry	Sutherland
Caraway	Jones, N. Mex.	Nicholson	Swanson
Culberson	Kellogg	Norbeck	Townsend
Curtis	Kendrick	Norris	Trammell
Dial	Keyes	Oddie	Underwood
Dillingham	King	Overman	Walsh, Mass.
Edge	Ladd	Pepper	Walsh, Mont.
Elkins	La Follette	Phipps	Warren
Ernst	Lenroot	Poindexter	Willis
Fernald	Lodge	Pomerene	
France	McCormick	Ransdell	
Frelinghuysen	McCumber	Sheppard	

Mr. UNDERWOOD. I desire to announce the absence of the Senator from Florida [Mr. FLETCHER] on account of illness.

Mr. HARRIS. I wish to announce the absence of my colleague [Mr. WATSON of Georgia], due to illness.

Mr. CURTIS. I announce that the senior Senator from Washington [Mr. JONES] is detained on official business.

The VICE PRESIDENT. Sixty Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present petitions, numerously signed, by sundry citizens of Boston, Roxbury, Roslindale, Weymouth, and Dorchester, in the State of Massachusetts, for reference to the Committee on the Judiciary. I ask that the prayer of one of the petitions, which is brief, may be printed in the RECORD without the names.

There being no objection, the petitions were referred to the Committee on the Judiciary, and one of the petitions was ordered to be printed in the RECORD, as follows:

To the United States Senators:

The killing and burning alive of human beings by mobs in the United States is a reproach upon our country throughout the civilized world and threatens organized government in the Nation.

Since 1889 there have been 3,443 known mob murders, 64 of the victims being women. In only a few instances has prosecution of the lynchers been even attempted. American mobs murdered 64 persons in 1921, of whom 4 were publicly burned at stake.

The House of Representatives on January 26, 1922, in response to insistent country-wide demand, passed the Dyer antilynching bill, which invokes the power of the Federal Government to end the infamy of American mob murder.

This bill is now in the hands of the United States Senate. The undersigned United States citizens earnestly urge its prompt enactment.

Mr. GERRY. Some days ago I submitted a resolution protesting against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. I now present similar protests from Annette B. Thayer, Miss Alice W. Hunt, and Mrs. Frank Gibson, all of Providence, R. I. I ask that one of the memorials may be printed in the RECORD and that they all be referred to the Committee on Finance.

There being no objection, the memorials were referred to the Committee on Finance and one was ordered to be printed in the RECORD, as follows:

Hon. PETER G. GERRY,
United States Senate, Washington, D. C.

DEAR SIR: Will you please read into the CONGRESSIONAL RECORD the following resolution, and have a copy of the RECORD containing it sent me:

"*Resolved*, That we protest against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. These schedules will increase the costs of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law."

Yours truly,

ANNETTE BRADFORD THAYER,
149 Congress Avenue, Providence, R. I.

Mr. CULBERSON presented the memorial of Mrs. Charles H. Mills, corresponding secretary, Civic Club, of Corsicana, Tex., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That we protest against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. These schedules will increase the costs of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law.

Mr. TOWNSEND presented a petition of sundry citizens of Reese, Saginaw, Miller, and Munger, all in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Grand Rapids, Mich., praying that only a moderate duty be imposed on kid gloves in the pending tariff bill, which were referred to the Committee on Finance.

Mr. WILLIS presented the memorials of Joseph J. Schaefer, of Dayton; E. J. Yost, of Lima; and sundry other cigarmakers and their employees of Dayton, Lima, Bucyrus, Bellefontaine, Findlay, Minster, Van Wert, Sidney, Toledo, Fostoria, Ottawa, Celina, and Wapakoneta, all in the State of Ohio, remonstrating against the imposition of a higher rate of duty on wrapper tobacco in the pending tariff bill than $1.85 per pound, which were referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Franklin County Retailers' Association, of Ottawa, Kans., favoring the prompt acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, including the Gorgas plant, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (S. 171) to extend the provisions of the act of May 11, 1912, reported it with an amendment and submitted a report (No. 775) thereon.

He also, from the same committee, to which was referred the bill (S. 451) to amend section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, reported it without amendment and submitted a report (No. 777) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2568) to amend section 196 of the Code of Law for the District of Columbia, reported it with amendments and submitted a report (No. 776) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEYES:

A bill (S. 3714) granting a pension to Francis Roy; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3715) conferring jurisdiction upon the Court of Claims to hear and determine certain claims of the Cherokee Nation and enrolled members of such nation; to the Committee on Indian Affairs.

By Mr. SPENCER:

A bill (S. 3716) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments; and to authorize payment of amounts allowed in the determination of such claims; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 3717) to amend sections 4826 and 4827 of the Revised Statutes of the United States relating to Board of Managers of National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 3718) for the relief of H. Frank Adkins;

A bill (S. 3719) for the relief of Harry Ross Hubbard; and

A bill (S. 3720) for the relief of Stella M. Musselman; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3721) authorizing the appropriation of additional funds to continue in effect the act providing for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; to the Committee on Public Buildings and Grounds.

By Mr. HARRELD:

A bill (S. 3722) granting a pension to Sadie Hatch; to the Committee on Pensions.

By Mr. FRANCE:

A joint resolution (S. J. Res. 210) conveying the thanks of Congress to Dr. James Harris Rogers, of Hyattsville, Md., the discoverer of underground and underwater radio; to the Committee on Naval Affairs.

By Mr. SHORTRIDGE:

A joint resolution (S. J. Res. 211) empowering the President to take such measures as may be required to secure for the United States of America or its nationals dyestuffs and chemical drugs under section 1, article 2, of the treaty of peace between the United States of America and Germany, proclaimed November 14, 1921; to the Committee on Foreign Relations.

ADDRESS BY SENATOR LENROOT.

Mr. BALL. Mr. President, on Monday of this week the junior Senator from Wisconsin [Mr. LENROOT] delivered a very able address before the graduating classes of the University of Delaware. The address deals with the dangers confronting our Republic. I ask unanimous consent that it may be printed in the RECORD in 8-point type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

UNIVERSITY OF DELAWARE, JUNE 12, 1922.

Senator LENROOT spoke as follows:

"Never has the word 'commencement' as applied to the graduating exercises of a college been so significant as now. Graduation involves the beginning of a new life, but to-day we all, old and young, educated and uneducated, are beginning a new life. The greatest war in history has been fought, and the world will never be the same again. It is being reborn, but whether for better or worse the future alone will reveal. Europe is in chaos. Its people are torn with hate and burning with jealousies that bode ill for the future, but whatever may happen in Europe it is for us to resolve that America shall not fail—that not only shall the progress already made be secure, but we shall go on climbing upward to higher levels of justice and equity.

"Those of us who are primarily charged with responsibility for government will soon pass away and our places will be taken by the young men and women with you now entering from college into the great school of life. The kind of a Government we shall have 20 years from now and the ideals and purposes of our people then depend upon you. I have an abiding confidence that because of colleges like this and the true spirit of patriotism which they are inculcating we shall have a better America then than now.

"Delaware is one of the smallest States of the Union, both in area and population, but it has a most honorable place in our history. Two outstanding events should fill every native of Delaware with pride—that of being the first State to ratify the Federal Constitution, and in the Civil War, although a slave-holding State, she adhered to the Union and with her meager population gave Lincoln nearly 14,000 troops to help save the Union.

"I envy you young men and women your future. The opportunities before you for service, for true success in life, are unlimited. We must determine that out of the Great War in which we have been engaged shall come a new America. The great social and economic problems confronting us now must be met and solved, not from the standpoint of any class or section, but from the standpoint of the Nation. What is this America of ours? America does not consist of mines and fields and factories, it does not consist of towering buildings and gigantic industries; America consists of living, breathing men and women, and their throbbing hearts is America. What it has been we know, what it shall be is for them and their descendants to decide. But this I know—that if America is to endure, it must be a land where law and order reign, where enlightened public opinion shall determine the laws, where the aspirations of the people shall not be governed by wealth and greed, but the welfare of all shall be the aim and purpose of the individual. We have our responsibility to America now, and that is to uphold the best traditions of our past, and do what we can to make to-morrow better than to-day, not for some of us but for all of us. We must protect the individual incentive and ambition of men and women to a wider degree than in the past. Every man and woman must be given a chance to achieve the best things in life, so that success or failure will depend upon them alone. We must make of America to an ever-increasing degree a land where the highest ideals of man shall find their full fruition. We must by wise legislation protect every man in every sphere, protect him in his individual rights

and in his property, and furnish incentive to every laudable ambition.

"Knowledge is power and if used for selfish purposes alone it becomes an instrument of oppression to one's fellows. Higher education should and nearly always does make a man better morally and spiritually. If it does not do that it is a failure. A man may have a trained mind, he may have great ability, but unless he has with them character he is a failure. The man who advocates a rule of conduct for others but does not practice it himself is a hypocrite. We find men in politics sometimes who seldom practice what they preach. In this reconstruction period and in the years before us there will be discontented elements and the demagogue will be abroad in the land. We must face men who are always looking back upon the path we have come, never forward, and insisting that everything must be placed back where it used to be—the evil with the good. We must face men who seem to think that government can by some magic of law make over men. We will at one extreme find men who advocate that the Government can do everything for the people without individual effort themselves, and at the other extreme men who do not believe in any government at all, and curiously enough we sometimes find these two classes of men working together to overthrow the existing order. It is education we must rely upon to meet our problems. We must have the man with trained mind and the principles of justice and liberty firmly fixed in him. He must be big enough in mind and heart, in seeking justice for his own vocation or calling, to see to it that injustice is not done to others. If he belongs to organized labor he must realize that tyranny of labor is as unjust as is tyranny of capital. If he is a capitalist or manufacturer he must realize that he has no more right to drive a hard bargain with labor than labor has to drive a hard bargain with capital; that if he would have his employees recognize his just rights he must recognize their just rights. No man can be a good citizen who would follow the simple plan that—

"They shall take who have the power,
And they shall keep who can.

"In our efforts to preserve individual opportunity for all men we must be careful lest we destroy it. Equality of opportunity does not mean that a man shall be prevented from advancing faster than his fellows. Each man must be given a fair chance to advance, but given the opportunity his rate of progress must depend upon himself alone. While we must provide equality of opportunity we must also protect the rewards of industry and perseverance. The man who loafs his way through life, doing nothing for society or himself, is usually the man who cries out loudest against the inequality of wealth, and if every man was compelled to earn his living by the sweat of his brow, he still would be the first to complain. The idler, whether millionaire or hobo, rendering no service to mankind, are both parasites upon the body politic.

"Another duty imposed upon us is to more fully Americanize America. This is said to be the melting pot of nations. Anyone who comes here from other lands who is not willing to be melted into a good American citizen should not be permitted to remain. There must be no little Germany, no little Italy, and no other little nationality here, but just one big America. We should make it clear to every immigrant that his entry here is a privilege and not a right; that for that privilege he must not only obey our laws but cheerfully support them; that he must learn our language and become acquainted with our institutions; that until he acquires the status of citizenship it is not for him to criticize our Government or advocate a change in its laws. We should say to him that to citizens of America alone belongs the right and privilege of government, and that until he is naturalized if he does not like our country as it is, even though it has faults, and advocates tearing it down, he had better go back to the land from whence he came or we will send him there.

"This is a land of freedom, of freedom of speech for American citizens, but the alien must first acquire the right to criticize before he can rightfully claim the privilege of freedom of speech. To-day the most fruitful field of the demagogue is among our foreign-born citizens. Most of them have come from countries where government means oppression, and there are men in America whose chief business is to tell them that our Government, too, is oppressive—men who appeal to every racial prejudice and who proffer friendship for them, but have neither sympathy nor care for them except as they can use them. If I should be asked to name the greatest enemy of America to-day, I would not go outside of America nor would I select any foreign-born in America. It is the political demagogue, willfully deceiving others, thinking only of his own advancement, caring not what may become of the Republic, if only his own political fortunes can be advanced. His presence is not confined to any political party, for he is found in all parties. He can not be imprisoned, and there is only one weapon with which he can be destroyed, and that is enlightened, patriotic public opinion. That public opinion must be created, and you, each one, no matter what your vocation in life may be, have a responsibility in helping to create it.

"There can be no stability to our Government, no security for our people, unless we shall be obedient to and have respect for the laws of the land. This is the corner stone upon which all civilization is founded. Without respect for law there can be no safety for life or property, no liberty for any man who is not stronger than his fellows, no rule of right but only of might.

"We may look down the corridors of time to the earliest beginnings of civilization and we will see that the first emergence from savagery was through the institution of rules of conduct, or law, first to govern the family, next to govern the tribe or clan, from there going on and upward until a national life is developed. Despotisms have come and gone, Republics have flourished and fallen into decay, but no civilization anywhere has ever succeeded without organized governments enacting laws for the people, and no Republic has ever fallen where the citizen fulfilled his obligations and respected its laws.

"If this great Republic of ours, in which civilization has found its highest expression, shall some day fall and occupy only a page in history, like the ancient Republics of Greece and Rome, it will be because of disrespect for law, indifference to the fundamental rights of liberty, and through such indifference failure to enact and enforce laws, without which there can be neither liberty nor security for our people. To-day our greatest national problem is not foreign entanglements, not the tariff, not transportation, or other problems which we deem important, but it is disrespect for law—unwillingness to abide by the laws of the land. Everywhere there seems to be lessened respect for law, and this constitutes the greatest menace that confronts the Nation to-day. Some men try to justify this disrespect for law upon the plea that the laws are unjust. But to permit every man to decide for himself whether a law is just or not, and not be bound by it if he believes it unjust, spells anarchy and ruin. There must be implanted in the hearts of the men and women of America the determination that the laws must be obeyed, and the man who excuses or makes light of violation of law is himself guilty. The deliberate violator of law is an enemy of the Republic and is not worthy of citizenship in it. I thoroughly believe in the declaration that the best way to get rid of a bad law is to enforce it. It is the right of every citizen to advocate the repeal of any law, but he has no right to disobey it while it is in force. In this country the people make the laws through their representatives and they can repeal them in the same way they are made. But unless obeyed while in force, there is not an institution in America that can long endure. Without general acquiescence in obedience to law there can be no protection to life or property. Your life would not be safe to-day but for law and the officers and machinery to enforce it. Your savings of a lifetime would be swept away at the demand of the man with a gun, and the man with a gun would be on every corner if there be general disrespect for law. We are proud of the glorious past of our country and we wish for it an even more glorious future—a future where, as in the past, rewards of industry may be protected and secure, where men shall have the opportunity and the incentive to make the best of their lives with the knowledge that they have a Government supported by the people protecting them in their every right. This can only be secured through respect for our Government and obedience to its laws.

"I have already said that the future of this country depends upon you, and the young men and women of your age and your responsibility to our country begins now. As good citizens you should each one study public problems and do your part in solving them. One of the dangers that confronts us to-day is that of class government. A very considerable part of our population is divided into groups, each group demanding that Government be conducted for its special benefit with little regard for the rights of others. It should be our aim to do justice to every honorable vocation, but we need a national vision, and in the making of laws there should be neither sectionalism or class legislation. Special privilege to the public injury should never be given to capital, labor, agriculture, or any other interest. He is not a true American who will not stand first and always for the common welfare, who will not encompass in his vision our great country from coast to coast and recognize that America is not confined to any place within its borders or any particular group of people.

"I have an abiding confidence in the future of our country because of the sterling character and the true Americanism of the thousands who, with you, are leaving college life and assuming the responsibilities of citizenship. You will go out in the world appreciating not only your opportunities but your obligations. You will realize that there is only one way by which your obligation can be fulfilled, and that is service; service to your country, service to your fellow man. The acquirement of wealth will not be your primary ambition in life. If it is, your life will be a failure. That you will be ambitious to acquire a competence is altogether worthy, and if in that you shall be successful you should realize that it affords you larger opportunities for service.

"You go out into the great world and in going you have my most earnest hope for true success, and my confidence that you will each contribute your full share for the welfare of America. I believe I know the hearts and the patriotism of the American people. They will not forget our past, and upon it they will build its future. They will never cease to make possible the blessings we now enjoy. So long as men have tongues to speak and hands to write, the sacrifices which have been made for America, from Bunker Hill to Gettysburg, and from Gettysburg to the battle fields of France shall never be forgotten. The experience of the past shall be our guide to the future. Conserving all that is good we shall progress to higher things, and although great social and economic problems confront us, and dark clouds may at times gather round about us, with that faith which guided the fathers we, too, shall be guided and do our part to make America so great that it shall rear like a mountain peak in the world's civilization, pointing the way of peace and happiness to all the world."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the amendment of the House to the amendment of the Senate No. 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. CRAMTON, and Mr. JOHNSON of Kentucky were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provisions as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, in which it requested the concurrence of the Senate.

THE PRIMARY ELECTION SYSTEM.

Mr. NORRIS. Mr. President, the morning papers announce that Secretary of War Weeks delivered an address in Cleveland, Ohio, yesterday in which he bemoaned the present tendency of citizens of our country toward various kinds of reform in government. The Secretary made a specific attack against primaries, and while it is true he announced that he was speaking for himself only, everybody knows that he promulgated ideas that were in harmony with those promulgated by President Harding. So the ideas he advanced were as much those of his chief as his own, even though they were not uttered officially.

I do not intend this morning to engage in a detailed discussion of the primary in its advantages and its shortcomings, but it seems to me that the address of the Secretary of War ought not to pass unnoticed lest the silence of those who do not agree with him may be taken as an approval of his utterances.

I do not impugn the motives of Secretary Weeks or of President Harding in their advocacy of the abolishment of the primary system of nominating candidates for public office. I concede, to begin with, that they are just as honest in their convictions as I am in mine. Later, before I conclude, if I do not forget it, I shall have something to say about men, great and small, being oftentimes unconsciously biased by their own interests. For the present I wish to say that I believe the Secretary of War is just as conscientious in his ideas and his desires to abolish the primary as I am to retain it.

But, Mr. President, in a free government founded upon the consent of the governed, on the theory that the people are sufficiently intelligent to be given the right of self-government, no man, in my judgment, can successfully deny the right of the people to nominate candidates, unless at the same time he is consistent and denies the right of the people to vote at general elections. A primary is nothing but an election. It is just as important as, and nine times out of ten it is more important than, the election which follows. Give to me or to anyone else or to any machine or any body of men the right and power to nominate candidates for office, and they will not turn their finger over to decide as to who shall be chosen at the general election. The history of the country is full of such examples.

We saw the last national presidential convention of the Republican Party controlled by a sick man in Philadelphia, and following that convention we saw the Democratic national convention controlled by a sick man in the White House. Neither one of the nominees of those conventions would have been nominated if the question of the nomination had been submitted to the voters in America.

Abolish the right of the people to name their candidates and the effect will be the abolition of the right of people to elect their public officials. The Secretary of War when he advocates the abolishment of the primary is in reality advocating the return to a monarchial form of government. The men who want to take away from the people the right to nominate their candidates do it on the theory that the people are not sufficiently intelligent to select their officials. The same argument, with the same weight and the same logic, applies to the general election. So, Mr. President, often it turns out that the election is nothing in the world but a choice between two evils. The machinery that has controlled the nominations has indirectly but effectively controlled the election.

The Secretary of War in his address bemoans the tendency of the times, but while he is worried a great deal he does think that the Government will be able to stand it; that it will live through it all. No man can get any other impression from reading his address than that the Secretary of War believes that the only way to save the country is to stop the demand of the people for self-government. A people who are too ignorant, who are too unintelligent to nominate their candidates for office, are not entitled to vote at elections, are not entitled to self-government, and ought to be living under a monarchial form of government. If I believed that our people were not sufficiently intelligent to nominate their candidates for office, I would advocate the establishment of a monarchy in America; I would be consistent at least; and, if I were not able to get a monarchy, I would surrender my citizenship in the United States of America and go to some country where there is a monarchy, if I liked a monarchy better.

From the very beginning of civilization, Mr. President, there has been a contest between those who wanted to go forward and those who were pulling back. There has been a continual conflict in the history of every government which has ever been founded between those who wanted the power given to a few chosen people and those who wanted to give it to all the people. I think it is conceded that a people may be so unintelligent and lacking in education to such an extent that they are not competent to vote in either a general election or in a primary or to participate in the selection of men who shall govern them. To my mind whenever we attempt in America to take away from the people any of the power they now possess, either in voting at general elections or in primaries, we are in effect saying that the American people are not sufficiently intelligent to govern themselves.

Mr. FRANCE. Mr. President——

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. FRANCE. It seems to me that the Senator from Nebraska is discussing but one phase of the speech of the Secretary of War. Personally I do not entirely agree with the Secretary with reference to the question of direct primaries, but I most heartily agree with the Secretary in his most eloquent plea for a return to the old principles of constitutional government as they were enunciated by the fathers.

Referring to what the Senator from Nebraska has said, I desire to ask him if he does not believe that this lack of faith in the moral and spiritual capacity of the people to govern themselves is not also expressed by the eighteenth amendment to the Constitution, the eighteenth amendment having, in my judgment, been written in an entire lack of faith in the people's ability to govern themselves. Whenever any kind of statute

is written into the Constitution of the United State it must be written there to remove from the people jurisdiction over the question involved. It seems to me that the writing of the prohibition statute into the Constitution was the result of a lack of faith in the capacity of the people of the United States to govern themselves. It was on that principle that I opposed it. Personally I care not as to whether the people of the United States vote for prohibition or whether they do not; but I do feel that there is a general lack of faith in the capacity of the people of the United States for self-government, and that lack of faith, it seems to me, has been more clearly demonstrated by the adoption of the eighteenth amendment than in any other way. I opposed it because I am opposed to writing any kind of a statute into the Constitution of the United States which should be a framework of government. I am opposed to any kind of an amendment to the Constitution of the United States except an amendment which enlarges the power of the people over their own affairs instead of decreasing it.

The great Secretary of War—and I believe him to be a very great man and a public-spirited man and a man who understands the trend of the times—expressed the view that one of the causes of unrest in this country is the taking away from the people of control of the particular question involved in the eighteenth amendment.

I thank the Senator. I did not mean to make an address, but I intended to ask him a question as to whether——

Mr. NORRIS. Very well; the Senator is getting to the point. Let him ask the question.

Mr. FRANCE. I have already asked it. I will repeat it.

Mr. NORRIS. What is the question?

Mr. FRANCE. Does not the Senator believe that the eighteenth amendment was written because of a lack of faith in the capacity of the people of the United States ultimately wisely to determine for themselves through the action of their legislators what should be done with reference to that particular question?

Mr. NORRIS. I will answer the Senator with a much less number of words than it took to propound it. I simply say, No; I do not believe anything of the kind. I do not, however, wish to be diverted from what I am talking about by a discussion of the eighteenth amendment. I am talking mainly about the primary system, although I have no objection to discussing the eighteenth amendment.

Mr. BALL. Mr. President, if the Senator will yield to me, my question will be directed explicitly to the primary system.

Mr. NORRIS. Very well, I yield to the Senator.

Mr. BALL. I should like to ask the Senator if this is not a representative Government, a republican Government, and not a democratic Government, strictly speaking?

Mr. NORRIS. It is not a pure democracy. I think a pure democracy in practice in such a country as ours is an impossibility.

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska a question?

Mr. NORRIS. I yield.

Mr. BORAH. Does not a truly representative government involve upon the part of the people the right of selection as well as election of their representatives?

Mr. BALL. It does, Mr. President, but good government requires the best men to be named for the various offices.

Mr. NORRIS. And, according to the belief of the men who are opposed to the primary system, the only way to select the best men is to turn the matter over to a particular few, who, by some inherited right, are assuming to themselves that they know more than anybody else, and they must necessarily be entrusted with the power. They are doing what the Kaiser did when he said that he derived his power from God. They are assuming that they are superior to somebody else.

Our Government is founded upon the principle, as our forefathers said, although it is not quoted much now, that all men are created free and equal; that God has given to men certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; and that to attain these ends governments are established among men, deriving their just powers—note the word "just"—from whom? The bosses? The machine? The few elect who have said "We are the only men who know how to run a government"? No. Our forefathers did not say that, but "deriving their just powers from the consent of the governed." That means me, that means you, that means the bricklayer, that means the carpenter, that means the farmer between the plow handles, that means the lawyer and the doctor and the dentist and the scientific men, as well as the man who has had only one training, and that is to know how to compute compound interest and not lose anything by the operation.

Mr. BALL. Mr. President, I should like to ask the Senator if our forefathers selected their candidates by the common primary or by the convention method?

Mr. NORRIS. No; they did not. Our forefathers lived more than 100 years ago. If I believed that all progress was ended at the conclusion of the Revolutionary War, if I believed that there never would be another improvement made in science and agriculture and education or in government, then I would agree with the Senator that we ought to stop there and never make a change.

Mr. President, I said a while ago, or started to say, that the history of civilization has been a contest between those who wanted to progress and those who did not want to progress, those who were in the rut and wanted to stay there, between the reactionary and the progressive. That has been the history of the world from the beginning. I hope, Mr. President, when I lay down the cares of office and my descendants commence where I left off, that in 50 years from now they will not say that when I lived we did not have this thing or that thing. I hope they will improve upon what I did, as I try to improve upon the work of those who have passed on before. The abolishment of the primary is a backward step. It is a denial of the people to participate in government. A representative democracy can not permanently stand if the people are denied the right to name their officials, and this right is denied if the law is such that a few self-appointed bosses do the selecting of candidates for office. The right to vote at election is a worthless sop if the electors have no voice in the selection of candidates.

Mr. CARAWAY. Mr. President——

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator has said about what I was going to say, but I should like to suggest to the Senator that he made a mistake when he referred to those who were in the rut and wanted to stay there. He meant, did he not, those who had the people in a rut and wanted to keep them there?

Mr. NORRIS. Yes; both. The man who does not want to change the government and never sees an improvement would like to have lived in the days when they cut grain with a sickle; he would oppose the self-binder; he would oppose the threshing machine; he would beat the grain out with a flail or tramp it out with an ox. He would oppose any change in government. Our forefathers when they founded our Government did not claim it was perfect, but they recognized that those who would follow them could improve on their handiwork, because they did not say in that great Constitution, "This document shall never be amended; this is the supreme law and the last word in government"; but they provided for a method by which their children, their descendants, could change it to meet existing conditions. It is no reflection on them to make or advocate the changes necessary to meet the demands of advancing civilization. We can honor them most by blazing the trees in the advancing path of human progress.

Mr. President, the Secretary in his address said:

> I am firmly convinced that when we have attempted to improve the work of our forefathers by amending the Constitution in its basic policy of government we have failed signally.

He believes we never ought to change it. That means, Mr. President, that we would not have the amendment to the Constitution which says that the liberty of the press and the freedom of speech shall always be maintained. That means, if it means anything, that we to-day would have slavery, that we would be buying and selling human beings. That means that the people of the United States would not be allowed to elect men who are to sit as Senators in this Chamber, but must submit the matter to the machine, to somebody else. That means we would have no primary. That means that no change could ever be made to relieve human suffering or to bring about improvement in government. That means that little children of the poor should be compelled to wear away their lives in dark and insanitary factories in order to keep their masters in luxury and political power. In short, that means that we should never improve our Government. Machine control of politics did not exist in our forefathers' days. Manipulation of conventions was then unknown. We are unworthy sons of noble sires if we do not meet new methods of evil by modern methods of political warfare.

Mr. FRANCE. Mr. President——

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. FRANCE. Mr. President, I hesitate to presume because of my friendship for the Senator. I know that he would indulge me to almost any extent, as I would him, either in public debate or in private conversation; but does not the Senator really think that the Secretary of War, in the words just

quoted, was referring to the eighteenth amendment, which he held to be a violation of a fuundamental principle of our Government, in that he perhaps holds it, as I do, to be not a true amendment to the Constitution, altering the framework of government, but a statute written into the Constitution which marks a departure from certain fundamental principles of our Government?

The Senator is not discussing the question of the primary only——

Mr. NORRIS. I will say to the Senator that I have not been allowed to discuss it; there have been so many interruptions about the eighteenth amendment.

Mr. FRANCE. No; but the Senator is discussing a larger question. He has already referred to the two theories of government—the old theory, under which the Government was the master of the people, and the new American theory, under which the people are supposed to be at all times the masters of the Government. While he is discussing that theory, it seems to me he should give some attention to the problem raised by the Secretary of War in connection with the eighteenth amendment, which, in my judgment, the Secretary believes to be a movement in the direction of making the Government the master of the people, because the Government can be made the master of the people by writing statutes into the Constitution or by transferring from the people to the Government power which can not be readily taken back.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. BORAH. I want to ask the Senator from Maryland if he understands that the Secretary of War was denouncing the eighteenth amendment?

Mr. FRANCE. I do not think he was denouncing the eighteenth amendment, but I think he was deploring the fact that in writing the eighteenth amendment—a statute—into the Constitution we had violated a fundamental principle of our Government. I read his speech with much interest and, I thought, with some attention several days ago, and I think he was deploring the fact that in writing the eighteenth amendment, in writing a statute into the Constitution of the United States, and therefore removing from the jurisdiction of the people the matter covered by that statute we had violated a fundamental principle of government by the people—the principle under which the people should at all times be the masters and not the servants of our Government.

Mr. BORAH. Mr. President, of course I have not any authority to speak for the Secretary of War, but I doubt very much if the Secretary of War intended to be understood as denouncing the eighteenth amendment; and I think before that construction should be placed on his speech we ought to be able to put our fingers upon the lines which indicate that.

Mr. FRANCE. Mr. President, if the Senator from Nebraska will yield, I will say that the Senator from Nebraska has just quoted the words of the Secretary of War in which he referred to certain amendments. I am very confident, having had the honor to enjoy the friendship of the Secretary of War, that he was not referring to the fourteenth amendment nor the fifteenth amendment. I think it can be readily ascertained from reading the context of his speech that he was referring quite pointedly to the eighteenth amendment, although he did not mention that amendment specifically.

Mr. CARAWAY. Mr. President, why not say he was referring to the nineteenth amendment? He was talking about the right of people to vote, and that was the one that gave the women the right to vote.

Mr. FRANCE. I will say to my good friend from Arkansas that it may be that he was referring also to the nineteenth amendment, although I do not think the same principle is involved in the nineteenth amendment that is involved in the eighteenth.

Mr. NORRIS. Mr. President, how queer it is that Senators who have some preconceived idea about something—I am not disputing that they may be right, although I do not think they are—will give to the Secretary's words a construction that in my judgment they do not bear. I would not dare do that. His friends may do that. He mentioned the primary by name. If the language that I have quoted refers to the eighteenth amendment, or if the Secretary was thinking about the eighteenth amendment when he used that language, he ought to have said so. I will read it again:

> I am firmly convinced that when we have attempted to improve the work of our forefathers by amending the Constitution in its basic policy of government we have failed signally.

I should say, with the Senator from Arkansas, that instead of that having reference to the eighteenth amendment, it had reference to the amendment giving women the right to vote. That is one of the basic principles.

Mr. FRANCE. Mr. President——

Mr. NORRIS. Let me talk just a little about the eighteenth amendment now. The Senator from Maryland thinks in terms of the eighteenth amendment all the time. It bothers him. He puts everything on that saddle. He was opposed to it. Unquestionably he was conscientious in his opposition. I did not vote with the Senator, although I have great respect for his judgment and his opinion on governmental questions; but the Senator has gone wild on the eighteenth amendment. When the President says something that could be by any possible construction meant to apply to and bear out the Senator's idea of the eighteenth amendment, he immediately applies it. He does not give it any other application.

The Senator ought not to think so much about the eighteenth amendment. He ought to realize that it is in the Constitution; it is part of our Government, and even if the people have made a mistake, why, great God! it is their own Government. They have a right to make a mistake if they want to. They have the same power yet to rectify it if they think they have made a mistake. I do not think they have made one in that respect. I do not believe they will make the change that the Senator from Maryland thinks they ought to make; but if we are going to continue to have a government, and not have a revolution every time there is a change, then those like the able and patriotic Senator from Maryland ought to submit when, according to the fundamental method laid down by George Washington and his fellows, the Constitution has been amended. It then becomes the law of the land. If the Senator wants to repeal it, that is a different proposition; but that is no reason, it seems to me, to argue that free government in a free country is a failure, and that the people do not know how to govern themselves, and therefore they ought not to be permitted to nominate their officers; they ought to let somebody select them, and say, "We will give you a choice between these two fellows, and we do not care which one you take." That is about the way the convention system operates.

Mr. FRANCE. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. FRANCE. I thank the Senator for yielding to permit me to say that while I do feel that the eighteenth amendment was an alteration in the basic policy——

Mr. NORRIS. Well, can we not change the basic policy, even, if we want to?

Mr. FRANCE. We have changed the basic policy.

Mr. NORRIS. Have we not a right to change the basic policy if we want to?

Mr. FRANCE. We have a right to change it. What I wished to say to the Senator was that I am sure he will acquit me of any lack of loyalty to the Constitution as amended.

Mr. NORRIS. Oh, certainly; I do acquit the Senator. I had no intention of insinuating anything else.

Mr. FRANCE. I do accept the decision of the people. Not only that, but I am most earnestly in favor of the enforcement of the eighteenth amendment and of the laws written under it until it shall be repealed, as I hope it may be, because I shall always be opposed to any amendment to the Constitution of the United States which diminishes the power of the people over their own affairs. While I know that many of our more liberal statesmen—and the Senator from Nebraska is a conspicuous example of one of the great, liberal statesmen of America—voted for the eighteenth amendment, I believe that in doing so they were voting for a basic change in policy which was not liberal in its nature, because it was not in the direction of doing the very thing for which the Senator is contending to-day; it was not in the direction of enlarging the power of the people over their own affairs.

The vice of the eighteenth amendment can be readily seen by reversing the thing. If, when the country was in the control of legislators who were representing States where liquor was sold, and whose views were that it was proper that liquor should be sold, there had been adopted an amendment to the Constitution making the sale and manufacture of intoxicating liquors compulsory throughout the Nation and in every State, I ask the Senator if that would have been fair? It would not have been fair, because it would have written into the Constitution a statute which would have prevented the great movement toward temperance. But the same principle is involved. If it is legitimate to write a prohibitive statute of any kind into the Constitution of the United States, it is also a sound principle to write an affirmative, mandatory statute. It is exactly the same principle, and in examining the principle we must seek to ascertain how it would work under every con-

ceivable set of circumstances. I think it would have been a mistake to have written into the Constitution of the United States in the days when it could easily have been done a statute making it mandatory that intoxicating liquors must be manufactured and sold in each and every State.

Mr. NORRIS. Mr. President, as I said before, I did not want to be taken into a discussion of the righteousness or unrighteousness of the eighteenth amendment. It has nothing to do with what I was talking about. I have tried to get away from it three or four times, but the Senator from Maryland insists that I stay with it, and although I did not intend to discuss it, I do not want to take up the time of the Senate to discuss it; it is not before the Senate; it has not any more to do with the question I am discussing than the flowers that bloom in the springtime, yet I am driven into the extremity of discussing it.

The Senator's argument is answered by his own statement. He said: "Suppose our forefathers had inserted a provision in the Constitution that every State should go into the manufacture of intoxicating liquor." Suppose, Mr. President, they had put into the Constitution a statement that every governor of every State should be hanged and that every member of the legislature should be starved to death. You can imagine a million things they may have put in it, but which they did not. We could make fools of ourselves here—sometimes I think we do; but we could do it very easily by passing some fool law. We have the power to do it. We can provide as a penalty for murder imprisonment in the jail for six months or the payment of a 10-cent fine, if we want to. A lot of things might happen; men could do a lot of foolish things. The very fact that we do not do them seems to me evidence that we ought to maintain the primary, which has nominated practically every Senator who sits within the sound of my voice.

Let us see how the Senator's proposition would work. He says, "Suppose they had put into the Constitution a provision compelling everybody to go into the whisky business." Let me read the fourth amendment to the Constitution. Suppose that had not been adopted, but the reverse had been, just as the Senator says the reverse should be done in reference to liquor? The fourth amendment reads as follows:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

Suppose they had said: "The people shall not be secure in persons, no property shall be exempt from search and seizure by any officer."

Amendment No. 1 provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Suppose, instead of saying that, they had said: "Congress shall make a law to set up a religion. Congress shall provide by law that there shall be no freedom of the press and no freedom of speech. Congress shall provide by law that none of the people shall have the right to assemble to petition for a redress of grievances." There would be just as much force in that as in the suggestion of the Senator from Maryland. The answer is that people who are sufficiently intelligent to govern themselves are not such fools as to put that kind of provision into a fundamental law.

Let me go back and discuss the speech of Secretary Weeks. I do not know just where I was when I was interrupted, but one of the statements made by Secretary Weeks is that the primary has a tendency to abolish partisanship in government, to do away with party responsibility. If that were the only thing it ever did, it would justify its existence. If there is any one evil in government to-day, it is the evil of arbitrary partisanship, which leaves Senators to come into the Senate saying, "What is my vote? Where does the committee stand? I do not know a thing about what has been discussed, but I am going to vote for a tariff a mile high if the committee has it in the bill that way." If the committee goes out and changes it and comes in with a lower rate, they will be with the committee again. Partisanship has been responsible for more evil in government than any other one thing.

If you will read the Farewell Address of George Washington, you will find that in the great address he called the attention of the country to the evil of partisanship and said that while parties are necessary, where partisanship went too far, and biased a man's judgment and curbed his conscience, it was like a fire, which, while it was good to warm by, yet if it got beyond control, it would destroy everything good in the vicinity.

So, I answer, if the primary will do away with some of the partisanship by which men blindly follow the boss, by which people vote arbitrarily as they are told, then God hasten the day when the primary may control every election, from that of President down to the choice of road supervisor. A great deal could be said about that and along that line showing its evil, but I do not care to go into it any further.

The Secretary said, in that speech, in substance, that the legislative branch of the National Government was down to the lowest ebb in history. I am inclined to agree with him in that statement, and there is just one thing that can be cited as the reason why it is down there—partisanship. He said the people did not have confidence in Congress. I do not believe they have. A good many times I do not see how they possibly can have confidence in Congress, and Congress is to blame for it. Recently in the other branch of the National Legislature Congressmen WOODRUFF and JOHNSON of South Dakota introduced a resolution of investigation, which was ordered reported out of the Rules Committee; but at the command of partisan leaders—at the command of self-appointed leaders who control arbitrarily the destiny and the action of the Republican Party in the House—a halt was called, the chairman of the Rules Committee was made to face about; he was compelled to hold the resolution in his pocket, and ultimately to take it back, and when a roll call was had we find that the power of party, rank partisanship, the power of the leaders, the self-appointed leaders, mostly outside of the House itself, was sufficient to control the conscience and the votes of that great body of men.

We exhibit before the American people, in my judgment, a disgraceful condition, when at the command of our party leader we refuse to let the sun shine in on rottenness, if there is any rottenness; when we refuse to permit an investigation. That is not free government. That is boss control; that is machine rule. That is rule by partisanship. Let the primary come even to the White House if it will relieve that disgraceful condition.

We are told now in the papers that Congress is commanded by the Executive, "You must pass a ship subsidy bill." Who is our master who thus commands? Who is the boss of the Congress? Are we going to submit? Do we want to do it? We do not want to, but are we going to? All the papers announce that arrangements are being made to coerce Congressmen and get them into line to obey that mandate. That is partisanship. The Secretary wants to banish the primary because he says it will interfere with this partisanship control.

Congress is to blame if it does not have a good standing with the people. If it asserted its authority, if it performed its constitutional functions without dictation from anybody, it would not occupy that position in the minds of the American people.

During the Wilson administration we on this side used to hurl epithets at you over on the other side. We said that the Democratic Party of the House and the Senate was nothing but a rubber stamp, was moved around by the power in the White House at his will. I said it many times, and believed it, and I think yet it was true. But the rubber stamp is over here now, it seems. There is a different boss. The people did not get relief; they only changed bosses, and the same instrumentalities and the same methods are being used now as before. No wonder the Congress is not in good standing before the people of America. A Republican rubber stamp is just as bad as a Democratic rubber stamp.

Coming directly back to the primary——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I want to direct a question to the Senator before he resumes the line of his argument. I think the Senator was right in the view that the Secretary did not have specifically in mind the eighteenth amendment when he condemned the recent amendments to the Constitution. I would like to ask the Senator which particular amendment or amendments he conceives the Secretary did have in mind. The sixteenth amendment authorizes the imposition of income taxes. The seventeenth amendment provides for the election of United States Senators by direct vote of the people. The eighteenth amendment is the prohibition amendment, and the nineteenth amendment is the woman suffrage amendment. Which one of those, or which ones of those, does the Senator from Nebraska conceive the Secretary so vigorously condemned?

Mr. NORRIS. Mr. President, the Senator is asking me only for an opinion, and I am going to give it, but I want it understood that it is only my opinion. I have no knowledge which would give me any idea as to whether the Secretary was think-

ing of any particular amendment. I assume from his language that he was thinking of all of them, because his language would indicate that. He said:

> I am firmly convinced that when we have attempted to improve the work of our forefathers by amending the Constitution in its basic policy of government we have failed signally.

Every one of the amendments the Senator suggests is basic, goes to the basic principle of government. I think he had reference to all of them.

I think we ought all to be fair and judge other people just as we would be judged, and I know from my experience in life that human beings are all more or less unconsciously biased and prejudiced. I think that is true of all of us. I am not claiming to be an exception to the rule. We judge these things by the way they have affected us. It is possible, taking that view of it, that I am very much in favor of the primary, because I know that if it had not been for the primary I would not be here and never would have been here. I realize that fully, and I therefore, even though I am unconscious of being prejudiced—and if I am prejudiced I am unconscious of it—I would be inclined perhaps to be biased without knowing it in favor of the primary, although, perhaps, I should not say that the primary is a good thing because it sent me here. That may be a good argument against it. But at least that would have a tendency to show why I favor the primary. Secretary Weeks and President Harding may be opposed to the primary for the same reason, opposed in reality to the people selecting their officials, opposed to the amendment to the Constitution which gave the people the right to elect their own Senators. Secretary Weeks was elected to this body by the Legislature of Massachusetts. While he was here the Constitution was changed, and the first time the people of his State got a chance to vote in his case when he ran for reelection they defeated him. For the same reason that I may be unconsciously prejudiced in favor of giving the people power to select their officials it is possible that he, unconsciously of course, may be prejudiced and biased in the other direction.

President Harding, when he was running for President, never got to first base wherever there was a presidential primary. I remember in the great State of Indiana, where they had a presidential primary, practically all of the candidates were in that State in person making a canvass. There was Senator JOHNSON, there was General Wood, there was Governor Lowden, and there was Senator Harding, all of them in the State in person, and everybody else they could get to go there to advocate their cause. They had a primary there. The result was a very close vote between Senator JOHNSON and General Wood. It took a good while to know who was ahead, and there is some doubt yet as to which one of those men was ahead. Governor Lowden was a very good third, but nobody thought about Senator Harding unless the newspapers announced that he also ran. So, without knowing it, and unconsciously, the President may be prejudiced against the primary for the same reason that I am prejudiced for it.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him just at that point?

Mr. NORRIS. Certainly.

Mr. CARAWAY. I also remember that Mr. Harding came very near being an "also ran" in Ohio when the presidential primary was held there. But what I rose to say was this. I notice that the Secretary of War, when the question was being submitted to the House as to whether Senators should be elected by a direct vote, was so undecided about whether the people had wisdom enough to do it that he voted "present," and would not vote either yea or nay when he was a Member of the House.

Mr. NORRIS. Who voted?

Mr. CARAWAY. Secretary Weeks voted "present."

Mr. NORRIS. On what question?

Mr. CARAWAY. When the question was submitted to determine whether or not Senators should be elected by a direct vote of the people.

Mr. NORRIS. The Senator may find on looking up the RECORD that he was paired.

Mr. CARAWAY. I have looked that up. He was not paired.

Mr. NORRIS. I want to repeat that I have not anything personal, and I have not any feeling against the people who are opposing the primary, and I concede again that I may be blind about it. But I believe that the principle of the primary is fundamental. I do not believe, Mr. President, that the primary in the United States can be abolished unless some other method, by which the people are given the right to name their candidates, can be put in its place and this Government stand as a free Government.

This attack on the ballot in the primary is a step toward monarchy. The primary is of more importance in most cases than the election. It is just as fundamental. The man who does not know enough to vote intelligently at the primary does not know enough to vote intelligently at the election. If we want to retain the right to vote, then we must retain that right in all of its power. We must retain that right completely. We have not retained it if we let the bosses do our nominating while we do the selecting between the candidates whom they put up for us.

The time is coming when it is going to be an issue and we must fight it out. We can not remain quiet about it. I felt that I could not remain longer silent on the subject. I believe with the poet that—

> To sin by silence when we should protest
> Makes cowards out of men—

and that the world has climbed in protest and the world never would have climbed an inch if somebody had not pointed to something that was wrong in the governmental fabric. The few who dare must speak and speak again to right the wrongs of the many.

The abolishment of the primary means a step backwards. It is not perfect, I know. Instead of abolishing it we ought to devote our minds and our intellects and our powers toward improvement. We believe, I take it, that the people of the United States are sufficiently intelligent to vote, and there is no reason why we should say they may vote at one election and not at another. There is no reason why we should say, "You will have nothing whatever to say about the selection of your candidates, even though we give you the right to choose after we have selected them."

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ASHURST. One of the most inveterate criticisms leveled at the direct primary is the alleged high expense connected with the primary. I direct attention to the fact that Colonel Brookhart in the recent primary in Iowa secured the nomination by an expenditure of less than $500. I am sure we all agree that under the convention system he never would have secured the nomination under any circumstances. Does the Senator agree with that statement?

Mr. NORRIS. Undoubtedly. There is no question about it. Of course, again we come to the selfish thing in our natures. In the Iowa contest I was very much interested, and while I was not able to take any part, and did not do so, I was extremely anxious that Mr. Brookhart should win. He gained my sympathy because of the unfair methods that were used to defeat him where the machine had gotten out all kinds of candidates to try to divide the vote. I have been told by men from Iowa, who know the conditions in the State, that, assuming that Mr. Brookhart would not get 35 per cent of the votes and hence the primary nomination be naught, they had already all the arrangements made to nominate, and had chosen the person they should nominate, in the State convention. I do not know that that is true. I have been told that by Iowa men who ought to know. It was assumed that they had enough men in the field so that nobody would be nominated, and then they proceeded to fix the convention, and they said they had that all fixed. I think the victory of Mr. Brookhart was an exceedingly great one for progressive free government.

Mr. ASHURST. It seems to me, if the Senator will yield further, that at least that one objection to the primary system ought to be silenced when it is recalled that Iowa is a populous State. Iowa has 99 counties. If a candidate may canvass that State and secure the nomination with the expenditure of less than $500, I fail to see the force of the objection that a primary is too expensive.

Mr. NORRIS. To my mind the idea that it takes a fortune to be elected to office is preposterous. I have been nominated for the Senate twice by primaries and neither time did I spend as much as $500 for a nomination. The result in Iowa demonstrates that if a man represents the people, if he is true to what he claims to be, and convinces them of it, it does not take much money to accomplish the result. A great many times too much money is spent. It is one of the evils we should rectify. I think we have had, in the incident to which the Senator has called attention in Iowa, a demonstration that it is not necessary to spend a fortune in order to get a nomination at a primary. We should, however, prevent by law the expending of large sums of money for office. The violation of the law should disbar the candidate from holding the office.

Mr. HEFLIN. Mr. President, I have been very much interested, as I am sure most Senators have been, in the speech of the Senator from Nebraska [Mr. NORRIS]. The attack of the

Secretary of War on the primary system is a very grave and serious one. The Washington Post of this morning, in one of its editorials, said:

The fact that he—

Meaning the Secretary of War—

was himself inclined to entitle his address, "The Decline of the American Government," shows how serious is the view which he takes of the situation.

Mr. President, the author of the American Declaration of Independence said, "I believe in the rule of the people." Abraham Lincoln, later a President of the United States, said the same thing. Jackson said, "By the Eternal, the people shall rule." We see an effort now being made to remove the Government as far as possible from the people, to take away from them the right to select their representatives in this American representative form of government.

Mr. President, the Bible tells us that when the lowly Nazarene was upon the earth the common people heard Him gladly. When He got ready to select His disciples, He did not select them from the highbrows nor from the mighty rich. He selected them from the masses, the common people, the people of heart, conscience, and convictions.

The danger that existed in every government in the past, many of them lying stranded on the shores of time, was the centralization of power, the taking away from the people of the power that they should have and exercise, and lodging it in the hands of the favored few. We are told by the statesmen of the past that we should profit by the mistakes and failures of other governments, that we should avoid the dangers and pitfalls that line the path of the nations that have gone down into the long night of time.

Is it any wonder, Mr. President, that the Secretary of War, a member of President Harding's Cabinet, should speak of the decline of the American Government when the Congress which they control deliberately took the taxes off of the profiteers of the country, who stayed at home, 3,000 miles from the battle front in France, far removed from danger, clipping coupons and amassing great fortunes, and then came forward with a tariff tax bill to tax even the salt that goes into the bread of every man, woman, and child in America? The tariff bill taxes the common necessities of life from the cradle to the grave.

Now, when a Government in the hands of the Republicans will take the tax off of those most able to pay taxes and put the tax on those least able to pay them, is it any wonder that the Secretary of War should speak of the decline of the American Government as we knew it in its pristine power and glory? It was never intended that this Government should be manipulated and operated in the interests of a favored few. Jefferson laid down the doctrine upon which this Government must stand if it is to live—equal rights to all and special privileges to none. Yet here we are with one of the mouthpieces of the administration in the Cabinet demanding that the primary shall be abandoned and the people be removed from participation in the selection of the candidates of the two great parties, which must fight out their battle at the polls in the general election.

What does that mean, Mr. President? Does it mean that our Republican friends find that the primaries are too costly? Does it mean that our opportunity to expose corruption in a primary is greater than in the case of a convention? That is true, whether it means that or not. You can not get on to the scheming and the corrupt practices employed to bring about a nomination in a convention as surely as you can in a primary. The primary is stretched out over weeks and months, and there is an opportunity day after day to watch the conduct of the candidates and their friends, and one may find out whether or not they are spending money and trying to buy the nomination; but it is not so with a convention. No. Men at a convention may meet and hold their private councils in the wild noon of night, when everybody is asleep but a few. Then they can do the crooked work and spend money where it will do the most good, and nobody will ever be wiser. You discover the wrong done when it is too late to remedy it. Does this attack on the primary system mean that those who profit tremendously by legislation are wanting to simplify the machinery by which they select the Members of the other branch and this branch of Congress? Is that what they are driving at? Does it cost more to control a primary than it does to control a few in a convention? What is it that is back of this drive from the White House down through the members of the Cabinet to do away with the primary and popular government in parties? That is what they are seeking to destroy, to take this power away from the people and give it to a favored few for their control and manipulation.

Mr. President, we have long boasted that our Government was the greatest form of government in all the world, because it sought to do that which would bring about the greatest good to the greatest number. We have been told that that policy is the wisest and the best which seeks to bring about the greatest good to the greatest number; but here we are confronted with a different suggestion. Millions of men and women of America have been educated and trained and we have been telling them to inform themselves about public affairs, to acquaint themselves with the problems of government, so that they may know how best to exercise the ballot in the selection of those who are to serve them in the lawmaking bodies and other positions in the Government. We have long talked about the necessity for educating the masses. Jefferson once said that when everyone could read the country would be safe in their hands.

Now, in our primaries the voter reads and hears public questions discussed and informs himself or herself upon the merits of the various candidates, and he or she is entitled to have a voice in the matter of selecting the candidate to be presented as the party's standard bearer in the general election. Who can object to that?

Mr. President, I do not look with so much fear upon the attacks upon the primary system, because the American people are not going to abandon that system. They will, however, abandon those who seek to abandon the system. That is what will happen. Can it be that the results in Pennsylvania were not satisfactory to the Republican Party? The nomination of Mr. Pinchot, we are told, was a triumph over the machine in that State. Can it be that that had anything to do with the fact that some in authority are not satisfied? It is true that in Indiana the President's friend, the able and clever Senator from that State [Mr. NEW], was defeated in a primary, and out in Iowa Mr. Brookhart ran away with the situation, though it is said that the Republican bosses had selected five or six candidates from different parts of the State to divide up the vote so that no candidate might get a plurality, or 35 per cent of the vote, and the nomination could be thrown into a convention, where a man who had never been a candidate in the primary could be nominated. What do Senators think of that? What was it enabled the people to prevent that situation? It was the primary system. O, Mr. President, it is little by little and bit by bit.

If we abandon the primary system it will not be long until these highbrows and purse-proud plutocrats will be saying that we ought to abolish trial by jury, that 1 man should try a case instead of 12, thus taking away from the common man his right to appeal for a jury trial and lodging the power in the hands of one person.

I recall, Mr. President, when the Senator from Massachusetts [Mr. LODGE] addressed the Republican National Convention at Chicago he said that the Republican Party proposed to do away with the last vestige of the Wilson administration. Well, the Democrats put a tax on the profiteers of America. That was the first time in history that the mighty rich were compelled by the powers that be to pay their share of the taxes. We made them pay it; we levied taxes against them and collected them. What did they do? In 1918 they contributed large sums of money to the defeat of the Democratic Party, and they used that money to corrupt politics and give you control of the House and the Senate, and you bought a seat in Michigan outright. That is what they did in 1918. Why? Because the Democrats had dared to use their power in order to make the mighty rich do what was right and just, and they resented it. You promised to take that tax off. The mighty rich opposed and punished us for putting the tax on them and helped to elect you, and you took it off.

The Bible says, "By their fruits ye shall know them." Go look at the record. We taxed them into the millions; you took the taxes off. They fought us at the polls; they spent money to help to elect you and to help to defeat us. Is that any reason why we should quit fighting for the right, because these purse-proud fellows were triumphant in an election? We must fight on and on and on until the people know the true situation here. Then they will speak for themselves, as they should, at the polls a little later on.

Our political adversaries were going to wipe out the last vestige of the Wilson administration. Well, that is one of the acts of the Wilson administration which they wiped out. Christ himself demanded more of the man with five talents than he did of the man with two talents. That is what we were doing. We were making the man with millions pay more than the man with a few thousands, but you came in and reversed that policy, and now you have taken the tax off of the man with five talents and you have put it on the man with two. That is what you are doing.

I hold in my hand here now, Mr. President, a communication sent to me by Mrs. J. S. Starke, of Troy, Ala., State chairman Home Economics, Alabama Federation of Women's Clubs, in which she says:

Will you please read into the CONGRESSIONAL RECORD the following resolution?

The resolution reads:

Resolved, That we protest against the food, tableware, and women's-wear schedules of the Fordney-McCumber tariff bill. These schedules will increase the cost of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law.

These fellows who are so haughty and proud that they do not care to bother with the primary want to remove the Government and all party machinery as far as possible from the mass of people out yonder, and they want to take the hand of taxation entirely off the fat purses of the rich. You have done that—and where did you put it? You put it upon the common necessities of life. Here is an American mother representing hundreds of other American mothers sending a protest to this body, telling you that you are levying taxes upon the common necessities of life, and that you are going to increase the cost of living in every home in America.

Do you know what the assaults on the primary system indicate? They indicate that you realize what you are doing and you do not want the people coming out from various American homes to have a say in expressing their individual choice at the polls in the primary, because if they do they are going to demand of their candidate, "Are you for us and justice and right, or are you for the greed and avarice of the other crowd?" That is the reason, Mr. President, many of these people do not want the primary system; that is the reason they want to do away with it.

We put upon the statute books the income tax law which makes the mighty rich pay taxes. They used to escape entirely, but we Democrats advocated the income tax law until we brought it about, and we now derive millions of dollars from that source.

I would not apply the income-tax principle to the man of small or moderate means. I mean the man whose income is small or moderate.

If the primary is to be abolished, you will finally abolish the income tax, just as you took the tax off of the profiteer; you will take the income tax off of those most able to bear the burdens of government.

Mr. President, "the decline of the American Government" is discussed by the Secretary of War. Is it any wonder? Here we are confronted with the proposition of passing a ship subsidy bill. When Woodrow Wilson went out of the White House, it was the boast of American citizens that we had the greatest merchant fleet in the world except that of Great Britain; and what happened to it? You have a man at the head of the Shipping Board who came in saying that these ships were no good. What do you think of a man who is going to try to dispose of some of your goods telling the fellow he wants to sell them to that the stuff is worthless and asking him then what he will give for it? Here is what a great many people say happened: That these ships were bargained to the Ship Trust—they cost $800,000 each, some of them $600,000—and that this board proposed to sell them to the Ship Trust for $2,100 each. Think of that, Senators! We made such a protest against it that the bargain has been held up temporarily, and now we understand that the Ship Trust tells us: "We are not going to operate these ships unless you practically give them to us, and we are not going to operate them then unless you pay us to run them. You have got to go out and tax the American people millions of dollars every year and pay that money to us to operate the ships that you have given to us for a song."

A government that will do that is liable to cause some people to think that it is in bad hands; but, Mr. President, we will not despair of the Republic so long as against the ills of evil we hold the remedy of right. The American people are waking up. The mutterings in Pennsylvania indicate it. The roarings of political thunder in Iowa and Indiana indicate it.

Various other signs of the times point to a change in affairs at the Capitol, point to a Democratic House at the other end of the Capitol, and a greatly reduced number of Republican Senators at this end of the Capitol. Those in power are bemoaning the fact that the people are waking up and participating in the affairs of government. They resent it. They are indignant at it. Whose Government is this? It is the Government of the people of the United States. Who should take an interest in it? The citizen. What was the Government established for? For the welfare of the citizen. That is the whole end and aim of constitutional government. Here we are told that we must eliminate millions from participation in party primaries so that a favored few, with their millions, can dominate the conventions of both parties. In that case they could never lose.

Mr. President, I am in favor of the primary plan. I helped to bring it about in my State. Talk about a Republic surviving, perpetuating a great Government like this, and then wanting to take away from the people the right to select the candidates of their party! It is utterly ridiculous; but all of this tends to show the American people the direction in which we are drifting under Republican rule—

A duped people, hourly doomed to pay
The price that bribes their liberties away.

Mr. TRAMMELL. Mr. President, it seems that we are having more or less of a field day, and I want to join in the protest against any effort to repeal the primary law in any of the States where such system exists. The matter has been at times more or less of a live issue in my part of the country, and my observation has been as a rule that the people who object to the primary system are the people who are unable to succeed in a primary. They want a "representative government" that is directed and controlled and dominated by officers that are not selected by those that they are to represent; that is, if they are to represent the entire public.

I have always felt that, as far as corruption and contamination influence is concerned, it is a great deal easier to contaminate and corrupt a convention of a few delegates than it is to corrupt the entire people. The man who goes out to buy the great populace and the sovereign voters of the country has a much greater undertaking upon his hands than if he undertakes to manipulate a convention. In fact, if the issue is well defined the voters will repudiate the corrupt and excessive use of money in an election. I believe that if we should revert to the convention system in this country and abolish the primary, the trend of governmental affairs would be to drift further and further away from giving the people their just rights and fair consideration in all branches of Government.

Take our judiciary: Under the old system, where the voice of the people had but little influence upon the legislative branch of our Government, as well as all other branches of the Government, too often there was discrimination in favor of the special interest. Under the old system, largely, our courts adjudicated cases upon technicalities. Errors that did not affect or reach the merits of the case in any way whatever would frequently be the determining point in litigation. The will of the American people and the protest against such system eventually brought about a more just and a more reasonable policy, and brought about express legislation in many of the States to the effect that cases should not be disposed of upon errors that did not affect the merits of the case.

I recall the time when a case would be appealed, and error would be assigned, and probably one assignment of error would be a question of constitutional grounds. The appellate court would not pass upon the constitutional question at all, but would pass upon some purely technical question that did not reach the merits of the case, did not reach the question of whether or not the law was constitutional, and reverse the case, as I say, upon such purely technical ground. The result was, of course, great delay and postponement of litigation, and in many cases the infliction of an injustice upon litigants.

That was a condition that grew up in this country largely under the old convention system, where the people had very little to say about who should represent them in legislative bodies, in administrative office, and in the judiciary; but with the trend of the last two decades toward a more popular form of government, we have enacted remedial legislation affecting court deliberations, and a great deal has been accomplished that, in my opinion, never would have been accomplished under the former régime.

Take the question of the income-tax constitutional amendment. I dare say that if it had not been that the people had a greater opportunity than formerly to express their will at the ballot box we never would have had enacted in this country the income tax law or the constitutional provision authorizing it. The popular election of Untied States Senators, instead of the old system of the often corrupted legislature electing United States Senators, and many laws which are proving to the benefit of the American people have come about very largely from the fact that the people have had a greater voice than in former years in the selection of their officers. I would far rather trust the people to elect their public officials at the ballot box than to trust any convention to name our officials.

I deplore any effort looking to a repeal of the primary system or any effort that looks to taking from the people the right to

express their will in regard to their public officers at the polls, and it will be a sad day for this country if we should return entirely to the old convention system.

Of course, the primary system may have some defects. One of the great troubles is that of some people trying to buy their way into office through the primary system; but under the old convention system that practice was followed and was followed more successfully than under the primary. I recall, just about the time I reached my young manhood, that the primary system came into operation in my State, and the old convention system disappeared. At that convention, the only one that was held in my State after I became a voter, the contest was on, not between the people of that State as to whom they should select fot their public officers but largely between the railroad interests of the State. A certain system had its candidate that it was trying to foist upon the people of the State for the purpose of trying to manipulate things in its own special interest. Another railroad, having some conflicting interest, had its candidate that it was trying to impose upon the people of that State; and as far as the great mass of the voters were concerned, they had but little chance in that convention. Of course, one of the railroads succeeded; the people did not succeed; and they did not get representation in government under that convention which selected railroad candidates for office whenever there was a conflict between the interests of the people and the railroad interests.

While now and then some one rises and says, "We want a convention system instead of the primary system," regardless of the evils which are more or less connected with a primary system, those evils are quadrupled in a convention system, and government is removed further from the people. As a rule, only the particular interest that controls and dominates conventions is represented where a convention system is in vogue; and as for my part, I desire to utter my protest against any revival of the old, corrupt debauchery of a convention system as against a primary system.

Let us try to perfect the primary system. Let us pass rigid laws to prohibit corrupt expenditures and to prohibit the expenditure of excessive sums in trying to obtain a nomination in a primary, and devote more energy to that, instead of trying to bring back the old convention system, which is pretty generally known throughout the country to have been manipulated time and time again against the interests of the American people.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. I ask that the action of the House of Representatives disagreeing to the amendments of the Senate to the amendment of the House to the amendment of the Senate numbered 1 to House bill 10101, the District of Columbia appropriation bill, may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the amendment of the House of Representatives to amendment numbered 1 of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. UNDERWOOD. Will the Senator advise me as to what the disagreement relates?

Mr. PHIPPS. It relates to the amendments affecting the fiscal system of the District of Columbia which were adopted on the floor of the Senate day before yesterday.

I move that the Senate insist upon its amendments to the amendment of the House to the amendment of the Senate numbered 1 to House bill 10101, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS conferees on the part of the Senate.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. POINDEXTER. Mr. President, at the conclusion of the consideration of the pending bill yesterday evening the Senate adopted an amendment to strike out a certain provision in lines 1 and 2, page 34. By inadvertence certain language on page 33 connected with that amendment is left in the bill. I ask unanimous consent to reconsider the vote by which the amendment on line 20, page 33, inserting the words "and allowances," was adopted.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the words "and allowances" were inserted after the word "pay" on line 20, page 33? the Chair hears no objection, and it is reconsidered. The question now is upon agreeing to the amendment of the committee.

Mr. POINDEXTER. I ask that it may be disagreed to.

The amendment was rejected.

Mr. POINDEXTER. I make a similar request, for the same reason, as to the word "pay," in line 24, page 33.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote by which that amendment was adopted? The Chair hears none, and it is reconsidered.

Mr. POINDEXTER. I ask that that amendment be disagreed to.

The amendment was rejected.

REMOVALS FROM AND APPOINTMENTS TO OFFICE.

Mr. CARAWAY. Mr. President, I hope I shall not delay the consideration of the naval appropriation bill more than a few moments.

I rise to call attention to a publication appearing in the Washington Post of this morning, the leading article, written by Mr. Price, a newspaper writer who speaks with authority for this administration. It is an article published in the administration's chief defense, and therefore I know it is authentic. It deals with a desire entertained by a great number of Republican Congressmen to have patronage. It says that a petition signed by 150 Republican Members of the House is to-day to be presented to the President, demanding that about 150 employees in the Treasury Department shall be displaced because they are Democrats and that Republicans be given their places.

It is true that by insinuation it is charged that these Democrats are disloyal; that they report to certain former officials of the Wilson administration. What they should have to report is not revealed. Why they should report to former Wilson administration officials is not disclosed, but the fact is their jobs are wanted, and wanted for political reasons. Three or four paragraphs of this article I shall read in addition to the headlines. I shall read first from the headlines, because almost the whole story is told in them. I read:

REPUBLICANS SEEK POSTS IN TREASURY FOR PARTY MEN; PLEA TO HARDING—PETITION SIGNED BY OVER 150 MEMBERS OF CONGRESS WILL BE PRESENTED TO THE PRESIDENT URGING REMOVAL OF FORMER ADMINISTRATION APPOINTEES—LIST JOBS THAT ARE WANTED—CHARGES MADE THAT HOLDOVERS IN KEY POSITIONS ARE NOT SERVING IN THE BEST INTEREST OF THE COUNTRY—ADD THAT REPUBLICAN ORGANIZATION HAS SUFFERED AND UNFRIENDLY INTERESTS HAVE RECEIVED ADVANTAGES—OTHER ALLEGATIONS ARE MADE.

[By Harry N. Price.]

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President Harding to-day will be called upon again to give consideration to the long-drawn-out controversy between Assistant Secretary of the Treasury Elmer Dover and Commissioner of Internal Revenue David H. Blair. A petition signed by more than 150 Republican Members of Congress will be presented to the President urging him to uphold the policies inaugurated by Mr. Dover.

ATTITUDE OF REPUBLICANS.

Whether it be true or not, many Republicans in Congress earnestly believe that the best interests of the country will be served by intrusting Republicans with the important key positions in the Treasury Department, and they have been insisting that only Republicans be placed on guard there. It has been charged by this element of the Republicans that Democrats prominently identified with the Wilson administration are still retained in places of such high authority that not only the Republican organization has suffered but that large advantages have been given to private interests not friendly to the administration.

CONCERNED IN THEIR CONTESTS.

Republican Members of the House particularly are deeply concerned with the contest between Dover and Blair. There has been little political patronage thrown the way of the Members who represent the party in power, it is charged by the more rabid Republican plum hunters. These patronage-hungry Members assert Dover has tried to help them in their districts, and at the same time to promote economy and efficiency in the internal revenue and customs services. These Republicans claim that they have not had the support of administration officials, and they have determined, it is said, that there must be a decision by Secretary Mellon whether Democrats shall remain in control or Republicans be placed in charge.

REVOLVES AROUND DEPUTY COMMISSIONER.

What may result if the alleged old Democratic machine continues to dominate the Treasury Department, the Republicans do not say, but there was strong intimation yesterday, as there has been for some time, that there will be a revolt, and perhaps an open break between the "Hill" and the White House.

The controversy between the two Treasury officials has revolved around one of the deputy commissioners of internal revenue, whose Democratic affiliations, it is claimed, are well known. Others who occupy important positions in the Treasury Department, with salaries ranging up to $6,000 a year, are said to be Democrats, and most of them, it is alleged, report regularly to men who were prominent in the Wilson administration.

OVER HUNDRED OFFICIALS ON LIST.

A list of more than 100 officials of the Treasury Department said to be Democrats holding key positions was sent to every Republican Member of the Senate and House yesterday. This list appears to have aroused the wrath of that element of the Republican membership that demands Republicans in all important posts.

Many of the Republicans in Congress frankly admit that they do not expect to be reelected, and they declare that if in the approaching election the party is defeated, and a Democratic Congress returned, there will be little chance for victory in 1924.

Everyone has known of the differences which have existed in the Treasury Department between the Secretary of the Treasury, Mr. Mellon, who wanted to give intelligent service, and the Assistant Secretary, Mr. Dover, who was placed in the department to give out patronage. The Washington Post speaks with inspiration, because if the President has not determined to act upon this matter when he reads the headlines in the Post he will know it is his duty to do so. As I have called to the attention of the Senate before, if it happens that the Post moves in advance of the administration, the administration at once hurries to get in line with the Post. As long as the present administration is in power, and the present policy of the Post continues, there will never be any division in sentiment between these two.

When the President, to satisfy the hungry job hunters, removed a number of men and women from the Bureau of Engraving and Printing in such a way as to leave them under a cloud and denied them the right to make an honest living, the Post and others who were the apologists for the President, intimated that there were great irregularities in the bureau and that great scandals were to grow out of an investigation which was to be had in the bureau. One Republican Senator took me out in the cloakroom and told me, when I criticized the President for his unkind act, that I was treading on a powder mine; that literally hundreds of millions of dollars of duplications in bonds had been discovered; and that in just a few days the President was going to release the information as to that, and that I would be destroyed, along with other credulous people who thought that honest people should not be disgraced. That Senator believed it; he had been told it. Of course, those with information about it knew he was mistaken. Everybody knew that the President, when he removed those people in such a spectacular manner, was simply serving notice on the faithful that the President was wielding the ax; that good jobs were to be open for those who were sufficiently indorsed by the organization.

It made no difference to the President that men who had toiled for a lifetime and built up honorable reputations were destroyed. It made no difference to him that women who had gone into the bureau as girls and had labored there faithfully until their hair was as white as snow were disgraced. It made no difference to the organization if those men and women were discharged, their reputations blackened, and their opportunity to earn an honest living taken from them. The "faithful" had to have the jobs, and the "faithful" got them. So this one man was promoted to the place of a man who was dismissed from the service in the Bureau of Engraving and Printing, and the day he got his "promotion," and with a full knowledge of the facts known to the President, because it was a court proceeding, his wife procured a decree against him for the most revolting offenses which could be charged against a man. I have his letter here, a court record, showing that this man not only had debauched a 15-year old girl, but that he was trying to arrange to have a criminal operation performed upon her. There is his letter. It is a court exhibit. It was a matter of public information, and yet an honest man was kicked out of office to reward this man.

Mr. KING. Mr. President, who is that man?

Mr. CARAWAY. He is the man who is now custodian of rolls, dies, and plates in the Bureau of Engraving and Printing.

Mr. KING. Is he the one President Harding appointed after removing the faithful employee?

Mr. CARAWAY. Yes; he took the place of Mr. Ashburn. Here is his letter, which his wife filed, addressed to a little girl, his "Dear Kid," and advising her to meet him on the avenue, and he would arrange with some doctor to commit a criminal operation on her. She was then 15 years old. In this letter he said that if she would meet him on the avenue, he would give her money, evidently to finance this operation.

It is a public scandal. It is an infamous outrage.

But I am not criticizing the President overmuch. He was hard ridden by the people who wanted places, and Mr. Mellon might just as well realize now as to know it to-morrow or the next day that he, too, has to go. His days in the Treasury Department are numbered. His tenure is brief, indeed, because his ideas are so diametrically opposed to those of Elmer Dover, trained up under the old school of Mark Hanna, the man who invented the "blocks of five."

It is now known to every one that Elmer Dover and the Secretary of the Treasury are engaged in a life and death struggle, one wanting jobs, the other wanting to administer his office so that some public service could be rendered. Between the two the President has already surrendered to Dover, and Mellon will go. I am sure of that for this reason: The Post will not publish a political article which does not reflect the President's attitude, if the President is involved in the controversy. I know, when this article appeared in the Post, with these headlines, showing the necessity of giving these jobs, that the President has surrendered. Mr. Mellon may not yet have been informed, but he will soon be engaged in his private occupation, because Elmer Dover is going to drive him out, together with every efficient man in the Treasury, unless that man can show that he has contributed and will continue to contribute to the Republican campaign fund.

I do not know Mr. Dover, but everybody who does know him bears testimony to one fact, that he went into the Treasury, not to promote efficiency, not because he could lend anything to efficient service in that department, but to spy out the good jobs and call attention to them and have Republicans put in them.

The desire for patronage has swept away every pretense of civil service and every guard that was put around employment in the public service. A Republican postmaster is being removed in my old congressional district right now. There is no contention that he is not a good man, for he is; but he had a clerk who was off on sick leave and he advanced him $25 of his salary to carry him through his illness. A post-office inspector discovered it, and it was such a heinous, outrageous offense that the Postmaster General is now demanding his resignation, with the statement that if he does not resign within a certain number of days he will be removed.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CARAWAY. I yield.

Mr. POMERENE. I do not think the Senator from Arkansas need be surprised at that kind of conduct in the Post Office Department.

Mr. CARAWAY. Oh, I am not surprised.

Mr. POMERENE. Ever since the inauguration there has been a deliberate attempt to remove every Democrat in the service.

Mr. CARAWAY. Of course; they have got to go.

Mr. POMERENE. It applies not only to heads of departments, but to small postmasters out in the country. If the Senator will permit me, I would like to introduce an incident which was furnished me the other day. A Republican postmaster was appointed at West Alexandria, a small village in Preble County, Ohio, near the Indiana line. He had not been in office very long until he addressed a letter to the Democratic village carrier. I have a copy of the letter here, and if the Senator will permit me, I would like to read it.

Mr. CARAWAY. I shall be very glad if the Senator will read it.

Mr. POMERENE. The letter is dated West Alexandria, Ohio, May 26, 1922, and reads as follows:

Mr. T. J. STEWART,
Village Carrier, City.

DEAR SIR: You were no doubt aware at the time of your appointment to the position of village carrier that your tenure of office was only during the length of the administration then holding. In view of this and the fact that that administration has passed, and it is desired that the present administration, as near as possible, be represented in its full extent, it becomes my duty to ask that I have your resignation, same to become effective at the close of business May 31, 1922.

Yours truly,

JOHN M. SWENEY, *Postmaster.*

There was no charge of inefficiency, no charge of misconduct, except the heinous offense of being a Democrat.

Mr. CARAWAY. Oh, yes; he held a key position.

Mr. POMERENE. Yes; that is probably true.

Mr. KING. A rural carrier?

Mr. CARAWAY. No; a village delivery clerk; but that is one of the "key" positions.

Mr. President, the thing against which I am protesting is the hypocrisy and the demoralization that must follow this course of conduct. If, as the Republican Congressmen say, they have not any hope of reelection unless they can get enough patronage to buy their jobs back, and the administration wants to commit itself to that policy, let them say there have to be places enough to appoint all the disgruntled Republicans to office—and that will be practically the entire membership of the party—and try thus to control the election.

Mr. President, I know the President is going to remove these people, because the Washington Post so plainly intimates it, and the Post knows. If the President had not decided to do it, he will know when he reads it in the Post that it is his duty so to do, and I think that, having found out what is expected of him, he will act accordingly.

But in so doing he must know that it is a confession that the administration has so failed the people that it can not be returned to power upon its record; that it is repudiated by the upright, patriotic citizenship of the country; but it still cherishes the hope that by throwing jobs to the crowd it may change public sentiment sufficiently to stave off defeat. Whenever it discharges the men and women here listed and turns their places over to incompetent men and women—because no man or woman can step into those places without training and render efficient service—it is an admission that it has failed to render service, and it is trying to prolong its political life by distributing patronage, bribing the voters by giving places to people.

I introduced a resolution to ascertain from the President the reason for his removal of certain employees in the Bureau of Printing and Engraving. I especially wanted to know why he should have removed former service men whose places were protected by statute. The Senator from South Dakota [Mr. STERLING], who is chairman of the Committee on Civil Service, smothered these resolutions in his committee. Two of them were brought out with adverse reports, but the Senate was not permitted to vote upon either of them by reason of objection. They are now lying among those that are dead. The most important of these resolutions asked of the President was why he discharged former soldiers. That resolution is still in the committee. The Senator from South Dakota, with a good deal of heat, told me when I first discussed it that if I would possess my soul in patience the committee would act. I did not think then it would, and it has not. I believed then, as I believe now, that the Senator from South Dakota, however well meaning he may have been, would not be permitted to do it, whether I possessed my soul in patience or not.

Mr. POMERENE. Mr. President, may I suggest another thought to the Senator?

Mr. CARAWAY. I shall be glad to have the Senator do so.

Mr. POMERENE. The committee which has been investigating this subject has been receiving statements from the Civil Service Commission. Looking at them from the legal standpoint they are marvels of pleas in confession and avoidance. They send clerks or inspectors out to a city or town in my State or to a city or town in the State of Arkansas. Those inspectors come back with reports. The Senate committee are never going to get the facts until they call before them these inspectors. They are not going to get the facts from the Civil Service Commission. They are there trying to cover up some of the facts. Ratings are made by the inspectors. Those ratings are changed by the commission. I say that because I have been so advised by some of the inspectors.

Out in my own State, for instance, in the city of Dayton—if the Senator from Arkansas will permit a further interruption for just a moment.

Mr. CARAWAY. I am glad to yield.

Mr. POMERENE. Forest L. May had been in the Postal Service for twenty-odd years. At the beginning of the first Wilson administration he was chosen as postmaster. It was in a sense a promotion. He was thought so highly of that he was elected president of the Ohio State Postmasters' Association and president of the National Postmasters' Association. He was regarded as one of the best men in the service. He had worked up from the foundation to become postmaster of that splendid city of Dayton.

Conventions, National and State, of the postmasters were to be held. He came down to Washington and invited Postmaster General Hays to address the national convention, and delicately a reference was made by Postmaster May that the convention would be held just shortly after the expiration of his second term and that it would be perhaps a little embarrassing to him to preside over the deliberations of those conventions if he were not in fact a postmaster. Postmaster General Hays said to him in a roundabout way that the matter would be taken care of, or something to that effect. Postmaster May's four-year term expired on his birthday. His wife had arranged a picnic for some of his special friends on that day. On the evening before his birthday he received a telegram from the Post Office Department directing him to turn the keys over the next day to a politician in Dayton who had never had any experience in postal affairs. There had been no attempt to hold a civil-service examination. No charges were preferred against Mr. May. They knew they could make none, and if they made any they could not sustain them.

So on his birthday, in the afternoon between 2 and 3 o'clock, the newly appointed postmaster, with the Republican leader in that county and a Republican newspaper man, came with a camera, demanding the keys and the privilege of taking a photograph of the retiring postmaster and the new postmaster, demanding the keys at once. Mr. May suggested to them that he thought they would concede that he was entitled to that day's pay, that he had promised his wife he would go out and make some preparation for this picnic of family and friends, and asked them to come in the morning and they would then balance the cash and he would turn over the keys. "No, sir; I demand the keys now," and the keys were turned over without even permission of an opportunity to balance the cash.

The newly appointed man went on to serve several months. Finally there was an examination. Mr. May was first. Another man was second. Still another man was third, and the third man was a man of some ability, I understand. But the significant part about it all is that among the applicants for the position was a Mr. Miller, who had been State superintendent of schools and for years had been superintendent of the public schools of the city of Dayton, and he could not even get on the eligible list; but this other man without any experience in post-office affairs could. The other man was a dentist, and I am told he was a director in a house publishing some religious paper. He had some experience which would perhaps enable him in the course of time to become an average postmaster.

Mr. KING. In other words, if he pulled teeth, they wanted him to pull legs.

Mr. CARAWAY. No; to pull the Democrats' teeth.

Mr. POMERENE. I refer to this as demonstrating the situation. The reports, as I am informed, which came from the inspectors, were held up in the Civil Service Commission for a considerable time, and after awhile the man who was wanted by the politicians out there got in third place, but Professor Miller, who was competent to be superintendent of schools of the State and superintendent of the city schools, was not competent, in the eyes of the Civil Service Commission, to be placed upon the eligible list.

I am not going to take the Senator's time further. There are other cases to which I might refer. But we need not fool ourselves about the situation. The whole situation is being manipulated under the spoils system, but under the cloak of the civil service.

Mr. CARAWAY. Mr. President, I have in mind several cases such as the Senator from Ohio has detailed; but when John H. Bartlett was president of the Civil Service Commission the commission perpetrated such a farce at Paragould, in Greene County, Ark., under the pretense of having an examination, that I wanted to find out what the facts were. I called up and talked to a man who said his name was Bartlett. He told me that the papers were confidential and then said they were out of his possession and could not be had. When I kept on insisting, he switched me to a man who he said was the chief examiner; but before I was permitted to talk to him he was talked to by Bartlett or some one else. I again was told that I could not see the papers; but finally I did see them, and they disclose that there had been no examination held.

The president of the commission, John H. Bartlett, when he told me there had been a competitive examination held there knew it was not the truth, because he had the papers. I have them now in my office, and they show there was no examination and there was simply a written declaration. Later I was told that some kind of a statement had been given, possibly by bankers behind closed doors, which was confidential. I understand there is not a word of truth in that; but, anyway, Mr. Bartlett showed so much skill in manipulating the civil service that he was made First Assistant Postmaster General. Some of the things that they are doing I shall take just a moment to recite.

I have referred to the threatened removal of a postmaster because he advanced $25 to a city postal clerk on his vacation. There is a man—I will not now give his name, but it is here and all the facts are known—who pretends to be a lawyer. His own nephew, who was an ex-service man, who had served in the Army in the recent war, had him write a letter to the War Risk Bureau in an effort to get his compensation adjusted. Perhaps he wrote two letters. This man charged the ex-soldier $27.50 for his services. He collected $5 and then wrote a letter to him threatening to report him to the bureau here in Washington if he did not pay $25 more. He said in his letter, "The Government has nothing to do with fixing

my fees; I know how to charge, and I will make my own fees." That man wanted to be postmaster, and he filed with the Senator from New Hampshire [Mr. MOSES] a sworn statement that this incident was not true; yet we have his letters, undisputed, showing that it is true. The Assistant Postmaster General knew officially that the pretended attorney was violating the law and trying to extort an unreasonable fee from a former ex-service man and knew that he had sworn falsely about it; still the department seems to think he is a good man to be a Republican postmaster in a very good town, indeed. All ex-service men in the State, so far as I know, except one—although dozens of them are on the eligible list and many of them were first on the list—were denied appointment.

In a town in my home county an ex-service man, a Republican, a white man, who had rendered faithful service during the recent war, a member of a splendid family, was on the list; nobody else qualified, but finally there was imported a man. His nomination is pending now in the Senate for confirmation, though he was not entitled to be appointed at all.

In the town of Gravette the department has appointed an acting postmaster who, I am informed, is too old to meet the regulations. An ex-service man, who is the first on the list, is entitled to that appointment, but the department will not appoint him. It is keeping the acting postmaster there, a man who did not take the examination and could not, first, because he is ineligible by reason of age, and, second, because he is ineligible by lack of training; yet he is the acting postmaster.

I call attention to these things for one purpose. I am not complaining overmuch. The Republicans want the places, and if they will strip the matter of hypocrisy and take them without trying to blacken people's reputations and destroy their right to earn an honest living, though we may say it is bad politics, that it is poor morals, that it is making the Government the football of politicians, at least we could somewhat respect the administration if it did that; but it should not, as in the case of the Bureau of Engraving and Printing, turn out decent and honest men and women, dismiss them from the service, and put in their places men whose records are known because they are matters of court record, gamblers, men who were being divorced by their wives for infidelity, and pretend it is done for efficiency. Take the man who was put at the head of the Bureau of Printing and Engraving; not only has his wife brought suit for divorce and allegations against him for all kinds of offenses, but she has been compelled to go into court and restrain him from throwing her and her children into the street since he has been at the head of the Bureau of Engraving and Printing. It is all a matter of court record.

Now, the ax is to be again wielded. The victims are notified that they may strip themselves for execution and lay their necks under the guillotine—Elmer Dover has said it and the Post has confirmed it, and the President has not the courage to deny them what they demand. If any of the victims should desire to seek out a Member of the Senate in an effort to have an investigation as to the wrongful and cruel removal, the administration will feel assured that the Senator from South Dakota [Mr. STERLING] will see that no investigation is had, or at least no department required to give any reason for its acts.

Mr. KING. Mr. President, the statements of the Senator from Arkansas are such as to call for an investigation of the person referred to, as well as all others named by the President for positions in the Bureau of Engraving and Printing. I am sorry the Senator from South Dakota [Mr. STERLING] is not present. I shall offer a resolution at an early day directing the committee of which he is chairman to make a full investigation of the character and conduct of the person referred to by the Senator from Arkansas as having offended against the law, and also to ascertain what forces were behind this person that led to his appointment by President Harding.

Mr. CARAWAY. Here is a copy of his letter. I will hand it to the Senator. The Senator might like to read it. It is a matter of court record. Here is the complaint of his wife, naming six women here in the District of Columbia, and here is the name of the girl.

Mr. KING. Mr. President, this is such a shocking letter purporting to have been written by this man——

Mr. ASHURST. By whom?

Mr. KING. By the man whom President Harding recently named to the highest position in the Bureau of Engraving and Printing and from which he removed a man of the highest character and against whom not one word has ever been uttered. I will not put this letter in the RECORD; but it seems to me that the President, if he does his duty, if he has a proper respect for the high position which he occupies, ought to remove his appointee before the sun goes down.

I have believed that President Harding came to the Presidency with a sincere desire to serve his country and to discharge the important duties of that high office with an eye single to the welfare of the people and the preservation of this great Republic. There are, however, incidents which seem to indicate that the President does not always pursue the course dictated by his own keen sense of right and is misled by political forces which are not concerned with the public weal. There are accumulating evidences of the triumphant and dominating activities of Republican politicians; they seem to control executive departments and agencies and to influence and materially affect the conduct of the President himself.

How can the action of the President in removing faithful and competent officials from the Bureau of Engraving and Printing be justified, and how can the action of the President be explained, other than upon the ground that he was misled or deceived or greatly influenced by politicians who were willing to violate the law, set at naught the provisions of the civil service statute, and to prostitute the Government to partisan ends? I can not believe that the President, if he knew all the facts, would have so acted. I have not been able to convince myself that the President was fully advised, and have therefore assumed that he was misled by Republican politicians who sought to advance their interests and the interests of their party, regardless of the law and of the best interests of the country.

Mr. President, President Harding, for whom we all entertain an affectionate regard, has an opportunity to render signal service in this epochal period. He has a chance to be bigger than his party and to personify the hopes, aspirations, and ideals of the American people. He is a man of fine character, amiable disposition, and possesses qualities that endear him to the people. If he follows his own conscience and his own judgment, his record of service will be admirable; but if he is led by politicians, or is controlled by dark and sinister influences, he will cover himself with confusion and bring grief and defeat to the Republican Party.

Mr. President, I have no pleasure, though I am a Democrat, in mistakes and maladministration of the Republican Party. I believe in the doctrines of the Democratic Party and should like to see them carried into effect in the Nation, but I am not so partisan as to wish that the Republican administration shall enact unwise and impolitic legislation, or adopt policies that will prove harmful and dangerous to the Republic. I am more interested in the welfare of the people, in their happiness, their prosperity and progress, than I am in the triumph of any political party. I shall gladly support any measure offered by the Republicans which I believe will make for the happiness and prosperity of the American people. I shall be glad to support the President in any of his plans which I believe to be of advantage to this Republic and to the people of our country.

I congratulated the President upon his election, and I shall have pride in his labors and achievements if they redound to the honor and glory of our Nation and to the happiness of the American people. The accomplishments of all Americans, whether Republicans or Democrats, enrich the Nation and add to the patrimony of all.

I have criticized my own party when I believed it was following unsafe paths. I have condemned the Republican Party and this administration when I have been convinced that unwise and unjust measures or policies were being adopted or promoted. I sincerely regret that our Republican friends are not giving to the American people a wise and beneficent administration, and that many high in the councils of the party are seeking to pervert the Government from its legitimate ends and to employ it for partisan purposes.

Of course there will be in all parties incompetent, inefficient, and in some instances corrupt politicians who have no conception of the functions of government, the obligations under the Constitution, of those clothed with authority, or the duties and responsibilities which rest upon officials. There are those who regard the Government as legitimate prey and would use it for personal and party ends. The American people believe in their Government and in the Constitution of the United States. They want efficient and honest government. They want this Nation to be an example to all the world, and those who live under our laws to be an upright, justice-loving, Christian people. They desire the laws to be enforced and entertain a profound regard for law and order.

It is said by some that we are lacking in "constitutional morality," and are drifting from those precepts of the fathers and those ethical and moral principles which underlie enlightened and progressive government, and that in the end this Republic will go the way of those governments that have been carried to destruction by the advancing tides that have borne

humanity forward. This view will be combated by most Americans, and they will point to the achievements of the American people as a sure refutation of the same.

But to return. The civil service law was placed upon the statute books in response to the conscience of the American people. While I have never had much confidence in those who have administered it, and have often felt that it was administered in a loose, inefficient, and partisan manner, nevertheless I have insisted that so long as the law existed it should be lived up to in letter and in spirit. It would be better to have no civil service law than to have an inefficient and fraudulent one. It would be a fraudulent law if its terms were disregarded and it were employed to protect partisan politicians or to put into office persons solely because of political reasons or party demands. If President Harding pursues his present course, or the course which is being demanded by Republican politicians, it will be charged, and with much truth, that he is an enemy of civil service and is doing more to destroy the law than any other force or power in the land. Theodore Roosevelt did much to develop a respect for civil service and when President attempted to strengthen the law. It would appear that President Harding has sought to weaken the law and is permitting himself to be influenced by avowed enemies of civil service, who seem to be opposed to an honest administration of public affairs. It is the duty of those who believe in civil service to lift their voices in protest against the methods employed to debauch and destroy the system. Undoubtedly the course of the administration, if persisted in, will either destroy civil service or result in such a revulsion of feeling as to place the law and its administration far above the desires of corrupt politicians or weak and vacillating administrations.

RUSSELL M. SHAW.

Mr. FERNALD. Mr. President, it is not my intention to undertake to correct all the inaccuracies that appear in the daily newspapers, but in this morning's Washington Post there is an article on the first page headed:

Republicans seek posts in Treasury for party men.

In the list of so-called Democrats is the name of Russell M. Shaw, of New York. I merely wish to state that Mr. Shaw is not a Democrat and never has been, nor are any of his family. I have known his father and grandfather and all his relatives for many years. He has always been an ardent Republican. I merely desire to correct that inaccuracy.

Mr. KING. Mr. President, of course I regret that Mr. Shaw is not a Democrat; but in the list I am advised that others alleged to be Democrats are not Democrats, and, of course, as the plan is to drive from office a large number of faithful employees to make places for Republicans the question whether a Republican or a Democrat makes no difference. The only question is, Are they active politicians in the Republican Party? If they are they will stay; if they are not, they will go.

Mr. FERNALD. Mr. President, I exceedingly regret that a slight cold prevents me from discussing this particular phase of the matter this morning. I desire, however, merely to say that I believe this Government was not created to make offices for partisans, and so long as men serve faithfully there ought to be some good reason for their dismissal or retention other than that they belong to one political party or another.

Mr. POMERENE. The statement just made by the Senator from Maine confirms the thought in my mind, namely, that there certainly are not 150 Democrats in the Treasury Department at this time.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On June 13, 1922:

S. 1911. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

On June 15, 1922:

S. 2014. An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico; and

S. J. Res. 173. Joint resolution authorizing the President to appoint a special mission of friendship, good will, and congratulation to represent the Government and people of the United States at the centennial celebration of the independence of Brazil.

HOUSE BILL REFERRED.

The bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, was read twice by its title and referred to the Committee on Interoceanic Canals.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDING OFFICER (Mr. LADD in the chair). The Secretary will state the pending amendment.

The READING CLERK. The pending amendment is, on page 34, line 7, to strike out "$1,207,200" and to insert "$1,512,000."

Mr. KING. Mr. President, I should like an explanation of that amendment.

Mr. WARREN. Mr. President, the amendments which we are now considering under the heading "Pay of the Navy," are made necessary because of the increase in the enlisted personnel of the Navy from 67,000 to 86,000 men and the passage lately of the bill for rates of pay of Army and Navy. The House made provision for that increase in some items, but as the bill came to the Senate it was necessary for us to take care of others.

Mr. KING. I should like to inquire of the Senator from Wyoming whether the committee in preparing this bill took into account the proposition to fix the personnel of the Navy at the figures placed in the House bill, 67,000 or 68,000 men?

Mr. WARREN. The House bill fixed the number at 86,000 men.

Mr. KING. I mean as the bill was originally reported to the House.

Mr. WARREN. Yes; the committee of the Senate has undertaken to fit all items to the size in which it came from the House, 86,000; but the House had failed to round out some of the several different lines of appropriation, and the Senate has done that, so as to make it a well-balanced force of 86,000 instead of 67,000. Therefore if the Senator proposes to take issue with the bill on the ground of having a personnel of 86,000, if it should go to 67,000 various changes would be necessary in the bill; but as it is now it is balanced well, and in my judgment it ought to pass in the form in which it is presented to the Senate.

Mr. KING. The Senator knows that as the bill was reported to the House by the House committee it did not carry the large appropriation for the personnel of 86,000.

Mr. WARREN. It did not.

Mr. KING. It carried an appropriation for a personnel of approximately 67,000.

Mr. WARREN. Yes.

Mr. KING. The question I propounded to the Senator was this: Did the Appropriations Committee of the Senate, which had under consideration the bill which is now before us, consider the proposition of a Navy of the size that was recommended to the House by the committee of the House?

Mr. WARREN. The subcommittee of the Senate Committee on Appropriations, as the Senator knows, was almost exclusively composed of members of the Senate Naval Affairs Committee. I think only two Senators served on the subcommittee who were not members of the Naval Affairs Committee. The change made by the House forced the Senate to do one of two things, either to turn down the proposition of 86,000 or to fit the bill to the figure of 86,000, and the committee has undertaken to do the latter.

Mr. KING. Mr. President, I am not satisfied with many of the provisions of this bill, but it will pass without any substantial change. So far as I know, few Senators are opposing it, and many seem indifferent to its provisions, though it carries $300,000,000. In my opinion it contains many extravagant features, and does not follow along the lines of rigid economy. It should be reduced at least $50,000,000 if proper economies were applied. There are too many officers provided for, and the enlisted personnel is too great. I should not hesitate to move to reduce the personnel to the limit fixed by the House committee if I believed that any considerable number of Senators

would support the motion. A proper allocation and distribution of the enlisted personnel would enable the naval authorities to man the ships and give to the country an efficient Navy. The only thing that deters me from offering the motion is found in the fact that, as revealed in the New York Herald this morning in an excellent article appearing on page 6, the countries with whom we negotiated a treaty for a limitation of naval armament have not yet ratified it. There may be sufficient justification for the action of Great Britain and Italy and France and Japan in delaying ratification. I am not advised as to that. I observed in yesterday's paper that Lord Lee of Fareham presented to the House of Lords the treaty, or at least he brought it to their attention, whether or not for a vote I am not able to state.

The New York Herald article to which I have referred states that—

> While the State Department was at no time gravely alarmed over the prospect of the treaties being eventually ratified, it did not look for anything like the delays that for one reason or another they have been subjected to.

It further states:

> It has been felt all along here that the attitude of France and the disposition of the Poincaire government to mark time on the treaties constituted the principal obstacle to ratification by the other powers. In the face of intimations that France would adopt a drastic reservation to the naval treaty, it was taken for granted that the other nations, notably England and Italy, would mark time pending the evolution of French policy.
>
> What France has done is exactly the thing that the United States desired most to avoid. The French Government, it is felt, has made the treaties part and parcel of the European situation. That is what President Harding and Secretary Hughes desired most of all to avoid. It was with this in mind that this Government at the time of the conference abstained from the discussion of land armaments and was content to enter world affairs through the back door of the Pacific.

That may be an accurate description of the method by which the present administration seeks to get into world affairs—through the "back door." That is not the proper way or the honest way or the statesmanlike way of getting into world affairs. We ought to enter through the front door. We ought to get in through an international agreement, in which all of the powers of the world participate—if not the League of Nations, an association of nations that has for its object the abolition of war, or at least the removal of the causes of war, the promotion of world peace, the establishment of international courts and tribunals to settle controversies and adjust disputes, and the adoption of such policies as will relieve the nations from the oppressive burdens of military and naval armament which now rest upon the people.

Resuming the article:

> France knows the importance that the United States attaches to the treaties, and there is evident now in Washington a strong undercurrent of feeling among officials that there is more than a disposition to use them as a pawn in the European political-economic tangle.
>
> Premier Poincaire at no time made a public statement on the treaties. In reply to inquiries from the United States and other Governments, however, he has intimated that it would not be possible to get them through the Chamber of Deputies without a strong reservation to the naval treaty.
>
> American officials do not take the threat of a French reservation very seriously. The view that they really take is that the French politicians are not primarily thinking of amending the naval treaty, if at all, and that what they are really doing is withholding action on it in the belief that it constitutes a useful lever with which to compel attention to the demands of French policy in Europe.

The article then directs attention to Japan. Senators will recall that but two or three days ago Baron Kato came to the premiership ostensibly to bring about the ratification of the treaties that were negotiated at the Washington conference.

Proceeding, the article states:

> The reports that have reached the Department of State with respect to the attitude of Japan toward the treaties were said officially to be at all times encouraging. It is known, however, that it was not all plain sailing for the treaties in Tokyo any more than it is now in Paris. Things were going on behind the scenes, and the things that were going on, it is inferred, did have a bearing on the recent elevation of Admiral Baron Kato to the premiership. His elevation and the fact that he holds himself responsible for the ratification of the treaties has, to say the least, strengthened the assurance of this Government that all is well as far as Japan is concerned.

Mr. President, as stated, if it were not for the delay of these nations referred to in ratifying the treaty of Washington calling for a limitation of naval armament, notwithstanding the certainty of defeat, I should move to reduce the personnel of the Navy to the number fixed by the House committee.

I may add that the House committee gave this matter most earnest consideration. They had all the facts before them. The hearings, which are very voluminous and which I have gone through with more or less care, in my judgment support the action of the House; and we would be warranted, notwithstanding the failure of these Governments to ratify the treaties, in fixing the personnel at the limits declared in the bill as it was originally reported to the House by the subcommittee; but because of the well-known attitude of the Senate and in deference to the sentiments of many Senators growing out of the failure of the other Governments to ratify the treaty, I shall not offer the amendment which I had intended submitting reducing the naval personnel to 67,000.

Mr. WALSH of Montana. Mr. President, on yesterday I submitted some observations concerning two amendments proposed by the committee—the first to strike out the appropriation for the Research Laboratory and the second to strike out the appropriation for the Naval Consulting Board.

The Naval Consulting Board is a voluntary organization. That is to say, the members receive no salary or compensation. My understanding is that they do not even receive expenses of travel. The Naval Consulting Board is a body of high-minded, public-spirited citizens, eminent in different branches of science, who have tendered to the Navy their services. The only appropriation is an appropriation for the office expenses, the salary of a secretary or clerk of $4,000.

It may be of interest to know who comprise the Naval Consulting Board. The members were nominated by the great technical and scientific societies of the country, as shown by the following list:

LIST OF MEMBERS OF NAVAL CONSULTING BOARD.

Nominated by American Institute of Mining Engineers: William L. Saunders and Benjamin B. Thayer.

Nominated by American Chemical Society: Dr. L. H. Baekeland and Dr. W. R. Whitney.

Nominated by American Institute of Electrical Engineers: Frank J. Sprague and B. G. Lamme.

Nominated by American Mathematical Society: R. S. Woodward and A. G. Webster.

Nominated by American Society Civil Engineers: A. M. Hunt and Alfred Craven.

Nominated by American Aeronautical Society: M. B. Sellers and Hudson Maxim.

Nominated by Inventors' Guild: Thomas Robins and Peter Cooper Hewitt.

Nominated by American Society Automotive Engineers: Howard E. Coffin and Andrew L. Riker.

Nominated by American Electrochemical Society: Lawrence Addicks and Joseph W. Richards.

Nominated by American Society Mechanical Engineers: W. L. R. Emmet and Spencer Miller.

Nominated by American Society of Aeronautic Engineers: Elmer A. Sperry, Henry A. Wise Wood, and Bion J. Arnold.

Nominated by War Committee of Technical Societies: D. W. Brunton.

Many of these gentlemen, it will be recognized at once, are men of national and international reputation in their various lines of activity. The Senate Committee on Appropriations has concluded to dispense with the gratuitous services of these eminent gentlemen, whose services by any of the great industrial organizations of the country, even in a consultative capacity, probably could not be secured for less than a quarter of a million dollars a year.

The Naval Consulting Board, as I indicated on yesterday, was intimately associated with the Laboratory for Scientific Research. I have the following statement in relation to the two organizations:

MEMORANDUM REGARDING NAVAL CONSULTING BOARD AND NAVAL EXPERIMENT AND RESEARCH LABORATORY.

The Naval Consulting Board is composed of engineers and scientists nominated by the several national engineering and technical societies. The members serve without compensation. During the war they rendered invaluable service to the Navy by making available on any subject the best brains of the country and starting a campaign for industrial preparedness. Together with Admiral Smith they investigated the 110,000 inventions submitted as of possible aid to the Navy. Their services, and through them the services of the national societies, are continually made available to the Navy to aid in solving technical problems. The appropriation of $4,000 pays the services of a clerk engaged in collating and recording records of the board's activities and routine work in connection with the board's activities and correspondence.

Among other things, the Naval Consulting Board advocated erection and operation of a naval research laboratory and Congress appropriated $1,500,000 for its construction. The plant is now completed, and final equipment is being installed. About $250,000 remains available for equipment, but by law can not be used for maintenance or operation. Unless money is made available now the plant must lie idle and deteriorate.

It is needless to mention the importance of research work in any engineering activity. Commercial concerns recognize its necessity and colleges provide men for its prosecution. The General Motors Co. spends $1,500,000 per year in research work and finds it good business. Germany's initial power came largely from previous research work. England now recognizes the need for naval research and provides large sums for its prosecution.

Our Navy, as well as every other, has problems inherently naval that she must solve, and solve before the other navies if she is to maintain her supremacy. Any engineer or manufacturer can recognize this fact, for others such recognition is more difficult.

An estimate of $300,000 for operation, including everything, was allowed by the Budget officer. The Navy Department, to effect economy this year, cut this sum to $100,000 and will endeavor to show results with this sum during the coming year. This amount, or perhaps even less, will enable us to get the proposition on its feet and we hope to demonstrate the value of the expenditure. The House included a provision (H. R. 11228, p. 6) for $100,000. This was struck out by the Senate Committee on Appropriations, possibly on the grounds of

economy, possibly because of the other somewhat similar—though in terms only—experimental stations maintained by the Government.

The work contemplated to be undertaken by the research laboratory is primarily naval, and there is at present no other agency fitted for or provided to do this research work. While primarily for the benefit of the Navy it is inherent to the nature of the work that results also may be beneficial to the industrial activities of the country.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. NEWBERRY. With regard to the Naval Consulting Board, the action of the committee was predicated on the fact that the Naval Consulting Board has not functioned as a board since December, 1920, I think, when it attended the laying of the corner stone of the research laboratory. However, the patriotic professional people who are members of that board correspond freely with the department, the department consults them as individuals, because they were members of the board, whenever occasion arises, and the amount of the appropriation is not large, only $4,000. The amount expended last year under this appropriation was for the salary of the clerk, $1,400, and a few hundred dollars extra for expenses.

I am certain that the department and the Committee on Naval Affairs appreciate the services the members of the Naval Consulting Board have given. It was a war activity, and as a consulting board it has not functioned for a year. The members still consult with the department, and the department still avails itself of their experience and advice constantly.

The next amendment was, on page 34, line 7, after the word "pay," to insert the words "and allowances" and in line 8 to strike out "$447,580" and to insert "pay, $631,180; rental allowance, $28,800; subsistence allowance, $13,140; in all, $673,120," so as to read:

Pay and allowances of the Nurse Corps: Pay, $631,180; rental allowance, $28,800; subsistence allowance, $13,140; in all, $673,120.

Mr. WALSH of Massachusetts. May I ask the Senator in charge of this bill if this is an amendment which the Senator from Utah asked to have postponed?

Mr. NEWBERRY. No; I think not.

Mr. WALSH of Massachusetts. I understood he wanted the amendments on page 34 to be passed over for the time being, and the amendments on page 35 taken up instead. Did he make such a request of the Senator from Michigan?

Mr. NEWBERRY. He did not make such a request while I was in the Chamber, nor did I hear of it. If he makes such a request, we can go back and have the votes reconsidered.

Mr. WALSH of Massachusetts. I shall not object.

Mr. SWANSON. Yes; the votes can be reconsidered if the Senator from Utah should desire.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the words "Naval Reserve Force," to insert "Class 1 (Fleet Naval Reserve) and class 6 (Naval Reserve Flying Corps)."

The amendment was agreed to.

The next amendment was, on page 34, line 14, to strike out "$5,689,233," and to insert in lieu thereof $4,127,278," so as to read:

Retainer pay and active-service pay of members of the Naval Reserve Force class 1 (Fleet Naval Reserve) and class 6 (Naval Reserve Flying Corps), $4,127,278.

The amendment was agreed to.

The next amendment was, on page 34, line 17, after the words "in all," to strike out "$107,503,239" and to insert in lieu thereof "$127,473,823."

Mr. NEWBERRY. On behalf of the committee I move to substitute for the last figures "$124,637,773," this being the correct amount.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NEWBERRY. I have just been informed by the Senator from Utah that he did make a request in regard to these amendments. I therefore beg the pardon of the Senator from Massachusetts. I did not understand we were going on with the aviation matter.

Mr. WALSH of Massachusetts. I understood the Senator from Utah had asked that that be passed over.

Mr. KING. I ask to be excused from the Chamber for about 10 minutes so that I may get a little luncheon, and that the Senate take up the other items in my absence.

Mr. WALSH of Massachusetts. I inquired of the Senator from Michigan if such a request had been made, but he had forgotten that it had been made.

Mr. NEWBERRY. We will take up the amendment, on page 35, line 17.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 35 the committee proposes to strike out lines 1 to 13, inclusive, in the following words:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the academic board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay of a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. NEWBERRY. I ask that that amendment may be passed over until the return of the Senator from Utah [Mr. KING].

The PRESIDING OFFICER. The amendment will be passed over.

Mr. NEWBERRY. Let us take up the amendment beginning on line 17.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 35, beginning in line 17, the committee proposes to insert a colon and the following proviso:

Provided, That the Secretary of the Navy is authorized, in his discretion, to employ on active duty, during the fiscal year 1923 only, not to exceed 50 reserve officers who are qualified naval aviators: *Provided further*, That such officers may, prior to July 1, 1923, after successfully passing such examinations to determine their qualifications as may be prescribed by the Secretary of the Navy, be transferred to and appointed in the regular Navy in accordance with the provisions of the act of June 4, 1920.

Mr. SWANSON. Before that amendment is disposed of, Mr. President, I want to move to strike out the language which it proposes to amend contained in the bill as it passed the House.

Mr. WALSH of Massachusetts. Beginning in line 14?

Mr. SWANSON. Beginning in line 14, page 35, as follows:

The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed.

Mr. WALSH of Massachusetts. That should be stricken out.

Mr. SWANSON. I move that it be stricken out.

Mr. WARREN. Does the Senator want to have that done at this time, when the Senator from Washington is not in the Chamber?

Mr. SWANSON. I appeal to the committee to let this go to conference with the other. We have now a little over 200 reserve officers. This authorization, which was given in the appropriation act for the fiscal year 1921, provided for the employment of 500 officers in the reserve, auxiliary, and aviation in excess of the 4 per cent provided by law. Under the law we can not employ commissioned officers in excess of 4 per cent of the authorized enlisted personnel.

Mr. WARREN. I understand the Senator is now alluding to the provision of the House?

Mr. SWANSON. I am.

Mr. WARREN. Such an amendment would not be in order now.

Mr. SWANSON. It is in order, for the simple reason that the committee amendment is now pending, and if that goes out, this should go out also.

Mr. WARREN. As the Senator knows, we have permission to act on the amendments of the committee first.

Mr. SWANSON. If the committee amendment is adopted, I might be precluded from moving to strike out this provision.

Mr. WARREN. Not at all. The Senator can move to amend the text after the committee amendments have been acted upon.

Mr. SWANSON. It seems to me that if this is adopted as an amendment to the committee amendment, it would fix its status.

Mr. WARREN. Of course, the Senator can move to strike it all out later on, both the old and the new.

Mr. SWANSON. That is what I wish to move.

Mr. NEWBERRY. My understanding is that we are proceeding only with committee amendments to the bill as it came from the House.

Mr. SWANSON. If the committee amendment is adopted, it will be new language added to the provision of the House. The only thing I was apprehensive of was that if the amendment of the committee were adopted I would be precluded; I want to have it distinctly understood that I shall have a right later to move to strike out the House text. If unanimous consent is given, I shall not press the matter.

Mr. NEWBERRY. That will be understood.

Mr. SWANSON. Is unanimous consent given, so that I can move to strike out the House provision later?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. May I suggest to the Senator from Virginia that the word "*Provided*," also should come out when that amendment is made?

Mr. SWANSON. Of course.

Mr. WALSH of Massachusetts. I desire to commend the committee for the amendment which they have recommended on page 35, providing that the Secretary of the Navy be authorized to employ on active duty, during the fiscal year 1923 only, not to exceed 50 reserve officers who are qualified naval aviators. I think this is a very meritorious amendment. The history of this legislation is most interesting. The reserve officers in naval aviation performed very excellent service to the country during the war. After the war many of them remained in the service, expecting in due time that they would be accepted into the regular Navy. Provision was made by Congress for the induction into the regular Navy of 500 of these reserve officers when found qualified after examination. An examination was held in May of last year, and as a result of that examination a large number of these highly qualified reserve officers failed. The examination was based upon the theory that naval aviators should be familiar with the duties of line officers, and should be able to qualify and pass examinations which line officers have to pass.

I personally think that policy is a very grave mistake. I think aviation is a specialty, and is a department of the defense of our country which ought to be separated from the regular line duties of the Navy and of the Army. But I find myself in a minority in that conclusion. The Navy officers and the Naval Committee are of the opinion that naval aviators should be willing and ready and qualified to go to sea and navigate surface craft as well as navigate airships in the air. I firmly believe time will prove the unsoundness and shortsightedness of this course. I believe it will not be many years before transportation by air will make the larger types of surface craft obsolete.

To my mind this present policy simply means that we are never going to have a well-qualified and well-developed Air Service in this country. There is no more reason why a naval aviator should be expected to qualify and perform sea duty than that a medical officer in the Naval Medical Corps should be expected to pass an examination in engineering and navigation. This policy is about as sane as it would be to order expert aviators to navigate battleships every two years. Yet that is what is contemplated. If aviators must be line officers they must go to sea and take up the duties of line officers or they will be unable to pass the promotion examinations that are given from time to time, for all examinations emphasize line officers' work and duties, to wit, navigation at sea. Air and sea navigation are entirely separate and distinct vocations, in my opinion. However, that is a departure from what I wanted to call to the attention of the Senate.

Mr. SWANSON. Mr. President, I would call the Senator's attention to the fact that after a man has been an aviator for 10 years he is through; that is, he can not go on in aviation.

Mr. WALSH of Massachusetts. Oh, Mr. President, that theory has been exploded.

Mr. SWANSON. That is what the department think, at any rate, and consequently they want to have this plan adopted. The examinations have been too rigorous and too exacting. We ought to have a reasonable examination of some kind, so that when aviators have served for 8 or 10 years they can then perform some service in the Navy and not be retired and become an expense to the Government. We ought to be able to do something along that line, it would seem to me.

Mr. WALSH of Massachusetts. If the Senator does not want to get in trouble with the aviators, he had better stop making such assertions. One of the leading aviators of the Navy to-day is a man 48 years old. I refer to Capt. H. Mustin, of the regular Navy. He stoutly denies the assertion that the duration of an aviator's service is 10 years. Many other young officers have been flying over eight years and they consider themselves capable of flying for very many more years. The leading and ranking flying officer of the Army, Gen. William Mitchell, is a man well over 40 years and is still an active aviator.

Mr. SWANSON. I am not attempting to get into trouble with the aviators or with anybody else. I am talking for the good of the service. I think that this examination was too rigorous and was uncalled for, but I do think we ought to require some examination so that if a man is an aviator and has had experience as an aviator, after he ceases to be an aviator he will be able to do something for the Navy.

Mr. WALSH of Massachusetts. Does the Senator know of one man who has ceased to be an aviator?

Mr. SWANSON. Not at this time, because aviation has been in existence only some five or six years.

Mr. WALSH of Massachusetts. There are men in the Army and Navy who have been aviators for 8 or 10 years, if not longer.

Mr. SWANSON. Aviation only started some five or six years ago. The naval authorities have told me that after a man has served actively in aviation for 10 years he ought to be transferred to something else, because of its dangers and excessive activities. I tried to get the department to have a less rigorous examination. The only thing I want is to get these 50 men, although I would agree to have 100 if it could be done. But we ought to have certain requirements so there will not be so many retired aviators doing nothing. They could go on shore duty of some kind. Examinations ought to be held in a way that will enable a man to show certain qualifications to do some kind of naval work, whatever he can do, after he ceases his activities as an aviator.

Mr. WALSH of Massachusetts. The Senator has the same opinion that is entertained by many high naval officials who are not aviators, but I defy him to prove by any aviator in the Navy or Army that the duration of active service is limited to 10 years. In fact, that matter was discussed by a subcommittee of the Naval Affairs Committee and very thoroughly gone into, but the theory was exploded. Indeed, even after a man gets to be 50 or 60 years of age and retires from aviation there are many duties suitable for him, such as officer in charge of aviation stations, such as executive officer in the aviation department, and so forth. Furthermore, all of the airships being constructed are constantly increasing in size and are being directed and commanded by men who do not actually pilot the machine at all. It is very important and very essential that the commanding officer, who is not at the wheel actually conducting the physical movements necessary to propel the machine, shall be experienced as an aviator. Almost every large airship that is being built now has crews of 5, 10, 15, or many more men, and therefore there will always be need of experienced aviators to act as commanders of those ships. One of the big rigid airships now under construction will have a crew of approximately 30 men. The commanding officers on such airships do not handle the controls, but act as supervisors.

However, that is a departure from the question I was about to discuss. I do not think the Senator from Virginia and myself differ about the merits of the amendment.

Referring to the length of time given to prepare for the examination, let me say this: Men who for five years have done nothing but fly, have done nothing but devote all their talents and energy and strength to perfecting themselves in aviation, were notified eight months before the examination that they must pass all the requirements that are expected of graduates of the Annapolis Academy, including navigation, seamanship, electricity, ordnance, engineering, and so forth.

Mr. POMERENE. Mr. President, may I inquire of the Senator, Who issued that order?

Mr. WALSH of Massachusetts. The Secretary of the Navy, acting upon the advice of the Bureau of Navigation, who are old line naval officers.

Mr. POMERENE. Is it not possible to require the members of that board to undergo a similar examination, to see whether or not they could pass it?

Mr. WALSH of Massachusetts. It ought to be possible. I want the Senator to follow me, because I know from questions he asked yesterday that he is interested. Congress authorized 500 of these men in the regular service. Only about 290 applied for examination. The result of the first marking of the examination papers was that 27 passed. The aviation paper only counted 10 points out of 100, so that no matter how capable they were, how proficient they were, how competent they were in aviation, they were rejected if they did not know line-officers' duties and problems. What happened? The rejection of these men meant that we were to lose from the Aviation Service the very men who went through the war, some of whom served their country in France, and who had had the experience of preparing under stress of war to learn how to direct an airplane and how to carry on plane tactics in the air—in a word, the men who developed our naval air service.

Mr. POMERENE. Was that examination conducted by the Civil Service Commission?

Mr. WALSH of Massachusetts. No; it was not conducted by the Civil Service Commission. It was conducted by a board of naval officers. Bear in mind these men were never at sea or given any opportunity to do sea duty in the Navy. The first marking permitted only 27 to pass. Of course, that is a confession in itself that the examination was unfair and was too

severe. How could men pass an examination, for instance, in navigation with no experience on a ship? Re-markings of the papers from time to time led to the acceptance of about 150.

Mr. POMERENE. That is, re-markings of the same papers?

Mr. WALSH of Massachusetts. Yes.

Mr. POMERENE. In that way they increased the number who passed from 27 to 150?

Mr. WALSH of Massachusetts. Yes; a re-marking upon a different basis than was originally contemplated. Everybody, for instance, failed on the first marking who did not get 2.5 points on every paper, 4 being the maximum. In the re-marking they said, "If a candidate does get less than 2.5 on two papers, we will still admit him." On the third marking, they said, "Even if he gets less than 2.5 on four papers, we will let him in."

Mr. POMERENE. I do not know who constitutes that board, but I wonder if it were possible to hold an examination for those who are hereafter to be members of the board? I wonder whether the present board could pass such an examination?

Mr. WALSH of Massachusetts. I will say to the Senator that the members of the Naval Affairs Committee appreciated the character of the criticism which I am making against that examination and recognized the injustice inflicted upon these young reserve officers, and have made provision in the bill to correct in great part the injustice that was done. I say that in commendation of the committee, but there is one very serious defect still left. I call the attention of the Senator from Washington [Mr. POINDEXTER] particularly to this because I think he as representing the committee will agree with me.

The bill provides that 50 of these officers, young men who left their schools and colleges in this country the first week of the war and volunteered, shall not be turned out the first day of July, after five years of patriotic and useful service, as if there were no appreciation by the Government of their aviation experience and exceptional training. I know a young man who was a witness before the committee, one of the men who failed, who was an expert in aviation bombing, and who met with an accident last December, paralyzing his vocal chords. He can not speak above a whisper. He can not tell the difference in the kinds of food that he eats. He, in all probability, if the precedents in similar cases are to be believed, will die from starvation; and yet that man, if the reserve officers who failed are retired, will be walking the streets after the 30th of June, with his wife and child, without occupation and without compensation—literally thrown in the scrap heap as waste material.

Mr. SWANSON. The Senator is correct about that. There are 500 men now, most of them reserve officers, who served during the war, part of them as auxiliary officers and part of them as naval officers, who have gone through all the dangers and turmoil and exactions of war service. In order to enable those 500 men to remain in the service of the Navy, this amendment was placed on the bill, authorizing the employment of 500 extra men in the aviation and auxiliary service.

Mr. WALSH of Massachusetts. That is what I said.

Mr. SWANSON. The Senator is correct.

Mr. WALSH of Massachusetts. If the amendment is not made, that is exactly what will happen.

Mr. SWANSON. Unless this amendment shall be adopted, these men all go out on the 30th of June. My contention is that by striking out this amendment we can abolish that provision and then let the matter go to conference and in the meantime find out the number of good aviators whom we want in the service, and then fix up an amendment that will not let them be driven out of the service in this way.

Mr. WALSH of Massachusetts. The Senator can fix up all the amendments he wants to, but that does not fix the examination papers or change the viewpoint of reactionary naval officers. The difficulty is that the examinations are so exacting and deemed of such importance by the old-line officers of the Navy that these men were unable to pass them, and therefore can not remain in the service.

Mr. SWANSON. The Senator is entirely correct. The minute I saw the examinations I knew they were wrong. I protested against them. I insisted that we should have some kind of an examination that these men who had seen actual service, as these officers had, could pass. I insisted that the examinations were entirely too severe. They ought to be examined as to character, a certain amount of educational examination ought to be required, but if the amendment of the committee is adopted they can not take care of more than 50 aviators. The man in Utah, for instance, will not be taken care of, and that is the difficulty.

Mr. WALSH of Massachusetts. I think, perhaps, it is only fair to say that perhaps some of these men are not fit. They may not all be mentally and physically fit. I can understand that. I would like to have them all taken care of. But a compromise is better than nothing. The Committee on Appropriations have only provided for 50. We must take what we can get. The harm will be greatly reduced by taking in 50.

Mr. SWANSON. This matter was acted on very hurriedly. Some of the auxiliary officers have been in the Navy from 17 to 20 years. Some of them have been in the Aviation Service and some of them in the naval service direct. On the 30th of June they all go out, unless we make provision for them. I would like to see this provision stricken out and the matter go to conference, so as to see if we can not fix up some provision that will take care of these deserving men.

Mr. WALSH of Massachusetts. I quite agree with what the Senator has said. I shall be glad to cooperate with him to the end that the auxiliary officers may also be taken care of.

I want to call to the attention of the Senator from Utah [Mr. KING], who is always interested in saving money for the Treasury, that it was proposed to drive out of the service 86 trained aviators. It costs about $40,000 to train an aviator. It was proposed, until this amendment in part modified it, to scrap about $3,500,000 expended in the training of these men and proceed at once to train a similar number of aviators to take their places at this enormous expense. A recent order has been issued asking for 50 men from the graduating class at Annapolis or line officers to enter training for the Naval Air Service at an expense to the Government of $40,000 per capita. Think of this wasteful policy at a time when everybody is crying for economy.

All I have said is to lead up to another injustice which needs to be remedied, and I am going to offer an amendment to this end. It is proposed now to continue 50 of these men who failed in their examinations as reserve officers in the Air Service. They are to be taken in as reserve officers at their former rank. What is going to happen? The men who failed are to go into the Navy as lieutenants, senior grade, lieutenants, junior grade, and some as ensigns; but the men who passed have nearly all been reduced in rank when they entered the regular Navy and the men who passed the examination will thus have lower ranks than those who have not passed the examination. Some of those men who failed will go in as lieutenants, senior grade, and will have under them as ensigns men who have passed the examination and who were lieutenants, senior grade, as reserve officers.

This examination has done two things. It causes a great many of the naval aviators to fail completely and to be driven out next July if this committee amendment is not adopted. Secondly, it reduces in rank all or nearly all of those who passed the examinations. The men who have been reduced in rank after they passed the examinations will find themselves, after this amendment is in operation, having a lower grade and a lower salary than some who failed in the examination. To that end I am going to propose an amendment authorizing the Secretary to give all of those who have been reduced in rank the rank held by them on May 16, 1921, and carry them as extra numbers.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. KING. My understanding is that following the war, with the reduction of the number of enlisted men, there were necessarily reductions in the grade of some of the officers. Assuming that information to be accurate, it would very properly follow that there would be some reductions in the grade of the class of aviation officers to whom my friend has referred. Was there a greater reduction in grade in that branch than in other branches of the service?

Mr. WALSH of Massachusetts. Mr. President, as a matter of fact there were no reductions in grade in the naval aviation service; the reserved officers were frequently promoted. The strange thing about the officers who failed in the examination is that since the war nearly every one of them has been promoted twice upon recommendation of their superior officers on the basis of their efficiency and their ability as aviators, and yet they failed in the examinations and are now held by the Navy officials as unfit for the regular Navy.

As the Senator knows, the aviation service is somewhat different from the other branches of the Navy. Length of service and hours in the air is a very important factor in determining the efficiency and ability and the capability of an aviation officer. The morale in the aviation service of the Navy has been materially impaired. Nearly 300 young men who went through the war, who had become exceptionally competent aviators and had shown themselves experts of the very highest character, have had one of two things happen to them: Either they have been

reduced in rank or are about to be rejected as having failed to pass the line officers' examination.

Training during the war can not be duplicated in peace times. For instance, a young man who goes into training now does not fly on certain days, whereas during the war no day could be lost. Whether the weather was stormy or windy, despite the condition of the weather, every day was used and the training was intensive and continuous. So the aviators who were trained during the war are specially well qualified for the Air Service—have enjoyed an experience that is invaluable.

Let me remind the Senate that it is a very disheartening thing, if indeed not cruel, for young officers who have gone through the war, been in the service for five years, been promoted and recommended to additional increased rank and salary, then to be told that they are no longer useful to the country; that they are to be reduced in rank and, in some cases, that they are to be dismissed from the service. Such conditions contribute to the unrest in this country. The fact that the Government should keep these men largely because the service would break down without them and then after five years tell them, when they have trained academy naval men to fly in their places, that their services are no longer needed has contributed greatly to the demoralization of our Naval Air Service and the opposition among civilians to Regular Army and Navy officers. If they had realized that they were not going to be permanently retained in the service they would have left the Navy after the armistice was concluded and sought other employment. Many of them have married and have families, and now, on the 1st day of July, if this amendment is not adopted—and even with the amendment many of them will suffer that fate—they are to be sent out into the world to look for other employment. Not a very considerate way to treat war heroes—not one that conduces to civilian willingness to sacrifice—for this treatment borders on ingratitude.

Let me say in this connection that there is not any branch of the service in the late war that, in my opinion, commanded the enthusiastic support and devotion of a higher class of American youth than the naval aviation service. Most of these men are college men; they came from our universities and colleges and entered the service during the first weeks of the war.

I think every witness who appeared before the committee was able to show an enlistment during the first week of the war. They have become devoted to the service; they have decided to make aviation their career and their life work; they have been doing this work for their country for five years, only to find out that aviation is secondary; that they must be navigators; that they must be able to go to sea; that they must be able to command naval vessels, and that aviation after all is not much different in the view of many naval line officers from service in the boiler room of a battleship; that it is only an incident to the defense of the country, but not an important arm of defense. It is a very serious matter. We are slipping seriously in our aviation development. We are greatly underestimating the future importance of this science. We will regret such indifference toward, and cold-blooded treatment of, these high-class, patriotic, and experienced aviators.

Mr. SWANSON. Mr. President, will the Senator allow me to interrupt him?

Mr. WALSH of Massachusetts. I yield to the Senator from Virginia.

Mr. SWANSON. Mr. President, there is grave injustice involved in the position in which these aviation officers find themselves. These men gave valiant service. Naval aviation was perhaps the most dangerous branch of the service during the war. The naval aviators were compelled to perform their work out on the ocean in all kinds of weather, and the fatalities were great. These men have been in the service for five years, and now they are to be turned adrift. It is not just to them, and in addition it tends to the demoralization of the Navy. I think that we ought to take care of more than 50 of them. I do not think it is right that the others should be practically dismissed from the service.

Mr. BALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. WALSH of Massachusetts. I yield.

Mr. BALL. The provision for 50 will take care of almost all the officers who failed.

Mr. WALSH of Massachusetts. Not of those who served during the war.

Mr. BALL. To give the exact figures there were 244 who took the examination, and of that number 152 passed—that is, 62.3 per cent passed—leaving the difference between the 244 and 152, which is 92. I think there are only 78 who are known. This proposed amendment will take care of the best qualified of those officers.

Mr. President, as chairman of the subcommittee which made the inquiry in reference to this matter, I desire to state that the committee was satisfied that the examination which was accorded to these officers was fair; they were satisfied that they were treated properly in every way, but the committee were not satisfied that they had been afforded a sufficient opportunity to qualify themselves with the assistance of instructors to prepare for the examination in navigation and in seamanship and in some of the other necessary branches of such an examination. For that reason the committee made this recommendation.

I repeat that the committee amendment will—and I understand the Senator from Massachusetts agrees with me—take care of the officers who are really needed in the Navy for aviation purposes.

Mr. WALSH of Massachusetts. Yes. It is a great help in solving the problem. It is the best compromise that could be obtained.

Mr. BALL. I think this amendment is amply fair to all and that it will afford to these officers the advantage of having another year in order to qualify themselves for the examination.

As the Senator from Massachusetts has stated, they are all high-class men; most of them are college graduates. There is no doubt in the minds of the committee that the naval aviation officers thought they would be appointed without taking any examination, and therefore many of them did not try properly to qualify themselves, while others did not have an opportunity to do so. It is for this reason that this recommendation is made. It will give them another opportunity. Some of them were serving in line of duty up to within two weeks of the examination. In other instances we found that one or two had not had the advantage of competent instruction, and so, as it was, they had to go it alone. We think, therefore, it is but fair that they should be given another opportunity and be retained in the service for another year. I am sure, however, that the Navy Department, in the examination provided, was eminently fair to these officers, as I think the Senator from Massachusetts will admit.

Mr. WALSH of Massachusetts. I should admit it if I took the position, which I refuse to take, that an aviator must be qualified to navigate a battleship in order to be an efficient officer in the American Navy.

Mr. BALL. I think that it is the opinion of the committee that the Navy Department is correct in its attitude, that an aviator in the future in order to go with the fleet must be able to command; that he must be familiar with navigation and with seamanship and with the other naval subjects. These examinations were competitive to enable these officers to enter the line of the Navy. To do that they must of necessity be qualified in branches other than aviation. In the future there is no doubt that the aviator will be with the fleet to a very great extent; the fleet is to have airplane carriers, and it will be absolutely essential, in the judgment of the committee, that the aviators shall qualify themselves in all the different naval branches. In view of the fact, however, that they were not afforded sufficient opportunity in some respects to do that, the committee have made this recommendation. I think the committee has acted very wisely and that the Senate should accept the amendment without further discussion.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator from Delaware does not mean to suggest that I should not discuss an amendment which I should like to offer to expand and enlarge the committee amendment. I think the Senator from Delaware deserves a great deal of credit for his patience and for his interest in this problem; but I must say in passing, in reply to what the Senator has said, that I can not agree that a naval aviator has got to be a seaman and to be familiar with the navigation of naval craft as well as aircraft in order to be an efficient officer in the regular Navy. In a few years we will laugh at such a condition being imposed. We might just as well say a regular naval officer must know how to fly an airship before he can navigate a torpedo boat at sea.

The fact is that the Regular Army took over the reserve aviation officers on their record as aviators without any further examination, and the Marine Corps did the same. The aviators in the reserve corps of the Navy have been penalized for being in the Navy rather than the Army by being required to become familiar with every single branch of the Navy in order to pass the examination for the regular Navy.

That has not been required of the aviators in the Army or in the Marine Corps. However, I shall not discuss that any fur-

ther. I want to call the attention of the Senator from Delaware to the amendment which I desire to offer to the committee amendment, for I know the Senator from Delaware desires to help relieve the situation. I have commended the amendment of the committee and I am willing to accept it as a compromise, for it is going to afford considerable relief. If it is not adopted all the young officers will go out. The amendment will at least save to the country and to the service 50 good men, and it is a commendable recommendation of which I heartily approve, and I compliment the Senator from Delaware for his share and part in having it reported by the committee; but what are we going to say to those who have been reduced in rank? If we should exercise our power to prevent an injustice to these 50, we should do the same for those who have been reduced in rank. The amendment which I offer will give an opportunity to the Secretary of the Navy to give to the officers who have been reduced in rank—and there are only 60 of them—extra numbers, which will give them their old rank. Then they will not be put in the position of having the reserve officers who failed and are reinstated given a higher rank over them, but they will hold their old rank. I think it is only fair and just, and I ask the chairman of the committee to accept the amendment and allow it to go to conference.

Mr. POINDEXTER. Mr. President, is the amendment printed?

Mr. WALSH of Massachusetts. Yes.

Mr. POINDEXTER. I should like to have an opportunity of reading it.

Mr. WALSH of Massachusetts. I will read it:

Provided further, That the Secretary of the Navy is authorized to carry as extra numbers, and at the grades held by them on May 16, 1921, 69 officers, formerly of class 5, United States Naval Reserve Force, who were commissioned in the line of the Navy at reduced grades as a result of an examination held on such date.

That gives him authority to readjust the ranks of these men—I will send this amendment to the Senator's desk—so that there will be no discrimination, and we will not have the spectacle of an officer who has failed being made a lieutenant, senior grade, and an officer who passed being an ensign.

Mr. SWANSON. Let me ask the Senator a question. I think it is right as far as the permanent grade is concerned; but, as the Senator knows, during the war all the officers of the regular Navy had a temporary rank and a permanent rank. A great many of these naval aviators and regular officers had what was called a temporary rank on account of the size of the Navy. I think the contention is right that they ought not to lose their permanent rank, but I am afraid the Senator's amendment would retain them in the temporary rank that they had at that time when every other naval officer has been reduced.

Many naval officers who were lieutenant commanders have been reduced to first lieutenants because their rank was temporary. If we hold them to the permanent rank which they held as of that date, I think that is right; but I do not see why they should be held up to their temporary rank when every other naval officer has been reduced.

Mr. WALSH of Massachusetts. Let me give the Senator an illustration. I know several young men, reserve officers, who are specialized experts in aeronautics. Prior to this examination they were lieutenants, senior grade. As a result of the examination they were reduced to ensigns. Of course, they are discouraged, and will probably not remain long in the Navy. The result of this amendment would be that some of these men who failed will come in and be lieutenants, senior grade, and those who passed but were reduced in rank will still be ensigns. This amendment will permit the Secretary of the Navy to carry these men as extra numbers and put them all on an equal basis.

Mr. SWANSON. If the Senator will put in the word "permanent," so as to make it read "the permanent grades held by them" at that time, it will be all right; but to give them the temporary rank which they held as of that time will give them precedence over any other naval officers. If it were made the permanent rank it would prevent any discrimination against them.

On account of the size of the Navy, a naval officer had two ranks. He was a temporary commander and he was a permanent first lieutenant. Most of the others have been reduced, since the Navy has been reduced, to what is known as the permanent rank. I think the Senator is right about these naval officers if his amendment refers to the permanent rank, but if it would retain them in their temporary rank when everybody else has been reduced it is not right.

Mr. WALSH of Massachusetts. It is not necessary to put in the word "permanent." Under my amendment they would hold on the extra list the rank for which they were examined.

Mr. SWANSON. It puts them on the extra list, but gives them permanent commissions as of the rank they held at that date. As I have stated, the various officers had two ranks, one temporary and one permanent. We did not give them permanently higher rank, because a Navy based on three or four hundred thousand men with 4 per cent of officers would have more lieutenant commanders, would have more admirals, would have more captains, and so on, than a smaller Navy. When the Navy was reduced the officers went back to their permanent rank. I think the Senator's amendment will be right if he will make it apply to the permanent rank which they held as of that date.

Mr. WALSH of Massachusetts. I am asking the Secretary to put these men on the extra list. The Secretary now keeps an extra list. There are now 57 line officers carried as extra numbers, and he can put these former reserve officers on the extra list pending the readjustment of this unsatisfactory situation. This course will prevent some men who passed these examinations holding inferior rank to men who did not pass the examinations.

May I ask the Senator from Washington if the amendment meets with his approval?

Mr. POINDEXTER. I have only had time to glance over it. I should like an opportunity to consider just what effect it would have.

Mr. WALSH of Massachusetts. May I suggest, then, that we adopt the committee amendment in the bill, and that this matter be taken up later, after the Senator has had time to consider it?

Mr. POINDEXTER. If the Senator will pass it over and offer it at a later date I shall be very glad to give it consideration in the meantime.

Mr. WALSH of Massachusetts. I think there is no opposition to accepting now the committee amendment that is printed in the bill, and then later I can offer the amendment which I have just discussed.

Mr. POINDEXTER. I will agree that the Senator may offer it, and I will not make any point of order as to the parliamentary status of it; but I have not had an opportunity to consider it on its merits.

Mr. WALSH of Massachusetts. Exactly. I should like to say to the Senator that I did not have the amendment prepared until this morning, or else I would have submitted it to him, had I had an opportunity.

Mr. KING. Mr. President, I should like to ask the Senator from Massachusetts whether, so far as the investigation or inquiry has thus far disclosed, there was any discrimination against the men for whose benefit this amendment was tendered because they were not graduates of Annapolis?

I remember that this matter was brought to my attention several months ago, and I was very much interested in having an investigation made, because I thought a grave injustice had been done to these men; and from some information which I obtained I reached the conclusion that there was a clique in the Navy that was determined to drive out of the officers' corps all men who were not graduates of the Naval Academy if enough men could be found in the Navy who were graduates of the Naval Academy to fill all of the offices that would be created and that then existed. I should like to know whether or not there is anything in the investigation that reveals any prejudice against these men because they were not graduates of the Naval Academy.

Mr. BALL. Mr. President——

Mr. KING. I yield.

Mr. BALL. I am very frank to say that there was no discrimination. The boys received every consideration, and a higher percentage of the aviation boys passed than of any of the other reserve officers. Of course, none of these were graduates from Annapolis. They were the reserve officers generally that took the examination. The appropriation bill of 1920 carried with it certain provisions authorizing the transfer of a certain number of reserve officers to the line, and authorized this examination. A larger percentage of the aviation boys passed than of any of the others.

Mr. WALSH of Massachusetts. Of course, the Senator refers to the final marking, when only 27 passed. In the beginning, out of 290, that was not a very large percentage. It was the final marking to which the Senator refers.

Mr. SWANSON. Mr. President, if the Senator will permit me, to show that the Navy had no desire to do injustice to these men or to discriminate against them, I will state that it was at the request of the Navy that this amendment was passed.

Mr. BALL. There was no chance for any discrimination.

Mr. WALSH of Massachusetts. What was the statement of the Senator from Virginia?

Mr. SWANSON. The Navy Department asked the Naval Affairs Committee of the Senate to pass this amendment authorizing these reserve officers to be taken into the line of the Navy. No officer in the Reserve Corps is a Naval Academy graduate. They were men from outside. If they had been Naval Academy graduates they would have been in the regular Navy and would not have needed this legislation.

Mr. WALSH of Massachusetts. Exactly.

Mr. SWANSON. The senior Senator from Massachusetts [Mr. LODGE] and I were on the subcommittee, I think, that prepared the bill at that time.

Mr. WALSH of Massachusetts. Does the Senator state that the Navy Department asked for this amendment?

Mr. SWANSON. The Navy Department asked for the transfer.

Mr. WALSH of Massachusetts. This is the man who asked for that amendment—the Senator from Delaware [Mr. BALL].

Mr. SWANSON. No.

Mr. BALL. The Navy Department asked for the amendment adopted in the appropriation bill of 1920, authorizing the transfer.

Mr. WALSH of Massachusetts. Of 500?

Mr. BALL. Of 1,500, I think; 500 of whom were to be from the aviators.

Mr. SWANSON. If I mistake not, the Navy Department asked us to authorize them to transfer to the regular Navy and issue commissions to 800 officers—I think it was 800—and I think we gave them authority to do so as to 500.

Mr. BALL. No; it was 1,500.

Mr. SWANSON. One thousand five hundred, or a large number, and we gave them the authority as to 500; but they were insistent that more officers should be transferred from the reserve—none of those in the reserve were graduates of the Naval Academy—and should be authorized to be given commissions in the regular Navy.

Mr. BALL. I should like to add, if the Senator will permit me, that in that appropriation bill it was further provided that they could take not more than 500 from the Aviation Corps.

Mr. KING. Mr. President, in view of the statement of the Senator from Virginia a moment ago that reductions occurred in the grades of the officers of the Navy, I should like to state that as I read this bill there are no reductions. The men who received these high grades—admirals, or commanders, or vice admirals, or what not—when we had a Navy very much larger than at present, are going to retain those grades.

Mr. SWANSON. The Senator is mistaken to this extent: There is a deficiency of officers. We can have 4 per cent of officers on the authorized strength of the Navy. Then the number of those officers is divided. A certain percentage are admirals, 1½ per cent; a certain percentage are captains; a certain percentage of those officers must be commanders and lieutenant commanders and first lieutenants and second lieutenants; but that is based on the number of officers. If you are entitled to have 10,000 officers, and have only 5,000, you divide them on the number of officers you have, not on the number you are authorized to have. During the war we authorized them to make up the deficiency of the regular officers by people coming in from the reserve, which would give them the full quota of officers temporarily. Then they were based on that. Then, when these temporary officers retired, the grades went back to the permanent basis.

Mr. KING. Is it not a fact, in the Navy as in the Army, that many young men just out of West Point or out of Annapolis were promoted within a short time to lieutenant and captain and major, so that when the war was over we had young men of 23 and 24 years of age who were majors and perhaps holding higher positions?

Mr. SWANSON. They were promoted in the Navy temporarily, because they had a certain percentage, and had a right to fill up the percentage according to seniority until they passed the rank of lieutenant commander, and a great many of these naval cadets were promoted very rapidly; but those who were promoted very rapidly were given temporary promotions based on making up the deficiency by temporary appointments. A great many of them have been reduced. Men that were lieutenant commanders have gone back to first lieutenants and first lieutenants have gone back to second lieutenants. As soon as the Navy was reduced, this deficiency of officers compelled it.

Mr. KING. May I ask the Senator a further question? If we had very many more in the Navy than we have to-day—if we had a personnel, say, of 100,000 instead of 86,000, as provided by this bill—would we not have sufficient officers now of the higher grades without any more promotions?

Mr. SWANSON. No; because there is a deficiency now, I think, of about 1,200 officers, and the number of captains and the number of admirals is based not on the officers authorized but on the number that there really are. Having a deficiency of officers, we can have only 1½ per cent of the officers we have for a grade like admiral. I think that is the number. In the case of captains, I think it is 8 or 10 per cent. It depends on the number of officers you have, and not on the authorized strength; but, having a deficiency of officers, we let the number be filled up by reserve officers during the war, which filled up the grades temporarily.

Mr. KING. Let me ask the Senator again: Suppose that Congress should fix the enlisted personnel at 50,000 instead of 86,000; what would become of the officers in those higher grades?

Mr. SWANSON. The number is fixed on the authorized strength. We have always had more officers than enlisted men, because if you expand you are bound to expand with officers, or else you can not expand at all until the officers are available. It is not based on the number of men you have; it is based on the authorized strength of the Navy. The authorized strength of the Navy, I think, is 137,000 or 142,000. It is based on that.

Mr. KING. And is that the plan in this bill?

Mr. SWANSON. It is the plan all the time. It always has been based on the authorized strength of the Navy.

Mr. KING. Then we are fitting the officers' cloth, so to speak, to the theory that there are 136,000 men in the Navy?

Mr. SWANSON. No; because we always have had a deficiency by reason of limiting the number of graduates from the Naval Academy. There is a deficiency now of 1,200 officers. I doubt whether the officers' strength is much more than the proper proportion to the real strength of the Navy.

Mr. KING. Let me inquire of the Senator how many officers ought there to be on active duty—live officers, in contradistinction to dead ones or moribund ones—for a Navy of 86,000?

Mr. SWANSON. Four per cent was the basis which we fixed, which was about 1 per cent less than in the case of the English Navy. The number of commissioned officers is 4 per cent of the personnel. One and one-half per cent would be admirals, a certain percentage captains, a certain percentage lieutenant commanders, and a certain percentage commanders. The rest of them are first and second grade lieutenants.

Mr. KING. When the Senator mentions 4 per cent, where does he fix the beginning of the officers, with the ensigns?

Mr. SWANSON. The graduates become ensigns.

Mr. KING. That is, you begin classifying them as officers when they are commissioned as ensigns, not boatswains, or anything lower than an ensign?

Mr. SWANSON. No.

Mr. KING. Then, under the law, 4 per cent of the enlisted personnel being a proper complement of officers, with a Navy of 86,000 men there would be 4 per cent of the 86,000.

Mr. SWANSON. That is the basis, but they have never gotten up to the authorized strength. The law has provided that the complement of officers shall be 4 per cent of the authorized strength.

Mr. KING. It looks to me as though there ought to be some limitation upon the number of officers. If we limit the personnel of the Navy, there ought to be a limitation on the number of officers. Instead of computing the number of officers upon the actual enlisted personnel, the proposition is to perpetuate the policy pursued, and base the number of officers upon a purely arbitrary and hypothetical assumption of the number of men in the Navy. Following that theory you may have double or treble the number of officers required in the Navy, depending upon the reduction in the personnel. We found in the Army a short time ago that they had no second lieutenants and very few first lieutenants, but a multitude of majors, generals, and major generals. We had few privates, but a tremendous number of officers. So we are soon to have the Navy filled up with officers instead of enlisted men. May I inquire of the Senator from Washington how many officers, including the grade of ensign, provision is made for in this bill, if he has those figures at hand?

Mr. POINDEXTER. Provision is made for about 5,260.

Mr. KING. That is nearly double the number of officers necessary for the enlisted personnel provided for. May I ask the Senator whether it is contemplated that there should be any reduction at all, or are we to proceed on this policy of recruiting the officers up to the standard of 136,000 enlisted personnel, although next year we might reduce the personnel to 50,000?

Mr. POINDEXTER. Why does the Senator select 136,000 enlisted strength as the basis upon which the number of officers is computed? I get a great deal of instruction from what the Senator from Utah says, but it seems to me, if I may say so, that he bases his attack upon the provisions of the bill and

upon the establishment of the Navy upon meager information which he picks up in a hasty, haphazard debate upon the floor of the Senate.

Mr. KING. Does the Senator deny the statement of the Senator from Virginia?

Mr. POINDEXTER. I did not hear the statement of the Senator from Virginia.

Mr. KING. Then, the Senator has no right to make that charge, any more than I have to make a charge against him, that he, in a haphazard way——

Mr. POINDEXTER. I do not want to make any charge of that sort. I have a very high respect and regard for the Senator from Utah, and do not want to make any invidious remarks. I am not making any charges, but the commissioned personnel of the Navy is not based upon an enlisted strength of 136,000.

Mr. KING. I asked the Senator from Virginia, in view of the statement he made to the Senator from Wisconsin, whether there were reductions in the grades of the officers in the Navy, and in the course of his reply he stated to me that the number of officers now in the Navy was based upon the theory that the enlisted strength of the Navy would be 136,000 men.

Mr. SWANSON. It is 4 per cent of the authorized strength of the Navy, which I think is either 137,000 or 141,000 or 142,000.

Mr. POINDEXTER. The exact number is 131,485; but I was commenting upon the uncertainty of the conclusion. Suppose we should accept the recommendation of the Senator from Utah, his recommendation being based upon a chance remark some other Senator makes. I think Congress would be misled by that, and we would soon have the Navy and the whole country in a very bad fix if we did not make further inquiry and if there was no further consideration of these matters.

Mr. KING. The Senator has been investigating the subject, and he knows, as well as anybody, the number of officers provided for and the basis of the provision.

Mr. POINDEXTER. Yes, I know; but the Senator from Utah does not know. That is what I am complaining of.

Mr. KING. I took the word of the distinguished Senator from Virginia. If I had been privileged to participate in the framing of the bill, I would have known that fact.

The Senator denies a part of the statement of the Senator from Virginia, but he admits the number, 131,000. To that extent the Senator from Virginia is wrong. The Senator from Virginia said 136,000 or perhaps 141,000. The Senator from Washington, with his superior knowledge, states that it is a little over 131,000.

Mr. POINDEXTER. What does the Senator from Utah give as his figure?

Mr. KING. I do not know what the number is.

Mr. POINDEXTER. That is what I thought.

Mr. KING. I will take the word of the Senator from Washington as the basis for my comment. Upon the basis of 131,000 this bill fixes a limit on the number of officers. It assumes an enlisted strength of 131,000 or a little over instead of 86,000, and you furnish officers for 131,000 in the Navy when we have only 86,000. The point which interested me was that the Senator from Virginia had been speaking about the reduction in officers in the various grades. I do not know whether there is very much reduction or not. Men were promoted upon the theory of maintaining the Navy at 131,000, and I presume they are keeping those grades, though we have reduced the number to 136,000. I suppose they would keep those grades, and have the same number of officers, if we reduced the number in the Navy to 25,000. I ask the Senator from Virginia if there is any doubt that if we reduced the number of the personnel to 50,000 the number of officers in the Navy would still be based upon a personnel of 136,000?

Mr. SWANSON. As I told the Senator, there has been a deficiency of officers in the Navy.

Mr. KING. The Senator from Washington says they have made provision in this bill for 5,000.

Mr. SWANSON. But there is a deficiency of about 1,200 officers in the Navy. I told the Senator that they had made provision to base the number of officers on the authorized strength, so that as the Navy expands they can take care of the expansion.

Mr. KING. I am simply trying to get some facts in regard to this matter, and I certainly hope that the learned Senators who are members of the Naval Affairs Committee, and have been for years, will not be too sparing in furnishing the facts, and will not be too critical of those who make inquiry to learn what the facts are. I protested, and have been protesting for some time, against the policy of the Navy and the policy of the Army of sending in names for promotion by the score, which have been brought before us in our executive sessions. They rush them in upon the theory that we are going to have an Army very much larger than we have and a Navy very much larger than we have.

Mr. POINDEXTER. I do not want to prolong the debate, as far as any action of mine is concerned, but I would like to suggest to the Senator from Utah, and I believe he will agree with me if he looks at it from an impartial standpoint, aside from any interest he may have——

Mr. KING. In economy.

Mr. POINDEXTER. That the most important thing in connection with the Navy, and the most difficult thing to attain, is a corps of highly trained, technically educated officers. I ask him if he does not agree with me that in the process of the reduction of the Navy upon some basis of economy and at the same time upon such a basis as would enable us to develop the Navy to meet any emergency—and, of course, that is what the Navy and the Army are kept for—it would be advisable to have a larger proportion of trained and educated officers, relatively, than of enlisted men, who can be trained in a much shorter space of time and prepared for service?

Mr. KING. I agree with the Senator.

Mr. POINDEXTER. That is the theory upon which we are proceeding, and I thought that the Senator would agree with me upon that policy.

Mr. KING. I do.

Mr. POINDEXTER. The actual number of officers in the Navy at the present time is only about 4,100. It is more than 1,000 below the authorized complement of line officers; but there is a new class graduating at the academy, and some addition has been made on that account in the computation of pay, but still it is not up to the complement which we are authorized to have upon the basis of 4 per cent of the authorized enlisted strength.

Mr. KING. Mr. President, I shall have no quarrel with my good friend from Washington. I agree with him that both in the Army and the Navy there should be what might be called a reservoir from which we could draw our officers in the event of a naval war or a land war, or both. We ought to have more officers, relatively, than we now employ in the Army and in the Navy. I want to find the disproportion, because the Senator knows that I have objected repeatedly to the policy of both the Army and the Navy in making these constant advancements and promotions when it was known that there would be reductions, and we would have, as we have in the Army to-day, more captains, perhaps by 100 per cent, than there need be for the enlisted personnel, and the same with majors and the same with generals; and in the Navy we have been making rapid promotions. We have, perhaps, enough of the higher officers in the Navy to fill all positions if we had a Navy the enlisted personnel of which numbered two or three hundred thousand.

The question as to where the limit should rest, however, is one upon which there may be honest difference of opinion. If we are to reduce the Navy to 50,000 men, as I hope we may at the next session of Congress, are we to keep a commissioned personnel upon the theory that we are to have a Navy of 131,400 men? With respect to the Army, when we reduce it to 50,000 or 75,000 men, as we should, are we to proceed upon the theory that we are to have an Army of a quarter of a million, and have officers based upon that assumption? I am not speaking accurately with respect to those figures; I am just speaking by way of illustration. As I understood him, the Senator from Washington stated that provision was made for approximately 5,000 officers. If I am in error, I hope the Senator will correct me.

Mr. POINDEXTER. I will get the exact figures and submit them to the Senator. The number of officers we now have in the Navy is considerably below that, but we recently graduated over 500 new officers at the Naval Academy.

Mr. KING. Of course, this is what will happen. Those who are graduated will be moved up, and that will move others up, and so on, and at the top of the list we will have a number of admirals, based upon the theory that we have a Navy of 131,000 or more.

Mr. POINDEXTER. If there is any value in comparison with the practices of other nations, we would have a most pronounced discrepancy in the relative number of naval officers of high rank in our Navy. Japan and Great Britain, both of them great naval powers, and even France and Italy, which are minor naval powers, have a much greater proportion of admirals and officers of high rank than we have in our Navy.

Mr. KING. Be that as it may, Mr. President, it simply means that we will make permanent, upon the theory that we have a Navy of 131,400 men——

Mr. POINDEXTER. I will give the Senator the exact figures. Four thousand four hundred and thirty-one is the number of officers used as a basis for computation of the amount of pay for the commissioned personnel in the bill.

Mr. KING. I am not sure that I understand the Senator now. Does the Senator mean that it is to be that number instead of the 5,000 he mentioned a moment ago?

Mr. POINDEXTER. Yes.

Mr. KING. Then under the provisions of the bill, may I ask the Senator whether there will be no more officers than 4,431?

Mr. POINDEXTER. As the Senator from Colorado [Mr. PHIPPS] just suggested to me, that will be the average during the year, but it will be very little of the time during the year when it will come up to that number. It could not be more than that because there would not be money to pay them.

Mr. KING. As I understand the Senator, in no event will the number of officers during the next year exceed 4,431.

Mr. POINDEXTER. That is true.

Mr. KING. Now, Mr. President, I have elicited what I wanted to elicit, namely, the strength of officers and the proportion which they bear to enlisted men. As I understand it now, we may have officers upon the basis of 131,400 enlisted men.

Mr. POINDEXTER. The figures I gave the Senator a moment ago, 5,280, approximately would be the authorized number, but we are not providing for the entire authorized number. Neither have we the authorized number in the Navy at the present time, and we could not have under the terms of the bill because of the lack of appropriations for them.

Mr. KING. May I inquire of the Senator whether the Navy Department would have the authority to make promotions and increase the number of officers up to the authorized strength of 5,280?

Mr. POINDEXTER. The Navy Department has no authority whatever to make any promotions.

Mr. KING. I mean recommendations, of course.

Mr. POINDEXTER. They can make recommendations, but the promotions and appointments have to be made by the President, by and with the advice and consent of the Senate.

Mr. KING. Is it the purpose of the Navy Department to make no further recommendations in excess of the limit of 4,431?

Mr. POINDEXTER. That is undoubtedly the purpose, because they will have to confine themselves to the provision made for them in the bill.

Mr. KING. Unless they create a deficit.

Mr. POINDEXTER. They have no authority to create a deficit in pay.

Mr. KING. But we are so in the habit of having deficits that we would not be surprised if one came at any time.

Mr. WALSH of Massachusetts. Mr. President, may we have action upon the pending amendment?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is upon agreeing to the committee amendment inserting the proviso beginning in line 17, page 35.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the committee was, on page 36, after line 13, to strike out the following additional provisos:

Provided further, That enlisted men of the Navy who would be eligible under existing law for transfer to the Fleet Naval Reserve after 16 years' service at the expiration of the current enlistment in which serving, or who have completed 16 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve at the expiration of enlistment after 16 years' service: *Provided further*, That enlisted men of the Navy, who have completed 18 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve after 20 years' service: *Provided further*, That enlisted men who have served for more than 12 but less than 16 years shall be permitted to reenlist and continue serving, unless sooner discharged by sentence of a court-martial, until they have completed 16 years' service, whereupon they shall, upon their own application, be permitted to transfer to the Fleet Naval Reserve: *Provided further*, That no enlisted men of the Navy shall be transferred to the Fleet Naval Reserve unless they have completed 16 or 20 years' service after the Navy is reduced to the number of enlisted men appropriated for in this act, and in no event after January 1, 1923: *Provided further*, That the enlisted men who have served less than 12 years found to be in excess of the total number herein appropriated for, after all other deductions have been made by way of retirement or transfer, shall be discharged or furloughed without pay for the convenience of the Government, and all recruiting shall be discontinued until the total number of enlisted men has been reduced to the number herein appropriated for: *Provided further*, That enlisted men of the Navy who may be separated from the service by furlough or discharge under the requirements of this act shall receive travel allowance now authorized by law for men honorably discharged, and shall, upon reenlistment in the Navy at any time hereafter, receive the then current pay of the rating held at the time of discharge plus all permanent additions to such pay authorized by law at time of reenlistment for service equal to that which they had at time of discharge, and, if allowed to reenlist, shall be required to serve under such reenlistment only for a period equal to the unexpired term of the enlistment in which serving when furloughed or discharged.

Mr. KING. Mr. President, may I inquire of the Senator from Washington the reason for the elimination of that provision?

Mr. POINDEXTER. It involves a matter of policy and, being in the interest of a reduction of the retired list of the Navy or what is equivalent to the retired list, I hope the Senator from Utah will agree with the committee. I will explain in a few words the effect of it.

In 1916, at a time when the country was practically getting ready for war, we enacted a comprehensive and very liberal naval reserve act. In that act it was provided that enlisted men who had served for 16 years in the Navy might, if they chose, be transferred to what was called the fleet reserve, and upon that transfer receive pay for the balance of their lives at the rate of one-third of the base pay they were receiving at the time of the transfer.

It was also provided in the same act that men who had served for 20 years in the Navy, and who did not desire to retire when they had served 16 years and get one-third of their base pay, might at the end of the twentieth year be transferred to the fleet reserve and receive pay for the balance of their lives at the rate of one-half of the base pay, thereby establishing a great list of retired enlisted men, those enlisted men of course in almost all cases being of high enlisted rank, chief petty officers, many of whom were receiving pay at the rate of over $90 per month. So it meant an enormous expense and burden upon the Treasury.

We have not changed that law at all, but the proviso, which the committee proposes to strike out on pages 36, 37, and 38 of the bill, changes the law, the outlines of which I just stated to the Senate, and to liberalize it. It provides, in fact, that the men need not wait until they shall have served 16 years or 20 years in the Navy, but when they have served, say, for 12 years and then have reenlisted, if they determine to serve out that reenlistment at the end of which they would be entitled to transfer to the fleet reserve with the emoluments which I have described, they need not wait, as the proviso would provide, in effect, until the four years had expired, but should be transferred then and receive that pay for the balance of their lives.

It is objected on the part of some of the enlisted men that the proviso ought to be left in the bill, because to strike it out will be breaking faith with them; that it would deprive them of some of the benefits or emoluments which were the inducement for them to enlist and to serve during the time for which they have served. They are entirely mistaken in any such construction or in any such allegation. The striking out of the proviso would not change existing law and would not deprive them of any right or any emolument to which they were entitled at the time they enlisted or at any time during the period when they have been serving. It leaves them all their rights of transfer to the Fleet Reserve and to pay the same as was provided in the law of 1916.

Of course, the rate has been changed and increased to some extent in most cases by the service pay bill which was enacted and approved on the 10th day of this month.

I think that in substance states the situation. The conclusion of the committee was that, in a time when we are supposed to be endeavoring to get back to an economical basis in the establishment of the military branches of the Government, we ought not to be liberalizing and extending the provisions for putting upon the retired list young men who are able to continue in the active service of the Navy and serve out the period of time which under the law at the time they enlisted and during all the time of their service they were required to serve before they would have the right to retire from service and receive pay for the balance of their lives. The effect of it would be to cut down the appropriations in the bill to the amount of some $3,920,000.

Mr. KING. If I understand the Senator, I entirely agree with the position of the committee.

Mr. POINDEXTER. I may say, in order not to mislead the Senator, that while it cuts down the appropriation in that amount it also increases the appropriation for pay of active service in the Navy, because these men, instead of being transferred to the inactive list, would remain upon the active list of the Navy, and the Navy would get the benefit of their services and would not have to pay them one-third or one-half of their pay, as the case may be, during a period of four years or two years in the different classes if this proviso were enacted.

Mr. KING. While they are in the active service it would seem to me there would be no necessity of recruiting or promoting to fill their positions. So, to that extent, the number would be diminished. As I understand the Senator, though, the former very liberal provisions for retirement and pension, which constitute, as the Senator said, such a heavy drain upon the Treasury, still remain in existence.

Mr. POINDEXTER. The old provision still remains. I think, however, that very shortly there will be presented to the Congress a comprehensive bill for the reorganization of the Naval Reserve. Of course, in that measure, while we could, if we chose to do it, we probably ought not to deprive men who have earned any rights under the existing law of what they had earned, but we could provide a more economical basis for the future.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be stated.

The next amendment of the Committee on Appropriations was, under the subhead "Provisions, Navy," on page 38, line 21, after the word "officers," to strike out "commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Supply Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers)," so as to read:

For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund.

The amendment was agreed to.

The next amendment was, on page 39, line 3, after the word "of," to strike out "officers and," so as to read:

subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given).

The amendment was agreed to.

The next amendment was, on page 39, in line 7, before the word "subsistence," to strike out "subsistence of men on detached duty," so as to read:

subsistence of officers and men of the naval auxiliary service.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. POINDEXTER. In connection with that amendment, it is desired to change the language in the House bill which is proposed to be stricken out and to insert in place of it, in line 7, page 39, the words "quarters and subsistence of men on detached duty." I offer that amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 11, after the word "subsistence," to insert "in kind," so as to read:

Expenses in handling provisions and for subsistence in kind of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement.

The amendment was agreed to.

The next amendment was, on page 39, in line 14, after the words "in all," to strike out "$19,724,928" and insert "$16,663,305," so as to read:

In all, $16,663,305, to be available until the close of the fiscal year ending June 30, 1924.

Mr. POINDEXTER. Mr. President, on account of an error in computation—and all of these matters, I will explain, depend upon the question of whether certain items shall be inserted under the head of "Pay of the Navy" or under the head of "Provisions, Navy," the uncertainty being caused by the change in the law enacted on the 10th of this month, which is known as the service pay bill—I move to amend the amendment just stated by substituting for the figures proposed to be inserted the figures "$19,499,355."

Mr. KING. May I inquire of the Senator whether there have been taken from some other place in the bill the three million and odd dollars by which he now proposes to increase the appropriation?

Mr. POINDEXTER. On page 34 the amount of $2,836,050 was stricken out.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Maintenance," on page 40, at the end of line 23, to strike out "$7,069,260" and insert "$7,054,260," so as to read:

For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repair thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeomen's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "the naval supply account fund"; and reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat food products for the Navy Department; in all, $7,054,260.

Mr. KING. Mr. President, so as to avoid consuming time when we return to the consideration of the bill for individual amendments, may I inquire of the Senator from Washington whether the committee investigated the limitation upon the item just referred to, which provides:

That the sum to be paid out of this appropriation—

That is, $7,069,260—

under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1923, shall not exceed $3,069,260.

Did the committee feel that the consumption of nearly half of the appropriation, indeed, of more than half of the appropriation, for clerical aid, for chemists and inspection and messenger service was warranted? It seems to me that that is an enormous amount to be used for the purposes indicated.

Mr. POINDEXTER. The limitation placed upon that matter last year was $3,500,000. The principal part of the expense of the Bureau of Supplies and Accounts under the head of "Maintenance" is the keeping of a vast number of accounts of the supplies of the Navy issued to each station and to each ship; and the amount limited in this proviso is the result of many years of experience. It has been reduced by the proviso below what it was last year by nearly one-half million dollars.

Mr. KING. The Senator knows that for the coming year the Navy will be smaller than it was last year. Of course, Mr. President, the Senator from Washington has investigated this matter and has had before him witnesses, and I have not had the advantage which the committee had; but when attention is directed to the bill we find under the heading "Maintenance" provision made "for fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery," and for many other items, including "expenses of disbursing officers; coffee mills and repair thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeomen's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices," and many other items for which a total amount of $7,054,260 is appropriated. Then, to use $3,069,260 "for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices," it would seem to the ordinary observer that the cost involved is entirely too great.

Mr. POINDEXTER. There may be some misapprehension about that. The items to which the Senator has referred may be very misleading. Some of them are used in a rather technical sense. The Senator realizes that these bills are framed in accordance with forms which have been in use from year to year. For instance, the item of fuel in line 24, on page 39, does not mean fuel for the Navy, but merely incidental fuel.

Mr. KING. There is another appropriation for fuel for the Navy.

Mr. POINDEXTER. There is another appropriation for fuel for the Navy. As a matter of fact, there is not an individual item in the long list which the Senator has read that is of substantial importance as compared with the one item upon which this limitation is placed, that of clerical service. The principal expense and principal activity for which the entire appropriation is made is the maintenance of the great force of office men who keep the accounts and have charge of the disbursements and the distribution of the money and of the supplies and provisions of various kinds in the Bureau of Supplies and Accounts.

Mr. KING. Of course, the Senator knows that under various other headings provision is made for a very large clerical force in addition to the clerical force referred to here; in other words, that the only clerical force for the Navy is not that which is carried in the proviso now under consideration, for that seems to be only one of the numerous clerical forces provided for. Does the Senator know how many employees there are who would come under the head of clerical force and inspection and messenger service provided for out of the $3,069,260?

Mr. POINDEXTER. The total is 2,697.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bringing home remains of officers, etc.," on page 44, after line 15, to strike out:

To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, of civilian officers and crews of naval auxiliaries, and of officers and enlisted men of the Naval Militia and National Naval Volunteers and the Naval Reserve Force when on active service with the Navy, who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, $65,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898.

And in lieu thereof to insert:

Not exceeding $65,000 of the unexpended balance of the appropriation "Bringing home remains, etc., Navy Department, 1921–22," contained in the naval appropriation act approved June 4, 1920, is reappropriated and made available for the fiscal year ending June 30, 1923, for the same purposes.

The amendment was agreed to.

The next amendment was, on page 49, line 4, after the word "walls," to insert "and maintenance dredging," so as to read:

Navy yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging.

Mr. KING. I should like to make an inquiry in regard to that amendment.

Mr. JOHNSON. I will say to the Senator from Utah it is agreeable to those of us interested in the matter that the words "and maintenance and dredging" should be inserted there.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the same line, after the word "dredging," to strike out "(limit of cost $2,800,000), $750,000, to be available immediately" and insert "$250,000."

Mr. JOHNSON. Mr. President, I ask that that amendment be disagreed to. There have been some differences concerncerning this item, but those differences have been composed, and it is agreed that the committee will accept the language of the House text with a reduction from $750,000 to $500,000, and that the committee amendment inserting "$250,000," in line 6, will not be agreed to.

Mr. POINDEXTER. My understanding was that the Senator from California would propose an amendment to the amendment.

Mr. JOHNSON. Yes; that is quite so. The amendment which I desire to offer is, as I have stated, to strike out "$750,000," in line 6, and insert "$500,000," and the remainder of the House text will then stay in the bill.

Mr. POINDEXTER. Yes; that is correct.

Mr. KING. Let it be stated as proposed to be amended.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out "$750,000" and in lieu thereof to insert "$500,000," and then to disagree to the amendment of the committee, so that it will read:

Navy Yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging (limit of cost $2,800,000), $500,000, to be available immediately.

Mr. KING. And a period there.

The ASSISTANT SECRETARY. And a period.

Mr. POINDEXTER. And strike out "$250,000."

Mr. JOHNSON. Yes; then the "$250,000" in line 6 will be stricken out.

Mr. POINDEXTER. Mr. President, upon that I desire to make just a brief comment. It has been a matter of considerable difficulty with the committee; and in that connection I want to file as a part of my remarks, and have printed in the RECORD, a statement from the Acting Secretary of the Navy showing the depth of water in front of the Mare Island yard and in the approaches to it, and showing the draft of the battleships of the fleet of the United States as specified in the naval limitation treaty, of which about 12 of the largest are now on the Pacific coast.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, June 14, 1922.

MY DEAR SENATOR: Referring to the telephonic message from your office of June 12, 1922, requesting a written statement giving the exact draft of the 18 battleships allowed the United States by the treaty for the limitation of armament, when fully equipped, including armament, and also a statement as to the depth of water at and going to the United States navy yard, Mare Island, Calif., I beg to inform you as follows:

Name of ship.	Full load.	
	Displacement.	Draft aft.
	Tons.	*Ft. in.*
Arizona	32,567	29 10
Arkansas	27,243	29 7
California	33,190	31 0
Delaware	22,960	28 10
Florida	23,033	30 1
Idaho	33,000	31 ½
Maryland	33,390	31 3½
Mississippi	33,000	31 ½
Nevada	28,400	29 7
New Mexico	33,000	31 ½
New York	28,367	29 7
North Dakota	22,960	28 10
Oklahoma	28,400	29 7½
Pennsylvania	32,567	29 10
Tennessee	33,190	31 0
Texas	28,367	29 7
Utah	23,033	30 1
Wyoming	27,243	29 7

With regard to the depth of water at and going to Mare Island, the latest information in the possession of the department is a telegram from the commandant at Mare Island, dated May 6, 1922, from which the following is quoted:

"Based on above, commandant considers limiting draft of water vessel under her own steam can be carried from San Francisco to yard water front is 28 feet 6 inches under present conditions. When dredging referred to above completed (September 1, 1922), 30 feet 6 inches."

In connection with the draft of battleships and the depth and character of the bottom of certain channels, all battleships of the *New Mexico* class and subsequent battleships have a peculiarity in that the condenser intake pipes take from the bottom of the ship instead of part way up the side, as in previous classes of ships. The result is that in a channel the bottom of which is mainly silt it is a simple matter to plug one or both of the main condensers, thereby stopping one or both engines. If the channel is short, the difficulty is usually only temporary. Another matter to be considered always, Is the vessel in a damaged condition? After the Battle of Jutland the battleship *Marlborough* sent a radio to the effect that her draft on arrival would be 40 feet.

Sincerely yours,

THEODORE ROOSEVELT,
Acting Secretary of the Navy.

Hon. MILES POINDEXTER,
United States Senate.

Mr. POINDEXTER. I am only putting this in the RECORD so that it may be available for information about a matter which seems to have been the subject of a great difference of opinion and a great deal of dispute, as to the accessibility of the Mare Island yard for the larger battleships of the Navy with their armor and armament aboard.

This yard has been an extremely valuable and serviceable yard; and, if I may make a personal reference, I believe that I took quite a material part a year ago in stopping the movement which apparently, so far as the Senate committee action was concerned, would have led to the permanent abandonment of this yard. I was opposed to that, and I am opposed to it now. The only question with the committee was as to the desirability of the expenditure in one year of the amount of money provided in the House bill for repairs, or whether the work could be more economically distributed over a number of years.

The Senator from California [Mr. JOHNSON] has proposed a compromise which is favorable to him and to the yard, and yet I think, in the interest of economy and upon conference with my colleagues on the committee, we have accepted it.

I want to call attention, chiefly for the purpose of use in connection with other problems that will come up in regard to

naval bases on the Pacific, to the statement which I have, dated the 14th of June, from the department, as follows:

With regard to the depth of water at and going to Mare Island, the latest information in the possession of the department is a telegram from the commandant at Mare Island, dated May 6, 1922, from which the following is quoted:

"Based on above, commandant considers limiting draft of water vessel under her own steam can be carried from San Francisco to yard water front is 28 feet 6 inches under present conditions. When dredging referred to above completed (September 1, 1922) 30 feet 6 inches."

That is, that when the present plan of dredging is completed on September 1, 1922, it is the opinion of the commandant of the yard that vessels drawing 30 feet 6 inches can be brought to the yard.

In the tabulated statement, also of immediate recent date, which I have referred to as to the draft of water of the battleship fleet, there is contained the *California*, of 31 feet draft; so that there would evidently be some difficulty, at least, in getting the *California*, of 31 feet draft, to the Mare Island Navy Yard, if we are to be guided by the statement of the commandant of the yard that the limit of draft of a vessel which can be brought there is 30 feet and 6 inches. The draft of the *California* is half a foot more than that; consequently the keel of that vessel would be half a foot in the mud. The *Idaho* has a draft of 31 feet and one-half inch; the *Maryland*, 31 feet 3½ inches; the *Mississippi*, 31 feet and one-half inch; the *New Mexico*, 31 feet and one-half inch. So that those great vessels of our fleet which are on the Pacific, Mr. President, apparently will not be able to be brought into this yard, certainly without extraordinary dredging.

I am informed on very good authority that when the *California*—which was built at the Mare Island Navy Yard—was launched it took a period of about two months of special dredging to get her out. I state this only upon information, but upon such information that I can not doubt it. It is true that she had her armor and armament aboard, but if it took two months of special dredging to get the *California* out, it would take two months of special dredging to get her in, or any other ship of that class.

I am not saying this in any spirit of hostility or prejudice to the Mare Island Yard, because I have demonstrated my friendliness for that yard, which is one of the only two yards that we have upon the Pacific coast, where the chief center of naval interest and of naval importance lies, now and in the future. The Mare Island Navy Yard has served a most useful purpose as a construction yard, because ships the names of which I have here—and which it is not necessary to give unless some Senator desires them—have been constructed there, and have been taken out under light draft without their equipment. We are, however, confronted with a problem, in estimating the future importance of this yard, as to what uses it is to be put to, and there is no doubt that there are uses to which it can be put; and in the consideration of that problem we must take into consideration the fact that the great services that this yard has rendered as a construction yard for capital ships of the Navy will be no longer available, at least for a period of 10 years, under the treaty which has been negotiated and ratified by the Senate. There are, however, other uses to which this yard can be put. It can be the base for smaller vessels, perhaps even some of the smaller battleships of the Navy, at which they can find repairs and supplies. Some $30,000,000 has been invested there. To be sure, it is hard to be called on to authorize the expenditure of $2,800,000 merely for repairs or replacements. Of course, nobody is responsible for the work of the teredo, but it makes no difference what the origin of the difficulty was; the result is that we are called upon to authorize this expenditure and to make this appropriation merely to maintain what we have already had at this yard. Great as the amount is, however, notwithstanding the fact that we will get from it no advancement, no improvement, no progress, but merely hold what we formerly had, and replace it, I hope, upon a more permanent basis, with a more durable structure than was the case when it was first constructed, I have come to the conclusion upon mature consideration that we should make the expenditure and maintain the yard for such purposes as it may be available for.

I have here a statement from the commandant of the yard in which he says that with the $250,000 that was allowed by the Senate committee, the most vital part of the quay wall—where, I understand, the damage is so great that some of the buildings are beginning to fall down, or threatening to fall down—could be repaired, and that one of the dikes, as they are called, or jetties at the mouth of the entrance to the navy-yard waters, could be repaired; that those two improvements could be made out of the $250,000. With the $500,000 which we agree to, of course double the amount of that work can be done. I trust that a great part of it will be done by the employees of the yard, so that they may be taken care of during the period of demobilization, and so that we may cause as little distress there as possible and utilize this work as a means of holding together the yard organization.

Mr. JOHNSON. Mr. President, I have no objection, of course, to the printing in the RECORD of the document that has been referred to by the Senator from Washington. I want to emphasize, however, that this item does not deal with a naval base in the State of California, nor does it have to do with the establishment of any other institution or organization there at all. The item is essential as written by the House because of unforeseen damage that has been done to the various dikes and the various sea walls surrounding Mare Island; and if this damage be not repaired, that which the Government possesses, as is said by the Senator from Washington, an investment of more than $30,000,000, will probably be irreparably damaged.

Mr. President, I would not wish, from the remarks of the Senator from Washington, either the services or the activities or the efficiency of Mare Island Navy Yard to be underestimated or misunderstood at all. It happens that one of the most efficient navy yards in the United States is this one situated at Mare Island. It happens, too, that during the war it demonstrated that efficiency, and I can recall very well a year or two ago seeing the pride with which the men who worked at Mare Island regarded the banner that was accorded them from the United States Government because they were first in efficiency in the great work done during the war.

It happens, too, Mr. President, that Mare Island does more work for the United States Navy—and this would never be apparent from the remarks of the Senator from Washington—than any other navy yard in the United States save the New York yard, and the New York yard exceeds it in the work it does solely because in that navy yard clothing is manufactured, and clothing is not manufactured at Mare Island.

I am not going to enter into a discussion of the draft of the water in the channel at Mare Island. That is a matter for determination when the question may ultimately arise as to whether or not we desire another naval base on the Pacific coast. But the preservation of this navy yard, the largest on the Pacific coast, perhaps the most efficient in the United States, actually doing more work than any other navy yard in the Navy line in the United States, is at this time of the utmost importance.

Any man in this country with vision, any individual who will not shut his eyes to passing events, will realize that the future, after all, will be unfolded in the Pacific Ocean; that, after all, perhaps not during the life of the Senator from Washington and myself, but certainly during the lives of our immediate descendants, world activity will be in the Pacific.

I am not one of those who, ostrichlike, buries his head in the quicksands of a conference and believes that thereafter nothing can occur at all. I believe that where there is an efficient yard like this, and where there is a necessity for the maintenance of an efficient yard like this, requisite appropriations should be accorded it, not in any spirit of truculence at all but in the spirit that we ought to be ready to do that which is prudent and essential, even under a disarmament conference or a naval limitation holiday.

This navy yard represents, after all, the outlook of the United States upon the Pacific Ocean. With the exception of the one situated in Washington, which I grant is a very excellent one and a most efficient one, but not as large, nor, indeed, as well equipped as Mare Island, Mare Island represents in this great New World activity the United States of America, and it ought to be preserved.

It is not preserved by the House in this provision upon the theory which is suggested here, the consideration of the depth of the water and the like—these are matters extraneous to the present question—but because it has done the job in the past, and, just exactly as it has done the job in the past, when the Navy required it, it can do the job in the future, if we have sufficient foresight to take care of it in these appropriations.

Mr. KING. Mr. President, I am not entirely satisfied with the amendment offered by the Senator from California [Mr. JOHNSON] which deals with the navy yard at Mare Island. Yesterday an agreement was made between members of the committee having this bill in charge and the Senator from California and others interested in the navy yard at Mare Island which contemplated the adoption of the amendment just reported. I assented to the arrangement and, of course, support it. I concluded to make no observations in regard to this item but to accept the amendment and pass to other features of the bill without further delay. I would not now occupy the time of the Senate except for the statements made by the

able Senator from Washington [Mr. POINDEXTER] and the tables and figures which he has put into the RECORD which seem to disparage Mare Island as a naval base.

It was my opinion that the appropriation carried in the House bill was necessary and that it was unwise to reduce the current appropriation to $250,000. Senators, I am sure, will concede that, in view of my attitude toward appropriations and my objections to what I have conceived to be extravagant and improper appropriations, there must be some cogent reason to induce me to support an increase in a provision carrying an appropriation.

The House committee which prepared the naval appropriation bill were familiar with the navy yard at Mare Island and examined with more or less care its present condition and requirements and reached the conclusion, as I interpret their action, that the Mare Island Navy Yard should be maintained and, indeed, expanded, and that adequate appropriations should be made to keep it in an efficient and up-to-date condition.

The Senate committee reported an amendment to the House bill, which, if I understand it, is a challenge to any plan which contemplates the maintenance of the Mare Island Navy Yard as an important naval base; indeed, it appears from the amendment that the purpose was to so cripple the navy yard that it would soon be unsuitable and inadequate for the uses to which it has been put in the past or of any particular value in the future, thus furnishing an excuse for the establishment of another naval base at some other point in San Francisco Bay, presumably Alameda, at a cost to the Government of tens of millions of dollars.

This action of the committee I regarded as unwise, and I felt that a fight should be made to restore the House provision and settle once for all the question of the permanency of the Mare Island Navy Yard. Accordingly I insisted that the entire appropriation carried in the House bill should be accepted by the Senate and that the words "limit of cost, $2,800,000" should be retained.

The understanding reached yesterday between the committee and the senior Senator from California and one of the Representatives from California [Mr. CURRY] called for the restoration of the entire amendment stricken out by the Senate committee, but it involved a reduction of $250,000 in the appropriation to be immediately available. Of course I do not desire to go counter to the position taken by the distinguished gentlemen referred to, and particularly in view of the fact that the provision of the bill is retained, which indicates that there will be expended the necessary sum of $2,800,000 to rebuild the dikes, wharves, and quay walls, and for maintenance and dredging purposes at the navy yard. This amendment is a victory for Mare Island and commits the Government to the policy of maintaining it as a naval base, and calls for an expenditure of $2,800,000 for the purposes just stated.

Let me add that the expenditure of the greater part of this sum has been made necessary because of the ravages of the teredo, that destructive pest which burrows into the wooden piles and wooden structures beneath the surface of the water and renders them valueless. Senators know that wharves of the value of millions of dollars have been destroyed in various harbors by this pest, and I am told that many of the wharves and piers in various parts of San Francisco Bay have within the past year suffered in the same manner. Private corporations and shipping companies are now compelled to rebuild their wharves and piers in various parts of San Francisco Bay at a cost of millions of dollars.

The Mare Island piers and wharves were not immune from the ravages of this animal and, of course, if Mare Island is to be maintained, repairs and renewals must immediately be made. If I have correctly interpreted the position of the able Senator from Washington, he assents to the appropriation asked for and carried in the modified amendment just offered by the Senator from California, but entertains doubts as to the wisdom of maintaining Mare Island as an important naval base in the San Francisco Bay. And if I rightly understood the position of the junior Senator from California, I am not in accord with him. I stand unqualifiedly for Mare Island as a permanent major naval base, and I regard this appropriation as an indication of the purpose of the Government to maintain it as such.

The figures placed in the RECORD by the Senator from Washington do not, in my opinion, accurately reflect the true condition. The facts, as I understand them, do not justify the conclusion that Mare Island is not a suitable place for a major naval base adequate for all purposes for which such naval base may be required in California waters. In other words, the facts, to my mind, demonstrate the availability of Mare Island for a base of this character. They not only demonstrate its availability but prove its superiority for such purposes. I concede there are some disadvantages and some objections, but when they are balanced against the advantages, the superiorities and all other factors which have been or should be taken into account in passing upon the question, I unhesitatingly state that the Government should not only maintain the present navy yard at Mare Island, but it should, at the southern extremity of the island, construct one or more docks, also berthing piers for the largest naval vessels, and make other improvements connecting the present yard and plant with such docks and piers.

I not only do not deny, but indeed I contend that there should be in San Francisco Bay a major naval base, including suitable docks. My opposition to the expenditure of a hundred millions of dollars or any sum at Alameda does not rest upon the ground that a major naval base is not required in the waters of the bay; upon the contrary, I have for years believed that the United States should have a modern up-to-date and highly developed naval base in San Francisco Bay; one that would be suitable for the small as well as the large naval craft that must require a base or home waters from which they may radiate.

For several years I have given considerable attention to the question of the establishment of a major naval base in California waters. I have studied the situation at Mare Island, have conferred with numerous experts and officials, and have read all naval reports and the testimony given before various naval committees and subcommittees relating to the subject, and have sought every available source of information in order that I might, so far as was within my power, reach a right conclusion.

After full investigation I became convinced that it was unwise for the Government to scrap Mare Island and to establish a naval base at Alameda or at any other point in San Francisco Bay. I became convinced that it was unwise to establish two naval bases in the waters of San Francisco Bay. The objections which were urged against Mare Island I have canvassed as thoroughly as it was possible and have become satisfied that they are more formidable to the superficial observer than to the honest investigator who becomes conversant with all the facts. Indeed, I am satisfied that most of the objections are intangible and that some, though apparently of weight and merit, lose much of their potency when carefully analyzed. And I insist that if the physical objections urged are conceded they constitute less valid and substantial reasons for the establishment of a major naval base at Mare Island than are the multitudinous ones which exist and which must be weighed in considering the propriety of establishing such a base at any other point in the bay.

Mr. President, before I became a member of the Naval Affairs Committee of the Senate I had been brought within the range of what might be properly called propaganda against Mare Island, and I approached the subject with more or less prejudice because of the objections which had been urged to the maintenance of Mare Island as a navy yard or expanding it into a major naval base. I discovered what I believed to be a feeling upon the part of certain naval officers to discredit Mare Island and to secure an enormous appropriation for the purpose of building a naval base nearer the city of San Francisco. That there were numerous influences at work to bring about this result was quite apparent. Of course, I make no complaint because of the desire of the people of San Francisco or Oakland, or those residing along the shores of the lower San Francisco Bay, to bring about the expenditure of $75,000,000 to $100,000,000, to be taken from the Federal Treasury, in the establishment of a naval base in close proximity to their homes. Undoubtedly the expenditure of this vast sum would prove of advantage to the business interests in the vicinity. I found no fault with the zeal and energy and enthusiasm of the people of Oakland and Alameda in attempting to secure an initial appropriation for the acquisition and reclamation of swamp lands known as the Alameda naval site, where it was hoped a naval base would be established at a cost of upward of $50,000,000.

I have no doubt that officers of the Navy as well as others have been sincere in their advocacy of the abandonment of Mare Island and the establishment of a naval base at Alameda; but I have no doubt that some were influenced by selfish views; others by various considerations extraneous to those which should be controlling in the selection of a modern naval base and in determining a matter so important to the Government as that involved in establishing a great naval base upon the Pacific coast. It is my opinion also that some were misled by the inaccurate statements given out by the propagandists who were urging Hunters Point or the Alameda site, or some other point in the lower San Francisco Bay. The propaganda carried on against Mare Island has been extensive and intensive, and the pressure brought upon Congress to locate a naval

base upon the Alameda site has been continuous and potent. Representatives from commercial organizations have visited Washington, and powerful influences have been exerted to secure appropriations for Alameda or some site near San Francisco.

After becoming a member of the Naval Affairs Committee I sought to learn the facts in order that I might vote intelligently and fairly upon the questions that might arise relating to the establishment of a naval base in the San Francisco Bay. As stated, I made as thorough an investigation as I could, and finally reached the conclusion that the propaganda against Mare Island was misleading, much of it untrue, and all directed toward securing tens of millions of dollars from the Treasury to establish another navy yard and a great naval base at a point close to San Francisco. As a result of my investigations I believe that it was unwise to establish a naval base at Alameda or Hunters Point, and that the best interests of the Government and the Navy would be served by maintaining at a high state of efficiency the navy yard at Mare Island and adding improvements in the shape of docks and berthing space, and mechanical appliances, and additional equipment, to the end that it might accommodate the needs of our naval craft in the Pacific waters.

Let me briefly state some of the facts which came to my attention: The Mare Island Navy Yard, as Senators know, is owned by the Government and is located on what is known as Mare Island. In 1854 Admiral Farragut, who was familiar with the bay and whose naval genius all gladly pay tribute to, selected Mare Island as a suitable, if not the most suitable, site in the San Francisco Bay for a naval yard, and, indeed, a naval base. Following his selection a naval station was established, and later a great navy yard was built.

The Government has expended more than $35,000,000 in the construction and development of this great plant. It has been constructed in what might be denominated a scientific and utilitarian manner. The factors to be considered in the construction of a great naval yard have been fully recognized, and they are exemplified in this modern and highly developed and efficient yard. The technique of plant construction has been scrupulously adhered to. The needs and wants of a great plant have been considered, as a result of which the Mare Island yard is perhaps the best equipped, the best constructed, and the most efficient of any navy yard in the United States. Indeed, some contend that it can not be surpassed in the world. Some of the ablest engineers in the Navy, if not in the world, have been employed at Mare Island, and their genius and skill and scientific knowledge have contributed to the efficient and perfectly developed yard and plant there found. It should be added that the plant and the yard do not belong to the mushroom category, but have been developed conservatively and in conformity with the best thought of naval constructors and naval plant builders. The machinery is of the highest grade, the appliances are modern, the buildings substantial and suitable, the arrangement of the yards conducive to the greatest efficiency and utility, the surroundings and approaches eminently satisfactory, and the general conditions much superior to those to be found in any other naval yard, existent or prospective.

Naval vessels of every type, from the naval cutter to the superdreadnought, are built at this navy yard, and, as I am advised, the costs are less than at any other yard, public or private, in the United States. The Navy Department awarded to the Mare Island yard the prize or banner provided for the most efficient navy yard operating during the war, and my information is that the highest efficiency rating was accorded to this plant, no other navy yard in the United States approaching it.

It is a truism that the highest efficiency and the best results industrially are found where the employees are happy and contented and where they feel that they are justly and fairly treated and their labors adequately appreciated and rewarded. Perhaps in no other plant in the United States has there been such peace and hearty cooperation among all the employees, including the supervising and directing forces. The city of Vallejo, lying across the channel from the plant, is the home of the thousands of employees who have given such distinction to Mare Island Navy Yard.

The mayor of this city where the employees live was for years a worker in the yard, and substantially the entire city is owned by the employees and former employees of the navy yard. The employees have comfortable and commodious homes; they have pride in their homes and this city, which is modern, sanitary, orderly, and in every way worthy of the highest traditions of the American people. It has splendid schools, well-kept streets, suitable parks, a fine water system, beautiful gardens, and those concomitants found in a progressive Christian community.

I made inquiry and discovered that there had been no labor troubles, no strikes, and none of those vexing industrial controversies now becoming so common in our land. The reason for peace and contentment is found in the fact that fair wages have been paid, most of the employees own their own homes, and they have lived in an enlightened and progressive atmosphere. Their sons, upon completing their education, have taken employment in the yard and have trained themselves to be skillful and efficient employees of our great Government. The conditions there prevailing, the material, educational, and moral surroundings are such as to develop an intelligent, home-loving, and patriotic community. It is because of the fine qualities of this splendid community that the fame of the Mare Island Navy Yard has spread throughout the United States and the accomplishments at the navy yard have been of such a high order.

Great credit is due for the superb work performed at this navy yard to some of the excellent naval officers who have held positions of responsibility from time to time. There have been those who went there as scoffers, but when they perceived the advantages of Mare Island, the fine modern plant, the character of the employees, the physical advantages, and many other factors that must be considered in weighing the suitability of a good site for an extensive naval plant or naval base, they became converts to what I might call the Mare Island cause, and earnest supporters of a governmental policy calling for the maintenance of Mare Island and its development into a larger, as well as into a permanent naval base.

Undoubtedly the fine record made at Mare Island in the construction and repair of naval vessels contributed to the movement which has sought to cripple, if not destroy, the navy yard, and to immediately reduce it to an unimportant repair yard for the smallest naval craft.

I have never looked with particular favor upon the Government engaging in business enterprises which belong to the field of private endeavor, and I have generally opposed the Government entering into competition with private concerns in what might be considered private enterprise. Of course, there is certain work which the Government with propriety may perform. Much may be said against the Government using the taxpayers' money to engage in business activities in competition with individuals. However, there are strong arguments in favor of the Government constructing guns for its battleships and perhaps for constructing some of its naval craft. In my opinion it is necessary for the Government to maintain navy yards for repair work, and I believe that there are advantages flowing from the maintenance of one or more naval bases upon such a scale and possessing such plants and equipment so that the Government if it desires may build naval craft. In other words, it may be prudent for the Government to have yards so constructed and equipped as that if necessary battleships and other forms of naval craft may be constructed by the Government itself. There have been instances where private contractors in making munitions and constructing military implements and war vessels have not treated the Government justly, but have imposed terms that many have believed extortionate.

However, without arguing this question, the facts compel the admission that at Mare Island naval craft were constructed cheaper than the prices submitted by private concerns, and the vessels built were in many respects superior not only in workmanship but in other important respects.

My recollection is that some of the officers and employees at the Mare Island plant a number of years ago brought to the attention of the country the advantages of the navy yard and its facilities for the construction of all kinds of naval vessels. It was also contended by them that they could do better work and at lower prices than could any private yard in the United States. Undoubtedly such a challenge was calculated to provoke the opposition, if not antagonism, of private yards, which had enjoyed more or less of a monopoly in the building of war vessels. My recollection is that the Mare Island yard was permitted to bid for the construction of war vessels and in many instances it was successful. Moreover, the competition thus developed resulted in a material reduction in the cost of vessels required by our Government.

The successes of the navy yard at Mare Island have brought it enemies as well as friends. It has had opponents, and still has, in the Navy Department, but I believe that those who are fully acquainted with all the facts are discovering that it would be a mistake to abandon the Mare Island Navy Yard or to reduce it to an unimportant repair plant, and that it would be extravagant and wholly unwarranted to establish a construction naval base or a repair naval base at any other

point in the San Francisco Bay. I concede there have been adverse reports and recommendations that would, if carried into effect, reduce Mare Island to an unimportant position, and, as I interpret some of the recommendations, eventually lead to its demolition.

In 1916 the department appointed what was known as the Helm Board to investigate the question of naval bases on the Pacific coast. This board reported, in effect, that the development of a great naval base at the Mare Island Navy Yard was impossible because deep-draft vessels would be unable to enter the yard. In 1919 the Parks-McKean Board was appointed to investigate and report upon the same matter. Their only criticism of Mare Island's availability as a naval base rests upon what the board believed to be the lack of requisite depth in the channel approach to the navy yard. A special joint congressional committee, appointed in 1920, visited the Pacific coast, and after taking some testimony submitted a report to Congress. As I understand this report, the only objection urged against Mare Island, called by some the "Carquinez Strait site," as the location for a naval base rested upon the objection offered by the General Board of the Navy, namely, "That it is located on a shallow and muddy estuary, reached by an approach channel several miles long, through Pinole Shoals, making access difficult."

It will be perceived that all objections found as a result of these investigations relate to the approach channel to the navy yard and the alleged shallowness of the channel, through what is known as the Pinole Shoals.

Mr. President, I submit that the investigations were somewhat superficial. Certainly they were not thorough and exhaustive, and an impartial examination of the testimony taken at the various hearings will not support the conclusions announced by the two boards, above referred to, and the joint committee of which I have spoken.

First, let me state that the principal reason for the investigations related to naval requirements on the Pacific coast for additional docking and storage facilities, particularly in San Francisco Bay. Numerous sites, as the record discloses, were investigated, but finally all were eliminated except Mare Island (Carquinez Strait), Hunters Point, and Alameda. Senators who are familiar with San Francisco Bay will recall that Hunters Point is on the San Francisco side and near the city. The Alameda site is across the bay and adjoins the city of Oakland. Mare Island is some distance to the north, and is located upon what is called Carquinez Strait. The joint congressional committee recommended the establishment of a base at Alameda. I am not quite certain how far the committee intended to go in its recommendation. I do not believe that all members of the committee intended to recommend the establishment of a major naval base upon the mud flats adjoining Alameda at a cost of from fifty to seventy-five or one hundred millions of dollars. And yet, if Mare Island were to be abandoned and a major naval base established at the point indicated, it would involve an expenditure of from seventy-five to one hundred millions of dollars. At any rate, the report of the committee, as well as the unsatisfactory reports and investigations of the Helm Board and the Parks-McKean Board, were not convincing to the members of the Committee on Naval Affairs of the House, who promptly refused to carry out any of the recommendations with respect to Alameda.

When the matter came to the Senate, more than a year ago, efforts were made to secure an appropriation for the acquisition of the mud flats known as the Alameda site, but the Senate refused to make any appropriation for such purpose. Congress was literally besieged for weeks, if not months, by emissaries of those who were seeking to destroy the Mare Island Navy Yard and to build up an enormous naval base at Alameda.

As I have heretofore stated, representatives of civic organizations appeared, and an extensive propaganda was carried on to secure an initial appropriation for the so-called Alameda naval base site. It was urged, when it became apparent that Congress was averse to scrapping Mare Island Navy Yard, which had cost the Government more than $35,000,000, that if the swamps and mud flats at Alameda were acquired by the Government only a supply base would be constructed, at least for the present, and that possibly in the future, after further investigations were made, it might be deemed for the best interests of the Government to construct a dry dock and another naval plant upon the Alameda site.

The Senate was urged to appropriate a sum in excess of a million dollars merely for "initial purposes," but, as stated, this bill was rejected and the propagandists and real-estate agents from the Pacific coast made their exit, at least temporarily, from the Capitol. But they never abandoned their purpose to cripple or destroy the Mare Island yard and to construct a major naval base at Alameda. Because of the ignominious defeat suffered when the last naval appropriation bill was under consideration, the enemies of Mare Island have been more furtive, less open, but, as I believe, as determined and implacable as ever. Their past discomfiture may only intensify their animosity and increase in the future their zeal to accomplish their purpose.

I have no interest in this matter other than that of any public servant. I have many friends and acquaintances in San Francisco and in Oakland. I have but two or three acquaintances at Vallejo or Mare Island. I have opposed the attitude of some of the naval officers and the efforts to scrap the Mare Island yard and to spend one hundred millions in the bullrushes and mud flats of Alameda because I believed that it was not only unwise but that it was a foolish, extravagant, and improper project, which would waste millions of dollars. I believe that the objections urged against Mare Island are untenable and in part the result of prejudice and misinformation. I have opposed and still oppose the maintenance of two bases in San Francisco Bay or the establishment or maintenance of two yards or plants for the repair or for the construction of naval craft. I believe that the best interest of the Government will be served if Mare Island shall be expanded and made the major naval base in San Francisco Bay. If a few millions were expended at Alameda and the Government assented to a plant or base of any sort at that point, the agitation would persist and the pressure increase until larger sums would be appropriated and a larger plant constructed and a more extensive base developed. There would be rivalry between the Mare Island yard and the Alameda plant or base. The expense of maintaining two naval bases would become more and more apparent and the unwisdom of having two large plants in such close proximity would eventuate in the development of a sentiment which would destroy one, either the Mare Island yard or the Alameda base.

As stated, one or more of our largest war vessels have been at the Mare Island yards. If the channel is not deep enough or wide enough, there are no obstacles to prevent greater width or greater depth. I repeat, it is folly to talk of two naval bases in the San Francisco Bay. Mare Island must be maintained and enlarged or abandoned. Those who are fighting for the mud flats and the sloughs of Alameda know that they could not succeed if their full purpose was made known to Congress and to the country. Their purpose, of course, as I have stated, is to destroy the Mare Island yard and to construct at an enormous cost a naval base, including yards and docks, upon the Alameda site. They talk sweetly and gently about the Mare Island yard and deny any purpose to scrap it, although they insist that it can not be used for docking purposes or the repair of large naval craft and as a storage and supply base. They seek to placate by asking for a small appropriation for the present, and indicating that a supply base is all that need be constructed in the immediate future. Of course, it is camouflage. If the camel puts its head into the tent, it will, if possible, force its body through the aperture. The overhead of two naval bases would be enormous, and the maintenance of two yards, as I have stated, in San Francisco Bay would not be tolerated. I submit that it is either Mare Island or the mud flats of Alameda. There can not be two bases; there can not be two navy yards; there is no middle ground; there can be no compromise.

The able Senator from Washington has just remarked that a naval base can not be established at Mare Island, owing to the lack of depth in its approaches. In my opinion, the able Senator is undoubtedly mistaken and his informants have not presented all the facts. Some of the naval officers who are urging the Alameda project are ignorant of conditions at Mare Island or the plans which have been formulated by able engineers to bring Mare Island up to the standard required of the most important naval bases. It must be remembered that it is only within the past few years that the importance of dry docks in the San Francisco Harbor has been fully appreciated, and it will be remembered that only recently the naval situation as affecting the United States and the world has called for the maintenance of a large part of our fleet in the waters of the Pacific. Because Mare Island has not been developed to the standard referred to is no argument against its immediate development. The amount required to construct an additional dock and berthing places and to dredge the channel so as to meet every requirement is comparatively small. A few millions will convert this important navy yard into a major naval base, perhaps superior to any in the United States. The Senator indicates that the channel leading to Mare Island was so

narrow and shallow that after the *California*, one of our great naval vessels, was constructed it was necessary to dredge for weeks to get the vessel into the lower bay and into the sea.

Mr. President, the Senator is in error and his informer or informants do the Senator and the Senate a great injustice. I submit a night letter from Rear Admiral Josiah S. McKean in regard to the trip of the *California* from Mare Island to the lower bay, and a letter from Capt. Henry M. Gleason, retired, who for 10 years was construction officer at Mare Island and who supervised the building of this great battleship and who writes concerning its launching.

Mr. President, I ask that I may insert the telegram in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KING. The telegram is as follows:

[Western Union telegram, night letter.]

MARE ISLAND, CALIF., *June 13, 1922.*

HON. C. F. CURRY, M. C.,
House of Representatives, Washington, D. C.:

California's first trip to Hunters Point November 29, 1920, was for routine docking for preservation of hull one year after launching. Our dock too small for *California*. No difficulties encountered. Draft of vessel 23 feet 7 inches forward, 28 feet 9 inches aft on outgoing trip and 26 feet 3 inches forward, 28 feet 8 inches aft on return trip. Took advantage of this trip to examine propeller shafts on which propellers had not yet been installed and to prepare certain underwater fixtures for future work.

While moving vessel for yard purposes at a later date *California* broke loose from securing lines and made two complete turns in channel before she could be stopped and secured. No damage. Before final departure ship was again turned in Mare Island Straits. *California's* second trip to Hunters Point was after commissioning and when ready to proceed to lower bay, where she was to be docked again for routine work and for installation of propellers, and was towed down channel without incident on August 20, 1921. It is possible that her progress was checked appreciably at shoal spots about abreast of Independence Dock and at ammunition depot turn but no difficulty was found in moving the ship. Draft at that time 28 feet 11 inches forward and 31 feet 2 inches aft.

COMMANDANT.

Mr. KING. Mr. President, following is the letter of Capt. H. M. Gleason:

JUNE 15, 1922.

HON. C. F. CURRY,
House of Representatives, Washington, D. C.

MY DEAR MR. CURRY: In response to your telegram I am giving below a brief statement of facts regarding the launching of the battleship *California*, and am also making a few other brief statements of facts concerning the construction record of the Mare Island Navy Yard during recent years. These statements are based on my actual experience at the Mare Island Navy Yard for approximately 10 years (1910-1920), during which it was my good fortune to be construction officer in charge of all construction and repair work, on new vessels under construction, and the conversion and repair of naval vessels in service.

The battleship *California* was launched exactly on schedule time without any hitch whatever, at 12.45 p. m., October 24, 1920. The chain cables which were used in connection with the launching brakes proved defective and all (10 in number) eventually carried away. The braking effect, however, was sufficient to check the headway of the vessel to such an extent that an emergency anchor, rigged for the purpose, brought the ship to rest as she reached the Vallejo side of the channel. The vessel actually pushed over about 20 of the fender piles of the Vallejo ferry slip as she came to rest. The vessel did not actually touch the bottom at any stage of the launching, nor when she came to rest at the Vallejo side. This is shown conclusively by the fact that she was easily handled by tugs and placed at her berth alongside the navy yard in about 45 minutes, which was very quick work considering the size of the vessel and fact that a fresh north wind was blowing at the time. That the vessel did not touch bottom was also conclusively shown when about a year later she was placed in dry dock and no indication whatever of any grounding was found.

It may be stated in explanation that Mare Island, in common with many other large shipbuilding plants (including the largest yards in the world on the River Clyde, in Scotland), requires some means for checking the momentum of large vessels when launched. For large ships launched at Mare Island an improved type of launching brake was developed and successfully used in launching three large vessels previous to the *California*. Had no launching brake been used on the *California*, her momentum was sufficient to have carried her about 2 miles before coming to rest.

I have seen many ships launched, and have personally been in charge of the launching of 22 ships at Mare Island, and I have never seen a more successful launching than the *California*.

Mare Island's excellent performance in the economical and expeditious construction of vessels is a matter of record, and is generally known to those who care to take interest in such things. Mare Island was the first navy yard to successfully compete with private shipyards in the economical construction of naval vessels, as shown by the costs of destroyers, Mare Island's cost being approximately $200,000 less than the average cost of destroyers built in private yards. Other examples could be cited.

That Mare Island has been able to establish such records of economical construction is due to the many advantages it possesses. For example:

1. Favorable climatic conditions, enabling employees to render full efficiency in their work throughout the entire year.
2. Isolation from the influences and effects of disturbed labor conditions.
3. A highly developed spirit of cooperation among the employees of all classes.
4. An administrative organization developed along modern industrial lines.

The following naval vessels have been constructed at the Mare Island Navy Yard since 1910:

Collier *Jupiter* (first electrically propelled seagoing vessel).
Fleet tanker *Kanawha*.
Fleet tanker *Maumee*.
Fleet tanker *Cuyama*.
Sixteen destroyers.
Fifteen submarine chasers.
Battleship *California* (flagship of the Pacific Fleet).
Battleship *Montana* (under construction).
Numerous small vessels, etc.

The world's record was established in destroyer construction during the World War, when the destroyer *Ward* was launched on June 1, 1918, in 17½ days (elapsed time) after the laying of the keel.

That Mare Island is accessible to the largest ships that can enter San Francisco Bay is no longer a subject of discussion, or should not be if the skeptic will but let the facts tell the tale. For example, the Army transport *Mount Vernon*, one of the largest ships in the world (over 700 feet long and drawing about 32 feet), came and went freely from Mare Island without any difficulties whatever.

Also the battleship *California*, one of the largest battleships in the world (624 feet long and about 31 feet draft), was built and fitted out at Mare Island.

These two instances alone answer all irresponsible statements as to the accessibility of Mare Island.

I have gone but briefly into the matters touched upon in view of the difficulty of properly presenting a subject when involved in too much detail.

With kind regards,
Yours very sincerely,

H. M. GLEASON.

(Capt. H. M. Gleason, United States Navy, retired, construction officer at Mare Island Navy Yard for 10 years and during construction, launching, and fitting out of U. S. S. *California*.)

Mr. KING. Mr. President, permit me to briefly refer to the letter of Captain Gleason. In addition to refuting the statements concerning the launching of the *California*, he submits most convincing evidence as to the superb record made in the construction and repair of naval vessels at the navy yard and also the many advantages which Mare Island possesses for the maintenance of a major naval base. He refers to the favorable climatic conditions enabling employees to work during the entire year and reach the highest stage of efficiency. He mentions the fact that a large number of naval vessels have been constructed since 1910, including the battleship *California*, perhaps the largest war vessel which flies our flag. The *Montana*, also a superdreadnought, is also under construction at the Mare Island Navy Yard, but will probably, in view of the four-power treaty, be scrapped.

Captain Gleason conclusively disproves the prattle about a "narrow and tortuous channel" and refers to the *Mount Vernon*, one of the largest ships in the world, which came and went freely during the war without the slightest difficulty.

As stated, the *California* is one of the largest battleships in the world, with a draft of 31 feet, and it was built and fitted out at Mare Island.

The opponents of Mare Island failed to advise those whom they are seeking to influence of the physical conditions at Mare Island, or of the plans formulated by naval officers of the highest ability for the development of the Mare Island yard into a major naval base. Senators will understand that the plant, as now constructed, does not occupy the south end of Mare Island, but is located some little distance above the southern extremity and along the Mare Island Strait, which separates the yard from the city of Vallejo. It is true that this strait is narrower and shallower than Carquinez Strait into which the Mare Island Channel flows, and which extends easterly for a considerable distance beyond the south end of Mare Island, which borders upon Carquinez Strait. It is, as I have stated, a comparatively easy task to construct at the south end of Mare Island one or more docks and berths for battleships. There is no necessity of constructing the docks or the berthing places upon either bank of the Mare Island Strait. They should be constructed at the end of Mare Island, and that is in harmony with the plan recommended by eminent engineers. The water there is deep, the channel is wide, and a solid foundation upon which to place the docks and the berths can be obtained at a comparatively short distance below the surface. An examination of the map of San Francisco Bay, including Carquinez Strait, shows the large area for naval vessels in the vicinity of Mare Island. More than 40 large war vessels could find anchorage in perfect safety to the east of the south end of Mare Island; in addition, the necessary auxiliary craft could at the same time find suitable anchorage.

Without reading, I desire to put into the RECORD some of the testimony of General Taylor, Assistant Chief of Engineers of the United States Army, who was in charge of river and harbor work in the vicinity of Mare Island, given before the House Appropriations Committee, March 22, 1922.

The PRESIDING OFFICER. Without objection, the request will be granted.

Mr. KING. Following is the testimony:

WEDNESDAY, MARCH 22, 1922.

PINOLE SHOALS—MARE ISLAND CHANNEL.

STATEMENTS OF BRIG. GEN. HARRY TAYLOR, ASSISTANT CHIEF OF ENGINEERS, UNITED STATES ARMY; COL. THEODORE ROOSEVELT, ASSISTANT SECRETARY OF THE NAVY; AND REAR ADMIRAL L. E. GREGORY, CHIEF, BUREAU OF YARDS AND DOCKS.

Mr. KELLEY. What is your office in the Army, General Taylor?

General TAYLOR. I am the Assistant Chief of Engineers, and particularly in charge of rivers and harbor work.

Mr. KELLEY. You are familiar with the War Department improvements leading from San Francisco to Vallejo?

General TAYLOR. Yes, sir.

Mr. KELLEY. I wish you would make a brief statement as to the plans of the War Department, what you are attempting to do, how fast the work is progressing, and when you expect to complete the project according to your plans. First, what the plans are; second, the stage of the work; and, third, when you will be through.

General TAYLOR. The project which has been authorized by Congress provides for a channel across Pinole Shoal, which is the shoal south of the Mare Island Navy Yard or Vallejo, 35 feet deep at mean low water and 500 feet wide; also a channel 35 feet deep into the Mare Island Strait. This is the channel across what is known as Pinole Shoal [indicating on map] and leading up to this deep hole at this point [indicating] and into the Mare Island Strait, the navy yard being situated at this point [indicating]. On the 30th of June this channel was approximately 32 feet deep for the full width of 500 feet.

Mr. KELLEY. That is, through the shoal?

General TAYLOR. Yes, sir. There remain some 600,000 yards to be taken out of that channel to complete it to the full project depth of 35 feet. The dredge which is working on that shoal has a capacity of about 100,000 yards a month, so that if we should put a dredge in there and keep her continuously at work it would be a matter of six months to finish the work. Since that time the dredge has been working in the Mare Island Strait along the front of the navy yard. Last June there was a depth of 35 feet in the channel, but since that time a portion of it has shoaled and there is now a depth, I believe, of 31 feet.

Mr. KELLEY. In front of the yard?

General TAYLOR. Yes, sir. That is not, however, the full width of the basin.

Mr. OLIVER. What is the extent of the shoal?

General TAYLOR. It is somewhere from 29 to 31 feet.

Colonel ROOSEVELT. That is, including the turning basin of 1,000 feet?

General TAYLOR. Yes, sir; there is a little greater depth in front of the navy yard, I think, where we have been working; I think it is very nearly 35 feet deep there, but on the side away from the yard there has been considerable shoaling.

Mr. KELLEY. Was that due to the piers, dikes, and other obstructions there giving way?

General TAYLOR. No, sir; the dike is of material assistance in maintaining this channel, and also in maintaining the channel into the navy yard.

Mr. KELLEY. What causes the filling up of the strait in front of the navy yard?

General TAYLOR. The material which is deposited in the channel and which is brought in largely from the shoals south of the yard.

Mr. KELLEY. And the only remedy for that is constant dredging?

General TAYLOR. Yes, sir. As I say, the dikes which have been built are of material assistance, but the dikes alone will not maintain the channel. If it were necessary to finish the channel earlier, we could, by putting in another dredge, complete it in a very short time. The dredge we are using is what we call a seagoing hopper dredge; it is a dredge which sucks the material off the bottom, pumps it into bins in the dredge itself, and then carries it away; we also have some pipe-line dredges, which are working on the Sacramento River farther up, and if necessary we could put one of them in there or we could put another hopper dredge in there.

Mr. KELLEY. So that within the next six months you could make your project depth of 35 feet?

General TAYLOR. We could not get the full depth over the full width in the Mare Island Strait Channel in six months; it would require considerable additional plant to do that—more plant than we have—in six months.

Mr. KELLEY. How long would it take to do it with your present facilities or with facilities that are easily available?

General TAYLOR. We could probably do it in a year and a half to two years.

Mr. KELLEY. That is, make the channel 35 feet deep for the full width of 500 feet and the basin 35 feet the full width?

General TAYLOR. Yes, sir.

Mr. KELLEY. Have you any idea as to the annual expense of maintaining it at that depth and width, both the channel and the basin?

General TAYLOR. Both the channel and the basin will probably cost $200,000 a year to maintain.

Colonel ROOSEVELT. I want to get that clear in my mind. That is, it will cost $200,000 a year to maintain the channel and basin regardless of what we do on the dikes?

General TAYLOR. The dikes assist; and without the dikes it would cost more.

Colonel ROOSEVELT. But it will cost $200,000 to keep the channel with the dikes and everything in?

General TAYLOR. Yes, sir.

Mr. KELLEY. That is not a very exorbitant charge, is it, for dredging a project of that kind and for as large an establishment as we have there?

General TAYLOR. No, sir; I do not consider it so; I consider it a very small maintenance charge; it certainly is very small as compared with Philadelphia, for instance. It costs us $1,500,000 a year to maintain the channel up to Philadelphia.

Mr. OLIVER. There is considerable commerce on that water, is there not?

General TAYLOR. There certainly is, and it is growing very rapidly.

Mr. OLIVER. And this will make it possible to use much larger boats?

General TAYLOR. There is a great demand for the maintenance of this channel across Pinole Shoal by the commercial interests, without any regard to the navy yard.

Mr. OLIVER. In other words, a large part of the work which we have been discussing is absolutely necessary in order to take care of the commerce?

General TAYLOR. Yes, sir; it is entirely independent of the needs of the Navy.

Colonel ROOSEVELT. Let me clear myself up on that. That means that there is a considerable amount of commerce up here, is there? [indicating on map]. The commerce goes up to Vallejo, does it?

General TAYLOR. There is a small amount of commerce up to Vallejo.

Colonel ROOSEVELT. The main commerce, then, is away down here? [indicating on map].

General TAYLOR. Yes; it is through the Pinole Shoal up to these establishments along on the east side of the bay and farther up.

NOTE.—The commerce passing through the Pinole Shoal channel in 1920 amounted to 1,302,778 tons, valued at $36,503,808, and 885,406 passengers.

Colonel ROOSEVELT. I just wanted to get that clear, because we might meet that situation in Congress further along. Now, then, from this point [indicating], which is at the foot of the Mare Island Navy Yard, up to Vallejo there would be very little commerce?

Mr. KELLEY. Vallejo is just across the river from the yard.

Colonel ROOSEVELT. But the general said there was very little commerce up to Vallejo.

General TAYLOR. There is very little commerce that goes to Vallejo.

Colonel ROOSEVELT. So that in here [indicating] it would be purely navy yard dredging?

General TAYLOR. Yes, sir.

Colonel ROOSEVELT. How much of the $200,000 does that represent?

General TAYLOR. That is approximately one-half.

Colonel ROOSEVELT. $100,000. In other words, half would be used for the benefit of commerce and half for the benefit of the navy yard?

General TAYLOR. Yes, sir.

Colonel ROOSEVELT. Half would be purely for the navy yard?

Mr. OLIVER. The word "purely" would hardly cover it, because there is limited commerce there, not so much as on the main body, but there is a limited commerce going up there.

Colonel ROOSEVELT. But I doubt whether it demands the draft.

Mr. OLIVER. I do not think 35 feet would be necessary for the commerce going up to Vallejo.

Mr. KELLEY. General, we are very much obliged and very much gratified.

Colonel ROOSEVELT. In this connection I want to make this further statement: At Mare Island we have only one dry dock capable of holding a battleship, and that dry dock will only take our two older battleships, the *Delaware* and the *North Dakota*, so we will have to build another dry dock.

Mr. KELLEY. You will have to go to the Committee on Naval Affairs to get another dry dock.

Colonel ROOSEVELT. I just wanted you to understand that in connection with this particular situation, and I would just like to ask Admiral Gregory how much that dry dock would cost?

Admiral GREGORY. In the neighborhood of $4,000,000.

Colonel ROOSEVELT. And the yard will then take from five to eight battleships, but there will have to be a new dry dock, because this dry dock only takes the older battleships.

Mr. KING. Mr. President, it will be perceived that the cost of maintaining the Mare Island channel, as well as Carquinez Strait and Pinole Shoal, is unimportant. It costs a million and a half dollars a year to keep the channel clear at the navy yard at Philadelphia; but General Taylor states that only $200,000 would be required annually for the work at Mare Island and vicinity referred to in his testimony.

Senators will recall that there are privately owned ships passing through the San Francisco Bay and through the Carquinez Strait and for miles beyond the south end of Mare Island. Many of these boats are very large and carry commodities and products of all kinds. It is therefore important that these channels be kept open, and the War Department, under appropriations made for rivers and harbors, has looked after San Francisco Bay, including the straits and channels to which I am now calling attention. Even if there were no Mare Island Navy Yard, the demands of commerce would require that Carquinez Strait be kept in condition for the great ships that pass through the same to discharge and receive products going from and coming into the United States.

I omitted to state that there is already one dry dock at Mare Island, but as stated by Colonel Roosevelt in the testimony which I have just put into the RECORD, another dry dock is necessary in view of the transfer to the Pacific coast of so many of our battleships.

Mr. President, the testimony of General Taylor completely destroys the effect of the figures submitted by the distinguished Senator from Washington. Mr. President, I ask permission to place in the RECORD, without reading, excerpts from Army hearings relating to this matter and collated by Congressman KELLEY. They appear in the House hearings under date of March 16, 1922.

The PRESIDING OFFICER. Without objection, the request will be granted.

Mr. KING. Following are the excerpts:

EXCERPTS FROM ARMY HEARINGS ON CHANNEL.

Mr. KELLEY. I think it might be well to put into the hearings a few excerpts from the Army hearings on this proposition, and that will put them together. I read from page 1764 of the report of the engineers.

Mr. FRENCH. For what year?

Mr. KELLEY. 1921. [Reading:]

"The existing project is about 25 per cent completed. The channel across Pinole Shoal was completed in 1914 under the existing project, and in addition the Navy Department built a pile dike about parallel with the channel from the southwest point of Mare Island."

Is that the dike we are talking about?

Admiral GREGORY. Yes, sir.

Mr. KELLEY (reading):

"This dike has materially benefited both the Mare Island Strait and the San Pablo Bay channels. During the past year the dredging work done by the *San Pablo* has increased the controlling depth in San Pablo Bay and Mare Island Strait channels from 26 to 29 feet, with a minimum width of 100 feet. There was a channel of full project width with a controlling depth at the end of the fiscal year of 32 feet over Pinole Shoal in San Pablo Bay and 35 feet in Mare Island Strait channel up to a point opposite Dike No. 10.

"The following work remains to be done."

Then it tells how much dirt has to be taken out to make the project complete.

Mr. CURRY. The project is 500 feet wide, the channel 35 feet deep, and the turning basin 1,000 feet. You will find that in there.

Mr. KELLEY. Yes, sir. It gives three parts of the work yet to be finished. [Reading:]

"(*a*) To dredge Pinole Shoal channel in San Pablo Bay from the present depth of 32 feet to project depth—total, about 600,000 cubic yards.

"(*b*) To dredge the channel in Mare Island Strait to project depth.

"(*c*) To dredge a turning basin opposite the quay wall of Mare Island Navy Yard—total of (*b*) and (*c*), about 2,750,000 cubic yards."

Now, the proposed operations for this current year with the funds available.

Colonel ROOSEVELT. May I ask if that is for the coming year or the current year that we are in now?

Mr. KELLEY. The one we are in now. This was last year's report. [Reading:]

"With the funds available at the end of the fiscal year it is proposed to continue the work of deepening the channel through San Pablo Bay and Mare Island Strait to full project depth and width, and to dredge a turning basin in Mare Island Strait. For this work it is proposed to use the hopper dredge *San Pablo*, belonging to this district, during nine months of the fiscal year 1922, and to operate the patrol boat *Suisun* by hired labor to enforce fishing regulations and other regulations for the protection of navigable waters. The expenditures will be about as follows:

"New work:	
Annual overhauling of dredge *San Pablo*	$12,000.00
Operation and repairs to dredge *San Pablo*, 9 months, at $10,000 per month	90,000.00
Pro rata cost of operation of patrol boat *Suisun*, 12 months, at $250 per month	3,000.00
Engineering, superintendence, and contingencies	8,832.36
Total	113,832.36

"With the funds remaining ($143,000), the following work is proposed for the fiscal year 1923:

"New work:	
Annual overhauling of dredge *San Pablo*	$12,000.00
Operation and repairs to dredge *San Pablo*, 12 months, at $10,000 per month	120,000.00
Pro rata cost of operation of patrol boat *Suisun*, 12 months, at $150 per month	1,800.00
Engineering, superintendence, and contingencies, and office expenses	9,200.00
Total	143,000.00

"No additional funds for the fiscal year 1923 are requested, as those on hand are believed sufficient for all urgent work during the fiscal year 1923."

WIDTH AND DEPTH OF CHANNEL.

So that puts up the proposition that the Army is going ahead with the project to complete it as it was originally planned, 35 feet deep and of a certain width.

Mr. CURRY. Five hundred feet wide.

Mr. KELLEY. If we make this improvement, then we protect the channel from being filled in again and the yard then will have a clear channel to the Pacific of 35 feet in depth at low water?

Mr. CURRY. That is the project. Over Pinole Shoal there is more than 35 feet now.

Mr. OLIVER. I should like to ask the officer if he approves of that last statement that we will not have to spend money to maintain the channel?

Admiral GREGORY. Except for minor annual dredging. That is my understanding; yes, sir.

Mr. OLIVER. And you think that result will follow?

Admiral GREGORY. I do.

Mr. KING. I call attention to the statement of Congressman CURRY in the testimony just presented, wherein he states that there are now more than 35 feet depth over Pinole Shoal. I call attention of Senators to the fact that Pinole Shoal has been called a "shallow and tortuous channel." The fact is that the largest boats, the largest war vessels, and all other craft can pass through Pinole Shoal to the Carquinez Strait, to Mare Island, and beyond without the slightest difficulty. The depth and width of the channel are ample for the largest craft.

Mr. President, I ask that the following letter addressed to Congressman CURRY be inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE,
U. S. COAST AND GEODETIC SURVEY,
Washington, June 14, 1922.

Hon. CHARLES F. CURRY,
Chairman Committee on the Territories,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to the various questions asked in your letter of the 13th instant, I take pleasure in advising you as follows:

1. The controlling depths at mean lower low water through various sections of the main ship channel from the sea to the entrance to Mare Island Strait are as follows:

	Feet.
(a) From deep water in the open sea to the Golden Gate:	
Via Bonita Channel	54
Via main ship channel	36
(b) Golden Gate to Pinole Shoal	36
(c) Through Pinole Shoal (dredged channel). (This is the depth reported to exist June 30, 1912, by the Chief of Engineers.)	32
(d) Pinole Shoal to entrance Mare Island Strait	38

The foregoing are the least depths a vessel would encounter if traversing this area at the time of mean lower low water. The depths are generally in excess of those here listed.

The mean range of tide over Pinole Shoal is 4.6 feet.

2. It is undoubtedly true that a greater depth is required across the bar outside the entrance to the Golden Gate than is necessary in the placid waters in the upper bay channel (Pinole Shoal and Mare Island Strait) in order to accommodate the same draft vessels. This, of course, is due to the fact that the bar is exposed to the ocean swells and that in such a swell the trough of the waves falls some distance below the level of the undisturbed water. A vessel crossing the bar in such a swell must expect to be lowered an appreciable amount, and allowance for this factor must therefore be made in considering whether it is practicable for a vessel of specified draft to cross the bar.

3. I have stated in reply to your first question that the controlling depth from the sea to the entrance to Mare Island Strait is 32 feet.

4. The assertion that the approach to this area is through a "narrow and tortuous channel" is scarcely justified by the facts. "Narrow" and "tortuous" are comparative terms, and our charts show that the channel through this area is less narrow and tortuous than are the majority of the channels leading from the sea to our other principal navy yards in the United States.

5. The following data refer to the area available for anchorage extending from the eastern end of Pinole Shoal to Suisun Point:

Maximum depth, 117 feet.

Length of area over 30 feet deep, 9 nautical miles.

Average width of same area, slightly less than one-half nautical mile.

This area provides anchorage room for a considerable fleet. Allowing 35 feet as a minimum depth in which a capital ship should anchor and 500 yards diameter for each berth for such ships, it is estimated that 40 capital ships could anchor in this area and leave some room for a fleet of auxiliaries.

Trusting that the foregoing may be of service to you, I am,

Respectfully yours,
WILLIAM BOWIE, *Acting Director.*

Mr. KING. The significance of this letter will be apparent if it is carefully read in connection with the claim that the channel leading to Mare Island and beyond is too narrow and shallow for large naval craft. It will be perceived that the main ship channel leading from the open sea into San Francisco Bay is only 36 feet in depth. The letter states that from the Golden Gate to Pinole Shoal the same depth is maintained. Through Pinole Shoal the depth is 32 feet, reported June 30, 1921.

It will be observed that these are the lowest depths a vessel would encounter at the time of mean lower low water, and as the acting director states, the mean range of tide over Pinole Shoal is 4 feet 6 inches.

Another fact is stated which is important to be considered, namely, that a greater depth is required across the bar outside the entrance to the Golden Gate than in the placid waters in the upper bay channel; that is, Pinole Shoal and Mare Island Strait.

I direct Senators' attention to the statement of Major Bowie that the "assertion that the approach to Mare Island is through a narrow and tortuous channel is scarcely justified by the facts." He states that the channel is less narrow and tortuous than are the majority of channels leading from the sea to our other principal navy yards in the United States. Referring to the available anchorage in the vicinity of Mare Island, the acting director states that there is ample room for 40 capital ships and a fleet of auxiliaries.

Mr. President, in order that Senators may have some standard for comparison I have had compiled by a naval expert statistics on channel depths and available anchorage ground for naval bases of the United States and have compared them with the anchorage ground of the proposed development at Mare Island. I ask that this information and statement be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

PROPOSED BASE AT CARQUINEZ STRAIT (MARE ISLAND).

The Carquinez Strait site is 26 miles from the open sea; is situated on deep water having a 40-foot channel immediately in front of the yard, 3,800 feet in width. The adjacent anchorage ground has an area of approximately 3½ square miles. In comparing this site with the other yards shown it will be seen that the 40-foot channel and adjacent anchorage is wider and more extensive than any other yard shown. It further has the advantage of the anchorages in the channel in San Pablo and San Francisco Bays, of McNears Point and Alameda, giving a total fleet anchorage contiguous to the proposed site of approximately 16 square miles. This base (Mare Island) is well behind the coastal defenses and outside the range of gunfire from an attacking fleet, as shown by the arc generated from the Carquinez Strait site with a radius of 32,000 yards as maximum range of a 14-inch gun. With its easy access to the sea, its adjacent anchorage, its supplementary anchorage areas, and its natural protection from enemy attack, it will be superior to any other naval base in the United States or any other country.

PORTSMOUTH, N. H.

The Portsmouth Navy Yard is situated on an island in the Piscataqua River about 4 nautical miles from its mouth. The width of channel of all depths in front of the yard is 1,000 feet, the width of 40-foot

depth in front of the yard is 400 feet, and the width of water between 30 and 40 foot depth is 400 feet. The total anchorage in the vicinity is confined to the 40-foot depth in the Piscataqua River between the yard and the sea, and the total area will not accommodate more than two or three capital ships, and these at some distance from the yard. In this connection it may be well to bear in mind for comparison that the width of channel immediately in front of the Carquinez Strait site it 3,800 feet, and the total anchorage area adjacent to the yard for capital ships is 3.55 square miles.

BOSTON.

The navy yard at Boston, Mass., is distant from the sea 8½ miles (nautical). The entire width of channel in front of the yard is 1,300 feet. There is no 40-foot depth in front of the yard or within several miles. The width of the 30-foot channel in front of the yard is 1,200 feet. Area of adjacent anchorage ground for capital ships, none. The only anchorage is in the outer bay; the edge of this is 6 miles distant from the yard. Compare the entire lack of 40-foot channel and 1,200-foot width of 30-foot channel with the 3,800 feet of 40-foot channel in front of the Carquinez Strait site and its area of 3½ square miles.

NEW YORK.

The open sea may be placed for practical purposes at the mouth of the Ambrose Channel. There is limited anchorage ground at Tompkinsville, off Staten Island, but this would hold only a comparatively small number of capital ships and is a considerable distance from the yard. The yard is 15 miles from the open sea and is approached by various artificial channels involving turns, and just as difficult, if not more difficult, of navigation than the comparatively short stretch of virtually straight channel through Pinole Shoal approaching the Carquinez Strait site. The width of 40-foot channel in front of the yard is 1,500 feet, but this is nothing but the Wallabout Basin inclosed by the yard proper. The governing depth of approach channel is 30 feet at mean low water. This situation should be compared with the width and depth of water at Carquinez Strait.

The lack of danger or difficulty of navigating through the short stretch of Pinole Shoal should be compared with the difficulties of navigating from the open sea into New York Harbor, and thence by Battery or by Buttermilk Channel into the East River and the Wallabout Basin of the yard.

PHILADELPHIA.

This yard is situated up the Delaware River some 88 miles from the open sea. The width of 40-foot channel in front of the yard is none. The width of the 30-foot channel but less than 40 feet is 900 feet. The width of channel less than 30-foot is 300 feet. It would seem unnecessary to compare this yard in any respect with the proposed Carquinez Strait site.

NORFOLK.

The channel from the navy yard to Hampton Roads is 500 feet in width and has been dredged to 35-foot depth. The distance from this yard to the sea is 35 miles, and its distance to the fleet anchorage ground is 14 miles.

Hampton Roads is the main fleet anchorage ground and mobilization point for the Atlantic coast, but the width of this 40-foot anchorage ground in Hampton Roads, generally considered as the best rendezvous harbor in America, is actually only the same as the width of 40-foot water in front of the Carquinez Strait site. In addition to this, the holding ground at Hampton Roads is poor, the currents are swifter, and sea conditions for small boats are notoriously bad. More than this, the entire area of 40-foot depth in Hampton Roads is not materially greater than the total area adjacent to the Carquinez Strait site.

PUGET SOUND NAVY YARD.

This yard is 135 miles from the sea. The width of 40-foot channel in front of the yard is 3,000 feet, and the narrowest part of the approach channel is only 1,000 feet in width. There is adjacent to the yard considerable anchorage ground, but the main anchorage ground would, in all probability, be adjacent to Blake Island, 7 miles away. A number of ships, of course, could be placed in Port Orchard, inland (running up the middle of the chart). Except for its excessive depths, Puget Sound forms an ideal base. Nevertheless, the deep water immediately in front of the yard is actually less than at Carquinez Strait and in addition is poor holding ground.

PEARL HARBOR.

Pearl Harbor has an artificially constructed channel from the open sea to Pearl Harbor. This channel is 35 feet in depth below mean lower low water and has many turns. The yard is 4 miles from the open sea. The width of channel in front of the yard of 40-foot depth is 450 feet. The width of channel between 30 and 40 feet is 750 feet. There is adjacent to, but not immediately in front of, the yard anchorage ground for a few capital ships, but this harbor could not be considered suitable for a fleet anchorage or a fleet rendezvous. In any event, its deep water immediately in front of the yard can not be compared with Carquinez Strait.

Mr. KING. Mr. President, one of the ablest men in the Navy is Capt. E. L. Beach, now retired. For years he was commandant at the Mare Island Navy Yard, and has made a more extensive study of conditions there and at all other suggested sites for a naval base in the San Francisco Bay than any other person except perhaps Capt. L. M. Cox. He presented to the joint congressional committee on November 18, 1920, a comprehensive statement in which were considered all objections urged against Mare Island, and also an analysis of the reports of the Helm and Parkes-McKeen Boards. I regret that the length of the statement, which is in the nature of testimony, precludes its being read at this time.

He also reviewed all questions involved in the establishment of a naval home station or base in the San Francisco Bay, and demonstrated beyond all question that Mare Island was the most suitable place; and that it would be an extravagant folly to establish a naval base at Alameda or Hunters Point or any other place within such bay. He quoted Captain Bennett, commandant at Mare Island for a number of years, who stated that in his opinion there was no necessity for creating another naval station, and that with increased equipment Mare Island would be capable of serving the fleet as one of the main home bases.

Captain Beach, after referring to the amount invested by the Government at Mare Island, the vast amount of work there performed in the building and repair of ships, the great efficiency and economy obtained, the fact that without further equipment the yard could care for the needs of 90 per cent of the fleet, and that with the expenditure of a reasonable sum it could fully provide all needed docks, berthing places, equipment, and other modern requirements for the entire fleet of the United States, then states that notwithstanding all of these factors it would seem "there must be some great ulterior reason, not yet stated or mentioned in the Helm Board report or in any other place, that would cause the Government to construct a naval base at some other place near Mare Island, thereby causing the Government to sacrifice what it has at Mare Island, and to construct a great naval base at an expenditure of at least $60,000,000 and probably more at a place within 35 miles of Mare Island."

Referring to the question of berths for ships, he states that additional berths are required, but at present more than 50 ships are berthed at the Carquinez Strait station at Mare Island, ranging from battleships to craft including cruisers, destroyers, and so forth. He states that except at the fresh-water basin at Philadelphia, where ships are laid up in reserve, at no navy yard in the United States are there so many ships berthed as at Mare Island.

Speaking of anchorage ground and the contention that it is limited, Captain Beach states that the docking and berthing stations at the south end of Mare Island would "butt right into the deep water of Carquinez Strait, where anchorage ground extends for 8 miles and provides a better anchorage ground than possessed by any navy yard in the United States." He directs attention to other navy yards in the United States, and shows the superiority of Mare Island as a naval base and for anchorage purposes. Captain Beach refers to the condition of the channel extending from San Pablo Bay, which is a part of San Francisco Bay, to Pinole Shoal and the changes since 1916; he also states that for commercial purposes solely a 35-foot channel at mean low water already exists, and that at a comparatively small expense a 40-foot channel at mean low water, 1,000 feet wide, can be maintained. Senators will recall that the tide will add more than 4 feet additional to the low-water depth. Captain Beach quotes from Colonel Reese, who testified that a channel 40 feet deep could be maintained, the cost gradually diminishing so that it would be at the end of 10 years not to exceed $65,000 per annum. Some of the advantages of a naval base at Mare Island referred to in the Helm report are mentioned by Captain Beach. Both the Helm board and Captain Beach emphasize that a naval station at Mare Island "is removed from gunfire from the open sea and protected from attack by a fleet or by land forces. The mountainous region between the navy yard and the coast render hostile movement toward it extremely difficult." The Helm board, referring to this matter, say: "Mare Island has great advantage over any location available for a navy yard in San Francisco Bay." The Helm board also emphasize the advantages of climatic conditions as an important contribution to the efficiency of labor, and "that owing to the equable character of the weather a full day's work can be performed practically every day of the year. No fogs interfere as they do in the lower bay in the vicinity of Alameda."

Reference is made in the Helm report to the excellent quality of the water, which is "free from scale-forming minerals," to the harmonious relations between labor and the administration, and the permanency of the employees, most of whom own their own homes and live adjoining the yard.

The strategic location of Mare Island the Helm Board state to be "most admirable, with land area sufficient for a first-class yard, including submarine and aviation base and the usual auxiliary activities of a naval base." The defensibility of Mare Island is denominated excellent by the Helm Board, and it is stated that fuel oil is easily obtainable and a large supply near at hand; that there are excellent dry docks, the larger of which can accommodate more than 90 per cent of the fleet as completed in 1921. Captain Beach quotes this statement from the Helm Board: "Mare Island has many advantages, due to defensive location, climate, labor supply, existing dry docks and shops, plant equipment, and various navy-yard exercises of great value and possible service to the fleet." Captain Beach marshals the reasons in favor of Mare Island and, as I have stated, successfully confutes all opponents. He states that it is the "greatest

navy yard in the United States, because it handles more ships, repairs them, keeps them, loads them, than any other two navy yards in the country combined." More than 200 vessels were repaired in this yard during the fiscal year ending June 20, 1920, having a total displacement of 494,134 tons of an indicated horsepower of 2,175,124 and of a total cost of more than $156,500,000. During that year more than "three times as many ships were repaired at Mare Island as were based on both Mare Island and Puget Sound combined in 1916."

Mr. President, I ask that this report of Captain Beach be printed in the RECORD as an appendix following my remarks.

The PRESIDING OFFICER. Without objection, the request will be granted.

Mr. KING. Mr. President, Commander L. M. Cox has been referred to as one of the ablest officers in the Navy. For years he was in charge of Mare Island, and he prepared and presented a complete plan for such expansion of the navy yard at Mare Island as would be necessary to meet all future needs of whatever fleet the United States might have in the waters of the Pacific. He has made a thorough study of San Francisco Bay and all possible points therein for the establishment of a home or major naval base. He testified before the congressional committee, his testimony appearing on pages 116 to 128 of the hearings, and I ask that excerpts from his testimony be printed, following my remarks, as an appendix.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KING. Speaking of Alameda as a possible naval base, he—Captain Cox—states that the "development of the land requires an average fill of 20 feet in order to bring the land to a yard level of 12 feet above mean lower low water." As I have indicated, this proposed site is a muddy flat, covered with water of varying depths. Borings have been made to a depth of 150 feet for the purpose of determining whether solid ground could be obtained. In order to construct suitable permanent dry docks and berthing stations and piers a solid foundation is required. The borings indicate that the Alameda site is not suitable for a naval base and that a solid foundation can not be found at a depth of 150 feet. Captain Cox states that the conditions are such that it would be difficult, hazardous, and unsafe to construct a naval base at this point, and he further declares "that it would be unwise to attempt such construction without resorting to radical measures." I should add that Captain Cox constructed the dry docks at Pearl Harbor and has constructed other docks, and is one of the most eminent men of his profession in the United States, if not in the world. He refers to the great deposits of silt at Alameda, amounting to "3 feet per year, which would require constant dredging." Captain Cox submitted to the commission the borings and the drawings of his plan for a major naval station at Mare Island, including sufficient dry-dock facilities, berthing places, and so forth. He states that the docks would rest on solid rock. Senators will bear in mind that Mare Island is practically a peninsula. On the east is the Mare Island Strait, or Channel, which flows into the waters of Carquinez Strait, which is in effect a part of San Francisco Bay. The waters of Carquinez Strait are much deeper than those of the Mare Island Strait, and the former strait is very much wider than the latter. He states that the Army engineers report that it is practical to maintain a depth of 35 feet in the Mare Island Strait, and they have authority from the War Department to make such excavation. His view, however, is that the restricted width of the Mare Island Channel requires the construction of the berths and docks at the southerly end of Mare Island, which is washed by the waters of the Carquinez Strait. He states that the ideal location for a suitable docking depot is "off the south end of Mare Island, where its water front would abut on the deep water of Carquinez Strait, involving a minimum of dredging; where foundation conditions are excellent; where the shops and facilities now existing at Mare Island could be utilized to the fullest extent; where Mare Island's ideal labor conditions and ideal climate could be enjoyed; and, finally, where the two stations could be under one administration and could operate under one administrative overhead." He refers to the fact that the *Mount Vernon*, a ship drawing as much water as the largest battleship afloat and of considerable greater length, was berthed and accommodated at the yard in the Mare Island Strait.

I ask that there may be inserted in the RECORD following my remarks excerpts from the testimony given by Capt. H. M. Gleason before the joint congressional commission. His testimony will be found on pages 133 to 136, inclusive.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KING. I desire to state that Captain Gleason was educated at the Naval Academy and is an engineer of naval architecture. He is familiar with Mare Island and has studied the questions involved in the establishment of a major naval base. He indorses the views of Captain Beach and Captain Cox and strongly supports the view that Mare Island is the proper place for such a station, and declares that to "establish another project down the bay," referring to Alameda, "would amount to a criminal expenditure of the people's money to the amount of $60,000,000."

When the joint congressional committee was engaged in taking testimony Congressman CURRY submitted a telegram from Captain Knox, of the Navy. The telegram is what might be termed a review of the strategic advantages of Mare Island, or, as it is called, "Carquinez Strait site," for a naval base. He reaches the conclusion that in "balancing the advantages and disadvantages of the Alameda and lower bay sites and the Mare Island site the superiority is in favor of the latter."

I ask to have inserted at the close of my remarks, as an appendix, this telegram and Congressman CURRY's letter to the committee inclosing the same.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KING. Capt. J. M. Ellicott, of the Navy, was at Mare Island for some time and was called upon to examine the plans for dry docks and piers at the south end of Mare Island, abutting on Carquinez Strait. The plan referred to was the one submitted by Captain Cox, of whom I have spoken. Captain Ellicott at one time had some doubt as to the availability of Mare Island for a major naval base, as he found that Mare Island Strait lacked the space and depth to accommodate superdreadnaughts and sufficient dry docks and berthing piers, but upon examining the Cox plan he states:

> I felt exactly like a mathematician who has worked persistently and unsuccessfully upon a difficult equation until nearly giving it up and then comes upon a definite, concrete, exact solution.

He states that the Cox plan shows conclusively and convincingly the availability of Mare Island for a major naval base. In a letter to Congressman CURRY, dated November 19, 1920, he gives his views, and in another communication of November 3, 1920, addressed to Congressman CURRY, he examines the claim that Carquinez Strait does not afford sufficient anchorage for the fleet. He shows that the anchorage ground within the Carquinez Strait is 8 miles in length and one-half to three-fourths of a mile in width. In addition to this anchorage ground "there extends from Benicia northward, along the Solano County shore, a further anchorage area three-fourths of a mile wide and 4 miles long, which would accommodate 50 war vessels in the most sheltered position to be found in San Francisco Bay." This, together with the berthing space in Mare Island Straits, "gives the Carquinez site an anchorage berthing capacity for at least one-quarter of a war fleet of 700 vessels." He adds that so far as anchorage room is concerned "honors are absolutely even between the three main sites under consideration in San Francisco Bay."

I ask that these letters from Captain Ellicott be inserted at the close of my remarks as an appendix.

The PRESIDING OFFICER. Without objection your request will be granted.

Mr. KING. Col. E. P. O'Hern, of the Ordnance Department of the Army, in a communication to Congressman CURRY under date of October 21, 1921, examines the question as to which would be the best site for a naval base, Hunters Point, Alameda, or Mare Island, and reaches the conclusion that the latter, being beyond the range of the most powerful ship guns from any point on the coast, is the most suitable. He also states the position taken by the General Staff of the Army, "that for defensive reasons no future arsenal for the manufacture or storage of Army ordnance supplies should be located on or near a coast line." He also states that a similar principle would seem to be applicable to naval activities.

I ask that this communication be inserted in the RECORD as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KING. Mr. President, I have here before me the testimony of Mr. Howard C. Holmes, one of the leading civil engineers in the United States, and who is familiar with dry docks and the proposed sites for a naval base in San Francisco Bay. He submits reasons why Alameda is not a suitable place for a naval base, and particularly for the building of dry docks. He calls attention to the borings at Alameda, and the fact that after going to a depth of 150 feet solid ground was not discovered. I ask that his testimony given before the congressional committee be inserted as an appendix at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. Mr. President, I also ask that a letter addressed to Congressman CURRY by Brigadier General Mitchell, of the United States Army, be inserted as an appendix at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. Mr. President, in my opinion a calm and dispassionate review of all the facts bearing upon the establishment of a major naval base in the upper or lower San Francisco Bay will justify the position which I have taken and confirm the views of the officers and experts whose reports and statements I have submitted that Mare Island is the most suitable point for such naval base and that it would be unwise to abandon Mare Island or to establish at Alameda a naval base. I hope this agitation by real-estate agents and others, as well as by a small coterie in the Navy, to build at Alameda a naval base will end and that the Navy Department will make such improvements at Mare Island as will fully equip it for all needed uses for which a major naval base is required in San Francisco Bay.

APPENDIX No. 1.

STATEMENT OF CAPT. EDWARD L. BEACH.

UNITED STATES NAVY YARD,
Mare Island, Calif., Thursday, November 18, 1920.

Senators and Representatives of Congressional Committee:

This navy yard was established in 1854, 66 years ago, with Commander David G. Farragut as the first commandant. It has grown constantly in its capacity for work and in its service to the Navy Department, but more especially in the last four years, since the navy yard's capabilities were carefully studied by what is known as the Helm Board. This Helm Board made a careful study of the needs for a great naval base on the Pacific, and of what place was best suited to be this base. The Helm Board report, which is a public document No. 1946, part 2, 1917, contains more careful study of the requirements of a Pacific coast naval base and of Mare Island's advantages and disadvantages than any other single document. I therefore refer to this report because it has made a particular study of Mare Island's disadvantages, and it is not believed that there can be any criticisms of Mare Island that are not found in this report.

The proposition is that the Carquinez Strait Station, as conceived and designed by Commander Cox, which is Mare Island, is not suited to greater development and is therefore not available as the site for the great naval base. It is reasonable to believe that the Government officials who picked out Mare Island in 1854 as the Pacific coast navy yard considered different available sites, and that Mare Island was best suited then for the purpose. Sixty-six years later, by an act of Congress, a study is to be made as to which is the best site for a great base—Carquinez Strait, Alameda, or Hunters Point. If Mare Island has performed its duty with great success for 66 years, and if a great establishment has been built; if the Government has invested in it over $32,000,000; if it is the second largest navy yard, counted either by number of employees or value of product, in the United States; if it is efficient in the repair, upkeep, and supplying of more than a quarter of all the vessels of the United States Navy; if in the last year the Government spent at Mare Island $60,000,000 with never a criticism or failure in any respect to meet the Government's requirements; if Mare Island ranks first of all Government navy yards in efficency and economy; if Mare Island is able to take care of the needs of 90 per cent of the fleet; if Mare Island with an expenditure of $26,000,000 can be made capable of taking care of 100 per cent of the fleet—that is, to provide facilities for anything required by the greatest of superdreadnaughts; if Mare Island with a comparatively small expense for additional facilities can supply everything for every class of ship of the fleet; if Mare Island provides for every requirement laid down by the General Board and by the judgment of farsighted, experienced officers, then it would seem that there must be some great ulterior reason not yet studied or mentioned in the Helm Board report or in any other place that would cause the Government to construct a naval base at some other place near Mare Island, thereby causing the Government to sacrifice what it has at Mare Island and to construct a great naval base at an expenditure of at least $60,000,000 and probably more at a place within 35 miles of Mare Island.

The Helm Report, page 40, paragraph 99 (i), states that "the present dry docks at Mare Island can accommodate 90 per cent of the vessels of the fleet as completed in 1921." If by comparatively small expense Carquinez Strait Station can be made to take care of the additional 10 per cent, is it economical, good business, and good judgment to locate within 35 miles another naval base, at a cost which will vary between $60,000,000 and $100,000,000, and throw away the 90 per cent capability that Mare Island is reported by the Helm Board to have, and, further, probably ultimately to sacrifice the Government's investment at Mare Island and its splendid capabilities?

A discussion will now be made of every single disadvantage quoted by the Helm Board against Mare Island. These disadvantages are stated as follows:

(A) EXPENSE OF MAINTAINING CHANNEL APPROACHES AT SUITABLE DEPTH.

This is really the only disadvantage stated which is in any sense a controlling factor. The other alleged disadvantages disappear upon consideration. This disadvantage will be discussed later.

(B) DIFFICULTIES OF NAVIGATION IN NARROW APPROACH CHANNELS UNDER FAVORABLE CONDITIONS.

With regard to this it is a matter of statistics that there is much less fog at Mare Island than in the lower San Francisco Bay. Further, that in the 66 years that ships have been coming to and from Mare Island I have never heard of a single ship that ever went aground proceeding from San Francisco to Mare Island. In the last 21 months that I have been on duty here there have been many hundreds of ships that have come to and from the lower bay to Mare Island. There has never been one that ever went aground or reported that it could not navigate because of the fog or that was interfered with by the fog. It is to be remembered that there is not much fog at Mare Island.

(C) SWIFT CURRENTS RENDERING MANEUVERING IN NAVY-YARD WATERS, ESPECIALLY WHEN ENTERING DRY DOCK, DIFFICULT EXCEPT AT SLACK WATER.

The currents at Carquinez Strait Station are practically the same as at other parts of the bay. They are no greater than the currents leading to the New York Navy Yard or the Boston Navy Yard or the Norfolk Navy Yard. There is never occasion for a great ship to attempt to go in dry dock except at slack water.

(D) BERTHING SPACES QUITE INADEQUATE AT PRESENT AND IMPRACTICABLE TO OBTAIN TO AS GREAT EXTENT AS WOULD BE NECESSARY FOR A FIRST-CLASS YARD.

It is true that there are not as many berths at Mare Island as is desired, but berths for ships do not exist naturally; they must be made. There are no berths at all at Alameda or Hunters Point and will not be until they are built there. At present there are 50 and more ships berthed at Carquinez Strait Station, ranging from predreadnaught battleships to small craft, including cruisers, destroyers, etc. Except at the fresh-water basin at Philadelphia, where ships are laid up in reserve, at no navy yard in the United States are there so many ships berthed as at present at Carquinez Strait Station. If the plan of berthing as designed by Commander Cox be created here, and there is ample space for it, Carquinez Strait Station will have the greatest facilities for berthing of any navy yard in the United States.

(E) MUDDY BOTTOM, WITH A TENDENCY TO CAUSE CLOGGING OF CONDENSERS AND PIPES WHEN LARGE VESSELS ENTER UNDER THEIR OWN ENGINES UNDER UNFAVORABLE CONDITIONS, DUE TO INSUFFICIENT DEPTHS OF WATER.

In the approaches to Carquinez Strait Station there is natural deep water of 40 feet and over everywhere except over Pinole Shoal, a stretch of 8 miles. This has been dredged by Army Engineers for commercial purposes for the oil companies, sugar refineries, etc., to a depth at low water in its shallowest part of 32 feet; at high water, 38 feet. For the greatest part of the channel over Pinole Shoal the average depth is 35 feet. There is no occasion for heavy draft ships to pick up mud in proceeding to the Carquinez Strait Station. It is to be noted that the Army transport *Mount Vernon*, drawing more than 32 feet, went over this shoal four times without experiencing this disadvantage. The Army engineers have reported that it is entirely feasible to maintain this channel at a 40-foot depth at low water, with a width of 1,000 feet if desired.

(F) WATER AREA LIMITED IN EXTENT, INTERFERING WITH SAFE MOVEMENT OF VESSELS, ETC.

This is correct as applying to Mare Island Strait. It is entirely incorrect as applying to ships maneuvering to get into dry docks or berths at the docking station at the southern end of Mare Island. Mare Island Straits, which have a present depth of 33 feet at high water, is now being dredged by Army Engineers, and they report a depth of 35 feet at low water can be maintained. Ships for long overhauls will be brought up the straits, which will be the greatest fitting-out basin possessed by any navy yard of the country; but no maneuvering will be required in the Mare Island Strait; all maneuvering and turning will be in Carquinez Strait, where there is ample space and over 40 feet depth everywhere.

(G) ANCHORAGE GROUND VERY LIMITED AT NAVY YARD—AVAILABLE ANCHORAGE ABOUT 3 MILES DISTANT BUT WATER FREQUENTLY TOO ROUGH FOR CONVENIENT USE OF SMALL BOATS AND QUITE UNDESIRABLE FOR VESSELS UNDER REFITTING OR REPAIR.

Carquinez Strait Station, where docking and berthing of great ships would be carried on in accordance with Commander Cox's design, butts right into the deep water of Carquinez Strait. It butts into an anchorage ground that is far greater in extent, stretching as it does for about 8 miles, than will ever be required for ships at the Carquinez Strait Station for overhaul, docking, supplies, etc. The Carquinez Strait provides a better anchorage ground for the Carquinez Strait Station than is possessed by any navy yard in the country. To begin with, there is no anchorage ground so close. The anchorage ground at the Portsmouth Navy Yard is limited in extent and several miles below the navy yard. Everyone in the Navy is aware of the tremendous currents in the Piscataqua River. There is but little anchorage ground for the Boston Navy Yard; only two or three or four ships at most could be anchored there. The anchorage ground for the New York Navy Yard is about 10 miles away, off Staten Island. There is not much anchorage ground for the Philadelphia Navy Yard. The anchorage ground for the Norfolk yard is 15 miles away, at Old Point Comfort. Nor at the other navy yards is there any anchorage ground that permits many ships to be anchored. No navy yard in the country is so splendidly provided with anchorage ground as is the Carquinez Strait Station.

(h) "Inadequate supply, within reasonable distance, of materials required by the fleet and in shipbuilding and repair work."

This is certainly not borne out by results at the Mare Island Navy Yard. In spite of this statement of "inadequate supply," Mare Island during the war built destroyers in quicker time than at any navy yard or at any private shipbuilding plant. The destroyed *Ward* was actually launched in 17½ days after her keel was laid, and in 108 days after her keel was laid she was in commission, completely equipped and ready to steam away to the war. Between July 1, 1919, and July 1, 1920, $60,000,000 was spent by the Navy Department at the Mare Island Navy Yard. Out of every $15 spent on the Navy for all purposes by the Navy Department $1 was actually spent at Mare Island. As a matter of fact, the Carquinez Strait Station is better situated with regard to supplies than either Hunters Point or Alameda, because practically all supplies are brought by freight from the East by means of the railway over the causeway to Mare Island. Mare Island is in direct connection with the transcontinental railroad lines, and by this means receives freight many hours earlier than San Francisco, because freight to San Francisco must be ferried over Carquinez Strait from Benicia.

On page 41, under article 101 (a), the Helm report states that it is "impracticable and unadvisable to develop Mare Island as a navy yard suitable for the largest vessels with 40-foot depths at mean low water in its channel approaches." Army engineers state that since this report was written they have had much experience with the channel leading to the Carquinez Strait Station, and that it is entirely feasible to have a 40-foot approach. They state that the average depth at low water over the shallowest part of Pinole Shoal, except in a small part where it is over 32 feet, is now 35 feet, with 41 feet at high water; that the cost and ease of maintaining this is much

less than originally expected, and they therefore believe that the cost of a 40-foot channel will be much less than originally estimated.

With regard to this 35-foot channel over Pinole Shoal, attention is invited to the fact that this depth was created for the benefit of commerce and that the Navy Department has never had to pay a cent of this cost.

Page 41, article 101 (b), states that it is "impracticable and unadvisable to attempt to develop Mare Island as a navy yard of intermediate capacity with a 35-foot depth at mean low water in channel approaches." The answer to this is that this 35-foot depth at mean low water already exists, except for a small part of the channel where the present depth is over 32 feet.

On page 15, paragraph 19, of the Helm Board report, it is stated that there are "physical limitations which make it impracticable and unadvisable," etc. The Army transport *Mount Vernon*, drawing more than 32 feet, passed through this channel repeatedly. The additional facilities needed by superdreadnaughts can certainly be constructed at Carquinez Strait Station and the greatest ships can proceed there. The question is rather advisability than capability.

Page 27, paragraph 61, of the Helm Board report states that the "rapid silting of the channel and basin has been a constant source of expense and inconvenience." This is true, but to a greater extent formerly than at present. The silting was partly caused by the washing away of gold-bearing sand in rivers emptying into the bay by hydraulic mining. This has now been forbidden by law, and part of the cost of this silting has been removed.

Paragraph 63 of the same page refers to the inadequate anchorage ground. Carquinez Strait anchorage ground is far more protected and safer than any anchorage ground in any other part of San Francisco Bay. Some months ago, at a time of bad weather, shipping was much injured in the lower bay. One Navy vessel was damaged to the extent of $140,000. It was impossible for small boats to do any boating at all. On account of the protection that naturally exists in the Carquinez Strait there was no damage of any kind to shipping in this locality.

Page 29, article 68, of the Helm Board report states that "there is no direct railroad connection with the mainland." This was true in 1916. It is not true to-day.

Article 69 states that "practically all material is shipped from the East." Because of Mare Island's railway connection she receives this material hours before it could possibly get to Alameda or Hunters Point.

Page 32, article 67, states that "one of the most serious deficiencies at the Mare Island Navy Yard is great lack of berthing spaces, and much of that existing is not altogether satisfactory." This is absolutely true, but nevertheless there are 50 ships and more berthed at the present moment at the Carquinez Strait Station, more than at any other navy yard except in the fresh-water basin at Philadelphia. Berthing spaces have to be built. If this is an objection to Mare Island at present, it is a far greater objection to Hunters Point or Alameda, because there are no berthing spaces there at all. Berthing spaces do not exist until they are built. All the berthing spaces needed can be provided at Carquinez Strait Station in much less time and at much less cost than at Hunters Point or Alameda.

Page 33, article 79, states that "among the most serious disadvantages of the Mare Island Navy Yard are lack of adequate depth in channel approaches." The answer to this is that there is already practically an average low-water depth of 35 feet, which can easily be made 40 feet at but comparatively small expense.

The report states that "there is limited water area of suitable depth immediately adjacent to the navy yard." In answer to this, it is a fact that Carquinez Strait Station provides the greatest water area for anchorage purposes possessed by any navy yard in the country. It is indeed immediately adjacent to the navy yard, because the proposed Carquinez Strait docking station projects into it. There is no inherent difficulty at all of providing adequate berthing accommodations required. Referring to the statement that "providing a 40-foot depth involves expenditures of a serious character," etc., that is true, but these are not nearly so serious as would be required by the creation of a naval base at Hunters Point or Alameda.

On page 39, article 96, it is stated that "there are physical limitations at Mare Island which seriously affect its development as a navy yard of the first order; that among these may be mentioned narrowness and limited area of water adjacent to the navy yard." With regard to this, the Carquinez Strait Station is better situated than any other navy yard in the country.

"Swift currents in Mare Island Strait." These currents are no swifter than at Portsmouth Navy Yard, Boston Navy Yard, New York Navy Yard, Norfolk Navy Yard; nor are they swifter than in other parts of San Francisco Bay.

"Wholly inadequate berthing spaces." This is true because the berthing spaces have not yet been built.

"No possibility of having such berthing spaces within reasonable range of repair shops."

All the berthing space required can easily be provided within reasonable range of repair shops.

"Difficulties of navigation." With the hundreds of ships that have come to Mare Island in the last 21 months there has not been one single case of difficulty.

"Effect of silt in the water, in clogging condenser and flushing system of the larger vessels."

This is incorrect and does not occur. Great Army transports, predreadnaughts, large cruisers, and other ships report no inconvenience of this kind. This is not judgment from three or four ships, but from many hundreds of ships.

Page 40, article 97, states that "in view of the conditions noted the commission is of the opinion that economical and physical limitations prevent the development of Mare Island beyond that necessary for building operations and the maintaining and repair of the vessels of the fleet which can be best maintained through and under the conditions of a 30-foot channel approach, etc." There is not a single disadvantageous condition noted but what can be overcome at but comparatively little expense. The channel approach is already practically at an average depth of 35 feet. Attention is invited to Appendix D, page 91, letter of the commandant of Mare Island dated October 7, 1916, in which it is stated that the only physical disadvantage of Mare Island as a navy yard and base for the fleet is the necessity of dredging to maintain a stipulated depth of water. At this time Captain Bennett, who was then commandant, had been commandant for 3½ years at Mare Island, and surely must have spoken with certainty.

Appendix F, page 108, Captain Bennett, then commandant of Mare Island, states that in his opinion it was not necessary to create another naval station. He states that with increased equipment, etc., Mare Island would be capable of serving the fleet as one of the main home bases.

In Appendix H, page 112, Civil Engineer Stanford reports in his letter of October 30, 1916, that repair facilities at Mare Island have been developed as far as desirable, because of channel and dry-dock limitations. Four years later, without any particular extension of Mare Island's repair facilities, there were four times as many men employed as at the time the letter was written, and last year there was a total expenditure by the Government at Mare Island of $60,000,000, which is probably more than four times as much money as was spent at the time Civil Engineer Stanford wrote. He mentions in this letter "five principal and very serious objections," as follows:

(1) INSUFFICIENT DEPTH OF WATER IN CHANNEL FROM SEA TO YARD.

This condition has been greatly changed from what it was in 1916.

(2) INADEQUATE FRESH-WATER SUPPLY.

The city of Vallejo has just voted bonds for $1,250,000 for a great water supply for the city and navy yard.

(3) INADEQUATE ANCHORAGE GROUND CONVENIENTLY CLOSE TO THE YARD.

No navy yard is so provided with adequate anchorage ground of space and depth as in the Carquinez Strait Station.

(4) INADEQUATE BERTHING SPACE CONVENIENTLY CLOSE TO SHOPS.

At that time there was an average of probably not more than 15 ships berthed at the yard. The highest number ever berthed then was 30. There is now, every day in the year, an average of more than 50 ships berthed at the yard. Berthing spaces need to be built, and there is ample space here to build them.

(5) NO DIRECT RAILROAD CONNECTION.

Hundreds of tons of freight come from the East over the railroad via Causeqay every night.

Mr. Stanford states that he does not consider the objections as stated above capable of correction. They are already corrected and do not exist.

On page 116 Civil Engineer Hollyday stated, in answer to question 2, certain objections to Mare Island. He considered only using the Mare Island Strait. He did not consider the Carquinez Strait docking station, projecting into Carquinez Strait. The creation of the big docking station at Carquinez Strait obviates every objection raised by Civil Engineer Hollyday.

In Appendix J, page 120, Chief of Bureau of Yards and Docks Admiral Harris stated in his letter of October 9, 1916, that a "35-foot channel at mean low water can not be maintained through San Pablo Bay at a nonprohibitive cost." In answer to this, again it is accentuated that without reference to the navy yard and solely for commercial purposes a 35-foot channel at mean low water already practically exists and that the cost is much lower than originally estimated by the Army authorities. In fact, the dredger *San Pablo*, which is employed on this work, is for the greater part of the year employed on other work. And, further, that the Army officers in charge of this work have informed me that a 40-foot channel at mean low water 1,000 feet wide can be maintained at a lower cost than originally expected.

In Appendix J, page 121, Colonel Reese (C. E. C.) states: "There seems to be no reason to doubt that a channel 40 feet deep in San Pablo Bay could be maintained, etc., the cost gradually diminishing at the end of 10 years to a cost of about $65,000 a year."

In careful study and comment upon the Helm Board report I am impressed by the earnest study made by the Helm Board and the carefulness with which they went into every subject and their intention and desire to be fair, just, and impartial, but I have gone carefully through this report and believe I have mentioned every disadvantage stated by the Helm Board to exist against Mare Island. With regard to these alleged disadvantages the Helm Board studied them all, conferred with officers at Mare Island and questioned high authorities both in the Army and in the Navy.

The whole thing actually boils down to the question of the channel. There is no other objection stated that would have been an effective objection at that time had there been a deep-water channel and had the Helm Board believed that it was advisable to maintain the deep-water channel needed.

The Helm Board, in its investigations, found a number of advantages for Mare Island, stated on page 14, and which I will now bring to the attention of the congressional committee.

To begin with, it stated that the navy yard to be created must be equipped with additional facilities so that four times the amount of work then done—in 1916—might be accomplished. Attention is invited to the fact that in 1920, without additional facilities, Mare Island performed four times as much work as was done in 1916, and in doing this it has also become the most efficient and most economical navy yard of the country.

On page 15 it is stated that the commission recommends the "unquestionably fine, strategic location and easy defensibility of Mare Island."

Page 27, paragraph 64, "The navy yard is too far removed from the coast to be under gunfire from the open sea * * *. It is also particularly well protected against attack by a fleet and by land force, as it is well behind the coast fortifications near the entrance of San Francisco Bay and the mine fields at the entrance channel in the lower bay. The mountainous region between the navy yard and the coast also renders hostile movement toward it extremely difficult. In this respect Mare Island has great advantage over any location available for a navy yard on San Francisco Bay proper."

Page 28, paragraph 65, states that "the climatic conditions affecting labor efficiency are excellent. There is probably not another navy yard in the country where work is less interfered with by the weather. There is seldom excess of heat or cold. * * * Conditions in general are such as to permit of a full day's work being done on ship repair and construction on practically every day of the year. The officer at present in charge of the magazine made a special comment upon the beneficial effects of the climate in preventing powder deterioration. Severe storms are infrequent and do no marked damage. Fogs occur, but are not nearly so numerous or prolonged as farther down the bay."

Page 28, paragraph 66: "The water is of excellent quality, without scale-forming minerals, and suitable for all domestic and ordinary uses."

Page 28, paragraph 67: "The sanitary conditions of the station are excellent. These favorable conditions are greatly assisted by reason of the location and climate."

Page 30, paragraph 63: "The relations between labor and the yard administration appear to be close and sympathetic, a condition which is reflected in the efficient and economical work, as shown by the official records of comparative cost of work at this and other navy yards. This due in large part doubtless to the large number of workmen that

look to the yard for permanent employment. Vallejo is the home of a large majority of them, receives its principal support by reason of the existence of the yard, and has grown as the need for workmen has grown."

Page 33, last paragraph: "The station of Mare Island is admirable, so far as regards strategic location."

Page 40, paragraph 99: "Advantages."

"(a) Land area sufficient for a first-class yard, including submarine and aviation base and the usual auxiliary activities of a naval base.

"(b) Defensibility excellent.

"(c) Climate excellent.

"(d) Water supply reliable thus far and capable of being increased.

"(e) Sanitary conditions excellent.

"(f) Transportation fair and capable of improvement.

"(g) Labor under ordinary conditions readily procurable in any quantity and of excellent quality.

"(h) Fuel (oil) easily obtainable and large supply near at hand.

"(i) Two excellent dry docks, the larger of which can accommodate more than 90 per cent of the vessels of the fleet as completed in 1921.

"(j) Plant equipment and general station utilities of good character and capable of effective improvement and extension for use of a large proportion of the vessels of the fleet.

"(k) Magazine facilities excellent.

"(l) Advantages always inherent in an extensive industrial and supply establishment in efficient and economical operation, and capable of reasonable extension to meet additional requirements of the fleet within the limitations imposed by depths of channel approaches."

Page 41, paragraph 101(c), states: "Mare Island has many advantages, due to defensive location, climate, labor supply, existing dry docks and shops, plant equipment, and various navy-yard exercises of great value and possible service to the fleet."

Appendix D, page 91, Captain Bennett, commandant of Mare Island Navy Yard, states in his letter of November 2, 1916, to the commission that "the advantages of Mare Island are its central location, mild climate, security from attack, available area for expansion, protected location from prevailing winds and storms, which make the docking and undocking of ships easy without regard to weather; spirit of cooperation between the yard and the city of Vallejo, which helps the administration materially and is an aid which does not exist in a large city."

On page 96 Captain Bennett states: "Climatic conditions will not interfere with work in the machinery division; sanitary condition is excellent."

Appendix F, page 109, letter from Captain Bennett dated October 16: "The logical, economical course undoubtedly lies in increasing the facilities of Mare Island and slightly extending its work and present organization to adequately serve as the 'main home base of the fleet.'"

Civil Engineer Stanford, in his letter of October 30, 1916, to the commission, stated that the principal advantages of Mare Island were:

"Strategically well located with regard to attacks from sea."

"Very favorable climatic conditions."

"Large undeveloped area of the yard which is available for improvement."

"Excellent labor supply."

"Well-equipped shops and other facilities required for new construction."

"Well-equipped shops and other facilities required for general repair work, etc."

"The yard is admirably adapted for the accumulation and storage of any quantity of supplies, which may be considered as necessary to meet emergency demands."

Civil Engineer R. C. Hollyday, in his letter of October 30, 1916, to the commission, says, on page 116:

"The principal advantages of the Mare Island Navy Yard are:

"(a) Strategical position of that yard."

"(b) The immense plant just installed there. I would not recommend the establishment of the navy yard at Mare Island if we had no establishment there at the present time."

"(c) Climatic advantages: I know of no yard or station belonging to the Government where the climate for the whole year is as nearly perfect as it is at Mare Island."

"(d) Its safety from attack by hostile forces: Its defense is especially strong, owing to the rugged shores north of San Francisco Bay."

"(e) Favorable labor conditions: A thriving town immediately across the creek from the yard, composed almost entirely of mechanics and laborers who work at Mare Island."

"(f) The record of the Mare Island Navy Yard in supplying vessels proves conclusively that it is a favorable place to build vessels."

On page 117: "There is sufficient land for almost any of the units which go to make up a first-class base, including marine barracks, recreation grounds, etc. The climatic conditions are better than at any other navy yard or station owned by the Government, as far as I have been able to observe. Sanitary conditions are good, but can be made better. Railroad and steamship lines are excellent. The fact that we have a very large naval establishment at Mare Island makes it extremely desirable that we use that plant to its fullest capacity and its greatest efficiency."

I believe that the above furnishes the commission with every disadvantage against Mare Island contained in the report of the Helm Board, and in all of the documents and letters that were submitted to the Helm Board, and also with the advantages as stated by the Helm Board.

Realizing that carefulness of the studies made by the Helm Board, and of its intent to be impartial, I intend no criticism on the ability or the sincerity of the board or any member of it when I say that the controlling disadvantage—lack of depth of water—which existed in 1916 is very different in 1920 than what it was at the time the Helm Board made its investigation and report. At that time the board judged that the limiting depth was 30 feet at low water.

To-day the depth maintained for commercial purposes, without cost to the Navy Department, over the San Pablo Shoal is practically 35 feet, with the statement of responsible Army engineers in charge that 40 feet is entirely feasible and practicable. The lack of sufficient depth of water is the great basis of criticism of Mare Island's possibilities. It is repeated, time and time again, and I wish to repeat it just as often as the statement is made, that this condition has entirely changed.

I will now ask the attention of the commission in regard to the Parks-McKean Board, dated October 20, 1919, and will give everything said referring to Mare Island:

"Mare Island.—The board recommends that no further effort be made to obtain or maintain depths beyond the natural depth of 26 feet; that Mare Island be retained as a hospital and magazine site, and that its industrial use be limited, after a new deep-water base is built, to ships drawing not more than 26 feet; and for such new construction work as may be assigned.

"The special board has used the very valuable report of the Helm Commission as a basis for all its investigations and reports.

"The board further agrees with the Helm Commission as to the inability of Mare Island for development as a first-class naval base.

"The board recommends that the Navy Department accept the natural conditions at Mare Island as limiting the practical depth which can be maintained, without extensive dredging, as 26 feet, and that only such further dredging along the quay wall and in front of the dry docks be done as will permit of their safe use for vessels drawing up to 30 feet, this dredging to continue for the use of ships until a deep-water base can be provided. The board is of the opinion that the department can not be justified in making further expenditure in an effort to obtain and maintain channels, turning basin, etc., necessary for the large ships of the fleet of to-day. The board agrees with the Helm Commission that Mare Island should be retained as a magazine and hospital site, and as an auxiliary to the deep-water base in San Francisco Bay, for both repair and new construction work."

The only criticism expressed in this report of the Parks-McKean Board against Mare Island's availibility as the naval base is based upon the assumed lack of the requisite depth in channel approach. It recommends that this channel be deemed as suitable for ships drawing not more than 26 feet, and states that further expenditure of dredging, etc., is not justified. This report is not justified by conditions of to-day, because the channel now practically averages 35 feet at low water and 41 feet at high water. A ship drawing more than 32 feet has been repeatedly through this channel without any inconvenience or trouble, and this criticism of Mare Island is not founded on the conditions that exist to-day. It is founded on conditions that existed in 1916, and which no longer hold. And further, it is again accentuated that this depth at low water of practically 35 feet is maintained for the purpose of commerce, toward which the Navy Department has never been asked to spend one cent.

It is my belief that the Carquinez Strait Station, with but comparatively little increased facilities, will provide every requisite deemed necessary for the fleet.

I now desire to call the attention of the commission to certain features in connection with the Mare Island Navy Yard which I believe are well worthy of consideration. We have at Mare Island a great navy yard. As a matter of fact, frankly it is the greatest navy yard and naval base that the country possesses to-day. It ranks actually second to New York in number of employees and in value of output, but, to count out certain industries located at the New York Navy Yard, such as the clothing factory, etc., it will probably be found that Mare Island ranks first. The Government has an investment here of book value in excess of $32,000,000. Its replacement value at present prices of labor and material would be many millions in excess of this. There is no part that is not working. The amount paid in wages between July 1, 1919, and July 1, 1920, the last fiscal year, was upward of $18,000,000. The amount of materials and supplies furnished by Mare Island to shops and ships was upward of $42,000,000. The total business of the yard was $60,000,000. This enormous amount means that one dollar out of every fifteen spent by the Navy Department at all naval stations on vessels of the Navy, at all training stations, at all private plants where Navy work is going on, in every bureau, and in every department, and all activities under them, was spent at Mare Island. In 1910 we thought we had a great Navy. That was the year after the fleet came back from its cruise around the world. We had then battleships, navy yards, and the same naval establishments, practically, that we have to-day, and the total expense for all these was $137,000,000. In other words, 10 years later the amount spent at Mare Island alone was nearly one-half of the total amount spent upon the entire Navy 10 years previously. In 1916 the Helm Board stated that the navy yard must be prepared to do four times as much work as it was doing in 1916, and for this many additional facilities would be required, and those additional facilities made the construction of a great naval base necessary. Mare Island Navy Yard three years later, without these additional facilities, did four times as much work as was done in 1916. This certainly should be strong evidence of Mare Island's abilities.

Further, in this connection attention is called to the appended blue prints, made up at Mare Island from official Government reports, showing Mare Island to be the most efficient and economical navy yard the Government has under its orders to-day; that the Government gets more for a dollar spent at Mare Island than at any other navy yard in the country. Recently, by a Navy Department report, there were 497 ships in active commission in the Navy, 114 of which were officially based for repairs, supplies, upkeep, etc., on Mare Island.

As a matter of fact, because of its great facilities and capacities and central position, many other ships based on other navy yards have had their repairs and upkeep done at Mare Island. With 12 navy yards under the Government, one-fourth of all the ship work is done at Mare Island. Carquinez Strait Station is a great naval base, the greatest in the country, because it handles more ships, repairs them, keeps them, loads them than any other two navy yards in the country combined. It certainly has a better climate than any other navy yard. The men are not paralyzed by heat in the summer time nor numbed by the cold in the winter time. The records of the yard show that during the fiscal year ending June 30, 1920, at Mare Island there were 201 vessels of all classes repaired, having a total displacement of 494,134 tons, of an indicated horsepower of 2,175,124, and of a total cost of $156,549,214. That the total expenditures for that year for salaries, wages, etc., by the disbursing officer, were $18,198,034.29; the total value of supplies and materials issued by the supply officer to shops and ships was $42,068,272.40. Therefore, in the year ending June 30, 1920, the total expenditures at Mare Island were $60,266,306.69. According to the Helm Board report, the total vessels—of what grade is not given—based on the two Pacific navy yards in the year 1916, was 57; the displacement, 233,850 tons; the indicated horsepower, 440,000. This shows that for the year ending June 30, 1920, Mare Island repaired more than three times as many ships as were based on both Mare Island and Puget Sound in 1916; that the displacement of the ships repaired at Mare Island alone, in the year ending June 30, 1920, was more than twice as much as for both Mare Island and Puget Sound in 1916. That the horsepower of these ships repaired at Mare Island in the year ending June 30, 1920, was five times as much as the total horsepower of the two yards in 1916. That the first cost of these ships was twice as much as the first cost of the ships repaired at both yards in 1916. It is believed that this is striking evidence of Mare Island's ability to meet increased demands of enormous scope.

The following is offered as evidence that the spirit animating the Mare Island workmen is not equaled by the spirit existing at any navy yard in the country:

At the Victory Liberty loan in 1919 the Navy Department urged all navy yards to compete for four pennants of honor, that were to be presented by the Navy Department to the yards excelling in certain particular features. One pennant of honor was to be presented to that yard which had the greatest total amount of subscriptions; a second pennant of honor to that yard which had the greatest percentage of employees subscribing; a third pennant of honor to that navy yard which showed the greatest total per capita subscription.

The fourth pennant of honor was to be given to that navy yard which influenced the greatest amount of outside subscriptions. It would have been a great honor for any navy yard to have won any one of these pennants of honor. After the returns were all in the department presented Mare Island with the first pennant of honor, because of all navy yards Mare Island had the greatest total amount subscribed for Victory bonds. The Navy Department presented the second pennant of honor to Mare Island, because 100 per cent of all employees bought Liberty bonds. Every single employee subscribed to one or more bonds. The third pennant of honor was awarded by the Navy Department to Mare Island, because it had the greatest total per capita subscription of employees, the per capita subscription being $225, the nearest competitor averaging $138 per capita. The fourth pennant of honor was presented to the Philadelphia Navy Yard, for influencing the greatest total amount of outside subscriptions, Mare Island ranking second. This must be conclusive proof of the spirit animating Mare Island.

At the same time the California State authorities asked the Mare Island organization to take charge of the subscriptions for Solano County. In previous Liberty loans Solano County had never equaled her prescribed quota and had always stood at the last of all California counties. Under Mare Island management, in the fifth Liberty loan, Solano County led the list of all California counties with a subscription of 219 per cent of her quota. Mare Island spirit has been shown constantly.

Another example of this was the launching of the destroyer *Ward* 17½ days after her keel was laid, and her completion in 108 days. The fact that of destroyers built at Mare Island 16 of them cost the Government $250,000 less for each destroyer than the cost of destroyers built at any other navy yard or in a private plant is another example. Incidentally, it may be said that Mare Island destroyers have made the fastest speed (and the matter of speed is all important to a destroyer) made by any destroyer ever built in this country or in any country. The *Boggs* made 35.6 knots an hour, about 42 miles an hour.

The quality of Mare Island product has been repeatedly commended. Mare Island workmen live mostly in the city of Vallejo, which is immediately adjacent. The city has no other interest except one flour mill employing perhaps 200 hands. The city is absolutely devoted to the navy yard. The interests of Mare Island are its interests. This has brought about a unity of feeling that is entirely to the benefit of the Navy Department. There are no strikes or walkouts. There are no other places where Mare Island men can get employment. Terms of perfect confidence and sympathy exist between the management of the navy yard, the workmen, and the city of Vallejo. Put this naval base at Alameda or at Hunters Point and the workmen would live in all sorts of places, some far and some near. This unity of purpose and achievement would undoubtedly be much depreciated. As an organization the workmen would be lost after they left the naval base if close to a big city.

Summing up, it may be stated that conditions to-day are different than they were in 1916. There are no difficulties of navigation that would worry an experienced navigator. The swift currents spoken of are not particularly swift and do not disqualify Carquinez Strait Station. They exist in other places in the bay. The berthing spaces are inadequate but capable of whatever extension may be needed. The muddy bottom is of no objection. The water area is unlimited in Carquinez Strait, and the water area in Mare Island Strait provides the finest fitting-out basin possessed by any navy yard. The anchorage ground is ample. Supplies are nearer to Mare Island by hours than either Alameda or Hunters Point. There is practically a depth of 35 feet at low water over Pinole Shoal, 41 feet at high water, and it is practicable and feasible to maintain this depth at 40 feet at low water if desired.

Mare Island is the most efficient and most economical navy yard and station possessed by the Government to-day. An expenditure of $26,000,000 will enable it to take care of every need of the superdreadnaughts.

Further, Commander Cox states that if funds and complete authority were available he would build a dry dock at Carquinez Strait Station and be ready to dock a superdreadnaught 24 months after work was begun.

This, Senators and Representatives, covers what I wish to say. The technical information, costs, etc., will be furnished by Commander Cox, who had the vision to conceive the possibilities of Mare Island if developed into the Carquinez Strait Station, and who is the creator and designer of the proposed extension of Mare Island.

EDWARD L. BEACH.

APPENDIX No. 2.

TESTIMONY OF CAPT. L. M. COX BEFORE THE JOINT CONGRESSIONAL COMMITTEE.

Gentlemen of the commission, the commandant has submitted a very able presentation of the merits of the present location of the Mare Island Navy Yard as the site for a new and enlarged Pacific coast naval base. My function is merely to place at your disposal the results of such technical studies as I have made during my tour of duty in this district, and in particular to give you my reasons as an engineer for recommending the so-called Carquinez Strait site. Considering the limited time at the commission's disposal for personal investigation at the various sites, I am of the opinion that I could best present that part of the subject falling within my sphere through the medium of questions and answers. Since, however, it appears desirable to present a more general statement of the technical side of the question, I will endeavor to touch only upon the more important features, leaving all questions of details to be brought out by examination, should the commission desire more specific information.

Assuming that Congress is convinced of the necessity for an adequate docking, repair, and supply base on the Pacific coast for the maintenance of the Pacific Fleet, it follows that before giving the necessary authority for the construction of such a base and before appropriating the large sums necessary for its execution a definite decision must be reached regarding its location. There are two governing factors in the problem of locating a naval base—military requirements and engineering features.

Obviously, I could not well have spent 20 years of my life in the naval service without giving first place in any discussion of a naval public work to the question of military needs, and possibly, too, some more or less positive ideas as to what such needs may be for any specific problem. My knowledge is not that of a specialist, however, and since the commission has at its disposal the best expert talent in the service it is my desire to avoid this topic altogether, both in my preliminary statement and in my examination.

The factor of "engineering" I assume as including practicability of construction, practicability of operation, and all engineering questions having to do with the economics, both of construction and operation; and I will start with the hypothesis that if it be established to the commission's satisfaction that the Carquinez Strait location reasonably fulfills all military requirements which can now be foreseen the commission's choice of site will be that which can be operated at the least annual expense and which will conserve the maximum of existing Government investments.

The act creating this commission specifically mentions for consideration three proposed sites known as the Alameda site, the Hunters Point site, and the Carquinez Strait site. I will discuss briefly the general characteristics of the three sites in the order mentioned.

The Alameda site consists of a tract of water-covered land with a bay frontage of approximately 8 miles and an area of approximately 5,400 acres. The present surface elevation of this tract is from zero at the tideland to minus 12 feet, or, say, an average of 6 feet below mean lower low water. Of this tract it is proposed by the Helm Board to develop immediately for dockyard construction a quadrangle containing approximately 473 acres, or about 9 per cent of the entire tract. This development plot will require an average fill of about 20 feet in order to bring it to a yard level of 12 feet above mean lower low water, the material for this fill to be obtained from dredging. Exploratory work has been in progress for some months with a view to ascertaining the character of the underlying materials for foundation purposes.

The results of the borings taken in the course of this work have been submitted to the commission, and will be interpreted by the commission's technical advisers. For purposes of this statement they may be interpreted as indicating exceedingly treacherous conditions for the construction of such structures as dry docks. We have penetrated in places to a depth of 150 feet, and in every boring we have encountered clays and sands of different mixtures, with water-bearing strata well within the bottom depths of a modern dry dock carrying 40 feet of water over the sill. This means difficult, hazardous, and expensive construction work, and I believe that I am warranted in expressing the opinion that it would be unwise to attempt such constructions at this site without resorting to radical measures, such as were adopted in the construction of the Pearl Harbor Dry Dock; and I would not consider it safe to estimate the cost of such a dock at less than $5,700,000.

Mr. HICKS. Will you please repeat that figure, Commander Cox?

Commander COX. Five million seven hundred thousand dollars. After a study of local labor and material markets extending over a period of a year and a quarter, I have prepared what I believe to be a fairly reliable estimate of the cost of executing the Helm Board layout on the Alameda site, and find that the total, including reclamation, dredging, quay walls, piers, buildings, dry docks, breakwaters, machine equipment, and public utilities, could not be proved for less than $50,427,000, and that, assuming the usual procedure on Government works and the usual contract methods, the time required to complete the entire work, with the maximum rate of progress to be expected, is six years, with a strong probability of exceeding this period. (Of course, this information has come to me secondhand; because I have not been here long enough to actually know.) When constructed, the maintenance and operating costs should be reasonable. Silt drops rapidly in this locality, and I am informed that the rate of deposit sometimes amounts to as much as 3 inches per month, or 3 feet per year, when the bank is once disturbed and the current paths deflected by wing walls. This will mean periodical dredging for the maintenance of slips and approach, but the cost of this work should not be given weight as an important site objection, since the disadvantage is more or less common to all sites on the bay.

The railroad service may be marked excellent, sources of supply excellent, labor conditions ample as regards supply, but unsatisfactory in other respects.

At the Hunters Point site it is proposed to reclaim an area of approximately 291 acres of submerged land, a considerable portion of which is at an average depth of 5 feet below mean low water, and to excavate a portion of the rock bluff in order to permit of the construction of dry docks, as indicated on the Helm Board's layout. From the result of recent borings it would seem highly desirable to increase the rock excavation quantities as estimated by the Helm Board, in order to shift the dry docks farther to the westward, and thus insure solid rock support throughout their entire bottom areas.

When the location is so shifted, the foundation conditions at Hunters Point may be classed as excellent. There are, of course, comparatively large amounts of fill, rock excavation, and of rock and sand-clay dredging, and while these items add somewhat to the cost, the net result is a distinct advantage. Everything required for a naval base would have to be included in the initial project, as the property is now unimproved, and it is the opinion of all officers with whom I have consulted that the existing privately owned docks belonging to the Bethlehem Shipbuilding Corporation should not be acquired by the Government, but should be encouraged as a commercial activity necessary for the port and available for the Navy in time of war. As in the case of the Alameda site, I have made a fairly close estimate—omitting the cost of real estate—of the entire project, in the light of present market conditions, and submit as my opinion that it could be constructed at a cost of $49,359,000, and assuming the most favorable conditions for expediting Government work of this character, together with the usual contract procedure, the work could be completed in from four and one-half to five years. If these assumptions are not realized, this period will be very considerably exceeded. I am assuming wholesale operations, such as were adopted for the Panama Canal, in estimating my time.

Transportation facilities are satisfactory, sources of supply excellent, and labor conditions about the same as at Alameda.

For the Carquinez Strait site no definite layout of docks and piers has yet been adopted by any sanctioned authority. Since I first proposed this site in my report of July, 1919, I have made a number of tentative layouts, and some rough comparative studies as to cost; but inasmuch as all layouts involving an outboard location of dry docks must necessarily await the results of borings now in progress,

I have, for the purposes of estimating, adopted a layout affording a rock foundation for dry docks, which I will show you, marked "Scheme E." In this layout I have indicated for immediate construction the same general water-front and dry-dock facilities as were adopted by the Helm Board, but—as did the Helm Board at the other sites—besides the two docks, I have indicated by dotted lines locations for two additional docks which I believe will ultimately become necessary for the proper and expeditious upkeep of the fleet. The two docks indicated for present construction are founded on rock, and one of them has its prism entirely within rock. The piers extend to or beyond the present 35-foot-depth contour, and the intervals between piers, together with the entrances to dry docks, are to be dredged to 40 feet below mean low water. Because of the availability of existing shop facilities at the Mare Island Navy Yard, no buildings are included in this layout beyond an additional storehouse, a power substation, and sheds for outside machinist and dock gear. The station would be served by a railroad loop connecting, via the causeway, with transcontinental railroad lines, and public utilities would be served from Mare Island sources. I estimate the cost of executing this entire work at $27,916,000. Assuming the usual Government methods, the work should be completed within three years, and one dock could be opened for service two years after the beginning of actual construction.

It should be borne in mind that the above estimate includes the initial cost of deepening the channel through Pinole Shoal, which now averages 35 feet in depth by 500 feet in width, to 40 feet in depth by 1,000 feet in width, as well as an item to cover the cost of removing the ammunition depot from its present location to the reclaimed area near the northern limits of the yard reservation.

I might say, parenthetically, that I do not believe a channel as wide as 1,000 feet is necessary, but I have included the cost of such a channel in order to place beyond doubt its practicability for use by capital ships.

It will be seen from the foregoing statement that by the adoption of the Carquinez Strait site there will be saved to the Government approximately $22,500,000, as compared with the cost of the Helm Board layout at Alameda, and approximately $21,400,000, as compared with the cost of the same board's layout at Hunters Point. There will also be saved the equivalent of the capitalized value of the administration expense at an additional and distant station, which may be evaluated as an investment equivalent to $50,000,000, if the annual cost of administration of the separate station be placed at $2,000,000, and the Government's rate of interest be 4 per cent. If the new base is located at either of the lower bay sites, one of two results must follow. The Mare Island Navy Yard will be retained in operation as a base adjunct, or it will be abandoned—no other alternative exists. If Mare Island continues to operate, the capitalized value of the annual cost of administering it, added to the excess in first cost of the additional station, will bring the total sum to $70,000,000. If Mare Island be abandoned, its present value—estimated at $35,000,000—added to the excess cost of the new station, will make the total increase in investment $55,000,000. The obligation of either sum is a matter of sufficient importance to justify the most searching and exhaustive consideration of any alternate plan which offers even a promise of achieving some measure of greater economy.

Obviously, no anticipated saving, no matter how great, would justify a project which, when completed, would be impracticable from the operating standpoint. It remains to be established, therefore, whether or not the Carquinez Strait Station, if in existence, would be approachable and usable with convenience by capital ships.

* * * * * * *

Some 16 months have elapsed since my report was submitted, and I see no reason for changing or modifying any opinion expressed therein. There have been various objections raised by advocates of other sites, but with the exception of this one they are either wholly insignificant or are of such small moment as to warrant me in ignoring them in a general statement. Again, I am excluding the question of military needs. There is, however, one objection to the Carquinez Strait site which demands serious attention. I refer to the stretch of shoal water across San Pablo Bay and between the south end of Mare Island and Pinole Point, known as "Pinole Shoals." The Helm Board's condemnation of Mare Island, as far as it may have been influenced by the evil reputation of Pinole Shoal, was justified by the evidence before it. I now request the commission to consider my next statement in the light of new evidence. At the time of the sittings of the Helm Board in 1916 there had been no consistent attempts to provide and maintain an adequate channel through Pinole Shoal. Under the authority of Congress the War Department started work on a channel 30 feet deep by 500 feet wide in 1916. The authorizing act also provided for the construction of a dredge to be devoted exclusively to the maintenance of this channel. Prior to this time engineers both in the Army and Navy had expressed the opinion that the maintenance of such a channel was of doubtful practicability. The work was completed in 1917–18, and since that time the channel has not only been maintained for 40 per cent less than the estimated annual cost but has actually been deepened considerably beyond the authorized depth, and the specially constructed dredge has not been used on Pinole Shoal for more than 60 per cent of its time. The result is that to-day this channel which was designed for a depth of 30 feet has a controlling depth of 32.8 feet and averages 35 feet below mean lower low water.

It must therefore be apparent not only to professional engineers but to the layman that the maintenance of a channel 35 feet deep throughout is no longer a problem but a demonstrated certainty, and it is the opinion of all experts whom I have consulted, including at least three different Army engineers, who have been in charge of the first San Francisco district, that it is entirely practicable to provide and to maintain at reasonable expense a channel 40 feet deep and 500 feet wide, or, if desired, a 40-foot channel of twice the width, or 1,000 feet wide, as has been included in my estimates of cost. It may not be out of place to state that the War Department has already authorized under existing funds the improvement of Pinole Shoal to 35 feet depth throughout, which work is now under way, and that in accordance with the estimates of the district engineer, Col. E. E. Winslow, C. E., United States Army, as contained in his letter of July 7, 1920: "It is expected with these funds that there will result a gradual increase in the width of this channel to not less than 600 feet, and not improbably eventually to 800 feet." In this connection the commission's attention is invited to the enlarged chart of Pinole Shoal on which I have indicated the soundings in colors. Those shown in red are less than 35 feet, while those in green exceed 35 feet, and it will be noted that the depths in some cases now exceed 38 feet below mean lower low water.

It must be apparent to the commission that provision of a 40-foot depth, and any reasonable width throughout Pinole Shoal is, as was stated in effect by the Helm Board in its report, a perfectly practical proposition and an engineering question only.

It is, however, of interest to the commission to determine just what constitutes a reasonable and justifiable annual maintenance expenditure. This, of course, the commission is competent to do for itself, but it may be proper to point out the obvious principle that any annual expenditure which, when capitalized at the Government's borrowing rate and added to the initial cost of the project, will result in a sum appreciably less than the saving in money to be expected from the improvement is, according to business standards, justifiable. Applying this principle, the annual maintenance cost of a 40-foot by 500-foot channel, as estimated by the district engineer, is $150,000, and the Government's borrowing rate may be assumed at 4 per cent. The equivalent investment would therefore be $3,750,000. The estimated initial cost of such a channel, as given by the district engineer, is $1,250,000, and the saving which I estimate will result from the adoption of the Carquinez Strait site is, say, $20,000,000, or nearly four times the initial and capitalized maintenance cost. If the same criterion is applied to the scheme for a 40-foot by 1,000-foot channel it will be found that the saving is over two times the real and equivalent investment.

The practicability of navigating such a channel as I have assumed in inclement weather and in the fogs which are prevalent throughout the bay is, of course, a question regarding which my opinion must necessarily carry little weight. Nevertheless, it may not be out of place to state that the saving to be effected by the adoption of Carquinez Strait site would more than justify the comparatively small expense of completely fencing in both boundaries of the channel with electrically lighted spar buoys at intervals as short as the length of the smallest craft using it. If, with such a channel, the occasional fogs and occasional winds in this locality would materially interfere with its use by capital ships, then, unquestionably, serious consideration should be given to the abandonment of practically all of our existing naval stations.

In this connection attention should be invited to the fact that there are relatively fewer fog days in the year in San Pablo Bay than in the lower bay and that the velocities of currents in San Pablo Bay are in general less than in the lower bay. It is admitted that any ships entering the Golden Gate would have to traverse the San Pablo Bay fogs in addition to the lower bay fogs; nevertheless it must be an advantage to have fewer fog days in the anchorage immediately off the docking depot. There are winds in San Pablo Bay, but they are the same afternoon trades that are to be found in every locality on the bay. There are swift currents off the proposed docking depot water front, but they are not, as seems to be generally supposed, the swift currents of Carinquez Strait gorge, and, so far as observations taken during the past year permit us to judge, they do not materially exceed the current velocities off Hunters Point or between San Francisco and Goat Island. On the other hand, the Carquinez Strait site is the only site on San Francisco Bay which is afforded even a moderate protection from the southeast gales which have been so often destructive to shipping in the lower bay.

I would like to state this, that I have spent a great deal of time personally at every site on the bay, and feel that I am competent to express an opinion concerning prevailing and casual wind contingents.

Labor conditions at Mare Island are considered by every industrial officer who has been on duty at that station during the past few years as approaching the ideal, in that the yard activities constitute the only labor-employing establishment within the district. Labor depends upon the yard, and once it invests its earnings in homes it is prone to become permanently domiciled. The yard now draws labor from three thriving towns, and with the establishment of the Carquinez Strait depot it will unquestionably attract, by means of a direct seven-minute ferry, additional labor from the Contra Costa side. It will be free from the unsettled labor conditions of the larger cities on the lower bay, and will then, as now, benefit by the wonderful community spirit of its employees.

It would seem unnecessary to comment upon the railroad situation, but in order to make this statement complete I will invite your attention to the fact that the natural entrance to the bay district for northern and central transcontinental lines is through the Carquinez Canyon, and the two southern transcontinental lines have physical connections which give them also a terminal route through this canyon. With the causeway connection in commission, it will be seen that the Mare Island yard and the Carquinez Strait docking depot will have an all-land connection to every transcontinental railroad in the United States.

In conclusion I desire to state most emphatically that I am in no sense an advocate for the Mare Island yard. I have no interest in presenting the Carquinez Bay project other than my interest in the naval service and in the Government, and, as a matter of fact, it is my justifiable ambition as district public works officer to build the base wherever it may be located.

I am already on record with the department as desiring above all things a naval base on the Pacific in the shortest possible time and to the effect that, while I see no reason to change my opinions as submitted in my report of July, 1919, I would be only too glad to concur in any final decision which may be rendered by competent authority in order to get the base. With the shifting of the probable theater of war from the Atlantic to the Pacific, it must be apparent, first, that we want such a base badly; and, second, that we want it in the shortest possible time. I might add, from the standpoint of the taxpayer, that we want it at the least possible expense. None of these considerations would justify the selection of an unsuitable site from a military standpoint, but, granted that military requirements are satisfied by the site I propose, as I sincerely believe them to be, I would surely be derelict in my duty as an officer and a public servant were I to fail to point out the very appreciable saving to the Government in time and in money attainable by the adoption of the Carquinez Strait site for the proposed naval base of the Pacific.

I have in this statement attempted to outline briefly and in a very general manner the project I propose. I am now prepared to answer to the best of my ability any questions you may wish to put to me and to go into all engineering and cost features with such detail as you may deem advisable. As you are doubtless aware, I have had at my disposal neither the funds nor the authority for the preparation of design drawings or the inauguration of actual construction estimates, of quantities or costs, but I believe I am able to give you such preliminary data as may be reasonably expected at this stage of your work.

Cox's comparative estimates for naval base on San Francisco Bay.

Item.	Alameda.					Hunters Point.					Carquinez Strait (Scheme E).		
	Quantity.	Unit price.[1]		Estimated cost.[1]		Quantity.	Unit price.[1]		Estimated cost.[1]		Quantity.	Unit price, 1920.	Estimated cost, 1920.
		1916	1920	1916	1920		1916	1920	1916	1920			
Dredging:													
Yellow clay and hardpan...cubic yards..	4,700,000	$0.25	$0.50	$1,175,000	$2,350,000								
Sand and soft mud.....cubic yards..	8,000,000	.15	.15	1,200,000	1,200,000	4,000,000	$0.15	$0.15	$600,000	$600,000	1,904,000	$0.15	$286,000
Serpentine.....do....						510,000	3.50	4.00	1,785,000	2,040,000			
Sandstone and shale.....cubic yards..											200,000	3.50	700,000
Sand and yellow clay.....cubic yards..						3,900,000	.20	.50	780,000	1,950,000			
Pinole Shoal....do....											15,000,000	.20	3,000,000
Excavation, dry:													
Serpentine and quartzite; hard serpentine.....cubic yards..						1,450,000	1.00	.80	1,450,000	1,160,000			
Sandstone.....do....											1,190,000	.85	1,011,500
Shale.....do....											1,190,000	.65	773,500
Quay wall (40-foot), linear feet	4,000	350.00	550.00	1,400,000	2,200,000	3,100	350.00	550.00	1,085,000	1,705,000	7,200	550.00	3,960,000
Piers													
3, 1,200 by 100, cubic feet	360,000	6.00	9.00	2,160,000	3,240,000	360,000	6.00	9.00	2,160,000	3,240,000	360,000	9.00	3,240,000
1, 1,200 by 150, cubic feet						180,000	6.00	9.00	1,080,000	1,620,000	180,000	9.00	1,620,000
1, 500 by 60, cubic feet	30,000	6.00	9.00	180,000	270,000	30,000	6.00	9.00	180,000	270,000			
1 ferry-slip pier, 1,200 by 150...cubic feet..	180,000	6.00	9.00	1,080,000	1,620,000								
Breakwater:													
Basin side wall (40-foot)....linear feet..						3,200	350.00	550.00	1,120,000	1,760,000			
Canal side wall, linear feet						3,200	200.00	300.00	640,000	960,000			
Canal inshore, linear feet						5,000	100.00	150.00	500,000	750,000			
Excavating and grading.....linear feet..						500,000	1.50		750,000				
Dry docks, 1,030 feet long..		23,500,000.00	5,700,000.00	7,000,000	11,400,000	2	3,500,000	{4,300,000.00 / 3,800,000.00}	7,000,000	{4,300,000 / 3,800,000}	2	3,800,000.00	7,600,000
Riprap	700,000		3.00										
Levee.....linear feet..	8,000	1.50		1,200,000	2,100,000								
Protection to Alameda causeway, linear feet				90,000	110,000								
Grading.....linear feet...	500,000	1.50	1.50	750,000	750,000								
Channel deflector, linear feet											3,300	50.00	165,000
Buildings:													
Shape shop.....cubic feet..													
Plate shop.....do....													
Forge shop.....do....	250,000	9.00	9.00	2,520,000	2,520,000	230,000	9.00	9.00	2,520,000	2,520,000			
Mold loft.....do....													
Sheet metal and pipe shop.....cubic feet..													
Machine and electric shop.....cubic feet..	168,000	9.00	12.00	1,512,000	2,016,000	168,000	9.00	12.00	1,512,000	2,016,000			
Foundry.....do....	108,000	9.00	9.00	972,000	972,000	108,000	9.00	9.00	972,000	972,000			
Power plant....do....	50,000	9.00	12.00	450,000	600,000	50,000	9.00	12.00	450,000	600,000	7,500	12.00	90,000
Boiler shop.....do....	20,000	9.00	9.00	180,000	180,000	20,000	9.00	9.00	180,000	180,000			
Material storage:													
Foundry storage, square feet	42,000					42,000							
Steel storage, square feet	160,000					160,000							
Heated storage, kilns, ...square feet..	26,000	3.00	3.00	984,000	984,000	26,000	3.00	3.00	984,000	984,000			
Covered lumber storage.....square feet..	100,000					100,000							
Woodworking group:													
Boat shop, 300 by 100 .....square feet..	30,000					30,000							
Boat storage, 300 by 100.....square feet..	30,000					30,000							
Shipwrights' shop, 600 by 80...square feet..	48,000					48,000							
Joiners' shop.....do....	48,000	5.00	5.00	1,740,000	2,088,000	48,000	5.00	6.00	1,740,000	2,088,000	[2] 20,000	5.00	100,000
Light woodworking .....square feet..	48,000					48,000							
Flag, sail, and rigging....square feet..	48,000					48,000							
Pattern shop....do....	48,000					48,000							
Pattern storage.do....	48,000					48,000							
Administration..sq. feet..	36,000					36,000							
Dispensary, 100 by 60, 6 stories.....square feet..	6,000	15.00	15.00	3,630,000	3,630,000	6,000	15.00	15.00	3,630,000	3,630,000			
Storehouse, 1,000 by 200, 8 stories.....square feet..	200,000					200,000							
Storehouse, 120 by 600 .....square feet..											72,000	20.00	1,440,000
Acetylene plant, 80 by 50, ...square feet..	4,000	6.00	10.00	24,000	40,000	4,000	6.00	10.00	24,000	40,000			
Galvanizing plant, 600 by 50.....square feet.	5,000	6.00	8.00	30,000	40,000	5,000	6.00	8.00	30,000	40,000			
Paint shop, 200 by 60, ...square feet..	12,000	6.00	8.00	72,000	96,000	12,000	6.00	8.00	72,000	96,000	[3] 6,000	5.00	30,000
Loco garage, 150 by 100, ...square feet..	15,000	6.00	6.00	90,000	90,000	15,000	6.00	6.00	90,000	90,000			
Outside machine shop, 2 stories, 100 by 200, linear feet	20,000		5.00										100,000
Laborer's lobby, 100 by 200 .....linear feet..	20,000		5.00										100,000
Machinery and equipment				7,500,000	10,000,000				7,500,000	10,000,000			250,000

[1] Coforms to Helm Board report.

[2] 100 by 200 feet.

[3] 60 by 100 feet.

Cox's comparative estimates for naval base on San Francisco Bay—Continued.

Item.	Alameda.					Hunters Point.					Carquinez Strait (Scheme E).		
	Quantity.	Unit price.		Estimated cost.		Quantity.	Unit price.		Estimated cost.		Quantity.	Unit price, 1920.	Estimated cost, 1920.
		1916	1920	1916	1920		1916	1920	1916	1920			
Streets, sewers, etc.:													
Street paving, square yards	168,000	$2.00	$3.00	$336,000	$504,000	168,000	$2.00	$3.00	$336,000	$504,000	175,000	$3.00	$525,000
Sewer feet	20,000	3.55	3.00	60,000	60,000	20,000	3.00	3.00	60,000	60,000	7,500	3.00	22,500
Curbing linear feet	72,000	1.00	1.75	72,000	126,000	72,000	1.00	1.75	72,000	126,000	4,000	1.75	70,000
Sidewalks square yards	40,000	1.00	1.75	40,000	70,000	40,000			40,000	70,000	5,000	1.75	9,000
Water mains feet	20,000	1.54		30,000		20,000			30,000				
Railroad tracks do	65,000	4.00	6.00	260,000	390,000	65,000	4.00	6.00	260,000	390,000	95,000	6.00	[1] 570,000
Hydrants, valves, etc				10,000					10,000				
Compressed air				100,000					100,000				
Steam and electricity													
Water mains:													
Fresh linear feet	40,000				155,000	29,150				124,000	10,600		22,000
Salt do	[2] 26,800				111,000	21,200				93,000	14,400		60,000
Compressed air, linear feet	13,100				56,000	16,400				57,000			32,000
Steam distribution system linear feet	15,100				102,000	12,100				83,000	5,000		30,000
Hot water heating system linear feet	14,500				120,000	11,900				105,000			
Fuel oil system	9,200				57,000	8,800				41,000			
Electric distribution system [3]					180,000					135,000			110,000
Removal of ammunition depot													2,000,000
To be added if docks are shifted inshore to get rock foundation										160,000			
Total				36,847,000	50,427,000				39,742,000	49,359,000			27,916,500

[1] Includes belt line and yard. [2] Includes hydrants, valves, etc. [3] Includes telephone, fire-alarm system, and transformers.

COMPARISON OF MAJOR ITEMS.

Item.	Alameda.		Hunters Point.		Carquinez (channel, 40 by 1,000 feet).		Carquinez (Pinole channel, 40 by 500 feet).	
	Quantity in cubic yards.	Cost.	Quantity in cubic yards.	Cost.	Quantity in cubic yards.	Cost.	Quantity in cubic yards.	Cost.
Grading	500,000	$750,000						
Excavating			1,450,000	$1,160,000	2,380,000	$1,785,000	2,380,000	$1,785,000
Dredging	12,700,000	3,550,000	8,410,000	4,590,000	17,104,000	3,986,000	8,630,000	2,277,000
Total		4,300,000		5,750,000		5,771,000		4,062,000

APPENDIX 3.

TESTIMONY OF CAPT. H. M. GLEASON.

Mr. Chairman and gentlemen, first of all I want to preface my remarks by saying that I will make them very brief. I had intended to make a statement similar to what Captain Beach and Commander Cox have already made, but as they have covered the ground so thoroughly I feel that it would be an imposition on you gentlemen to repeat, practically duplicating, what they have said.

I thoroughly agree with what Captain Beach has said and with what Commander Cox has said, and I congratulate them on the way in which they have presented the information. It is very complete and is matter of record, so that it can be easily referred to.

Pardon me if I say just a few words in regard to myself to explain my connection with this occasion. Having been on duty at this yard for almost the past 10 years and concerned with the construction of vessels and with the problems that we have had here, I feel that I have arrived at the conclusion which I have through experience and through a conviction which I can not change.

Now, I would like to say that I have no material interest in Vallejo or in California. I own not a dollar's worth of property and am not interested in it except as an ex-officer of the service who has had experience here and who is vitally interested as a private citizen paying taxes. I am associated with a firm with which Capt. Harry George is also associated—the former commandant of this yard. For business reasons he could not be here. But he authorizes me to say for him what his opinion is in reference to Mare Island, and I will quote his own words.

Captain George, I might say, was our war commandant here, a man of great activity and great ability, and the work the yard did during the war was in great measure due to his administration. I am very proud, indeed, to have been one of his staff here during the war. Captain George says, and I will quote his words: "I have always been entirely in favor of the development of Mare Island and the concentration of all naval activity at that point." Those words are quoted from words he gave me.

As I say, I am not going to go into a lengthy statement after the very excellent presentation that has been made here by Captain Beach and Commander Cox, but there are a few things that I would like to say, based on the experience I have had here.

The question of navigation has been brought up. I do not pose as an expert on navigation, and I am not. But we see the results of navigation here at the yard, and have in the past 10 years, in the bringing up of ships for dockings. During the time I have been here I think we have docked something like 1,500 ships of various sizes, large and small, and during that time there has been not one single serious delay in getting a ship to the dry dock, through all kinds of weather, fog included. That speaks for the navigation of ships. Also, while I am on the same subject, no material interference with the docking schedule owing to weather conditions. I believe you will agree that that is a very good record for 10 years, and involving something over 15 years, during which there has been no serious interference with the docking of vessels on account of navigation or weather conditions.

The criticism has also been made regarding berthing space. There is, of course, no berthing space here, because no material improvement has been made in berthing facilities at Mare Island, as the record will show, since the days of wooden ships, and it is quite natural that the berthing facilities are wanting at the present time for ships of the present-day type.

The efficiency of labor here at this yard I feel that I have the right to express an opinion upon, and I believe that the Government gets more for its dollar expended at Mare Island than at any other navy yard. The records of the Navy Department demonstrate that, and I am firmly convinced in my own mind that the Government does get, and will continue to get, through the excellent spirit that prevails here owing to the local conditions, better value than they would or do at any other station.

I hope the other stations will develop the efficiency that Mare Island has developed, for the sake of getting more return for the money invested in a naval establishment. Now, the question of the docking station to the main repair station: The docking of ships, such as is proposed at the docking station, is a function which requires the coming and going of large ships, their supply, and the minor repairs. It is of distinct advantage to have a docking station that is not absolutely tied up with your industrial center, so that the ships may come and go in their docking and quick overhaul work at a station which is all under the same administrative control and under the same supervisory control that the main plant is. In docking in that way you will not interfere with the other work in progress—the major overhaul work or construction work or work of that kind. So I consider it of distinct advantage to have a docking station conveniently located, as this is proposed to be, and not be interfering with your activities at your main repair plant.

There is another point that I would like to bring up, and that is the question of dollars and cents. That is an all-important point in business, as I am finding out, and it is the all-important point in connection with the Government business. It will be more so from now on, as I take it from the various things I hear in the conduct of life, that the expenditure of money by the Government has got to be curtailed, and therefore it is up to the people, their representatives, and all of us, to do what we can to conserve the moneys expended in the various activities of the Government. So I say the question of money is of first importance, outweighing all others, and, in comparing the proposed layout here with any other docking station, such as at Alameda or at Hunters Point, Commander Cox has very succinctly and very clearly placed it before you, and I would like to emphasize

only one or two points that he has made. First, assuming that $60,000,000 is the cost of a new plant at Alameda or Hunters Point, and I think that is a very conservative estimate, and before you get through with a project of that kind you will probably spend $80,000,000 or more in it and its development as time goes on; assuming that, remember what you have got to do to operate a separate plant. Just the minute you establish a separate plant and establishment you obligate yourself to the operating expenses which, in a commercial business, is of first consideration. What is it going to cost you to run it?

Now, a conservative estimate of the overhead expense of running a separate establishment down the bay, away from Mare Island, would be about $2,000,000. That I think a very conservative figure. If you capitalize $2,000,000 at 4 per cent, you have a capital investment of $50,000,000, or at 5 per cent, of $40,000,000. Therefore, as a business proposition, you have got to include that figure. Now, when you add that $40,000,000, and I will take it at 5 per cent, I will say you have to borrow money at 5 per cent to make it as unfavorable as possible—$40,000,000 represents your capitalized investment on operating expenses, and with $60,000,000 as your first cost added to it, it amounts to $100,000,000, in round numbers. You balance against that what you have to expend at Mare Island to get the same thing. At Mare Island you have your repair plant, which, with slight modifications, can be made to meet the situation, and you have an estimated cost which Commander Cox has given you, I think he said, $3,000,000, in round numbers.

Mr. CURRY. Twenty-seven million dollars.

Commander GLEASON. Well, I will say $30,000,000. That is a direct expenditure which goes against this expenditure of $60,000,000 down below.

Now, of course, in handling these added appliances, the docking station, etc., that would necessarily mean an increase in the operating expenses of Mare Island as a unit, combined with the Carquinez Strait station; it would naturally increase the operating expenses. I have made a conservative estimate of $500,000, and I capitalize that at the same borrowing rate as representing an investment of $10,000,000. Add that to your $30,000,000 and you have $40,000,000 as the amount represented in the business sense in the Mare Island and Carquinez Strait proposition. Put that against your $100,000,000, and you have a difference of $60,000,000. That, in plain horse sense, business sense, is what another project down the bay amounts to. It amounts to a criminal expenditure of the people's money of $60,000,000. That, to my mind, is the controlling factor in the whole situation.

And I would like to add, in conclusion, that in my service here at Mare Island I feel proud of the fact that I have been connected with the organization, and I don't think I would have been where I am to-day, at the prime of life, if I had not been connected with such an efficient organization.

Senator BALL. Are there any questions?

Mr. BRITTEN. Yes; I would like to ask the commander a question or two. Commander, you are not a military man, are you? You are a civil engineer?

Commander GLEASON. I was educated in the Naval Academy as a naval man, and then in construction work. I am an engineer of naval architecture.

Mr. BRITTEN. I was rather surprised to hear you say that the one controlling factor, the predominant issue, in this matter is the expenditure of money. Do you really mean that literally—that that is really more important than the desirable military advantages?

Commander GLEASON. That is, assuming that you could get all the requirements of a naval base at Mare Island.

Mr. BRITTEN. You didn't say that. All the military advantages being equal, then?

Commander GLEASON. Not equal; no.

Mr. BRITTEN. Of course, the expenditure would be the controlling feature if all the military advantages were equal. But you didn't say that. I just wanted to get your opinion. Then, supposing there were some military advantages in any one of the other sites. How would you weigh that as against the expenditure of money?

Commander GLEASON. Well, I would say that it would have to have considerable weight to counterbalance $60,000,000. That is a pretty heavy consideration.

APPENDIX 4.

COMMUNICATION FROM CAPT. DUDLEY W. KNOX, UNITED STATES NAVY, SUBMITTED BY HON. C. F. CURRY, REPRESENTATIVE IN CONGRESS FROM THE THIRD CALIFORNIA DISTRICT.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 17, 1920.

Joint Senate and House Committee on Naval Bases on the Pacific Coast.

GENTLEMEN: Inclosed I am presenting for your information and to be printed as a part of the hearings at Mare Island on naval-base sites on San Francisco Bay and Carquinez Straits a copy of a telegram giving the opinion of Capt. Dudley W. Knox, United States Navy.

Captain Knox is at present commanding officer of the U. S. S. *Brooklyn*, and has studied San Francisco Bay and its contiguous waters thoroughly. He was a member of Admiral Sims's staff during the recent war, holds a Naval War College diploma, was a member of the staff of the Naval War College, and was three times awarded the Naval Institute medal. He is considered one of the great strategists in the United States Navy.

Sincerely yours,

C. F. CURRY,
Member Congress, Third California District.

[Copy—Western Union telegram.]

VALLEJO, CALIF., *December 14, 1920.*

Congressman C. F. CURRY,
House of Representatives, Washington, D. C.:

Following military study just received from eminent authority; believe it excellent and extremely important to place before commission at once. Original going forward by mail to-day.

"Comparison between Alameda, Hunters Point, and Carquinez sites for a naval docking and repair station from the (1) military, and (2) seaman's viewpoint. Preliminary to any detailed consideration it is desirable to formulate a conception of the functions of a San Francisco Bay naval base, and the scope of its activities in a war in the Pacific. Such a war will assume one of two general characters: (1) A strategic offensive, requiring our fleet to undertake a mid-Pacific or a trans-Pacific campaign, and (2) a strategic defensive necessitating the retention of our fleet in home waters to combat a superior enemy on our own coast. In either case San Francisco Bay will necessarily become the main assembly and mobilization point—owing to its location, railroad connections, and the size of protected anchorage afforded. Other Pacific coast ports may be utilized for fleet detachments, but the fleet as a whole must be served primarily by San Francisco Bay considered as a whole. A great number of vessels must be assembled, including fuel ships and other auxiliaries; probably the entire anchorage ground in the bay will be occupied. The function of the base will be to serve this armada primarily in regard to (1) furnishing fuel and supplies; (2) fitting out; (3) docking and major repairs. (Minor repairs will be done by repair shops and ships' own crews.) During the progress of an offensive campaign carried into mid-Pacific or beyond, San Francisco Bay will continue to be a primary supply terminal, at which great numbers of supply ships will call constantly for cargoes and a small percentage of both supply ships and fighting ships will require the services of the docking and repair station at all times. During the continuance of a defensive campaign the fleet as a whole is likely to spend much time at anchor within San Francisco, ready to sail on a few hours' notice.

"Under the latter conditions the demand for large quantities of fuel and other supplies will be constant, but the percentage of ships requiring docking and major repair service at any one time will be small. It is further desirable to examine the relationship between the above primary functions of the base and the precise location of the docking and repair station. A glance at the map will indicate the impracticability of supplying efficiently from one point a fleet extending from off Benicia to the vicinity of Palo Alto—an anchorage ground 50 miles in length.

Necessarily the Government will utilize nearly all the commercial distributing facilities in the bay to supply fuel and other stores to such a fleet. Obviously such a supply system will have no vitally direct connection with the docking and repair station and need not be located at such station. In so far as meeting this fleet need is concerned, the precise location of the docking and repair station is not affected vitally. As a matter of fact confusion of thought will be avoided by regarding the docking and repair station not as the base but in its true rôle as merely one unit of the base. For fitting out, docking, and major repairs only a small portion of the fleet will require service at any one time, for which purposes they will take up temporary berths alongside or near the docking and repair station.

"Considering that the Grand Fleet at its principal operating base during the war (Scapa Flow) was 200 miles from its principal docking and repair base (Rosyth) it should be apparent that the precise location within San Francisco Bay of the docking and repair base is inconsequential in so far as serving the fleet in these capacities is concerned. Hence it is apparent that the precise location of the main docking and repair station on San Francisco Bay bears no close relationship to the ability of such a station to fulfill its primary functions of (1) fitting out, (2) docking and major repairs, and the location of the docking and repair station is still further unrelated to the function of supplying the active fleet. It is only necessary that the site chosen shall satisfy (1) engineering, (2) industrial, (3) military, and (4) seamanship requirements. The two former are outside the scope of this paper. Since the sites at Alameda and Hunters Point possess virtually the same advantages and disadvantages from the military and seamanship aspects, they will be considered herein jointly as lower bay sites.

"1. Military aspects: The military questions regarding the precise location of a docking and repair station upon San Francisco Bay pertain exclusively to security against enemy action; such action may take the form of—

"(a) Bombardment from seaward: The lower bay sites are within easy bombardment ranges of the largest naval calibers from positions off a long stretch of coast.

"The Carquinez site is considerably better protected both on account of its greater distance from the coast and of the shelter of higher land. The general question of the feasibility of effective bombardment of fortified shore positions from seaward has been debatable for many years. The problem is affected materially by such questions as (1) the relative range and power of the shore and ships' batteries; (2) the relative strength of the opposing aerial forces; (3) protection given the port by mines and submarines; and (4) conditions of visibility. These are all variable and hence cause variable results. Extensive bombardment operations were conducted over a long period of time by the British during the late war against the Dardanelles and also against the very strongly fortified Belgium coast, with varying degrees of success, depending upon the above-mentioned conditions. Considering the experiences of the late war, together with mechanical and other improvements likely to be developed in the future, the danger to the 'lower bay site' from enemy bombardment, especially during the absence from port of our fleet, is a material disadvantage as compared with the Carquinez Strait site.

"(b) Attack by land or air forces: Such operations presuppose the enemy to be established ashore in the eastern Pacific. Unless our fleet is considerably inferior to the enemy fleet they are negligible possibilities. The contingency is so remote as hardly to warrant taking into account. If there is any advantage in these particulars it rests with the Carquinez Strait site.

"1. Seamanship aspects: The severe southerly gales which are frequent about San Francisco during the fall and winter are a positive drawback to the 'lower bay sites,' which are much exposed to wind and sea from that quarter. Docking, the operation of small craft, and other ordinary processes will necessarily be interrupted seriously during such gales.

"The Carquinez Strait site, on the other hand, is advantageously situated in this respect, being well sheltered by the close proximity of high land in the dangerous quarter. The frequency of fog in San Francisco Bay renders navigation somewhat difficult. There is less fog in the upper bay, which offers some advantage to the Carquinez site for the handling of vessels in the immediate vicinity of the station. On the other hand, this is counterbalanced by the longer average distance which ships must travel to reach Carquinez than would be necessary to reach a lower bay site. The tidal currents are inconveniently great, but virtually appear to disclose an important advantage of the lower bay sites in the greater width of the harbor in their vicinity, thus permitting large ships to be maneuvered more safely. Undoubtedly this is of some advantage. But whether or not this condition should be a decisive consideration in eliminating Carquinez Strait must depend upon the degree of inconvenience and the danger involved in maneuvering large ships in Carquinez Strait and whether such danger and inconvenience can be reduced to a reasonable minimum by ordinary means, such as wharves, tugs, buoys, etc.

"Perhaps the best way to determine this essential fact is by comparison with other places at which large vessels are maneuvered under circumstances similar to those which would obtain at Carquinez Strait, including similarity of tidal conditions. The space immediately ad-

jacent to the Carquinez Strait site that would be available for the maneuvering of large ships incident to dock-yard purposes corresponds almost exactly in width to similar space at Rosyth, Scotland, the great British dock yard which served the larger units of the Grand Fleet during the late war. Maneuvering widths are considerably smaller still at all other big British dock yards, including those at Cromarty, Sheerness, Chatham, Portsmouth, and Devonport. The principal anchorage adjacent to the New York Navy Yard is in the Hudson River off Manhattan Island, where the deep-water maneuvering width is less than that off the proposed Carquinez Strait site. The largest vessels in the world are handled habitually in the Hudson River.

"In the great fleet anchorage off Hampton Roads the average width of the channel deep enough for battleship maneuvering (35 feet) is virtually the same as the deep-water maneuvering space off the Carquinez site. In places Hampton Roads is slightly wider and elsewhere slightly narrower. Hence it appears that the channel width off Carquinez site is ample to meet the ordinary demands of convenience and safety, considering the liberal number of berths alongside wharves provided in the Carquinez Strait project, the ease and safety with which large vessels may be handled there under adverse circumstances of tide by means of tugs, warping lines, etc., and the fact that the Carquinez site maneuvering space is capable of large expansion at small expense in the event of a considerable increase in the number of vessels to be handled (by extension of the western scour bulkhead). The moderate width of the maneuvering space is adequate and is not a serious disadvantage. The superiority of the Lower Bay sites in respect to maneuvering appears to be more than counterbalanced by their inferiority in respect to exposure to gales for which there is no reasonable remedy.

"Conclusion.—(1) From a military standpoint the only important difference between the Carquinez site and the Lower Bay locations is a considerable superiority possessed by the Carquinez site on account of its being more secure against enemy bombardment from seaward. (2) From a seamanship standpoint there is no important defect in the Carquinez site. In balancing the several advantages and disadvantages of the two general localities (Carquinez and Lower Bay) the superiority is in favor of the Carquinez Strait project.

"DUDLEY W. KNOX,
"Captain, United States Navy."
E. L. BEACH,
Captain, United States Navy.

APPENDIX 5.

NOVEMBER 19, 1920.

Hon. CHARLES F. CURRY.

MY DEAR MR. CURRY: Understanding that you had in mind to call upon me for an expression of views upon the military features of a naval base at Mare Island as compared with the other sites under consideration by the congressional committee yesterday, when I was, through a misunderstanding, absent from the meeting, I am submitting the following for consideration by the committee if it is not too late and if you can place it before them. Before doing so I think I should attempt to qualify as an expert by stating the experience I have had in connection with the study of localities for naval bases. I have been a member of two classes at the Naval War College and was subsequently among those retained after my second War College course as members of the War College staff, and I served on that staff for over two years. In consequence of my War College experience and training I have been assigned to special reconnaissance duty during four subsequent cruises for the purpose of examining harbors for naval bases, both major and minor, in both the Atlantic and Pacific Oceans. Under these assignments I have made special reconnaissance of practically every harbor on the Atlantic coast of North and South America as far south as Bahia, Brazil, and all of the islands of the Atlantic between America and Europe for the purpose of collecting data for both grand fleet bases and advance bases to be used in the event of European wars and of all harbors on the Pacific coast of America as far south as Panama and of many of the islands of the Pacific between North America and Asia to collect data in connection with home bases and advance bases in event of a war with an Asiatic power. I believe that in this work I have had as much, if not more, experience as any other officer in the Navy.

In his remarks concerning the military features of the naval base on San Francisco Bay, Captain Potts invited attention to the fact that a hostile fleet, by approaching the coast south of Golden Gate out of range of the land defenses at the Gate, could take up a position somewhere near Half Moon Bay, from which it could effectively shell a naval base at Hunters Point.

This was admitted to be a fact by Congressman BRITTEN, but the latter asked it if was not feasible to have mobile batteries of heavy guns on a railway along the coast which could be advanced as far down the coast as might be necessary to drive a hostile fleet out of range of the Hunters Point site. Of course, as a military engineering proposition, this is possible, but it admits, from a military standpoint, that the Hunters Point site is a vulnerable one and would require such protection, whereas the Mare Island site, over 30 miles retired from the coast, would not. Furthermore, it being admitted that the Hunters Point site (and what I say of Hunters Point is almost equally true of the Alameda site) will need mobile coast defense guns, the cost of such military protection and its maintenance should be included in the consideration of the cost of a base at Hunters Point. This cost, I am sure, would be far in excess of the cost of such mobile batteries as we used them in France, which was enormous in proportion to fixed defenses, for the coast line from Golden Gate to Half Moon Bay is a succession of hills, canyons, and precipitous cliffs entirely without any existing railroad which might be utilized, and differing vastly from the fields of France.

It should be borne in mind in connection with Hunters Point that it lies upon a narrow peninsula between San Francisco Bay and the ocean, and if the naval base were established there the enemy would be strongly tempted to attempt its destruction by a raid with a strong land force put ashore from the fleet somewhere down the coast of the peninsula; while Mare Island, located more than 30 miles away from the coast and on the farther side of the bay, would be almost immune from such an attack.

Remembering that in our recent war with Germany our fleet in the Atlantic did not take up its base at Hampton Roads during its period of inactivity, but retired to positions of greater security in the James and York Rivers, even though a prospect of a raid from the sea was extremely improbable, it seems a logical conclusion that in the event of a war in the Pacific the commander in chief of a fleet on the Pacific coast would not send his ships or his divisions, during a temporary period of inactivity, to anchorages in San Francisco Lower Bay, but would send them, as was done in the Atlantic, to the remotest deep-water anchorage accessible from the bay; in other words, to Carquinez Strait. That being probable, and other things being equal, it is there that they should find the facilities for docking and repair. An examination of the charts will show that the deep-water anchorage area in and around Carquinez Strait is practically as great as that in the vicinity of Hunters Point and Alameda. No area in and around San Francisco Bay would accommodate the whole grand fleet in time of war, and it would be contrary to all military ethics to assume that the whole fleet would ever have to be so accommodated during the actual operations of war.

I have seen it frequently stated that the maintenance of a deep-water channel through the Pinole Shoal—in other words, San Pablo Channel—would have to be considered in connection with the naval base on Carquinez Strait. I feel absolutely certain that commercial necessity will, in the future, keep open that deep-water channel to the industries which are developing along the trunk-line railroads which flank Carquinez Strait and that never a penny will be needed for that purpose from a naval appropriation. The deep-laden freighters which must reach those commercial industries will draw just as much water as a dreadnought.

I have also seen it stated that a disabled dreadnought drawing perhaps 7 or 8 feet more than normal condition, could not reach a dry dock in Carquinez Strait. As a matter of fact, the depth of water at mean low water through San Pablo Channel is just as great from a navigable standpoint as the depth of water in the channels over the bar outside of the Golden Gate, and the rise and fall of tide of 7 feet in San Pablo Channel would permit any disabled dreadnought which could get into the Golden Gate to reach the docks on Carquinez Strait twice a day.

There is another military feature, which has a collateral rather than a direct bearing upon the selection of the naval base, and that is its vulnerability to bombing from aircraft. So far as that is concerned every site under consideration would be equally vulnerable; and the only effective protection, wherever the base might be located, would be a greater air force than the enemy had. There would be, however, what might be termed a "psychological military disadvantage" in this connection if the base were at Hunters Point or Alameda, for the attempts at bombing would be equally destructive to the city of San Francisco itself, and as such attempts would be persistent and unceasing there would be the gradual weakening of the resisting morale of that vast community, which would have its influence toward terminating the war before the object for which we were fighting had been fully attained. If the base were at Mare Island, where the community is a small one and the esprit almost entirely of a military or a semimilitary character, this psychomilitary disadvantage would disappear.

Mahan has stated that the fundamental considerations for determining upon a naval base are its position, its strength, and its resources. In resources, Mare Island has the advantage of an already established industrial plant for the building and repair of vessels and of an already established and highly organized industrial community. In strength, which means security from attack and defensive characteristics, Mare Island has the undisputed advantage over all other sites on San Francisco Bay of remoteness from the ocean, behind the screen of the high-powered guns at the Golden Gate, and of long, circuitous, and almost impracticable routes of approach from the sea by landing forces. In position, it lies contiguous to a commodious deep-water anchorage, flanked by the main transcontinental trunk railroad lines, and accessible to the deepest draft war vessels now afloat at all stages of the tide, and also accessible to them if in a damaged condition at or near high water twice a day.

What I have stated is not influenced in the least degree by any personal sentiment or interest in Mare Island or its locality. Most of my shore duty has been on the Atlantic coast, at the Naval Academy, in the Navy Department, and at Newport, R. I. My study of San Francisco Bay began about nine years ago, when, with all the equipment of my intensive training in reconnaissance, my attention was focused on the locality through my assignment to command a capital ship on the Pacific coast. Up to about a year and one-half ago, however, I could not find any one site which satisfied all the conditions requisite for a major naval base, and my testimony before the Helm Board in Washington in 1916 will show that I have, until recently, been of an open mind and without conviction as to the best site. In my search, however, I found my professional mind turning back again and again toward Mare Island, but I was always brought to a standstill by visualizing the narrow and comparatively shallow straits lying between Mare Island and Vallejo. And this, I believe, is the vision which arises in the minds of all officers and others who have in the past given Mare Island consideration for a naval base. About a year and one-half ago, when I was captain of the yard at Mare Island, I was called upon by the public works officer to look over a plan for dry docks and piers at the south end of the island, abutting upon Carquinez Strait—in other words, the plan which is now before the congressional committee. Immediately upon seeing this I realized that my problem had been solved. I felt exactly like a mathematician who has worked persistently and unsuccessfully upon a difficult equation until nearly giving it up and then comes upon a definite, concrete, exact solution. In other words, with all the military, industrial, engineering, and economic factors on one side of the equation, I had been unable to find the value of "X." The plan then unfolded to me, and now before the congressional committee, shows conclusively and convincingly, to my mind, the value of "X" to be Mare Island.

Yours very truly,

J. M. ELLICOTT,
Captain, United States Navy, retired.

OFFICE OF PRESIDENT, NAVAL GENERAL COURT-MARTIAL,
Navy Yard, Mare Island, Calif., November 23, 1920.

Hon. CHARLES F. CURRY,
House of Representatives, Washington, D. C.

MY DEAR MR. CURRY: Noting that in the final meetings of the congressional committee on the San Francisco naval base the point was raised that the Carquinez Strait site offered insufficient anchorage room and that there was not room at that site for maneuvering vessels of the fleet, I would like to amplify my previous remarks upon that subject in the fourth paragraph of my letter of November 19, 1920. As to anchorage room, I think some confusion of thought must have arisen between a naval base and a fleet rendezvous. A commander in chief, even in time of peace, endeavors to keep his fleet away from a naval base as much as possible, sending only such vessels to the base as must necessarily go for docking, repair, revictualing, or refueling, and endeavors to get them away from there again as quickly as possible. In time of war his effort in this direction would be still greater, so it is scarcely conceivable that more than 25 per cent of his fighting force

would be at a base at one time. The Carquinez Strait anchorage is about 8 miles long and almost uniformly one-half mile wide, excepting abreast the proposed dock sites, where it is three-quarters of a mile. It would thus accommodate, in single column, at single anchors, with from 45 to 60 fathoms of chain, at least 24 first-line battleships or dreadnoughts, and if permanent moorings were placed, it would accommodate double this number. Fourteen more could be accommodated in the proposed slips at the docking site. Riding at a single anchor alone, therefore, there is room in Carquinez Strait for all the first-line battleships or dreadnoughts we have in the Navy or building to-day. In addition to this anchorage area, there extends from Benicia northward, along the Solano County shore, a further anchorage area, three-quarters of a mile wide and 4 miles long, which would accommodate, at a single anchor, at least 50 war vessels drawing 20 feet or less, such as destroyers, or twice that number at fixed moorings, in the most sheltered position to be found anywhere around San Francisco Bay. This, together with the berthing space in Mare Island Straits, gives the Carquinez site an anchorage berthing capacty for at least one-quarter of a war fleet of 700 vessels. Both the Carquinez Strait anchorage and the Hunters Point-Alameda anchorage are sufficient for all possible contingencies which could arise now or in the future, and, for fleet rendezvous purposes, the large anchorage areas from the commercial fairways between San Francisco and Oakland to the entrance to San Pablo Channel would be auxiliary to either the Carquinez Strait site or the Hunters Point-Alameda site, according to which is ultimately chosen for the naval base. So far, then, as anchorage room is concerned, honors are absolutely even between the three main sites under consideration in San Francisco Bay.

The point raised that there is not maneuvering room is rather hard for me to understand. No maneuvers are ever attempted or contemplated or in any way necessary at a naval base, excepting those of entering and anchoring, or of getting under way and leaving, or of entering docks or slips. At least five divisions of dreadnoughts could enter Carquinez Strait and anchor in column of less than the same number could enter the anchorage area between Hunters Point and Alamdea and anchor in double column, which would be necessary, because that area south of the commercial fairway between San Francisco and Oakland is broader and shorter than the Carquinez Strait area. Entering and leaving docks and slips would be just as easy in either locality. Getting under way and leaving during a flood tide, which would naturally be chosen, excepting in emergency, would be equally easy in both localities. If an emergency arose requiring the departure of vessels during an ebb tide, the Hunters Point anchorage would be just as much congested with its five divisions in double column as the Carquinez Strait locality with its five divisions in single column, and the time necessary to get all the ships under way and in formation, beaded out, would be practically the same. Assuming only a single column of dreadnoughts anchored off Hunters Point, it is probable that they would back and fill once in order to turn around during ebb tide, just as vessels in Carquinez Strait would have to do. Even if they did not, there could scarcely be a difference of more than 20 minutes in getting turned and pointed out. Moreover, turning in Carquinez Strait, where the deep water lies close to high land or unmistakable landmarks on either side, could be done with much less chance of getting aground than turning between Hunters Point-Alameda, where the deep water is flanked by a mile or more of shoals under water, and this would be especially true in a fog.

In paragraph 2 of my letter of November 19, concerning mobile batteries for driving a hostile fleet away from the vicinity of Half Moon Bay, I failed to mention that the railway for transporting such batteries could not run along the seashore, because it would be exposed to destruction by enemy gunfire, but would have to take the more difficult engineering routes through the hills, back of the seashore, and also that such batteries would be impotent in a fog where the hostile fleet could approach the coast on soundings, unseen, and take up their bombardment.

In rebuttal of Captain Potts's statement that Hunters Point was within reach of the 14-inch guns of an enemy fleet, a member of the committee remarked, "So was Helgoland." This would be an incorrect comparison, for Helgoland was not a naval base but an outlying fortress screening a naval rendezvous and naval bases in its rear, precisely as the forts at our Golden Gate would screen a naval base in Carquinez Strait.

Yours very truly,

J. M. ELLICOTT.
Captain, United States Navy, retired.

APPENDIX 6.

BENICIA ARSENAL,
Benicia, Calif., November 21, 1920.

Hon. CHARLES F. CURRY,
Member of Congress, Third California District,
House of Representatives, Washington, D. C.

DEAR SIR: 1. In reply to the questions asked in your telegram dated November 20, 1920, there are specified below my qualifications as an expert and my professional opinion regarding the comparative merits, as viewed from a military standpoint, of the three naval base sites under consideration in the San Francisco Bay.

2. The following experience indicates my qualifications as an expert:

(*a*) Graduate United States Military Academy, West Point, N. Y., class of 1894.

(*b*) Six years' service in the Artillery Corps, three of these in the Coast Artillery and three in the Field Artillery. During a part of my service in the Artillery I was stationed at the Presidio of San Francisco.

(*c*) Approximately 21 years' service as an officer in the Ordnance Department of the United States Army. During approximately seven years of my service in the Ordnance Department I was on duty in the War Department, holding important assignments having to do with the designing and manufacture of coast defense and field artillery guns and ammunition.

(*d*) I had active service in the World War on the staff of General Pershing as chief ordnance officer, First Army, American Expeditionary Forces, throughout practically all of the activities of the American forces in France.

(*e*) From my former service at the Presidio of San Francisco and my service for the past 20 months as commanding officer of the Benicia Arsenal, located on the Carquinez Strait, approximately 10 miles from the Mare Island Navy Yard, I am thoroughly familiar with the geography of San Francisco Bay, the location and character of the fortifications at the entrance to San Francisco Harbor, together with the character of the coast line and waters adjacent thereto.

3. The three proposed naval base sites to be given consideration are Hunters Point, Alameda, and Carquinez Strait (Mare Island), respectively. As regards the possibility of bombardment, an examination of the Coast and Geodetic Survey chart No. 5530 covering San Francisco Bay shows that the proposed sites at Hunters Point and at Alameda are well within the range of the large caliber guns of modern battleships lying offshore over approximately a 25-mile stretch from Half Moon Bay on the south to Bolinas Bay on the north of the entrance to San Francisco Harbor. In view of the local fog conditions which sometimes cause the forts at the entrance to San Francisco Harbor to be enveloped in fog while the coast to the north or south is comparatively clear, it seems possible for an enemy fleet to bombard the vicinity of San Francisco without the coast-defense guns being fully effective in reply. Such an attack would, of course, be practicable only in the case of a naval raid or in case the enemy should have a temporary supremacy at that place.

4. I consider the probability of such a bombardment as not great, but the location of a navy yard close to the large cities of San Francisco and Oakland, would, in my opinion, be objectionable in that it would increase the incentive to an attack as well as the area of the target for long-range fire. An examination of the chart previously referred to shows that the Carquinez Strait site—Mare Island—is so far inland as to be beyond the range of the most powerful ships' guns from any point on the coast. Before its being brought within range it would be necessary for warships to pass from the lower bay up the channel beyond Angel Island.

5. As regards the defense by land fortifications, these would give a reasonably satisfactory defense, but not a complete one. The primary purpose of the land fortifications is to prevent an enemy fleet from entering San Francisco Harbor. A secondary but important purpose is to prevent the bombardment of the city of San Francisco. But this can not be guaranteed under adverse weather conditions, especially in view of the very long range guns that are being mounted on the latest battleships.

6. As regards the use of railroad guns and their effectiveness against capital ships, it may be stated that the primary purpose of railroad guns is to prevent the landing of troops and their advance inland. As compared with guns in permanent fortifications, this type of artillery is especially vulnerable to fire from high-power guns on warships and could not, in our opinion, be expected to successfully cope with such fire. It is a generally accepted principle of attack by fleets on shore defenses that the fleet will bring to bear a great superiority of gun power. Some ships would thus be allotted to keep down the fire of railroad artillery while others would be allotted for bombardment purposes. (There are no railroads running along the coast on the ocean shores north or south of the Golden Gate. The construction of such railroads would be for defense purposes only and would be ineffective, difficult of construction, and expensive. The cost of such roads and their military equipment with railroad guns, etc., should be added to the estimated cost of the constructon of a naval base on the lower bay.—C. F. CURRY, M. C., third California district.)

7. The effect of the presence of a naval base as an attraction inviting bombardment of the bay cities has already been referred to. The presence of an important navy yard would, in my opinion, invite bombardment both from warships and from airplanes with consequent increased danger to the adjacent cities.

8. From a military viewpoint one of the most serious dangers to which a navy yard at Hunters Point would be subjected is possible capture by a landing force which had been put ashore on the coast south of San Francisco and had marched overland. The Alameda site is subject to a similar danger, but to a somewhat less extent. The purposed Carquinez Strait site—Mare Island—is located far enough inland to be given materially better protection aganst a land attack. The Army General Staff some years ago laid down the principle that for defensive reasons no future arsenal for the manufacture or storage of Army ordnance supplies should be located on or near a coast line. A similar principle would seem applicable to naval activities in so far as is consistent with limitations governing the character of channels of approach or other purely naval considerations.

E. P. O'HERN,
Colonel, Ordnance Department, United States Army.

APPENDIX 7.

Mr. CURRY. Mr. Chairman, we have with us Mr. Howard C. Holmes, who is one of the best civil engineers we have in private practice here in the State. As I stated before, he was the engineer for the State harbor commission for a number of years and built the Hunters Point dry dock. Mr. Holmes has no financial interest in Vallejo. He has not been employed by any interest in Vallejo. He is not receiving any compensation either from the citizens of Vallejo or from the city of Vallejo or from its chamber of commerce. He has kindly consented to come here to tell you what he thinks, from his years of experience as an engineer on and around San Francisco Bay and its contiguous waters, as to where the proper location for a naval base should be.

Mr. HOWARD C. HOLMES. Mr. President, Mr. CURRY puts it a little strong when he says I come to give my opinion as to what I think. I am merely here to state facts as to conditions both at Hunters Point, Mare Island, and Alameda. My experience in Alameda first was in 1884. At that time I built the trestle and mole for what was then known as the South Pacific Coast Railroad. In fact, even earlier than that, some time in 1880, I designed the original ferry slip for that company. Since that time I have built the Western Pacific mole on the other side. My experience at Hunters Point has been in the designing and constructing of both the present dry docks at that point, and in 1913, I think, I made some soundings and some observations and a report on the south end of Mare Island for additional dry docks. As I said before, I won't attempt to comment on that. Since that time I have been employed by the contractors as engineer for making the borings and soundings both at Hunters Point and at Alameda, and I will state to you merely what I have found.

First, in regard to Alameda, I am satisfied that the only dock that could be practically built at the Helm board site at Alameda would be a gravity dock resting on a pile foundation. At the time of the hearing in September, 1919, at Mare Island, the writer testified before the Admiral McKean board, at which Secretary of Navy Daniels was present, to this same effect. Since that time I have had charge of the soundings taken there and am satisfied, as I stated above, that the only type of dock would be a gravity dock, constructed in a similar manner to that of the Pearl Harbor. This would involve the driving of some 10,500 piles, the excavation of between 750,000 and 1,000,000 cubic yards of material, the placing of about 160,000 cubic yards of mass concrete. While the dredging may seem excessive, I am satisfied that it would require fully this amount, for the reason that the strata of the subsoils is such that it would not stand at a slope of less than one in five to one in six.

Without going more into details, based on the present conditions of the material and labor markets, I am satisfied this dock could not be constructed for less than between $5,000,000 and $6,000,000.

Now, as to Hunters Point: From my investigations of the locality proposed for the three dry docks by the Helm Naval Board, I am satisfied that a dock in this locality would have to be of a combination type; that is, a portion would be a gravity dock, resting on a pile foundation; the middle section of the dock would consist of a gravity dock, resting on a rock bottom, and the balance might be of what is known as a veneer dock, similar to docks 2 and 3 of the Union Iron Works at Hunters Point proper.

The placing of these docks at the Helm's site would involve the moving of between one and a half and two million cubic yards of material, varying from green serpentine to quartzite. If there were no fault lines struck in the land portion of the dock, this dock would probably cost in the neighborhood of between $3,000,000 and $4,000,000. Of course, you understand that the cream of locations at this site are the present docks of the Union Iron Works, and any dock that might be built in the near future would cost from 100 to 200 per cent more than the above said docks.

The construction of a dock as above described—that is, a dock, resting partly on piles and partly on a solid rock foundation—is at the best poor practice, but I doubt if it would stand in the Bay of San Francisco, for the reason of the danger of earthquake disturbances. I am satisfied that an earthquake, even of the milder type, would rupture any dock of this character, for the reason that the material in which the piles are driven is more susceptible to earthquake waves than would be the land portion, theoretically to the extent of seven to one.

The location of the docks at Mare Island, as suggested by Commander Cox, would, if they could be built in the dry and veneered so that the 2-foot thickness of concrete, involving the use of some 30,000 cubic yards, would be sufficient, should not cost to exceed $2,500,000. This is exclusive of the excavation necessary to prepare the site for the docks, which would involve the removal of some 3,000,000 cubic yards of material.

In the Alameda site it would be necessary, in order to reclaim the land for the proposed site, to construct retaining walls around the entire area. No portion of such retaining walls could be built of any material on the ground. It would necessitate the bringing of rock to the site that was not subject to disintegration by the action of the salt water, or, say, in the matter of dollars and cents, a retaining wall for Alameda of such rock would not cost less than $30 per linear foot.

What retaining walls that would be needed at either Mare Island or Hunters Point could be constructed, as far as the core is concerned, with the material excavated from the site—that is, in the first case, sandstone, and in the second case, green serpentine. The cost of such walls would be probably nil, as the material excavated could be taken directly to the site. The question of dredging both at Hunters Point and Alameda is a much larger proposition than that at Mare Island. The question of walls and docks, etc., at Alameda would probably be at least from 50 to 75 per cent more expensive than those at either Mare Island or Hunters Point. In the latter cases, they would be about the same. Of course, any walls or piers constructed at any naval base would have to be of extra heavy type ranging in cost from $5 to $9 per square foot.

At the various sites the structures for appurtenances would have to have a pile foundation. Those, of course, at Alameda would be more expensive than either those at Hunters Point or Mare Island. The cost of caissons, pump houses, and other machinery would cost the same at all three localities. Undoubtedly the transportation of materials would cost less at Hunters Point and Mare Island than they would at Alameda, and I am satisfied, without going into details, the cost of upkeep in the matter of dredging would be greater at both Alameda and Hunters Point than it would be at Mare Island. Without comment on any reason for this, I think that a glance at the maps would be sufficient argument to substantiate this statement.

I will say, furthermore, in regard to Alameda, the reason why they would have to have this Pearl Harbor type of dock is that the bottom of any gravity dock at this location would be below the line of seepage; that is, there is water strata all through this location, and the strata run from 40 feet below to 120 feet below the surface, being water-bearing sand and some of it almost quicksand.

Of course, at Hunters Point, you can realize that there could not be any dock built there in any locality that would cost as little as either Dock No. 2 or Dock No. 3. They were veneered from top to bottom. But I am satisfied to-day that they could not be duplicated for double the cost, and that any dock now built at any site at Hunters Point would cost now fully double what a dock could be built for then, even at the site at which those are built that are now there.

Mr. BRITTEN. May I ask Mr. Holmes a question there?

Senator BALL. Yes.

Mr. BRITTEN. Mr. Holmes, did I understand you to say that there would be more dredging at Hunters Point and at Alameda than there would be up here at Mare Island?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. Just where did you get your calculations for it?

Mr. HOLMES. I get my calculations from the contour lines.

Mr. BRITTEN. The contour lines?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. And where do you figure the base is to be laid up here—did you figure on Carquinez Strait?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. On whose plans?

Mr. HOLMES. I made the original survey there myself in 1913, but I figure on Commander Cox's plans.

Mr. BRITTEN. Which one is that?

Mr. HOLMES. This one here [indicating].

Mr. BRITTEN. The one on the right hand?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. You are not talking about the relief map now?

Mr. HOLMES. Yes, sir; talking about the relief map.

Mr. BRITTEN. That does not show Carquinez Strait, does it?

Mr. HOLMES. Oh, yes; that is Carquinez Strait.

Mr. BRITTEN. Oh, I see what you mean. Were those plans gotten up by the Bureau of Yards and Docks?

Mr. HOLMES. I think not.

Mr. BRITTEN. They were not?

Mr. HOLMES. I think not.

Mr. BRITTEN. I wonder if they were submitted to the Bureau of Yards and Docks.

Mr. HOLMES. I don't know.

Mr. BRITTEN. Commander Cox, can you answer that?

Commander COX. They were included in a report that was submitted to the Secretary of the Navy. I have no knowledge of what became of them afterwards.

Mr. BRITTEN. I am just trying to find out and determine on what Mr. Holmes bases his estimate of the amount of dredging necessary to be done as between Hunters Point and Carquinez Straits.

Mr. HOLMES. I base it on the strength of that model, and I know what Hunters Point is from having worked there and from the Helm plan.

Mr. BRITTEN. Is it possible to build another veneered dock at Hunters Point?

Mr. HOLMES. Yes.

Mr. BRITTEN. You said something about earthquakes?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. Have recent earthquakes affected the present docks at Hunters Point?

Mr. HOLMES. No, sir. But that all rests in the solid rock.

Mr. BRITTEN. Something was said yesterday along that line, Mr. Holmes, to this effect: That a dock built directly on stone, with veneer, such as you have there, would be more susceptible to earthquake than one built on piles. What is your impression of that?

Mr. HOLMES. My answer to that would be just the same comparison as was made of the man in jail when his attorney told him they could not put him in jail. The dock is still there, and it has been through several earthquakes, and even the chimney was not disturbed. The only effect of the earthquake of 1906 was that on the upper end of that dock—that is, on what you would call the westerly end—was about a 40-foot fill, and that fill settled. In other words, the earthquake shook the earth down the same as you would shake potatoes down in a barrel or a basket, otherwise it didn't affect it. The chimney is slightly cracked, but it is there now.

Mr. BRITTEN. Are you quite satisfied of the fact that if a combination dock were built at Hunters Point, part on gravity, part on piles, and part as a veneer, that an earthquake would affect that kind of a dock

Mr. HOLMES. I would not like to build it; I would not like to guarantee it. I think that is poor construction, aside from the matter of earthquake. It is not considered good construction, part of it founded on piles and part of it in rock foundation.

Mr. BRITTEN. Then, from what you have said, it is practically impossible, or really impracticable, to build another dock at Hunters Point?

Mr. HOLMES. No; because another character of dock could be built on either side of the present docks, both north and south.

Mr. BRITTEN. That is, a thousand-foot dock?

Mr. HOLMES. Yes, sir.

Mr. BRITTEN. So that Hunters Point is practically eliminated from this consideration.

Mr. HOLMES. If available land—if you could have the land owned at the present time by the Bethlehem Steel Co. and the land to the north, you could probably build two additional docks there, that would be—well, while they would not be fully veneered docks, they would be docks resting on solid rock foundation.

Mr. BRITTEN. The land to the north belongs to the State and to the county, does it not?

Mr. HOLMES. No; it belongs mostly to the same company that owned the old California dry dock. There is a little piece in there called "Dry Dock Basin" that belongs to the State of California. But it is very small.

Mr. HICKS. Is it not a fact, Mr. Holmes, that noted scientists and geologists all agree, and, in fact, it is printed in one of these hearings that we have, that a rock formation is less susceptible to earthquakes than any other formation?

Mr. HOLMES. I think I would rather have my house founded on a rock foundation than otherwise during an earthquake.

Mr. HICKS. I think that is covered very fully here.

Mr. PADGETT. You spoke about the dock at Hunters Point, Mr. Holmes, and you said part of it would be a gravity dock. You mean by "gravity dock" a dock similar to the Pearl Harbor Dock?

Mr. HOLMES. Yes, sir.

Mr. PADGETT. In other words, that it would be a floating dock, a little heavier than the water.

Mr. HOLMES. Yes, sir.

Mr. PADGETT. Then the other part of the dock would be a permanent dock on the land?

Mr. HOLMES. Yes, sir. If you will allow me——

Mr. PADGETT (interrupting). Here is one part of it, and here is the other [illustrating by drawing], and you have got the gravity part as the Pearl Harbor Dock that is resting on the water, and the other one is permanent construction in the land?

Mr. HOLMES. Yes, sir.

Mr. PADGETT. I don't think that needs any argument as to not being advisable.

Mr. HOLMES. I don't think so, either.

Mr. BRITTEN. Just at that point, and for the record—I recognize this gentleman's ability: Supposing a dock were constructed along the lines suggested by you, could not that be sufficiently tied by reinforced concrete so as to make it more or less impervious to an earthquake?

Mr. HOLMES. I think in the case of an earthquake the reinforcement would not do much good.

Mr. BRITTEN. You don't think it would?

Mr. HOLMES. No, sir. I know that at the time of the earthquake I was engineer of the harbor commission, or rather had just left there, and you could notice there was a decided difference. For instance, the Ferry Building itself rests on piles. The first fill back of that rests upon a pile platform, and back of that is a fill on the mud, and that fill is 40 to 50 years old. But you could see the distinct line of demarcation between those different fills. In other words, of course, the building moved not at all. The portion of filling on piles settled somewhat. The fill resting on mud settled anywhere from 3 to 5 feet below the level of the docks, showing distinctly the different effects. You understand that properly, Mr. BRITTEN, that in the mud in front of the Ferry Building—there has never been any bottom struck. Wells have put down as deep as 200 feet and exactly the same character of mud was found, except it was a little denser, and a foundation resting on piles depends solely on the skin friction of the piles in the mud.

Mr. PADGETT. From the borings that you made over at Alameda did you get to a permanent, solid bottom for the piles to rest on, or would some of the piles have to depend on skin friction?

Mr. HOLMES. You might get something to hold your piling, but the question is, what is below that? We bored to about 150 feet.

Mr. PADGETT. You went to 150 feet?

Mr. HOLMES. Yes, sir.

Mr. PADGETT. Were you still in water at 150 feet?
Mr. HOLMES. No; we struck what we called a clay formation.
Mr. PADGETT. But you did not go below that?
Mr. HOLMES. No, we did not go below that.
Mr. PADGETT. You would have to have piles, though, going from the surface to that depth of 140 to 150 feet?
Mr. HOLMES. Yes; and below that.
Mr. PADGETT. And go partly into that clay?
Mr. HOLMES. Well, to be plain, Mr. PADGETT, at the Alameda mole, and all through that country, you depend upon what you call skin friction piling. In some cases in the western Pacific mole there is some hardpan, but the most of it depends on friction of the mud around the piles.
Mr. PADGETT. Would it be advisable to rest a dock as heavy as this dock would be, and with the load in it, upon piles depending upon skin friction alone?
Mr. HOLMES. That is what you have at Pearl Harbor now.
Mr. PADGETT. But that is slightly heavier than the water itself.
Mr. HOLMES. Yes; that is what this dock would be—the same type of dock.
Mr. PADGETT. At Alameda?
Mr. HOLMES. Yes, sir; constructed in the same manner.
Mr. PADGETT. Just slightly heavier than the water?
Mr. HOLMES. Yes. It is of the same type. There is another matter I would like to bring to the attention of you gentlemen, and that is the comparison that was made at the San Francisco hearing—it may not be the proper place here; it may be that it should be made on Friday—the comparison of the cost of the Dock No. 2 at Mare Island and the Dock No. 2 at Hunters Point.
Mr. PADGETT. The one at Pearl Harbor was largely experimental.
Mr. HOLMES. I am speaking now about the comparison in cost of the dock at Mare Island and Dock No. 2 at Hunters Point. They are identical as to size.
Mr. PADGETT. Oh, I thought you said Pearl Harbor.
Mr. HOLMES. At the Mare Island Yard they had a similar experience with Dock No. 2 that they did at Pearl Harbor. The dock was started by the cofferdam method and was a failure. They spent something in the neighborhood of, I think, a half million dollars. Then there was a successful design made for a self-contained cofferdam, which is what they originally started at Pearl Harbor, where it was not successful. On the other hand, the dock at Hunters Point, Dock No. 2, is virtually entirely veneered, and there was no experiment there. I was there from the time it was first started to the date of its completion. There was but something like one-half of 1 per cent extras. In other words, there was no change in plans. So I claim that the comparison as to costs made between the Mare Island dock and the Hunters Point dock is not right. That is, in reality the Mare Island dock would not cost as much in excess of the Hunters Point dock. It would cost probably three times as much, but not four or five times as much as stated at the San Francisco hearing.

APPENDIX 8.

WAR DEPARTMENT, AIR SERVICE,
OFFICE OF THE DIRECTOR,
Washington, December 7, 1920.

DEAR MR. CURRY: I am answering your question of yesterday regarding the location of Mare Island Navy Yard from the standpoint of aerial offense and defense.

The fact that the Mare Island base is 26 miles from the coast line gives it a slight advantage over a station situated nearer the coast. The important factor is having aerial defense stations located close enough to provide the proper defense. The naval base at Mare Island is not located near any large center of population and, therefore, is not dependent on any big city for lines of communication or supplies. This in itself is a good point, inasmuch as a successful bombardment of a big city could easily disrupt all lines of communication in the immediate vicinity.

A rather general survey of the question would lead me to believe that the Mare Island naval base is strategically located from the aviation standpoint in the scheme of national defense.

Sincerely,
WM. MITCHELL,
Brigadier General, United States Army.
By MAXWELL KIRBY,
Major, Air Service, Assistant.

HON. CHARLES F. CURRY,
Washington, D. C.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head "Public works, Bureau of Yards and Docks," on page 49, line 4, after the word "walls," to insert "and maintenance dredging," and strike out "(limit of cost $2,800,000), $750,000, to be available immediately," and to insert "$250,000," so as to make the paragraph read:

Navy yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging, $250,000.

The amendment was agreed to.

The next amendment was, on page 49, line 8, after the numerals "$40,000," to insert "Pier No. 4, extension, $500,000"; and at the end of line 9, to strike out "$90,000" and insert "$590,000," so as to read:

Navy yard, Puget Sound, Wash.: Central power-plant improvements, $40,000; Pier No. 4, extension, $500,000; dredging, $50,000; in all, $590,000.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the numerals "$38,000," to insert "addition to machine shop, $100,000"; and in line 14, to strike out "$128,000" and insert "$228,000," so as to make the paragraph read:

Naval station, Pearl Harbor, Hawaii: Extension of existing paint and oil storehouse, $65,000; blocking for dry dock *No. 1*, $25,000; paving, grading, and railroad extension, $38,000; addition to machine shop, $100,000; in all, $228,000.

The amendment was agreed to.

The next amendment was, on page 50, line 4, after the numerals "$15,000," to insert a semicolon and the words "additional storage facilities, $80,000; in all, $95,000," so as to make the paragraph read:

Naval ammunition depot, Pearl Harbor, Hawaii: Lighting and power extension, $15,000; additional storage facilities, $80,000; in all, $95,000.

Mr. KING. May I inquire of the Senator from Washington whether there was not some little controversy over the question of the water supply at Pearl Harbor?

Mr. POINDEXTER. There was not any controversy, in the proper sense of that term, over it. There was a very urgent request from the Chief of the Bureau of Yards and Docks that an appropriation be made for the extension of the water supply system at Pearl Harbor. The committee was not sufficiently impressed with the immediate necessity of it. It probably ought to be taken care of next year. We thought that the items which we did put in for Pearl Harbor were of more immediate and pressing importance; for instance, this item to take care of mines, for which now there is no storage, valuable mines of the utmost importance from a military point of view, which ought to be sheltered, being stored in the open weather.

Mr. KING. I have been informed that there was not sufficient water, and that they had very great difficulty there in obtaining suitable water not only for drinking but for culinary purposes.

Mr. POINDEXTER. It is the impression of the committee that they can get along for another year under the present conditions, but that next year there ought to be an appropriation for the extension of the water supply.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 50, line 16, after the numerals "$64,000," to insert a semicolon and the words "grading and railroad extension, $7,500; in all, $71,500," so as to make the paragraph read:

Submarine base, Pearl Harbor, Hawaii: Extension of existing building for battery storage and overhaul, $64,000; grading and railroad extension, $7,500; in all, $71,500.

The amendment was agreed to.

The next amendment was, under the head "Bureau of Aeronautics," on page 51, line 7, to insert "for new construction and procurement of aircraft and equipment, $6,537,000; for new construction, buildings and improvements at air stations, $300,000," and a semicolon, so as to read:

AVIATION, NAVY.

For aviation, to be expended under the direction of the Secretary of the Navy, as follows: For aircraft and accessories in course of construction or manufacture on June 30, 1922, $400,000; for navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1922, $165,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $5,475,000, including $475,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, $1,116,950; for drafting, clerical, inspection, and messenger service, $710,000; for new construction and procurement of aircraft and equipment, $6,537,000; for new construction, buildings and improvements at air stations, $300,000.

Mr. KING. I would like to have some explanation from the Senator as to what has been accomplished by the appropriation in the former bill, what buildings were constructed, what naval aircraft we have, and what the program is with respect to this appropriation.

Mr. POINDEXTER. This appropriation is entirely a new item. There was nothing whatever carried in the bill as it came from the House for new aircraft or for the care of aircraft. In the report of the House committee, on page 11, the Senator will notice this statement:

The amount proposed under this head is $7,986,560. This sum exceeds the amount appropriated for the present fiscal year for the same purposes by $953,519. Under the rules of the House this committee has no jurisdiction over new construction of aircraft or new construction at aircraft stations, and for that reason it has not been possible to carry any money in this bill for such purposes. It is estimated that approximately $7,306,575 will be needed for new aircraft.

The committee of the Senate has reduced the amount stated by the House committee to be needed, and provided for the sum of $6,537,000 upon the testimony submitted to the committee by the experts of the Bureau of Aviation, including Admiral Moffett, the chief. I continue reading from the House report:

And $500,000 for construction work at aircraft stations. If the Congress should appropriate these additional sums the total for aviation for the coming year would amount to $15,793,135.

From that the Senate will see that there was no effort made by the House to provide for new aircraft construction. The life of an airplane is very short. The development and improve-

ments of the science and the art of aviation are very rapid, and if the United States is to maintain its place as one of the nations equipped for air service and for air warfare, it is absolutely necessary that we should provide some money for building new planes or including the improvements in the science and in the art of aviation.

Also we have put in the bill, instead of the $500,000 stated by the House committee as being needed for work at aircraft stations, the reduced sum of $300,000, believing that that reduction of the amount would lead to economy on the part of the bureau.

Mr. KING. Mr. President, I entirely agree with the Senator that ample provision ought to be made for airplanes. The Senator knows that in former discussions of the naval appropriation bills I have insisted upon large appropriations for submarines and aircraft carriers and airplanes. But the point I had in mind particularly was that we have made rather liberal appropriations in the past, not only during the war but since, as I supposed for the construction of buildings and needed establishments where aircraft might be constructed. I was rather interested to know whether the appropriations which have been made had not furnished us sufficient buildings that were suitable and necessary without further buildings? My recollection is that during the war we spent many hundreds of thousands and perhaps millions of dollars for aircraft buildings.

Mr. POINDEXTER. Unfortunately we are entirely deficient in hangars even for the airplanes we have now. At Bolling Field in Washington City, which is a very good illustration, if the Senator should go there he would find very valuable airplanes with no shelter at all, but kept in the open air, which, of course, is not economical. With the construction of new planes, of course there will be greater need for hangars. The actual situation demonstrates the propriety of this comparatively small appropriation of $300,000.

The Senator asked a moment ago as to the number of planes on hand. On January 1 we had a total number of planes—that is, those which had not been actually scrapped, including airships lighter than air, of 1,516. Of those, 614 are serviceable, as shown in the detailed table. Most of those, however, are entirely inadequate as compared with more modern planes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the committee was, on page 51, line 9, in the total to strike out "$7,866,950" and insert in lieu thereof "$14,703,950."

The amendment was agreed to.

The next amendment was, on page 52, at the end of line 14, to strike out "$65,000" and insert "$74,500," so as to make the paragraph read:

For the services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary, to be employed only in the Bureau of Aeronautics to carry into effect the appropriation "Aviation, Navy," $74,500.

The amendment was agreed to.

The next amendment was, under the head "Naval Academy," on page 52, line 18, to reduce the appropriation for pay of professors and others from "$421,500" to "$321,500."

Mr. POMERENE. Mr. President, I would like the attention of the Senator in charge of the bill. I understand that out of this appropriation the civilian professors are paid.

Mr. FRANCE. Will the Senator yield to me that I may make a suggestion to the acting chairman of the committee?

Mr. POMERENE. I yield.

Mr. FRANCE. Would it be agreeable to the acting chairman of the committee to pass this amendment over until we have discussed the committee amendment on page 53, as I wish to offer an amendment to that which might make it desirable to change the amount provided in this amendment?

Mr. POMERENE. My understanding is that the two amendments relate to the same subject. If the present amendment of the committee is accepted, it means, if I understand it rightly, that the appropriation will be so reduced as that its effect would be to cut off the salaries of some 36 civilian instructors. Am I right in that?

Mr. FRANCE. That is my understanding of it, and therefore I suggest to the Senator in charge of the bill that it would be better to discuss the amendment at the top of page 53 before we discuss this amendment.

Mr. POMERENE. I asked the question I did expecting to follow it with another question applying to the amendment contained in lines 1 and 2 on page 53.

Mr. POINDEXTER. I beg the Senator's pardon. I was being addressed by other Senators at the time. Did the Senator from Ohio ask me a question?

Mr. POMERENE. I did; and then the Senator from Maryland suggested that this amendment go over until after the amendment at the top of page 53 has been acted upon.

Mr. POINDEXTER. It is practically the same amendment. They may as well be discussed together.

Mr. POMERENE. That is what I wanted to know. They relate to the same subject. Does the Senator from Maryland desire to discuss the matter? I yield to him if he desires to do so.

Mr. FRANCE. Mr. President, I will say to the Senator from Ohio that I have an amendment which I desire to offer to the committee amendment. If that amendment should be adopted, there would be a question as to what amount should be substituted in place of the amount stricken out by the committee.

Mr. POMERENE. I suggest that the amendment to the amendment be offered now, so that we can discuss them both at the same time.

Mr. FRANCE. I shall be very glad to offer the amendment and have the Senator from Ohio discuss it. I presume he is interested in the matter dealt with in this amendment.

Mr. POMERENE. I have not exchanged views with the Senator from Maryland on the subject.

Mr. FRANCE. I offer the amendment, which I send to the desk, to the committee amendment at the top of page 53.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. The committee amendment is, on page 53, line 1, after the numerals "1922," to insert "whenever the number of civilian professors or instructors employed in such duties shall be less than 80," so as to make the paragraph read:

No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 80.

After the word "eighty" the Senator from Maryland proposes the following proviso:

Provided, That in reducing the number of civilian professors all of the provisions of the contracts between the Government and the professors shall be generously fulfilled by the Government: *Provided further*, That no civilian professor who has been employed for three years or more shall be dismissed without a six months' notice to him that his services will no longer be needed.

Mr. POMERENE. Mr. President, as the Senate will recall, in the past I have had occasion to refer to conditions in the Naval Academy. I have had conferences with civilian instructors and others. I have had conferences with the superintendent. I had a letter from him which I introduced in the RECORD the other day, and which was self-explanatory. I have had, not recently but last year, a number of conferences with midshipmen. I have talked with members of the Board of Visitors, one the president of a great college and one of the leading educators of the country. I feel that I know somewhat of the conditions which prevail at Annapolis. I have heretofore made the statement that the institution in its teaching staff is seriously handicapped because officers were sent there who were not qualified to be teachers, and after the various conferences which I have had I am confirmed in that opinion.

The Naval Academy and the Academy at West Point ought to have the best corps of instructors and professors to be found anywhere in the United States. There are, in round numbers, 2,500 midshipmen at Annapolis. There are 115 civilian instructors and professors. There are between 140 and 150 officers. Many of these officers have never had any experience whatsoever as teachers; they have been in command of seamen at sea or elsewhere. It has been suggested that their experience in the command of sailors is somewhat akin to the experience of a teacher in a classroom, but when that statement is made I think it carries its own refutation.

In speeches which I have heretofore made bearing upon this subject I have called attention to the fact that in many of the classes in charge of officers of the Navy a midshipman would be assigned a lesson, let us say in physics, and perhaps on the following day he was expected to write on the blackboard the substance of that lesson. When a midshipman was thoughtless enough to ask the officer in charge for an explanation of some part of the text that he did not understand, on different occasions he was met with the query, "Have you not read your lesson? It is in the textbook."

If that is the kind of instruction that Uncle Sam is giving at Annapolis we ought to put a stop to it. I do not want to be

understood as saying that this is a universal condition at the Naval Academy; I do not mean to say that there are not many officers of the Navy there who are efficient and proficient instructors; but a good many of them are selected from officers who have come from sea duty and are given shore assignments, some of them having had no experience whatever in teaching. I want to emphasize that.

Teaching is a profession. In the State of Ohio as well, I assume, as in nearly all of the other States of the Union, we have normal schools. Our teachers of the district schools are required to have a certain amount of training in the normal schools before they can get positions in most of our graded schools. Why? Because teaching is an art; it requires special training and special knowledge in order to guide and instruct the untrained mind; but it seems that such training and special knowledge are not regarded as necessary when it comes to the Naval Academy.

It is true the superintendent makes his selections from the men who are assigned to shore duty; and admitting, for the sake of the argument, that he gets the best available timber, it does not meet what ought to be the requirements of that great institution. I know that the most skilled educators in the country whose attention has been called to the situation are firm in the opinion that the kind of instruction which is given at Annapolis and West Point does not measure up to the character of instruction which is given in the great universities of the country. Some years ago there was a Superintendent of the Naval Academy who had determined to get rid practically of all of the civilian instructors at that institution, but Congress at that time, in order to prevent his carrying out his declared purpose, incorporated in the naval appropriation bill, as I am advised, the language which is found on page 52 of the pending bill, and is as follows:

No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922.

That language was carried in each of several appropriation bills, as I am advised, until we entered the World War. Then it was omitted because there was at that time such a demand for officers for sea duty that there was not any occasion to require the insertion of such a proviso. Last year a large number of midshipmen were "failed," and I am convinced that those failures, for the most part, were due to the fact that they did not have the proper kind of instruction. Later on, in violation, as I think, of the statute as it then was, their resignations at the end of the academic year were demanded, and they had to resign before they could get an opportunity even to confer with the Representatives or Senators from their respective States. Subsequently practically all of those young men were readmitted to the academy, of course dropping into the next lower class. Just the other day I was told by the superintendent of the academy that, with perhaps one or two exceptions, all of those young men were doing splendidly. Think what would have happened to them if they had not been readmitted to the academy!

As to the present condition various excuses are being given for reducing the number of civilian instructors. I have here a clipping from the Washington Star under an Annapolis, Md., date line of June 15, which reads:

Though stated not to be a part of the program of Rear Admiral Henry B. Wilson to cut down the number of civilian instructors at the Naval Academy and supplant them with officers of the regular line, it has become known that six assistant professors assigned to four separate academic departments have been formally notified that their services will not be needed during the next academic term. Those who have been thus informed are: William N. Wherrett, department of marine engineering; William L. Fichter and Calvert J. Winter, modern languages; Richard P. Johnson, George F. Aldrich, and Eugene S. Mayer, department of mathematics.

The situation is further explained by the fact that the number of midshipmen will be fewer next term and consequently there must be a reduction in the number of tutors in the section rooms.

But under the date of June 10, under an Annapolis date line, appears—and this extract is taken from the Baltimore American—the following:

Naval Academy authorities estimated that the class now forming will contain about 700 members, and that the whole student body at the beginning of the new academic year—October 1—will be 2,359. The student body at its maximum last year, which was the largest in the history of the institution, was 2,505.

These official figures indicate that the student body will fall little below the maximum next year and still less below the number which had been estimated to be the normal under the legislation existing until recently. This figure had been placed at 2,400.

It is quite apparent that there is no very substantial reduction in the number of students. I am told that one of the admirals the other day made a statement to the effect that the Navy was 1,000 officers short. If that is so, then there is not any special likelihood of the number of midshipmen being reduced. More than that, if the Navy is 1,000 officers short, then some of the officers acting as instructors but receiving officers' pay may be used in the ships.

When we are talking about economy, I desire to say that I have been advised by a Representative, who has been investigating this matter pretty thoroughly, that the pay of the civilian instructors runs, perhaps, only from about 60 to 70 per cent of the pay of the officers.

Mr. GLASS. The naval officers receive from 20 to 40 per cent higher salaries than do the civilian instructors.

Mr. POMERENE. I am obliged to the Senator from Virginia, because I find he has substantially the same information that I have in that behalf. Certainly it is going to require a given number of instructors, whether they are civilians or officers, and if the civilian instructors are getting from 20 to 40 per cent less than the officers who act as instructors, it seems to me the statement is not quite fair that it is in the interest of economy to have officers there as instructors instead of civilians.

Mr. President, some of these civilian instructors have contracts running three and five years, and I think this is the matter to which the Senator from Maryland referred a moment ago. Let me ask the Senator from Maryland whether he can advise me how many of these civilian instructors have the three or five year contracts?

Mr. NEWBERRY. Sixty-seven.

Mr. FRANCE. I was under that impression.

Mr. POMERENE. There is, as I am told, some provision in some of these contracts which enables the authorities to dispense with their services if they do not measure up to the requirements morally or intellectually or from a standpoint of efficiency.

Mr. LODGE. Mr. President, if the Senator will allow me, I think those contracts require a certain notice.

Mr. POMERENE. I think some of them do.

Mr. GLASS. Mr. President, evidently all of them do not, because my information is that these six civilian instructors who have practically been dismissed from the academy are contract instructors, and that they are dismissed without further notice.

Mr. POMERENE. Yes; the Senator from Virginia is entirely right about that, or, at least, his information is just exactly what mine is.

Mr. LODGE. My information has been that some of the contracts were five-year contracts and some were only contracts for a year; but I think there was some provision in the five-year contracts for notice of dismissal or suspension, and in the others, too.

Mr. POMERENE. I am quite sure the Senator from Massachusetts is right as to a part of those contracts. At least, while I have not seen them, that is the information I have.

Mr. LODGE. I know that there are some five-year contracts.

Mr. POMERENE. Yes. When the question of the dismissal of some of these civilian instructors came up, it was pointed out, as I am told, to the superintendent that it would be doing a serious injustice to these men to dismiss them from the academy without notice. I am told of one man who is among the five or six who have been dismissed who has a wife and child, and who went to the expense out of his salary of building himself a home, owes a substantial sum upon it, and he is dismissed; and here is a remarkable thing about it: Under the bill as it passed the House the superintendent would have no right to dismiss any of these instructors as he now intends to do. Under the amendment proposed by the Senate Committee on Naval Affairs he has the right to dismiss 36 of them; and, wonderful to relate, he acts as if that were statutory authority now, and he does it before the Senate passes upon it. He does it evidently in the belief that the ipse dixit of the Naval Affairs Committee is to control the situation here.

Mr. President, my belief is that if we are to compare the civilian instructors with the officer instructors in Annapolis from a standpoint of efficiency as teachers, it will be found that the civilians are better than the officers. As I am advised, there are a good many of these men who have devoted their lives up to this hour to perfecting themselves in the art of imparting knowledge to the young men who are under their charge.

Mr. President, thanks to a father and mother of blessed memory, I had the opportunity of getting a college education. I have had good instructors, bad instructors, and indifferent instructors. I know the difference between them; and I want to see the best instructors that we can get for a reasonable amount of money at this academy, as well as at West Point.

Mr. President, I might go on and discuss this matter further, but I think I have said enough to demonstrate what is in my mind; and I am convinced from what I have heard that if this amendment is adopted and the superintendent is given the opportunity to get rid of these 35 or 36 civilian instructors, the academy will be crippled.

Of course, I understand that when it comes to branches such as navigation, or some of those particular branches that are peculiarly related to the Navy, we want practical men, with practical knowledge; but a good part of the training which these young men get over here is training of their brains. When it comes to such subjects as modern languages, mathematics, physics, and many of those branches, the civilian is a better instructor than the officer, unless the officer has had the practical training.

Mr. LODGE. Mr. President, if it will not disturb the Senator——

Mr. POMERENE. Not in the least; I yield to the Senator from Massachusetts.

Mr. LODGE. I understand—the chairman of the committee can correct me if I am wrong—that in navigation there are no civilian instructors; they are all officers of the Navy.

Mr. POMERENE. In navigation? That may be so.

Mr. LODGE. Which is eminently proper.

Mr. POMERENE. I think so. The Senator and I do not differ in that behalf.

Mr. President, I have no interest in this matter. I think I am in the same position that other Senators are. I have from time to time designated certain young men to go to this academy for their training. I have an interest in them, as other Senators have in their young men, but above it all I have an interest in the Navy, and I want to know that these young men are getting the best instruction that it is possible to get for a reasonable amount of money; and this little paring down on the salaries of instructors is a poor investment when it comes to the training of the young men of the country.

For this reason I hope that both these Senate amendments—the one on line 18, page 52, and the one on page 53, lines 1 and 2—will be defeated.

Mr. WILLIS. Mr. President, I ask that the amendment offered by the Senator from Maryland may be restated.

The PRESIDING OFFICER. The Secretary will restate the amendment of the Senator from Maryland to the amendment of the committee.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the proposed amendment of the committee at the top of page 53, the following proviso:

Provided, That in reducing the number of civilian professors all of the provisions of the contracts between the Government and the professors shall be generously fulfilled by the Government: *Provided further*, That no civilian professor who has been employed for three years or more shall be dismissed without a six months' notice to him that his services will no longer be needed.

Mr. WILLIS. Mr. President, it seems to me that the terms of that amendment are so perfectly fair and clear and reasonable that there ought to be no question at all concerning its adoption.

The amendment offered by the Senator from Maryland provides, I understand, first, that the Government of the United States shall keep its contracts. It really is rather an astounding situation that we have arrived at when it becomes necessary to say that that thing shall be done.

Mr. POMERENE. Mr. President——

Mr. WILLIS. I yield to my colleague.

Mr. POMERENE. Evidently, if they are to be dismissed regardless of their contracts, they should be given this notice; but let me call to the Senator's attention the fact that under the Senate amendment as proposed by the committee the number of civilian instructors can be reduced from 115 to 80, so that automatically they would be removed, if the superintendent so desired, upon the giving of the six months' notice.

Mr. WILLIS. I understand that exactly as my colleague does, and I shall have some brief observations to make concerning it.

First, as to this particular proposition, however, I do not see how any Member of the Senate can stand upon this floor and say that the United States ought not to be compelled to live up to the terms of the contracts that it has made with these men. That is the first proposition that is involved in the amendment offered by the Senator from Maryland.

Mr. POINDEXTER. Mr. President, may I interrupt the Senator?

Mr. WILLIS. Certainly.

Mr. POINDEXTER. I agree with what the Senator from Ohio has said, and, so far as I am personally concerned, I should be very glad to see the amendment of the Senator from Maryland adopted. I do not think the United States can afford to be put in the position of breaking its contracts. The matter will have to go to conference and be dealt with there, and I should like to see the interests of the professors in those agreements protected.

Mr. WILLIS. I am very glad to hear the chairman of the committee say that. I understand, then, that the chairman is prepared to accept the amendment offered by the Senator from Maryland. Is that correct?

Mr. POINDEXTER. I can not bind the committee, but as far as I am concerned, I am willing to accept it.

Mr. WILLIS. As far as I am concerned, this discussion can terminate very quickly if the amendment will be accepted.

Mr. BROUSSARD. Mr. President——

Mr. WILLIS. I yield to the Senator from Louisiana.

Mr. BROUSSARD. In order that we may be perfectly clear when we vote upon this amendment, I should like to inquire whether the understanding is that if we adopt the amendment of the Senator from Maryland no instructor or professor at Annapolis will be discharged unless he has had six months' notice? In other words, I want to know whether this amendment is intended to cure any notice that might have been given some time ago, or whether the amendment intends that any instructor who shall be discharged in the future shall be given the six months' notice?

I should like to have the Senator from Maryland, who offered the amendment, answer that question.

Mr. WILLIS. Would it be just as agreeable to my friend from Louisiana to let me finish my brief statement, and then let the Senator from Maryland answer?

Mr. BROUSSARD. I do not object to that. I thought my inquiry was very pertinent at this time.

Mr. WILLIS. I should prefer to finish my brief statement, and let the Senator from Maryland answer subsequently.

Mr. BROUSSARD. Very well.

Mr. WILLIS. Since the acting chairman of the committee has advised us that as far as he is concerned he is perfectly willing to accept the amendment, there is no use discussing that any further; but while I am on my feet I want to say something about this general situation.

I have had a little experience with the conduct of schools myself. I know of a great many men, I have sat beneath the instruction of some men who knew their subjects, who knew astronomy, for example, or who knew a given language, but who did not have the capacity to teach it. It is no reflection upon a naval officer who has been at sea in command of a battleship for months, and perhaps for years, to say that he is not qualified to teach. He may know navigation; he may know integral calculus; he may know physics; he may know at least the theory of a foreign language, but I say to the Members of the Senate that coming from the command of a battleship directly into a great university—because that is what the academy is—he is not qualified to teach, because he does not have the pedagogical viewpoint. Therefore I think it would be a very great mistake if we should cut from the teaching force of this institution a large number of the civilian instructors.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the junior Senator from Ohio yield to his colleague?

Mr. WILLIS. Certainly.

Mr. POMERENE. My colleague has had a great opportunity to familiarize himself with what is done in the colleges and high schools of the country. Am I right in my statement that in our first-class colleges and universities and high schools the teachers must have normal training, or something similar to it, or a large amount of experience?

Mr. WILLIS. That is true of such institutions in our State, and it is also true of the common schools. The teachers must have had special training as teachers.

Mr. POMERENE. And they are specially examined upon that subject.

Mr. WILLIS. Certainly; and if it is proper to require that in the common schools of the country, as it is generally—at any rate in our State—surely the men who teach in a great university ought to have some special capacity as teachers. They might have information about the various subjects but not have much ability to teach.

Mr. McCORMICK. Mr. President, I would like to ask one or the other of the Senators from Ohio, both of whom appear to be familiar with the question before the Senate, the ratio of the present number of civilian teachers to the undergraduate body, as compared with the ratio of civilian teachers to the undergraduate body in 1916, for example?

Mr. WILLIS. I am not prepared to answer that question. It is a very appropriate one, but I have not the information at

hand. Perhaps the acting chairman of the committee can answer it.

Mr. McCORMICK. Is there any member of the committee who can answer it? I am under the impression that the number of civilian teachers, in proportion to the total number of undergraduates, is rather larger than it was before the war, and that even though the number were somewhat reduced there would still be a higher proportion of civilian teachers than there was before the war.

Mr. WILLIS. If that be true it is distinctly to the advantage of the Naval Academy at Annapolis, because you will get better teaching from civilian teachers than you will from officer teachers.

Mr. LODGE. Mr. President——

Mr. WILLIS. I yield to the Senator from Massachusetts.

Mr. LODGE. There has of course been a great increase in the number of civilian instructors at the academy. I have been looking at the statement of Admiral Wilson in regard to it, which, I say, perfectly respectfully, is misleading. He begins with 1912, with 22 civilian instructors, and states that in 1913, 1914, and 1915 there were 26, that in 1916 there were 64, and that in 1917 there were 89 civilian instructors. That appears as if the whole change had been a result of the war and the consequent removal of the officers from the academy; and that is misleading. The fourth class in 1912 numbered 262, but in 1917 it numbered 744. The entire body of pupils had increased more than twice.

Mr. McCORMICK. More than threefold.

Mr. LODGE. More than threefold, in fact. The number of midshipmen at the Naval Academy at this moment is 2,392. That is very different from the time when the classes averaged 220, making a total of perhaps 800 at the academy. The instructing force must be increased to meet the increase in the number of the body of students. The war was not altogether responsible for the increase. Of course, there were a certain number of positions held by line officers which were necessarily vacated during the war, and those were filled with civilian instructors, necessarily.

Mr. GLASS. Mr. President, I want to ask the junior Senator from Ohio if he thinks the proposed amendment will go to the fundamental objection raised by both his colleague and himself?

Mr. WILLIS. I do not think so. I do believe, however, that if the committee amendment should be adopted it would be very much better if it were modified by the adoption of the amendment offered by the Senator from Maryland. Personally, I think the committee amendment should not be adopted, even if it is amended.

Mr. GLASS. Mr. President, I know very little about naval affairs. I am on the subcommittee of the Appropriations Committee dealing with this question, and I assented to the committee amendment we are now considering as it is contained in the bill, but I did so upon the ex parte statement of the Superintendent of the Naval Academy, who said to the subcommittee that by the dismissal of a part of the civilian force of instructors, and the substitution in their stead of naval officers as instructors, the efficiency of instruction would be improved, and there would be an actual economy of expenditure. In other words, he definitely said that we might save in the neighborhood of a quarter of a million dollars without impairing the efficiency of instruction at the academy.

Upon that mere statement there was nothing for the committee to do but to propose the amendment which has been presented; but upon subsequent inquiry and investigation I am convinced that the committee has made a mistake, and that we should not dismiss these civilian instructors, who are efficient, or substitute for them the class of instructors afforded by the detail of officers of the Navy from time to time.

I have read the debate which took place in the other branch of Congress, from which I gather that the instruction by these naval officers is totally inadequate, and at times absurd; that many of them are not instructors at all but that they simply command the student body to "man" the blackboard, and they take what appears on the blackboard and compare it with the textbooks, and in that crude way undertake to determine the capabilities of the students.

Mr. WILLIS. Will the Senator permit a suggestion just there confirmatory of what he is so ably saying? The Senator will recall how these appointments are made. They pick out the best young men they can find in the several States; those young men are sent to Annapolis, they take the course there, and they go out in command of ships.

The probabilities are that the officers who are detailed from the Navy to teach have never in their lives, until they walk into the classrooms at Annapolis, essayed the task of teaching at all. When we demand experienced teachers in the public schools, why on earth should we say that in this great academy, which is the pride of the Nation, we should have experimental teaching?

Mr. GLASS. Some of those men barely pass their own examinations at the Naval Academy, and they acquire their official status by the skin of their teeth. It is not fair to assume that an officer of that sort, after being separated from the academy for 6 or 8 or 10 years, could go back there upon a detail and teach the student body of that institution in an efficient way.

It is quite embarrassing to me, after having assented in committee to this amendment, to have to seem to leave the committee when we get on the floor of the Senate; but I am thoroughly convinced that we made a mistake, and I shall not vote for the committee amendment.

Mr. LODGE. Mr. President, I shall take no time in discussing the question raised by the amendment offered by the Senator from Maryland, which is a very proper amendment, of course. I know, as a matter of fact, that five-year contracts have been torn up and disregarded in certain cases, and I think the United States ought to make provision for keeping its contracts, or at least giving proper notice. But the acting chairman of the committee has accepted that amendment and I will not waste time on it. I wish to say a few general words in regard to the question which has been raised here and which has been so ably discussed, especially by the Senators who have been taking part in the debate, in regard to education.

The Naval Academy is an organization of higher learning; that is, it ranks with the universities. Of course, it is a specialized university, but that is its rank. I do not profess to be an expert in regard to methods of education, and I should not think of depending on what little I learned while I was actually a student at Harvard University to attempt to give an opinion, but since I graduated from that institution I have been a lecturer in the institution for three years, and I have also served for some 18 years on one of the governing boards, and I know something about the organization of the university and the appointments which are made and the principles which are followed in selecting professors, assistant professors, lecturers, and instructors. I want to put it to the Senate, or to anyone who is familiar with the management of a great university—for that is what the academy at Annapolis is—what would be thought of Harvard or Yale or Princeton or any other of our great colleges if every three years they turned out the professor or the instructor, or whatever he was?

A naval officer is assigned to duty at the Naval Academy to teach. He has his tour of duty there just as he has it in a navy yard or on board ship, or wherever he may have been sent. He has his tour of duty of three years. It is not conceivable that we can take a large section of the line of the Navy and turn them into professional instructors to remain permanently at Annapolis. They are educated to be officers of the line, officers of the staff, to control, manage, and direct the great military affairs of the Navy. Teaching is not their business. Naturally, except in their professional subjects, where, of course, they are the best instructors and where the fact that they are there only for three years is no disadvantage, they are not fitted to be instructors. The man who gives his life to teaching is necessarily the best instructor.

All colleges and all universities, so far as I am aware, make it a practice to keep through their lives distinguished professors, assistant professors, lecturers, and instructors. They endeavor to get men peculiarly fitted for the position. If we apply to the colleges the system that is proposed to be applied to the Naval Academy, the colleges ought to turn their professors out, not all at once, but each professor ought to go out at the end of three years and they ought to get in his place a new one who has had no experience whatever in teaching. Of course, that is absurd on the face of it.

Mr. GLASS. And to get a new one who has no adaptability and no capability for teaching.

Mr. LODGE. Precisely, and one who never has had any training in teaching whatever. Such subjects as modern languages, mathematics, physics, and the other subjects which are taught at the academy are not professional subjects. A man goes out from the Naval Academy highly educated and ranks according to his work in the academy. The first thing he does probably is to go off on a cruise for three years. He goes to all parts of the world. He is engaged in all sorts of duties.

Many of them take up specialties, of course, like ordnance and things of that kind, and have those assignments from time to time. But how many of them who go out with a good education and stand high in the academy have kept up their languages and their mathematics so that they can go

back and teach? There are many highly educated men who graduate from our universities and who go out in the world and become lawyers or physicians or clergymen. They take up their different professions. On their special subjects they might go back and deliver a course of lectures, but a great deal of learning that is necessary in the instruction of boys who are students drops away from them. It is inevitable. No human brain can carry it all.

I think to make a wholesale reduction in the civilian professors is wrong. I do not think I know one of them. It seems to me a fault in the system of education to think of turning over the instruction of that great academy—I, of course, exclude always the professional branches—to a set of very brave, able, well-trained men who are not teachers. It is not their business in life to be teachers. To keep them there three years and then put in another equally untrained corps is a great mistake. I can not believe that out of such a system the young men could ever get a first-class education.

The standard of education at West Point and Annapolis has always been very high, and I am very anxious that it should remain very high. I think we shall get better education of the boys we send there—and we educate them at a cost which demands the best—if we follow the practice of every institution of learning in the world, and that is to get men to teach whose business it is to teach, and not shift men about. Among the civilian instructors who would think of taking the instructor in Spanish and set him to teaching mathematics? They get men not only trained in teaching, but trained in the special subjects. It is their special business. I shall be sorry to see anything done which would lower in the least the standard of education at Annapolis.

Before I close I call attention again to the fact that the great increase in the number of civilian instructors and of all instructors at the academy has not come exclusively from the war by any means, but by the great increase—tripling, indeed, the total number of students. We can get along with very many fewer instructors when we have only 600 or 800 than when we have 2,300 students.

Mr. GLASS. I call the attention of the Senator from Massachusetts to the fact that this is not a reduction in the aggregate at all. It is a reduction in the proportion of civilian teachers.

Mr. LODGE. That is very true. I am obliged to the Senator. They do not reduce the aggregate of teachers. They simply take men highly trained for a special profession and set them to teaching subjects of which they have only the general knowledge which they took away from the academy when they left it, men who have never done any instructing in their lives except in professional branches.

Mr. KING. Mr. President, will the Senator permit me to ask a question for information?

Mr. LODGE. Certainly.

Mr. KING. I have been told, but I know nothing of the matter, that they are topheavy in civilian instructors in view of the fact that there will be fewer students in the academy next year and the following year.

Mr. LODGE. If we reduce the number of students in the academy, of course the instructing body will be reduced, too; and it ought to be.

Mr. KING. Will there not be some reduction in the number of students during the coming year?

Mr. LODGE. I have assumed that there necessarily would be, because under the treaty we have reduced the size of the Navy. So there is no use in bringing in 700 new midshipmen, as they are going to do this year I believe.

Mr. KING. Will this bill perpetuate, unless we have some amendment, the same number of civilian teachers that have been there during the past?

Mr. LODGE. If the students are going to be reduced in number the teachers, of course, ought to be reduced, too.

Mr. KING. I was wondering, if there were no amendment to that effect, what the result would be.

Mr. LODGE. I am not a member of the committee which framed the bill, although I am a member of the Committee on Naval Affairs.

Mr. GLASS. I will say to the Senator from Utah that my information is that the number of midshipmen at the Naval Academy for the ensuing year will be appreciably less than the number for the current year.

Mr. POMERENE. The current year was the peak year, I am advised.

Mr. LODGE. That is the fault of Congress, and Congress alone. Congress has enacted legislation allowing each Senator and each Representative so many nominees. As long as that law stands unamended the nominations will be made. The way to reduce the membership in the Naval Academy will be, of course, to reduce the number of nominations to be made by Senators and Representatives.

Mr. BROUSSARD. Mr. President, may I suggest to the Senator that it would take one year before the reaction is felt at the Naval Academy, because the appointments have been made now, and it will be at least one year before any change in the law would make itself felt at the academy.

Mr. POINDEXTER. Mr. President, I have listened very carefully to the more or less extended debate on this question. It seems to me that the difference, so far as the principle involved is concerned, between the Senators on the opposite sides of the question is more imaginary than real. The difference seems to be very largely a question as to whether we shall have one-half of the total number of instructors at the Naval Academy civilians, or whether we shall have only one-third. I do not understand that it is contended by any Senator that there should be no naval officers at all detailed as instructors at the Naval Academy. So the question very largely is to what extent civilians shall be employed for that purpose and what the ratio shall be.

At the present time there are about equal numbers of civilian instructors and officer instructors. There are exactly 118 civilian instructors, and I am informed there is the same number of officer instructors.

Mr. POMERENE. Mr. President, my information is, and I got it from a Member of the House who has given special attention to the subject, that the number of naval officers who are in the faculty is somewhere between 140 and 150.

Mr. POINDEXTER. I know that statement was made by a Member of the House of Representatives before the committee, but I have information from the department that I think is more accurate. I believe the error is probably due to the fact that the Representative referred to the total number of officers detailed to the academy. There are a number of officers detailed to the academy who are not instructors, but who are engaged in the work of the administration of academy affairs. That probably accounts for the difference.

I do not understand that it was proposed by the academy board to dismiss all the civilian instructors, but it was proposed to dismiss about 78 of the 118. I think that the Senate committee are very largely in agreement with most of what has been said upon both sides of the question, and they attempted to reconcile the apparent differences between the advocates of the different propositions by the amendment which they recommend to the bill.

The Senate committee are agreed that there ought to be a large or substantial element of civilian instructors at the academy. That is what is proposed by the advocates of the amendment of the Senator from Maryland [Mr. FRANCE] and those who have spoken in favor of civilian instructors. So the committee, in the face of the proposition of the superintendent of the academy to dismiss, as he proposed, 78 of the civilian instructors, put an amendment in the bill which would restrict him to separating from the service there only 38, and would require him, before any of the appropriations for the ensuing fiscal year as provided in the bill could be used, to keep at least 80 civilian instructors at the academy, which would be approximately one-third of the entire teaching force.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. POINDEXTER. I yield.

Mr. WILLIS. Did the superintendent of the academy give the committee any reason why he proposes to dismiss 78 of the civilian instructors? What reason did he give for that action?

Mr. POINDEXTER. He went into that at considerable length, but most of his testimony was a statement of general principles. He went into a discussion of the fundamental purposes for which the academy was established and is conducted, namely, that it was for military instruction, that the special purpose of it was to turn out naval officers fitted to assume at once upon their graduation the duties of naval officers, and that it was impossible for them to be thoroughly trained and fitted for that purpose unless during the course of instruction they had the benefit of association with and instruction from naval officers, from men who had had actual experience in the naval service.

Mr. WILLIS. There was no question raised as to the capabilities of the civilian instructors proposed to be dismissed? He raised no question of that sort, did he?

Mr. POINDEXTER. He did raise a question as to some of them; but I do not think there would be any disagreement as to the proposition that none but efficient civilian instructors should be retained there.

Mr. WILLIS. Of course not.

Mr. POINDEXTER. I am very much in sympathy with the proposition that the instructors in collegiate institutions ought not to be changed at frequent intervals. Certainly that is applicable to a great number of the subjects of instruction at the Naval Academy; but we believe if a positive requirement is put in the proposed law that at least one-third of the corps of instructors shall be civilians that that condition will be met.

There has been some discussion as to the question of economy. It has been pointed out that the pay of the naval officers who are detailed to instruct at the academy is larger than that of the civilian instructors. That is true, but nevertheless, by reason of the reduction in the number of civilians in the corps of instructors at the academy, if the committee amendment shall be adopted as recommended, the reduction in the appropriation made for instructors at the academy will be $100,000, and the bill will consequently carry $100,000 less of appropriations. That comes from the fact that whatever pay the naval officers are receiving, whether it is greater or smaller than the civilian instructors receive, they will receive anyway whether they are detailed to give instructions at the Naval Academy or detailed for service at some shore station or upon board a ship. There is not any additional expense entailed upon the Government by having them act as instructors at the academy.

I want to call attention, Mr. President, to a relative comparison of the number of civilian instructors at the academy in previous years and the present time. In 1912 there were 878 midshipmen at the academy and 22 civilian instructors. That was a ratio of one civilian instructor for every 39 midshipmen. In 1922—the current year—there were 2,392 midshipmen at the academy and 118 civilian instructors, or a ratio of 1 civilian instructor for every 20 midshipmen, there being approximately double the relative number of civilian instructors as compared with the number of midshipmen under instruction in 1922 as there were in 1912.

Mr. KING. Will the Senator explain the reason why there was such a great increase, thus changing the ratio so materially?

Mr. POINDEXTER. The reason given, and undoubtedly one of the important factors entering into the result, was the World War. That is the reason given by Admiral Wilson. The Senator from Massachusetts [Mr. LODGE], so far as I heard his remarks, said that the statement of Admiral Wilson was somewhat misleading. I do not think it was misleading, if one takes into consideration and modifies it by the obvious condition which, of course, Admiral Wilson intended should be taken into consideration. Not only have the number of civilian instructors been increased by reason of the increased number of midshipmen from the number that were at the academy before the war to the number that were there in 1922 but the relative number of civilian instructors has been doubled, as I have pointed out. That can only be explained by reason of the circumstance to which Admiral Wilson calls attention, that about 1916, when we began to prepare for the war—and the effect continued as we drew closer to war—naval officers at the academy were sent into active service on board ship, and before we entered the war a large number of them were detailed to man batteries which we placed upon merchant vessels in pursuance of the joint resolution adopted by Congress of so-called armed neutrality.

The proposition as contained in the bill as it comes to us from the House is that the condition at the academy which resulted from the war shall not be changed, notwithstanding the fact that in every line of governmental activity, and especially in the Army and the Navy, we are endeavoring to get back to a pre-war condition or to the normal condition—at least, relatively speaking—which existed prior to the war.

Mr. KING. Will the Senator yield to me?

Mr. POINDEXTER. I will yield in a moment.

The bill as it comes from the House would prevent the academy board from reducing at all the number of civilian instructors at the academy. The only change which the Senate committee have made in that is that the academy authorities shall be limited in reducing the number of civilian instructors at the academy so that they shall not be reduced below the number of 80, which, as I have already said, will be about one-third of the total corps of instructors. I now yield to the Senator from Utah.

Mr. KING. Then, if we pass the bill in the form in which it came from the House it will perpetuate the policy that obtained during the war and compel the naval authorities to retain the civilian instructors there when they are not needed.

Mr. POINDEXTER. Exactly. Here is the language of the bill:

> No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed—

Here is the significant part of it—

> by civilian professors or instructors on January 1, 1922.

That is, the number of civilian instructors who were there on January 1, 1922—the absolute number and the relative number occasioned by the war—can not be changed.

I agree to practically everything that has been said here as to the shortcomings and the deficiencies of naval officers as instructors and as to the necessity of observing the ordinary rules and the ordinary practice which governs the selection of professors at colleges, but at the same time we must recognize the practical condition that the Naval Academy is not an ordinary college and that if we should apply those principles which have been held up here as the model which ought to be followed in the course of instruction at the Naval Academy we would destroy it as a naval and as a military institution and make it a civil institution.

Mr. GLASS. Mr. President, how could that be done when we are retaining in the service there as instructors 133 naval officers?

Mr. POINDEXTER. The Senator did not appreciate exactly what I said. I said that if we followed the model which has been held up in the debate by certain Senators, the practice followed in civilian colleges, it would have the effect which I just stated. Of course it would not have that effect if one-half of the number of instructors there are naval officers. So we come down to a comparatively minor question, which is the only practical question involved in this amendment, as to whether one-half of them shall be civilian instructors or one-third of them civilian instructors.

Mr. POMERENE. Mr. President, the Senator from Washington has indicated that he accepts nearly everything that has been said here. Much has been said here as to the superiority, as a rule, of civilian instructors as compared with naval officers as instructors. I believe the Senator will agree with that proposition as to most of the branches of learning taught at the academy, except purely technical ones. I recognize the fact that if there is a need for 200 instructors there ought not to be 225. If the purpose is to reduce the number of instructors, let us make the reduction in the number of naval officer instructors, who are, I think, in the minds of four out of five who go over there, concededly incompetent as instructors. Let us decapitate some of them and send them some place where they can be useful.

Mr. POINDEXTER. Of course the number of instructors there, both civilian and naval, ought to be reduced to meet the needs of the academy from time to time, and that undoubtedly will be done, but it can not be done for the ensuing fiscal year.

Mr. POMERENE. But the superintendent of the academy, according to the Senator's own statement, comes before the Naval Committee with a proposition to cut off the heads of 78 out of the 118 civilian instructors.

Mr. POINDEXTER. But he can not do it under the terms of the amendment proposed by the committee.

Mr. POMERENE. It is a most amazing proposition to come from the head of such an institution.

Mr. SWANSON. Mr. President, I want to make a suggestion to see if we can not settle this question in a manner which is fair both to the instructors and to the Government. One bad feature of the House provision is that it compels every civilian professor there to be retained whether he should be retained or not, and precludes the assignment of a naval officer to take his place. It will compel the academy authorities to continue for the next year all of the 115 civilian instructors. If an instructor is inefficient the Government ought not to be compelled to retain him and be prevented from putting a naval officer in his place. Admiral Wilson, I think, is desirous of making the academy entirely too military. Some of the civilian instructors are absolutely necessary. We did send the naval officers away from the academy during the war to take charge of ships and do the fighting, so that many civilian instructors were appointed there who otherwise would not have been appointed. It seems to me that if we could accept the amendment offered by the Senator from Maryland [Mr. FRANCE] one phase of the situation would be taken care of. No civilian instructor who went to the academy under a contract, implied or otherwise, ought to be treated badly.

The amendment of the committee on page 52, line 18, proposes to reduce the appropriation for pay of professors and instructors from $421,500 to $321,500. If we were to increase that to $371,000 it would still leave the superintendent free to get rid,

if he sees fit, of some of the instructors. He ought to have, to some extent, an opportunity to get rid of some of them, if they are not efficient and are not adapted to the work; but we ought not to let him bring about the complete revolution that he indicated he would in connection with the instruction corps there.

My suggestion to the Senator would be to accept the amendment of the Senator from Maryland. I think that is right. I think when this Government enters into a contract, express or implied, with anybody, it ought to fulfill it honestly, and I think it ought to be a model of honesty and fair dealing, even if it has not got a contract. This Government has no right to invite people to leave colleges and homes and become teachers at the academy and then kick them out unmercifully. The Government ought to be a model of fair dealing. If, instead of saying "$321,000" we should say "$371,000," that would give leeway to the superintendent to get rid of about 8 or 10 professors, if he sees fit, but it will have to go to conference anyway. I think that would be a fair settlement of it. I am not satisfied with it now.

Mr. POINDEXTER. The whole matter will go to conference under this amendment and under the amendment of the Senator from Maryland, which I think is very meritorious. I do not think any man's contract ought to be violated by the United States. The United States is the last institution in the world which ought to ignore the obligations of a contract, because its business is to enforce the obligations of the people legally subject to it, and it ought not to set a bad example in its own contracts; but when that amendment is adopted the effect that is suggested by the Senator from Virginia will come into play, and the whole question will be in conference.

There is just one more word I want to say, and that is that even with the reduced number of civilian instructors, even with the proportion one-half what it is now, the Naval Academy earned its position as the foremost naval military school in the world, and turned out a corps of officers who are regarded the world around as inferior to none in their training and equipment for the business for which this institution is established. There is no proof like the results of a system. When we see the results of the system that has existed there, it is very difficult by mere a priori reasoning, mere theory, to say that it ought to be overturned.

Mr. SWANSON. My idea of having "$371,000" put in, so that when it went to conference there would not be a difference of more than $50,000, is that it would give an assurance to the Senate that these instructors there, even as the result of the conference, could not be harshly dealt with, because this amount of $300,000 would be appropriated for this purpose and could not be diverted to any other. If this appropriation were $321,000, they might agree to the provisions contained in this amendment; but if you name $371,000 and have only $50,000 in conference, the Senate has an assurance, clear and explicit, by what is involved in the conference, that these professors will not be dealt with harshly, except a few of them that they might get rid of.

Mr. LODGE. Mr. President, if the Senator will allow me, the purpose of this is not to reduce the total number of instructors. There is no such plan as that. The plan is to keep the number of instructors precisely the same, but to turn out civilians and to put in naval officers.

Mr. SWANSON. No; if the Senator will permit me, the effect of this is that they can not turn out a single one of the civilian instructors and put a naval officer in his place.

Mr. LODGE. I am not speaking of the House bill.

Mr. SWANSON. I am talking about the House bill, and that is why I think it ought to be modified. They have 115 instructors, and under the provision of the House bill they can not get rid of a single one of them, no matter how incompetent they may be, because they could not substitute them with naval officers.

Mr. LODGE. But this is my point: I am speaking of the purpose of this whole business.

Mr. SWANSON. Wait, now.

Mr. LODGE. The purpose is to make places for naval officers. That is the purpose. The teaching force is not reduced at all.

Mr. SWANSON. No; the number of instructors is not reduced. It is simply a question of taking the pay that would go to a naval officer otherwise and reducing this appropriation by that much. It does not save any money to the Government, provided these naval officers are needed elsewhere, because they are at work. My proposition to the Senator is this: I do think that the House provision is too harsh, because it would not allow them to get rid of a single civilian professor, because they are prohibited from substituting a naval officer in place of any civilian instructor who was there on the 1st of January, 1922.

Mr. LODGE. Precisely; and the statement the Senator has just made gives the whole thing away. If they want to reduce the force they can dismiss civilians.

Mr. SWANSON. No; I say we ought to give them the privilege of dismissing a limited number—10 or 5 or 6.

Mr. LODGE. And keeping naval officers in the same places.

Mr. SWANSON. I would not like to be the superintendent of an academy and be told that if I have 115 civilian instructors there, whether I like a single one of them or not, and regardless of their efficiency, I can not get rid of a single one of them.

Mr. LODGE. I should not like to be under a superintendent of an academy who I am informed is going to turn out——

Mr. SWANSON. I think you go too far and Admiral Wilson goes too far. I was trying to get a settlement of it which would leave him only a very limited number to get rid of.

Mr. BROUSSARD and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. SWANSON. I yield to the Senator from Louisiana.

Mr. POINDEXTER. The Senator has no right to farm out the floor.

Mr. SWANSON. The Senator from Louisiana desired to ask me a question, and I had the floor.

Mr. BROUSSARD. I should like to ask the Senator from Virginia this question: If there were 1 or 2 or 3 or 5 or 10 or 15 of the 115 civilian instructors at Annapolis who do not suit the admiral, there is no harm in permitting him to dismiss a civilian instructor and employing another civilian instructor. What we object to is permitting him to discharge a trained civilian instructor and taking a man and calling him an instructor who has been out of touch with educational work for the last 10 or 15 years.

Mr. SWANSON. This is the effect of it: It simply means that for all time to come, if this provision continues, they shall keep at the Naval Academy 115 civilian instructors, notwithstanding that number were made necessary there only by war conditions.

Mr. POINDEXTER. Mr. President, if the Senator from Virginia will yield, there is no difference in principle between the Senator from Virginia and myself and other Senators, so far as I can see. I am willing to accept, so far as I can, the amendment of the Senator from Maryland. The Senator from Virginia probably will be on the conference committee. Why not adopt the amendment of the Senator from Maryland, and adopt the amendment as amended, and let the matter go to conference, where it can be worked out upon some satisfactory basis in accordance with the principles which are generally agreed to?

Mr. SWANSON. My suggestion was, in order to make it a little safer that we are going to have more civilian instructors than we would have with this amount reduced $100,000, to increase the amount from $321,000 to $371,000, and that would compel us to have more than 80 civilians.

Mr. POINDEXTER. That would all be in conference.

Mr. SWANSON. But if this should be fixed now, the conference could not lessen it. The conference could lessen it down to $321,000; it would not be in conference except to that extent, for $50,000; and if it is only in conference for $50,000, it would be a very small item there.

Mr. KING. Mr. President, I should like to know just exactly the situation of this amendment. As I understand, there are a large number of civilians there now—more than 100—perhaps more than are necessary. If we pass the House bill, the hands of the commandant or the person in charge are absolutely tied and we are compelled to retain those civilians whether they are competent or incompetent.

Mr. POINDEXTER. That is correct—not necessarily those civilians, but an equal number.

Mr. KING. Well, an equal number. There are some civilians, in my opinion, from what I have been told, whose services could be dispensed with for the good of the service and the good of the young men whom they teach. I have no doubt that is true as to some of the officers; but to say that the officer in charge is compelled to retain a certain number of civilians whether he will or no seems to me to be absurd. I think it is unwise policy to put into the law a provision that a certain number of civilians must be employed there whether they are needed or whether they are not needed, and that the person in charge of the academy shall have no discretion whatever, no power to dismiss them or to discharge them or to dispense with their services.

Mr. GLASS. Mr. President——

Mr. KING. Let me just complete this thought, and then I shall be glad to yield to the Senator from Virginia. I am not, however, in sympathy with what I conceive to be one angle of this case, namely, we have now more than 4,400 officers. We do not need that many, of course, for a personnel of 86,000 in the Navy. We have to furnish them jobs. They will be misfits as to many of them. We will put some of those misfits in the Naval Academy.

Mr. NEWBERRY. Mr. President, if the Senator will yield——

Mr. KING. I am not in sympathy with that policy, either. Of course, we need some naval officers there, but we perhaps do not need all that will be sent there.

Permit me to yield to the Senator from Virginia first; then I shall be happy to yield to the Senator from Michigan.

Mr. GLASS. Mr. President, there is nothing in the testimony to indicate that these civilians are not needed there, or at least there is nothing in the testimony to indicate that the numerical strength of the existing corps of teachers should be reduced at all, and it is not proposed to reduce in the aggregate the strength of the teaching corps. It is simply proposed to get rid of civilians who can teach, and put in their stead naval officers who can not teach. That is the whole proposition.

Mr. KING. Of course, the Senator from Virginia assumes that all of the civilians who are there can teach.

Mr. GLASS. If they can not, they ought to be turned out. There is nothing in the law to prohibit turning out an incompetent professor.

Mr. KING. I do not know, as to that, whether there is or not.

Mr. LODGE. Oh, no.

Mr. KING. I do not know whether the House bill permits the discharge of a civilian employee or not.

Now I yield to the Senator from Michigan.

Mr. NEWBERRY. Mr. President, the Senator in charge of the bill has stated that the number of civilian instructors which this amendment absolutely requires would be about one-third of the teaching staff at the academy. As bearing on that question——

Mr. KING. I beg the Senator's pardon; I did not quite hear the first part of his sentence. Do I understand him to say that there are too many teachers there now for the midshipmen who will be there?

Mr. NEWBERRY. No; but on the basis of the academy's size at present, if there were 80 civilian instructors, it would be about one-third of the teaching staff. As bearing on that question, I have a rough estimate of the amount of hours per week of various subjects, which I thought would be interesting in connection with the Senator's remarks.

Mr. KING. I shall be very glad to have the Senator present it.

Mr. NEWBERRY. We realize that there are some studies at a naval academy that require naval officers, trained in naval subjects, to teach, to the exclusion of civilians, altogether. They are gunnery, seamanship, navigation, engineering, and electricity.

Mr. LODGE. Mr. President, the Senator does not think that that is not realized by those who have been discussing this question? I stated explicitly that there were no civilian instructors in navigation, for instance.

Mr. NEWBERRY. I was not arguing about that. I was going to put in the number of hours, so that we would know about what proportion of people would be required.

Mr. LODGE. I have referred to that so many times that I wondered that the Senator was speaking as if he thought we ought to know that there are naval officers teaching there. There are 140.

Mr. NEWBERRY. There may be some people who do not know it, and we would like to have a record of this, if the Senator does not object.

Mr. LODGE. I should like very much to hear the number of hours, but I should also like to hear who the instructors are.

Mr. NEWBERRY. The names of them?

Mr. LODGE. Oh, no; the subjects.

Mr. NEWBERRY. I was just trying to give that when the Senator spoke to me. The hours devoted to gunnery, navigation, engineering, seamanship, and electricity are about 35 a week.

Mr. LODGE. Those are all professions.

Mr. NEWBERRY. Those all require naval officers.

Mr. LODGE. Precisely; those are all professions.

Mr. NEWBERRY. The hours devoted to other subjects—languages, mathematics, physics, chemistry, and so forth—are about 23 a week. I just mention it because it is interesting to note that the amount of hours requiring professional teachers and those requiring civilian teachers about equal the estimate the committee made as to the relative number of civilian instructors.

Mr. KING. Mr. President, if the Senator will pardon me, let me see if I understand the significance of his statement. As I understand, a certain number of hours of instruction each day or each week are given to each pupil. That bears the ratio of 35 of gunnery and navigation instruction, seamanship, and so forth, which would be given by officers, to 23 hours, which would be given by civilian instructors.

Mr. NEWBERRY. Yes; that is correct.

Mr. KING. If I understand the Senator, if you should have civilians doing all of the work which is ordinarily taught in colleges by civilians you would still need more officers than civilians, and the ratio which the two would bear to each other would be as 23 is to 35, and that does not take into account the other instruction to which the Senator has referred. Has the Senator any figures showing the number of hours devoted to those other kinds of instruction?

Mr. NEWBERRY. I would like to correct these figures later if I am in error, but the best estimate I can get is that, outside of the 35 hours mentioned, for those subjects I think the hours are about 10 for gunnery, 12½ for navigation, about 12½ for engineering, 5 for languages, and 6 hours a week each given to mathematics, physics, and chemistry.

Mr. KING. Does the Senator know how many hours are given to military discipline, calisthenics, and so forth?

Mr. NEWBERRY. Twenty-four. I think they are under military discipline all the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland to the committee amendment.

Mr. KING. Let it be reported.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The pending amendment is, on page 52, line 2, after the words "United States," to insert the following proviso:

Provided, That in reducing the number of civilian professors all of the provisions of the contracts between the Government and the professors shall be generously fulfilled by the Government: *Provided further*, That no civilian professor who has been employed for three years or more shall be dismissed without a six months' notice to him that his service will no longer be needed.

Mr. FRANCE. Mr. President, in answer to the question of the Senator from Louisiana [Mr. BROUSSARD], I would say that, in my judgment, this would protect all professors who have not actually been discharged from the academy, even though they may have received notice, because even after having received notice they are still professors. If they are professors at the time this legislation passes, they will, in my judgment, be protected by the provisions of the amendment which I have offered.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. FRANCE. I yield.

Mr. POMERENE. The Senator will bear in mind that the present number of civilian instructors is 118, as given by the acting chairman of the committee, and under the amendment proposed by the committee itself the authorities would be permitted to reduce that number from 118 to 80, so that it would give to the superintendent the right to eliminate 38, subject to the provisions of the Senator's amendment.

Mr. FRANCE. Subject to the provisions of my amendment; so that the civilian instructors would be protected by contract.

Mr. POMERENE. I would like to know what the committee is going to work out. I realize that there ought to be some latitude given to the authorities there.

Mr. LODGE. I was very much interested in the figures of the Senator from Michigan, and as I have no confidence in my own mathematics, I would like to ask the Senator whether I am correct?

It has been reported that there are from 140 to 150 officers there. I take the lowest number, 118 naval instructors, teaching 35 hours a week each. There are 118 civilians, teaching 23 hours a week each. I may be wrong in my figures.

Mr. NEWBERRY. Out of the 140 naval officers, 118 are doing classroom work; the others are doing military training, and attending to other functions.

Mr. LODGE. I got the numbers from the acting chairman of the committee.

Mr. NEWBERRY. One hundred and forty officers are on duty in the academy, 118 doing classroom work.

Mr. LODGE. There are some who do no teaching at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. POINDEXTER. Mr. President, I think we omitted to act on the amendment on line 18, page 52.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 52, line 18, the committee proposes to strike out "$421,500" and to insert in lieu thereof "$321,500," so as to read:

Pay of professors and instructors, including one professor as librarian, $321,500.

Mr. PHIPPS. Mr. President, at this point I would ask that the clerks at the desk be authorized and instructed to correct the totals wherever made necessary by any changes in amount in the various items. I notice that an error was made in one of the totals in the printing of the bill as it came to the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SWANSON. I have offered an amendment to increase the amount allowed in the committee amendment to $371,500. I think that would take care of the situation, so that we would have enough leeway.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. In lieu of the amendment proposed by the committee, the Senator from Virginia moves to strike out "$421,000" and to insert in lieu thereof "$371,500."

Mr. POINDEXTER. I hope that amendment will be rejected and that the committee amendment as proposed will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. BROUSSARD. I ask for a division on the amendment to the amendment.

Mr. POMERENE. I am going to assume, even if this committee amendment is adopted, that the conferees are going to try to work this thing out in a way that will do justice to these professors. It seems to me that it would be a good deal better if we could have a roll call on this subject, but I am not going to ask for that. I understood that the Senator from Louisiana was going to ask for a division.

Mr. WARREN. This matter will go to conference, and it can be settled there.

Mr. SWANSON. The Senator from Louisiana asked for a division on the question as to whether the $321,000 should be increased to $371,000.

Mr. LODGE. That was voted down.

Mr. SWANSON. It was not understood, and the Senator from Louisiana asked for a division.

Mr. LODGE. It was rejected on a viva voce vote.

Mr. SWANSON. The Senator from Louisiana asked for a division on the question as to whether it should be $371,000 instead of $321,000.

Mr. WARREN. Mr. President, the Senator from Virginia was the author of the amendment, and will, no doubt, be a member of the conference. It seems to me, as has been said by the chairman of the subcommittee, this whole thing can be handled entirely in conference. The conferees can make it $324,500 or any sum up to the amount fixed by the House.

Mr. SWANSON. They could do it, but I think the Senate would be better satisfied if we had this leeway. However, I have no objection to that course being followed. I am willing to let it go to conference.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 53, line 15, to reduce the total appropriation for pay of professors and others, Naval Academy, from "$481,400" to "$456,400."

The amendment was agreed to.

The next amendment was, on page 53, line 24, to strike out "$826.73" and insert "$826.78," so as to make the paragraph read:

Department of seamanship: Three coxswains, at $1,176.88 each; three seamen, at $1,001.60 each; two seamen, at $826.78 each; in all, $8,189.

The amendment was agreed to.

The next amendment was, on page 54, line 21, to reduce the total of the appropriation for civil establishment from "$926,261" to "$901,261."

The amendment was agreed to.

The next amendment was, on page 56, line 17, to reduce the total appropriation for Naval Academy, exclusive of public works, from "$2,154,461" to "$2,129,461."

The amendment was agreed to.

The next amendment was, under the head "Marine Corps," on page 56, line 22, after the words "reserve list," to strike out the comma and "$3,374,842" and insert "pay, $3,367,630, subsistence allowance, $482,000, rental allowance, $750,000; in all, $4,599,630," so as to make the paragraph read:

PAY, MARINE CORPS.

Pay of officers, active and reserve list: For pay and allowances prescribed by law for all officers on the active and reserve list, pay, $3,367,630, subsistence allowance, $482,000, rental allowance, $750,000; in all, $4,599,630.

Mr. KING. I ask the Senator in charge of the bill if he will not permit this amendment to go over until to-morrow. I have two amendments to offer, one to reduce the number of the marines and the other to limit the appropriation in this respect: That no part of the appropriation shall be employed in maintaining the marines either in Haiti or Santo Domingo beyond the 1st of January of next year.

Mr. POINDEXTER. These amendments would be in order after the committee amendments have been disposed of. If the Senator will allow us to go ahead and act upon these, I would be very glad to agree that his amendments may be submitted, and if adopted any changes consequent on a vote upon his amendment shall be made.

Mr. KING. The point I had in mind was that I would speak upon the other amendment limiting the number of marines at the same time I was considering this one, so as to expedite the passage of the bill.

Mr. POINDEXTER. These are just formal amendments to comply with the existing law. Of course, if there is adopted by the Senate an amendment reducing the number of marines it would follow as a matter of course that we would all agree to reduce these items.

Mr. KING. With that understanding, I have no objection to proceeding with these amendments. I shall offer an amendment reducing the number of marines to 15,000, and if I am defeated in that I shall offer one reducing the number of marines to 17,500.

Mr. NORRIS. Does the Senator expect to do that to-day?

Mr. KING. I can do that to-morrow.

The amendment was agreed to.

The next amendment was, on page 57, at the beginning of line 18, to strike out "$10,817,398" and to insert a dash and the following words, "pay, $10,817,398; allowance for lodging and subsistence, $1,048,974; in all, $11,866,372"; so as to make the paragraph read:

Pay of enlisted men, active and reserve list: For pay and allowances of noncommissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interest on deposits by enlisted men, post-exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practice, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks, both afloat and ashore—pay, $10,817,398; allowance for lodging and subsistence, $1,048,974; in all, $11,866,372.

The amendment was agreed to.

The next amendment was, on page 57, line 21, to increase the appropriation for pay and allowances prescribed by law of enlisted men on the retired list from "$227,046" to "$305,938."

The amendment was agreed to.

The next amendment was, at the top of page 58, to strike out:

COMMUTATION OF QUARTERS.

For commutation of quarters for enlisted men on recruiting duty, for officers and enlisted men serving with or without troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspectors, assistant paymasters, assistant quartermasters, at $21 each per month, and for enlisted men employed as messengers in said offices, at $10 each per month, $670,000.

The amendment was agreed to.

The next amendment was, on page 59, line 17, to increase the total appropriation for pay, Marine Corps, from "$15,989,945" to "$17,672,599."

The amendment was agreed to.

The next amendment was, on page 59, line 23, to strike out "commutation of rations to enlisted men regularly detailed as clerks and messengers;"; on page 60, line 2, after the word "subsistence," to strike out the comma and the words "or in

lieu of board, commutation of rations to recruiting parties, and enlisted men traveling on special duty, at such rate as the Secretary of the Navy may prescribe," and, at the end of line 7, to strike out "$3,380,947" and insert "$3,011,519," so as to make the paragraph read:

MAINTENANCE, QUARTERMASTER'S DEPARTMENT, MARINE CORPS.

PROVISIONS, MARINE CORPS.

For enlisted men serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; payments of board and lodging of applicants for enlistment while held under observation, recruits, recruiting parties, and enlisted men where it is impracticable otherwise to furnish subsistence; ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for offices and preservation of rations, $3,011,519.

The amendment was agreed to.

The next amendment was, under the subhead "Fuel, Marine Corps," on page 60, line 12, after the word "heat," to strike out the comma and insert "and"; in the same line, after the word "light," to strike out "and commutation thereof"; and, at the end of line 16, to strike out "$850,000" and insert "$700,000," so as to make the paragraph read:

For heat and light for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and sales to officers, $700,000.

The amendment was agreed to.

The next amendment was, on page 64, line 2, after the name "Marine Corps," to strike out "$8,993,577" and insert "$8,474,149," so as to make the paragraph read:

In all, for the maintenance of Quartermaster's Department, Marine Corps, $8,474,149; and the money herein specifically appropriated for the maintenance of the Quartermaster's Department, Marine Corps, shall be disbursed and accounted for in accordance with the existing law as maintenance, Quartermaster's Department, Marine Corps; and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 64, line 9, to increase the total appropriation for the Marine Corps, exclusive of public works, from "$24,983,522" to "$26,146,748."

The amendment was agreed to.

The next amendment was, under the head "Increase of the Navy," on page 64, line 16, after the word "destroyers," to insert "together with the sum of $10,000,000, which is hereby appropriated,"; in line 18, after the word "date," to insert "including the U. S. S. *Maryland*"; on page 65, line 5, after the word "Department," to strike out "for the completion of torpedoes under manufacture on April 8, 1922, not to exceed 400," and to insert "for the procurement of gyro compass equipments for destroyers not already supplied; for the completion of armor, armament, ammunition, and of torpedoes under manufacture on April 8, 1922, including not to exceed 400 of the destroyer type"; and on page 65, line 12, after the word "instruments," to strike out "on the U. S. S. *Maryland* and," so as to make the paragraph read:

The Secretary of the Navy may use interchangeably the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," including any balance then remaining under the appropriation "Increase of the Navy, torpedo boat destroyers," together with the sum of $10,000,000, which is hereby appropriated, for the prosecution of work on vessels under construction on such date, including the U. S. S. *Maryland*, the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the present session; for the conversion into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty, two of the battle cruisers the construction of which had been heretofore commenced, when the conversion of such battle cruisers shall have been authorized; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the procurement of gyro compass equipments for destroyers not already supplied; for the completion of armor, armament, ammunition, and of torpedoes under manufacture on April 8, 1922, including not to exceed 400 of the destroyer type; and for the installation of fire-control instruments on 12 destroyers heretofore constructed, and such balances shall not be available for any other purposes.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. This completes the committee amendments except those passed over.

Mr. POINDEXTER. Mr. President, under instruction of the Committee on Appropriations I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 64, line 17, after the word "appropriated" it is proposed to insert:

and in addition thereto such amount, not exceeding $8,000,000, as may be realized by the Navy Department, by application upon the obligations of the Navy Department for "Increase of the Navy" from any assignment, such assignment being hereby authorized, by the United States Shipping Board or the Emergency Fleet Corporation to the Navy Department of any obligation or debt or of any note or other securities held as security therefor owing to the United States Shipping Board or the Emergency Fleet Corporation or to the United States by any contractor or subcontractor to whom the Navy Department may be obligated on account of supplies furnished or work done on account of "Increase of the Navy."

Mr. KING. Mr. President, I make a point of order against the amendment.

Mr. POINDEXTER. I hope the Senator will withdraw the point of order. I doubt very much whether it would lie anyhow. I would like to inquire of the Senator if he has any objection, regardless of the point of order, where a contractor is indebted to the United States——

Mr. KING. I want an explanation from the Senator. I have not yet seen the amendment which he has offered.

Mr. POINDEXTER. The effect of it is simply that where a contractor is indebted to the United States Shipping Board, and consequently to the United States, the United States, through the Navy Department, being indebted to that same contractor, may balance one obligation against the other. That is all there is to it. It furnishes a means by which the United States can collect perhaps in some cases what it is owing to it which otherwise it could not collect.

Mr. KING. It is a credit to the Navy Department in a way?

Mr. POINDEXTER. It authorizes the Navy Department to credit upon its obligations to contractors obligations which those contractors owe to the United States through another agency.

Mr. KING. Are there cases where there are dual transactions, one with the Navy Department and one with the Shipping Board?

Mr. POINDEXTER. Yes.

Mr. KING. Has the amendment been approved by the committee?

Mr. POINDEXTER. It has been approved by the full Committee on Appropriations, and also, I understand, approved by the Senator from Wisconsin [Mr. LENROOT], who was interested in the matter. The committee instructed the Senator from Wisconsin and myself to confer about it, which we have done.

Mr. KING. Has it been approved by members of the Committee on Commerce? For instance, has the Senator from Washington [Mr. JONES] approved it?

Mr. POINDEXTER. He approves it. He was present at the time the instruction was given.

Mr. LENROOT. Mr. President, I think there should be one addition to the statement which the Senator from Washington has made.

I will say to the Senator from Utah that I objected to the amendment as originally framed, because it permitted the Navy Department, as I construed it, to sell obligations for cash and then apply the cash upon new construction. I was willing, wherever the Shipping Board was willing, to assign to the Navy Department an obligation that some one owes it and the Navy Department also owed that same party, to permit the Shipping Board to assign a sufficient amount of that obligation to offset the claim the same party had against the Navy Department. I will say it can only be done with the consent of the Shipping Board. They must first make an assignment to the Navy Department of the obligation, and then it can be offset against the obligation of the Navy Department to the contractor.

Mr. KING. May I ask the Senator whether, under the modus operandi prescribed here, money might be paid into the Shipping Board from the Navy Department and the Shipping Board utilize it without the consent of Congress?

Mr. LENROOT. No; this is not a payment of that kind at all, as I understand it. For instance, here is a shipyard that is indebted to the Shipping Board. The Navy Department is indebted to that shipyard. In that case the amendment will permit the Shipping Board to assign to the Navy its claim against the shipyard, and the Navy Department can then apply that in payment of its obligation to the shipyard.

Mr. KING. Then, there is no process by which the Shipping Board can get money out of the Treasury and the credit go to the Navy Department?

Mr. LENROOT. This is merely to permit the assignment by the Shipping Board of obligations to it to the Navy Department to be applied upon indebtedness of the Navy Department to the same party, as I understand it.

Mr. KING. I have no objection. I withdraw the point of order.

The PRESIDING OFFICER. The Chair will state that it will be necessary first to reconsider the vote by which the amendment, of which this is a part, was agreed to. Without objection, the vote by which that amendment was agreed to will be reconsidered. The question is now upon the amendment

offered by the Senator from Washington on behalf of the committee to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. POINDEXTER subsequently said:

Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] this morning, being compelled to leave the Senate, asked me to present to the Senate and have read by the Secretary a brief letter which relates to an amendment, which I offered on behalf of the Committee on Appropriations relating to the exchange of claims between the Shipping Board and the Navy Department. I ask unanimous consent that the Secretary may read the letter, and that it be printed in the RECORD immediately following the action of the Senate upon the amendment referred to.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read the letter, as follows:

GROTON, CONN., *June 16, 1922.*

Hon. F. B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: While the naval appropriation bill was before the subcommittee, the inclosed provision was inserted in the bill under "Increase of the Navy," at the request of Assistant Secretary Roosevelt. His idea was to take over from the Shipping Board the notes of the Submarine Boat Corporation for the use by the Navy Department in paying the Electric Boat Co. for past and future work. This idea is entirely impracticable, and if it were put in force it would necessarily result in our shutting down the plant at Groton.

This provision was stricken out by the full committee and is not now in the bill. I do not know that any attempt will be made to restore it on the floor. If so, however, I will very much appreciate anything that you might be able to do to prevent such restoration.

Very sincerely yours,

L. Y. SPEAR.

INCREASE OF THE NAVY.

* * * and in addition thereto such amount as may be realized by the Navy Department, either in cash or by application upon the obligations of the Navy Department for "Increase of the Navy" from any assignment by the United States Shipping Board or the Emergency Fleet Corporation to the Navy Department of any obligation or debt, or of any note or other securities held as security therefor owing to the United States Shipping Board or the Emergency Fleet Corporation or to the United States by any contractor or subcontractor to whom the Navy Department may be obligated on account of supplies furnished or work done on account of "Increase of the Navy." * * *

Mr. LODGE. Mr. President, with the permission of the Senator from Washington, I wish to offer a small verbal amendment. In line 1, on page 65, after the words "battle cruisers" I move to insert "namely, the *Lexington* and the *Saratoga*," so that it will read:

Two of the battle cruisers, namely, the *Lexington* and the *Saratoga*, the construction of which had been heretofore commenced, etc.

I move the amendment because the naval board on scrapping, whose report I have here as submitted to the Congress, in their recommendation No. 7 say:

The board recommends that the two most advanced battle cruisers, namely, the *Lexington*, No. 1, and the *Saratoga*, No. 3, be selected for conversion into airplane carriers.

The authorization will come in a subsequent bill.

Mr. POINDEXTER. Mr. President, I trust that the amendment will be adopted. I think it is a very meritorious one. The *Lexington* and the *Saratoga* are the battle cruisers farthest advanced in construction. They are the ones which the naval conference, at the limitation of arms conference, had in view. On the *Lexington* 33.8 per cent of work has been done and on the *Saratoga* 35.4 per cent. The nearest approach to those battle cruisers of any other in progress is the *Constellation*, on which only 22.7 per cent of work has been done. I think the amendment offered by the Senator from Massachusetts should be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. POINDEXTER. I ask that we may now return to the amendment passed over on page 31.

The PRESIDING OFFICER. The amendment passed over will be stated.

The READING CLERK. On page 31, line 3, the committee proposes to strike out:

That no part of this appropriation or any other appropriation contained in this act shall be available for expenditure at the Naval Proving Ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis.

Mr. POINDEXTER. The Senator from Maryland [Mr. FRANCE] is interested in this amendment.

Mr. BORAH. Mr. President, may I ask the Senator in charge of the bill whether we are through with committee amendments?

Mr. LODGE. Except some that were passed over.

The PRESIDING OFFICER. There are two committee amendments yet to be disposed of.

Mr. BORAH. I desire to offer an amendment, if it is permissible at this time.

Mr. SWANSON. There are two committee amendments that have not been disposed of.

Mr. POINDEXTER. The only committee amendment that I desire to have considered this evening is the one just stated, on page 31, striking out lines 3 to 7, inclusive. When that is disposed of other amendments will be in order. There is one other committee amendment passed over, but I shall ask that it may go over until to-morrow.

Mr. FRANCE. Mr. President, is it the intention of the Senator in charge of the bill to remain in session for some little time yet?

Mr. POINDEXTER. That is the notice which was given this morning. At this time, Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POINDEXTER. I would like to dispose of this one amendment this evening.

Mr. EDGE. If the Senator from Washington will permit me, I wish to introduce an amendment to which I think there will be no objection. I would like also to dispose of that this evening.

Mr. POINDEXTER. It is entirely satisfactory for the Senator to present his amendment.

Mr. EDGE submitted an amendment intended to be proposed by him to the pending bill, which was ordered to lie on the table and to be printed, as follows:

On page 6, after line 12, insert the following proviso:

"*Provided*, That quarantine and passport fees collected in the Virgin Islands shall hereafter be paid into the treasuries of said islands."

Mr. KING. Has the Senator from New Jersey offered his amendment?

Mr. EDGE. I have submitted my amendment; but the Senator in charge of the bill has suggested that the committee amendments which have been passed over should be first considered.

Mr. KING. I hope the Senator will not press his amendment to-night, because I would like to have an opportunity to examine it.

Mr. EDGE. The amendment I am offering I am quite sure will not create any objection at all. I am simply waiting until the committee amendments are disposed of.

Mr. LENROOT. Mr. President, I suggest that we proceed with the committee amendment now pending.

Mr. POINDEXTER. That is the order of the Senate, as I understand it.

The PRESIDING OFFICER. Under the unanimous-consent agreement committee amendments are to be disposed of first. The amendment now before the Senate is the first amendment passed over, on page 31, which has been stated.

Mr. FRANCE. Mr. President, I desire to make what I hope will be a very short statement on the amendment. I thought my statement might provoke some debate, and it was with that in mind that I asked the Senator in charge of the bill whether he wished to have the Senate continue in session until the amendment is disposed of. While the statement which I desire to make on the amendment will not consume much time, I believe that it may lead to some debate. I wondered whether the Senator desired to continue until the amendment is disposed of.

Mr. POINDEXTER. I would like to proceed with the one amendment at least.

Mr. FRANCE. Personally, I am very anxious to have the whole bill disposed of as speedily as possible, so I shall make the statement which I had in mind to make concerning the amendment.

The amendment really involves a large question of governmental policy. It is useless for us to expect a reduction of governmental expenditures unless we secure a reduction in the number of governmental activities which were inaugurated during the war. I have taken a particular interest in the question of proving grounds. My particular interest in this question arises out of the fact that at the beginning of the war it was deemed necessary by the War Department to secure a proving ground somewhere in the neighborhood of Washington. It was proposed at that time to establish a proving ground on Kent Island, on the Eastern Shore of Maryland. The opposition to the establishment of a proving ground on Kent Island, however, was so pronounced that my then colleague, Senator Smith, and myself opposed it, and the proposal to take Kent Island for a proving ground was abandoned.

Upon that occasion, when the matter of a proving ground was under discussion, I learned that there was a proving ground available for the Government in New Jersey. Prior to the war we had very inadequate proving ground facilities, but after the beginning of the European war one of the great ordnance companies purchased in New Jersey, after much effort, a proving ground which had a range of 14 miles. That proving ground was offered to the Government free of charge for governmental use, and I believe it is possible even now for the Government to secure the use of that 14-mile range without any substantial charge being made to the Government.

My point is that there was at that time, and there is to-day, available a proving ground with a range of 14 miles in New Jersey available for Government uses.

However, while the proposal to take Kent Island for a proving ground was abandoned, nevertheless the determination of the War Department to have an additional proving ground was so fixed that finally a proving ground was established at Aberdeen, Md., a proving ground embracing, I believe, 20,000 acres. A great military reservation was established at Aberdeen. After the establishment of a proving ground there the Government took over the property which is now known as the gas-experiment station at Edgewood, practically joining Aberdeen, a property embracing about 5,000 acres. In addition to that, we have had for a long time the Indianhead Proving Ground. So we have available for use the proving ground in New Jersey, with a range of 14 miles; the proving ground embracing 20,000 acres at Aberdeen; the proving ground in connection with the gas plant at Edgewood, embracing 5,000 acres; and the proving ground at Indianhead—four distinct proving grounds where before the war we only had, so far as I know, one proving ground available for the use of the Government. During the emergency of the war the Navy secured an additional proving ground at Dahlgren for testing long-range guns, so that gives us five proving grounds.

I ask the Senate how we can expect to reduce governmental expenses unless we cut down some of the work which is being carried on by the War Department and the Navy Department; a work which was originally in the nature of emergency work? The trouble with our Government to-day is that we are carrying on a great number of war activities simply because, under our bureaucratic system, when a certain activity begins it is almost impossible to discontinue it. The testimony shows that there is not the slightest reason in the world for the maintenance of a proving ground at Dahlgren.

The testimony is also very clear—and I think I have some personal knowledge of the situation, having been on the Aberdeen Proving Ground and very recently upon the Edgewood Proving Ground—that the Government can secure either at Aberdeen or Edgewood a range of 25 miles down the Chesapeake Bay, a range equally as long as that which may be obtained at Dahlgren.

In the cross-examination of the Chief of the Bureau of Ordnance he practically admitted that the guns which are to be tested at Dahlgren could as well be tested at Aberdeen or even at Edgewood. I have the testimony upon that point and I will insert in the RECORD a very brief extract from the testimony of Admiral Earle before the Appropriations Committee, and also a brief extract from the testimony of Admiral McVay.

The PRESIDING OFFICER. In the absence of objection, the matter referred to by the Senator from Maryland will be inserted in the RECORD.

The excerpts are as follows:

[From testimony of Admiral Earle.]

The CHAIRMAN. Is there any reason why you could not and should not have a sufficient number of them tested at the Army proving grounds in order to test the effect of the explosions of the shells?

Admiral EARLE. We are doing it now, sir. We are getting along with what we absolutely have to have on a land range test at Aberdeen.

The CHAIRMAN. Aberdeen is a very elaborate proving ground?

Admiral EARLE. Yes, sir.

The CHAIRMAN. It is going to be a proving ground of very great capacity?

Admiral EARLE. Yes, sir.

[From testimony of Admiral McVay.]

Admiral MCVAY. But, in addition to that, this question has been investigated and investigated; in fact, it has taken more of my time than any other one thing since I have been in the bureau, and finally the Bureau of the Budget investigation. Their report was that Dahlgren was necessary, and it was in the interest of efficiency and economy. Personally I know that. I think it is costing us something like four or five hundred thousand dollars less to do all of the work at Dahlgren instead of half at Indianhead and half at Dahlgren. Certainly you would not call that uneconomical.

Senator FRANCE. Personally I think you did suffer for the lack of a long range. But it did seem to me that when we are so interested in reducing expenses, particularly in reducing naval expenditures, in such a way that there would be less prejudice against the Navy, that it might be highly desirable, if possible, to concentrate all of this work at one place. In fact, we have too many plants under the Navy and under the Army, it seems to me, and a consolidation, a concentration, of work would be highly desirable.

Admiral MCVAY. The Navy has no unnecessary plants at the present time. I am not familiar with the War Department.

Senator FRANCE. Of course, we here provide funds for both departments.

Admiral MCVAY. Yes.

Senator FRANCE. And there is only one Treasury, although there are many departments and bureaus. Of course, if it is possible to avoid duplication it is in the interest of economy, and I think this a case where it might be done.

Admiral MCVAY. We can not duplicate anything at Indianhead, because I can spend no more money in facilities at any station. The Treasury is perfectly safe in that regard, because the law is to that effect.

I would be very glad if our Army friends want to test any guns at Indianhead to do as much as we can for them. We work very well together. We are very much interested in each other. There is scarcely any duplication of work. In fact, the two departments having different proving grounds, give us very valuable comparative tests, which are necessary, and we do a great amount of work together. I have, for instance, an officer that attends all the meetings of the Army ordnance technical committee. We have a combined special technical committee that meets twice a month. The Army and naval officers meet in the Bureau of Ordnance of the Navy one Tuesday a month, and on another Tuesday a month they meet in Army Ordnance. We have the greatest cooperation. We are always phoning to each other. We are always checking up data—and I think it is a splendid thing.

Mr. FRANCE. The question in connection with this appropriation is clearly a question as to whether or not we are disposed now to cut down war activities and reduce governmental expenses. The reason we are now spending $4,000,000,000 each year is in large part due to the fact that we have not cut off some of the activities which were inaugurated during the period of the war emergency. Every single piece of ordnance which it is proposed to test at Dahlgren may, beyond dispute, be tested at Aberdeen or at Edgewood, Md. I have not mentioned some of the smaller proving grounds like that at Camp Meade, in Maryland, which is suitable for the testing of rifles and short-range guns.

I have no interest in this matter except to secure, in this particular instance, a policy of governmental economy and, of course, incidentally to preserve Indianhead, where a large amount of money has already been expended, which is in every respect a more convenient proving ground than is Dahlgren. The heavy guns may be transported to Aberdeen, to Edgewood, or to Indianhead by rail; but they may only be transported to Dahlgren by water from Indianhead or by water from Washington. There is no railroad whatever at Dahlgren.

Of course, the maintenance of the additional proving ground at Dahlgren means an expense to the Government, which I think is wholly an unnecessary expense. I do not know what the maintenance of Dahlgren will amount to each year, but it will probably be several hundred thousand dollars, which is not an inconsiderable sum, indeed, to be saved.

I have proposed an amendment which seems to me is a very reasonable amendment to the provision inserted by the House. That provision, which the committee propose to strike out, reads:

That no part of this appropriation or any other appropriation contained in this act shall be available for expenditure at the naval proving ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis.

The House inserted that provision after very careful study of this question. I would add to that provision the following proviso, which I think is a very reasonable one:

Provided, That the naval proving ground at Dahlgren may be used for the testing of such long-range guns as can not be tested at any other proving ground owned by the United States Government.

I offer that amendment to the portion proposed to be stricken out, and, as I have said, it seems to me to be a most reasonable proviso. It certainly will result in great economy to the Government.

Mr. President, I might discuss this matter at great length and quote from the testimony taken before the committee and which is in the record, but I shall not detain the Senate, as I know there is a desire on the part of many Senators to take a recess. I do feel, however, that the proviso which I have offered to the portion of the House text proposed to be stricken out should be adopted, and that then the provision as inserted by the House should be allowed to remain as amended by the addition of the proviso.

Mr. POINDEXTER. Mr. President, I think the Senator from Maryland deserves commendation for the excellent manner in which he has presented this matter in which his State is interested, although I think not interested in the way in which some of the members of the delegation from that State seem to apprehend. One result of the establishment of the proving grounds at Dahlgren—in fact, the only result—is to transfer the work of proving the big guns of the Navy from Indianhead, Md., to Dahlgren, Va., and I presume it is perfectly natural that the Representatives of the State of Mary-

land here should resist that change. I wish to say for the Senator from Maryland that he has resisted it in a very able manner, which it is quite difficult to oppose. He appeared before the committee, but, after a very complete examination of the entire question and a very thorough consideration of it, both the subcommittee of the Appropriations Committee and the full Appropriations Committee disagreed with the Senator from Maryland and recommended the amendment contained in the bill. It was fought out in the House of Representatives by the popular and able champions of Maryland in that body.

Very briefly the proposition involved in the amendment proposed by the Senator from Maryland is to have two proving grounds instead of one. He says that will be in the interest of economy, but the committee is very firmly of the opinion that it would be a very extravagant system to have a proving ground for short-range guns at Indianhead, with one overhead expense and one organization, and another proving ground for long-range guns at Dahlgren, with another overhead and another organization. The fact of the case is it would be the most extravagant system which could be adopted.

The time to have disputed this proposition, if it was going to be disputed at all, was at the time when Dahlgren was acquired. That time has long gone by. We have expended $2,000,000 in acquiring Dahlgren and improving it. We have acquired there some 1,400 acres of land, and there we have a place which is said by every expert who has been examined and which is believed by the members of the subcommittee who took the pains to make a trip to Dahlgren and personally inspect it to be excellently adapted for the actual firing of projectiles from the long-range guns of the Navy at high elevation to a great distance. There is no place at Indianhead at which that may be done. The longest range that can be had at Indianhead is some 14 miles. At Dahlgren there is a range of 25 miles, which is absolutely essential. The only test that could be made by naval guns before Dahlgren was acquired was an artificial test, so to speak, by reducing the charge and reducing the distance and making mathematical computations as to the range of the guns based upon that artificial reduction of the charge and of the range. It was found afterwards that when the guns were fired the actual distance they were out of range from 2,000 to 3,000 yards, which, of course, would put the United States in a ridiculous and perhaps in a fatal position if any such tests were depended upon in time of battle. That shows the importance of having actual tests to determine the actual range.

There is practically no expenditure of money involved, because the money has already been expended at Dahlgren. I trust that the amendment of the Senator from Maryland will be rejected and that the committee amendment will be adopted.

Mr. TOWNSEND. Mr. President, is it necessary that the Government should own all of these proving grounds? Could not some of them be sold?

Mr. POINDEXTER. At Indianhead we have a powder factory, which will be continued there, but, as was stated to the committee, and apparently with good reason, it is not desirable to have the continual firing of heavy guns in the immediate vicinity of a powder factory. So far serious accidents have been avoided, but because of occasional defects in shells pieces of projectiles sometimes fly at all sorts of divergent angles, which might lead to a great disaster there and to the death of many people. That objection lies to Indianhead, in addition to the objection that there is not sufficient range available there.

Edgewood is a gas-warfare establishment. There are no facilities there, even though the gas factory were not there, for the firing of long-range guns. It never has been developed for that purpose, and I do not suppose that it would be desirable to carry on experiments with highly explosive gases and all the work incident to them in connection with the firing of guns.

Mr. McCORMICK. Mr. President, have we not abolished gases by treaty?

Mr. POINDEXTER. No; we have not. It was agreed between certain nations that they would not use gases, but that was not binding upon other nations that were not parties to that treaty, and the Army appropriation bill this year carries an appropriation for gas warfare.

Mr. TOWNSEND. Mr. President, the thing I am interested in particularly—and I confess that I am ignorant and do not know, and that is the reason why I ask the question—is whether we need all of these proving grounds, or whether we could dispose of some of the five or six proving grounds to which the Senator from Maryland made reference.

Mr. POINDEXTER. I think that statement created a rather erroneous impression as to the number of proving grounds. I am not familiar with the Army proving ground in New Jersey, but the Aberdeen Proving Ground is an Army proving ground, and it would not be practicable for the Army and the Navy to carry out their testing of guns at the same place. Furthermore, it has the objection that they fire into the immediate approach to Baltimore Harbor and interfere there with a very extensive commerce. As to keeping the Aberdeen Proving Ground, that is a question rather for the Military Affairs Committee as to whether that should be kept, or whether the gas works at Edgewood should be kept.

As to the naval establishment at Indianhead, considering the savings that the Government has enjoyed in the reduction of the price of powder by making its own powder, and not only in the supply that the Government got but in its effect upon the powder market, I think it is desirable to retain that.

Mr. SWANSON. Mr. President, I should like to say, in connection with what the Senator has said, that they can not even test a 5-inch gun at Indianhead. A 5-inch gun requires about 24,000 yards to test it. They have only twelve or fourteen thousand yards available at Indianhead, and when they have tested the small guns, as the Senator said, they have had to do it by conjecture. That is, they never could put them at an angle of over eight degrees, and consequently it was a mere calculation and guess as to how those guns could be used in case of a battle. At Dahlgren they have a range of 30 miles.

A naval ship is worth nothing unless you can shoot. The whole training, the whole purpose for which you have the ship, is to be able to shoot. There is one thing that you always ought to be certain about in a battle. You always have to guess at the distance the enemy ship is from you. That is a mere conjecture, but you ought to know that your guns will shoot accurately if you know the distance. That is, if the distance is 24 miles your guns ought to have been tested, and your powder and your shells, and you ought to know that your shells will land at 24 miles or 20 miles or 18 miles. That ought never to be guessed. It is criminal for a Government to have its forces guessing on that.

You spend millions and millions and millions of dollars to equip your men to destroy the enemy's ships. When you are entering a battle there are two things you have to do. You have first to guess at the distance, and you have this salvo firing by which you soon get the range. When these guns were tested at Indianhead they had only a 12,000-yard range, or 14,000 in the best days. They could not put them at the angle necessary to shoot the entire distance, and consequently they simply made arbitrary calculations as to how the guns would shoot at a certain distance. When they tested them at Dahlgren they found they were three or four thousand yards out.

Mr. POINDEXTER. Mr. President, I think I was in error inadvertently in stating that there was a range of 14 miles at Indianhead. I think 14,000 yards is the range there.

Mr. SWANSON. That is all. This is the only proving ground that the Navy has that it selected itself. The people did not want it there very much, because people do not like to be around where there is very much firing, just as at Indianhead we always used to have to be paying damages for shooting over people's land, which we did there, and because of the explosions. This is the only proving ground that the Navy has to give an absolute guaranty to your sailors that your guns have been tested before they have been put on your ships; and if you know the distance, then there is no guess as to where your shells will land. Now, it is proposed to come here for some little purpose and put the entire Navy in jeopardy, to have 86,000 sailors guessing at the accuracy of your guns even when you know the distance, making two elements of uncertainty—first as to the distance of the other fleet, and then guessing and making an arbitrary calculation as to what your guns will do when the distance is known. When they made the real test they found that the calculation for the guns was 3,000 yards out, which would have been fatal in a battle.

There is not a member of the Naval Affairs Committee of the House or Senate, not a member of the committee that investigated this matter, that was not unanimously of the opinion that this provision ought to go out, and the Dahlgren Proving Ground kept. There is not a man in the Navy Department who does not say that it is absolutely indispensable to an efficient and splendid administration of the Navy in connection with the accuracy of its shooting.

It does seem to me that with that situation, with everybody that investigated it practically unanimous, we can not afford to destroy and close up this proving ground. We are testing guns there now every day. This amendment does not save any money. It simply prohibits them from doing any testing there. It does not reduce the appropriation. It simply says that you can not test guns there, when they are being tested now every day at

Dahlgren. Aberdeen is busy most of the time in testing. These guns must be tested. The whole secret of a naval battle is to have the accuracy of your guns fixed when you know the distance, and that can only be done by actual experience.

As to Aberdeen, the admiral did testify that they could test shells there, as they did for years down at Indianhead—that is, to test the shell as to whether it explodes properly—but there is a big difference between testing shells and testing guns. All the shells that are bought and made are tested to see whether they are sound, whether they are good, whether they explode at the proper time, and so forth; but when you test a gun that is done to know whether the shell will be landed with a certain angle at a certain distance when you fix the distance from the ship with accuracy. You will see that all that Admiral Earle said was that the shells could be tested there. He never said the guns could be tested there.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SWANSON. Yes.

Mr. LENROOT. I should like to ask the Senator, if that is so, where are we going to test the big guns for our Coast Artillery, which are exactly of the same character as our largest naval guns?

Mr. SWANSON. I do not know to what extent we do testing for the Coast Artillery. All I know is that your guns are fixed to go on ships. They need this place down here on the river, and the Navy Department says it would absolutely paralyze the entire ordnance department of the Navy to close up Dahlgren.

Mr. LENROOT. Mr. President, I do not know whether this particular proving ground should be maintained or not, but I am satisfied that the Government is wasting a great deal of money in considering the Navy and the Army as entirely distinct and separate entities at all times and for all purposes. Whether proving grounds should be at Aberdeen or somewhere else, I am satisfied that there ought to be one ground to serve both the Army and the Navy. In the Coast Artillery, by reason of the Limitation of Armament Conference, we are taking some of the new guns off of the vessels, or taking those that were built for the new vessels, and we are going to use them for our fixed batteries in the Coast Artillery. What possible reason or sense can there be in having two overhead organizations, costing large amounts of money, for the purpose of a proving ground where one ought to serve both departments of the Government?

What is true of proving grounds is true of a great many other things. If we are going to economize in Government expenditures, we shall have to pay less attention to the demand of both the Army and the Navy that in all matters they must be considered as absolutely distinct and separate entities.

Mr. FRANCE. Mr. President——

Mr. McCORMICK. Mr. President, if the Senator will permit me for a moment, I wish to send to the desk and ask to have inserted in the RECORD a list of the naval stations, so called.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Index to shore stations.

Page No.	Name.	Title.	Mail address.
	Air stations:		
181	Anacostia, D. C. (operative)	Commanding officer.	Washington, D. C.
187	Cape May, N. J. (inoperative)	do	Cape May, N. J.
182	Chatham, Mass. (inoperative)	do	Chatham, Mass.
190	Hampton Roads, Va. (operative).	do	Norfolk, Va.
187	Lakehurst, N. J. (operative)	Commandant	Lakehurst, N. J.
192	Pensacola, Fla. (operative)	do	Pensacola, Fla.
185	Rockaway, L. I. (to be closed)	Commanding officer.	Rockaway, L. I., N. Y.
194	San Diego, Calif. (operative)	do	San Diego, Calif.
206	Alaska Coal Commission (inoperative).	Senior member	Chickaloon, Alaska.
	Ammunition depots:		
191	Charleston, S. C.	Inspector of ordnance in charge.	Charleston, S. C.
187	Fort Mifflin, Pa. (operative)	do	Paschall, Station Philadelphia, Pa.
	Fort Norfolk (auxiliary) (operative).	do	Norfolk, Va.
182	Hingham, Mass. (operative)	do	Hingham, Mass.
185	Iona Island, N. Y. (operative)	do	Iona Island, New York, N. Y.
185	Lake Denmark, N. J. (operative).	do	Dover, N. J.
197	Mare Island, Calif. (operative)	do	Mare Island, Calif.
197	Puget Sound, Wash. (operative)	do	Bremerton, Wash.
189	St. Julien's Creek (operative)	do	Portsmouth, Va.
170	Attachés		
206	Brazilian Commission (subject to request of Brazil).		

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Bureaus:		
175	Aeronautics (operative)	Chief of bureau	Navy Department, Washington, D. C.
174	Construction and Repair (operative).	do	Do.
174	Engineering (operative)	do	Do.
172	Medicine and surgery (operative).	do	Do.
170	Navigation (operative)	do	Do.
173	Ordnance (operative)	do	Do.
175	Supplies and Accounts (operative)	do	Do.
173	Yards and Docks (operative)	do	Do.
205	Compensation Board (operative)	Senior member	Do.
184	Destroyer and submarine base, Squantum, Mass. (inoperative).	Commanding officer.	Atlantic, Mass.
195	Destroyer base (operative)	do	San Diego, Calif.
205	Disbursing office (operative)	Disbursing officer.	Navy Department, Washington, D.C.
205	Examining and retiring boards (operative).	President	Do.
205	General Board (operative)	Senior member	Do.
192	Helium production plant (operative).	Officer in charge	Fort Worth, Tex.
172	Hydrographic Office (operative)	Hydrographer	Navy Department, Washington, D.C.
172	Judge Advocate General's Office (operative).	Judge Advocate General.	Do.
	Marine barracks:		
181	Annapolis, Md. (operative)	Commanding officer.	U. S. Naval Academy, Annapolis, Md.
184	Boston, Mass. (operative)	do	Navy yard, Boston, Mass.
192	Charleston, S. C. (operative)	do	Navy yard, Charleston, S. C.
185	Dover, N. J. (operative)	do	Naval ammunition depot, Dover, N. J.
200	Guam (operative)	do	
	Great Lakes, Ill. (operative)	do	Naval training station, Great Lakes, Ill.
190	Hampton Roads, Va. (operative).	do	Naval operating base, Hampton Roads, Norfolk, Va.
182	Hingham, Mass. (operative)	do	Naval ammunition depot, Hingham, Mass.
185	Iona Island, N. Y. (operative)	do	Naval ammunition depot, Iona Island, N. Y.
173	Indianhead, Md. (operative)	do	Naval proving ground, Indianhead, Md.
192	Key West, Fla. (operative)	do	Naval station, Key West, Fla.
197	Mare Island, Calif. (operative)	do	Mare Island Navy Yard, Vallejo, Calif.
185	New London, Conn. (operative)	do	Naval submarine base, New London, Con.
192	New Orleans, La. (operative)	do	Naval station, New Orleans, La.
184	Newport, R. I. (operative)	Commanding officer.	Naval torpedo station, Newport, R. I.
186	New York, N. Y. (operative)	do	Navy yard, New York, N. Y.
191	Paris Island, S. C. (operative).	Commanding general.	Paris Island, S. C.
199	Pearl Harbor, T. H. (operative)	do	
193	Pensacola, Fla. (operative)	do	Pensacola, Fla.
188	Philadelphia, Pa. (operative)	do	Navy yard, Philadelphia, Pa.
183	Portsmouth, N. H. (operative)	do	Navy yard, Portsmouth, N. H.
183	Do	do	U. S. naval prison, Portsmouth, N. H.
191	Portsmouth, Va. (operative)	Commanding officer.	Norfolk Navy Yard, Navy Yard Station, Portsmouth, Va.
189	Do	do	Naval ammunition Depot, St. Julien's Creek, Portsmouth, Va.
198	Puget Sound, Wash. (operative).	do	Puget Sound Navy Yard, Bremerton, Wash.
176	Quantico, Va. (operative)	do	Quantico, Va.
195	San Diego, Calif. (operative)	Commanding officer.	Naval base, San Diego, Calif.
178	Washington, D. C. (operative)	do	Washington, D. C.
181	Do	do	Navy yard, Washington, D. C.
	Marine Corps:		
	Assistant Paymaster's Office, Philadelphia, Pa. (operative).	Officer in charge	1415 Locust Street, Philadelphia, Pa.
195	Department of the Pacific, San Francisco, Calif. (operative).	Commanding general.	36 Annie Street, San Francisco, Calif.

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Marine Corps—Continued.		
	Depot of Supplies, Hampton Roads, Va. (operative).	Depot quartermaster.	Hampton Roads, Va.
	Depot of Supplies, Philadelphia, Pa. (operative).	.....do.....	1100 South Broad Street, Philadelphia, Pa.
176	Headquarters (operative).....	Major general commandant.	Navy Department, Washington, D. C.
178	Recruiting Bureau (operative).	Officer in charge..	Cory Building, Manhattan Bridge Plaza, Brooklyn, N. Y.
195	Second Advance Base Force, San Diego, Calif. (operative).	.....do.....	San Diego, Calif.
	Mare Island, Calif. (operative)..	Commanding officer.	Naval ammunition depot, Vallejo, Calif.
	.....do.....	.....do.....	U. S. Naval Prison, Vallejo, Calif.
	South Charleston, W. Va. (operative).	.....do.....	Naval ordnance plant, South Charleston, W. Va.
	Mine depots:		
185	New London, Conn. (operative)	Inspector of ordnance in charge.	New London, Conn.
189	Yorktown, Va. (operative).....	.....do.....	Yorktown, Va.
179	Naval Academy (operative).....	Superintendent...	Annapolis, Md.
188	Naval aircraft factory (operative)...	Manager.....	Philadelphia, Pa.
194	Naval base, San Diego, Calif. (operative).	Commandant.....	San Diego, Calif.
	Naval districts:		
181	First (operative).....	.....do.....	Navy yard, Boston, Mass.
184	Third (operative).....	.....do.....	South and Whitehall Streets, New York, N. Y.
187	Fourth (operative).....	.....do.....	Navy yard station, Philadelphia, Pa.
188	Fifth (operative).....	.....do.....	Naval operating base, Hampton Roads, Va.
191	Sixth (operative).....	.....do.....	Navy Yard, Charleston, S. C.
192	Seventh (operative).....	.....do.....	Naval station, Key West, Fla.
192	Eighth (operative).....	.....do.....	Naval station, New Orleans, La.
193	Ninth (operative).....	.....do.....	Naval training station, Great Lakes, Ill.
194	Eleventh (operative).....	.....do.....	Naval base, San Diego, Calif.
195	Twelfth (operative).....	.....do.....	313 Customhouse, Washington and Battery Streets, San Francisco, Calif.
197	Thirteenth (operative).....	.....do.....	Railroad Avenue and Georgia Street, Seattle, Wash.
198	Fourteenth (operative).....	Commandant.....	
199	Fifteenth (operative).....	.....do.....	
199	Sixteenth (operative).....	.....do.....	
181	Naval Gun Factory (operative)....	Superintendent...	Washington, D. C.
187	Naval Home, Philadelphia, Pa. (operative).	Governor.....	Twenty-fourth and Grays Ferry Road, Philadelphia, Pa.
	Naval hospitals:		
180	Annapolis, Md. (operative).....	Commanding officer.	Annapolis, Md.
185	Brooklyn, N. Y. (operative)...	.....do.....	Brooklyn, N. Y.
200	Canacao, P. I. (operative).....	.....do.....	
182	Chelsea, Mass. (operative).....	.....do.....	Chelsea, Mass.
194	Great Lakes, Ill. (operative)...	.....do.....	Great Lakes, Ill.
192	Key West, Fla. (operative on reduced basis).	.....do.....	Key West, Fla.
188	League Island, Pa. (operative).	.....do.....	Navy yard, Philadelphia, Pa.
196	Mare Island, Calif. (operative).	.....do.....	Mare Island, Calif.
184	Newport, R. I. (depends on naval bill).	.....do.....	Newport, R. I.
189	Norfolk, Va. (operative).....	.....do.....	Portsmouth, Va.
191	Parris Island, S. C. (operative).	.....do.....	Parris Island, S. C.
199	Pearl Harbor, Hawaii (operative)	.....do.....	
193	Pensacola, Fla. (operative).....	.....do.....	Pensacola, Fla.
183	Portsmouth, N. H. (operative).	.....do.....	Portsmouth, N. H.
198	Puget Sound, Wash. (operative)	.....do.....	Bremerton, Wash.
194	San Diego, Calif. (operative)...	.....do.....	San Diego, Calif.
181	Washington, D. C. (operative).	.....do.....	Washington, D. C.
206	Yokohama, Japan (operative)..	.....do.....	
	Naval magazines:		
	Bellevue, D. C. (operative).....	Commandant.....	Navy yard, Washington, D. C.
185	Fort Lafayette, N. Y. (operative).	Officer in charge..	Box No. 5, Fort Hamilton Sta., Brooklyn, N. Y.
171	Naval Observatory (operative).....	Superintendent...	Washington, D. C.
169	Naval operations, office of chief (operative).	Chief of naval operations.	Navy Department. Washington, D. C.
	Naval operating bases:		
199	Canal Zone (operative).....	Commandant.....	

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Naval operating bases—Continued.		
189	Hampton Roads, Va. (operative).	Commandant.....	Hampton Roads, Norfolk, Va.
	Key West, Fla. (inactive basis).	.....do.....	Key West, Fla.
198	Pearl Harbor, T. H. (operative).	.....do.....	
	Naval prisons:		
196	Mare Island, Calif. (operative)..	Commanding officer.	Mare Island, Calif.
191	Parris Island, S. C. (operative).	.....do.....	Parris Island, S. C.
183	Portsmouth, N. H. (operative).	.....do.....	Portsmouth, N. H.
	Naval stations:		
200	Guam (operative).....	Commandant.....	Guam.
200	Guantanamo, Cuba (operative).	.....do.....	
198	Hawaii (operative).....	.....do.....	
192	Kew West, Fla (inactive basis).	.....do.....	Key West, Fla.
192	New Orleans, La. (closed).....	.....do.....	New Orleans, La.
184	Newport, R. I. (operative).....	.....do.....	Newport, R. I.
199	Olongapo, P. I. (closed).....	.....do.....	
170	Naval War College (operative).....	President.....	Newport, R. I.
205	Navy Allotment Office (operative).	Officer in charge..	Navy Department, Washington, D. C.
169	Navy Department (operative).....	Secretary of the Navy.	Washington, D. C.
185	Navy supply depot, Brooklyn, N. Y. (operative on reduced basis)	Officer in charge..	HH Ave. and 29th St., Brooklyn, N. Y.
	Navy yards:		
183	Boston, Mass. (operative).....	Commandant.....	Boston, Mass.
191	Charleston S. C. (operative).....	.....do.....	Navy yard, South Carolina.
196	Mare Island, Calif. (operative)..	.....do.....	Vallejo, Calif.
185	New York, N. Y. (operative)...	.....do.....	Navy yard station, Brooklyn, N. Y.
190	Norfolk, Va. (operative).....	.....do.....	Navy yard station, Portsmouth, Va.
187	Philadelphia, Pa. (operative)..	.....do.....	Navy yard station, Philadelphia, Pa.
182	Portsmouth, N. H. (operative).	.....do.....	Portsmouth, N. H.
197	Puget Sound, Wash. (operative)	.....do.....	Bremerton, Wash.
181	Washington, D. C. (operative).	.....do.....	Washington, D. C.
	Ordnance plants:		
185	Baldwin, L. I., N. Y. (operative).	Inspector of ordnance in charge.	Baldwin, L. I., N. Y.
173	South Charleston, W. Va. (inoperative).	.....do.....	South Charleston, W. Va.
205	Pacific coast communication (operative).	Superintendent...	San Francisco, Calif.
173	Proving ground, Indianhead, Md. (operative).	Inspector of ordnance in charge.	Indianhead, Md.
	Radio stations:		
181	Annapolis, Md. (L. P.) (operative).	Superintendent...	Naval Academy, Annapolis, Md.
	Astoria, Oreg. (operative).....	Officer in charge..	Astoria, Oreg.
	Balboa, C. Z. (operative).....	.....do.....	
	Baltimore, Md. (inoperative)...	.....do.....	Baltimore, Md.
182	Bar Harbor (Otter Cliffs), Me. (operative).	.....do.....	Bar Harbor, Me.
	Bar Harbor (sea wall), Me. (operative).	.....do.....	Do.
	Boston, Mass. (operative).....	District communications superintendent.	Navy yard, Boston, Mass.
	Buffalo, N. Y. (inoperative)....	Officer in charge..	Buffalo. N. Y.
	Camp Glenn, N. C. (inoperative)	.....do.....	Camp Glenn, N. C.
	Cape Elizabeth, Me. (inoperative).	.....do.....	Portland, Me.
	Cape Hatteras, N. C. (operative)	.....do.....	Cape Hatteras, Buxton, N. C.
	Cape Mala, Panama (operative)	.....do.....	
	Cape May, N. J. (inoperative)..	.....do.....	Cape May, N. J.
199	Cavite, P. I. (operative).....	.....do.....	
203	Cayey, P. R. (operative).....	.....do.....	
	Charleston, S. C. (operative)...	District communications superintendent.	Navy yard, Charleston, S. C.
	Charleston, S. C. (distant control) (operative)	.....do.....	Do.
	Chatham, Mass. (operative)....	Officer in charge..	Chatham, Mass.
	Chelsea, Mass. (operative).....	.....do.....	Boston, Mass.
	Chicago, Ill. (operative).....	.....do.....	Chicago, Ill.
195	Chollas Heights, Calif. (operative).	.....do.....	San Diego, Calif.
	Cleveland, Ohio (inoperative)..	.....do.....	Cleveland, Ohio.
197	Cordova (Eyak), Alaska (operative).	.....do.....	
197	Cordova (Hanscon) Alaska (operative).	.....do.....	
	Dahlgren, Va. (operative).....	.....do.....	Dahlgren, Va.
	Darien, C. Z. (operative).....	.....do.....	
	Detroit, Mich. (inoperative)...	.....do.....	Detroit, Mich.
	Duluth, Mich. (inoperative)....	.....do.....	Duluth, Mich.
	Dutch Harbor, Alaska (operative).	.....do.....	
	Eureka, Calif. (operative).....	.....do.....	Loleta, Calif.
	Farallon Islands, Calif. (inoperative).	.....do.....	San Francisco, Calif.
	Galveston, Tex. (inoperative)..	.....do.....	Galveston, Tex.
	Grand Island, La. (operative)...	.....do.....	Grand Island, La.
	Great Lakes, Ill. (operative)...	District communications superintendent.	United States Naval Training Station, Great Lakes, Ill.
	Guantanamo (operative).....	Officer in charge..	
	Hampton Roads, Va. (operative.	District communications superintendent.	Hampton Roads, Norfolk, Va.

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Radio stations—Continued.		
	Heeia, T. H. (operative)	Officer in charge	
	Indianhead, Md. (inoperative)	do	Indianhead, Md.
	Inglewood, Calif. (operative)	do	Inglewood, Calif.
	Juneau, Alaska (inoperative)	do	Juneau, Alaska.
	Ketchikan, Alaska (inoperative).	do	Ketchikan, Alaska.
197	Keyport, Wash. (operative)	do	Keyport, Wash.
	Key West, Fla. (operative)	do	Key West, Fla.
	Kodiak, Alaska (operative)	do	Kodiak, Alaska.
	La Palma, Panama (operative).	Electrician in charge.	
	Los Banos, P. I. (operative)	Officer in charge	
	Mackinac Island, Mich. (inoperative).	do	Mackinac Island, Mich.
	Managua, Nicaragua (operative)	do	
	Manistique, Mich. (inoperative)	do	Manistique, Mich.
	Manitowoc, Wis. (inoperative)	do	Manitowoc, Wis.
	Mantoloking, N. J. (inoperative)	Chief electrician	Mantoloking, N. J.
195	Mare Island, Calif. (operative)	Officer in charge	Vallejo, Calif.
	Marshfield, Oreg. (inoperative)	do	Marshfield, Oreg.
	Melville, R. I. (operative)	do	Melville, R. I.
	Miami Beach, Fla., (inoperative).	do	Miami Beach, Fla.
	Milwaukee, Wis. (inoperative)	do	Milwaukee, Wis.
	Mobile, Ala. (inoperative)	do	Mobile, Ala.
	New Orleans, La. (operative)	Commandant	Naval station, New Orleans, La.
	Newport, R. I. (operative)	Officer in charge	Naval training station, Newport, R. I.
	New York, N. Y. (operative)	Commandant	Navy yard, New York, N. Y.
	Norfolk, Va. (operative)	Officer in charge	Navy yard, Norfolk, Va.
	North Head, Wash. (operative)	do	Ilwaco, Wash.
	North Truro, Mass. (inoperative).	do	North Truro, Mass.
	Philadelphia, Pa. (operative)	Commandant	Navy yard, Philadelphia, Pa.
	Point Isabel, Tex. (operative)	Officer in charge	Point Isabel, Tex.
	Point Loma, Calif. (operative)	do	Point Loma, Calif.
	Port Arthur, Tex. (operative)	do	Port Arthur, Tex.
	Port au Prince, Haiti (operative).	do	
	Port Royal, S. C. (operative)	do	Parris Island, S. C.
	Portsmouth, N. H. (operative)	do	Portsmouth, N. H.
	Puget Sound, Wash. (operative)	do	Puget Sound, navy yard, Bremerton, Wash.
	Quantico, Va. (operative)	do	Quantico, Va.
	Radio, Va. (operative)	do	Radio, Va.
	Rockaway, L. I. (inoperative)	Commanding officer.	Naval air station, Rockaway Beach, L. I., N. Y.
	San Francisco, Calif. (operative)	Officer in charge	San Francisco, Calif.
203	San Juan, P. R. (operative)	do	
	San Pedro, Calif. (operative)	do	San Pedro, Calif.
	Savannah, Ga. (inoperative)	do	Savannah, Ga.
185	Sayville, L. I. (operative)	do	Sayville, L. I., N. Y.
	Seattle, Wash. (operative)	do	Seattle, Wash.
	Seward, Alaska (operative)	do	
205	Shanghai, China (operative)	do	c/o Naval purchasing officer, American postal agency.
	Sitka, Alaska (operative)	do	Sitka, Alaska.
	St. Augustine, Fla. (operative)	do	Anatasia, Fla.
	St. Croix, V. I. (operative)	do	
	St. George, Alaska (operative)	do	
	St. Paul, Alaska (operative)	do	
	St. Petersburg, Fla. (inoperative).	do	St. Petersburg, Fla.
	St. Thomas, V. I. (operative)	do	
	Tatoosh, Wash. (inoperative)	do	Neah Bay, Wash.
	Tutuila, Samoa (operative)	Commandant	
	Washington, D. C. (operative)	Officer in charge	Navy Department, Washington, D. C.
	Yerba Buena, Calif. (operative)	do	
	Radio and radio compass stations:		
	Amagansett, L. I. (operative)	do	Amagansett, L. I., N. Y.
	Eagle Harbor, Mich. (inoperative).	do	Eagle Harbor, Mich.
	Jupiter, Fla. (operative)	do	Jupiter, Fla.
	Pensacola, Fla. (operative)	do	Warrington, Fla.
	Sandy Hook, N. J. (inoperative)	do	Sandy Hook, N. J.
	Virginia Beach, Va. (operative)	do	Virginia Beach, Va.
	Radio compass stations:		
	Bar Harbor (Otter Cliffs), Me. (operative).	do	Naval Radio Station, Bar Harbor, Me.
	Bethany Beach, Del. (operative).	do	Bethany Beach, Del.
	Bird Island, Calif. (operative)	do	Fort Barry, Calif.
	Burrwood, La. (inoperative)	do	Burrwood, La.
	Cape Elizabeth (Portland), Me. (inoperative).	do	Portland, Me.
	Cape Hatteras, N. C. (operative)	do	Cape Hatteras, Buxton, N. C.

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Radio compass stations—Contd.		
	Cape Henlopen, Del. (operative).	Officer in charge	Lewes, Del.
	Cape Henchinbrook, Alaska (operative).	do	
	Cape Lookout, N. C. (operative)	do	Cape Lookout, N. C.
	Cape May, N. J. (operative)	do	Cape May, N. J.
	Cattle Point, Wash. (inoperative).	do	Friday Harbor, Wash.
	Chatham, Mass. (operative)	do	Chatham, Mass.
	Deer Island, Mass. (operative)	do	Deer Island, Mass.
	Detour, Mich. (inoperative)	do	Point Detour, Mich.
	Empire, Oreg. (inoperative)	do	Empire, Oreg.
	Eureka, Calif. (operative)	do	Loleta, Calif.
	Farallon Islands, Calif. (operative).	do	San Francisco, Calif.
	Fire Island, N. Y. (operative)	do	Bay Shore, N. Y.
	Folly Island, S. C. (inoperative).	do	Charleston, S. C.
	Fort Stevens, Oreg. (operative)	do	Fort Stevens, Oreg.
	Fourth Cliff, Mass. (operative)	do	Humarock, Mass.
	Gloucester, Mass. (operative)	do	Gloucester, Mass.
	Grand Island, La. (inoperative)	do	Grand Island, La.
	Grand Marais, Mich. (inoperative).	do	Grand Marais, Mich.
	Hog Island, Va. (operative)	do	Broadwater, Va.
	Imperial Beach, Calif. (operative).	do	Imperial Beach, Calif.
	Key West, Fla. (inoperative)	do	Naval station, Key West, Fla.
	Manistique, Mich. (inoperative)	do	Manistique, Mich.
	Mantoloking, N. J. (operative)	do	Mantoloking, N. J.
	New Dungeness, Wash. (operative).	do	Port Angles, Wash.
	North Island, S. C. (operative)	do	Georgetown, S. C.
	North Truro, Mass. (operative)	do	North Truro, Mass.
	Ocean Park, Wash. (inoperative).	do	Ocean Park, Wash.
	Pass-a-Loutre, La. (inoperative)	do	Pilottown, La.
	Point Arguello, Calif. (operative).	do	Arlight, Calif.
	Point Fermin, Calif. (operative)	do	San Pedro, Calif.
	Point Hueneme, Calif. (operative).	do	Hueneme, Calif.
	Point Loma, Calif. (operative)	do	Point Loma, Calif.
	Point Montara, Calif. (operative).	do	Montara, Calif.
	Point Reyes, Calif. (operative)	do	Point Reyes, Calif.
	Port Angeles, Wash. (inoperative).	do	Port Angeles, Wash.
	Poyners Hill, N. C. (operative)	do	Poplar Branch, N. C.
	Prices Neck, R. I. (operative)	do	Newport, R. I.
	Sandy Hook, N. J. (operative)	do	Sandy Hook, N. J.
	Smith Island, Wash. (operative).	do	Smith Island, Wash.
	Soapstone Point, Alaska (operative).	do	
	Surfside (Nantucket), Mass. (operative).	do	Nantucket, Mass.
	Tatoosh, Wash. (operative)	do	Neah Bay, Wash.
	Thunder Bay Island, Mich. (inoperative).	do	Alpena, Mich.
	Receiving ships:		
192	Charleston, S. C. (operative)	Commanding officer.	Charleston, S. C.
182	Boston, Mass. (operative)	do	Boston, Mass.
196	Mare Island, Calif. (inoperative)	do	Vallejo, Calif.
186	New York, N. Y. (operative)	do	Brooklyn, N. Y.
	Portsmouth, N. H. (inoperative).	do	Portsmouth, N. H.
198	Puget Sound, Wash. (operative).	do	Bremerton, Wash.
197	San Francisco, Calif. (operative).	do	San Francisco, Calif.
	Receiving stations:		
189	Hampton Roads, Va. (operative).	do	Norfolk, Va.
188	Philadelphia, Pa. (operative)	do	Philadelphia, Pa.
181	Washington, D. C. (operative).	Commandant	Navy yard, Washington, D. C.
171	Recruiting division (operative)	Officer in charge	Navy Department, Washington, D. C.
181	Reina Mercedes (operative)	Commanding officer.	Annapolis, Md.
185	Rensselaer Polytechnic Institute (inoperative).		Troy, N. Y.
169	Secretary of the Navy, Office (operative).	Secretary of the Navy.	Navy Department, Washington, D. C.
205	Special duty (operative) see page 205.		Do.
	Submarine bases:		
	Hampton Roads, Va. (operative).	Commanding officer.	S/m base, U. S. S. Eagle No. 17, Hampton Roads, Norfolk, Va.
	Key West, Fla. (inoperative)	Commandant	Seventh naval district naval station, Key West, Fla.

Index to shore stations—Continued.

Page No.	Name.	Title.	Mail address.
	Submarine bases—Continued.		
185	New London, Conn. (operative)	Commanding officer.	S/m base, U. S. S. Eagle No. 33, New London, Conn.
	Pearl Harbor, T. H. (operative)	.....do.....	S/m base, U. S. S. Chicago.
	San Pedro, Calif. (operative)...	.....do.....	S/m base, U. S. S. Eagle No. 11, San Pedro, Calif.
184	Supervisor, New York Harbor (operative).	Supervisor.....	39 Whitehall Street, New York, N. Y.
	Torpedo stations:		
174	Alexandria, Va. (operative)....	Inspector of ordnance in charge.	Alexandria, Va.
197	Keyport, Wash. (operative)....	.....do.....	Keyport, Wash.
184	Newport, R. I. (operative).....	.....do.....	Newport, R. I.
	Training stations:		
193	Great Lakes (operative).....	Commandant.....	Great Lakes, Ill.
189	Hampton Roads (operative)...	Commanding officer.	Norfolk, Va.
184	Newport, R. I. (operative if required by naval bill).	.....	Newport, R. I.
197	San Francisco, Calif. (San Francisco training station, operative until San Diego is ready, when it will be moved to San Diego if naval bill permits).	Commandant.....	San Francisco Calif.
203	Virgin Islands (operative).....	Governor.....	

Mr. McCORMICK. Mr. President, there is no cure for the waste to which the Senators from Maryland and Wisconsin have referred by a trivial amendment on the floor. There are a hundred establishments of the United States Navy, or thereabouts, in the continental United States. There was a time, of course, when company posts were maintained throughout the western country long after there were any Indians not on the reservations. We know very well that it is not the Navy alone, but Congress no less, which has contributed to the establishment of this multitude of unnecessary stations. The only cure lies in a thoroughgoing examination, either by a joint committee of Congress or by a commission appointed by the President under act of Congress, to determine which of these stations shall be continued and which shall be abolished. If there be a hundred, who doubts but that a third of them may be abolished and the land upon which they are built sold?

Mr. POINDEXTER. Mr. President, I just want to call attention to the fact that the question involved here is not whether or not an additional station shall be acquired. It is just a question of where the activity shall be carried on—where the guns shall be tested. It will cost practically as much in one place as in another. In fact, it will cost much less, so far as the Navy is concerned, to have it all in one place rather than in two places, as is proposed by the pending amendment.

I hope the pending amendment will be rejected.

Mr. FRANCE. Mr. President, I desire to say that I wish the debate to make it perfectly clear that the testimony is absolutely beyond dispute to the effect that every gun that is tested at Dahlgren can be tested at Aberdeen. There is not the slightest question of that.

Mr. GLASS. Oh, Mr. President——

Mr. FRANCE. It is a question of maintaining an additional proving ground—of maintaining four proving grounds where before the war we had but one.

Mr. SWANSON. Mr. President, does not the Senator think it is right to investigate Aberdeen and Dahlgren to see which it is in the interest of the Government to close? Before we close up one in Virginia or one in Maryland, had not an investigation better be had?

Mr. FRANCE. So far as I am concerned, I will say to the Senator from Virginia that in the interest of economy I would not at all urge the maintenance of Aberdeen as against Dahlgren.

Mr. SWANSON. Why did not the Senator offer an amendment to that effect, then?

Mr. FRANCE. I think it would be advisable perhaps even to close down Aberdeen. I do know that until we do away with some of these war activities we will continue to have a four or five billion dollar Government, and I do maintain that every gun that is tested at Dahlgren can be tested at Aberdeen. If I had a map here I could show the ranges as laid down by Admiral McVay himself. At Aberdeen you shoot down the bay; at Dahlgren you shoot across the bay. In either instance it is necessary to fire across a channel. The argument was made that the Aberdeen range crosses a channel, but the same argument can be made with reference to Dahlgren because, of course, the Dahlgren range crosses a channel, and it is impossible to fire anywhere in the Chesapeake Bay a gun with a range of 25 miles without crossing a channel.

Mr. GLASS. The Senator from Maryland must remember surely that Admiral McVay very explicitly testified that the firing from the proving ground at Aberdeen gravely threatened commerce, whereas the firing from the proving ground at Dahlgren did nothing of the sort. Sometimes it might interfere with a few fishing boats, but those were always put upon notice; and the Senator surely will recall that Admiral McVay was unqualified in his assertion that the retention of the proving ground at Dahlgren is essential to the successful proving of the naval guns.

Mr. FRANCE. But the point to be remembered is that the admiral maintained that the Navy has no unnecessary proving ground. Let me read from the testimony. I will say, in prefacing my reading from the testimony, that I would be the last man in the Senate to advocate the abolishment of a long-range proving ground. I would be in favor of continuing Dahlgren if we did not have two other proving grounds, if not three, in Maryland. I will eliminate Indianhead as being unsuitable.

Mr. GLASS. May I suggest to the Senator that it would be better to leave the determination of that matter to the experts of the Navy Department rather than to a Senator from Maryland or a Senator from Virginia?

Mr. FRANCE. As a matter of fact, I am old fashioned enough to believe that some responsibility rests upon the legislative branch of the Government, and that we who levy the taxes are also somewhat responsible for the expenditures, and if we leave this question of expenditures to all of the bureaus which we built up during the war and all of the divisions which we built up during the war, we shall continue to have a four or five billion dollar Government.

Mr. GLASS. Does the Senator suggest that the subcommittee of the general Committee on Appropriations had no regard for the question of economy in considering this question?

Mr. FRANCE. I am not at all reflecting upon the committee, but I will say that I was perhaps present at the last meeting of the committee on this very question, and at that committee meeting the Chief of the Bureau of Ordnance said that he was charged with responsibility for the proving of these guns, and that, as the responsibility was upon him, he felt that his opinion should be given due weight. It was the result, in my judgment, of that statement of the Chief of the Bureau of Ordnance that the committee acted, even in spite of the clear testimony that we had a long range at Aberdeen, and also one, as I have stated, at Edgewood.

Mr. GLASS. The Senator will recall that in that identical statement Admiral McVay assured the subcommittee that there was no question of additional expenditure involved; that there would be no economy in the abandonment of this $2,500,000 plant.

Mr. TOWNSEND. Mr. President, there is a question I want to ask. Has the Senator anything to submit to the Senate showing what additional appropriations would be saved by the adoption of the House provision?

Mr. GLASS. If the Senator will examine the testimony of Admiral McVay last given before the committee, he will there see it specifically stated that there is no economy involved in the abandonment of the plant at Dahlgren.

Mr. FRANCE. There is a certain amount of overhead expense in the carrying of every additional plant. When you close down a plant, you get rid of that inevitable overhead. Unless Aberdeen is abandoned that overhead expense goes right on at Aberdeen, and the cost of testing at Aberdeen would undoubtedly be much less than the cost of testing at Dahlgren. The transportation of heavy ordnance to Dahlgren in itself is an expense. These heavy guns must be shipped to Indianhead and then must be transported 35 miles in barges, there being no railroad whatever to Dahlgren, whereas at Aberdeen there is a railroad. Indeed, there is a branch railroad from the main line of the Pennsylvania road, and from the main line, I believe also, of the B. & O., right to the point where the heavy ordnance is tested, and they have tested at Aberdeen the heaviest kind of ordnance, the coast artillery ordnance.

Mr. POINDEXTER. Mr. President, I wish to correct the statement of the Senator from Maryland. In regard to the ordnance manufactured in the navy yard in Washington City, it is simply put on barges at the navy yard and transported directly to Dahlgren.

Mr. FRANCE. That is, of course, possible; but it is, to be sure, an expense, because it means an additional handling of the guns. But that is not my point. My point is that every single plant maintained by the Government carries a certain amount of overhead, and you will not reduce the governmental

expenditures until you cut down the number of plants. I have the utmost confidence in the Secretary of War and the utmost confidence in the Secretary of the Navy, and therefore I have been waiting for them to find an opportunity to study this very question, knowing that after they had an opportunity to investigate this large question of the number of war activities which are still being carried on, they would come in with recommendations for the cutting out of these war activities. But this activity at Dahlgren is a war activity which can be done away with without the slightest injury to the testing of heavy ordnance.

Speaking on this very point, Admiral McVay said:

The Navy has no unnecessary plants at the present time. I am not familiar with the War Department.

The testimony was very clear that the War Department did have a proving ground upon which these guns could be tested. I said:

Of course, we here provide funds for both departments.
Admiral McVAY. Yes.
Senator FRANCE. And there is only one Treasury, although there are many departments and bureaus.

It seems to me inconceivable that, with the amount of testing of heavy guns we shall have in the next four or five years, the Navy and the Army could not use one single proving ground. It shows a lack of coordination in our governmental activities which, it seems to me, is inexcusable.

Personally, I think a number of these activities could be cut out. I have told the Senate that we have five ranges of 14 miles and greater available now by the Government, including Dahlgren, and when Dahlgren is closed we will have four ranges, in addition to the open ocean ranges, 14 miles in length or more, and two ranges besides Dahlgren of 25 miles. I, myself, have visited recently the proving ground at Edgewood, where they are supposed to be engaged only in the manufacture of gases, and I have found that even at Edgewood they have built concrete foundations for the heavy ordnance that is to be tested there; why, I do not know. We all know that if you start an activity, it is almost impossible to stop it.

I do believe that in the interest of economy my amendment to this proviso should be adopted. It takes care of the contention of the Chief of the Bureau of Ordnance, because it provides that guns may be tested at Dahlgren which can not be tested in any other proving ground.

Certainly, that seems to me to be a reasonable proviso to the provision inserted in the House, and the provision inserted in the House was inserted in the interest of economy. I add to that the proviso inserted by the House, to the effect that Dahlgren can be maintained in a closed-down condition; that it may be used for the testing of heavy ordnance that can not be tested elsewhere; and I feel sure that several hundred thousands dollars of overhead expenses could be saved if Dahlgren were closed.

I am sorry $2,000,000 were spent there. That $2,000,000 spent at Dahlgren never should have been spent, in consideration of the fact that we had those great proving grounds in Maryland, embracing, as I said a few moments ago, 25,000 acres. Some of that land has scarcely been walked over by governmental officials. They hardly know what is there. In Maryland we consider 25,000 acres quite a substantial piece of land. The 20,000-acre proving ground has a water range down the bay of 25 miles, and the 5,000-acre proving ground has practically a simlar range.

I hope I have explained the matter sufficiently to the Senate. I have no interest in it except a desire to conserve the funds of the Government and, of course, incidentally, to prevent the abandonment of Indianhead; but of course that would not mean any serious loss to my State. I am presenting the matter in the interest of economy.

Mr. GLASS. Mr. President, I merely wish to read into the RECORD this statement of Admiral McVay before the subcommittee of the Committee on Appropriations. He said:

This question has been investigated and investigated; in fact, it has taken more of my time than any other one thing since I have been in the bureau, and finally the Bureau of the Budget investigation. Their report was that Dahlgren was necessary, and it was in the interest of efficiency and economy. Personally, I know that. I think it is costing us something like four or five hundred thousand dollars less to do all of the work at Dahlgren, instead of half at Indianhead and half at Dahlgren.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland [Mr. FRANCE] to the committee amendment.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

JOHN PAUL DE BAAT DOELMAN (S. DOC. NO. 211).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, inclosing a joint resolution authorizing the Secretary of the Navy to permit Mr. John Paul de Baat Doelman, a subject of the Netherlands, to receive instructions at the United States Naval Academy at Annapolis at the expense of the Government of the Netherlands.

The Secretary of State points out that the passage of the resolution would be regarded by the Government of the Netherlands as an act of courtesy, and that it would be in accordance with established precedents.

WARREN G. HARDING.

The WHITE HOUSE, *June 16, 1922.*

RECESS.

Mr. POINDEXTER. I move that the Senate take a recess until to-morrow, the recess being under the order, until 11 o'clock.

The motion was agreed to, and (at 7 o'clock p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, June 17, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 16, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, whose life is always spent that we may have life, dwell in us in the spirit of sacrifice. May the sweet summer of divine love rest upon us all. When justice and rectitude must be vindicated, may the duty be seasoned with mercy. Crown our Nation's life with wise intelligence, with reverence for constituted authority, with humble recognition of the Christian's God, with mercy toward the poor and weak, and with the spirit of charity for all. Grant that all our homes may abide in the light and joy of the blessings of the world's Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent Resolution 26.

Resolved by the Senate (the House of Representatives concurring), That a commission is hereby created, consisting of three Members of the Senate, appointed by the Vice President, and three Members of the House of Representatives, appointed by the Speaker, to investigate the needs of the office of the recorder of deeds for the District of Columbia, and to report not later than December 20, 1922, (1) what quarters, equipment, and facilities are necessary properly to care for and protect all records and papers in such office, and (2) what additional personnel, if any, is required to perform the duties imposed by law upon such office.

The message also announced that the Senate had receded from its amendment No. 186 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June, 1923, and for other purposes, and had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 78, 79, 86, 101, 115, 116, 142, 155, 163, and 187 to said bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the proceedings of yesterday under which House bill 10101 was sent to conference be rescinded, for this reason: When the House granted permission to send the bill to conference and disagreed to the Senate amendment No. 1 it was with the understanding that that was the only amendment that was pending to go to conference. But the papers that were on the Speaker's desk indicated a different condition existing. It indicated that amendments 78, 79, 86, 101, 115, 116, 142, 155, 163, and 187 were still in disagreement. The fact is that on May 5 last the Senate agreed to the position of the House on

these amendments, so that there was nothing left to go into conference but Senate amendment No. 1. The Senate now messages the correct situation over here, making necessary the rescinding of the action taken yesterday by the House, and if the House should rescind yesterday's action I shall ask unanimous consent to take the message off the Speaker's table.

The SPEAKER. The gentleman from Illinois asks unanimous consent to rescind the action of yesterday by which the District of Columbia bill was sent to conference. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would like to say that the gentleman from Wisconsin [Mr. STAFFORD] and myself guessed aright yesterday.

Mr. MADDEN. There was only one amendment in dispute, but the records of the Senate as sent here from the Senate did not show it.

Mr. GARNER. In other words, the record of the Senate was in error?

Mr. MADDEN. Yes.

Mr. STAFFORD. They are so busy with so much legislation that they fail to keep their conference records up to date. They are nearly a month behind.

Mr. GARRETT of Tennessee. It occurred to me that it would be well to send the bill back to the Senate. I did not object.

Mr. MADDEN. I appreciate the position the gentleman took yesterday, and I recognized his wisdom in that case as I do in all other cases with which he has connection.

Mr. GARNER. Is this one more evidence of "the degeneracy of Congress" to which so much reference has been made?

Mr. MADDEN. We are not allowed to criticize the other body.

Mr. GARNER. I did not say the other body. I said "Congress."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10101, the District of Columbia appropriation bill, disagree to the amendments of the Senate to the amendment of the House to the amendment of the Senate No. 1, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to Senate amendments to the amendment of the House to the amendment of the Senate No. 1, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as the conferees on the part of the House Mr. MADDEN, Mr. CRAMTON, and Mr. JOHNSON of Kentucky.

DETAIL OF CUSTOMS OFFICERS TO THE DISTRICT OF COLUMBIA.

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 344, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House Joint Resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 344).

To authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs.

Resolved, etc., That the Secretary of the Treasury is authorized to use in the District of Columbia during the fiscal year 1923 for and in connection with the enforcement of the laws relating to customs not to exceed at any one time four persons detailed from the field force of the Customs Service.

Mr. GARNER. Mr. Speaker, may I make an inquiry of the gentleman from Iowa as to whether he intends to take up the entire day with the consideration of this resolution?

Mr. GREEN of Iowa. No. I have understood that there was practically no objection to the resolution, and that we dispose of it in the hour.

Mr. GARNER. It seems to me that the gentleman ought to make the customary request that the debate be limited to an hour, one-half the time to be controlled by himself and one-half to be controlled by myself.

Mr. GARRETT of Tennessee. Is the gentleman from Iowa calling up that resolution as a privileged matter?

Mr. GREEN of Iowa. I call it up as a privileged matter.

Mr. GARRETT of Tennessee. I hope the gentleman will not do that. I do not think there will be any objection if he will ask unanimous consent to consider it. I doubt very much whether it is privileged. I do not believe that on a thing as immaterial as this, relatively speaking, the question of privilege should be invoked.

Mr. GREEN of Iowa. I would just as lief put it the other way. I do not want to take up the time discussing the point of order.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 344. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I do not want to insist on it, but I do insist that this side of the House is entitled to consideration in the matter of general debate.

Mr. GREEN of Iowa. I overlooked that for a moment. Pending the motion to go into Committee of the Whole House on the state of the Union, Mr. Speaker, I ask unanimous consent that general debate be confined to one hour, one-half to be controlled by the gentleman from Texas and one-half to be controlled by myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the general debate be confined to one hour, one-half to be controlled by the gentleman from Texas and one-half to be controlled by himself. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, is this debate to be limited to the subject matter of the bill?

Mr. GREEN of Iowa. I wish it could be, but I am afraid that it can not be done.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. HUSTED] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the resolution (H. J. Res. 344) to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs, with Mr. HUSTED in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury is authorized to use in the District of Columbia during the fiscal year 1923, for and in connection with the enforcement of the laws relating to customs not to exceed at any one time four persons detailed from the field force of the Customs Service.

Mr. GREEN of Iowa. Mr. Chairman, while this joint resolution is quite important to the enforcement of the customs regulations, it involves no appropriation and no additional expense. As the Members have observed, the resolution is short, and it simply provides that the Secretary of the Treasury is authorized to use in the District of Columbia during the fiscal year 1923, for and in connection with the enforcement of the laws relating to customs, not to exceed at any one time four persons detailed from the field force of the Customs Service.

These four persons or other parties in a similar capacity have been in the employ of the Treasury Department so far back that it is beyond my recollection. They have been used by the Treasury to assist in collecting customs. This provision is in the new tariff bill, in section 625, with the exception that it is authorized thereby to use eight persons instead of four. These four persons detailed from the Customs Service are experts. One is an expert in relation to classification and others are experts with reference to other matters pertaining to the Customs Service. So far as I know there is no objection to the resolution, and I reserve the remainder of my time.

Mr. GARNER. Does the gentleman wish me to use some of my time?

Mr. GREEN of Iowa. Yes; I would be glad if the gentleman would do that.

Mr. GARNER. How much time did the gentleman from Iowa use?

The CHAIRMAN. The gentleman from Iowa used three minutes.

Mr. GARNER. Mr. Chairman, the gentleman from Iowa told you briefly what the object of this resolution is. It is to correct a mistake made by the Committee on Appropriations of the House of Representatives. The Committee on Appropriations claim they made the mistake at the suggestion of the Treasury Department. Now, whether the inefficiency exists in the Treasury Department or in the Committee on Appropriations I do not know. It merely illustrates the situation that we hear exists in this administration at the present time. We are told by the highest authority that the Congress is inefficient, that it has reached its lowest ebb in the history of the country, and I think we had just as well admit now that that is an actual fact. We have a resolution coming from the other end of the Capitol this morning indicating that the other body do not even know how to report a transaction in that body

touching an amendment to an appropriation bill. We have one of the most eminent men connected with the administration indicating the intellect of the Congress, and for the sake of argument only I am going to admit that the indictment is true. Everybody knew that the Congress would come to its lowest ebb whenever the Republican majority in the House or the Senate was the largest. [Laughter and applause.] At the present time you have got the largest majority in the history of the country, so it is at its very lowest ebb. But we are going to correct that in March, 1923, when we are going to improve it a little bit.

Mr. ANDREWS of Nebraska. Just a little.

Mr. GARNER. Mr. Chairman, it is really amusing to hear some Cabinet officer discuss the ability and the standing of the Congress of the United States. Peculiarly is it offensive—I think I may use that word with the approval of a good percentage of the membership of this House—peculiarly is it offensive for the Cabinet minister who is now at the head of the War Department to chastise Congress. He served in this body and served in the other body at the other end of the Capitol; and I imagine that if it had not been for a man by the name of DAVID I. WALSH, the Secretary of War would still have a pretty good opinion of the American Congress. [Applause.] But Mr. Walsh gave him a very low opinion, first, of the American people, and, second, of the American Congress; because the American Congress has persistently refused to heed his suggestions as to what legislation should be enacted since he has been a Cabinet minister. I thought the gentleman from Massachusetts [Mr. WALSH], and I thought especially probably the Speaker himself would take the floor this morning for the purpose of repudiating the speech made by Secretary Weeks. Of course, Secretary Weeks is better acquainted with the Massachusetts delegation than with any other delegation in the House of Representatives or in the Senate.

The delegation from Massachusetts presides over the House of Representatives. The delegation from Massachusetts presides over the Senate. The leader of the Senate, Mr. LODGE, with whom Mr. Weeks is very well acquainted, is from Massachusetts. Here in the House the Assistant Speaker is from Massachusetts. I presume Secretary Weeks is familiar with all these gentlemen, and he must have drawn his conclusions from his estimate of the people who represent his own State. [Laughter.] Besides, we have an eminent gentleman from Massachusetts who is chairman of one of the largest committees in the House, Mr. WINSLOW. I am sure that Secretary Weeks is perfectly familiar with his ability. So after he sums up Massachusetts in the Congress, the leadership in the Senate, the Presiding Officer in the Senate, the Speaker of the House, the Assistant Speaker of the House, and the chairman of a leading committee in the House, all from Massachusetts, he comes to the conclusion that the Congress has reached its lowest ebb in the history of the Government. [Laughter.] Ah, what a nice arrangement, and how harmonious it must be among the Republicans!

Mr. HARDY of Texas. If the gentleman will permit, the gentleman ought to suggest that the chairman of the committee reporting the most important bill in this session of Congress, the ship subsidy bill, is also from Massachusetts.

Mr. GARNER. I have no intention of slighting Mr. GREENE of Massachusetts. Of course, Secretary Weeks is well acquainted with Mr. GREENE, who has been in Congress twenty-odd years and who is senior to Mr. Weeks himself.

Mr. HARDY of Texas. And the chairman of one of the elections committees.

Mr. GARNER. Yes; Massachusetts holds a predominant place, and I am sure Mr. Weeks was looking at the Congress through the glasses of the Massachusetts delegation in both the House and Senate when he formed his estimate, especially through the glasses of DAVID I. WALSH, of Massachusetts. [Laughter.] I think that is the main cause of this tirade.

But I want to congratulate the Republican organization, not only in the House and Senate but the country, on the glorious spectacle of Massachusetts assaulting the Congress on the rostrum and the Congress assaulting Pennsylvania by petition. It is said that 150 Members of the House have petitioned the President of the United States virtually to put out of office Andy Mellon, and Secretary Weeks virtually asking the American people to turn you out in order that he may raise the grade of Congress by putting the membership over on the Democratic side. [Laughter.] Fine team work! It must make you proud of your Cabinet and of your organization. I do not blame Will Hays for going to the movies or anywhere else. [Laughter.] A nice kettle of fish! You can not get the offices fast enough, so 150 of you have signed a petition to Andy.

No, I do not know, but this morning when I saw that statement I said to myself, "Whose goat will they get first? Will it be John Weeks or Andy Mellon?" And I am going to bet my money that Andy lasts the longest. Andy has got the money bags, and you know you folks have got to stand with them. [Laughter.] So I am going to bet my money on Andy. It is a delightful thing from the Democratic standpoint to note this harmony existing throughout the Republican organization. It is delightful to know that in the House of Representatives there has been no swearing on your side that you have followed the leadership of the gentleman from Wyoming except on certain occasions—and those occasions have been numerous, and they are going to be more numerous in the future when the ship subsidy bill comes up. But the harmony existing in the Senate is likewise delightful from the Democratic viewpoint, but is not very good from the country's standpoint.

I agree with Mr. Weeks in one thing, that this ought to be a party government. But, Mr. Chairman, that party government ought to originate in the House of Representatives and not be dictated to from the other end of the Avenue by the Secretary of War or any other Secretary. [Applause.] I believe in party government, and your party would be better off to-day if it had heeded the advice of your men who have been here these many years and who have got to go back every two years for a new certificate; if the administration had heeded your advice and let you do the organizing, let you do the legislating, your party would be better off and the country might have been better off as well.

No, Mr. Chairman, I do not care to criticize the Republican Party except as the Republican Party deserves criticism. Your party has deserved criticism in this House and deserves criticism particularly about one thing, and that is you have not had the courage to carry out your own judgment. That is what I criticize you for. If you just had the courage to do according to your own judgment, the country would be better off. We would have better legislation, we would have more efficient service in the country if you were permitted to exercise your own patriotism and your own good judgment. We want to give you that much certificate of character. [Laughter.] But you have no courage. You are going to do as you are told. There are not 120 of you who want to consider the ship subsidy bill, but they are going to make you take it; they are going to make you swallow it, and you do not want it. [Applause.] The Speaker of the House of Representatives does not want it; it is against his judgment. The gentleman from Kansas, the chairman of the Committee on Rules, does not want it; the steering committee, or a majority, does not want it, but you are going to take it. Why? He has told you—and that is what I blame Mr. Harding for—that if you do not come across with a ship subsidy bill you can not get a certificate of character next November, and you all want that certificate of character. [Laughter.] What I object to Mr. Harding for is that one morning he tells the people of the United States that he does not desire to boss Congress, that he is not to interfere with them; he is a constitutional President; and the next morning I see in the very same press—the Washington Post—that Mr. Harding is going to whip them into line; that it will be disastrous to the party if they fail to carry out his program. You are to keep the tariff bill in the Senate until he can force you to pass the ship subsidy bill, and then push the ship subsidy bill right behind the tariff in the Senate so that you get no chance for the bonus or any other legislation.

That is the program, and the country might as well know it. Are you going to stand for it? I did not vote for the bonus, but you did. Three hundred of you in this House voted for it. Are you going to permit the program to be carried through? Are you going to permit it, Mr. MONDELL? Of course, you would not if you could help yourself, but you are in a precarious condition. It will not hurt anything to say that you have been handicapped a little in your leadership on account of the fact that you have been trying to degenerate yourself into another body. [Laughter and applause.] You are to be pitied in some particulars on account of that very great handicap. I do want to appeal to the gentleman to assert himself as a leader once for all, he and the Speaker, and make the House of Representatives what you and I know it ought to be, what it can be made to be if you will just give somebody in the chair and somebody on the floor of the House the backbone to run this business and say what you are going to do. They will weaken; you have never tried it. Try it once and see how the country will take it. I think you will find that it will do you good. [Laughter and applause.] Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, the Secretary of War has broken loose again. [Laughter.] At Cleveland, Ohio, on June 15, the illustrious Secretary of War permitted an acquired habit of his—that of turning his mouth loose and going off and leaving it—to recur. He is quoted by the Associated Press as saying in his speech that he was tempted to call it "The Decline of the American Government." A careful reading of the speech, however, by anyone acquainted with the Secretary's history would suggest the query, "Why this?" He says that "the legislative branch of our National Government probably never has been at a lower ebb than it is to-day." He accounts for this by the direct charge that the people are having too much to do with the lawmaking of the country now. He subdivides this charge by the claim that the Representatives in Congress should not be nominated by the people at the primaries, and that after they are nominated and elected they should pay no attention to the people that did elect them.

The legislation that seems to be worrying him that has been enacted by this Congress is the legislation in the interests of agriculture and national prohibition. Who is the gentleman that he should pass judgment on the men selected by the people to make their laws? He was a Senator from Massachusetts; his term expired on March 4, 1919; he was a candidate for the Republican nomination for the Presidency of the United States in 1916. He thought that the nomination for President could be procured in a certain way by certain organizations; but the people had too much to do with selecting the delegates to that convention for him to have a look-in. Then he was renominated in Massachusetts by his party for reelection as Senator in 1918, but, due to what he terms a "gradually degenerating Congress," the Congress of the United States and the people had decided that the United States Senators must be elected by direct vote, and though 1918 was a Republican year, he was about the only man I know of that was on that ticket that succeeded in being defeated.

No wonder that the genial gentleman should lose confidence in the American people to govern themselves. But were the people entirely wrong in this instance? Of course, it was a catastrophe to have the grand old Bay State of Massachusetts turn down a Republican for a Democrat, and it went out to the country that Massachusetts had made a great mistake. And in 1920 we repeated the Republican victory of 1918; and the President of the United States, one of the best men in the world, being of a sympathetic nature, desirous of helping all those with whom he was acquainted, concluded, apparently, to try to make a man out of the ex-Senator [laughter], and gave him a great appointment, for which he should be grateful to the President and to the Republican Party, as it afforded him an opportunity to "come back."

The first time Congress had a chance to consult with him he protested against our reducing the size of the Army from 235,000 to 150,000. We had been elected, not appointed, and, as the Secretary of War says in this same speech at Cleveland, we were elected on a "platform that promised to reduce taxation"; but the Secretary of War took the position with the Congress and the President that we could not reduce the Army without incurring a great moral obligation, and prevailed upon the President to write us a letter. However, Congress, fresh from the voters, persisted, the Army was reduced, and none of the complications predicted by the War Department arose; the men asked for their discharges, and were glad to get back to civil life.

In the Cleveland speech the Secretary says:

> In its platform of 1920 the dominant party promised to reduce taxation. In some respects it has failed to do so, not because a large number of the Republican Senators and Representatives do not wish to carry out the pledges of their party but because of the combination of a part of the majority devoted to a special interest with the minority in Congress and an insistence on their part that income taxes, generally speaking, should not be reduced.

I charge here that the Secretary of War has been the most persistent of anyone that I know of in trying to get unnecessary appropriations out of Congress. I charge, too, that he is the only man in the Republican Party or in the country but what will admit that we have reduced taxation and reduced the expenditures of this Government, and that the administration has been successful in doing so. [Applause.] I further wish to call attention to the fact that the Secretary, after coming here and fighting for additional appropriations for his department—asking, say, for fifty to one hundred million dollars more than we gave him, then saving a little money—and I do not charge him with not being willing to economically administer, but when he does save a little part of an appropriation he gives out publicly, and it is heralded to the country, that the Secretary of War is saving money in spite of Congress, and there is not a Representative but what knows that this unfairness has been indulged in by the Secretary.

I am sure that every Member of Congress, regardless of party, agrees that the Secretary's speech and advice to these young men that were being graduated from school was as untimely, if not wholly unsound, as could be contemplated. He even becomes so desperate in trying to prove to those young men that they, if they ever get into public life, should pay no attention to the wishes, ambitions, and desires of the people whom they represent that he quotes from some book that ex-President Wilson had written to prove that the people themselves can not make the laws. I have no fault to find with the book, and the book does say, "It must have a lawmaking body; it can no more make law through its voters than it can make law through its newspapers." No one disputes that; but it does not follow that the voters have no rights in as to what the laws shall be, that they shall be ignored by the lawmakers. I think I have the best constituency in the world; if I knew of a better class of people to live among, of course I would try to live there, and I am frank to say to this Congress that no man in my district has ever attempted to work out the details of the laws that he wanted the Congress to pass; they do suggest the principles that they want enacted into law; they have a right to suggest them; and whenever I conclude to follow Secretary Weeks or any other man who is surrounded by an artificial atmosphere and cease to represent them, then they would have a right to and they should select a Congressman that would represent them and not some one else.

Why did the Secretary attack prohibition? He said he was speaking individually and not as a member of the Cabinet, but so long as he is a member of the Cabinet he ought to speak as a member of the Cabinet. Eighty-five per cent of the people of the United States are in favor of prohibition; but think of the Secretary of War making a speech to students in the home State of the President of the United States and criticizing prohibition. The President voted for prohibition and advocates it in his public utterances, but here is a man whom the President has taken up after he has been repudiated by his people, whom the President in the kindness of his heart is trying to make a man of, goes out to Ohio, talking to students of a school, and cites prohibition as an instance to prove that if those graduates ever get into public life and occupy positions of trust they should follow not the wishes of the people that they represent but they should "carefully avoid supporting a proposition because it is popular to do so."

Personally I am scarcely acquainted with Secretary Weeks; I have no personal grudge against him; his former colleagues in this House speak kindly of him; and I am frank to say that it is the common expression here that they do not understand his attitude as a Cabinet officer. In this speech he says, "There is almost a universal condemnation of Congress at this time. While I think there are reasons why Congress may be criticized, I am sure that much of the criticism laid at its door is unjustified." Then he, the brave, undaunted Secretary of War, not afraid of public opinion, advising the pupils never to yield for the purpose of public applause, joins the anvil chorus and becomes the unfairest of them all.

I think he is mistaken; the votes so far this year do not show that Congress has been condemned. Members of Congress are not going to ask for reelection with an apology for the laws we have passed, but, as was clearly demonstrated by Doctor FESS, an ardent supporter of national prohibition, a candidate for the United States Senate from the State of Ohio, in which this speech was made, Members of Congress that seek reelection will do so upon their records without any apologies. [Applause.]

The Secretary says that "There is a universal demand that the President take control and lead in legislative matters." That was a nice thing for a member of the Cabinet to say, after the President and the Republican Party had made a campaign on the theory and with the argument that we should have three separate and distinct branches of the Government. No more ardent advocate of that form of government than the President of the United States, but he was out in Ohio; Doctor FESS, an ardent supporter of prohibition, was running for United States Senator; prohibition passed by a Republican Congress over the veto of the then Democratic President, and an appointee of the Republican President, who helped to pass it over that veto, criticizing, finding fault with the law.

Some people think it is a sin to be in politics and have political sense and judgment; if that is a sin, Secretary Weeks will never be punished for being guilty of that sin. [Applause.]

Mr. GARNER. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I regret that there should be any bad feeling toward Secretary Weeks. He is merely doing what we are all prone to do, he is confessing the sins of the other fellow. He is confessing your sins, which you all

admit ought to be confessed by somebody. He is just omitting to confess the sins of the executive department. But in this morning's Herald I find these headlines:

G. O. P. leaders turn guns on primary law. Weeks's attack seen as move to better Congress personnel.

He need not bother about that; we will better it in November. [Laughter.] He can save himself all of that reform agony.

What does this article by Robert J. Bender say?

There is an apparently concerted movement on among high administration officials, first, to effect a modification or repeal of the direct primary law, and, second, to better the personnel of Congress.

That is a rather ambitious program. I might suggest that the primary laws are enacted by the States, and while there has been scant courtesy shown to the rights of the States, as my friend from Delaware, Doctor LAYTON, will admit, I do not think we are yet come to the position where the administration or the executive branch of the Government can require this Congress to repeal the direct primary laws of the States. So far as the second proposition is concerned, to better the personnel of Congress, as I have already suggested, we will cooperate on the Democratic side of the House with the distinguished administration and better the personnel of Congress with a great deal of success, probably, in November. Reading further from the article:

In connection with this movement there has developed a chorus of warnings from highly placed officials against the so-called "Red menace" in this country, against the placing of too much power in the hands of the people themselves, and expressions of concern lest propaganda and the cry of "demagogues" translate that power into a social democracy for the United States.

Let us see just how that sounds, coming from the administration of the great party that claims as its patron saint Abraham Lincoln, who said to trust the people and the people alone, and to take your inspiration from them and to follow them. So they are going to take this power away from the people. That was Secretary Weeks's statement, the opening gun in that campaign. I am not surprised. I find that Secretary Weeks says that the direct primary, the bloc agitation, the country's readiness to accept constitutional amendments are destructive of our Government. He says:

The direct primary has so palpably lessened the quality of men willing to serve in public affairs that prompt action should be taken to greatly modify or entirely repeal it.

He is also quoted as saying that the legislative branch of our National Government probably never had been at a lower ebb than it is now.

That last I take from the Washington Post of this morning. I admit that last allegation; we will all admit it, I think, because it has the greatest percentage of Republican Members that has ever sat in any Congress of the United States, and the efficiency of Congress always varies in the inverse ratio to the number of Republican Members. Why this distrust of the people, why this movement which he announced yesterday, which he invoked and advocated? As has already been said by the distinguished gentleman from Kansas [Mr. TINCHER], Secretary Weeks has tried the people, and he did not fare well in a Republican State because he was supplanted by a Democratic Senator, and I hope the same trick will be turned again next November in the same State. And Mr. Hughes, another distinguished member of the Cabinet, also tried it on the people, and the people did not elect him President of the United States. I do not remember how many more of these distinguished gentlemen have bit the dust when they went to the people, but Mr. Daugherty cast his hat in the ring some years ago and it was battered beyond recognition by the people. And Mr. Denby was beaten for Congress by one NEWBERRY and a bank roll.

Mr. Hoover has never been elected to anything. He has never been able to even carry his own State in a primary election for nomination to a Republican office. No wonder they want to get away from the people and write under the Republican banner the words, "We are an oligarchy, the people be hanged," or words to that effect. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I am glad to see some smiling faces on the Democratic side this morning. For a long time that side of the House has been a perfect cave of gloom. The few scattered remnants that were left after the last election could hardly, even under the influence of the genial gentleman from Texas [Mr. GARNER], get up a smile. This morning, however, they seem to feel better. The gentleman from Texas, the champion jollier of the House, has in some way planted some encouragement in their minds; but, gentlemen, after all, what have you to be encouraged about? Have you found anything in the elections to encourage you? Nothing. Have you found anything in the primary vote to encourage you? The primary vote everywhere showed a great falling off in the contested States on the part of the Democratic Party and a great increase on the part of the Republicans. Does it look favorable to you gentlemen simply because the gentleman from Texas rises in his seat and wants to plant the seeds of discord on this side? The gentleman from Texas, in addition to being a past master as a jollier, is also a past master in suggesting ways in which we might find trouble on this side, but permit me to say to my friend that we will look after those matters ourselves; that we will not seek counsel on his side; and one of the last things we will do will be to follow his advice.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GARNER. Will the gentleman from Iowa indorse the statement of Secretary Weeks in his position concerning the Congress?

Mr. GREEN of Iowa. I am not responsible for the actions of any Cabinet officer. Let me say to my friend that he himself both attacked and defended the act of Congress. He was woefully weak in his attack, but he was fine in his defense. I ask him to stand by what he said in reference to the judgment and the action of this side of the House. We could go to the country on that statement, but we prefer to stand on our record, which will be approved by the country at large.

Mr. GARNER. I want to say to the gentleman that if he can find anybody on the Republican side of the House who will defend Secretary Weeks, I would be very glad to yield a little time to him. I think the man ought to have defenders. I believe each side ought to be heard, and if the gentleman is not willing to defend Secretary Weeks I want to say to that part of the House that in case the ranking member of the Ways and Means Committee will not defend him, in case the leader from Wyoming [Mr. MONDELL] will not defend him, I shall yield to somebody else time in order that this man may have his day in court.

Mr. GREEN of Iowa. I am very much obliged to the gentleman, but again I suggest to my friend from Texas that we will follow our own leadership on this side and not the leadership on his side. We do not care for any suggestions from the gentleman's side of the aisle and we will not accept them when they are made.

Mr. GARNER. I understood the leadership had been transferred to the other end of the Avenue.

Mr. GREEN of Iowa. The gentleman probably comes to that conclusion because it was the case under the preceding administration. I sat here for eight years when every time down at the other end of the Avenue there was a crook of a finger every man here on the Democratic side jumped. [Applause on the Republican side.]

Mr. KNUTSON. Is it not a fact that when important legislation was sent up from the departments in the Sixty-fifth Congress, which was a Democratic Congress, a man would sit up in the gallery with a whip in his hand and drop down notes suggesting amendments or giving orders?

Mr. GREEN of Iowa. It was so understood, although really it was not necessary, because the orders were so plain and precise from the other end of the Avenue. They were always carried out to the letter, so that it was not necessary to have the additional man in the gallery. You gentlemen on the Democratic side are a fine lot to talk about obeying orders from the White House.

You had your experience, I think, so you know something about it. You are qualified to speak of it as experts. You had eight years of it, you know, and you know what it means. Oh, gentlemen, this is a somewhat unusual scene for anybody on the Democratic side here to criticize the President for making suggestions. Why, we had nothing but orders here for eight years, and they were all obeyed. Now, I want to say just a word, Mr. Speaker——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GREEN of Iowa. Yes; I will yield.

Mr. GARRETT of Tennessee. As far as I am concerned personally, I do not criticize the President for making suggestions. Is the gentleman going to follow the suggestions that the President has made?

Mr. GREEN of Iowa. Well, is the gentleman who is addressing me going to follow them?

Mr. GARRETT of Tennessee. I do not think so, in so far as I have heard them.

Mr. GREEN of Iowa. I am glad the gentleman is able to decide. When the time comes I——

Mr. GARRETT of Tennessee. I am opposed to what the President suggests so far; I am opposed to ship subsidy. Is the gentleman opposed to that?

Mr. GREEN of Iowa. I will cross that bridge when I come to it.

Mr. GARRETT of Tennessee. I hope the gentleman will understand I am not complaining at the President making suggestions. I was wondering how the gentleman would deal with the suggestions.

Mr. GREEN of Iowa. I am very glad some one on the gentleman's side is not complaining. The gentleman from Texas [Mr. GARNER] was very vigorously complaining about the President making suggestions. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has used seven minutes.

Mr. GREEN of Iowa. I am glad to see this pleasure on the Democratic side, as it is very seldom they have had any in any of the elections or any of the primaries or anything that has taken place, and if they can have a little hilarity on the floor it is a highly refreshing incident.

Mr. GARRETT of Tennessee. It has not been so educational in so far as the gentleman's attitude is concerned, and as to this question of great moment and grave purport I would be very glad to know the gentleman's position on ship subsidy. He is one of the leaders of the House.

Mr. GREEN of Iowa. The gentleman compliments me too highly.

Mr. GARRETT of Tennessee. Not intentionally. [Laughter.]

Mr. GREEN of Iowa. It is not often that the gentleman from Tennessee sees fit to inquire of me my opinion. If I thought the gentleman would act upon my advice, I would be very glad to give it to him, but he so seldom does I do not feel inclined to give him my opinion at this time.

Mr. GARRETT of Tennessee. Well, of course the gentleman could not act on the gentleman's advice unless he knew what the advice was. Will the gentleman give——

Mr. GREEN of Iowa. I do not care to yield for any more colloquy.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GREEN of Iowa. In reference to this joint resolution we have here before us——

Mr. MOORE of Virginia. Will the gentleman tell us what the joint resolution is?

Mr. GREEN of Iowa. I have done that.

Mr. MOORE of Virginia. Having been so diverted by the interesting discussion we have had here, will the gentleman explain briefly what the joint resolution is, as we have lost sight of it?

Mr. GREEN of Iowa. It is not unusual on that side of the House to lose sight of the real question before the House, and I am not surprised my friend has fallen into that difficulty.

Mr. MOORE of Virginia. Since the gentleman has made that remark, which is hardly a pertinent observation, since the gentleman, the proponent of the measure, has taken up so much time in irrelevant discussion, I should think——

Mr. GREEN of Iowa. The gentleman wants to be fair. Who started this irrelevant discussion? Was it on our side? I talked about the bill in opening the debate, and some gentleman on the other side rose and talked about something else.

Mr. MOORE of Virginia. It was started and the gentleman certainly has not finished it, because he declined to answer questions put to him in reference to the matters which were being discussed.

Mr. GREEN of Iowa. If the gentleman wants to ask any question about the bill, I will be glad to answer the question right now.

Mr. MOORE of Virginia. I have no specific knowledge as to this particular measure, and I wanted to ask the gentleman to tell me——

Mr. GREEN of Iowa. It would simply require a restatement of what I stated before. I stated before this was a bill to authorize the Secretary of the Treasury to detail four men from the customs service to work here in Washington as experts.

The SPEAKER pro tempore. The gentleman has used 10 minutes.

Mr. GREEN of Iowa. I will take one minute more.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. LINTHICUM. Does it create any additional offices?

Mr. GREEN of Iowa. It creates no additional offices, adds no additional expense, requires no appropriation.

Mr. LINTHICUM. What are these men expected to do in Washington?

Mr. GREEN of Iowa. They render expert advice in reference to the enforcement of the customs laws in certain particulars. They have been so used for years, so far back I do not know when, so far as that is concerned. Now, my friend from Texas stated the reason that this joint resolution was necessary was because of a mistake on the part of the Appropriations Committee or of the department. The error was entirely on the part of the department. They sent down the form in reference to the appropriation which it was supposed the department wanted. The Committee on Appropriations in making the appropriation followed the form sent by the department. After it was enacted into law the department discovered it did not authorize them to use these four men who had been used for years. The bill simply corrects the oversight. I reserve the remainder of my time.

Mr. GARNER. Mr. Chairman, I yield five minutes to my colleague from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the House, the gentleman from Iowa [Mr. GREEN], who just concluded, said he found much satisfaction in the fact that this side of the House, the Democratic side, was in a good humor this morning. He also stated that during the whole life of this Congress, ever since the Sixty-seventh Congress came into being, the Democrats have been in a "cave of gloom." Yes; the Democratic side of the House has been in a "cave of gloom," but I submit to the gentleman that we have had cause to sit in a "cave of gloom." The people of the United States have also been in a "cave of gloom." We had cause to sit in a "cave of gloom" when a majority of 170 Republicans in this House has so signally failed to redeem its promises; when we recall the fact that you went before the country and promised, like Tittlebat Titmouse in Parliament, to give every man that which he wanted and that which he most desired, and then note that after you obtained office the exports of 1920 of $8,000,000,000, under your rule fall below $5,000,000,000 for 1921. And we saw you, in the face of declining exports and shrinking foreign trade, devoting your time to foisting upon the country a tariff bill to shut out imports and cut down exports, because exports and imports go down together. We have been in a "cave of gloom" and the country has been in a "cave of gloom." Have we not had cause when we have seen the majority side and the administration, with agriculture absolutely going down into the dregs of despair, promising that you were going to do something for it, and instead of really doing something calling a conference on agriculture, and after the conference was over we saw the same condition go marching on?

We have been in a cave of gloom because we have seen an army of four or five million men walking the streets with hungry stomachs and idle hands. What did your party do? It called a conference on unemployment and solemnly denounced unemployment and resolved that you are opposed to it, like you are opposed to the yellow fever and the "flu."

Yes, we have been in a cave of gloom because the Republican Congress and administration have not shown any prospect of doing anything to relieve the conditions, but have spent their time doing what? You have spent your time devising some kind of way whereby you can reward those who have financed your campaign by giving a tariff to favored interests, a bounty to shipping interests, some special privilege to some special interest, at the expense of the whole people. That is why we are in a cave of gloom.

You beat the tom-tom and say, "Look at the Disarmament Conference and see what we did." But we see that the disarmament treaties have not been ratified by a single foreign nation. Yet you boast about your triumphant diplomacy. Those treaties are unratified by a single foreign nation.

But what else do we find in the morning papers? We find in great box-car headlines in the morning papers that the Republican Party is thinking more about offices and jobs than of passing constructive legislation for the benefit of the whole country. The morning paper contains the announcement that 150 Members of Congress have demanded of President Harding that he throw nine women out of the Treasury Department. Why? Are they inefficient? There is no charge that they are. Is it that they are not of good character? There is no charge as to that. Nine women, earning their bread by their own labor in the Treasury Department, and this Congress, composed of men—chivalric men, able-bodied men—going down to the White House with a petition signed by 150, saying, "Give us these jobs; take these jobs away from these women who are faithful and competent and give us these jobs, because we need them in order to reward some of our election workers. The gentleman is right—the Democrats, as well as the country, are in a "cave of gloom." [Applause on the Democratic side.]

Mr. LOWREY. Mr. Chairman, the thing entirely in order now seems to be to talk about something entirely irrelevant. Yesterday we passed a bill pertaining to the Panama Canal Zone, and containing a divorce law. I was very much opposed to some points in that divorce law, but I could not get opportunity to discuss them. Yet I am not willing to let the whole matter pass without definitely uttering my protest.

In this bill we are giving to the Canal Zone its first law on the divorce question. That law certainly ought to be seriously considered and carefully framed, for we are dealing with a matter which touches the happiness of homes and the social and moral conditions of people.

The divorce law which we pass for the Canal Zone will perhaps for generations affect the ideals and morals of those who make their homes in the zone and possibly of those who come and go. We are, perhaps, giving the tone to things in a new country, where the social order as now shaped will continue for years to come.

Certainly no one will deny that the family is the most vital unit and the home the most vital institution in our whole economic and social system. Whatever injures the home and the family relationship poisons the very fountain from which our civilization flows.

The marriage tie between man and woman is the bond that holds the home together. Violate that and you begin the disintegration of our whole social system. Give to a people lax principles and views on the sacredness of the marriage relation and you have laid the foundation for a rotten condition of morals.

Law is a great educator. People generally come more and more to approve what the law sustains. This bill makes too easy the cancellation of the marriage vow. It provides for nine legal grounds of divorce. I am inclined to approve the plan of the State of South Carolina, which provides for no final divorce, and hence does not allow either party to marry another after separation.

At most I feel sure we ought to have not more than two or three legal grounds for divorce, and at most only one ground on which the divorced person could marry another. We shall never find anything better than the teaching of Jesus of Nazareth on this or any other moral question.

We can not afford by our legislation or in any other way to inculcate into our young men and women a loose idea of the sacredness or the "bindingness" of the marriage obligation. When we lead our people to consider marriage a light matter and a condition that can be put on and off at one's caprice and pleasure, we are preparing the way for a future of sin, sorrow, and trouble.

Mr. GARNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Four minutes.

Mr. GARNER. Mr. Chairman, I do not know what to do with these four minutes. If there is anybody on the Republican side, and I see two or three gentlemen from Massachusetts here, that wants to say a word in defense of this statesman from Massachusetts, I will now yield to them. Up to date there has not been one word said in behalf of this crux, and I thought somebody ought to say a word.

Mr. WILLIAMS. I have nothing to say.

Mr. GARNER. The gentleman from Illinois [Mr. WILLIAMS] says he has nothing to say, and there are many others who will not have anything to say.

I knew John Weeks when he was here. He was a very active Representative. I think he made a capable Senator, but I will tell you what is the matter. He represents, more typically than any other man in this country, the old line stand-pat Republicanism. And he is speaking the mind of the President, and many gentlemen on your side over there know it. You know that John Weeks, when he makes these speeches against primary laws, and against progressivism, and against the farm bloc, is doing nothing but reflecting the conversations and the ideas that come from his chief around the Cabinet table. He is merely echoing the voice of the administration, especially the President of the United States. So you must not hold him too much responsible for obeying his master. It is natural for a man who occupies a Cabinet position to feel kindly toward the views of the President, especially if those views are in accord with his own. But I imagine from what I see in front of me, in the form of a glass of water on the table for the relief of the fevered condition of the gentleman from Wyoming [Mr. MONDELL], that he will soon arise in his place and take the balance of the time allotted to the gentleman from Iowa for the purpose of pacing up and down the aisle and getting red in the face, and declaring that the reason for this whole thing is because the Democratic administration left this awful load on our shoulders a year ago last 4th of March. That is the only defense I have heard made, and I think will be his consistent and persistent defense of anything that happens. I can not think of any other defense he will make, except that John's folly, if it is a folly, is the result of an iniquitous Democratic administration of eight years in this country.

Mr. Chairman, I do not want to be thought to be criticizing John Weeks personally. [Laughter.] I only criticize him as a representative of the G. O. P., because, personally, as I say, I have the kindest feeling for him. But the G. O. P. is to blame. Have you not, 150 of you, said that Andrew Mellon was making a mistake? Of course the G. O. P. is making a mistake. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GREEN of Iowa. Mr. Chairman, I do not want to disappoint my friend from Texas [Mr. GARNER], and therefore I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

The CHAIRMAN. The gentleman from Wyoming is recognized for eight minutes.

Mr. MONDELL. Mr. Chairman, the gentleman from Texas [Mr. GARNER] is altogether mistaken as to the reason for my indulging in a drink of water. I am not feverish. I am simply suffering, as everyone else here is, from the superheated dry hot-air with which the gentlemen on that side have been filling the Chamber. [Laughter and applause.] It made my throat dry. I would not for anything in the world want to feel as badly about the Republican Party as the gentleman from Texas would have you believe that he feels. If we were in as bad a fix as he regrets to say we are, we would be in a bad way indeed, but, of course, he would be delighted.

His colleague, the gentleman from Texas [Mr. CONNALLY] has admitted what we have all known for a long time, namely, that the gentlemen on that side have been submerged in the deep and dismal and impenetrable gloom of that adverse vote of 7,000,000 which struck them in the fall of 1920, at last they have seen a ray of what they have taken to be encouragement and light. Unlike the minority, we have some differences of opinion. We come from widely separated sections of the country. Our people do not all take exactly the same view on all questions, and we sometimes reflect that difference on the floor, as we should, and as I hope the House of Representatives always will.

In the good old Democratic days of the last administration nobody was supposed to have any opinion on the Democratic side until he had heard from the White House what was to be done. The bills came here, drawn and prepared, and with an injunction, implied if not expressed, that they must not be modified or amended. The gentlemen on that side took them as they came and voted them through, and they did—I will say in order that I may also please the gentleman from Texas [Mr. GARNER]—they did, through this legislation and through very odorous maladministration of one kind and another, lay many grievous burdens on the country which the people have had to bear, and they left many serious and trying problems difficult of solution, relative to which, being intelligent folks, we differ sometimes, openly and frankly, as we should, as to the method of their solution.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. No; I have only a minute, and that is mostly gone. But I again beg the gentleman to possess his soul in patience. We are not responsible for the sophomoric utterances of gentlemen who, in appearing before graduates here or there, may express peculiar views. We do not agree with the gentleman on the Democratic side who has spoken and agreed with the Secretary of War that the Congress has gotten to a low ebb. We still insist, notwithstanding there are some Democrats here, that this is a perfectly splendid Congress, the best that there ever was. [Applause.] And we are willing to say that in regard to the minority as well as the majority. I have been here 25 years, and in all my experience I have never known a Congress, even when the present Secretary of War was sitting here, that averaged so well in ability or possessed so high an average of intelligence and independence of thought. [Applause.] That is the sort of House I think that we should have.

Now, we do not always agree on this side. We certainly disagree in the matter of our relation to the White House with the practice of the late unlamented Democratic Congresses. We do cooperate with the White House. We do not receive orders from the Executive. We feel that it is the duty of the Congress to cooperate with the President, and he has been perfectly fine in his spirit of cooperation. [Applause.] We may or may not do all of the things that the gentlemen on that side think we ought to. But of this they may be assured, that we shall proceed in the even tenor of our way, consulting together as to the best thing to be done for the good of the Republic, cooperating with the President, and placing upon the statute books legislation that will, in our opinion, cure the ills from which we have been suffering and raise us out of the slough of despond in which the Democratic administration left the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time is expired. The Clerk will read the resolution for amendment under the five-minute rule.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury is authorized to use in the District of Columbia during the fiscal year 1923, for and in connection with the enforcement of the laws relating to customs, not to exceed at any one time four persons detailed from the field force of the Customs Service.

Mr. GARNER. Mr. Chairman, I move to strike out the last word in order that I may tell the Democrats, at least, something about this bill, because I have had so many to ask me about it.

As I understand this resolution, it is merely to reenact what has been the existing law for perhaps half a century. Heretofore we had a lump-sum appropriation for the enforcement of the customs laws, which is, in round numbers, about $10,000,000. There has been a provision authorizing the detail of four men from the field to the District of Columbia for the purpose of serving as experts up in the Treasury Department. These men, as I understand it, are now there and have been for a long time, and they are experts advising the various bureaus. The Committee on Appropriations, either at the suggestion of the Treasury Department or on their own account, struck out this appropriation, and the result was that the attention of the chairman of the Committee on Appropriations was drawn to it, and he introduced a resolution restoring what had been undone and what had been the custom for 20 or 30 years.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. GARRETT of Tennessee. Then this bill had no reference to the "key positions" that were advertised in the Washington Post this morning?

Mr. GARNER. I can not tell the gentleman from Tennessee whether or not these employees that will be assigned to this particular duty from the field service of the customs division will be among the men and women whose names occur in this morning's paper. I would like to ask the gentleman from Iowa if he could supply that information?

Mr. GREEN of Iowa. These gentlemen are under the civil-service rules.

Mr. GARNER. The gentleman says they are under the civil-service rules. I want the membership to understand that this is merely what has been the law and the custom of Congress for 20 or 30 years. So far as I know there is but one objection to it. This will enable the Treasury Department, of course, to send these experts to San Francisco at the expense of the Government when vacation time comes and let them have a nice ride at the expense of the Government, and a fairly good time if the Treasury Department sees proper to do it. Outside of that, it costs the Government no more than it does under the present arrangement as I understand it.

Mr. WINGO. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Arkansas.

Mr. WINGO. The gentleman from Iowa [Mr. GREEN] said these men and women are under the civil service. That may have meant something to the gentleman from Texas, but it does not mean anything to me.

Mr. GREEN of Iowa. I was speaking of these four persons referred to in the resolution. I never heard of these women that are being talked of now.

Mr. WINGO. The gentleman was speaking about the people whom we were talking about, was he not?

Mr. GREEN of Iowa. I was speaking about the four persons referred to in the joint resolution.

Mr. WINGO. I have not referred to anybody else. I was talking about the people you were talking about that you said were under the civil service. I do not know why the gentleman said that. I was going to ask the gentleman from Texas [Mr. GARNER], who can usually give me information on any subject that I ask him about, what difference does it make even if they are under the civil service? Does that give them any protection?

Mr. GARNER. So far as my observation goes and the newspaper reports give us any information, whenever this administration gets ready to kick a man out for any reason, whether it is because he is a Democrat or for some other reason, they kick him out. But I want to say that I am not much of a civil-service man and not much of an expert on that business.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word. During the last administration a large number of men were detailed to Washington from the field force in the customs service. From time to time under various administrations it has been found advisable to bring to Washington some persons from New York or Boston because of special information they had acquired from direct contact with the customs business. Sometimes it has been found necessary to send persons from Washington to clear up some tangled conditions at particular ports. Sometimes the business in Washington supplements the work in the field and sometimes the work in the field will supplement the business in Washington. Under the law for an extended period of time the Secretary of the Treasury has had the authority to call men from the field to Washington. A specified number were authorized. But during the last eight years, under the Democratic administration, a larger number of these field men than the law allows was called to Washington. One of these men received $12 per diem for his services and when called to Washington drew $5 per day for his expenses also, making $17 per day for that service. He was here year in and year out when his headquarters were in Philadelphia or other places. Another man from field headquarters in Baltimore detailed to service in Washington at approximately $10 per day drew a per diem of $5 per day in connection therewith.

Mr. STEVENSON. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will yield when I finish this statement. On that basis these men were called to account in the audit of their claims, and that is the subject that has raised this issue. That is the question that brought out this statement, whatever it may have been in detail as furnished to the Committee on Ways and Means. If you will go back along that line you will find men to-day in the office of the Secretary of the Treasury, placed there under the last administration, still drawing pay from a field pay roll, with a per diem possible under the circumstances. Now I yield to the gentleman from South Carolina.

Mr. STEVENSON. I just want to ask if these two high-priced fellows brought from Philadelphia happened to be Republicans?

Mr. ANDREWS of Nebraska. They are both Democrats, and I know them personally.

Mr. STEVENSON. I am glad to hear that a couple of Democrats landed for once. [Laughter.]

Mr. ANDREWS of Nebraska. Yes; they were brought here by a Democratic administration, nursed by a Democratic administration, and when called to account by the present Republican administration they were sent back to the field, and one of them is now out of the service.

On motion of Mr. GREEN of Iowa, the committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration H. J. Res. 344, to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs, had directed him to report the same back to the House without amendment and with the recommendation that it do pass.

Mr. GREEN of Iowa. Mr. Speaker, I move the previous question on the joint resolution to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PRIVATE CALENDAR.

The SPEAKER. The Private Calendar was made in order to-day. The Clerk will begin the call where he left off on the previous Private Calendar day.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Does the order that was entered last evening provide for these bills being considered in the House as in Committee of the Whole?

Mr. GARRETT of Tennessee. It does not.

Mr. STAFFORD. I ask unanimous consent that the bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that these bills may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

ANNA M. TOBIN.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to return to Private Calendar 203—objected to at a former time—a bill (S. 2323) for the relief of Anna M. Tobin.

Mr. WALSH. What is the use of entering into others and then going back?

Mr. HUDSPETH. I would like to make a statement, if the gentleman from Massachusetts will permit.

Mr. WALSH. I heard the gentleman's statement the other day.

Mr. HUDSPETH. I will state to the gentleman that I have certain data here called for by certain gentlemen that I would like to submit to the House, if the gentleman will permit me.

Mr. WALSH. We have used up 1 hour and 25 minutes which we expected to be devoted to the Private Calendar on another bill. If the gentleman is permitted to return to this bill, there is no reason why the privilege should not be granted to other gentlemen to return to their bills that were objected to.

Mr. HUDSPETH. I take it that there is a gentleman over on that side who indicated the other day that he would like to have certain data that I want to furnish.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas have permission to extend his remarks in the RECORD by inserting the data that he wishes, and then it will be available.

Mr. HUDSPETH. It will be available, but I would like to give it to the House. The question was whether or not the bill had been approved by the Secretary of War, and I have the report of a former committee which shows that the Secretary of War did approve the bill.

Mr. MONDELL. If I may be allowed to suggest, many bills have been passed over as objected to, and in a number of them I think it is probably true that after they were passed gentlemen have been able to explain to gentlemen who objected that the reasons for the objection were not sound. But if we return to this bill, as asked for by the gentleman from Texas, we can not refuse to return to other bills. My hope is that we may have another day on the Private Calendar, but I think it important to go through the calendar now from the point where we left off.

Mr. HUDSPETH. I do not think the bill would have been objected to if the committee had incorporated in the report the data that was incorporated in a former report. This bill is in favor of a widow lady who had her property destroyed. I feel sure that there would have been no objection to the bill if the data had been furnished at the time.

Mr. CRAMTON. To be perfectly frank with the gentleman, I should have to object to the bill to-day if it was returned to, but I will be glad to have the data put in the RECORD.

Mr. HUDSPETH. If the gentleman wants to object to a bill giving a poor widow lady money that is due her for property destroyed by soldiers, a claim that the War Department has approved, he may object, but I am sure if he would take time to read this report he would not. I wish to insert in the RECORD a part of a former report made by the Claims Committee last year, showing an itemized statement, and also a letter from the Secretary of War approving this claim and stating that Congress should make provision for paying it.

The part of the former report is as follows:

SEPTEMBER 5, 1916.

From: J. F. Woodson, El Paso, Tex.
To: Gen. Frederick D. Funston.
Subject: Reports damage by Pennsylvania troops to property of Mrs. Tobin, of Tobin, Tex. No objection to troops using property as drill grounds or other legitimate purposes. Desires guard for property.

INSPECTOR, SEVENTH DIVISION, N. G. U. S.,
Camp Stewart, El Paso, Tex., September 20, 1916.

The COMMANDING GENERAL DIVISION,
Camp Stewart, El Paso, Tex.

Returned with report. This day, in company with J. F. Woodson, Esq., counsel for Mrs. Tobin, of El Paso, Tex., and Mr. Coles, of the same place, I visited the premises alleged to have been damaged and found marked evidence of wanton damage to the several buildings in the nature of broken windows, doors, plumbing fixtures, damaged and defaced interior and exterior woodwork; some of the plumbing fixtures and woodwork are missing, the fire engine has been stripped of all metal parts detachable, and in many cases parts have been knocked off, thus breaking the fixtures, and the same is true of the water pump. If all this damage was done by the militia, their injury to Mrs. Tobin would be substantial, and Mr. Coles estimates the cost of restoring the same to its former condition at not less than $1,000. From pencil marks on the walls and woodwork it appears that it was not alone boys from Pennsylvania, but from Rhode Island, Massachusetts, North Carolina, and Kentucky who took part in this destruction, and that some of the visits to the premises have been up until shortly before this investigation. At the time of the original damage and complaint General Clements did offer to have the parties found upon the premises make restoration, but in the presence of the offenders the representation was made on behalf of Mrs. Tobin that she did not care that the boys should do this, but was anxious that a guard should be established about the premises for the protection thereof from further injury. General Clements is of the opinion that had he been permitted to handle this matter as he thought best, all future trouble should have been avoided, and Mrs. Tobin saved the damage to her property and the expense of maintaining a civilian guard. As shown by the draft attached to Mr. Woodson's letter, it will be seen the premises in question are at least 1 mile distant from our nearest troops and is on the opposite side of the railroad and beyond the limits of Camp Stewart. To-day Mr. Woodson stated his intention to make claim for the damage done, and in this connection further stated he thought this burden should rest upon the United States. In addition, he asks a guard be furnished from this division, and from reasons apparent from the above report General Clements declined to do this.

M. M. TAGGART,
Major, Inspector Seventh Division, N. G. U. S.

REPORT OF INVESTIGATION OF DAMAGE DONE TO THE PROPERTY OF MRS. FRANK R. TOBIN, TOBIN, TEX.

HEADQUARTERS, EL PASO DISTRICT,
El Paso, Tex., October 26, 1916.

This ranch is located on the El Paso & Southwestern Railway, about 1 mile north of the camp of the Pennsylvania troops. On October 23 I called on Major General Clements, commanding the Pennsylvania (Seventh) Division, for the purpose of ascertaining what information he had as to the damage done to the Tobin property. General Clements stated that some time ago a man claiming to represent Mrs. Tobin came to him with an attorney and represented that damage had been done to the property at Tobin and stated that the amount of the damage was $30. General Clements offered to pay this amount, but the man refused to take it and stated that he did not desire reimbursement, but wished to have some protection against further damage.

Later, further injury was done to the property, but there was no proof that the injury was committed by Pennsylvania troops. Many soldiers had written their names, together with their companies and regiments, on the walls of the houses on the Tobin property. Some of these names were of men belonging to Pennsylvania and many to other State troops. General Clements stated that he had declined to put a guard over this property, as it was at some distance from his camp and the troops of his command were not the only offenders. He caused an investigation to be made by an officer of his command with a view to determining the amount of the damage and responsibility therefor (a copy of the report of this officer, Maj. M. H. Taggart, inspector Seventh Division, hereto attached).

I then visited the property which had been damaged and found there Mr. Charles Phillips, who is now employed by Mrs. Tobin as caretaker. He states that he took charge of the property on August 7, 1916, and that considerable damage had already been done. He has confined his efforts to stopping further damage, but since he has been in charge soldiers have come while he was away and broken into the houses and committed other depredations. Mr. Phillips states that while he is present on the ranch he is unable to prevent depredations, as soldiers come daily and he can not be at all places at the same time. He has devoted himself to protecting the main ranch house and the well.

On the walls of the ranch house and other buildings and on the boiler of the steam fire engine a great many men have written names and organizations. These are principally from the First, Second, and Third Pennsylvania Regiments. Some are from Massachusetts and Rhode Island regiments and a few scattering names from Kentucky and South Carolina regiments. Mr. Phillips states that a great majority of the damage was done before the Kentucky regiments arrived. I took the names of a number of these men and found that the organizations of most of them had been ordered home for muster out. Those that I was able to interview claimed that they merely visited the ranch while out walking, and finding the names of many men written on the wall, added theirs to the list. They knew nothing as to who committed the depredations other than defacing the walls by writing on them.

Most of the destruction that I observed appeared to be pure vandalism—articles that were removed having no value and no conceivable use. Windows have been smashed and doors torn off the hinges. A steam fire engine, housed in an outbuilding, has had all removable parts wrenched from it. The pump at the well had been dismantled and many of the parts broken. Judging from the appearance of the steam fire engine, it was not in a serviceable condition when the National Guard came to El Paso, but numerous parts of some value have been removed. A number of school benches were removed from the schoolhouse and carried away. Five dwellings, a store, and a schoolhouse have been damaged as has been indicated. Some of the smaller outbuildings have had doors torn off, but have suffered no other substantial damage. Two of the dwellings and some of the houses and the store are apparently old buildings, the board flooring having rotted, but three of the dwellings and the schoolhouse are substantial stone or brick buildings of one story, practically new, and evidently until recently in a good state of repair.

The caretaker, Mr. Phillips, states that he visited this ranch last spring, before the militia arrived, as census enumerator for the school district; that he then entered each of three houses then occupied, and that they were then in good repair in every respect.

I am unable to report as to the exact value of the damage done to this ranch, but I do not believe an estimate of $1,000 is excessive.

Mr. J. F. Woodson, attorney for Mrs. Tobin, states that he is unable to give the names of the organizations of the men who committed the depredations on the Tobin property. He first reported the matter to General Clements about August 1, 1916. Shortly after the Pennsylvania troops arrived he noticed upon visiting the ranch that the pump had been dismantled and several pieces broken. He then caught soldiers taking away in a wagon brick and some doors which they had wrenched from one of the houses. The men gave fictitious names, but Mr. Woodson was convinced that they were from the Pennsylvania division, then the only organization camped near the Tobin property. He reported the matter to General Clements, division commander, who sent an aid with Mr. Woodson to the ranch, where they again found some soldiers carrying away brick. The aid arrested these men and took them back to camp. Mr. Woodson asked General Clements not to try them. General Clements offered to pay for the damage done shortly after the Pennsylvania troops came to El Paso. Mr. Woodson told him that he did not want pay, but he did want a guard detailed to prevent further damage. General Clements refused to detail a guard to protect the property. Report of the matter was not made to General Bell. Major Taggart, of the Pennsylvania division, on investigation made a few days afterwards promised that a guard would be established. The material part of the damage to this property was done before any other than the Pennsylvania troops arrived.

There seems to be no doubt that the injuries complained of in the letter of Mr. Woodson were committed by soldiers. I am unable to obtain convincing evidence as to the command to which these men belong, but from the fact that the Pennsylvania division has for more than three months past been camped nearer this property than any other organization, that the majority of names found written on the walls and other places in the ranch are of men belonging to Pennsylvania troops, and that members of this command have been arrested

while committing depredations on the ranch, I am of the opinion that by far the larger part of the injury was done by Pennsylvania troops.

On October 25 several soldiers who claimed to be members of Company F, Eighteenth Pennsylvania, were caught carrying away property and their names were reported to the chief of staff of the Pennsylvania division, whereupon a guard from that division was established over the property and is now maintained.

In the absence of sufficient evidence to fix responsibility for the damage suffered by Mrs. Tobin on particular individuals or organizations of the Army, it is deemed but just that Mrs. Tobin should be reimbursed by the Government. If no funds are available for the purpose, I recommend that Mrs. Tobin be asked to submit a detailed statement of the amount of damages done, and when this has been verified Congress be asked to appropriate the money.

J. MCL. CARTER,
Colonel of Cavalry, District Inspector.

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WAR DEPARTMENT,
Washington, January 24, 1921.

The CHAIRMAN COMMITTEE ON CLAIMS,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter, dated January 18, 1921, inclosing a copy of S. 1533, an act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, and requesting an expression of my opinion as to the merits of the claim.

In reply thereto I desire to inform you that the amount ($1,500) indicated in the bill is believed to be excessive. The sum of $1,000 is believed to be a just amount for relief in this case. With the foregoing exception I am of the opinion that this claim is a just one, and recommend that, if the amount be changed to $1,000, S. 1533 be enacted.

Respectfully,
NEWTON D. BAKER,
Secretary of War.

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STATE OF TEXAS, *County of El Paso:*

Before me, the undersigned authority, on this day personally appeared H. T. Ponsford, known to me to be a credible person, who, being by me duly sworn, on his oath deposes and says:

A few days prior to August 20, 1918, in compliance with and in company with J. F. Woodson, of El Paso, Tex., I visited the houses situated a few miles northerly from El Paso, Tex., and known as Tobin, Tex., which I am informed and believe belonged to Mrs. Anna M. Tobin, widow of Frank R. Tobin, deceased. I am and have been for many years a contractor and builder in El Paso County, Tex., and Mr. Woodson, who was the attorney of Mrs. Tobin, requested that I make this trip with him in order to make an estimate of damages that had been done to some improvements on that property known as Tobin, Tex., and he wanted me to estimate what said damages amounted to, and so we went to the place and I found that damage had been done and that repairs of such damage at such time would cost in the amounts hereinafter set out, and the material furnished cost the amounts hereinafter set out, and in order to specify the different items I set them out as hereinafter set out, all as follows:

No. 1. Stores:	
Sash for 4 rear windows, 35 by 66 inches	$20.00
3 rear doors, 2 feet 8 inches by 6 feet 8 inches by 1¾ inches	21.00
4 front doors 3 by 7 feet by 1¾ inches	30.00
Sash for 12 front windows, 35 by 72 inches	84.00
Flooring—1 foot 4 inches by 18 feet, 2 feet 6 inches by 29 feet 6 inches, 1 foot by 20 feet	17.75
Siding, 3 by 3 feet	2.25
2 single sash, 34 by 36 inches	9.00
Painting above new work only	40.00
Total	224.00
No. 2-A. Office:	
Sash for 5 front windows, 29 by 70 inches	35.00
Glass for 1 front window, 29 by 70 inches	6.00
1 pair front doors, 5 feet 4 inches by 6 feet 8 inches	18.00
3 doors, 2 feet 10 inches by 6 feet 10 inches by 1¾ inches	25.50
3 single sash, 29 by 35 inches	13.50
Beaver board ceiling, 19 feet 6 inches by 29 feet; beaver board wainscot, 97 feet by 7 feet 2 inches	94.00
3 pieces 2 by 4 inches studding 7 feet 6 inches long	1.50
Painting above new work only	51.00
Total	244.50
No. 2. Tobin house:	
1 door, 2 feet 8 inches by 6 feet 8 inches	6.50
1 side casing for same	.50
1 door, 2 feet 8 inches by 6 feet 4 inches	6.50
1 door, 2 feet 8 inches by 2 feet 8 inches	6.50
4 doors, 2 feet 8 inches by 6 feet 8 inches	26.00
3 closet doors, 2 feet by 6 feet by 1 inch	15.00
2 doors, 2 feet 6 inches by 6 feet 6 inches	13.00
1 single ash, 36 by 32 inches	4.50
4 panes glass, 16 by 34 inches, at $2.75	11.00
1 pane glass, 14 by 26 inches	2.50
2 panes glass, 30 by 34 inches, at $4.40	8.80
3 panes glass, 26 by 40 inches, at $4	12.00
Painting above new work ouly	36.00
Tint walls which are defaced with names	30.00
Total	178.80
No. 5. Bungalow:	
1 toilet, 1 bathtub, 1 sink	150.00
1 door, 2 feet 4 inches by 6 feet 4 inches	6.00
Casing both sides for same	2.25
1 door, 2 feet 8 inches by 6 feet 8 inches, glass pane	8.25
1 door, 2 feet 10 inches by 6 feet 10 inches, glass pane	9.25
2 doors, 2 feet 4 inches by 6 feet 6 inches	12.90
1 door, 2 feet 8 inches by 6 feet 8 inches	6.50
1 side casing for same	.50
1 pane glass, 20 by 36 inches	3.00
8 panes glass, 14 by 28 inches, at $1.70	13.60
9 panes glass, 30 by 22 inches, at $2.75	24.75
1 pane glass, 24 by 20 inches	2.15
No. 5. Bungalow—Continued.	
1 pane glass, 44 by 22 inches	$4.15
17 panes glass, 11 by 17 inches, at 70 cents	11.90
10 panes glass, 9 by 10½ inches, at 50 cents	5.00
3 panes glass, 13 by 11 inches, at 55 cents	1.65
4 panes glass, 10 by 20 inches, at 85 cents	3.40
Painting above new work only	30.00
Tint walls defaced with names	30.00
Total	325.25
No. 6. New bungalow:	
1 front door, 3 feet by 6 feet 8 inches	15.00
9 doors, 2 feet 8 inches by 6 feet 8 inches by 1¾ inches, at $5.25	56.25
2 collonnade posts, 8 feet by 10 inches square	13.50
3 sash, 6-light, 10½ by 11 inches each	21.00
4 sash, 1-light, 32 by 22 inches	12.80
2 sash, 1-light, 31 by 32 inches	12.00
10 sash, 1-light, 30 by 22 inches	52.00
1 sash, 1-light, 32 by 22 inches	4.00
8 panes glass, 10 by 16½ inches, at 70 cents	5.60
2 panes glass, 24 by 20 inches, at $2.20	4.40
1 pane glass, 32 by 22 inches	2.50
6 side casings for windows	3.00
1 side casing for door	.50
2 stools and aprons for double window	4.00
3 stools and aprons for double window	4.50
1 cement hearth, 3 feet by 5 feet 6 inches	10.00
Painting above new work only	60.00
Tint walls defaced with names	30.00
Total	311.05

Total of above work, $1,283.60.

And I state that such prices were based upon prices in August, 1918, which, of course, would be more now, as prices are higher now, and in estimating such prices I carried out the instruction given me by Mr. Woodson and estimated the damage as low as possible.

H. T. PONSFORD.

Subscribed and sworn to before me at El Paso, Tex., this 20th day of January, A. D. 1921.

[SEAL.] D. P. ARMSTRONG,
Notary Public, El Paso County, Tex.

HORACE G. KNOWLES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 8656) for the relief of Horace G. Knowles.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I can not quite see the equity of this. The bill provides for the payment in a case in which the general law specifically provides that there should be no payment. Unless the gentleman has further information than is contained in the report, I shall be constrained to object.

Mr. LAYTON. Mr. Speaker, I hope the gentleman from Massachusetts will not take that view of the proposition. Horace G. Knowles, for whose relief this bill was drawn, was a minister to Rumania and Serbia. He was ordered from that post to Washington by the State Department, having been appointed minister to Nicaragua. While he was in Washington he was ordered to stay here and receive instructions before proceeding to his post. Before the end of 30 days complications arose between the United States and the place for which he had been recently appointed by the President and confirmed by the Senate, so that he was an absolute officer of the United States in the regular order. These complications having arisen, the Secretary of State directed Mr. Knowles not to proceed to his place of assignment. Mr. Knowles stayed here, and when the 30 days' instruction was over he was again ordered by the Secretary of State to stay in Washington and not proceed to Nicaragua, to which post he had been appointed and confirmed by the Senate as minister plenipotentiary. He was a servant of the United States regularly appointed and confirmed by the Senate, and I assert that he was a commissioned officer, and it makes no difference whether he proceeded to his post or not if he was acting under the orders of his superior. He was an officer of the United States confirmed and commissioned. I was going to raise the question whether Horace Greeley Knowles was not entitled, not to some of his salary as provided for in this bill but whether he was not entitled to all of his salary regularly denominated by law and not to a fraction of his salary. I introduced the bill. I believe that the bill was absolutely honest in every way. I could not and can not understand how the Secretary of State could reach the conclusion that he was entitled only to a fraction of his pay. I do not see it now. In my judgment, he was entitled to all of the pay or none of it, and I would like to ask the committee whether there is any law for what Mr. Huntington, the Assistant Secretary of State, did. Under what law did he say that he would only grant him half pay up to the 22d of July? If there is any such law on the statute book, that ends that contention; but if there is not, I say that he was entitled as a commissioned officer, holding a commission, having been regularly appointed and confirmed, to his whole salary as long as he was

acting under the orders of his superior officer, the Secretary of State.

Mr. WALSH. Has the gentleman read the report on the bill?

Mr. LAYTON. I have read it very carefully, because I introduced the bill myself. I think Mr. Knowles is entitled to all that was put in the bill as I introduced it, his entire salary, as long as he was under the orders of his superior officer. That is my contention. But the committee, instead of giving him $7,296, has made a report giving him $1,666.67. What right had the Secretary of State to say that he should have only half up to a certain time, when he served properly and legally? I am asking for information. I can not find any law to support it. Under the law he is entitled to $10,000 a year as a commissioned officer. He was a commissioned officer; he had a commission; he was appointed by the President and confirmed by the Senate as minister plenipotentiary, and after certain international complications arose he was ordered to stay in Washington, and he stayed in Washington, obeying orders. If he had not obeyed orders, it is plain his commission would have been revoked for insubordination. This was his dilemma, and he should not be punished for showing proper regard for those above him in the Government service. He did not seek any private business. He considered that he was under the orders of the administration, and he stayed here without being able to make a penny of any kind in any other employment. I think under the circumstances, as I said before, that he is entitled to his whole pay until he was dismissed properly or until he was appointed to some other position.

Mr. WALSH. Mr. Speaker, of course the law provides, when a person has been appointed to a diplomatic post, that unless he proceeds to his position within 30 days he is not entitled to any compensation. It does not make any difference whether the delay is by reason of orders of his superior or is his own delay. The comptroller very clearly points out that this is a case in which they desire to take this particular person out from under the operations of the general law. That, of course, is the reason why the amount is reduced. I do not believe under the facts, as set forth in the report as found by the committee, that there is any equity in this particular claim, and I regret that I can not agree with the distinguished gentleman from Delaware.

Mr. LAYTON. Will the gentleman permit me to ask upon what basis of fairness or equity he refuses to have this bill considered?

Mr. WALSH. Because, as I have stated, this is a case giving this man particular preference in the face of a statute of the United States which was in existence at that time.

Mr. LAYTON. And in the face of a complication which the law never contemplated, in the first place.

Mr. WALSH. The law does not say anything about complications. It is a very plain law. It governs cases such as this. It has covered cases such as this before, and it probably will in the future, and until that law is changed I do not think we ought by special legislation to contravene it.

Mr. LAYTON. I call the attention of the gentleman from Massachusetts to the fact that every claim that comes from the Committee on Claims comes here, because there is no law to take care of it. It comes here into a court of equity. That is the very reason why it does come, so that any bill so passed creates new law to cover the case. If not, there would be no need for the Committee on Claims.

Mr. WALSH. Yes; but it does not come in the face of law, as this does. Mr. Speaker, I object.

GEORGE R. CAMPBELL, MILTON B. GERMOND, AND WALTER D. LONG.

The next business on the Private Calendar was the bill (H. R. 513) for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would inquire whether these claimants were performing any work while they were waiting for orders to continue their survey work.

Mr. McARTHUR. According to my understanding these men remained idle in the field and were doing nothing, because this was work that they were ordered to do by the branch of the Government under which they were working.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. LAYTON. Is not the very same principle involved in this bill that was involved in the previous bill?

Mr. McARTHUR. I did not listen to the discussion in respect to the previous bill and I therefore could not say.

Mr. LAYTON. They were awaiting orders, were they not?

Mr. McARTHUR. These men were awaiting orders in the field.

Mr. LAYTON. They were not doing anything?

Mr. McARTHUR. They were not doing anything.

Mr. LAYTON. In the previous case the man was awaiting orders from the Secretary of State of the United States, admitted to be so doing, no denial of it.

Mr. McARTHUR. I would say to the gentleman from Wisconsin [Mr. STAFFORD] that these men expected momentarily to receive orders, but the orders did not come. They went through a long period of enforced idleness, and they were under expense all of that time for their maintenance.

Mr. STAFFORD. In the prior case to which the gentleman from Delaware [Mr. LAYTON] refers, the claimant received notice from an accredited representative of the Government that his pay would stop on a certain date, and he had no expectation of returning to work because of the Secretary of State.

Mr. LAYTON. And yet at the same time, having been duly appointed, the man was ordered to stay in Washington for the purpose of going to Nicaragua just as soon as the complications between the two countries were removed.

Mr. STAFFORD. I question the statement of fact made by the gentleman, that he was ordered to remain in Washington.

Mr. LAYTON. The gentleman can question it if he wants to, but there is no doubt about that.

Mr. STAFFORD. The Acting Secretary of State, Mr. Huntington Wilson, is very clear as to the orders he gave to Knowles at the time when he told him that the conditions would not permit of his being sent to Nicaragua. Mr. Speaker, I withdraw the reservation of the objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George R. Campbell, Milton B. Germond, and Walter D. Long, their heirs or assigns, the sum of $5,034.75, being the amount due them for services performed as United States deputy surveyors, in accordance with the report of the Secretary of the Treasury contained in House Document No. 683, Sixty-second Congress, second session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McARTHUR, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN ANDERSON.

The next bill on the Private Calendar was the bill (H. R. 9160) to reimburse John Anderson, former postmaster at Sanborn, Knox County, Ind., for stamps and funds stolen from the post office.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Anderson, former postmaster at Sanborn, Knox County, Ind., the sum of $358.90, the same being the amount of money and stamps stolen from the post office at Sanborn, Knox County, Ind., on the night of February 18, 1907, by persons unknown.

With the following committee amendments:

Line 6, strike out "Sanborn" and insert "Sandborn."

Line 8, strike out "Sanborn" and insert "Sandborn."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended to read:

A bill for the relief of John Anderson.

SOUTHERN TRANSPORTATION CO.

The next business on the Private Calendar was the bill (H. R. 7010) for relief of Southern Transportation Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this bill in the usual form for sending a claim of this kind to the district court?

Mr. BLAND of Virginia. Mr. Speaker, this bill was prepared by the gentleman from Virginia [Mr. DEAL]. I have glanced over the bill, and although I can not say definitely I think it is

in the usual form. I have prepared such bills myself. I think this is in the usual form.

Mr. WALSH. Does the gentleman know how much damages are claimed?

Mr. BLAND of Virginia. The report shows $1,200. It will be found on the first page of the report.

Mr. WALSH. But is that offset in any way by damages to the Government vessel?

Mr. BLAND of Virginia. I think not. I do not find in there any damages sustained by the Government vessel. It will be found on the second page of the report that the naval board investigation found that the naval officer in charge of the U. S. S. *Kewaydin*—that is, the tug towing the barge—was at fault.

Mr. WALSH. It was found he did not exercise enough foresight——

Mr. BLAND of Virginia. In maneuvering, and that there was ample space for him to pass the barge, which was at anchor.

Mr. WALSH. I thought it was another of those claims of such character that might be settled by the Navy Department under the general law, but I see it perhaps requires too much reduction of what they set up for damages. I have no objection.

Mr. ROACH. Mr. Speaker, I object for the present.

BENJAMINE O. KERLEE.

The next business in order on the Private Calendar was the bill (S. 494) for the relief of Benjamine O. Kerlee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is a Senate bill, which I have not had an opportunity to examine, and I would like some one to make a statement in reference to it. Is there anybody here familiar with the circumstances of this case? Well, I have no objection.

The SPEAKER. The Clerk will report the bill..

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamine O. Kerlee the sum of $1,200, for injuries received while employed in the service of the Government as a workman in the Kaniksu National Forest in the State of Idaho during the year 1915.

The committee amendment was read, as follows:

Page 1, line 5, strike out "Benjamine" and insert "Benjamin."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read "An act for the relief of Benjamin O. Kerlee."

PENNSYLVANIA RAILROAD CO.

The next business in order on the Private Calendar was the bill (H. R. 9887) for the relief of the Pennsylvania Railroad Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee as to the status of the general bill which passed the House some time ago authorizing the department to settle claims of this character under an amount, I believe, of $500 or $1,000?

Mr. GLYNN. I will say to the gentleman that bill is still in the Senate committee, and I understand it is likely to be reported favorably by that committee in about 10 days; but it has not come up for action in the Senate.

Mr. STAFFORD. The amount, as I recall it, carried in that bill, authorizing settlement by the department, was $1,000.

Mr. GLYNN. Yes.

Mr. STAFFORD. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania Railroad Co., the sum of $285.86, to compensate the said company for damages caused by collision of the Coast Guard cutter *Guthrie* with the Pennsylvania Railroad car float *No. 7*, at Philadelphia, Pa., November 26, 1920.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GLYNN, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN B. ELLIOTT.

The next business in order on the Private Calendar was the bill (S. 1784) for the relief of John B. Elliott.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Elliott, whose position as collector of customs of collection district numbered 27 (formerly known as the district of southern California), was inadvertently abolished under the provisions of the Executive order of February 2, 1920, the salary he would have received as collector of customs of the newly created district numbered 27 (known as the district of Los Angeles) from February 2, 1920, to April 5, 1920, inclusive, had not his position been so abolished.

Passed the Senate February 20, 1922.

Mr. GLYNN. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, after the word "pay," add a comma and the following, "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GLYNN, a motion to reconsider the vote by which the bill was passed was laid on the table.

GULF, FLORIDA, & ALABAMA RAILWAY CO.

The next business in order on the Private Calendar was the bill (S. 2599) for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I object.

PHILIP S. EVEREST.

The next business in order on the Private Calendar was the bill (S. 1730) for the relief of Philip S. Everest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $300, and that the same be paid to Philip S. Everest, superintendent and special disbursing agent Bad River (Wis.) Indian Reservation, in full compensation on account of moneys expended by him for the benefit of an Indian allottee upon said reservation whose allotment had been erroneously located by said agent through misinformation given to him as to the location of a reservation corner.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. A. P. NELSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN PUBLIC LANDS IN LOUISIANA.

The next business in order on the Private Calendar was the bill (H. R. 10361) authorizing the sale and patent of certain alleged public lands in Louisiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and patent to Thomas Glynn, William Glynn, Alphonse Glynn, Charles Glynn, Aloysius Glynn, Alexander Glynn, Emma Glynn, Josephine Glynn, and Belle Glynn, of Pointe Coupee, La., lot or section 39, lots 5, 6, 7, 12, and 13, section 27, and lots 1 and 2 of section 26, township 5, range 11, Louisiana meridian west of the Mississippi River, situated in Pointe Coupee Parish, La., at $1.25 per acre, lands which they and their grantors have occupied, under claim and color of title from the State of Louisiana, ever since May 3, 1854: *Provided*, That application for the purchase of the described tracts under this authorization be filed at the United States land office in Baton Rouge, La., within 60 days from the passage of this act.

The committee amendments were read, as follows:

Page 1, line 9, after the word "five," insert the word "south."
Page 1, line 10, after the word "eleven," insert the word "east."
Page 1, line 11, strike out the words "Pointe Coupee" and insert "West Baton Rouge."

Mr. STAFFORD. Mr. Speaker, I note the gentleman introducing the bill is in the Chamber. I want to ask the gentleman if he is personally acquainted with the character of this land?

Mr. FAVROT. Yes.

Mr. STAFFORD. Are there any oil deposits on the land?

Mr. FAVROT. There are not any oil deposits on the land within about 300 miles.

Mr. STAFFORD. It is ordinary agricultural land?

Mr. FAVROT. Ordinary agricultural land.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. FAVROT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On May 26, 1922:

H. R. 2193. An act to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended.

On May 31, 1922:

H. R. 10442. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921.

On June 1, 1922:

H. R. 11065. An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

On June 3, 1922:

H. R. 6523. An act for the relief of John Burke, former Treasurer of the United States, for lost bonds without the fault or negligence on the part of said former Treasurer; and

H. R. 6524. An act to permit the correction of the general account of John Burke, former Treasurer of the United States.

On June 6, 1922:

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois; and

H. R. 10925. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

On June 10, 1922:

H. J. Res. 339. Joint resolution making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill.;

H. R. 9344. An act providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal;

H. R. 10972. An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;

H. R. 11408. An act granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton; and

H. R. 11409. An act granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River.

On June 12, 1922:

H. R. 9981. An act making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

SANFORD KIRKPATRICK.

The next business on the Private Calendar was the bill (H. R. 2763) for the relief of Sanford Kirkpatrick.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Sanford Kirkpatrick, of Ottumwa, Iowa, the sum of $2,191 on account of injuries received while in the discharge of his duty as special agent under the collector of internal revenue.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAMSEYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN CALVIN STARR.

The next business on the Private Calendar was the bill (H. R. 10287) for the relief of John Calvin Starr.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, the compensation in this measure seems to be a little out of the ordinary. The bill was introduced for $25,000, and the committee has amended it to $5,000.

Mr. LINTHICUM. The committee said that this was the greatest amount they ever granted in injury cases.

Mr. WALSH. Oh, yes. The committee grants $5,000 in injury cases and $1,500 where death results. Has the gentleman any information about this?

Mr. LINTHICUM. The man came to my office a few days ago. He is a total wreck. His wife has to assist him, and he has a big cane that he carries to support him when his wife is not with him. He is physically an absolute wreck. I do not see how it is possible for him ever to do any work. I do not see how it is possible for him to ever be able to follow any employment of any kind. We were careful about it. We asked the physicians at Fort McHenry to make a thorough examination, the result of which the gentleman will find in the report, and after a thorough examination and consultation for some length of time they came to the conclusion that there was no possibility of his ever recovering from the accident. That you will find embodied in the report. I will say to the gentleman that if there ever was a worthy case, this is certainly one of them. I am thoroughly familiar with it. I know the people themselves.

Mr. WALSH. The gentleman says that the beneficiary is totally incapacitated?

Mr. LINTHICUM. Absolutely so.

Mr. WALSH. And it is the gentleman's judgment that he will continue in that condition?

Mr. LINTHICUM. From my observation, that is my judgment; and from the report of the physicians and their examination, that is their judgment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Calvin Starr the sum of $25,000 for personal injuries sustained as result of being struck by runaway Government-owned mail truck.

Also the following committee amendment was read:

Line 6, strike out the figures "$25,000" and insert in lieu thereof the figures and words: "$5,000 in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR E. RUMP.

The next business on the Private Calendar was the bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is the first time, I believe, in the consideration of the Private Calendar where after a person who has been employed by the Government has received some compensation he has been placed as a beneficiary under the compensation act passed in 1916. He has already received $2,000.

Mr. NEWTON of Missouri. Mr. Speaker, I would like to make a statement giving the facts in the case.

Mr. STAFFORD. I would be glad to have some explanation as to the facts in the case as now existing.

Mr. NEWTON of Missouri. The question of the gentleman from Wisconsin is a perfectly pertinent one.

About 15 years ago Arthur Rump was a strong, vigorous, athletic fellow, in perfect health, and was employed in the St. Louis post office in the registry division. One day while at work in his line of duty at the substation in the Union Station he was walking with a parcel of registered letters. As he went along between the mail cars there was a railway mail clerk in one of the cars who had become angry because a package of papers had been placed in his car by mistake, and instead of dropping it down on the truck beside the car he hurled it out into the space designated as the safety zone for

the employees to walk through, and it hit this man in the neck and knocked him down, rendered him unconscious, and injured his spine. Rump went back to his work after two or three days, but he suffered all the time. After a year or two his neck began to stiffen. They had it examined by X-ray, and the doctors were convinced that the injury never would heal, and so they put him in a plaster of Paris cast to ankylose the joints of the neck. About nine months afterwards he was taken out of the cast, and it was found that his neck was perfectly stiff and the pain was gone. But the affliction progressed until his hips and knees were stiff, and the joints in his feet became rigid, and he was helpless.

After his affliction had progressed until he was no longer able to walk and was confined to his bed, his faithful wife undertook to earn a living for him and his aged mother by touching up negatives for a photographer. She was fairly successful in this work for about five years, when she was stricken with a cancer. This disease ate rapidly into her vitals. As her condition became serious Congress passed a relief bill for her husband allowing him $2,000 for his injuries. The voucher making payment under this bill reached Mr. Rump after his wife had become unconscious and only five days before she died. The amount was totally inadequate for his injuries, but as he had no money with which to pay doctor bills and funeral expenses for his wife, he was not in a position to reject it. He accepted the payment in full faith that at some future date Congress would do justice by him and give him an adequate compensation for his injuries.

At the time the bill was passed he could use both arms and hands, and by the use of a telephone he earned from $400 to $500 per year soliciting magazine subscriptions. At that time Congress was under the impression that the progress of his disease had been arrested and that he would be able in the future to earn at least a part of his livelihood. In this Congress was mistaken, because his affliction has traveled until to-day there is not a joint in his body that he can move, except he can open his mouth about one-quarter of an inch.

Mr. STAFFORD. What is his age at present?

Mr. NEWTON of Missouri. I think it is 48. Now, this bill was reported last year by the Judiciary Committee, but never got to a vote. It came up in the Senate at this session and passed, placing him under the provisions of the workman's compensation law; the bill then came to the Claims Committee of the House. The title of this bill is not correct, because the Claims Committee of the House did not want to make a precedent of putting him under the compensation law. They gave him instead a pension of $60 per month during his natural life.

Mr. STAFFORD. The bill under consideration places him under the compensation act.

Mr. NEWTON of Missouri. If you will read the bill, you will find that this is not the case. It is not under the compensation act. The Senate bill is stricken out and an amendment inserted giving him $60 per month.

Mr. STAFFORD. I have before me the bill as it passed the Senate.

Mr. NEWTON of Missouri. All after the enacting clause of the Senate bill was stricken out, and they inserted a provision fixing his compensation at $60 per month. I will tell you that this man is not asking for charity. He was injured without any fault of his own, while serving the Government in the line of his duty. All he wants is justice. There is not a man on earth in a more pitiable condition. If you put food and drink beside him, he would starve to death or die from thirst because of his helplessness.

About a year ago the Compensation Board, under the compensation law passed by this Congress, paid a Greek $14,000 for injuries sustained while employed by the Government. Within the past year that board paid a man in New Jersey, who had lost one arm and one eye, $11,000. They paid a man out in Missouri, who had lost both eyes, $13,000, and while Arthur Rump was injured before the compensation law was enacted there would certainly be no injustice done in paying him $60 per month during the remainder of his natural life.

All the evidence in this case shows that this man was not in fault at all. He was discharging his duty faithfully, and by the pure carelessness of another employee he was put in a condition where he lives on with a brain that is active but can not move hand or foot. It is my contention, and it is the contention of the committee, that the first compensation allowed him was totally inadequate. There is a poorhouse four blocks from where he lives, and it is the horror of his life that he may have to go to that poorhouse. He is certainly entitled to relief from that anxiety.

Mr. STAFFORD. I understand that the payment of $60 should begin after the passage of the act.

Mr. NEWTON of Missouri. That is written in the bill.

Mr. STAFFORD. I do not find it in here. Would the gentleman have any objection to inserting after the word "month" the words "to date after the passage of the act"?

Mr. NEWTON of Missouri. Certainly not. That was the understanding in the committee.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the right to object.

The SPEAKER pro tempore. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Arthur E. Rump, a former employee in the post office in St. Louis, Mo., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

With a committee amendment as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump, during his natural life, the sum of $60 per month as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis, Mo., post office, said monthly payments to be paid through the United States Employees' Compensation Commission."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the committee amendment: Page 2, line 4, of the committee amendment, after the word "month," insert "to date from the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: On page 2, line 4, after the word "month," insert "to date from the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. NEWTON of Missouri. The title should be amended, I think.

The SPEAKER pro tempore. Without objection, the title will be amended to conform to the text. Is there objection?

There was no objection.

On motion of Mr. NEWTON of Missouri, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MRS. D. MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. 1965) for the relief of Mrs. D. Montgomery.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have difficulty, in examining the report, in finding a detailed statement of the expenses for which the bill makes allowances.

Mr. SNELL. If the gentleman will yield, he will find the statement on pages 2 and 3 of the report. I will say to the gentleman that this is one of the most meritorious claims ever presented in connection with any accident growing out of the war.

Mr. STAFFORD. I think so, and perhaps I should not have raised the reservation of the right to object.

Mr. SNELL. The amount of the bill will hardly pay the hospital expenses—$200.90. All the evidence before the committee is explained in full in the report. I think it is a very just claim.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore. The reservation is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. D. Montgomery, of Carrollton, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $200.90 to cover expenses incurred for hospital service rendered to Mrs. D. Montgomery and child as a result of injuries sustained by the forced landing of an airplane owned by the United States Government and operated by an officer of the United States Army.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SNELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HEIRS OF JULIO CARRAZCO, DECEASED.

The next business on the Private Calendar was the bill (S. 156) for the relief of the heirs of Julio Carrazco, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, will some member of the committee inform the House whether it is the policy of the Government to compensate foreigners in case of death because of the accidental shooting of relatives by some of our Army enlisted men?

Mr. GLYNN. I will say, Mr. Speaker, that it is the policy; and last session, when we had up private bills, a number of such bills were passed. In every instance it was upon the recommendation of the Department of State or some other department of the Government. This case comes to us with the recommendation of the Secretary of War.

They state that—

While no legal liability rests upon our Government to indemnify the dependents of Carrazco for their loss, it is believed that an indemnity should be paid.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay $2,000 to the dependents of Julio Carrazco, a citizen of Mexico, who was killed by United States troops near Los Adobes, in the district of El Indio, Tex., on January 18, 1918, which said sum of $2,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

DELAWARE & HUDSON CO., OF NEW YORK CITY.

The next business on the Private Calendar was the bill (H. R. 636) for the relief of the Delaware & Hudson Co., of New York City.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Delaware & Hudson Co. of New York City the sum of $1,711.65, to reimburse said company in the amount of a fine imposed upon and paid by it in June, 1918, because of irregular delivery, without customs formality, of a shipment consigned to the collector of customs, for depot quartermaster, United States Army, Philadelphia, Pa.; the duty having been subsequently paid by the depot quartermaster, and the fine having been covered into the Treasury before the notice of withdrawal of the report of irregular delivery was received by the collector of customs at Ogdensburg, N. Y., where said fine had been paid.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Delaware & Hudson Co. of New York City the sum of $1,711.65, in reimbursement of a fine imposed and paid by said company, June 8, 1918, to the collector of customs for the irregular delivery of a shipment of Army underwear consigned to the collector of customs and shipped from Quebec, Canada, to the depot quartermaster at Philadelphia, Pa."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIVIAN HOOD.

The next business on the Private Calendar was the bill (H. R. 862) for the relief of Vivian Hood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to ask the author of the bill [Mr. DOWELL] a question. The report in this case does not disclose whether this exhibition given by the Chemical Warfare Service, whereby the claimant, who was a spectator, suffered injury was a free exhibition or whether there was a fee charged.

Mr. DOWELL. It was a free exhibition given by the United States Chemical Warfare Bureau, a division of the War Department, at the State fair grounds at Des Moines, Iowa, and this exhibition was extensively advertised.

Mr. WALSH. And people were invited to witness it.

Mr. DOWELL. The people were invited to attend this exhibition given by the United States Chemical Warfare Bureau, and the entertainment was free to the public. This claimant, Vivian Hood, with many others, attended this exhibition upon this invitation.

Mr. STAFFORD. In the report nothing was disclosed to show whether it was a free exhibition or whether it was in connection with a State fair or something of that kind, to which the claimant might have recourse. On the statement of the gentleman, there being no other recourse, I have no objection to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of the estate of Vivian Hood, a minor, of Des Moines, Polk County, Iowa, the sum of $10,000, in full compensation for injuries and damages sustained by the said Vivian Hood on the 15th day of May, 1920, while the said Vivian Hood, without carelessness or negligence on her part, and while the said Vivian Hood was seated in the grandstand provided for that purpose, witnessing an exhibition given by the United States Chemical Warfare Bureau at the State Fair Ground, in Des Moines, Iowa, said injuries and damages were sustained by the said Vivian Hood by reason of a gas shell being exploded by the officers and men of the said Chemical Warfare Bureau, at said time and place, the gas shell bursting directly in front and in said grandstand in which said Vivian Hood, together with many other spectators, was seated, fragment of said shell striking said Vivian Hood in the face and head, severely cutting, bruising, mangling, and disfiguring the face, head, and nose of said Vivian Hood, which mangling and disfiguring will continue during her life.

With the following committee amendment:

On page 1, line, 5, after the word "appropriated," strike out the remainder of the bill and insert in lieu thereof the following:

To Vivian Hood, the sum of $2,500, in full compensation against the Government for injuries sustained as a result of being struck by a fragment of shell May 15, 1920, while witnessing a demonstration party from the Chemical Warfare Service at the State Fair Grounds, Des Moines, Iowa.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. DOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEONIDAS SAWYER.

The next business on the Private Calendar was the bill (H. R. 4145) for the relief of Leonidas Sawyer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Leonidas H. Sawyer, out of any money in the Treasury not otherwise appropriated, the sum of $3,500, as compensation for permanent injuries to spine, said injuries being caused through no negligence on his part, and while he was employed in the United States navy yard, known as the Portsmouth Navy Yard, located at Kittery, Me.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leonidas Sawyer, during his natural life, the sum of $60 per month as compensation for injuries sustained while in the line of his duties as a laborer at the navy yard, Portsmouth, N. H., said monthly payments to be paid through the United States Employees' Compensation Commission.

Mr. STAFFORD. Mr. Speaker, I wish to offer an amendment to the committee amendment; on page 2, line 2, after the word "month," insert the words "to date from the passage of this act."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the the committee amendment: On page 2, after the word "month," insert "to date from the passage of this act."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BEEDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN ALBRECHT.

The next business on the Private Calendar was the bill (H. R. 4421) for the relief of John Albrecht.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Albrecht the sum of $100 as compensation for damages sustained by him when an airplane of the Air Mail Service descended on his property in March, 1921.

With the following committee amendment:

Page 1, line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

Page 6, strike out the figures "$100" and insert in lieu thereof the figures "$50."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CANADIAN PACIFIC RAILWAY CO.

The next business on the Private Calendar was the bill (H. R. 9472) for the relief of the Canadian Pacific Railway Co.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. Reserving the right to object, the purpose of this bill is to remit the fines for the irregular delivery of a shipment of goods because the goods were subsequently delivered into customs custody and later withdrawn and exported under customs supervision.

Mr. KELLER. I have no data except what is in the report. The department said it was irregularly collected, and it seemed to me that if they have collected money irregularly where they had no right to collect it, the Government ought to refund it.

Mr. WALSH. The fine of $50 was imposed for the irregular delivery and shipment of four packages of clothing, and the department further says that the goods were subsequently delivered into the customs custody intact and sent to the general order warehouse, from which the goods were later withdrawn and exported under customs supervision.

Now, I can not gather from the report whether this is an attempt to remit a fine because the goods were recovered and sent through the regular channel, or whether it is attempting to remit a fine because the irregularity which occurred was without the fault of the railway company.

Mr. KELLER. It was because it was without fault of the railway company. The railroad immediately paid the fine because it had no other recourse. They knew that they were paying it irregularly.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the Canadian Pacific Railway Co., out of any money in the Treasury not otherwise appropriated, the sum of $50, and such sum is hereby appropriated to reimburse the Canadian Pacific Railway Co. for customs fine in connection with shipment of four packages of old clothes covered by immediate transportation entry No. 122, of November, 1919, erroneously imposed by the collector of customs at Richford, Vt.

The following committee amendment was read:

Page 1, line 6, after the sum $50, strike out the words "and such sum is hereby appropriated to reimburse the Pacific Railway Co." and insert "as reimbursement."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KELLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SARAH GREEN, VIRGINIA GREEN, AND HENRY GREEN.

The next business on the Private Calendar was the bill (H. R. 9615) for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers, the sum of $5,000 for killing of said Lydia Rivers by a United States Army truck on September 17, 1919.

With the following committee amendment:

In line 7, strike out the figures "$5,000" and insert in lieu thereof "$150."

Mr. WALSH. Mr. Speaker, I notice that the committee amendment is quite a substantial reduction for the death of a person. I am wondering upon what theory the committee reported on a death claim only $150, when we have just passed bills giving $5,000 for injuries and $2,500 for death.

Mr. GLYNN. I will say that this is not a case of dependents. While they are next of kin, they were not dependents. My recollection is that $150 covers the funeral expenses. It was not a case of dependent children.

Mr. WALSH. I think the committee should further have amended the bill, making it clear what the amount was for, instead of making it $150 for killing said Lydia Rivers. I think it should have stated that it was for funeral expenses.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. LOGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

H. L. KOESTER.

The next bill on the Private Calendar was the bill (H. R. 9614) for the relief of H. L. Koester.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, this is for the buildings that were destroyed in the same accident that was referred to in the last bill?

Mr. LOGAN. Yes.

Mr. WALSH. For the damage to the buildings the committee allows $85, and for the death $150.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. L. Koester the sum of $85 for damages to his house, one Koester's Tenement, on the Meeting Street Road, about 3 miles from Charleston, S. C., by a United States Army truck on September 17, 1919.

On motion of Mr. LOGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HERBERT WARREN HARDMAN.

The next business on the Private Calendar was the bill (H. R. 6130) for the appointment of Warrant Officer Herbert Warren Hardman, captain in the Quartermaster Corps, United States Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I think there is a Senate bill on the calendar of the same tenor, and for that reason I object to the House bill.

JOHN M. GREEN.

The next business on the Private Calendar was the bill (H. R. 1741) for the relief of John M. Green.

The SPEAKER. There is an identical Senate bill on the calendar, and the Chair will object.

The next business on the Private Calendar was the bill (S. 777) for the relief of John M. Green.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John M. Green shall be held and considered to have been honorably discharged from the military service of the United States as a private

of Company G, Eighty-eighth Regiment Illinois Volunteer Infantry, on the 8th day of September, 1865: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. STAFFORD. Mr. Speaker, I move that the House bill H. R. 1741 be laid on the table.

The motion was agreed to.

HERBERT WARREN HARDMAN.

The next business on the Private Calendar was the bill (S. 1880) providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and hereby is, authorized to appoint Herbert Warren Hardman, formerly a major, Quartermaster Corps, a captain in the Quartermaster Corps, United States Army, to date from July 1, 1920, and to be placed on the promotion list in such place as is provided by section 24a of the act of June 4, 1920, for persons appointed as captains under the provisions of section 24 of said act.

The SPEAKER pro tempore (Mr. CRAMTON). The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

By unanimous consent the bill (H. R. 6130) of similar title was ordered to lie on the table.

MARIE DOUGHTY GORGAS.

The next business on the Private Calendar was the bill (S. 3300) granting a pension to Marie Doughty Gorgas.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, as this involves a question of policy on the part of the Government which I consider too important to be taken up under unanimous consent, I object.

HENRY PETERS.

The next business on the Private Calendar was the bill (H. R. 7583) for the relief of Henry Peters.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Henry Peters, a citizen of the city of New Orleans, in the State of Louisiana, against the United States for damages alleged to have been caused to the derrick boat *Pelican*, property of the said Henry Peters, while in town of the United States Navy tug *Barnett* on July 2, 1918, may be sued for by the said Henry Peters in the District Court of the United States for the Eastern District of Louisiana, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Henry Peters, or against the said Henry Peters in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. STAFFORD. Mr. Speaker, I move to amend on page 1, line 6, by striking out the word "town" and inserting the word "tow."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 6, strike out the word "town" and insert the word "tow."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

"MARY S. DOLBOW."

The next business on the Private Calendar was the bill (H. R. 6177) for the relief of the owner of the fishing smack *Mary S. Dolbow*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owner of the fishing smack *Mary S. Dolbow* for damages alleged to have been caused by collision between said fishing smack and the U. S. S. *N–1*, on October 3, 1920, at 12.30 o'clock a. m., in the Delaware River Channel, off Tinicum Island, whereby she became a total loss, may be sued for by the owner of the said fishing smack *Mary S. Dolbow* in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said fishing smack *Mary S. Dolbow*, or against the owner of said fishing smack *Mary S. Dolbow* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

TACOMA TUG & BARGE CO.

The next business on the Private Calendar was the bill (H. R. 966) for the relief of the Tacoma Tug & Barge Co.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Tacoma Tug & Barge Co., of Tacoma, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $674.22, to reimburse said company as owners of scow *No. 8* for damages suffered by their boat as a result of a collision with the U. S. S. *Goldsborough* at Tacoma, Wash., December 17, 1914.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NAVAJO TIMBER CO.

The next business on the Private Calendar was the bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee whether any of the forfeit money which was deposited by the Navajo Lumber & Timber Co., which is identic, as the report shows, with the Navajo Timber Co., the claimant in the bill under consideration, has been returned? Getting no response to the question, Mr. Speaker, I ask that this bill be passed over.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

HORACE E. WALKER.

The next business on the Private Calendar was the bill (H. R. 6929) for the relief of Horace E. Walker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Horace E. Walker, of Suffolk County, the sum of $403, in full compensation for damages done to an automobile of the said Horace E. Walker, caused by negligence on the part of the employees of the United States in the operation of a mail truck owned and operated by the United States Government on January 6, 1920.

With the following committee amendment:

Line 11, strike out the figure "6" and insert the figure "5."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF CERTAIN OFFICERS OF UNITED STATES ARMY.

Mr. WALSH. Mr. Speaker, I ask that No. 271 on the calendar, H. R. 11397, to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes, be passed over.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

FREDERICK MEARS.

The next business on the Private Calendar was House Joint Resolution 316, authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army, and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission.

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would ask the author of the resolution whether he would have any objection to a minor amendment in line 6, page 3, by inserting after the word "may" the word "thereafter"?

Mr. CURRY. I would have no objection to that.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk reported the joint resolution, as follows:

Joint resolution (H. J. Res. 316) authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission.

Whereas the Acting Comptroller General, in an opinion dated March 11, 1922, has held that by accepting appointments first as a member of the Alaskan Engineering Commission, and subsequently as chairman and chief engineer of said commission, and by exercising the functions of said civil office Frederick Mears, vacated, successively, his offices as first lieutenant, captain, major, and lieutenant colonel in the Regular Army, and that he is not at the present time an officer of the Regular Army: Therefore be it

Resolved, etc., That the President be, and he is hereby, authorized, in his discretion and by and with the advice and consent of the Senate, to reappoint Frederick Mears to the Regular Army in the grade and with the date of rank to which he would have been entitled at the time of such reappointment had he remained an officer of the Regular Army continuously from the time he first became an officer thereof: *Provided*, That after such reappointment said Frederick Mears shall be regarded as having in contemplation of law the same status, rights, and privileges as an officer of the Regular Army that he would have had if he had remained a commissioned officer of the Regular Army continuously, under the various commissions in the Regular Army, issued to and accepted by him from the date of his first appointment therein.

SEC. 2. That notwithstanding the provisions of sections 1222, 1224 (as amended by the act of February 28, 1877, 19 Stat., p. 243), 1763, 1764, and 1765, Revised Statutes, the provisions of section 2 of the act of July 31, 1894 (28 Stat., p. 205), and the provisions of section 6 of the act of May 10, 1916 (39 Stat., p. 120), as amended by the act of August 29, 1916 (39 Stat., p. 582), or the provisions of other existing statutes of like import, the said Frederick Mears may, after having been reappointed an officer of the Regular Army under the provisions of the preceding section, continue in office under an existing commission as chairman and chief engineer of the Alaskan Engineering Commission or accept a new appointment as such, and may exercise the functions of said civil office without prejudice to his commission as an officer of the Regular Army or to his standing as such, and may receive the compensation duly prescribed from time to time for the incumbent of said civil office, less the pay and allowances to which he may be entitled as an officer of the Regular Army.

Mr. GRAHAM of Illinois. Mr. Speaker, I move to strike out the last word. I would like to make an inquiry. What is the function of the whereas clause to this bill? What good does that do?

Mr. CURRY. It does not do any good, except to explain to the House the reasons for the bill.

Mr. GRAHAM of Illinois. Mr. Speaker, I move to amend by striking out the whereas clause on the first page.

The SPEAKER. That is ordinarily done after the third reading of the bill.

Mr. GRAHAM of Illinois. As a way of amending the title?

Mr. WALSH. No; it is a preamble.

The SPEAKER. The striking out of the preamble would naturally come after the third reading.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: Page 3, line 6, after the word "may," insert "thereafter."

The SPEAKER. The gentleman from Wisconsin offers an amendment.

The Clerk read as follows:

Page 3, line 6, after the word "may," insert the word "thereafter."

Mr. CURRY. Mr. Speaker, I do not know that the amendment of the gentleman from Wisconsin is entirely necessary. Colonel Mears has not received his full salary since March He is not receiving the salary, allowance, and pay of a colonel of the United States Army. Now, if this word "hereafter" may prevent him from receiving that part of his salary as an Army officer held back since March it ought not to go in the bill. If it does not, then it would not do any harm in the bill.

Mr. STAFFORD. The purpose of my amendment was to preclude him from receiving any additional emoluments until the passage of the bill.

Mr. CURRY. He does not receive that now, and if the bill is passed with your amendment and he is reappointed he will probably not have his pay of colonel allowed until he is reappointed. He receives now $10,000 less his pay as a colonel. He does not receive the full amount.

Mr. STAFFORD. Then it is the purpose of the gentleman that he should receive his full amount, to date back from April?

Mr. CURRY. I think so.

Mr. STAFFORD. Of course, I had a contrary view, thinking the gentleman desired only to have him get this additional pay from the time of the passage of this act.

Mr. CURRY. Of course, he did not seek this appointment, as he would rather be in the Engineer Corps of the Army. He thinks more of being an officer of the United States Army than we do of being Members of Congress, and he was assigned to this duty by the Secretary of War and the President of the United States and the Secretary of the Interior; but he did not ask for it. He obeyed orders and accepted it. I would object to an amendment going in that would stop that part of the salary to which he is entitled.

Mr. WALSH. Does the gentleman want him to get the pay and allowance of this grade in the Army before he is reappointed?

Mr. CURRY. No——

Mr. WALSH. Then the pay and allowance should begin from the time he is reappointed. He can not be reappointed until this bill is passed.

Mr. CURRY. His salary is $10,000 a year as chairman and chief engineer of the Alaskan Engineering Commission and he received a salary as colonel in the Army. Now, he does not receive the full amount as chairman and engineer of the Alaskan Commission, but he receives $10,000 less his salary as colonel.

Mr. WALSH. What he gets as an Army officer?

Mr. CURRY. Yes. Now, he has not received anything as an Army officer since the Comptroller General has ruled that he automatically severed his connection with the Army. I do not believe that the Comptroller General's statement of the law is correct. The Comptroller General has autocratic power. His ruling is final. He can not be removed by the President; his acts can not be reviewed by the courts. He can only be removed by Congress on account of malfeasance in office or for gross incompetency, and he would have to be impeached to be removed that way. Of course, the only way to do justice to Colonel Mears is by act of Congress. We passed two acts of Congress thinking we had provided for the legal transfer of Colonel Mears at the request of the President, but the comptroller holds the legislation did not accomplish the object sought. I would not like to see him lose part of his salary.

Mr. STAFFORD. I can not see how the suggested amendment will infringe his privileges. We are seeking to allow him to hold his civilian position at a salary of $10,000 a year without in any way involving his status as a military officer.

Mr. CURRY. Yes.

Mr. STAFFORD. And with the privileges that will redound to that military position?

Mr. CURRY. Yes.

Mr. STAFFORD. This bill does not have a retroactive effect?

Mr. CURRY. No.

Mr. STAFFORD. The purpose of my amendment is to clarify the carrying out of the intention of the bill.

Mr. CURRY. If it is the opinion of the gentleman from Wisconsin that this amendment will not stop Colonel Mears from receiving the salary which is properly due him from March up to the time of his reappointment I have no objection to the amendment, but if it would have that effect I do not think the gentleman from Wisconsin himself would want his amendment adopted.

Mr. STAFFORD. Then, as I understand it, Colonel Mears has been filling this position at an aggregate salary of $10,000?

Mr. CURRY. Yes.

Mr. STAFFORD. And the ruling of the comptroller is that he can not do so as long as he is holding a military position?

Mr. CURRY. Yes. The Comptroller General has ruled that by accepting the appointment of chairman and chief engineer of the Alaskian Engineering Commission Mr. Mears automatically vacated his commission in the Army.

Mr. STAFFORD. Mr. Speaker, I do not wish to embarrass the status of Colonel Mears in the receipt of the $10,000 salary as a civilian officer, and I ask unanimous consent to withdraw the amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment of the resolution.

The resolution was ordered to be engrossed.

Mr. GRAHAM of Illinois. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the engrossed resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

MARY ANN SHIPPING CO.

The next business on the Private Calendar was the bill (H. R. 11078) for the relief of the Mary Ann Shipping Co.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to the Mary Ann Shipping Co., as compensation for and in full satisfaction of all claims of such company for any damages to the steamship *Mary Ann* sustained as a result of a collision between said steamboat and the United States tugboat *Nahant* on October 21, 1919, in the harbor of Ponta Delgada, Azores, the responsibility for such collision having been placed upon said United States tugboat *Nahant* by a naval board after investigation.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARD AMERICAN DREDGING CO.

The next business on the Private Calendar was the bill (H. R. 5475) for the relief of the Standard American Dredging Co.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Standard American Dredging Co., owner of the dredge *Long Beach* and pipe line thereto attached, out of any money in the Treasury not otherwise appropriated, the sum of $6,393.22, or so much thereof as may be necessary to fully reimburse said owner of said dredge and pipe line for damages suffered by its said dredge and pipe line as a result of a collision with the United States dredge *Chinook*, at Astoria, Oreg., May 1, 1916.

Also the following committee amendments were read:

Line 7, strike out "$6,393.22" and insert in lieu thereof "$3,020.72."

Line 9, after the word "its," strike out the words "said dredge and."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FITZCHARLES DRY GOODS CO.

The next business on the Private Calendar was the bill (H. R. 8143) for the relief of the Fitzcharles Dry Goods Co.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Fitzcharles Dry Goods Co., of Trenton, N. J., the sum of $137, on account of damage to property by a Government-owned motor cycle.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

F. R. MESSENGER.

The next business on the Private Calendar was the bill (H. R. 7662) for the relief of F. R. Messenger.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to F. R. Messenger, of Sedgwick County, Kans., the sum of $1,813.52 in full compensation for damages done to an automobile of the said F. R. Messenger, caused by the accidental coming loose of trailer from the Navy service truck No. 969, which was owned and driven by employees of the United States Government on December 30, 1920.

Also the following committee amendments were read:

Line 7, after the word "of," strike out "$1,813.52" and insert in lieu thereof "$1,500."

Line 8, after the word "Messenger," insert "and all damages resulting from a collision."

In line 9 strike out the word "accidental."

In line 11 strike out "which was" and after the word "owned" insert the word "by" and strike out the word "and."

In line 12 strike out "driven by employees of."

At the end of the line, after the word "Government," strike out the word "on," and on line 13 strike out "December 30, 1920" and insert "and driven by its employees."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

HENRY CORDES.

The next business on the Private Calendar was the bill (S. 3291) for the relief of Henry Cordes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to deduct from the time required of Henry Cordes, of Fort Laramie, Wyo., to perfect title to a new homestead entry the time he spent in residence and cultivation upon homestead entry, Cheyenne, 027226, which was canceled because erroneously allowed.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCES MACK MANN.

The next business on the Private Calendar was the bill (H. R. 8244) permitting Frances Mack Mann to purchase certain public lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is a case where the department is rather frank in expressing its opposition to the passage of the bill, and it seems to me the reasons they give are rather valid. I would like to know what the circumstances are.

Mr. VAILE. Mr. Speaker, the department does not especially object to the passage of this bill, but it is following its usual policy of objecting to the passage of any bill.

Mr. WALSH. The department says that "for the reasons above given" it does not approve the passage of the bill H. R. 8244.

Mr. VAILE. Well, perhaps it is useless to argue the point as to whether they are opposing generally or only opposing this. And let me suggest to the gentleman that the report of the Department of Agriculture is not entirely accurate. In the first place, in regard to the timber the Department of the Interior reports the conditions as they are, and that varies materially from the statement of the Department of Agriculture. The Department of the Interior reports that the area is hilly, timber third rate, and most of it burned off. Now, there are various substantial reasons why this case should not fall within the usual rules of not approving sales of land within the forest reserves. Here is a case where the applicant for this relief purchased the land in good faith in 1907 from private parties, supposing it to be private land. The reason why a mistake was made was because of an inaccurate survey on the part of the Government. Having discovered that error, she made application under a statute which provides for exactly such cases, to enable people to purchase Government lands after a mistake was made in the survey, and that application was being acted upon favorably by the department; it was held up on account of a resurvey being desired. And the General Land Office advised the senior Senator from Colorado at that time when the survey was made that there would be no further delay. But after that time the land was withdrawn as a part of the forest reserves. She put much more than the ordinary amount of improvements upon it. It seems very harsh not to allow her to take this very small area.

Mr. WALSH. Does the gentleman know whether this ever was done before with this particular kind of land?

Mr. VAILE. Oh, yes. There have been a number of cases of that kind before the Public Lands Committee. In the great majority of these cases we do abide by the recommendation of the department.

Mr. WALSH. Of course, what is usually done is that the party is reimbursed for expenditures made upon the land when he is required to move off.

Mr. VAILE. Of course, that would be all right. But I am quite sure that the gentleman will find, if he consults the chair-

man of the Committee on the Public Lands, that that has been done a number of times.

Mr. WALSH. With that assurance, and the gentleman from Oregon [Mr. SINNOTT] privately has corroborated it, I will withdraw my objection.

Mr. LAYTON. Mr. Speaker, I object.

Mr. VAILE. Will the gentleman reserve his objection?

Mr. LAYTON. Yes; I will reserve my objection. This is a bill where the gentleman from Massachusetts [Mr. WALSH] has withdrawn his objection, although the department has specifically refused to indorse the bill. A bill that I had up a short time ago was objected to by the gentleman from Massachusetts, although the department specifically recommended its enactment on the ground of the equity involved therein.

Again the point is made by the gentleman from Massachusetts that it is new and never has been done before. That was expressly the state of affairs in the bill that I introduced for the benefit of Mr. Knowles. It has never been done before. There was no law for it, and it was brought in here on the basis of its equity and not because there was law for it. The committee indorsed it unanimously and the Department of State recommended the equity of it. I withdraw my objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to confine my remarks to the bill under consideration, not to go back and review any ancient history of the proceedings of this day. What advantage will this claimant obtain over what she would obtain if she were granted the permittee's right under the forest reserve act?

Mr. VAILE. Well, people generally regard it as an advantage to own a house which they have built, especially when they build it at much more than the ordinary expense incurred by the average permittee on a forest reserve.

Mr. STAFFORD. But she is seeking to obtain title to other land in addition to that covered by the house.

Mr. VAILE. It is to protect the water supply of her house. The water supply is inadequate for this house and the other that she owns in connection with it.

Mr. STAFFORD. The report of the Acting Secretary of Agriculture shows that there are a good many lode claims and placer claims pending on this land, and that she also has some claims pending of that character.

Mr. VAILE. Oh, no.

Mr. STAFFORD. What advantage does it give to the owner of the land as against these entrymen under the lode claims laws and placer claims laws?

Mr. VAILE. If the gentleman will allow me, there are no mining claims of hers pending. She owns herself two patented claims. This house in question is located partly on one of those claims. If she did not own the land on which the rest of the house was located, she would be in a position of owning a house partly on her land and partly on other land.

Mr. STAFFORD. Her house would be on Government land under the forest reserve act.

Mr. VAILE. Partly on Government land and partly on her own land. I do not think the gentleman would want to own a house under those circumstances. Of course, the bill provides, as in all cases of the grant of the surface of mineral lands, that prospectors shall have the right to explore. The grant which the bill asks is to be subject to the reservation of minerals.

Mr. STAFFORD. What is the acreage of this lot 12? Seventy-three acres?

Mr. VAILE. Seventy-three acres in the whole thing. There are several fractional lots.

Mr. STAFFORD. How many other persons have title to similar lots available for mining purposes?

Mr. VAILE. I understand none, except a few patented claims a mile or more away.

Mr. STAFFORD. Can I have the assurance of the gentleman from Oregon [Mr. SINNOTT] that the claimants under the lode and placer mining laws will not be embarrassed by granting to this woman title to this lot 12?

Mr. SINNOTT. All minerals are reserved.

Mr. STAFFORD. I am not speaking about minerals reserved. I am inquiring whether these claimants for mineral rights will be embarrassed by reason of giving title to this woman?

Mr. SINNOTT. There will be no material embarrassment.

Mr. STAFFORD. What other embarrassment than material embarrassment would they have?

Mr. SINNOTT. I do not suppose they would be allowed to undermine her house, but they would have the right to prospect under this bill.

Mr. STAFFORD. They would not either have the right to blow it up.

Mr. VAILE. These are all practically tungsten claims that have been abandoned for years.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Frances Mack Mann be permitted to purchase lot 11, comprising 3.71 acres; lot 12, comprising 1.58 acres; lot 13, comprising 28.38 acres; lot 16, comprising 39.67 acres; all situate in the east half of the northwest quarter of section 6, township 2 south, range 72 west of the sixth principal meridian, containing 73.33 acres, in the State of Colorado, at $1.50 per acre: *Provided*, That all coal and minerals contaned therein are hereby reserved to the United States. That said coal and minerals shall be for sale or disposal of the United States under the coal and minerals land laws, and entrymen shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits.

With a committee amendment, as follows:

On page 2, line 1, strike out "$1.50" and insert in lieu thereof "$1.25," and on page 2, line 4, strike out the word "of" and insert the word "by."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate Concurrent Resolution 26.

Resolved by the Senate (the House of Representatives concurring), That a commission is hereby created, consisting of three Members of the Senate, appointed by the Vice President, and three Members of the House of Representatives, appointed by the Speaker, to investigate the needs of the office of the recorder of deeds for the District of Columbia, and to report not later than December 20, 1922, (1) what quarters, equipment, and facilities are necessary properly to care for and protect all records and papers in such office, and (2) what additional personnel, if any, is required to perform the duties imposed by law upon such office—

to the Committee on Rules.

JOHN PAUL DE BAAT DOELMAN.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Naval Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, inclosing a joint resolution authorizing the Secretary of the Navy to permit Mr. John Paul de Baat Doelman, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis at the expense of the Government of the Netherlands.

The Secretary of State points out that the passage of the resolution would be regarded by the Government of the Netherlands as an act of courtesy and that it would be in accordance with established precedents.

WARREN G. HARDING.

THE WHITE HOUSE,
June 15, 1922.

H. L. M'FARLIN.

The next business on the Private Calendar was the bill (S. 1087) for the relief of H. L. McFarlin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, in going over the report on this bill very carefully I find that in the amount fixed by the committee they have failed to allow for $2,000, the salvage value of the trucks that were used in the screen-wagon contract. I wish to inquire whether an amendment reducing the amount $2,000 would be acceptable to the gentleman from Pennsylvania?

Mr. EDMONDS. If it is acceptable to the gentleman from Arkansas [Mr. JACOWAY] it will be perfectly acceptable to me.

Mr. JACOWAY. That is for the trucks?

Mr. STAFFORD. Yes.

Mr. JACOWAY. Yes.

Mr. STAFFORD. With that understanding, Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. L. McFarlin, of the county of Pulaski and State of Arkansas, the sum of $15,048.52, in full compensation for loss and damage suffered by the said H. L. McFarlin under his contract for transporting United States mail at Little Rock, Ark.

With the following committee amendment:

On page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

In line 7 strike out "$15,048.52" and insert in lieu thereof "$13,048.52."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 7, strike out "$15,048.52" and insert in lieu thereof "$13,048.52."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES S. FRIES.

The next business on the private calendar was the bill (S. 2445) for the relief of Charles S. Fries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, here is a claim that dates back to 1911, nearly 11 years ago. As time passes on, the claimant apparently believes he is entitled to a larger amount of damages. From the report at the time of the accident he was incapacitated for only three months, but as the years go on, with a later report, occasioned by the fresh recollections that come with the fading of memory, it seems that he was incapacitated for nine months, which is now the basis of this claim for $1,248. From my reading of the report I do not think this man is permanently incapacitated. True, the accident occurred in the House restaurant, and I am surprised that if he had a meritorious claim 11 years ago it has been slumbering all these years, until it has now got to be a rather large amount.

Mr. EDMONDS. Mr. Speaker, this man has been permanently injured, because he walks with a cane and he is not able to use his leg properly. We thought possibly we would be justified in giving him a year's pay. If the gentleman is going to object, why, let him go ahead and object.

Mr. STAFFORD. I shall not object to a reasonable amount, but I have had experience with these private-claim bills. This brings to mind an employee of the House 16 years ago being very much invalided while his claim was pending. I must confess that he worked me. The distinguished gentleman from Illinois [Mr. MANN] charged that he worked me when I persuaded him to withdraw his objection. Only a few weeks after the bill was passed the claimant suddenly got well. I think if this claimant gets this amount he will recover very quickly. It reminds me of the scene in Hoyt's Temperance Town, which I saw 20 years or more ago as a parody on the prohibition law in New Hampshire. When a bottle was produced from the hip everybody in the hotel got ill; but as soon as the contents were emptied the illness disappeared. So, as this man has received only an injury to his ankle, nothing serious, I think it is going pretty far to grant him $1,248, and therefore I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

APPLICATION FOR ENTRY OF PUBLIC LANDS.

The next business on the private calendar was the bill (H. R. 11355) validating a certain application for and entry of public lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent upon the entry hereinafter named, upon which proof of compliance with law has been filed, upon the payment of all moneys due thereon: Homestead entry, Alliance, Nebr., No. 018311, made by Theodore A. Crapsey, on January 21, 1918, for lots 1, 2, 3, and 4, section 3, township 29 north, range 42 west, sixth principal meridian.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOWING CREDITS TO ACCOUNTS OF DISBURSING OFFICERS.

The next bill on the Private Calendar was the bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that that bill be passed.

The SPEAKER. Is there objection?

There was no objection.

D. V. BUSSIE.

The next business on the Private Calendar was the bill H. R. 8553, a bill for the relief of D. V. Bussie.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that that bill be passed.

The SPEAKER. Is there objection?

There was no objection.

JOHN F. HOMEN.

The next business on the Private Calendar was the bill H. R. 7322, a bill for the relief of John F. Homen.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I shall be obliged to object to this bill; but before I object I think there should be a word of comment. There is not sufficient in the report to show the damages suffered by this man. The doctor's statement is that he might be up and about in five or six weeks. Here is a doctor's and a hospital bill amounting to $140, and he gets around finally to a claim of $2,000. On that unsupported claim the committee have recommended $2,000. It seems as though the committee should require something more than a mere claim.

Mr. EDMONDS. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. EDMONDS. Will the gentleman look at the number of injuries that this man suffered, which he will find in the report?

Mr. CRAMTON. Yes; I have read that, and also at the bottom of page 7, where it says, "Mr. Homen will be disabled as the result of his injuries probably some five or six weeks, barring, of course, the condition in mandible"—whatever that is; perhaps the gentleman understands it. He also says "the condition, if not relieved by operation, is likely to give considerable trouble in the future." On the following page is a bill for about $140. You will also notice in the report is a report of the Secretary of War, and in view of the things that have been stated here this morning I am sure he is particularly a high authority. The Secretary of War says "the evidence included in the report of investigation in the case show Mr. Homen's personal injuries were of a serious nature, but I am unable to state whether or not he has suffered permanent and lasting injury."

I think I shall be obliged to object, without further information.

Mr. KNUTSON. Will not the gentleman withhold his objection until the gentleman from Texas [Mr. WURZBACH] explains?

Mr. WURZBACH. I want to call the gentleman's attention to the affidavit on the last page of the report of F. A. Allen, wherein he states that Mr. Homen is permanently injured by reason of the above accident.

Mr. CRAMTON. Yes; the report of Doctor Steineuinder is three months later than the affidavit the gentleman refers to, but the one of Doctor Allen of August 18 is highly indefinite.

Mr. WURZBACH. I want to say that this man was in the hospital and on crutches for 9 or 10 months.

Mr. CRAMTON. I have not found the evidence of that. I think the amount allowed by the committee is excessive. If the evidence is available as the gentleman states an allowance of $1,000 might be considered reasonable.

Mr. KNUTSON. Has the gentleman from Michigan read the statement of Doctor Steineuinder?

Mr. CRAMTON. I have quoted it twice in my remarks.

Mr. KNUTSON. Then I do not see how the gentleman can come to the conclusion that he does.

Mr. WURZBACH. The affidavit of Doctor Steineuinder was made July 19, 1919, and that was only 15 days after the injury.

Mr. CRAMTON. I was incorrect as to the date. But even the statement in 1921 is vague generalities, and unless we can have something more definite I will object.

The SPEAKER. Objection is made.

VINCENT L. KEATING.

The next business on the Private Calendar was the bill (H. R. 9944) for the relief of Vincent L. Keating.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $385.32 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing Vincent L. Keating for money belonging to the United States and stolen while in his custody, the said Vincent L. Keating having made good the loss to the United States out of his own funds.

With the following committee amendment:

Strike out all after the enacting clause and in place thereof insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vincent L. Keating the sum of $385.32, representing public funds for which he was accountable, which were stolen while in his custody on or about June 7, 1918, and refunded to the United States to make good the loss of these public funds."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANCES MARTIN.

The next business on the Private Calendar was the bill (H. R. 10047) for the relief of Frances Martin.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that that bill be passed over.

The SPEAKER. Is there objection?

There was no objection.

J. IRVING BROOKS.

The next business on the Private Calendar was the bill (H. R. 367) for the relief of J. Irving Brooks.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to J. Irving Brooks, of Essex County, Va., the sum of $100, in full compensation for damages done to an automobile of the said J. Irving Brooks, caused by negligence on the part of the employees of the United States in the operation of a mail truck owned and operated by the United States Government on December 30, 1919.

With the following committee amendment:

In line 7, strike out the figures "$100" and insert in lieu thereof "$35."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LOUIS CAYET.

The next business on the Private Calendar was the bill (H. R. 10544) for the relief of Louis Cayet.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis Cayet the sum of $1,085 for injuries sustained by him when his motor cycle collided with a mail truck in Cleveland, Ohio, August 20, 1920.

With the following committee amendment:

Line 6, strike out "$1,085" and insert "$585."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM H. PHILBRICK.

The next business on the Private Calendar was the bill (H. R. 745) for the relief of William H. Philbrick.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to William H. Philbrick, city marshal of Keene, N. H., the sum of $41.34 in full for expenses incurred in returning Pvt. Donald Merchant, a member of the United States Army, to Fort McKinley, Me., on or about October 10, 1918, upon request of United States Army officer in the personnel of said Fort McKinley.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

D. V. BUSSIE.

Mr. STAFFORD. Mr. Speaker, a moment ago I asked unanimous consent to have passed over the bill H. R. 8553, for the relief of D. V. Bussie, because at that moment the author of the bill was absent from the Chamber. He is now here, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill H. R. 8553, which the Clerk will report.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have had some discussion with the gentleman in charge of the bill, and I understand that he is agreeable to a modification of the amount. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to D. V. Bussie the sum of $2,000 on account of injury sustained by the said D. V. Bussie when struck by a United States mail truck as he was crossing Normal Boulevard at Sixty-first Street, in the city of Chicago, Ill., on the 17th day of April, 1921.

With the following committee amendment:

Line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend, in line 5, by striking out "$2,000" and inserting in lieu thereof "$1,000."

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Line 5, strike out "$2,000" and insert "$1,000."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. SPROUL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. J. S. CARPENTER, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 8219) to adjust accounts of Capt. J. S. Carpenter, Supply Corps, United States Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the bill may be recommitted to the committee.

The SPEAKER. Is there objection?

There was no objection.

SALE OF CERTAIN LANDS TO MUSCATINE COUNTY, IOWA.

The next business on the calendar was the bill (H. R. 11233) authorizing the Secretary of Commerce to convey certain lands to the county of Muscatine, Iowa.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey to the county of Muscatine, Iowa, the following-described land, now a part of the biological station at Fairport, Iowa: A corner of land in the southwest quarter of the southwest quarter of section 30, township 77, range 1 east, described as follows: Beginning at a point on the southerly line of a 66-foot public road, as now located, where said southerly line intersects the westerly boundary of tract owned by the United States of America; thence south 19 degrees 30 minutes east along said westerly boundary of said tract a distance of 56 feet; thence north 36 degrees 30 minutes east a distance of 174 feet; thence south 55 degrees west a distance of 150 feet to point of beginning, containing ninety-two one-thousandths of an acre: *Provided*, That the land authorized to be conveyed hereunder shall be used for the construction of and be maintained as a public highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of the biological station and in a manner satisfactory to the Secretary of Commerce: *Provided further*, That in the event of the discontinuance by the county of Muscatine of the use of the above-described property as a

public highway or the failure to maintain same in a manner satisfactory to the Secretary of Commerce the title to said land shall revert to the United States.

With the following committee amendment:

Page 1, line 7, after the word "seventy-seven" insert the word "north."

Page 1, line 8, after the word "east" insert the words "fifth principal meridian."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS—SHIP SUBSIDY LEGISLATION.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. STAFFORD. Certainly.

Mr. HARDY of Texas. Mr. Speaker, there has just been filed the majority report upon the bill H. R. 12021, the ship subsidy bill, and I ask unanimous consent that those wishing to file minority views may have five legislative days within which to do it.

The SPEAKER. The gentleman from Texas asks unanimous consent that those wishing to file minority views upon the bill referred to may have five legislative days within which to do it. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is that the ship subsidy bill?

Mr. HARDY of Texas. Yes. I understand the majority has just filed their report.

Mr. WALSH. Mr. Speaker, reserving the right to object, I suppose the gentleman has no objection to having it provided that this shall not interfere with the consideration of the measure.

Mr. HARDY of Texas. There is no objection to it by the members of the majority on the committee.

Mr. WALSH. There may be no objection, but ordinarily if a minority report is not filed under this permission, the point could be raised and it might interfere with the consideration of the bill.

Mr. HARDY of Texas. The gentleman means before the expiration of the five days?

Mr. WALSH. Yes.

Mr. HARDY of Texas. I understand that we are given five days within which to file our views, and I know that the majority do not think or wish to call up the bill for action before the expiration of that time, else they would not be willing to grant the five days.

Mr. WALSH. Well, I do not know anything about what the idea of the committee is.

Mr. GARRETT of Tennessee. Can the gentleman from Massachusetts give us some idea of when it will be called up? Will it be before the five days have elapsed?

Mr. WALSH. We are going to have a session to-morrow; it might make its appearance to-morrow for all I know.

Mr. HARDY of Texas. I do not think the gentleman would want to push a bill, filed to-day, and the majority report filed to-day, and the bill introduced yesterday, especially a bill of this kind——

Mr. MONDELL. Five legislative days carries it until next Thursday.

Mr. HARDY of Texas. I do not know how long it will be, but I have provided for five legislative days, and it is a very customary request, and certainly on a bill of this importance that time ought to be granted, as no more important bill has been presented.

The SPEAKER. Is there objection?

Mr. WALSH. I would like to know if the gentleman has any objection to having that understanding, that if he is given this permission it shall not interfere with the consideration of the bill. If he does object to that, I shall object to filing the report.

Mr. HARDY of Texas. I will ask it, subject to that objection, although I think it is ungracious under the circumstances.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts again, does he think it will probably come up to-morrow? I think he said something about it.

Mr. WALSH. I said for all I knew it might make its appearance to-morrow, but I do not know very much about it.

Mr. HARDY of Texas. I imagine the gentleman acted on the spur of the moment. Now, the committee in charge of the bill has no objection to the granting of permission unconditionally for five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BILLS ON THE TABLE.

Mr. DENISON. Mr. Speaker, I move that the bills H. R. 9101, 9202, 9051, and 9201 be laid on the table.

The SPEAKER. For what purpose?

Mr. DENISON. They having been embodied in a bill which was passed by the House on yesterday.

The SPEAKER. The gentleman from Illinois moves that the bills referred to be laid on the table.

The motion was agreed to.

BUSINESS IN ORDER TO-MORROW.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the call of the calendar be considered to-morrow, only unobjected bills to be considered, from the point where we terminate to-day.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the call of the Private Calendar be continued to-morrow from where it concludes to-day, only unobjected bills to be considered. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. HARDY of Texas. Mr. Speaker, has the call of the Private Calendar now been suspended for to-day?

The SPEAKER. The gentleman from Wisconsin made the point of no quorum and withdrew it temporarily.

Mr. HARDY of Texas. I have been waiting all day——

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Saturday, June 17, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

648. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1922, for a suitable donation on behalf of the United States toward the construction at Panama City, Panama, of a memorial in commemoration of the heroic sacrifices of those who participated in the original French undertaking for the construction of the Panama Canal, $500 (H. Doc. No. 350); to the Committees on the Library and Appropriations and ordered to be printed.

649. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1922, for the Capitol power plant, $271,000 (H. Doc. No. 351); to the Committee on Appropriations and ordered to be printed.

650. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1923, for the Capitol Building and repairs, $5,000 (H. Doc. No. 352); to the Committee on Appropriations and ordered to be printed.

651. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a deficiency estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1920, and prior fiscal years, amounting to $199.78, for payment to the Empire Machinery & Supply Corporation, of Norfolk, Va. (H. Doc. No. 353); to the Committee on Appropriations and ordered to be printed.

652. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1923, for salaries, office of Secretary of the Treasury,

$5,000 (H. Doc. No. 354); to the Committee on Appropriations and ordered to be printed.

653. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1923, for wages of workmen at the Boise, Idaho, assay office, $1,000 (H. Doc. No. 355); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11722. A bill granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio; with an amendment (Rept. No. 1107). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11901. A bill authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio; without amendment (Rept. No. 1108). Referred to the House Calendar.

Mr. PARKER of New York: Committee on Interstate and Foreign Commerce. S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890; without amendment (Rept. No. 1109). Referred to the House Calendar.

Mr. VAILE: Committee on Immigration and Naturalization. H. R. 12022. A bill relative to the naturalization and citizenship of married women; with amendments (Rept. No. 1110). Referred to the House Calendar.

Mr. JOHNSON of Mississippi: Committee on Interstate and Foreign Commerce. S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss.; without amendment (Rept. No. 1111). Referred to the House Calendar.

Mr. GREENE of Massachusetts: Committee on the Merchant Marine and Fisheries. H. R. 12021. A bill to amend and supplement the merchant marine act, 1920, and for other purposes; with amendments (Rept. No. 1112). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11878) granting an increase of pension to William T. Litteral, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VAILE: A bill (H. R. 12050) to amend section 21 of an act of May 28, 1896, relating to fees of United States commissioners; to the Committee on the Judiciary.

By Mr. SPROUL: A bill (H. R. 12051) to provide a site in the District of Columbia for a building for the care of tubercular pupils; to the Committee on the District of Columbia.

By Mr. WARD of North Carolina: A bill (H. R. 12052) to prohibit the transportation of pistols and other pocket weapons into States regulating the acquisition of same in violation of the laws of such State; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 12053) to define butter and to provide a standard therefor; to the Committee on Agriculture.

By Mr. McFADDEN: Joint resolution (H. J. Res. 349) adopting The Star-Spangled Banner, words by Francis Scott Key and music by Samuel Arnold, as the national anthem; to the Committee on the Library.

By Mr. HILL: Joint resolution (H. J. Res. 350) naming the new bridge across the Potomac River at Georgetown the Francis Scott Key Bridge; to the Committee on Military Affairs.

By Mr. RAINEY of Illinois: Joint resolution (H. J. Res. 351) calling for a change in the present hours of employment for employees in the executive departments of the Federal Government in the District of Columbia; to the Committee on Reform in the Civil Service.

By Mr. KIESS: Concurrent resolution (H. Con. Res. 62) providing that there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, and for other purposes; to the Committee on Printing.

By Mr. VOIGT: Resolution (H. Res. 367) for the appointment of a select committee to investigate postmastership appointments of the first, second, and third classes; to the Committee on Rules.

By Mr. FESS: Resolution (H. Res. 368) for the immediate consideration of House bill 10913; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Maryland, urging the Government to retain Fort McHenry and restore it to its historical condition; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12054) granting an increase of pension to Alfred J. Yarber; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 12055) for the relief of George Penrod; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 12056) granting a pension to Casper Runz; to the Committee on Invalid Pensions.

By Mr. HENRY: A bill (H. R. 12057) granting a pension to Emily Thompson; to the Committee on Invalid Pensions.

By Mr. RADCLIFFE: A bill (H. R. 12058) granting an increase of pension to Alice J. Stoddard; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 12059) for the relief of D. Murray Cummings; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6014. By Mr. BARBOUR: Petition of Western States agricultural representatives relative to Japanese farmers in the West; to the Committee on the Judiciary.

6015. By Mr. BIXLER: Petition of Francis B. Pritchard, Post 464, Veterans of Foreign Wars, Oil City, Pa., favoring the passage of House bill 11623; to the Committee on the Judiciary.

6016. By Mr. KETCHAM: Petition of citizens of Allegan, Mich., protesting against House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

6017. By Mr. KISSEL: Petition of Solon Palmer, New York City, N. Y., relative to certain schedules of the proposed new tariff law; to the Committee on Ways and Means.

6018. Also, petition of the National Civic Federation, New York City, N. Y., indorsing the Government's position relative to Soviet Russia; to the Committee on Foreign Affairs.

6019. By Mr. LINTHICUM: Petition of Rev. Alfred H. Barr, Rev. Alexander K. Barton, and Mrs. Rufus M. Gibbs, Baltimore, and Mrs. Henrietta Duer, Sudbrook Park, Md., recommending Armenian relief; to the Committee on Foreign Affairs.

6020. Also, petition of James E. Green, vice president Federal Employees Union, No. 155, and Federal Employees Union, No. 21, Baltimore, protesting against reduction or elimination of bonus; to the Committee on Ways and Means.

6021. By Mr. MAPES: Petition of Dr. Faith Frances Hardy and other citizens of Grand Rapids, Mich., relative to the Armenian situation; to the Committee on Foreign Affairs.

6022. By Mr. TOWNER: Petition of Mr. Oliver C. Gregg and 56 other citizens of Rochester, N. Y., urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

6023. Also, petition of Mr. L. G. Kopp, of Audubon, Iowa, and 69 other citizens of the State of Iowa, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

6024. Also, petition of Mr. Edward M. Paullin and 194 other citizens of the State of Colorado, urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

SATURDAY, *June 17, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	La Follette	Pomerene
Borah	Gooding	McCormick	Ransdell
Brandegee	Harreld	McCumber	Sheppard
Bursum	Harris	McKinley	Smoot
Cameron	Harrison	McNary	Spencer
Capper	Heflin	Nelson	Sterling
Caraway	Hitchcock	Newberry	Trammell
Colt	Johnson	Nicholson	Underwood
Curtis	Jones, Wash.	Norris	Wadsworth
Dial	Kellogg	Oddie	Walsh, Mass.
Dillingham	Kendrick	Overman	Walsh, Mont.
Ernst	King	Phipps	Warren
Fernald	Ladd	Poindexter	Willis

Mr. UNDERWOOD. I wish to announce that the senior Senator from Florida [Mr. FLETCHER] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent by reason of illness. I ask that the announcement may stand for the day.

The VICE PRESIDENT. Fifty-two Senators having answered to their names, a quorum is present.

ORDER FOR RECESS.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 11 o'clock Monday morning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ALASKA FUR-SEAL SKINS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting in response to Senate Resolution 287, agreed to May 27, 1922, information relative to sales of Alaska fur-seal skins under the direction of the Secretary of Commerce, etc., which, with the accompanying papers, was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. COLT. Mr. President, I have been requested by a number of Rhode Island women to present the resolution which I send to the desk, and I ask that it may be read and printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the resolution.

The Assistant Secretary read as follows:

Resolved, That we protest against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. These schedules will increase the cost of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become a law.

This resolution is submitted by the following-named Rhode Island women:

Sara M. Algoe, chairman Providence League of Women Voters.
Marguerite H. Foster, secretary Providence Housewives' League.
Nannie B. Gibson, president Housewives' League.
Avis A. Hawkins, director of thrift, Rhode Island State Federation of Women's Clubs; director and membership chairman, United League of Women Voters.
Alice W. Hunt.
Annette B. Thayer.
Bertha Hatton Smith, vice president Rhode Island State Federation of Women's Clubs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Finance.

Mr. COLT presented the petition of Edward E. Peterson and 82 other citizens of Providence, R. I., praying for the prompt passage of an adequate tariff law based upon American valuations, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Battle Creek, Mich., praying that only a moderate duty be imposed on kid gloves in the pending tariff bill, which was referred to the Committee on Finance.

Mr. WILLIS presented the memorials of Haas Bros., of Cincinnati, and Riddle Graff & Co., of Delaware, both in the State of Ohio, remonstrating against the imposition in the pending tariff bill of a higher rate of duty on wrapper tobacco than $1.85 per pound, which were referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Ottawa (Kans.) Chamber of Commerce, favoring the prompt acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, including the Gorgas plant, which was referred to the Committee on Agriculture and Forestry.

Mr. McCUMBER presented a petition of officers and members of the Ebenezer Danish Evangelical Lutheran Congregation of Flaxton, N. Dak., praying for the granting of relief to the suffering peoples of Armenia and protesting against Turkish sovereignty in that country, which was referred to the Committee on Foreign Relations.

ADDITIONAL DISTRICT JUDGES.

Mr. WARREN. I ask to have printed in the RECORD a telegram from the secretary of the bar association of my State in reference to certain legislation. I have had a great many telegrams of similar character from different places in the Union. I simply ask that this be printed in the RECORD as a sample and that it be referred to the Committee on the Judiciary.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., *June 17, 1922.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

Following resolution unanimously adopted by Wyoming State Bar Association:

"*Resolved*, That it is the belief and sense of the Wyoming State Bar Association that owing to the congested condition of the trial dockets in the several United States district courts relief should be afforded by the prompt appointment of additional United States district judges as recommended by the American Bar Association, and that the Senate and House of Representatives of the Congress of the United States should speedily agree upon and pass a bill authorizing the appointment by the President of such additional judges.

CLYDE M. WATTS, *Secretary.*

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COLT:

A bill (S. 3723) granting an increase of pension to Catherine Degnan; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3724) granting a pension to George W. Wise (with accompanying papers);

A bill (S. 3725) granting a pension to Thomas Frostad (with accompanying papers); and

A bill (S. 3726) granting a pension to Henry H. Forsyth (with accompanying papers); to the Committee on Pensions.

A bill (S. 3727) to authorize the War Finance Corporation to make advances to cooperative grain-elevator associations; to the Committee on Finance.

A joint resolution (S. J. Res. 212) directing the Interstate Commerce Commission to investigate rates, fares, charges, etc., of common carriers in the State of North Dakota; to the Committee on Interstate Commerce.

THE MUSCLE SHOALS PLANT.

Mr. McKINLEY. Mr. President, there has been a good deal of discussion in committee and some in the Senate with reference to Muscle Shoals. As a member of the committee which went down to visit Muscle Shoals I have been very much interested in the matter and very much interested in the development of the project. I have also been very glad to see that there has been no propaganda of any kind in connection with the offers of any of the different men who have made offers.

I have here a letter, dated June 10, 1922, signed by Mr. James B. Smith, president of the Mississippi Valley Association. I desire to read a part of the letter:

Muscle Shoals is in the Mississippi Valley. We believe it is one of the valley's greatest assets.

We believe its completion and operation under the plans submitted by Mr. Ford and backed by Mr. Edison will do more to assist in the development of our valley's resources and bring greater and more beneficial results to our valley territory than any one thing that can possibly be done at this time.

If you agree with these views, and if you want the people of the Mississippi Valley to receive the great benefits from the working out of the plans of two of the greatest master minds our country has produced, we then ask you to take the following prompt action.

I may say in this connection that Mr. Edison came before the committee and testified that he had made no investigation in particular, that he had gone down to Muscle Shoals in Mr. Ford's private car, and had been asked by Mr. Ford to look around over the territory for a distance of 100 miles and see if he could find any satisfactory minerals there.

The bill will be up in Congress within a few days and prompt action is necessary.

If the votes of the Mississippi Valley Senators and Congressmen can be obtained, Mr. Ford's great proposed enterprise can be secured for the Mississippi Valley, a consummation well worth working for.

Please wire or write a strong letter and send it under a special-delivery stamp to both of your Senators and to your Congressmen, urging them to vote for the acceptance of Mr. Ford's offer, with the Gorgas power plant included, and tell them why you think they should do so.

Hoping that you will act promptly in response to this request, and that you will send us copies of the telegrams or letters which you will send, so that we may check up on the Members of Congress and the Senate who will not have been solicited and reach them through another source, and thanking you for your cooperation, we are,

Very sincerely yours,

MISSISSIPPI VALLEY ASSOCIATION,
JAS. E. SMITH, *President.*

Mr. HARRELD. Mr. President, may I ask the Senator where Mr. Smith lives?

Mr. McKINLEY. He lives in St. Louis. This letter was sent to a commercial association in South Dakota.

Mr. UNDERWOOD. Mr. President, I desire to say only a few words. There is no one in the Senate, I think, who is more opposed to machine-made legislation than I am, and although I believe thoroughly that the American citizen should express his views to the two Houses of Congress I have always deplored that class of propaganda which is issued by organizations asking kindly people to reflect the views of some organization, rather than their own views, back on their Senators and Representatives. But in reference to this particular matter I think there has been as little propaganda as on any great question that has come before the Congress.

There is reason, and very good reason, for immediate action in reference to the Muscle Shoals program. It has been undertaken by the Government. It has been undertaken in compliance with existing law. Since the present administration came into power the progress of the work was stopped because the funds were withheld. That is no fault of the Senate of the United States, because the Senate has passed bills providing the money to complete the dam, and also in the closing hours of the last Congress it passed a bill for the working of the nitrate plant. Recently the Senate has provided the money for the continuance of the work on the dam. So I am not saying anything in criticism of my colleagues in this regard; but I wish it to be understood as a matter of record that the proposal for these plants to be operated under private control did not come from Congress; it has come from the executive branch of the Government.

The Secretary of War, who has charge of these matters, not favoring Government operation, more than a year ago suggested that the proper way to operate these plants was to dispose of them to private enterprise and call for bids from citizens of the United States looking to the completion of the dam at Muscle Shoals and the operation of the nitrate plant there. In conformity with that proposal coming from the administration which is now in power, Mr. Ford made a proposition to the Government of the United States, and that proposition has been submitted to Congress. I think it is nothing but fair, nothing but just, and nothing but reasonable, when the Government itself invites bids and asks citizens of the United States to make proposals in reference to the great project, the work on which is now lying idle and the people getting no benefit from it, that Congress, when the matter is submitted to it for consideration, should consider it fairly and justly and not pigeonhole it.

I myself am in favor of the Ford proposal, because I believe that Mr. Ford, with his organizing ability, is more capable of carrying out the intent of the original legislation to furnish agriculture in America with cheaper fertilizer than is any other man in America of whom I know. I am not, however, discussing the case from my viewpoint, although whenever I get an opportunity to vote for it I shall vote for the Ford proposal.

As to Mr. Smith, he is a distinguished citizen of the United States. He is no mere propagandist; he is not representing a body organized in this country for selfish purposes, but is the president of a great organization in the Mississippi Valley whose object is the improvement of its waterways, with the unselfish desire of furnishing proper transportation to the people in the Mississippi Valley; and what he says in reference to this matter should not be regarded in a captious way.

Mr. Smith is one of the most representative citizens of America; and the men who stand behind him in this organization do not divide along political lines; they belong to both of the great political parties; they are the representative business men of America. When they express their opinion with regard to this matter, that opinion is entitled to courteous and fair consideration. What they say represents the reflected views of the very best men we have between the Alleghenies and the Rocky Mountains.

I wish also to say that, regardless of what other decision may be made, I am in entire accord with the views expressed by Mr. Smith, the president of the Mississippi Valley Association, in reference to the Ford proposals; but, whether we may agree with Mr. Smith or not, as this proposal came from the Government and from the administration, it is entitled to courteous consideration, and to consideration that will not kill the proposal by delay. The matter should be considered on its merits before the adjournment of the present session of Congress.

Mr. NORRIS. Mr. President, I do not wish at this time to engage in a discussion of the Muscle Shoals project, or the bid of Mr. Ford in reference thereto, or the bid of any other person, but I think there ought to be merely a word said in reply to the remarks of the Senator from Alabama following the reading of the letter of Mr. Smith. There is undoubtedly a great propaganda in reference to this matter, and this letter is a part of it. The letter shows on its face that it is propaganda. I mention that only as a fact. I could not stop the propaganda if I would, and I would not stop it if I could. This is a free country, and anybody who wishes to propagandize may do so. My own private opinion is that Mr. Smith, whose letter the Senator from Illinois [Mr. McKINLEY] has read, does not know what he is talking about. He is entirely mistaken, in my judgment, but he has a perfect right, of course, to his opinion, and a perfect right to try to get all the associations and organizations of all kinds throughout the country to write to their Representatives and Senators.

When the time comes, I am going to discuss the matter fully and in detail. I am not now charging that Mr. Smith or those acting with him are to blame for this propaganda. So far as the hearings before the Agricultural Committee are concerned, not only Mr. Ford, but every other person or corporation who has ever made a proposal in reference to the Muscle Shoals project has, I think, acted in good faith. They have presented their ideas in a very gentlemanly and courteous way and have not, so far as I know, undertaken to take advantage of the Committee on Agriculture or of Congress or of anyone else.

There are a great many other people outside of these bidders who are interested in this project, and who are moved by various incentives, some of them from purely financial considerations, such as real estate agents and speculators who expect to make millions out of it. Others, moved by the very highest motives, think there is an opportunity to secure fertilizer cheaply; others are moved by the desire to have the river developed, having in mind principally navigation considerations. Some are actuated by other considerations; but I only want to say in passing that if Mr. Ford's offer which Mr. Smith advocates should be accepted it will not result in the improvement of the Mississippi Valley as he suggests. It will be more of a local improvement, and will be great in its way. However, whether that view be taken or any other view, it is worthy of the consideration of all honest-minded men.

I know that it is a common thing to charge that a propaganda is on. Mr. Smith says in a letter that there is a propaganda to prevent Mr. Ford developing Muscle Shoals. I think that probably most of the propaganda reaches me, not because I am of any importance but because it so happens that I am chairman of the committee which is considering the subject, and I want to say frankly that the evidences of propaganda that have reached me show that 99 per cent of it is in favor of the acceptance of Mr. Ford's proposal. I only mention that as a fact, and not as a criticism. It may be its authors are right; at least, they are doing what they have a right to do.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to interrupt him?

Mr. NORRIS. Yes.

Mr. UNDERWOOD. I have known the Senator for many years, and I have never known him to be controlled by outside influences. He is one man upon whom I have always felt I could rely; that he would decide a question for himself. The Senator does not think that the propaganda that is in circulation is going to influence his judgment nor that of the committee, does he?

Mr. NORRIS. I can speak only for myself, but I certainly say that I do not think it is going to influence me. I am not charging that it is going to influence anybody else.

Mr. UNDERWOOD. It is not a question as to whether or not there is propaganda going on; that is a side issue. I do not think there is much propaganda; certainly there is comparatively little in comparison with the propaganda that is carried on as to many other matters of this kind. However, the gravamen of the letter submitted by Mr. Smith is that there should be action by Congress; that this proposal should be either accepted or rejected, and I rose to ask the Senator if he does not agree that we should act before this session of Congress adjourns.

Mr. NORRIS. I agree absolutely with that proposition.

Mr. UNDERWOOD. That is all I wanted to know.

Mr. NORRIS. I will say to the Senator that the Committee on Agriculture unanimously took the action, which the Senate approved, in reporting an appropriation of $7,500,000 to complete the dam. It would be a governmental and moral crime to stop work on it. As to what we are going to do with the Muscle Shoals or what the permanent policy is I should like to settle to-day. I would be glad, indeed, to have it settled at this session of Congress; but I have said not only to Mr. Ford's representatives but to everybody else that, in my judgment, while I would myself be willing to vote to take it up and displace the tariff bill—a bill of which I am not in favor—I realize that can not be done. I realize that that is an impossibility, and I have said always to them that we might just as well face the facts, though I am sorry they are as we find them. I do not believe that with the business before the Senate and the other branch of Congress that there is a possibility during this session of Congress of settling what the permanent policy toward Muscle Shoals shall be. I have reached that conclusion not because I want to but because it seems to me that the facts before us are so impelling that no man who will consider it can reach any other conclusion.

Mr. McKINLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. I yield.

Mr. McKINLEY. Is it not a fact that the Senate has passed the appropriation, which the Committee on Agriculture of the Senate unanimously recommended, of seven and a half million dollars, which ultimately will be increased to $23,000,000, the seven and a half million dollars covering the work involved in the completion of Dam No. 2?

Mr. NORRIS. Yes; that is true.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me just a moment, of course I said in my remarks a few moments ago that I did not hold the Senate responsible for any delay, because the Senate has not caused any delay in this matter up to this time. I think the Senate is to be commended, and that the Committee on Agriculture and Forestry, headed by the distinguished Senator from Nebraska, must be commended in the highest terms for proposing the appropriation to carry on and complete the dam; but, of course, the American people want more than the dam finished. They want a resultant product from this great investment of the United States Government.

I agree with the Senator from Nebraska that of course we can not set aside the pending tariff bill. We have not the votes to do it. We have not the strength to do it. That is a great governmental bill; but a time will come between the passage of the tariff bill and the report of a conference committee, after the bill has gone to conference, when the Senate will have time to act; and I have been hopeful that the Senator from Nebraska would try to make a report here, so that the Senate in that intervening time might have an opportunity to consider it and fix the policy of the Government, whatever it is going to be.

Of course, I think the Ford proposal should be adopted; but if we are not going to adopt it Mr. Ford is entitled to know it, and so are the people of America, and so is the Government, and some fixed policy should be determined on. A time will come before adjournment when I believe there will be an opportunity to consider it.

Mr. NORRIS. If there ever comes a time in this session of Congress when that can be done, when it is a physical possibility to do it, the Senator from Alabama will find me trying to do it. I do not believe the time is coming in this session. When this tariff bill is through it will be, I think, a great deal later than it is now; and there are other bills that I presume there will be an attempt, at least, to take up here that will take a great deal of time.

I do not see any use in trying to deceive ourselves as to the condition. I may be wrong. I hope I am. I have said so. I have said in substance to Mr. Ford's representatives, no longer ago than yesterday, what I have said to-day on the floor of the Senate. You will find, I think, if you will investigate, that no corporation, no individual, that has had any offer in regard to Muscle Shoals pending before the committee will say other than that the committee has acted with all the expedition possible. They have all been treated, I think they will say, with absolute fairness, regardless of the individual views of any member of the committee. That, in substance, was said to me by the chief engineer of Mr. Ford's own company no longer ago than yesterday.

Mr. President, we know that we are approaching a campaign. We know that all the Members of the House will be anxious to go away, and that practically a third of the Members of the Senate will be engaged in that campaign. We know that it is announced that we are to pass a ship subsidy bill—another bill that I am not in favor of. I would rather take up the Muscle Shoals proposition than that. I would vote to do it if we stood any show of doing it. We have the bonus bill to consider; and the result is going to be, as everybody knows, I think, that when we get through with the things that are going to be before us it is going to run away up into the campaign, when it will be a physical impossibility to keep men here.

I realize that there is great difference of opinion as to what the permanent policy of the Government should be at Muscle Shoals. That difference of opinion exists not only in the Senate but in the House as well. It is a debatable question. I have my definite ideas; I know what I would like to do; but I realize that there are many Members of the Senate and of the House who do not agree with me, who are just as earnest and honest in their convictions as I am, and we are up against a question that is going to be very sharply debated, I presume, for some considerable length of time. Taking it all into consideration, it does not look to me as though we are going to be able to consider it at this session.

THE WORK CURE.

Mr. DIAL. Mr. President, I have practiced and preached working all my life, but I have become a little bit discouraged until to-day. I find, however, an editorial in the Washington Post on page 6 which encourages me greatly. It is very short, and I will read just a few lines from it, and ask that the rest of it be inserted as a part of my remarks.

The heading is:

The work cure.

That sounds mighty good.

In his address to the State Charities Aid Association in New York City recently Dr. John W. Brannan, president of the board of trustees of Bellevue and allied hospitals, stated that the use of work as a therapeutic agent is steadily increasing in the institutions under his direction and that the results have proved very satisfactory. He said that in many cases where the "work cure" was resorted to the patients were enabled to leave the hospitals after the lapse of two-thirds of the time ordinarily allotted to their cure.

Mr. President, I want to say that I do not know Doctor Brannan, and I am not an advertising agent for him; but I want to recommend this prescription to anyone in the United States who may be feeling badly, or whose health is a little undermined.

Mr. ASHURST. Mr. President, does the Senator apply the same thing to Congress?

Mr. DIAL. No; Congress works hard now.

Mr. ASHURST. Works whom?

Mr. DIAL. Works its own Members hard. I do not know anybody in the world that works harder than Senators. Why, here under this infernal daylight-saving foolishness I get up early and I rush down and get a little hot breakfast, and I rush down through the departments, and I answer about 50 to 75 letters, and I come over here and listen to eloquent speeches from 11 o'clock to 6, faithfully.

Mr. President, this is a wonderful prescription. It is the best thing I have read in the papers in many years. I want the rest of it inserted as a part of my remarks.

I want to say to those who have felt a little bad, try it. Let us realize that the Government has not 15 cents except what it takes from the people by taxation or by selling our joint notes—bonds—to get it.

Mr. President, I believe it was the Scotch playwright, Barrie, who said that if there was any better fun than work God had failed to reveal it to him. I want to commend that sentiment.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

THE WORK CURE.

In his address to the State Charities Aid Association in New York City recently Dr. John W. Brannan, president of the board of trustees of Bellevue and allied hospitals, stated that the use of work as a therapeutic agent is steadily increasing in the institutions under his direction and that the results have proved very satisfactory. He said that in many cases where the "work cure" was resorted to the patients were enabled to leave the hospitals after the lapse of two-thirds of the time ordinarily allotted to their cure.

Doctor Brannan is at the head of the largest combined hospital system in the world, and has devoted more than a quarter of a century to the development of Bellevue to its present leadership. His opinion on all matters connected with the cure and prevention of disease is considered of great value by members of his profession, and, naturally, his report on this departure in hospital practice was read with great interest. He rates the introduction of the system as the most important hospital development since the introduction of social-service groups more than 15 years ago.

By keeping the minds and hands of the patients occupied the doctor asserts that not only are long hours shortened but that cures are actually hastened.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. SWANSON. Mr. President, I desire to offer an amendment to the pending bill.

On page 49, after line 9, I move to insert the following:

Naval operating base, Hampton Roads, Va.: Repairs to north breakwater, $200,000, to be immediately available.

I hope the chairman will accept that amendment, and I want to describe the situation there.

There are about 30 submarines there to be taken care of, and this breakwater was constructed to take care of the submarines that are moored there. These submarines are worth certainly $50,000,000. Last winter, on account of the severe storms, this breakwater was nearly destroyed. The department has been very urgent about repairing it, and says that these submarines can not be protected unless this breakwater is repaired. There is practically no other place to take the submarines, and the loss of one submarine, costing $1,500,000 to $2,000,000, would amount to a great deal more than this will cost—seven or eight times what it will cost.

Since the bill was reported the department officials have become very urgent. They have come here and said that it is utterly impossible for them to take care of these submarines unless the breakwater is repaired. They are anxious to have the money immediately available, so that they can repair it before the winter comes, with its storms.

I should like to have the chairman accept this amendment and take it into conference. If there is any doubt about it, I will not insist on it, because my responsibility about this matter is no greater than that of any other Senator; but I have looked into it and I know that it is very urgent.

The VICE PRESIDENT. The Senator from Virginia offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On page 49, after line 9, it is proposed to insert the following paragraph:

Naval operating base, Hampton Roads, Va.: Repairs to north breakwater, $200,000, to be immediately available.

Mr. POINDEXTER. Mr. President, I will ask the Senator from Virginia just where this breakwater is located. I am more or less familiar with Hampton Roads and with Norfolk Harbor, and I should like the Senator to describe the location of the breakwater.

Mr. SWANSON. It is where they moor the submarines that are not in commission.

Mr. POINDEXTER. I say, exactly where is it located?

Mr. SWANSON. It is located out on the water there.

Mr. POINDEXTER. Of course it is located on the water, but whereabouts on the water?

Mr. SWANSON. North of the base.

Mr. McCORMICK. Mr. President, how much is this—$200,000?

Mr. SWANSON. To repair the breakwater; yes.

Mr. McCORMICK. To add to the $100,000,000 that has already been invested?

Mr. SWANSON. I am not replying to that now. That is not before us. If the Senator wants the submarines to be destroyed, he can vote that way. The department say they can not take care of those 30 submarines this winter unless this breakwater is repaired. Unless it is repaired it will be blown down and they will be absolutely helpless, and it will cost more money later. If the Senator on examination finds it is not right, he can have it rejected in conference; but I am satisfied that an examination will show that it is absolutely necessary.

Mr. POINDEXTER. My question was asked in entire good faith. I was merely trying to get a clear conception of just where this breakwater is located. If the Senator will permit me to say so, it may be that we can arrive at some conclusion to let this matter go to conference; but I want to say that if money is provided for building another breakwater there, I hope the Senator from Virginia will exercise his influence to see that a breakwater is built that does not have to be rebuilt every few years.

Mr. SWANSON. There was a mistake made. Enough money was appropriated, but the storms last winter were more severe than they ever have been before, and the department says that unless this breakwater is repaired now the entire breakwater, which cost a great deal of money, will be destroyed. Of course, I can not exercise any control over the engineers. They ought to have constructed a stronger breakwater. They ought to have taken into consideration the possibility of these storms.

Mr. POINDEXTER. I have always thought of Hampton Roads as a safe harbor that did not need breakwaters, one of the greatest harbors in the world, and that is the reason why I asked the Senator for the exact location of this breakwater. I can scarcely understand why shelter can not be found in Hampton Roads, or in some of the great estuaries of Hampton Roads, where submarines can be safe without the necessity of making an artificial harbor by breakwater.

Mr. SWANSON. The Senator must know that when you have ships that are not under steam but are simply moored for preservation a breakwater is necessary, or the least waves will more or less injure them and injure the machinery. Consequently, they have to be in absolutely still water. The officials of the department have come down here; Admiral Gregory came down to-day and yesterday, and said that this was absolutely indispensable, or else those 30 submarines could not be taken care of this winter.

Mr. POINDEXTER. It is true that the department——

Mr. SWANSON. The Senator will recall that he appeared and urged it most strongly before both the Senate committee and the House committee.

Mr. POINDEXTER. If the Senator will give me an opportunity, I was just about to call attention to the fact that the Chief of the Bureau of Yards and Docks, Admiral Gregory, did appear before the committee and went into some detail in his representations in behalf of this appropriation and was exceedingly urgent that it was absolutely necessary to preserve the establishment there; that if it was not made, he said, it would entail later on much larger expense.

Mr. BORAH. Mr. President, this is perhaps not exactly germane, but may I ask the Senator in charge of the bill how many submarines we have now, and how many we are building?

Mr. POINDEXTER. We are building 42, and we will have 103 altogether when they are completed.

Mr. BORAH. Does the Senator know how many Japan has or how many she is building?

Mr. POINDEXTER. I will furnish the Senator that information in a few moments.

Mr. HEFLIN obtained the floor.

Mr. SWANSON. Will the Senator permit a vote on my amendment?

Mr. HEFLIN. I have no objection to having a vote on the amendment of the Senator from Virginia if we can vote immediately.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. BORAH. Will the Senator from Alabama permit me to offer an amendment? I am sure it will not lead to debate.

Mr. HEFLIN. Certainly.

Mr. BORAH. I offer an amendment to come in at the end of the bill, on page 66, after the word "otherwise," in line 14. This amendment is one which I have shown to the acting chairman of the committee.

The VICE PRESIDENT. The Secretary will read the amendment.

The ASSISTANT SECRETARY. The Senator from Idaho proposes to add at the end of the bill the following proviso:

Provided, That all orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors.

Mr. BORAH. The amendment will have the effect, and no more, of placing the Government in the same relation to the appropriations when it does the work, as when a private contractor does it. When a bid is taken up by a private contractor the appropriation follows that contract; you may use it at any time. If the Government does the work, the appropriation fails with that particular year, and the work can not be completed if the contract is not finished. It simply places the private contract work and the Government work on an equality with reference to the appropriations in the bill.

Mr. POINDEXTER. This matter has been presented in previous years, and I believe it has some merit. The effect of it is to enable a yard to make a contract for work in a yard extending over a year. Under the existing law, if the year expires before the work is finished, the work has to be stopped. I believe it would be in the interest of the more efficient and more economical conduct of such work as is given to yards if we would make whatever appropriation is allowed to the yards a continuing appropriation until the work is completed. I shall be very glad to have the amendment adopted, and let it be considered in conference.

The amendment was agreed to.

THE MUSCLE SHOALS PLANT.

Mr. HEFLIN. Mr. President, we have been told, and truly, that agriculture is the cornerstone upon which all other industries rest. I want to supplement briefly what my colleague [Mr. UNDERWOOD] said about the Muscle Shoals project.

I hold in my hand an article from the Florence Times, a newspaper published in the county where the Muscle Shoals Dam is located. It deals with the question of fertilizer, and reads:

EXPOSURE OF FERTILIZER SALE PLANS—COUNTY AGENT DEAL SHOWS UP METHOD OF IMPOSITION UPON FARMERS—112 PER CENT CHARGED THEM—ACTUAL CONTRACT THAT NEARLY 500 LAUDERDALE FARMERS HAVE SIGNED IS REPRODUCED.

First. Following is a note or mortgage that came into my hands, and which hundreds of farmers in this county have had to sign in order to get fertilizers for this year's crops. Please note the undue stringency and injustice of it.

INTEREST-BEARING NOTE.

ALABAMA, 1922.

STATE OF ALABAMA,
Lauderdale County.

R. F. D.

On or before the 1st day of October next I, we, or either of us, jointly and severally promise to pay to the order of (company's name furnished on request) the sum of ——— dollars, with interest thereon at the rate of 8 per cent per annum from May 1 of the year this note bears date, until paid, for value received, in fertilizers. This note with annexed agreements forming one contract. It is agreed that I purchased, received, and used said fertilizers without any warranty whatever on the part of the seller save only that the analysis is true and correct as printed upon each bag, and I admit that the said fertilizers have been inspected, tagged, and branded in accordance with the laws of this State, and no failure of consideration shall be pleaded by me in any action on this note. Further, it is expressly understood and agreed that the seller has neither expressly nor impliedly warranted the effects of said fertilizers on crops, and that I can not hold the said company responsible in any way for practical results. And to further secure the payment of the above sum, and all recording expenses, and all other debts I or we now or may owe payee before the surrender of this note, I or we mortgage to payee the following unencumbered property, to wit, ——— my entire crops and rents of corn, cotton, and other produce for this year and each succeeding year until the same is paid, and I empower payee to take possession of said property whenever it elects to do so, and if, when any part of this indebtedness falls due, it is not paid, to sell said property at public sale after 10 days notice by posting at the courthouse door. The proceeds it will apply to any indebtedness whether due or not, and payee is authorized to purchase at said sale. If not paid at maturity, I agree to pay a reasonable attorney's fee and all other expenses for collecting or adjusting same. The makers and indorsers hereof waive all rights of exemption under laws of this and all other States.

Signed, sealed, and delivered in the presence of ———.

Witness my hand and seal this day and year above written.

Commenting upon that contract the county agent, Mr. Deal, says:

You will observe that it could fairly take the shirt off the signer's back, and everything except his wife and child and hope of heaven. Also note that the company may take possession of his crops or property under this mortgage at any time, even one day after signing. It only requires close reading to appreciate the dastardly unreasonableness of its requirements.

And, second, the farmer is paying approximately 110 per cent for the privilege of signing. Note the following: Evidently in order to be in line with farm bureau prices, which handles fertilizer materials for cash only, the cost price, for instance, on acid phosphate was set at $13 per ton; but the credit price is $18.50. This means a charge of $1.10 per month for the five months that the note is made for. This might be considered interest No. 1, and on annual basis would mean $13.20, or 101½ per cent interest on a principal of $13. Then, in addition, a regular 8 per cent per annum charge is made, not on the first or cash price but on the $18.50 price, resulting in a total interest charge of one hundred and twelve and a fraction per cent per annum.

Mr. President, that is why the farmers of America are asking that the Ford offer be accepted. That is why the farm organizations in the North, in the West, and in the South are asking that the Ford offer be accepted. They are seeking to be delivered from the merciless greed of the Fertilizer Trusts of the United States. Here is the practical and concrete evidence of such a cruel and monstrous trust.

What does Henry Ford propose to do? He proposes to manufacture fertilizer, and his chief engineer, who spoke for him before the Committee on Agriculture and Forestry in the Senate hearings, said that he proposes to make fertilizer and sell it to the farmer at half the price the farmer is paying for it to-day. Is there any wonder, then, that there is a propaganda on the part of the poor, downcast, and oppressed farmers of the United States?

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. HEFLIN. I yield.

Mr. McNARY. I am greatly interested in the statement of the Senator from Alabama that Mr. Ford's representative said that he would sell fertilizer at one-half the price for which the so-called trust is selling it. I want to know when that statement was made and what guaranty there is of that sale to the farmer.

Mr. HEFLIN. Mr. Ford in his contract proposes to charge not over 8 per cent profit above the cost of production, and Mr. Mayo made that statement in the hearings before the Senate committee, early in his testimony. He said that it was his purpose to produce fertilizer, he contracted to do it, and I asked him about what price it would sell for, and he said about half the price they now have to pay for it. That is the statement of Mr. Mayo.

Mr. McNARY. I want to ask the Senator if that referred to the production of organic fertilizer or chemical fertilizer, and did it contemplate a complete fertilizer or only one ingredient that is made at Muscle Shoals?

Mr. HEFLIN. He will make the completed fertilizer, if you ever turn it over to him.

Mr. McNARY. Has the Senator any information in regard to that? It is not in his contract. He only agreed to make one ingredient of fertilizer.

Mr. HEFLIN. Yes; that is in his contract. He says "commercial fertilizer." That means the completed fertilizer. There has never been such a propaganda as is on in the United States between the power companies and the fertilizer companies to kill the Ford offer, and I may as well speak plainly now about this Muscle Shoals proposition. It has to be talked about plainly sooner or later.

Mr. McNARY. I do not think it is fair, in fact I know it to be a misstatement, when the Senator says that Ford in his contract agrees to make a complete fertilizer. He does not agree to do anything of the kind. He is to make nitrate, which is only one of three elements in the complete fertilizer. If the Senator will recall the testimony of Mr. Edison, he will remember that he said that Mr. Ford had a hope that it might be possible to make completed fertilizer by the development of phosphate in the vicinity of the Gorgas plant.

Mr. HEFLIN. Will not the Senator admit that Mr. Ford's contract states that he will make commercial fertilizer?

Mr. McNARY. Certainly, but he specifies——

Mr. HEFLIN. We understand the term "commercial fertilizer" to mean the completed fertilizer.

Mr. McNARY. It is not the completed stuff. The fertilizer he designates is nitrogen, and that is only one of the three elements. Sulphate of ammonium, 110,000, when reduced makes 44,000 of nitrate, which is one element in fertilizer, as against 244,000 tons consumed annually.

Mr. UNDERWOOD. If my colleague will yield, I think the Senator from Oregon is right as far as the original Ford proposition is concerned——

Mr. McNARY. I am right in regard to the second Ford proposition.

Mr. UNDERWOOD. I have not the papers before me, but as I understand it, the House Committee on Military Affairs made a submission to Mr. Ford, which his agent took out to him, and I understand that the amendment proposed before the House Committee on Military Affairs, coming from Mr. Ford, was that he should make a completed fertilizer. I have not that testimony before me, but that is my information in regard to the proposition.

Mr. NORRIS. Will the Senator yield?

Mr. HEFLIN. I am glad to yield to the Senator from Nebraska.

Mr. NORRIS. The statement is so often made, which the Senator from Alabama has now repeated, that when it is repeated the next time the farmer is led to believe that Mr. Ford has guaranteed to produce fertilizer at one-half the present cost.

Mr. UNDERWOOD. I did not say that Mr. Ford said that.

Mr. NORRIS. I did not say the Senator did say that. I am speaking of the statement of the Senator's colleague [Mr. HEFLIN]. Tracing it down, however, there is no such thing in the contract. Mr. Ford has not made any such proposition. He will not make any such proposition. He is too shrewd a man to do that. No one representing him who can bind him has ever made such a proposition. There is absolutely nothing to that statement. It has not been made. It is not in the bid. It is not in the contract. He hopes to reduce it one-half. Everybody else who is trying to develop Muscle Shoals, whether it is done by the Government or by Mr. Ford or by anybody else, hopes to reduce the cost of fertilizer. That is the reason why we are trying to develop the project. That is the reason why we are together in trying to develop this great power and trying to produce in peace times, by means of what we have there for war times, fertilizer at a reduced price.

I believe that it is coming, whether Ford gets it or anybody else gets it, but nobody knows how. Ford has not agreed to do it. The Government chemists will not agree to do it. They expect to improve the method. We all believe it is going to be done, because it is in its infancy now as to the extraction of nitrogen from the air. But I so often get exasperated at

the fact that some one will make a statement like the Senator from Alabama has made, which is technically right. Ford's representative did say they expect to reduce the price of fertilizer. I believe they will be able to do it. It does not mean that Ford must have Muscle Shoals in order to have that done, by any means.

If we did not believe we could reduce the cost of fertilizer, there would not any of us be engaged in the matter. Men who have no interest in the fertilizer proposition, men who have no bias against Mr. Ford or anybody else, are interested only that the American people shall not be deceived. It is like the case where one man said he ate something and vomited something that was black. When the next man told it he said, "My friend vomited something that was black as a crow." The next man who told it said, "My neighbor vomited a crow."

It is not fair to the American people. They do expect, and I believe if Ford gets the Muscle Shoals project that he will reduce the price of fertilizer, but he has not guaranteed to do it. He can not guarantee to do it; neither can anybody else guarantee to do it. His interest in the plant down there is to reduce the cost of fertilizer to the farmer. The bill I have introduced has no guaranty in it. We shall have to spend a lot of money in experimentation. Scientific men who have testified before us say that the field is inviting. There are thousands of men all over the civilized world to-day working on the proposition. We expect to get something out of it, but we might fail.

Mr. HEFLIN. Mr. President, I am going to restate my proposition. Mr. Mayo said that Mr. Ford intended and expected to make fertilizer and to be able to sell it to the farmer at half the price he is paying to-day. That statement is in the hearings, unless it has been changed.

Mr. NORRIS. Does the Senator intimate that anyone would change the hearings except Mr. Mayo himself?

Mr. HEFLIN. I do not think so. Mr. Mayo has the right to revise his statement. That is the reason why I am backing my recollection of it against the Senator's recollection. That is what Mr. Mayo said.

Mr. NORRIS. I have not contradicted the Senator in that respect.

Mr. HEFLIN. I took down his statement myself.

Mr. NORRIS. I admit he made a statement similar to that, because he believes it, but that is different from a guaranty.

Mr. HEFLIN. The Senator's position is perfectly untenable that Mr. Ford ought to put it in a contract.

Mr. NORRIS. Again, Mr. President, the Senator is misrepresenting me. I do not contend that he ought to put it in a contract.

Mr. HEFLIN. The Senator said he did not put it in a contract.

Mr. NORRIS. He did not put it in a contract, but I do not contend that he ought to do so. I am not finding fault with him because he does not do so. He has too much sense to do it. He is not crazy.

Mr. HEFLIN. Now, the Senator is complaining because he did not put it in a contract.

Mr. NORRIS. No; we do not complain because he did not put it in a contract.

Mr. HEFLIN. And yet they say he has too much sense to put it in a contract.

Mr. NORRIS. Oh, Mr. President, the Senator is again making a misstatement. Nobody has complained because he does not put it in a contract. Mr. Ford has not put it in a contract because no sane man would put it in a contract until he knew how he was going to accomplish it.

Mr. HEFLIN. Of course, Mr. Ford would not put it in the contract that he is going to be able to sell it at half the present price. He purposes to do that. I believe he will do it. Men who spoke for him before the committee said he would do it. We had that in the hearings. Mr. Edison, the great wizard, said there is no doubt about him being able to make cheap fertilizer there.

Mr. NORRIS. I ask the Senator from Alabama if he can point to the testimony of Mr. Edison to that effect. Can he call our attention to where he said he believed Ford would be able to do that?

Mr. HEFLIN. Does not the Senator remember that testimony?

Mr. NORRIS. No; I do not remember any such testimony, and I would like to have other members of the committee who are present testify as to whether they heard Mr. Edison say anything of that kind.

Mr. TOWNSEND. Mr. President, may I ask if the testimony is printed?

Mr. NORRIS. I think it is.

Mr. TOWNSEND. It is very easy to settle that question by calling attention to the testimony if it is there.

Mr. HEFLIN. Was the Senator from Oregon present when Mr. Edison testified?

Mr. McNARY. I certainly was; and he made the distinct statement, in reply to an interrogatory propounded by the chairman, that he did not want to discuss the Ford proposal at all, that he was not familiar with it, and that he was not there for that purpose.

Mr. HEFLIN. What was it he said——

Mr. McNARY. He was discussing the possibilities of the development of electricity there by way of water power.

Mr. HEFLIN. What was it he said when his man whispered to him that we wanted to know if Ford could make cheap fertilizer, or something to that effect? He said, "There is no doubt about it in the world." Does not the Senator remember that?

Mr. McNARY. I did not hear the whisper, and I am sure it is not in the record of the hearings.

Mr. HEFLIN. He talked loud enough to him because Mr. Edison could not hear us. His man told him what we wanted.

Mr. McNARY. The Senator was sitting nearer to Mr. Edison than I was, but I did not hear it and no one else heard it.

Mr. HEFLIN. I had the question propounded to him myself, and that question is in the record unless it has been changed. I do not know whether Mr. Edison struck it out or not when he revised his remarks, but I do know that the American people have got to know that there has never been such a propaganda carried on as is now being carried on by certain big interests against Henry Ford with reference to the Muscle Shoals project. I have had some queer impressions come to me as I have listened to some of the witnesses pouring out their vials of wrath against Henry Ford because he was about to get hold of and make useful the mightiest water power on the continent when he proposed to take Muscle Shoals and use it for the benefit of millions of farmers in the United States. I have seen these trusts pounce down like vultures, sending their hired agents here, and saying, "Oh, no; there is no such thing as a trust." Did anybody ever hear a burglar say there was such a thing as a burglar? He always denies that there is a burglar. Who is going to take the testimony of a burglar, a man who will break into your house for the purpose of stealing and with murder in his heart, if necessary, if you get in his way? Here they are, moving heaven and earth; and there has never been such propaganda, I repeat, as is going on against Henry Ford.

Now, Mr. President, what do we see? We see the poor farmer—God knows how he has suffered under this administration—down upon his back, and the Fertilizer Trust coming to him and presenting him with a note to sign at 110 per cent, not only mortgaging the crop but mortgaging his farm, mortgaging his stock, turning over to the man who holds the mortgage and the note the right to come and take charge of the crop when he has laid it by and the fruiting time has come, to do anything that he pleases to do with it.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. I am fighting for the great mass of mistreated farmers in the United States and I am hoping that the Senator from Nebraska will join me and battle for them in this as I have seen him battle for them in other things. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator when he read that note, that cutthroat note as it looked to me and as it appealed to me as he read it, failed to read into the record the name of the payee of the note. The Senator ought to do that.

Mr. HEFLIN. It is not in the note.

Mr. NORRIS. Then the Senator ought not to have said what he did. It might be a banker down in the Senator's own town.

Mr. HEFLIN. Oh, no; I said 500 farmers had signed such a note. He said this happened down in that county where the Senator was and where I was at Muscle Shoals.

Mr. NORRIS. But who is the demon who is taking that kind of a note? We have a right to know that when the Senator is making such charges.

Mr. HEFLIN. It is an exposure of the Fertilizer Trust's plan. That is what it is.

Mr. NORRIS. But the Senator has not read it all, and he ought to be fair enough to the Senate to do that. He ought to let us know who it is that is the payee. Who is it that holds this awful mortgage?

Mr. HEFLIN. There is no name mentioned.

Mr. NORRIS. Who is the mortgagee?

Mr. HEFLIN. No name is mentioned, but I said that 500 farmers had signed such a note. That is what the county agent, Mr. Deal, said.

Mr. NORRIS. Did 500 farmers sign a mortgage without putting in the name of the payee?

Mr. HEFLIN. This is a sample, a blank note. The kind the county agent said was being used this year. But I do know that the farmers of the United States have never been at such a low ebb in morale and everything else as they are to-day. I am pleading for their deliverance from those who pillage and plunder them.

Ford promises to do great things for the farmer.

What did General Gorgas do? General Gorgas went into the swamps and lagoons of New Orleans and said, "Here you are with this pest, the yellow-fever mosquito. The people flee every year when the yellow fever breaks out. I can go in there and drain those swamps, destroy the breeding place of the mosquitoes, and remove the yellow fever forever." Some laughed at him and said, "You can not do it." But he did do it. He did that same thing in the Panama Canal Zone.

I saw Wilbur Wright when he struggled with the forces who were trying to keep him from entering the air with a heavier-than-air machine. They laughed at him and threw obstacles in his way. He said, "I will mount the air and fly with a machine heavier than air, 50 miles, 75 miles, or maybe 100 miles an hour." They said, "He is crazy." I saw him at Fort Myer mount the air and fly like a bird for an hour and 20 minutes and break the world's record in the presence of hundreds of doubting people, who stood by and said just before, "He will never do it." I saw him make good his promise and achieve the thing he started out to achieve.

I saw Henry Ford making an automobile, and he said, "I will make it so cheap that I can put it within the reach of the common man, the man of small means, the plain people." The big automobile men said, "We ought to crush him. He is going to bring down the prices of automobiles. He will force us to sell cheaper and pull down our tremendous profits. He will benefit the masses. He is a demagogue and a dangerous man." I saw Henry Ford accomplish that thing. Now he looks upon the mass of farmers in the United States and says, "The Fertilizer Trust, like a greedy vampire, is sucking their very life blood. I can stop it and will stop it if given a chance. I am going down and take Muscle Shoals, if I can get it. It was abandoned by the Republican Party as junk."

Henry Ford went to Muscle Shoals and he marveled at the possibilities of the project there, and I can imagine hearing him say, "This great river is now singing the song of wasted strength as it winds its way to the sea. I will make it turn the wheels of industry and produce fertilizer so cheap that every farmer can get it in abundance and make the earth blossom as the rose." He went down there and this great wizard Edison went with him. Mr. Edison said, "Mr. Ford will accomplish wonders." He said, "There will be a big industrial city down there." So said the Senator from Nebraska [Mr. NORRIS].

Ford, the man who has won his spurs in the industrial world, is ready to take it; but what do we find? We find the cohorts who contribute to the campaign fund of the Republican Party trying to kill off the Ford offer—trying hard to keep Ford from getting Muscle Shoals. We might just as well tell the truth about this thing and let the people know what is going on here. I am going to give some of the impressions that have come to me during the hearings on this question before this matter is disposed of. Certain big interests are very active against the Ford offer. I asked some of the witnesses some rather important questions in that hearing; I made some of them admit—and the hearings will show it if they have not stricken out their statements—that they did not want Ford to get Muscle Shoals and become a competitor of theirs.

Oh, Mr. President, I get sick at heart sometimes when I see cruel, grinding processes that deprive men and women of a fair chance in the struggle for existence; processes that cower and crush them. The employment of these inhuman processes by the Republican Party is making Bolshevists out of some of our laboring men; they are making them out of some of our farmers. Farmers that were fairly prosperous a few months ago are now in dire distress. Money and credit have been withheld from the farmers until they were robbed, and now the Fertilizer Trust comes up and demands its pound of flesh from nearest the heart of the farmer. And the powers that be are holding Henry Ford back as he begs for an opportunity to use Muscle Shoals in saving millions of dollars annually to the farmers of the United States.

Mr. McNARY. Mr. President——

Mr. HEFLIN. I yield to the Senator from Oregon.

Mr. McNARY. I have listened with a great deal of interest to the eulogy of Mr. Ford by the Senator from Alabama, but I think Mr. Ford wishes to acquire this property not for the purpose of making fertilizer, but in order to produce cheap horsepower to make automobiles and to make more money out of their sale. However, that is aside from the proposition. I want to ask the Senator if, in this whole proposition of Mr. Ford, he can find anything that would prevent this property from falling into the clutches of the Senator's favorite resort, Wall Street, within three months from the acceptance of Mr. Ford's bid?

Mr. HEFLIN. Yes. It is not in the contract, and it was not in Ben Franklin's contract either, but when he was about to die he put it in his will that the Saturday Evening Post should be sold to future generations for "5 cents the copy," and that has been done. Why can not Ford stipulate as to what disposition shall be made of the property after his death? And I am sure that he will do it.

Mr. McNARY. Mr. President, I think the Senator will agree, referring to the contract, that it does not run to Mr. Ford, but to a corporation, which, upon the death of Mr. Ford, will fall under the control of Wall Street within three days after the funeral of Mr. Ford.

Mr. HEFLIN. Not at all.

Mr. McNARY. The Senator now says, in order to carry his point, that he believes he has inside information that Mr. Ford will leave the property to the farmers of the country. Now, I should like to ask the Senator from what source he gets that information?

Mr. HEFLIN. I did not say that he would will it to the farmers. Oh, Mr. President, Henry Ford before he dies will, I am sure, stipulate who shall be the principal or controlling spirit of the corporation that he is to form. His son will in all probability be put in control, and Henry Ford can stipulate how it shall be conducted, and so forth.

But, Mr. President, how considerate Senators seem now of the farmers of the next generation. I am asking Senators on the other side of the Chamber to come to the rescue of the present-day farmer now. Do not let us lose sight of him as we grow sympathetic over the farmer of the next generation. As Sam Jones, the great evangelist, when they would sing, "In the Sweet Bye and Bye," used to say, "I want to talk to you about 'the happy now and now.'" That is what I am talking to you about. Here are farmers, 500 of them in one county, signing away their birthright in order to get fertilizer. Money is scarce, credit is tight; but I am told that the administration is being urged to reappoint the governor of the Federal Reserve Board, who helped to murder agriculture and kill business in the United States.

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I will yield in a moment. Now, when the farmers come up and petition you day by day to accept the Ford offer, saying, "We feel that it will greatly benefit us; we hope that you will vote for it. God knows we are in great distress and need help," are their appeals to fall on deaf ears of men whom they have helped to elect to this body. Is that right and fair?

This is one of the biggest propositions that the present majority are going to be confronted with at the polls, and they will be asked, "Why did you not let Henry Ford manufacture fertilizer at Muscle Shoals?" Will the answer be, "Because the big power companies and the big fertilizer concerns and the tariff barons came to Washington and sat in a midnight conference with the bosses of the Republican Party, contributing to its campaign fund, and mapped out the program." Is that why?

Thank God for election day and for the time before that when we can get on the hustings and look the honest men and women in the face and say to them, "Fathers and mothers, do you want to raise your children up to be serfs? Do you want that boy to have school advantages and a fair chance to earn a livelihood and lay aside something for old age? He is entitled to it in this country. Do you want that little girl to have an education and a wholesome, healthful girlhood and become a splendid and successful woman? She is entitled to it in this, the richest Government in the world. Are you going to vote to keep a party in power that hampers and oppresses the laboring man, that hampers and oppresses the farmer, that hampers and oppresses the average business man the country over, in order that a few men who are liberal with campaign contributions may live on the fat of the land?"

This situation affects vitally the welfare of the people of the whole country. It is time to wake up. Must the people wait

until the Democrats come into power to have their wishes respected and their will carried out? Here you are in power now, with certain big men, with their big fat purses, flourishing like the green bay tree and reveling in rank luxuriance under your control. So did old Belshazzer revel; but one night, when he was at the high tide of his drunken feast, there appeared a mysterious handwriting upon the wall and told old Belshazzer that he had been weighed in the balances and found wanting. He was driven from power and made to eat grass like an ox. So we are going to put some of you Republicans in the green pastures of private life. Are you going to force the Ford offer as an issue into the campaign? Are we going to let Ford have it, and bring about the deliverance of 60,000,000 people in the farming sections of the country, or are we going to turn it over to four or five big concerns that want it for their private use and benefit?

Mr. McNARY. Mr. President——

Mr. HEFLIN. I yield.

Mr. McNARY. Mr. President, I think it would be better if the Senator from Alabama would read the contract proposed by Mr. Ford. Aside from the outside considerations which seem to rest in the mind of the Senator from Alabama, is it not true that Mr. Ford merely agrees to make 110,000 tons of sulphate of ammonia by the use of 100,000 horsepower, when in fact there are over 700,000 horsepower at Muscle Shoals? Now, I ask the Senator, if Mr. Ford is the great friend of the farmer, as the Senator from Alabama depicts and paints him to be, why did he place that limitation and propose to use only about one-seventh of the horsepower available for the production of fertilizer, that being a very small proportion of the horsepower to be developed?

Mr. HEFLIN. I have read the contract, of course. I am not going into a discussion of all the details, but I am going to stand by the contract in which Mr. Ford says he will sell a commercial fertilizer. Mr. Worthington, Mr. Mayo, and others interested in Mr. Ford tell me that he will make a completed fertilizer. It is not necessary for him to set out everything that he hopes to do in the contract. Wright never set out in the contract that he would fly his machine and make 75 or 100 miles an hour, but he said he could do it, and he did it. Marconi, when the world depended upon sending messages through copper wire and cables under the sea, said "I can send them through the open spaces in the air." It was said that he could not do it, but he did do it. Ford says, "I can make cheaply complete fertilizer, and I will do it and sell it at half of the price the farmer pays to-day." I submit that after Wright succeeded in doing what he said he would do, and Marconi succeeded in doing what he said he would do, and General Gorgas succeeded in doing what he said he would do, and Ford succeeded in doing what he said he would with reference to cheap automobiles, we ought to try him out in this matter, when the hope is that he will stretch forth the healing rod and give deliverance to 60,000,000 people in the United States from the deadly clutches of the Fertilizer Trust.

Mr. McNARY. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. McNARY. Mr. President, according to the statistics with which I am familiar there are about 12,000,000 people engaged in farming in this country.

Mr. HEFLIN. How many?

Mr. McNARY. There are 12,000,000 on the farms.

Mr. HEFLIN. I am talking about the villages and towns and little communities which are dependent on agriculture; I am talking of the children of the farmers, their wives and boys and girls. I am talking about the farmer and the population dependent upon the farmer in the United States. I know that some Republicans never think of the consumer; they never think of the individual citizen; they think of the big fellow, and want to know what size purse he has and whether he has a fat check book and an easy pen with which he can write a campaign contribution.

Mr. McNARY. That was not the proposition. I should like the Senator to allow me to finish. The Senator is a great friend of the farmer, a member of the farm bloc, and prominent in his activities to promote the welfare of the rural population. He is to be admired for that position. I, too, am interested in the farmer, and I want to see the Muscle Shoals power plant used to make every wheelbarrow load of fertilizer which it is possible to make. I stand in this position: I do not want to accept the limitation of Mr. Ford to use only a small portion of the horsepower to manufacture fertilizer for the farmer. I want to see it all used for the benefit of the farmer, and therefore I am a greater and stronger friend of the farmer than is the Senator. I want to see this country develop the horsepower, operate the plant, put in the needed machinery, experiment with new devices and processes, and I want to see every unit of horsepower utilized for the purpose of making fertilizer to go upon the land in the South and the North and in the West, where the lands are badly despoiled of their plant food. The Senator from Alabama, on the other hand, wants to get Mr. Ford down there in order to boost real estate. In order to permit him to carry on his activities, a small portion of which will be for the benefit of the farmer, he is willing and anxious to have Mr. Ford go there.

Mr. HEFLIN. Mr. President, I can not permit my good friend from Oregon to make a stump speech in my time. The suggestion is made that somebody is trying to boost real estate in the vicinity of Muscle Shoals. Can it be that you are not even willing that the poor fellows who are about to starve under your administration should make a few dollars on a piece of real estate at or near Muscle Shoals? You ought to be willing for them to make something on which to live.

Mr. NORRIS. They made so much under the Wilson administration they could not spend it all.

Mr. HEFLIN. It is true that everybody had something to do and made money then, but they are poverty stricken now. I told the Senate the other day what the farmer out in the West said.

Mr. NORRIS. They made so much that they must be awful spendthrifts or they would have something left.

Mr. HEFLIN. I said the other day there were 25 men talking at a crossroads store. One of them was defending President Harding and 24 seemed to be against him. Finally one of them said, "I will say for President Harding that he put me on my feet." The only Republican who had defended the President's administration rushed over and caught him by the hand and said, "Shake; you are the only man here in addition to myself who is for President Harding." He said, "Well, let me explain what I mean by that; I used to ride in an automobile under Wilson, and now I have to walk. That is what I mean when I say 'he put me on my feet.'" [Laughter.]

Mr. President, the question of real estate has been brought up, and the Senator from Nebraska also indulges in the suggestion that the people around Muscle Shoals are trying to make money out of real estate. Mr. President, everybody who has been to Muscle Shoals and seen that mighty river and the dam under construction there and the rock walls on either side of the river and the hills on either side for miles realizes that it is the greatest power site in the United States. People saw Ford was going down there, northern men, people from Nebraska, I presume, and Oregon, and they said, "If Ford is going down there things are going to hum. He brings dead things to life; this thing is dead, and he will bring it to life, and I am going down there and get in on the ground floor. Ford will build an industrial city, and I will buy me a lot now." So they went down there, and they came into the finest climate in the world and the best State in the Union. They exercised good taste and good judgment, both, when they came down to Alabama; and if they thought it was a good investment to put their money into, do not you Republicans want the average citizen to make money under your administration? What is the matter with you? Now you are holding that up as an excuse? What difference would it make if every real estate man down there should make a thousand dollars or more on a lot that he bought? Would that, and should that, keep the farmers of the United States from having the opportunity to buy cheaper fertilizers? Oh, Senators, you can not get away with any such argument as that. It will not hold water, and the American people are gradually waking up to the situation.

The situation here this morning raises a serious question. God knows something is wrong. Nobody but the plutocrat is flourishing under this administration. Millions of laboring people are without employment. Five hundred thousand boys who followed that flag in their uniforms can not get anything to do in order that they may live and enjoy health and happiness in the land that they saved. There are various things that I might touch upon; but the farmer who must feed and clothe the world is asking this Congress to come to his rescue. He is pleading for help.

Senators, let us get action upon this thing. Let us tell these men who influenced your committee to abandon Muscle Shoals in the interest of certain private concerns that we repudiate that conduct. A committee of the Senate and the House, after visiting the scene, unanimously pronounced it a great power site. Ford said: "Let me have it, and I will make a great industrial city out of it, and I will manufacture fertilizers," and Mr. Worthington told me, "I am convinced that he will use the most of that power in making fertilizers."

Suppose he makes automobiles.

Mr. NORRIS. Is he going to put that in his will, too?

Mr. HEFLIN. I do not know. I never saw the Senator from Nebraska such a stickler regarding such requirements before.

Mr. NORRIS. I do not want to sell two or three hundred million dollars' worth of property that belongs to all the people on the strength of the Alabama Senator's idea that somebody will put in his will a provision that it is going to be used properly.

Mr. HEFLIN. The thing had been abandoned when Mr. Ford came and looked upon it. He said: "I can take it and utilize it and make it of vast benefit to the people of the United States, to the farmers, and the completion of the dam will make the river navigable there. It will be so that steamboats can come and go, and it will be a blessing instead of a worthless thing and a piece of junk as it is now." As soon as Ford undertook to take it up, here came witnesses saying: "Why, it is the finest power site in the world. Oh, what a great thing it is, and Ford ought not to be allowed to have it." He said: "Did you not say, just a while back, that it was worthless and ought to be junked?" "Oh, well, I did not realize then what a valuable thing it was." He did not, either; but when he saw that Ford was going to get it, and the concerns that fought to have it abandoned so that they could get it were about to be beaten in the race for this dam, he changed his mind. That is the situation, Mr. President.

Let me say this in conclusion:

Mr. President, when the time comes in the history of this Government when over 6,000,000 people with strength to work and the will to work can not find work under the party in power, controlling the instrumentalities of the Government, it is a danger sign in the Republic. When sixty-odd millions of people living in the farming sections of the country are robbed and denied the necessities of life, crying out for deliverance from the Fertilizer Trust, and you will not go to their rescue, it is a danger sign in the life of the Republic. Oh, Mr. President, let us return to the doctrine preached by Lincoln when he said: "I place the man above the dollar." Let us return to the doctrine of doing that which will bring about the greatest good to the greatest number.

This is the peoples' Government. Although haughty, sneering, purse-proud people may get control of it now and then and feel like they literally own it and consult nobody except the few men who contribute money under a brilliant chandelier in the nighttime and sit back and shape the policies and the destines of a hundred millions of people, I appeal from your judgment to the masses of America, and we will meet you upon the hustings and ask the people, "Whose Government is this? Is it a private snap, to be pillaged and plundered by a favored few, or is it the great civic instrumentality of the whole people, to be used for the good and welfare of all the people?"

FEDERAL RESERVE BANK OF ATLANTA, GA. (S. DOC. NO. 212).

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting in response to Senate Resolution 304, agreed to June 8, 1922, a statement from the governor of the Federal Reserve Bank of Atlanta, Ga., giving certain information regarding the printing and distribution of a speech made by Senator GLASS in the Senate of the United States relative to the Federal reserve system, which, with the accompanying papers, was referred to the Committee on Banking and Currency and ordered to be printed.

Mr. HEFLIN subsequently said: Mr. President, just as I concluded my speech, and did not hear the announcement of the Vice President, the response of the Atlanta Federal Reserve Bank came in, and I understand it was referred to the Committee on Banking and Currency. I ask unanimous consent that that order may be vacated, and that the report may lie on the Vice President's table until I can look into it, and perhaps make some suggestions regarding it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. LODGE. Mr. President, I desire to offer an amendment to the pending bill. On page 46, line 21, I move to strike out "$5,500,000" and insert "$6,125,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. In the amount appropriated for the Bureau of Yards and Docks, general maintenance, on page 46, line 21, it is proposed to strike out "$5,500,000," and in lieu thereof to insert "$6,125,000."

Mr. LODGE. Mr. President, the department estimates were $7,500,000. The Budget estimate was $6,750,000. My amendment is $625,000 below the Budget estimate. I think the Bureau of Yards and Docks ought to receive the Budget estimate at least, but I do not desire to go too far. Therefore I propose the very moderate amendment, as it seems to me, which I have sent to the desk; and I hope the committee will be willing to accept it and take it at least into conference.

The United States has invested in yards and docks over half a billion dollars. It is absolutely necessary that that property should be maintained. To allow it to remain out of repair only means much heavier appropriations in the future. I know of cases where buildings are almost on the point of falling down because the bureau has been utterly unable to make the necessary repairs from time to time. I think it is very poor economy to cut the Bureau of Yards and Docks to such a low point; and therefore I offer this amendment in the hope that the committee will be willing to accept it and at least take it into conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bills:

S. 156. An act for the relief of the heirs of Julio Carrazco, deceased;

S. 777. An act for the relief of John M. Green;

S. 1730. An act for the relief of Philip S. Everest;

S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; and

S. 3291. An act for the relief of Henry Cordes.

The message also announced that the House had passed the bill (S. 1784) for the relief of John B. Elliott, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, severally with amendments, in which it requested the concurrence of the Senate:

S. 154. An act to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump;

S. 494. An act for the relief of Benjamin O. Kerlee; and

S. 1087. An act for the relief of H. L. McFarlin.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 367. An act for the relief of J. Irving Brooks;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 636. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 745. An act for the relief of William H. Philbrick;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 966. An act for the relief of the Tacoma Tug & Barge Co.;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 4421. An act for the relief of John Albrecht;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow;*

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 7583. An act for the relief of Henry Peters;

H. R. 7662. An act for the relief of F. R. Messenger;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 8244. An act permitting Frances Mack Mann to purchase certain public lands;

H. R. 8553. An act for the relief of D. V. Bussie;

H. R. 9160. An act for the relief of John Anderson;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 9614. An act for the relief of H. L. Koester;

H. R. 9615. An act for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers;

H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.;

H. R. 9944. An act for the relief of Vincent L. Keating;

H. R. 10287. An act for the relief of John Calvin Starr;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 11078. An act for the relief of the Mary Ann Shipping Co.;

H. R. 11233. An act authorizing the Secretary of Commerce to convey certain land to the county of Muscatine, Iowa;

H. R. 11355. An act validating a certain application for and entry of public lands;

H. J. Res. 316. Joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; and

H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs.

THE MUSCLE SHOALS PLANT.

Mr. NORRIS. Mr. President, again I want to state that I have no desire at this time to get the Muscle Shoals matter under discussion in debate, but I am not going to permit the insinuations made by the Senator from Alabama [Mr. HEFLIN] to pass unnoticed and undenied.

Mr. President, let me say, first, that I had believed, from the investigation that was taking place—an investigation that I did not seek myself, but which, in the regular routine of business, came to the committee of which I happen to be chairman, and of which the junior Senator from Alabama is a member himself—and I hope the Senator from Alabama will not leave the Chamber, because I have some reference to make to what he has said—

Mr. HEFLIN. I shall be back in a moment. I just want to answer the telephone.

Mr. NORRIS. I had hoped that we might have a fair and an honest investigation; not that I believed that we were going to agree when we got through, but I had hoped that when we finished the investigation that now is about completed no one would feel that he was called upon to point the finger of scorn and shame upon anyone connected with it and say there had been anything dishonest, there had been anything demagogical, there had been anything even unfair about it.

I do not believe that you can go to Mr. Ford or any of the men who have represented him, or any of the other persons or corporations who made bids for Muscle Shoals, and get any expression from any of them that there has been anything unfair, anything covered up. I think they will all admit that every man has had an opportunity without limit to testify, to argue, to bring all the witnesses he saw fit, and that upon the suggestion of the name of any witness he has always been subpœnaed by the chairman of the committee. Until the Senator from Alabama practically accused everybody who is not for Ford of being a demagogue, and almost a traitor to his country, I have never yet heard any insinuation that there was anything wrong anywhere; and it requires the eagle eye of the Senator from Alabama to find the corruption that has been going on in that committee against Mr. Ford. Mr. Ford will not charge it. Mr. Ford will repudiate the insinuation of the Senator from Alabama.

Mr. HEFLIN. Mr. President, I never made any such insinuation. I referred to what had been said by witnesses on that stand, their testimony.

Mr. NORRIS. There has never been an intimation, when the Senator had an opportunity to examine a witness, that any of the witnesses were moved by motives that were dishonorable. Some of them were moved by self-interest, undoubtedly, but there has not been an insinuation made.

For instance, let me illustrate. The Senator from Alabama has been saying here and everywhere that there is a fertilizer trust that is holding the farmer down on his back. I happen to come from a State that does not use fertilizer. I do not know much about it. I had no particular interest, at least, you might say, of a selfish kind, in the fertilizer question. I realize that it is a big problem. I had heard the charge made by the Senator from Alabama that there was a fertilizer trust; I had not heard it denied, and I assumed that it was true, and I supposed that on this investigation it would develop. If there is a fertilizer trust, Mr. President, I summoned the head of that trust before the committee to testify. I was not prepared to cross-examine that witness as fully as I would have been if I had made a study of the question and had become imbued with the idea that there was a fertilizer trust; but there sat the Senator from Alabama. I asked that witness everything I could think of that would have a bearing upon the organization of a fertilizer trust and the control of the price, contrary to the law, and I confess I did not get anything out of him of any value. But the Senator from Alabama sat there, heard it all, and never asked a question. There was the great Fertilizer Trust looking him right in the face, and he was as silent as the grave.

Mr. HEFLIN. I had no confidence in anything he was saying.

Mr. NORRIS. I understand the Senator says that, but there was an opportunity, if he wanted to be fair with the committee, to get something started. When he did not do that, I said—and, to use the Senator's language, if somebody has not taken it out, it is still in the hearings—I said to the Senator from Alabama, "I do not know anything about this trust business. You seem to know all about it. I will subpœna any man in the United States you want, and we will show up this Fertilizer Trust." But he did not suggest anybody.

I sent to the Federal Trade Commission, and they sent their expert. He knew nothing about it except what had happened up to the time of the war. The Federal Trade Commission had made no investigation since. I assume he told the truth. I confess I know nothing about it except what was developed on the witness stand, but that expert from the Federal Trade Commission said—and again, if his testimony has not been changed, it will be found in the record—that up to the time of the close of his investigation, about the beginning of the war, there was no such "animal" as a fertilizer trust in America. He said there was keen competition.

Mr. HEFLIN. Did he not say he had made no investigation for seven years?

Mr. NORRIS. Not since the beginning of the war. I stated that.

Mr. HEFLIN. Did he not say that fertilizer had gone to its highest price in 1919 and 1920?

Mr. NORRIS. I do not know whether he said that or not, but everybody knows that everything has gone up; it does not take an expert to show that.

Mr. HEFLIN. Will the Senator state what I said when the Senator asked me to get witnesses? Did I not state that it was the business of the Attorney General to investigate trusts?

Mr. NORRIS. I do not remember; but I presume the Senator said that. But it seems to me the question is not so much whether there is a fertilizer trust. Everybody wants to reduce the cost of fertilizer. That does not mean the farmer alone, but everybody who eats food, and I am just as much interested in it; and, contrary to the insinuations the Senator from Alabama has made, I am just as honest in it as he is. One of the reasons, I think the principal reason, why the price of fertilizer has gone up has been the increase of freight rates. It is a heavy product, and the freight is a large part of its cost to the farmer.

Mr. HEFLIN. I do not doubt that.

Mr. NORRIS. One would not get that idea by listening to the Senator. I have said before that I believe whoever had charge of the nitrate plants down there and the Muscle Shoals power would reduce the price of fertilizer. Somebody will discover a way some time; somebody will improve the present method. There are thousands of men engaged in studying it now, and no matter who does improve it, the farmer will undoubtedly get the benefit of it. Particularly would that be true if the Senator from Alabama, instead of trying to make the farmer believe that Ford is going to get him in heaven, when he has not agreed to do it, would come with us and help us to pass through Congress a bill providing for a governmental corporation or organization to develop and improve Muscle Shoals, and do it in the name of all the people of the United States, instead of making a real-estate speculation out of it. If that were done, we might get somewhere.

The Government of the United States has spent $106,000,000 on the property down there at Muscle Shoals. Mr. Ford's offer is to buy it from the Government, and for all except the land adjacent to the dams he is to get a deed in fee simple from the Government of the United States, land and improvements which cost us over $100,000,000 of the taxpayers' money, for which he agrees to pay $5,000,000. I am opposed to that. Have I not a right to be opposed to it without being denounced as a demagogue? The farmers of America, instead of being defended from the onslaught being made upon them by those who are not in favor of accepting Mr. Ford's offer, ought to be defended from the deception of the demagogue.

Then Mr. Ford's corporation, under his offer, would get a lease of the two dams for 100 years. I am opposed to that being done for anybody. I am not against Ford. I am against any corporation or any man getting for a mere bagatelle what cost the taxpayers of the United States $106,000,000 something which it is admitted must in some way be kept as a war proposition. Until some new discovery is made to get nitrates cheaper from the air, it is conceded by everybody who has studied the question that we must maintain nitrate plant No. 2 as a war proposition, even though we can not make any fertilizer out of it. Mr. Ford, under his proposition, would get a warranty

deed, in fee simple, to property worth $105,000,000 or $106,000,000 for $5,000,000 and a lease for 100 years of the water power which he would develop, but the Government would put up the money—every dollar. On this money he would pay 4 per cent interest and repay the principal of the cost from now on in 100 years.

If a Government corporation is provided for, as provided in the bill I have introduced, and it develop the plant, it will not throw that property away; it will keep it for all the people. It will develop power at Dam No. 2 and Dam No. 3, and with that power cheapen the operation of the plants. It will make fertilizer, and if new discoveries are made by the Government chemists, or by any other chemists, the farmer will get the benefit of them. It is not only Mr. Ford who will make it cheaper. In all honesty and fairness, I am willing to concede the good faith of Mr. Ford, and I believe he will make cheaper fertilizer if the Government turns over all that property to him for this song, because even if nobody develops it, fertilizer is going to cheapen some time. If it is within the possibility of human ingenuity and discovery, it will be cheaper. We all want to see that, and it is unfair, it is ungracious, for the Senator from Alabama to insinuate that Mr. Ford only stands between the farmer and ruin. I deny it emphatically; it is not true. There is not a basis of a foundation upon which such an assertion can stand; and that is without any discredit to Mr. Ford. Nobody has ever heard me say a word to discredit him.

Over 4,600 acres of land which the Government owns go with this proposition, enough to build a city, to be given to Mr. Ford. It is his intention, I understand—and there is nothing dishonorable about it—to use all the excess power there in manufacturing. He does not agree to sell a single kilowatt of it, and it is no secret that he intends to go into the manufacturing business there, manufacturing automobiles, or whatever he pleases. The power that is developed there will all be his, under his proposition, in addition to getting title to all this property, with the exception of enough to run nitrate plant No. 2, and under his proposition he can not lose anything on that, because he provides that he shall not make more than 8 per cent profit on the fertilizer end of the business.

The balance of the power is going into the manufacturing business, and a city will spring up there, without any doubt. That is the basis of this propaganda, in the main. Real-estate agents are flooding the country and spending their money. I saw an advertisement just the other day in a Washington paper which I thought I had here, but I can not find it. But here is an advertisement from an Alabama paper, coming from Birmingham, Ala. This is a two-page advertisement [exhibiting] advertising real estate at Muscle Shoals. They think there is going to be a city there bigger than New York. It is all platted out. You are invited to buy a lot, to invest your money now, and become a millionaire later. They say Ford is going to erect a great city there, and he probably will, if his offer is accepted. God knows he will get enough to build two cities, and in the main the Government will furnish the money. He is to pay it back in a hundred years, or part of it. Under his proposition he will fall short about $100,000,000 of paying back what the Government put into it, but he pays back a good many millions of dollars, running over a hundred-year period.

Mr. HEFLIN. Mr. President, the Senator does not remember the testimony correctly, I am afraid, when he says that Ford will not pay back in a hundred years more than the Government expended.

Mr. NORRIS. If the Senator from Alabama had not this morning given an exhibition of his ignorance of the testimony before the committee, I would take his present announcement with some seriousness, but I do not believe the Senator from Alabama knows what the testimony is.

Mr. HEFLIN. I am willing to have the testimony show for itself.

Mr. NORRIS. Then I will tell the Senator what it will show. I can not call the witness's name; it may have been Colonel Cooper; but I think what I refer to was testimony by some other witness, that, allowing 4 per cent interest both ways, on all the money advanced by the Government, and 4 per cent on everything coming to Mr. Ford, when we got through, at the end of a hundred years, and Mr. Ford has complied with his contract—he would be an old man then, you know—there would be lacking $93,000,0000 of his paying back what the Government was out. That is in the testimony. If the testimony does not show it, then I am willing to acknowledge my mistake. Ford's offer does not contemplate the repayment to the Government of any part of the $17,000,000 which we have already spent on Dam No. 2, or any part of the money we have spent on Dam No. 3, or any interest on the money which we will advance to complete these dams from the time the money is advanced until the dams are completed, which will be from one to five years.

Mr. HEFLIN. Does not the Senator agree that the figures and the testimony of Colonel Cooper show the way he calculated the interest?

Mr. NORRIS. I have not analyzed these figures; I have not made the computations. I think I know enough to do it if I should take two or three days' time and figure it up, but I assume that these witnesses, judging from the figures they have taken as the bases of their figuring, which are in the record, are correct. If they are not, it can easily be determined.

Mr. HEFLIN. Was not Mr. Cooper the only man who testified that he would not pay the Government back more than the Government put up?

Mr. NORRIS. No.

Mr. HEFLIN. What other witnesses so testified?

Mr. NORRIS. If the Senator understood the testimony, he would not ask that question.

Mr. HEFLIN. I am willing for the testimony to show about that.

Mr. NORRIS. Let me make a statement about what Ford's offer is. The Government of the United States has now spent $17,000,000 on Dam No. 2 and several hundred thousand dollars on Dam No. 3. Ford's proposition does not, on the face of it, contemplate payment back to the Government of one cent of that money. Ford's proposition provides that the Government shall put up the money to complete these two dams.

Mr. POINDEXTER. How much?

Mr. NORRIS. Whatever it is.

Mr. POINDEXTER. Forty million dollars, is it not?

Mr. NORRIS. He figures $42,000,000, and the Government engineers figure $50,000,000. Ford will commence to pay 4 per cent interest on it after the dams are completed, but between now and the time of the completion of the dams, as the money is advanced by the Government, Ford's proposition does not provide for the payment of a cent of interest.

Mr. LODGE. Do I understand the Senator correctly that as a preliminary to Ford taking possession the Government is to put up between forty and fifty million dollars in addition to what it has put up?

Mr. NORRIS. Yes; the Government is to finish the dams and Ford's corporation pays it back. It is amortized over a period of a hundred years.

Mr. WADSWORTH. When does he start paying interest?

Mr. NORRIS. When one dam is completed, and when the next dam is completed he starts paying interest on the cost of that. If the Senator from Alabama will take his pencil and figure it, he will not need an expert. He can tell without a pencil and paper that if we spend $17,000,000 and never get it back, that is $17,000,000 lost. Ford does not propose to pay that back. I do not say that in criticism of Mr. Ford; I am telling the facts about his offer. He will not deny it. He never has proposed to pay that back. He never has proposed to pay interest on the money the Government uses during the time it employs it until the dam is completed. He is to commence to pay interest when it is completed. When the Senator makes the computation he will find that at the end of a hundred years 4 per cent interest on the money invested will amount to a good deal of money. Experts who have computed it say it will be over $90,000,000 at the end of the 100-year period.

Mr. KING. Mr. President——

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. I would like to ask the Senator for information what Mr. Ford proposes to do with the seventy-odd million dollars, as I recall the figures, which have been expended in the construction of the various plants that are found at Muscle Shoals?

Mr. NORRIS. Mr. Ford gets the plants. He gets a deed to them.

Mr. KING. For nothing?

Mr. NORRIS. For $5,000,000, and that includes the Gorgas plant and the Gorgas transmission line.

Mr. HEFLIN. He does not get the dam. He does not own the dam at all.

Mr. NORRIS. He does not own the dam. He leases the dam for 100 years.

Mr. KING. Does he pay the $5,000,000 now or is that to go into the bond?

Mr. NORRIS. He pays it in installments of $1,000,000 a year.

In a nutshell, this is Mr. Ford's offer: The Government is to deed to him the land down there—4,666 acres, I think it is—upon which are constructed nitrate plant No. 1, nitrate plant

No. 2, a town at nitrate plant No. 2, another town at nitrate plant No. 1, macadamized streets, houses that are furnished, and it includes the furniture, and Mr. Ford gets the furniture, electric lights, sewerage and water system in each of the towns; the Gorgas transmission line and an interest in the Gorgas plant, 90 miles away, over on the Warrior River, which cost the Government altogether something over $100,000,000. All the houses that were permanent houses in the two towns are in first-class shape, many of them furnished with good furniture, as modern as any house anywhere, with heating plants, lighting plants, and everything up to date. There are a large number of other houses that were temporary, only for construction purposes—I think several thousand of them, at least. There was a place down there, as I understand it, that had homes for 20,000 people. Those were permanent homes which were constructed with the view that they would be needed in the operation of nitrate plant No. 2 and nitrate plant No. 1.

No. 2 plant is in first-class condition and can start up to-morrow. Then there is a steam plant of 130,000 horsepower, just as modern as any in the world. In addition he gets 26 miles of standard-gauge railroad, a whole lot of railroad engines, nearly 100 railroad cars—freight cars. He gets all the necessary machinery, and there is a lot of it, modern and in fine shape; a cement-mixing plant that is one of the largest in the world. He gets a large stone quarry—I have forgotten how many, how large—with modern machinery capable of crushing more than 1,200 tons of rock daily, all in running order.

There is a steam plant No. 2 over at Muscle Shoals of 50,000 or 60,000 horsepower, just as modern as any in the world. Nitrate plant No. 1, while the permanent building is practically fireproof, constructed out of the very best materials, has machinery in it that is of no value. It never was a success. It was devised as an experiment to a great extent.

Under the provisions of the bill which I have introduced, the Government will continue to experiment at nitrate plant No. 1. It will cost a couple of million dollars to change all the machinery in that plant and make a nitrate plant out of it. Mr. Ford does not agree to do that. He gets title to nitrate plant No. 1. He can use it for making automobiles or anything he cares to. The power is already there. He does agree to operate nitrate plant No. 2, and that is the only thing, in addition to the $5,000,000 payment, that he agrees to do for the $105,000,000 worth of property.

But in its operation he expects to make money, and he binds himself by the agreement that he will not make more than 8 per cent on that end of the operation. He gets, in addition to that, the Government's title to the Gorgas plant, that cost in round numbers $5,000,000, and the transmission line from Gorgas that has not anything necessarily to do with Muscle Shoals whatever, which was constructed over there by the Government in order to have cheap power to build the various buildings and power plants that I have mentioned.

The Alabama Power Co. had a power plant right at the mouth of the mine. The Government made a contract with the Alabama Power Co. to increase that plant. It was more than doubled in power. The Government built it. It is on the land of the Alabama Power Co. The Government built the transmission line and took the power over to Muscle Shoals, in round numbers 90 miles away. It built a lot of buildings on the Alabama Power Co. land, because it was necessary to have some men there. It put in machinery and spent about $5,000,000 there, all on property owned by the Alabama Power Co. It is impossible to go into that great power concern and tell where the one ends and the other begins. It is all mixed up. Here will be a four or five room house owned by the Government and next to it another house of four or five rooms owned by the Alabama Power Co. Here is a great big piece of machinery in a building. The Government built the building; the power company owns the machinery; or the Government put in the machinery and the power company owns the building. The main plant, all in one building, is composed of two great big units, operated together, supplied with coal from the mine right there near at hand. The coal mine belongs to the Alabama Power Co. There is a standing offer in writing by which Mr. Ford could sell the Gorgas plant the next day after it is turned over to him for $2,500,000. He could accept this and then all this great property would cost him only $2,500,000. He could make this sale and it would not interfere in any way with the development of Muscle Shoals. It is 90 miles away in another river valley.

Now, Mr. Ford includes the Gorgas plant in his proposition. It is not necessary to have that now since we have power over at Muscle Shoals, although it is cheaper than the Muscle Shoals steam power, because it is right at the mouth of the mine. To operate the steam plant at Muscle Shoals the coal must be transported on the railroad. When the dam is completed then there will be cheaper power at Muscle Shoals even than the Gorgas plant furnishes. So that it is not necessary to have that plant now. Its main use has been finished, but there will be a lawsuit between the Government and the Alabama Power Co. to unscramble that scrambled egg.

The House Members in their report and everybody who went down there and looked at it said, "We do not want to get the Government into this difficulty." Nobody knows how to divide it up. The Government ought to have it all or the Alabama Power Co. ought to have it all. No honest man will look at it and come to any other conclusion, and yet to-day on this floor the Senator from Alabama [Mr. HEFLIN] practically denounces every man as a demagogue who seeks to separate the Gorgas plant from the balance of the property in the interest of the people of the United States and particularly the farmer. I do not want the Government to get into that lawsuit. I think it ought to be separated, and I can not conceive how Mr. Ford insists on having it in. As shown by his bid, he does not need it. It is not a part of Muscle Shoals, and when the dam is completed there will be no object in his having it except, so far as I can see, that it would cripple his principal competitor in the hydroelectric business, the Alabama Power Co.

Mr. HEFLIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. HEFLIN. I never mentioned the Gorgas plant at all. I talked about Muscle Shoals purely and wholly, singly and solely.

Mr. NORRIS. I will leave it to Senators who heard the statement. If the Senator did not refer to it, then I am wrong and I apologize. I appeal to Senators who heard the Senator from Alabama make his speech. I appeal to the RECORD of to-morrow. If the Senator, as he has said about the testimony before the committee, does not change it, he will find that he did mention Gorgas. If he did not, then I owe the Senator an apology, and I will apologize. I understood the Senator to mention the Gorgas plant. If he did not, then I am wrong in ascribing to him what I have said in reference to his comment that I understood him to make on that item.

Mr. HEFLIN. I will tell the Senator what I said. I said General Gorgas went down to the Panama Canal and cleaned up the mosquito district, and he did the same at New Orleans. I never mentioned the Gorgas plant.

Mr. NORRIS. If the Senator did not, then I am wrong.

Mr. HEFLIN. The Senator is wrong.

Mr. NORRIS. We will see when the RECORD comes out. If I am wrong, I shall not hesitate to say so.

In addition to what I have stated, Mr. Ford or his corporation gets the lease on two dams in the Tennessee River for 100 years. He does the work. He gets all the Government has. He gets the Government railroad that is down there. He gets the lease of all the real estate. There is another town with electric light, macadamized streets, and everything, up there at Dam No. 2. He gets no title to that, but gets a lease for 100 years, which I submit is practically a clear title. A 100-year lease in many countries is considered to involve the right to convey the real estate. He gets that lease for 100 years. The Government furnishes the money to complete both the dams, but Mr. Ford does the work. That is paid for out of Government appropriations. When the dams are completed he commences to pay back the Government on an amortized 100-year basis, an amortization yearly fee that will pay back in 100 years the amount of money that is expended for the completion of the dam from now on. He pays nothing back, as I said a while ago; and as the Senator from Oregon [Mr. MCNARY] just reminds me, he pays nothing of the $17,000,000 that the Government has already put in. He pays no interest on the money the Government pays out during the course of the construction of the dams, which will take some four or five years. The Government engineers say it will take about five years to complete both.

Out of the power so developed he must use enough of it to operate plant No. 2. It will take nearly 100,000 horsepower to do that, but he does not do that for nothing. He makes fertilizer out of that and sells the fertilizer at not to exceed a profit of 8 per cent. The balance of the power is Ford's absolutely, with no regulation in regard to it, and no control over it, and he does not contend that there is any control over it. He does not pretend that he is going to use it for public purposes. He admits that he is going to use it for Mr. Ford. There is nothing wrong about it, of course. I am not saying it in any sense of criticism. I am stating it as a fact.

Mr. LODGE. To how much does that balance of horsepower amount?

Mr. NORRIS. That is somewhat uncertain. It will be between 500,000 and 600,000 horsepower, in my judgment.

Mr. LODGE. He uses 100,000 horsepower, in round numbers, for the work, and gets the balance for nothing?

Mr. NORRIS. Yes. After the dams are completed he pays on the money that the Government put into them 4 per cent interest. He pays $35,000 a year to maintain Dam No. 2. He pays $20,000 a year to maintain Dam No. 3.

There is a point I want to call attention to, and I wish the country would look at it. I do not know what the result of the mathematical computation is going to be, but I am having it made by Major Burns, who is one of the greatest Government experts on chemicals that we have, and conceded by everybody to be honest, I think. I never heard it questioned until the Senator from Alabama spoke to-day, in which he classified those witnesses as demagogues and everything else, and Major Burns is in the list. The Senator ought to apologize to Major Burns.

Mr. HEFLIN. I did not have Major Burns in mind.

Mr. NORRIS. I am glad to hear the Senator say that. I did not think the Senator had him in mind.

Mr. HEFLIN. No.

Mr. NORRIS. I do not see how he could make that charge.

Mr. HEFLIN. But I am not charging that Major Burns is not against Ford.

Mr. NORRIS. Of course; I am not, either. If the Senator finds out that he is against Ford, then Major Burns goes in with the list. If he is for Ford, he is a good fellow. The Senator will have to find that out.

Mr. HEFLIN. I shall apply the Scripture to them—"By their fruits ye shall know them."

Mr. NORRIS. I am told by the experts—this is not in the evidence yet, but there will be evidence of it before we complete the hearings—that it costs to maintain the dams, the machinery end of which Ford in his offer agrees to maintain himself and the Government maintains the balance of the dam, 1½ per cent on an average to keep a dam like these in order. If that is true, the Government will be called upon for 100 years to keep Dam No. 2 in order and in running shape upon the payment of $35,000. If that dam goes out next year, the Government must rebuild it and put it in shape, and it never will get a cent return on its investment except the $35,000. On Dam No. 3, which is not quite as large, the Government will get $20,000.

I do not know what the result is going to be of the investigation. I give it as my judgment now that the fee which is offered by Mr. Ford's corporation to keep the dams in repair will not pay one-tenth of what is necessary to keep them in repair. The Government agrees to do that for a hundred years, with no redress, no interest, and no return of anything. It is altogether the greatest gift in history.

Mr. President, am I a demagogue because I am opposed to having the Government give away that property and would rather the Government should keep it? Am I crowding the poor farmer down on his back and throttling him because I do not want to give that to any man, not even to Mr. Ford? May not a Senator be opposed to Mr. Ford having this grant and still admire Ford as a man? Has it come to this, that a Senator of the United States must lie down absolutely and say, "I will give this to Ford because he is Ford," and give away for a hundred years the heritage that belongs to generations that are yet unborn?

With the power developed a great manufacturing city will be erected. That is where the real estate man comes in. The land of the Government at Muscle Shoals, consisting of 4,000 acres, will be worth $10,000 an acre, at least a part of it will be, 20 years from now if this proposition goes through.

Mr. President, that is not all. None of this concession will go to Ford. We talk about Ford, but Ford is not in it. His own proposition provides that it shall go to a corporation which he will organize. There is no guaranty that Ford will own it or control it even during the remainder of his life, and God knows, you know, Mr. President, and we all know, even the Senator from Alabama [Mr. HEFLIN] knows, that Ford can not live a hundred years. Give to Ford all the credit that has ever been claimed—and I am willing to give him as much as will any man—but he is human like the rest of us, and when Ford dies—assuming, as I think I would be willing to assume, that he will carry out in spirit everything he agrees to do so long as he lives—he can not bind the corporation after he is dead.

The Senator from Alabama [Mr. HEFLIN] has stated that Ford is going to make proper provision in his will. Ford, however, has not said so, and Ford will not say so. It would not be any good if he did make provision in his will. Ford knows that, even if the Senator from Alabama does not. Because the Saturday Evening Post is sold for 5 cents a copy now, the same as it was in the beginning, the Senator from Alabama says that the great benefit which it is hoped will be derived by the farmers is going to continue for 100 years. Mr. President, suppose this offer were made by John D. Rockefeller. Would anybody be for it? Can we not get the benefit to our people from this project without giving away everything that the Government has? At the end of a 100-year period there is no obligation upon the part of the corporation even to make nitrates.

Mr. President, we ought to look at this question as sensible men. Everybody believes, and the belief is so prevalent that it is almost knowledge, that in 10, 20, or 30 years from now many of the things we do now will be out of date. Getting nitrates from the air may be unnecessary; in 10 years they may be so cheap that water power will not be needed to extract them. Invention may completely revolutionize the whole situation, and we believe it will. If it does, we shall not need nitrate plant No. 2 as a war necessity. If we did not need it as a war necessity we would scrap it to-morrow, but it is a war insurance, just as a battleship is, and we need it. If we should again become involved in war we would be almost ruined if we did not have it if our adversary controlled the sea and kept us from bringing nitrates from Chile. So we ought, I think, retain this power in the hands of the people absolutely, take advantage of any new inventions which may come, and do whatever may be necessary as changes take place to keep and preserve all of the rights and the property of the people of the United States without giving them to anybody.

A hundred years, Mr. President. Ford, of course, expects to build a city, and I have no doubt that he will. That will be better than nothing, I admit; but there are two ideas about the use of electricity which is made by power development on navigable streams. One is that it should be scattered over the country, distributed among the States, counties, and municipalities, so that it will get into the homes of the people at a cheap rate. Ford's offer does not propose to do that. That was suggested in the letter from the president of the Mississippi Valley Association, which was read this morning. It gave the idea that electric power was going to be distributed over the Mississippi Valley; but under the Ford offer not a kilowatt of it will go 10 miles from Muscle Shoals; it will stay right there. That is better than not developing it, I will admit, but if, on the other hand, the Government retains it, if we have a governmental corporation, then the bill provides that preference shall be given in the use of electricity to counties and municipalities, so that it will go into the homes of the people.

One of the men who is spending his time now under the influence of the real estate syndicate to advance Mr. Ford's offer always talks about the washerwoman, and says, "We want the washerwoman to have an electric washing machine." He does not stop to tell them that under Mr. Ford's offer not a single washerwoman will get a kilowatt of power. Under the bill that retains the plant under the control of the Government the power will go to the washerwoman; it will go into the humble home to wash the clothes, to wash the dishes, to light the home at a cheapened rate. Under Government control there would not be such a big city built up in that vicinity; that is true; but the electricity would be carried to Little Rock, Ark.; it would be carried to New Orleans; it would be carried within a radius of 300 miles. So I do not understand why Senators from those States, the people of which under the bill introduced by me will get the benefit of the power developed from this navigable stream, are not favorable to that course, rather than to the proposition which centralizes it in one locality; that gives all the power to one corporation, without any regulation, to be used as they see fit in enriching themselves. I do not blame the corporation; I am not finding fault with it, but it is a corporation and not Mr. Ford. I believe it is a sin against unborn generations to give away this great inheritance to one corporation for 100 years without any regulation whatever. This is especially true when its value comes from a navigable stream and is to be developed with the taxpayers' money—not the money of the real estate speculators in one locality and the politicians in that vicinity who are running for office or holding office on the popularity of a scheme to enrich a locality at the expense of the taxpayers of the entire Nation.

Mr. BURSUM. Mr. President——

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. BURSUM. What guaranty does Mr. Ford furnish the Government that any of the money advanced will be repaid except in the event of the success of the venture?

Mr. NORRIS. He agrees to organize a corporation with $10,000,000 capital stock. Of course, the corporation would be liable, and the property would also be liable for the money advanced. I have no fear, I will say to the Senator, that payment would not be secured.

The Muscle Shoals power site is one of the most valuable gifts ever given to man; in fact, one of the experts, Mr. Cooper—and, by the way, he is the man who is now at the head of the construction of the dam—gave it as his judgment that as soon as this contract was made with Mr. Ford he could sell it on the market for $200,000,000 cash.

Mr. BURSUM. That may be true; but is it not also true that all of the property and all of the money would be put up by the Government?

Mr. NORRIS. Yes.

Mr. BURSUM. And that the Government must trust to the success of the enterprise for repayment. If the corporation should fail in its operations, at the end of 100 years the Government would have no recourse. Is that true?

Mr. NORRIS. Yes; that is true.

Mr. BURSUM. So that there is no actual security?

Mr. NORRIS. I would not offer that as an argument against the proposal, because I have no fear of that; but under Mr. Ford's offer if the dam should operate for 50 years and then an accident should happen to it by reason of flood or some other act of God so that it should be carried away Mr. Ford would not be liable under his offer but the Government would have to reconstruct the dam. Under his bid, if an accident should happen, therefore, the corporation is not liable but the Government is. There is no risk whatever on the part of the corporation.

Mr. BURSUM. The Government would put up all the money and assume all the risk and Mr. Ford or his corporation would assume the benefits, if there are any?

Now, with reference to nitrates, what percentage of the possible power did Mr. Ford agree will be devoted to the production of nitrates?

Mr. NORRIS. The corporation will agree to operate nitrate plant No. 2 to its capacity, which is 40,000 tons of nitrogen a year.

Mr. BURSUM. What percentage of the total power does that represent?

Mr. NORRIS. That will take between 90,000 and 100,000 horsepower, I should say, which is a very small part of the total.

Mr. BURSUM. What is the total power possible?

Mr. LODGE. Six hundred thousand horsepower.

Mr. NORRIS. Of course, when we are speaking of the total power a great many things may be said as to primary power and secondary power. The total primary power of Dam No. 2 is a little less than 100,000 horsepower. That means that every day and every minute of each year the power will be developed. The possibilities in that direction are still uncertain, but there are great probabilities that there will be very much more power developed than that. The Tennessee River varies a great deal from its high to its low flow. There will be 10 months of the year when there will be more than double that much power, and, by the use of the steam plant, which is there to fill out the little gaps, the secondary power is transformed into primary power.

Mr. McNARY. Mr. President, will the Senator yield at that point?

Mr. NORRIS. Yes.

Mr. McNARY. I think the testimony clearly shows, and is indisputable, that by the completion of Dam No. 2 and Dam No. 3, 600,000 horsepower can be developed at those two sites.

Mr. NORRIS. Yes; and there will be considerably more than that for a part of the year.

Mr. BURSUM. I asked the questions in order to ascertain whether or not the paramount interest in this proposition was for manufacturing purposes or whether it was for nitrates for the people.

Mr. NORRIS. There is not any doubt about that. I want to say that Mr. Ford is not practicing any deception, so far as I know, but it is the people who have a crazy idea about what he is going to do which he has not agreed to do.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. OVERMAN. Has the Senator introduced a bill providing that the Government complete this plant?

Mr. NORRIS. Yes.

Mr. OVERMAN. What will it cost?

Mr. NORRIS. The cost would be no different in one case than in the other, for the Government will pay all the money in either case.

Mr. OVERMAN. I understand as to that; but what amount has the Senator arrived at as being a proper appropriation?

Mr. NORRIS. I did not understand the Senator's question. The cost to complete Dams Nos. 2 and 3, under Mr. Ford's estimate, is $42,000,000. The Government engineers say it can not be done for that, but that it will cost nearer $50,000,000. We have spent now a little over $17,000,000 on it.

Now, I want to finish what I started to say.

If this proposition had been made by Rockefeller, or the International Harvester Co., or the United States Steel Corporation and they had simply changed Mr. Ford's name and put their's in it, there would have been the greatest denunciation coming from the same fellows—some of them, at least—who are advocating this. They would have said: "We will not stand for turning over to an unconscionable corporation for a hundred years the valuable rights that belong to the people of the United States." It is a play upon a name, Mr. President. Many a speculator and many a demagogue will go over the country playing upon a good name, a name in which the people of the country have confidence. Mr. Ford has not made these promises that are being spread broadcast over the world in his name. He admits what he is going to do. He will make millions, of course, hundreds of millions. He will build up that city. He will construct a great manufacturing plant. He will be able to compete with somebody else in the manufacture of whatever he goes into, and he will have an advantage over his competitor, because he will have this cheap power. He will have the cheap money of the Government of the United States to develop it. He will pay only 4 per cent interest, when his competitor will have to pay 8; and when you count the money that has gone in that he does not pay back, when you count the use of the money that the Government will put in to complete the dams, it means in effect that he is getting his money not at 4 per cent but at about 2½ per cent. That is what it means. Nobody can compete with that, especially when you consider the cheap power that he gets practically for nothing.

On the other hand, if this governmental corporation gets hold of Muscle Shoals, instead of building up a local city that power will go as far as it is possible under scientific invention to carry it, and the Senator from Arkansas will see light in his State that is generated at Muscle Shoals. That will be true in Tennessee. That will be true in Kentucky. That is the way to get it into the Mississippi Valley. That is the way to get it to the woman at the washtub. That is the way to get it into the little home, where they want cheap light and cheap power, and where they ought to have it, instead of putting it into one corporation to enrich them or one set of real estate fellows to build up a city in one locality. That is the difference, Mr. President. It is the difference between letting all the people who put up the money get the benefit and letting all the people put up and giving all the benefit to one corporation.

INVESTIGATION INTO SALE OF FERTILIZERS.

Mr. NORRIS submitted the following resolution (S. Res. 307), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Federal Trade Commission be, and they are hereby, directed to make whatever investigation may be necessary and report to the Senate whether the production or sale of fertilizers is controlled by any combination, monopoly, or trust, and whether the dealers or manufacturers of fertilizers are in any unlawful conspiracy by which the price of fertilizers is enhanced.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 367. An act for the relief of J. Irving Brooks;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 636. An act for the relief of the Delaware & Hudson Co. of New York City;

H. R. 745. An act for the relief of William H. Philbrick;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 966. An act for the relief of the Tacoma Tug & Barge Co.;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 4421. An act for the relief of John Albrecht;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow;*

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 7583. An act for the relief of Henry Peters;

H. R. 7662. An act for the relief of F. R. Messenger;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 8553. An act for the relief of D. V. Bussie;

H. R. 9160. An act for the relief of John Anderson;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;
H. R. 9614. An act for the relief of H. L. Koester;
H. R. 9615. An act for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers;
H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.;
H. R. 9944. An act for the relief of Vincent L. Keating;
H. R. 10287. An act for the relief of John Calvin Starr;
H. R. 10544. An act for the relief of Louis Cayet; and
H. R. 11078. An act for the relief of the Mary Ann Shipping Co.; to the Committee on Claims.
H. R. 8244. An act permitting Frances Mack Mann to purchase certain public lands;
H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;
H. R. 11233. An act authorizing the Secretary of Commerce to convey certain lands to the county of Muscantine, Iowa; and
H. R. 11355. An act validating a certain application for and entry of public lands; to the Committee on Public Lands and Surveys.
H. J. Res. 316. Joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; to the Committee on Territories and Insular Possessions.
H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs; to the Committee on Finance.

ARTHUR E. RUMP.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump, which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump, during his natural life, the sum of $60 per month, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis, Mo., post office, said payments to be paid through the United States Employees' Compensation Commission.

And to amend the title so as to read: "An act for the relief of Arthur E. Rump."

Mr. SPENCER. Mr. President, the Senate gave to this man—who is the worst injured man I ever saw in my life, absolutely ossified—$67.67 a month as long as he lives. The House cut down the figure to $60. I move that the Senate concur in the amendments of the House, so that the bill may become a law.

The motion was agreed to.

Mr. KING subsequently said: Mr. President, the bill which the Senator from Missouri called up for consideration, and which we have just passed by concurring in the House amendments, presented a matter which was quite serious and, indeed, quite novel. It was stated at the time the bill was under consideration that it might constitute a very dangerous precedent, and yet it was understood by Senators then, and I want the fact to be again understood, that it is not intended to constitute a precedent at all; and we hope that no others will select it as a basis for claims founded upon similar contentions.

H. L. M'FARLIN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1087) for the relief of H. L. McFarlin, which were, on page 1, line 4, to strike out "pay" and insert "pay, out of any money in the Treasury not otherwise appropriated," and on page 1, line 6, to strike out "$15,048.52" and insert "$13,048.52."

Mr. CARAWAY. Mr. President, I move that the Senate concur in the amendments of the House. They make a reduction of $2,000 from what the Senate thought the man ought to receive; but rather than have the bill fail I move to concur in the amendments.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. SWANSON. Mr. President, the Senator from Massachusetts [Mr. LODGE] has offered an amendment which I think is of the utmost importance. I simply want to say this in relation to it: It simply furnishes money enough for the Government to take care of its own property. The amendment he offers is not for the employment of clerks. The Government now has certain property which it can not paint, can not put roofs on, the department tell us and the Budget committee tell us, unless that amendment prevails; and I hope the amendment will be accepted.

I should like to say, in addition to that, that we will give less than 1 per cent to repair the property of the United States if this amendment prevails. Of all the property the Government of the United States has, about 1 per cent of what we appropriate goes to repair the property that is owned by the people of the United States. The department say that unless this is done they can not roof the property, they can not paint the property, they can not take care of it. This is simply half of the difference between what the House asked and what the Budget Committee requested, and if this amendment does not prevail I think we will have trouble in taking care of our property.

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. ASHURST. Mr. President, I am willing to suspend until a vote may be had, but I wish then to claim the floor.

Mr. KING. Mr. President, I will state to the Senator from Arizona that I expect to oppose the amendment.

Mr. ASHURST. I do not wish to interpose my remarks in the way of the amendment, but I am obliged to leave the Chamber shortly.

Mr. KING. The Senator may as well speak now as later.

Mr. POINDEXTER. Mr. President, will not the Senator let us dispose of this amendment?

Mr. ASHURST. I should be glad to do so, but the Senator from Utah says he intends to speak against it.

Mr. KING. I am going to oppose the amendment, and I suggested to the Senator from Arizona that if he was going to speak he might as well speak on this amendment now as later.

Mr. ASHURST. My remarks will be in the nature of an inquiry propounded to the Republican and Democratic leaders, and for this reason: Some absentees on this side have a right to be advised as to what is going to take place here Monday regarding the bonus bill. When the esteemed Senator from North Dakota [Mr. MCCUMBER] reported the soldiers' adjusted compensation bill (H. R. 10874) on the 8th of this month, I stated modestly that it was the time for courage and nerve and pluck, and I was waived aside with the suggestion that there was a gentlemen's agreement that we would all have notice as to when this bill was coming up. Now absentees are telegraphing Senators on this side, saying that they understand that the soldiers' compensation bill will be brought up next Monday.

I read from page 8370 of the CONGRESSIONAL RECORD, the proceedings of June 8.

Mr. MCCUMBER. Mr. President, at some time in the very near future I hope to be able to lay aside for a day or two the consideration of the tariff bill for the purpose of considering and passing, if possible, the soldiers' compensation bill.

I desire to say at this time that while the pending tariff bill which is under consideration marks the dividing line between Republicanism and Democracy, and in its discussion necessarily there must be partisanship and an attempt to take some partisan advantage, if possible. In the soldiers' compensation bill we have nothing but an American bill. I hope we shall be able to dispose of it as an American measure in the same spirit that we voted for appropriations to carry on the war.

Senators relied then and now rely on the assurance of that sturdy Senator, Mr. MCCUMBER, who for 24 years in this Chamber has never said anything that was false. Howsoever much we may disagree with the political philosophy of the Senator from North Dakota, he, in the language of the streets, never "trims."

In the New York World I find this language:

Following a conference with the President early to-day, Senator LODGE took to the Capitol word that Mr. Harding under no circumstances will permit sidetracking the tariff measure to consider the bonus bill.

This is from the New York World of the issue of June 16.

Receiving the news calmly, Senator MCCUMBER promptly announced that, President or no President, he will make his motion to take up the bonus bill next Monday if the naval appropriation bill is out of the way. He quietly told his associates that the honor of the Republican Pary is at stake and he will not have a hand in besmirching it. He declared the party was pledged to bonus legislation and the fulfillment of that promise could no longer be deferred or dodged.

Not only the correct rhetoric but the sturdy courage of that interview bears the earmarks of expression of the Senator from North Dakota. When I read that I did not need to ask him if he said it, because it sounds like him—sturdy, stern, courageous language—"President or no President, this American measure will be brought up Monday"—so some of the modest Senators on this side, sitting here, have telegraphed to ab-

sentees that their presence on this American measure was needed on Monday. Now, we are told by the Associated Press, by other news services, that the bonus bill, the soldiers' compensation bill, will be put away until a more convenient season.

I will read from the Washington Post of June 17; and in spite of all that I have heard from Senators from time to time in denunciation of the press, I find the press a reasonably accurate purveyor of information. It may now and then color its news items, but I think on the whole that if there be one thing that the American people could not dispense with it is the press, and I am inclined to say that it usually gives the news with a fair degree of accuracy, considering that we are living in a day of inaccuracies.

[By the Associated Press.]

* * * * * * *

Negotiations yesterday between the Republican factions favoring and opposing displacement of the tariff bill in behalf of the bonus were said to have resulted in the compromise which is to be presented Monday to the Republican Senators' conference.

The dispatch goes on to say that the soldiers' adjusted compensation bill will not be considered until after the tariff bill shall have been passed.

Now, Mr. President, I read from the New York Herald the headline on page 1, in the extreme left-hand column:

President compels McCUMBER to defer his bonus measure. First test shows Harding, putting tariff ahead, is master of party. Senator's hopes wane.

I pretermit some of the language, because it is not pertinent. This is by Mr. Louis Seibold:

The ease with which the rout of the bonus Senators was accomplished to-day justified the admirers of the President in declaring he will succeed in convincing the members of his party in Congress that the bonus bill should be dropped in the present financial condition of the country.

They were supremely confident to-night that his sound position on the bonus would be completely vindicated by ultimate results.

The test to-day came over the plans of the bonus Senators to set aside the tariff for the so-called adjusted compensation bill. Those plans were abandoned after Majority Leader LODGE canvassed the Senate and convinced Chairman McCUMBER, leader of the bonus bloc, of the futility of pressing them. Forty of the sixty Republican Senators notified Mr. LODGE that they would support the President's first definite venture in the direction of party leadership and oppose the plan to advance the bonus ahead of the tariff.

M'CUMBER GIVES IN.

Throughout a day of conferences between the various groups over the bonus Chairman McCUMBER persisted in his statement of yesterday that he would disregard the wishes of the President. He reluctantly acquiesced to the Lodge plan when he found that even a majority of his bonus associates were against him.

* * * * * * *

Mr. McCUMBER's surrender to the leadership of President Harding was not characterized by any great amount of harmony or good feeling. Some of the more ardent bonus Senators, including JOHNSON, of California, and CAPPER, of Kansas, millionaire leader of the agricultural bloc, expressed disapproval of the deal into which Mr. McCUMBER had entered with Senator LODGE.

We on this side have a right to complain of the present status—the uncertain and mystifying status—of affairs, and ours is not a captious criticism either, when no less a personage than the Senator from North Dakota [Mr. McCUMBER], in reporting the compensation bill, gives us to understand that at the earliest moment he will urge not only its consideration but its disposal, and that a gentlemen's agreement has been entered into under and by the terms of which we are all to have due notice of the time it is to be called up. We relied upon that statement, and he then proceeded, on page 8371 of the CONGRESSIONAL RECORD of the 8th, to say:

Mr. McCUMBER. If the Senator will allow me, in addition to what he has said and in response to the statement made by the Senator from Alabama to the effect that, as the bill does not go into effect until the 1st day of January, there is no hurry about securing its passage, I desire to suggest that if the bill becomes a law the department ought to have fully six months' time in which to get ready to put the matter into operation.

If this compensation bill is to take effect the 1st of January, 1923, the departmental machinery, which is to administer that law should have six months in which to prepare to function. That means that the bill should pass before the 1st of July this year; but if the press has correctly informed us this morning, an agreement is now about to be reached by the Republican Senators which will postpone the compensation bill until after the tariff bill is disposed of; that means that when the tariff bill has been passed Congress is liable to evaporate and adjourn. Do Senators believe that Congress can be held in session to pass a ship subsidy bill? Senators will find themselves much mistaken if they believe that.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Wisconsin?

Mr. ASHURST. I yield.

Mr. LENROOT. Does the Senator think that Senators will not stay here and furnish a quorum for the consideration of the adjusted compensation bill? If so, will the absentees be upon his side?

Mr. ASHURST. Mr. President, I can only speak for myself. Here is one who will not be absent.

Mr. LENROOT. I am sure the Senator will not be absent.

Mr. ASHURST. And I know the Senator from the State of Wisconsin will not be absent. I am unable to give assurances as to what may happen over here, just as my friend the Senator from Wisconsin is unable to give any assurances as to the attendance on his side. The tariff bill, I fancy, will pass the Senate some time in August. The administration will then make its drive for the ship subsidy bill, a bill which has a doublefold feature that is vicious. It proposes to permit liquor to be sold on American ships—to make a bootlegger out of the United States—and proposes also to put ahead of the soldiers' compensation bill the question as to whether or not we shall resort to the odious, discarded form of subsidy.

I do not claim that I am any more in favor of the bill than many Senators on the other side and many Senators on this side, but we must have an understanding. Telegrams are being sent to absentees that they need not be here Monday. Telegrams are also going to them that they must be here Monday, that a vote will be had, and they are entitled to know, especially when the Senator from North Dakota assured them that a gentleman's agreement protected them and that they would have due notice.

As to the soldiers' adjusted compensation bill, we ought to take hold of the problem like upstanding men and deal with it in accordance with its importance, in the way its dignity and its vitality deserve and require; and if the soldiers' adjusted compensation bill is postponed until the tariff bill shall have been passed by the Senate the soldiers' adjusted compensation bill will sleep the sleep that knows no waking.

Not only that but the Finance Committee has stricken from the adjusted compensation bill a provision which others as well as I thought wise, relating to land settlement for ex-service men. The Senator from Oregon [Mr. McNARY] has tendered to the Senate an amendment in the form of the McNary-Smith reclamation bill, and I much fear that the only chance his bill would have to pass would be as an amendment on the soldiers' adjusted compensation bill.

I now respectfully warn Senators who are in favor of the adjusted compensation bill, and I warn Senators who are in favor of the McNary-Smith reclamation bill, that if they do not vote on next Monday, or at some other time in the near future, to take up the soldiers' adjusted compensation bill for consideration, and final disposition they will be assisting to defeat the bonus bill and the McNary-Smith reclamation bill.

Two bills have been brought before this Congress which I would select as very important, to wit, the soldiers' adjusted compensation bill and the McNary-Smith reclamation bill; each and both are marked by the impress of statesmanship. They are bold in vision, sound in statesmanship, and they provide for the subsistence of this Republic. They provide not alone that something shall be taken out of the Federal Treasury, but they provided also that ultimately much shall be put into the Treasury. Of all the things this administration could do, of all the things to which it could point with pride, and that would enlist the support of the common man, the soldiers' compensation bill and the McNary-Smith reclamation bill would be the most prominent. It is true that within some counting houses, within some money changers' offices, within some financial institutions, some of whose chiefs hover in the vaults like vampires in the dusk, the compensation bill is seriously objected to.

Let us recall some of the history of the American Revolution. During that war the great difficulty the patriots encountered was the want of money or means to pay the soldiers who fought and the farmers, merchants, and manufacturers who supplied the necessary food and clothing for them. After the expedient of paper money had exhausted itself, certificates of debt were given to individual creditors, with assurance of payment as soon as the United States were able to pay. But the distress of these people often obliged them to part with these certificates at a fourth and even a tenth of their face value. Speculators made it a habit and a business to cozen these certificates from their lawful holders by telling them the United States would never pay, and in the funding bill Hamilton made no distinction between the original holders and the fraudulent purchasers of these certificates, hence many an honorably discharged soldier who bore in his pocket a discharge signed by Washington, sold his certificate of indebtedness for a tenth of its value. As soon as those claims or certificates had been gobbled up by money

sharks Hamilton's plan for the Federal Government to assume the State debts was announced, the certificates went to par, and the battered soldier had to be content with one-tenth thereof.

Then in the House of Representatives rose James Madison, he of superb intellect, who said that the battered soldier who stood in the trench and hurled back the British Redcoats ought to be paid; whereupon the new class of moneyed men, of ferret-eyed sagacity in politic-commercial speculation, who had sent out swiftly flying packet boats and relays or riders to buy up these certificates declaimed about "national honor," and spoke with severe disapproval of "dangerous agrarian doctrines."

Now, Brother McCUMBER, you promised the soldiers a compensation bill. You said there was a gentlemen's agreement under and by which you would take it up. Do you intend to keep your promise or do you intend to violate it? Shall we have a vote on the compensation bill Monday or shall we not? When will we have a vote? Will the Senator make his motion to proceed to the consideration of the compensation bill? When will that be?

Mr. McCUMBER. I will reply to the Senator when he is through.

Mr. ASHURST. Very well. Of course, the Senator will reply. I expect he will. But will he say I may telegraph to the absentees on this side who wish to vote on it that the vote will be had Monday?

Mr. McCUMBER. When the Senator is through I will answer him.

Mr. ASHURST. I will stop right now if the Senator will answer the question, because that is all I want.

Mr. McCUMBER. I will wait until the Senator gets through, and then I am going to make a statement.

Mr. ASHURST. Ah, the Senator is going to make a speech——

Mr. McCUMBER. I am just going to answer when the Senator gets through.

Mr. ASHURST. Here is the question I want the Senator to answer: At any time during the next week will he move to proceed to the consideration of the adjusted compensation bill? May I, or any Senator on this side, telegraph the absentees that the Senator from North Dakota will move to proceed to the consideration of the adjusted compensation bill within the next 10 days?

Mr. BORAH. Mr. President, I suggest that the Senator from Arizona telegraph to his friends that there is other business to attend to here which needs their presence just as much as the bonus, and for them to come back and attend to it.

Mr. ASHURST. The Senator from Idaho delivers hard blows. There is not a Senator here but who carries upon his breast—not his back—scars made by the keen thrusts of that shining blade wielded by the Senator from Idaho. Not one here bears a wound in his back the blow of which was delivered by the Senator from Idaho. The wounds he makes are in the breast; face to face he meets us all. That is all I ask; we should know whether all this furious threat about proceeding to the consideration of that bill next Monday is true, so that we may know whether to call in the absentees on this question. The Senator's observations that they should be here to consider other questions, of course, is appropriate; but it so happens that I have not interested myself in attempting to secure their attendance here on these other matters. It so happens that when my learned friend from North Dakota made his report on the 8th, he urged the Senator from Arizona to be patient, that this bill would be taken up inside of a week or so, and that he would move to proceed to the consideration of this American bill at an early date.

I am not making any reflections on the Senator from North Dakota. While he was absent I said about him the things that were complimentary; the things which are uncomplimentary I have said when he was present. That is my habit. In his absence I said that his reputation here as a man of probity and truthfulness was well established and that we on this side believed him when he said on the 8th that he would soon displace the tariff bill and would move to proceed to the consideration of the bonus bill.

Now, the newspapers say that the Senator from North Dakota will defer the soldiers' compensation bill until after the tariff bill is out of the way. That is all we want to know. That is all we have a right to know; but I respectfully assert, with no intention to be offensive, that the Senator from North Dakota should, and I believe he will, assure us on this side as to whether he will make that motion within the next 10 days.

A majority on this side are willing and anxious to vote for his motion at any time it shall be made.

I ask the Secretary to read a clipping from the Washington Times. Senators will perceive why the warfaring men on this side, when we are bombarded one way one day and another way the next day do not know which way to turn or what to tell our constituents when we are asked with respect to the bonus bill. I ask that the article may be read in my time.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

NEW FIGHT LAUNCHED FOR BONUS—LA FOLLETTE TAKES UP WHERE McCUMBER LEFT OFF—INSISTS TARIFF BE SIDETRACKED.

[By J. Bart Campbell, International News Service.]

Fresh trouble over the soldiers' bonus confronted administration leaders to-day when Senator LA FOLLETTE, Republican, of Wisconsin, served notice that he would offer a motion in the Senate to displace the tariff for the bonus, now that Chairman McCUMBER, of the Senate Finance Committee, had agreed not to do so.

Senator LA FOLLETTE declared he certainly would not be bound by the compromise effected by the administration leaders with McCUMBER by which the bonus would be taken up immediately after the passage of the tariff bill and made the "unfinished business" of the Senate.

WALSH ASSAILS QUIBBLING.

LA FOLLETTE was said to have received assurances of support from not only a number of his Republican colleagues but from a large proportion of the Democratic side, where Senator WALSH, of Massachusetts, was threatening to make a similar motion.

"We have waited and delayed, we have argued back and forth about the source from which to derive the money to pay the additional compensation due our ex-service men," said LA FOLLETTE. "The hour has struck to stop quibbling and delaying about giving them a square deal.

"To postpone the bonus until after the passage of the tariff bill simply means further sidestepping and delay. I will not support such a plan. It is a palpable attempt to trick our ex-service men again into the belief that they are really to be cared for. No one can foretell when the tariff will be disposed of by the Senate, and no one can foretell what will happen to the bonus if we wait until the tariff is passed before taking it up.

"I deprecate the term 'bonus.' I do not like the term 'adjusted compensation.' I believe we should pass 'a bill to provide a measure of just compensation.' Canada did not wait two or three years after the war was over to deal justly by her soldiers. She provided some measure of justice for them at the outset of the struggle.

PLANS DETERMINED FIGHT.

"My own State voted a bonus to her soldiers and had the wisdom to compel those who profited from the war pay that bonus by taking it out of the surtaxes on big incomes. There is no reason why the Federal Government should not follow the admirable example of Wisconsin."

Mr. ASHURST. When the Senator from North Dakota [Mr. McCUMBER], for whom I have something which is sweeter than an admiration, an affection, manfully announced on the 8th that we on this side should be patient, that we would soon have an opportunity to vote on the bonus bill, that he was going to displace the tariff bill, my name was the next day coupled with his, and I was proud to see it there. As a lesser luminary I am glad to get even reflected glory. The New York Commercial, paying its respects to Senator McCUMBER, to myself, and others for our advocacy of the bonus bill, went on to say editorially anent the bonus bill:

Where do the Ashursts and the Robinsons and the Heflins and the McCumbers of the Senate imagine the money is coming from? They seem to think the Treasury has an inexhaustible supply and that all that is necessary is for Congress to vote it and it can be got out of the thin air.

The Ashursts and McCumbers, the Heflins and Robinsons, think no such thing as that we can vote money out of the Treasury and get it out of thin air, but I fancy some of the men mentioned there and others believe that there will be no serious trouble to obtain an appropriate sum of money with which to pay the bonus.

The Senator from North Dakota has told us, in his great speech a year ago urging the bonus, how to obtain the money. He tells us how in his report. So those papers which do me the honor to couple me with the Senator's name and calling us both demagogues meanwhile because we have urged a soldiers' adjusted compensation bill need do nothing but read the Senator's report and thus learn where to obtain the money to pay the soldiers' adjusted compensation.

Mr. BORAH. Mr. President, where does the Senator expect to get the money with which to pay it?

Mr. ASHURST. The Senator has asked me a question that can not be dodged. That is his habit. Before he came here, as a lawyer, he never wasted time in circumlocution, in House-that-Jack-built methods. He simply put the question. I will tell him: Restore the excess-profits taxes, and your troubles will be over. Have I answered the Senator?

Mr. LENROOT. Mr. President——

Mr. ASHURST. The Senator from Idaho is answered. I now yield to my friend, the able Senator from the State of Wisconsin, who voted for the repeal of the excess-profits tax. Do I do him an injustice?

Mr. LENROOT. The Senator does not. Does the Senator think the Senate of the United States has any power to initiate

the restoration of the excess-profits tax or any other form of tax?

Mr. ASHURST. The Senator knows that I know that the Senate can not originate a tax bill; but the Senator knows that all sorts of taxes may as amendments be placed upon a tariff bill. Is the Senator answered?

Mr. LENROOT. No.

Mr. ASHURST. The Senator is not answered, he says.

Mr. LENROOT. Is the Senator familiar with the history of the relationship between the two Houses upon questions of taxation?

Mr. ASHURST. I am. The House favors the excess-profits tax.

Mr. LENROOT. Does not the Senator know that from the very foundation of the Government the House has consistently refused to consider an internal-revenue tax upon a tariff bill or a tariff tax upon an internal revenue bill?

Mr. ASHURST. The House has jealously guarded its constitutional prerogative, as it should have done. But I am not telling the Senator from Wisconsin anything new when I tell him that the Senate has used its eligible power to put such amendments on, and the Senator is too good a lawyer to deny that. I will ask the Senator if he is in favor of the bonus bill? Is that too sharp a question?

Mr. LENROOT. I certainly am.

Mr. ASHURST. I am glad to know that. I was fearful the Senator's pungent intellect might be against us on the bonus bill, and I am afraid that he will be against us on the Smith-McNary bill. If I can only enlist his aid, I know that bill will pass. I hope the Senator from Wisconsin is in favor of the Smith-McNary bill. He says he is in favor of the bonus bill. If you kill the soldiers' bonus bill and kill the McNary-Smith reclamation bill, the heat of popular resentment will consume you, root and branch.

Mr. LENROOT. I am so much for the soldiers' bonus that I do not propose to jeopardize it by voting for the Smith-McNary bill as an amendment to that bill.

Mr. ASHURST. The Senator is for the Smith-McNary bill?

Mr. LENROOT. I will meet that question when we come to it. I am for the soldiers' bonus, but I am not willing to jeopardize the passage of that bill, as the Senator seems to be willing to do, by voting for the Smith-McNary bill as an amendment to it.

Mr. ASHURST. That is a very frank answer. Now, the Senator must know that I intend nothing offensive. Ten years here have taught me that a Senator can not get anywhere by being offensive, but I ask the Senator if he will vote to displace the tariff bill on Monday and take up the soldiers' adjusted compensation bill?

Mr. LENROOT. I shall be very glad to answer that question. I understand that a Republican conference will be held on Monday.

Mr. ASHURST. Oh——

Mr. LENROOT. Let me answer the question. The Senator asked me a question and I am willing to answer. If the Republican conference shall take the position, as it has already taken it——

Mr. ASHURST. What is that?

Mr. LENROOT. If the Republican conference shall adhere to the position heretofore taken that the bonus bill shall pass at this session of Congress, which it has heretofore declared is its policy, then I am willing to be guided by the action of the conference as to the time that it shall be taken up. Unless we can have that assurance I should vote to take it up.

May I take this opportunity to say that I expect, no matter what the attitude of the majority may be, that there will be motions made on Monday to take up the soldiers' bonus bill. The bonus bill will not pass, of course, until the majority of Senators are ready to take it up. Any motion that may be made when it is known that a majority are not in favor of taking it up will be made solely, as will be clear to the country, for political purposes, in order to try to appeal to the ex-service man of the country.

I may say to the Senator that the bill will be voted upon and the bill will pass, in my judgment, at this session. I am sorry that the Senator from Arizona feels that after the tariff bill has passed the Senate the Democrats on the other side of the aisle will not be sufficiently interested in the bonus bill to remain here and vote upon it, because he expresses it as his opinion that it would be impossible to maintain a quorum here for that purpose. I will say to the Senator that those on this side of the aisle will furnish their share of Republican votes toward the passage of that bill when it is taken up.

Mr. BORAH. Mr. President——

Mr. ASHURST. I yield to the Senator from Idaho.

Mr. BORAH. Let me assure the Senator from Arizona and the Senator from Wisconsin both that when the time comes to vote upon the bonus bill the Chamber will be full. Senators will all be here upon both sides of the aisle.

Mr. ASHURST. I hope so. The Senator from Wisconsin—I am sure it must have been an unwitting sentence that fell from his lips—put into my mouth words I never used. I never said that when Congress adjourned the Democrats would not be here. I said if Congress would not maintain a quorum——

Mr. LENROOT. The Senator was not pretending to speak for those on this side of the aisle?

Mr. ASHURST. Oh, yes; I did.

Mr. LENROOT. Then, I want to assure the Senator that if he will keep those on his side of the aisle here whenever the bonus bill is taken up, Senators on this side of the aisle will be in their seats.

Mr. ASHURST. It is a bad policy to agree what somebody else will do, but I assure the Senator from Wisconsin that there are a number of Senators, not all of them on this side, who will be here and who will remain here as long as there is any hope of holding this Congress in session with a view of passing not only the adjusted compensation bill but the Smith-McNary reclamation bill.

Mr. LENROOT. Mr. President——

Mr. ASHURST. Nearly every Senator on this side will be here.

Mr. LENROOT. Then the Senator really thinks——

Mr. ASHURST. You have 60 Senators and we have 36. We have in constant attendance a larger percentage of Senators than you have, and the RECORD will disclose it. We both have absentees, necessarily absent. But your percentage of absentees is far greater than ours.

Mr. LENROOT. Then the Senator does wish to modify his previous statement that he feared there would not be a quorum here to take up the bonus bill if we waited until the tariff bill passed the Senate?

Mr. ASHURST. We have been assured many times that the compensation bill would be passed. The Senator from North Dakota, in language that could not be misunderstood, was quoted by the New York World on yesterday as saying that President or no President he would on Monday make the motion to consider the bill. If he should thunder in the index and flounder in the text, when Congress has finished the tariff bill he might say, "We will postpone it still further." What are we to expect in view of repeated postponements.

Mr. LENROOT. Will the Senator yield there?

Mr. ASHURST. Yes.

Mr. LENROOT. Of course, the length of the postponement would depend entirely upon Senators upon the other side of the aisle. If they would be willing to let us pass the tariff bill we could take up the bonus bill very soon.

Mr. ASHURST. Then the Senator from North Dakota was wrong when he said President or no President he would insist on the bonus bill being placed ahead of the tariff. Was he right or wrong?

Mr. LENROOT. That is for the Senator from North Dakota himself to say.

Mr. ASHURST. Does the Senator from Wisconsin think the Senator from North Dakota was right or wrong?

Mr. LENROOT. That is a question I could not answer for the Senator from North Dakota.

Mr. ASHURST. I should like to know what the Senator from Wisconsin thinks about it. I am going to surrender the floor. It is procrastination; it is postponement; it is delay that kills legislation of this sort because postponement, procrastination, and delay result in the end in leaving things undone. I now surrender the floor to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, in the month of May, 1920, the House of Representatives passed a soldiers' compensation bill. That bill came to the Senate just before the adjournment of Congress in 1920. Both Houses had agreed to adjourn in season to attend the national presidential convention. There was not sufficient time to take up the bill and have it considered by the Finance Committee and have it passed prior to the agreed time for adjournment. However, Mr. President, when that bill was passed by an overwhelming majority in the other House, it was understood by the country that it would be taken up at the next session of Congress and would be disposed of at the special session. It was also understood after the result of the election was known that there would be a new revenue bill passed, and that there would also necessarily be a new tariff bill passed. The special session of Congress was called for the purpose of disposing of both a revenue and a tariff bill, and with the general understanding of the country that at

that special session we should also dispose of the soldiers' adjusted compensation bill. The entire session practically was taken up in the discussion of the revenue bill, which forced the tariff bill and the soldiers' compensation bill over to the next session. However, it was clearly understood that there would be no abandonment of the position of the Republican Party in reference to the disposition and final enactment of the soldiers' compensation bill.

Mr. President, when the year 1922 arrived we found that there were a great many snags and entanglements to be straightened out in reference to the proposed legislation, and we proceeded in the best way we could under the circumstances to bring into existence a bill that would not only pass both Houses of Congress but also become a law, for that is the main purpose of a bill. The President, if he did not say so in direct words, at least said enough to indicate that he would veto any soldiers' compensation bill that did not carry with it the means for meeting its obligations.

The House of Representatives then proceeded to frame a bill of that kind, as all revenue bills must originate in that body, and at the same time to provide for the levy of a tax; but there was such a violent opposition to the levy of any new Federal tax that the House itself was compelled to retrace its steps. However, the President still insisted that the bill should provide the means of caring for any appropriation it might make. So we were in this position: The President from the very beginning and during the campaign in 1920 after the other House had passed the soldiers' compensation bill declared that he was in favor of a soldiers' compensation bill.

Mr. BORAH. Mr. President——

Mr. McCUMBER. Of course, he did not say what kind of a bill, but his declarations, as I have read them, favored a compensation bill.

Mr. BORAH. I have heard that statement made a number of times, and I presume there must be some foundation for it, but I have never been able to find any statement of the President during the campaign that he was in favor of a soldiers' bonus bill or of a soldiers' compensation bill. Can the Senator from North Dakota point me to any expression of the President to that effect?

Mr. McCUMBER. I can not now, but I read the speeches which the President made from time to time in the campaign, and I think I have a distinct remembrance on several occasions of reading an expression favoring the soldiers' compensation bill.

Mr. BORAH. I know the President has said in recent weeks that he did make some declaration in regard to the bill during the primary campaign, but, as he was not successful in the primary in which he made that declaration, he would not, I presume, feel that it was approved. He has not made any statement, as I understand, in favor of any bill like that now pending since he was nominated.

Mr. McCUMBER. Mr. President, I think the President has been in favor of a soldiers' compensation bill since he was nominated, and his own speeches, including his address to the Senate, indicate that he is favorable to it.

However, in his address to the Senate, in which he argued that the bill ought to be referred back to the committee, he declared that it should provide some method of raising the fund or that it should wait until we had settled and funded the obligations of foreign governments due us. There would be no occasion to ask that the bill wait until we fund foreign obligations unless the President felt favorable to it when that should have been done. So I think the attitude of the President right along has been in favor of the soldiers' compensation bill.

Mr. HARRELD. Mr. President——

Mr. McCUMBER. I yield to the Senator from Oklahoma.

Mr. HARRELD. I merely wish to ask if President Harding was not elected on a platform pledged to the soldiers' compensation bill?

Mr. BORAH. No; he was not.

Mr. McCUMBER. The platform is not a pledge to that effect.

Mr. BORAH. The platform does not pledge the President to it——

Mr. McCUMBER. I understand that, and so stated.

Mr. BORAH. And it does not pledge anybody else to it. I was a member of the subcommittee which wrote that platform, and we were very particular not to make any pledge of a bonus.

Mr. McCUMBER. Yes; it guarded against it, but the country understood it, and I think the President again and again expressed himself favorable to the soldiers' compensation bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. Certainly.

Mr. KING. The Senator stated a moment ago, as I understood him, that it had been announced the President would veto the so-called soldiers' bonus bill.

Mr. McCUMBER. In the form in which it then was presented.

Mr. KING. I think the general opinion of the country is that President Harding is against the bonus bill. I should like to ask the Senator whether President Harding's popularity has increased in proportion as his reported opposition to the bonus has been carried to the people; and whether the alleged feeling of hostility to the Senate and the House has been strengthened by reason of the charges that they have sought the soldier vote?

Mr. McCUMBER. Mr. President, I do not know how we are to gauge the popularity of any measure unless we go to the people upon that measure in some form. Wherever the people have had an opportunity to vote upon the question of soldiers' compensation they have indorsed it overwhelmingly, and I am certain if they could vote upon that question to-day they would indorse it by as large a comparative majority as have the people in the various States. I do not always base my judgment of popularity upon what the metropolitan newspapers in the city of New York may say of any subject. If I remember rightly, in the political arena when they have been united against any man he has been elected overwhelmingly, and if I were to gauge the popularity of a measure by what those newspapers say my conclusion would be that they would be on the unpopular side.

Now, the matter reached this position: President Harding was in favor of the soldiers' compensation bill provided a tax were levied to meet its obligations. The House was in favor of the soldiers' compensation bill provided no tax were levied, and so the soldiers' compensation bill was between those two obstacles.

Mr. BORAH. In other words, Mr. President, they wanted to please the taxpayers and the soldiers both.

Mr. McCUMBER. Yes; but the great newspapers of the country, which necessarily will pay their part of the tax, and those people who made millions and hundreds of millions out of the war, who would undoubtedly have to pay a little heavier tax, while with avidity they hauled in their millions, they hate to part with a few cents to pay off this obligation.

Mr. ASHURST. Mr. President, I did not hear the remark made by the Senator from Idaho a moment ago. It may be important.

Mr. BORAH. Perhaps I can explain it. The Senator from North Dakota says that the House was in this dilemma, that they wanted to pass a soldiers' bonus bill to pay the soldiers, but they did not want to levy a tax in order to pay it. I said, therefore, that they were desirous of pleasing both the taxpayers and the soldiers. I trust that is no reflection upon the House. It is applicable elsewhere.

Mr. McCUMBER. Yes. We have many Senators who vote for every appropriation, but against every levy of a tax to meet it. It is a popular way of getting along in the world, but it does not do anything for the country; it does not help us out of our situation.

Mr. BORAH. Is there a provision in the Senator's soldiers' bonus bill to levy a tax?

Mr. McCUMBER. Is there a provision in the naval bill, which proposes to appropriate $294,000,000, to levy a tax?

Mr. BORAH. No; but if I had my way about it I would put a provision for levying taxes in some of the appropriation bills in order to make the people study them a little more carefully. I take it, however, from what the Senator says, that there is no provision in the soldiers' bonus bill to levy a tax or to provide a tax for the payment of the bonus.

Mr. McCUMBER. There is no provision in the bill for it.

Mr. BORAH. How is the Senator going to reconcile his trouble with the President?

Mr. McCUMBER. Mr. President, I think it can be reconciled, and I think it is reconciled in the bill. The President acted under the advice of the Secretary of the Treasury. The Secretary of the Treasury called his attention about a year ago to the fact that in 1923, or prior to that date, they would have to fund about seven billions of short-time obligations that would be outstanding, and the Secretary feared that if we passed a soldiers' compensation bill that would provide for a payment that might cost $4,000,000,000 in 20 years it might seriously interfere with the funding of these short-time obligations.

Mr. President, maybe there was some ground for a little apprehension at that time. Conditions did look serious at that time in the financial world; but, Mr. President, only a few days ago we read in these metropolitan papers, which say that the Government can not raise $78,000,000 in a year for soldiers' compensation without levying a tax, that there are $40,000,-

000,000 of credit looking for investment, and that there is not a single project calling for hundreds of millions that is not bid up and taken within a day or an hour after the bonds are put upon the market.

Mr. UNDERWOOD. Mr. President, will the Senator let me ask him just one question for information?

Mr. McCUMBER. Certainly.

Mr. UNDERWOOD. The Senator has been discussing the President's attitude in reference to the bill that he has fathered.

Mr. McCUMBER. I did not father the bill.

Mr. UNDERWOOD. I mean the bill that the Senator reported on the floor of the Senate. He knows the terms of the bill very much better than I do, and he knows the attitude of the President much better than I do. I simply want to ask him if that bill as he proposes it is passed by the two Houses of Congress will the President sign it?

Mr. McCUMBER. I believe he will.

Mr. UNDERWOOD. That is all I wanted to know.

Mr. McCUMBER. I certainly believe he will.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. CARAWAY. The Senator has just made the statement that the metropolitan papers had announced that there were $41,000,000,000 looking for investment.

Mr. McCUMBER. I left out the one; I said "$40,000,000,000" of credit.

Mr. CARAWAY. Well, we will drop the one, then, and say "forty billions." Why did not the Senator, then, write his bill so that the soldier might get his money, instead of requiring him to carry it for 20 years?

Mr. McCUMBER. Mr. President, when I come to that point I will explain why I did not. Let me explain it right now, briefly. When this matter was before the House those who represented the soldiers of the country preferred this insurance plan to the cash plan, and to-day and ever since it passed the House they have been urging and presenting before the soldiers of the country the benefits that would be derived from accepting the insurance plan rather than any cash plan.

Mr. CARAWAY. I was not talking about that. You are going to make the soldier carry a bond for 20 years. If he borrows money on it, you provide that he shall pay 2 per cent more than he gets, and he can only borrow 50 per cent of the face of it for three years, and then he may borrow more as the years go by. The Government could borrow the money at 3½ per cent or 4 per cent. Why not let the Government float the bonds and pay the money to the soldier who wants it?

Mr. McCUMBER. Mr. President, this bill, of course, is not just as I would have drawn it in the first instance; but there are 435 Members of the House to be considered, and there are 96 Members of the Senate to be considered, and then there is the President also to be considered, whenever we agree upon a bill. I am not going into its merits now. I rose simply in answer to the statement of the Senator from Arizona [Mr. ASHURST], and I desired to give a little of the history of the bill to indicate its present position and its present status, and the necessity, possibly, for following a certain course.

Mr. BORAH. Mr. President, the answer which the Senator made to the Senator from Alabama [Mr. UNDERWOOD] is exceedingly interesting to me when he says that the President, he believes, will sign this bill.

Mr. McCUMBER. I certainly do.

Mr. BORAH. I take it that that belief is founded upon some facts and not merely upon the speculation of the Senator.

Mr. McCUMBER. Mr. President, it is not for me to try to ascertain just exactly what the President is going to do. I believe that he will sign the bill, as drawn, when it is passed.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. Certainly.

Mr. KING. The Senator from Idaho [Mr. BORAH] a moment ago asked the able Senator from North Dakota, in effect, where the money was to come from, or whether the bonus bill provided for raising the revenue to meet the charges which the bonus will lay upon the Treasury. The Senator answered by inquiring whether the naval bill now under consideration contains provisions for levying a tax of nearly $400,000,000 to meet the appropriations carried in the bill. Evidently the inference that the Senator sought to convey was that no provision had been made for meeting the amount appropriated in the naval bill. The Senator knows that when the revenue bill was passed the Republican statesmen and leaders informed us that it would provide sufficient revenue to meet all legitimate expenses of the Government, including the amount necessary for the Navy. Was the Senator entirely fair if he attempted to convey the idea that we were appropriating money for the Navy and had made no provision for the taxes necessary to meet the appropriation?

Mr. McCUMBER. Mr. President, a little while ago we voted an appropriation of $20,000,000 to feed the starving Russians. Did we levy a tax? Was it mentioned at all in the expenses for that year? We have a bill now in the House that I think will provide for some twenty or thirty million dollars that will be paid in some way, by somebody, for a ship subsidy. No tax levy is provided on the American people, who in the end must pay it in some form. There is a bill carrying a number of millions of dollars for good roads. There is no levy of a special tax to meet that any more than there is a levy of a special tax to meet each and every one of the great appropriation bills.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McCUMBER. Certainly.

Mr. KING. Our Republican friends at the beginning of the session indicated what the expenses for the year would be. A Budget Commission has been created and it is their duty to determine the approximate expenditures for the year. It is the duty of the party in power and the Finance Committee of the Senate and the Ways and Means Committee of the House to provide in advance the revenues necessary to meet the legitimate and current expenses of the Government. The presumption is that the Senator's party has sufficient common sense and statesmanship to have done that. I assume that they attempted to, although by their extravagance they have exceeded the revenues to the extent of more than $500,000,000, and it is now proposed to augment that amount perhaps by billions. There is no plan suggested to meet these added appropriations, which it would seem justifies the charge that statesmanship and courage are lacking in dealing with this question.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Yes.

Mr. CARAWAY. Inasmuch as the President was perfectly willing, if there is no difference between these two obligations of the Government, that you should appropriate for the Navy and for the Russian relief and for the ship subsidy, why does he now insist that you shall levy a special tax to take care of the soldier when he does not want a special tax to take care of the others?

Mr. McCUMBER. I have stated that I can see no reason for it. If it was a very big obligation that had to be met in any one year, if it could not by any possibility be met without a levy of a further tax, then there might be something in the requirement for taxation to meet it. As the bill came before the Senate last year and the second year, I think, it required between seven and eight hundred million dollars. As it was then drawn, under the bill as it was then presented for the consideration of the Treasury Department and the President, there might have been some good reason for asking that special taxes be levied to meet its obligations. That does not hold good to-day.

Mr. CARAWAY. That is what I was trying to get clear in my mind. The Senator from North Dakota, then, is not in sympathy with the President's view that we should levy a special tax for this purpose?

Mr. McCUMBER. I am not. I do not think it is necessary.

Mr. CARAWAY. I am very glad to know it, because I agree with the Senator that we ought to pass this bill and not levy a special tax. I just wanted to know the Senator's position in the matter.

Mr. McCUMBER. Mr. President, if the Senate will indulge me for just a moment, I think, and I have thought right along, and I am strong in that conviction, that the party in power is obligated in good faith to bring this soldiers' compensation bill to a vote and to dispose of it during this session of the Congress. I think not only the Republican Party, because it is the party in power, is in duty bound to do that but I think in addition that the Congress is in duty bound to do that; and by "Congress" I mean both sides of the Chamber.

Mr. BORAH. Mr. President, I do not disagree with the Senator that the bill ought to be brought to a vote. So far as I am concerned, just as soon as I can have time to express myself with regard to it I am ready to vote; and I think that the Senator is correct in saying that we should not dodge it any longer. It has been up here since 1920. If the soldiers were deserving of it, it should have been passed in 1920; and there is no reason for delaying it; and if the Senator is correct that the President is satisfied with this bill and is ready to sign it when it passes there is not any reason in the world why it should not come on next Monday and be disposed of. If the President has changed his mind and is ready to take the bill

without any means therein for paying the bonus, then, of course, we can not hope to defeat it. I am ready, if that be true, to declare my views and vote and let the fearful mistake have an end, so far as Congress is concerned.

Mr. McCUMBER. Now, Mr. President, let us see. On April 18 a conference of Republicans was called to consider this question—both the tariff bill and the soldiers' compensation bill. On that day it was moved and carried that—

It is the sense of the conference that the Senate proceed without further delay with the consideration of the tariff bill, and it is the senses of this conference that the Senate should at this session—

Not at some other session, but at this session—

pass a soldiers' compensation bill, and that the Finance Committee be requested to report such a bill within a reasonable time.

In accordance with that, and on the 8th day of June, after there had been considerable discussion about the matter and the levy of taxes, and so forth, the Finance Committee, with some amendments of the House bill, reported it favorably to the Senate, and it is now on the calendar.

Mr. President, that was the declaration of the Republican Congress, that the compensation bill and the tariff bill should both be disposed of during this session.

The soldiers were satisfied with that declaration. They were assured by that declaration on the part of the party in power that action would be brought about during this session, and the bill was so drawn that any payments under it were not to take effect until after January 1, which would give us the length of any reasonably drawn-out session to dispose of both bills.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. McCUMBER. I yield.

Mr. ASHURST. The Senator said, on page 8371 of the RECORD of June 8, that inasmuch as it would take some six months to put the machinery of the soldiers' compensation bill into operation it should pass by July 1 if it is to go into effect January 1.

Mr. McCUMBER. I think it will take some time. May be it will not take the full six months, but it would be well to have the full six months' time.

Mr. ASHURST. I agree with the Senator.

Mr. McCUMBER. I stand by that statement. Lately a great many false statements have been published by that section of the press which is antagonistic to the soldiers' compensation bill. It is rumored and published that those who are opposed to the bill have such control of the situation that they will allow it to drag along until after the tariff bill is disposed of and then adjourn without any action being taken. Those on the other side of the Chamber can themselves respond to that statement. On the other hand, it is alleged that if we bring it up to-day or to-morrow or next week, it will be the occasion for a long filibuster upon the other side of the Chamber for the purpose of delaying the consideration of the tariff bill.

Mr. CARAWAY. Who ever said there would be a filibuster on this side?

Mr. McCUMBER. I say it is so reported.

Mr. CARAWAY. Who reported it?

Mr. McCUMBER. I am giving the Senator the statements which have been made.

Mr. CARAWAY. Who reported it?

Mr. McCUMBER. I am not going to say who.

Mr. CARAWAY. The Senator has no authority for that statement.

Mr. ASHURST. The Senator stated it was rumored there would be a filibuster on this side against the soldiers' compensation bill.

Mr. McCUMBER. So as to delay the tariff bill.

Mr. ASHURST. I here and now knock that rumor in the head. I hope that such a rumor as that will no longer be circulated. If the Senator says it has been circulated, of course it has been. The Senator himself on June 8 announced that he would lay the tariff bill aside for two or three days so that the soldiers' bonus bill could be passed. There was a very large attendance; indeed, there were more Senators here that morning than are usually here. Not a Senator rose to declare that it would take longer than two or three days. It seemed to be agreed that it would take only three or four days, and while there are some Senators on this side who are conscientiously opposed to the compensation bill, I believe I will venture once into the domain of prophecy far enough to say that not one of them would speak over an hour against the bonus. Certainly they will not filibuster against it.

Mr. McCUMBER. Mr. President, we have been discussing the soldiers' compensation bill for about two years. I think we have discussed practically every feature of it, and if the Senators only desired to reexpress their views, we ought easily to dispose of it in two days, considering that we have taken up so much time on it.

Let me put this to the Senator: If the tariff bill should be temporarily laid aside, does the Senator believe that I could get a unanimous-consent agreement to vote upon the soldiers' compensation bill at the expiration of two days?

Mr. ASHURST. I would hardly say two, but I believe the Senator could get an agreement to vote at the expiration of four days of debate.

Mr. McCUMBER. Does the Senator believe I could get it at the expiration of three days?

Mr. ASHURST. I hardly think so. I would say that the Senator could in all probability get an agreement to vote after four days of debate.

Mr. McCUMBER. Let me ask the junior Senator from Utah if he agrees with that?

Mr. KING. Mr. President, I can not speak for anybody but myself. I think the Senator had better not make the request just now while other important bills are under consideration.

Mr. McCUMBER. In other words, the Senator intends to give a great deal of time to the discussion of the bill, does he not?

Mr. KING. We will cross that bridge when we reach it.

Mr. McCUMBER. The Senator would not consent to dispose of it in a week, would he?

Mr. KING. Mr. President, I am honored to have the distinguished leader upon the other side single me out——

Mr. McCUMBER. It is not my place to quiz the Senator, but I am trying to get at some idea as to whether there will be an unreasonable time taken in the discussion of the soldiers' compensation bill if we lay aside the tariff bill.

Mr. KING. Let me say to the Senator that we are considering a very important measure to-day, to wit, the naval appropriation bill. Upon the passage of that measure we will resume the consideration of the tariff bill, which, like the poor, is always with us, and it will make the people poorer when it passes. I think we ought to dispose of the tariff bill, and when that is out of the way, I am sure that the Senator, with his zeal for the soldiers, will press the consideration of the bonus bill, and when he makes his request the junior Senator from Utah will not hesitate to make such statements as he may wish to, and the situation demands.

Mr. McCUMBER. The Senator from Arizona is a stanch friend of a soldiers' compensation bill——

Mr. ASHURST. Not more so than 60 other Senators here.

Mr. McCUMBER. I know he is; but let me ask the Senator, in all good faith, if the statement just made by the junior Senator from Utah does not raise in his mind a little bit of a suspicion that the soldiers' compensation bill, if brought into the Senate, will be used to delay the tariff bill an unreasonable length of time?

Mr. ASHURST. Mr. President, I do not think so, and, while I am in favor of the soldiers' bonus bill, I would look with severe disapprobation upon any unnecessary debate with a view to prolonging the tariff discussion. The Senator from Idaho [Mr. BORAH], a master of debate, announced a few minutes ago that he wished only a few moments to refresh himself on the facts and that he would be ready to vote.

Mr. BORAH. Provided the President is satisfied with the bill.

Mr. ASHURST. I did not hear that proviso. The Senator from Utah [Mr. KING] speaks to the point; he wastes but few words. The Senator from North Dakota says the bonus bill has been discussed from all its angles. I fail to perceive, after the Senator from Utah shall have spoken for two hours, what more he could say except in the way of repetition.

Mr. McCUMBER. The Senator has not heard him speak if he has that kind of an opinion.

Mr. ASHURST. The Senator from Utah [Mr. KING] has achieved distinction at the bar as a lawyer in my State and in his own State, and his greatest arguments were made in 30 minutes. He must realize that after the first two hours he is only repeating himself, and I am sure he would not speak over two hours on the compensation bill. He would let us have a vote. I sincerely hope that my friend from Utah [Mr. KING] will announce that he is a candidate for reelection, as he deserves a place here; the American people need him here. I do not agree with his philosophy, politically, and I do not agree with many of his votes, but he is a useful Senator, and I am sure he would not be guilty of the impropriety, after talking two hours and exhausting his subject, of then talking for the mere purpose of hearing his words.

Mr. McCUMBER. Mr. President, the Senator from Utah is a man of great learning and great knowledge——

Mr. ASHURST. That is certainly true.

Mr. McCUMBER. And he can not express all he knows in two hours. I have heard the Senator from Utah very often. When he had spoken for two hours, and I thought he was getting near the amen part of his speech, he would go on for five or six hours longer, and then start in the next day, and the third day, and the fourth day. I am not so dead certain but that some such idea is lingering back in the cerebrum of the Senator now.

Mr. ASHURST. The Senator from North Dakota is getting the better of this argument now because I am permitting him to get away from the main question. Why did he not think of all those things when he rose so proudly on the 8th of June and announced that within a few days he would move to lay aside the tariff bill, so that three or four days might be given to the soldiers' bonus bill? Why did not these great speeches which came from the Senator from Utah at that time affright and haunt the Senator from North Dakota? Why do those speeches now affright him?

Mr. McCUMBER. I did not believe at that time that he would do it, but I have my suspicion now that he will. Now let me close the argument.

Mr. ASHURST. I am sure the Senator must have known that. The Senator hardly gives himself the credit to which he is entitled. The Senator knew as much about the Senator from Utah on the 8th of June as he knows now.

Mr. McCUMBER. Oh, no; the Senator is mistaken. I am learning something new about the Senator from Utah every day.

Mr. ASHURST. That may be true, for the Senator from Utah [Mr. KING] teaches many of us law, history, and fine rhetoric and fine courage.

Mr. McCUMBER. Mr. President, I think the Senator from Arizona and myself stand upon the same ground so far as our desires and wishes as to the compensation bill are concerned. Of course, what is stated in the press before a Republican conference meets as to what it is going to do is always somewhat uncertain. Let me say to the Senator that I have read the resolution passed on the 18th day of April, which was satisfactory, as I stated, to the ex-soldiers, who are the beneficiaries. It was satisfactory generally to the friends of the adjusted compensation bill. It has been charged that the Republicans, as a party, would not keep faith. We will understand, and understand definitely, upon meeting, if we have a meeting Monday, whether or not we are going to keep faith. I believe we will. The Senator knows that I have both these bills in charge, or at least I have had, and it is my duty to put the tariff bill through, as chairman of the committee. It is also my duty to see that the other bill goes through. I intend to see that it does go through, and that there will be no adjournment of the present session of Congress before it goes through. These New York papers can pin that to the headlines of their articles and give it to the public and stop their quibbling about this matter.

Mr. ASHURST. There is no Senator here who is such a wayfarer, such a "babe in the woods," that he fails to know that the Senator from North Dakota is in charge of both bills. That was the reason why I propounded the question to him. I prefer that he shall remain in charge, and he is going to remain in charge. All the information I desired was to know whether the language attributed to the Senator from North Dakota, which was found in the New York World of yesterday, was correct or was incorrect.

Mr. McCUMBER. I have stated nothing for the press or anyone else about the action of the Senate. It is true that the Republicans are going to take different views upon this question. There are some opposed to the measure. But if we can work in harmony and at the same time absolutely and unquestionably provide that the bill is to go through, that is all we care about, and if there is any slacking in that matter the Senator will have the opportunity to present his motion.

Mr. POINDEXTER. Mr. President, we have been engaged now for some two hours in the discussion of this matter. It would probably enable some of us to make our plans for the balance of the day if we could know how much longer it will take the Senator from Arizona and the Senator from North Dakota to express their views upon the subject.

Mr. BORAH. Mr. President, may I ask the Senator from Washington a question? A great deal has been said about the displacing of any important measure, but there is one matter on which some of us wish to vote. There is an amendment to the naval appropriation bill which I wish to discuss. It is now 3 o'clock on Saturday afternoon. Does the Senator think we ought to be compelled to go ahead with that discussion this afternoon? We have been in session since 11 o'clock. I am not going to ask to pass over the question, but it is not quite proper to bring Senators here at 11 o'clock to hear a particular matter and keep them here for four hours in this way.

Mr. POINDEXTER. No; I do not think it is; but I am not responsible for it. The Senator from Illinois [Mr. MCKINLEY] precipitated all this debate by introducing two short paragraphs from a letter he had received. I think in view of the short period of time that is to intervene between now and the first of the next fiscal year that we ought to try to make a little further progress on the appropriation bill this afternoon.

Mr. McCUMBER. Mr. President, I want to apologize to the Senator from Washington; but I felt under the circumstances of the statement that had been made by the Senator from Arizona, which really called upon me for some assumed explanation, that in order that there might be no possibility of any mistake I would answer it, and answer it briefly. But, of course, as one question after another was fired at me, I have necessarily taken considerably longer time than I anticipated. I thank the Senator for his indulgence in allowing me to take so much time.

Mr. BORAH. Mr. President, will the Senator from North Dakota yield to me?

Mr. McCUMBER. I have concluded.

Mr. ASHURST. I first thank the Senator from Washington [Mr. POINDEXTER] for his patient indulgence. He has indicated that he would like to have this colloquy stopped, and even a gesture from him I accept and adopt. So I will conclude by again asking the Senator from North Dakota, so that there may be no misunderstanding, if this statement is correct in the New York World of the 16th, from which I read as follows:

> Following a conference with the President early to-day, Senator LODGE took to the Capitol word that Mr. Harding under no circumstances will permit sidetracking the tariff measure to consider the bonus bill.
>
> Receiving the news calmly, Senator MCCUMBER promptly announced that President or no President, he will make his motion to take up the bonus bill next Monday.

Mr. McCUMBER. No. I made no such statement. There is no conflict between myself and other Republicans except, possibly, those who are opposed to the adjusted compensation bill. I am in favor of its going through at this session, and in sufficient time to dispose of it and get it in operation by the 1st day of January. If we do that and get both bills through, I shall be satisfied.

Mr. ASHURST. Then, there will be a conference on Monday morning of the majority Members, at which the policy will be determined as to whether or not the tariff bill should be laid aside, and then we will have due notice. Is that true?

Mr. McCUMBER. I assume that is what it is called for. I did not call the conference myself.

Mr. BORAH. Mr. President, the Senator from North Dakota read a resolution passed by the Republican conference and referred to it as a pledge upon the part of the conference. Of course, it is not necessary here to go into a discussion of the import or purport of a resolution of that kind, but it may not be understood throughout the country. Whatever may be the effect of that kind of a resolution upon the party as a whole, it does not bind the individual Members of the Senate and is not binding upon me or anyone else individually.

Mr. McCUMBER. I do not think I used the word "pledge."

Mr. BORAH. Yes; I think the Senator did.

Mr. McCUMBER. If so, I used it unintentionally.

Mr. BORAH. The resolution would seem to put those of us who are opposed to the bonus in a false position if it were to be assumed throughout the country that we went into conference and voted ourselves to support the proposition and then came out upon the floor and opposed it. I was not present at the conference, but even if I had been, a Republican conference does not bind individual Members, so far as I am concerned at least.

Mr. WALSH of Massachusetts. Mr. President, I want to comment briefly on the subject under discussion. It seems to me it is time for us to be honest and frank with our war veterans and the friends of this so-called bonus bill and stop deceiving them. Our veterans deserve at least this consideration. What are the facts? The adjusted compensation problem has been before the Congress for over three years. Two compensation bills have at different times passed the House by an overwhelming vote. The House bill has been before the Senate since May, 1920. The Senate Finance Committee has three times reported favorably a veterans' compensation bill. Why are we unable to get action by the Senate? It is because of one of two reasons: Either that a minority are able to control action and block legislation here and make the majority votes impotent or there is not a majority honestly in favor of this legislation.

I want to say, in order that the country may know the exact situation, that there is in this body a group of Senators, who are a minority, honestly and sincerely for the bill; that

there is another group, a minority, honestly opposed to this legislation; but there is a majority who are neither for nor against this bill and are dodging and delaying action in order to avoid going on record.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Please wait until I finish my remarks.

The country respects those who are for this measure. The soldiers, their friends, and supporters will know before this fight is over which Senators are sincerely and really believers in the justice of this legislation. The country will and should respect those who are opposed to it. But to say that there is a majority in favor, honestly and sincerely in favor, of such legislation, and then to allow this bill to be kicked around like a football as it has been, postponed, recommitted, delayed, declaration after declaration made by the Senator in charge of the bill that he intends to bring it up on a certain day that never comes, is not the truth. What does it mean?

If there is a majority for this legislation, it means that a majority of this body are unable to get legislation they favor. The criticism of the Congress and of this body, widespread through the country, is just this—that the people can not get action here; that our people can not get a final judgment in this tribunal. If it were a court of law, and after due time for reasonable debate the people could not get a judgment, they would rise up in rebellion against their courts. What is this body but the general court where disputed and controversial matters that can not be adjudicated in the courts of law must be settled for the people?

Here it is delay, inaction, postponement, ceaseless debate, words, words, words, and no votes. How long do you think our people are going to remain silent and permit their legislative bodies to become merely groups of representatives who become famous for their windjamming propensities?

Mr. President, it is a pretty serious situation. Let us attend to and expedite the people's business. Let us not have a measure of this importance passed twice in one House of the Congress, reported three times by the Finance Committee of the Senate, and now at this late day proceed to postpone it once more—proceed to defeat it by indirect methods. The truth is that the majority here will not allow the roll to be called. The truth is that there are Senators here who pretend to be for the bill, who say they are for the bill, but who are secretly doing everything they can to postpone and delay and defeat it without showing their opposition. All honor to the men who have the courage of their convictions and who stand up and say they do not believe in this principle. But what shall we say of the men who are afraid to have a roll call on the merits of this question and take their position openly? I repeat, what is the only frank explanation? You say a majority are not for this bill? A majority pretend to be for it. A majority tell the press they are for it. A majority tell their constituents they are for it, but secretly and privately a majority want the day of reckoning postponed, and are willing to agree to any trick and to any understanding or to any postponement that will kill the bill.

Mr. President, I thought it only fair to say to the soldiers and those interested in compensating our veterans what the real, honest, truthful situation is. There are not a majority of this body sincerely and honestly in favor of such legislation. I say that as a friend of the measure, who believes it is justice and who will continue to fight for its adoption till the end. But the great majority of this body do not want to take their position and do not intend, if they can help it by postponement and delay, to go on record and say that they oppose this legislation. Let us get through with deception; let us come out in the open and vote our convictions and end this delaying, postponing, and camouflaging.

Mr. KING subsequently said: Mr. President, I tried to get the floor some time ago, after the Senator from North Dakota [Mr. MCCUMBER] had spoken, to state that the only suggestion I have heard of a filibuster with respect to the bonus bill came from the Senator from North Dakota. I never heard it mentioned except by the Senator. There is no such purpose, so far as I have ever heard, and I think it must have originated in the imagination of the distinguished Senator from North Dakota. When the tariff bill is out of the way, undoubtedly the bonus bill will be taken up, and after reasonable discussion I have no doubt it will be submitted to a vote of the Senate.

INTERNAL REVENUE COURT OF APPEALS.

Mr. POMERENE. Mr. President, this seems to be a sort of a general field day, and I want to beg the indulgence of the Senate for not to exceed five minutes on another matter. I would not do it except for the great importance of the measure, as I see it.

Early in this session I introduced a bill to establish a United States Court of Appeals on internal revenue questions. The bill was fashioned after the United States Court of Customs Appeals. I felt it very necessary because, while the United States Court of Customs Appeals passes upon questions which arise out of the collection of revenues amounting to probably $300,000,000 a year, the Internal Revenue Department passes upon revenue claims aggregating $3,000,000,000 to $5,000,000,000 a year. I felt that there ought to be some way whereby there can be an adjudication of those tax matters where the taxpayers will feel that they are getting a square deal.

I am calling attention to this subject now because of a letter received by me from Mr. Ernest F. Du Brul, who is the general manager of the National Machine Tool Builders' Association, of Cincinnati. I wish to read a paragraph from the letter:

> I am informed, for instance, that in determining salary allowances the tax unit—

This is, with reference to the Internal Revenue Bureau—

> I am informed, for instance, that in determining salary allowances the tax unit has made different formulæ apply to different classes of business, and that there are three different formulæ used on each class, and that the instructions to the examiners, or whatever they call the examining officers, are to use that formula of the three which will provide substantial justice to both the taxpayer and the Government. But the taxpayer can never find out, unless some tax department man "leaks," what the three formulæ are for his industry, and which particular one of the three was applied in his particular case.
>
> The conclusion is that one examiner might allow one competitor, we will say, a certain salary under one of the three formulæ, and another examiner might allow another competitor quite a larger or smaller salary for the same condition of business. On the other hand, the instructions to the unit might be taken to mean that formula which will give the Government the most money, and perhaps that is the most common practice.

This gentleman wrote to the Secretary of the Treasury on this subject on February 9, as follows:

> I wonder if the attention of the administration of the Treasury has ever been drawn to the fact that the Internal Revenue Bureau uses some confidential formulæ for determining different things in figuring income-tax returns. Such formulæ, though used for the public's business, have never been made public. The consequence of this is that the taxpayers are frequently at a loss to know what they should, and in many cases are penalized without knowing why they should be penalized.
>
> Men have been assessed additional taxes by the use of such secret formulæ on the ground that salaries were excessive. Others have been told that in the determination of relief there were secret formulæ used by the department and that it was against the rules of the department to give out these formulæ. I have also been told that some formulæ are used in the amortization section, which are not available to the taxpayer, but according to which his claim is passed upon.
>
> If the revenue bureau is not to be a bureaucratic institution, operating on arbitrary rules, there could appear to be no harm in divulging to the public all the formulæ that the bureau uses in these determinations. Brought out into the open the taxpayer could see how fair they are or how unfair they are. Surely public business ought not to require secrecy in this. Why should not the public be advised of the formulæ used by the bureau in determining reasonable salaries, relief basis, amortization, and similar essential things? As it stands now the taxpayer who happens to hit on the right combination gets much more equitable treatment than the one who is penalized through lack of such a happy accident in his case.
>
> Very truly yours,
>
> (Signed) E. F. DU BRUL,
> *General Manager.*

The Secretary of the Treasury answered on February 17 as follows:

> SIR: I have your letter of February 9, stating that the Bureau of Internal Revenue applies confidential formulæ in arriving at salary deductions, in granting relief under special sections of the law, and in settling other questions in connection with the determination of income and profits taxes, and you ask that such formulæ be made public, in order that taxpayers themselves may know whether or not they are being treated fairly.
>
> This office fully appreciates your position in this matter, but it is believed that an understanding of the conditions will justify the refusal to make the various items public. The comparatives used by the bureau are drawn from the returns filed by other taxpayers, and it would be contrary to the provisions of the law if the figures and facts were made public. There is, however, no "hit or miss" application of the comparatives, and you may be assured that the adjustments in income and invested capital are always made upon the basis of principles defensible under the various provisions of the taxing laws.
>
> Yours very truly,
>
> (Signed) A. W. MELLON,
> *Secretary.*

It is conceded by the Secretary of the Treasury that the department have certain formulæ by which they determine what amount of salary shall be allowed in fixing the amount of the earnings which are subject to the tax. Mr. Du Brul on February 24, 1922, again writes to the Secretary of the Treasury. His letter is as follows:

> I thank you for your letter of February 17. It is difficult to understand, however, how the publication of the formulæ can possibly prejudice the interest of any taxpayer whose returns are on file. The formulæ certainly do not divulge the names of the taxpayers from

whose returns the comparatives are drawn; nor do the formulæ themselves contain any such figures that would enable anyone to identify the returns, judging from what I have been given to understand.

It is very puzzling, therefore, to a taxpayer to be told that, according to the formulæ, his salary is too high, for instance, and the department therefore reduces his salary allowance on his return. This becomes, it seems to me, entirely too liable to degenerate into arbitrary and autocratic rulings. How can the taxpayer know that they are not autocratic? He only has the word of the department to that effect. How can he know that the formula is applied, or not applied, in his case, when he can not check the statement of the department? How could students of taxation, outside of the department, who have no personal interest in the case, even discuss the reasonableness of the basis for the formulæ? These are questions that naturally occur to anyone.

A mere statement from the department that these formulæ are all right and should be taken on faith by the taxpayer is very far from satisfactory. Much of the taxpayer's difficulty may be due to misapprehension; but it would seem that more open administration would assist in reassuring the taxpayer and make the administration of the tax laws on decidedly easier bases. It might also thereby reduce the number of employees around the revenue department. It might be to the interest of some of the employees to be as secretive as they can, as their interest might be confined to holding their jobs; and then again, it might be something else. In any case, it is puzzling to the taxpayer, to say the least.

Senators, just think of the situation! These taxes are supposed to be paid in accordance with a law which is supposed to do equal and exact justice. The Internal Revenue Bureau, no doubt, has the right to formulate certain rules which will expedite the business of the department; but, under the law as it now is, when it comes to a determination of the amount of the taxable income of a company or a corporation or the excess profits tax, certain salaries are allowed to be deducted. The question arises as to whether the salaries paid by the corporation are larger than they ought to be. There ought to be some rule about the matter. The Internal Revenue Bureau have adopted three certain formulæ by which they measure these salaries and determine whether or not they are excessive; but when the taxpayer asks what these rules are they are refused the privilege of even seeing them. They do not know what they are; there is a secrecy about the administration of that bureau which discredits it and discredits the entire Treasury Department. Mr. President, can anyone say whether there has been a proper allowance or not? Can any court determine whether the rules which have been formulated by the Internal Revenue Bureau are equitable or not? Oh, no; the formulæ are kept secret in the archives of the Internal Revenue Bureau.

It seems to me if there ever was a real reason for the organization of a United States court of internal revenue appeals, these letters show the necessity of it. I do not care who the taxpayer is, he has a right speedily to have an adjudication by a proper court; the United States Government, the Treasury Department, if you please, has a right to have an adjudication if the question is contested; but such adjudication should be in conformity with the rules of law and it should not be determined by secret formulæ which may obtain for the time being in the Internal Revenue Bureau, to be changed at the sweet will of the Commissioner of Internal Revenue or the Treasury Department.

I am not concerned as to whether or not the bill which I have introduced is passed. It may be that the United States Court of Customs Appeals, if it had the jurisdiction conferred upon it, would be able to take care of that kind of business; but I am sure Senators will agree with me that it is simply monstrous to have some clerk in the Internal Revenue Bureau determine the amount of taxes which a corporation or a partnership or an individual must pay, measured by reason of certain secret formulæ. I am sorry to have occupied this much of the time of the Senate, but I have felt that it was necessary that I should do so.

SUGGESTED REMOVALS OF TREASURY DEPARTMENT EMPLOYEES.

Mr. CARAWAY. Mr. President, yesterday I had occasion to comment upon an article which appeared in a newspaper stating that there is a movement on foot to have certain employees in the Treasury Department removed because they are Democrats. Mr. Mellon replied to the appeal which was presented to him, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 17, 1922.]

MELLON SCORES DRIVE OF G. O. P. UPON TREASURY—DECLARES STATEMENTS IN PETITION TO HARDING ARE RIDICULOUS—DENIES DEMOCRATS HOLD BEST PLACES—SENATOR CARAWAY DECLARES CABINET OFFICIAL IS SLATED "TO GO."

[From the Sun Bureau.]

WASHINGTON, June 16.—The prolonged row over the Treasury Department patronage assumed sensational proportions to-day. Following a bold renewal of the drive of Republican Members of Congress for places in the Treasury, these developments took place:

Secretary of the Treasury Mellon attacked the raiders in perhaps the most vigorous statement made by him since taking office, saying that statements made to the President were false.

Undersecretary S. P. Gilbert, one of the Republican holdovers from the Wilson administration and under fire of the raiders, threw a broadside into the ranks on his own account.

FORESEES MELLON'S OUSTING.

Senator CARAWAY, Democrat, declared in the Senate that Secretary Mellon is slated "to go," and charged that one of the men promoted by President Harding in the Bureau of Engraving shake-up had debauched a girl 15 years old, as shown by court records.

All of this followed hard upon the publication this morning in the Washington Post, an administration organ, of an account of 150 Republican Members of Congress having prepared a petition to President Harding asking that Republicans be placed in key positions in the Treasury, which they alleged are now occupied by Democrats.

In the petition they alleged that the public interest suffers because of this alleged condition and that Democratic officeholders are reporting to officials of the last administration. Joseph P. Tumulty is supposed to be the principal ex-official objected to by the Republican Members of Congress.

This petition specified a large number of key positions, alleged to be held by Democrats, and gave some details as to many of them and the incumbents. From sources close to the administration a statement was obtained to-night dealing in detail with a considerable number of the officials mentioned and showing that statements made in the petition to the President were false.

PRESIDENT IS SILENT.

All eyes in Washington turned to the White House to-day to see how Mr. Harding would react to the petition. He was silent. He has been standing behind Secretary Mellon during the latter's opposition to the raiders, but there has been a widespread belief in Washington that he personally had much sympathy with the Republican job seekers.

But at the very hour Mr. Harding was maintaining silence, except to say that he had got the petition from the Republican Members, the counterattack was getting fully under way. Word reached the White House while the reporters were there that Secretary Mellon's statement was out. It follows:

RIDICULOUS, MELLON SAYS.

"Through the courtesy of various Republican Senators and Congressmen, I have had brought to my attention a statement circulated among Members of Congress which bears the title: 'The Treasury Department—Survey of the personnel of the Bureau of Internal Revenue. The key positions largely held by officials of a former administration and named and checked from the official records of the department.'

"This statement is so false and for the most part so ridiculous that in ordinary circumstances I should hesitate to take notice of it. It is, however, being circulated and has been published, so that I think it well to set the record straight. The statement is the product of a few selfishly ambitious employees and some discredited former employees, and is apparently being circulated in an effort to influence the administration of the Treasury.

TOO IMPORTANT FOR POLITICS.

"The affairs of the Treasury are of too great importance to allow of interference to its proper conduct through the introduction of petty politics. The department, particularly the collection of the revenues and the handling of the public debt, must be conducted on business principles and kept free at all times from detrimental influences. The administration of the Treasury is in the hands of Republicans and is governed by Republican policies. Those Democrats who hold positions in the Treasury have been retained because of their qualifications for the offices they hold, and I have had no evidence of partisan activity on their part."

Senator CARAWAY'S speech was made about the same time the Mellon statement was issued.

CARAWAY ATTACKS G. O. P. DRIVE.

Referring to the article in the Post, Senator CARAWAY described it as speaking with authority for the administration.

"It deals," he said, "with a desire entertained by a great number of Republicans to have patronage. It says that a petition, signed by 150 Republican Members of the House, is to-day to be presented to the President, demanding that about 150 employees in the Treasury Department shall be displaced because they are Democrats and that Republicans be given their positions. It is true that by insinuation it is charged that these Democrats are disloyal; that they report to certain former officials of the Wilson administration. What they shall have to report is not disclosed, but the fact is disclosed that their jobs are wanted, and wanted for political reasons.

"Everybody knew that the President when he removed a number of employees from the Bureau of Engraving that good jobs would be open to those indorsed by the organization. It made no difference if faithful employees were discharged, their reputations blackened and the opportunity to earn an honest living taken from them. The faithful had to have the jobs and the faithful got them.

"One man was promoted to the place of a man who was dismissed from the service in the Bureau of Engraving and Printing, and the day he got his place, and with a full knowledge of conditions, his wife received a decree against him for the most heinous offenses that could be charged against a man. I have his letter here, a court record, showing that he not only had debauched a 15-year-old girl but was trying to arrange to have a criminal operation performed upon her.

"There is his letter. It is a court record. It was a matter of public information, and yet an honest man was kicked out of office to reward this man. He is the man who is now custodian of rolls, dies, and plates in the Bureau of Engraving and Printing. He took the place of Mr. Ashburn.

SEES BRIEF TENURE FOR MELLON.

"It is a public scandal, an infamous outrage. But I am not criticizing the President overmuch. He was hard ridden by the people who wanted places, and Mr. Mellon might just as well realize now as to know it to-morrow that he has to go out of the Treasury Department. His tenure is brief, indeed, because his ideas are so diametrically opposed to those of Elmer Dover, trained up under the old school of Mark Hanna, the man who invented the 'blocks of five.'"

GILBERT BRANDS FALSEHOOD.

Undersecretary Gilbert's letter follows:

Hon. JAMES T. BEGG,
House of Representatives, Washington, D. C.

SIR: Through the courtesy of various Republican Senators and Congressmen I have had brought to my attention a statement entitled "The Treasury Department—Survey and personnel of the Bureau of Internal Revenue. The key positions largely held by officials of a former administration, and named and checked from the official records of the department," which is being circulated in envelopes bearing your frank.

Item 1 of this statement, under the heading "Personnel of Secretary Mellon's office," contains the following paragraph:

"1. Mr. Paul Gilbert, active Democratic politician, taking the stump for Governor Cox in the campaign of 1920. At present holding the position of Undersecretary of the Treasury."

I do not know Mr. Paul Gilbert, but I assume from the context that the item may have reference to me. The statement is of no concern whatever to me; but I should like to state for your own information that if it does refer to me it is absolutely false in every respect. Since you are lending your name to its circulation, you may possibly be interested in the facts.

LIFELONG REPUBLICAN.

I am not a Democrat. I am not a politician and have never been active in politics. I did not take the stump in 1920 for Mr. Cox and had no interest whatever in his campaign. I am a lifelong Republican, have never voted anything but the Republican ticket, and my father was for 30 years one of the most active Republican leaders in the State of New Jersey. I was appointed Assistant Secretary of the Treasury by President Wilson in 1920 as a Republican, was reappointed by President Harding in March, 1921, and subsequently appointed Undersecretary of the Treasury by Mellon in June, 1921.

I should have thought that before you permitted ignorant libels to circulate under your name you would first have made at least some effort to ascertain the facts.

Respectfully, S. P. GILBERT, Jr.

REPUBLICANS LISTED AS DEMOCRATS.

The statement obtained from sources close to the Treasury shows that the following men, listed as Democrats in the petition presented to President Harding, are actually Republicans:

Paul Gilbert, Undersecretary.

C. P. Smith, Assistant Commissioner of Internal Revenue.

A. G. Maddox.

Solicitor's office: Charles A. Barnard, Chester A. Bennett, Malcolm A. Coles, Newton K. Fox, J. C. Halls, Carl A. Mapes, Mark J. Ryan, J. K. Smith, Stanley S. Waite, James C. Rogers, George N. Mardock, Russell D. Burchard, and J. J. Cosprove.

Administration division: C. B. Allen, F. M. Woodward, A. B. Neise, and William T. Sherwood.

Stamp division: B. S. Hunsinger, K. F. Erickson, W. B. Himman, E. C. Wilcox, W. W. Hubert, and J. W. Beers.

Miscellaneous list: Elmer L. Irey, chief intelligence unit; D. S. Bliss, chief miscellaneous division; field division, income tax unit, C. M. Justice and John L. McGrew.

Income tax unit: E. H. Batson, deputy commissioner; E. W. Chatterton, assistant deputy commissioner; F. R. Clute, J. L. McGrew, W. T. Sherwood, W. P. Bird, S. T. Delamater, H. C. Armstrong, and F. Guderian.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. NEWBERRY. Mr. President, is the amendment proposed by the Senator from Massachusetts [Mr. LODGE] pending?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). It is. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE], which will be stated.

The READING CLERK. Under the head of "Bureau of Yards and Docks, maintenance," on page 46, line 21, after the word "stations," it is proposed to strike out "$5,500,000" and in lieu thereof to insert "$6,125,000."

Mr. KING. Mr. President, I should like to ask the Senator in charge of the bill if this matter was not fully considered by the House committee as well as by the Senate committee, and whether, after full consideration, a unanimous agreement was not reached fixing the sum of this appropriation at $5,500,000?

Mr. POINDEXTER. No; I will say to the Senator from Utah that there was not a unanimous-consent agreement reached—that is, except in so far as the bill, of course, in its final form was unanimously reported. There were several members of the subcommittee who felt that the amount allowed by the other House, which had not been increased at all despite the increase of the personnel of the Navy, ought to be somewhat enlarged. It was a matter of some doubt in the minds of the committee. The amount provided under this head for the current year is $7,500,000. That is $2,000,000 less than the amount reported by the committee and carried in this bill at the present time. The reduced amount that was insisted upon by the Navy Department as being absolutely essential was $6,750,000. The amount allowed by the committee was $5,500,000; and I repeat that there was no increase either in the House of Representatives or in the Senate committee. If the amendment of the Senator from Massachusetts should be adopted, it would make the appropriation $6,125,000, which would be $1,375,000 less than the amount appropriated for the current year, and would be $625,000 less than the amount which the department insists upon as the minimum amount which it can get along with.

After conference with members of the committee, I have no objection to the amendment of the Senator from Massachusetts, with the understanding that it will be subject to consideration, and probably to adjustment, in conference.

Mr. LODGE. Certainly.

Mr. KING. Mr. President, I do not think the committee is always safe in following the demands of the Navy or of the other executive departments. If that were true, we would be called upon to appropriate about double the income of the Government. If we take the aggregate demands of all of the departments of the Government, we will find that they have usually exceeded the income of the Government in the ratio of 2 to 1.

Mr. LODGE. Mr. President, if the Senator will allow me——

Mr. KING. I yield.

Mr. LODGE. The amount stated by the Senator from Washington was the Budget recommendation. The department estimated $7,500,000, and this is cut below the Budget estimate.

Mr. KING. May I say to the Senator from Massachusetts that in nearly every instance, so far as I now recall, we have cut below the Budget recommendation. We have not had such supreme confidence——

Mr. LODGE. Oh, I did not mean to suggest that we were bound by the Budget, nor are we bound by the report of a committee, either of the House or of the Senate.

Mr. KING. I agree with the Senator.

Mr. LODGE. Of course, it is before both bodies.

Mr. KING. To be sure.

Mr. LODGE. And I happen to be a member of the Naval Affairs Committee, although I am not on the Appropriations Subcommittee.

Mr. KING. I happen to be a member of the Naval Affairs Committee myself——

Mr. LODGE. I know it.

Mr. KING. And I am not a member of the Appropriations Committee. The point I was getting at is that the Navy Department makes many recommendations for appropriations which neither the House nor the Senate accepts.

Mr. POINDEXTER. This amount, with the increase proposed by the Senator from Massachusetts, even though that should be finally agreed upon, would be $625,000 less than the amount recommended by the Navy Department and insisted on by the department.

Mr. KING. Yes; I understand. The Senator from Illinois [Mr. MCCORMICK] put into the RECORD yesterday—and it may be found on pages 8863 to 8866, inclusive—a list of the establishments maintained by the Navy. They aggregate more than 400. It is true that a considerable proportion of this great number consists of radio stations, but an examination of this rather formidable list will furnish convincing proof that the Navy ought to do some pruning. We ought to get rid of a large number of these establishments. This appropriation which is sought, and which it is proposed to increase, will be in part devoted to the maintenance of scores and scores of these needless establishments.

Mr. LODGE. This appropriation is confined to yards and docks.

Mr. KING. I think that is true; yes. Of course, the yards and docks are embraced within this list.

Mr. LODGE. Oh, they are embraced in that list, of course. There are a great many things in that list that yards and docks have nothing to do with.

Mr. KING. Oh, I understand that. I stated that there were more than 400 of these establishments maintained by the Navy, a large portion of which were radio stations; but this illustrates the situation that we find in the Army. Following the war there were scores, if not hundreds, of Army posts and stations, and so forth. It is time that the Navy made disposition of a large number of these; and it seems to me unwise and impolitic and unfair to the taxpayers of the country to keep up this large establishment, making these large appropriations in order to repair the machinery and the buildings, the yards and docks, and so forth, which are unnecessary.

I wish the committee would append to this bill an amendment requiring the Navy Department to get rid of all these surplus establishments and yards; and I think we could do no better service than to appoint a committee to make an investigation with a view to cutting out all of these useless and unnecessary establishments.

Mr. POINDEXTER. Mr. President, my impression is that the Senator from Illinois [Mr. MCCORMICK] proposes to bring up such a provision as that in connection with the legislative bill that is pending in the Naval Affairs Committee.

Mr. KING. I sincerely hope the Senator will do that.

I do not think this appropriation is necessary. The House committee acted upon it, and I am entirely satisfied with the action which they took.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 66, at the end of line 14, it is proposed to insert the following:

That the naval appropriation act approved June 4, 1920, is hereby amended so that any chaplain in the Naval Reserve Force who was more than 50 years of age on the date of said act, and who now holds the confirmed rank of commander, may be transferred to and appointed in the same permanent grade and rank in the regular Navy, not in the line of promotion and not eligible for retirement: *Provided*, That any chaplain transferred to the regular Navy in accordance with this authorization shall be wholly retired without pay upon attaining the age of 64 years or becoming physically incapacitated for active duty: *Provided further*, That nothing contained in this act shall operate to increase the number of chaplains with the rank of commander as now authorized by law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

Mr. KING. Mr. President, reserving the point of order, I should like to hear from the chairman of the committee in respect to that legislation, as well as from the Senator offering it.

Mr. STERLING. Mr. President, I simply want to say a word in regard to this amendment which I have proposed, to come in, as I have provided, at the end of the bill.

This amendment pertains simply to two chaplains in the Navy—not more than two—and the amendment as offered is exactly the same as section 3 of a bill which passed the House on June 3, 1922; but because of the fact that on the 1st of July these two chaplains will be on the inactive list and have the inactive status, it is very necessary that the relief provided in this amendment be granted in this bill if it is to be granted at all.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. STERLING. I yield.

Mr. POINDEXTER. I think, in view of the fact that it involves no expense to the Government and will retain in the service for a limited period of time a very efficient chaplain, the proposition is a meritorious one.

I offer the amendment which I send to the desk to the amendment proposed by the Senator from South Dakota, which will have the effect, if adopted, of giving promotion of one grade to two Supply Corps officers who were entitled to promotion under the law prior to July 1, 1918, by reason of seniority—men who served in the Spanish-American War, men who served throughout the late war in the rank which is provided there and have honorable records.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington to the amendment of the Senator from South Dakota will be stated.

The READING CLERK. It is proposed to add, at the end of the amendment proposed by the Senator from South Dakota, the following:

Provided further, That officers of the Supply Corps, United States Navy, who have served in the temporary rank of commander for a period of more than four years shall be regarded as having been promoted to the permanent rank of commander in the Supply Corps, United States Navy, with rank as such immediately after the officer whose date of entry into the Supply Corps, United States Navy, was June 9, 1899.

Mr. KING. Mr. President, I raise the point of order against that legislation.

Mr. POINDEXTER. Is the Senator advised as to the effect of it? I trust that he will not insist on the point of order.

Mr. KING. There have been so many amendments offered in the past, as I am told, and the Senator is familiar with it, which changed grades and ranks, and so forth, and which have done rank injustice—officers have complained to me of the fact that that has been done—that it seems to me that on appropriation bills it is unwise to provide for changes in grade or rank.

Mr. STERLING. Mr. President, I hope the Senator from Utah will not persist in making the point of order against this proposed amendment. I want to say that it is a most meritorious thing. Here is Chaplain Niver, one of the chaplains affected, at Quantico, one of the best men I ever knew for a position of that kind. He is devoted to the men, and they are devoted to him. He has a wholesome influence upon the men. His term will expire on the 1st of July. That is, he will go to the inactive list at that time; and the proposition involved in the amendment is to keep him in the service until he reaches the retirement age. It does not add one dollar to the appropriations for the naval service, and there are the vacancies in the regular Navy, to which he will be assigned on this transfer, to be filled. It adds no official at all. It does not add any appropriation. It is recommended by the Secretary of the Navy. It applies only to the two chaplains.

Mr. KING. Mr. President, I did not urge the point of order against the Senator's amendment, although I reserved it with a view to understanding just the significance of it. I should like to inquire of the Senator why this chaplain may not be utilized in his present position after the date indicated?

Mr. STERLING. That is because, I think, of the naval appropriation act of 1920, which puts him, having passed the age of 50 years, in an inactive status at that time.

Mr. KING. May he not, when he is on the inactive list, be assigned to duty?

Mr. STERLING. I think not.

Mr. KING. I should like to inquire of the Senator from Washington if the law forbids that?

Mr. POINDEXTER. No; that was the law which limited transfer to the regular service to chaplains of 45 years or less. This fixes the age at 54 years, which would apply only to one case, as I understand—a chaplain of very great efficiency and usefulness in the Navy, as stated by the Senator from South Dakota.

Mr. STERLING. There are two instead of one. John Jay Brokenshire is one of these chaplains, and Edwin Barnes Niver, at Quantico, is the other of the two chaplains.

Mr. President, in connection with my remarks I ask to have printed the letter of the Secretary of the Navy and the records of these two chaplains.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, July 15, 1921.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of June 23, 1921, inclosing a bill (H. R. 7264) providing for transfer to the regular Navy of certain chaplains of the Naval Reserve Force, and requesting an expression of my views thereon, and also your letter of July 13, 1921, requesting positive information as to the number of chaplains covered by said bill, I have the honor to inform you that a careful investigation of the records discloses that the provisions of the proposed bill as now drawn will make only two chaplains now in the Naval Reserve Force eligible for transfer to the regular Navy. These two chaplains are John J. Brokenshire and Edwin B. Niver, both of whom were over 50 years of age on June 4, 1920, the date of the approval of the naval appropriation act for the fiscal year ending June 30, 1921, and who now hold the confirmed rank of commander in the United States Naval Reserve Force.

While it is the general policy of the department not to recommend the passage of legislation which is individual in character, the two cases covered by the bill (H. R. 7264) have considerable merit and, therefore, if in the exercise of its judgment your committee takes favorable action on said bill the same will meet with the approval of the department.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

JOHN JAY BROKENSHIRE (H. R. 7264).

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., June 14, 1921.

TRANSCRIPT OF SERVICE OF JOHN J. BROKENSHIRE (CH. C.), COMMANDER, U. S. N. R. F.-2.

Aug.	1, 1862.	Born in Canada.
Apr.	6, 1917.	Commissioned chaplain with rank of lieutenant commander in the Naval Militia, Rhode Island.
Apr.	7, 1917.	Called into the service of United States and to Federal rendezvous, navy yard, Boston, Mass.
May	4, 1917.	Detached duty in navy yard, Boston, Mass., and to duty on board U. S. S. *Louisiana*.
July	20, 1917.	Executed O. and A. as lieutenant commander National Naval Volunteers.
July	31, 1917.	Detached U. S. S. *Louisiana* and to report to commandant navy yard, Charleston, S. C., for duty.
Aug.	12, 1917.	Admitted treatment United States Naval Hospital, Charleston, S. C.
Nov.	5, 1917.	Ten days' additional duty, upon a speaking tour in the Southern States in connection with Y. M. C. A., and return.
Apr.	20, 1918.	Granted 12 days' leave.
July	1, 1918.	Transferred to the United States Naval Reserve Force by act of Congress approved July 1, 1918.
Aug.	12, 1918.	Admitted treatment to Naval Hospital, Charleston, S. C., Aug. 12, 1918.
June	25, 1919.	Detached sixth naval district to *Martha Washington* for duty as relief.
July	3, 1919.	Given the provisional grade of commander, class 2, to rank from June 27, 1919.
Aug.	2, 1919.	Executed O. and A.
Nov.	5, 1919.	Detached *Martha Washington* to duty naval training station, Gulfport, Miss.
June	1, 1920.	Reenrolled in the United States Naval Reserve Force for a period of four years from July 20, 1920, as provisional commander (Ch. C.).
		Given the confirmed commission as lieutenant commander, to rank from July 20, 1917.

June 9, 1920. Leave 30 days, June 15 to July 14.
June 12, 1920. Accepted O. and A. of reenrollment and confirmed commission.
June 24, 1920. Given the confirmed commission as chaplain commander.
July 21, 1920. Executed O. and A. as confirmed commander.
Feb. 15, 1921. Detached naval training camp, Gulfport, Miss., to naval prison, Portsmouth, N. H., for duty.
May 18, 1921. Detached naval prison, Portsmouth, N. H., and to home and await orders, authorized to delay until June 25, 1921, in reporting home, and honorably discharged from active service same date.

—

EDWIN BARNES NIVER (H. R. 7264).

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., June 15, 1921.

TRANSCRIPT OF RECORD OF SERVICE OF EDWIN BARNES NIVER, COMMANDER (CH. C.), U. S. N. R. F.

July 9, 1863. Born in Scott, N. Y.
Apr. 21, 1901. Accepted and executed oath of office.
Nov. 1, 1901. Commissioned chaplain (lieutenant) in the Naval Militia of Maryland.
Apr. 21, 1917. Chaplain, lieutenant, National Naval Volunteers.
June 8, 1917. To duty United States service, report to senior officer (S. D.) present, marine camp of instruction, Quantico, Va.
June 20, 1917. Commissioned chaplain with rank of lieutenant in the National Naval Volunteers, dating from April 21, 1917.
July 1, 1918. Chaplain, lieutenant, Naval Reserve Force, class 2. Transferred to United States Naval Reserve Force by act of Congress, approved July 1, 1918.
July 26, 1918. To additional temporary duty Parris Island, S. C., and return, connection religious work at the marine barracks (S. D.).
Sept. 15, 1918. Chaplain, lieutenant commander, Naval Reserve Force, class 2.
Nov. 13, 1918. Given the provisional rank and grade of chaplain, lieutenant commander, in the Naval Reserves, class 2, to rank from Sept. 15, 1918. Accepted and executed oath of office.
June 27, 1919. Chaplain, commander No. 2, Naval Reserve Force, class 2.
July 3, 1919. Given the provisional grade of chaplain with rank of commander in the Naval Reserve, class 2, to rank from June 27, 1919.
July 11, 1919. Accepted and executed oath of office.
Feb. 4, 1920. Temporary additional duty to Marine Corps headquarters, Washington, D. C., and return.
Feb. 26, 1920. Given the confirmed commission of lieutenant (Ch. C.) in the Naval Reserve, class 2, to rank from April 21, 1917.
Mar. 21, 1920. Having reenrolled in the United States Naval Reserve Force for a period of four years from April 21, 1917, hereby given the provisional rank of commander (Ch. C.) in the Naval Reserve, class 2, to rank from June 27, 1919.
Apr. 15, 1920. Accepted and executed oath of office of reenrollment. Accepted and executed oath of confirmed commission.
May 1, 1920. To temporary additional duty proceed to Washington, D. C., for attendance at a chaplains' conference to be held at the Navy Department.
Aug. 20, 1920. Given a confirmed commission as chaplain with rank of commander in the Naval Reserve, class 2, to rank from June 27, 1919.

Mr. KING. I raised a point of order against the amendment offered by the Senator from Washington. I will be glad to get the Senator's explanation of the amendment.

Mr. POINDEXTER. I had practically stated the circumstances connected with it. It would have the effect, as stated, of providing that officers of the reserve, in the grade of commander for four years, may be appointed to certain grades in the same branch of the permanent service or be considered as being so appointed. The effect of it would be to make commanders in the Supply Corps of two officers who served in that rank throughout the war, who came into the Navy during the Spanish War, served in the Navy during the Spanish War, have very efficient and highly honorable records, and were entitled to promotion to permanent grades, under the law, prior to July 1, 1918, at which time the so-called selection board process was instituted in the Navy.

Prior to that time these men would have been appointed commanders, by reason of their seniority, if they had received their examination at the time when they were eligible for the promotion. But, as pointed out by the Navy Department in another case, due to the exigencies of the service and the distance of the officers from the department, they were not given the opportunity to take the examinations and get the promotion under the law which entitled them to it at that time. This would remedy that failure of the department to give them the examinations which they should have had in order to get the promotion of one grade.

Mr. KING. The Senator knows that many complaints are urged that promotions are improperly made by amendments to general appropriation bills. Many naval officers have complained to me of the slipshod methods, as they denominate them, by which, in the hurry of debate and in the hurried consideration of appropriation bills, amendments are slipped through which affect the grades and the promotions and the rank of one or many officers in the Navy. I am sure the Senator has had his attention challenged to the evil resulting from this sort of legislation upon an appropriation bill.

Mr. POINDEXTER. In so far as I am personally concerned, I have made but two recommendations of this kind, because I believe that the principle stated by the Senator from Utah is an excellent one; but there are certain exceptions to all rules, which, in order to secure justice, must be recognized. It is only after an examination into this matter, which has been made with the utmost care, that I make this recommendation.

Mr. KING. Is the Senator familiar with the cases he has in mind, as well as the two the Senator from South Dakota has in mind?

Mr. POINDEXTER. I am very familiar with them.

Mr. KING. Has the Senator made an investigation of those cases?

Mr. POINDEXTER. I have made a personal investigation of them.

Mr. KING. Does the Senator state that these amendments would not constitute a precedent which would be objectionable or dangerous to the Navy?

Mr. POINDEXTER. I state without hesitancy that that would be the case. To adopt them would simply be an act of justice.

Mr. KING. The Senator recommends these promotions?

Mr. POINDEXTER. I do.

Mr. KING. I have such confidence in the Senator from Washington that I will take his word for it.

Mr. POINDEXTER. I thank the Senator.

Mr. FRANCE. Mr. President, I merely wish to indorse the high tribute paid by the Senator from South Dakota to Chaplain Niver, whom I happen to know. He was for many years rector of one of our leading churches in Baltimore and enjoyed the confidence and respect of all the people of the city of Baltimore. I know he has rendered distinguished service as chaplain in the Navy. I am sure that the other officer has been equally efficient, but I do not know personally of him. I have a very high regard for Chaplain Niver.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment of the Senator from South Dakota [Mr. STERLING].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TRAMMELL. Mr. President, I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 65, line 14, after the word "purposes," insert the following as a separate paragraph:

That any officer of the Navy who has served four years as chief of a bureau in the Navy Department and shall be retired subsequent to the completion of such period of service for physical disability due to wounds inflicted by the enemy while in the performance of his duty shall be retired with the rank, pay, and allowances now authorized by law for the retirement of a chief of bureau.

Mr. TRAMMELL. Mr. President, this in an amendment which was suggested and recommended by the Navy Department in a letter addressed to the chairman of the Committee on Naval Affairs on June 1. That letter was signed by the Acting Secretary of the Navy.

Mr. McCORMICK. When was that?

Mr. TRAMMELL. The letter was written on June 1. I think it probably reached the committee a little too late for consideration. I will read a part of the letter:

I have the honor to submit for the consideration of your committee, with the hope that it may be included as a provision of the pending naval appropriation bill, the following draft of legislation.

Then follows the amendment which I have proposed, word for word. The letter then continues:

This provision is intended to authorize the retirement in the next higher grade of Capt. Hutch I. Cone, who served as Engineer in Chief with the rank of rear admiral for a period of four years from May 18, 1909, to May 17, 1913, inclusive.

The reason for making this recommendation is because of the fact that Captain Cone is suffering from physical disability due to wounds inflicted by the enemy in the late war and to permit his retirement as Engineer in Chief would give him only such privileges as are now enjoyed by the same class of officers of the Army pursuant to the provisions of the national defense act as amended June 4, 1920, although the privilege is extended to the Army officers regardless of the cause for their retirement. The facts in the case, briefly stated, are: On October 10, 1918, at 9.30 a. m., the Irish mail ship *Leinster* was sunk by torpedo fire from a German submarine in the Irish Sea about 15 miles from Kingstown. Captain Cone was on the boat deck cutting away the lashings on the ship's life rafts when the second torpedo exploded in the hull directly underneath him. He was rescued after being in the water about two hours, taken to Dublin Castle Hospital suffering from shock and general bruising and multiple compound fracture of right tibia, simple fracture of right and left fibulas, synovitis and hemorrhagic effusions about right knee joint. In hospitals under treatment until January 23, 1919.

The record of Captain Cone since his entry into the service September 5, 1890, has been exceptional and meritorious and for service rendered during the World War as commander of the United States Naval Aviation Forces on foreign service in France he was awarded decorations by the United States, French, British, and Italian Governments.

That letter is signed by Mr. Roosevelt, the Acting Secretary of the Navy at the time the letter was written.

Captain Cone has been one of our very best naval officers. During the administration of President Roosevelt he was chief of the Bureau of Engineering, as set forth in this letter. Following that he went back into sea duty, and during the recent war he was called to a very responsible post overseas, and while upon this Irish steamer, which was torpedoed by a German submarine, he suffered wounds which have necessitated his being in the hospital a great deal of the time since. He had such a severe shattering of the bones of one leg that the surgeons never have entirely relieved him of the wounds which he suffered at that time, and, as I understand, he is now a hospital subject.

Mr. POINDEXTER. Mr. President, in view of the letter of the Acting Secretary of the Navy, if the Senator is willing that this matter shall go to conference with the understanding that the conferees will be free to investigate it and act upon it on its merits, I will have no objection to the amendment.

Mr. TRAMMELL. I would like very much to have that done. I really intended to suggest that I would like to have it go to conference and be considered on its merits.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. TRAMMELL].

The amendment was agreed to.

Mr. FRANCE. Mr. President, I desire to offer an amendment which I have submitted to the acting chairman of the committee. I have made the changes which have been suggested, and I think the amendment speaks for itself.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 53, line 2, under the head of "Naval Academy," the Senator from Maryland proposes to insert:

The civilian grade of professor emeritus is hereby established at the Naval Academy, Annapolis, Md., and any civilian professor on duty at the Naval Academy on May 1, 1922, who had at that date completed 27 or more years of honorable service as such civilian professor at the Naval Academy, and who had reached or passed the age of 64 years, shall at any time thereafter, on his own application, be transferred or assigned to the grade of professor emeritus by the Secretary of the Navy: *Provided*, That any civilian professor on duty May 1, 1922, so transferred or assigned shall have the same privileges as the professors of other grades at the Naval Academy, and shall thereafter receive annual compensation equal to 2 per cent for each year of his service at the Naval Academy of the annual pay he was receiving on May 1, 1922: *Provided further*, That in no case shall the annual pay of a professor emeritus exceed 75 per cent of the annual pay he was receiving on May 1, 1922.

Mr. McCORMICK. I make a point of order, Mr. President.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. McCORMICK. I make the point of order that this is general legislation upon an appropriation bill.

Mr. FRANCE. Mr. President, I hope the Senator will not press the point of order. This amendment is to take care of the cases of two professors at Annapolis, one of whom has served for 27 years, and the other of whom has served for 35 years. Both of them have contracts with the Government, but under a general order which requires retirement at the age of 65, both these aged professors will be dropped without any compensation whatever. It involves no additional expense to the Government, as an appropriation has already been made in a previous item for the pay of these professors. I realize that the amendment is subject to a point of order, but I hope the Senator will not press his point.

Mr. McCORMICK. I am sorry, but I make the point of order.

The VICE PRESIDENT. The point of order is well taken.

Mr. NEWBERRY. Mr. President, I send to the desk two amendments which I offer and ask the Secretary to report.

The VICE PRESIDENT. The Secretary will report the first amendment.

The READING CLERK. On page 17, following line 24, the Senator from Michigan proposes to insert:

That, until June 30, 1923, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia shall constitute a Naval Militia; and, until June 30, 1923, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1923, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force: *Provided further*, That all moneys appropriated for the Naval Reserve Force or for the Naval Militia shall constitute one fund and hereby are made available, under the direction of the Secretary of the Navy, for both.

Mr. NEWBERRY. Mr. President, I wish to state that I am offering the amendment at the request and in behalf of the Senator from New York [Mr. CALDER], who is unavoidably absent from the city. The amendment is in the language of the existing law, which will expire on the 30th of this month. At the request of the Navy Department and with the approval of the Committee on Naval Affairs and, I believe, of the Committee on Appropriations, I ask that the amendment may be adopted.

Mr. McCORMICK. Will the Senator explain how it happened that the committee did not bring it in as a committee amendment?

Mr. NEWBERRY. Because it is legislation and the committee could not do it. That is the reason why I am offering it upon the floor.

Mr. KING. I would like to ask the Senator in charge of the bill whether he thinks this ought to be added to the bill or be reported as a separate bill from the Committee on Naval Affairs? Is it legislation so imperative and legislation which we ought to have, that it merits a place on an appropriation bill?

Mr. NEWBERRY. May I answer the Senator's question addressed to the Senator from Washington?

Mr. KING. I am glad to have the Senator do so.

Mr. NEWBERRY. This must necessarily become the law before the 1st of July, or the appropriation made by four or five States—New York, Ohio, Minnesota, and I think Michigan—for the benefit and use of the Naval Reserve Forces will fail. It is a necessary and desirable piece of legislation from every point of view.

Mr. KING. For the sake of the Senator from New York, I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. NEWBERRY].

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will report the second amendment offered by the Senator from Michigan.

The READING CLERK. On page 6, after line 12, insert the following proviso:

Provided, That quarantine and passport fees collected in the Virgin Islands shall hereafter be paid into the treasuries of said islands.

Mr. NEWBERRY. I merely wish to say that I offer this amendment on behalf of the junior Senator from New Jersey [Mr. EDGE].

The amendment was agreed to.

Mr. POINDEXTER. There is one committee amendment that has not been acted on, which was overlooked, on page 35. I ask that it may be acted upon at this time.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. The committee proposes on page 35 to strike out lines 1 to 13, inclusive, in the following words:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the academic board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay of a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. POINDEXTER. I will explain briefly what the amendment is. It strikes out a limitation placed upon the number of midshipmen graduating in the class of 1922. The House limited the number to 200. The whole provision has become obsolete by reason of the fact that under the terms of existing law the class have graduated and received their commissions.

The amendment was agreed to.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WALSH of Massachusetts. Mr. President, I desire to offer an amendment. I would like to ask the Senator from Washington if he desires to have me proceed to-night or let the matter go over until Monday?

Mr. POINDEXTER. I would like very much indeed, if possible, to proceed this evening. I dislike to inconvenience the Senator, but unfortunately the greater part of the day has been occupied with other matters than the naval appropriation bill.

Mr. WALSH of Massachusetts. The only thing I want to say to the Senator is that the matter is of such importance that I would feel that we ought to have a roll call, and I doubt very much if there is a quorum present.

Mr. POINDEXTER. If the Senator feels that way, and if the Senator is not willing to go ahead, then we had better let the amendment go over because I doubt whether we would be able to get a quorum this afternoon.

Mr. WALSH of Massachusetts. I would be glad to go ahead if the Senator thinks that after my explanation he may perhaps accept the amendment.

Mr. POINDEXTER. If the Senator will offer his amendment—I do not think it has yet been offered—I will then state my objections to it and make a point of order against it.

Mr. WALSH of Massachusetts. I move on page 35, at the end of the committee amendment, to add the following:

Provided further, That the Secretary of the Navy is authorized to carry as extra numbers and at the permanent rate or rank held by them on May 16, 1921, the 69 officers, formerly class 5, United States Naval Reserve Force, who were commissioned in the line of the Navy at reduced rate as the result of examination held on such date.

Very briefly the facts are as follows: Congress authorized the taking over from the reserve corps of the aviation section of the Navy 500 reserve aviation officers provided they were found to be qualified after examination. They were given an examination, prepared by an examining board composed of nonaviation officers of the Navy. About 290 of the reserve and temporary aviation officers took the examination. Upon the first marking of the examination papers only about 27 were found to be qualified. A reexamination of the papers was made and the requirements demanded at the time of the first marking were modified, and the number passing increased substantially—I believe to over 150. Some 86 failed. On July 1, except for the committee amendment which was adopted yesterday, the 86 reserve officers who took the examination and failed and who have been in the air service of the Navy for over five years would have been retired. The amendment which I propose seeks to take care of the 69 reserve officers who took the examination and as a result of the revised markings of the examination papers were taken into the regular line of the Navy, but at a lower grade.

The proposition I submit to the Senate, and particularly to the Senator from Washington, is this: The Senate has already adjudicated that the examination was unfair, so unfair that the 50 who failed, the Senate believes, should be retained for another year in the service at their old rank and given another examination. How can we say that the examination was unfair to those who failed and fair to those who passed, but who have been reduced in rank? Of course, we can not make any such contention. What my amendment seeks, and what it seems to me should be done, is that these officers who have passed and who have been reduced in rank shall be carried during the next fiscal year as extra numbers with the grade which they held at the time the examination was given.

The purpose of the committee amendment is that all of the reserve officers who failed or have been reduced in grade shall for another year be carried at the grade they formerly held, and that during the coming year steps will be taken either to reexamine them or reclassify them on some basis that will be found to be fair.

To allow this situation to remain unchanged, except for the adoption of the committee amendment, which I on yesterday commended and of which I heartily approve as far as it goes, means that for one year the reserve aviation officers who failed to pass the examination are to enjoy the grade which they now hold and will be holding a higher rank and drawing larger salaries than the reserve aviation officers who passed the examination. This applies to 69 of these officers.

Mr. POINDEXTER. There would be this difference, however, that those who failed are merely temporary and the others are permanent and in the regular Navy.

Mr. WALSH of Massachusetts. That is a fact, but it is not very consoling for a reserve officer who passed the examination but was reduced in grade to find that the Senate of the United States has determined that the examination was unfair and unreasonable for those who failed, but fair for them, and that they must for a year—perhaps indefinitely, but for a year anyway—suffer a reduction in grade entailing a reduction in salary amounting in many cases to $2,500. Let us see how great a hardship this is. Some of the reserve aviation officers were lieutenants, senior grade. They were in the Naval Reserve Flying Corps. They took the examination. The examination was held to be and thought to be, and considered unfair. They just barely passed the examination after the requirements had been modified. They have been reduced from lieutenant, senior grade, to ensigns in many cases. That means they have been reduced in salary from $4,800 to $3,000, approximately. Others who took the examination have been reduced from lieutenants, senior grade, to lieutenants, junior grade. The amendment which I have offered would provide that for the next year they shall be carried on the rolls in the grade which they held at the time the examination was given, and in the meantime some plan can be devised to reexamine them and to see if they are not entitled to a higher grade than was given them as a result of the examination, which was admittedly unfair.

I do not like to appeal to the sympathies of the Senate in a matter of this kind, but I can not refrain from calling attention to the fact that these men have served their country for five years; that they have been engaged in a very dangerous and hazardous occupation; that they have taken their lives in their hands every day of those five years; that they have suffered very many hardships, during the period of the war particularly; many of their comrades have died heroically in accidents that have been most frequent; and they have all exhibited bravery and courage that is most commendable.

Congress said, in effect, when it passed the act of June 4, 1920, we believe that 500 of these reserve officers in the Naval Reserve Flying Corps should be taken over into the regular Navy; Congress intended that they should be so taken over, but never, in my opinion, did Congress intend that they should be humiliated by being reduced in rank to the extent to which they have been reduced.

The examinations which were provided for them were of the character given to regular line officers. I should like to ask any Member of this body what he thinks of a Government which leads a man to enter the Aviation Service and remain there for five years, promote him because of his efficiency and the faithful and loyal performance of his duty, and then at the end of the five years tells him that he must qualify to be a regular naval officer in the same manner and after the same fashion as a line officer and must pass an examination on the same subjects that a man who has spent four years at the Naval Academy must pass and meet the same tests without ever having given him an opportunity to get experience in such subjects? How would you like to have your son treated in this manner? These men were never at sea; they were never on a ship; and yet the examinations to which they were subjected embraced subjects of which they could not reasonably be expected to have any practical knowledge except they had been given an opportunity to go to sea.

Only a small per cent of the credits given in the examinations were for subjects relative to aviation in which these men were acknowledged scientists and many of them experts. Most of the subjects, I repeat, were subjects on which a man could have no practical knowledge unless he had been at sea. Man after man of these reserve aviation officers testified that they had never been on a battleship, and yet the questions which they were asked related to problems of navigation, which it was impossible for them to comprehend and understand from merely studying a textbook, and even this many of them had no opportunity to do.

What was the result of the examination? The result was that many of the men who were good theorists passed the examination; men who were able to study and grind so as to master sufficient information upon these subjects were able to get a passing mark only after the requirements had been modified, while many of the best men in the service, the practical aviators, the men who have held high rank, the men who have been commanding officers of air stations, the men who have been charged with the most serious and grave responsibilities in the aviation service failed in the examination. How can we justify a situation wherein we say to those who failed, "You were not given a fair examination; we are going to restore you to the roll, and give you an opportunity to take another examination," and in the same breath say to those who did not fail, but who have been reduced in rank, "You must stay where you are. It was a fair examination to you because you passed; it was unfair to the others because they failed"? It can not be justified.

Let me tell Senators what hardships are involved. One of the officers testified that during the war period and since, as officer in charge of the aviation training station at the Great Lakes, he trained 3,000 enlisted men in the knowledge of the mechanics of aviation, so as to qualify them for that class of service; that he had charge of the school and of the work carried on there, and was commended for it, being promoted to the grade of senior lieutenant. He took the examination and passed, but was reduced in rank immediately, which means what? That his salary is reduced from $4,000 a year to $2,200 a year, and yet, under the amendment which was adopted on yesterday, some of the men who failed in the examination will

remain in the service for the next year and receive $4,800, while this man who passed will receive but $2,200. It is not fair; it can not be justified; and we all know it. I know the sense of fairness of the able Senator from Washington [Mr. POINDEXTER] is such that he will find some solution for this serious problem. There is no answer which may be made to the charge of injustice, except that to those who passed we may say "you are under cover; you are in the Navy," and to those who failed, "You are not protected for life; you have not a life tenure as yet; you are only temporarily going to enjoy a high rank and an increased salary."

I say it is a disgrace to our country to treat these men in such a fashion. To take these young men, who served so loyally and faithfully during the war, and, after Congress has passed a law authorizing them to be taken into the regular Navy as naval officers, for an examining board to humiliate them, to reduce them in rank and to drive them out of the service is a shame and unfair discrimination.

It is a shame to treat our citizen soldiers and aviators in this manner. Talk about treating our ex-service men fairly! Who are these men? Talk about giving employment to ex-service men! These are ex-service men or they may be after July 1. They are men who were engaged in the most hazardous and dangerous occupation; men who flew in the air; who learned the art of aviation under the most trying conditions; yet these men, after being encouraged for five years to remain in the service, and encouraged to believe that they would be given an honorable place in the naval service, Congress voting to provide it for them, now find themselves reduced in grade and in salary over 50 per cent. Almost 69 of these men who are engaged in this hazardous occupation and who take their lives in their hands daily have been reduced to the rank of ensign, involving a drastic cut in their salary. Do Senators think any man who has become an experienced aviator and been in this service for five years is going to remain long in the service of his country, which rewards him in such a manner, especially when we now know that the examination was unfair, for the Senate itself has said it was unfair and that an injustice was done to those who failed in the examination?

I again ask the humane Senator from Washington, who is just as vitally interested in these men as I am, to let this amendment be adopted and let it go to conference, and see if we can not work out some solution of this problem to prevent this injustice from being done to this fine body of service men.

What can we expect of private employers when the Government undertakes to treat these men in this manner? How can we criticize, as we have all done publicly, the manner in which some employers of men who entered the service of their country have treated those men when they returned, when the Government itself, after encouraging these men to remain in the service, at the end of five years treats them in this fashion? It is a sad spectacle.

Many of these men in the meantime have married and have families. Only yesterday I was talking with a man whose knowledge of aviation is unequaled and unsurpassed in this country, whose record is brilliant, whose achievements have reflected credit upon him and his country, who told me that almost overnight he and his wife and children had been obliged to reduce their living conditions to meet the drastic cut in their salary from $5,400 to $3,000. And that is not an isolated case. What kind of men can we get to carry on this work if, after five years of experience, we reduce them to such a salary—$1,700?

Mr. President, there is a great deal more that ought to be said, and I am frank to admit that I am almost tempted to bring before the Senate and the country the whole story and go into the details of the testimony; but I do not want to trespass upon the time of the Senator in charge of the bill, who already has been most generous and indulgent and has gone a long way to meet the situation; but there is one step which yet remains to be taken. We should not permit this injustice to be continued and proceed now to punish those who passed the examination. That is what it means—that we have taken care of those who failed, but we have not taken care of those who were reduced in rank under the examination which we have said was unfair.

I fear we have already destroyed the morale of the flying corps of the Navy; I fear we have gone back rapidly in the last year in the development of this very important science and this very essential means of our national defense. Here is a chance to begin with the commissioned personnel; here is a chance to keep in the service of the country a fine body of trained men; here is a chance to repair the damage that has been done to the morale of this body of men. I hope that the amendment will be adopted and that the acting chairman of the committee will between now and the time of the conference be able to look into the matter further and improve, if necessary, the amendment which I have offered, to the end that something may be done to remedy the injustice which I have described.

Mr. POINDEXTER. Mr. President, I do not care to go at any length into the question of the merits of this question.

Mr. HEFLIN. Mr. President, will the Senator yield for a moment?

Mr. POINDEXTER. For what purpose does the Senator desire me to yield?

Mr. HEFLIN. I wish to present an amendment to be proposed later on to the bill and to have it printed. I can wait until the Senator is through if he desires.

Mr. POINDEXTER. I have no objection to the amendment being presented now.

Mr. HEFLIN. It is an amendment, Mr. President, in which one of the constituents of the Senator from Mississippi [Mr. WILLIAMS] is interested and which the Senator from Mississippi promised to present. When he was called away he asked me to present it.

Mr. POINDEXTER. I hope the Senator will remain; I should like to take up the amendment as soon as we dispose of the pending amendment.

The VICE PRESIDENT. The amendment intended to be proposed by the Senator from Alabama for the Senator from Mississippi will be received, printed, and lie on the table.

Mr. POINDEXTER. Mr. President, I appreciate the great interest which the Senator from Massachusetts has taken in this splendid body of young men, who served the country in the aviation service of the Navy at perhaps the most critical period of our history; but there is a great deal to be said on the subject of the specific complaint that some of them have made. The Committee on Naval Affairs appointed a subcommittee headed by the Senator from Delaware [Mr. BALL], who is noted for his industry and application in matters which are committed to his charge, to investigate the matter. That committee reported to the Committee on Appropriations in connection with an appearance which was made there, in which they proposed an amendment to this bill to the effect that in their opinion the examinations of the aviators were fair, that they were reasonable, and that they were well adapted to the purposes for which they were held and as a test of qualifications for the services which were to be rendered.

There is a great deal to be said about the matter. I do not care to go into details now. One of the fundamental questions was as to whether or not an aviator in the regular Navy should be qualified as other naval officers are qualified in all naval subjects. That was required in these examinations, and it is very difficult to answer the reasons and the arguments which are advanced in favor of that proposition.

In the case of many of the naval subjects which were covered by the examination, such as seamanship, ordnance, navigation, and engineering, the aviators were allowed to substitute aviation for any one of those subjects; and in this substitution of a particular subject of special familiarity to these men they had a certain advantage over other classes of the reserve force who had been employed in some specialty, such as in submarines or in naval communications, who did not have the privilege of substituting their own specialty for one of the general technical subjects of naval examination and naval qualifications; and out of all the examinations that were held for temporary and reserve officers the Navy Department informs me that there was no complaint except from the aviators, and that there was no complaint from the aviators until after the results of the examinations had been known.

Mr. WALSH of Massachusetts. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Of course all the other reserve officers had been at sea, had been upon naval craft, had had an opportunity to familiarize themselves with navigation, engineering, electricity, ordnance, and all the other problems of seagoing craft. The aviators had had not one day at sea. They had never been on a war craft.

While I am on my feet, let me say to the Senator that I understood the finding of the committee to be that it was fair for the naval officials to give them an examination on general subjects of navigation, but that the time that they gave them, and the opportunity for acquiring practical knowledge, was not fair.

Mr. POINDEXTER. In substance that is correct, and that was the sole basis upon which the Committee on Appropriations acted in recommending the provision which has been adopted with the approval of the Senator from Massachusetts, namely, that some of these men had not had a fair opportunity to pre-

pare for the examination. So we did what we supposed was a very liberal thing: We put a proviso in the bill that 50 of these men—which, we were informed, would take care of all the meritorious cases—might remain upon the temporary list of commissioned personnel of the Navy for another year, and during that period be reexamined, and if they should pass they would have an opportunity to get their commissions.

Strange to say—of course, it is due to the complications of the relations of these men in their grades and ranks one with another—the Senator from Massachusetts is now complaining of the result of the very thing which he has been carrying on a campaign to get, because we propose here that these temporary officers may remain another year in the Navy, and he is now complaining about that because they will have a higher rank than those who passed the examinations and went into the regular Navy at a reduced rank. In order to remedy that, he proposes to go a step further and to take these aviation officers and make them a special class and give them a privilege which was not accorded to any other class of temporary or reserve officers in the Navy, and to provide by law in a wholesale way what their rank in the Navy shall be——

Mr. WALSH of Massachusetts. For one year.

Mr. POINDEXTER. Not to leave it to the Navy, but to provide by act of Congress that their rank in the regular Navy shall be the same as their temporary rank.

I have known major generals in the Army, who served through the war with credit and came out, to be reduced to the permanent rank of colonel. All through the regular as well as the reserve service in the Navy, when the Navy was readjusted upon the peace basis—a process which has been going on since the war—the officers were reduced in rank.

The objection to the amendment which the Senator from Massachusetts proposes is that, while it might remedy the one condition which he describes, it would create another set of discriminations which would be worse than that. To give these men the same regular rank that they held in the temporary service and to refuse it to all the others, would be a discrimination. Then we would have to go back, in order to remedy that, and build up a further pyramid, and provide that all the other temporary officers who have been reduced in rank should be restored to the temporary rank which they held.

Mr. President, I am informed from the Navy Department that instead of 69 men—the number mentioned in the Senator's amendment—there are only 40 who would come within the terms of the provision; that the effect of it would be to promote 8 ensigns to the rank of lieutenant, junior grade, and to promote 22 ensigns to the rank of lieutenant, and to promote 10 lieutenants, junior grade, to the rank of lieutenant, making a total of 40; and if that is done we will have to increase the appropriations in the bill in pay $32,580, and a rental allowance of $7,680. Of course it is all legislation of the most obvious kind, and subject to a point of order; and I am compelled to make the point of order against it upon that ground.

Mr. WALSH of Massachusetts. Mr. President, let me say first in answer to the Senator that, of course, my amendment would have no standing unless I was able first to prove that those who failed were given an unfair examination. Therefore, before the committee investigating this question the only issue was in regard to those who failed. It having been determined that they did not have sufficient time to prepare, that they had not been given sufficient opportunity to study, because every one of them was kept at his duties; it having been proven that it was an unfair examination for those, it proved unquestionably that the examination was unfair for those who passed, but who were given low marks, and therefore reduced in rank. You can not get away from that. You can not deny that assertion. If it is unfair for those who failed, it is unfair for those who passed and got low marks.

There are only 69 of them; as fine a body of men as there are in the service of the country, in the Army or in the Navy. I am surprised that the Senator should raise the question here of a point of order in regard to giving these men an opportunity to go to sea to study navigation and the other subjects of this examination, and to be given relief from their service and duties in order to prepare for this examination.

Mr. POINDEXTER. Mr. President, all the men to whom the Senator's amendment refers have passed their examinations.

Mr. WALSH of Massachusetts. Ah, but their situation is worse than if they had failed. They have been penalized because they passed. They have been humiliated. Let us note once more the facts.

These men who at the end of the war were ensigns and upon the recommendation of their commanding officers since the war were first made lieutenants (junior grade) and then within the year before their examination made lieutenants (senior grade), because they were efficient, because they were competent, because they were capable aviators; they are now told: "It was all a mistake. The recommendation of your officers was misleading. We should not have encouraged you. It was all wrong. You are only fit to be an ensign." That is what has happened; and it is a pretty poor spectacle that 40 of these men, or 69, as my information is, are treated in this way. Now, understand that. They have been told time and time again: "Stay in the Navy, stay in; marry and settle down; we need you." They have stayed in only, as it now appears, to train men to take their places; and they are now told: "You are unfit to be higher than an ensign in the Navy. We made a mistake when we recommended you for lieutenant (senior grade) or lieutenant (junior grade). You are only fit to be ensigns." "Why?" "You are only fit for ensigns because you have not gone to sea, because you have not gone to Annapolis, because you have not had any practical experience in the subjects that a line officer must know." Was deception or fraud ever more boldly practiced? Why did you promote these officers if they were unfit for their rank?

I can not conceive of anything more unfair. Ah, how different it is in the Army, or in the Marine Corps even, a branch of the Navy. The Army took over its aviation reserve officers on their records as aviators without any examination upon general military tactics with which an Army officer has to be familiar. The Marine Corps took over its aviators on their records as aviators, without any general examination on military subjects. Only the Navy has acted in this way, and only after these men had been used for five years to train other men to take their places. It is gross deception.

It is a sad commentary on our sense of gratitude and fairness, and I am surprised and sorry that the Senator from Washington is willing to treat these officers in this way. Give men between 25 and 35 years of age after 5 years of efficient service and experience the same rank as schoolboys just leaving the Naval Academy at Annapolis! Are you going to assist in promoting this rank injustice? It is just such practices that lead men to denounce the autocracy of the military system. And this is the treatment you give your citizen soldiery after their service is ended? They are among those whom we proudly call our war veterans. They belong to the class of men who constitute our war heroes. They will soon be mingling among their comrades. They will tell the story of how they have been treated; and it does not become us or the Army or the Navy to let these men go out and tell of treatment of this character and this nature.

Mr. President, as to the point of order that has been raised, the amendment proposed by me simply authorizes the Secretary of the Navy, in his discretion, to provide that these officers who have passed the examination shall be, for one year only, carried with the same rank that they had before the examination, in order that in the coming year we may do justice to those who failed and those who were reduced in rank.

I feel very keenly about this, because it is little injustices like these that have made a lot of trouble in this country. It is little injustices like this which have caused a great deal of discontent among our ex-service men. It may be a small matter, but it is a very vital matter to these men and their families, and I hope the Senator will withdraw his point of order, allow this matter to go into conference, and have it straightened out satisfactorily to all concerned. I do not see how the amendment calls for an appropriation. It gives discretionary power.

This is not an unusual thing. There are on the rolls of the Navy at this hour 57 officers carried as extra numbers. It is not an unusual or an uncommon thing to do, and these men can be carried as extra numbers during the next fiscal year.

Furthermore, four hundred or more young men graduated from Annapolis a few days ago. That will mean that there will be more officers in a higher rank, lieutenants (junior grade) and lieutenants (senior grade), and these men can be given those grades temporarily without disturbing the regulations or the rules or the practices of the Navy. I respectfully ask that the point of order be overruled.

The VICE PRESIDENT. The proposed amendment calls for an expenditure of money, which would make necessary an appropriation. It is general legislation, and the Chair rules that the point of order is well taken.

Mr. JONES of Washington. Mr. President, I want to ask the Senator in charge of the bill with reference to the Hydrographic Office. I submitted an amendment proposing to appropriate $100,000 to enable the Hydrographic Office to print charts, and so on, to carry on their work more extensively. I did it in order to bring the proposition before the committee, so that it could be considered. The subcommittee I have no doubt did consider it carefully, but they did not recommend the

amendment. So I ask the acting chairman if he will state briefly the reasons which led the committee not to recommend that provision.

Mr. POINDEXTER. Mr. President, on an examination of the different parts of the bill we found that the items affecting the Hydrographic Office totaled $507,730, which the committee considered a very large appropriation for practically the exclusive work of producing charts. It was not considered that there was such an emergency or pressing need at this time as to demand this extra appropriation. While, of course, like many other things, it would be desirable that we should have our own charts of every part of the world, in the effort to hold the bill down as much as possible we did not believe there was such need for it as to justify making this appropriation.

The whole point is whether or not we shall produce here in our own country plates from which can be printed charts of every navigable portion of the seven seas, or whether we shall continue, as we have in the past, making such proportion of them as the appropriations will provide for and purchasing the rest of them from foreign countries, which there is no difficulty in doing.

Mr. JONES of Washington. I want to call the Senator's attention to this statement in the report of the Hydrographic Office, which to my notion brings out the real point to be carefully considered. It says:

> From the above table it will be seen that our Navy and merchant marine are dependent upon the British Admiralty for 1,178 charts as against the 3,364 furnished by our own Government (2,720 by Hydrographic Office and 644 by Coast Survey).

This is the special point:

> A further study of the details of the table will show that the entrance of our ships into European waters is practically under the control of the British Government.

We are seeking to build up an American merchant marine. We have a large number of ships owned by the Government which, of course, it is hoped to put into private hands in the very near future.

Mr. POINDEXTER. Can the Senator inform the Senate as to the extent to which the Coast and Geodetic Survey produces charts of European waters?

Mr. JONES of Washington. I can not state absolutely.

Mr. POINDEXTER. I think they make plates and print charts of waters, but just to what extent I do not know.

Mr. JONES of Washington. I think the Coast and Geodetic Survey cover our coastwise waters.

Mr. POINDEXTER. I know that the Shipping Board is very much in favor of this appropriation, and I submitted to the committee a letter from the Shipping Board. The private merchant marine are also in favor of it. I submitted a letter from one of their organizations to the committee. Personally, at some future time, perhaps in the next appropriation bill, I will be very much disposed to go further into the question, with a view possibly to make further provision for charts of European waters.

Mr. JONES of Washington. I wondered if the Hydrographic Office had any representative before the subcommittee.

Mr. POINDEXTER. Yes; the hydrographer, Captain Bassett, appeared before the subcommittee and made a very strong statement and a very urgent request for this appropriation.

Mr. JONES of Washington. That is what I thought. I believed the subcommittee gave the matter very careful consideration, and I was willing to accept their judgment. Therefore I am not going to offer the amendment. But I do hope that the committee will give that matter very special consideration in framing the next appropriation bill, because I believe that it is a matter of vital importance to our shipping and our merchant marine.

Mr. POINDEXTER. I am very much in sympathy with the views of my colleague in regard to the desirability of having independent equipment for the navigation of the entire world, as far as possible, under our own control, and in the preparation of the next appropriation bill I would like to have the Senator give the committee some assistance in the matter.

Mr. JONES of Washington. I shall be glad to do that, because I think it is absolutely essential that we should have our own charts of the principal harbors of the world. We are going to be in a merchant marine contest which will bring against us all the forces which can be employed to prevent the establishment of our merchant marine, and if these charts are necessary to marine navigation, and are necessary to a merchant marine, then everything possible is going to be thrown in our way to prevent us from having the necessary charts. If we do not make them, then our competitors will have them before we get them, if so getting them means any advantage to them.

I shall be glad to cooperate with the committee in the consideration of the next appropriation bill. I felt, however, that this was a matter which the subcommittee would carefully consider at this time and that they would pass upon the advisability of incorporating the provision in this bill. That is the reason why I am not going to offer the amendment which I introduced and had printed. I hope the subject will be given very careful consideration, and I think it ought to be taken care of in the next bill.

Mr. HEFLIN. Mr. President, I think we have reached a point now where the amendment I sent to the desk would be in order, and I ask that it be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 8, line 19, strike out "$19,000" and insert in lieu thereof "$21,000," under the heading "Naval war records."

Mr. HEFLIN. I understand that the officers in charge of this work claim that this additional sum is very necessary, that they need this addition of $2,000, and that it will be very helpful to them in carrying on the work.

Mr. POINDEXTER. This matter was specially considered in the subcommittee, and the committee was perfectly well satisfied, from the testimony which was submitted to it, that the work could be efficiently carried on with the amount provided in the bill.

Mr. BROUSSARD. Mr. President, I do not know very much about this matter. I understood that the senior Senator from Mississippi [Mr. WILLIAMS] was to present it, but I have been informed he was called away. It increases the appropriation by $2,000. I think this additional amount is for the purpose of increasing the subordinate force so as to enable them to compile in a shorter time the history which they are to write, and that there will be a great saving by it. Whether or not that is true I do not know, and I would like to inquire of the acting chairman of the committee about it.

Mr. POINDEXTER. There is no estimate for it, and it is not recommended by a committee. Nineteen thousand dollars was the amount asked for in the estimate. The amendment is subject to a point of order, of course, and I make the point of order against it.

The VICE PRESIDENT. The point is sustained.

Mr. FRANCE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 47, line 15, the Senator from Maryland proposes to add:

> *Provided further*, That all employees of the navy yards who were, as a result of the change in national policy, given furloughs without pay shall be paid six months' pay at the regular rate, and all those employees who shall have served 25 years or more shall be entitled to retirement with such compensation as may be determined by the Secretary of the Navy in harmony with the established governmental policy of caring for those who have faithfully served the Government through a long period.

Mr. FRANCE. I realize that this amendment is subject to a point of order, but I wished to present it at this time in order that the matter might be before the Senate. It can, perhaps, be better taken care of in some other bill. However, if the Senator from Washington feels that it would be appropriate to put it upon this bill, I would be much gratified.

Mr. POINDEXTER. It has not been considered at all by the committee, and it is a matter of such importance that it ought to be considered by a committee. I make a point of order against the amendment as being general legislation.

The VICE PRESIDENT. The point of order is well taken.

Mr. POINDEXTER. The Senator from Utah [Mr. KING] has an amendment which he desires to offer and debate at some length. So, it would be obviously impossible to conclude the consideration of the bill this afternoon.

JOHN B. ELLIOTT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1784) for the relief of John B. Elliott, which was, on page 1, line 4, to strike out the word "pay" and insert "pay, out of any money in the Treasury not otherwise appropriated."

Mr. CURTIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FORT WINGATE MILITARY RESERVATION, N. MEX.

Mr. BURSUM. I ask unanimous consent to submit a report from the Committee on Military Affairs. I report back favorably with an amendment from that committee the joint resolution (S. J. Res. 185) authorizing the Secretary of War to grant

permits for removal of rock and gravel from military reservations, and I submit a report (No. 778) thereon. I ask unanimous consent for the present consideration of the joint resolution.

Mr. POINDEXTER. It is reported from the committee?

Mr. BURSUM. Yes; reported from the Committee on Military Affairs, and the War Department reports favorably upon it.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was, in line 5, before the name "Fort Wingate," to insert "the," and after "Fort Wingate," to strike out "Fort Bayard, and Fort Stanton Military Reservations," and insert "Military Reservation," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits for the excavation and removal of rock or gravel from the Fort Wingate Military Reservation, in New Mexico, under such regulations as the War Department may prescribe, when same is to be utilized for highway or street purposes either by State or municipality.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of War to grant permits for removal of rock and gravel from the Fort Wingate Military Reservation."

EXECUTIVE SESSION.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and the Senate (at 5 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until Monday, June 19, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 17 (legislative day of April 20), 1922.

UNITED STATES ATTORNEYS.

Granby Hillyer, of Colorado, to be United States attorney, district of Colorado, vice John Foster Symes, appointed United States district judge.

W. O. Potter, of Illinois, to be United States attorney, eastern district of Illinois, vice James G. Burnside, resigned.

W. Sherman Ball, of Kentucky, to be United States attorney, western district of Kentucky, vice W. V. Gregory, resigned.

Frederick R. Dyer, of Maine, to be United States attorney, district of Maine, vice John F. A. Merrill, resigned, effective July 1, 1922.

SECOND JUDGE OF THE CIRCUIT COURT, TERRITORY OF HAWAII.

Ray J. O'Brien, of Hawaii, to be second judge of the Circuit Court, First Circuit, Territory of Hawaii, vice John T. DeBolt, appointed United States district judge.

REGISTERS OF THE LAND OFFICE.

The following registers of land offices, effective upon completion of consolidation, in accordance with the provisions of the Interior Department appropriation act approved May 24, 1922:

Silas E. Speckman, of Colorado, to be register of the land office at Lamar, Colo.

Galen C. Pond, of Colorado, to be register of the land office at Montrose, Colo.

William Ashley, of Idaho, to be register of the land office at Coeur d'Alene, Idaho.

Hugh E. O'Donnell, of Idaho, to be register of the land office at Lewiston, Idaho.

George J. Reiley, of Louisiana, to be register of the land office at Baton Rouge, La.

Martin Widsten, of Minnesota, to be register of the land office at Crookston, Minn.

William O. Ligon, of Mississippi, to be register of the land office at Jackson, Miss.

Eber Melvin Steninger, of Nevada, to be register of the land office at Elko, Nev.

Albert Halen, of Utah, to be register of the land office at Vernal, Utah.

RECEIVER OF PUBLIC MONEYS.

William Harris, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex., vice Donaciano E. Rodriguez, resigned.

MEMBER OF THE BOARD OF CHARITIES.

William J. Kerby, of the District of Columbia, to be a member of the Board of Charities for the District of Columbia for a term of three years from July 1, 1922. (A reappointment.)

COAST AND GEODETIC SURVEY.

Lex B. Clore, of Indiana, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice Nathan Cherniack, resigned.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. Joel Robert Lee, Infantry, from June 14, 1922.

To be lieutenant colonel.

Maj. James Pryor Castleman, Quartermaster Corps, from June 14, 1922.

To be major.

Capt. John Boone Martin, Coast Artillery Corps, from June 14, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17 (legislative day of April 20), 1922.

POSTMASTERS.

COLORADO.

Ethel Shy, Cheyenne Wells.

IDAHO.

Omer S. Cordon, Rigby.

ILLINOIS.

Hoyt B. Kerr, Brookport.

INDIANA.

Ernest W. Shaw, Gaston.
Ralph S. Ward, Knightstown.
Fred S. Huffman, Lapel.

KENTUCKY.

John P. Vanzant, Edmonton.

MICHIGAN.

Ernest E. Hawes, Applegate.
Earl E. Parker, Cement City.

MISSOURI.

Eros S. Bradley, Frankford.
Robert W. Evens, Herculaneum.
Julius J. Boehmer, Lincoln.
Charles E. Colinot, Monticello.
Rachael Pinkley, Portageville.
Clarence D. Springer, Richards.

MONTANA.

Cornelius T. Hansen, Big Sandy.
Jack Bennett, Plentywood.
Rudolph P. Petersen, Rudyard.

NEBRASKA.

Verne W. Langford, Laurel.
Virgil E. Barker, Newport.
Floyd Buchanan, Silver Creek.

NEW YORK.

George W. Steele, Brockport.
De Witt C. Talmage, East Hampton.
Vernon E. Taylor, Lima.
Henry L. Parker, Scarboro.
Fisher M. Joslin, Voorheesville.

OHIO.

Walter R. Britton, Kimbolton.

OKLAHOMA.

Joseph E. Spurrier, Beaver.
Clinton L. Rogers, Caney.
Levi R. Gray, Dover.
Earl T. Hull, Fargo.
Elmer E. Heady, Gate.
Louia M. Amick, Jefferson.
William E. Nevin, Jet.
Cora E. Morris, Manchester.
William F. Hutton, Oakwood.

Wilson W. Howe, Pershing.
William G. Blanchard, Purcell.
William E. Baker, Ripley.

PENNSYLVANIA.

Mary E. Healy, Drexel Hill.
Herbert H. Park, Gibsonia.
J. Richard Duncan, Heilwood.
Frank J. Over, Hollidaysburg.
J. Howard Gawthrop, Kennett Square.
John Itzel, Salina.
James A. Woodard, Shinglehouse.
Martin D. Hunter, Stony Creek Mills.
Harry A. Fuellhart, Tidioute.

SOUTH DAKOTA.

Peter J. Kleinjan, Gregory.

VIRGINIA.

Charles L. Horne, Glade Spring.
William J. Crockett, Graham.
William P. Moorman, New Canton.
William B. Dew, Sweet Briar.

WEST VIRGINIA.

Millard F. Forgey, Kingston.

WYOMING.

Mayme A. Jackson, Osage.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 17, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, Thy mercy is our hope and trust. We are here not in our own strength but in the loving kindness and power of our Heavenly Father. Send forth Thy light, that we may fulfill the measure of duty that is plain to us. With our labors, bless us with a larger day. O enrich us with the fruitful joys of the Christian's faith. May it ever be our shield and our strong defense. Redeem our country from all enmities and jealousies. Shadow it with the sweet, gracious sentiment of brotherhood. Teach us that the lasting treasure of life is the presence of Him who quiets all alarms and stills the soul with heavenly peace. Through Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. WALSH. Mr. Speaker, I would like to have that part of the Journal read that refers to the permission granted to the gentleman from Texas [Mr. HARDY] to file minority views.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

On motion of Mr. HARDY of Texas, by unanimous consent, Members are granted five legislative days in which to file minority views on the bill H. R. 12021, not to interfere with the consideration of said bill.

Mr. WALSH. Mr. Speaker, I suppose it would be so taken as to be restricted to the members of the Committee on the Merchant Marine and Fisheries?

The SPEAKER. The Chair thinks so.

Mr. BANKHEAD. I am sure that that was the purpose and intention of the request.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The Journal was approved.

CALL OF THE HOUSE.

Mr. SNELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. SNELL. I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present, and it is clear that no quorum is present.

Mr. KNUTSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Barkley	Bland, Ind.	Briggs
Andrew, Mass.	Beck	Blanton	Britten
Ansorge	Bell	Boies	Brooks, Pa.
Anthony	Bixler	Bond	Brown, Tenn.
Arentz	Black	Bowers	Buchanan
Bacharach	Blakeney	Brennan	Burke
Burtness	Gallivan	Linthicum	Riordan
Campbell, Kans.	Garrett, Tex.	Little	Robertson
Cantrill	Gilbert	Luce	Robsion
Carew	Glynn	Luhring	Rosenbloom
Carter	Goldsborough	McClintic	Rossdale
Chandler, N. Y.	Goodykoontz	McLaughlin, Nebr.	Rouse
Chandler, Okla.	Gorman	McLaughlin, Pa.	Rucker
Clark, Fla.	Gould	McPherson	Ryan
Classon	Graham, Pa.	MacGregor	Sabath
Cockran	Hardy, Colo.	Maloney	Sanders, Ind.
Codd	Harrison	Mansfield	Sanders, N. Y.
Connell	Haugen	Mead	Sears
Connolly, Pa.	Hays	Merritt	Shaw
Cooper, Ohio	Henry	Michaelson	Siegel
Cooper, Wis.	Hersey	Mills	Sinclair
Copley	Hicks	Montague	Sisson
Crago	Hill	Moore, Ill.	Slemp
Crowther	Himes	Moore, Ohio	Snyder
Cullen	Hogan	Moores, Ind.	Stafford
Dallinger	Hooker	Morin	Stiness
Davis, Minn.	Huddleston	Mudd	Stoll
Deal	Hudspeth	Nelson, Me.	Strong, Pa.
Dempsey	Husted	Nelson, J. M.	Sullivan
Denison	Hutchinson	Newton, Minn.	Swank
Dickinson	Ireland	Newton, Mo.	Sweet
Drane	Jefferis, Nebr.	O'Brien	Tague
Driver	Johnson, Ky.	O'Connor	Taylor, Ark.
Dunbar	Johnson, Wash.	Olpp	Taylor, Colo.
Dunn	Jones, Pa.	Osborne	Taylor, Tenn.
Dupré	Kahn	Padgett	Temple
Edmonds	Kendall	Park, Ga.	Tilson
Elliott	Kennedy	Parker, N. J.	Treadway
Evans	Kiess	Parks, Ark.	Tyson
Fairchild	Kindred	Patterson, N. J.	Underhill
Fairfield	Kinkaid	Perkins	Vare
Fess	Kirkpatrick	Perlman	Vestal
Fields	Kitchin	Petersen	Volk
Fish	Knight	Purnell	Ward, N. Y.
Focht	Kraus	Radcliffe	Wason
Fordney	Kreider	Rainey, Ala.	Winslow
Frear	Langley	Ransley	Wood, Ind.
Free	Larson, Minn.	Rayburn	Woodyard
Freeman	Lazaro	Reber	Young
Frothingham	Leatherwood	Reed, N. Y.	Zihlman
Fuller	Lee, N. Y.	Riddick	

The SPEAKER. Two hundred and twenty-seven Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, the chairman of the Committee on Rules, who was to present a rule this morning, is unavoidably absent, and as the committee did not authorize anyone other than the chairman to call up the rule, it can not be called up in his absence.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARNER. Is the chairman of the committee out of the city?

Mr. MONDELL. No; the chairman of the committee is in the city, but he is detained on important public business.

Mr. CRAMTON. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. CRAMTON. The gentleman is aware that I am interested in the measure referred to. I had been informed that the bill would come up to-day, and have had no notice to the contrary until now. Can the gentleman from Wyoming give the House, or those interested in the measure, any idea when that rule may be expected to be reported?

Mr. MONDELL. I have hopes, of course, Mr. Speaker, that the measure may be brought up very promptly. The ranking member of the Committee on Rules is here. I think I stated that I was told that only the chairman was authorized to call the measure up, but I have no very definite information on that point. Of course, the ranking member of the Committee on Rules has a right to call the measure up and have the question settled as to whether or no he is authorized by the committee to present the rule.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. GARRETT of Tennessee. The Committee on Rules never, within my experience upon it, has passed a resolution authorizing or directing any particular member of that committee to call up a resolution reported by the committee. The resolution to which the gentleman refers was unanimously adopted. Of course, it is the custom of the chairman to call those matters up; but, so far as I know, there is no reason why any other member of the committee can not call them up.

Mr. MONDELL. With that statement of the gentleman from Tennessee, I think the gentleman from New York [Mr. SNELL] was justified in calling up the rule.

Mr. CRAMTON. Will the gentleman from Tennessee yield for a question?

Mr. GARRETT of Tennessee. With the permission of the gentleman from Wyoming.

Mr. MONDELL. I yield.

Mr. CRAMTON. I would like to ask the gentleman from Tennessee whether the rule to which he has just referred is the rule to make in order a bill for the reestablishment of certain land offices?

Mr. GARRETT of Tennessee. That was my understanding. That is the rule to which the gentleman from Wyoming refers.

Mr. CRAMTON. May I further inquire of the gentleman from Tennessee, inasmuch as he states that the rule was unanimously adopted by the committee, if the gentleman from Tennessee was present at the meeting of the committee when the rule was ordered reported?

Mr. GARRETT of Tennessee. I was present.

Mr. SINNOTT. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. Will the gentleman state to the House whether or not there was a quorum present at the time?

Mr. GARRETT of Tennessee. I suggest that the gentleman from Kansas [Mr. CAMPBELL] reply to that. He is now here.

Mr. CRAMTON. The gentleman would not state that there was a quorum present?

The SPEAKER. Does the gentleman from Oregon withdraw his demand for the regular order?

Mr. SINNOTT. Mr. Speaker, according to the authority of the committee to report this particular rule, I think the record of the committee is the best evidence. Others are interested in the rule besides the gentleman having the floor and the gentleman interrogating him.

The SPEAKER. The Chair would understand that that was a withdrawal of the demand for the regular order.

Mr. GARRETT of Tennessee. Having no responsibility in connection with the rule or with the matters that are brought before that committee for consideration, I do not think I should be called upon by the gentleman from Michigan [Mr. CRAMTON] at this time to respond to his inquiry.

Mr. CRAMTON. I understand that; I appreciate that. I wish the gentleman would explain, however, what he meant when he said that the rule had been ordered reported by the unanimous consent of the committee. He refers only to those who were present at the meeting?

Mr. GARRETT of Tennessee. Yes; those who were not present did not vote. [Laughter.]

Mr. CRAMTON. If the gentleman from Tennessee will yield further, he did not mean to intimate to the House that all the members of the committee were present?

Mr. WILLIAMSON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of S. 3425, an act to continue certain land offices, and for other purposes; that there shall be one hour of general debate on said bill, one-half to be controlled by those in favor thereof and one-half to be controlled by those opposed thereto. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill back to the House with the amendments, if any. The previous question shall be considered as ordered on the bill and all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. CRAMTON. Mr. Speaker, reserving all points of order on the report and the resolution, I will ask the gentleman from Kansas [Mr. CAMPBELL] to state to the House whether at the time this rule was reported by the Committee on Rules or when an attempt was made to authorize the report there was present a quorum of the committee?

Mr. CAMPBELL of Kansas. In answer to the inquiry of the gentleman I send to the Clerk's desk and ask to have read the minutes of the meeting.

The Clerk read the paper sent to the desk, which was later withdrawn from the consideration of the Speaker and from the RECORD.

Mr. CRAMTON. Mr. Speaker, I make the point of order, first, that at the meeting at which there was an attempt made to authorize a report of this resolution there was not in fact present a quorum of the committee; second, that the committee did not have jurisdiction of the matter covered by this rule, no rule of this nature or upon this subject having previously been introduced or referred to that committee and no petition having been referred to that committee and the House not having in any way referred this matter to the committee.

Now, Mr. Speaker, in support of the first point of order, the extract just read from the proceedings of the Committee on Rules carries with it no signature whatever, no evidence of its authenticity, and is accompanied by no statement whatever of the chairman of the Committee on Rules, who offered it in the House, that it does state the facts.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield right on that point?

Mr. CRAMTON. I can not at this moment. I will later. And I may say to the gentleman from Kansas that he will not say to the House that that paper sent to the desk is a true statement of the facts, because that committee consists of 12 members, and 7 are necessary for a quorum; and I know absolutely that 6 members of that committee were absent all through the pretended session of the Committee on Rules, those members being the gentleman from New York [Mr. SNELL], who is on the floor now, and who will vouch for the statement he has previously made to me that he was absent at the time of the meeting; the gentleman from Ohio [Mr. FESS], whom I do not see at the moment, but who is, I think, now in the city, and who has stated to me that he was not present at that meeting; the gentleman from North Carolina [Mr. POU], whom I do not see just at this moment, but I understand he is present, and I am advised by the gentleman from South Carolina [Mr. BYRNES] that Mr. POU has stated to him that Mr. POU was not present at that committee session; Mr. RIORDAN, of New York, I am not sure whether he is present or not, but he was here in the last day or two, and stated to me that he was not in the city Tuesday, as I recall, but positively he was not at that committee meeting. The gentleman from Kentucky [Mr. CANTRILL] is out of the city, was out of the city on Tuesday, and has been out of the city a long time, as gentlemen from Kentucky have advised me. There are a number of gentlemen from Kentucky on the floor who will vouch for that statement, that the gentleman from Kentucky [Mr. CANTRILL] has not been in the city for a week or more and could not have been at that meeting. The gentleman from Pennsylvania [Mr. KREIDER] was out of the city on Tuesday. He has not been here for a week or more, as gentlemen from Pennsylvania all very well know, and he could not have been at that committee meeting, because he has not been in the city for a long time.

There are six members absolutely, positively accounted for. There is one other, the gentleman from Minnesota [Mr. SCHALL]. He is on the floor. I have tried to get in touch with him, but have not succeeded, and I can not say positively whether the gentleman from Minnesota was present or not at that meeting. I have information that he was not, but I am not positive as to the correctness of that information. But it is quite immaterial. There being six absent, even with the gentleman from Minnesota there could not have been present more than six, and there could not have been present at that committee meeting a quorum of the committee.

Now, Mr. Speaker, when we come to argue the question of parliamentary law and leave the question of fact, it may be that the gentleman from Kansas [Mr. CAMPBELL] will try to make a distinction, try to argue that regardless of any other evidence before the House, any other evidence before the Speaker, some purported paper coming in here that is claimed to be a record of the Committee on Rules must determine the question of fact, regardless of evidence to the contrary that satisfies every Member of the House present.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Just one more sentence and then I will yield to the gentleman. It may be—although I think that is not a controlling fact—it might be that upon that attitude he could obtain a decision of the Chair to-day. But, Mr. Speaker, I hope the time has not come in this Congress when the great Committee on Rules, which has in its power the decision of the question whether some great measure affecting the interests of the country or another great measure shall have a hearing before this House. I hope the time has not come in this House when the Committee on Rules and its chairman, the splendid gentleman from Kansas [Mr. CAMPBELL], will be willing to risk the prestige of that committee in this House through any subterfuge or technicality contrary to the facts. Now I yield to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Does not the gentleman believe that when the chairman of a committee presents a statement from the committee of which he is chairman he vouches for that statement speaking the truth?

Mr. CRAMTON. Knowing the gentleman from Kansas and his rectitude, and knowing the facts to be contrary to the paper

presented, I am obliged to presume that the gentleman from Kansas has not vouched for the correctness of this paper.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I will yield to the gentleman for a statement of fact.

Mr. CAMPBELL of Kansas. I want to make a statement.

Mr. CRAMTON. As to the facts, I am very glad to yield to the gentleman.

Mr. CAMPBELL of Kansas. Touching the fact. The question of a quorum was not mentioned, was not raised at that meeting. The presumption therefore is that there was a quorum present.

Mr. CRAMTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. The eliminations made by the gentleman from Michigan to the contrary notwithstanding, the presumption still stands, no question of a quorum having been raised, that there was a quorum present.

Mr. CRAMTON. Then I am to understand that the gentleman presents this paper, and claims for the statement therein that there was a quorum present, only that it is a formality that is put in regardless of the actual facts, unless some member of the committee raises the point of no quorum present. Is that correct?

Mr. CAMPBELL of Kansas. I think two or three days ago here in the House a bill was passed, some bills, and I think I could go out now and get the names of enough men who were not upon the floor to raise a question as to whether or not a quorum was present and voted for the passage of those bills; and yet the records of this House presume that there was a quorum present when the bills were passed——

Mr. CRAMTON. I repeat my question.

Mr. CAMPBELL of Kansas. And the same thing occurred in the Committee on Rules.

Mr. CRAMTON. The gentleman will state, then, that the only foundation for the statement in the paper presented, which purports to be a record of the meeting of the committee, the only foundation for the statement that there was a quorum present was the fact that no one made the point of no quorum?

Mr. CAMPBELL of Kansas. The presumption that a quorum is present when business is transacted, the point of no quorum not being made.

Mr. BYRNES of South Carolina. But I understand that on that day the Rules Committee declined to report a rule on the Tincher bill because there was no quorum present?

Mr. CRAMTON. The correct statement would be that word having been sent to the gentleman from Kansas [Mr. CAMPBELL] that if the Tincher bill was brought up the point of no quorum would be made, therefore the Tincher bill, which I assume has the friendly support of the gentleman from Kansas, was not brought up.

Mr. BYRNES of South Carolina. Is not the gentleman from Kansas willing to agree that at the time the Tincher bill was spoken of in the committee there was no quorum present, and that that is the reason why it was not taken up?

Mr. CAMPBELL of Kansas. The very last thing that occurred was the question was raised—not openly in the committee but privately—whether another resolution should be agreed to, just before the adjournment of the committee, and it was decided not to submit the matter.

Mr. BYRNES of South Carolina. Why? Did the gentleman state why?

Mr. CAMPBELL of Kansas. I am not called upon to give the details of what occurred in that committee meeting.

Mr. BYRNES of South Carolina. The gentleman said it was decided not to submit the matter, but I did not understand the gentleman to state why?

Mr. CAMPBELL of Kansas. I did not give the reason why.

Mr. BYRNES of South Carolina. Does the gentleman mean to say that the statement contained in the minutes as to the presence of a quorum was incorrect and hence the gentleman decided not to submit the Tincher resolution? Does the gentleman say that there was a quorum present?

Mr. WILLIAMSON. Mr. Speaker, I demand the regular order.

Mr. GARNER. Will the gentleman yield for a question?

Mr. CRAMTON. I yield to the gentleman from Texas.

Mr. GARNER. I want to refer to the statement of the gentleman from Kansas as to the minutes of the committee. I have served on three different committees in Congress since I have been a Member of it, and the minutes of those committees have never recited that there was a quorum present if there was not a quorum present in fact. Now, if it is the custom of the minutes of his committee to recite facts that do not exist, that falsifies the record, and I do not believe you can find another committee in the House of Representatives whose minutes will recite the fact that a quorum was present when, as a matter of fact, a quorum was not present. I recall the procedure in the Committee on Ways and Means, and we have reported bills out of that committee without a quorum, but the minutes of the committee did not recite that there was a quorum present at that time, and I do not believe that the minutes of any committee ought to recite that there was a quorum present unless there was actually a quorum there.

Mr. CAMPBELL of Kansas. I agree entirely with the gentleman from Texas.

Mr. MOORE of Virginia. If the gentleman is right in saying that the mere recital in the minutes imports verity and can not be disputed, then he must logically insist that if there were no members of the committee present, but only the clerk or secretary who wrote the minutes, then there could not be any inquiry into the fact as to whether there was a meeting of the committee or not.

Mr. VAILE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VAILE. If the question of the presence of a quorum was not raised in the committee, is it in order to raise it now?

The SPEAKER. That is the question before the House.

Mr. CRAMTON. I am not yielding except for a statement of facts. I want the facts developed, and then we can discuss the other questions afterwards.

Mr. GARRETT of Tennessee. Will the gentleman yield at this point?

Mr. CRAMTON. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I have never before heard read, either on the floor of the House or in the Committee on Rules, the minutes of the committee.

The procedure of the Committee on Rules has been quite informal. It is a fact that the Committee on Rules, where no objection was made, has in the past voted out rules when a quorum was not present, but an important and dangerous precedent might be made here to-day if the document presented by the gentleman from Kansas [Mr. CAMPBELL] were held to be unquestioned. Half the bills in the House of Representatives probably pass with a quorum not being present. It is not the custom of the Journal to show that a quorum of the House is present, as a quorum is presumed to be present until the question is raised in the House. My own thought has been that that same rule applied to a committee in so far as the committee was concerned, but the right to raise the question on the floor of the House ought to be held inviolate, in my opinion. I want to say here and now that if the Committee on Rules has the practice of reciting in its minutes the proposition that a quorum was present, whether a quorum was present or not, I shall feel it my duty in the future to see to it, no matter how inconsequential the thing we may be considering is, that there is a quorum present in order that the minutes may speak the truth. [Applause.]

Mr. CRAMTON. Mr. Speaker, I think it might occur to the gentleman from Kansas that even if in the future this erroneous feature of the record kept by the Committee on Rules should be eliminated by reason of the activity of the minority, there might remain some lack of confidence on the part of the House as to other features of the record of that committee.

Mr. CAMPBELL of Kansas. To what does the gentleman refer?

Mr. CRAMTON. Simply this, which I am sure will not be the case: If the Committee on Rules should show to this House that they are willing to rely upon a false record as to the attendance at a meeting, then that committee will be bound to weaken the confidence of the House as to other features of the records of that committee.

Mr. CAMPBELL of Kansas. May I state this: I never saw the minutes of the meeting of the Committee on Rules until within the last few minutes. To-day when the House convened I was necessarily absent on an errand at the other end of the Avenue. I handed the rule to the ranking member of the committee before I left. After I came into the Chamber I was handed the resolution. I presented the resolution, and immediately afterwards the gentleman from Michigan took the floor. I have not had an opportunity to see whether or not it has been the universal custom of the committee to keep minutes in this way. I do not know when a copy of the minutes were procured. I have no knowledge upon that question; but I do know, as the gentleman from Tennessee [Mr. GARRETT] has stated, that the Committee on Rules for the past 12 years has transacted much important business without a quorum of the committee being present.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. This is not the first time, of course, that the question has been raised as to whether a quorum of a committee was present.

Mr. CRAMTON. Oh, that question has been raised a number of times.

Mr. BANKHEAD. Will the gentleman yield to me in order that I may ask the gentleman from Kansas a question?

Mr. CRAMTON. Certainly.

Mr. BANKHEAD. It might be important to the Speaker in deciding this question, inasmuch as the fact of a quorum being present is challenged, to learn from the gentleman from Kansas whether as a matter of fact he controverts that challenge, and I ask the gentleman from Kansas to state whether or not as a matter of fact a quorum was present at that meeting.

Mr. CAMPBELL of Kansas. There is no question about that fact. There was not a quorum of the committee present. That is a fact about which there can be no controversy. The presumption, however, has always been when any committee of this House has transacted business and the question of a quorum not being raised, that it had the right to transact business that was transacted, just as this House passes bills every week when a quorum is not present.

Mr. CRAMTON. That is another question entirely. Mr. Speaker, I am sure that the statement which the gentleman from Kansas has made fully vindicates the absolute confidence in his integrity which every Member of the House feels, and always has felt, and may I be permitted to suggest to the gentleman that the parliamentary situation would be well adjusted if the gentleman would withdraw from the consideration of the Speaker the purported statement of the records of the Committee on Rules?

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask that the Chair not take into account, in rendering his decision, the minutes of the meeting of the Committee on Rules, and that they be eliminated from the record.

The SPEAKER. The Chair will hear anybody who is opposed to the point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, I wish to state this, that the right of the gentleman from Michigan [Mr. CRAMTON] to raise the question of fact as to what transpired in the committee is not questioned. He does raise the question of fact. There is no question that at the meeting of the committee referred to there were not seven members present, seven members being necessary to constitute a quorum of that committee. The question of a quorum, however, was not raised in the committee, and it is raised here for the first time.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. STEVENSON. Was there at any time during that meeting a quorum present? In other words, was there a quorum present when the committee started?

Mr. CAMPBELL of Kansas. No. There were not seven members of the Committee on Rules in the city. Mr. Speaker, now that I have said this much, I think I am justified in taking a little of the time of the House in making a statement about quorums in the Committee on Rules. The Committee on Rules meets usually upon the call of the chairman. Sometimes a necessity for a meeting of the Committee on Rules is pressing, and the committee must be called together immediately. It is very difficult to get a quorum of that committee. Very often a quorum of the committee is not in the city. I doubt if there is a quorum of the committee in the city at this moment, and yet here is an important matter brought up for consideration, and if the Speaker rules that the gentleman from Michigan properly raised the question as to the legality of the proceedings in the Committee on Rules at its last meeting, then the Committee on Rules should meet at once and agree to this resolution; but there is not a quorum of that committee in the city, and the public business can not be transacted.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. In a moment. I am not responsible for the fact that the Committee on Rules, which must meet suddenly and without much notice, has 12 members upon it. It is very difficult to get 12 members of any committee to meet upon a sudden call.

Mr. CRAMTON. What would happen to the public business if there was not present in the city a quorum of the House?

Mr. CAMPBELL of Kansas. Bills passed yesterday when I doubt if there was a quorum present. Bills have passed many times when it was doubtful if there was a quorum in the House.

Mr. RAMSEYER. Let me say that all the bills that passed in the House yesterday were passed without a quorum. I was present all day, and I know. Will the gentleman permit a question?

Mr. CAMPBELL of Kansas. Certainly.

Mr. RAMSEYER. Is there a different rule governing a quorum in the Committee on Rules and where we do business here in the House without a quorum? The presumption is that a quorum is present and that everything transacted is legal until some gentleman rises and makes the point of order that no quorum is present. Bills passed yesterday and not one passed with a quorum present. They all went over to another body. Can some Member of that other body raise the question as to whether there was a quorum present in the House? If anybody can raise the question of a quorum being present in the committee after the bill is called up in the regular way here in the House, what becomes of the business of the House when hundreds of bills are reported from committees without a quorum being present if the question of fact can be raised in the House as to whether there was a quorum present in the committee reporting the bill?

Mr. CAMPBELL of Kansas. There is much logic in what the gentleman says.

Mr. GARRETT of Tennessee. Will the gentleman let me make this answer to the gentleman from Iowa?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARRETT of Tennessee. It so happens that the five or six members who were present at a meeting of the Committee on Rules on this particular day when this rule was reported were favorable to the reporting of the rule, therefore there was no minority there. Let me show where the position of the gentleman from Iowa might lead to. It probably would not occur, and yet it might occur in times of stress, strain, and passion, that a political majority of the committee would get together, pass a rule without a quorum, even without a political majority being present, and there would be no way under Heaven whereby it could be challenged except in the way the gentleman from Michigan is challenging this.

Mr. RAMSEYER. There has been no question raised as to the call of the committee being proper. The presumption is that every member was notified, and it certainly presents a different situation than what the gentleman is assuming, that a political majority might do business without the minority knowing of it. If such a situation should arise and a political majority calls a meeting and has no quorum, and the minority is not notified, I should say that that was an illegal meeting.

Mr. GARRETT of Tennessee. The facts in this case will refute all that the gentleman intimates in that statement, because in this case the Members were notified by telephone and not in writing, and of course if they were not here they could not be notified.

Mr. RAMSEYER. Is not notice by telephone as valid and binding as a notice in writing?

Mr. GARNER. The difference between a quorum in the House and a quorum in committee, to my mind, is this: In the House each Member has a right to make a point of no quorum. Only the members of a committee have a right to make a point of no quorum in committee. Every man in the House ought to have the right to see that a quorum is present in committee and ought to have the right on the floor to question it.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GREENE of Vermont. Is not the very purpose and function of the Committee on Rules to take away some right that the minority may have in the House and therefore is there not all the more reason why the commitee should proceed with a quorum?

Mr. GARNER. I agree with the gentleman. The Journal of the House does not each morning recite that there was a quorum present. If the Speaker in this instance is convinced as a matter of fact that there was not a quorum present at the reporting of the rule or of a bill, the integrity of the House of Representatives is involved and the Speaker ought to say that the committee did not have a legal right to report the bill.

Mr. WALSH. Will the gentleman yield to me to propound an inquiry to the Speaker?

Mr. CAMPBELL of Kansas. I want to make a further statement and then I will yield. What I want to say further is this: If the Committee on Rules is to function, if the House expects the Committee on Rules to aid the House in the transaction of its business, the House must provide for a Committee on Rules that can secure a quorum of its members. [Applause.] During the period of the war, as a member of the Committee on Rules, I met with the gentleman from North Carolina [Mr. POU] and one or two others. Much of the most important legislation that has ever been acted upon in the history of this Republic

was brought on the floor of the House from the Committee on Rules when sometimes there were not to exceed three members of that committee present. It was done by unanimous consent, and the question of the attendance of a quorum was never raised. The gentleman from North Carolina was laboring under the same burdensome conditions then that some of the rest of us have been laboring under since then. He could not upon a sudden call secure a quorum of his committee. I never raised the question of a quorum on any important matter in that committee. Matters were brought here on the floor of the House of the greatest import to the country without any question ever being raised as to whether or not there was a quorum present in the committee.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. HARDY of Texas. If the minutes of the clerk of the committee can not be questioned, if a point of no quorum is made in it and some certificate should come in——

Mr. CAMPBELL of Kansas. Just let me say that I never saw the minutes of the Committee on Rules until just now, when they were sent to the Clerk's desk. I did not know that that was the form that they used.

Mr. HARDY of Texas. If it could not be inquired into whether a quorum was present, then if the clerk's minutes show that a quorum was present it would be conclusive.

Mr. CAMPBELL of Kansas. I do not follow the gentleman.

Mr. DOMINICK. I would like to ask if this matter was considered at a regular or a special meeting of the committee?

Mr. CAMPBELL of Kansas. We do not have regular meetings of the committee; only upon call.

Mr. DOMINICK. And this meeting of the committee was called in the usual way?

Mr. CAMPBELL of Kansas. Yes; in the usual way.

Mr. OLIVER. It is not usual in reporting a rule to report the preamble attached to this rule reciting the minutes of the committee?

Mr. CAMPBELL of Kansas. Oh, no.

Mr. OLIVER. And the gentleman very properly, when it was called to his attention that there was no quorum, withdrew the recital.

Mr. CRAMTON. Mr. Speaker, unless the Speaker indicates the desire I shall not take more time in support of the point of order than to call the attention of the Speaker to two precedents. I only want to be sure they are mentioned in the RECORD. One is a decision on this point by Mr. Speaker Clark on May 17, 1918, in connection with the question of committee authorization for the calling up of the Senate bill for Hawaiian prohibition. The other is a decision by the present Speaker on October 9, 1919, in connection with the rule for the bill proposing vocational rehabilitation of persons disabled in industry. The first is found in CONGRESSIONAL RECORD, volume 56, page 6688; the other in CONGRESSIONAL RECORD, volume 58, page 6652.

Mr. MANN. Mr. Speaker [applause], the gentleman from Kansas [Mr. CAMPBELL] had some reason for complaint. When the Republican members of the Committee on Committees were working on the appointments to be presented to the House the gentleman from Kansas saw me and other members of that committee and insisted that a majority of the Republican members of the committee should be Members who would be present and help to make a quorum of the Committee on Rules when that committee met. There were several Republican members of the committee in the prior Congress who had not been very attentive on the Committee on Rules, or, I might say, on the House itself. I informed the gentleman from Kansas that it was a very difficult matter to remove a man from a committee under the practice and precedents of the House unless he would agree to it, and I took the trouble to ask the men who were slated to go on the Committee on Rules on the majority side of the House whether they would attend, and those who had been absent in the past whether they would reform, and received a pledge of every Republican member of the Committee on Rules that when it was necessary to have a quorum of the Committee on Rules those Members would be in Washington and present, and I am inclined to think that some members of the Committee on Rules on the majority side had better resign or else the House may be forced to elect Members in their places. [Applause.] Mr. Speaker, in the old days the Committee on Rules, consisting of five Members, three majority and two minority, with the Speaker at the head, very frequently were called in meeting on the floor of the House or in the cloak room or in the lobby and reported rules.

Since the Committee on Rules was reconstituted and finally made a committee of 12 it has met with difficulties all the time. I think there has never been a time since the reconstitution of the Committee on Rules when it did not frequently, both when the Democrats were in control and when the Republicans came in control, meet and act without, in fact, a quorum of the committee present, and it was generally considered that when the minority side would agree with the majority members of the Committee on Rules rules might be reported regardless of a quorum, so that no criticism can be had of what action has been taken up to the present time, and I might say probably no criticism would exist if that practice were to continue. But here comes a question where the Speaker is required to rule on the right of the gentleman from Kansas, chairman of the Committee on Rules, to report a rule ordered reported by his committee when, in fact, no quorum of the committee acted upon the order. The House does business on the theory of a quorum being present, but it has always been my understanding since I have been a Member of this House that a committee must develop a quorum before it can transact any business. [Applause.] And it is the practice, at least in most of the committees, to call the roll of the committee—a matter which is never called in the House at the meeting of the House to ascertain whether a quorum is present before the House can commence business—to ascertain whether a quorum is present. I was chairman of two committees of this House for a number of years and never acted upon any proposition or reported any matter to the House until a quorum was developed in the committee and a quorum acted upon the matter to be reported to the House. I think myself that in the interest of good parliamentary procedure, in the interest of orderly legislation, it would be wise for the Speaker to hold that when the chairman of the committee or a member of the committee reporting to the House did not state when the question was asked that a quorum of the committee was present when the order was made, that order would be held invalid, and that no committee had the right to report to the House without a quorum of the committee being present. [Applause.]

Mr. MOORE of Virginia. May I ask the distinguished gentleman, whom we are all so glad to see back this morning, a question?

Mr. MANN. Certainly.

Mr. MOORE of Virginia. Does not the gentleman think it is always competent for the House to inquire into the question of fact and ascertain whether a quorum of a committee was present when a bill or resolution which it reports is presented for consideration?

Mr. MANN. Well, the custom has always been of the House, where a question of that sort was raised, for the Speaker to ask the man reporting the bill what action was taken by the committee or whether a quorum was present, and his answer was considered final.

Mr. POU. Mr. Speaker, my recollection is not entirely in accord with that of the gentleman from Kansas [Mr. CAMPBELL] in respect to the reporting of bills under the Democratic control of this House when there was no quorum present. My recollection is very distinct that we kept a record of the meeting; that the first business in order was the calling of the roll, and that if a quorum was developed the committee proceeded with the transaction of business. If a quorum was not developed, then no business was transacted. I will not say that there was no exception to that procedure, but if there was I do not recollect it, and my recollection in this respect is corroborated by my colleague on the committee, the gentleman from Tennessee [Mr. GARRETT].

Now, Mr. Speaker, I submit this observation: Unless there is a quorum present, it is not a meeting of the committee, and the Speaker now has this statement of fact that this meeting of the committee was held, to which I, unfortunately, did not receive a summon and concerning which meeting I had no knowledge until after it was held, and the affirmative statement is made that a quorum was not present. It seems to me that there is nothing for the Speaker to do but to sustain the rights of the minority and sustain the rights of every Member of this House by sustaining the point of order.

The SPEAKER. The Chair is ready to rule.

The ruling of the Chair has been very much simplified by the frank admission of the chairman of the committee that there was no quorum present. Otherwise it would have raised a different question as to what evidence was necessary to contradict the official minutes or record of the meeting. But it is admitted that there was no quorum present, and therefore it seems to the Chair that the conclusion is very clear.

The Chair was for many years a member of the Committee on Appropriations, and it is the recollection of the Chair that that committee was scrupulous that there should always be a

quorum present. That, of course, does not mean—and it has occurred to the Chair that it might have happened in this present instance—that a quorum of the committee was present every minute. Men would go in, and would go out, and come back. But the roll call must disclose that a quorum was present, and the Chair thinks that is the practice of most of the committees. But inasmuch as it is admitted here that there was no quorum present, the Chair sustains the point of order.

Mr. CRAMTON. Of course, Mr. Speaker, it is to be understood that the second point of order that I presented is not passed upon in any way, it not being necessary?

The SPEAKER. The gentleman is correct.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 3425, and I would like to arrange for some time for debate.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of the bill S. 3425; but, after consideration, the Chair does not think that he has the right to recognize the gentleman for that purpose.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNBAR, for seven days, on account of business.

To Mr. YOUNG, for one month.

To Mr. KETCHAM, for one week, on account of attending graduating exercises of his children.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the amendment of the House to the amendment of the Senate numbered 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House and had appointed Mr. Phipps, Mr. Jones of Washington, and Mr. Glass as the conferees on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that June 16 they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 127. Joint resolution to reerect the statue of Abraham Lincoln upon its original site;

H. R. 11407. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.;

H. R. 11646. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 11265. An act to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington;

H. R. 9859. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 8785. An act granting the consent of Congress to the Mobridge Bridge Co., of Mobridge, S. Dak., to construct a pontoon bridge across the Missouri River;

H. R. 10330. An act to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin;

H. R. 11345. An act authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; and

H. R. 11827. An act granting the consent of Congress to the county courts of Howard and Saline Counties, in the State of Missouri, to construct a bridge across the Missouri River.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 39 minutes p. m.) the House adjourned until Monday, June 19, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 12060) providing additional funds to continue in effect the act providing for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; to the Committee on Appropriations.

By Mr. FAIRCHILD: A bill (H. R. 12061) to make the Star-Spangled Banner the national anthem of the United States of America, and to punish any disrespect to said national anthem or to the national flag of the United States of America; to the Committee on the Judiciary.

By Mr. EDMONDS: A bill (H. R. 12062) to prevent the entering into ports of the United States of vessels upon which intoxicating liquors are sold; to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 369) for the immediate consideration of House bill 12021; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 12063) granting a pension to Austin Thomas Dickerman; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 12064) granting an increase of pension to Carrie M. Flandreau; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6025. By Mr. KISSEL: Petition of Takamine Manufacturing Corporation, New York City, relative to the pending tariff bill; to the Committee on Ways and Means.

6026. Also, petition of Metal Trades Council, Brooklyn, N. Y., urging passage of House bill 10967; to the Committee on Naval Affairs.

SENATE.

MONDAY, *June 19, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
Washington, D. C., June 19, 1922.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WESLEY L. JONES, a Senator from the State of Washington, to perform the duties of the Chair this calendar day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. JONES of Washington thereupon took the chair as Presiding Officer.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Colt	Harreld	Lenroot
Borah	Culberson	Heflin	Lodge
Brandegee	Curtis	Johnson	McCormick
Broussard	Dial	Jones, N. Mex.	McCumber
Bursum	Dillingham	Jones, Wash.	McKinley
Calder	Edge	Kellogg	McLean
Cameron	Ernst	Kendrick	McNary
Capper	Fernald	King	Nelson
Caraway	Gooding	Ladd	Newberry

Nicholson	Poindexter	Smoot	Wadsworth
Norbeck	Pomerene	Spencer	Walsh, Mass.
Norris	Sheppard	Sterling	Walsh, Mont.
Oddie	Shortridge	Sutherland	Warren
Overman	Simmons	Townsend	Watson, Ind.
Phipps	Smith	Trammell	Willis

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is absent on account of illness.

I was also requested to announce that the Senator from Georgia [Mr. WATSON] is absent by reason of illness.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Sixty Senators having answered to their names, a quorum is present.

Mr. McCORMICK. Mr. President, pending the final vote on the bill, which doubtless will be taken before long, I ask unanimous consent to offer for immediate consideration a concurrent resolution bearing on the bill, to which members of the committee, I believe, will make no objection. I seek to have action now in order that the concurrent resolution may be before the committee of the House when the bill goes to conference. I ask that the concurrent resolution may be read for the information of the Senate.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 27) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That a special committee, to be composed of six Members, to be appointed in equal number from the Committees on Naval Affairs of the two Houses and by the respective chairmen thereof, be and hereby is authorized and instructed to investigate the efficiency and economy of the administration of the United States Navy, including naval bases, navy yards, and stations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

Mr. BORAH. Mr. President, the concurrent resolution proposes to investigate questions of efficiency, and so forth. Would that include authority or jurisdiction to recommend the discontinuance of some of our navy yards?

Mr. McCORMICK. If the Senator will consider the list of naval stations, so called, which I introduced and had printed in the RECORD, he will conclude, I think, that not only ought their operation to be discontinued in many cases, but that the land itself ought to be sold. That can not be done without an act of Congress, of course. The Acting Secretary of the Navy, I believe, is of the opinion that many of the establishments should be closed, and the land in many instances may be sold. We shall never get action by Congress except upon the recommendation of such a committee. I am of the opinion that probably one-third of the naval establishments in continental United States are unnecessary.

Mr. BORAH. Does the resolution authorize the committee to make recommendations?

Mr. KING. It ought to be amended to include that.

Mr. JOHNSON. Mr. President, may we have the latter part of the concurrent resolution again read?

The PRESIDING OFFICER. The concurrent resolution will be reported again.

The reading clerk again read the concurrent resolution.

Mr. JOHNSON. May I inquire of the author of the resolution if anything beyond the mere efficiency of the particular bases now established is sought?

Mr. McCORMICK. The language speaks for itself—economy and efficiency.

Mr. JOHNSON. When he says "economy and efficiency," is it in the mind of the author of the concurrent resolution that other bases may be suggested because the economy and efficiency of the particular existing ones may not meet the approval of the committee?

Mr. McCORMICK. Certainly. I think that would be embraced within the resolution. Let me ask if the Senator recalls the brief debate upon proving grounds, of which the Army and Navy now have six? I think no one believes that six proving grounds are necessary for the Army and Navy. If the Senator will turn to the list of stations published in the RECORD he will find that there are ammunition depots almost innumerable, with marine guards at each. Talk about the river and harbor pork barrel! There is a Navy pork barrel which has dotted the coast from Kittery to Key West and from Key West to Puget Sound with little naval stations.

Mr. WATSON of Indiana. An establishment might be very efficient and yet not be necessary. The word "efficient," I think, does not cover what the Senator has in view.

Mr. JOHNSON. It was that point to which I was directing the author's attention. I know nothing about the pork barrel, sufficient or insufficient, of the Navy, but under the four-power pact it may be we have protection of naval bases and for our Navy from Great Britain and Japan; and if this be so, it may be a matter of some indifference exactly what the resolution provides; but it ought, if adopted, to be plain and unambiguous with the powers of the committee clearly defined.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. DIAL. I thought the Senator had concluded. I wish to object to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. That terminates the whole matter and the concurrent resolution goes over.

Mr. McCORMICK. In that case I will ask that the concurrent resolution be referred to the appropriate committee.

Mr. BORAH. I want to say that I think I am in perfect harmony with the object in view and desired by the Senator from Illinois. I only suggest to him that in all probability the committee might not feel that it was authorized to do what it ought to do, and that is to recommend what should be done in reference to reducing the number of these establishments.

The PRESIDING OFFICER. The concurrent resolution will be referred to the Committee on Naval Affairs.

Mr. WALSH of Massachusetts. I wish to give notice that when the resolution offered by the Senator from Illinois [Mr. McCORMICK] is taken up for consideration I shall move, at the end of the resolution, to strike out the period and insert a comma, and add the following:

and to report to the Congress its findings; and further, to report the extent to which the naval air personnel and naval aircraft should be increased or substituted for the present regular line naval personnel and naval surface craft.

Mr. President, let me say that I quite agree that the public money is being unnecessarily wasted, and to some extent dissipated, in the maintenance of the Navy on its present lines. I am a great believer in the necessity and importance of naval defense, but I am not a believer in the present naval defense policy of this Government. One certain conclusion reached by the limitation of armament conference held at Washington last winter was that the nations of the world made no agreement upon the limitation of aviation armament. They held themselves free to maintain as large an air service and to build and maintain as large fleets of aircraft as they saw fit to establish. We know that Great Britain has been making great strides in developing her means of defense through aviation. With her usual vision and foresight she is developing the strongest and best air service in the world. We know that Japan has employed the best German experts to train her aviators and develop her aviation system; we also know that Japan is fully cognizant of the importance of this new means of defense.

Our Navy is and has been, notwithstanding congressional sentiments and existing laws, discouraging the development of naval aviation.

Even school children know that the World War proved that the old naval craft was beginning to decline as a means of national defense, while naval aircraft was in the future to supplant to a great extent seagoing surface craft. The proper amount of aircraft, amply manned, armed with sufficient bombs and other ammunition, and three coast aviation stations along the Atlantic, could completely wipe out our naval fleet before it had moved half way from New York to the Panama Canal. All well-informed national defense—not naval—authorities know this.

I think the time has come to realize that the old naval armaments are rapidly deteriorating and becoming useless; that the chief and best means of defending our coasts in the future are to be largely through the air; that we ought to get away from the policy of the old-line naval officers who will not recognize the dawn of a new day, and the value, indeed, prime necessity of this new means of defense, but cling to obsolete naval seacraft for the purpose of perpetuating themselves and their policies in power.

I wish to call attention to the need of Congress investigating this subject without regard to former positions or policies, and to take up the question as to whether we should not divert some of the money which we are now spending under our naval appropriations for the development of aviation and of an up-to-date active and energetic naval aviation personnel and naval aviation aircraft. One-half the money we appropriate for our Navy could be better spent in building up our national defense through a merchant marine and well-equipped naval air armament.

The PRESIDING OFFICER. The Chair desires to suggest to the Senator from Massachusetts that, inasmuch as the resolution offered by the Senator from Illinois has been referred to the Committee on Naval Affairs, it might be wise for him

to ask to have his amendment printed and likewise referred to that committee.

Mr. WALSH of Massachusetts. I appreciate the suggestion of the Chair, and ask that my amendment be printed and referred to the Committee on Naval Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MUSCLE SHOALS PLANT.

Mr. NORRIS. Mr. President, I desire to say that in the colloquy which I had on Saturday last with the junior Senator from Alabama [Mr. HEFLIN] I made a certain criticism on what I supposed the Senator from Alabama had said in regard to the Gorgas plant being included in the Ford offer at Muscle Shoals. Of course the Gorgas plant is included in the Ford offer, and I knew that the Senator from Alabama was opposed to eliminating it, although almost everyone who has considered it realizes that it makes the Ford offer a great deal more complex than it otherwise would be. However, the Senator from Alabama said at the time that he had made no reference to the Gorgas plant. I said then that if I found on examination of the RECORD that the Senator had not I should be very willing and very glad to admit that I was mistaken. I have since examined the RECORD, and I find that while the Senator from Alabama used the name "Gorgas," his reference was to General Gorgas. I suppose I must have misconstrued what he said. He made no reference to the Gorgas plant. In that respect I was in error, and I cheerfully correct the mistake.

Mr. HEFLIN. Mr. President, I can understand how the Senator from Nebraska misunderstood the situation in our colloquy on Saturday. The Gorgas plant was named for General Gorgas, but in what I said I had reference to General Gorgas. I mentioned the name "Gorgas" two or three times, and I am sure that the Senator from Nebraska thought that I had reference to the Gorgas plant. I can very well understand how it was that he got the two references confused.

PETITIONS.

The PRESIDING OFFICER (Mr. JONES of Washington) laid before the Senate resolutions of the thirty-seventh annual meeting of State and Provincial Health Authorities of North America, favoring the making of continued appropriations for combatting venereal diseases among civilians; the coordination of Federal, State, and local health agencies in controlling such diseases; and the transfer of legal and police activities incident to protecting service men from such diseases from the Interdepartmental Social Hygiene Board to the Department of Justice, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions of the thirty-seventh annual meeting of State and Provincial Health Authorities of North America, favoring the making of a survey in certain foreign countries that control the production of narcotics relative to the real need for medicinal purposes of narcotic drugs, which were referred to the Committee on Foreign Relations.

Mr. McKINLEY presented petitions numerously signed by sundry citizens of Chicago, Ill., praying that only a moderate duty be imposed in the pending tariff bill on ladies' and children's leather gloves, which were ordered to lie on the table.

Mr. CAPPER presented resolutions adopted by the Acacia Chapter of the Delphian Society, the Grandview Chapter Woman's Christian Temperance Union, and the congregation of the Immanuel Baptist Church, all of Kansas City, Kans., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

JUDICIAL DISTRICTS IN NEW YORK STATE.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 6110) amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment.

CLAIM OF HOBOKEN, N. J.

Mr. SPENCER. From the Committee on Claims, I report back favorably, without amendment, the resolution (S. Res. 254) to investigate the claim of the city of Hoboken, N. J., for losses as result of the occupation by the United States of certain docks, and so forth, on the Hudson River, formerly the property of the North German Lloyd Dock Co. and Hamburg-American Line Terminal & Navigation Co. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as it proposes to make a payment out of the contingent fund.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3728) authorizing the use of special canceling stamps in the post office at St. Louis, Mo.; to the Committee on Post Offices and Post Roads.

By Mr. KENDRICK:

A bill (S. 3729) for the relief of John F. White and Mary L. White (with accompanying papers); to the Committee on Claims.

A bill (S. 3730) to provide for the filing of mineral claims in land offices of the United States (with accompanying papers); to the Committee on Public Lands and Surveys.

ADDRESS BY DR. NICHOLAS MURRAY BUTLER.

Mr. EDGE. Mr. President, last week Dr. Nicholas Murray Butler, president of Columbia College, delivered in my home city, before the State bar association, a notable and timely speech on constitutional interpretation. I would like to have unanimous consent to have an abstract of that address printed in the RECORD, in 8-point type.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

The abstract of the address is as follows:

ABSTRACT OF ADDRESS AT THE ANNUAL BANQUET OF THE NEW JERSEY STATE BAR ASSOCIATION, ATLANTIC CITY, N. J., FRIDAY, JUNE 16, 1922, BY NICHOLAS MURRAY BUTLER.

"The public press of yesterday reports the text of a speech made by the senior Senator from Wisconsin, Mr. LA FOLLETTE, before the annual convention of the American Federation of Labor at Cincinnati. This speech presents a view of our American Government that is so false, and announces a political program that is so revolutionary, as to justify, indeed to demand, quick reply. Senator LA FOLLETTE made an attack not only upon the American judiciary but upon the very corner stone of our American political system, which is the judicial protection of individual liberty and private rights against any encroachment even on the part of Government itself.

"Senator LA FOLLETTE is quoted as saying: 'A century and a half ago our forefathers shed their blood in order that they might establish on this continent a government deriving its just powers from the consent of the governed, in which the will of the people, expressed through their duly elected representatives, should be sovereign.'

"Our forefathers did nothing of the sort. They took good care to do something quite different.

"What our forefathers did was to retain sovereign power in the people of these United States and to erect a Government of strictly limited powers and functions, divided into an executive, a judicial, and a legislative branch. Each one of these branches of the Government rests upon one and the same constitutional foundation. Each in its own sphere represents the people and gives voice and effect to the public will. The motion that the legislative branch of the Government in some mysterious way more adequately represents the will of the people than does the executive or the judicial branch is without warrant either in legal theory or in our political history.

"The judicial branch of the Government represents the people's fundamental principles, their controlling ideals, and their continuing purpose. It brings, and justly brings, to the test fixed by these any and every legislative act that may be challenged. This power of judicial review and of judicial protection is distinctive American doctrine and constitutes America's greatest single contribution to the cause of free Government. Without it we should be swept hither and yon by the swiftly shifting tides of mere opinion and by the active propaganda of aggressive minorities. Destroy the principle of judicial protection of public law and of private rights and the America that we have known falls to pieces.

"The Executive, too, directly represents public opinion and the popular will. The President of the United States is the one public officer for whom the whole people vote. His constituency is the Nation; he speaks for the Nation and is responsible to the Nation.

"While in theory the legislative branch of the Government directly represents the people's will, it has in fact during recent years come to be less representative of public opinion and public interest than either the executive or the judicial branch of the Government. Parochialism, sectionalism, and various forms of self-interest and fanaticism have all operated to weaken the truly representative character of the legislative branch. It is now far from certain that when a State legislature or the Congress enacts a law that law has

the support of public opinion. When the Congress meets, the public heart sinks, and when the Congress adjourns public pæans rise to heaven.

"The program announced by Senator LA FOLLETTE is not new, but it is ominous that it should have been cheered at a convention of American workingmen, for those of us who work have most to gain from the preservation of the American system of government and most to lose from the overthrow of the principle of judicial protection.

"Senator LA FOLLETTE's illustrations are unfortunate. The Congress has twice endeavored to deal with the problem of child labor in the wrong fashion. One may suspect that many of those who voted for these two measures know that they were probably, if not certainly, unconstitutional and would eventually be overturned by the courts. There need be no difficulty and not much delay in getting rid of child labor where it still exists by constitutional and American methods. It has been publicly stated that in all but three of the States there is already upon the statute book child labor legislation that is quite as satisfactory as that proposed by the Congress. Why not bring to bear the influence of public opinion upon the legislatures of the three backward States instead of endeavoring to overturn our American form of government by constitutional amendment or otherwise?

"The fact seems to be quite overlooked that while our Government is dual in form, the sovereignty of the American people is single and undivided. That sovereignty operates as truly through the legislatures of the several States when they perform their constitutional functions as through the Congress when it performs its constitutional functions. If, under the pressure of sentiment or self-interest or through sheer ignorance, our dual form of government should ever be destroyed and our States should become, like the ancient provinces of France, mere geographical names, then America would have ceased to be a Federal Republic and would have become an imperial state with all that that ominous term may well signify.

"Surely it is not fitting that in preaching doctrines so anti-American and so inimical to liberty and to justice, Senator LA FOLLETTE should continue to wear the livery of either of the historic political parties. Republicans and Democrats differ as to principles and policies, but they are united in their loyal devotion to the Constitution of the United States and to the American form of government that has been built upon it. If Mr. LA FOLLETTE wishes to wage war upon that form of government, we shall provide him with all the fight he can stomach. Let him, however, in all fairness, put on the livery which he should wear and take both the name and the uniform of a destructionist and a revolutionary. Let him stop boring from within and be compelled to attack America openly from without."

ADDRESS BY SENATOR RANSDELL.

Mr. POMERENE. Mr. President, I have before me a copy of an address delivered by the able senior Senator from Louisiana [Mr. RANSDELL] before the International Convention of the Knights of St. John at Cleveland, Ohio, on June 18, 1922, on the subject of "The United States leads the world in divorce." It is a very timely address, and I happen to know that the Senator has given a great deal of thought and time to the study of this question. His address, therefore, I think will be very interesting to Senators as well as to the public, and I ask unanimous consent to have it incorporated in the RECORD in 8-point type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type as follows:

ADDRESS OF HON. J. E. RANSDELL, UNITED STATES SENATOR FROM LOUISIANA, BEFORE THE INTERNATIONAL CONVENTION OF THE KNIGHTS OF ST. JOHN, CLEVELAND, OHIO, JUNE 18, 1922.

UNITED STATES LEADS WORLD IN DIVORCE.

Senator RANSDELL spoke as follows:

"It is my intention to discuss to-night what in my opinion is one of the most important problems facing the American people: The divorce evil. For many years I have given the deepest thought to this subject, and have watched with a heavy heart our steadily and ominously increasing divorce rate, which to-day is greater than that of any other nation. We lead the world in divorces to-day. Japan, which for many years had this unenviable distinction, has yielded to the Christian United States of America.

"This statement is founded on the divorce statistics for 1916, published by the United States Census Bureau in 1919, which gives the number of our divorces for that year as 112,036, or a little more than 112 per 100,000 population. If we exclude from this population Roman Catholics, who, as we all know, are not permitted by the church to divorce, although in rare cases the Pope declares marriages to have been null and void ab initio, the rate rises to 134 divorces for each 100,000 net population. Statistics for Japan show that her divorce rate, which has been steadily decreasing since 1893, when it granted 116,775 divorces, or 233 per 100,000, amounted to only 60,254, or 109 per 100,000 population, in 1916, and in 1917 Japan's divorce rate was 55,812, or only 100 per 100,000 population.

DESTROY DIVORCE OR IT WILL DESTROY US.

"We hear every day warnings being uttered against our enormously increasing divorce rate by prominent public men and women of every denomination and sect. Are such expressions of alarm impelled by casual or exceptional conditions? Most emphatically I say that they are fully justified by the condictions prevalent in our land to-day. Nearly everyone who has given the divorce problem the slightest study admits that it is one which must be solved, and that promptly. We must either destroy divorce, or it will destroy us.

"In the United States divorce is spreading with alarming rapidity. It has permeated every walk of life and is prevalent among every class of people. The total number of divorces in 1867 was 9,937, or 27 per 100,000 population. Forty years later, in 1906, there were 72,062 divorces, or 86 per 100,000 population. Fifty years later, in 1916, there were 112,036 divorces, or 112 per 100,000 population. Thus in actual numbers there were more than eleven times as many divorces granted in 1916 as in 1867, or, allowing for the increased population, divorce had increased 415 per cent. To put it in another way, in 1867 there was 1 divorce for every 3,666 people, while in 1916 there was 1 for every 895 people.

"A comparison of our divorce statistics with those of Japan shows that in Japan the number decreased from 282 per 100,000 to 100, nearly 200 per cent, in the last 30 years, whereas in the United States the number increased in 50 years from 27 to 112 per 100,000, or more than 400 per cent. This is certainly a very favorable comparison to Japan and one of which the United States can well be ashamed.

ONE DIVORCE TO FIVE MARRIAGES BY MIDDLE OF CENTURY.

"If divorces multiply at the same rate in the future as in the past—and there is every indication that they will increase faster—then before the middle of this century we will have annually in the United States 275 divorces per 100,000 population, or 1 divorce for every 5 marriages. In 1887 there was 1 divorce for every 17 marriages; in 1906, 1 for every 12 marriages; in 1916, 1 for every 9 marriages, and at the same rate we will have in 1946 the appalling figure of 1 divorce for every 5 marriages.

"Our closest competitors in Europe are Switzerland, with 40 divorces annually per 100,000 population, and France with 33 per 100,000 population, according to the census of 1910, which are the latest figures available for the whole country.

"England stands in bold contrast with this country. In 1919, with a population of 38,000,000, she granted only 5,763 divorces, or 15 per 100,000, while the United States in 1916 granted 112,036 divorces, or 112 per 100,000 population. During the 20 years ending 1906 Ireland granted only 19 divorces, or an average of less than 1 absolute divorce per year for her entire population of about 4,500,000 souls. These are the latest statistics available.

"As a matter of fact, it has been said that the United States granted twice as many divorces during the last 35 years as all the rest of Christendom combined; yes; actually more than two times as many divorces among 100,000,000 Americans as among the 400,000,000 souls of Europe and other Christian countries.

"Divorce is absolutely prohibited in Italy and Spain, while the Latin-American countries, such as the Argentine Republic, Brazil, Peru, Chile, and others, have similar laws. A legal separation, however, without the right to remarry, is recognized in all of these jurisdictions.

"In Canada the important Provinces of Quebec, Ontario, Prince Edward, and the northwest territories have no divorce laws, though divorce may be obtained in exceptional cases by special act of the Canadian Parliament. From 1867 to 1922—a period of 55 years—these Provinces rendered only 431 absolute divorces. The total number of divorces granted during 1916 in Canada, for the whole country, containing 7,206,643 people, was only 67, or less than 1 per 100,000 population. These people are our next-door neighbors and descendants of the same European ancestors, have substantially the same religious beliefs, live under the same conditions, and struggle against the same adversities as ourselves. Why should the divorce rate be so enormous in the United States and so inconsequential in Canada?

COUNTRIES RESTRICTING DIVORCE HAVE FEWER ILLEGAL BIRTHS.

"I have recently seen statements to the effect that countries having stringent divorce laws, or laws absolutely prohibiting divorce, have a greater number of illegitimate births than countries having easy divorce laws. These statements are not sus-

tained by citation of authority or by accurate census reports, and I unhesitatingly deny their correctness. Statistics on this subject are very hard to secure, but so far as I can ascertain they not only disprove the assertion but show that illegitimacy is greater in countries where divorce is easy. In fact, Ireland, which has practically no divorce, has the lowest illegitimacy rate among all the countries of Europe.

"It can not be gainsaid that divorce destroys the home, and the home is the base and foundation of the State; hence we must stop divorce or ruin the State, which can not continue to exist if its base is allowed to crumble and fall. While many excellent people are divorced, and some of them make new homes, the inevitable trend of divorce is to break up many more homes than it builds up, and to materially reduce the number of children. When marriage is dissolved the true home ceases to exist, the parents and children are separated, and the sweet ties that bind father and mother to their offspring and to each other are broken forever.

WHILE ROME ABSTAINED FROM DIVORCE IT PROSPERED.

"Let us turn to the history of Rome, the greatest Republic and Empire of the ancient world, examine her customs, take warning from her example, and try to profit by her experience. A careful and painstaking research into the history of Rome convinces the investigator that during the early times of that nation the marriage tie was considered inviolate. For 520 years there was no such thing as divorce in Rome. Up to the latter days of the Republic the principal form of marriage in use in Rome was the confarreatio, which was essentially a religious ceremony. The bride and bridegroom, in the presence of the Roman priest and 10 witnesses, partook of a cake made of old Italian grain called far; a sacrifice was offered to the gods that they might look auspiciously upon the marriage, and the skin of the victim was stretched over two seats, upon which the wedded couple had to sit. The sublimity and perpetuity of the Roman religious marriage are beautifully expressed by the jurisconsult, Modentinus, who defined it 'a lifelong fellowship of all divine and human rights.'

"The early patriarchial family occupied a prominent and powerful position in Rome. It was the bone and sinew of the nation; the temple where the husband and wife and children worshipped the household gods; around it was cast the sacred mantle of religion, and one of the essential elements of the religious marriage was its indissolubility. The family was the integral unit of the government; a State within a State; and Rome owed its primitive solidarity and strength in a great measure to the unity and perpetuity of the Roman family.

WEALTH AND LUXURY BROUGHT RIOT OF DIVORCE.

"But gradually the wealth of the world was poured into the lap of Rome; philosophical skepticism and oriental superstitions undermined the morals of the people. Luxury and sensuality went hand in hand, and the Romans, enervated by a life of ease, became victims of the most depraved vices. Conjugal fidelity became the scoff of the poet, marriage vows the target for the shafts of the satirist, and womanly virtue the laughing stock of the servile courtier.

"Marriage lost its sacred character and became a civil contract. The confarreatio developed into the free marriage, in which the wife was no longer under control of the husband, and which might be dissolved by mutual consent. The ease with which divorces might be secured was the strongest inducement to enter into rash and ill-considered marriages. In this regard Gibbon, volume 7, page 349, Decline and Fall, says:

"In three centuries of prosperity and corruption, this principle (divorce) was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure. * * * A specious theory is confuted by this free and perfect experiment, which demonstrates that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence and inflame every trifling dispute; the minute differences between a husband and a stranger, which might so easily be removed might still more easily be forgotten; and a matron who in five years can submit to the embraces of eight husbands must cease to reverence the chastity of her own person.

"Shortly before the Christian era, after marriage had become a civil contract, things went from bad to worse. Cicero repudiates his wife, Terentia, while Augustus forces the husband of Lydia to divorce her that he may have her himself. One woman has 10 husbands, according to Martial; another, relates Juvenal, has 8 husbands in five years, while St. Jerome states that there is in Rome a woman who has married her twenty-third husband, she herself being his twenty-first wife. Ovid and Pliny and Pliny the younger had three wives; Cæsar and Anthony four; Sulla and Pompey five.

"The evil was national in prevalence. It existed not only among the great but also among the lowly. It permeated every stratum of society, and was widespread in every class of people. While doubtless there were many instances of the practice of the domestic virtues, the Roman life, as a whole, was rotten to its very core. From this time on, to the reign of Constantine, the depravity of the morals of the Empire of the Cæsars baffles description. Suffice it to say that during this period Rome was a vast slough of iniquity, reeking with the stench of every form of immorality.

DIVORCE, IMMORALITY, CHILDLESSNESS SAPPED ROME'S NATIONAL LIFE.

"As a result of this riot of divorce and immorality, celibacy, childlessness, and infanticide rivaled one another as the reigning evils. 'The marriage relation,' says Professor Seeley, 'became so intolerably disagreeable that men shunned it as they would have shunned the plague.' Not only were the Romans weakened physically and mentally, not only was the strength of their bodies and the vigor of their minds sapped by dissipation, but the corruption of the national life caused a most alarming decrease in population.

"Mr. James Bryce, former ambassador from Great Britain to the United States, in his book, 'Marriage and Divorce,' page 63, states that, concurrently with and following the change from the old, formal religious marriage in Rome to the free contract, marriage fell from the high esteem in which it had been held and that 'Men grew less willing to marry; women as well as men less and less faithful. Fewer children were born. As neither religious nor moral associations sanctified the relation, and as it could be terminated with pleasure, it was lightly entered upon, and this very heedlessness, making it frequently a failure, caused it to be no less lightly dissolved. Thus social habits and a standard of opinion were formed, against which the reforming efforts of Augustus and his successors could do little, and which resisted even the far more powerful efforts of Christianity, until Roman society itself went to pieces in the West and passed into new forms in the East.'

BARBARIANS GUARD ROMAN FRONTIERS.

"Rome was then forced to hire barbarians to guard her frontiers and repel her enemies. The Emperor Probus inaugurated this system by enrolling 16,000 Alemanni in his legions, and the Roman Empire was eventually compelled to depend for its very existence for the most part upon the much despised barbarian who at heart hated the very name of the country he was defending.

"Thus the final disintegration and destruction of the Western Empire was caused not by a foreign army but by its own. For Rome had no Romans left to fight her battles. History relates this in no uncertain words. And this was the logical and inevitable result of divorce coupled with luxury and the irreligion resulting therefrom.

"Let us take this lesson to heart and apply it to our own country and our own times. We are as rich and as powerful as Rome in her palmiest days, and the census informs us that only about 40 per cent of our people profess any religion. If luxury, divorce, and irreligion caused the fall of Rome, how can America hope to escape unless we profit by her example and mend our ways before it is too late?

"Simultaneous with the change in the sacred character of the Roman marriage came the belief that the marriage tie could be broken; and once this idea was prevalent, frequent divorces became only a matter of time. As soon as the seal of religion was removed from marriage it became a mere transient union.

"The condition prevailing in Rome is true of modern times. As long as the Catholic view of marriage was accepted throughout Christian countries and its sacramental character acknowledged, divorce was unknown. But when the specious doctrine that marriage was a civil contract or civil status, in which the church has no concern, was promulgated by the early reformers the sanctity and indissolubility of that relation was denied.

UNITED STATES MUST TAKE WARNING FROM ROME'S DOWNFALL.

"We have seen how in Rome celibacy, childlessness, and infanticide followed in the wake of divorce. The grim statements of Petronius and other Roman writers of the Empire sound strangely like the language of Dr. M. S. Iseman, who has given the subject deep study and investigation, and who says in his book, 'Race Suicide,' page 133, referring to this unnatural crime:

"Slowly and surely the contagion has spread over the land until it has honeycombed the entire Nation. The practice is just as prevalent in New Orleans as it is in Boston. It is as unblushing in Atlanta as it is in Providence; as common in Richmond as it is in St. Louis. The Anglo-Saxon cradle is just as bare of babies in Denver as it is in Chicago, and the little ones who call their father 'Dad-dad' are just as

scarce in San Francisco as they are in Cleveland. There are as few babies born in the old Colonial mansions facing the Battery at Charleston as there are in the palaces lining Fifth Avenue.

"Let these words strike home. In Rome with the frequency of divorce and the growth of luxury came childlessness and infanticide, and on the heels of these twin evils followed the gradual extinction of the native Roman stock and the depopulation and downfall of the Roman Empire. Shall not the United States take warning from Rome's example?

PROMINENT DIVINES URGE MORAL TRAINING.

"I recently wrote to some of the most prominent divines of the different denominations in the United States, asking them to give me their suggestions as to the plan we should adopt to curb this ever-increasing evil, and quote below from a few of the answers received.

"Rev. F. S. Idleman, of the Central Church of Disciples of Christ, New York City, writes me as follows:

"The first remedy which must be sought to curb this ever-increasing menace to our civilization must be in the education of our youth. The study of ethics ought to be compulsory in every public school in America. Unless children get an early impression of the necessity of the stability of marriage and the safeguard it brings to the home and to the Nation, we shall continue to have increasing harvests of silly girls and muddle-headed young men who have gotten easy and cheap impressions of marriage and rush into it without previous thought. I believe most thoroughly also in the old publication of bans, as it was called, the method of announcement for three weeks of an intended marriage of any young couple.

"Rev. Rufus M. Jones, a member of the Society of Friends, Haverford, Pa., writes:

"There is such care exercised before marriage is entered into that it almost invariably proves to be a happy union, and we have no expectation ever of having members of the Society of Friends divorced.

"The Quaker families endeavor to furnish a genuine home life for their children, and the parents keep in very close touch and contact with their children as they develop. The whole method of marriage procedure is one that carries with it serious solemnity. I feel sure the marriage tie will never be sacred until every effort is made to help young people realize what an important step they propose to take.

"It is fair to assume from this statement that Quakers train their members so thoroughly in religious principles that they are able to withstand the temptation of divorce.

"Rev. W. Sockman, of the Methodist Episcopal Church, New York City, says:

"In my opinion, the frequency of divorce is another symptom of the increasing restlessness of our day. Much of the so-called incompatibility is simply the lack of ability to remain loyal to any one affection. There is a general need of increasing the moral stability of our people.

"Another prevention, in my opinion, more important is a law regarding a sufficient time to elapse between remarriage after divorce. We ought to make sure that no passing passion has upset our home. If we enforce a period of a year or more, we may prevent some of our divorces."

"Rev. Harry F. Ward, of the Methodist Federation for Social Service, New York City, advises:

"My judgment is that the divorce question is fundamentally the marriage question. We shall not avoid a high divorce rate and its disastrous effects upon our society until we have better legislation, better regulation of marriage, and better preparation for it. The time to remedy the divorce fever is before the marriage takes place.

"Undoubtedly Reverend Ward believes in such healthy moral training of people that they will not readily succumb to the fever of divorce.

"Rev. A. W. Taylor, of the Board of Temperance and Social Welfare, Church of Christ (Disciples), Indianapolis, Ind., says:

"The first necessity is a revival of the religious sense of obligation. The church, the school, and the editorial should promote it, basing their argument on the necessity of an unbroken American home.

"Dr. John W. Langdale, of the New York Avenue Methodist Episcopal Church, Brooklyn, N. Y., gives his views as follows:

"It is impossible to insist too strongly that the family is an institution that can not be superseded. Women, especially, may well wage relentless opposition upon all proposals to tamper with the sacred perpetuity of the marriage vows. While some can undoubtedly do more in a single life, for the average woman no career contributes as much to the world's welfare as that of motherhood. Wherefore, we should so honor the homemaking woman that she will never have an occasion to suppose that there is more reason for rendering distinction to the artist, the missionary, the writer, teacher, or physician.

"The divorce problem is primarily a marriage problem. Most divorces are of marriages that never should have taken place. Followers of Christ are bound to frown upon the present flippant conception of marriage. Marriage is the most popular jest of the drama. A count of a miscellaneous lot of comic papers showed that marriage furnished 71 per cent of the jokes. Popular fiction no longer ends with its characters married in forevermore happiness, but deals with martial unhappiness and the pleasure of irregular relationships. Ministers with their cheap sermonettes on love, courtship, and marriage are not guiltless. The European custom of publishing bans has this to commend it, that it makes impossible the clandestine wedding of impulse where a passing fancy may be mistaken for an undying affection. We need a national divorce law framed under the recollection that laws can not be enacted much above the standards of the people without inviting greater evils.

"This is a powerful statement against the evil of divorce from a leader in the great Methodist church. His views are entitled to serious consideration.

"Rev. Charles R. Brown, dean of the Divinity School of Yale University, New Haven, Conn., writes:

"The fact that so many marriages are thoughtlessly and hastily made increases the number of divorces. The idea in 'the publication of the bans' was a good one, and inasmuch as society is asked to sanction and to accept the married relation it has a clear right to ask that people shall in some appropriate way make known their intentions publicly and a ceratin number of days before the marriage is to be accomplished.

"Rev. Henry E. Cobb, of the West End Collegiate Church, New York City, says:

"I question whether the remedy can be effected by legislation. Divorce and its kindred social evils can only be restrained by a deep moral conviction of the sanctity of the home and the responsibility of the married life.

MARRIAGE TIES CONSIDERED TOO LIGHTLY.

"Particular attention is called to the fact that every one of these clergymen, some of the most prominent men of their denominations, places the greatest stress upon the absolute necessity for educating our people to realize the sanctity and importance of the marriage relationship before it is entered into.

"Rev. Mr. Idleman feels that the first remedy must be in the education of our youth, and recommends the compulsory study of ethics in every public school in America. He firmly believes that unless children get an early impression of the necessity for the stability of the marriage and the safeguard it brings to the home and to the Nation we shall continue to have young people who have gotten easy and cheap impressions of marriage rush into it without previous thought. You will agree with me that there is a great deal of food for thought in the conclusions he draws.

"Rev. Mr. Sockman thinks there is a general need of increasing the moral stability of our people and urges a law requiring sufficient time to elapse before remarriage after divorce.

"Several of these clergymen believe that we should enforce a sufficient delay between the time the marriage is announced and the time the ceremony is performed. Some of them recommend the old-fashioned publication of the bans. I heartily believe that something of this nature is necessary to curtail our huge crop of thoughtless, runaway marriages, which almost invariably end in the divorce courts. Already some of our States have taken matters in hand and enacted laws to cope with the situation. Maine has a law requiring that the parties intending to marry shall cause notice of their intention to be recorded in the office of the clerk of the town in which they reside at least five days before the marriage certificate is granted. The statute provides that the clerk shall deliver to the parties a certificate specifying the time when such intentions were entered with him, and this must be delivered to the minister or magistrate before he begins to solemnize the marriage. I understand that New Hampshire and Massachusetts have similar laws. Let us hope that our other States will follow the lead of these illustrious pioneers.

"There is no doubt that the evil underlying our divorce problem is the tendency of our people to consider the marriage relationship too lightly. Something must be done to bring about a return to our old-fashioned conception of the sacredness of the marriage tie. Two generations ago there was a general, although not invariable, reluctance to label oneself as a divorced person; the idea was socially and personally repugnant and somewhat of a stigma attached to anyone seeking rupture of the matrimonial ties. At that time the influence of religion on the people was far greater than it is to-day and they were more prone to follow the teachings of Christ in this respect. To bring them back to proper regard for the sanctity of their marriage vows we must inculcate in the minds of the coming generation love and reverence for our blessed Savior and His teachings.

"In this connection, I quote below a few lines from an address made recently by Vice President Calvin Coolidge, referring to the lack of religious teaching in American colleges.

"If our colleges have yielded to the spirit of commercialism, if they have swung away from their original moorings of liberal culture, they have, to some extent ceased to fulfill their original purpose of supporting the foundations of government and religion. The hasty conclusions by those who are on the outside are not to be given too much weight, but there is considerable public opinion, which is by no means lacking in expression, that there is a tendency in some of our colleges to give too much attention to the criticism of the administration of government and too little attention to the examination and demonstration of the soundness of the fundamental principles of free institutions. There is some feeling also that they are not giving effective instruction in the truths of religion.

"These are very wise words of our able patriotic Vice President. They call particular attention to a most important matter in connection with education, the principal purpose of which is to make real sincere men and women, and everything he says about religion in colleges has a direct bearing on the subject of divorce.

DIVERSITY IN LAWS LARGELY TO BLAME.

"Many students of divorce assert that the great diversity in the laws of the different States of the Union contributes largely to the existing state of affairs. A study of this feature of the question compels me to give a great deal of weight to their statements. In all the history of marriage and divorce legislation, I find no more strange and paradoxical situation than that existing in the United States. Since the family is the fundamental unit of the State, it would seem that the laws governing its foundation and dissolution should be written with the most scrupulous care as would befit a subject which so vitally concerns the well-being of the Nation. The contrary, however, appears to be the case. Mr. James Bryce, in his book on 'Marriage and Divorce,' page 51, says:

"The legislation which the thirteen colonies and the newer States added to the Union since 1789 have produced presents the largest and strangest and perhaps the saddest body of legislative experiments in the sphere of the family law which free, self-governing communities have ever tried.

"Our marriage and divorce laws are framed according to the whim of the legislators of each individual State, and the result is a veritable patchwork, which runs the gamut of matrimonial delinquencies from that of South Carolina, which grants no divorce, and New York, which grants divorce for adultery and desertion only, to that of the State of Washington, which permits absolute divorce for 'any cause deemed by the court sufficient.'

"In some States marriages between blacks and whites are absolutely void, again they are prohibited under pain of punishment, and in other States they are permitted. The laws in regard to void and voidable, bigamous and incestuous marriage vary so that hardly any two States are alike.

"In Virginia a marriage between a negro and a white person is void, but this is hardly a bar, because should it be desired to contract a marriage, the parties have only to cross the Potomac River into the District of Columbia and have the nuptials celebrated in the Capital City of our Nation, the home of our Presidents, and the political center of the United States. In New York a gilded fool may saddle himself with an immoral woman as a wife, because of a secret and imprudent expression of a present intent to consider her as such. But in Arizona, if a man forms an immoral connection with a woman and lives with her as his concubine, the union being wholly meretricious from its inception, at the end of one year she, by force of law, without any intent on his part, becomes his lawful wife.

"To give more than a hasty glance at our divorce laws would be to tax both your time and patience. Adultery is cause for divorce in all of the 48 States, save South Carolina. Physical cruelty, and that most elastic phrase "mental cruelty," is a cause in 46 States. In 1916 cruelty was resorted to in 30,752 cases, an increase of 75.8 per cent over 1906, when 17,496 marriages were dissolved on this ground.

"All the States save South Carolina grant divorce for desertion. This easy means of dissolving the marriage tie is fast increasing in popularity.

"There were 27,407 homes broken up on this ground in 1906, while in 1916 there were 39,990.

"Some of our States require a residence of two years before a divorce can be obtained, while others require only six months.

QUESTION OF JURISDICTION CAUSES GREAT CONFUSION.

"Beyond all divorce laws there arises the much-mooted question of divorce jurisdiction. To what extent are the divorce decrees of one State to be recognized in the other States of the Union? This question is so technical that it is impossible to enter upon a thorough discussion of it now. Suffice it to say that the Supreme Court of the United States has decided that under certain conditions a State may refuse to recognize the extraterritorial effect of a divorce granted in another State. The result has been confusion worse confounded. The eminent jurist, Judge Noah Davis, in the North American Review, volume 139, page 39, gives an excellent illustration of the evils caused by the diversity of our laws on marriage and divorce:

"A is married in New York where he had resided for years, and has a family and is the owner of real and other estate. He desires a divorce and goes to Indiana where that thing is cheap and easy. Upon complying with some local rule and with no actual notice to his wife he gets a decree of divorce and presently is married in that State to another wife, who brings him other children. He again acquires new estates; but, tiring of his second wife, he deserts her and goes to California, where in a brief space he is again divorced, and then remarries again, forming a new family and acquiring new real and personal estates. In a few years his fickle taste changes again and he returns to New York, where he finds his first wife has obtained a valid divorce for his adulterous marriage in Indiana, which sets her free and forbids his marrying again during her lifetime. He then slips into an Eastern State, takes a residence, acquires real property there, and after a period gets judicially freed from his California bonds. He returns to New York, takes some new affinity, crosses the New Jersey line, and in an hour is back in New York enjoying so much of his estate as the courts have not adjudged to his first wife, and gives new children to the world. * * * He dies intestate. Now, what is the legal status and condition of the various citizens he has given to our common country, and what can the States of their birth and domicile do for them? A few words will show how difficult and important these questions are. The first wife's children are doubtless legitimate and heirs to his estate everywhere. The Indiana wife's children are legitimate there, but probably illegitimate everywhere else. The California children are legitimate there and in New York, that marriage having taken place after his first wife had obtained her divorce, but illegitimate in Indiana and elsewhere; while the second crop of New Yorkers are legitimate in the Eastern States and in New York and illegitimate in Indiana and California. There is real and personal property in each of these States. There are four widows each entitled to dower and distribution somewhere, and to some extent, and a large number of surely innocent children, whose legitimacy and property are at stake. All these legal embarrassments spring from want of uniformity of laws on a subject which should admit of no more diversity than the question of citizenship itself.

"Divorce is never the result of accident. It can not just happen. Somebody must plan for it, scheme for it, work for it, and pay for it. If a criminal should take his choice as to the State in which he should be tried he would beyond question pick the one with the most lenient laws in regard to the particular crime of which he was guilty, hoping to receive an easy sentence or to be set free. We would revolt against such a proceeding, yet the very same state of affairs exists with respect to our divorce laws, and no one moves a finger. Men and women who go about breaking up homes are worse than criminals.

SOUTH CAROLINA WITH NO DIVORCE A SHINING EXAMPLE.

"Amid the shifting sands of divorce legislation throughout the United States is found one rock that, Gibraltarlike, stands immovable. The State of South Carolina—all honor to her—grants no absolute divorce. The charge has been repeatedly made that in that State the very stringent divorce law has produced great hardships; that it has been conducive to immorality; and has been a striking example of the evil effects of such a prohibition. These statements are not based upon facts. They are made by those who never thoroughly investigated conditions in South Carolina; who speak from hearsay and not from personal experience. It does not appear that these assertions are backed by a single iota of truth, and I am at a loss to know upon what grounds this conclusion is based. Let us see what the people of South Carolina think about their law. We find this no-divorce law spoken of in the most eulogistic terms by her courts. Judge J. O'Neil, of the South Carolina Court of Appeals, in the case of McCarthy *v.* McCarthy (2 Strobhart, 6), uses this emphatic language:

"It has received the entire sanction and acquiescence of the bench, the bar, the legislature, and the people. The legislature has nobly adhered to the injunction 'those whom God hath joined together let no man put asunder.' The working of this stern policy has been to the good of the people and the State in every respect.

"Judge J. Richland Witherspoon, in the case of McCreedy *v.* Davis (44 S. C. 195), before the Supreme Court of South Carolina, praises in the strongest terms the law that protects the sanctity of the home.

"I have received a number of letters from the Protestant clergy of South Carolina, and they are unanimously of the opinion that the no-divorce law works admirably. The two United States Senators from South Carolina indignantly deny the charge that the prohibition of divorce has caused any increase in immorality. On the contrary, it is their unalterable conviction that the no-divorce law, which is the proud boast of their State, has been an inestimable boon, has placed the family on a higher plane, and has safeguarded the home, the bedrock of the State. A prominent Catholic clergyman of South Carolina wrote me on the subject as follows:

"We have no divorce law. There is still a strong sentiment against it. It may be said that some are leading double matrimonial lives. I suppose it is true, but if such a condition exists I have heard no more of it here than I did in the District of Columbia and in Maryland. Divorce laws do not lessen immorality. I am convinced that they increase it. Here in South Carolina the law does not wink at men who try to break up homes. The law does not put its seal on affinities begotten of sensual passion.

"If you hear that men are leading double lives in South Carolina because of no-divorce laws, you can deny it. If it were so, I am sure I should know something of it.

THOUSANDS OF INNOCENT CHILDREN MADE TO SUFFER.

"The most pitiful aspect of the present divorce situation is the suffering inflicted on the thousands of innocent little children of these divorcees. The figures issued by the Census Bureau show that 41,009 of the cases of 1916 reported having children. If we assume an average of 4 children to each case, we find that there were about 164,036 children whose homes were broken up during that one year without fault of their own. What can we expect of them when they grow up?

PRESS ADDING FUEL TO FLAME.

"In connection with this subject I have been very much impressed and shocked at the great prominence given to divorce cases in the daily papers. Few issues of many of our leading

papers fail to contain under big headlines an account more or less salacious of a divorce trial in some of our big cities, giving the most intimate details, baring secrets of weak human hearts to the public gaze, pandering to depraved tastes, making suggestions that would probably never have entered the minds of other couples, and thereby becoming an agency, not of legitimate, proper news, which is the function of a newspaper, but making themselves the agents of Satan. This is unfortunate, unnecessary, contrary to the proper apostolate of the press, which should stand for the good, the true, the beautiful in all things, and never for what is low and vicious and depraved. There is no agency in our land more powerful than the press. Its printed words reach millions of hearers who never enter a church or read a good book, and never receive a moral lesson except what the press teaches. There is enough decent news to make the papers readable without going into the parlousness of the criminal courts and flaunting all the vicious immoralities of some of our great cities' "four hundred" in their divorce proceedings. It would no doubt take a long time to bring about effective remedies in our marriage and divorce laws, but there is one thing that we can do immediately, and that is to refuse to support newspapers which publish demoralizing and filthy news. A decent reading public can force a respectable press. Thank heaven, there are many good papers which do not pollute their columns with anything improper. Subscribe to those papers, read them only, permit only such papers to enter your household, and everyone of you will become an agent in promoting public morals.

DIVORCE TOO RESPECTABLE.

"Indeed, I doubt if laws would go far toward curing this disease unless we can have positive prohibition of divorce such as prevails in South Carolina, Spain, Italy, Argentine Republic, etc., or such practical prohibition as exists in Ireland. Public sentiment in many parts of Canada is strong against divorce, and it has been very hard to dissolve the marriage tie there. We must in some way create a similar sentiment against divorce in this country. It is considered too respectable now. We must frown upon it, and people must look askance at those who are divorced.

CHURCHES MUST UNITE TO CHANGE PUBLIC SENTIMENT.

"The churches must all join in an earnest effort to so train their members in the love of God and home that all their predilections will be unfriendly to divorce. The effect would be marked if all ministers of the gospel should refuse to perform the marriage ceremony when either of the contracting parties had been divorced, in which case, if the wedding must take place it could be contracted before an officer of the law and not an officer of God.

"The churches should sink their differences in so far as marriage and divorce are concerned and present a united front against it. Their followers should be taught to observe the sanctity of marriage, to look upon it as the most sacred and solemn step a human being can take, to understand that no separation with a right to remarry should ever be granted, that for better or worse they are married for life, and that God's blessing is sure to follow all who obey his laws on this most important of earthly matters—the only one which relates directly to the procreation of children and the perpetuation of the human race.

ALL HONOR TO CATHOLIC CHURCH.

"In conclusion, permit me to appeal to you, my fellow Catholics and Knights of St. John, to uphold the hands of mother church in her great fight to sustain the indissolubility and sanctity of the marriage tie. She has ever waged a fearless and most admirable fight against this dread malady—divorce—which seriously threatens the destruction of our Republic. The Catholic Church deserves for this patriotic task the heartfelt praise and gratitude not only of her own children but of all true Americans who believe in the great mission for the welfare of mankind intrusted to our Republic by the God of hosts. No country of modern times has done as much for the uplift of humanity, for the spirit of free institutions throughout the world, for the general betterment of men and women of all lands, as our own wonderful country—the United States of America. We all love the Union and are proud of its glorious history. We feel that it has ever done and ever will do great and good things for its own people and for those of every other country on earth. Our country must be maintained in its pristine strength and purity to continue its great mission for humanity. Divorce is the greatest enemy of the home, the base and foundation of the Republic, and all who wish to save the Republic should unite to destroy this enemy and save the home."

SLACK-WATER SYSTEM OF THE OHIO RIVER.

Mr. ERNST. Mr. President, I ask unanimous consent to have inserted in the RECORD a resolution which was adopted by the council of the city of Louisville, Ky., in reference to the slack-water system of the Ohio River.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the council of the city of Louisville is informed that water transportation on the Ohio River is developing with considerable rapidity, but that its greater expansion and permanent operation depends upon completion of the slack-water system as yet only partially constructed; and

Whereas the city of Louisville has already begun to be extensively used by large manufacturing companies who are shipping their products here by barge as a distributing point for inland destinations, and said service would greatly increase and widely extend its benefits to shippers and consumers if the Ohio were completely canalized: Be it

Resolved, That the council of the city of Louisville hereby urges upon the Congress of the United States the earliest possible action to complete the slack-water system of the Ohio River as designed by the Engineering Corps of the United States Army, and that copies of this resolution be addressed to every Member of Congress, and that the Representatives from Kentucky be especially urged to unite their efforts toward securing early action in the matter.

F. E. THOMPSON, C. B. C.
D. B. EDMISTON, C. B. A.
JACOB L. ISAACS, P. B. C.
ARTHUR A. WILL, P. B. A.

Approved June 7, 1922.

HUSTON QUIN, *Mayor.*

A copy. Attest:

D. B. EDMISTON,
Clerk Board of Aldermen.

ARTICLE BY SENATOR WALSH OF MASSACHUSETTS.

Mr. WALSH of Montana. Mr. President, the Senator from Massachusetts [Mr. WALSH] contributed to the New York Times a few weeks ago an interesting discussion of the problem of aviation, pertinent to the discussion of the bill now before the Senate. I ask unanimous consent that it may be printed in the RECORD in 8-point type.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OUR AVIATION PROBLEM.

[By Hon. DAVID I. WALSH, junior Senator from Massachusetts.]

"It is regrettable that in or out of Congress there is so little interest in what our Government is doing, or rather failing to do, to stimulate interest in aeronautical matters and to foster and encourage in every manner possible this most important means of defense and transportation which has come to be generally acknowledged among progressive nations as of vital necessity to their commercial and industrial expansion and to their protection and prosperity.

"The inestimable value of this comparatively new science was demonstrated during the World War, and no one will deny that it must play an even larger part in any future controversy between nations—whether on land or on the sea.

"Since the termination of the World War much progress has been made and rapid strides have been taken in the development of this science. Many foreign nations, cognizant of the necessity and importance of aircraft, have initiated military programs and programs of mail and passenger transportation in the air far superior to the present policy of our Government, and have done much to encourage the general development of aeronautics through governmental aid to commercial industry. Great Britain particularly, very soon after the war, reached the conclusion that the dominance of the air is at least of equal importance with that of the seas and set about to plan a definite policy of aerial development and the coordination of her aircraft activities, leading to the establishment of a separate ministry of air, which has taken the lead in practically every phase of aerial development.

"Economic considerations as well as those of national defense demand that the United States immediately formulate a definite, comprehensive, and intelligent policy for the development of every phase of aeronautics and of actively encouraging the aerial transportation industry, which is vitally essential to the future progress and prosperity of the Nation. To neglect longer the establishment of an intelligent policy is inexcusable.

"Because of the absence of any well-defined sympathetic program on the part of our Government since the armistice, the American aeronautical industry, built up at such great expense of money and effort during the war, is rapidly disappearing. The almost antagonistic attitude of our Government toward this industry has discouraged business men, and under the circumstances they were entirely justified in withdrawing their money from this field. Ninety per cent of the aviation industry created during the war has been liquidated, and unless a more

sympathetic and definite policy of cooperation is established without delay, it is inevitable that the remaining 10 per cent will also disappear. The future development of aerial navigation generally is in no way limited to military and naval functions, and the closest possible cooperation must at all times exist between the aeronautic agencies of the Government and the commercial industry engaged in the production and development of aircraft.

"In July, 1919, an American aviation mission, which was formed at the instance of the then Secretary of War to investigate and study all forms of organization, production, and development of this science, submitted a report to the Secretary of War outlining the results of their investigations. This report presents the results of the only aviation investigation ever made for the United States Government. The findings of this commission were extremely unpopular with old Army and Navy officers, and the conclusions and recommendations as incorporated in these findings are apparently being entirely ignored by the present as they were by the past administration. They are frowned upon by the General Staffs of both Army and Navy, in spite of the fact that they are even more sound to-day than in 1919, when the report was made.

"The report was, in part, as follows:

"As a result of our studies, your mission desires to emphasize the universal opinion of its members that immediate action is necessary to safeguard the air interests of the United States, to preserve for the Government some benefit of the great aviation expenditures made during the period of the war, and to prevent a vitally necessary industry from entirely disappearing.

* * * * * * *

"That we of to-day are conceivably no more qualified to judge as to the scale and development of the aircraft of 10 years hence than were we of even 5 years ago able to foretell the achievements of to-day. We must bear in mind always that for every one mind focused upon things aeronautical in this earlier period, some thousands of keen minds are now versed in aeronautics. With proper governmental encouragement, rapid progress seems inevitable.

* * * * * * *

"The principal recommendations made by this commission, none of which have been adopted, and which were discredited rather than discouraged, were the establishment of a department of air, with a Cabinet officer at its head coequal in importance and in representation with the Departments of War, Navy, and of Commerce; the establishment of governmental institutions of education and training, including an air academy, all open alike under proper restriction to military, civilian, and naval personnel, and the adoption of a system of circulating Army, Navy, and civil personnel through the national air service.

"Is not the time at hand to demand that an efficient, intelligent, and definite policy be formulated and carried out?

"Those who have studied this matter thoroughly and fairly are of the opinion that this will be impossible as long as our present policy of distributing our air activities among several governmental departments is tolerated, and it is necessary that we have a reorganization of our national-defense agencies if our future as an air power is not to be entirely eclipsed by other nations.

"The indifference of our Government and the manner in which aviation is being discouraged and our aviation personnel demoralized may be appreciated from what has recently been brought to light in the Navy.

"Evidently we learned little from the war, for our Government has maintained an inert, vacillating, and dilatory attitude which has resulted in demoralizing the personnel, and at the present time our aviation, especially in the Navy, is in a chaotic state. Unless some action is taken in the immediate future I can see nothing ahead other than a complete disorganization of what little air force we have thus far been able to retain in spite of, rather than with the help of, Government officials. Our aircraft in the Army and Navy is insignificant, and the personnel has been reduced and discouraged in every way possible.

"Prior to 1917 aviation was a comparatively negligible adjunct to our armed forces, but during the war aircraft sprang into prominence rapidly, awakening in the minds of a larger number of people ideas as to the unlimited possibilities of aviation as the coming strong arm of our national integrity.

"Just how soon the destinies of nations will be decided in the air is, of course, difficult to say. The complexity of the problems and of the possibilities of the development of aircraft is unlimited, so much so that the experts of the world, assembled at the Conference on the Limitation of Armament, found the possibilities of development in the air so vast that they did not feel justified in attempting to define the limits of those possibilities.

"The aviation problem in the United States as it exists to-day can be best illustrated by a study of the present aviation situation in the Navy.

"In the beginning our naval aviation activities were carried on by a mere handful of Regular officers. At the time of our entry into the war the effectiveness of naval aircraft was becoming generally acknowledged, especially in actually combating enemy submarines and, through systematic patrols, in the discouragement of their activities, and steps were taken almost immediately to train a large number of men as naval aviators. The Navy proper needed all its trained line officers, hence young men, drawn mostly from our high schools and universities, were enrolled in the air service of the Naval Reserve Force. They were rushed through their flight instruction by the original handful of Regulars, and, in turn, after being commissioned in the Naval Reserve Flying Corps and designated naval aviators, trained the ever-increasing number of applicants for this branch of the service until, at the signing of the armistice, our naval aviation consisted, besides the original Regulars, of nearly 2,500 officers of the Naval Reserve Force who were qualified as naval aviators.

"Soon after the armistice a large number of these reserve officers were released from active duty and returned to their homes, while others remained on active duty at their own request, with the idea of making aviation their life work and with the idea of eventually being commissioned in the regular Navy. After the war, and while still in the reserve force, these officers on active duty were repeatedly promoted on the strength of their records upon the recommendations of their respective commanding officers.

"These reserves had made naval aviation during the war, and even after the war it was up to them to continue to do so, as there were no others to take their places. To be sure, some few Regulars have been trained since the war, but because of lack of operating experience and lack of the real "air" spirit which had been acquired by the reserves under the shadow of war, they have not been and, for the most part, are not yet ready to take the places of the reserves.

"From the end of the war and until October, 1920, the reserve officers, who remained on active duty with the idea of making naval aviation their life work, had no definite idea as to what was to be done in their case.

"In October, 1920, they were definitely informed that in May of the following year they would be required to qualify as line officers through competitive examination. In other words, they were given a scant eight months in which to prepare for examinations in navigation, seamanship, ordnance and gunnery, steam engineering, electricity, military law, international law, and naval regulations, such as graduates of the Naval Academy are given after three or more years of duty at sea. During this eight months they were at no time relieved of their regular duties in order to study but were actively engaged in carrying on the training of the Regulars and the greater part of the operations of the air stations and fleet air squadrons. There was no one to relieve them, as in most cases there were no Regulars sufficiently experienced to do so.

"These examinations were held during the week of May 16, 1921. Almost all the reserves on active duty took these examinations, though greatly disheartened and discouraged after devoting years to specializing in aviation, to learn that they must be line officers and go to sea on naval craft like all other naval officers.

"Though Congress authorized the taking over into the regular Navy of 500 reserve officers from the Aviation Service of the Navy, they were given examinations prepared by old-line naval officers who know nothing about aviation, and on the first marking of the papers only 27 out of 285 passed. A re-marking increased this number materially. Even those who were finally held to have passed the examinations were given, in most instances, a greatly reduced rank. The result of all this has been very injurious to the morale of our Naval Air Service, and has given a body blow to aviation in the Navy that assumes the proportions of a knockout.

"All qualified naval aviators of the Naval Reserve Force who did not pass the examinations or who did not feel justified in taking them, and the others who declined the lower rank offered them, but who, because of their exceptional experience and ability, are holding positions of great trust and responsibility, will be lost to the service. Except in a few instances there are no Regulars ready to take their places. This means that after July 1 there will be a curtailment of operations until Regulars who have completed their elementary training have acquired sufficient experience to take up the important duties. How long it will take them to acquire this experience is hard to say. It has taken the reserves, who are now to be rejected after giving the best years of their lives to their country, five years.

"If these reserves are let go, it will be necessary to train additional Regulars as naval aviators. It cost during the war about

$40,000 to produce a trained aviator. To let these aviators, trained and expert in their subject, go will mean the expenditure of millions to replace them, and even then years to duplicate their seasoned knowledge and experience. According to the figures as estimated by the Bureau of Aeronautics, the training of these additional officers will cost between $3,000,000 and $5,000,000. This sum covers their preliminary training at Pensacola and one year's training with operating units. By the time they have had enough experience to equal that of the reserves the training cost will run in millions of dollars more.

"The Army seems to insist that we have Army pilots, while the Navy insists that we have Navy pilots. What is needed is a large number of Air Service pilots prepared and ready at all times to cooperate with the Army and Navy. To insist that pilots be Army or Navy officers first is to make aviation a subordinate and secondary defense rather than primary defense.

"Among those who are to be relieved from duty because they are not naval line officers but aviators are such officers as—

"The pilot of the *NC-4* on its trans-Atlantic flight.

"The commanding officer of one of the only two United States naval air stations in Europe actually under enemy fire.

"The executive officer of one of the active air stations abroad and since for more than two years and to date executive officer of one of the most important naval air stations in the United States.

"The one-time commanding officer of a naval air station.

"The commanding officer of the aviation mechanics' school at Great Lakes, through whose hands have passed 3,500 naval aviation mechanics.

"Nearly all the best and most experienced instructors at the pilots' school at Pensacola.

"Six officers who have made such flights as from Philadelphia to Panama and return, and from Philadelphia to the Virgin Islands and return.

"Three heads of departments at the experimental station at Hampton Roads, Va., and scores of other extremely valuable officers who are experts in bombing, aerial gunnery, aerial photography, and so forth, all war trained and experienced to a degree impossible to duplicate in peace times.

"Can the Navy and the Nation afford to lose the services of these men and their knowledge of aviation because of being unable, largely through unavoidable circumstances, to qualify for duty entirely foreign to their experience and specialized knowledge?

"The advancement of aviation in the Navy and to a great extent in the Army is greatly hindered by the attitude of the older officers of the line. Almost without exception they are bitterly opposed to it, and in some cases have even taken steps to discourage it. These officers of the old school believe that the battleship is supreme and will be so forever. If they have any thoughts as to the possibilities of aviation, they say and do nothing but prefer to let the coming generations shoulder the responsibilities of our national defense when the other nations of the world loom over us like a cloud with their great fleets and squadrons of efficient fighting craft of the air. The younger officers who have seen the "handwriting on the wall" are, in attempting to bring forth their ideas about aviation and in attempting to reconcile the advocates of the old school to the new order of things, jeopardizing their own individual careers in the Navy. They are up against the same stone wall as were those in generations past who brought forth steam propulsion, armor plate, steel ships, and rifled guns.

"The Navy Department makes no distinction between naval aviators and officers of the line. They are all line officers. The department contends no longer openly, because the idea has been exploded, that after a few years an aviator will be too old to fly and that he will have to return to ordinary line duties, when there have been many notable examples of officers over 45 years of age all over the world who have made excellent pilots. How can the average officer put his heart and soul in his work if he knows that in a few years he will have to return to line duties? How much interest would a doctor devote to the furthering of his profession if he knew that at the end of a few years he would be required to become a paymaster because he would be considered to be too old to perform the duties of a surgeon?

"How is this state of affairs to be rectified?

"The first step to be taken is the conciliation of the older officers of the Navy to the new order of things. They must acknowledge the 'handwriting on the wall.' Their attitude can scarcely be changed from within the Navy itself. Any such attempt on the part of the younger officers would jeopardize their own careers. Pressure must be brought to bear from other sources. The weight of public opinion must be brought into play and the Senate and House of Representatives must take a stand for aviation and make the advocates of the old-fashioned Navy forsake their selfish and antiquated ideas and face the facts.

"As has been stated in the findings and recommendations of the Aviation Commission, heretofore referred to, any future war will inevitably open with great aerial activity on both sides. Lying as we are between two oceans, our first steps in war will be over the sea. Early in the war the disadvantages of having our Army Air Service as part of the Signal Corps were recognized, and it was made a distinct and separate service of the Army. As a result our Army Air Service is more efficient than it ever could have been otherwise as part of the Army. If we are to uphold our defense over the sea we must have an air Navy. Our naval aviation service must be rounded out into a distinct and separate corps, and then combined with our Army Air Service and our Bureau of Civil Aeronautics into a great, efficient, and well-balanced national air service.

"What we need now is the consolidation of our War and Navy Departments into a single Department of National Defense, with a Secretary for National Defense as its head and an Undersecretary for Army, an Undersecretary for Navy, and an Undersecretary for Air. The underdepartment for air should have, in addition to the Undersecretary for Air at its head, three subadministrative officers: An Assistant Secretary for Army Air, an Assistant Secretary for Naval Air, and an Assistant Secretary for Civil Air.

"Such an organization would not only foster greater economy and cooperation between our present Army and Navy, but would create a great, efficient, and well-balanced national air service.

"Such a service would carry with it a morale and a spirit equal to that of our much-admired Marine Corps. It would facilitate the establishment of schools of strategy and tactics of the air and of well directed study of the science of aeronautical engineering. It would give the personnel an opportunity to devote their attention to the promotion of the development of aeronautics. It would retain all experienced aviators in the service. It would bring our present more or less disorganized and dissatisfied Navy and Army aviation into a well-organized, efficient, and valuable unit of our armed forces.

"The 'handwriting on the wall' must be seen and action must be taken. Our future in the air must be governed and guided not by the selfish desires of the advocates of the old school but by the requirements of the defense and preservation of our national integrity."

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. KING. Mr. President, I regret that the Senator from South Carolina [Mr. DIAL] objected to the consideration of the resolution offered by the Senator from Illinois. It has been revealed during the progress of the debate that more than 440 naval stations or establishments under the control of the Navy Department are being maintained. Perhaps 150 or thereabouts are radio stations, but there are more then 200 establishments which might be denominated adjuncts to the Navy, and a very large number of them ought to be discontinued. It costs millions of dollars for their upkeep.

I wish, however, to ask the Senator from Washington [Mr. POINDEXTER] whether anything has been done toward correcting the mistakes which have been made in the construction of our submarines? The Senator will recall that during the consideration of the former naval appropriation bill there was considerable evidence to show that many of the submarines were improperly constructed; that many of them were not comparable to the submarines constructed by Germany and Great Britain; that many of them had imperfect shafts and electrical machinery. Promises were made—not by the Senator but by others, and, I think, by the Navy Department—that some of these undersea craft would be rejected, and those that did not measure up to specifications would be repaired. May I inquire of the Senator whether that has been done and whether there have been any changes and improvements in our submarines?

Mr. POINDEXTER. Mr. President, at my instance that matter was gone into at very great length by the subcommittee to which this bill was referred, and I am very glad to say to the Senator from Utah that it was shown to the committee that the deficiencies of certain submarines, particularly of the S series—and I think that is the class to which the Senator from Utah refers—had been corrected, or, rather, they were in process of correction. I may say to the Senator that there was no difficulty about the electrical machinery; the difficulty with those submarines was in the size of the crank shaft of the engine. Through a difference of opinion between the Navy and the

contractors the size of the crank shaft, which the Bureau of Engineering of the Navy first designed to be 8 inches, was reduced to 7 inches. However, in practical use the views of the Navy were found to be correct, and apparently they were rather weak in having made the concession to the contractors. But a very thorough series of tests were carried out upon that specific proposition, and a very firm stand was taken by the Navy that the 8-inch shaft must be installed in these engines without additional expense to the Government. That is now being done, and the prospect is that it will soon be finished.

Mr. KING. The Senator will recall that the evidence showed, too, that we did not have a submarine that was large enough—or, at least, we had only perhaps two or three—to accompany the fleet to sea. Their radius was limited, and they did not have the speed, the capacity, the endurance, or the qualities essential for what might be denominated a "fleet submarine." May I inquire of the Senator whether there has been any improvement along those lines and whether we now have any submarines that are able to accompany the fleet?

Mr. POINDEXTER. We have submarines which can accompany the fleet in the sense that they have sufficient radius of action to go to any place where the fleet may go, but, of course, there are no submarines that have the speed of the fleet. The fleet has a speed of over 20 knots an hour, and there is not a submarine that has ever been designed by Germany, Great Britain, or any other country which has that speed; but we have submarines of sufficient radius of action to accompany the fleet in the sense that they can go to the same place where the fleet may go, and they are called "fleet submarines."

Mr. KING. The Senator will recall that the evidence disclosed that our submarines were not comparable to the German submarines in speed, in endurance, in workmanship, or in technical features. The evidence showed, I think quite conclusively, that one or more of the establishments which were making our submarines were constructing imperfect machinery; and we had a promise that there would be reforms, changes, and improvements in the submarines upon which we were relying so much.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. Mr. President, the observations made a few moments ago by the Senator from Massachusetts [Mr. WALSH] and the debate as it is now proceeding seem to me not dissimilar to the debate in France which is now going forward, particularly in the press, upon the treaties which were negotiated some time ago for the limitation of armament. It is all exceedingly interesting. The disarmament parley was called for the purpose of stopping competition in naval armament. That was one of the great objects to be attained and one of the great objects which was supposed to have been attained. We find now, within a few months after the treaties are signed, that the argument which is being advanced in France for the ratification of the treaties is that they in no way limit the building of naval armament upon the part of France in anything which she desires to build; that while there is some limitation upon battleships—a craft which she does not want to build and does not propose to build for two reasons, first, from an economic standpoint, and, second, because of the impression abroad that they are becoming obsolete—as to all other instruments of modern naval warfare there is no limit, and therefore the ratification of the treaties would in no wise embarrass France in the future in building up her navy, which she proposes to do. That leads to the further suggestion that at the present time in Japan—not so much in Great Britain but in Japan—naval armaments, aside from battleships, are being built as rapidly and as effectively as prior to the meeting of the disarmament parley.

So, Mr. President, while these treaties may be ratified and technically observed, the great object and purpose in calling the disarmament parley—to wit, to stop competition in naval armament—seems to be utterly frustrated by reason of what, in my judgment, may be properly styled bad faith upon the part of the countries in carrying out the spirit of the disarmament parley and the treaty. We are to-day just as thoroughly engaged in naval-armament competition as we were prior to the calling of the disarmament parley, with the exception of one instrument of modern naval warfare.

Mr. OVERMAN. Mr. President, I should like to inquire if any other nation except our own has ratified the four-power pact?

Mr. KING. No.

Mr. BORAH. No; no other nation, I understand.

Mr. OVERMAN. Is there any probability of their ratifying it soon?

Mr. BORAH. In the view which France takes of it, I think France will likely ratify it, because she does not consider that it embarrasses her in the slightest in going forward with her program.

Mr. OVERMAN. It does not require her to disarm?

Mr. BORAH. No.

Mr. KING. Mr. President, let me say to my friend from North Carolina that I put into the RECORD the other day excerpts from a very admirable article appearing in the New York Herald, in which attention was challenged to the fact that no nation other than the United States, party to these treaties that were to usher in the millenium, according to the statements of some of our Republican friends, had ratified them. I called attention to the fact that Lord Lee of Fareham had presented to the House of Lords the treaty—it did not state for action, but presumably for action—but no action had been taken. Japan has taken no action, nor has Italy or France. The statement just made by the Senator from Idaho illustrates the futility of these treaties negotiated at the Washington conference, and which were proclaimed as the greatest achievement of all time. They may have some value, but as yet it is somewhat difficult to perceive the same. At any rate, there is still naval preparation, and the treaties are not ratified. The four-power treaty dealt only with capital ships, but did not pretend to limit submarines, aircraft, land armaments, and other forces or instrumentalities which the present may know or the future may devise for use in war on land and sea and in the air.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LENROOT. I should like to ask the Senator, if his theory was correct, and that of others who took the position that the four-power pact and the others were very much to the selfish interest of England and Japan and against the interest of the United States, is it not a little curious that they have not speedily ratified them?

Mr. KING. I am not quite clear that I apprehend the meaning of the Senator from Wisconsin.

Mr. LENROOT. The Senator took the position, as I understand——

Mr. KING. Does the Senator mean now or in the past?

Mr. LENROOT. When the treaties were before us—that these treaties were not to the interest of the United States, but were very much to the interest of Great Britain and Japan. My query is, If the Senator was correct in that, is it not a little curious to the Senator that those countries did not speedily ratify the treaty, instead of delaying ratification?

Mr. KING. Mr. President, I do not think the Senator has accurately stated my position. The position which I took, or intended to take, was that the four-power treaty possessed so many uncertainties and involved so many problems that, in my opinion, it would not make for world peace; or at least that it would prove an obstacle to a world union which would promote world peace. I contended that there should be an association of all nations; and that an attempt to form a group of these powerful nations would provoke resentments and antagonisms and jealousies among other nations, and would lead, or be calculated to lead, to other groups and alliances, which in the end would constitute impediments to a league of all nations, and thus prove injurious to the peace of the world. I opposed the treaty because it would lead to counteralliances. I agreed with the Senator from Idaho [Mr. BORAH] and others that the four-power pact constituted an alliance—the able Senator from California [Mr. JOHNSON] took that position with great force and clarity—and that whenever an alliance was formed, particularly between great powers, other alliances would be formed to check or thwart what was presumed to be the purpose of the first alliance.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. Did not the Senator take the position that it was an alliance in the interest of Great Britain and Japan and against the interest of the United States?

Mr. KING. No; I did not take that position. I took the position that it was an alliance, and I stated that in my opinion it would provoke a counteralliance between Germany and Russia, and perhaps other nations. I have contended ever since the end of the World War that there should be an association of nations; and accordingly I supported the League of Nations plan. I then asserted that attempts to form groups, particularly of powerful nations, would inevitably lead to the forma-

tion of other groups. The history of the past shows the evil effects of alliances and the efforts to maintain a "balance of power" by the formation of limited national associations. I suggest that the net results of the Washington conference can not be satisfying even to the most ardent disciples of the prophets who guided it.

Mr. President, I offer the following amendment:

On page 64, line 9, after the numerals, I move to insert the following:

Provided, That no part of said sum shall be used for the purpose of maintaining or employing marines, either officers or enlisted men, in the Republic of Haiti or the Dominican Republic after December 31, 1922.

Mr. BORAH. Mr. President, before that is finally disposed of, may I ask if the Senator is advised at this time whether or not our marines are still guarding the White House at Managua, Nicaragua? They have been there for 8 or 10 years. I do not know whether they have gone away yet or not.

Mr. KING. I think they are. The last authentic information I had was that a portion of the marines—to wit, 24—had been brought home in irons, sentenced to from 8 to 40 years, for alleged offenses committed in Nicaragua, and that there were still marines in Nicaragua.

The PRESIDING OFFICER. In order that this amendment may be properly considered, it will be necessary to reconsider the vote whereby the amendment in line 9, page 64, was adopted. Without objection——

Mr. POINDEXTER. I ask to have the amendment stated. My attention was diverted for a moment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, after the total for the Marine Corps on page 64, line 9, after the figures "$26,146,748," the following proviso:

Provided, That no part of said sum shall be used for the purpose of maintaining or employing marines, either officers or enlisted men, in the Republic of Haiti or the Dominican Republic after December 31, 1922.

The PRESIDING OFFICER. Without objection, the vote whereby——

Mr. NORRIS. Mr. President, I should like to inquire of the Chair why it is necessary to reconsider that amendment.

The PRESIDING OFFICER. It is the opinion of the Chair that inasmuch as this amendment is offered in the form of a proviso to that appropriation, it will be necessary to reconsider the vote so that the whole question may be open.

Mr. NORRIS. It is not offered as an amendment to a committee amendment and does not change a committee amendment in any sense. We have reached the stage in the consideration of the bill where individual amendments are in order. I do not see why it will be necessary to reconsider the action on the committee amendment. It does not pretend to change the amount of the appropriation. It does not cut it out at all.

The PRESIDING OFFICER. It is the opinion of the Chair that inasmuch as the amendment now offered attaches to the committee amendment which was agreed to in order to make it entirely parliamentary that vote ought to be reconsidered. Of course, a majority of the Senate can determine otherwise.

Mr. NORRIS. Suppose that view prevails, and it is reconsidered, and then this amendment is voted on, whether in or out; what difference would it make as far as the committee amendment is concerned? Either you put it in or you keep it out, and in either case it does not modify or change in one iota the committee amendment.

Mr. LENROOT. If it is adopted it affects the committee amendment, because it limits the appropriation.

Mr. NORRIS. It does not change the committee amendment. It applies to the whole thing. Suppose no committee amendment had been made, would it for that reason be out of order? The simple statement of it, it seems to me, is sufficient. The Senator's amendment does not depend upon the committee having made an amendment here. He could offer it just the same if this committee amendment had never been made.

Mr. KING. Mr. President, may I say to the Senator from Nebraska—and I hope I may have the attention of the Senator from Washington—that when we were considering these items dealing with marines I suggested, not in open session but privately to the Senator from Washington, that I would not offer this amendment and another which I intend to offer until we had gone through with the bill; then the amendments could be considered even after the amendments which had been offered by the committee were finally disposed of; and that, if necessary, the action of the Senate could be set aside for the purpose of considering such amendments as I desired to offer.

Mr. POINDEXTER. What was the question?

Mr. KING. I say, it was understood that if any votes were taken upon the items relating to the marines, when we got through with the bill I could offer such amendments as I desired without the formality of moving to reconsider.

Mr. POINDEXTER. Mr. President, I do not want to stand in the way of the Senator offering any amendment that he chooses to offer. My understanding of the colloquy that we had on the subject to which the Senator is now referring was that if he succeeded in securing the adoption by the Senate of an amendment either raising or lowering the number of marines provided for I would agree to corresponding changes in the appropriation to suit the changed personnel provided in the bill; but that does not involve the parliamentary inquiry of the Senator from Nebraska.

Mr. KING. I will say that I stated to the Senator that I should offer two amendments, one to reduce the number of marines and another to prevent the employment of marines in the Republic of Haiti or the Dominican Republic.

Mr. POINDEXTER. I have not any objection at all to that. I am perfectly willing to agree to that. The Senator has offered the amendment now.

Mr. KING. And the Senator stated to me that we could take a vote upon it.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote whereby the amendment on line 9, page 64, was agreed to?

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. POINDEXTER. Has the inquiry of the Senator from Nebraska [Mr. NORRIS] been decided by the Chair?

The PRESIDING OFFICER. The Chair stated it to be the opinion of the Chair that inasmuch as the amendment offered by the Senator from Utah is attached directly to and really is to become a part of the committee amendment that has been agreed to, therefore it would be necessary to reconsider the vote whereby that amendment was agreed to. That is the opinion of the Chair. Is there objection to the reconsideration of that vote? If there be no objection, the vote is reconsidered.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. POINDEXTER. Is the amendment proposed by the Senator from Utah in order, in view of the fact that if adopted it would change the existing law and policy of the Government as to its foreign relations? It would have the effect, whatever the means of reaching the object may be, of undertaking through an appropriation bill to direct the President of the United States, who is the Commander in Chief of the Army and Navy, what orders he should make as to the disposition of the armed forces of the United States. It would also have the effect, for a limited time at least, of interfering with the President's conduct of our foreign affairs and the carrying out of treaties with foreign countries, for the occupation of Haiti is in pursuance of a treaty with that country. We would be doing that without even referring the matter to a committee, without having the opportunity of securing the consideration of the question by a committee, to say nothing of not referring it to the executive branch of the Government.

The State Department or Executive is the branch of the Government which has the control and direction of our relations with Haiti and Santo Domingo, and I make the parliamentary inquiry of the Chair whether this amendment is not out of order for those reasons, as changing existing law by an amendment upon an appropriation bill? If the Chair says it is out of order, I will be compelled to make a point of order.

Mr. NORRIS. Mr. President, I want to say, first, in reference to the ruling of the Chair a few moments ago, that while I acquiesce in the decision of the Chair, I want the record to show that I do not agree that that is the proper procedure, because the ruling might be cited as a very important precedent in the future. The Chair's decision practically means that if the committee had not made this particular amendment the Senator's amendment would be out of order.

I contend, however, while I am on my feet, that the question raised by the Senator from Washington is a very simple parliamentary proposition. The amendment offered by the Senator from Utah is purely and solely a limitation upon the appropriation. Such an amendment is always in order. If the amendment included the word "hereafter," so as to make it permanent law, it would be subject to a point of order, if the things alleged by the Senator from Washington in regard to its

changing law, and so forth, are accurate; but it applies only to this appropriation.

The point made by the Senator from Washington that it would interfere with the policy of the State Department, or even violate a treaty, is not good. If that were a good point, then Congress would not be called upon to appropriate money to carry out a treaty. The State Department or the President, or whoever were the proper officials, would be authorized to take the money out of the Treasury without any appropriation. It is not to be assumed that Congress would fail to appropriate, but Congress can fail to appropriate even for the President's salary.

Congress can fail to appropriate for the salaries of the Members of the Senate or the Supreme Court, and that is one of the checks on Government, under our system, that is given to Congress. It can refuse to appropriate, and if it does, then whatever depends on an appropriation which otherwise would be made must fail. It is not a question of changing law. It is not assumed, of course, that Congress would fail to carry out a contract by refusing to make the necessary appropriation.

We have always had that question to contend with when we make a treaty. It is always argued that when we come to appropriate the money necessary to carry out a treaty made in accordance with the Constitution; the appropriation must pass the House of Representatives, and if it fails in the House, the treaty can not be carried out, if an appropriation is necessary.

This amendment simply limits the appropriation. It applies to none other. It may be that there is other money appropriated which could be used for this purpose, and if there is, by a proper construction of the law, of course the marines could be maintained there. This simply provides that no money appropriated in this bill shall be used for a particular purpose. We can do that by this kind of a limitation. We can do it by failing to make a direct appropriation. We could refuse to make any appropriation for the marines, and if we did, no public money could be used in paying any marines, officers, or privates. It seems to me it is very clear that this limitation is proper, if we adopt the amendment.

The PRESIDING OFFICER. Does the Senator from Utah desire to be heard on the point raised by the Senator from Washington?

Mr. KING. If the Chair has any doubt about the parliamentary status——

The PRESIDING OFFICER. The Chair is ready to rule, but the Chair is willing to hear the Senator from Utah.

Mr. KING. If the Chair is willing to rule my way, I do not want to say a word.

The PRESIDING OFFICER. The Chair is ready to rule. Does the Senator from Utah desire to be heard on the point of order?

Mr. KING. I think I shall submit the question to the Chair, having confidence in the correctness of my position, and knowing that in the past the rulings of the presiding officers in the Senate have been to the effect that amendments of which this is a type were limitations upon appropriations and were therefore admissible under the rule. I also have confidence in the fairness of the Chair, and feel assured that he is familiar with the parliamentary precedents.

The PRESIDING OFFICER (Mr. WILLIS). On the question of order raised by the Senator from Washington it is the opinion of the Chair that the amendment offered by the Senator from Utah is simply a limitation on the appropriation, according to all the parliamentary precedents with which the Chair is acquainted, and that the amendment is in order. Therefore, the Chair is of the opinion that the point of order raised by the Senator from Washington is not well taken, and that the amendment is in order. The amendment will be stated by the Secretary.

The ASSISTANT SECRETARY. It is proposed to insert, on page 64, line 9, after the figures "$26,146,748," the following proviso:

Provided, That no part of said sum shall be used for the purpose of maintaining or employing marines, either officers or enlisted men, in the Republic of Haiti or the Dominican Republic after December 31, 1922.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KING. The Senator from Idaho asked a few moments ago whether marines were still kept in Nicaragua. I have before me the Senate hearings, and I find, on page 293, the report that in Santo Domingo there are 2,291; in Haiti, 1,696; in Cavite, 162; in Olongapo, 125; in Nicaragua, 107; at Pearl Harbor, 375; in Guam, 500; at Guantanamo Bay, 175; in the Virgin Islands, 150; in Peking, 325; and in the Russian Islands, 15.

Mr. POINDEXTER. What is the date of the authority the Senator has quoted?

Mr. KING. I find that statement in the last hearings before the subcommittee of the Committee on Appropriations. The report appears to be dated March 1, 1922.

Mr. POINDEXTER. I am informed that the number of marines in San Domingo and in Haiti has been reduced since that time, so that at the present time there are approximately 2,100 in San Domingo and approximately 1,300 in Haiti.

Mr. KING. That is some reduction since March, when this report was submitted.

Mr. BORAH. Mr. President, I am interested in the particular matter covered by the amendment now being considered because I am interested in the policy which seems to be growing up touching our relationship with Central American countries and the islands near our coast—in other words, our Latin American policy.

We went to Nicaragua in 1910, I believe. In my judgment we never had any sufficient reason for going. Nevertheless, we sent our marines there, landed them, took possession of the country, marched to the capital, killed some 200 Nicaraguans, and placed in control, as the nominal President of Nicaragua, a clerk or employee of a corporation of Pittsburgh. We maintained him there for a number of years, and he could not have remained in the capital of Nicaragua 48 hours, as seems to be conceded by everyone, without the presence of the American marines, who kept him there. He was a dictator of the Nicaraguan people, and made dictator by our Navy, under orders from Washington.

During the time that our created—so-called—President was President of Nicaragua there was a treaty with Nicaragua proposed. That treaty went before the Committee on Foreign Relations of the Senate, and was there defeated by the solid vote of the Democrats and one Republican vote. That vote I had the honor to cast. The treaty was again submitted after a change of administration, practically in the same terms found in the original treaty, and in this instance it was reported favorably by the committee. The vote was a little embarrassed by reason of the vote which had been taken theretofore. The Democrats, with one or two exceptions, supported the administration and Republicans supported the previous administration. At any rate, the treaty was favorably reported, was considered in the Senate, and finally ratified. I made a motion to consider it in open session, but the motion was defeated. It was considered in secret, naturally.

The treaty which we made with Nicaragua did not in any sense represent the expression of view or wishes of the Nicaraguan people. So far as Nicaragua was concerned, it was made by a government which we set up, which by force we maintained, and which did not represent the views of the Nicaraguan people at any time. We made an important treaty with a helpless people, a people under our military domination.

The American admiral who had charge of the affairs in Nicaragua stated in the hearings that if the Nicaraguan people were permitted to express themselves, 80 per cent of them, in his opinion, would be opposed to the government as it then existed and would be opposed to the treaty as submitted.

I have never regarded the Nicaraguan treaty as binding upon the Nicaraguan people. We were making a treaty with ourselves. We were making a treaty with a government which was our puppet. We were making a treaty with a government which represented us at the other end of the treaty-making negotiations. It is one of the most indefensible transactions of which I have knowledge in international affairs. But I am not to-day going into the Nicaragua affair at length, except to suggest that the views which I entertain in regard to this matter are not lately formed, have not been lately considered by me for the first time.

About 1915 we went to Haiti, largely under the same circumstances and conditions under which we went to Nicaragua. I shall not to-day discuss at length why we went to Haiti. Suffice it to say that, in my judgment, there was no sufficient reason for our invasion of Haiti, and suffice it to say, further, that if the Haitian people had been a much stronger people, a more powerful people, a people with a navy and an army, we would not have gone to Haiti even if the same reasons had existed which did exist. We have some two or three policies with reference to our foreign affairs, and those policies are adjusted to the size and strength of the people. In my humble opinion, the policy which prevailed with reference to the Haitian people was by reason of the fact, in large measure, that they were helpless to resist the invasion and the encroachment of the American marines or the American Navy.

It was said that we went there for the purpose of restoring law and order. If we had gone there for that purpose, we never would have done the things which we did after we arrived there. The things which we did indicated that we

were not there temporarily for the purpose of restoring law and order, but that we were there for a more permanent and a more abiding reason.

No American citizen had been killed in Haiti; no American property had been destroyed; no offense had been committed against our people. The Haitian people were at peace with all the world. They were at peace with the United States, and they had committed no outrages and no wrongs against the American citizens who may have been in Haiti, nor had they confiscated or destroyed any property belonging to them.

There were disturbances in Haiti and always have been. They were, in my opinion, no different, either in moment, extent, or seriousness, than had existed there many different times during the 100 years in which Haiti has been a Republic.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. McCORMICK. There had always been almost similar occurrences in Cuba, had there not, before intervention there in 1898?

Mr. BORAH. Yes. The relevancy of the question I do not see, and I would be glad to have the Senator explain.

Mr. McCORMICK. It seems to me that it is at least arguable that there is analogy between intervention on the part of the United States to establish order and peace in Cuba and to do as much in Haiti.

Mr. BORAH. I do not think the analogy exists in any particular.

We talk, Mr. President, about the sacredness of life and the security of property in Haiti. Property was just as secure and life just as sacred in Haiti when we entered as it is in some parts of this country, even in some of our large cities. They were not as efficient and capable of self-government as we claim to be, and yet I venture to say that, compared in population, the sacredness of human life was just as thoroughly observed in that island during the months in which we were entering and invading their territory as it has been for months and months in some of the great cities of the United States. When you examine the record of robberies and murders in great cities, the lynchings and burnings in this country, and compare them with lawlessness in Haiti, you will find little excuse for our going to Haiti.

Mr. President, in my judgment, we did not enter that island by reason of the fact of the disturbances there. For more than 40 years there have been powerful influences at work in this country to induce the United States to become active in the affairs of Haiti. While I do not charge that it has its conscious effect upon the State Department or our Government, it was so presented to the Government that the Government undoubtedly yielded to those influences. Let us follow up, therefore, what we did after we arrived there, and see if we can not ascertain why we went and why we are staying. Remember, Mr. President, that we have been there now nearly eight years. We have given them in that time nothing but a military form of government. We have not set up or attempted to set up anything like a civil government. While nominally they retain their President, he is in every sense the representative of the military power of the United States, and the only thing that we offer the Haitian people after seven or eight years occupancy is a military form of government—the most undesirable, the most intolerable, the most brutal, the most arbitrary and cruel form of government that can be placed over any dependent people.

One of the first things we discover when we come to investigate affairs in Haiti is the fact that they had in their constitution a provision which prevented foreigners from owning or acquiring land in Haiti. This was written into the original charter in 1804. They believed it necessary to their defense. They realized that they had an island the soil of which was exceedingly fertile, and that if foreigners were permitted to come in there and acquire lands and exploit their natural resources, they would not be able to stand against that kind of encroachment, that kind of peaceful penetration, and that ultimately, through the acquisition of their property, their natural resources, and their land, the foreigner would come to dominate the situation in Haiti. One of the first things which we did was to force out of the constitution that provision. That could not have been connected with the proposition of temporary occupation. That never could have been any part of the program for the mere restoration of law and order in Haiti. That had to do with laying the foundation for the permanent occupancy of Haiti.

I am informed, and I think reliably informed, because one of the parties informing me is the owner of property in Haiti, that since that provision of the constitution was changed large acreages have been gathered up by citizens of the United States and some 200,000 acres have been acquired by different companies or corporations, and that this acreage is now passing into the hands of those other than citizens of Haiti. Of course, Mr. President, if that is true, then what was called temporary occupancy of Haiti will necessarily become a permanent occupancy. Having forced out of the constitution their protection against foreign purchasers, will we ever withdraw from the island and leave the foreign purchaser to be governed by the Haitian people? The influence which is now going there for the purpose of exploiting those islands will have a right to say, "We purchased after you had changed the constitution and under the implied terms, if not the express terms, that we would be protected in our holdings in Haiti." We are practicing peaceful penetration. Having forced a change in their constitution, we are taking advantage of the change to seize the lands, and when the time comes to get out we will be asked by our own people to stay. Having invested therein, because that was what the changing of the constitution meant, we will not leave them to the mercy of the people whom they have exploited.

It indicates, in other words, that although there might have been the announced purpose of temporary occupation, the thing which we have been doing indicates a permanent occupation.

How was this constitution adopted by Haiti? In no sense was it ever the expression of the Haitian people. The story of the forcing upon those people of this constitution is one which can not be defended. I have never seen any defense of it. In the discussion of the Haitian question it is avoided. It is 110,000,000 people with a great Army and a great Navy proceeding against 3,000,000 people without an army or a navy and dictating to them a change in their fundamental law detrimental to their interests.

On June 17, 1917, General Cole, who was then in charge of military affairs under the Haitian Government, so called, telegraphed our Government as follows:

> Antagonism national assembly to foreign ownership of land such that no endeavor short of dissolution will prevent passage constitution along lines reported my 13107. If assembly refuses to heed such warning, it will be necessary to dissolve assembly to prevent such passage—

That is, the passage which did not eliminate the question of ownership of the land by foreigners.

> The number of marines in Haiti should be increased by at least eight companies to prevent disorders that may follow dissolution of assembly.

Here we have the exact and simple question presented. We go to Haiti ostensibly to restore law and order. We immediately begin the wrecking of their form of government. That which they consider as the corner stone of their security—to wit, the question of foreigners owning land—immediately comes up for consideration, and the assembly stands against the change and refuses to yield until it is adjourned by the power of our military forces.

On June 18 General Cole notified the authorities here as follows.

> Unless contrary instructions received, if necessary to prevent passage proposed constitution, I intend to dissolve the National Assembly through President if possible; otherwise direct.

Mr. OVERMAN. What authority did he have for adjourning ing the Assembly of Haiti?

Mr. BORAH. He had exactly the authority which any military despot has over a helpless people, and no more. This little Republic has stood for 111 years. It had had its troubles, its dissensions, its discords, but it had always treated American citizens and residents of ours in that country with justice, with fairness, and had protected them and their lives and their interests. I think it most unfortunate that a Republic which had stood for 111 years through all the vicissitudes which accompanied its history should finally be destroyed by its sister Republic, the great Republic of the West. To dissolve that assembly, which was bravely standing by what it believed to be the interests of the Haitian people, was an act of sheer brutal despotism, an act of despotism not often found in the history of modern times. It seems incredible that this was the act of a Government whose founders fought such shameless tyranny and whose people still advocate self-government and liberty. I do not believe that the American people as a people would approve such wanton disregard of the first principles of free government.

General Cole was given full discretionary power. So strong was the opposition that they could not succeed in this way, so they prepared a plebiscite. The plebiscite was a farce. It was held under the authority and menace of the American bayonet.

Mr. KELLOGG. May I ask the Senator what date that was?

Mr. BORAH. That was in 1917, I think. I will not be exact as to the date, but I think that is correct.

I am not going to take the time to read all the testimony with reference to the plebiscite. I call attention to enough, however,

so that those who are interested in the subject may easily find the testimony.

The election was held on May 8, 1918, and was officially reported adopted by a vote of 98,294 in favor and 759 against. To what extent the vote represents the free will of the Haitian people may be gathered from the testimony of Col. Alexander S. Williams, chief of the gendarmerie, which had charge of the election, given at page 560 of the hearings. It is illuminating to note the colonel's statement that Haitian funds were used to indoctrinate the natives as to the virtues of the new constitution.

Rev. L. Tom Evans, who was a missionary and has been for years in Haiti, in his testimony said:

The bundle of pink slips (no) significantly showing the fraudulent nature of the whole scandalous business, remained on the other side of the table tied together. The poor native in charge, as well as the so-called voters, knew those packets were meant for mere show, for even if cut loose their terror-stricken Haitian brothers dared not refuse the "oui" (yes), but asked for the "non" at the risk of being imprisoned and shot as an enemy of the occupation and foe of the United States Government.

Further he describes how the forces at the polls—

watched with an eagle eye and guarded by the (negro police) especially officered by the American generals, colonels, majors, captains, and lieutenants * * * for the sake of perfecting the farce. There were Haitian dummies sitting handing out the slips in the box, and a dummy Haiti commissarie sat alongside of the American marine officer.

I have noticed an article published lately in some of the New York newspapers written by some one who has styled himself "An American officer." He does not give his name. In that article the writer says:

It was this Government which put over the constitution of 1918 with its legislative joker, which bids fair to create an unprecedented situation in the recent election, and one which would have been very difficult to solve short of actual intervention in governmental affairs by the American high commissioner. The American occupation had absolutely nothing to do with either the voting of the constitution or the preparation of the people in a favorable attitude. The members of the occupation obeyed absolutely the strict rule of hands off political affairs, which has obtained from the beginning to the present moment.

This officer, whose identity is unknown, says that the army of occupation had nothing to do with the adoption of this constitution. I assert that the record—not only the sworn testimony, but the official reports, the official telegrams, and the official communications—shows unmistakably that the constitution was "put over," to use that expression, through the insistence, aye, through the use of force by those occupying Haiti for the American Army. To such an extent were they required to use force that they were compelled to dissolve the assembly which stood out against the consideration of the proposed constitution.

We have, therefore, Mr. President, the first step, which indicates, as I have said, a question of policy, the permament remaining in the island of Haiti. One of the telegrams which Secretary Lansing sent has this in it:

In order that no misunderstanding can possibly occur after election it should be made clear to candidates as soon as possible and in advance of their election that the United States expects to be intrusted with the practical control of the customs and such financial control over the affairs of the Republic of Haiti as the United States may deem necessary for efficient administration.

Gen. Alexander S. Williams, on page 566, testifies in regard to the campaign for the adoption of the constitution, and says:

I sent circular letters to all gendarmerie officers informing them that they would soon be called upon to supervise a vote of the people for or against the adoption of the proposed constitution. I told them it was desirable that this constitution pass. * * * I do not remember how long before the plebiscite was held that these instructions were given, but there was a considerable time, ample time, to enable the gendarmerie officers (who were marine officers also) to conduct this campaign, which was frankly proconstitutional. * * * I allotted from gendarmerie funds to enable each gendarmerie district and subcommander to have a popular meeting prior to the date on which the meeting was to be held. * * * On these occasions the gendarmerie officer mixed with the people, sometimes addressed them, and freely advocated the adoption of the constitution. * * * The plebiscite I considered in every phase, those which led up to it and the phase of operation and the events subsequent to be absolutely and entirely creditable to the gendarmerie. I am really very proud of the plebescite. So far as supervision orders, instructions, indoctrination could go, it was conducted as honestly as anything possibly could be.

One can well imagine the effect of such a campaign upon the free expression of opinion upon the part of the Haitian people with reference to their constitution, with the gendarmerie and the American military forces carrying on a campaign frankly proconstitutional, insisting that the American Government expected the adoption of the constitution and that the American people would expect to operate the affairs of the Haitian people under it.

Mr. KELLOGG. Was it an officer of the United States from whose testimony the Senator from Idaho has quoted?

Mr. BORAH. Yes.

So much, Mr. President, for the change of the constitution. Now, what is the effect of that change? Some of the most fertile soil in the world is located in Haiti. That it is being purchased and gathered in at this time seems to be well established. Of course I have no evidence in regard to that except the communications from and personal interviews with men who have been in Haiti, with men who have themselves purchased interests in Haiti. Therefore I am unable to give the extent to which it has gone on; I know that it has proceeded to a considerable extent; but its full purport I am unable to state.

Mr. President, we profess to be in Haiti under a treaty. After we took possession of that portion of the island belonging to Haiti, we proposed immediately a treaty to the Haitian people. That treaty was finally ratified under the same influences and with the exercise of about the same power which caused the ratification of the treaty with Nicaragua. I do not regard it as a treaty which binds the Haitian people at all, in the sense that it was ratified as the free expression of the will or the uncontrolled judgment of the Haitian people. I regard it as a treaty by the United States dealing with itself; that the men who purported to ratify it or accept it upon the part of Haiti were not the agents of the Haitian people but the agents of the American Government.

On August 14, 1915, a treaty was presented to the Haitian Government at a time when we were in military control of Haiti. That treaty took over the entire machinery of government and destroyed the sovereignty of Haiti. The Haitian President was told to advise the Haitian congress to pass forthwith a resolution authorizing the President-elect to conclude without modification the treaty submitted. On September 3 Admiral Caperton declared martial law. On September 8, 1915, Caperton sent the following telegram to the Secretary of the Navy:

Successful negotiation of treaty is predominant part of present mission. After encountering many difficulties, treaty situation at present looks more favorable than usual. This has been effected by the exercising of military pressure at propitious moment in negotiations. Yesterday two members of the cabinet, who had blocked negotiation, resigned.

The treaty negotiation proceeds and advances—how? By the intelligent exercise of military power at propitious moments so that two members of the cabinet who were blocking the proceedings resigned. Can any man read that telegram and not feel a deep feeling of resentment that such a telegram should actually constitute a part of our history? We have been fond of late years of criticizing other governments for their arbitrary acts. But that telegram belongs nowhere outside of the archives of a military despot. I denounce it as un-American and indefensible.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield.

Mr. ASHURST. I did not understand by whom the cablegram was sent.

Mr. BORAH. It was sent by Admiral Caperton, who was in charge of affairs at that time in Haiti, representing the American Government, and was directed to the Secretary of the Navy.

Mr. ASHURST. Under the circumstances that treaty could very well stand side by side with Japan's treaty with Korea, could it not?

Mr. BORAH. We are under peculiar obligations to those people down there, and I do not think that the telegram referred to ranks in dignity or decency with the treatment accorded by Japan to Korea.

They next held up all customs receipts in order to bring pressure. The Senate, however, continued to stand out and refused to ratify the treaty. On November 10 our Government sent the following message:

I am sure that you gentlemen will understand my sentiment in this matter, and I am confident that, if the treaty fails of ratification, my Government has intention to retain control of Haiti until the desired end is accomplished—

And so forth.

Mr. NORRIS. Who sent that?

Mr. BORAH. That was sent by the Secretary of the Navy. There was a confidential memorandum attached to this message, which reads as follows:

It is expected—

This was directed to the Admiral.

Mr. POINDEXTER. Mr. President, if I may interrupt the Senator, no doubt the Secretary of the Navy would have no legal authority to lay down the law as to how long we should occupy Haiti. There must have been some authority above the Secretary of the Navy in sending that message. I assume that undoubtedly it must have come from the highest executive authority, namely, the President.

Mr. BORAH. I presume that this was all a matter of policy and had been worked out.

Mr. NORRIS. I hope the Senator from Idaho will not forget that he started when he was interrupted to read a confidential memorandum.

Mr. BORAH. I am going to read it in a few moments. This telegram was sent on November 10, 1915, and I think it will bear reading as an entirety. It says:

Arrange with President Dartiguenave that he call a cabinet meeting before the session of the Senate which will pass upon the ratification of the treaty, and request that you be permitted to appear at that meeting to make a statement to President and to members of cabinet. On your own authority state the following before these officers: "I have the honor to inform the President of Haiti and the members of his cabinet that I am personally gratified that public sentiment continues favorable to the treaty; that there is a strong demand from all classes for immediate ratification, and that treaty will be ratified Thursday. I am sure that you gentlemen—

This is the address the officer was to make to the authorities—

I am sure that you gentlemen will understand my sentiment in this matter, and I am confident if the treaty fails of ratification that my Government has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed to the complete pacification of Haiti, so as to insure internal tranquillity necessary to such development of the country and its industry as will afford relief to the starving populace now unemployed.

Meanwhile the present Government will be supported in the effort to secure stable conditions and lasting peace in Haiti, whereas those offering opposition can only expect such treatment as their conduct merits. The United States Government is particularly anxious for immediate ratification by the present Senate of this treaty, which was drawn up with the full intention of employing as many Haitians as possible to aid in giving effect to its provisions, so that suffering may be relieved at the earliest possible date. Rumors of bribery to defeat the treaty are rife, but are not believed. However, should they prove true, those who accept or give bribery will be vigorously prosecuted.

Then this confidential memorandum, attached to it, reads as follows:

It is expected that you will be able to make this sufficiently clear to remove all opposition and to secure immediate ratification.

This was sent on November 10. The treaty was ratified November 11.

Mr. NORRIS. Mr. President, I should like to get this information, and I am satisfied that the Senate would like to have it: The Senator has not given the name of the person to whom that telegram was directed or by whom it was signed.

Mr. BORAH. Yes; it was sent to Admiral Caperton by the Secretary of the Navy.

I ask an American Senate if they think that this treaty is the expression of the Haitian people? Take into consideration, in the first place, the very fact that here we were in military control of the island; secondly, that we had declared martial law, and that the whole situation was within our dominance. Suppose no other act or step had been taken. Would any American Senator regard as binding a treaty which was adopted by a people at a time when a powerful nation was in military control of the island, of the entire people, and martial law had been declared, and we were the executors of martial law? Could the free expression of the Haitian people, or any part of the Haitian people be secured under such circumstances? Those facts alone would be sufficient to render null and void any treaty which was ratified under those conditions; but we did not stop there. We had taken control of the island; we had declared martial law; the assembly still held out and refused to ratify it; and then, as the man in charge, Admiral Caperton, says, "We are making progress only as I apply the force of the military power at propitious moments."

Mr. KING. Mr. President, the Senator might state that we seized the customhouses and refused to pay the officials' salaries, and so forth, until the treaty was ratified.

Mr. BORAH. Yes; that was another one of the influences which we brought to bear upon them. Having seized the customhouses, we refused to pay the salaries of the officials—the President, and so forth—until the treaty was ratified.

Admiral Caperton says very truly that since the ratification of the treaty the history of the American occupation has been purely one of military control. Since the 11th day of November, 1915, the occupation of Haiti has been one purely of military control; and we are still there, occupying the island as a military force, and governing those people under a military régime. That which was begun under the former administration is being carried out assiduously and in entire harmony with the program as it came down to us. There is no party politics, therefore, in it.

Mr. NICHOLSON. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I do.

Mr. NICHOLSON. When the plebiscite was held, what percentage of the legal voters of the island voted, as compared with the total voting population?

Mr. BORAH. I do not know what the total voting population amounts to. About 98,000 voted for it and about 7,000 against it. That would make about 105,000, or something like that, out of a population of 3,000,000; but I do not know what the exact voting population is.

Mr. KING. I think the Senator is in error. Only 882 voted against it.

Mr. BORAH. Oh, yes; I said "thousand" when I meant "hundred."

Mr. KING. Ninety-eight thousand are alleged to have voted for it.

Mr. NORRIS. How did it happen that 882 voted against it, I should like to know?

Mr. KING. I will let the able Senator from Idaho answer that.

Mr. BORAH. Mr. President, it may be that it will not be uninteresting to know, as I said a moment ago, that for many years there has been a desire upon the part of certain financial interests to get a hold in Haiti, and they have been active in creating a sentiment that we should take control of those people and govern them because they were not fit to govern themselves. In fact, Mr. President, it has become a very dangerous thing for a dependent people to let it be known that they have great natural resources or great wealth. As soon as it is discovered that any helpless people have great natural resources or great natural wealth there immediately grows up a most benevolent desire upon the part of superior nations to govern those people and lift them up.

That was true with reference to Syria. If it were not for the great wealth of Syria, France would not be in Syria to-day. If it were not for the great wealth of Mesopotamia, Great Britain would not be in Mesopotamia. If it were not for the incalculable wealth of Siberia, Japan would not be in Siberia. As soon as it is discovered that a dependent people, a helpless people, have vast natural resources this benevolent desire immediately becomes active, and we feel at once that those people are not fit to govern themselves, that they ought to have a better form of government. Although some of them have been governing themselves for a hundred years, it is discovered that they are no longer capable of self-government, and we immediately proceed to give them a better form of government and in the meantime to gather up their natural wealth.

Mr. OVERMAN. Mr. President, since forcing on them the adoption of this new constitution allowing foreigners to hold land, have any foreigners gone there and acquired land and, if so, to what extent?

Mr. BORAH. I have been informed that some 200,000 acres have been gathered up by some two or three companies. A gentleman from New York who has investments there now was in my office a few days ago. He is one of the gentlemen who think we ought to stay there. However, he does say that we ought to do away with the military government. He says the military government is unsatisfactory to everybody; that we ought to establish there a civil form of government, but that we ought to remain there permanently, and he advised me that very large acreages were being gathered up; to what extent, he could not say. He had some investments there himself. I have seen it in print, however—it appears somewhere in this testimony—that over 200,000 acres have been acquired.

The testimony of Mr. Roger L. Farnham, of the National City Bank of New York, indicates that the interests he represents have in view the seizing of lands that native Haitians held for over a century under squatter rights, without, therefore, the rights of legal title deeds. These interests urged a modern survey of the island by the occupation in order to establish definite title deeds, and it appears that far over 200,000 acres of valuable lands have already been acquired. The inhabitants are at the mercy of this system of commercial penetration.

The Haitian-American Corporation of New York is one of the companies formed to "organize extensive plantations" in Haiti, to build sugar mills, and so forth. Mr. H. M. Pilkington, technical expert, vice president and manager of the American Development Co., and formerly technical expert to the Haitian-American Corporation, in his testimony, at page 790 of the hearings, says:

The original financing of the Haitian-American Corporation was brought about and put to the public directly and definitely upon assurance in Washington by competent people and competent officials that the treaty between the United States and Haiti was in fact to be a living thing. The large feature in the floating of the securities of this company, all of which floating came under my personal observation at the time, was predicated, one might say, wholly as to security upon the implied bona fides of the United States in carrying out this treaty, the basing of which was security for foreign capital.

In recounting a conversation between himself and H. P. Davis, general manager of the United West Indies Corporation, who had written articles in the National Geographic Magazine and

other journals months before, declaring that Haiti's constitution must be rewritten, especially the clause regarding lands, he said—remember, this change of the constitution has been advocated by these people before we went there, but in this statement written by himself he said:

In a conversation I had with him—Davis—at the Cape in April, 1918, when he seemed to unfold his plans, adding that his corporation had unlimited capital * * * with stockholders, if not directors, from within the United States Government, therefore the occupation was practically at his and his corporation's command, and that they had the right of way in Haiti. * * * This was said in the presence of an educated native missionary.

Whether Mr. Davis and his associates have special influence in Washington with the State Department or not, the fact remains that what they have advocated has been done. The Pan-American Magazine of March 19, 1917, carries an article by Mr. Davis from which I quote:

Haiti has the tremendous advantage of still being a virgin country * * * fertile soil * * * mineral deposits unworked and still open to exploitation. * * * The marvelous wealth of valuable timber is practically untouched. Labor is and for many years will continue to be exceedingly cheap and abundant. * * * Uncle Sam has undertaken to furnish this "firm, yet gentle and beneficent, guidance," * * * and an opportunity * * * is open to any American with sufficient energy and capital to take advantage of the radical change resulting from intervention.

Mr. President, I think there is no doubt but that they are taking advantage of this change; to what extent, in its fullest purport, I am unable to state.

The situation in Haiti at the present time, Mr. President, is that of complete military control, and as an evidence of the rights of those who are complaining of the present condition of affairs, I read a dispatch which appeared in the American papers on April 6 this last year. This particular print from which I read is that of the Christian Science Monitor, of Boston. It is as follows:

WASHINGTON, April 6.—Georges Sylvain, one-time Haitian minister to France, officer of the Legion or Honor, president of the Union Patriotique, and one of the most distinguished men in Haiti, and M. Henriques, president of the Haitian Federation of Labor, were among those arrested as provocative agents by American occupation officials because of their connection with the mass meeting held at Port au Prince last Sunday against the proposed election of a new President by the council of state under direction of the American occupation, according to cables received here to-day. The domicile of M. Jolibois, one of the editors of the Haitian Courier, was broken into and searched on a similar charge.

Under the martial law as it is enforced by the occupation in Haiti, these cables stated, it is not permitted to criticize either the acts of the occupation or of the Haitian Government officials. Hence, it is declared, any protest against the plan of the occupation to have the council of state, appointed by the President and subject to his will, elect the new President is a violation of martial law.

One of the causes of irritation in Haiti is held by the society to be the loans now being "forced" upon Haiti by the American banking interests, who, it was declared, seek to save former bad investments by refunding all debts and establishing industries on the island on a basis which shall attract American capital, regardless of the rights of the natives. One of the purposes to which it is proposed to devote a small part of these loans is to land surveying.

Most of the land is held under "squatter" rights, and, although the persons on it may have been there for years and years, from generation to generation, it is maintained that they have no legal title, and, under the survey, the land will be sold.

Mr. McCORMICK. From whom is the Senator quoting now?

Mr. BORAH. I am reading a press dispatch which was printed in the Christian Science Monitor under date of April 6.

Mr. McCORMICK. It is the correspondent of the Christian Science Monitor who says that the loan is to be used in part for carrying out the land surveys?

Mr. BORAH. That is correct. I continue the reading:

It is alleged that the cotton and cane-sugar interests are advocating the land survey, so that when the land has been declared to belong to the State the American investors can, through the American occupation, obtain large tracts of the best agricultural lands at their own price. The small farmers, it is declared, will then be obliged to work for the development companies at the current wages fixed by the occupation—20 cents a day in the working season, which is only six months long.

The same dispatch, in general purport, was published in other papers. I do not know that it has ever been contradicted or denied. So far as the opinions therein expressed are concerned, we may have different views, but it states as a fact that these men were arrested for expressing their disapproval of the present occupation of Haiti.

There is another feature of this matter which I will have to discuss later, because I have not the data here, and that is with reference to these loans—the loan which is being made and forced upon Haiti, and also the loan which is being made and, in my judgment, forced upon San Domingo.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

Mr. KING. Mr. President, it is not my purpose to enter upon a discussion of this question at this time, and I shall say but little unless something develops during this debate which may call for a reply. I am inclined to this course the more readily because I intend to have read to the Senate what has been said by a committee of able lawyers, and they have presented the subject so much better than I possibly could that any words of mine would be regarded as superfluous.

Mr. McCORMICK. May I say to the Senator that that memorandum has been incorporated in the hearings of the committee and he can find it there.

Mr. KING. I desire to have incorporated in the record of the proceedings of this day, and I am going to have it read, a report dealing with the military occupancy of the Republic of Haiti. It was prepared by eminent lawyers, among them being Nelson S. Spencer, Mr. Moorfield Storey, Raymond B. Fosdick, and others whose names appear upon the report. I ask that the Secretary read the report:

Mr. NORRIS. May I say to the Senator that I have on my desk an address which I expect to put into the record later in the discussion, and I am wondering if it is the same one. The address to which I have reference is one that was delivered to the Secretary of State. Is it the same one?

Mr. KING. No; that is not the same one. This address was prepared by several lawyers.

Mr. NORRIS. This was, too.

Mr. KING. I think the Senator is alluding to an address presented by the Popular Government League, of which the Senator from Oklahoma [Mr. OWEN] is president and Mr. Judson King is secretary.

Mr. NORRIS. That is correct.

Mr. KING. That is not the report I am now presenting.

The PRESIDING OFFICER. What is the request of the Senator from Utah?

Mr. KING. I ask that the Secretary may read the report.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the document be read.

Mr. POINDEXTER. May I inquire of the Senator the approximate length of the document?

Mr. KING. It will not take long to read it. It is a concise statement of the facts relating to the occupation of Haiti.

Mr. POINDEXTER. I wanted to inquire of the Senator if it would not be advisable to mark the passages in it which he regards as relevant and have those read?

Mr. KING. It would be difficult to discriminate. I ask that it be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read.

The Assistant Secretary read as follows:

THE SEIZURE OF HAITI BY THE UNITED STATES.

[A report on the military occupation of the Republic of Haiti and the history of the treaty forced upon her, by Frederick Bausman, Seattle; Alfred Bettman, Cincinnati; William H. Brynes, New Orleans; Charles C. Burlingham, New York; Zechariah Chafee, jr., Cambridge; Michael Francis Doyle, Philadelphia; Walter L. Flory, Cleveland; Raymond B. Fosdick, New York; Felix Frankfurter, Cambridge; Herbert J. Friedman, Chicago; John P. Grace, Charleston, S. C.; Richard W. Hale, Boston; Frederick A. Henry, Cleveland; Jerome S. Hess, New York; William H. Holly, Chicago; Charles P. Howland, New York; Francis Fisher Kane, Philadelphia; George W. Kirchwey, New York; Louis Marshall, New York; Adelbert Moot, Buffalo; Jackson H. Ralston, Washington, D. C.; Nelson S. Spencer, New York; Moorfield Storey, Boston; Tyrrell Williams, St. Louis.]

INTRODUCTORY NOTE.

(Every material statement made in this document is derived from the official report of the hearings before a Select Committee of the United States Senate pursuant to Senate Resolution 112, authorizing an inquiry into the occupation and administration of the territories of the Republic of Haiti and the Dominican Republic. These hearings took place from October 4 to November 16, 1921. The official record of the proceedings has been published by the Government Printing Office. The facts disclosed are not only a part of the history of Haiti but most of them are established by testimony, by public documents and official communications and reports passing between the Secretary of the Navy, the Hon. Josephus Daniels, Rear Admiral William B. Caperton, United States Navy, and other officials. It is intended that the facts recited shall supply their own commentary. It is hoped that a recognition of the truth will lead to the adoption of the logical remedy.)

THE SEIZURE OF HAITI BY THE UNITED STATES.

"From 1804 to 1915 Haiti was a sovereign state under a republican form of government. As a recognized sovereign nation she became a signatory to The Hague Convention of 1907.

She won her independence from France in 1804. She was deprived of it in 1915 by the United States. Since then we have been in virtual control of her territory, our marines have been in military occupation of the country, and the former Republic has been stripped by us of every vestige of her sovereignty. This startling condition has been brought about under cover of a convention between the United States and the Republic of Haiti bearing date September 16, 1915, but not ratified by Haiti until November 11, 1915, under circumstances that will be presently detailed.

RELATIONS BETWEEN THE UNITED STATES AND HAITI.

"The population of Haiti is somewhat less than 3,000,000. It is largely illiterate, and except in the more important towns there is no middle class. There is an upper class, comparatively small numerically, but highly educated and cultured. As a colony Haiti suffered all the horrors of cruel slavery, with the consequence that a century of independence has not effaced the fear of foreign encroachment and domination. As a measure of protection against alien control, the several constitutions of the Republic have embodied provisions rigidly excluding foreigners from the ownership of land. From an economic standpoint conditions have been and are exceedingly primitive. From time to time there have been internal political dissensions resulting in disturbances. It is noteworthy, however, that no American citizen has been injured in person or property by the people of Haiti; nor have any other foreigners been molested, even when internal conflict occurred. Foreign investments have at all times been respected, the interest on Haiti's foreign debt has been scrupulously paid, and her relations with other governments have been free from adverse criticism. She has never manifested hostility to the United States and has given no occasion for our intervention in her affairs.

"Haiti has, however, been long suspicious of possible attempts by the United States to gain a foothold in or complete control over her territory. From 1847 on, the United States has in fact made several attempts to obtain control of the harbors of Samana Bay, on the eastern coast of the Dominican Republic, and of Mole St. Nicholas, on the northwest coast of Haiti, for avowed use as naval bases. Haiti consistently declined to consider either a cession or lease of any part of her territory to the United States. Nevertheless, in 1891, our Government sent Admiral Gherardi with a considerable fleet to Port au Prince, the capital of Haiti, to treat for a cession or lease of Mole St. Nicholas. The Haitian Government objected even to a discussion of the proposal, and our fleet was withdrawn.

"On six occasions during 1914 and 1915 the United States made direct overtures to Haiti to secure control of her customhouses and their administration. All of these efforts proved futile. In the meantime a number of revolutions were in progress in Haiti, similar in character to those that have frequently occurred in Mexico and in various Central American and South American countries, and frequent changes in governmental administration took place.

"Vessels belonging to our Navy frequently entered Haitian waters. In the latter part of 1914 our Government offered assistance to the then President of Haiti, in view of a threatened revolution, upon conditions which were rejected. In October, 1914, Mr. Bryan, then Secretary of State, wrote to President Wilson:

> "It seemed to me of first importance that the naval force in Haitian waters should be at once increased, not only for the purpose of protecting foreign interests, *but also as evidence of the earnest intention of this Government to settle the unsatisfactory state of affairs which exists*.[1] [Italics ours.]

"In accordance with this program additional vessels were dispatched into the vicinity of Haiti. In November and December, 1914, the State Department communicated various terms, including the control of the customhouses of Haiti, as conditions upon which a newly chosen President would be recognized by our Government. Haiti again declined these conditions.

"On December 10, 1914, the United States Minister in Haiti formally presented to the Haitian Government a project looking to the control and administration of the Haitian customs service by our Government. This likewise proved unacceptable.

THE SEIZURE OF HAITIAN FUNDS BY THE UNITED STATES IN DECEMBER, 1914.[2]

"On December 17, 1914, without preliminary warning, a force of United States marines was landed at Port au Prince from the U. S. S. *Machias*. These marines proceeded to the vaults of the National Bank of Haiti, and forcibly seized and carried away $500,000, which were transported on the *Machias* to New York. This money was the property of the Haitian Government and had been deposited in the bank for the redemption of its paper currency. This bank was a French corporation, four-fifths of its capital stock being owned or held in France and the remaining one-fifth by New York banking interests. This institution was the sole depository of the Government funds and was vested with the privilege of issuing notes. The Haitian Government at once protested against this violation of its sovereignty and asked for an explanation, which was never vouchsafed.

"In March, 1915, the United States sent a special mission to Haiti to negotiate for American control, which was again refused. This was followed in May, 1915, by a further commission, which presented to the Haitian Government a project for United States military protection and intervention, arbitration of claims made by foreigners, and the prohibition of the cession or use of Mole St. Nicholas to any other government. To this proposal the Haitian Government presented a counterproject for financial and military aid, carefully drawn to limit absolutely the extent and duration of military aid by the United States in suppressing internal disorders. These proposals again came to nothing.

THE LANDING OF OUR MARINES IN HAITI IN JULY, 1915.

"On July 27, 1915, revolutionary disorders broke out at Port au Prince, during which the assassination of the President followed a massacre of political prisoners. For the moment there was no Haitian Government, but even during these disturbances no foreigners were molested. On the following day American naval and marine forces in Haitian waters, under the command of Admiral Caperton, landed and occupied Port au Prince, and shortly afterwards took possession of the other principal ports and towns in the Republic. During this period the admiral's official messages to the Navy Department state specifically that he had acquired and exercised control of the internal situation and that governmental functions were being carried on by a body of citizens acting under his directions. A few days later he directed this committee of citizens to resign and gave orders for the restoration of the government treasury service to the National Bank of Haiti, from which it had been removed previously by the Haitian Government.

THE ELECTION OF A NEW PRESIDENT FOR HAITI.

"The admiral's daily reports to Washington reflect with startling frankness the situation at the Haitian capital, the march of events looking to the realization of expectations, and the influence exerted by the United States in the election of the new President and in the negotiation and acceptance of a treaty.

"The Haitian Legislature, consisting of a Chamber of Deputies and a Senate, was in session and was about to proceed to the election of a new President to fill the existing vacancy, but under orders from our State Department Admiral Caperton twice induced the chambers to postpone the election. American naval officers at the capital canvassed the political situation carefully. Several prominent and universally respected Haitian citizens were asked to be candidates for the Presidency, but all refused. One of them, M. Léger, former minister at Washington, characterized by Lord Pauncefote as 'the ablest, most accomplished diplomat I have known,'[3] refused upon the ground that he was for Haiti, not for the United States, and that he would have to wait and see what the United States would demand of Haiti in order to be in a position to defend Haitian interests. When Sudre Dartiguenave, the president of the senate, proclaimed himself a candidate for election to the Presidency of the Republic and offered if elected President to accede to any terms which the United States might name, including the surrender of customs control and the cession of Mole St. Nicholas, Admiral Caperton notified Washington of the fact. He advised that the breaking up of the bands of revolutionaries by the forces of the United States was imperative if the United States desired at this time 'to negotiate a treaty for financial control of Haiti.'[4] The State Department, 'by the instruction of the President,' requested the Navy Department to send a sufficient force of marines to control the situation absolutely, and Caperton was instructed that the United States favored the election of Dartiguenave.[5]

"The policy that had been formulated at Washington was expressed in a message wherein the Navy Department directed the admiral by proclamations and otherwise 'to assure the Haitian people that the United States of America has no object in view except to insure, establish, and help maintain Haitian independence and the establishment of a firm and stable government by the Haitian people. * * * It is the intention to retain United States forces in Haiti only so long as will be necessary for this purpose.'[6]

"In the meantime the State Department had advised the American minister at Port au Prince of the procedure that he was to pursue to assist the Haitian Congress in electing a President, saying that the United States would expect to be intrusted with customs control and such financial control as might be deemed necessary. The night before the election

American naval officers informed the senators, deputies, and candidates for President of the intentions and policy of the United States, as instructed.

"On August 12, 1915, M. Dartiguenave was elected President, Admiral Caperton's chief of staff being on the floor of the voting hall and American marines guarding the approaches. The election was free in the sense that the deputies and senators who voted were not terrorized by revolutionary groups, but, on the other hand, the situation, precipitated by the events of July 27 and 28, was such that the naval and marine forces under Admiral Caperton clearly exercised a strong influence in favor of Dartiguenave. American intervention was a fait accompli; American military control was growing from day to day. The State and Navy Departments were kept fully informed of all developments, and the presence and activities of our naval forces were specifically directed from Washington.

"On August 14, 1915, two days after the election of Dartiguenave, the State Department notified the American Legation at Port au Prince to submit to the Haitian President at once the draft of a treaty providing for control of customs and finances and military intervention by the United States. The legation was instructed to advise the Haitian President that 'the Haitian Congress will be pleased to pass forthwith a resolution authorizing the President elect to conclude, without modification, the treaty submitted by you.'[7] The legation complied. A carefully formulated draft of a treaty, unquestionably prepared for the occasion with manifest deliberation, was accordingly submitted on August 17, 1915. Negotiations for its acceptance and ratification were unremittingly carried on by Admiral Caperton and his naval officers in conjunction with the legation.

THE TREATY.

"This elaborate document begins with a preamble which, in the light of the facts related and those about to be recounted, is the height of irony. It declares:

"The United States and the Republic of Haiti, desiring to confirm and strengthen the amity existing between them by the most cordial cooperation in measures for their common advantage, and the Republic of Haiti desiring to remedy the present condition of its revenues and finances, to maintain the tranquillity of the Republic, to carry out plans for the economic development and prosperity of the Republic and its people, and the United States being in full sympathy with all of these aims and objects, and desiring to contribute in all proper ways to their accomplishment, * * * have appointed for that purpose plenipotentiaries.

"By its terms the President of Haiti is to appoint, upon the nomination of the President of the United States, a general receiver, to collect, receive, and apply all customs duties on imports and exports accruing at the several customhouses and ports of entry of the Republic of Haiti. Upon nomination by the President of the United States the President of Haiti is to appoint a financial adviser, who shall be an officer attached to the ministry of finance, to give effect to whose proposals and labors the ministry will lend efficient aid. The financial adviser is, among other things, to devise an adequate system of public accounting; to aid in increasing the revenues and adjusting them to the expenses; to inquire into the validity of the debts of the Republic; to recommend improved methods of collecting and applying the revenues. The Government of the Republic of Haiti is to provide by law or appropriate decrees for the payment of customs duties to the general receiver and to extend to the receivership and to the financial adviser all needed aid and full protection in the execution of the powers conferred and duties imposed. All sums collected and received by the general receiver are to be applied, first, to the payment of the salaries and allowances of the general receiver, his assistants and employees, and expenses of the receivership, and the salary and expenses of the financial adviser; second, to the interest and sinking fund of the public debt of the Republic of Haiti; and, third, to the maintenance of a constabulary; and then the remainder to the Haitian Government for the purposes of current expenses. The Republic of Haiti is not to increase its public debt except by previous agreement with the President of the United States, and shall not contract any debt or assume any financial obligation unless the ordinary revenues of the Republic available for that purpose, after defraying the expenses of the Government, shall be adequate to pay the interest and provide a sinking fund for the discharge of the debt. The Republic of Haiti is not, without a previous agreement with the President of the United States, to modify the customs duties in a manner to reduce the revenues therefrom, and is to cooperate with the financial adviser in his recommendations for improving the method of collecting and disbursing the revenues and for new sources of needed income. The Haitian Government obligates itself to create without delay an efficient constabulary, urban and rural, composed of native Haitians. This constabulary is to be organized and officered by Americans appointed by the President of Haiti upon nomination by the President of the United States. These officers are to be clothed with the proper and necessary authority and to be upheld in the performance of their functions. The constabulary shall, under the direction of the Haitian Government, have supervision and control of arms and ammunition, military supplies, and traffic therein throughout the country. The Government of Haiti agrees not to surrender any of its territory by sale, lease, or otherwise, or jurisdiction over such territory, to any foreign Government or power, nor to enter into any treaty or contract with any foreign power that will impair or tend to impair the independence of Haiti. The treaty is to remain in force for 10 years from the exchange of ratifications, and for a further term of 10 years if for specific reasons presented by either of the parties its purpose has not been fully accomplished.

"The obligations assumed by the United States are contained in the provision:

"The Government of the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral, and commercial resources, and in the establishment of the finances of Haiti on a firm and solid basis.

PROCEEDINGS AFTER PRESENTATION OF DRAFT OF THE TREATY.

"On August 19, 1915, Admiral Caperton was notified that the State Department desired him to assume charge of the 10 principal customhouses in Haiti, to collect the customs dues, to use the funds for the organization of a constabulary and temporary public works, and to support the new Haitian Government. The funds were to be deposited in separate accounts in the name of Admiral Caperton, the United States Government holding these funds 'in trust for the people of Haiti.'[9] Admiral Caperton carried out these instructions, and between August 21 and September 2, 1915, seized the customhouses at the 10 principal ports. For several months naval officers collected all customs dues and made all disbursements. This deprived the Haitian Government of all income whatsoever, since the customhouses were practically the sole sources of national revenue.

"In response to the order of August 19, 1915, Admiral Caperton sent a long message to the Navy Department, reading in part as follows:

"Following message is secret and confidential. United States has now actually accomplished a military intervention in affairs of another nation. Hostility exists now in Haiti and has existed for number of years against such action. Serious hostile contacts have only been avoided by prompt and rapid military action, which has given United States control before resistance has had time to organize. We now hold capital of country and two other important seaports.[10]

"The seizure of the customhouses aroused the strongest opposition on the part of the people, and the Haitian Government, in a series of notes addressed to the American chargé d'affaires, protested vigorously against the violation of its sovereignty. No explanation or apology was ever offered by the Government of the United States.

OBJECTIONS TO TREATY BY THE HAITIAN CHAMBERS.

"In the meantime the Haitian Government was considering the draft of the treaty submitted to it on August 17, 1915. The President was favorable to the treaty, but opposition to it was growing in the cabinet and the chambers, due to 'fear of sentiment throughout the country against the American customs control, propagated constantly during the last few years by the faction leaders.'[11] The President and the cabinet thereupon threatened to resign for this same reason. Admiral Caperton recommended to the Navy Department that in the event of the resignation of the new Haitian Government a military government should be established, with an American officer as military governor, adding significantly: 'Present is most critical time in relations with Haiti, and our decision now will to a great extent determine future course. If military government is established, we would be bound not to abandon Haitian situation until affairs of country are set at right and predominant interests of United States of America secured.'[12]

THE PROCLAMATION OF MARTIAL LAW BY ADMIRAL CAPERTON.

"By the early part of September, 1915, the augmented forces under command of Admiral Caperton were in complete control of all the principal towns and routes in Haiti, had seized all the sources of national revenue, had the custody of all the national funds, and were engaged in expending them directly, without turning over any portion of them to the Haitian Government. Public order and the public purse were altogether in the mastery of the Navy Department. On September 3, 1915, Admiral Caperton declared martial law in the city of Port au Prince, by proclamation, in which he announced:

"* * * In order to afford the inhabitants of Port au Prince and other territory hereinafter described the privileges of the Government, exercising all the functions necessary for the establishment and maintenance of the fundamental rights of man, I hereby, under my authority as commanding officer of the forces of the United States of America in Haiti and Haitian waters, proclaim that martial law exists in the city of Port au Prince and the immediate territory now occupied by the forces under my command.

"I further proclaim, in accordance with the law of nations and the usages, customs, and functions of my own and other Governments, that I am invested with the power and the responsibility of government in all its functions and branches throughout the territory above described; and the proper administration of such government by martial law will be provided for in regulations to be issued from time to time as required by the commanding officer of the forces of the United States of America in Haiti and Haitian waters.

"The martial law herein proclaimed and the things in that respect so ordered will not be deemed or taken to interfere with the proceedings of the constitutional Government and Congress of Haiti, or with the administration of justice in the courts of law existing therein, which do not affect the military operations or the authorities of the Government of the United States of America. * * *[13]

"On September 8, 1915, Admiral Caperton sent to the commanding officer of the battleship *Connecticut*, in northern Haitian waters, the following message:

"Successful negotiation of treaty is predominant part present mission. After encountering many difficulties treaty situation at present looks more favorable than usual. This has been effected by exercising military pressure at propitious moments in negotiations. Yesterday two members of cabinet who have blocked negotiations heretofore resigned. President himself believed to be anxious to conclude treaty. At present am holding up offensive operations and allowing President time to complete cabinet and try again. Am therefore not yet ready to begin offensive operations at Cape Haitien, but will hold them in abeyance as additional pressure.[14]

"Naval officers were constantly urging the members of the Haitian Government to accept the treaty, pointing out the necessity of its acceptance without modification. The treaty was finally signed by the Haitian Government on September 16, 1915, and, although not ratified by the United States until May, 1916, a modus vivendi providing for the immediate application of the treaty followed.

THE WITHHOLDING OF FUNDS NECESSARY FOR CURRENT EXPENSES OF HAITIAN GOVERNMENT.

"Under the Haitian constitution the treaty, to be binding, had to be ratified by the senate and the chamber. To facilitate its prompt ratification, the Haitian Government asked for an immediate assurance that the United States would procure a temporary loan to the Haitian Government, and represented that it had no funds at its disposal, even to pay salaries and current expenses. No such assurance was received, but, exercising further pressure upon the Government, Admiral Caperton, under instructions from Washington, seized a consignment of unsigned bank notes intended for the Haitian Government, notifying the Navy Department that the notes so seized would be signed by the National Bank and turned over to the Haitian Government 'immediately after ratification of the convention.'[15] This was done in spite of the fact that the issue of these notes had previously been authorized by the Haitian Government. The admiral and the chargé d'affaires separately requested the authorities in Washington to permit the former to turn over to the Haitian Government funds sufficient for current expenses and for the payment of back salaries. The admiral informed President Dartiguenave that 'funds would be immediately available upon ratification of the treaty.' The President seemed utterly discouraged by this action, and humbly pointed out that the delay in ratifying the treaty was not due to any lack of effort by himself or his cabinet; that the withholding of funds only furnished another weapon to those opposed to the treaty; and that if the United States Government persisted in withholding all funds ratification would become so difficult that he and his cabinet would resign 'rather than attempt the fight in the senate under this handicap.'[16]

"Finally, on October 3, 1915, Secretary Daniels authorized Admiral Caperton to arrange for the payment to the Haitian Government of a weekly amount necessary to meet its current expenses, with the further statement: 'Question payment back salary will be settled by department immediately after ratification of treaty.'[17] The Navy Department inquired several times of Admiral Caperton why ratification of the treaty was being delayed, and received the reply that since the admiral had continually received assurances that a majority in the senate favored the treaty, he had 'refrained from taking any steps which might appear as using force to secure ratification.'[18] On October 6, 1915, the chamber of communes ratified the treaty. It was still necessary to obtain the ratification of the Haitian Senate.

"In the meantime, the funds collected at the several customhouses were being applied by the naval collectors to defray the expenses of the constabulary, of public works, and the like. No payment of the interest charges on the Haitian public debt was made, although the receipts of the customs service had previously been lawfully pledged by prior Haitian Governments. In fact, the treaty provisions for the use of customs funds for this purpose immediately after paying the expenses of the receivership were never complied with by the American receiver general until 1920, notwithstanding the fact that sufficient funds were realized from the customs to meet the demands of other categories of expenses, which, according to the treaty, were subordinated to the foreign loan service.

"On November 3, 1915, Admiral Caperton, referring to the treaty and to its criticisms, pointed out to President Dartiguenave that 'the only objections are unimportant technical points and abstract principles. These and other details can be arranged later.'[19]

THE FINAL ACT OF COERCION.

"On November 5, 1915, the Senate committee made a report on the treaty accepting some of its provisions and suggesting modification of others. A few days later the *Hector*, one of the American naval vessels in Haitian waters, at the instance of Admiral Caperton, made a special trip to bring one François, 'who will be elected to fill vacancy,' from Cape Haitien to Port au Prince in order to secure his vote for the ratification of the treaty, because, in the language of the admiral, 'Absolutely essential all possible votes for ratification be secured.'[20]

"On November 10, 1915, the Secretary of the Navy gave the admiral the following explicit and unprecedented instructions as to what he was to say and do:

"Arrange with President Dartiguenave that he call a cabinet meeting before the session of senate which will pass upon ratification of treaty and request that you be permitted to appear before that meeting to make a statement to President and to members of cabinet. On your own authority state the following before these officers: 'I have the honor to inform the President of Haiti and the members of his cabinet that I am personally gratified that public sentiment continues favorable to the treaty; that there is a strong demand from all classes for immediate ratification; and that treaty will be ratified *Thursday*. I am sure that you gentlemen will understand my sentiment in this matter, and *I am confident if the treaty fails of ratification that my Government has the intention to retain control in Haiti until the desired end is accomplished*, and that it will forthwith proceed to the complete *pacification of Haiti* so as to *insure internal tranquility* necessary to such development of country and its industry as will afford relief to the *starving populace* now unemployed. Meanwhile the present Government will be supported in the effort to secure stable conditions and lasting peace in Haiti, whereas those offering opposition can only expect such treatment as their conduct merits. The United States Government is particularly anxious for immediate ratification by the present senate of this treaty, which was drawn up with the full intention of employing as many Haitians as possible to aid in giving effect to its provisions, so that suffering may be relieved at the earliest possible date. Rumors of bribery to defeat the treaty are rife, but are not believed. However, should they prove true, those who accept or give bribery will be vigorously prosecuted.' *It is expected that you will be able to make this sufficiently clear to remove all opposition and to secure immediate ratification.* Acknowledge. Daniels.[21] [Italics ours.]

"The admiral complied with this command. In view of the express and covert threats thus conveyed, on the following day, November 11, 1915, the treaty was ratified by the senate.

"From the beginning of August, 1915, until long after the so-called ratification of the treaty, the situation in Haiti can best be described in the words of Admiral Caperton: 'The status of our administration in Haiti was at this time purely one of military control.'[22] During this period offensive military operations were conducted by our forces against Haitian revolutionaries, which resulted in considerable loss of life to the Haitians, under circumstances which will not be now discussed.

HAITI UNDER THE TREATY.

"Although war has never been declared by us against Haiti and there has been no possible cause for war against her or her people during the greater part of the six years following the ratification of the treaty, martial law has been maintained in Haiti by our marines, and martial law is in force there today. Repeated trials and sentences by our provost courts and military commissions have taken place there.

"The Haitian Chambers were dissolved in 1917 for the second time since the invasion, and no elections have taken place in nearly five years. Not a few Haitians welcomed the original offer of our friendly aid in July, 1915, as a means of escape from the chaos of the moment. First disillusioned by our seizure of their national revenues and funds and then by the successive coercive steps taken by the United States, they were long ago thoroughly disappointed not only by the lack of any constructive policy instituted in their behalf but by the suppressive measures which completely violated the spirit of our professed intentions. Knowing that the treaty was imposed by duress and that it has not been adhered to by the United States, the people of Haiti are now demanding its abrogation, the abolition of control by martial law, and the restoration of their national institutions suppressed during the years of the occupation. Under a subsequent protocol for a loan the receivership of customs and the financial control are to be retained during the life of the loan. Haiti is thus, under the present status, tied hand and foot to the United States under a treaty forced upon her by military occupation, by coercion and duress, by fear of the consequences of martial law, and by the forcible seizure, the placing under an embargo, and the withholding of all her national funds and pecuniary resources.

"Commentary upon this sad chapter in American history is superfluous. A stain has attached to our national honor which, unless speedily expunged, will become an indelible blot. For this great Nation to play the part of a bully toward another, weak in material resources and physically powerless to maintain its sovereign rights against incalculable odds, is nothing short of political immorality. The command of self-restraint leads one to refrain from drawing parallels, and a desire to avoid all sordid considerations does not permit a reference to the economic injury that our country would inevitably sustain were it to delay further the undoing of this stupendous wrong.

THE PRESENT GOVERNMENT IN HAITI.

"In the spring of 1917 the senate and chamber of deputies were in session engaged in considering the draft of a new constitution for the country, submitted by American officials. Much opposition existed to several provisions of the proposed constitution, chiefly to one which would allow foreigners to acquire and own land. The President and cabinet favored the draft; a deadlock was imminent. Thereupon the President dissolved the chambers. Since then there have been no elections to and no sessions of the chambers, which in consequence are now defunct. Such semblance of government as remains in the hands of the native Hatians is exercised by the President, a cabinet, and a council of state, whose members hold office solely during the pleasure of the President. It is common knowledge in Haiti that the present Government owes its continuance in power solely to the support and presence of our marines.

"The term of President Dartiguenave will expire on May 15, 1922. Under the Haitian constitution the President is chosen by the senate and chambers in joint meeting; the senators and deputies are chosen by direct popular vote in January of an even-numbered year, indicated by presidential decree. No call for an election in January, 1922, was issued and there can therefore be no session of the chambers in April to elect a President for the new term commencing May 15. There will thus exist either a vacancy or, without constitutional authority, the present incumbent, or a nominal successor, will be appointed by the council of state. In any event, after May 15, 1922, the Government will be even less representative than it has been since the treaty. It is not unreasonable to assume that Washington could without difficulty induce the Haitian Government to proceed to the election of chambers and of a successor to President Dartiguenave at an early day. It is only with such a new Haitian Government that any negotiations for a realignment of Haitian-American relations or for an adjustment of Haitian finances can fairly be carried on. To negotiate with the Government of President Dartiguenave would be in keeping with the methods employed in 1915 to force acceptance of the treaty. The continuance of this state of affairs is intolerable to those proud of American traditions and moved by the spirit of liberty and justice.

CONCLUSIONS.

"From the foregoing summary of the salient facts as to our intervention in Haiti and descriptive of the present status of the Haitian Government we deduce these general and specific conclusions:

"1. The presence of our military forces in Haiti after the disturbances of July 27–28, 1915, had quieted down was violative of well-recognized American principles.

"2. The seizure and withholding by our force in 1915 of Haitian national funds was a violation of international law and of the repeated professions by responsible American Government officials of our position and attitude toward Latin-American Republics and weaker governments.

"3. The imposition and enforcement of martial law without a declaration of war by our Congress and the conduct of offensive operations in Haiti by Admiral Caperton prior to the acceptance of the treaty by Haiti were equally clear violations of international law and of our own Constitution.

"4. The methods employed by the United States in Haiti to force acceptance and ratification of the treaty framed by the United States, namely, the direct use of military, financial, and political pressure, violate every canon of fair and equal dealing between independent sovereign nations and of American professions of international good faith.

"5. The maintenance in Haiti of any United States military force or of the control exercised by treaty officials under cover of the treaty of September, 1915, amounts to a conscious and intentional participation in the wrong of the original aggression and coercion.

"6. The present native Government of Haiti, chosen in 1915, unsupported by any elected representatives since 1917, being now at the end of its term of office, no negotiations should take place with such Government which involve the future of Haiti or which can in any material respect affect its future.

"7. The functions of a department of colonies and dependencies assumed by the Navy Department and conferred on it by mere executive action are unauthorized by Congress or by other sanction of law, and should be condemned as essentially illegal and as a usurpation of power.

"8. We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty, and the cherished liberty of Haiti and her right to fair dealing on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America, based on trust and confidence, all require—

"(a) The immediate abrogation by the United States of the treaty of 1915, unconditionally and without qualification.

"(b) The holding of elections of representatives to the legislative bodies of Haiti and of a President by the free will of the people at an early day.

"(c) The negotiation of a new treaty with a new Haitian administration for friendly cooperation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign States."

REFERENCES.

[1] Official report of hearings before a select committee of the United States Senate, pursuant to Senate Resolution 112, authorizing a special committee to inquire into the occupation and administration of the territories of the Republic of Haiti and the Dominican Republic, p. 338.

[2] Ibid., p. 122.
[3] Ibid., p. 320.
[4] Ibid., p. 313.
[5] Ibid., p. 315.
[6] Ibid., p. 313.
[7] Ibid., p. 327.
[8] Ibid., p. 204.
[9] Ibid., p. 334.
[10] Ibid., p. 335.
[11] Ibid., p. 336.
[12] Ibid., p. 338.
[13] Ibid., p. 348.
[14] Ibid., p. 353.
[15] Ibid., p. 381.
[16] Ibid., p. 381.
[17] Ibid., p. 383.
[18] Ibid., p. 387.
[19] Ibid., p. 391.
[20] Ibid., p. 393.
[21] Ibid., p. 394.
[22] Ibid., p. 404.

THE LAWYERS WHO ARE SIGNATORIES OF THE BRIEF.

Frederick Bausman, of Seattle, is a former judge of the Supreme Court of Washington and senior member of the firm of Bausman, Oldham, Bullitt & Eggerman.

Alfred Bettman, of Cincinnati, formerly city solicitor of Cincinnati and special assistant United States Attorney General, is a member of the firm of Moulinier, Bettman & Hunt.

William H. Brynes, of New Orleans, is the senior member of the firm of Brynes, Mooney, Booth & Norman, a former Louisiana State senator and a member of the State constitutional convention of 1921.

Charles C. Burlingham, of New York, is senior member of the firm of Burlingham, Veeder, Masten & Fearey, has been president of the New York Board of Education, and was United States delegate to the International Conference on Maritime Law in 1909.

Zechariah Chaffee, jr., is professor at the Harvard Law School.

Michael Francis Doyle, of Philadelphia, was special agent of the Department of State to care for American citizens in Europe at the beginning of the war, and acting counselor in 1915 of the American Legation, Switzerland, and of the American Embassy, Vienna.

Walter L. Flory, of Cleveland, is a member of the firm of Thompson, Hine & Flory.

Raymond B. Fosdick, of New York, is a member of the firm of Curtis, Fosdick & Belknap. He was chairman of the commission on training camp activities of the War and Navy Departments in 1917–18.

Felix Frankfurter is professor at the Harvard Law School, former law officer of the Bureau of Insular Affairs, War Department, major and judge advocate, Officers' Reserve Corps, and ex-chairman of the War Labor Policies Board.

Herbert J. Friedman, of Chicago, is a member of the firm of Kelly, Friedman, Schwartz & Doyle, and was a member of the Federal Industrial Commission in 1918.

John P. Grace is mayor of Charleston, S. C., and a member of the firm of Logan & Grace.

Richard W. Hale, of Boston, is senior member of the firm of Hale & Dorr.

Frederick A. Henry, of Cleveland, is a former judge of the Court of Appeals of Ohio and a member of the firm of Snyder, Henry, Thomsen, Ford & Seagrave.

Jerome S. Hess, of New York, is senior member of the firm of Hardin & Hess.

William H. Holly is a Chicago attorney who has given especial attention to the history and development of constitutional law.

Charles P. Howland is a New York attorney.

Francis Fisher Kane, senior member of the firm of Kane & Runk, of Philadelphia, is former United States district attorney for the eastern district of Pennsylvania.

George W. Kirchwey, of New York, has been dean of the Albany Law School, and from 1891 to 1916, successively, professor of law, dean of the law school, and Kent professor of law at Columbia University. He is a director of the American Society of International Law.

Louis Marshall, of New York, has been for years prominent in legislation and legal reform, member of three New York State constitutional conventions, chairman of the committee on amendment of law of the Association of the Bar of the City of New York.

Adelbert Moot, of Buffalo, is ex-president of the New York State Bar Association and a member of the firm of Moot, Sprague, Brownell & Marcy.

Jackson H. Ralston, of Washington, is the senior member of the firm of Ralston & Wills, was counsel in the first case submitted to the Permanent Court of Arbitration at The Hague, umpire named by the United States for the Italian claims against Venezuela in 1903, and is the author of International Arbitral Law and Procedure.

Nelson S. Spencer, of New York, is a member of the firm of Spencer, Ordway & Wierum. He is president of the City Club of New York.

Moorfield Storey, of Boston, member of the firm of Storey, Thorndike, Palmer & Dodge, has been president of the American Bar Association, the Massachusetts Bar Association, and the Bar Association of the City of Boston.

Tyrrell Williams is dean of the Washington University Law School at St. Louis.

Mr. KING. Mr. President, I regret that the Senate regards this vital question as of so little importance that when it was so ably presented by the distinguished Senator from Idaho [Mr. BORAH] but a handful of Senators were present. The statement or report just read is so important, and deals with a question so vital, not only to others but to our own country and the policy of our Government, that it should attract not only the attention of the Senate and those in public positions but all who are interested in the welfare of our country and the preservation of the traditions and institutions of this Republic.

Mr. President, I also have a remarkably able and comprehensive discussion of the entire question, involved in the policy of the United States in intervening in the Republic of Haiti and in the Dominican Republic, prepared by Dr. Ernest H. Gruening, managing editor of The Nation, of New York, and published in Current History of March, 1922, which I ask may be printed in the RECORD. I regret that this great paper has not reached the homes of all Americans. It is a calm, judicial presentation of the salient facts in the case. It is convincing, and is so fortified that it can stand every attack.

The PRESIDING OFFICER (Mr. JONES of Washington). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

CONQUEST OF HAITI AND SANTO DOMINGO.

[By Ernest H. Gruening, managing editor of The Nation, New York.]

(A documented narrative of the United States Government's seizure of political and military control in the two island Republics. Ruthless destruction of Dominican self-government. "The gravest breach of fundamental American traditions in our history.")

Hispaniola, or Haiti, is the second largest island in the Antilles. It lies between Cuba and Porto Rico. It was discovered by Columbus, and the earliest Caucasian civilization in this hemisphere took root there. The tomb supposed to hold Columbus's ashes is in the Cathedral of Santo Domingo. The eastern two-thirds of the island is occupied by the Dominican Republic, the western one-third by the Republic of Haiti. The island was a French colony till 1804, although the French claims were frequently disputed by the Spaniards, who at various times established themselves in the eastern part, where language and culture remain Spanish. Following nearly 15 years of struggle, which began when the Bastile fell, the natives achieved their independence. The revolution was unique in that the revolutionaries, who had formerly been slaves, secured the political independence of their country and their personal freedom as well. The Republic of Haiti was established on January 1, 1804—the second Republic in this hemisphere. In 1844 the eastern two-thirds of the island seceded and set up the Dominican Republic.

The Republic of Haiti continued free and independent until 1915. During that 111 years it had troublous history. For many years recognition of this little State was refused by other world powers, who feared the effect on their own slaves. The French, under the constant threat of reinvasion, succeeded in exacting a 90,000,000-franc indemnity for the property of Frenchmen ousted in Haiti's war of independence. Charles X of France then recognized the Republic. American recognition did not come until the Presidency of Abraham Lincoln. The relations with the United States from then on until 1915 amounted chiefly to negotiations and efforts to secure the cession of Mole St. Nicholas, a harbor at the northwestern extremity of the island. It controls the Windward Passage, and the United States desired it for a naval base. All these efforts failed. The Haitians adhered firmly to the constitutional provision, which forbade the cession of territory. During 1914 and 1915 the United States began overtures to Haiti of a different character. A treaty giving Americans control of the customs and finances was proposed. The cession of Mole St. Nicholas appears also in the earlier exchanges. In October, 1914, Mr. Bryan, Secretary of State, wrote to President Wilson, urging the immediate increase of our naval forces in Haitian waters, "not only for the purpose of protecting foreign interests, but also as an evidence of the earnest intention of this Government to settle the unsatisfactory state of affairs which exists." More naval vessels were sent. At the same time the United States offered to assist the President of Haiti to put down certain threatened revolutionary disturbances. Certain conditions were attached to this assistance, and it was refused. In November and December modifications of previous treaty drafts were again submitted. They proposed the control and administration of the Haitian customs by the United States, and were again refused.

On December 13, 1914, without warning to the Haitian Government, American marines landed in the Haitian capital from the U. S. S. *Machias*. They went to the vaults of the National Bank of Haiti and carried away $500,000 in gold, the property of the Haitian National Government, on deposit in the bank for the redemption of paper money. This procedure had been arranged between the Secretary of State and the American director of the National Bank of Haiti, who had been in charge since the control was secured by the National City Bank of New York in 1911. The reason assigned for the removal of the gold was that the bank feared revolutionary activities. The Haitian Government protested to Washington against this violation of its sovereignty, but no explanation was ever given.

LANDING OF MARINES.

Subsequent negotiations brought about successive modifications, in Haiti's favor, of the proposed convention. The Haitians indicated willingness to secure American financial aid and friendly cooperation, but would not consent to any abdication of their sovereign rights, and so all negotiations came to naught. On July 1, 1915, the U. S. S. *Washington*, with Rear Admiral Caperton on board, arrived at Cape Haitien, on the north of the island. He established a field radio station ashore on July 3, and on the 9th landed marines from the *Washington* and bluejackets from the *Eagle*. On the 27th a revolution broke out in the capital. The President, Vilbrun Guillaume, seized some two hundred Haitians of the better class and threw them into prison. During the night, either at his order or that of the military commander of the capital, General Oscar, these political prisoners were massacred. The next morning a mob of friends and relatives of the victims marched to the presidential palace. The President fled to the French Legation. The mob pursued him there, dragged him and General Oscar out and cut them to pieces. Quiet was immediately restored. There was no looting and no other violence. A committee of safety took charge.

The same day, July 28, a regiment of marines was landed south of the capital. They took possession of all strategic points and disarmed the inhabitants. There was virtually no resistance. On August 10 Admiral Caperton issued the following proclamation:

"I am directed by the United States Government to assure the Haitian people that the United States has no object in view except to insure, establish, and help maintain Haitian independence and the establishment of a stable and firm government by the Haitian people. Every assistance will be given to the Haitian people in their attempt to secure these ends. It is the intention to retain United States forces in Haiti only so long as will be necessary for this purpose."

Meantime the election of the President by the Legislative Chambers was twice delayed at the request of Admiral Caperton, who was acting under orders from the State Department. Secretary Lansing's orders to the American minister were, in part, as follows:

"In order that no misunderstanding can possibly occur after election, it should be made perfectly clear to candidates, as soon as possible, and in advance of election, that the United States expects to be intrusted with the practical control of the customs and such financial control over the affairs of the Republic of Haiti as the United States may deem necessary for efficient administration.

"The Government of the United States considers it a duty to support a constitutional government. * * * It has no design upon the political and territorial integrity of Haiti."

FORCIBLE INTERVENTION.

In the interval granted, American naval officers in the capital sought a candidate who would agree in advance to sign and support any treaty which the United States would submit. Several thus approached refused. Among them was the Hon. J. N. Léger, for many years Haitian minister at Washington, characterized by Lord Pauncefote as "the ablest diplomat I have ever known." He could not agree to such conditions, he said; he was "for Haiti, not for the United States." Finally, Philip Sudre Dartiguenave, president of the senate, appeared as a candidate and offered, if elected, to accede to any terms the United States desired, including customs control and cession of Mole St. Nicholas. Upon being apprised of this fact, the Navy Department notified Admiral Caperton that it preferred the election of Dartiguenave. Under American supervision, he was elected on August 12.

Two days later, August 14, a draft of a treaty was presented. It contained all the clauses which the Haitians had rejected in previous peaceful negotiations—and further conditions. The American legation was instructed to advise the Haitian President that "the Haitian Congress will be pleased to pass forthwith a resolution authorizing the president elect to conclude, without modification, the treaty submitted by you." The legation transmitted the message. Negotiations for the acceptance of the treaty were thenceforth carried on by Admiral Caperton and his naval officers, acting jointly with the legation. On August 19 Secretary Daniels ordered the seizure of the Haitian customhouses, adding: "Confer for purpose of having Dartiguenave solicit above action. Whether president requests or not, proceed." By September 2 the 10 principal customhouses had been taken over. The Haitian Government protested in the strongest terms in a series of notes, but in vain. Meanwhile strong opposition was evidenced in the Haitian cabinet and congress against ratifying the treaty. On September 3 Admiral Caperton proclaimed martial law in the capital, and on September 8 sent the following message to Captain Durell, commanding the *Connecticut* at Cape Haitien:

"Successful negotiation of treaty is predominant part of present mission. After encountering many difficulties, treaty situation at present looks more favorable than usual. This has been effected by the exercising of military pressure at propitious moment in negotiations. Yesterday two members of cabinet who had blocked negotia-

tions resigned. President himself believed to be anxious to conclude treaty. At present am holding up offensive operations and allowing President time to complete cabinet and try again. Am therefore not yet ready to begin offensive operations at Cape Haitien, but will hold them in abeyance as additional pressure."

Meanwhile the customs receipts, virtually the sole revenue of the Republic, were held up by Admiral Caperton, so that there were no funds for the payment of Government salaries and other current expenses. On October 2 Admiral Caperton informed the President that "funds will be immediately available upon ratification of the treaty." The President replied that if funds were further withheld he could not face the growing opposition of the senate, especially in view of the steadily increasing subjugation of the country by American naval forces, but would have to resign. Upon transmission of these facts to the Navy Department, the latter authorized the allowance of a certain weekly amount to the Haitian Government to meet current expenses, saying also: "The question of payment of back salary will be settled by the department immediately after the ratification of the treaty." The Haitian cabinet had ratified on September 16. The chamber of deputies followed suit on October 6. During these weeks several messages from the Navy Department demanded to know the cause of the delay in securing ratification. On November 3 Admiral Caperton, in a statement to the President, said in part:

"I have given Capt. Edward L. Beach, who is my senior captain, orders to do everything in his power to get the treaty ratified. Accordingly, he has repeatedly seen different members of the senate treaty committee, as well as other prominent and influential Haitians, and has earnestly and forcefully presented to these members my reasons why the senate committee should reconsider the report it has determined upon, and should recommend immediate ratification by the senate of the treaty as it has passed the House. Captain Beach will continue to work for this ratification. * * * The only objections are unimportant technical points and abstract principles. These and other details can be arranged later."

On November 5 the senate presented its objections to the treaty and demanded certain modifications. On November 7, following the election—to fill a vacancy—of a new senator known to be favorable to the treaty, Admiral Caperton sent the U. S. S. *Hector* to transport him from Cape Haitien to Port au Prince. On November 10 Secretary Daniels sent the following message to Admiral Caperton:

"* * * Arrange with President Dartiguenave that he call a cabinet meeting before the session of senate which will pass upon ratification of treaty and request that you be permitted to appear before that meeting to make a statement to the President and to members of the cabinet. On your own authority state the following before these officers: 'I have the honor to inform the President of Haiti and the members of his cabinet that I am personally gratified that public sentiment continues favorable to the treaty; that there is a strong demand from all classes for immediate ratification, and that the treaty will be ratified Thursday. I am sure that you gentlemen will understand my sentiment in this matter, and I am confident if the treaty fails of ratification that my Government has intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed to the complete pacification of Haiti so as to insure internal tranquillity necessary to such development of country and its industry as will afford relief to the starving populace now unemployed. * * *'"

The message ended with the confidential memorandum, "It is expected that you will be able to make this sufficiently clear to remove all opposition and to secure immediate ratification."

The admiral carried out these instructions, and the next day, November 11, the treaty was ratified by the Haitian Senate. It was ratified by the Senate of the United States the following May (1916).

FORCED LABOR INSTITUTED.

Since that episode the history of Haiti under the American occupation has been, in the words of Admiral Caperton, written at that time, "purely one of military control." Operations were conducted into the hills, particularly against all who offended against the existing régime. The military operations were, however, of minor consequence. The Haitians had no modern weapons. The annual report of the Secretary of the Navy for 1920 gives the Haitians killed for the ensuing years as follows:

1915	212	1918	35
1916	50	1919	1,861
1917	2	1920	90

During the same period 1 marine officer and 12 enlisted men were killed in action or died of wounds.

The tremendous rise in Haitian casualties in 1919 was due to the following conditions:

While determined opposition existed against the coming of the Americans, the Haitians are a naturally peaceful people. Almost without exception, they expected the American military occupation to be of short duration. (The categorical promises in the American proclamation confirmed that belief.) There had been little resistance. In 1917 the country was absolutely at peace. In 1918, however, the American military forces resurrected the old Haitian law of corvée. This law required Haitians to work a few days each year on the roads in their immediate community to keep the highways in repair. The occupation determined to build a military highway running from north to south through the island, and other roads, by forced labor. Even the moderate Haitian law had been in disuse for a long time. Testimony varies as to the extent of the abuses committed under the corvée, but it seems to be clearly proved that Haitians were (a) seized wherever they could be found; (b) transported to other parts of the island; (c) compelled to work under guard, often for weeks; (d) placed under guard at night to prevent their escape; (e) subjected to physical violence if they resisted; (f) shot if they attempted to escape. Navy Department testimony admits that at least a hundred were thus killed. Haitian figures are very much higher. It is also proved that the corvée continued in certain sections after it had been ordered discontinued by brigade headquarters.

In consequence of these repressive measures, a widespread revolt broke out against the American military forces. This was headed by Charlemagne Peralte, a formerly wealthy landowner of the town of Hinche and a former chef d'arrondissement. He was arrested, charged with revolutionary activities, and sentenced by court-martial to a long term of imprisonment. He was subjected to ill treatment and forced to labor on the public streets in prison garb. He escaped and became the leader of the rapidly growing revolutionary forces. For many months he defied all efforts of the American troops, until finally he was captured and killed with the aid of treacherous natives and his body exposed in the market place at Cape Hatien. His followers were then rapidly exterminated.

THE NEW CONSTITUTION.

In the spring of 1917 the draft of a new constitution was submitted to the Haitian Congress by the American officials. The chief provision of the new constitution was that it permitted foreigners to acquire land. Haitians had always considered that their greatest safety lay in their constitutional provision which had hitherto forbidden this. The new constitution centered unheard-of powers in the executive, enabling him, at his pleasure, to hold or postpone elections. Moreover, this Haitian constitution contained clauses ratifying all acts of the occupation, providing that no Haitian could be prosecuted either civilly or criminally for any act executed by order of the occupation, and that the courts-martial of the occupation were the supreme law of the land. The legislative assembly refused to ratify. It proposed instead to pass the constitution without the most objectionable provisions. On June 17 Gen. Eli K. Cole, United States Marine Corps, chief of the occupation, sent the following message to the Secretary of the Navy:

"Antagonism national assembly to foreign ownership land such that no endeavor short of dissolution will prevent passage constitution along lines reported my 13107. Have discussed matters fully with minister and General Butler. Suggest minister notify Haitian Government that, in opinion our Government, constitution prepared assembly will make impossible to bring about results contemplated articles 1 and 14 of treaty, and consequently our Government can not accept such constitution. If assembly refuses heed such warning, it will be necessary to dissolve assembly to prevent such passage. The number marines in Haiti should be increased by at least eight full companies to prevent disorders that may follow dissolution assembly."

On June 18 General Cole notified Washington "unless contrary instructions received, if necessary to prevent passage proposed constitution, I intend dissolve national assembly, through President, if possible, otherwise direct." In reply the Navy Department vested General Cole "with full discretionary power." The next day General Butler, acting under instructions from General Cole, dissolved the assembly. The Haitian newspapers were ordered by General Cole to omit all comment on this action.

So universally hostile was public sentiment to the proposed constitution that it was evident that no Haitian Legislature could be elected that would vote for it. No authority existed in consequence to pass such a constitution. But in the course of the following 12 months the occupation decided to arrange a plebiscite for that purpose. For such a plebiscite neither precedent nor authority existed in Haiti. The following is a specimen order indicating the manner in which this plebiscite was conducted:

"REPUBLIC OF HAITI,
"*Port-de-Paix, June 11, 1918.*

"In accordance with the decree of his Excellency the President of the Republic, published in the Monitor of May 8 last, all the citizens of this commune of Port-de-Paix are asked to be present to-morrow at the Hotel Communal to vote on the new constitution, published in the Monitor of the same date. Any abstention from such a solemn occasion will be considered an unpatriotic—that is, an anti-American occupation—act. Maintenance of order will be assured by the gendarmerie—under chief, General Williams, American marine officer—and the ballots will be distributed by a member of the administration of finances—an American marine officer—opposite the voting offices, etc."

The voting is described by a Baptist missionary, the Rev. L. Tom Evans. (Page 191 et seq., Official Record, Senate Resolution 112, Inquiry Into Occupation and Administration of Haiti and Santo Domingo.) He states that "the natives were terror stricken." Further, all the pink slips marked non (no) were tied up and only the white slips with oui (yes) were handled on the table before which the so-called voters were driven in.

The following passages are taken from the record:

"Senator POMERENE. What was the vote at St. Marc? What was the result there?

"Mr. EVANS. There was no means of knowing. The natives felt no interest whatever, as it was known from announcement by the occupation—through Dartiguenave—that whatever the American marines did no one dared to oppose or even question. All slips were taken to Port au Prince and published there. It was looked upon as a mere farce and lowered the prestige of the United States among Haitians who seriously think, and even Europeans, and, indeed, Americans, who felt that the American occupation had gone the limit and made itself a laughing stock and looked contemptible. No votes were reckoned to my knowledge at either town, but all taken in charge of American marines to Port au Prince.

"Senator POMERENE. No, no: when the votes were counted, what was the result of the election at that place?

"Mr. EVANS. All were taken to Port au Prince and published there, but whether they gave numbers supposed to be cast at each town I know not, and, like others, cared little, as I became disgusted and felt disgraced that such was possible in the name of the United States and by anyone who called himself an American.

"Senator KING. Sixty-three thousand for and two or three hundred against in all the island. (The official figures as published at the beginning of the new constitution are 98,294 yes, 769 no.)

"Mr. EVANS. You mean the Republic, Senator. They might have published the vote as 1,000,000, or as 63,000; there is no one to contradict or to explain, for the American marines managed the whole business. I do not believe that any slips were put in by Haitians, and that out of shame certain marines cast in a couple of hundreds. This is the belief in Haiti. I denounced it then and denounce it more still to-day as the greatest mockery I ever saw in my life, and never thought we had Americans and marine officers that could sink so low before these gendarmes and poor Haitians, whose respect, implicit confidence, and highest admiration should be the aim of every military officer and true American, who despises anything like hypocrisy and scorns deceit and fraud.

"Senator POMERENE. What part did these educated Haitians take in the election?

"Mr. EVANS. The great majority—apart from those who happened, as stated, to be officially and financially connected with the occupation, so-called Haitian Government, sugar and castor oil corporations, schools, courts, prisons, customs, railroads, etc.—abstained and kept clear of the voting places, though in so doing they ran the risk of being blacklisted, run into prison on slightest suspicion or provocation, etc.

"Had they gone they would have asked for the pink slip with non, which would have decided their lot with the occupation. It was a hard and trying situation, but many were heroic enough to stand the test, whatever have been the consequences since.

This testimony has remained uncontradicted, although virtually every high marine officer who served in Haiti testified subsequently, viz, General Butler, General Waller, General Cole, General Catlin, Colonel Williams—the General Williams of the Gendarmerie d'Haiti men-

tioned in the above plebiscite order—as well as Admiral Caperton and General Barnett, who was commandant of the Marine Corps from 1914 to 1920.

THE HAITIAN MEMORIAL.

To-day Haiti remains under martial law, but recently the situation there began to attract attention in the United States and elsewhere. In the summer of 1920, following the publication of articles in the Nation, President Harding made of the Haitian and Dominican situations a campaign issue. Secretary Daniels denied the accusation of wrong-doing by the Democratic administration, but sent a naval commission to investigate. This commission found nothing materially discreditable to report. On October 2, 1920, Major General Barnett, Commandant of the Marine Corps, expressed himself as shocked by "the indiscriminate killings in Haiti." Another naval commission was sent to investigate, and it reported approximately as had the first. Shortly afterwards a delegation of representative Haitian citizens came to the United States, representing the Haitian people, and particularly the popular organization known as the Union Patriotique d'Haiti. These delegates, refused an audience by the State Department, composed a detailed memorial—with documents—which was sent to the Secretary of State and to the chairmen of the Committees on Foreign Relations of the Senate and House. It was also read into the official record last August of the senatorial commission of inquiry, of which Senator MEDILL MCCORMICK was chairman. This memorial makes charges of administrative incompetence and malfeasance by the civilian officials. It lists 25 specimen atrocities which, it charges, were committed by the American military and were vainly called to the attention of the naval commission of inquiry headed by Admiral Mayo. The memorial makes the following conclusion (pp. 32 and 33 of the record of the senatorial commission of inquiry):

"The Haitian Republic was the second nation of the New World—second only to the United States—to conquer its national independence. We have our own history, our own traditions, customs, and national spirit; our own institutions, laws, and social and political organizations; our own culture; our own literature—French language—and our own religion. For 111 years the little Haitian Nation has managed its own affairs; for 111 years it has made the necessary effort for its material, intellectual, and moral development as well as any other nation—better than any other nation, because it has been from the start absolutely alone in its difficult task, without any aid from the outside bearing with it along the harsh road of civilization the glorious misery of its beginning. And then, one fine day, under the merest pretext, without any possible explanation or justification on the grounds of violation of any American right or interest, American forces landed on our national territory and actually abolished the sovereignty and independence of the Haitian Republic.

"We have just given an account of the chief aspects of the American military occupation in our country since July 28, 1915.

"It is the most terrible régime of military autocracy which has ever been carried on in the name of the great American democracy.

"The Haitian people, during these last five years, have passed through such sacrifices, tortures, destructions, humiliations, and misery as have never before been known in the course of their unhappy history.

"The American Government, in spite of the attitude of wisdom, moderation, and even submission, which it has always found in dealing with the Haitian Government, has never lived up to any of the agreements which it solemnly entered into with regard to the Haitian people.

"The Haitian people are entitled to reparations for the wrongs and injuries committed against them.

"The great American people can only honor themselves and rise in universal esteem by hastening the restoration of justice—of all the justice due a weak and friendly nation which the agents of its Government have systematically abused.

"Reparations are due for the human lives that have been taken and for the property that has been destroyed or abstracted. An impartial investigation will provide the necessary statements and supply the basis for the estimates to be determined.

"The present political aspirations of the Haitian nation have been formulated by the Union Patriotique, a comprehensive national association which, through its numerous branches throughout the country and in all levels of society, includes virtually all the Haitian people. The undersigned have been sent to the United States by this association to make the will of the country clearly known.

"The Haitian people are filled with peaceful sentiments, but there is no doubt that they intend to recover definitely the administration of their own affairs and to resume under their own responsibility the entire life of the country, with full sovereignty and independence. They will never rest until they have obtained them.

"The salient aspirations of the Haitian people are summarized as follows:

"1. Immediate abolition of martial law and courts-martial.

"2. Immediate reorganization of the Haitian police and military forces, and withdrawal within a short period of the United States military occupation.

"3. Abrogation of the convention of 1915.

"4. Convocation, within a short period, of a constituent assembly, with all the guaranties of electoral liberty.

"But the Haitian people desire too strongly the friendship of the great American people, and are too anxious for their own material, intellectual, and moral development not to wish and bespeak for themselves the impartial and altruistic aid of the United States Government. They have urgent needs vital to the development of the natural resources of the country and essential to the full expansion of its agricultural, industrial, and commercial activity. The satisfying of these needs is absolutely necessary for the continued progress of the Haitian community.

"Nothing would serve better to bring about the speedy reestablishment of normal relations between the two countries than the friendly aid of the United States Government in the economic prosperity and social progress of the Haitian Republic."

SITUATION IN SANTO DOMINGO.

The Dominican situation may be said to have begun on November 19, 1915. On that date, one week after the final ratification by Haiti of the treaty giving the United States military and financial control, a virtually similar draft was presented to President Jimenez, of the Dominican Republic. It was promptly and emphatically rejected. The following April, after a disagreement between President Jimenez and his minister of war, Desiderio Arias, impeachment proceedings were entered upon against the President in the Dominican Congress. On May 4, 1916, during some revolutionary disturbance, and without warning to the Dominican Government, American marines were landed near Santo Domingo. The American minister at that time gave assurance to the Dominican Government that these forces were solely for the purpose of protecting the American Legation. On May 7 these forces had increased so greatly that it appeared evident to President Jimenez that they were there for another purpose, and he resigned in protest against this violation of Dominican sovereignty.

The next day General Arias, the minister of war, was invited and escorted personally by the American minister to the American Legation, where he was induced to enter a conference with Federico Velasquez. It was proposed to Arias that, in return for certain favors and remunerations, he would use his influence and the military under his command to aid the election of Velasquez. Arias refused, declining to abet the scheme to foist illegally and by force majeure an undesired candidate on the Dominican people. On May 11 Federico Henriquez y Carvajal was nominated for president of the Republic in the chamber of deputies and confirmed by the senate on May 23. On May 13 the American minister formally notified the Dominican Government of the intention of the United States Government to land a large armed force and to occupy the capital, and the listening bombardment of the city and unrestricted firing upon the natives if in any way they interfered with the landing of the American forces. The next day, May 18, the American minister notified the Dominican Congress that Federico Henriquez y Carvajal was not acceptable to the United States as president.

On June 5 the American minister gave formal notice to the Dominican Government that the receiver general of customs would take charge of all the finances and funds of the Government. Under the treaty of 1907 with the United States, an American appointed by the United States Government was in charge of the collection of customs of the Dominican Republic. It was his duty under this treaty to turn in all but the sum of $100,000 monthly to the Dominican Government. All above this $100,000 was to go, one half to the Dominican Government for its own uses the other half to the sinking fund of the loan contracted under the treaty. The Dominican Government instantly and vigorously protested against this procedure. On June 11 Federico Henriquez y Carvajal, bowing to the expressed opposition of the United States, declined election to the presidency. His resignation was accepted by the Dominican Congress, which then decided to elect as president a man who had had no affiliations with any of the existing political parties, namely, Dr. Francisco Henriquez y Carvajal, who had been practicing medicine in Santiago de Cuba for the previous 12 years. On June 16, following orders from Washington, the receiver general of customs took charge of all revenues—internal as well as the customs revenues which alone were stipulated in the treaty of 1907—and set himself up as disbursing agent of the republic. Dominicans made vigorous protest, pointing out that this action was in violation of the treaty of 1907.

The receiver general admitted his inability to conform to the wishes of the Dominican Government, stating that his orders were received directly from the State Department of the United States, and that he had but to obey. On July 31 Doctor Henriquez was inaugurated as president. No objection was raised by the United States to his election. On August 18 notice was sent to the Dominican Government by the American authorities that no money coming into the hands of the receiver general would be paid to the Dominican Government. On August 23 the American minister presented a note demanding the acquiescence of the Dominican Government to the conditions rejected November 19 of the preceding year by President Jimenez—virtually the same treaty then in effect in Haiti. The Dominican Government refused. On October 17, following instructions from Washington, the receiver general formally refused recognition to the Dominican budget to pay the salaries of its officials and employees and the pensions of its widows and orphans. On November 29, 1916, a "proclamation of occupation" was made by the United States. It was issued over the signature of Capt. H. S. Knapp, United States Navy, who subsequently declared himself to be "supreme legislator, supreme judge, supreme executor."

HELD IN IRON BONDAGE.

For five years Americans held Santo Domingo in the iron bondage of martial law. Public meetings were forbidden, the press censored, protestors court-martialed. Every governmental function was taken over by American marines. During this period, also, the occupation built excellent highways, cleaned up towns, and greatly improved the school system, using Dominican funds for these ends. Many Dominicans were also killed in action. The occupation holds all Dominicans killed in action to be bandits; the Dominicans consider them patriots. The Dominicans have never ceased to protest before the world against the occupation of their country. The sentence of imprisonment and fine of the poet, Fabio Fiallo, because of his article of protest against the invasion of his country, attracted wide attention in Latin America.

A plan for withdrawal was proposed by the Wilson administration in December, 1920. A similar plan was proposed by the Harding administration through the proclamation issued by the military governor on June 14, 1921. The plan set a date eight months ahead for the withdrawal of the American forces and the restoration of the national Dominican Government. It constituted the military governor the provisional Dominican executive, gave him the power to promulgate an electoral law, and to convene the people to the elections. It also gave him the power to name the Dominicans who, together with representatives of the American Government, would agree (1) to ratify all acts of the military government; (2) to intrust the command and organization of the Dominican forces to American officials.

This plan aroused the unanimous resentment of the Dominican people. They protested solemnly that they desired their freedom without qualifications. They refused to ratify the acts of the military government, which included a loan that carried interest varying from 9 to 19 per cent. As the cooperation of the Dominicans was necessary, the plan went by the board.

That is the status of the Dominican Republic to date. It asks its unconditional sovereignty as an absolute right. It desires that the Americans retire and leave them in peace.

The contentions of the American Government, justifying its occupation of the Dominican Republic, are vigorously denied by the Dominicans. They assert, first, that they have not violated the treaty of 1907 by increasing the public debt, and that the indebtedness to the United States has been paid far in excess of requirements (they present the official figures to prove these assertions); second, that the revolutionary disturbances were of a purely political and minor character, which in no sense affected American lives or property, or the execution of the treaty of 1907; third, that granting a difference of interpretation of these two preceding issues, nothing in law or morality justified the aggression and conquest practiced by the United States.

SUMMARY AND INDICTMENT.

To sum up: The cases of Haiti and Santo Domingo are closely analogous. In both instances the United States clearly desired to gain control of these Republics. In both instances, when attempts to secure this by peaceable means failed, advantage was taken of internal disorder to land forces. Then, what could not be obtained by peaceable means was sought by military pressure. In Haiti the United States was able to force through a treaty, and to-day this treaty is held up as the sanction for all America's acts in that Republic since. In Santo Domingo the treaty could not be forced through, and a ruthless destruction of all forms of Dominican self-governmet followed. These acts are indisputably proved by the record. They comprise the gravest breach of fundamental American traditions in our history. They violate international law. They violate the Constitution of the United States. They violate every treaty involved. They constitute essentially the same kind of aggression as that which Germany practiced against Belgium in 1914—and without even the invalid excuse of "military necessity." While we were preparing to enter the struggle against Germany to oppose ruthless military conquest we were secretly practicing it.

The activities in Haiti and Santo Domingo were guarded by a rigid military censorship and were practically unknown in the United States until 1920. They are not widely known to-day.

The people of both these countries are clamoring for their independence. The Haitians demand the abrogation of the convention of 1915, imposed upon them by force, and the withdrawal of the occupation. In the next few weeks the Senate of the United States will have the opportunity to decide whether or not the Nation will adhere to the traditions in which it was conceived and grew to greatness. The issue is far larger than Haiti and Santo Domingo. Shall the United States follow the course of Japan in Koreo, of England in Egypt, of Germany in Belgium? Or shall it follow the path of honor, justice, fair dealing, and common decency to weak and friendly neighbor States? We are at the parting of the ways. Haiti and Santo Domingo are the acid test.

Mr. KING. I ask that the report, which has been read, be printed in 8-point type, including the names.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. McCORMICK. What is the request?

The PRESIDING OFFICER. The request is that the article formerly read shall be printed in 8-point type.

Mr. McCORMICK. And is the request that this article be read or printed?

Mr. KING. Printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none.

Mr. KING. I ask that an editorial appearing in the New York World of Sunday, April 30, 1922, entitled "The Seizure of Haiti," may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE SEIZURE OF HAITI.

Twenty-four American lawyers of the highest standing in their communities have drawn up an indictment of the American Government which no one—the President, the Congress, or any citizen who cares for the good name of this country—can fail to read without seeing that he is in honor bound to act. These lawyers charge that in the seizure of Haiti the United States Government has departed from well-recognized American principles, is guilty of breaches of international law, has been faithless to our promises, has violated the Constitution of the United States, has violated "every canon of fair and equal dealing," and has consciously and intentionally participated in a wrong of aggression.

No more humiliating charge has ever in our history been made by responsible men against the American Government. It is unthinkable that such a charge should not be sifted to the very bottom. The charge must either be proved or disproved. If disproved, it must be recanted. If proved, the wrong charged must be righted.

The 24 accusing lawyers do not stand alone. Their findings are supported by a group of eminent citizens which is headed by Senator OWEN, of Oklahoma. The charges are made by men as conservative as Mr. Louis Marshall, of New York, and Mr. Moorfield Storey, of Boston; by Democratic Senators, like WILLIAM H. KING, of Utah; and Republican Senators, like WILLIAM E. BORAH. The accusers represent both parties and all shades of opinion in American life.

The salient facts, as brought forward by the 24 lawyers, are as follows:

Haiti won its independence from France in 1804. It lost its independence to America in 1915. Haiti is a primitive country with a population of about 3,000,000. Except for a small educated class in the towns, the people are largely illiterate. We may assume that Haiti has been badly governed. We must note, however, that "foreign investments have at all times been respected, the interest on Haiti's foreign debt has been scrupulously paid."

Haiti is a rich country, and her constitution rigidly excluded foreigners from the ownership of land. Haiti is in a strategic position. She "controls" one of the principal routes to the Panama Canal.

Being rich, strategically important, weak, and badly governed, Haiti is a temptation to conquest. During the early part of the European war a number of typical Central American revolutions took place, and six times in 1914 and in 1915 our Government made direct overtures for the control of the Haitian customs. They were rejected. Seven days after the last rejection we landed marines at Port au Prince, seized $500,000 in the vaults of the National Bank of Haiti, and carried the money to New York. The bank was four-fifths French and one-fifth American. In March, 1915, we sent another special mission asking for control of Haitian finance. The demand was refused. In May we again sent a mission asking for the right of military intervention and harbor privileges. There was bargaining which came to nothing.

Finally, on July 27, 1915, there was a bloody outbreak. A massacre of political prisoners took place and the President was assassinated under revolting conditions. The next day we landed marines and occupied all the principal ports and towns. Up to this point there is no charge against the American Government by the 24 lawyers.

The facts justify a temporary intervention. The charges turn on what has happened in the seven years that have elapsed since then. For since July, 1915, Haiti has been governed by the Navy Department at Washington. In those seven years the Secretary of the Navy and the admiral in Haiti have proceeded in an extraordinary fashion.

Twice Admiral Caperton "induced" the Haitian Legislature to postpone the election of a new President who could succeed the one who had been assassinated. American naval officers went to work to find a successor. Finally they picked Sudre Dartiguenave, who had promised to accede to any terms which the United States might name, including the surrender of the customs and the cession of Mole St. Nicholas. Dartiguenave was elected by a legislature guarded by American marines. Admiral Caperton's chief of staff was on the floor of the voting hall.

Two days later we presented our treaty of financial control and military intervention. It is enough to say that the treaty is a complete surrender of all Government authority to America. It is annexation in everything but the hypocritical preamble.

The Haitian Legislature objected to the treaty and the cabinet threatened to resign. So in September the Navy Department declared martial law. The purpose, as Admiral Caperton explained, was this:

"Successful negotiation of treaty is predominant part present mission. After encountering many difficulties treaty situation at present looks more favorable than usual. This has been effected by exercising military pressure at propitious moments in negotiations. Yesterday two members of cabinet who have blocked negotiations heretofore resigned. President himself believed to be anxious to conclude treaty. At present am holding up offensive operations and allowing President time to complete cabinet and try again. Am therefore not yet ready to begin offensive operations at Cape Haitien, but will hold them in abeyance as additional pressure."

All kinds of pressure, military and financial, was exercised and finally the treaty was signed. Haiti became an American possession ruled through the Navy Department.

The continuance of the occupation, the manipulation of the election, the forcing of the treaty are all in the highest degree irregular. They are an exercise of irresponsible power which may in the exact sense of the term be called imperialistic.

The world does not believe that the problem of a country like Haiti can be solved by any simple formula about the right of self-determination. There may be a case for a certain supervision of the Haitian Government. But there is no case whatever for the manner in which this affair has been conducted. To take control of a sovereign nation, however misgoverned and troublesome, is a very serious step.

It should not be undertaken on the private initiative of one Government department, acting almost entirely in the dark. The only conditions under which the control of a country like Haiti becomes even tolerable is by international mandate, after unbiased study of the evidence, and subject to inspection by other powers. In the case of Haiti the Navy Department ignored the American Congress and the American people, ignored the Haitian Congress and the Haitian people, ignored our Latin-American neighbors.

We are thus holding Haiti in a manner that displays a contempt of morals, law, and good faith. We have not shown, now that we are great and powerful, that decent respect for the opinion of mankind to which in the hour of our own birth as a Nation we solemnly appealed.

Mr. KING. Mr. President, this editorial ought to cause Senators to give consideration to the importance of the policy involved in the amendment which I have offered. Those in official positions have pursued a course with which the American people were unacquainted. We have in effect made war on Haiti, conquered her people, taken possession of her territory, placed military forces in all parts of the country, reduced her Government to a mere shadow. There has been a conquest of Haiti, our occupation was accomplished by force, and our possession of the island can not be defended in morals or upon any principle of international law.

I ask that an article appearing in the New York Globe of Monday, May 1, entitled "Haiti: A blot on the 'scutcheon," may be likewise printed in the RECORD.

The PRESIDING OFFICER. Without objection, it so ordered.

The matter referred to is as follows:

HAITI: A BLOT ON THE 'SCUTCHEON.

As far as the West Indies are concerned, Secretary Hughes seems to believe that any situation can be smoothed over by the use of language sufficiently diplomatic and also sufficiently obscure. "This Government," he told a committee which called upon him in Washington last Saturday to protest against our military despotism in Haiti, "is proceeding in this matter at this time in the desire to secure, in the first place, an effective coordination of the action which is being taken in connection with the administration, so that difficulties which have existed in the past may be removed. It is also considering all that is essential for the tranquillity and well-being of the people of Haiti, and, of course, we are desirous that the military occupation shall end just as soon as it can properly end."

This utterly meaningless statement can be paralleled almost word for word by assertions the Japanese Government once made about Korea and is now making about Shantung and eastern Siberia. As a lawyer Mr. Hughes is well aware that our marines seized and conquered Haiti by no right save that of superior power. When our troops were landed in 1915 American prerogatives were possibly jeopardized by a temporary condition of disorder in Port au Prince, but our right of permanent occupation was about the same as Germany's right in Belgium. Following the landing the marines held a drumhead election, in which a candidate first passed upon by the Navy Department was duly elected, and then, after overthrowing the Haitian constitution, obtained a treaty and a new constitution which suited the convenience of American bankers.

Our latest move is to offer a "loan," which the Haitians will be compelled to accept and which will furnish an excuse for continued occupation or for a new intervention at any time when the interest payments are delayed. To back up this complacent defense of these proceedings Mr. Hughes quotes the McCormick committee, which spent a few pleasant days interviewing such witnesses as the marines judged were respectable enough for them to meet.

The whole incident reflects discredit upon Mr. Hughes, even though he may be the victim of reactionary subordinates. The plain facts are that we have conquered Haiti and that we are controlling it in the interests of the Navy Department and of a few bankers and investors. The occupation rule can "properly end" whenever we conclude to deal as justly with little and weak nations as we are compelled to do with large and powerful ones. It ought never to have begun.

Mr. KING. Mr. President, on the 19th of January of this year I offered a resolution, which I ask may be incorporated in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The resolution (S. Res. 219) is as follows:

Whereas the relations between the United States and the Republic of Santo Domingo and the Republic of Haiti have assumed a condition which is unsatisfactory to the inhabitants of said countries and otherwise disadvantageous to the United States, which condition is due in large measure to the presence of the naval forces of the United States in said countries and the exercise by the United States of the control of the finances and revenues of said countries; and

Whereas the purpose of the intervention by the United States in the political affairs of said countries, the direction of their revenues and finances, and the police of the same by the United States naval forces has been accomplished, and there is no further advantage either to the United States or said countries from any continued intervention in their affairs: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the President should withdraw the naval forces of the United States now in Santo Domingo and Haiti and should arrange an abrogation of any treaty, protocol, or other agreement providing for the control of the revenues of Haiti or Santo Domingo by the United States, or providing for the intervention of the United States in the political affairs of either of said countries, and that it is the sense of the Senate that Santo Domingo and Haiti should be free from any external interference with their domestic policies or internal administration.

Mr. KING. This resolution in effect declared what I conceived to be the proper policy to be pursued by the United States in dealing with the Republic of Haiti and the Dominican Republic. Without calling into question the reasons which may have justified occupation, I declared in the resolution—

That it is the sense of the Senate of the United States that the President should withdraw the naval forces of the United States.

I am gratified to know that the able lawyers whose brief or report has been read have made recommendations in favor of the abrogation of the protocol and the withdrawal of the naval forces of the United States from the further occupation of these two Republics.

Mr. President, later we were advised that it was the purpose of the Government of the United States, acting through naval forces and officials, to obtain a loan or force a loan upon the Haitian people to the extent of $14,000,000. As a matter of fact, the purpose is to authorize a loan of $30,000,000. I felt that we ought not to pursue a course of that character, and on February 3 I offered a resolution relative to this matter. I ask that that resolution, without reading, may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 233) is as follows:

Whereas the United States, through its naval forces and officials acting under the direction of the State Department, is in control of Haiti and the Haitian Government; and

Whereas it is proposed that a loan of $14,000,000 be negotiated in behalf of Haiti, to be paid by the Haitian people; and

Whereas such a loan is not desired by the Haitian people and is believed by them to be unwarranted and illegal and contrary to the best interests economically and politically of Haiti and her people: Therefore be it

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate by what authority such proposed loan is being negotiated, together with the terms and conditions thereof and the reasons therefor;

Be it further resolved, That no debt should be created by the United States or by persons representing it which would be a charge upon Haiti or the Haitian people or the Haitian Government.

Mr. KING. Then, on April 20, I offered a resolution asking that the loan should not be authorized until the committee appointed by the Senate, and which was then considering this important matter, should file their report. I ask that that resolution also may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 288) is as follows:

Whereas the Senate on July 27, 1921, by Senate Resolution 112, authorized and directed a special committee to investigate the affairs of the Haitian Government, and all questions affecting the relations between the United States and Haiti; and

Whereas an investigation of the aforesaid matters has been made by said committee; and

Whereas the report of said committee is now in process of preparation, which report will undoubtedly make recommendations as to the future policy of the United States in the premises; and

Whereas it is inadvisable that any further commitments of a financial character be made by the Haitian Government under the direction or advice and approval of the United States, until the Senate shall receive and consider the report of said committee and shall determine, in conjunction with the House of Representatives and the President, the future policy of the United States in the premises: Now, therefore, be it

Resolved, That it is the sense of the Senate that, pending the receipt and consideration of the report of said committee, no loan or issue of bonds be made by the Haitian Government under the direction and advice of representatives of the United States, and the President of the United States is hereby respectfully requested to direct the financial adviser of the Haitian Government and the receiver of customs to withhold taking any action for the consummation of a new loan to the Haitian Government or the issue of Haitian bonds until such time as the report of said committee shall have been received and considered by the Senate and the executive department of the Government.

Mr. KING. On February 3 I submitted a resolution asking that the Secretary of the Navy be directed to furnish full and complete information to the Senate of all costs to the United States resulting from the naval occupation of Haiti and the Republic of Santo Domingo. I ask that that may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) is as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish full and complete information to the Senate of all costs to the United States resulting from the naval occupation of Haiti and the Republic of Santo Domingo.

Mr. KING. On February 23, after we had been advised that the President of the United States had selected Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary, without having sent the nomination of General Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office, I offered a resolution (S. Res. 249) asking that the Committee on the Judiciary be requested to investigate the question as to the power of the President, under the Constitution, to appoint an ambassador extraordinary to Haiti without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. POINDEXTER. Does the Senator want that printed twice. He has read it, and now, as I understand, he asks to have it printed.

Mr. KING. No; I shall not ask that it be printed.

Mr. President, I regret that no action has been taken upon any of these resolutions, unless it be the last one. As I recall, the Secretary of State made some response to the Judiciary Committee, claiming that Brigadier General Russell was merely the personal representative of the President.

The administration seems quite unconcerned about the wrong which has been done to the people of two helpless nations. Our Republican friends criticized the former administration—but only during the campaign. They are now silent and apparently indorse the course of the last administration, and seem prepared to continue the wrongful and unlawful occupation of two Republics.

If the various committees to which the resolutions were sent had reported, or if Congress had declared any policy which it intended to pursue with respect to the Republic of Haiti and the Republic of San Domingo, I should not have offered this amendment to the pending bill; but it seemed to me that the failure of Congress and the Government to announce its policy called for some action by some legislative or executive body, and it seemed to me that this was the only way we could bring to the attention of the Government and of the country what I conceive to be an improper, high-handed, and oppressive course.

I have asked leave to put these documents and articles in the RECORD. They constitute, in my judgment, an indictment against the policy of the United States in dealing with two friendly Republics. I am sure that the Senate, understanding the amendment and the purpose of it, will support it. I can not conceive how Senators believing in the right of a people to determine their own destiny can justify the continued military occupation of these countries. We are not wanted there. Our course has prevoked hostility, resentment, and hatred. Our flag to these unhappy people does not stand for liberty and justice but for force and oppression. Let America say to all the world, it is not imperialistic; it covets no territory; it will oppress no peoples. We can secure the respect, indeed the affection, of all peoples if we will follow the teachings of the fathers and observe the principles of justice and righteousness which should govern nations as well as individuals. It is time that we sought to "exalt a nation"—our Nation—that it may lead the world in the paths of peace and fellowship.

Mr. POMERENE. Mr. President, I supposed others were going to address the Senate on this amendment. I recognize it presents a subject of very great importance. I have been privileged to serve on a good many committees since I have been in the Senate considering subjects which were of im-

portance. The information which I have gathered through a period of several months leads me to state that never have I been interested in any investigation in which there was so much of misrepresentation, so much of distortion of the truth, and so many half truths told, as about the conditions in Haiti and the Dominican Republic. I want to say, preliminarily, that I regret that it was ever found necessary for the United States to go into those two countries, and I regret that it is necessary now, for the time being, for us to remain there.

Statements have been made repeatedly charging that it was our purpose to take over the sovereignty of these two Republics, and occasionally those who are interested in the subjects have referred to statements which may have been made by officers of the Marine Corps, and little or no attention has been given to the statements which were made by President Roosevelt when the treaty with the Dominican Republic was first made or statements which have been made since by President Taft, by President Wilson, and I think more recently by President Harding, that we have no desire to remain there.

I certainly would not consent to our taking over the sovereignty of the island without knowing that it was by the universal consent of the people of that island, and I would have to change my view before I would consent to have the United States take over either one of these Republics under any circumstances. I do not like the idea of colonial possessions. I prefer that we limit our activities to our own continental territory. I am quite sure that whatever may be said by a few people of very suspicious minds, there has been no disposition on the part of anyone who is authorized to formulate a foreign policy of the Government to take over either of these Republics.

Let me illustrate: Some time, five or six years ago, a Captain Reed, who was in the Dominican Republic with the marines, discovering that there was an incipient revolution, asked the men connected with the marines to make certain inquiries, and among other inquiries he asked them to find out what, if any, sentiment there was looking to the annexation of the island. Since that time this communication, which was a voluntary communication, sent out on his own responsibility, came to the attention of the Navy Department, and I am advised that he was reprimanded, and a reprimand spread upon the record.

One of the admirals, I believe, in Haiti, at some time in the course of the earlier history of this controversy, telegraphed or cabled to the Navy Department and made some suggestion to the effect that a proposition had been made by some one connected with the Haitian Government to give us a coaling station at Mole St. Nicholas. It is true, as was suggested by the distinguished Senator from Idaho [Mr. BORAH], several times some years ago, there were negotiations begun looking to the ceding to the United States of a coaling station in Haiti and one in the Dominican Republic, but the brief which has been read here refers to it as "an attempt" to get this coaling station. If by "an attempt" they mean that there were some negotiations looking to the securing of the coaling station, then they are right. If they mean to suggest that it was an attempt to seize a coaling station, or get it by virtue of superior force, then it misrepresents the fact.

Mr. KING. Will it interrupt the Senator if I ask him a question?

Mr. POMERENE. I yield for a moment, but I desire to proceed as rapidly as I can.

Mr. KING. Is it not a fact, I inquire of the able Senator, that more than 40 years ago, and at repeated intervals since then, and prior to the events of which we are now speaking, the United States sent its war vessels to Port au Prince, to Cape Haitien, and to Mole St. Nicholas, and that there are numerous statements in the State Department evidencing the purpose on the part of the United States to secure, if possible, a cession of naval stations at Haiti as well as in San Domingo?

Mr. McCORMICK. Mr. President——

Mr. POMERENE. I deny that statement. It is true that our war vessels have gone down there in the interest of peace and good order. It is true that President Grant, when he occupied the chair as Chief Executive, was insistent upon our taking possession of the Dominican Republic; but that proposition was turned down by the United States Senate.

As I said a moment ago, and I want this borne in mind in connection with anything I have to say to-day, I would not consent under any circumstances I can now conceive of to take possession of either of these Republics for the United States, and whatever I shall suggest as to what ought to be done I do it with the sole purpose of trying to work out the good of the Haitian and Dominican people.

The Senator from Illinois desired to interrupt a moment ago.

Mr. McCORMICK. I rose to suggest that those who have made careful inquiry into the facts know that Mole St. Nicholas has no value at this time as a naval base.

Mr. POMERENE. That is quite true, because we have a naval base or coaling station at Guantanamo, Cuba, and there is no desire for one at Mole St. Nicholas, so far as I know; at least I have heard of none.

Mr. BORAH. That is true of the present; but it was not supposed to be true at the time we were making an attempt to get it.

Mr. POMERENE. I can not, of course, say what was in the minds of special officers.

I propose to discuss this question from this standpoint alone: What is our duty now? I am not approving many of the things which have been done there in the past. My belief is that the marines did the best they could under the circumstances. Some very regrettable things have occurred during our occupancy. It is true that in certain instances there were cruelties of such a character as to make an American hang his head in shame. There were cruelties on both sides. I give no approval to anything of that sort. But let me illustrate:

When these cruelties in Haiti first became known to our authorities they were traceable to a marine who was connected with the gendarmerie. After the facts became known in Haiti, immediately an investigation was begun. It was true that a certain marine committed excesses, but at the time it became known to those in charge of the marine occupancy he was then out of the service, and upon trying to locate him they found that he was confined in an asylum for the insane in the United States, a raving maniac.

Let me give another illustration so far as it applies to the Dominican Republic. There some cruelties were perpetrated. A few men were killed by a captain of the marines, and when this knowledge came to the occupying forces in the Dominican Republic investigation was begun at once. He was arrested. While he was under guard in his own tent awaiting court-martial he did the one sane act in his life. He picked up his own pistol and shot out his brains.

Mr. President, I give these instances as indicating what was done by a few marines—thank God, very few—and as indicating what we have done to control the situation. If Senators will investigate the subject of our occupancy of these two Republics, they will find that among the Haitians they will say, with reference to the alleged cruelties perpetrated by the American marines, that they were inconsequential compared with the cruelties that would have been perpetrated under the same circumstances upon the Haitians by native Haitians.

Now, naturally it suggests itself to the mind, why were not these different cruelties or acts of cruelty earlier brought to the attention of the officials in the island? Let me suggest, as bearing upon the subject, that in Haiti until we got there, there were not to exceed 200 miles of highway that could be passed over even in dry weather by any sort of vehicle; that Haiti, not with 3,000,000, but between 2,000,000 and 2,500,000, people in a territory of about 9,000 square miles, was, with the exception I have given, without any highway whatsoever, and that there were simply winding trails through the tropical virgin forests to the interior, no better defined than were the trails in this country made by the Indians before the white man set foot therein. In the earlier days there was little or no means of communication by telephone or telegraph.

Officers were sent there. They found a state of revolution. It was necessary to patrol a large part of the northern part of Haiti. That was the home of the Caco or brigand. That was the point where the revolution always broke out.

Now, what was the immediate occasion of our going there? In June, 1915, a revolution was in progress. A man by the name of Sam was president of the Haitian Republic. In Haiti revolutions are usually begun by the outs against the ins, and one faction scarcely gets control of the Government until a new revolution is begun.

The revolutionists in and about Port au Prince go up in the Caco regions, make contracts with the chiefs, and the chiefs organize their armies and march down on the capital. At this particular time President Sam had arrested some 75 or more of the leading revolutionists. They were in prison. The other revolutionists were largely on the outside, camped around the city. President Sam, for some reason best known to himself, ordered his troops to go into the prison, and they shot or bayoneted the prisoners without any trial. Only two of the inmates escaped. They were in a prison cell, and the troops could not find the key. These two were hidden behind the dead bodies of those who were nearest to the front.

A little later the revolutionists got possession of the capital and President Sam, for his own protection, entered the French

Legation. He thought he was secure under international law, and so he was, but he was not secure against the revolutionists. They entered the French Legation, took possession of Sam, shot him, dismembered his body, and his torso was dragged through the streets at the end of a rope. The revolution had spread over all the northern part of the island. Our marines were there for the purpose of preserving order. It is true that about this time or a little later we took possession of the ports, but who was there to administer them? The revolutionists? The government? Why, the government was overthrown.

Now, Mr President, we of course can have before us a theoretical case and say that certain things were done there which would be contrary to our ideals of government, but let me say to you that no one will make a more serious mistake than to believe a government can be managed there as we would manage our own home affairs here.

Later on, the revolution continuing, armed forces were organized. They were going through the island. Our marines had to patrol the entire island to get possession and to subdue the revolutionists. It is true, I have no doubt, that while this was going on there were some excesses committed. It is true that the revolutionists were burning hamlets and taking property. It is true that some of our marines burned down some of those hamlets in the midst of the Caco region. I do not like that. You do not like it. But the question was, What should be done? It is true, too, that there were a number of fatalities. A statement was made here to the effect that they amounted to 2,500. The best judgment of the committee, at least of those members of the committee who have gone into it, is that the total fatalities were probably in the neighborhood of 1,500.

Then, Mr. President, when we try to weigh what our marines should have done, bear in mind the other side of it, too. The marines suffered very many cruelties from the Haitians. Some of them were killed after being taken prisoners. One statement was made to us by one of the marines, an officer and a high-class man, that a Haitian gendarme was out on patrol duty. He was arrested by the Haitian revolutionists.

A couple of hours thereafter he was recaptured, and at the point where he was recaptured there was a cross already constructed, on which he was to be crucified. He understood the Haitian language, the creole language, if you please. This Haitian gendarme told the officers that they had planned to tie him to the cross by strips of skin taken from his own body.

I am not saying these things for the purpose of humiliating or belittling the Haitians. I have the most kindly feeling toward them, and I am satisfied that with proper treatment they will become useful citizens of Haiti. They are the most generous-hearted people in the world when they are in possession of their faculties, but when aroused and excited I think it will be understood from what I have said what thought came into the minds of the marines when they were out on patrol duty.

Mr. President, the brief which was filed here said that Haiti had been a Republic since 1804. Yes, in name, perhaps, but not since 1804. The very able lawyers who present the brief are able to write one brief when they do not know the facts, and they would write a different brief if they did know the facts. Professor Kelsey, in speaking of conditions in Haiti, says it has been a Republic except for two short periods of time. I wish to quote his language, if I can. I have it here in pamphlet form, and I find that on page 128 of the pamphlet Professor Kelsey says:

> Barring the short periods when a couple of rulers styled themselves emperors Haiti has always been a Republic.

But note the following:

> In reality, however, it has always been a military despotism, as the 39 military posts would indicate.

Then Senators talk about constitutional government in Haiti. If a number of constitutions make constitutional government, then the Haitians have had it. Professor Kelsey further says:

> It has had an ample supply of constitutions from 1805, 1806 (when it said that a new regenerative constitution was needed) through the years 1816, 1843, 1846, 1859, 1861, 1867, 1874, 1879, 1889, down to the last in 1918. The "elections" had always been a farce in that they but elected the man who had seized the power in his hands as the "savior of his people."

No, Mr. President——

Mr. McCORMICK. Will the Senator permit me to interrupt him?

Mr. POMERENE. Yes.

Mr. McCORMICK. The Senator, I am sure, intends to make it clear that prior to an election a military chieftain seized possession of the capital and gained control of the military forces, and then convoked the assembly which elected him?

Mr. POMERENE. Oh, yes; that is the situation, and that is what has been going on in Haiti all of these years.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. POMERENE. I yield.

Mr. BORAH. But the interesting feature of this question to me is this: Supposing these things to be true, is the United States going to take possession of all of the Central American countries and islands of which it is true?

Mr. POMERENE. No, sir; I do not think so; and I want to have conditions improved down there so we can get out. I should like to get out to-morrow if we could. Of course we can get out. However, I wish in this connection, preliminary to a statement that I am going to make, to say that this committee went down there and invited many people to come and testify. We wanted to hear them. Wherever charges were made of cruelty and we ourselves could not get the witnesses, we referred them to the commanding officer in charge to get his inspectors to work in order to find out what the facts were, and many of those facts were presented later. Let me say a word with regard to the character of this testimony.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Ohio yield to his colleague?

Mr. POMERENE. Yes.

Mr. WILLIS. If it will not interrupt my colleague, I should like to ask him to pursue just a little further the suggestion which has been made by the Senator from Idaho [Mr. BORAH], in response to which my colleague said, "Yes; we could get out of there." In my colleague's judgment, what would be the effect now if we did get out of there?

Mr. POMERENE. I thank the Senator. His question merely anticipated what I was going to say.

There were many witnesses whom we should have liked to call before the committee who would not come; they were afraid to come. They were not of the politician class, but they were the solid, substantial citizens, many of them being engaged in charitable work. Some were not natives of the country, while others were. We were told by American officials and others in whom I had confidence, notwithstanding the fact that some of them were marine officers, the story about the Haitian peasants back in the interior. When talking the subject over with them, they said "No; we do not want the marines to go. Before the marines came we did not know what hour of the day or of the night either officials of the Haitian Government or representatives of the Cacos would come and seize us and try to impress us into the military service. They would come and demand contributions of food supplies or they would demand animals, or something of that kind, without making payment, but since the marines have been here we know we are safe with our families and our property. We know that when we take our little produce to market and get the little money for it which we do get, it is ours, and nobody is taking it away from us."

Mr. NORRIS. Mr. President——

Mr. POMERENE. I yield.

Mr. NORRIS. I want to assure the Senator before I propound my interrogatory that I desire only to get the facts. I have been greatly impressed, however, with another phase of the question. If the Senator intends to discuss that phase later I will have no objection if he will defer answering my interrogatory until he reaches that point. Outside, however, of the things the Senator has been mentioning, I have been greatly impressed with the charge which has been made, and so far as I know stands undenied, that our Government was engaged from the beginning in a program of deception. Instead of taking possession of the country, for which there might be some argument advanced, to develop it for the benefit of the people who were there, it seems to me that the representatives of our Government engaged in little political tricks that would disgrace the worst political machine in America. It has been disclosed here that official telegrams from the Secretary of the Navy, advising the admiral what to do, and coercion was used to compel the people of Haiti to adopt a certain course.

Mr. POMERENE. Mr. President, I expect to go into that a little later, if the Senator will permit me.

Mr. NORRIS. I will defer, then, until the Senator reaches that point.

Mr. POMERENE. I will say to the Senator very frankly some things have been done there which I do not approve.

Mr. NORRIS. I should like particularly to call attention to one thing. A man by the name of McIlhenny was appointed by the President of the United States as financial adviser for the Republic of Haiti, at a salary of $10,000 a year, as I understand, and $500 a month traveling expenses. It is alleged he spent most of his time in America. All these expenses had to be paid by the Haitian people, who were being taxed without

their consent. Are we justified even in improving a country without the consent of its people, if we make them pay for it?

Mr. POMERENE. Either I or some of my associates on the committee will go into that before we finish this discussion. I wanted to pursue a little further the query of my distinguished colleague.

The information came to us from all hands and all sides, outside of what was known as the Unione Patriotique, the Hatians did not want us to go. I had myself a two hours' conference with one of the finest types of men I ever met, a rare combination of the spiritual and the practical. I am not going to give his name, because it would jeopardize his safety if I should, but when, at the conclusion of our conference, I said to him, "Suppose the United States Government were to issue an order to have the marines vacate the island to-morrow, what would be the result?" I never saw a more pained expression on any man's face. As I interpreted it, he thought that my question indicated what our program was going to be, and, shaking his head, he said, "Senator, I have heard many Haitians say that if the marines were to leave the last would be scarcely out of sight of land until a shot would be fired and then a revolution." Later on I repeated that statement to three or four other men in whom I had equal confidence, because they made a great impression upon my mind, and they confirmed the statement which I have just made.

But it may be said conditions in Haiti are not our affair. It may be they are not. I know of a negro out in my State who was discussing the subject and insisting that we should get out of the island, and when it was suggested that if we did it would be followed by revolution, he said, "That is all right; they have got a right to kill one another if they wish." That may be the view of some, but it is not mine. My belief is that if we get out of Haiti on January 1, 1923, then we will have to go back. I do not, as I have previously said, want to stay there, but I believe it is our duty to stay there long enough to permit the Haitians to organize a government which will be truly representative of the Haitian people and of their ideals and aspirations; but there will not be such a government if we are going to depend upon some of the politicians down there or some of the politicians in America who are stirring up this agitation in the United States.

Mr. President, reference has been made to some of the cablegrams and communications which passed between the marine forces in the island and the Government at Washington. One of these admirals—I believe, Admiral Caperton—said in one of his cablegrams that he thought Haiti would cede to us the Mole St. Nicholas. Admiral Benson, I believe, who was then the Acting Secretary of the Navy, gave certain directions, but said that the matter of the mole could be taken up later. It has not been taken up later so far as I know, and I do not know of anyone connected with the Government who wants a coaling place there.

Reference is made to the election of a President. The President, Dartiguenave, was elected by the Congress of the Haitian Republic. There was another candidate, I believe, by the name of Bolo. Both of them, as I understand the situation, desired to curry favor with the United States authorities. There were some other candidates. We were there trying to restore peace and order. I have no doubt that our representative there as well as here in Washington may have had some preference for the place if they knew the character of all of the candidates, and I think they did go to the extent of saying to the members of the Congress of Haiti that they preferred Dartiguenave; but, Senators, I submit that, whether we like that action or not, you and I could better determine what we would do and what ought to have been done if we had been there on the scene of action.

Later a council of state was organized under their constitution, as I understand. It was clothed with legislative power in the event that the congress was not in session. The President, Dartiguenave, for reasons unknown to me, dissolved the congress. This council of state was clothed with the power of electing his successor. During the period of our occupation a new constitution was suggested. A constitution was prepared. There were a number of conferences. It was finally approved by an election.

Maybe we should have taken no part in that election. My belief is that we took no part, except to have meetings of citizens and the officers of the marines and others explain the constitution to the people, and we were there to keep order during the election. The election was under the control of officers of Haiti, who presided at the polling places. If anyone is interested in that, let him refer both to Professor Kelsey's pamphlet and also to the testimony of Colonel Williams, from which the distinguished Senator from Idaho read awhile ago.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I yield.

Mr. NORRIS. I want to ask the Senator about that election. Was it the same election about which the Senator from Idaho quoted from some of the dispatches?

Mr. POMERENE. I think it was; yes.

Mr. NORRIS. Assuming those to be true, does the Senator think that election could be anything but a farce?

Mr. POMERENE. Mr. President, the Senator asks a fair question, and if such an election were to be held in the United States I should say it was not fair; but I take it that if the Senator was there in a position of responsibility he would want such an election as could be had; and bear in mind that while this constitution was adopted, there is a provision in that constitution in substance, as there is in our own Constitution, that it can be amended from time to time. I read a moment ago from the article by Professor Kelsey, in which he, in substance, speaks of all of the elections as being a farce; and the elections, such as they had, were after some revolutionist had got control, and then called an election to keep him in power.

Mr. NORRIS. I can see how that would be a farce; but was not this one the same way, where our Government had control?

Mr. POMERENE. Maybe so.

Mr. NORRIS. Let me ask the Senator another question. Was not the vital thing in that constitution that we insisted should be adopted the change that enabled people who were not citizens of the Haitian Government to own real estate there?

Mr. POMERENE. I do not know about that, and I do not like that provision in the constitution at all, and it can be changed at any time they wish to change it.

Mr. NORRIS. Does the Senator think it could ever be changed while our soldiers have control of the machinery?

Mr. POMERENE. I do, sir.

Mr. NORRIS. Then, they would have to do differently from what they did at the time they adopted the constitution.

Mr. POMERENE. I can not answer for that. I do not know.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. POMERENE. I yield.

Mr. BORAH. If that can be changed, and our Government is willing to change it, that would be the first evidence of good faith, and they ought to change it. They ought to change it at once, and they ought to demand that the people who have acquired property under it should deed that property back to the people from whom they bought it.

Mr. McCORMICK. Mr. President, let me interject, to comment on the last statement——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. POMERENE. I do.

Mr. McCORMICK. Two companies, if I remember rightly, have attempted to secure title to something like 100,000 acres or more. I think I am right in saying that they have been able to obtain actual title to very much less than that. The fundamental law of Porto Rico, if I recall correctly, limits the holding of a single corporation to 10,000 acres. There is no limit under this provision. So far as our Government has influence there, it ought to be exerted to prevent the alienation of Haitian lands to foreigners on any large scale.

Mr. BORAH. I agree with the Senator from Ohio, and I agree with the Senator from Illinois, that that provision of the constitution can not be defended. Efforts ought not to be made to defend it, and I am glad that neither one of the Senators who have been there investigating it seeks to defend it.

Mr. McCORMICK. I want to make it clear to the Senator, though, that although efforts have been made to obtain title, so far as I know good title has not been obtained to these great properties.

Mr. BORAH. They have what they consider title which justifies the improvement of the real estate, and they are going ahead and improving it.

Mr. McCORMICK. I have seen the largest holding, and the improvement is not considerable—a few shacks.

Mr. BORAH. I have in my possession a letter from the manager of one of the corporations in which he states what they are doing.

Mr. McCORMICK. I spoke of the largest holding. Of course, the Haitian-American Co., as the Senator knows, has gone into bankruptcy.

Mr. BORAH. I am glad of that. That is the only consolation I get out of this situation.

Mr. POMERENE. Mr. President, let me say a word further with regard to elections and administration in the island.

There are two distinct civilizations in Haiti. One represents the wealth and culture of the island. They are refined, courteous, educated, interested in their particular type of the Haitian. They represent about 2 per cent of the people in the island. The highest estimate I have ever heard placed upon it was 5 per cent. I think 2 per cent more nearly represents the fact; so that we have from 95 to 98 per cent of these people that can neither read nor write, some of them worshipers of voodooism. During the examination one Doctor Sylvain, president of the Union Patriotique, did not want to testify before the committee, but he wanted to make a speech, and it was such a speech as you would hear from any clever lawyer. When some reference was made to the work that we had done down there by way of sanitation, by way of prison reform, by way of the building of roads, and some reference was made to education, in reply to a question which was asked by the distinguished Senator from New Mexico [Mr. JONES], he said:

We have had compulsory education in Haiti since 1864.

My God, what a commentary on Haitian administration!

Mr. BORAH. And exactly the same thing may be said of the education of the natives of India by Great Britain, which has been there for 200 years.

Mr. POMERENE. We will have troubles enough of our own if we take care of our own problems.

Mr. BORAH. And if we educate our own children here at home, where in one big city 90,000 remained out of school last winter because they did not have the clothes necessary to enable them to go to school.

Mr. POMERENE. Yes; that may be so. Let me go a step further. Of course, if it is the position of the Senator from Idaho that we should leave every Haitian revolutionist with his machete free to go to work against his fellow Haitian, then there is no answer to the question; we ought to get out.

Mr. BORAH. I ask this question in all sincerity. The Senator says that we can not get out of there; that we must not go out until these people are fit for self-government. May I ask the Senator, in all sincerity, was any people in the world ever fitted for self-government under a military dictatorship?

Mr. POMERENE. Mr. President, the Senator has not heard me say anything about continuing military dictatorship there. The Haitians have been accustomed to military dictatorship all their lives.

Mr. BORAH. Precisely. It is very probable that the Senator from Ohio and myself are not far apart. I have not contended that we ought to get out of Haiti to-night or to-morrow, but I do say we are under the most solemn obligation to at once change this military dictatorship to some kind of a civil form of government which will enable those people to be trained in self-government.

Mr. POMERENE. Mr. President, that leads me to suggest that I have such confidence in the fairness of the Senator from Idaho that if he will go down there and make an independent investigation, such as Professor Kelsey made, or such as this committee tried to make, his views and ours will not be very far apart.

Mr. BORAH. If this committee is in favor of restoring civil government and giving those people civil government until we can decently get out of that island, we are not apart; but I denounce as intolerable and indefensible a military form of government such as has continued for eight years and which there is no indication whatever of our ending.

Mr. POMERENE. I am afraid the Senator has been content to get his information on one side of this problem.

Mr. BORAH. No; I have not been content with that. I have argued this entire matter from the official record, the official telegrams.

Mr. POMERENE. The official record shows only a part of the situation. It does not show the character of the people down there, or what they have to contend with in this matter. But let me go a step further with this to show what the situation is and what we can do.

I have spoken of the wealthy class, the educated class. I have also referred to the peasant class. Very few of the latter can either read or write. They are in as primitive a condition in the central part of Haiti as are the people in the jungles of Africa.

A man who was at one time a captain of marines, who is not now in the service, was in charge of road building at one time, and I have a letter from him in my files, written at my suggestion so that I might not be mistaken as to the facts. He told me while he was in charge of the road building a schooner came from the States laden with road-building machinery, and in the hold of the vessel were 60 wheelbarrows. He told the foreman in charge of the work, a Haitian, to take 60 Haitians down to the ship and get those wheelbarrows. After a while, when he had finished some little job he had to do, he went out to see what had become of the wheelbarrows, and he saw these 60 Haitians proceeding in Indian file, each carrying a wheelbarrow on his head. They had never seen a wheelbarrow, did not know how it worked, and when he told the foreman to put it down and shove it along on the wheel they chuckled as children would when they find an automatic toy and learn to operate it.

At another time he was a representative of the Haitian treasury department in connection with his duties with the marines, and it was his business to go about the island and find out how the revenues were being expended. He gives one instance like this: The Haitian Government had been paying rental for a building used as a schoolhouse. The schoolhouse had been burned down some years before, but yet they were paying rent on it. He told of his looking into the qualifications of the schoolteachers. He found that there was a teacher of music. He could neither sing nor play any instrument; he did not know whether a sheet of music was right-side up or upside down.

Mr. BORAH. Was he sent down by the United States?

Mr. POMERENE. I am not going to answer my facetious friend's question. Another was a teacher of drawing who knew nothing about the subject. This officer had his check, and said to the teacher, "If you will draw a picture of a plain bucket I will give you your check," but the teacher could not do it.

He spoke of the character of men they have on the bench. They have vice judges. I take it, from what I heard, that vice judges correspond to what is known as a deputy judge in the probate court in some of our States. He found that this vice judge could neither read nor write. In Haiti they have the Code Napoleon. For convenience it was printed and bound in four volumes—the Code Civil, the Code Criminal, the Code Communal, and the Code Rural—and when he was talking to this vice judge these four volumes were on the table before him. He shuffled them, and said to the vice judge, "If you will pick up each of these volumes and tell me what it is, I will give you your check." He could not do it.

Professor Kelsey, in his review of the situation in Haiti, says with reference to the judiciary—not quoting his exact language—that no dependence can be paid at all to the courts of first instance or the intermediate court, the name of which I have at this moment forgotten, but he speaks in the highest terms of the court of cassation, which is made up of very able, very learned, and very honorable men. Some reference has been made to the fact that they are under military control, under martial law. One of the reasons why they have had to establish something of that kind is that no dependence could be paid to the inferior courts in the country.

It may be of some interest to Senators to know what is being done in the way of policing the island now. We have our marines there. They have a gendarmery, which under the treaty is officered by American marines. The only Haitian money which is paid to any of our marines is paid by way of salary to the few American officers who are in charge of the gendarmery. They are training men, and promoting them to sergeants and lieutenants; and I think there were several advanced to the rank of captain, although I am not sure about that. My colleagues on the committee will correct me if I am mistaken about it. They are advancing and they are developing somewhat slowly, but they are nevertheless developing, and it is the belief of the best thinking men that after a time they will be developed to a point where they can take charge of the policing of the country. I certainly hope so.

Mr. NORRIS. Mr. President, right along that line, what has been done in the way of establishing schools and promoting education?

Mr. POMERENE. They have been helping along somewhat. There has not been so much done in Haiti as in Santo Domingo, and I am sorry I have not the figures.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. POMERENE. I yield.

Mr. McCORMICK. The Senator from Nebraska will find that the treaty has merit in principle. Its gravest defect, perhaps, is that it makes no provision for the regeneration of the school system of Haiti. A larger sum has been allotted for the support of the schools than prior to the period of intervention, but there has been no appreciable increase in the number of scholars, whereas in the Dominican Republic, where our responsibility was complete, the school population, if that be the phrase, has been four or five times greater since intervention than before.

Mr. NORRIS. If the Senator will permit, I would like to follow my question with another. If we are going to act as guardians for any people, it seems to me the educational line

is the one in which we ought to make the greatest effort. What effort has been made on the part of the Government to educate those people?

Mr. POMERENE. A very extensive effort has been made in the Dominican Republic.

Mr. NORRIS. I judged so from the answer the Senator from Illinois gave, but why have we not made the same kind of an effort in Haiti?

Mr. POMERENE. Because we have no authority under our treaty.

Mr. McCORMICK. The Senator will recall that we sent an educational counselor or adviser to Haiti, but that his efforts to reform the system were resisted during his entire residence in Haiti, so that finally in despair he resigned his position.

Mr. NORRIS. If it is true that the people can not be educated, and that we can not make any headway along the line of education, it ought to appear at once, it seems to me, that our work there is going to be a failure, even if we stay there a million years.

Mr. POMERENE. I do not accept the statement that they can not be educated.

Mr. NORRIS. I have not made the statement that we can not succeed at it, but evidently nothing has been done yet, and we have been there seven years. It is more important that the people be educated than that we rule them in a military way.

Mr. POMERENE. Undoubtedly it is. We were given control of the collection of the customs and the policing of the island, but we were not given control of the courts or of the internal revenue. We were not given control of the internal administration of affairs. That remains with Haiti. We have a financial adviser down there, but he has no charge of the internal revenues at all; and that leads me to make an observation or two as to the internal administration of the finances in Haiti.

Reference has been made to Colonel McIlhenny, who is the American financial adviser. I think he has made some mistakes, but he is a very capable man. In order to improve their system and to be able to advise as to conditions, he asked for a statement of Haiti's resources, of the taxes which were collected and of the method in which they were disbursed. So he had a meeting with the cabinet officials, and he asked one of these officers, who corresponds, perhaps, to our treasurer, for a statement, and he was promised it the next day. The next day came, and he did not get it. Several days elapsed, and he went to see him again, and after repeated pressing it developed that this officer who was collecting the taxes had no record of either the collections or disbursements. If I have overstated that, I wish some of my colleagues would correct me.

Mr. McCORMICK. Not only that, but when pressed for the record he told Mr. McIlhenny that it was such a bore to keep them that he had torn them all up some months before, and had not troubled to keep any since.

Mr. NORRIS. I would like to inquire if, under Mr. McIlhenny's very efficient management, at $10,000 a year and $500 a month expenses, he has gotten any further than that with the financial affairs of Haiti?

Mr. BORAH rose.

Mr. POMERENE. The Senator asked me a moment ago with regard to that. I will ask the Senator from Idaho to excuse me just a moment while I answer the question. It is true that Mr. McIlhenny went down there as financial adviser, and under the provisions of the treaty his salary was to be paid. He went down there and took a survey of the situation and went into matters very thoroughly. A part of the outstanding loan was in default, as I now recall. It was necessary to get funds. They wanted the improvements to go on. There were a number of other things involved, such as increasing the hospital facilities and improvement in their methods of sanitation. All these matters required money. He tried to negotiate a loan, and some of the dear friends of Haiti have been opposing this loan. Now, it turns out that certain of the revenues of the island, perhaps it is the customs receipts, but I am not sure about that, are obligated for the payment of old bonds and the creation of a sinking fund. They aimed at one time to negotiate a loan of $14,000,000. To say there was an attempt to increase that to $30,000,000 is not important. The fact, as I understand it, is that there was some talk about a loan of $30,000,000. Whatever it was, $30,000,000 or $40,000,000, is not important for the point I was going to make. Let us say $30,000,000.

Mr. McCORMICK. Mr. President——

Mr. POMERENE. I yield to the Senator from Illinois.

Mr. McCORMICK. The protocol for the loan, if the Senator will consider for a moment, authorized an aggregate issue of $40,000,000 of bonds, but at this time $16,000,000 and no more. That was for the purpose of permitting the Republic at some future time to issue additional bonds which would be on a parity with those issued to-day.

Mr. KING. Mr. President, will the Senator yield——

Mr. POMERENE. Pardon me just a moment. I will yield a little later. These matters are all very interesting.

Mr. NORRIS. Mr. President, will the Senator tell us what rate of interest those bonds were to draw and at what price they were to be sold? I have heard it stated that the bonds were to draw 7½ per cent interest and the people of America who got them paid only 92. It was in the contract that they were only to pay 92 cents on the dollar.

Mr. POMERENE. I do not have in mind now the discount, but the discount of the bonds was very materially less than on any loan ever negotiated by the Haitian Republic and the interest rate for the loan which was proposed and concluded—I remember this fact distinctly without remembering the rate—was less than the Pennsylvania Railroad Co. was paying as interest here a month or two before on a 5 or 10 year loan.

Mr. NORRIS. The Senator certainly will not say that when he takes into consideration that under the agreement, if it be true as I have heard it stated, the bonds were to be taken by the bondholders at 92 cents on the dollar and drew 7½ per cent on the par value.

Mr. POMERENE. I stated to the Senator that I could not be exact about that. The record will show. I think we have that figured out, as I now recall. The Senator from Nevada [Mr. ODDIE] is here and will correct me if I am mistaken about it.

Mr. ODDIE. I do not recall the exact figures, but I would like to suggest to the Senator from Ohio that Haiti owes millions of dollars to foreign countries, and if this loan had been negotiated some time ago Haiti could have discounted, so to speak, her indebtedness, and would have been ahead at this time so that she could have paid off her indebtedness.

Mr. POMERENE. The Senator is exactly right and I want to develop that thought a little more. The principal part of the old outstanding loan, if not all of it, is payable in francs. The franc is probably worth now 30 per cent of what it was as compared with the dollar.

Mr. McCORMICK. Fifty per cent.

Mr. POMERENE. Fifty per cent. I thank the Senator. The plan was to make a new loan payable in our dollars and with those dollars to buy francs and pay off the French loan. It would have cut in two the total bonded debt of Haiti, but, of course, the Haitian patriot is not interested in that.

Mr. McCORMICK. I think it but fair to comment at that point and say that between $1,000,000 and $2,000,000 gold has been lost to Haiti by reason of the delay in funding the debt. There has been more misrepresentation of the character and the purpose of the proposed loan than upon any other feature of the controversy.

Mr. POMERENE. I may say, so far as some of the people are concerned, who come up here and make statements about it—and I am not referring to Senators, but to the people who have come here and made these statements—that they have deliberately and purposely misrepresented the situation.

Mr. BORAH. I got my information in regard to this loan from the prospectus which was issued by the bankers of New York City who took it and were willing to take it. So there was no misrepresentation from Haiti upon my part.

Mr. POMERENE. I am making no statement of that kind. It is perfectly clear that if the loan had been made as originally contemplated, Haiti by this time would be a million or more dollars ahead of the game in gold.

Mr. NORRIS. I have here the statement of a committee of gentlemen who waited on our Secretary of State and who delivered an address and is, I think, entitled to a great deal of consideration, in which he stated:

> Mr. McIlhenny attempted to float a loan of $14,000,000 at 7½ per cent issued at 92 payable in 10 years.

The Senator will realize that that would make, although I have not figured it out, a rate of interest on the money that the Haitians would get, I should think, somewhere in the neighborhood of 10 per cent. With that they were to pay off a debt in France of less than $7,000,000 that drew a rate not exceeding 6 per cent.

Mr. McCORMICK. What was the value of the franc at that time?

Mr. NORRIS. I do not know the date.

Mr. McCORMICK. It was about 17.

Mr. NORRIS. I am not speaking of the value of the franc. I am speaking of the rate of interest the bankers in New York were charging these people and which in effect they were paying. The fact that even though it might be cheap money at that particular time would not be sufficient reason why we ought to saddle on some other people by force a loan of

$14,000,000 to take up another loan not yet due and that only drew 6 per cent interest.

Mr. McCORMICK. The franc at that time was about 17 as compared to 10, if the Senator would be accurate in estimating that loan at 7½ per cent. Even now, in the present era of cheap money, the new loan to the Republic of Bolivia is 8½ per cent.

Mr. NORRIS. The Senator must realize it is more than 7½ per cent.

Mr. McCORMICK. I accept the Senator's estimate.

Mr. NORRIS. The contract says it shall be at 7½ per cent, but that the bondholders shall pay only 92 cents on the dollar.

Mr. POMERENE. The statement made by the Senator from Nebraska—and I think it is correct—is that the proposed loan was payable in 10 years. At 92 cents on the dollar that would be 8 per cent for the 10 years, and figuring it out just roughly, it would make the loan run about 8½ per cent during the entire period, or thereabouts. But that is only one part of the question. As the Senator from Illinois has said, at that time the franc was worth very materially less than it is now, and even under that rate at that time Haiti would have been the gainer by several million dollars even on that loan.

But to go a step further with the matter, the revenues which came into the possession of the receiver of customs were to be applied to certain purposes, as the Senator will find if he refers to the treaty. I shall not take the time to go into it. Of course, we would be limited by the treaty. They found this system in Haiti. There are a great many of the very wealthy Haitians who have large plantations and other property. We were informed there was no tax on real estate. The Haitian peasant picks his coffee berries out on the hills and mountain side, and he has to pay an export tax of 3 cents a pound on his coffee. The financial adviser, as I understand, suggested a real estate tax; hence the necessity for the survey which was referred to. Whatever is done in that behalf is not under our control, but is under the control of the Haitian Government. So that I think we are straining matters a little when we too severely criticize the suggestion of a survey and of a real estate tax. It is the peasant who ought to be relieved from burdens somewhat.

Now, let me go a step further.

Mr. ODDIE. Mr. President——

Mr. POMERENE. I yield to the Senator from Nevada.

Mr. ODDIE. The Senator understands, of course, that the export tax on coffee is a distinct burden, and a very heavy burden, on the Haitian peasant, in that it bars them from selling their coffee in competition with people from other of the West Indies islands.

Mr. POMERENE. Indeed, it is a very heavy burden upon the peasant.

Mr. NORRIS. I agree with the Senator that it is a burden, but I do not think it is right to tax them, and I do not want to impose my ideas by force upon some other Government. I would like to suggest that when Haiti comes to pay these debts which we have compelled her to contract, she will probably have to raise the tax on coffee and will have to pay a little more.

Mr. KING. Mr. President——

Mr. POMERENE. I yield to the Senator from Utah.

Mr. KING. In reply to the statement made just now by the Senator from Nevada, I would like to say that many of the peasants are very bitterly opposed to the change in the export tax. They assign the reason that under the new constitution the valuable coffee lands will soon pass into the hands of the foreigners, and the foreigners are the ones who are now championing the cause of the repeal of the export tax, because they then being the exporters of coffee will be free from the tax.

Mr. McCORMICK. Let me say to the Senator that after spending a week in Haiti not one member of the committee ever heard any such thing. From whom does the Senator learn that that is the opinion of the peasants?

Mr. KING. I think that the Senator from Illinois failed to learn many things in Haiti that he might have learned.

Mr. McCORMICK. Let me say this by way of reply, that at his own request the Senator from Utah was appointed a member of that committee; but he never attended any of the hearings of the committee in Washington; and he resigned from the committee before it went to Haiti.

Mr. KING. Oh, well, Mr. President——

Mr. McCORMICK. It may be that the Senator from Illinois failed to learn all that he might have learned, but he sought, in common with the other members of the committee, to learn all that there was to learn. How can it be that Haitian peasants would object to being relieved of half of the burden of taxation upon their sole crop? Is that credible? Why are land values to be decreased if the tax which falls upon the crop of the peasants' land is to be removed?

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. POMERENE. I yield.

Mr. ODDIE. I should like to say in answer to the statement of the Senator from Utah [Mr. KING] that in Haiti all over the mountains there are coffee trees growing wild, and it would be impossible to turn over all of the coffee lands to foreigners or to anybody else unless a large part of the island be turned over to them. There is very little cultivated coffee in Haiti; it grows wild there as blackberries do here, to a very large extent. The natives go up on the mountains and pick the coffee and carry it into the market.

Mr. BORAH. They will not be doing that after the foreigners get hold of the land.

Mr. ODDIE. I do not see how the foreigners can get hold of all the coffee land when there is coffee growing almost everywhere.

Mr. BORAH. What is the area of Haiti?

Mr. ODDIE. It is about 8,000 square miles.

Mr. BORAH. It will not take the foreigners very long to gather up the land of the Haitians at the rate they are now going. An area of 8,000 square miles would only make a reclamation project out in the Senator's section and mine.

Mr. POMERENE. Mr. President, it is easier to get misinformation than it is to get information as to Haiti. When the committee went there they were presented with a petition to issue an order protecting every witness whom we might call, the petitioners stating that they were afraid they would be terrorized by the marines and threatened if they came before us, and things of that kind. We asked for the name of one witness who had been thus terrorized or intimidated, but have not yet the name of one such witness and we never shall have.

I intended to speak briefly upon the subject of roads. Let me go back. The French were overthrown by the Haitians in 1804. One French writer, so I am told, has stated that in 1804 more than one-third of the foreign trade of France was with Haiti. At that time there were magnificent sugar plantations and coffee plantations and all kinds of tropical fruits in Haiti; they had most magnificent palaces. The Haitians had a splendid road system, aggregating, I think, about 500 miles of improved roads. Some of those roads, so I am told by a Frenchman in the island, who gave as his authority the French writer to whom I have just referred, were the equal of any of the roads leading to the Versailles palace in France.

Then came the uprising in Haiti, and in the course of that uprising 8,000 Frenchmen were killed; the palaces were destroyed; and now up about Cape Haitien the only remnants of those magnificent palaces are some concrete or stone walls, which are the ruins of those palaces, silent sentinels watching over the civilization of a century ago. Those highways, magnificent as they were, soon fell into ruins. In Haiti they have torrential rains. In that wonderful climate and with that wonderful soil vegetation grows up almost during the night. When the marines went to the island there were only about 210 miles of road along the coast that could be passed over in dry weather by wheeled vehicles. Since we have been down there the United States marines have built 325 miles of new construction and have repaired 210 miles of old construction. That was the statement made to our committee before the Christmas holidays. What has been done since I do not know. One may now travel in automobiles into the interior of the island and along the coast line without difficulty. There is no doubt whatever that the United States' occupation of Haiti has been of great advantage to that island from an economic standpoint.

Mr. POINDEXTER. Will the Senator state what, if anything, has been done since the American occupation in the way of the sanitary improvement of the island of Haiti?

Mr. POMERENE. I will touch on that in just a moment.

These roads are built largely under what is called the "corvée" system. The "corvée" system in part is just what we used to have in the State of Ohio, requiring, when I was a boy, two days' labor from each man in the State. Whether that system prevails now or not I do not know, but it does prevail in many of the States. Under the old system the Haitian laws required three days' work in the vicinage. The peasants were called to perform this work, and some of the marine officers were most unjust to the peasants. In certain instances the peasants were required to do work for a good many days and often at a goodly distance from their homes. That gave rise to considerable dissatisfaction. This road building was under the charge of the gendarmerie, which was officered by marine officers, some of them high officers, including captains, majors,

and perhaps colonels. They had under their charge Haitian petty officers and gendarmes, who were sent out to get labor. The Haitian petty officers and gendarmes would go out and get the men and bring them in. Often they were not given credit for the work which they had theretofore done. Our marine officers, however, were depending upon the good faith of the Haitian petty officers and men. Again, we were told that in many instances some of the Haitian peasants did this work because they were better fed, the food problem in the interior during their revolutions having been a serious one at times. I am perfectly clear in my own mind that, either directly or indirectly, this conduct on the part of some of the officers of the marines caused a great deal of the dissatisfaction. I am glad to say, however, that after the matter was called to the attention of the authorities higher up it was stopped.

Mr. OVERMAN. Mr. President——

Mr. POMERENE. I yield.

Mr. OVERMAN. Suppose that we should do as the French did, build for them magnificent roads and palaces, establish a good government and a good constitution, improve their sanitary condition, and then turn them loose, what will become of them?

Mr. POMERENE. Mr. President, I am afraid the Senator from North Carolina is in rather a pessimistic frame of mind. I do not want to think what his question suggests. I believe that if the peasants are rightly led and the educated people and the wealthy people down there will take some altruistic interest in them they will become good citizens. I want to believe that, and I do believe it; but one of the difficulties is that the wealthy and the educated classes have taken no interest whatever in the peasant class.

May I digress for just a moment to refer to a conversation I had with one man on the island, an American who was down there urging relief for the Haitians along the line of what the Union Patriotique wanted? After we had been there for a week and saw what the educated and wealthy classes were—and they were a delightful people—and then we saw the peasantry, I said to this man: "We have been here on the island for a week; we have heard testimony; we have seen all classes of the natives. Tell me, if you can, what single service the educated and cultured classes have rendered to the less fortunate peasant class in the island?" I am waiting for the answer yet.

The distinguished chairman of the Naval Affairs Committee asked me about sanitation. Mr. President, when the marines went down there the streets and alleys were so filthy that they were hardly passable. If Senators will examine the report made by the sanitary officer, they will find that the foulest of filth was left on the streets and in the alleys. We have cleaned it up. Now they have hospitals. Previously they had a few hospitals, but they were a disgrace to the name. Now they have peace and order. Before there was no peace and no order. It was one series of revolutions after another.

Let me, if I can place my hands upon it, call attention to a statement made as to conditions in Haiti as well as in the Dominican Republic.

Judge Otto Schoenrich, an American lawyer now living in New York, was sent to the Dominican Republic, I think, during the Roosevelt administration. He wrote a book on Santo Domingo. Concededly, I think, it is the best authority upon the subject. In one chapter he speaks of the revolutions in the Dominican Republic and in Haiti. I want to read just one sentence from that work. He said that since the Haitians got control in 1804 there have been 29 chiefs of state, and he adds:

> It is to be observed, however, that of the Haitian executives only one completed his term of office and voluntarily resigned. Of the others, 4 remained in power until their death from natural causes, 18 were deposed by revolutions, 1 of them committing suicide, another being executed on the steps of his burning palace, and still another being cut to pieces by the mob, 5 were assassinated, and 1 is chief magistrate at the present time.

That book was written probably three or four years ago. Remember that he is speaking only of the successful revolutions. There were many other unsuccessful revolutions. A part of this island was inhabited solely by the cacos, or brigands, and it was there that the revolutions originated. There are no caco leaders now, and life and property are safe in every section of the island.

Mr. President, I have devoted my discussion this afternoon largely to Haiti.

Mr. ODDIE. Mr. President, may I interrupt the Senator for a moment?

Mr. POMERENE. Yes.

Mr. ODDIE. My attention was diverted a moment ago. Did the Senator give the record of the Presidents of Haiti in the last 10 years of Haiti?

Mr. POMERENE. I did not.

Mr. ODDIE. It is a fact that in the last 10 years there have been eight Presidents, each elected for a term of seven years. Of those eight, three fled the country, one was blown up in his palace, one was presumably poisoned—he died in a mysterious way—and two were murdered.

Mr. POMERENE. Mr. President, with that history before us, what is our duty? We are now near the middle of June. It is planned by this amendment to get out entirely on December 31 of the current year. I would get out to-morrow if we could, and if I felt we could do it with safety; but I am certain that under present conditions if we did get out there would be within a few days another revolution. Until they succeed in organizing some kind of a government which will give reasonable promise of security to the Haitian people, ought we to get out? And I say that looking at it from the standpoint of the Haitians themselves.

I have here another reference which will be of interest, I think, to Senators.

Professor Kelsey was called before our committee. I should say that Professor Kelsey is a member of the faculty of the University of Pennsylvania, and he was sent down there by the American Academy of Political and Social Science to make an investigation, and he made as an independent investigation the report which appears in our record. When he came before us as a witness—I read from page 1240—this is what he said, speaking of an occasion when he met a group of Haitians:

> "Gentlemen, I am an American taxpayer; it costs us a large sum of money to keep these men here. Unless they are needed and are really doing useful work, I am in favor of withdrawing them to save our country the expense. Now," I said, "I want to know your attitude." Immediately a protest from every man in the group; the men must not be withdrawn. I said, "Why must they not be withdrawn?" "Because we have no confidence in our local administrators or local government."

I asked the question:

> Now, I suppose it would shed a light on the picture if you show us something of the character of the men you are talking about.
>
> Professor KELSEY. Yes; here is the chief of the section, the most important local office; here is the school-teacher; here are one or two of the more prominent farmers; they are men of that type gathered from the environment.

Question, by myself:

> They were fairly representative of the intelligent types of that community?
>
> Professor KELSEY. Yes; I was told by the French priest that they were the leaders in that community.
>
> Senator POMERENE. Now, proceed with your story.
>
> Professor KELSEY. I said, "Why not replace the American officers of the gendarmerie with Haitians?" "No," they said immediately. I said, "Why not?" They said, "We have no confidence in them. We have absolute confidence in the Americans." Their unanimity on that point was very striking. I talked then about their financial problem in Haiti; I asked them about taxes; asked them what had been done in the past in the development of schools, and they answered one point after another. Finally I said to them, toward the close of the conference, "Gentlemen, I don't want you to answer this; I want you to think about it." I said, "You have practically told me that you have no confidence whatever in the ability of the Haitian Government, either to maintain law and order or to bring about an orderly development of this country; you are practically saying that in your opinion the Americans should not only remain here and keep peace but should take absolute control of the entire Government." They suddenly sat up and looked man to man. They saw the significance of it. I said, "Now, don't say a word, but that is practically what you have asked us to do in your analysis of the whole situation."

I shall not read more; but I read this to point out the fact that the Haitians themselves have no confidence that they can maintain order there now. My belief is that they will be able to do it after a time; how soon, I can not say. The sooner the better I will be suited; but, looking at this matter not only as an American but as a Senator, it seems to me that it would be little short of a crime for us to say that we were going to get out so soon as this amendment would require us to leave.

I might discuss the Dominican question, but there are other members of the committee here who are perhaps more familiar with that than I am, and for the present I will surrender the floor.

Mr. ODDIE. Mr. President, the Senator from Ohio [Mr. POMERENE] has made a very able presentation of this Haitian matter, and I shall refrain from going into details as I should like to. Lack of time will prevent, and I do not think it worth while, in view of what has been said.

Last summer a committee was appointed to investigate this matter, consisting of the Senator from Illinois [Mr. MCCORMICK], the Senator from Ohio [Mr. POMERENE], the Senator from New Mexico [Mr. JONES], the late Senator from Pennsylvania, Mr. Knox, who has since passed away, and myself. This committee has sat, I will venture to say, hundreds of

hours. It has worked earnestly and hard on this very perplexing question for months and months. The committee, as you will observe, consists of two Republicans and two Democrats; but not once have we allowed political considerations to enter into this discussion and study. We have approached it from the standpoint of real Americanism, and we have not yet submitted our report. We have held hearings up to two days ago. They are now about completed, and we are about ready to submit our final report. I do not think it fair to this committee to take this matter out of its hands before it has submitted its report to the Senate, and act as this amendment presupposes.

Mr. President, the chairman of our committee, the Senator from Illinois [Mr. MCCORMICK], I know has worked consistently and hard all the way through in this matter. You know his desire for economy, his efforts at reducing expenses in the Navy and Marine Corps, wherever they can be consistently reduced. He has been in constant touch with the Navy Department on the Haiti and Santo Domingo questions. I have here a report from the Acting Secretary of the Navy to the military governor of the Dominican Republic, which I believe to have been largely inspired by the Senator from Illinois, advising that steps be taken which will result in a reduction of the force of marines in that country, and getting that country on a stable peace basis, preparatory to our leaving.

Mr. President, the people of Haiti have been discussed and described quite vividly by the Senator from Ohio. I shall not go into that question any further, but I want to say that in our hearings we traveled all over Haiti and Santo Domingo. We heard dozens and dozens of native witnesses, and the record of our hearings is very voluminous. Our conversations with native witnesses in many cases do not appear in the record. We gained our impressions from careful observations, and from what we heard, and it is not fair to our committee or to our Government to prejudge the matter in this way, by directing that the marines be taken from those countries on a certain date. I believe that matter is in the hands of our Commander in Chief, the President.

There has been damaging and dangerous propaganda going about the country. I know that the Senator from Idaho is perfectly sincere in his statements, but I wish he could have been with us on our trip of investigation and at our hearings. If he had been, I think he would agree with me that much of this propaganda has been inspired by German interests. German interests controlled the wharfing privileges at Port au Prince in Haiti. They had a lease for many years on the main and only wharf there, which gave them the right to collect a tax on the incoming and the outgoing freights. The German interests controlled the electric light and the tramway privileges and a large amount of the railroad industry in Haiti.

Much of this propaganda has been carried on in an effort to stir up race prejudice among the Haitians against the Americans, and I have the evidence to show it. Furthermore, those poor Haitians have been called on to subscribe money for this propaganda. That is not right. The American Government is too grand and big a Government to permit a people who are dependent on it to a large extent, while this occupation exists, to pay to make the American Government do its duty. I hope that we will take the big, broad view, the view to which America is entitled, and not be prejudiced by certain mistakes which may have been made by our Government, nor the mistakes which may have been made by individual members of our Navy and Marine Corps, and look on these organizations in a big, generous way, protect their good name, and help us solve a difficult problem as America should help. The question in my mind is not so much how we got into Haiti. Mistakes have been made, as I say, and we all admit it, but the question confronting us to-day is, What are we to do regarding that country? What do those people themselves want? We have talked to scores of the natives, and we are convinced from what they have told us that if we should get out to-day or in the very near future there would be another revolution immediately and those people would then lose the peace and protection they have enjoyed a large part of the time since our occupation, which they had not had for generations before. I am convinced from personal observations and interviews with them that a large part of those people do not want us to leave now.

I ask the Senate to look on this question in the big, American way, to condemn the unjust attacks on our Navy and Marine Corps, to give credit where it is due, and join with us in trying to help solve this complicated and difficult problem in an American spirit and in an American way.

Mr. BORAH. Mr. President, I want to say a word or two in reply. First, as to what the able Senator from Nevada refers to as propaganda.

I have no doubt there has been propaganda in regard to this matter. That can always be said in regard to any question of importance now, but I beg to say to the Senator from Nevada and to the Senator from Ohio that my views in regard to this matter have been formed almost exclusively from the official record and from the testimony which has been taken by the committee.

Very little of the material which has been furnished to me from different parties has been utilized in making up my mind in regard to this matter, other than that which comes from official sources and from the hearings, which are now available. Of course, I did not have an opportunity to see the witnesses when they testified, but I think we get a fair idea of the facts from reading the testimony, although we were not in position to see those who testified.

The Senator from Nevada has well said that the question now as to how we got into Haiti is not so important as the question of how we are going to get out. I agree with that. Nevertheless, there is some importance to be attached to the manner in which we went in, for the reason that it throws light on the question of whether we are going to get out at all. I look upon our Haitian policy, our Santo Domingo policy, and our Nicaraguan policy as being a part of an entire policy which is more or less an imperialistic policy upon the part of the Government of the United States toward these people.

There are two sides to this question. It may be that we shall have to take possession of all the territory from here to the Panama Canal. There are many people who think so. It may be that we shall have to take possession of all these islands, and if this argument of the able Senator from Ohio and the able Senator from Nevada be followed to its logical conclusion, that is what we shall do.

I am not willing to subscribe to that doctrine as yet. But if we must carry out that policy, let us make it an announced policy; give those people a civil form of government and deal with them as we would deal with our own people, and not govern them by military power and through military force—wreck their own governments and furnish them no government instead.

There has been no distortion of the facts upon the part of those who are criticizing this policy, because, as I have said, we have simply read the telegrams, the official letters, the official pronouncements, and we have now an official program of the present administration. It is the program itself, the policy itself, to which we desire to confine our attention and not the mistakes of the marines. I have not said anything about any cruelty upon the part of the marines. I think that is purely an incidental matter. If we go into Haiti with an imperialistic program, there will be cruelty, there will be arbitrary methods and arbitrary practices, and no one will be to blame for them except those who outline and originate the policy, and send the marines there. I care very little, so far as my view of the situation is concerned, about particular acts of cruelty, except as those acts of cruelty reveal the effect of an imperialistic policy of this kind. I want to deal with the policy which always leads to acts of cruelty. The policy itself is one of cruelty.

I do not think we can get out of Haiti to-night. We have wrecked their Government. To leave there to-night would leave them without any Government at all, would leave them debauched by eight years of military rule. But we can in good faith make preparation which will leave no mistake about our purpose to get out of Haiti, and the first evidence of our good faith, in my opinion, will be changing the form of government from a militaristic form of government to a civil form of government. That ought to be done without delay. These people, you say, ought to be trained in civil government if we expect them ever to become capable of governing themselves. No people were ever trained to self-government, or in capacity for government, under military rule. They are not even permitted to meet down there and discuss their public affairs. They are not permitted to have a public meeting to interchange views. A man who criticizes any act of the military form of government, criticizes any act of the administration, objects to its laws, or criticizes the conduct of the occupation forces, is immediately arrested. Can you train people to self-government under such a program as that?

The able Senator from Ohio referred to the views expressed by President Roosevelt and of President Wilson with reference to San Domingo, and also views expressed, he thought, by President Harding. President Harding did express some views in regard to this, which I will read.

Mr. POMERENE. Will the Senator yield?

Mr. BORAH. Yes; I yield.

Mr. POMERENE. Of course, I understand Senator Harding had one view when he had part of the facts, but, apparently, when he got all the facts he had a different view.

Mr. BORAH. It is very unfortunate that we have not had his views expressed since he got all the facts. The only view of his we have is the view expressed when, as the Senator says, he did not have all the facts. I think he had all the facts. We would be delighted to have his view now if he has changed it, and, what would be still more interesting, why he changed.

Mr. POMERENE. Does the Senator mean President Harding's view?

Mr. BORAH. Yes.

Mr. POMERENE. I can only judge what his view is. I have not talked with him on this subject, and I do not know, but I judge what his views probably are by what has been done down there since the 4th of March, 1921.

Mr. BORAH. At a time when he was supposed to have the facts and when he was advising the American people as to what his policy was, he said:

> I will not empower an Assistant Secretary of the Navy to draft a constitution for helpless neighbors in the West Indies and jam it down their throats at the points of bayonets borne by United States marines. We have a higher service for our gallant marines than that. Nor will I misuse the power of the Executive to cover with a veil of secrecy repeated acts of unwarranted interference in domestic affairs of the little republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends but have rightfully discredited our country as their trusted neighbor.

At the time the President made that statement he had been in the Senate six years; he had been familiar with these affairs. He was here at the time we were considering the Nicaraguan treaty. He was entirely familiar with our policy in Central American countries and in the adjoining islands. He might have changed his view with reference to some of the features of the matter, but in my judgment he was entirely correct when he said that our conduct down there has forfeited the esteem of our neighbors.

If the press of the Central American countries and the South American countries, outside of these islands, is to be taken as an expression of the public sentiment of those countries, or if the semiofficial expression of opinion is to be regarded, I have no doubt but that all the Central American countries and many of the South American countries are very much in opposition to our program in Nicaragua, in Guatemala, in Haiti, and in San Domingo. I want to read here what President Wilson said in regard to a similar situation. Speaking with reference to the unsettled conditions in Mexico, the revolutions in Mexico, the peonage in Mexico, the disturbed condition of affairs in their kind of a government, he said:

> It is none of my business and it is none of your business how long they take in determining their form of government. It is none of my business and it is none of yours how they go about the business. The country is theirs. The government is theirs. The liberty, if they can get it—God speed them in getting it—is theirs, and, so far as my influence goes, when I am President nobody shall interfere with them.

There are only two courses open to the United States in regard to those Central American countries. One is to remain aloof from their territory, avoid invading their territory, and do whatever we can in the way of counsel and advice, and, as a friendly neighbor, assist them. The other is to openly declare that we believe it to be in the interest of humanity and in the interest of orderly liberty to establish for them civil forms of government and to maintain those governments there; in other words, practically to make them a part of this country. I want to avoid an invasion of their territory and the destruction of their governments. If we can serve them as a neighbor by friendly counsel and advice, or by even going further if asked by them to, do all that we should do; but I do not believe in governing them by military force and against their will.

Now, the Central American people and the South American people believe that we have entered upon the latter course, that we have invaded their country, that we are destroying their government, and that it is our ultimate purpose to make them a part of our territory and our possessions. I think, therefore, the best evidence of our good faith that we are there for a beneficent purpose, a humanitarian purpose, for the purpose of serving those people, is immediately to change our form of occupancy from that of military occupancy to that of civil authority and then get out at the earliest possible date. If we can not stay there under those conditions and serve them through civil authority and civil forms of government, then it is perfectly manifest that we can not train them to self-government even in 100 years or a thousand years.

It seemed to me, in listening to the argument of the able Senator, that the logic of his position was that we would have to stay there.

Mr. POMERENE. Oh, Mr. President, I do not see how the Senator can draw any such conclusion.

Mr. BORAH. I will tell the Senator why. I am not challenging the Senator's good intentions when he said he does not desire to stay there, but let me call the Senator's attention to this fact: We are now putting upon Santo Domingo a debt of some $10,000,000 or $15,000,000. We are putting upon Haiti a debt of $25,000,000 to $30,000,000. Does anybody suppose we will ever get out of there until that debt is paid? When will it ever be paid? Under the present expensive occupancy of Santo Domingo and Haiti, when will these debts ever be wiped out? They will not be wiped out in 30 years, in 50 years, not until after we have lost the habit of coming out and until we shall have forgotten the promise to leave.

Secondly, it is now a well-established fact that Americans are making investments in those islands and when we add the fact that we are creating large obligations and have treaty terms which enable us to stay there until those debts are paid; and when we take into consideration that in the meantime American investments will go in there by the millions of dollars, I undertake to say that the policy which we are now pursuing, regardless of what the intent and motive of those who are promulgating it will be, will inevitably lead to permanent occupancy of those islands.

The influence which took us in there will not be nearly so strong as the influence will be which will hold us there. The debt, instead of decreasing, will increase from year to year. The investment, instead of decreasing, will increase from year to year. The only thing which will be left to the Haitian people will be a mere shell of a form of government, and we will be there permanently and there to stay. All the more reason, therefore, Mr. President, why we should without hesitation declare our policy and formulate for those people a civil form of government.

But that is not all. The Senator from Ohio says we should stay there until we shall train them to self-government. How long will that be? They have been in existence for 100 years. As a republic or as a government, whether we call it a despotism or a republic, they have been governing themselves during this century. At the time that Touissant L'Ouverture led the great struggle for the independence of the Haitian people they were in a much more deplorable condition, so far as education and capacity for self-government were concerned, certainly, than they are now. If we are going to stay there until revolutions cease, until disturbances cease, until turmoil is at an end, we will be there indefinitely. Does the Senator from Ohio doubt that in 20 years from now, if we should come out, there would be a revolution the next day? If we stay there for 25 or 30 years under the present form of government, the first thing that would happen after we came out would be revolution. Scarcely anything else would be possible. It might be possible, if we would give them a civil form of government and undertake to deal with them in a beneficent way, training them to self-government, that in time we could educate them up to the standard which the Senator from Ohio thinks would be sufficient to enable them to rule themselves. I think they are capable now, and so do they.

I call attention, Mr. President, to some matters in regard to the debt because I think the most unmistakable evidence of the fact that we are going to stay there is the manner in which we are imposing a debt upon those people. We certainly will not come out until the debt is paid. I call attention to an analysis of the loan which we are going to make to Haiti of $14,000,000 or $16,000,000. We will take it on the basis of $14,000,000. This has been analyzed by a gentleman and reexamined by myself. We have studied the record and studied the prospectuses of the bankers of New York, and we have arrived at certain conclusions. I do not think they are mistaken conclusions.

At the present moment, February 1, 1922, a loan to Haiti is being competed for by three Wall Street banking institutions—the National City Bank, Lee Higginson Co., and Speyer & Co.

The Haitian people do not want this loan. The newspapers have protested emphatically against it. They do not need this loan. They realize that the consummation of this loan is likely to constitute a deathblow to all their aspirations for freedom; that it will copper rivet the hold which the United States has on their country. The loan now only needs the assent of President Dartiguenave, who is the mere rubber stamp and puppet of the occupation and in no sense represents the Haitian people. In this loan, really, the United States is negotiating with itself.

The National City Bank, so far as can be gathered, proposes a loan of a face value of $14,000,000, at 7½ per cent, issued at 92, and payable in 10 years—1932.

Of the $14,000,000 face value, therefore, Haiti will actually receive but $12,880,000. Now, this loan is urged and specifically recommended by Senator McCORMICK as essential to progress

in Haiti; that it is needed to put through public works, road building, etc. But from this sum the following may be immediately subtracted:

1. The debt to France of $6,668,980. This debt consists of two parts—the debt of 1895 at 6 per cent and the debt of 1910 at 5 per cent. At the present writing France has made no demand for the repayment of the capital of this debt. The interest on it was paid regularly by the Haitians until the American occupation, and, although the occupation did not at first pay the interest, it has subsequently paid the interest up to date. But the claim of Haiti's financial adviser, Mr. John McIlhenny, and the bankers is that now would be a good time to pay this debt. The fact is, however, that it is first of all obvious that French exchange will be depreciated for many years; second, that under the terms of this new loan issued at 92 and bearing interest at 1½ per cent and 2½ per cent more, respectively, than the two French loans the Haitians are obliged to pay by this agreement $9.50 per hundred more on the first loan and $10.50 per hundred more on the second loan than they would otherwise have to pay.

2. Another charge subtracted from the actual sum of $12,880,000 which Haiti would receive is the claim against the Haitian Government of the National City Bank controlled railway. The railway was begun in 1910 by a contractor named MacDonald. The president at that time and now receiver of the road is Roger L. Farnam, of the National City Bank. Under the original arrangement with the Haitian Government the latter was to pay for the completed railroad a charge of 6 per cent on a valuation of $32,000 per completed kilometer. For a number of reasons, including the fact claimed by the Haitian Government that the road did not follow the difficult mountainous route through the interior provided for and on the basis of which so high a rate of construction was charged, and for other reasons, the Haitian Government declined to pay. Matters dragged along until after the American occupation the Haitian Government and the Haitian Railway agreed to put the matter into the hands of Mr. Addison Ruan as arbitrator. Mr. Ruan was then the financial adviser of Haiti, but he was asked to serve as arbitrator, not in his official capacity but as an individual. Some months after his appointment as arbitrator he went to Panama. The papers in the case he kept with him for 18 months, repeated requests for a decision being fruitless. At the end of that time the papers were returned without any decision. Now, without any decision having been officially rendered, it is suddenly declared that the sum of $1,621,500 must go to the railway partly owned and controlled by the National City Bank.

3. There is further to be subtracted $965,000 of interest on the internal debt. What is the internal debt? For years in Haiti the Government issued bonds which are the sole local and the favorite method of investment by Haitians. There are no savings banks in Haiti and the Haitian bond occupies something of the position of the French rente. Haiti had always scrupulously paid this debt. It was defaulted for the first time under the American occupation and the interest on it has not been paid since 1916. Now, it is alleged that this new loan will be a great relief to the suffering Haitians who have for six years not received the interest on their investment. But the fact is that virtually no Haitians hold these bonds to-day. Little by little under the terrific pressure of poverty while the country was held in the military grip of the occupation the Haitians were forced to sell these bonds at lower and lower prices. Almost without exception they were purchased by the National City Bank. (Very recently a considerable lot of these bonds bearing 7 per cent interest was sold at 47 to the bank.) Under the new loan the holder of these bonds will receive, in addition to a 7 per cent bond, the accumulated interest since 1916. For example, a thousand-dollar bond sold at $470 will be worth, the minute the loan is provided, $1,000 plus six times $70 or $1,420.

4. There is, also, a great variety of claims against the Government of one kind or another, including a note to the National City Bank, amounting altogether to $2,059,720.

To recapitulate (loan of $14,000,000):

Total sum received by Haiti		$12,880,000
French debt	$6,668,980	
Haitian railways	1,621,500	
Internal debt	965,000	
National City Bank note, etc	2,059,720	
Total		11,315,200
Net amount which Haiti will receive		1,564,800

Mr. POMERENE. Mr. President, would it interrupt the Senator if I were to state what the three loans netted to the Government of Haiti just before the occupation by our Government? As the committee were informed, the Haitian Government had made during three years preceding our occupation internal loans at the rate of 59, 56, and 47, to a gold value of $2,868,131. I simply call attention specially to the amount that they realized on those loans.

Mr. BORAH. Very well; but the point which I am seeking to make is that all these things disclose that the idea of our getting out of Haiti is a dream under this policy. The program which we are pursuing will keep us there indefinitely. In other words, if we are going to stay there until revolutions cease, until the Haitian people are capable of self-government as their exploiters understand it, and until their debts are paid, if we are going to administer the affairs of the Government, I think the Senator from Ohio will agree that we are there for an indefinite length of time.

Now, that being true, the very least that we could possibly do for those people is, first, to change their constitution so as to enforce the principle, as it has existed for 100 years, that foreigners shall not make investments in Haiti, and to compel those who have been purchasing lands to return them to their owners or to the Government of Haiti, to be distributed as it may see fit to the people who shall occupy them and purchase them. Secondly, to change our military form of government and give them a civil form of government. That is the very least we can do for those people. I believe it may be possible in time to come out, if that be done, but certainly under the present program it means a permanent stay.

The Senator said a while ago that politicians in Haiti and politicians in the United States were stirring up the situation. I am interested in it, politician or otherwise, for the reason that in my judgment all these things indicate a policy toward those people and toward Central American countries which we have not the courage to openly announce.

Mr. POMERENE. Mr. President, if the Senator means to suggest that I am in favor of any policy other than what I have indicated here I have to say that he is mistaken. I want to get out of the island. I would favor getting out to-morrow if I thought we could do so with safety to those people.

Mr. BORAH. I am speaking of our policy as a Government.

Mr. POMERENE. I think that the Senator is even unjust to the Government. It is true there have been people from time to time who have made suggestions which might be construed along the line indicated by the Senator from Idaho, but just as often as those statements have been made they have, one way or another, been disaffirmed. Our foreign policies are made by our Presidents and by our State Department, and I do not think the Senator from Idaho will find anything in the policy of a Democratic administration or of a Republican administration that is susceptible of the construction which the Senator has placed upon our action.

Mr. BORAH. Mr. President, of course, I exonerate the Senator from Ohio from entertaining any such view, because he has said that he does not; but I do say that the logic of the Senator's speech is that we should retain our forces in Haiti indefinitely. I have no hesitancy, however, in saying that the policy which this Government has adopted toward the Central American countries and certain islands is a policy which must ultimately result in our retaining permanent possession of them. It will result in that action on our part just as surely as time goes on. That is why I criticise the policy and have been opposing it for 10 years. I have seen this policy grow. I saw it begin with Nicaragua, spread to Guatemala, to Haiti, to Santo Domingo. This thing is not accident. It is a policy.

Not only that, Mr. President, but there are a great many people who are closely connected with the Government who do not hesitate to say that, in their opinion—not officially speaking—that it is the only thing we can ultimately do.

Mr. STERLING. Will the Senator yield for a moment?

Mr. BORAH. I yield.

Mr. STERLING. I should like to ask the Senator if since American occupation of the island the Haitian public debt has not been greatly reduced?

Mr. BORAH. No; I do not understand that it has been reduced at all.

Mr. STERLING. Has the Senator examined the statement of Mr. McIlhenny, the financial officer there?

Mr. BORAH. I have read it.

Mr. STERLING. As I read that statement, the debt on February 28, 1919, was something over $35,000,000, whereas the total debt on February 28, 1922, was but $19,085,331, less sinking fund reserves, so that deducting the sinking fund reserves there is left a net public debt of $18,470,899.83. Taking that statement upon its face, it would show—and the figures seem to be quite undisputed—that there has been a great reduction in the public debt.

Mr. BORAH. I know there has been a shifting of the evidences of debt. That is very easily done.

Mr. STERLING. Has not the reduction of the public debt come from the collection of customs by the American authorities and the application of those customs to the payment of the foreign debt?

Mr. BORAH. In my opinion, the debt will be much larger at the end of the 1st day of January, 1923, than it was when we went into Haiti.

Mr. President, General Russell, the administrator in the island, is now insisting on a loan of $30,000,000——

Mr. McCORMICK. No, Mr. President.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. General Russell does not insist that such a loan shall be made at once, but that is to be the ultimate amount. I yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, unless the Senator from Idaho has some very recent information, I desire to say that there has been no change to date in the terms proposed for the loan prior to the appointment of General Russell as high commissioner. As I stated earlier in the debate, the last protocol for the loan, now several months old, authorized an issue of $40,000,000, but contemplated an issue of only $16,000,000, the authorization being made so that if the additional bonds were issued at any later time they would be on a parity with those issued in the first instance.

Mr. BORAH. The best evidence of what I have said is to be found in a communication made by General Russell on April 5, 1922, covering the entire subject matter, and I ask to have it printed as a part of my speech at the close of my remarks. I think all the facts I have stated will be borne out by that statement.

Mr. McCORMICK. The statement to which the Senator from Idaho refers, of course, has been read to the committee and is in the hearings of the committee.

Mr. BORAH. I am not trying to educate the committee. I am merely trying to put in the RECORD substantiation of what I have said, and I think I ought to do that.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the communication referred to will be printed in the RECORD.

Mr. BORAH. Mr. President, we have not discussed Santo Domingo to-day, and it is now too late to enter upon such a discussion; but I wish to say just a word in regard to Santo Domingo, and especially with regard to the loan which we propose to make for Santo Domingo. As I understand, we earlier made a loan of $2,500,000. That was turned over to the banks at 96½, and the banks were paid $75,000 extra for negotiating the loan. The loan draws interest, if I remember correctly, at 6½ per cent.

I have before me the prospectus as issued by Lee, Higginson & Co.; Brown Bros. & Co., who were very active in Nicaragua and, doubtless, their experience there increased their appetite for something more of the same kind; Dillon, Read & Co.; and Alex. Brown & Sons. The prospectus reads:

NEW ISSUE.

Acting under authority of the United States Government, the military government of Santo Domingo issues on behalf of the Dominican Republic $6,700,000—

Tell me under what authority the military government of Santo Domingo can issue a loan binding the people of Santo Domingo? We have no treaty with Santo Domingo authorizing us to do anything of the kind. It is an act of arbitrary and brutal authority upon the part of the military occupancy of Santo Domingo.

Twenty-year customs administration 5½ per cent sinking fund gold bonds, repayable at maturity at 101 and interest. Dated March 1, 1922. Due March 1, 1942. The issue of these bonds has received the approval of the United States Government required by the terms of the American-Dominican convention of 1907.

There is no Dominican convention of 1907 which authorizes any such thing. There is a Dominican convention, but it does not authorize any such action as this upon the part of this Government.

Interest March 1 and September 1. Coupon bonds in denominations of $1,000 and $500. Registerable as to principal only.

Security: The military government of Santo Domingo—

Mark you, Mr. President, "the military government of Santo Domingo"—

guarantees the acceptance and validation of this bond issue by any Government of the Dominican Republic as a legal, binding, and irrevocable obligation of the Dominican Republic, and further agrees that during the life of this loan customs duties will be collected by an official appointed by the President of the United States and that the loan now authorized shall have a direct lien on these customs revenues. For the past 14½ years the annual average customs revenues have amounted to over twice present interest and fixed sinking fund charges.

These bonds will become a first charge upon customs revenues (subject only to the expenses of their collection) after the retirement, not later than 1929, of the loans of 1908 and 1918, of which there were outstanding January 1, 1922, $7,534,000 and $1,627,000, respectively, now a prior charge upon customs revenues.

Special provisions: The military government of Santo Domingo engages that during the term of this loan no future bonds of the Republic will be issued, secured by customs revenues, other than the total authorized amount of bonds of this issue (namely, $6,700,000 and an additional amount, not exceeding $3,300,000, which may subsequently be issued after previous agreement between the Government of the Republic and the Government of the United States).

* * * * * * *

We recommend these bonds for investment. Price, 94½ and interest, yielding about 6 per cent.

LEE, HIGGINSON & CO.
BROWN BROS. & CO.
DILLON, READ & CO.
ALEX. BROWN & SONS.

Those bonds are practically guaranteed bonds of the United States. They are sold to customers upon the theory that the military government of Santo Domingo guaranteed them, to wit, guarantees that they will become the legal obligations of any Dominican government and that the customs receipts and revenues will be maintained and kept up for the purpose of paying them. I do not see why it was necessary to sell a bond like that at 94½. That ought to be a perfectly good bond, because, if not the technical legal obligation, the moral obligation of the United States is behind the payment of those bonds.

So, Mr. President, I say that our program if unchanged in these islands means a permanent stay. We have either got to change that program or we must follow it out to its logical conclusion and remain there as permanent occupants, or, if not permanently, then for a time indefinite, a time the end of which we can not now foresee. If that be true, Mr. President, in the name of modern civilization, let us give them a civil form of government. Let us take away the military authority and the military dominancy, which strikes down any citizen of those islands who undertakes to criticize the acts of the officers, and give them a civil form of government under which they may enjoy the rights of citizens in a free country and develop the spirit and the character of self-reliant, independent citizens, who may at some time be capable of governing themselves. And then let us make haste to get out and restore them their rights, their property, their independence.

Mr. STERLING. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. The Senator refers to our giving them a civil form of government. How will we go about doing that; how will we impose a form of civil government upon the Santo Dominicans?

Mr. BORAH. I think we can establish such a form.

Mr. STERLING. I do not know whether we can or not. We hold the Philippines under altogether different conditions. Our interest in Santo Domingo or Haiti is not the same. It is not a parallel case at all.

Mr. BORAH. In other words, Mr. President, if it be deemed impossible to establish for those people and maintain a civil form of government, either through cooperation with them or through counsel in advance, we come to the only alternative—that of ruling them indefinitely under a military form of government. Does any Senator suppose that they will ever be any more fit for self-government than they are to-day if we stay there under a military form of government even for 50 or 100 years?

Mr. STERLING. We are there for the preservation of order and for the maintenance of peace at the present time, and they will never establish an orderly government unless peace is maintained.

APPENDIX.

Secrétairerie d'Etat des Relations Extérieures—Documents Diplomatiques.

Selon la demande de l'Ambassadeur des Etats-Unis d'Amérique, en cette résidence, le Secrétaire d'Etat des Relations Extérieures lui retourne inclus la lettre du 4 Avril 1922 adressée à Son Excellence le Président de la République au sujet de la question d'Emprunt.

La dite lettre est remplacée par celle plus explicative du 15 Avril adressée au Secrétaire d'Etat des Relations Extérieures.

PORT AU PRINCE, *le 15 Avril 1922.*

LEGATION OF THE UNITED STATES OF AMERICA,
No. 1. *Port au Prince, Haiti, April 15, 1922.*

Mr. MINISTER: I have the honor to refer to the memorandum of your excellency, dated December 30, 1921, and to your excellency's note of January 31, 1922. My Government has noted your excellency's statement that the Haitian Government believes that in point of law the protocol of October 3, 1919, has lapsed, but that the difficulty regarding the time limit mentioned in the protocol may be overcome by a clause inserted in the loan law, and your excellency's further suggestion, in paragraph 9 of your memorandum of December 30, 1921,

that provisions should be inserted in the loan law regarding the conversion of the bonds of the two remaining French loans.

I am instructed to say that my Government, while still regarding the protocol as being valid, and in full force and effect, is nevertheless willing that the difficulties which have arisen should be overcome by a supplementary understanding between the two Governments. It feels, however, that the loan law should only embody the provisions necessary to confirm the authority of the Haitian executive power to contract the loan; and that the other questions affecting the validity of the protocol, the method of issuing the proposed loan, and the disposition of the proceeds thereof, should be settled by an exchange of notes between the two Governments.

To put into effect, therefore, the proposal of my Government that these matters be dealt with by an exchange of notes, I am instructed to inform the Government of your excellency in this manner that inasmuch as under the provisions of the protocol of October 3, 1919, between the United States and Haiti, and to carry out the purposes for which the protocol was made, the Republic of Haiti agreed to issue not later than two years after the date of the signature of the protocol a national loan of $40,000,000 gold, payable in 30 years, and inasmuch as the Republic of Haiti has not as yet issued any part of said loan, although said period of two years has expired, the Government of the United States will agree to an extension of the period provided in the protocol for the flotation of the loan, provided that the agreement assumed in the protocol shall be carried out within a reasonable time.

I am further instructed to state that the Government of the United States will consider that the provisions of the protocol are fulfilled if the bonds of the loan shall be issued in series, the amount of each series, the terms on which it is to be sold, the rate of interest, the terms of the sinking fund applicable thereto, and the provisions as to when and how said bonds shall be redeemed all to be fixed by the Haitian Government in accord with the financial adviser.

I am further instructed to state that it is the understanding of the Government of the United States that the proceeds of said bonds, as well as the bonds themselves, may be used for payment of obligations mentioned in articles 3 and 7 in said protocol, and that the reservation of bonds for the two-year period for conversion, referred to in said article 7, is applicable only to such of the bonds as are allocated to the purpose of conversion and does not preclude the immediate use of bonds or the proceeds of bonds not so allocated for other purposes referred to in said protocol.

Finally, I am instructed to say that my Government considers that the internal funded debt of Haiti, as represented in the bond issues of 1912, 1913, and 1914, A, B, and C, do not come within the provisions of the protocol as "pecuniary claims," but are liquidated debts, and that it would, therefore, be proper for the Haitian Government to redeem these bond issues or to maintain their service without submission to the claims commission.

As soon as the Government of your excellency will indicate to my Government that it is prepared to proceed with the obligations assumed by it under the protocol, and especially to fulfill its obligations as to a bond issue, in pursuance of the waiver by my Government contained in this note of the time limit mentioned in the protocol, which expired on October 3, 1921, for the issuance of the stipulated bonds by the Haitian Government, my Government would be gratified to receive a reply to my note stating that the Government of Haiti has noted that the Government of the United States, provided the loan is issued within a reasonable time, waives the stipulation of the protocol establishing a period of two years within which the Republic of Haiti should have performed the agreement made in article 6 of the protocol of October 3, 1919, to issue the national loan of $40,000,000; that the Government of Haiti takes this occasion to confirm its agreement to issue a loan of that amount, and to state that it is in accord with the suggestions of the Government of the United States made in the note under reply, namely, that the bonds of the loan shall be issued in series, the amount of each series, the terms on which it is to be sold, the rate of interest, the terms of the sinking fund applicable thereto, and the provisions as to when and how said bonds shall be redeemed all to be fixed by the Haitian Government, in accord with the financial adviser, and that the Government of Haiti further states that the understanding of the Government of the United States as to the use of the bonds or the proceeds thereof is also in accordance with the understanding of the Government of Haiti.

I am instructed further to state that it would appear that the secretary of state for finance of Haiti should now nominate a member of the claims commission, to be followed by nominations of two other members of the commission, one each by the Secretary of State of the United States and the financial adviser of Haiti, and the three members so nominated to be appointed by the Government of Haiti, as agreed upon in the protocol. In this relation my Government desires to be informed as to the applicable laws of Haiti upon the question of whether it is necessary for the Haitian legislature to enact legislation providing for the constitution of the commission, the payment of salaries to its members, and other pertinent matters, or whether such matters could be dealt with by the executive alone.

With regard to the outline of your excellency's memorandum of December 30, 1921, of the suggested law authorizing the loan, I am instructed by my Government to state that it is unable to agree to this outline, in so far as it departs from the provisions already agreed upon between the two Governments, as embodied in the protocol. My Government considers that, by virtue of the last sentence of Article X of the protocol, the Republic of Haiti has obligated itself to enact a law strictly following the provisions of the protocol. I am instructed to say, however, that my Government avails itself with much pleasure of the suggestion contained in your excellency's note of January 31, 1922, to make known the provisions that it considers it would be proper to carry in the law authorizing the loan. I therefore have the honor to submit the following draft of a loan law to take the place of the outlines of a law suggested in the Haitian memorandum of December 30, last:

"Whereas in order to carry out the purposes of the treaty between the United States and Haiti of September 16, 1915, as extended by the additional act between the United States and Haiti of March 28, 1917, a protocol was concluded between the two Governments on October 3, 1919; and

"Whereas certain modifications in this protocol were agreed to in an exchange of notes between the two Governments; and

"Whereas it is now necessary to authorize the executive power to contract the loan provided for in the protocol as thus modified: Be it enacted as follows:

"1. The provisions of said protocol, modified as above, are adopted as laws of the Republic.

"2. The executive power is hereby authorized to contract a loan to the amount of $40,000,000 payable in or within 30 years from the dates of issue.

"3. Said loan may be issued in series, on such terms, in such amounts, at such rates of interest, and with such provisions for sinking funds and for redemption of bonds as may be agreed upon by the minister of finance (or such other officer as should properly be named), in accord with the financial adviser.

"4. Until such loan is paid in full the payment of interest thereon and the amortization thereof shall constitute a first charge on all the internal revenue of the Republic, and a second charge on the customs revenue of the Republic next in order until the expiration of the treaty of September 16, 1915, after payment of salaries, allowances, and expenses of the general receiver and the financial adviser and their assistants appointed in accordance with said treaty.

5. The control of the collection and allocation of such hypothecated revenue, after the expiration of said treaty and until said loan is paid in full, shall continue to be vested in an officer or officers appointed by the President of Haiti on nomination by the President of the United States, as provided in the protocol above referred to.

With regard to the suggestion contained in your excellency's note of January 31, 1922, which I had the honor to transmit by telegraph to my Government, to the effect that in its note of December 30 last, the Haitian Government demonstrated that without new taxes the loan offers submitted by Messrs. Lee, Higginson & Co., if accepted, would cause the Haitian Government to be confronted by an annual deficit of $1,000,000, I am instructed by my Government to state that it continues, as at all times in the past, willing to assist the Haitian Government in the matter of drafting laws imposing new taxes and in the matter of improving the collection of taxes under existing laws. In this connection, I am instructed to suggest to your excellency the desirability of the immediate consideration and early enactment by it of the internal revenue law drafted with the assistance of American experts and submitted to your excellency's Government considerably over three years ago after full discussion between officials of the two Governments.

With reference to the request made by your excellency in your note above mentioned of January 31, 1922, that this Government lend its good offices to the Haitian Government to obtain certain improvements in the conditions of the loan, I am instructed by my Government to inform your excellency that as soon as its requests, repeatedly made in the course of the present negotiations, to transmit to the financial adviser of Haiti, temporarily in Washington, the necessary full powers from the Haitian Government has been complied with, the department will be very glad, as heretofore, to continue to give its assistance and counsel to the financial adviser in the formal negotiations he would then be enabled to undertake in behalf of your excellency's Government, and your excellency may rest assured that the financial adviser, with the full cooperation of the Department of State, will endeavor to obtain whatever improvements in terms may be possible from the bankers for whose proposals was expressed by the Haitian Government in its memorandum of December 30 last.

Be pleased to accept, Mr. Minister, the assurance of my high consideration.

JOHN H. RUSSELL,
American High Commissioner.

His Excellency Mr. J. BARAU,
Minister of Foreign Affairs, Port au Prince.

Mr. McCORMICK. Mr. President, the report of the committee dealing with the occupation of Haiti has been prepared for some time, awaiting the leisure of one of the members of the committee until he might read it and join the other members in signing it. An examination of that report when it is published will disclose the achievement and the failure of the American intervention as far as the committee was able to determine each.

I do not join my friend from Idaho [Mr. BORAH] in the view that a policy which holds good for the Antilles necessarily holds good for Central America, or that a policy which holds good for Cuba has no application in Haiti. We intervened in Cuba because, in the judgment of the people and the Government of the United States, there was in the island a condition to us intolerable in a country so close to our shores. We intervened in Cuba, not once but twice, by force of arms. To-day we are intervening in Cuba as effectively, as unqualifiedly, as if the representative of the United States in Habana were supported by a brigade of Infantry. The Cuban cabinet has resigned, the Cuban budget has been revised, the Cuban civil service is being reorganized, at the instance and under the pressure of the representative of the Government of the United States, because legally we have certain rights to intervene under the Platt amendment, and because since the time of our intervention in Cuba it has been the policy of the Government of the United States to assure the solvency and stability of republican governments in the Antilles.

We intervened in another sense in the Virgin Islands. We purchased them outright. Our intervention in the Dominican Republic is an old story. Let it be noted that precisely as, after the administration of Governor Magoon—and it was, in effect, a military administration—we withdrew, so to-day the representatives of the Dominican people are in Washington negotiating for the withdrawal of the American forces after the validation by the Dominican Congress of the acts of the intervening Government.

I think that any examination of the Dominican debt will disclose that whatever may have been borrowed by the military government, the net debt of the Dominican Republic is some five millions less to-day than it was at the beginning of the intervention, and this despite the expenditure of very nearly ten

millions on public works, the multiplication of school buildings, and the enrollment of five times as many school children as were enrolled before the intervention.

Even those who oppose the refunding of the Haitian debt concede, I assume, the measure in which it has been reduced under the occupation. What some of them, at least, have not seen is the true history of Haiti, which during its existence as an independent State has made no political progress, and which, relatively to its neighbors, has suffered an economic degeneration.

During the course of the debate allusion has been made to the fact that not more than 2 per cent of the population are literate. What I think the debate has not brought out is the true character of Haitian society, of the Haitian people, living in a country from which very nearly all vestiges of public improvements, roads, irrigation works, towns, and villages have disappeared, a country in which during the old days the traveler could hardly find a trail passable for pack animals. If in the capital he met men and women of charm and culture, in the interior he might meet others outside of their little huts very nearly as naked as the inhabitants of tropical Africa.

At the time of the overthrow of the French Government in 1804 there were no Haitians trained in public administration. In organizing and maintaining a government the Haitian people were confronted with an impossible task; and, as a result, through the years revolution succeeded revolution, public works decayed, the roads vanished, and agriculture disappeared. Finally, during the decade before American intervention, eight Presidents held office, although each was chosen for a term of seven years.

I think no candid student of the record, whatever his bias might be, would qualify the statement that pressure was exercised by American officers in the election of a President and in the ratification of the treaty precisely as pressure was exercised in Cuba to compel the acceptance of the Platt amendment; but it is true that since the ratification of the treaty with Haiti three-quarters or more of the country and four-fifths of the population has known peace for six years and more. The outbreak between Maissade and Hinche touched the life of not more than a fifth of the people—covered an area of not more than a quarter of the country.

Mr. KING. Will the Senator yield?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. MCCORMICK. Certainly.

Mr. KING. I was interested in the statement just made by the Senator about the six years and a half of peace. I think the record will support the statement that more Haitians were killed in 1919 than there were under Haitian rule for the preceding 10 or 15 years. It has been stated in the record, and a number of persons have indicated, that the number of Haitians killed since the occupation was between 2,250 and 3,500. In 1919 the record seems to indicate that there were perhaps between 1,500 and 2,000 killed; so that if we have brought peace we have also brought war and the sword and the killing of a large number of Haitians.

Mr. MCCORMICK. Mr. President, I do not believe that anyone who has attempted to analyze the statistics of mortality, either prior to the intervention or afterwards, would venture to institute a comparison of the number killed after the intervention with those killed before the intervention. There are no reliable statistics for the period before the intervention certainly, and for the period afterwards I believe the Senator will come to the conclusion that it is difficult to say whether 1,500 or 3,000 were killed. I say that in three-fourths of the country during that period, and among four-fifths of the population, there was unbroken peace; that the cities which once were foul are now clean; that the jails and the hospitals which were once vile are now sanitary and well regulated; that a civil peace force has been organized, increasingly officered by native Haitians; that the revenues have been effectively collected at the customhouses; that arrears of amortization and of interest have been paid; that the debt held in France has been reduced by a third. Wherein we have failed is that until a short time ago we did not centralize the responsibility of the United States under the treaty, and so make ready early, as the Senator from Idaho [Mr. BORAH] has pointed out, to establish a civil administration.

This report to which I have referred, and which has awaited the signature of one of the members of the committee, holds that it is not in consonance with our avowed purpose to maintain the provost courts to try Haitians under military law, even for the two offenses for which they are tried in the provost courts—attacking the armed forces in the country or inciting to insurrection through the press.

You can not undo in a day that which has been doing for years. The first step toward the establishment of that civil government for which the Senator from Idaho speaks was taken when our responsibility was vested in a single officer of the United States in Haiti. The withdrawal of the armed forces can not be immediate. The reduction, which must be gradual, has been begun. Concentration of those forces in one or two principal centers must precede the entire abrogation of the authority of the provost courts.

The administration of justice must be reformed. A state of affairs which has continued for half a dozen years can not be stopped in six months. That would be revolution in itself. Gradually, progressively, the military authority in Haiti can be limited and the number of marines reduced until at the end of 18 months or two years civil authority will be supreme, and the Haitian Government, with the assistance of half a dozen American officers, may make a fair adventure toward the independent maintenance of peace and order, unaided by the armed forces of the United States.

Mr. NORRIS. Mr. President, I believe that the question involved in this amendment presents a good many difficulties. As to what we ought to do I concede is a question of a great deal of doubt. I do not think the policy we have pursued has been fair or open-handed. While I think of it, some time ago a delegation of distinguished gentlemen delivered an address to the Secretary of State on this question, couched in very dignified and polite language, based entirely, as they claim in the address, upon official information and testimony; and I confess that at the time it was presented I was shocked at the way this delegation was treated by the Secretary of State, and by the abrupt manner in which he brushed them aside and gave practically no consideration to their arguments.

Whether they were wrong or whether they were right, I can not see how anyone can read this address without being impressed with its fairness, from the point of view of those presenting it, and the courteous way in which it was presented, and I now ask unanimous consent to print in the RECORD, as an appendix to my remarks, this address delivered to the Secretary of State on the 27th day of April, 1922, together with the names of the persons comprising the delegation at the time it was presented.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix A.)

Mr. NORRIS. I desire also to have printed as an appendix to my remarks, without reading, an article entitled "The Significance of the American Occupation of Haiti," by Judson King, executive secretary of the National Popular Government League.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix B.)

Mr. NORRIS. There is one aspect of this question which it seems to me has not received the consideration it ought to receive at the hands of the committee, of the Congress, or of any of the representatives of the American people. It is not alone what we are doing in Haiti or Santo Domingo or Nicaragua, but I think we ought to take a broad enough view of the field to comprehend what effect our action in these various countries will have upon the world at large. There is no doubt now but that the South American countries look upon the Government of the United States in a way which is not at all creditable to us. We are looked upon as land grabbers, and I think often without reason wrongfully judged to have aspirations and intentions which we do not possess. But the way we have been handling these things gives a very good foundation for people to hold that kind of a view.

It is not only damaging to us to appear in that light in the eyes of other Governments and foreign representatives, but it is really injurious to the progress of civilization itself. We are thought to be prejudiced, to be moved by an idea of conquest in Central American countries and in Haiti and Santo Domingo. We put our Army into Nicaragua, for instance, changed their Government officials entirely by the force of arms, established a Government contrary to the wishes of the people of that country, and then proceeded to make an agreement with ourselves by which we could say that we had the consent of that Government to continue in our occupation of the country. It seems to me we have done practically the same thing in Haiti.

If we admit, for the sake of the argument, that somebody ought to go into Haiti and that something ought to be done there, we should at least be fair with the world and make a statement of our intentions before we do anything. We should not take a step until the law-making power of the country—Congress—has, after due deliberation and consideration, passed upon the policy and authorized the Executive to carry it out.

These invasions of foreign territory have taken place without the question ever having been submitted to the American people; have taken place without the matter ever having been decided by the Congress of the United States; have taken place simply because the executive authority desired to have it done. Both political parties have been guilty of the same course, so it is not a partisan question under any circumstances. It should not be, of course, under any conditions.

This policy has brought the Government of the United States into disrepute with many of the nations of the world, and they look with suspicion upon our intentions. Why have we practiced a procedure in Haiti which would be a disgrace for Tammany or any other political organization to pursue in a county, municipal, or township election? The evidence stands undisputed that our Secretary of the Navy sent a telegram outlining a policy to be pursued in Haiti which, reduced to the real meaning, says in effect, "You must fool the people of Haiti. You must get their consent by trickery. But we are going to carry out the policy without regard to whether you are successful or not. Let them understand that this is the policy of the Government of the United States. Coerce them into submission, get them to change their constitution, get them to enter into a treaty which shall give us the authority to maintain without limit the right to rule them."

I do not believe such conduct ought to be approved or that it can be justified under any conditions. We owe it to the world, we owe it to the American people, we owe it to the Haitian people, whose Government we are taking over without their consent, to be absolutely frank and state our intentions without any possible misunderstanding. We have not done it at any step.

We say, of course, that we are only there temporarily, and yet we are doing things in the way of issuing bonds and getting up schemes of taxation which leave those people practically under the subjection of the Government of the United States without limit. Purchasers are induced to buy bonds on the theory that the Government of the United States is going to control the Government there at least during the life of the bonds which are offered for sale.

When the Secretary of the Navy, in a confidential communication to one of the admirals of the Navy, tells him that he must get the President and the Cabinet together; that he must tell them that we are going to coerce them into changing their constitution and making a treaty, not because they want the change in the constitution, not because they want to enter into that kind of a treaty, but because we have the power and are going to force them to do it; when our Government is guilty, through a Cabinet officer, of such conduct, I presume acting under authority of the President, to my mind there is absolutely no defense to it, even though we admit, for the argument's sake, that the Government of the United States ought to take over the Government of Haiti. Such a proceeding, as I said awhile ago, would be a disgrace even in a low-down local political campaign.

Why did we want them to change their constitution? It had a provision in it that no foreigner would be allowed to own real estate in Haiti. Personally I do not like that provision in their constitution. I would rather their constitution contained no such provision. But it is their constitution, not mine, it is their country, not ours, and if they want to put a provision in their constitution that shall for all time prohibit foreigners from owning their territory, they ought to be protected in that right because it is a sacred right that we have no honorable reason to interfere with or object to.

Why do we object to it? We want our financiers, our millionaires, to own land in Haiti. That is what is going on. We want to have our financiers handle their bonds and sell them to our people. Mr. President, the history of the world shows that when we get the other government indebted to us, when they owe us money and we have sold their bonds and scattered them around among our investors, we are going to insist that they shall be paid, and the American Navy and the American Army are the guaranties that the bonds shall be paid in full. We are laying a foundation for the use of our Navy and our Army. We will be able to force payment, as by the simple threat of force we have been able to compel the Haitian Government to change their fundamental law.

We had to have that constitution changed. I think it is not to the credit of the American Government. It is a disgraceful page in our history when we resort to the method that the record shows we did resort to in order to bring about that change. Do we expect to have a people grow up in honesty, capable of self-government, when, while we are acting as their teachers, we are guilty of that kind of deception? Can we expect to bring out of that an honest government? Can we expect the Haitians to grow up in a patriotic desire to be of service to their country and to be honest in business, in politics, in government, when our own Government, right at the very threshold of our interference, resorts to tricks that no man can defend on the theory of honesty or honor? What kind of precedent are we establishing for those people when we resort to this coercive method, this method in reality of force, to compel them to change their laws without their consent?

Having brought about the change, we take the next step to make our control permanent. We get our financiers interested. We get the almighty dollar involved in it, and then we know that our Army and our Navy must, if worst comes to worst, be the guaranty of the men who have loaned their money.

The record shows that the President appointed Mr. McIlhenny as the financial adviser of the Haitian Government, not because the Haitian Government wanted Mr. McIlhenny appointed financial adviser, not because Mr. McIlhenny was an experienced financial man and knew something about finances, but because he was quite a politician, because he was on the hands of the administration and they did not know what to do with him and they wanted to place him. They shoved him over on to poor, little, defenseless Haiti, who must pay and are still paying his salary of $10,000 a year and all of his expenses in traveling, most of which is spent in this country.

I have no personal grievance against Mr. McIlhenny, but if he had any qualifications for this particular place, I do not know what they were. I have never heard them stated. I do know that Mr. McIlhenny was appointed by President Wilson as president of the Civil Service Commission, and I do know that the Civil Service Commission got into an awful quarrel, and that they were having all kinds of trouble. There were two Democrats and one Republican. Mr. McIlhenny, so it was claimed by the other members of the commission, insisted on making the Civil Service Commission a political attachment of government. The other two members, one Democrat and one Republican, disagreed with him and outvoted him. They had a quarrel. It will be remembered there was a great deal of attention given to it at that time by the country. The thing was blocked. They could not get anywhere with Mr. McIlhenny, who was president of the commission and who did his best to dominate the commission.

Something had to be done. I do not know just why it was. The Senator from Washington [Mr. POINDEXTER] suggests to me that it finally got where the President had to discharge all of them. He did not have to do so, but he did. He decided that he would clean the whole house. I always thought that the President was wrong in that view, and I have no hesitancy in saying so. I think the other two commissioners, one Democrat and one Republican, did very heroic service in the defense of the civil service law and that the trouble was with Mr. McIlhenny. But Mr. McIlhenny was close to the throne and the others were not, and while he was discharged from that job, he was given a better job. That is when some of the officers were taking great enjoyment in finding good jobs for worthy Democrats. Mr. McIlhenny was given the position, which he still holds, of financial adviser to Haiti.

As I said, there were no particular qualifications, but I understand the President had this man on his hands and had to do something with him, so he gave him this place. It is too often the case, where we are holding a people in subjection without their consent, that they are made the dumping ground where politicians place those to whom they are politically bound. I have no complaint to make about the general ability of Mr. McIlhenny. He is an aristocrat, very much so, and the last man in the world to send down to Haiti to try to do business with the poor Haitians. It was about as bad as sending Elihu Root over to Russia to try to do business with the Socialists.

Mr. McIlhenny, as I said a while ago, in his place would probably have been a magnificent officer, but he was out of place when he was at the head of the Civil Service Commission. The President after a while had reluctantly to come to that conclusion. He has been out of place in Haiti. I say that in no disrespect to Mr. McIlhenny, because I have not a thing in the world against him. But, as I said, he was an aristocrat, a man who had never felt the pulse beat of the ordinary person who has to toil. When he was president of the Civil Service Commission he would not permit any of the employees of the Civil Service Commission to ride in the elevator at the time he was in it. When the poor employees of the Civil Service Commission were struggling around in crowds about 9 o'clock in order that they might not be late, afraid they would be late if they did not get up to the various floors to their desks, if the president of the commission, Mr. McIlhenny, came in, he was put in the elevator and the doors were closed, and they

passed by floor after floor until the wants of the president of that great commission were satisfied. Does anyone think that kind of man is a pretty good fellow to deal with the ignorant Haitians? Is that a qualification that would fit him for the position in which he was finally placed?

But, Mr. President, the great sin of it all is that when we pile these political appointments up on these innocent people we make them pay. They must toil and work and raise the taxes and defray the expenses of our mistakes, and to pay our political debts, to take care of our dirty linen, politically speaking, of course. This is our policy in Haiti. As a citizen of the United States, I feel ashamed of it. When we stand out before the world as one of the leading nations of civilization and take advantage of a poor, weak, ignorant nation of that kind, and perform the little tricks that we have been performing there, we ought to withdraw in shame and humiliation. All these things are being charged up in history against us. All over South America they know about it, and we are gaining every day in the reputation—a reputation that, in my judgment, we have not fully merited, but this course has a tendency to give us that reputation—that we are trying to conquer the balance of this continent, and that we intend in the end to take them all without their consent under our flag and under our jurisdiction. There can be no defense, as I look at it, for that kind of conduct. It is no defense to say these people are barbarous, not fit for self-government, and therefore we must take charge of them. If for the sake of argument we admit that to be true, we at least ought to be fair enough to say to the world in truth what we are going to do instead of practicing deception at every step of the way that properly merits the criticism and the condemnation of civilization everywhere.

APPENDIX A.

ADDRESS TO THE SECRETARY OF STATE OF THE UNITED STATES AGAINST THE AMERICAN OCCUPATION OF HAITI.

[By the National Popular Government League, Washington, D. C.]

MR. SECRETARY: We desire to record our approval of the very able report on "The Seizure of Haiti by the United States" signed by 24 distinguished American attorneys, presented to you by the Foreign Policy Association. The legal argument set forth, which shows that in effect the action of our Government has violated our Constitution and reduced our treaty obligations to "a scrap of paper" is, we believe, unanswerable. In support of this report and recommendations made we desire to call your attention to some facts found chiefly in the hearings of the Senate Select Committee of Investigation, and, as a body of American citizens present our emphatic protest against the abandonment, temporarily let us hope, of our time-honored doctrines of respect for the liberty and sovereignty of other nations. We submit that our seizing of Haiti is a gross violation of international political ethics, and that we have no more moral right to violate the sovereignty of that Republic and to permit our nationals to rob them of their lands and resources, than a private citizen has to rob another man of his possessions because he disapproves of the manner in which that man is spending his money or treats his family.

With this administration rests the decision as to whether a policy of arbitrary interference with the affairs of the Caribbean region, deriving its sanction from superior strength and backed up by force of arms, shall be molded into a precedent and set up as a definite policy governing our future relations with the Caribbean and perhaps all Latin America.

AMERICAN PEOPLE WILL NOT APPROVE.

Whatever may be the failures and shortcomings of the governments of these peoples, we believe that the American people will never subscribe to the doctrine that it is the business of the United States to meddle in their affairs and embroil itself in constant attempts to force upon them our ideas and methods. We have enough of racial troubles at home without seeking to infinitely multiply them by gratuitously assuming the task of regulating the affairs of the 30,000,000 colored and mixed peoples of the Caribbean region and Mexico. Political corruption and incompetency may be, and no doubt are, rife there, but we already have our hands full in choking political corruption and incompetency in these United States.

Furthermore, we do not believe that the people of the United States, now groaning under an enormous burden of taxation, and with our farmers, home builders, and business men severely hampered by lack of proper credit facilities, will, when they understand the situation, approve of the expenditure of millions of dollars upon enterprises of interference and conquest in Latin America.

Senator WILLIAM H. KING informs us he has tried in vain to secure from the Navy Department an estimate of the cost of our occupation. But he and others equally well informed judge that in the past six years not less than $50,000,000 of the money of the American people has been spent upon the seizure of Haiti and Santo Domingo in the prosecution of a purpose described by Admiral Caperton to the natives as "benevolent, unselfish, and helpful," the chief visible results of which are the hatred of the Haitian people for our Government and the enhanced opportunities of American capitalists to loot the resources of the island—of which they are promptly availing themselves under the protection of American guns and diplomacy.

The American people are not imperialists; yet the action of our Government in the Haitian matter is the essence of imperialism, both political and economic, as is clearly proven by the lawyers' report and the facts set forth herewith.

PLAIN FACTS DENY PRETENSIONS.

Official apologists for the seizure of Haiti set up that we have no designs against its sovereignty; that we are intervening for the good of the people, to gently lead them in the ways of peace and righteousness and develop their capacity for self-government. The facts of record brought forth in the Senate committee of investigation give plain denial to these pretentions. They are the same sort of pretentions set up by imperialists in every age. They are the excuses by which King Leopold, of Belgium, sought to cloak his atrocities and plunder of the Congo; by which England explains her rape of Egypt and India; of France in Morocco; of Germany in west Africa; Japan of Korea, and so on, and it is a sad day when the Government of the United States resorts to that kind of hypocrisy.

THE CONCOMITANTS OF MILITARY CONQUEST ARE PRESENT.

Whenever a great nation attempts the subjugation of a weaker people atrocities follow as a matter of course. This is the world's history. It is proving true of America as of other nations. The official record of the hearings of the special committee to investigate the occupation and administration of Haiti and Santo Domingo discloses that there have been committed not only the ordinary crimes of political despotism, such as the control of executive officials, lawmaking bodies and courts, denial of free speech, free press, and free assembly, the seizure of funds and control of customs collections, but, sadly enough, those historic barbarities which in this age are a disgrace to any civilized nation, Christian or otherwise.

These hearings are filled with sworn testimony showing summary execution of natives without trial; robbery and burning of houses of Haitian people; murders of old men, women, and children; administration of the "water cure," which disgraced our early occupation of the Philippines; bodily tortures inflicted by live electric wires and red-hot irons as incidental to wholesale arrests and imprisonment. In Haitian prisons the death rate has doubled during the occupation.

TORTURE OF POLIDOR ST. PIERRE.

We respectfully direct your particular attention, among others, to the case of Polidor St. Pierre, of St. Marc, Haiti, whose sworn statements appear at pages 858, et seq., of the hearings, and show that in the presence of 20 witnesses this man, at the hands of Capt. Fitzgerald Brown, of the American-controlled gendarmerie at St. Marc, was strung up for five days to the rafters of the prison, without water, his teeth broken, and hot water poured into his mouth through a funnel; after this he was burned with a hot iron. He exhibited to the committee the scars of the handcuffs upon his wrists and ankles and of the terrible scars on the rear of his legs and buttocks caused by the application of a hot iron. He was in hospital for months, and a medical description of his injuries is on file with the select committee, together, amazingly enough, with the record that he was found not guilty of theft as charged, and was freed by Captain Brown.

TESTIMONY OF VOLNY PAULTRE, OF ST. MARC.

Another kind of torture is disclosed in the testimony of Mr. Volny Paultre, a merchant of St. Marc, who witnessed in the prison there the torture of three men—Salnave Fabre, Yoyo, and Nicholas—charged with the murder of a watchman on the property of his [Paultre's] mother. They had denied their guilt.

Paultre says (p. 876): "He [Captain Brown] took a telephone box, fastened one of the wires to their teeth and the other he wound around the top, and Duvall gave the current. * * * I saw Duvall turn the crank and apply the current to these three men, one after the other. * * * They admitted they were the authors of the crime charged to them."

Answering Senator JONES'S question as to whether he thought they should have been executed, Paultre replied:

"They should have been tried by a criminal court. That is the custom of Haiti and it is the law."

CASE OF MADAM ONEXILE.

Madam Onexile, of Section La Guajon, Haiti, testified (at pp. 891, et seq.) that:

"Captain Kelly, after stealing a mule from her home, returned and hung her husband to the rafters, robbed and set fire to her home, in which her husband was burned to death, and then imprisoned herself and her brother."

At page 893 Previor Solond testified that the marines invaded his home at Section Juaniria and killed his wife and child. The record of the hearings held on Haitian soil gives many such cases out of the thousands alleged to have occurred.

THE TORTURE OF CAYO BAEZ.

A similar record of cruelty and brutal atrocities distinguishes the American occupation of Santo Domingo. One notorious case, which has attracted the attention not only of the island but of the whole Caribbean and South America, is that of the horrible torture of Cayo Baez, a simple countryman living near the town of Salcedo. A reproduction of a photograph of Baez, taken weeks after his torture, has been furnished us by Hon. Horace G. Knowles, of New York, former American minister to Santo Domingo, and is attached hereto. Mr. Knowles has personally examined the body of Baez, is acquainted with the whole history of his case, and vouches for the authenticity of the photograph and of the facts presented. These facts were briefly set out in connection with this photograph of Baez, published in the magazine Letras of the issue of November 7, 1920, at Santo Domingo. The legend, translated by Mr. Knowles from the Spanish, follows:

"The history of Cayo Baez is brief. Living in the town of Salcedo, he was known for his honesty, modesty, and laboriousness. He enjoyed, because of his hard work, the pleasant life of a countryman, who, as they say there, "owns his cacao plants." American officers and soldiers of the guardia tortured him in various ways in order to make him give them information in regard to the imaginary arsenal of ammunition, which Cayo Baez had never seen, even in dreams. Among the tortures which they applied in order to make him give up this supposed information was the following: In an improvised stove they heated machetes (large knives of the sort that are used as scythes in the country), and when the machetes were red-hot they applied them to the flesh of the unfortunate victim. The photograph was taken of Cayo Baez many weeks after the torture. This is only the history of one of many Dominican country people."

For publishing this statement, the editor and owner of the magazine, Horacio Blanco Fombono, a man of fine education, was imprisoned, fined $300, his magazine suspended, and he himself expelled from the country on orders approved by Thomas Snowden, military governor of Santo Domingo. Fombono later wrote a pamphlet, "In the clutch of the eagle's claws," which recounted his own experience and told the complete story of Cayo Baez. From Mr. Knowles's translation we find that after the torture he was left for dead, but was later found by a native woman, who nursed him back to life; but Baez, filled with terror of further torture if he revealed anything, kept silent.

It appears "this deed was done by a Dominican bandit, Ramon Ulises Escoboza, by order and in the presence of the American, Captain Buckalew." Later we read:

"Escoboza and two other Dominican bandits, Telesforo Cabral and Ramon Antonio Modesto, utilized and aided by three American captains

who operated in that region, Buckalew, Knotchel, and Wright, appeared after a space of time before a Dominican court accused of the crimes of collusion, of bribery, and deceit. Cayo Baez was called as a witness in this case, and as he then felt he would have the protection of the judges and justice, and of people of importance, such as he was accustomed to see act with certitude, dared to accuse the accomplices of the American captains, it was because such a procedure would not be dangerous, he gave a true account of that which had happened to him and lifted his shirt and showed the judges and the people the marks of the hot irons on his body. Dr. Juan B. Perez, chief justice of the court, a distinguished lawyer, respected for his high character, rose to his feet indignantly and exclaimed: 'It is an injustice to condemn anyone when the most culpable are beyond my jurisdiction,' and threw on the table the Christ which is used in Dominican courts for taking oath. One of the pieces of the statue broke against the table and flew up into the face of Captain Buckalew, who was present. At that trial the guilt of Captains Buckalew, Wright, and Knotchel was proved. The three Dominicans were convicted, but the jurisdiction of the Dominican courts does not reach the troops of occupation."

BETRAYAL OF EVANGELISTA.

Space does not permit more than mention of the case of one Evangelista, whom the Dominicans regarded as a patriot leader, defending his country, and the occupation terms a bandit, but who, with 50 of his picked men, was lured within the American lines under a flag of truce and fair promises by Captain West. These men were imprisoned, and Evangelista, manacled, paraded through the streets. In prison, after midnight, an American soldier came to Evangelista, professed friendliness, and told him to make his escape. He attempted it and was shot dead after going a few paces. The story in great detail was related by ex-Minister Knowles, as above, to a Washington audience at the Ebbitt Hotel on February 16, 1922.

FORCED LABOR.

The emancipation proclamation of Abraham Lincoln and the thirteenth amendment to the Federal Constitution, it has been supposed, prohibited slavery forever "within the United States, or any place subject to their jurisdiction." Yet this institution, outlawed among civilized nations, was revived by Americans in Haiti in a form worse than obtained in the Southern States before the Civil War. The southern people fed, clothed, and housed their slaves. Haitians were not so fortunate. In many places they were neither fed, nor housed, nor paid, although a few were paid 20 cents a week.

The roads built and reconstructed by the occupation have been pointed out as one result of our civilizing influence. They were largely built by forced labor, and had the men responsible attempted any such thing in the United States they would have been subject to a penitentiary sentence.

The committee hearings are replete with information as to what happened. The testimony of Rev. L. Ton Evans, a Baptist missionary and eye-witness, found at page 164 of the hearings, gives a vivid picture of the inhumanities practiced, and nothing is more damning to the honor of the United States than the extended descriptions by this missionary, who saw his efforts to elevate the moral and spiritual life of the natives brought to nothing by the atrocities of the American marines under orders from their officers. He says:

"There was a captain or lieutenant at every town or village throughout Haiti in official charge of those gendarmes—negro soldiers—armed and chosen by these white marines of the American occupation. Many of these marines and probably most of the gendarmes were fond of drink. The latter, under the official orders of the marines, would catch, arrest, and rope the natives and drive them to prison and from prison to work on the roads, and under such conditions often cruelly dealt with them. * * * I have repeatedly seen ill-treatment both in and outside of St. Marc; I have seen in the gangs at work men—for merely turning the head and without the slightest provocation, as far as I could see—struck until actually stunned. * * * I have seen on week days and on Sunday gendarmes unmercifully striking the poor natives, and I have walked on and interfered at times on my way to church with my family. * * * I saw these men working under the corvée lined up in front of my cell, driven out about 6 in the morning, often with nothing but a little coffee, marched under armed guards to work miles away, and brought back to prison, carefully searched, and compelled to wait from 4 until nearly 6 until being fed; a few times when the captain was said to have gone drinking with keys, if not money, there was not a scrap for any. * * * There has been a sad neglect, even recklessness, in the choice of these gendarmes by marine officers in view of the great authority of power of life and death given them in the various sections of Haiti. * * * "

At page 114 of the hearings Mr. Roger L. Farnham, vice president of the National City Bank, of New York, testifies in answer to Senator POMERENE'S inquiry, "the labor was paid nothing." The legal fiction set up to justify this slavery—for it is nothing else—was an old Haitian law, similar to road regulations in the United States, providing that all men can be required to work upon the roads for three days at a time.

No wonder there was resistance, which in one section led to the Caco revolution, men trying to escape and the testimony showing many were shot. (Hearings, p. 508, testimony of Maj. Thomas Turner.)

Significantly enough these roads were built for military purposes, and not from the viewpoint of the economic and commercial development of Haiti. Mr. Roger L. Farnham, of the National City Bank, complains of this at page 752 of the hearings:

"The most expensive, you might say the spectacular, part of that road is purely a military road, because it leads over the mountains where there are no agricultural developments whatever, and probably never could be."

In the report of the Secretary for the Navy for 1920 it appears (at page 293) that soon after the American occupation of Haiti "military necessity" was the determining cause of the building of these roads.

FORCED ADOPTION OF THE NEW CONSTITUTION.

From the viewpoint of international law nothing is more discreditable to the Government of the United States than the manner in which the new constitution was imposed upon Haiti subsequent to the enforced adoption of the treaty. The method of submission was utterly illegal and the plebiscite a tragic farce. Not only did the new constitution vest dictatorial powers in the executive, enabling him to control elections; not only did it ratify all the acts of the occupation; but it revoked, and this is admittedly the chief reason for its existence, that clause in the old Haitian constitution prohibiting foreigners from owning land in Haiti, the historic reason for which is evident and eminently wise from the Haitian viewpoint.

The old Haitian constitution can be changed legally only by the Haitian Congress. No referendum is provided for. When in the spring of 1917 American officials proposed the draft of the new constitution the Haitian Congress promptly refused to ratify it, but proposed to pass a new constitution of their own "containing provisions inimical to the policies and intentions of the United States in Haiti." The country was in a turmoil of rebellion. On June 18 Gen. Eli K. Cole, chief of the occupation, wired the Secretary of the Navy:

"Unless contrary instructions received, if necessary to prevent proposed constitution, I intend dissolve national assembly through President, if possible, otherwise direct."

In reply the Navy Department gave General Cole "full discretionary power," and the next day the Haitian Parliament was dissolved through the use of military force under General Butler, and the newspapers ordered to omit all comment on the action (see hearings, page 701).

Some months later the occupation forced the dummy President, Dartiguenave, to order a popular vote on a proposed constitution, which Franklin D. Roosevelt, the then Assistant Secretary of the Navy, claimed in a public address to have written.

The election was held on May 8, 1918, and was officially reported adopted by a vote of 98,294 yes to 769 no. To what extent this vote represents the free will of the Haitian people may be gathered from the testimony of Col. Alexander S. Williams, chief of the gendarmerie, which had charge of the election, given at page 566 sq. of the hearings. It is illuminating to note the colonel's statement that Haitian funds were used to "indoctrinate" the natives as to the virtues of the new constitution.

At page 187 Rev. L. Ton Evans gives a vivid picture of the voting. He describes how the polls were—

"watched with an eagle eye and guarded by the (negro police) especially officered by the American generals, colonels, majors, captains, and lieutenants * * * for the sake of perfecting the farce. There were Haitian dummies sitting handing out the slips in the box and a dummy Haiti commissarie sat alongside of the American marine officer.

"The bundle of pink slips (no) significantly showing the fraudulent nature of this whole scandalous business, remained on the other side of the table tied together. The poor native in charge, as well as the so-called voters, knew these packets were meant for mere show, for even if cut loose their terror-stricken Haitian brothers dared not refuse the 'oui' (yes) but asked for the 'non' at the risk of being imprisoned and shot as an enemy of the occupation and foe of the United States Government."

If a constitution was ever illegally proposed and adopted, this is one. The importance of that fact, Mr. President, can not be overestimated, because whatever has been done or is proceeding at the present moment in Haiti under the direction of the occupation officials, such as the election by the Council of State of another dummy president, is being done on the basis of this so-called Roosevelt constitution and can have no standing in law, unless it is admitted that Haitian sovereignty is ended and the United States has assumed de facto government of that nation.

FREE SPEECH.

We submit a copy of the martial law affecting freedom of expression as issued on May 26, 1921.

"While the freedom of the press and of speech are practically unrestricted, articles or speeches that are of an incendiary nature or reflect adversely upon the United States forces in Haiti or tend to stir up agitation against United States officials who are aiding and supporting the constitutional government of Haiti, or speeches or articles attacking the President of Haiti or the Haitian Government are prohibited, and offenders against this order will be brought to trial before a military tribunal."

Hon. Georges Sylvain, former Haitian Minister to France, officer of the Legion of Honor, and officer of public instruction in France, and one of the most distinguished men in Haiti, and M. Henriques, president of the Haitian Federation of Labor, were arrested as provocative agents for participating in a mass meeting on Sunday, April 2, 1922, to protest against the election of a new president of Haiti by the Council of State under direction of the American occupation. The home of M. Jolibis, editor of the Haitian Courier, was invaded and searched for the same reason.

Most astounding is a cablegram received at Washington on April 8, 1922, signed by the League of Young Haitians, to the effect that the American administration had prohibited the priests from officiating at a "misericordia" mass in the cathedral at Port au Prince attended by 5,000 people. This is a special mass asked for by the people and held under the Catholic Church rules only at times of great stress and trial. So it would appear that the occupation uses martial law to prevent the people from publicly praying to God according to their religious customs for deliverance.

DRUNKENNESS AND THE USE OF LIQUOR BY THE MARINES.

Despite the Navy regulations forbidding the use of liquor in the naval and marine service, the hearings are replete with evidence that liquor drinking and drunkenness are rife among the officers and privates of the forces of the occupation. It is especially set forth by Rev. L. Ton Evans, the Baptist missionary above quoted, who indicated his intention to file a mass of documents on this particular point. At page 171 of the hearings he says:

"This drinking habit among marines and gendarmes is well known in Haiti, and so increased as to jeopardize, in fact, the work of the occupation, and became such a menace * * * that Colonel Russell * * * issued a proclamation forbidding the sale of intoxicants to all men in uniform."

"I have repeatedly seen (p. 181) marines and officers drinking and drunk at Port au Prince, Cape, and St. Marc; have heard them boastfully speak of their killing, or, as they termed it 'bagging,' Cacos on shooting expenditions to the north; have seen in prison—day I left—a Haitian carried and laid on his stomach with his back one mass of jelly, attended by a native doctor's assistant and another, who informed me it was done by the United States marine captain in another drunken craze of his. I have heard two marine officers of the United States Government, apparently intoxicated, and in the presence of Christian natives and others, in a mad rage cursing religion, preachers, and missionaries, and damning myself for my efforts in giving the Gospel, seeking to educate and morally and industrially uplift 'damned niggers of Haiti,' with their fists clenched, and again aiming to take their revolvers and shoot me, stating they opened and intercepted my letters, and taking an oath they would crush me, and then hurried me off to prison."

Mr. Jacob P. Dunn, a pronounced interventionist, recently returned from a visit to Haiti, in a speech at All Souls Unitarian Church at

Indianapolis, Ind., on March 26 last, as reported in the Indianapolis Star of the 27th, said:

"Much of the trouble with the marines in Haiti which has led to unfavorable reports has been due to a lack of prohibition in the country. There is no prohibition. You can buy enough rum there for 1 cent to set you crazy."

Dr. Carl Kelsey, also a defender of the occupation, in his report of the American intervention, published in the Annals of the American Academy of Political and Social Science, says (p. 142):

"Unfortunately drunkenness was not unknown on the part of high officials (of the Marine Corps) and their wives, while local standards were shocked by the sight of women in automobiles smoking in public."

VIOLATIONS OF WOMEN.

We forbear to go into the shocking accounts of violations of women and young girls, although there is at our command evidences of many cases of rape and violation; nor do we care here to emphasize the prevalence of and danger from venereal disease, and the fact that many return infected with tropical fevers and other tropical diseases.

WHY THESE ATROCITIES ARE NOTED HERE.

The foregoing atrocities, which could be multiplied many times, are set forth here to emphasize the fact that the United States is not immune from the results universally incidental to the larger crime of deliberate military conquest. They are the natural concomitants of such action as our Government has taken in the Haitian Republic, and the responsibility for them, shocking as they may be to our sense of humanity and public decency, must be laid at the door of those primarily responsible for the violation of the Republic of Haiti. It is idle to protest that they were done against orders and by irresponsible individuals. The evil results remain to stain the honor of America and to arouse suspicion against us throughout all Latin America.

NOT AN ATTACK UPON NAVY OR MARINES.

This is not to be considered or interpreted as an attack upon the American Navy or Marines. Military officers serve under orders from the civil government; and when any government orders the subjugation of a liberty-loving and patriotic people, as it must be admitted the Haitians are, resistance is bound to follow, and the officers forced to adopt means to end. Without doubt the majority of our officers and men are of too high character to violate their own honor and the humanitarianism of this age by such deeds as above related. War, however, releases the instincts of cruelty inherent in some men and gives them opportunity for exaggerated expression. Some of the officers and men have expressed their detestation of what they were ordered to do; many believe we have no business in Haiti or Santo Domingo, and others say that they do not know why we are in Haiti at all.

We must not forget the sad result to many of our soldiers and marines which must follow such interventions. Just recently there arrived from Nicaragua 24 marines—young men sentenced to the penitentiary in terms of from 8 to 40 years for various offenses. Undoubtedly they were guilty, but the larger question arises, Why were they in Nicaragua? Was it in pursuance of an imperialistic policy?

BRIEF FOR THE PEOPLE OF THE UNITED STATES NOT FOR HAITIANS.

This is a brief for the people of the United States and not for the people of Haiti. That the great majority of Haitians are a backward and primitive people, as judged by our standards of civilization, and that they have had frequent revolutions—in common with all Latin-American countries—was a matter of common knowledge long ago. These facts give no valid grounds for our unwarranted action.

THEY OWE US NOTHING.

It should be noted, however, that an appreciable percentage of the population are men and women of fine culture and education. It must not be forgotten that they were solvent and had scrupulously paid the interest on the public debt, and that in all of the much-complained-of revolutions not a single American citizen had lost his life or had his property molested.

INSPIRED REVOLUTIONS.

And in speaking of revolutions it is pertinent to take note of the testimony of Rev. L. Ton Evans that revolutions in Haiti were frequently fomented by foreigners. It would appear that not all of them had been due to the "savagery and brutality" of the Haitians, but to the plots of exploiters from civilized white nations, including our own. At page 156 of the hearings occurs the following:

"The CHAIRMAN. Mr. Evans, are these foreigners who foment revolutions accustomed to make monetary advances to revolutionary generals at usurious rates?

"Mr. EVANS. Yes, sir; most decidedly.

"The CHAIRMAN. Selling arms?

"Mr. EVANS. That is so.

"The CHAIRMAN. In short, they have a direct profit in inciting revolutions?

"Mr. EVANS. Absolutely so, and in constantly fomenting political disturbances. For instance, in August of 1911, when returning from the World's Baptist Alliance, which I attended as Haiti's representative at Philadelphia, a German banker from Haiti sat next me at the table on the boat. In conversing about the recent revolutions of 1910 and 1911 he said * * * that he actually knew more about them than I did. Boastingly he added: 'I financed them from Berlin, as well as the previous revolutions, and furnished ammunition, and have been staying in Germany several years arranging these matters.'"

In Admiral Caperton's testimony, at page 378, is the record of negotiations whereby the Caco chiefs were to withdraw their opposition to the election of Admiral Caperton's choice for President and disband their troops, at the rate of 50,000 gourdes to every 1,000 Caco soldiers. The Government, the admiral testified, "agreed to deposit to my credit the sum of 100,000 gourdes, and more if necessary for this purpose." The project failed, and is brought to attention here because it was evidently recognized by the Navy Department that revolutions were fomented, bought, and sold.

RESULTS OF THE SEIZURE—HATRED AND SUSPICION IN ALL LATIN AMERICA.

The first result, perhaps, of the seizure and six years' occupation of the Republics of Haiti and Santo Domingo, accentuated by the fact that the United States has given no definite date or promise of withdrawal, has been the creation of widespread hatred, suspicion, and fear, always the forerunners of revolution, war, and international misunderstanding.

The people of Haiti and Santo Domingo, with the exception of a few whom the great mass consider traitors to their country, now hate and despise everything connected with the American Government, and only an immediate return to the principles of law and justice, accompanied by the most emphatic and concrete acts of friendship and of reparation on the part of this Government, can restore the regard in which we were once held. Representatives of the workers have always made it clear that they think as soon as the American people understand they will repudiate their Government's action and demand that the good name of the United States be cleared.

Not only in Haiti, but throughout the Caribbean and South America, we have become known as "The American Colossus," and suspicion of us has now become magnified by our actions in Haiti and Santo Domingo, as well as in Nicaragua, Cuba, and elsewhere.

RACE PROBLEM IN THE UNITED STATES.

The race question is sufficiently acute in the United States as to cause our Government to hesitate at any act which will accentuate it. Yet it is undeniable that the colored people throughout the United States are fully aware of what has happened in Haiti and resent it because they are of the opinion, as shown by their newspapers and speakers, that our Government would not, in this day of civilization, practice such tyranny, oppression, and physical atrocities upon a white population. Official protests by the National Association of Colored People, made to you in 1920 by this organization after an investigation of the occupation, clearly reflect this rapidly mounting sentiment.

BAD FOR LEGITIMATE COMMERCE.

In recent years our Government has made heroic efforts and spent much money to increase our legitimate commerce with the South American countries, which is now at a very low ebb. Friendly sentiment between peoples is a powerful factor in successful commercial relations. To allay fear and build friendship was the declared purpose of the South American tour of Secretary of State Root in 1906 and of Secretary Colby since the war. From this point of view our invasion of Haiti and Santo Domingo is one of inconceivable stupidity and well-nigh irreparable loss. Hon. Horace G. Knowles, who has also been United States Minister to Bolivia as well as to Santo Domingo and is thoroughly conversant with the situation, in discussing the effect of the circulation of Fombona's pamphlet, "In the Clutch of the Eagle's Claws," and similar documents, says in a letter:

"Before the war our commercial competitors were able to create in the minds of Latin Americans merely a bugaboo, but which was sufficient to cause these peoples to form a prejudice against the United States and buy only those things from us they could not obtain elsewhere. There was not then, as now, a desperate effort to gain and hold their trade (by Europe).

"Fombona's pamphlet could not but produce then an unfavorable impression and opinion against our country and establish in the minds of Latin Americans fear and distrust of the United States. Because of that they will probably organize themselves to follow a clearly defined policy to do nothing commercially or politically that will tend to strengthen the United States."

The Haitian people are now organizing a boycott against all American-made goods—a voluntary boycott against which our officials will be powerless—and are taking steps to get their imports from non-American sources. The arrival recently of a European merchant ship at Port au Prince was made a gala occasion. It was met by an official committee of welcome, headed by a high official of Haiti.

Abundant testimony can be produced to verify these statements. The result is that honest, legitimate commerce with the whole of South America, pursued according to the lawful rights of free peoples, is being jeopardized, greatly hampered by the hatreds and fears growing out of our imperialistic policy. This policy reacts, as we shall see later, only to the benefit of a small number of "development" and "exploiting" interests, bent on "quick returns," and who, if their "interests are properly safeguarded" by our Government, expect profits "far in excess of 10 per cent" on their capital. (Hearings, p. 757; testimony of Mr. Forrest.)

OUR INTERNATIONAL INFLUENCE COMPROMISED.

Another result of this action is to compromise us as an influence in maintaining just international relations that remove the causes of war, and particularly in protecting the rights of small nations. In what position have been or are American statesmen and diplomats to mention "Korea," "Shantung," or "Siberia" to Japan, when she can reply "Haiti and Santo Domingo." England's black and tans in Ireland or her forces in India and Egypt, or the troops of France and Spain in North Africa, have committed no greater atrocities than our own in Haiti. State Department officials advise press correspondents to the effect that they are satisfied political sovereignty will not be restored to Haiti for years to come. In the meantime monarchical Britain has granted the Irish free state and partial self-government to Egypt.

WHO WANTS IT?

Why, then, are we in Haiti? Increasing thousands of American citizens are asking this question. The official answer that it was necessary to seize the Haitian ports at the time of the war to prevent their occupation by German or French forces and to quell "disorder" does not explain our continued domination of the island, nor the relentless severity by which our armed forces have put down the resistance of the people to the destruction of their liberties. The possible occupation of Haitian ports by France, England, or Germany was not threatened because of disorders in Haiti, but was an incident of the European war because of the desirability of the island as a naval and propaganda base. It is evident that there is a powerful driving force behind this occupation as yet not understood. A careful reading of the hearings sheds abundant light upon this question. It discloses banking interests of New York and Boston desirous of forcing highly profitable loans upon the Governments of Haiti and Santo Domingo. It shows these banking interests and investment companies seizing the lands of Haitian and Santo Domingo people—lands extremely fertile for sugar, cotton, and castor-bean seed, and tobacco. It shows contractors bent upon fat returns. In brief, it exhibits Haiti as a promised land of loot for those who can smash down the protection given to these people by their ancient constitution and independence. And all this is being done under the protection of and in cooperation with the United States Government.

LAND GRABBING.

The testimony of Mr. Roger L. Farnham, of the National City Bank of New York, indicates the interests he represents have in view the seizing of lands that native Haitians held for over a century under squatter rights without, therefore, the rights of legal title deeds, but immune, under the old constitution, to foreign ownership. These interests urged a modern survey of the island by the occupation in order to establish definite title deeds, and it appears that far over 200,000 acres of valuable lands have already been grabbed. The in-

habitants are at the mercy of devotees of commercial penetration, who are counting on the absence of title deeds to warrant the wholesale sequestration of Haitian lands.

"ASSURANCE IN WASHINGTON."

The Haitian-American Corporation of New York is one of the companies formed to "organize extensive plantations" in Haiti, build sugar mills, etc. Mr. H. M. Pilkington, technical expert, vice president and manager of the Americal Development Co., and formerly technical expert to the Haitian-American Corporation, in his testimony, at page 790 of the hearings, says:

"The original financing of the Haitian-American Corporation was brought about and put to the public directly and definitely upon assurance in Washington by competent people and competent officials that the treaty between the United States and Haiti was in fact to be a living thing. The large feature in the floating of the securities of this company, all of which floating came under my personal observation at the time, was predicated, one might say, wholly as to security upon the implied bona fides of the United States in carrying out this treaty, the basing of which was security for foreign capital."

This is an amazing statement. The question arises: By what authority does any official of this Government, outside of Congress itself, undertake to pledge the United States in such a matter?

Connections of a sinister character between persons connected with the Government of the United States and an American corporation, which we respectfully suggest to be worth of immediate investigation, are stated in the testimony of the Rev D. Tor Evans at page 188 of the hearings. In recounting a conversation between himself and H. P. Davis, general manager of the United West Indies Corporation, "who had written articles in the National Geographic Magazine and other journals, months before, declaring that Haiti's constitution must be rewritten, especially the clause regarding lands." He says:

"In a conversation I had with him at the Cape in April, 1918, when he seemed to unfold his plans, adding that his corporation had unlimited capital * * * with stockholders, if not directors, from within the United States Government, therefore the occupation was practically at his and his corporation's command, and that they had the right of way in Haiti. * * * This was said in the presence of an educated native missionary."

Whether Mr. Davis and his associates have special influence in Washington with the State Department or not, the fact remains that what they have advocated has been done. Their motives are clear. The Pan-American Magazine of March 19, 1917, carries an article by Mr. Davis, from which we quote:

"Haiti has the tremendous advantage of still being a virgin country * * * fertile soil * * * mineral deposits, unworked and still open to exploitation * * * the marvelous wealth of valuable timber is practically untouched. Labor is and for many years will continue to be exceedingcly cheap and abundant * * * etc., etc."

"*Uncle Sam has undertaken to furnish this 'firm yet gentle and beneficent guidance'* * * * and an opportunity * * * is open to any American with sufficient energy and capital to take advantage of THE RADICAL CHANGE RESULTING FROM INTERVENTION." (Emphasis ours.)

FORCED LOANS FROM PRIVATE BANKERS.

For months the American financial adviser to Haiti (which office was provided for in the forced treaty), Mr. John A. McIlhenny, has been urging a loan of some $14,000,000, to which the Haitian Government and people most strenuously object. Incidentally, Mr. McIlhenny, who it might seem should be in Haiti attending to budgets, etc., has for the past two years spent three-fourths of his time in Washington, drawing from the Haitian treasury $500 per month gold extra for traveling expenses in addition to his salary of $10,000 per annum.

The New York City Bank offered last year, and Mr McIlhenny favored, a loan of $14,000,000 at 7½ per cent, issued at 92, payable in 10 years. It entailed immediate discharge of the French debt of $6,668,980, contracted at the lower rate of 5 and 6 per cent, not due and payment not demanded by the French; payment of $1,621,500 on a defaulted railroad contract, controlled by the National City Bank, and protested because the specifications were not followed; and other features, with the net result that Haiti would have left for her needs $1,564,800 as a matter of net receipts.

Mr. McIlhenny testified before the Senate investigating committee that he has no power or authority from the Haitian Government to place a loan, since it had been refused him, and that he had personally urged Brigadier General Russell, recently appointed ambassador plenipotentiary to Haiti, with full power over all civil and military authorities of the occupation, to secure for him (McIlhenny) authority to contract a loan for Haiti on such conditions and terms as he could secure.

The *basic* consideration here is that the Haitian people are having these loans forced upon them by our Government against their will. Obviously this is a repetition of the old, old imperialistic trick of accomplishing what diplomatists call a fait accompli, to be followed by the claim that we can not relinquish our control because our national interests are at stake.

LABOR AT 20 CENTS A DAY.

Another action of our Government which has favored the investment interests and worked havoc with the people of Haiti—as described by Prof. Pierre Hudicourt, testifying in behalf of the Haitian de jure government—was the executive fiat by which Admiral Caperton, acting under orders from Washington, set the exchange value of the Haitian gourdes, nominally approximating the American dollar, at five to one. The Haitian monetary unit is depressed four-fifths and labor is paid in cheapened gourdes at the rate of about 20 cents a day. This wage rate of 20 cents per day has actually been set out in advertisements as an inducement to the public to buy stocks and securities of the newly organized Haitian investment companies, and the wage rate of $1.75 per day in Cuba is given in contrast. Such Haitian laborers as can are leaving the island for fairer fields, unmindful of the proclamation (given on page 392 of the hearings) of the "benevolent unselfish, and helpful purposes" of the United States Government and the promise that if Haitians would cooperate "there will be plenty of work with good wages for the country's peasantry and employment for the abilities and intelligence of the upper classes." The implications of this statement are unmistakable.

Here, then, is disclosed the only class of American citizens who have promoted and defended our seizure of the island. Its real effect, if not indeed its purpose, is to pave the way for economic exploitation, illegally imposed by the force of American arms. In view of these facts, our profession of desire to improve the status of the natives and fit them for self-government is not convincing. Mr. Davis, before quoted, is refreshingly frank. He said recently to Dr. Ernest Gruening, managing editor of The Nation (issue of February 8):

"There has been a lot of bunk about helping the Haitians. I am not here to help the Haitians. I am here to make money out of Haiti for myself and my friends. I am an expert in discovering new territories for development for banks. It is true * * * I have helped some Haitians, but I have helped them incidentally and for purely selfish reasons."

Mr. Davis is "generally referred to as spokesman of the occupation," and openly aspires to be named as American financial adviser to Haiti to succeed Mr. McIlhenny.

Can any intelligent American citizen doubt that our treaties with Haiti and Santo Domingo would have remained inviolate and the occupation never would have occurred had not certain powerful New York and New England banking interests believed, as Mr. Davis says in his Pan American article:

"I believe that never in the history of the Americans has there existed an equally favorable opportunity for profitable investment by properly equipped American organizations as that afforded by Haiti and Santo Domingo."

OUR FUTURE POLICY.

The decision of our Government to be taken in the near future will affect the welfare and destiny of the people of the United States quite as much as those of the people of Haiti. It will decide whether we remain a democratic republic or pass to a financial and militaristic imperialism similar to those of Europe. It is hoped the administration will not concur with the preliminary report or any final report, of the Senate committee of investigation recommending the maintenance of our military forces in the island. No amount of benevolent paternalism can compensate a people for the loss of liberty. If we are to keep faith with the democratic spirit of the American people, we will not dally, but at once set about to withdraw our military forces from Haiti and Santo Domingo.

We emphatically concur in the conclusions set forth in the report of the 24 lawyers, issued by the Foreign Policy Association. They say in part:

"8. We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty and the cherished liberty of Haiti and her right to fair dealing on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America based on trust and confidence, all require

"(a) The immediate abrogation by the United States of the treaty of 1915, unconditionally and without qualification.

"(b) The holding of elections of representatives to the legislative bodies of Haiti and of a president by the free will of the people at an early day

"(c) The negotiation of a new treaty with a new Haitian administration for friendly cooperation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign states."

The machinery for the accomplishment of these ends is set up in Senate Resolution No. 265, introduced by Senator WILLIAM H. KING on March 10 last. It reads:

"Whereas United States military forces have been in occupation of the territory of the Republic of Haiti since 1915, and the Haitian people now desire the withdrawal of those forces and the abrogation of the treaty of 1915 between the United States and the Republic of Haiti; and

"Whereas the term of the present President of Haiti, elected in 1915, expires on May 15, 1922, and no elections for deputies and senators have been held in Haiti since the dissolution of the chamber of deputies and the senate in 1917 Now, therefore, be it

"*Resolved*, That it is the sense of the Senate that the United States should forthwith terminate the aforesaid military occupation of Haiti, abrogate the treaty of 1915 between the United States and Haiti, under which the said occupation is maintained, and restore democratic constitutional government in Haiti.

"*Resolved further*, That in order to carry out the aforesaid purposes the President of the United States is respectfully requested:

"1. To denounce the treaty of 1915 and the protocol of March 28, 1917, extending said treaty, same to take effect on or before the expiration of the six months' period provided for in paragraph 3 hereof.

"2. To take all necessary and appropriate action to restore full democratic, constitutional government in Haiti, and in particular to direct the brigade commander of the United States marines in Haiti to act as follows:

"Temporarily to assume on the 16th day of May, 1922, such powers and functions of government in the territory of the Republic of Haiti as are necessary to provide forthwith for the holding of free popular elections in Haiti not later than July 1, 1922, for a constituent national assembly, to be composed of one member for each existing commune, to convene said assembly in meeting not later than August 1, 1922; and to vest the said assembly with the functions and powers of framing and adopting a new constitution for Haiti and of choosing and installing in office a President and Government of Haiti.

"3. Within a period of six months after the date when the President of Haiti, chosen by said constituent assembly shall have notified the Government of the United States of the adoption of a constitution and of the assumption of office by the said President, to withdraw all military and naval forces of the United States from the territory of the Republic of Haiti and to cause to be restored to such reconstituted Haitian Government all functions and powers of government now or hereafter exercised in Haiti by all civil or military representatives of the United States."

PAN AMERICAN ACTION URGED FOR FUTURE.

Finally we urge the necessity of taking immediate steps to establish a Pan American Congress of at least the leading North and South American powers for the settlement of any differences or difficulties that may arise in the future If it became necessary to maintain order in some of the weaker and more restless Republics and especially if military intervention became necessary, let it be done, not by ourselves alone, a course which carries an assumption of our own impeccable superiority, but by joint action with our neighboring Republics. In this way, and perhaps in this way only, can we demonstrate the sincerity of our pretentions of amity, justice, and good will. Let this be the Monroe doctrine of our time.

We bring this subject to your attention, Mr. Secretary, with all the greater confidence since the opinion of the President upon it has been unreservedly expressed. Referring, in one of his speeches at Marion in the fall of 1920, to the use of our military forces to impose an American-made constitution upon the helpless Haitians, he said:

"If I should be, as I fully expect to be, elected President of this just and honorable Republic, I will not empower an Assistant Secretary of the Navy to draft a constitution for helpless neighbors in the West Indies and jam it down their throats at the point of bayonets borne by United States marines. We have a higher service for our gallant marines than that. Nor will I misuse the power of the Executive to cover with a veil of secrecy repeated acts of unwarranted interference in the domestic affairs of the little Republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends but have rightfully discredited our country as their trusted neighbor."

We recall the satisfaction this expression of opinion gave to so many of the American people at the time. They were only beginning to apprehend the ruthlessness and significance of our Haitian conquest when Mr. Harding denounced it in unmistakable terms.

With that declaration fresh in our memories we can not allow ourselves to question the probability of a prompt decision to reverse our imperialistic policies in the West Indies, which in the speech we quote were so justly condemned. With the sentiment of that speech and the principles vitalizing it, every true American must sympathize; and so in behalf of the American people we confidently solicit the restoration by the President to the little Republics of Haiti and Santo Domingo the sovereignty over their domestic affairs which our Government has not only violated but is continuing to violate.

Respectfully submitted.

Robert L. Owen, president, United States Senator from Oklahoma; William Kent, Kentfield, Calif., former Congressman and member Federal Tariff Commission; Prof. E. A. Ross, Madison, professor of sociology, University of Wisconsin, author of "South of Panama," "What is America," etc.; Jackson H. Ralston, Washington, attorney, author of "International Arbitral Law and Procedure"; Louis F. Post, Washington, editor, author, former Assistant Secretary of Labor; J. H. McGill, Valparaiso, Ind., president McGill Manufacturing Co.; Dr. John A. Ryan, Washington, professor industrial ethics, Catholic University; A. M. Todd, Kalamazoo, Mich., president A. M. Todd Co.; Frank Morrison, Washington, secretary American Federation of Labor; Charles Edward Russell, Washington, author "The Outlook for the Philippines," etc.; William H. Johnsion, Washington, president International Association of Machinists; Herbert Quick, Berkeley Springs, W. Va., editor, author of "The Fairview Farm," etc.; Harry A. Slattery, Washington, former secretary National Conservation Association; Dr. Delos F. Wilcox, Elmhurst, N. Y., consulting franchise expert; and Judson King, executive secretary.

April 27, 1922, 637 Munsey Building, Washington, D. C.

(NOTE.—For convenience the connections of the signatories above are inserted by us in this mimeographed copy.—J. K.)

APPENDIX B.

NATIONAL POPULAR GOVERNMENT LEAGUE,
637 Munsey Building, Washington, D. C.

[Bulletin No. 72, February 9, 1922. By Judson King, Executive Secretary.]

THE SIGNIFICANCE OF THE AMERICAN OCCUPATION OF HAITI.

The ninth session of the League Forum was addressed by Dr. Pierre Hudicourt, of Port au Prince, Haiti, upon the subject "A Haitian Statesman's View of the American Occupation of Haiti."

Doctor Hudicourt is a lawyer of international reputation and high standing, a member of the permanent court of appeals at The Hague, professor of international law in the Haitian National Law School, member of the American Institute of International Law, and has actively participated in the diplomatic relations between the United States and Haiti. He is a man of fine presence, speaks good English, and made a profound impression upon the forum by his simple dignity, his firm grasp of the legal, economic, and humanitarian principles involved.

His address was a revelation to the Americans present, because the facts produced from the official record prove beyond cavil or inspired propaganda that the Government of the United States for the past six years has been doing exactly the same things in Haiti and Santo Domingo that Japan, France, and England have been doing in Africa and Asia, and for the same reasons.

The American people have been kept in profound ingorance of what the American Government, under the direction of the President, was doing in Haiti. No mention of Haitian activities was made by the Secretary of the Navy in his annual reports from 1915 to 1920.

DOCTOR HUDICOURT'S ADDRESS.

Doctor Hudicourt, who has been invited to appear before the Senate committee investigating the situation in Haiti, showed that the United States is carrying on a policy of economic imperialism in Haiti similar to that of the great powers of Europe in Africa and Asia. The policy applies, in fact, to the ring of the Caribbean, and it was roughly indicated that American troops now dominate Haiti, Santo Domingo, Cuba, Honduras, and are stationed at other strategic points.

The audience was shocked by the facts brought out in the discussion that the American Government has expended probably $50,000,000 in an atrocious and utterly illegal subjugation of Haiti, for no other purpose as yet adduced than to permit the looting of that Republic by the National City Bank of New York and the cotton and sugar magnates, who desire to get hold of the lands of the Haitian people and exploit Haitian labor at 20 cents a day.

After a brief historical introduction of Haiti's case by Dr. Ernest Gruenin, managing editor of The Nation, of New York, Doctor Hudicourt set forth its legal aspects. Incidentally he lodged the following charge against John A. McIlhenny, financial adviser to the Republic of Haiti, whose duty it is to prepare its national budget:

"Mr. McIlhenny is here in Washington helping to force a $14,000,000 loan on the Haitian people, which they don't want, but which the National City Bank of New York, the Haitian-American Sugar Corporation, and R. E. Forrest, exploiter of cotton lands, president of the West Indies Trading Co., and personal friend of Senator MCCORMICK, do want.

"For this McIlhenny is drawing his salary of $10,000 a year from the Haitian people, plus $500 in gold per month for 'traveling expenses' while working for these interests. Haiti is not receiving his services. No national budget for Haiti has been prepared since McIlhenny was appointed two years ago, nor has he made any accounting to the Haitian people as to what he is doing with their money.

NATIONAL CITY BANK LOAN.

"The proposition is made to the Haitian Government that the National City Bank shall loan it $14,000,000, of which the Haitians would actually get $12,880,000; for it is to be sold at 92, and they must pay 7½ per cent interest on the $14,000,000.

"Out of the $12,880,000 the railway interests represented by Vice President Farnham, of the National City Bank of New York, are to get $1,621,500 immediately in payment for a railway which the Haitians never bargained for.

"These interests did not live up to the terms of the bargain they did make; they never followed the line laid down, but built three sections in areas which they intended to exploit.

"The Americans who have invaded Haiti propose to pay off the French debt of $6,668,000, the $1,621,500 claimed by the railway interests, and the $965,000 of Haitian internal debt. That leaves $1,564,800. This sum, if the plans of the schemers go through, is to be devoted to irrigation projects and roads, not for Haitians but for the immediate benefit of the American land-grabbers.

FORCED TREATY.

"By the most brutal and arbitrary methods these interests, working through the United States Government, have forced a new treaty providing complete control of my country's finances, control of the customs collections, a receiver general—who is a carpethagger from Louisiana—Financial Adviser McIlhenny, and all. The country is now in complete vassalage.

"The National City Bank, which has gotten the banking monopoly of Haiti, is empowered by this pernicious treaty to issue and fix the value of the people's money. The Haitian gourde, which was worth $1 in American money, Admiral Caperton has arbitrarily fixed at 20 cents. It means that the sugar and cotton and other interests there may pay for their labor, which was $1.75 a day, but little more than 20 cents a day. That is the wage of labor there now.

"Our constitution provided against foreign exploitation by forbidding foreigners to own land in Haiti. Under the new treaty the way is perfectly open for the sugar, the cotton, the mining, and other American interests to go in and acquire Haitian territory. The grants of 1804 apportioned the land among the patriots who achieved independence. The sugar people have decided to get this land surveyed, requiring the production of title deeds. Most of it was acquired under squatter's rights, fully sanctioned by the laws of Haiti, and the titles are not recorded. The American Legation at Port au Prince are aiding and abetting the sugar interests in their purpose of ousting the Haitian people from their freeholds. Mr. Forrest said, in his recent testimony, 'Our object is to get big returns, and we can not do this unless things are done to make it possible.'

"Neither Haiti nor Santo Domingo has yet had its day in court at Washington and before American public opinion. Their side has not been heard. I am here to present to the Senate committee, headed by Senator MCCORMICK, the friend of McIlhenny and Forrest, and if possible to the administration and the American people.

"It is important to remember that up to the time of American intervention the Haitians scrupulously paid the interest on their external and internal debt; that is more than several of your own Southern States did. So long as they did so the Monroe doctrine could not be invoked.

FORCED NEW CONSTITUTION.

"An election of a President under the constitution which was written for us, according to his own boast, by Assistant Secretary Franklin Roosevelt, has been due, but by orders of the Marine Corps no such election has been held. The United States during its occupation of six and a half years has abolished every real form of self-government in Haiti. We are at the mercy of the arbitrary acts of every marine private, of every small civil official. Now, it is planned that the Haitian finances shall be subject to American control for 30 years.

"The senatorial commission, consisting of Senators MCCORMICK, of Illinois, chairman; POMERENE, of Ohio; JONES, of New Mexico; and ODDIE, of Nevada, has spent weeks in the United States listening to testimony of marine officers and bankers interested in Haiti. When it came to hear the Haitian side, to hear the story of six years of tyranny, it spent actually only five days on the island, of which but one and a half was devoted to taking testimony. The rest of that time was largely spent in the company of the Marine Corps and of American investors.

"Immediately on its return, although the commission had announced in Haiti that the case was by no means closed, and that hearings would continue, it rendered a decision in a preliminary report. This report recommended that the marines stay in Haiti; that there be no abrogation of the treaty; and that a high commissioner, who would be a virtual dictator, should coordinate the various civil and military functions, and that the loan must be put through at once.

"If the United States desires to annex Haiti, to make it an American colony, of which America's every single act affords convincing evidence, why not say so? Why continue the sham and the hypocrisy of pretending, against the will of the entire Haitian people, that you are there for philanthropic reasons?"

SOME TELEGRAMS.

In his historical survey of the occupation, which the press has never presented to the American public, Doctor Gruening quoted the message sent by Admiral Caperton to Captain Durell, following Secretary Daniels's orders to seize the customhouses, withhold the salaries of the cabinet officers, and establish martial law. The message reads in part: "Successful negotiation of treaty is predominant part present mission. After encountering many difficulties treaty situation at present looks more favorable than usual. This has been effected by exercising military pressure at propitious moments in negotiations."

Moreover, Secretary Daniels cabled to Admiral Caperton, November 12, 1915, "I am confident if the treaty fails of ratification that my Government has the intention to retain control in Haiti until the desired end is accomplished. * * * It is expected that you will be able to make this sufficiently clear to remove all opposition and to secure immediate ratification."

Concerning the corvée, or enforced labor imposed by the marines, Doctor Gruening said: "It is significant that the figures of Haitians killed in the years following the corvée were very much greater than they were before the invasion, casualties in the next year being 1,732, whereas less than 100 had been killed in each of the first two years of the occupation." He said further:

"There has been no Haitian legislature since 1917. The present President's term expires in May, and the Haitians are demanding the right to hold a free election, the abrogation of the treaty, and adherence to the Monroe doctrine as heretofore interpreted."

An important series of articles on the Haitian situation by Doctor Gruening is now running in the Nation.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that when the Senate concludes its business to-day it shall take a recess until to-morrow morning at 11 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. ODDIE. Mr. President, the question has been pretty thoroughly discussed, but I want to say again that a serious condition faces us to-day, and an obligation rests heavily on our shoulders to protect the Haitian people. I will say again, no matter how the condition arose, it faces us to-day and the obligation rests on us to take care of them. If we ignore them, if we get out or say we will get out in a very short time, we will be doing a very barbarous and inhuman thing. We will be blamed and condemned by all the world, as well as by South America.

The Senator from Nebraska [Mr. NORRIS] and the Senator from Idaho [Mr. BORAH] have high altruistic motives. They have been discussing this question from a part of the record that they have read, but, aside from what has come to their knowledge, I want to refer again to some of this miserable propaganda which is being spread over the country, which is not only damaging to the Haitians, but casts an ugly and unjust slur upon our Navy and our Marine Corps.

Mr. President, those organizations have been acting under instructions from Washington, and I think it is entirely wrong to cast slurs on them, as has been done.

I will say again that we owe a responsibility to the Haitian people; we desire to be their real friends; and the propaganda which is being carried on is damaging to them. If Senators will carefully read the report of our committee when it is submitted, I think they will be convinced that we intend showing nothing but kindliness and friendship to the Haitians, and that if the recommendations of this report are followed the Haitians will be better off for such action.

Mr. KING. Mr. President, I am willing to take a vote upon this amendment now, asking leave to add to it the words necessary to include Nicaragua.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. KING], as modified, to the amendment of the committee, which will be stated by the Secretary.

The READING CLERK. On page 64, at the end of line 9, it is proposed to insert the following proviso:

Provided, That no part of said sum shall be used for the purpose of maintaining or employing marines, either officers or enlisted men, in the Republic of Haiti, or the Dominican Republic, or Nicaragua, after December 31, 1922, except in the event of an uprising in either Republic menacing the lives of citizens of the United States or the lives of subjects of a foreign power or powers friendly to the United States, and then only for the purpose of affording protection to said citizens or subjects.

Mr. KING. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES], which I transfer to my colleague [Mr. RANSDELL] and vote "nay."

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD], which I transfer to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS].

Mr. CALDER. I transfer my pair with the senior Senator from Georgia [Mr. HARRIS] to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of sickness. His pair with the senior Senator from Delaware [Mr. BALL] has been announced.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair, after having voted in the affirmative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and as I have a pair with that Senator I withdraw my vote.

The result was announced—yeas 9, nays 43, as follows:

YEAS—9.

Borah	Ladd	Norris	Walsh, Mass.
Johnson	La Follette	Overman	Walsh, Mont.
King			

NAYS—43.

Brandegee	Frelinghuysen	Nelson	Smoot
Broussard	Gerry	Newberry	Spencer
Bursum	Hoffin	Nicholson	Sterling
Calder	Kellogg	Norbeck	Sutherland
Cameron	Kendrick	Oddie	Townsend
Capper	Lenroot	Phipps	Trammell
Caraway	Lodge	Poindexter	Wadsworth
Curtis	McCormick	Pomerene	Warren
Dial	McCumber	Sheppard	Watson, Ind.
Edge	McKinley	Simmons	Willis
France	McNary	Smith	

NOT VOTING—44.

Ashurst	Fletcher	McKellar	Reed
Ball	Glass	McLean	Robinson
Colt	Gooding	Moses	Shields
Crow	Hale	Myers	Shortridge
Culberson	Harreld	New	Stanfield
Cummins	Harris	Owen	Stanley
Dillingham	Harrison	Page	Swanson
du Pont	Hitchcock	Pepper	Underwood
Elkins	Jones, N. Mex.	Pittman	Watson, Ga.
Ernst	Jones, Wash.	Ransdell	Weller
Fernald	Keyes	Rawson	Williams

So Mr. KING's amendment to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, on Saturday an amendment was adopted to the bill under consideration, as found on page 8916 of the CONGRESSIONAL RECORD, reading as follows:

Provided further, That officers of the Supply Corps, United States Navy, who have served in the temporary rank of commander for a period of more than four years shall be regarded as having been promoted to the permanent rank of commander in the Supply Corps, United States Navy, with rank as such immediately after the officer whose date of entry into the Supply Corps, United States Navy, was June 9, 1899.

A point of order was made against that amendment by the junior Senator from Utah [Mr. KING], which was subsequently withdrawn. Rule XX provides that a question of order may be raised at any stage of the proceedings. I inquire if a point of order against this amendment would now be in order?

The PRESIDING OFFICER. The Chair is of the opinion that a point of order can be made when the bill gets into the Senate, but he is inclined to think it could not be made at this time.

Mr. WALSH of Montana. That matter, the Chair will remember, has been determined both ways. My view about it is that, in view of this particular rule, the better practice is to make the point of order in the Senate. As that is the ruling of the Chair, I shall not move to reconsider the vote by which this amendment was adopted; but it should not have been adopted, in my judgment, and certainly should not have been adopted without more consideration than appears to have been given it in the closing hours of the session on Saturday. If the Chair advises me that a point of order may be made against the amendment in the Senate, I shall not ask for a reconsideration of the vote.

The PRESIDING OFFICER. The Chair is of that opinion.

Mr. LODGE. I desire to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. It is proposed to add to the bill:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Capt. William R. Rush a rear admiral on the retired list of the United States Navy, to take rank immediately after Rear Admiral Albert Gleaves: *Provided*, That the said William R. Rush shall be carried as additional to the number of rear admirals now authorized by law.

Mr. KING. I raise a point of order against the amendment that it is general legislation upon an appropriation bill.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. KING. On page 57, line 18, I move to strike out the numerals "$10,817,398" and to insert in lieu thereof "$8,270,950."

The PRESIDING OFFICER. The Secretary advises the Chair that that amendment has already been agreed to. So the Senator's amendment to the committee amendment will not be in order except in the Senate or on a reconsideration of the vote by which the amendment was agreed to.

Mr. KING. The understanding was that I should have permission to offer this amendment. I ask unanimous consent that the vote by which the committee amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Without objection, the vote will be reconsidered.

Mr. KING. The purpose of my amendment is to reduce the number of marines. I have accurate figures, furnished me by the clerk of the committee, as to the number of enlisted men and officers in the Marine Corps at various times, which show that the strength of the Marine Corps has been as follows:

On June 30, 1899, there were 6,062 men authorized, and 3,614 actually in the service; there were 211 officers authorized, and 142 actually in the service.

On June 30, 1908, the authorization was for 9,521, but there were 8,822 in the service. The authorized strength of the officers was 333. The number actually in the service was 262.

On June 30, 1910, the authorized strength was 9,521. There were actually in the service 9,121.

On June 30, 1916, the authorized strength was 9,947. The actual strength was 10,056. They seem to have had more in the service than were authorized.

On June 30, 1917, there were 30,000 authorized; 24,172 actually in the service.

On June 30, 1918, the authorized strength was 30,000, but there were actually 45,384 in the service.

On June 30, 1919, there were 75,500 authorized, but 45,343 in the service.

On August 31, 1919, there were 27,400 authorized, and 27,514 in the service.

On June 30, 1920, there were 27,400 authorized, and 16,000 in the service.

On June 30, 1921, there were 27,400 authorized, and 21,003 in the service. Now it is proposed to authorize a strength of 21,000 men and 1,096 officers. I am advised, and as a member of the Naval Affairs Committee it was my understanding, that for a number of years there has been a sort of an understanding or gentlemen's agreement that there should be a ratio between the marines and the number of enlisted personnel in the Navy of 5 to 1, which would call at this time for 17,500 marines.

In my opinion, we ought to reduce the number of marines to 10,000, but in deference to this understanding of the past, and knowing that I could not get votes enough to carry such an amendment, I have been constrained to offer the amendment which I have just submitted. It seems to me there ought to be no objection to it. It will save a few million dollars. There must be a reduction in the marines. It looks as though there is a determination to make the Marine Corps more important than the Army. They have been strongly organized, they have had many friends everywhere, and they have been able to secure usually what they wanted.

I submit, without taking the time to discuss the matter as it ought to be discussed, that there ought not to be any objection to the acceptance of the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah to the amendment of the committee, which the Secretary will report.

The READING CLERK. On page 57, in line 19, strike out "$11,866,372" and insert "$8,270,950."

The amendment to the amendment was rejected.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of the amendment on page 66, reserved by the Senator from Montana [Mr. WALSH].

The amendments were concurred in.

Mr. WALSH of Massachusetts. I offer the amendment which I send to the desk and ask that the Secretary may read it.

The PRESIDING OFFICER. The amendment will be reported.

The READING CLERK. On page 35, after line 25, insert the following additional proviso:

Provided further, That the Secretary of the Navy is authorized, in his discretion, to restore to their reserve status as of May 16, 1921, and employ on active duty for the fiscal year 1923 only, the 40 men, formerly of class 5, United States Naval Reserve Force, who were commissioned in the regular line of the Navy at reduced grades as a result of the examination held on May 16, 1921: *Provided further*, That such officers may, prior to July 1, 1923, after successfully passing such examinations to determine their qualifications for their reserve grade as may be prescribed by the Secretary of the Navy, be transferred to and appointed in the Regular Navy in accordance with the provisions of the act of June 4, 1920.

The PRESIDING OFFICER. The Chair desires to state to the Senator from Massachusetts that this is an amendment to a committee amendment, and that the committee amendment has been concurred in.

Mr. WALSH of Massachusetts. I move it as an independent amendment to be added at the end of the paragraph, omitting the words "*Provided further.*"

Mr. POINDEXTER. I make the point of order against the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. WALSH of Montana. I asked that the amendment on page 66 might be reserved in order that I might make a point of order against it.

The PRESIDING OFFICER. To the amendment on page 66, at the end of line 14, the Senator from Montana makes the point of order that it is legislation on an appropriation bill. Is that the point of order?

Mr. WALSH of Montana. That it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair sustains the point of order.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. POINDEXTER. I move that the Senate insist on its amendments, ask a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. POINDEXTER, Mr. HALE, Mr. NEWBERRY, Mr. SWANSON, and Mr. GLASS conferees on the part of the Senate.

DUTY ON MACHINE TOOLS.

Mr. WILLIS. Mr. President, I ask unanimous consent to have printed in the RECORD a brief statement from the National Machine Tool Builders' Association relative to a duty on machine tools.

There being no objection, the statement was ordered to be printed in the RECORD in 8-point type.

[National Machine Tool Builders' Association, office of general manager, 817–818 Provident Bank Building. August H. Tuechter, president, Cincinnati, Ohio; E. J. Kearney, first vice president, Milwaukee, Wis.; C. Wood Walter, second vice president, Cincinnati, Ohio; Winslow Blanchard, treasurer, Cambridge, "A" Mass.; Howard W. Dunbar, secretary, Worcester, Mass.; Ernest F. DuBrul, general manager, Cincinnati, Ohio.]

CINCINNATI, OHIO, *June 17, 1922.*

Subject: Tariff on machine tools.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR SENATOR WILLIS: On June 8, when the machine-tool paragraph of the tariff bill was under discussion in the Senate, unfounded slurs by misinformed Senators influenced enough Republican Senators to reduce the machine-tool rate from 35 per cent to 15 per cent, the rate made by the Underwood tariff.

Senator SIMMONS charged the manufacturers of this industry with sustaining exorbitant prices and profits, "particularly on automobiles, guns, and machines"; that they were selling in South America in successful competition with the Germans; that they had great organizations that did practically what they pleased; and so on.

Some manufacturers of automobiles and firearms may be getting exorbitant profits, but the buyers of the automobiles pay

the prices that produce the profits. Some of them may successfully compete with the Germans in South America. Some no doubt have great organizations. Some may do just as they please. But why should the machine-tool industry be joined in a scathing denunciation of such people?

If Senator SIMMONS had grounds for these statements, in so far as some automobile and firearms producers were concerned, the statements were all erroneous as applied to the machine-tool industry, which was lumped with these others in the discussion.

Machine tools are not small tools, as some Senators have believed, and as some may still believe. The term "machine tools" would be clearer to the nontechnical if they knew that it applied to the great mass of metal working machinery used in the forming or working into finished shape of all metal parts. This class of machinery is the most important of all the industrial machinery group, using the term "industrial" as distinguished from "agricultural" and "transportation." The output of machine tools is about 25 per cent of the output of all industrial machinery. On the high quality and productivity of the machine tool depends the quality and amount of production per man of all the industries making metal goods and machinery of every other class. On this industry the other metal industries must depend for low costs with high American wages. It is the genius of the machine-tool builder that makes possible cheap automobiles, sewing machines, washing machines, phonographs, and radiophones. The accurate instruments, close-shooting weapons, huge quantities of war material so necessary in the late war, all depended on the genius of the American machine-tool builder for their production.

Therefore this industry deserves something better than a mere fling of vituperation at the hands of the misinformed. If this industry is throttled, all others must suffer.

In refutation of Senator SIMMONS's statement as to exorbitant profits, the experience of this industry was that the 1914 prices were so low that the manufacturers faced ruin. Testimony had been submitted to the Underwood committee showing that the machine-tool industry had earned only 8.95 per cent on its invested capital for the 10 years prior to 1913. Prices in 1914 were extremely low because of prospective German competition that was just coming in under the Underwood Tariff, that had made the rate 15 per cent.

If the industry before the war could not earn over 8.95 per cent with the lower wages paid at that time, it will be strange if it earns anything with wages and material and all other costs more than double the 1914 rate and machine-tool prices only 40 per cent more than 1914.

The export market formerly enjoyed by the machine-tool industry has now been almost annihilated. The large German steel combinations, engineered by the German trust organizers—Krupp, Hugo Stinness, and others—control large machine-tool works and are now taking steps to enter the American market. They certainly can and will do so if the rate of 15 per cent is maintained, since German copies of American machines now sell for only one-third of the present prices of American originals.

Senator KING on the same day said that the prices were more than 100 per cent over the 1914 price, that the manufacturers were taking advantage of a monopoly, and that they charged practically what they desired. The following figures, taken from the 1919 census, are sufficient proof that Senator KING's remarks could not apply to the machine-tool industry. According to the census figures of 1919 the machine-tool industry's invested capital was $213,000,000. The total value of its product in that year was $212,000,000. We are told that the sales of repair parts of the lowest-priced automobile, built by a prominent Democrat, amount to more than that in one year for that one concern. So when it comes to volume this industry can not be so damnable a monopoly as Senator KING intimated.

The machine-tool industry in 1919 had 403 establishments, employing 53,111 wage earners. The average of wage earners per shop was therefore 132. Where is that monopoly that Senator KING says was taken advantage of by the manufacturers to charge the public what they desired? The actual facts are just the opposite. This industry of scattered, small establishments is to-day struggling for existence, and has been doing so for over 18 months, as a reaction from the war conditions.

This industry was absolutely essential to the successful conduct of the war. Without metal-working machines, machine tools, as technically known, war munitions could not have been made. The enormous demands of the war for such machines were patriotically supplied by the expansion of the machine-tool industry with its own capital or borrowed money—not with Government money. It is estimated that the industry was expanded to three times its former size. To-day, in its readjustment, the industry faces a corresponding contraction to the peace basis. Besides, its foreign market is gone, and that market was absorbing probably between 20 and 30 per cent of the total production before the war. This expanded capacity is now a liability, not an asset, and is far in excess of reasonable expectation of use.

Certainly the best justification for a protective tariff is the justification of national defense. The machine-tool industry is a key industry in national defense. If it is ruined by competition with foreign enemies this country would be in a terrible state when it came to defense in any future war.

Far from being a monopoly that charges what it pleases, at this time these manufacturers are fighting tooth and nail for every little order. A large excess of war-made machines is on the secondhand market; all costs are still exceedingly high and demand is very small. All these circumstances make it impossible for this industry to get any profit at all, and there have been numerous failures.

The German machine-tool industry was also expanded to take care of the war needs of the Central Powers, and it is in the hands of strong concerns. A 15 per cent rate on foreign valuation will help the Germans to kill off their American rivals; and this by the action of a Republican Senate establishing a Democratic rate at the instigation of Democratic Senators from Arkansas and North Carolina—States that have no metal-working industries of any consequence.

Your own State of Ohio is the largest producer of machine tools in all the United States, and we appeal to you as representing this State to call the attention of the Senate to the injustice that has been done to this industry, not only in the ill-considered reduction, without any reflection or information as to the rate, but in unjust, unfair slurs directed against an industry that lives by the sweat of its brow.

This industry has to bid for its material and labor against all other mechanical industries. Being put in a lower rate class at 15 per cent, when all of its customers and competing industries are given a higher rate, was an injustice of the Underwood law that the House bill sought to correct with a rate of 35 per cent. To continue to work such an injustice on an important industry, with 53,000 wage earners, an industry so essential to the national defense and progress, is beyond reason.

It is hoped that the Senate will rescind the action in making this amendment, and will, at least, restore the machine-tool item to a rate covered by the so-called "basket clause," where it was some years ago, with all other mechanical industries with whom it competes for labor and material, and who in turn must depend on the machine-tool industry for their vital improvements in methods of production.

Very truly yours,

E. F. DUBRUL, *General Manager.*

RECESS.

Mr. CURTIS. I move that the Senate take a recess, the recess being under the unanimous-consent agreement, until 11 o'clock to-morrow.

The motion was agreed to, and (at 6 o'clock and 7 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, June 20, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 19, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, again our eyes are open to the wide reaches of the impartial love of a divine Providence. We rejoice in the glad outlook of the day and week. May we bring buoyant hearts and minds to our duties. Impress us that it is always best to believe the best and do the best. Faithfulness to principle is essential to Thy favor and to the esteem of our fellows. Direct us by Thy wisdom, give courage to conquer every temptation, and strength to arise from every failure. Thus enable us to strive for the victories that count and tell for God and man. Amen.

The Journal of the proceedings of Saturday, June 17, 1922, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1784. An act for the relief of John B. Elliott;

S. 154. An act to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump; and

S. 1087. An act for the relief of H. L. McFarlin.

The message also announced that the Senate had passed joint resolution (S. J. Res. 185) authorizing the Secretary of War to grant permits for removal of rock and gravel from the Fort Wingate Military Reservation, in which the concurrence of the House of Representatives was requested.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 185. Joint resolution authorizing the Secretary of War to grant permits for removal of rock and gravel from the Fort Wingate Military Reservation; to the Committee on Military Affairs.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. To-day business on the Unanimous Consent Calendar is in order. The Clerk will call the first bill on the calendar.

IMPRISONMENT OF FEMALE OFFENDERS IN STATE REFORMATORIES.

The first business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

MAILS FOR THE BLIND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10496) to provide for the free transmission through the mails of certain publications for the blind.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. I make the same request with reference to this bill.

The SPEAKER. The gentleman from Massachusetts makes the same request with reference to this bill, that it be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

LAC DU FLAMBEAU BAND, LAKE SUPERIOR CHIPPEWAS, WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6428) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, when this measure was up before I made some inquiry with reference to it, and asked that it be passed over. I do not see the gentleman present here this morning who was to communicate with the Indian Office. I dislike to object, but——

Mr. MANN. I want to make some inquiries about it. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ACCOUNTS OF CERTAIN DIPLOMATIC AND CONSULAR OFFICERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7764) authorizing the accounting officers of the Treasury to adjust certain accounts of certain diplomatic and consular officers.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, when this bill was up for consideration on the call two weeks ago the gentleman who reported it asked that it be passed over without prejudice for the purpose of obtaining additional information which at that time he did not have. I do not see the gentleman now in the Chamber. I ask unanimous consent to have it passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

LEASE OF SURPLUS ELECTRIC POWER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10248) to amend the act of April 16, 1906, and the act of February 24, 1911, relative to the lease of surplus electric power on Federal irrigation projects.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, since this bill was passed over two weeks ago at my request the gentleman from Arizona [Mr. HAYDEN], the author of the bill, has furnished me with additional information. But I wish to make a certain inquiry as to the last proviso, vesting discretion in the Secretary of the Interior to adjust these rates within 5, 10, or 20 year periods of time after the entry into contracts of lease.

My impression as to the readjustments of the rental for this hydroelectric power that is sought to be granted to the Water Users' Association, under certain terms that will be satisfactory to the Secretary of the Interior, is that they should be mandatorily changed at least every 10 years. I think the period of time is too long to make it 20 years when the prices of power may change perhaps by reason of the price of coal. We all know that the price of hydroelectric power is largely dependent and conditioned upon the price of coal, the price at which it is sold at the place where the power is developed. Now, in the granting of leases for power at a certain rate and having the time extended to 20 years you are doing so at the expense of the other users of power.

Mr. HAYDEN. The gentleman from Wisconsin will observe that this bill provides for frequent readjustments of water-power rates. Section 7 of the Federal water power act provides:

That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations, and at periods of not less than 10 years thereafter, in a manner to be described in each license.

The gentleman will notice that the language of this bill follows very closely after that of the water power act. The officials of the Salt River Valley Water Users' Association advised me that they had contracts with certain users of power which they would like to readjust every five years.

So it is here provided that five-year readjustments may be made, while under the Federal water power act no readjustment of rates need be made until 20 years, and then every 10 years after that.

Mr. STAFFORD. I beg pardon. Let me get a clear idea of what the Federal water power act provides. I gleaned from reading it that it provides that rates must be readjusted at the end of 10-year periods.

Mr. HAYDEN. No; that act reads—

May be readjusted at the end of 20 years after the beginning of operations, and at periods of not less than 10 years thereafter.

As to the second part of the gentleman's observation, with respect to the competition from power produced by coal, I can state to him that in my opinion the only competition that is to be feared by those interested in this power which is to be produced on Salt River will be an enormous hydroelectric development, which we all hope will take place on the Colorado River. When the Colorado is harnessed, in a few years to come, there will undoubtedly be a vast quantity of cheap power available for distribution in Arizona. Therefore, if any rate readjustment is made, it will probably be downward, in competition with this very large hydroelectric development, rather than upward, in competition with coal, which must be shipped by rail from New Mexico or Colorado.

Mr. STAFFORD. I wish to call the gentleman's attention to the fact that under the language of the bill there is no obliga-

tion upon the department to readjust the rate at any period of the 50-year lease.

Mr. HAYDEN. Neither is there any such obligation under the water power act.

Mr. STAFFORD. It says the charges shall be readjusted at the end of 20 years.

Mr. HAYDEN. No; I copied the wording of this bill exactly from that act, which is permissive but not mandatory. It says that such charges may be readjusted.

Mr. STAFFORD. Read just below, where it is mandatory.

Mr. HAYDEN. There is nothing mandatory. The water power act provides—

> The commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years thereafter and at periods of not less than 10 years thereafter.

Mr. STAFFORD. The gentleman has called attention to the provision of the water power act that applies to Government projects on Indian reservations.

Mr. HAYDEN. Government dams or Indian reservations. This bill relates to the sale of surplus power from a Government dam, because the title to the property will remain in the United States.

Mr. STAFFORD. Yes.

Mr. HAYDEN. And the language of the bill precisely follows the Federal water power act, except that I have provided that there may be five-year rate readjustments.

Mr. STAFFORD. My idea is that for the protection of the users of power there should be a requirement that the rates be readjusted at certain fixed times. It is not fair to the future users of power to have some large user of this stored-up power get a preferential rate under a long-time lease, which may be away below the prevailing cost 20 or 25 years hence. Neither is it fair perhaps to the user of power to charge him an excessive rate when the rate may be much lower 20 or 25 years hence.

Mr. HAYDEN. Under the terms of this bill, when a contract for the sale of surplus power is made it may provide for a readjustment of rates at fixed periods. If a consumer of power believes that in the future electric power will be cheaper—and that is my opinion so far as Arizona is concerned, on account of future hydroelectric development on the Colorado River—he will naturally insist that the readjustment come as soon as possible. If the Salt River Valley Water Users' Association is wise in making its power contracts, it will try to obligate the consumers at a high rate for as long a time as it can. But, in any event, a readjustment of rates can be agreed upon in advance and so specified at the time the contract is made.

Mr. CLARKE of New York. Will the gentleman state what power project along the Colorado River he has in mind?

Mr. HAYDEN. I have in mind a very large reservoir which must be constructed in order to protect the Yuma Valley and the Imperial Valley from the flood waters of the Colorado River. When that great reservoir is provided at least 600,000 horsepower of electric energy will be produced as the stored water is gradually released.

Mr. CLARKE of New York. Has the gentleman in mind the project that may possibly be developed by Girand and others?

Mr. HAYDEN. That particular project is for power only. It provides practically no storage, but would create about 100,000 horsepower for use in Arizona. If the proposed Girand power plant at Diamond Creek in the Colorado River were in existence to-day, I doubt very much whether it would be possible to finance the Salt River power development, in aid of which I am seeking to have this bill passed.

Mr. CLARKE of New York. Would this project interfere in any way with the Girand project?

Mr. HAYDEN. No; because this project is comparatively small. The Girand project is large enough to supply power to a great many copper mines in Arizona. This Salt River project may care for the power needs of two or three of them. There is no real conflict between the two. This project will not require so much money for its development and the mines will have power immediately. I now yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, reserving the right to object, I am inclined to think that the plan proposed is a safe and sound one, and, as a matter of fact, is perhaps essential for the best utilization of the power on the Salt River reclamation project. In order that the matter may be very clear, I want to ask the gentleman from Arizona as to this phase of the situation: The bill provides that whenever a development of power is necessary for the irrigation of lands on the Salt River reclamation project, or an opportunity is afforded for the development of power under such project, the Secretary of the Interior is authorized to make the contracts proposed in the bill. The Salt River project is a completed project, now being operated under an organization of the landowners. I should say that nothing in this bill would by any possibility authorize the use of the reclamation fund for the further extension of the power project.

Mr. HAYDEN. Absolutely not, and nothing of the kind is intended.

Mr. MONDELL. That is my interpretation of the bill, but I thought it was well to have it made certain.

Mr. HAYDEN. The bill will have this effect; whatever power is developed, whatever dams are built, whatever improvements are made, the title to the same will be in the United States as additional security for the sums due on the construction charge as heretofore fixed for the Salt River project.

Mr. MONDELL. This bill authorizes the Secretary of the Interior on behalf of the people interested and on behalf of the actual owners of the project to make a contract for a period of 50 years with an opportunity for readjustment in 5 years, 10 years, or 20 years.

Mr. HAYDEN. That is the only purpose of the bill.

Mr. MONDELL. And leaves the matter wholly in the hands of the people vitally interested, and the longer period would make it possible to make a better contract than could be made otherwise.

Mr. MANN. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. MANN. There are a good many provisions in the general water power act which, of course, are not carried in this very brief bill. Are there any essential provisions in the general water power act in reference to the power of making contracts?

Mr. HAYDEN. No. If the gentleman from Illinois will look at the bill as originally introduced——

Mr. MANN. I have read it.

Mr. HAYDEN. And at the report in which I printed the letter of the secretary of the Federal Water Power Commission, he will note that the secretary says that inasmuch as this bill deals solely with the sale of surplus power, there is no interference in any possible way with the Federal water power act.

Mr. MANN. We gave very careful consideration to the terms of the Federal water power act, and there are many provisions in that act with reference to contracts, but this bill leaves it absolutely with the Secretary of the Interior and to the water users as to the terms of the contract.

Mr. HAYDEN. All that this bill deals with is the sale of surplus power; it has nothing to do with the power site, the title to which remains in the Federal Government.

Mr. MANN. That is all you get anywhere, is the surplus power.

Mr. HAYDEN. Under the Federal water power act a water-power site may be leased for a term of 50 years. The lessee then places buildings and other structures necessary to develop power on the site, but the United States reserves the right to recapture the property at the expiration of the lease. In this case the Salt River Valley Water Users' Association now has the right to develop power for its own purposes, and is only asking for the privilege of selling the surplus.

Mr. MANN. It comes from the fact that the General Government has control over the power site. Let me ask the gentleman this question: Under the general water power act a portion of the profits received by the Government is paid to the State?

Mr. HAYDEN. That is true, and a part of the receipts are also paid into the reclamation fund.

Mr. MANN. Why should a portion of the proceeds from the Government site be paid into the State fund in one case and not in another?

Mr. HAYDEN. The power sites affected by this bill were reserved and set aside for the use of the Salt River reclamation project long before the Federal water power act was passed by Congress.

Mr. MANN. That is the case on a great many sites that were set aside; very few have been set aside since the water power act passed. They were set aside before, and while I am not specially anxious to have the money paid into the State, still I notice that when the question comes up of paying money into the Treasury then all the gentlemen representing these States want to get as little into the General Treasury as possible and as much into the local treasury as possible. What is the difference in principle between paying money into the State treasury out of contracts under the general water power act and under the Reclamation Service?

Mr. HAYDEN. Under the Federal water power act power is developed by private enterprise on Government land. Under the reclamation act the power site is developed directly by the

United States for the benefit of the water users of the reclamation project.

Mr. MANN. It is just the same in both cases, it is owned by the Government.

Mr. HAYDEN. A water-power company leases the site, builds the power plant, and controls the entire property, which can not be taxed because the power site belongs to the United States.

Mr. MANN. They do in this case.

Mr. HAYDEN. The Federal water power act therefore provides that 37½ per cent of rental received by the United States shall be paid to the State in which the power site is located in lieu of taxes.

Mr. MANN. Under the general water power act all private property is taxable. In this case, if it is not taxable, then there is much more reason for paying it into the State.

Mr. HAYDEN. The water-power development which will take place if this bill becomes a law means that additional areas of taxable lands will be brought under cultivation, and for that reason I do not anticipate that the State of Arizona will insist upon receiving a share of the power receipts in lieu of taxes.

Mr. MANN. If this was in some other State and the Government owned the whole property, it might be in favor of paying the money into the State rather than to the General Government.

Mr. JOHNSON of Washington. Other States will have this bill as a model.

Mr. MANN. In this case they go on the theory that all of it goes into the State in some way and there is no difference in principle. I expect that there are many other matters of that kind, and I tell the gentleman frankly that I am really afraid of a short bill not very carefully drawn.

Mr. HAYDEN. The bill was very carefully prepared.

Mr. CHALMERS. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend from Ohio.

Mr. CHALMERS. What is the object, why can not you do this under the general water power act; is it simply an extension of time?

Mr. HAYDEN. If additional power for the Salt River reclamation project could be obtained under the terms of the Federal water power act it would not be necessary to pass this bill; but there is a special statute, passed in 1906, which deals with power developed on United States reclamation projects which limits contracts for the sale of surplus power to 10 years. All that I am trying to do is to amend that special statute, which applies to reclamation projects only, which was passed long before the Federal water power act became a law and which the water power act did not repeal. I am trying to amend it to conform to the Federal water power act with respect to the term of 50 years.

Mr. CHALMERS. I have the same fear that the gentleman from Illinois [Mr. MANN] has, that it may be regarded as a dangerous precedent.

Mr. HAYDEN. The precedent, if that is important, is already established and fixed in the law. The Federal Water Power Commission may now make 50-year leases. Instead of establishing a precedent, I am following one already approved by Congress when it passed the water power act. I can not see how there can be any danger in doing that.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. CHINDBLOM. Is there anything in this bill or in this proposition which might in any way affect the national parks?

Mr. HAYDEN. Absolutely not. It merely means the use for power purposes of some water that flows down the Salt River from a reservoir heretofore constructed by the Reclamation Service. There is no national park within 200 miles of the power site which is to be utilized if this bill passes.

Mr. CHINDBLOM. The gentleman does not know of any objection?

Mr. HAYDEN. None that can not be satisfactorily answered.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] It is clear that there is no quorum present.

Mr. STAFFORD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was notified to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names.

Ackerman	Driver	Kleczka	Pringey
Andrew, Mass.	Dunbar	Knight	Rainey, Ala.
Ansorge	Dunn	Kreider	Rayburn
Anthony	Edmonds	Langley	Reber
Arentz	Evans	Larson, Minn.	Reed, N. Y.
Bacharach	Fairfield	Lazaro	Reed, W. Va.
Barkley	Fields	Lea, Calif.	Riddick
Beck	Focht	Leatherwood	Robertson
Beedy	Frear	Lee, N. Y.	Rossdale
Bell	Free	London	Rouse
Bixler	Freeman	Luce	Rucker
Black	Fuller	McClintic	Ryan
Bland, Ind.	Gallivan	McCormick	Sabath
Blanton	Garrett, Tex.	McFadden	Sanders, Ind.
Bond	Gilbert	McKenzie	Sears
Bowers	Goldsborough	McLaughlin, Pa.	Siegel
Brennan	Goodykoontz	MacGregor	Sinclair
Britten	Gorman	Maloney	Slemp
Brooks, Pa.	Gould	Martin	Snyder
Buchanan	Graham, Pa.	Mead	Stiness
Burke	Greene, Vt.	Merritt	Stoll
Burtness	Griest	Michaelson	Strong, Pa.
Burton	Hardy, Colo.	Mills	Sullivan
Campbell, Pa.	Hersey	Montague	Swank
Cantrill	Hicks	Montoya	Sweet
Carter	Hill	Moore, Ill.	Tague
Chandler, N. Y.	Hogan	Moore, Ohio	Taylor, Ark.
Clark, Fla.	Husted	Moores, Ind.	Taylor, Tenn.
Classon	Hutchinson	Morin	Thomas
Cockran	Ireland	Mott	Tilson
Codd	James	Mudd	Treadway
Collins	Jefferis, Nebr.	Nelson, Me.	Tyson
Connell	Johnson, Miss.	Nelson, J. M.	Underhill
Connolly, Pa.	Johnson, S. Dak.	Newton, Minn.	Vare
Cooper, Ohio	Jones, Pa.	O'Brien	Vestal
Cooper, Wis.	Jones, Tex.	O'Connor	Ward, N. Y.
Copley	Kahn	Oliver	Wason
Crago	Kelley, Mich.	Olpp	Wheeler
Crowther	Kendall	Osborne	Williams, Ill.
Cullen	Kennedy	Padgett	Wingo
Dallinger	Ketcham	Paige	Wood, Ind.
Davis, Minn.	Kiess	Parker, N. J.	Woodyard
Deal	Kindred	Parks, Ark.	Yates
Dempsey	Kinkaid	Perkins	Young
Dickinson	Kirkpatrick	Perlman	
Drane	Kitchin	Petersen	

The SPEAKER. Two hundred and forty-eight Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. 10248) to amend the act of April 16, 1906, and the act of February 24, 1911, relative to the lease of surplus electric power on Federal irrigation projects.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, following out the suggestion made by the gentleman from Illinois [Mr. MANN] and others, I wish to know whether it would not be advisable to have some provision in the bill so as to have this power subject to the other provisions of the general water act, so far as applicable. The gentleman originally introduced this bill with the idea of amending section 5 of the reclamation act, I believe.

Mr. HAYDEN. I introduced this bill with the idea of amending section 5 of the special act that was passed in 1906, which simply authorized power leases on reclamation projects for 10 years. That act was amended in 1911 in order that leases might be made on the Rio Grande reclamation project for 50 years. I introduced this bill to place the Salt River project on a parity with the Rio Grande project. Then the question was raised that the passage of such legislation might be in conflict with the Federal water power act. At the suggestion of the Committee on Irrigation of Arid Lands, the bill was referred to the Federal Power Commission. That commission reported back that there would be a conflict if the bill contained the term "power privileges." Therefore the term "power privileges" was omitted from this bill, which deals with nothing but the sale of surplus power. If it is provided that all the terms of the Federal water power act shall apply to this bill, nothing will be accomplished. The water power act refers to power sites owned by the Government, and in consideration of their use a license fee is charged. This bill merely provides that if in connection with the Salt River reclamation project they have surplus power to sell, then they can contract to sell it for 50 years instead of 10 years. Surplus power is all that this bill affects.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That section 5 of the act of April 16, 1906 (34 Stat., p. 116), as amended by the act of February 24, 1911 (36 Stat., p. 930), be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privileges, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with Rio Grande project in Texas and New Mexico and the Salt River project in Arizona for a longer period, not exceeding 50 years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act approved June 17, 1902."

With the following committee amendment:

Strike out all after the enacting clause and insert:

That whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding 50 years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917: *Provided*, That no lease shall be made of such surplus power as will impair the efficiency of said project: *Provided, however*, That no such contract shall be made without the approval of the legally organized water users' association or irrigation district which has contracted with the United States to repay the cost of said project: *Provided further*, That the charge for power may be readjusted at the end of 5, 10, or 20 year periods after the beginning of any contract for the sale of power in a manner to be described in the contract.

Mr. HAYDEN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Hayden to the committee amendment: On page 3, line 5, strike out the word "lease" and in lieu thereof insert the word "contract," and after the word "made" insert the words "for the sale."

Mr. HAYDEN. Mr. Speaker, I offer this amendment at the suggestion of the Department of the Interior. An identical bill was introduced in the Senate, and in reporting on that bill the department recommended this amendment.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. WALSH. Does not the gentleman think that the word "as," in line 5, page 3, should be stricken out, and the word "which" substituted?

Mr. HAYDEN. It is a matter of grammatical construction. I copied the old law. The present law relating to the other projects reads "as."

Mr. WALSH. The phraseology now looks as though that referred to the power.

Mr. HAYDEN. I have no objection to the amendment.

Mr. WALSH. When these others are disposed of we can take care of it.

The SPEAKER. The question is on the amendment offered by the gentleman from Arizona.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, I offer an amendment. Page 3, line 5, strike out the word "as" and insert the word "which."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment: Page 3, line 5, strike out the word "as" and insert in lieu thereof the word "which."

The question was taken, and the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona."

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF DETENTION HOSPITAL BUILDING, NOME, ALASKA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9528) providing for the retention by the Government of the property in Nome, Alaska, known as the detention hospital building, and its use by the Bureau of Education, Department of the Interior.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of the author of the bill why this privilege should not be left to the Department of the Interior rather than to one certain bureau of the department, and further whether the privilege of the utilization should not be left to the President to determine as from time to time the President may determine is necessary?

Mr. SUTHERLAND. I will say to the gentleman that the bill was drafted by the Department of the Interior. I did not pay much attention to the phraseology of it. Two weeks ago today under unanimous consent the gentleman from Michigan [Mr. CRAMTON] reserved the right to object, and inquired as to the probable expense involved. I obtained all the information and he is perfectly satisfied with it. He happens to be out of the Chamber at this time.

Mr. STAFFORD. It occurs to me if we have a Government building up in Alaska for which there is no further need and the Bureau of Education or some bureau of the Department of the Interior needs it, the President ought to have authority at least to say what Government agency should utilize the building.

Mr. SUTHERLAND. The gentleman means general authority as to buildings?

Mr. STAFFORD. No; just this one building.

Mr. SUTHERLAND. That did not occur to me. A great many bills have been introduced in the past giving special power to some department.

Mr. STAFFORD. Here the Government has a building at Nome, Alaska, which is no longer needed for the purpose of its original construction. The Bureau of Education thinks it should have it for the use of the teachers as a dormitory.

Mr. SUTHERLAND. If the gentleman will let me interrupt him, the Bureau of Education now occupies an old ramshackle building that is a mere makeshift.

Mr. STAFFORD. But if there is other need for this building, or if the building could be utilized for additional activities of the Government, or if it happens that the Department of the Interior should have no further need for the building why should not the President have authority to designate the use to which it may be put?

Mr. SUTHERLAND. Will the gentleman suggest an amendment?

Mr. JOHNSON of Washington. Mr. Speaker, I think the suggestion of the gentleman from Wisconsin [Mr. STAFFORD] is a good one, inasmuch as it is not likely that there will be other Government buildings in Nome in many years to come. But the control of the Federal building there must be placed somewhere, and probably the best place is the Bureau of Education. How would an amendment like this do? In line 11, page 2, add the words "and for such other uses of the Government as the President may direct." That would leave the building under the control of this particular bureau, which is well represented in Alaska, and yet leave the building for such other uses as the President may direct.

Mr. STAFFORD. I have these amendments to propose, but perhaps the gentleman's amendment will accomplish the purpose:

For the use of the Department of the Interior or such other departments of the Government as the President may from time to time determine.

The Attorney General is authorized to transfer the custody of said building to the Secretary of the Interior or to the head of any such other department as the President may from time to time determine shall have the use thereof.

What is the gentleman's proposal?

Mr. JOHNSON of Washington. It is a little simpler, I think. It leaves the control of the building under the Bureau of Education, which is a strong bureau in Alaska, and adds, after line 11, these words, "and for such other uses of the Government as the President may direct." That is to say, the Bureau of Education in the Department of the Interior would manage and control and take care of the building, which will be used mainly as a school; but in case of an emergency, or anything of that kind, the President could direct the use of it for any necessary governmental purpose.

Mr. STAFFORD. The gentleman is quite certain the Bureau of Education will be in Alaska for some time to come?

Mr. JOHNSON of Washington. Yes. It is one of the most active bureaus there. It has its teachers, superintendents, and agents there. Why should we not provide that in case of emergency the Government may make other use of its public buildings?

Mr. STAFFORD. That is why I wish to have authority vested in some one to utilize it to its full capacity. I withdraw the reservation.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make an inquiry as to whether anybody can tell me what is the provision in the act of July 1, 1916, which would authorize the sale of this building?

Mr. STAFFORD. I will say, supplementing the inquiry of the gentleman from Illinois, that I casually but rather thoroughly examined that act and could not find the authority in the act authorizing the sale.

Mr. MANN. I read the act, and I could not find anything in it authorizing the sale. But I assumed I might have been mistaken, and then, thinking of the history of this legislation, I assumed further that when a bill like this came before the House some one would have accurate information. Here is a case where the Department of Justice recommended to Congress that it make an appropriation for the construction of a hospital for the insane in Alaska. We made the appropritaion. They constructed the hospital. They told us when we made the original recommendation that it was absolutely essential, and, in the interest of humane treatment of the insane, that this hospital be authorized and erected. After it was erected it never housed a single insane person, unless it was the Government inspector who made the original request.

Mr. JOHNSON of Washington. The Department of Justice had no reason to suspect that the population of Nome, Alaska, would dwindle between 1913 and 1922, or rather between 1913 and 1916, fully one-half—perhaps even three-fourths.

Mr. STAFFORD. Notwithstanding the building of a Government railroad up there.

Mr. JOHNSON of Washington. The railroad does not run within a thousand miles of Nome.

Mr. MANN. We have not any reason for expecting now that the Bureau of Education will need this building. But here was a case where, after we had authorized a hospital and constructed it, they would not go to the expense of operating it; said it was ridiculous to have a hospital there.

Mr. JOHNSON of Washington. That is the Government way of doing everything in Alaska.

Mr. MANN. That is what I say, and when I ask for information about this particular bill, nobody knows.

Mr. JOHNSON of Washington. That is because it is Alaska.

Mr. MANN. It is not because it is Alaska. This was reported by a committee of the House, not composed of Members from Alaska, although I have no desire to criticize the committee. Of course, the bill was drawn by the department. We have gotten in the habit—and maybe it is a good one—of passing upon the recommendations of the departments and allowing them, and then they change their mind and do not give us very good reasons for the change.

Mr. JOHNSON of Washington. We have the habit, all right, but we have not nerve to enact a law giving the Governor of Alaska the power to act in just such matters as this, which we should do.

Mr. MANN. I do not know why we should let the Governor of Alaska have control over our property up there.

Mr. JOHNSON of Washington. It is 5,000 miles away, and Congress is not familiar with the conditions there.

Mr. MANN. I do not know whether we have a good governor up there or not, but there have been some governors up there since I have been here that I would not trust with such things.

Mr. JOHNSON of Washington. Mr. Speaker, I offer an amendment.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9528) providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior.

Be it enacted, etc., That the property commonly known as the Detention Hospital Building, being situated on plot consisting of lot 66, in block 30, in the town of Nome, Territory of Alaska, according to the official plat thereof, and the easterly 65 feet of Second Avenue west, in said town of Nome, Territory of Alaska, vacated by said town of Nome and donated by said town of Nome to the Department of Justice on the 25th day of August, 1913, by ordinance No. 232, and a portion and part of lot 67, in block 30, in the town of Nome, Territory of Alaska, according to the official plat thereof, approximately 8 feet in width and extending the full length of said lot 67 alongside of and contiguous to said lot 66, shall not be sold under the provisions of the act of July 1, 1916, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," or other like acts, but shall be retained by the United States for use by the employees of the United States Bureau of Education, Department of the Interior.

The Attorney General is authorized to transfer the custody of said building to the Secretary of the Interior for use as set forth above.

All laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

Mr. CRAMTON. Mr. Speaker——

Mr. JOHNSON of Washington. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Washington offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 11, after the word "Interior," strike out the period, insert a comma, and add "and for such other uses of the Government as the President may direct."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, when this bill was last called to the attention of the House I objected to its consideration owing to a lack of information as to how much it would cost to put the building in condition for use, having some fear as to what the effect might have been upon a building in Alaska that has been left unoccupied for 12 or 13 years. Since that time information has come from the Alaska division of the Bureau of Education, through Dr. W. T. Lopp, its chief, giving that information. And I will ask to have it read by the Clerk. By reason of that information I withdraw any objection I had to the bill.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION, ALASKA DIVISION,
Seattle, Wash., June 7, 1922.

Mr. L. A. KALBACH,
Washington, D. C.

DEAR MR. KALBACH: Replying to your telegram regarding cost of refitting Nome Detention Hospital building and the inadequacy of the present quarters, I beg to submit the following:

The hospital is said to be one of the best constructed buildings in Nome. It is one of the few buildings which does not heave and settle during the winter and spring months. It has not been used since it was built. It was equipped with hot-water heat. The flooding of the cellar during the spring thaws has rusted the furnace in the small basement. If a new furnace is purchased for the basement, or one or two Arcola water heaters for the first floor, I estimate the cost at $600. The other expenses for alterations and repairs should not exceed $400, making a total of $1,000. If flues are built and stoves used for heating purposes, I estimate the entire cost, including alterations, would be approximately $500.

Our old quarters are in the old courthouse building, which was erected about 1900, during the boom days of Nome, when buildings were put up without any adequate foundations. It was poorly constructed, and has heaved and settled so many times that there is not a level floor in the building. Because of its faulty construction and its shapeless condition it is difficult to heat. Superintendent Dupertuis has recommended that if we can not secure the detention hospital, the old building be torn down and rebuilt. He estimates that it will cost approximately $3,000. He is of the opinion that it is not practicable to attempt to repair the old building for living quarters for the superintendent and teachers.

Very sincerely yours,

W. T. LOPP,
Chief of Alaska Division.

Mr. CRAMTON. Mr. Speaker, I would only like to add that upon inquiry I have made to-day of the Bureau of Education I am advised that it is not expected that funds will be expended for this purpose other than as stated, for the repair of buildings. They do not expect to spend funds for furniture, but will use the furniture that is already there.

Mr. MANN. Mr. Speaker, I move to amend, on page 2, after the word "sold," in line 5, by striking out all down to and including the word "acts" in line 9.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, line 5, after the word "sold," strike out all down to and including the word "acts" in line 9.

Mr. MANN. Leaving it so that the building shall not be sold but retained by the Government. The language of the bill refers to a certain act, and contains the words "or other like acts." This means nothing to us. We have not been able to find any provision in the act referred to. This does not change the effect of the bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

DECLARING TCHULA LAKE, MISS., NONNAVIGABLE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11362) declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire, as the report is very wanting in facts, as to whether this lake is in any wise connected with any navigable stream over which the Government has extended any development?

Mr. WINSLOW. Mr. Speaker, in the absence of Mr. JOHNSON, of the committee in whose hands this bill was left for presentation, I take the liberty of referring to the gentleman from Mississippi [Mr. HUMPHREYS], the author of the bill.

Mr. HUMPHREYS. Mr. Speaker, Tchula Lake is about 50 miles long. It is connected at both ends of the lake with the Yazoo River. In years gone by there was very considerable commerce carried on the lake, but in the past 10 years, perhaps, it has been unused, and there has been no money spent on it in those years. It is filled up with logs and other material, so that now, as a matter of fact, it is nonnavigable.

Under the river and harbor act of 1899 we provided that in the case of navigable streams lying wholly within one State the legislature of a State might authorize the construction of dams, bridges, and so forth, across the streams, provided that the plans, and so forth, were approved by the engineer officers of the Army and the Secretary of War. This last spring the Legislature of Mississippi passed an act authorizing the construction of a bridge without any removable span across this lake, at about its central portion. That was referred to the War Department and approved by the War Department, and the bridge was constructed, so that now it would be impossible to navigate the stream because the bridge is right across the center of it.

Mr. STAFFORD. What is the character of the country about this lake? Was it formerly timbered country or agricultural?

Mr. HUMPHREYS. It is agricultural. The only purpose of this bill is to enable the supervisors of that county to put other bridges across it without having to go to the War Department and have the plans approved.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. MILLER. Is there any navigation?

Mr. HUMPHREYS. None whatever.

Mr. MILLER. What is the depth of water?

Mr. HUMPHREYS. May be a foot or so. It is filled up with logs, and it is nonnavigable even without this bridge. Now, there are three or four other bridges across it, and the county has been for a number of years put to the expense of hiring a man to stay by that bridge to open the span of the bridge when boats come up. That span has not been opened for 8 or 10 years.

Mr. STAFFORD. There would be no danger as long as the gentleman represents the district in which this lake is situated that the demand will be made, as has sometimes been done in other districts, for the improvement of this 1-foot stream for the purposes of navigation, and it may be hoped that for a long time that will not occur, but there may be an effort on the part of another Representative who may succeed the gentleman at some time to obtain an appropriation for a 1-foot stream of this kind. But I withdraw my objection, Mr. Speaker.

The SPEAKER. The objection is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That Tchula Lake, in Holmes County, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said lake is hereby declared to be vested in the State of Mississippi.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 1, line 6, after the word "States," strike out the remainder of the paragraph.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WINSLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CONSOLIDATION OF FOREST LANDS IN ELDORADO NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8263) to provide for the consolidation of forest lands in the Eldorado National Forest, Calif., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not know whether I would have objection to the substitute amendment to section 1, even though it does not carry out the recommendation of the department, but I have serious objection to constituting a new forest reserve outside the present existing boundaries. As I read the report, in that exterior tract of land there are 130,517 acres included, all except 13,200 of which are embraced in full or imperfect entry. What is the need of our adopting a policy, as is proposed in this bill and the three succeeding bills, introduced by the gentleman from California [Mr. RAKER], of enlarging these forest reserves by adding privately owned land to the extent of hundreds of thousands of acres and having the Government buy those lands from the proceeds of the sale of the timber on existing forest reserves or by the exchange of other lands on this forest reserve?

Mr. RAKER. In the act of March 20, 1922, there was included section 1 of this bill, and if we are permitted to consider it I will ask to have section 1 eliminated. Section 2 is intended to cover the provisions of the act of June 25, 1910, and of August 24, 1912, which contain this provision:

And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to the ones heretofore created, within the limits of the States of California, Montana, Colorado, or Wyoming, except by act of Congress.

That brings up the question of adding land to the national forests. If consideration is given, I shall ask to amend the bill by striking out, on page 3, line 20, the words "this act" and inserting in lieu thereof "the act entitled 'An act to consolidate forest lands,' approved March 20, 1922," and also inserting the words "with the approval of the Secretary of the Interior." Then this land is included within the national forest named if it protects the stream flow and conserves the forests in that country.

Mr. STAFFORD. If the gentleman will permit, the gentleman has far better acquaintance with the creation of national forest reserves under prior administrations to conserve the forests of the country than I have, by reason of his coming from a western timbered State; but I question whether at any time when the Executive has brought into the boundaries of forest reserves large areas of land that there was ever included such a large proportion of privately owned lands as is the proportion in these various tracts. I will state that in the bill under consideration and likewise in the three succeeding bills one-tenth only of the land that is sought to be included in a forest reserve is Government land and nine-tenths is in private ownership. The land has been stripped of timber and now it is proposed to have the National Government purchase the land that has been stripped of timber and make it an embryo forest reserve.

Mr. RAKER. Will the gentleman allow me to explain?

Mr. STAFFORD. Certainly.

Mr. RAKER. When practically all of these national forests were created the attempt was made to eliminate, as far as possible, privately owned land and the boundaries were made irregular and zigzag for that purpose, because at the time of the creation of the national forests the act of 1901 was in effect, which allowed the exchange of the land, not for the value of the timber on it, but allowed a man who had a piece of worthless land at any place within a forest reserve to go and take a piece of virgin timberland. The purpose of making the boundaries zigzag was to eliminate as much of the privately owned land as possible. Now, this land has been cared for, so far as fire protection is concerned—not only the land of private individuals but Government land also. It adjoins the land within the national forests. It protects the stream flow. It can be reforested, and private individuals can not hold it. So therefore it can be obtained now very cheaply and can be exchanged to the Government for other land or timber, particularly ripe timber, and thereby a large supply of timber be provided for the future instead of letting it be destroyed.

Mr. SINNOTT. Will the gentleman allow me to make a suggestion?

Mr. RAKER. I yield to the gentleman.

Mr. SINNOTT. The Forest Service in making these exchanges has not placed a valuation of more than $2 on any of this cut-over land. I have the figures over in my office.

Mr. RAKER. It is one of the best buys to be had anywhere in the world.

Mr. SINNOTT. The Forest Service has placed a very small valuation on the cut-over land, which is potential forest land and may be reforested, and which is all contiguous to a national forest. They give an equivalent value in timber.

Mr. STAFFORD. Oh, the Government purchases the land which has no salable value now.

Mr. RAKER. Oh, yes, it has.

Mr. STAFFORD. The Government is purchasing large tracts of land outside of forest reserves held in private ownership.

Mr. RAKER. They do not have to take them.

Mr. STAFFORD. The gentleman says the Government does not have to take the land. At one time gentlemen complain that there is too much land in forest reserves, and the next time, when it is of no value at all to the Government, they are asking the Government to take it all in.

Mr. SINNOTT. Although the exchange act was passed several years ago, there is one forest reserve in my State where there has not been an acre of land exchanged, because the landowners think that the Forest Service is exacting too high a price in the equivalent.

Mr. STAFFORD. When the landowner thinks he has a good proposition he will hold on to it, but when he has not a good proposition he will sell the land to the Government because he can not find any other purchaser.

Mr. SINNOTT. The officials of the Forest Service have the upper hand in these matters. They are absolutely independent. The private landowner is compelled to pay taxes on his land from year to year, and the Forest Service has the advantage in the trade.

Mr. STAFFORD. If the Government purchases the land and gives them timber in lieu thereof, the land taken into the national forest does not pay any taxes.

Mr. SINNOTT. The Forest Service takes all that into consideration.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

PLUMAS NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5003) to provide for the consolidation of forest lands in the Plumas National Forest, Calif., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, for the same reason I object to this bill.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

SHASTA NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5004) to provide for the consolidation of forest lands in the Shasta National Forest, Calif., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RAKER. Will the gentleman from Wisconsin allow me just a moment?

Mr. STAFFORD. I reserve the right to object.

Mr. RAKER. Within the past two months we have passed not less than six bills just like this, providing for the taking in of lands within 6 miles of the exterior boundaries of national forests, and there was no objection.

Mr. STAFFORD. I do not think any of those bills provided for the taking in of so little Government land and so much privately owned land as these bills under consideration to-day. For instance, section 2 of the pending bill provides for taking in 515,830 acres, and of that amount only 13,710 acres are to-day owned by the Government. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

TAHOE NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6651) to provide for the consolidation of forest lands in the Tahoe National Forest, Calif., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

SECTIONS 5549 AND 5550, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2381) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. This bill is practically identical with the first bill on the calendar. I think it ought to go off the calendar. I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the four national forest bills just objected to remain on the calendar and go to the foot thereof until the next time.

Mr. STAFFORD. These bills were given consideration on a former occasion, and I do not think they ought to be continued on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

RELIGIOUS CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2682) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know what this bill is about.

Mr. VOLSTEAD. This simply adds the word "directors" after the word "trustees," in a large number of sections of the District Code, having reference to the incorporation of religious societies. In some instances the religious societies have directors instead of trustees, and to make it possible under the statute they ask that the word "directors" may be added after the word "trustees" in those statutes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the act to establish a code of law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows: By inserting the words "or directors" after the word "trustees" wherever the word "trustees" occurs in sections 589, 590, 591, 592, 593, 594, 595, and 596.

The bill was ordered to be read a third time, was read the third time, and passed.

AMENDING SECTION 24, JUDICIAL CODE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11516) to amend section 24 of the Judicial Code.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, this is rather an important measure, and I doubt if we would have time to intelligently consider it at this time. I ask unanimous consent that it may be passed without prejudice.

Mr. STAFFORD. I object; I think it is too important a bill to be considered on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Wisconsin objects to the consideration.

TO AMEND SECTION 100 OF THE JUDICIAL CODE OF THE UNITED STATES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, in reading the report I notice that the favorable recommendation of the bill is contingent on an additional judge being granted to the northern district of Ohio. The judgeship bill is sleeping somewhere, I do not know whether in the morgue or the catacombs of the two Houses in conference. No additional judge has so far been provided. I think the bill ought to go over until the additional judge is provided, as a favorable recommendation is contingent on that fact.

Mr. CABLE. I understand the bill is not sleeping, but is wide-awake and liable to be agreed to any time.

Mr. STAFFORD. How long since it got out of the comatose condition? It has been in conference a month or more.

Mr. CABLE. I can not tell the exact time, of course; but my impression is that it is wide-awake. I wish the gentleman would not object, because there will be no chance to bring it up again until December.

Mr. MANN. The committee does not ask to have the bill passed now. It says, "We recommend the bill as amended do pass, provided the present bill before Congress authorizing an additional judge for the northern district of Ohio becomes a law."

Mr. CABLE. I took it up with the chairman of the subcommittee that has charge of the bill and he has no objection to its being considered now.

Mr. MANN. But the recommendation is that the bill be passed in case another bill is passed. That other bill has not been passed.

Mr. CABLE. If the House should pass the bill now I would not crowd it in the Senate.

Mr. MANN. But the gentleman has nothing to do with it in the Senate, unfortunately for the Senate.

Mr. MONDELL. Let me say that there will be another opportunity for considering the Unanimous Consent Calendar before December.

Mr. CABLE. The next unanimous-consent day is July 3, and then we will not have another one until after the middle of July.

Mr. MONDELL. I have no doubt but what the Unanimous Consent Calendar will be considered again before December.

Mr. CABLE. I hope it will.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

SUIT BY PERSONS WITHOUT MEANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 426) to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat., p. 866).

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think we ought to have some explanation from the distinguished gentleman from Minnesota. The bill makes provision for pauper litigants.

Mr. VOLSTEAD. If the gentleman will read the last proviso in the bill, he will see what the new legislation is. It is as follows:

Provided, That in any criminal case the court may, upon the filing in said court of the affidavit hereinbefore mentioned, direct that the expense of printing the record on appeal or writ of error be paid by the United States, and the same shall be paid when authorized by the Attorney General.

We have had a statute of this kind for a number of years but there has been no provision for printing.

Mr. STAFFORD. Is it the understanding that the record on appeal in a criminal case can not be printed until the Attorney General passes on that individual application?

Mr. VOLSTEAD. It is intended to be a safeguard so that appeals can not be taken merely for delay.

Mr. STAFFORD. I understand the purpose, but I am asking the gentleman's contention as to the effect of the suggested amendment. The gentleman says in any criminal case the court may, upon the filing in said court of the affidavit hereinbefore mentioned, direct that the expense of printing, and so forth, be paid by the United States, and the same shall be paid when authorized by the Attorney General. Is every individual case to be submitted to the Attorney General before the record can be printed?

Mr. VOLSTEAD. I presume the order will be made by the court, but until it has received the approval of the Attorney General no payment can be made. It is intended to serve as an additional check.

Mr. STAFFORD. Is the remainder of the bill a reenactment in the phraseology of the existing statute?

Mr. VOLSTEAD. I think it is, and that it is correct.

Mr. STAFFORD. I want to inquire whether there would not be need of the following amendment:

On page 2, line 21, after the word "action" to insert the word "defense."

Let me read from the bill as it is:

* * * upon filing in said court a statement under oath, in writing, that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks in such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action or appeal.

Why should it not also apply to the purpose of defense?

The object of the bill is to extend these privileges to defendants, not alone to plaintiffs. The real purpose is to extend its protection to defendants in criminal cases, and in the phraseology to which I have referred you are including only the plaintiffs.

Mr. MANN. That is existing law, and it is universally applied to defendants.

Mr. STAFFORD. I am asking for information, whether it is or not. The phraseology is limited in its application, stating briefly the nature of his alleged cause of action or appeal.

Mr. VOLSTEAD. Does not the cause of action include everything?

Mr. STAFFORD. I question whether it does. It does not include a defense. A cause of action is not a defense.

Mr. VOLSTEAD. I think this would be construed to include whatever causes existed against a person. It is the cause of action pending that is referred to.

Mr. STAFFORD. Of course, appeal would extend to both the defendant and the plaintiff. I can not see where it would do any harm to include the word "defense."

Mr. MANN. Is it advisable to change the law where it is well considered and construed?

Mr. STAFFORD. As I read the report, I do not understand that the prior portion of the bill is reenacting existing law. The report does not in any way show what the existing law is. I did not have time to examine Thirty-sixth Statutes, because the report refers to several acts, not only to one.

Mr. VOLSTEAD. I think if the gentleman will read the letter attached to the report he will see that it is there.

Mr. STAFFORD. What harm could be done by adding the word "defense" after the word "action"?

Mr. MANN. If it has all been passed upon and considered it is not advisable to add anything that is not necessary.

Mr. STAFFORD. I want to be sure that it is existing law.

Mr. VOLSTEAD. There is no doubt about that.

Mr. MOORE of Virginia. The existing law seems to be set forth in the report, taken from the report submitted in the Senate.

Mr. STAFFORD. Will the gentleman point out where the existing law is in the report?

Mr. VOLSTEAD. In the first letter addressed to Senator NELSON. The gentleman will see there what the Attorney General asked to have done.

Mr. STAFFORD. The gentleman from Virginia directs attention to the statement in the report at the bottom of page 2, in which reference is made to Twenty-seventh Statutes, page 252, passed July 20, 1892. That law has been amended, as I understand. I think it was amended by the act of February 13, 1911—yes; Thirty-sixth Statutes, page 901. It contains different phraseology from that referred to.

Mr. MOORE of Virginia. Additional phraseology.

Mr. STAFFORD. I read the bill rather carefully, and I came to the conclusion that the word "defense" should be added. If the gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from Illinois [Mr. MANN] do not think it should be added I shall not insist, but I was under the impression that it was not reenacting existing law, but rather a complete change of existing law, and to carry out the purposes intended the word "defense" should be added.

Mr. MANN. I am willing to admit that this is one of the cases where I did not compare the bill with the existing law. I took the statement in the report, which is never a very safe thing to do.

Mr. STAFFORD. I shall accept the statement of the gentleman from Minnesota that it is existing law. He is the distinguished chairman of that committee.

Mr. MOORE of Virginia. The Attorney General says in his letter appended to the report that the only change made is the proviso.

The SPEAKER pro tempore (Mr. CRAMTON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stats., p. 866), be, and the same is hereby, amended so as to read as follows:

"That any citizen of the United States entitled to commence any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, upon filing in said court a statement under oath in writing, that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks in such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action, or appeal: *Provided*, That in any criminal case the court may, upon the filing in said court of the affidavit hereinbefore

mentioned, direct that the expense of printing the record on appeal or writ or error be paid by the United States, and the same shall be paid when authorized by the Attorney General."

The SPEAKER pro tempore. On page 2, line 25, the second word "or" should obviously be "of," and without objection it will be so amended.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

AMERICAN MATHEMATICAL SOCIETY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9218) to incorporate the American Mathematical Society

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have read the bill rather carefully and have considered it for some time. If we are going to undertake the policy of incorporating every scientific society, voluntary or otherwise, that exists in this country, I think it would be better to have some national statute passed than to present from time to time special bills authorizing the incorporation of certain designated persons. We have here a bill to authorize the incorporation of the American Mathematical Society. Then there is the American Automotive Society, and, I suppose, the American Chemical Society. We have in a few instances authorized certain men to incorporate themselves under a national charter. Some of those bills have been severely contested. I remember particularly the bill for the incorporation of the National Academy of Arts and Letters, a bill that was pending here for years.

Why should these gentlemen, who, I believe, are operating under some State statute, come here and preempt the name and have Congress, not only for this year but for the next hundred years and many thereafter, give them the exclusive privilege of this name, which I suppose has some value, of the American Mathematical Society?

Mr. CURRY. Shall I answer?

Mr. STAFFORD. I addressed my inquiry to the author of the bill.

Mr. CURRY. The American Mathematical Society is a voluntary organization of the greatest mathematicians in the world. American mathematicians lead the world. The organization is not incorporated in any State; it is a volunteer association. The members are confined mostly to the professors of mathematics in universities and to scientists outside of universities. Mathematics is the basis of all exact sciences. These gentlemen have done great good for the country. During the war they volunteered their services to the Army and Navy without pay.

Mr. MONDELL. All of them?

Mr. CURRY. Every one of them. They number at the present time about 1,100. They have a meeting once or twice or three times a year in certain parts of the country; one or two in San Francisco, two or three in the South and Middle West, two or three in New York, and one in Chicago. At the last local meetings this incorporation was requested by these scientists. They have an annual meeting in New York——

Mr. STAFFORD. For what purpose, will the gentleman state?

Mr. CURRY. Where the recommendations were favorably acted upon. The council of the society at its last meeting in New York selected the names of the scientists named in the bill as incorporators of this society and requested through Doctor Bliss, of the University of Chicago, and Doctor Hodgkins, president of George Washington University, that this incorporation be requested, and at their request I introduced this bill. Mathematics does not mean the auditing of books or bookkeeping——

Mr. STAFFORD. I think there are very few Members in the House who would apply that idea to the term.

Mr. CURRY. The gentleman from Wisconsin made reference to a certain clerks' organization that possibly might lead some one who does not know what this bill is to think it was simply a bookkeepers' organization.

Mr. STAFFORD. If the gentleman understood me that way he misunderstood me. I referred to the fact that if we incorporated these men as the American Mathematical Society there may be other scientists, like American automotive engineers and——

Mr. CURRY. Automotive engineers is a business proposition pure and simple. This is a scientific proposition entirely separate from automobile engineers. If an automobile engineer was a great scientist and mathematician he could probably become a member of this organization. This is an entirely different proposition. This is a scientific organization in the abstract, and this is the only country in the world that does not encourage with direct appropriations such organizations. This organization is asking no money of the Congress. They are simply proposing that Congress incorporate them so that they can have a status under such incorporation. They could incorporate in New York and file a certified copy of articles of incorporation in the 47 other States of the Union, and Alaska and Hawaii and Porto Rico, and then they would have to make 49 annual reports on different kinds of blanks to those States. If it is organized this way they can file with Congress a certified copy of the articles of incorporation. There is no money in it. It is purely a scientific organization, and I hope the gentleman will not object. I am as much opposed as he is to the incorporation of societies by the Congress that have a money basis or to protect a clerk or an auditor, but this is entirely different. It is a scientific organization——

Mr. STAFFORD. It has been suggested by another Member that there ought to be some qualifying language so as to prohibit this report from being printed at the Government's expense and that it should not be entitled to the franking privilege. I suppose the gentleman has no desire to have this report circulated under the franking privilege, or that it shall be printed at the Government's expense?

Mr. CURRY. The Government ought not to be called upon to pay in any way for the printing of the report and the organization ought not to have the franking privilege.

Mr. MANN. Mr. Speaker, I have no objection to the consideration of the bill and I favor it, but I suggest I do not know just how the organization would make a report to Congress by filing it with the librarian?

Mr. CURRY. If the gentleman has any amendment to offer I would be glad to accept it.

Mr. MANN. I was going to suggest with humility that you strike out the word "Congress" and provide that they shall make an annual report to be filed with the Librarian of Congress.

Mr. CURRY. I will accept that.

Mr. MANN. That would not be printed as a public document unless we ordered it printed.

Mr. STAFFORD. The gentleman proposes to have the report filed with the librarian and not with the Congress?

Mr. MANN. Yes, provided they make an annual report, to be filed with the Librarian of Congress.

Mr. CURRY. That would not be a public document and would not be entitled to the franking privilege and would not be printed as an expense to the Government. I will accept that.

Mr. STAFFORD. Although I am not in sympathy with the policy of having national incorporations to certain designated persons handed out from time to time, I will not press the objection.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, for the same reasons assigned by the gentleman from Wisconsin I am opposed to all this character of bills, and I should express my opposition by voting against it——

Mr. CURRY. I hope the gentleman will not object.

Mr. HUDDLESTON. But the gentleman gives me no way of voting against this bill except by objection, so I am compelled to vote against it and all this kind of legislation.

Mr. MANN. There is quite a distinction here and in the past between a bill incorporating a national incorporation, to which I have been generally opposed, and a bill incorporating a corporation as a District of Columbia incorporation. These people, if they were residents of the District of Columbia, could incorporate in the District of Columbia as a District of Columbia corporation without any act. But the incorporation law here requires the majority of the incorporators shall be residents of the District of Columbia or they can not incorporate as a District of Columbia corporation. Now, practically all this does is to waive the requirement that the majority of the incorporators shall be residents of the District of Columbia, and this bill provides that it shall be declared to be a body corporate of the District of Columbia.

Mr. HUDDLESTON. I am opposed to incorporations by act of Congress. I think such legislation is bad in principle, and I have never voted for such a bill since I have been here. I do not think these men ought to seek to have the prestige of the Government behind their enterprises. I would object to incorporating any kind of a society over which the Federal Government did not retain complete control and in which the incorporators were named as persons.

I have not examined this particular bill. I do not feel any particular interest in it. We have had a number of these bills, and always the effort is by men, not always with world reputations, to embalm themselves in acts of Congress. I do not in-

tend to vote for any such legislation. If the advocates of the bill would put it forward in the regular way in the House, giving Members a chance to vote on it, I would content myself with voting against it.

Mr. MANN. The gentleman can do that now.

Mr. HUDDLESTON. However, I could not escape my responsibility in that way. The gentleman is too experienced a legislator to urge that. I am compelled to object.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the bill be passed on the calendar without prejudice.

Mr. HUDDLESTON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard, and the bill is stricken from the calendar.

MARKET REPORTS BY RADIOPHONE.

The next business in order on the Calendar for Unanimous Consent was House Resolution No. 357, directing the United States Department of Agriculture and the Post Office Department to investigate the feasibility of furnishing market prices of cotton, corn, wheat, live stock, and dairy products by radiophone to the farmers.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, where does what the Clerk has been reading come from?

The SPEAKER pro tempore. From the calendar.

Mr. WALSH. This resolution is apparently laying a foundation for giving free service to the farmers with reference to crop reports. I notice that the House resolution has been amended to strike out "farmers" and substitute "growers and producers." The poor consumers, that will have to pay for all this, have got to get their prices from the producers when they are tendered the goods.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. McLAUGHLIN of Michigan. I see the chairman of the Committee on Agriculture here. He can explain the resolution.

Mr. WALSH. Why are you picking out the growers and producers for having this information? If we are going to use the overhead service in the country, I suppose it will be attuned so that only the growers and producers can catch the news as it goes floating through the ether.

Mr. HAUGEN. I think the report will be for general information, and, if the gentleman desires, the committee would have no objection to including consumers. I take it that whatever information is given out should be for the purpose of everybody.

Mr. WALSH. If we develop this science for these two departments——

Mr. HAUGEN. I might say it is now being done by the Post Office Department. It has been suggested that certain investigations be made without expense.

Mr. WALSH. What authority is there for expenditure of money for this?

Mr. HAUGEN. The bill carries no appropriation.

Mr. WALSH. For the work that is already being done, under what authority of law is the Post Office Department doing it?

Mr. HAUGEN. I would have to examine the Post Office bill in order to answer that. Possibly the chairman of the Committee on the Post Office and Post Roads can explain it.

Mr. BRAND. Will the gentleman yield to me a minute?

Mr. WALSH. Yes.

Mr. MANN. May I make this inquiry? What authority has the House—that is, merely the House—to authorize expenditure of money for the Post Office Department or to require the Post Office Department or the Agricultural Department to do things by a mere resolution of the House?

Mr. BRAND. This resolution does not call for the expenditure of a single cent on the part of the Government. It only requires the Department of Agriculture and the Post Office Department to investigate the feasibility of furnishing these radio reports to farmers and requiring them to state what it will cost the farmers to take advantage of these reports. There is not a dollar of expense involved to the Government. This was passed unanimously by the Committee on Agriculture. I first introduced the bill and confined it to cotton only, because I heard that the North and West had already made arrangements in the various respective States of those sections to get their reports. After suggestion by some members of the committee, I had corn, wheat, live stock, and dairy products inserted, the resolution originally relating to cotton only. The only change in the resolution made by the committee was to strike out the word "farmers" and insert the words "growers and producers." I have had the resolution informally considered by the Agricultural Department and the Post Office Department and they say they are ready at any time to furnish this information.

Mr. WALSH. Why do they not have an investigation and find out?

Mr. BRAND. That is what I want them to do. Here is the situation, if the gentleman from Massachusetts will allow me to quote from this letter from Mr. Wheeler, of the United States Department of Agriculture.

Mr. MANN. Oh, well, of course, he is in favor of it.

Mr. BRAND. I do not know whether he will be in favor of it, but I want to show you the situation, if you will be kind enough to allow me to do so. He says:

> The news item referred to mentioned the proposed news service from the two high-powered Navy radio stations at Arlington and the Great Lakes. I am inclosing herewith tentative schedules that have been proposed for these two stations. You will note that these cover most of the agricultural commodities, except cotton; we expect to furnish cotton-market information to the Navy station at New Orleans, which can broadcast it by radio telegraph over the entire South, covering practically all of the cotton-producing region. Any receiving station within approximately a thousand-mile range of any of these three high-powered stations can, with suitable equipment, intercept these reports and make them available for local use.

Now, that is what we want to do. We want to know what it will cost us to establish this equipment and catch these reports. It says further:

> The State of Alabama is proposing to do this at Auburn, and it would be equally practicable for the agricultural college of Georgia, at Athens, to handle the information.
>
> With reference to House Resolution 357, introduced by you, I would say that as to the feasibility of supplying farmers with radio phone reports on the market prices and conditions for agricultural commodities this information can be furnished you at any time. You are, perhaps, aware that a radio conference was called by Secretary Hoover, at the request of the President, to consider all matters pertaining to radio telephone. From that general conference there has developed an interdepartmental committee which is considering all matters pertaining to radio for Government uses.

Athens is the seat of learning in the State, where not only the University of Georgia is located but also the State Agricultural College, for which reason I want to get the State of Georgia to locate the radio station for the State in Athens, if possible.

Mr. MANN. How is the Post Office Department able to give these people information without going to some trouble to find out?

Mr. HAUGEN. May I read from a letter of Postmaster General Work one paragraph, as follows:

> I desire to call your attention to the fact that the Post Office Department has been handling all agricultural market, crop, and weather reports for the Department of Agriculture since April 15, 1921, and is broadcasting these reports from eight of the various postal radio stations covering an area of more than half of the United States.

So the work is going on.

Mr. MANN. The work is going on without any authority of law, but here is the proposition: You want to get the Agricultural Department and the Post Office Department to report what it will cost somebody else to do something. The Post Office Department does not know anything about it.

Mr. BRAND. They are already handling it. Doctor Work says——

Mr. MANN. If they already know what it will cost the State of Alabama to put up a receiving station, let them tell the State. But they do not know; I assume that they do not know.

Mr. BRAND. Does the gentleman object to the farmers at their own expense giving this information to the people?

Mr. MANN. Nobody objected to that. Nobody would think I would be so unreasonable as to do that.

Mr. BRAND. Your attitude would mean that.

Mr. MANN. The gentleman stated that the Agricultural Department or the Post Office Department could furnish this information without expense. If they have the information, why do they not furnish it? But you could not authorize any expense by a simple resolution of the House anyway.

Mr. BRAND. There would be no expense to it.

Mr. WALSH. Well, Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS POKEGAMA LAKE, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10770) granting the consent of Congress to the county of Itasca, State of Minnesota, to construct, maintain, and operate a bridge across the south arm of Pokegama Lake.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of the Congress is hereby granted to the county of Itasca, State of Minnesota, to construct, maintain, and operate a bridge and approaches thereto across the south arm of Pokegama Lake at a point suitable to the interests of navigation in section 17, township 54, range 25, in the county of Itasca, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Page 1, line 3, strike out "consent of the Congress is hereby granted to the county" and insert "highway bridge built by the authorities." Strike out after the word "Itasca," in line 4, the words "State of" and insert the word "County." In line 5, strike out the words "to construct, maintain, and operate a bridge and approaches thereto." In line 7, strike out "at a point suitable to the interests of navigation." In line 9, strike out the word "the" and insert the word "said." In the same line, strike out the words "of Itasca" and insert the word "and." In the same line, strike out the words "of Minnesota, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and insert "is hereby legalized and the consent of Congress is hereby given to its maintenance by said county for the use of the general public: *Provided*, That any changes in said bridge, which the Secretary of War may deem necessary and order in the interest of navigation, shall be promptly made by the said county."

Mr. WALSH. Mr. Speaker, this bill is a little different in form from the form in which such bills are usually reported. How does it happen that the authorities proceeded to construct a bridge across this stream without any consent or approval apparently by the War Department?

Mr. WINSLOW. I regret that I am not able to give that information. It was explained to the committee by the gentleman from Minnesota [Mr. LARSON], who introduced the bill. It is one of those cases that come up now and then where they have obtained it in some way.

Mr. MANN. I may say to the gentleman from Massachusetts that there are many cases where there is authority to construct bridges without getting the consent of Congress, where the navigable stream lies wholly within a State, and it does not require an act of Congress under the general bridge act. It is quite possible that in a number of cases—and this may be one of them—the people constructing the bridge have assumed that the stream lies wholly within the State and have proceeded to raise the money by the sale of bonds, and then, there being some question about it, they are advised that they will have to get the consent of Congress.

Mr. WINSLOW. This is probably one of those cases.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS RED RIVER OF THE NORTH, MINN. AND N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11634) granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the section line between sections 24 and 25, township 145 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters" approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE BETWEEN DEL RIO, TEX., AND LAS VACAS, MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11128) to authorize the construction of a bridge across the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Texas [Mr. HUDSPETH] if this bridge is to take the place of some existing structure in the vicinity, or is it a new project?

Mr. HUDSPETH. I would say to the gentleman from Massachusetts that they have no bridge there. They have been using a ferry. This is a new project.

Mr. STAFFORD. Mr. Speaker, will the gentleman also inform the committee whether there are more available places for the erection of this bridge at the point named? I notice from the bill that it proposes to extend the privilege to a copartnership. The grant is under a corporate name, but states it is a copartnership. I am rather surprised to see a corporate name attached to a copartnership.

Mr. HUDSPETH. I would say to the gentleman from Wisconsin that for several years the citizens have been trying to accumulate enough money to build a bridge there. I got a bill passed a year ago granting them that privilege, but they did not get the funds. This copartnership consists of several people. They have got together the funds.

Mr. STAFFORD. This is to be a toll bridge?

Mr. HUDSPETH. Yes; this is to be a toll bridge.

Mr. STAFFORD. How many bridges are there in that vicinity?

Mr. HUDSPETH. There are two at El Paso. There were two at Eagle Pass, but one of them has been washed away. That is in the district of my colleague [Mr. GARNER].

Mr. STAFFORD. Were the bridges that were washed away substantial structures—steel bridges with concrete foundations?

Mr. HUDSPETH. One of them was, and thought to be a permanent structure, but an unprecedented rise in the river washed it away.

Mr. STAFFORD. How wide is the Rio Grande at this point?

Mr. HUDSPETH. At Las Vacas and Del Rio I think it is about 200 yards wide.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Del Rio & Las Vacas Bridge Co., a copartnership organized and entered into under the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, maintain, and operate a bridge and approaches thereto over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of the proper authorities of the Republic of Mexico shall have been obtained before said bridge shall be built or commenced.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HUDSPETH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF CERTAIN AMERICAN CITIZENS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2235) to confer jurisdiction upon the Court of Claims to adjudicate the claims of American citizens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to make inquiry from some one, first, as to why it is proposed to give this authority from the years 1875 to 1896? What is the reason for fixing those dates?

Mr. SUTHERLAND. This is a Senate bill. There was one case of seizure and detention and subsequent release in 1876. Between then and 1886 there are no cases of sealers involved. As to the case of 1876, I know nothing. The bill does go back over quite a period of years, and whether to shorten the time and bring it up to 1886 would do an injustice to the 1876 claimants I do not know.

Mr. MANN. The bill provides for the dates from 1875 to 1896. The evidence submitted expressly states that it covers shipping between April 21, 1886, and April 6, 1894, only. What there may have been before or after those dates, of course, I do not know. I am not in favor of authorizing everybody who wants to go into the Court of Claims to do so without knowing anything about his claim. There is no real merit in any of these claims.

Mr. SUTHERLAND. If there is no merit in these American claims, then there was no merit in the Canadian claims or in the Russian claims.

Mr. MANN. That does not follow at all.

Mr. SUTHERLAND. We demanded indemnity from Russia for seizures under similar circumstances.

Mr. MANN. That does not follow at all. The Government of the United States forbade all persons from engaging in these fur-seal operations; but there is quite a difference between the Government of the United States saying to American citizens, "You shall not do so and so" and saying to a Russian subject, "You shall not do so and so." We have some jurisdiction over American citizens. We had no jurisdiction over Russian citizens on the high seas, and that was the finding of the court. However, I am not going to argue that question.

Mr. SUTHERLAND. What would the gentleman say of those who did obey the law and who ask for consequential damages?

Mr. MANN. There are no consequential damages for those who did obey the law. There are no damages to those who did obey the law.

Mr. SUTHERLAND. In the Canadian cases we recognized that there were, and they came in for consequential damages, and within the past year the British-American Claims Commission has settled those claims of the Canadians for consequential damages.

Mr. MANN. That is all right as to the Canadians. We issued a regulation providing that no one should engage in these fur-seal operations, on the ground that the Pribilof Islands were within our territory and not on the high seas, and that the 3-mile limit did not apply, that those were inland waters. We maintained that contention, but the court of arbitration overruled us on that subject and we had to pay damages to citizens of foreign countries. Of course, it is always easy to say we ought to do as much for our own citizens as we do for citizens of foreign countries. On the other hand, our own citizens should have obeyed our laws whether we had a right to make them or not, and most of them did, but these few deliberately flaunted the law.

Mr. SUTHERLAND. The gentleman is in error about that.

Mr. MANN. I am not in error. I have been studying this particular subject for nearly 20 years, I guess.

Mr. SUTHERLAND. There are a number of specific cases where Americans who obeyed the law suffered damage.

Mr. MANN. The gentleman has been engaged in the study of this subject only a few weeks.

Mr. SUTHERLAND. I have heard it discussed in the Territory for a long time.

Mr. MANN. This matter has been knocking around here in Congress ever since the Fifty-ninth Congress. I am not saying there is no merit in the gentleman's contention, but there is absolutely no merit that I have seen yet in extending the date, and I do not know what is the purpose of doing that. I am afraid of it.

Mr. SUTHERLAND. I am not acquainted with the reasons for fixing that date.

Mr. MANN. The gentleman ought to find out.

Mr. SUTHERLAND. If the gentleman wants to amend by reducing the number of years, I have no objection.

Mr. MANN. The gentleman will have to find out if he wants to pass the bill by unanimous consent while I am here.

Mr. SUTHERLAND. It might be pretty difficult for me to find out just why that year was included.

Mr. MANN. It may be very difficult. I do not know how difficult it is, but I am not willing to let the bill pass under any circumstances with my consent with the dates as fixed in this bill. This being a Senate bill, if the House should amend it and it should go to conference, I would be nowhere. I can stop it now.

Mr. SUTHERLAND. Will the gentleman submit his amendment?

Mr. MANN. Why, no. Probably the gentleman would agree to the amendment. Then the bill would go back to the Senate and the Senate would disagree to the amendment and ask for a conference, and the House conferees, without any knowledge on the subject any more than the gentleman has or I have, would agree to recede from the House amendment to the Senate bill. I am too old a hand at this business to get caught in that way.

Mr. CURRY. Will the gentleman consent that the bill be passed without prejudice and remain on the calendar?

Mr. MANN. I am perfectly willing to have the bill go over and remain on the calendar and give the gentleman a chance to ascertain the information whether, if the House makes the amendments changing the date, those amendments will probably be agreed to in the Senate.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice to give the gentleman an opportunity to obtain the information.

Mr. MANN. And I hope the lady who has this in hand will be able to give us that information.

TO LOWER AND MAINTAIN THE LEVEL OF LAKE ANDES, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 243) providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STAFFORD. Reserving the right to object, when I first read this bill I was inclined to favor it, but on further consideration and on reading that part of the report which states that recent reports indicate that at the present time the lake is 3 feet lower than at high-water mark last year and is lowering very fast, I thought it was rather ridiculous for us to direct the Secretary of the Interior to build a spillway when there might not be any need for it at all. If these waters were increasing and there was danger of further damage, there might be pressing reasons for directing the Secretary of the Interior to build a spillway.

In the report made May 25, 1921, Acting Secretary Finney says:

> Recent reports indicate that at the present time the lake is 3 feet lower than at high-water mark last year, and is lowering very fast; that at least one of the artesian wells is choked up with sand and has ceased to flow; and that if left to itself, the lake may eventually reach its former level.

There are the facts as they were a year ago, and what is the use of spending $60,000 now in building a spillway?

Mr. CHRISTOPHERSON. Let me say to the gentleman that the facts as set forth in the letter of the department are not now correct. The water is higher to-day than it ever has been. There is danger that in a short time it will break over in the east and southeast, where it would overflow a whole township of splendid farm land. The wells are not closed; two of them are in the bed of the lake and are therefore pouring the water into the lake, not visible to the eye. The people interested over there have examined the wells in the lake, and the wells are open and throwing their water into the lake.

Mr. STAFFORD. Has the gentleman a personal acquaintance with the conditions there?

Mr. CHRISTOPHERSON. I have been all around the lake.

Mr. STAFFORD. When?

Mr. CHRISTOPHERSON. Two years ago this summer.

Mr. STAFFORD. But we have the report of a year ago from a representative of the department. There is no question that two years ago the conditions may have been alarming when the bill was introduced. But here is the report of a year ago where it says that the waters are receding.

Mr. CHRISTOPHERSON. Gentlemen who were here and testified last November——

Mr. STAFFORD. There is nothing in the report with reference to any testimony last November.

Mr. CHRISTOPHERSON. On the 21st of October of last year the lake was 6 feet and 9 inches above the meander line. That is the testimony of Mr. Miller taken by a surveyor, and that profile is on file with the Indian Committee.

Mr. MANN. May I ask the gentleman a question?

Mr. CHRISTOPHERSON. Certainly.

Mr. MANN. Is this the case where the Indians and the Indian Office and the Representative in Congress from that State asked for an appropriation to drill an artesian well or wells in the lake so as to get water for the Indians?

Mr. CHRISTOPHERSON. I do not know as this is the case the gentleman refers to, but Congress did appropriate money for the boring of the wells.

Mr. MANN. At the request of the Indians and the Indian Office and the Member of Congress?

Mr. CHRISTOPHERSON. It was embraced in the Yankton Indian Reservation. They bored two wells in 1894 and two in 1907. As evidence that these wells were the cause of the destruction, I wish to say that on the shores of the lake there are a number of trees many years old standing in the water,

indicating that if the lake had been as high before these trees would never have reached that age.

Mr. MANN. We did provide the money and the wells were bored at the Government expense for the benefit of the Indians at their request?

Mr. CHRISTOPHERSON. Yes.

Mr. MANN. The Government having done that, there is so much water that they want to get rid of it?

Mr. CHRISTOPHERSON. Yes.

Mr. MANN. At the Government expense all the time.

Mr. CHRISTOPHERSON. Let me say that there are 2,000 acres of land submerged, 300 acres owned by the Indians under the jurisdiction of the department. Claims have been filed and are pending before Congress amounting to over $200,000. An agreement has been entered into and is on file in the department in which the claimants have agreed to waive their rights to their claims on the condition that this spillway be constructed.

Mr. MANN. Does the gentleman think that if at the request of citizens of a locality in one of the arid regions we provide for the construction and drilling of artesian wells we are then obligated to stop the water flowing because it flows too rapidly?

Mr. CHRISTOPHERSON. Perhaps if those who asked for it were the only ones damaged, it might be different, but there are many there who had nothing to do with asking for it, who have obtained land since that time, or purchased land since that time.

Mr. MANN. I know they did it, but here was a case where in order to supply water in a more or less arid region we were asked to drill artesian wells. Having drilled the wells they say they get too much water, and that they have got to get rid of it. I am merely stating the facts of the case.

Mr. CHRISTOPHERSON. They were drilled to supply the Indians with water. If the flow from these wells has damaged adjacent property owners, somebody is liable for that damage. There is no question that damage has been done. There are fine farms over there with buildings, where the buildings are standing in water now 8 feet deep.

Mr. MANN. I think the gentleman is right. There is no question that damage has been done. It may be that the Government ought to pay for it, but after all it is a good deal, is it not, to come with nice hands to the Treasury of the United States and say, "give me money," and after they get it to come back and say, "give me some more, because you gave me first too much."

Mr. CHRISTOPHERSON. The Indian office itself will reclaim enough land to more than pay for the cost of this ditch.

Mr. MANN. Oh, no.

Mr. CHRISTOPHERSON. Three hundred acres, it is conceded, the Indians own that are now under water; splendid, fine land, and it is not only the land that is submerged, but that water is rising every year, and there is danger that a vast area of land will be submerged to the east of the lake within the next two or three years unless the level of the lake is controlled.

Mr. MANN. As far as I can read the report, the Indian office to-day thinks the Government is not under obligation to pay these people, although I think there is some merit in the gentleman's claim.

Mr. CHRISTOPHERSON. The gentleman who went out there said that he did not believe the Government was liable, but that does not change the fact that these wells are the contributing cause to the rise in that water, because if the water had ever reached this level in this lake before there certainly would have been evidence of it on the shore line. It would have killed these trees now standing in several feet of water and which are estimated to be over 70 years old. They were there long before the construction of these wells—positive evidence of the fact that the waters in this lake bed never reached the level of these trees before these wells were brought in. Here is the picture of a tree, now dead, standing in several feet of water, the tree, it is stated, is over 70 years old. There was no water around it prior to the construction of the wells. It was a sound, live tree until the rising waters of the lake surrounded its trunk.

Mr. STAFFORD. Does not the gentleman think it is going quite far enough if we provide an authorization without a direction to the Secretary of the Interior.

Mr. CHRISTOPHERSON. I do not know that I gather the gentleman's meaning?

Mr. STAFFORD. Under the phraseology of the bill we direct the Commissioner of Indian Affairs to construct this spillway. The facts are in dispute. The department, according to the last report to the committee, says there is no need for this spillway. Why not leave it to the discretion of the Secretary of the Interior?

Mr. CHRISTOPHERSON. Yes; I will accept an amendment to that effect.

Mr. STAFFORD. We don't want to construct a spillway if it is drying up, as the country out there is drying up in some districts.

Mr. CHRISTOPHERSON. I am willing to provide for just an authorization.

Mr. STAFFORD. With that assurance, I withdraw the reservation of objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs is hereby authorized and directed to construct a spillway and drainage ditch that will lower and maintain the level of Lake Andes, S. Dak., to 2 feet above the present Government meander line.

With the following committee amendment:

Line 7, after the word "line," insert "and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $60,000, or so much thereof as may be necessary, for the construction of said spillway and drainage ditch.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 4, after the word "authorized," strike out the words "and directed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHRISTOPHERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFERRING CERTAIN LANDS TO HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11589) to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is rather a lengthy bill and I would like to have some explanation from either the gentleman from California [Mr. CURRY] or the Delegate from Hawaii. I suppose it is a very simple matter, but I have not had an opportunity to examine the measure.

Mr. CURRY. Mr. Speaker, the reason the bill is lengthy is because it describes the metes and bounds of the land. This land is about 502.6 acres. It was deeded to the United States Government by the Territory of Hawaii for the purpose of building thereon a leprosarium, which the Government constructed at an expense of about $70,000. After it was constructed it was found that it was not in the proper location, the climate was bad, the winds were high, and it was not a good place for lepers to be treated in a sanitarium. The Molokai leper settlement is in the neighborhood of this tract of land. Not being available for the purpose desired, the Territory of Hawaii itself, in the city of Honolulu, constructed a leprosarium at an expense of $40,000 and put in a laboratory for the use of the Federal Government. That is being used by the Federal Government, and has been for some time. The department wrecked all of the buildings that were of any use at Molokai and took the material away for Federal use. That which is left there is contaminated by being inhabited by lepers and is rapidly deteriorating. It is costing the Government to maintain a keeper. The land belonged to the Territory of Hawaii. It is simply a retransfer of land from the Federal Government to the Territory, not to individuals, and it becomes a part of the public land of the Territory of Hawaii.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and empowered to convey by quitclaim deed to the Territory of Hawaii the lands and buildings thereon of the Federal leprosy investigation station at Kalawao, on the island of Molokai, said lands

being fully described in the proclamation of the Governor of the Territory of Hawaii, dated June 28, 1905, by which such lands were ceded to the United States of America, and also to transfer to the Territory of Hawaii the equipment of the said station except such parts thereof as may be required for the use of the Public Health Service.

The said lands are more particularly described as follows:

(a) Description of landing site situated on the east side of Waikolu stream, Waikolu, Molokai, Territory of Hawaii, selected by Surgeon General Wyman, Public Health and Marine Hospital Service, as portion of Federal leprosarium.

Beginning at an iron bolt on rocky point overlooking sea and known as Hawaiian government survey trigonometry station Leinaopapio, the true azimuth and distance to Hawaiian government survey trigonometry station Kaupikiawa being 132° 12′ 39″ 11,164.5 feet and to Hawaiian government trigonometry station Mokapu being 202° 32′ 9″ 4,255.1 feet, and the azimuth to Kalawao Protestant Church spire being 105° 29′, and to the cross on Kalawao Catholic Church being 103° 43′, as shown on Government survey registered map No. 2309, and running by true azimuths:

(1) Up center of ridge to rocky ledge in same, the direct azimuth and distance being 330° 30′ 1,418 feet; (2) 79° 43′ 1,174 feet down side of ridge to a X on large solid stone on the east bank of Waikolu stream; (3) thence along the east bank of Waikolu stream to high-water mark on beach; the direct azimuth and distance being 183° 5′ 448 feet; (4) thence along beach along high-water mark, the direct azimuth and distance being 240° 555 feet; (5) then along the foot of bluff, the direct azimuth and distance being 161° 53′ 834 feet; (6) 289° 18′ 224 feet up ridge to the point of beginning. Area, 18.9 acres.

(b) Description of spring site, situated on the east side of Waikolu Valley, Waikolu, Molokai, Territory of Hawaii, selected by Surgeon General Wyman, Public Health and Marine Hospital Service, as portion of Federal leprosarium:

Beginning at X on stone in trail up the east side of Waikolu Valley, the coordinates from Hawaiian government survey trigonometry station Leinaoapapio being south 2,478 feet and east 219 feet, as shown on Government survey registered map No. 2309, and running by true azimuths:

(1) Two hundred and fifty-four degrees thirty-three minutes three hundred and eighty-five feet up ridge; (2) 351° 750 feet along Territorial government water reserve; (3) 117° 53′ 466 feet down ridge to a X on stone in trail; (4) thence along each side of trail, the direct azimuth and distance being 215° 40′ 90 feet; (5) 176° 53′ 227 feet; (6) 136° 168 feet to the point of beginning. Area, 4.5 acres.

(c) Description of hospital site, Walawao, Molokai, Territory of Hawaii, selected by Surg. Gen. Walter Wyman, Public Health and Marine Hospital Service, as portion of Federal leprosarium:

Beginning at X on large rock in stone wall on edge of bluff overlooking sea, the true azimuth and distance to Hawaiian government survey trigonometry station Kaupikiawa being 159° 3′ 6,130.8 feet, and to Hawaiian government survey trigonometry station Leinaopapio being 286° 15′ 30″ 6,332.5 feet as shown on government survey registered map No. 2309, and running by true azimuths:

(1) Along edge of bluff overlooking sea to corner of fence on same, a little west of Waialeia Gulch, the direct azimuth and distance being 333° 13′ 1,983 feet; (2) 65° 185.5 feet to corner of stone wall; (3) 27° 285.5 feet along stone wall to X on solid rock; (4) 14° 25′ 585 feet up small hill to X on large rock on edge of bluff; (5) 32° 38′ 616 feet along edge of bluff to X on large rock, the true azimuths to Kalawao Protestant Church spire being 163° 24′ and to cross on Catholic Church being 164° 48′; (6) 31° 18′ 1,013 feet along edge of bluff and down into a small gulch, and along center of same to angle in said gulch; (7) 99° 20′ 1,150 feet along center of small gulch to point in same, opposite the bottom of pali; thence following along the bottom of pali, the direct azimuths and distances being (8) 197° 40′ 810 feet; (9) 219° 53° 750 feet; (10) 137° 18′ 1,000 feet; (11) 262° 15′ 516 feet to X on solid rock at point of pali and end of stone wall, the true azimuth and distance to Leinaopapio △ being 270° 44′ 7,015.9 feet, to Kaupikiawa △ being 170° 23′ 7,515.3 feet, and the azimuth to Kalawao Protestant Church spire being 184° 12′ and to Kalawao Catholic Church cross being 190° 41′ 30″; (12) thence along stone wall along Baldwin home, the direct azimuth and distance being 219° 10′ 669 feet; (13) 146° 425 feet along stone wall along Baldwin home; (14) 219° 1,003 feet along stone wall along Baldwin home; (15) 306° 20′ 65 feet along stone wall along Baldwin home; (16) 219° 10′ 94.5 feet along stone wall along Baldwin home to the point of beginning. Area, 114 acres.

(d) Description of reservation site, situated in Kalawao and Makanalua, Molokai, Territory of Hawaii, selected by Surg. Gen. Walter Wyman, Public Health and Marine Hospital Service, as portion of Federal leprosarium:

Beginning at Hawaiian government survey trigonometry station Kaukaho, on the southwest rim of Kauhako Crater near graves, the true azimuth and distance to Hawaiian government survey trigonometry station Kalawao, being 175° 45′ 8,088.9 feet; to Hawaiian government survey trigonometry station Leinaopapio, being 291° 15′ 9″ 14,461.6 feet, as shown on Government survey registered map No. 1728, and running by true azimuths:

(1) One hundred and thirty-seven degrees 21′ 1,692 feet; (2) 227° 21′ 6,942 feet high-water mark at seacoast; (3) thence along seacoast along high-water mark, the direct azimuth and distance being 336° 10′ 3,762 feet; (4) 47° 21′ 350 feet to Hawaiian government survey trigonometry station Kaupikiawa, the true azimuth and distance to Leinaopapio △ being 312° 12′ 7″ 11,164.5 feet; (5) 47° 21′ 5,378 feet to an iron bolt on the north side of main government road; (6) 137° 21′ 1,869 feet to the point of beginning. Area, 502.6 acres.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANNOUNCEMENT.

The SPEAKER. The Speaker was notified by the Acting Secretary of War that the Marine Corps from Quantico is on the march to Gettysburg, and this evening at 7 o'clock will be reviewed on the White Lot back of the White House and Members of Congress are invited to witness the parade.

WOMAN DELEGATE FROM HAWAII.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11590) to amend sections 34 and 40 of the organic act of the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 34 and 40 of the organic act of the Territory of Hawaii be amended by deleting therefrom the word "male," so that said sections when amended shall read as follows:

"SEC. 34. That in order to be eligible to election as a senator a person shall—

"Be a citizen of the United States;

"Have attained the age of 30 years;

"Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he or she is elected."

"SEC. 40. That in order to be eligible to be a member of the house of representatives the person shall, at the time election—

"Have attained the age of 25 years;

"Be a citizen of the United States;

"Have resided in the Hawaiian Islands not less than three years and shall be qualified to vote for representatives in the district from which he or she is elected."

Mr. MANN. Mr. Speaker, I offer an amendment to the bill. I move to amend page 1, line 4, after the word "Hawaii," by inserting the language which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "Hawaii," insert "being an act entitled an act to provide a government for the Territory of Hawaii approved April 30, 1900."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROHIBITING INTERSTATE SALE OF CERTAIN ARTICLES CONTAMINATED WITH ANTHRAX.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7156) to prohibit the interstate sale of certain articles contaminated with anthrax.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose I am one of the few persons of the House who can look dispassionately upon a bill of this sort, although the author of the bill ought to be able as well as myself. I would like to ask this question. Suppose a shipment is on the way at the time this bill becomes a law. Would the property be forfeited and the importer fined or imprisoned?

Mr. WEBSTER. I think it would have the right to land——

Mr. MANN. That does not answer the question.

Mr. WEBSTER. I have no doubt that he would be subject to this statute if it comes in after its enactment.

Mr. MANN. Does the gentleman think somebody who ships an article to the United States and then Congress provides by law that such article shall not be admitted, that the man to whom it is shipped ought to be fined or sent to jail because such shipment has been made to him?

Mr. WEBSTER. No; I have no doubt that no such result——

Mr. MANN. But that is what this bill provides.

Mr. WEBSTER. I think not. I do not think there is any inherent right of a shipper to send to the shores of the United States a thing that is infected and permit that article to produce death, and that is the case with reference to these brushes made of horsehair. These men who send these brushes here are cognizant of this fact. It is a scientific fact.

Mr. MANN. But whether it causes death or not, you forbid the right to import a certain article into the United States. I suppose we have that authority as to any article; I am not questioning that; I do not know, but I assume we have.

Mr. WEBSTER. The question the gentleman asks is highly interesting, and it takes one into the realm of discussion of hazy principles of criminal law as to when an act begins and when it ends; and if an act is continuous and a law is enacted in the meantime, whether the criminal act dates back to the time when the act began. That is rather a nice question of criminal law and involves the question whether there was any intention on the part of anyone to violate. The right to pass ex post facto laws is also involved. I have no doubt that no sensible prosecutor would attempt to enforce the statute in that particular under those circumstances.

Mr. MANN. Well, because it was such a nice question I submitted it to my distinguished friend, although when he replies that the law will not be enforced by a sensible prosecutor that does not help it any, because we have some very sensible prosecutors—I think we have a very able one at the head of the Department of Justice—but there are some whom I do not have so much confidence in. However, not being in any danger from this, I have no desire to have my friend from Washington run

the risk of losing his life by the use of a shaving brush made abroad. However, I do not think there is much danger. I believe it is really in the interest of the man who is making shaving brushes in the United States.

Mr. WEBSTER. No; that is not the case, I will say to the gentleman from Illinois. This bill has been unanimously approved by the brush industry of the United States.

Mr. MANN. Certainly they have.

Mr. WEBSTER. The national association and——

Mr. MANN. Yes; it is to their interest.

Mr. WALSH. Will the gentleman yield?

Mr. WEBSTER. I will.

Mr. WALSH. The bill, as I read it, particularly prohibits the import or interstate shipment of shaving or lather brushes made from horsehair?

Mr. WEBSTER. Yes.

Mr. WALSH. It does not make any difference whether the brush has been disinfected or is not contaminated with anthrax and the importer or shipper is able to say that it is free from infection, the importation or shipment is prohibited notwithstanding?

Mr. WEBSTER. Yes; and the reason——

Mr. WALSH. Then why is anthrax carried in the title? That has got nothing to do with it. The amended title has got anthrax in it. That has nothing to do with the bill. We are trying to shut out the shipment of horsehair lather and shaving brushes.

Mr. WEBSTER. I think the use of anthrax in that connection might be of assistance to this bill.

Mr. WALSH. The title is no part of the bill.

Mr. WEBSTER. Very often the title is referred to in construing a bill.

Mr. WALSH. Not very often.

Mr. MANN. Not unless the bill means nothing.

Mr. WEBSTER. In the very situation I am about to suggest it means a great deal. This bill is passed under the commerce clause of the Constitution, plus the power to enact necessary and proper laws to carry into effect the powers specifically granted. It is in the nature of a health regulation. The court will take judicial knowledge of the fact that anthrax is a deadly disease, and it characterizes the bill and enables the court to determine its constitutionality.

Mr. WALSH. Suppose the shipment upon consideration or examination shows that there was not a single brush infected with anthrax, then where does the question of conserving the public health enter in?

Mr. WEBSTER. The answer to that question, I will say to the gentleman from Massachusetts, is based upon the scientific testimony of witnesses representing the Public Health Service. It is shown by those experts that this anthrax germ is a spore-forming germ; that it attaches itself to horsehair, and that the ordinary methods of sterilization will not destroy it. You can boil it for hours at a time, and the germ will still be there, and if it enters an abrasion on the face, caused by shaving, it will very likely produce death. All the chemical methods of sterilization that are strong enough to destroy the germ destroy the horsehair, and the brush is worthless. That is the testimony of the experts before the committee, and there is no controversy about it.

The SPEAKER. Is there objection?

Mr. MANN. Suppose somebody wanted to know whether he could import shaving brushes into the United States and wanted to look up the law on the subject, how would he find that information? There would be nothing about shaving brushes in your title.

Mr. WEBSTER. I am not responsible, I will say to the gentleman from Illinois, for the method which the compiler of the Federal statutes uses in indexing the laws. If a law is placed upon the statute books, it is there for the information of anybody who wishes to get it.

Mr. WALSH. You are partly responsible for the title of the bill, because you are the author of it.

Mr. WEBSTER. I am not the author of it. It seems a little inconsistent to say that the title is such an unimportant part of the bill when construing it, and yet it is to characterize the whole thing when it comes to indexing it.

Mr. MANN. That is all the title is for, to characterize it so that people can find it. Here we deliberately put in a title that means nothing, and by which anybody can find anything. Nobody would look——

Mr. WINGO. Mr. Speaker, I shall not object to prohibiting in interstate commerce any article which is contaminated with a dangerous or infectious germ or disease; but here is the trouble. You start with a proposition to do something, but you do not. You prohibit the carrier, instead of getting at the fault. You simply say we are incompetent and inefficient, and, if inspection falls down, that we are too indolent to cut out the bad and let in the good, or else we are incapable of doing it. I do not believe it is an impossibility to get proper inspection. If we follow this plan and go and exclude everything that is a possible transmitter of infectious or contagious diseases, we would put up the bars for 90 per cent of our commerce. Ninety per cent of the people of some countries in Europe have certain bodily diseases which is very bad, but we do not see fit to debar everybody from those countries from visiting this country.

Mr. WEBSTER. Theoretically the gentleman's position is sound, but in applying it to a case like this it is impractical. The transportation of shaving brushes is a rather inconsequential thing. It requires expensive machinery of a very scientific kind to determine the existence of these spores on the horsehair out of which these poor and cheapest kind of shaving brushes are made, and the cost of enforcing such a law would be wholly disproportionate to the situation sought to be dealt with. No harm will come from the denial of the use of horsehair in shaving brushes, because it is conceded to be the poorest kind of shaving brush made. The manufacturers of them concede it themselves.

Mr. GRAHAM of Illinois. Such a brush was never used until the last war. It is a practice that started during the war.

Mr. WINGO. Of course, we all want to protect the public health against disease. But there is a way to do things and there is a way not to do them. The title of your bill says you are going to do a commendable thing—that is, you are going to prohibit brushes contaminated with anthrax in interstate commerce. If you did that, it would be a commendable thing. But you debar horsehair brushes.

Mr. WEBSTER. It prohibits the importation into this country of shaving brushes made of horsehair, it being scientifically determined that horsehair shaving brushes are the means by which this deadly disease is communicated. If a man uses one of these cheap brushes, and there is an abrasion on the cheek, scarcely noticeable to the naked eye, inoculation takes place and the man dies.

Mr. WINGO. That is not the only way. You take the finest kind of brushes, and some of them that are imported from some countries I would not use at all, unless I knew personally they had been sterilized, and even then I would be in doubt about them. It is not the disease itself that you want to shut out. You say we will shut out all horsehair, not simply the infected.

Mr. WEBSTER. We do not do that. We shut out shaving brushes made of horsehair.

Mr. WINGO. You do not say all shaving brushes not properly inspected. You do not require proper inspection to shut them out. The answer to that is that it is an elaborate, expensive process. If you want to put on the importer the burden and the expense of proper inspection, of course that would be proper.

Mr. MANN. Is not this the fact, that the only way you can determine whether a horsehair shaving brush is affected with anthrax is by whether or not you get anthrax from the use of it?

Mr. WINGO. I do not know. I am not an expert.

Mr. MANN. If you do not get the disease, you assume there is no anthrax. If you do get it, you are dead, and it no longer matters. They can not find out without trying it.

Mr. WINGO. So the gentleman from Illinois is in favor of shutting out all of it?

Mr. MANN. I can say that I can look at this matter from a wholly disinterested point of view. I think it would be wiser to prevent the horsehair shaving brushes from being used than to let one man in ten million die from infection by anthrax.

Mr. WINGO. And prevent the use of horsehair brushes in the United States?

Mr. MANN. Yes; and I do not think anybody will miss the use of proper shaving brushes if they are not permitted to use horsehair shaving brushes.

Mr. WINGO. Who can tell a horsehair brush from a goat-hair brush?

Mr. MANN. I could not tell a horsehair brush from a pig's hair brush, but the men in the trade know the difference well enough.

Mr. WINGO. The gentleman from Illinois is more than a mere layman. He is an expert on this health service. On his assurance, I do not think I shall object. If he wants to shut out all horsehair brushes, I will not complain.

Mr. HUDDLESTON. Mr. Speaker, I reserve the right to object. There is a grave constitutional doubt connected with this bill that perhaps the attention of the House should be directed to.

The proposal here is to prohibit interstate commerce in all horsehair shaving brushes, whereas, of course, only such brushes as are infected with anthrax are harmful. The point is whether, under the guise of regulating commerce, we can for-

bid commerce in articles which may be entirely harmless. Manifestly we have no power to forbid commerce in harmless articles; if we concede that an article is in its nature harmless, Congress can not forbid commerce in it. The point is whether Congress may prohibit interstate commerce in articles and commodities which may be vehicles for disease germs, but which are not harmful in themselves and are not necessarily infected.

Now, then, horsehair shaving brushes are harmless articles unless they are infected with the germs of anthrax. Horsehair shaving brushes are harmful if they are infected with other disease germs as well as anthrax. The difference is merely one of degree and not of kind. In that connection it must be observed that the prohibition of commerce does not extend to all horsehair but merely to horsehair which is used for making shaving brushes. There are many articles made out of horsehair. Mattresses are stuffed with it; haircloth is made of it; other brushes are made of it. These horsehairs may be infected with anthrax, but under this bill interstate commerce in them is entirely legitimate and permissible. Yet if it so happens that the horsehair is made into a shaving brush, immediately, under this bill, it becomes necessarily harmful, and Congress assumes the power to prohibit it absolutely. I voted against this bill in committee because I had grave doubts as to its constitutionality. I do not intend to object to it, but I thought it would be well that the House should be informed as to the doubt which I have as to its constitutionality.

The SPEAKER. Objection is withdrawn. The Clerk will report the bill.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person to import into the United States from any foreign country any shaving or lather brush containing horsehair.

Mr. WHITE of Kansas. Mr. Speaker, I offer an amendment to section 1.

The SPEAKER. The gentleman from Kansas offers an amendment to section 1 of the bill. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: Page 1, lines 4 and 5, after the word "shaving," in line 4, strike out the word "or"; and in line 5, between the word "lather" and the word "brush" insert the words "or hair," so that it will read: "That it shall be unlawful for any person to import into the United States from any foreign country any shaving, lather, or hair brush containing horsehair."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order against that.

Mr. WHITE of Kansas. What is the point of order?

Mr. STAFFORD. I press the point of order. The gentleman from Kansas wants to know what the point of order is. It is that it is not germane. I will reserve the point of order.

Mr. WINGO. Does the gentleman mean to say that lather is not germane to shaving?

Mr. STAFFORD. Yes; but horsehair is not germane to a lather brush.

Mr. WINGO. Lather is germane to the hairbrush. You can split a hair, but you can not lather. [Laughter.]

Mr. WHITE of Kansas. Mr. Speaker, I am not familiar with the rules of the House to the extent that I feel competent to discuss the point of order. I wish I might have unanimous consent to speak to the merits of my amendment. If there is no objection, I will do so.

I take it, Mr. Speaker, in the interest of the health of the American people that this amendment should be included in this section of the bill. We are trying to exclude the importation of a brush into the United States in the interest of the public health. Now, it is stated by the chairman of the committee or subcommittee, as the case may be—I just came in during the discussion—that horsehair shaving brushes should be excluded. It would seem that it is fully as essential to prohibit the importation of a hairbrush that is liable to carry a deadly germ and imperil the life of the citizen, and even of some of our country's statesmen. I brush my hair less and less, of course, as the years go by. Why would there not be the same danger in a horsehair hairbrush, the same menace to the public health, the same peril to the lives of our citizens? Suppose there might be a slight abrasion of the skin where the hair is thin. Might it not have the same deadly and fatal result, from which there would be no recourse? Because the gentleman from Illinois [Mr. MANN] says, "When you have anthrax you are dead." You can not protect yourself. [Laughter.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Kansas. I shall be glad to yield.

Mr. MANN. It is a fact, is it not, that the gentleman from Washington [Mr. WEBSTER], who reported the bill, would not be in any danger of a hairbrush reaching the scalp on the top of his head——

Mr. WHITE of Kansas. Whereas——

Mr. MANN. Whereas the gentleman from Kansas might be in imminent danger from anthrax from an infected horsehair brush? [Laughter.] Perhaps that is why it was not included by the gentleman from Washington. He is not afraid of it.

Mr. WHITE of Kansas. I am speaking in the deepest seriousness, Mr. Speaker and gentlemen, and I hope the gentleman from Wisconsin [Mr. STAFFORD] will withdraw his point of order.

Mr. STAFFORD. Mr. Speaker, I am approaching the status of the gentleman from Kansas [Mr. WHITE], so far as the hair on the top of the head is concerned, and I will withdraw the reservation of the point of order in consequence. [Laughter.]

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That any shaving brush or lather brush containing horsehair, whether imported separately or contained in packages with other goods entitled to entry, shall not be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited in manner prescribed by law.

SEC. 3. That it shall be unlawful for any person to ship any shaving or lather brush containing horsehair from one State or Territory in the United States or the District of Columbia to any other State or Territory in the United States, or to the District of Columbia.

SEC. 4. That this act shall take effect on October 1, 1921.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The House has just inserted an amendment to cover hairbrushes. If that amendment is to remain in the bill in section 1 it ought to be in section 2 and in section 3.

Mr. WHITE of Kansas. Mr. Speaker, I desire to offer the same amendment in relation to section 3.

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. In section 2 it would be—

Any shaving brush, lather brush, or hairbrush.

Mr. WINGO. That should be inserted in section 2 and section 3 both.

Mr. MANN. Section 3 would have the same amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. White of Kansas: Page 1, line 6, after the word "brush" strike out the word "or" and after the word "brush" where it appears the second time, insert the words "or hairbrush."

Mr. GRAHAM of Illinois. Mr. Speaker, I desire to oppose the amendment briefly. I do not think this amendment ought to be in this bill. I do not think the first amendment should have been agreed to. This is a good bill. It accomplishes a very useful purpose. If we load it up with a lot of outside articles like hairbrushes, probably the bill will not be passed. It is extremely hard to get a bill of this kind passed anyhow. It stops the trade in certain legitimate articles of commerce. If you add to it hairbrushes, about which the committee has taken no evidence and has no knowledge as to the number manufactured or the interests involved or anything of that kind, the probabilities are that we will get nowhere with this bill.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Illinois. Let me finish this statement. The gentleman from Kansas [Mr. WHITE] speaks of hairbrushes. So far as I am aware there was no case stated before the committee where anthrax had been communicated to anybody through a hairbrush. It is introduced into the circulation when the skin is cut and lather is applied by the infected brush to the cut or abraded spot. But nobody is going to cut his head with a hairbrush.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; I yield.

Mr. WHITE of Kansas. I think, probably on account of the absence of hirsute adornment on my dome, Members have not taken me seriously. I am speaking in the deepest sincerity. Does the gentleman know that the anthrax germ is not present in hairbrushes? Might there not be a slight abrasion of the skin on the head of some gentleman whose hair is a bit thin, and would not an infected hairbrush communicate the disease?

Mr. GRAHAM of Illinois. I think the chairman of the committee, and also Judge Webster, will verify my statement that, so far as any testimony before the committee was concerned, it showed that the disease is communicated through cuts on the face when a man is in the act of shaving. It is a violent assumption that anyone would brush his head with a hairbrush when his head was bleeding and so infect his blood with the spores of this disease. This amendment will not help the bill, but rather will imperil it, because you will get up against interests engaged in the manufacture of hairbrushes and you will have trouble in getting the bill through the Senate.

Mr. MANN. They do not make hairbrushes out of horsehair.

Mr. WHITE of Kansas. Did the committee have anyone except Mr. McCoy before it?

Mr. GRAHAM of Illinois. Yes; we had quite extensive hearings and considered this matter carefully. This question of broadening out this proposition was considered. It was the advice of those who testified before our committee that we should not broaden it in any respect, and we restricted it to this particular article, which is extremely dangerous. It is unwise to enlarge the scope of this bill unless there is some useful purpose to be accomplished.

Mr. MANN. Does not the gentleman think it is a useful purpose to prevent the gentleman from Kansas being infected with anthrax?

Mr. GRAHAM of Illinois. Yes; but the gentleman from Kansas is not going to catch anthrax from a hairbrush, nor is anybody else; and the testimony showed that a great many good men have died from anthrax, which is, as I understand it, an incurable disease, fatal when you get it, and communicated by infected shaving brushes.

Mr. MANN. Did the committee consider also the use of hand brushes—flesh brushes?

Mr. GRAHAM of Illinois. This matter is fresher in Judge WEBSTER'S mind than it is in mine. We asked the Department of Public Health as to other kinds of brushes, and we were advised very strongly to limit the bill to this particular brush.

Mr. MANN. Horsehair brushes?

Mr. GRAHAM of Illinois. Horsehair shaving brushes.

Mr. WEBSTER. I do not recall any statement before our committee that the horsehair is used in the manufacture of hair brushes, and it is my impression that there are no such brushes. I do know that the experts of the Public Health Service advised that we confine our bill to the lather brushes, because that was the brush that caused the harm.

Mr. MANN. The lather brush has to be a very soft brush.

Mr. WEBSTER. And, of course, it is used in connection with a razor, where abrasions are very likely to occur.

Mr. MANN. A hair brush is very different.

Mr. WEBSTER. Certainly.

Mr. VOIGT. Was there any evidence before the committee that hair brushes were made of horsehair?

Mr. WEBSTER. No; there was no evidence about it at all.

Mr. WHITE of Kansas. Mr. Chairman, I would like to ask the chairman if the testimony before his committee disclosed the fact that there had been any fatalities from the use of these horsehair shaving brushes?

Mr. WEBSTER. Oh, yes; a large number. They examined 35 cases of anthrax in New York alone, and in 16 of them death occurred, and every one of them was traceable to the use of a horsehair shaving brush, which upon examination was found to be infected with anthrax germs.

Mr. WALSH. Were those brushes manufactured in the State of New York?

Mr. WEBSTER. We have no means of knowing.

Mr. WALSH. If they were, then this bill would not prevent that.

Mr. WEBSTER. It would not; we could not prevent the manufacture and sale of brushes wholly within one State, because of lack of constitutional power.

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. WHITE of Kansas) there were 18 ayes and 17 noes.

Mr. VOIGT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count.

Mr. VOIGT. Mr. Speaker, I withdraw the point of order.

So the amendment was agreed to.

Mr. WHITE of Kansas. Now, Mr. Speaker, I offer my amendment to section 3.

The Clerk read as follows:

Page 2, line 2, strike out the word "or" after the word "shaving," and after the word "lather" insert the words "or hair."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, strike out lines 6 and 7.

Mr. MANN. Mr. Speaker, I desire to be heard on the amendment. When the bill was introduced there was a date as to when the bill should take effect. Does the gentleman think that we ought to pass a bill making punishable a thing of this sort where the goods may be on the way, without fixing a date when the bill shall take effect?

Mr. WEBSTER. Speaking for myself alone, I can think of no objection to an amendment if the gentleman will offer one stating a date when the bill shall take effect with respect to foreign shipments. I do not think we ought to let the fellows get rid of the anthrax-affected brushes before the law takes effect.

Mr. MANN. They may be in the course of shipment.

Mr. WEBSTER. If the bill can be so worded as not to apply to shipments in transit at the time the bill becomes effective, I would have no objection.

Mr. MANN. That will come later.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk completed the reading of the bill, as follows:

SEC. 5. That the word "person" as used in this act shall mean natural persons, firms, associations, copartnerships, and corporations.

SEC. 6. That any person violating any of the provisions of this act shall, upon conviction, be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

With the following committee amendments:

Page 2, line 8, strike out the figure "5" and insert the figure "4."

Page 2, line 11, strike out the figure "6" and insert the figure "5."

Page 2, line 13, after the word "for," insert the words "not more than," and amend the title so as to read: "A bill to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax."

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment to section 6:

Page 2, line 15, after the word "court," add a new section as follows:

"SEC. 6. This act shall not be effective in the case of goods actually in transit at the time of the passage of this act."

The SPEAKER. The Clerk will report the amendment:

The Clerk read as follows:

Amendment by Mr. MANN: Page 2, line 15, after the word "court," add a new section as follows:

"SEC. 6. This act shall not be effective in the case of goods actually in transit at the time of the passage of this act."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. WALSH. Mr. Speaker, I was going to ask the gentleman if he had any objection to amending the title by prohibiting the importation and interstate shipment of certain articles made of horsehair.

Mr. WEBSTER. No; you would have to find contamination by anthrax in each shipment.

The SPEAKER. The title has been amended.

Mr. WEBSTER. We want to prohibit the shipment for the reason that we want to avoid the inspection to see whether these anthrax germs are on it. It was shown to the committee that these brushes made of horsehair are cheap, that they sell in the 5 and 10 cent stores, and it would cost 6 or 7 cents to have them inspected.

Mr. WALSH. Of course, amending the title does not make any difference about the operation of the bill. It does not affect whether the thing is going to be inspected or not inspected, prohibited or not prohibited. I was thinking about the index, and I thought if horsehair is referred to in the title it would give some aid. However, if the gentleman does not want it, very well.

Mr. WEBSTER. I would prefer to have the title as it is.

Mr. WALSH. Very well.

AMERICAN RED CROSS.

Mr. FESS. Mr. Speaker, I present a conference report upon Senate Joint Resolution 43, to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., for printing under the rules.

BRIDGE ACROSS MISSISSIPPI RIVER, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11626) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, is it really intended to ever construct this bridge?

Mr. FAVROT. As I understand it, it is the purpose to construct the bridge.

Mr. MANN. The gentleman hopes so, anyway.

Mr. FAVROT. I hope so, anyway. This was authorized in 1914, just prior to the breaking out of the World War. Consequently, nothing has been done, because of the war conditions and the conditions immediately following the war. This point is a very important railroad river crossing. Five railroads interchange freight across the river at that point.

Mr. WALSH. Then it would seem they ought to go ahead and construct the bridge. This permission was granted in 1914, was extended in 1916, again in 1919, and now we are asked to extend it again in 1922. It is not such an important point that anybody down there seems to be sufficiently interested in it to begin the construction of the bridge.

Mr. FAVROT. I just stated to the gentleman that the first authorization for the construction of the bridge was just prior to the breaking out of the World War.

Mr. WALSH. I observed that from the date given in the report.

Mr. FAVROT. Consequently, nothing was done during the World War, and the conditions immediately following the World War were such that they have prevented anything being done.

Mr. WALSH. What did the World War in Europe between 1914 and 1917 have to do with constructing the bridge?

Mr. FAVROT. The conditions in this country were in a very much demoralized state, and the greater part of the railroads were in the hands of the Government.

Mr. WALSH. Between 1914 and 1917?

Mr. FAVROT. Oh, no; but between 1914 and 1917 business conditions in this country, due to the war in Europe, were very much demoralized.

Mr. WALSH. That is not my recollection. I know that during part of that time business was very much demoralized, but for a different reason. I have no objection, and I thank the gentleman for the information.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by the act of Congress approved July 17, 1914, to be built across the Mississippi River at or near the city of Baton Rouge, La., are hereby extended three years and six years, respectively, from the date of approval hereof.

Mr. MANN. Mr. Speaker, I move to amend by striking out the word "time" and inserting in place thereof the word "times" in line 3.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 3, strike out the word "time" and insert the word "times."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FAVROT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF PUBLIC BUILDING AT PARIS, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11298) amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city; and to authorize the erection on said new site, when acquired, a public building suitable for post-office purposes; and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, personally I think the policy of the Government should be, when it plans to provide ultimately for public buildings for housing other activities than the post office, to make provision once and for all for the construction of the building, because there is the additional expense to which the Government will be put in the construction of a building, as this bill provides for an additional superstructure, which will be entirely wasted when the new story is added.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I estimate offhand that the amount involved to carry out a provision of this kind for constructing so that accommodations will be ultimately provided for the court and other offices will be something like $15,000 to $20,000. Why waste that money by making this temporary provision?

Mr. LANHAM. Mr. Speaker, I quite agree with the gentleman that it would be better policy in this individual case to increase the authorization and thereby permit the construction of a building adapted not only for the post-office business but for all of the Federal activities. However, this is an emergency proposition, and this legislation is sought because of the destruction of practically the entire town by fire. It has been subsequently rebuilt. To launch upon a general policy at this time of increasing authorizations would necessarily involve the Committee on Public Buildings and Grounds in much-needed legislation in this regard, which probably could not now be brought before the House for consideration. It is the matter of avoiding the adoption of that policy at this time that has led to the reporting of this bill rather than of another bill also introduced by Mr. BLACK, of Texas, asking to increase the authorization.

Mr. STAFFORD. Has the gentleman through the committee or otherwise obtained any estimate as to the additional cost that would be involved by providing a second story so as to ultimately accommodate the court and other officers?

Mr. LANHAM. Yes, sir; I will say to the gentleman that the committee has had that matter up with the Supervising Architect, and I have also had it up personally with him. The total cost for the completion of the building for housing these various Federal activities would be, according to the estimate of the Supervising Architect, $225,000.

Mr. STAFFORD. Has the gentleman any figure from the Supervising Architect as to the wastage there will be by providing a concrete roof and making it suitable ultimately for a second story?

Mr. LANHAM. I have not that in figures. However, the Supervising Architect has assured me the cost will be relatively slight. This one story and basement will be built in such a way as to accommodate a second story when authorized, and the flooring of the second story will be built at the time of the construction of this one-story structure, so it will be a very simple proposition to remove the temporary roof and continue the second story.

Mr. STAFFORD. I am not an architect or a builder, but I am at a loss to know how a roof of concrete construction providing for drainage can be so constructed that it can be used for a floor for a second story. My little acquaintance with that construction leads me to believe that a concrete floor can not be utilized for flooring purposes for a second story.

Mr. LANHAM. The gentleman misunderstood me. I did not mean that the concrete floor would serve as a roof, but that in this construction the $170,000, which has been heretofore authorized, will be sufficient for this first story and the basement, and also a flooring for a second story, and this temporary roof will be placed above that flooring. The authorization is sufficient for that purpose.

Mr. STAFFORD. Mr. Speaker, I recognize the legislative difficulty that the committee has in not providing a sufficient amount for completing the building all at once, and although I would rather favor that policy I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That existing law authorizing the Secretary of the Treasury to expend $170,000 "for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.," be, and the same is hereby, amended so as to authorize and empower the Secretary of the Treasury, in his discretion, to exchange and convey to the city of Paris, Tex., by the usual quitclaim deed, the present Federal building and so much of the site thereof in the city of Paris, Tex., bounded as follows: Fronting 123.7 feet, more or less, on the east side of North Church Street, and extending eastwardly of that width along the south side of East Houston Street 107.4 feet, more or less, for the title in fee simple to the site known as the Young Men's Christian Association property, together with the adjoining site known as the Click lot, bounded as follows: Fronting 216 feet, more or less, on the west side of North Twenty-third Street and extending eastwardly between the south side of East Houston Street and the north side of Lamar Street 71 feet, more or less: *Provided*, That the United States shall have the right to occupy the present Federal building free of cost until the new Federal building is ready for occupancy. That upon said new site, when acquired as aforesaid, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable and commodious building, including fireproof vaults, heating and ventilating apparatus, approaches, etc., complete, for the use and accommodation of the post office, at not to exceed the limit of cost above stated, and said building shall be so constructed that accommodations for the United States courts and other Government offices may be provided at a later date at an increase in the limit of cost to be hereafter fixed. The general annual appropriations for the repair, mechanical equipment, maintenance, and operation of public buildings under the control of the Treasury Department shall be available for the present Federal building in said city so long as said building shall be occupied by the Government.

Mr. LANHAM. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, strike out the word "Click" and insert in lieu thereof the word "Glick."

Mr. LANHAM. Mr. Speaker, that is a typographical error in the description of the lot.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the title be amended by inserting the word "of" before the words "a public building" after the word "acquired."

The SPEAKER. Without objection, the title will be amended in accordance with the suggestion of the gentleman.

There was no objection.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Federal aid to States.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated.

Mr. WALSH. The gentleman's own remarks?

Mr. RAMSEYER. They are not. I requested the Treasury Department to give me a list of the various projects, the statutes authorizing them, the amount of money spent last year, and the estimates for this year, and the appropriations for the next year.

Mr. WALSH. The gentleman does not call that Federal aid to the States?

Mr. RAMSEYER. It comes under this heading—23 different projects.

Mr. WALSH. It is aid by some States to others through Federal agencies.

Mr. RAMSEYER. I have used the term as it is generally used.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not expect to do, I have noticed of late when such requests as these have been made that there has been a growing tendency to insert the extended remarks in the proceedings instead of placing them in the back of the RECORD. This appeals, I think, to many of us as being a very bad practice, making it difficult to follow the real proceedings of the House. I assume the gentleman does not expect to put this insertion in the body of the proceedings?

Mr. RAMSEYER. I would rather have them appear in the back of the RECORD, as it will attract more attention. Very many people commence reading the back part of the RECORD and read forward.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. RAMSEYER. Mr. Speaker, under leave to extend my remarks in the RECORD on "Federal aid to States," I submit for printing in the CONGRESSIONAL RECORD a statement prepared at my request by the Treasury Department. This statement shows the departments which administer those projects, the statutes authorizing them, the amount of money expended for those purposes out of the Federal Treasury last year, the estimated expenditures for this fiscal year, and the appropriations made by Congress to carry on the said projects for the next fiscal year.

Statement showing under appropriations provided by Congress for Federal aid to States (1) disbursements by warrants during fiscal year 1921, (2) estimated expenditures for fiscal year 1922, and (3) amounts appropriated for fiscal year 1923.

	Disbursements, fiscal year 1921.	Estimated expenditures, fiscal year 1922.	Appropriations, fiscal year 1923.
DEPARTMENT OF THE INTERIOR.			
Colleges for agriculture and mechanic arts, acts July 2, 1862 (12 Stat. 503); Aug. 30, 1890 (26 Stat. 417); and Mar. 4, 1907 (34 Stat. 1281)	$2,500,000.00	$2,500,000.00	$2,500,000.00
Payments to States from receipts under oil leasing act, act of Feb. 25, 1920 (41 Stat. 450)		[1] 1,569,308.00	[1] 1,500,000.00

[1] Estimated expenditures from receipts to be appropriated under these titles for fiscal years 1922 and 1923.

Statement showing under appropriations provided by Congress for Federal aid to States (1) disbursements by warrants, etc.—Contd.

	Disbursements, fiscal year 1921.	Estimated expenditures, fiscal year 1922.	Appropriations, fiscal year 1923.
DEPARTMENT OF THE INTERIOR—con.			
Aid to States, "Five, three, and two per cent funds to States (lands)" (R. S. p. 728, sec. 3689; act of June 27, 1906 (34 Stat. 518, sec. 1)	$138,193.03	[1] $60,000.00	[1] $50,000.00
DEPARTMENT OF AGRICULTURE.			
Payments to States and Territories from the national forest fund, acts Mar. 4, 1907 (34 Stat. 1270); May 23, 1908 (35 Stat. 260); Mar. 1, 1911 (36 Stat. 963); June 30, 1914 (38 Stat. 441).	1,180,033.13	[1] 1,107,500.00	[1] 1,200,000.00
Payments to school funds, Arizona and New Mexico, national forest fund, act June 20, 1910 (36 Stat. 557).	73,229.75	[1] 70,000.00	[1] 70,000.00
General expenses, States Relations Service: Under that portion of the appropriation that provides for agricultural experiment stations in connection with colleges established in the several States, acts Mar. 2, 1887 (24 Stat. 440); Mar. 16, 1906 (34 Stat. 63); and Mar. 3, 1921 (41 Stat. 1338)	[2] 1,440,000.00	[2] 1,440,000.00	1,440,000.00
Cooperative agricultural extension work, acts May 8, 1914 (38 Stat. 373), and Mar. 3, 1921 (41 Stat. 1359)	5,031,577.73	5,580,000.00	4,580,000.00
Cooperative construction, etc., of roads and trails, national forests, act July 11, 1916 (39 Stat. 358)	1,224,736.77	1,720,000.00	1,000,000.00
Cooperative construction of rural post roads, act July 11, 1916 (39 Stat. 356), Nov. 9, 1921 (42 Stat. 212)	57,452,056.48	85,000,000.00	[3]
Federal forest road construction, postal act Feb. 28, 1919 (40 Stat. 1201)	3,821,409.75	2,000,000.00	[4]
Forest road development, act Nov. 9, 1921 (42 Stat. 212)		2,500,000.00	3,000,000.00
Forest highways, act Nov. 9, 1921 (42 Stat. 212)		2,500,000.00	7,000,000.00
FEDERAL BOARD FOR VOCATIONAL EDUCATION.			
Cooperative vocational education in agriculture	1,071,814.37	1,362,600.00	1,761,000.00
Cooperative vocational education in trades and industries	1,037,711.45	1,372,500.00	1,772,000.00
Cooperative vocational education, teachers, etc., act Feb. 23, 1917 (39 Stat. 929-936)	798,887.96	981,000.00	1,090,000.00
Cooperative vocational rehabilitation of persons disabled in industry, act June 2, 1920 (41 Stat. 735-737)	469,819.30	768,000.00	1,034,000.00
INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.			
Aid to States in protection of military and naval forces against venereal diseases	393,115.82	200,000.00	
Payments to States for prevention, etc., venereal diseases	223,676.70		
Payments to universities, etc., for research in venereal diseases	75,840.96		
Payments to universities, etc., for research in educational measures in venereal diseases, act June 5, 1920 (41 Stat., 888)	153,490.50		
FEDERAL POWER COMMISSION.			
Payments to States under Federal water power act, act June 10, 1920 (41 Stat., 1073)		[5]	[5]
TREASURY DEPARTMENT (PUBLIC HEALTH SERVICE).			
Expenses of Division of Venereal Diseases, under act July 9, 1918, secs. 3 and 4, Chap. XV; act Feb. 17, 1922 (42 Stat., 381)			[6] 225,000.00
DEPARTMENT OF LABOR.			
Promoting welfare and hygiene of maternity and infancy, act of Nov. 23, 1921 (42 Stat., 224)		490,000.00	1,240,000.00

[1] Estimated expenditures from receipts to be appropriated under these titles for fiscal years 1922 and 1923.

[2] Amounts appropriated for 1921 and 1922. It is impracticable for this department to show the exact expenditures under that portion of the appropriations for "General expenses, States Relations Service" that relates to agricultural experiment stations, as they are mingled with other expenditures under the several activities covered by this appropriation.

[3] No amount appropriated for 1923, but there will be available for expenditure during 1923 approximately $170,000,000 on account of appropriations previously made.

[4] The Post Office Department bill for 1923 passed the Senate carrying $50,000,000 for the purpose of carrying out the provisions of the Federal highway act of 1921. This has not as yet become a law.

[5] No amounts estimated for the fiscal years 1922 and 1923.

[6] The act of Feb. 17, 1922 (42 Stat., 381), provides that of the $400,000 appropriated the sum of $225,000 shall be allotted to States for cooperative work in the prevention and control of venereal diseases.

Division of Bookkeeping and Warrants, June 8, 1922.

BRIDGE ACROSS NIAGARA RIVER BETWEEN NEW YORK AND CANADA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Niagara River Bridge Co., a corporation which heretofore, under lawful authority then existing, constructed a cantilever bridge across the Niagara River between the United States and Canada, such bridge having been duly declared by act of Congress to be a lawful structure and an established post route of mail of the United States, is hereby authorized to enlarge, change, and alter its present bridge, or to remove its present bridge and construct, maintain, and operate a new bridge and approaches thereto across the Niagara River, at a point suitable to the interests of navigation, upon the present site, or on a new site north of and near the site of the present bridge, in lieu thereof, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That before the construction of the said bridge shall be commenced, all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

SEC. 2. That for the purpose of carrying into effect the objects of this act the Niagara River Bridge Co. may receive, purchase, and also acquire by lawful appropriation and condemnation in the State of New York upon making proper compensation, to be ascertained according to the laws of that State, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the construction, maintenance, and operation of said bridge and approaches consistent with the laws of the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 4, after the word "which," strike out the words "heretofore under lawful authority then existing."

Page 1, line 6, after the word "Canada," strike out the words "such bridge having been duly declared by act of Congress to be a lawful structure and an established post route of mail of the United States."

Page 2, line 15, strike out all of section 2 from lines 15 to 24, inclusive.

Page 3, line 1, strike out the figure "3" and insert the figure "2."

The question was taken, and the amendments were agreed to.

Mr. LONDON. Mr. Speaker, I move to strike out the last word for the purpose of asking a question. Is it customary to provide in these bridge bills that the bridge may be constructed on any site as this bill provides? The Senate bill provides that the present bridge may be removed and a new bridge constructed in its place on the present site or any other site. That seems to be unusual.

Mr. PARKER of New York. Mr. Speaker, this bill has passed the Senate. This bridge was built in 1884, and it is not adequate to carry the traffic at the present time.

Mr. LONDON. I understand that.

Mr. PARKER of New York. It has got to be approved by the War Department.

Mr. MANN. I can give the gentleman that information. It is to provide a site suitable to the interests of navigation, to be approved by the War Department, and that has been the policy ever since the general bridge act was passed. Instead of our fixing definitely the ends of the bridge, we say it shall be at a point suitable to the interests of navigation, to be approved by the War Department, which means the engineer determines where it is to be located.

Mr. LONDON. I thank you.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PARKER of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTION 22 OF INTERSTATE COMMERCE ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 848) to amend section 22 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HUDDLESTON. Mr. Speaker, this bill is not one reported by the unanimous vote of the committee. It occurs to me that it is not the kind of legislation that should be expected to go through the House with unanimous consent. I am compelled to object to it.

TERM OF UNITED STATES DISTRICT COURT AT SELMA, ALA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. VOIGT. Mr. Speaker, may I inquire what the number of the bill is that is under consideration?

The SPEAKER. Either the calendar number is wrong or the Clerk reported the wrong bill.

Mr. STAFFORD. It is 331 on the Unanimous Consent Calendar.

The SPEAKER. The title as printed on the calendar apparently is wrong. The Clerk will again report the title.

The title was again reported.

Mr. MOORE of Virginia. The bill does amend the judicial code with reference to the northern district of Alabama.

The SPEAKER. The same bill has two different titles. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama.

Be it enacted, etc., That the last sentence of section 70 of the Judicial Code, as amended, is amended to read as follows:

"Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the second Mondays in January and July."

Also, the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That section 70 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 70. That the State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which court shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first Mondays in April and November: *Provided*, That suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said division. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division

of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division, at Selma on the second Mondays in January and July: *Provided*, That suitable rooms and accommodations for holding court at Selma shall be furnished free of expense to the United States."

Mr. McDUFFIE. Mr. Speaker, I move to amend by striking out the proviso on page 5, lines 12 and 13.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE to the committee amendment: Page 5, lines 11 and 12 and 13, strike out the proviso.

Mr. McDUFFIE. This proviso was in the bill some years ago before the Government building was constructed in the city of Selma at which to hold sessions of this court. It having been constructed, this language is surplusage, and therefore I offer an amendment to the committee amendment to the Senate bill. It does not affect the time of holding the court at any other time in the State of Alabama. It simply changes it for the benefit of the parties, witnesses, and attorneys in the city of Selma, Ala., and that territory.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, I desire to offer an amendment, the necessity for which was brought to my attention by the gentleman from Illinois. In line 11, page 1, after the figures "1911," insert the words "as amended"; and after the word "hereby," in the same line, insert the word "further."

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 11, after the figures "1911," insert "as amended"; and in the same line, after the word "hereby," insert the word "further."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, I desire to offer the following amendment: On page 4, line 25, strike out the word "division" and insert the word "divisions."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 25, strike out the word "division" and insert the word "divisions."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended, as follows:

An act to amend section 70 of the Judicial Code.

On motion of Mr. McDUFFIE, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a short letter and statement which I have received from Mr. N. P. Chipman with reference to the origin and purpose of Memorial Day.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRY. Mr. Speaker, the history of the origin of Memorial Day is of great interest, and the following letter and statement on the subject I have received from Gen. N. P. Chipman contains accurate and valuable information that should be preserved. General Chipman had a brilliant record in the Civil War. After the war he practiced law in the city of Washington. In 1870 he was appointed Secretary of the District of Columbia by General, then President, Grant. He resigned and was elected Delegate to the House of Representatives, serving two terms from 1871–1875. He is the only man who ever sat in Congress as a Delegate for the District of Columbia. In 1876, after the form of the District government had been changed, he located in California and engaged in the practice of the law and in industrial enterprises and social welfare work. In 1897 he was appointed one of the supreme court commissioners of the State of California and held that position until 1905 when he was appointed by the governor presiding justice of the third appellate district court at Sacramento. He was afterwards elected twice to that office for 12-year terms. He resigned from the bench the early part of 1921 on account of ill health. He is now 87 years old.

Memorial Day was first observed in 1868 on an order issued by Gen. John A. Logan, who was at the time a Representative in Congress from Illinois and who was commander in chief of the Grand Army of the Republic. Gen. N. P. Chipman was at the time the adjutant general of the Grand Army of the Republic, and as such promulgated the order. He is the only living man who was connected as an official of the Grand Army of the Republic in formulating, issuing, and promulgating the order, and I believe his statement of the origin of Memorial Day to be of sufficient historic interest to warrant its publication in the CONGRESSIONAL RECORD.

SAN FRANCISCO, CALIF.,
972 Bush Street, June 10, 1922.

Hon. CHARLES F. CURRY,
Washington, D. C.

DEAR MR. CURRY: Your letter inclosing the clipping from Washington Times giving Mrs. Logan's version of the origin of Memorial Day is received, and I thank you for taking the trouble to send it to me.

Last year the Woman's Relief Corps, an auxiliary of the Grand Army of the Republic, requested me to write the story of the origin and purpose of Memorial Day, of which I am sending a copy. This account is in accord with the actual facts as accepted by the Grand Army and published in its blue book many years ago.

I have never known that Mrs. Logan gave a different version until it appeared in a Washington paper after the Woman's Relief Corps had sent out the inclosed leaflet.

In a speech on Memorial Day at Sacramento in 1884 I gave this account. It was published in pamphlet form and widely distributed. This was two or three years before General Logan died and years before had been accepted by the Grand Army as the true history of the origin of General Logan's order instituting Memorial Day. I have great regard for Mrs. Logan, and under no circumstances would I enter any controversy with her.

I am looking forward to a visit from you this summer when you come home, if you can spare me the time.

With best personal regards, I am yours sincerely,

N. P. CHIPMAN.

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MEMORIAL DAY.
(Instituted May 30, 1868.)
ITS ORIGIN AND PURPOSE.

The frequent inquiries from various parts of the country with regard to the origin and purpose of Memorial Day, and the erroneous statements made concerning some of the facts which have been called to my attention, impel me to put in printed form the true history of the observance.

The organization known as the Grand Army of the Republic is composed of the veteran soldiers, sailors, and marines who carried the flag of the Republic to victory during the great rebellion of 1861–1865. This unique and patriotic association of the loyal soldiers of the Nation came into being in 1866. It spread rapidly throughout the Northern States, and by 1868 it had achieved a nation-wide body with national headquarters at the National Capital, having department organizations embracing posts in cities and towns and a membership of several hundred thousand. Its fundamental object was expressed in the three words, "fraternity, charity, loyalty."

In 1868 Gen. John A. Logan, who typified the highest example of the volunteer soldier, was commander in chief and I was adjutant general of this splendid organization. I will not now trace its growth and influence upon the national life during the half century it has been the Nation's great school of patriotism. Its membership is rapidly yielding to the ravages of time and old age, and will in a few years cease to exist. But its spirit survives and will in the uncharted future of our beloved country continue to shed its inspiring influence so long as the sentiment of liberty and free government is the guiding motive of our people.

Early in May, 1868, I received a letter from a comrade residing in Cincinnati, Ohio, suggesting that in some of the countries of Europe it was the custom to strew with flowers in the springtime the graves of heroes who had fallen in defense of their country, and asked if such custom would not be appropriate to commemorate the services of our comrades who had given their lives that the Nation might not perish. Upon reading this letter there seemed to me to open up a great opportunity through our organization to institute observances which might grow into a custom that would help to advance its great objects, and at the same time be a fitting means of perpetuating memories of our departed comrades.

Moved by the thought which had thus been inspired, I made a rough draft on May 5, 1868, of General Orders, No. 11, and took it to General Logan at the House of Representatives, who promptly approved of its issuing, and after having inserted a paragraph directed me to issue the order at once.

My object was to have the ceremonies come in a spring month, but to postpone it to a date which would give opportunity for flowers to mature. The 31st of May that year fell upon Sunday, and so I named May 30. This is the true and only reason for having named May 30 as the date to be observed.

The order was given to the Associated Press and was sent to all parts of the country as rapidly as telegraph and mail could convey it.

The day was observed by comrades of the Grand Army of the Republic, aided by citizens, in 27 States of the Union; very imposing ceremonies were observed at the Arlington Cemetery, in the District of Columbia, at which Gen. James A Garfield, afterwards President of the United States, delivered the principal address.

Annually on each succeeding 30th day of May this tribute to the loyal heroes of the Civil War has been observed.

By usage and custom the observance has broadened out so as to include the graves of our dead of all previous wars, of the Spanish-American War and the World War. Some touching and beautiful ceremonies were held overseas last Memorial Day as testimonials of love and

respect for those who had died in the great World War in defense of liberty, self-government, and the freedom of the seas. A very beautiful ceremony has been instituted, embracing the scattering abroad of flowers on the ocean in honor of gallant sailors and marines who perished at sea.

The purpose of instituting Memorial Day very clearly appears in the general orders, as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Washington, D. C., May 5, 1868.

General Orders, No 11.

1. The 30th day of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet churchyard in the land. In this observance no form of ceremony is prescribed, but posts and comrades will in their own way arrange such fitting services and testimonials of respect as circumstances may permit.

We are organized, comrades, as our regulations tell us, for the purpose, among other things, of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors, and marines who united to suppress the late rebellion. What can aid more to assure this result than by cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes? Their soldier lives were the reveille of freedom to a race in chains and their death a tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the Nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed ground. Let pleasant paths invite the coming and going to reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided Republic.

If other eyes grow dull and other hands slack and other hearts cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain to us.

Let us, then, at the appointed time gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime. Let us raise above them the dear old flag they saved from dishonor. Let us in this solemn presence renew our pledges to aid and assist those whom they have left among us, a sacred charge upon the Nation's gratitude—the soldier's and sailor's widow and orphan.

2. It is the purpose of the commander in chief to inaugurate this observance, with the hope that it will be kept up from year to year while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to call attention to this order and lend its friendly aid in bringing it to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

3. Department commanders will use every effort to make this order effective.

By order of

JOHN A. LOGAN,
Commander in Chief.
N. P. CHIPMAN,
Adjutant General.

It seemed to me that this ceremonial was of sufficient importance to justify its recognition in some manner by the Nation, and, so believing, I suggested to General Logan that he secure the passage of a resolution by the House of Representatives authorizing the publication of the proceedings on Memorial Day, which I thought could be obtained by communicating with the various posts and department headquarters. General Logan thereupon offered and there was passed the following resolution:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
June 22, 1868.

On motion of Mr. Logan,

Resolved, That the proceedings of the different cities, towns, etc., recently held in commemoration of the gallant heroes who have sacrificed their lives in defense of the Republic and the record of the ceremonial of the decoration of the honored tombs of the departed shall be collected and bound under the direction of such person as the Speaker shall designate for the use of Congress.

Attest:

EDWARD MCPHERSON, *Clerk.*
HOUSE OF REPRESENTATIVES,
Washington, June 22, 1868.

Frank Moore, Esq., editor of the Rebellion Record, is hereby appointed under this resolution.

SCHUYLER COLFAX,
Speaker House of Representatives.

To carry out the object of the resolution, I prepared and General Logan directed to be issued the following:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Washington, D. C., June 25, 1868.

GENERAL ORDERS, NO. 14.

The commander in chief calls attention to the congressional action with regard to the memorial ceremonies on the 30th ultimo.

In order to make successful this effort to perpetuate the record of a just tribute to our patriotic dead, departments, posts, and comrades will forward to these headquarters everything pertaining to the ceremonies alluded to which can aid to complete the work proposed—newspaper paragraphs, editorials, and reporters' accounts, and also manuscript copies of addresses and observances which may not have been printed. It is hoped that material may be collected out of which a book of value to the country may be edited.

By order of

JOHN A. LOGAN,
Commander in Chief.
N. P. CHIPMAN,
Adjutant General.

In response to this order there came to headquarters prompt and quite complete proceedings by the various posts upon Memorial Day, which I placed in the hands of Mr. Frank Moore, pursuant to the action of the House of Representatives.

The book was gotten out in 1869 and the usual number of 250 copies printed by order of Congress. Later the stereotype plates were used by Mr. Moore in publishing the book for general circulation.

On April 12, 1869, I issued General Orders, No. 21, by direction of General Logan, calling attention of departments and posts to the approaching Memorial Day, and "as the 30th of May occurred on Sunday posts were at liberty to observe either that day or Saturday, the 29th."

The ceremonies for 1869 were very much more general than in the preceding year, and were held in 31 States.

Reports of the proceedings throughout the country were sent to the headquarters, and were edited and published in book form as a private enterprise. No similar publication of Memorial Day proceedings has since been issued.

The foregoing is the simple story of the origin and purpose of Memorial Day.

For more than half a century the sacred and beautiful ceremonies in honor of the Nation's heroic dead have been observed, and by the legislatures of many States of the Union May 30 has been declared a legal holiday. Thus have been realized the hopes of the Grand Army of the Republic expressed in General Orders, No. 11.

N. P. CHIPMAN.

SACRAMENTO, CALIF., *March 28, 1921.*

RENTS, ROYALTIES, AND BONUSES, NAVAL PETROLEUM RESERVES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11363) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GRAHAM of Illinois. Reserving the right to object, Mr. Speaker, I think this bill is of so much importance and has such large financial interests involved that I do not believe it ought to pass at this time by unanimous consent.

Mr. MONDELL. Mr. Speaker, will the gentleman reserve the objection?

Mr. GRAHAM of Illinois. Yes; I will.

Mr. MONDELL. This bill simply follows out a policy of the Government that we have adhered to since the foundation of the Government. It is not a new policy in any way. It is applying to some small areas a policy that we have applied from the beginning to all areas that have been permanently reserved, and in a smaller sum in its relief to the States than we have heretofore provided for for their permanently reserved areas. We give all of the States 25 per cent of the receipts from the forest reserves. We gave the States 20 per cent of the impounded royalties from oil lands, impounded during the consideration of the leasing bill. We gave them 37½ per cent of all the receipts under the leasing bill. This is 20 per cent compared with 37½ per cent in the matter of other lands lying immediately adjacent to all these lands. It is 20 per cent as against 37½ per cent. It is a policy that we have followed right along and carried out, and carried out with a smaller proportion of the royalty to the States than they are receiving from adjacent areas.

Mr. GRAHAM of Illinois. Well, Mr. Speaker, it may be all right. It comes from very respectable sources, but I do not like to sit here and consent to its consideration now. If I did it would seem that I would be bound by it. If the gentleman will consent to have it passed over without losing its place on the calendar, that will satisfy me, and I shall inform myself on it.

Mr. MONDELL. It is not a question of whether I would be willing to do it or not; I would have to. This is the only bill that "the gentleman from Wyoming" has had on the Unanimous Consent Calendar in this Congress.

Mr. GRAHAM of Illinois. Well, I dislike very much——

Mr. MONDELL. We have passed many important bills today.

Mr. MCLAUGHLIN of Michigan. Does not the gentleman from Wyoming think that this bill is of such a character that it ought to have more consideration than it is likely to have under the existing conditions?

Mr. MONDELL. Well, if the bill were not a bill that follows a uniform policy, a policy which we established a great many years ago, which we have followed without variation as to all lands permanently reserved——

Mr. MCLAUGHLIN of Michigan. And as to the wisdom of which there is a wide difference of opinion——

Mr. MONDELL. Well, I do not know as to that. It is along the line of an established policy. The committee of which the gentleman is an honored member, the Committee on Agriculture, long since gave the States 25 per cent of the receipts of the forest reserves.

Mr. MCLAUGHLIN of Michigan. Those bills came from the Committee on Public Lands.

Mr. MONDELL. No. Those bills came from the Committee on Agriculture.

Mr. MCLAUGHLIN of Michigan. If the gentleman from Illinois [Mr. GRAHAM] is not going to object, I object, Mr. Speaker.

Mr. GRAHAM of Illinois. I was going to ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. VOIGT. Mr. Speaker, I want to object to the consideration of this bill.

The SPEAKER. If the request of the gentleman from Illinois [Mr. GRAHAM] is granted, it can not be considered to-day. It will go over until the next time. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one minute out of order. Is there objection?

There was no objection.

Mr. CRAMTON. A few minutes ago, when the request was made by the gentleman from Iowa [Mr. RAMSEYER] for an extension of remarks, I made some remarks on the growing practice of inserting in the body of the proceedings of the House speeches or addresses or papers that had been presented with leave to print. I think probably the remarks that I made would appear to be criticism of the course of Members of the House. Since making those remarks my attention has been called by the reporters and others to the fact that this changed custom is not the fault of the Members of the House, but is due to the action of the Government Printing Office, where, in many cases, when a document is presented with leave to print and the document is sent to the Government Printing Office with a notation upon it to put it in the back of the RECORD, instead of in the proceedings, that notation or request of the Member is disregarded by the Government Printing Office. Hence the Members of the House are not to blame for the change of the custom.

Looking at the rules for the publication of the RECORD, which are entirely in the control of the Joint Committee on Printing, I find subdivision 7 provides:

The Public Printer will arrange the contents of the RECORD as follows: First, the Senate proceedings; second, the House proceedings; third, the speeches withheld for revision.

There appears to be nothing that would cover an extension, that would permit it to go into that same day's RECORD except in the back of the RECORD. It seems to me—and I simply want to make this suggestion—that the Joint Committee on Printing, which has the matter entirely in control, could abate this abuse which the Public Printer is said to have brought about by adding an amendment to paragraph 7, so that it will read:

Seventh. The Public Printer will arrange the contents of the RECORD as follows: First, the Senate proceedings; second, the House proceedings; third, the speeches withheld for revision and leaves to print.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. MANN. The gentleman knows that in the permanent RECORD these things will come in their proper places, where the Public Printer now puts them. The gentleman wants them to be put at the end of the temporary RECORD, thereby incurring the added expense of putting them in the proper place in the permanent RECORD, and it is more or less of an expense. The only reason for putting them in the end of the RECORD is that if that is done Members are not required to read them. Would it not be better to leave them out if Members are so desirous to avoid seeing them?

Mr. CRAMTON. That would seem to be so, but Members seem loath to object to those insertions. My purpose was to bring the matter to the attention of the Joint Committee on Printing, for their consideration. Often in looking over the day's proceedings and trying to keep up with what is going on, I find 10 or 12 pages of extraneous matter interjected into the proceedings, and have to wade through those pages to find out what actually happened, and that is somewhat of a nuisance.

Mr. MANN. That is the place where it will be in the permanent RECORD. That is where other people in the country will have to find those insertions when they are reading the RECORD.

Mr. CRAMTON. I do not know what the additional expense will be; but it does not appeal to me that it will be much if any. My ostensible occupation is somewhat akin to that of printer. I have had some experience in such matters, and my impression is that the expense would be negligible.

Mr. MANN. Much of it has to be reset.

Mr. CRAMTON. It would not involve a resetting of the type. It would involve merely a new make-up of the pages.

Mr. MANN. It involves a new setting up of the type.

Mr. CRAMTON. Well, the indexing and paging are different in the temporary RECORD from that of the permanenent RECORD.

Mr. MANN. I feel myself, as the gentleman does, like avoiding much of this stuff that is put in the RECORD. But I do have sympathy for those who read the permanent RECORD; and the number of people who look at the permanent RECORD is much greater than the number of those who look at the temporary RECORD, and all of this matter appears in its proper place in the permanent RECORD, at the point where it is offered.

Mr. CRAMTON. Mr. Speaker, my desire, the accomplishment of which has been contributed to by the gentleman from Illinois, has been simply to get the matter before the House and before the Committee on Printing.

The SPEAKER. The time of the gentleman has expired. The clerk will report the next bill.

DEPARTMENT OF LABOR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11155) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, a number of gentlemen who are interested in this measure and one or two who are opposed to it are absent. Among them is the gentleman from Illinois [Mr. MADDEN], who is engaged in his duties as chairman of the Committee on Appropriations.

Mr. RAMSEYER. The gentleman from Illinois [Mr. MADDEN] is present.

Mr. MADDEN. I object to the consideration of the bill.

LEAVE TO EXTEND REMARKS.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by the gentleman from New York [Mr. TEN EYCK] on Marketing Farm Products and Other Farm Problems.

Mr. TEN EYCK is a member of the Committee on Agriculture of the House, as well as a member of the Joint Commission of Agricultural Inquiry, and has done valuable work on both of these important committees in the interest of the farmer. When the Joint Commission of Agricultural Inquiry first convened, he made certain recommendations as regards its organization and policy which met with approval and (see note A) were beneficial in the proper functioning of this commission.

He is a dirt farmer and thoroughly understands the farmer's present conditions and the needs of agriculture not only in his own State but throughout the entire country.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD by publishing an article by Representative TEN EYCK on Marketing Farm Products and Other Farm Problems. Is there objection?

Mr. CRAMTON. Reserving the right to object, with the understanding that it shall be printed in the back of the RECORD, I have no objection.

Mr. OLDFIELD. I will be glad to do that.

Mr. CRAMTON. With that understanding I will not object.

The SPEAKER. With the understanding that it will be printed in the back of the RECORD is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

THE FARMERS HAVE "LET GEORGE DO IT" TOO LONG AND AT GREAT COST TO THEMSELVES—CONGRESSMAN TEN EYCK, OF NEW YORK, POINTS TO THE NECESSITY OF A GREATLY IMPROVED AGRICULTURAL CREDIT SYSTEM—PRESENTS SOME NEW AND HELPFUL IDEAS.

[By PETER G. TEN EYCK.]

(Congressman TEN EYCK was born and raised on a farm. From experience gained in the course of many years farming activities, he is qualified to present suggestions regarding the present and past causes of agricultural troubles. Mr. TEN EYCK first operated what, in the East, is called a general farm, later a market garden farm, and at present owns and operates a fruit and cattle farm. He is also connected with various farm organizations and agricultural societies. He is a member of the Committee on Agriculture of the House of Representatives, a member of the Joint Commission on Agricultural Inquiry, and a member of the governing board of the New York State Agricultural Experiment Station, also president of the Albany County Agricultural Society and Exposition.—The Editor.)

The farmers of the country in the past have devoted too much of their energy, time, and attention to the production of their products and have given too little attention to the marketing of produce. They have "let George do it," but have found out to their sorrow that while George did it, he expected a toll from them all out of proportion to the service rendered. What a farmer is entitled to is a fair return on his money invested and labor performed.

The basic trouble of present-day agricultural conditions is the cost of spread, which is the difference between the price that the farmer receives for his produce and the price that the consumer pays for the same article. This condition is caused by many things, to some of which I will endeavor to call attention.

CAUSES OF TROUBLE.

First. An inadequate credit system. Before the land bank was established it was almost impossible for a farmer to obtain money by mortgaging his farm without paying an exorbitant rate of interest and commission. His time or discount loans were undesirable, and even to-day it is practically impossible for him to secure money for the length of time of the turnover that some of his products require. Most of this can be taken care of and remedied by proper financial legislation; not all, however.

Second. The farmer is suffering from the high cost of transportation. His point of production is of necessity located at great distances from the large markets of consumption. On account of his products being bulky and low priced, his freight charges are out of proportion to the value of the products or the prices he receives.

MARKETING SYSTEM WRONG.

Third. The farmer in marketing his goods is at a disadvantage, on account of the practice of selling his products at the point of delivery rather than at the point of shipment; he produces in small units and, therefore, is unable to control the price of his commodity in the wholesale markets. He lacks proper facilities for storing his products, so as to carry them over from the season of production throughout the season of nonproduction. This can be remedied to a certain extent by cooperating in the construction of the necessary warehouses where his products can be stored and warehouse certificates issued covering the articles stored. When proper community storage warehouses have been built he will be able to borrow from the banks on so-called warehouse certificates, thus enabling him to carry his produce, as well as store it, throughout all seasons of the year.

Fourth. It is essential that he organize for cooperative bargaining. This should include not only cooperation in selling his products, but cooperation in purchasing those articles which are necessary for conducting his business.

HOW TO SECURE RESULTS.

Fifth. Through well-organized farm groups, with proper leadership, he will be in a position to come before State and National legislative bodies and intelligently present his case and inform them as regards his needs. For many years the financial interests have had their representatives in Washington to advise with the lawmakers and call attention to their views as to what is necessary in legislation for the best interests of the country at large. On the other hand, labor has had its representatives stationed in the various capitals of the States, as well as the Capital at Washington, to bring to the attention of the legislators their views and state what they think is necessary in the way of legislation for the best interests of the community. Why should not the farmers have their representatives, who understand the farming industry of the country, located here in Washington and in the other capitals of the different States of the Union, to counsel with the legislators and explain to them what the agricultural industry of the country feels is necessary to be done for the best interests of the people of the entire country?

DUTY OF ORGANIZATION.

The farmers represent a wholesome and large percentage of the best citizenship of the United States. They hold a large portion of the taxable property, they are the representatives of the basic industry, they are the producers of the food of the Nation, and I feel it is their duty to organize, so as to be in a position to take an active interest in the running of the Government, not to control it from a selfish standpoint, but for the purposes of cooperation with all the other interests of the country to do that which is best for all the people.

THINGS FARMERS WANT.

For the consideration of the reader I take great pleasure in making the following recommendations:

That cooperative bargaining be permitted by the enactment of proper permissive laws by the Federal Government and the various States and that the farmers organize to take advantage to the fullest extent possible of cooperative buying, cooperative selling, cooperative manufacturing and canning plants, cooperative cheese and butter factories, cooperative storage plants, cooperative grain elevators and warehouses, cooperative packing houses.

That proper and adequate farm credit be secured by inaugurating and establishing a suitable banking system to give to the agricultural industry of the country the same banking facilities in accordance with the turnover of its various products that all other industries of the country receive to-day.

LONG-TIME LOANS.

That to meet the great need for an extension of time, discount loans to the farmer be made from six months to three years. The farmer should be assured at all times of a reasonably low rate of interest on farm mortgages through the Federal land bank, as well as a reasonable interest rate on all his short-time loans through the banking institutions, farm loan associations, and cattle loan corporations throughout the country. This will encourage the farmer to own his own farm and thus cut down the increased tendency toward tenantry.

That so-called short-time loans be furnished to the farmer from six months to three years to meet his requirements, extending the time of loan to meet the time of the turnover on his different products.

That the banking system of the country be so organized that all the banks that loan to the farmers will obtain discount facilities to the fullest extent possible commensurate with the security which they present.

That suitable provision be made for discounting farm paper on warehouse receipts, also loans of cattle loan corporations as well as farm paper in all banks of the country, member banks, nonmember banks, and State banks.

That the reserve bank be authorized to rediscount farm paper for the full time of the turnover of the farmer's products which have been accepted as collateral on his loan at the local banks, other than what is known as the three-year turnover of the cattle-raising industry.

RESTRICTIVE INTEREST RATES.

That all the banks rediscounting farm or other paper be restricted as to the amount of additional interest they charge the farmer and other customers over the rate which they pay for rediscounting the same paper.

That banking facilities be provided for the farmer so that his products can be used for basic credit to the fullest extent possible, and the banks accept loans with proper warehouse certificates as collateral.

That there should be public markets in all of our cities for the mutual use of the farmer and the consumer.

That suitable and adequate joint-terminal facilities be established connecting railways, waterways, and highways, and at the various terminals suitable machinery be installed to handle the farmer's products.

That proper warehouse and grain elevators should be built and located at big terminal centers and at export harbors, so as to accommodate the farmer's products while en route for export.

GATHERING DATA.

That an attaché or Government agent be located in each of the American consular agencies abroad, whose duty it will be to obtain information as regards the farming industry of that particular locality or country, and obtain authentic information as regards the amounts of crops raised, the amount of produce stored, the amount of food consumed, the amount imported by the Government and from whom imported, and the amount imported from the United States, together with such other information as regards the method of growing the various crops, the kinds of seeds used, and the kind of food consumed; what pests are prevalent, and the method of eradication of the same, and whether necessity exists for placing an embargo on diseased plants.

That the farmer standardize his produce by proper grading of his products as well as standardization of the containers therefor, which will permit him to extend his operations of selling more directly to the consumer throughout the entire country as well as through local agents.

That a system of improved highways be inaugurated and the necessary assistance rendered by the Federal Government, the State, county, and town for the purpose of building roads to connect up farms with transportation terminals and local markets.

That there be coordination of the trinity of transportation methods—highway, waterway, railway—with the idea of obtaining the cheapest rates commensurate with the best possible service.

REDUCING THE RATES.

That railroad rates be reduced on farm products systematically and scientifically, giving due regard to the localities of production and the localities of consumption.

That adequate and efficient merchant marine and trans Atlantic and Pacific water routes be established for the use of agricultural interests.

That inland waterways, harbors, and waterway routes within the territory of the United States connecting the Great Lakes and the interior with the Atlantic Ocean be given the proper attention and improvements.

That proper machinery for loading and unloading of agricultural products be installed at way stations, freight houses, terminals, and harbors for the use of the farmer.

That suitable and adequate joint terminal facilities be installed connecting the waterway, railway, and highway, and sufficient and efficient terminals and proper warehouses and elevators be located at convenient places and at export ports to accommodate farm products en route.

LABOR SUPPLY BUREAU.

That labor supply bureaus be established both by the Federal Government and the various States, where a record may be kept of unemployed farm labor and where a farmer may apply for efficient and competent help.

That a national endeavor be made for improvement in production by the use of the best seeds, blooded cattle, poultry, etc., and that a system of diversified crops be inaugurated.

That information be gathered as regards soil treatments in the various localities, improved crop treatments, and the utilization of the latest types of machinery.

That the farmer should be permitted to make a fair return on money invested and labor performed so that he may improve the rural school system, thereby allowing his children to receive proper academic training for a higher agricultural college education. He should have his living conditions raised to the level of his city brethren by having modern heating, sanitary plumbing, improved modern lighting, rural mail delivery, rural telephone service, improved highways, community attractions, convenient churches, all of which will tend to give him a better social intercourse with his neighbors and lessen the work of the women folks on the farm.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter received from the Secretary of Labor relating to H. R. 11155, the bill creating the positions of Second Assistant Secretary and private secretary in the Department of Labor, and I will also state that I am willing to have it published in the back of the RECORD.

Mr. CRAMTON. Reserving the right to object, not only that the gentleman is willing but with the understanding that it is to be inserted in the back of the RECORD.

The SPEAKER. That is included in the gentleman's request. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 13, 1922.

Hon. JOHN I. NOLAN,
House Office Building, Washington, D. C.

DEAR MR. NOLAN: The bill providing for a Second Assistant Secretary of Labor, I am told, will be reached for action within a few days. My attention has been directed to the suggestion made by some Members of Congress when the bill was presented to the House that there was no apparent great need for this additional assistant, as the amount of labor arising from the Bureau of Immigration was decreasing. The fact is the business coming to the office of the Secretary from the Bureau of Immigration has been steadily increasing in the last year and there is no likelihood of its decrease.

Permit me to call attention to the fact that the relation of the Bureau of Immigration to the Secretary is quite a different one than the relation of any other bureau to the Secretary, and so far as I can learn different from the relation maintained by any bureau of any other department to the head of the department. This arises largely from the fact that appeals from the ports, as well as all other appeals arising in the Bureau of Immigration, are not to the head of the bureau, as is the case in every other bureau. The appeals, by special provision of the law, are directly to the Secretary through the Commissioner General of Immigration. Why this is so I do not know,

but Congress in its wisdom has so provided. It is not necessary here to repeat the statement often made that the number of these appeals is great, and that there is never a day in which there are less than 50 and some days they run into the hundreds. Careful compilations heretofore made and submitted to you and your committee indicate that from the Bureau of Immigration alone there arise matters requiring the signature of the Secretary or an assistant not less than 300 per day. Some of these are routine, but most of them very important, requiring considerable thought and labor before they are ready for signature, but at least 50 are in the nature of appeals involving important human rights.

Prior to the war appeals of immigrants to the Secretary from the ports were very rare. The immigration law of 1917 was the first act containing many restrictions, but the flow of immigration was not resumed to any degree following the war until the latter part of the year 1920. During the war a number of acts were passed providing for the deportation of aliens or residents here who were never disturbed prior to that time. Every effort to deport an alien under warrant proceedings means extended hearings and long-drawn-out appeals. Many of these were instituted prior to March, 1921, but very few of them were finally disposed of by that time. New warrants for this class of undesirables are being issued daily and more will be issued.

By virtue of the war there is a much heavier percentage of aliens applying for admission than ever before who are disqualified under the act of 1917. There is a much larger per cent suffering from mental ills resulting from the horrors of war. There is a much larger per cent of physically defectives and a much larger per cent of aged, of widows, and of orphans than ever before, and most of these fall within the prohibitions of the act of 1917. However, the greatest increase in appeals is due to the fact that the number of European aliens is now limited by the so-called quota act. Practically every alien who comes in excess of the quota takes an appeal to the Secretary. Almost all of them have attorneys, relatives, and friends appear for them in order to present argument and show either that the quota law does not apply to them or that unusual hardships are involved in the case and that it would be inhumane to deport them forthwith. Great numbers are going to Mexico and Cuba for the purpose of surreptitious entry from those points. A great many of these are either intercepted at the border or found subsequently and arrested for deportation. All of them invoke the appeal provided by law and all of them demand personal hearings before the Secretary through attorneys, relatives, and others. A recent investigation in Cuba indicated that there are in excess of 25,000 Chinese on that island, all expecting to smuggle into the United States. There is a great flood of Europeans in Cuba for the same purpose. The apprehension of any of these, either while trying to enter or when found after unlawful entry, means an appeal to the Secretary.

Conservatively estimated, the appellate work of the Secretary's office arising from the Bureau of Immigration has run for a year at least five times as heavy as at any previous period in the history of the bureau.

A year ago the Secretary and the Assistant Secretary, in an effort to cope with the situation, devoted an average of 16 hours per day to the work of trying to dispose of all these appeals as they arose. It was believed that the condition was temporary, but it was found that this hope was not well founded. Efforts were made to create other agencies by way of help in handling this enormous business, and these efforts are constantly being assailed in courts by way of writs of habeas corpus, because every alien insists on his right of personal hearing before the man who makes the final decision. I am told by the members of the board of review, consisting of five men who are endeavoring to furnish a measure of relief, that it is inconceivable that the work which was accomplished a year ago could have been accomplished by the Secretary and Assistant Secretary alone.

The decision of the average appeal involves vastly more than merely signing the decision. It means careful review of the evidence submitted and it means listening to the pleadings of lawyers, of relatives, of friends, and of the alien himself. These people are not satisfied to present their argument solely to those who may make recommendations. They insist upon seeing and speaking to the man who makes the final decision. The law apparently gives them this right, and it can not be denied. The man who makes the final decision is loathe to make the decision without personally seeing and hearing those who present the case. As a result, the regular business hours of the men who must decide these things are occupied by listening to the alien or his representatives, and they must do the work other than listening to argument at other hours of the day or night. It is physically impossible for any man to long carry such a burden. There are seven other bureaus and divisions in the Department of Labor, and all require attention. The work coming to the office of the Secretary from the Bureau of Immigration alone is more than any one man should be asked to do and more than any one man can do under the letter and spirit of the law.

As heretofore suggested, the Commissioner General of Immigration under the law has no power of any kind to decide any appeal. These appeals merely pass through his hands to the Secretary. Congress should either amend the law so as to place final authority and responsibility in these appeals in the Commissioner General of Immigration or furnish the Secretary of Labor with another assistant who may devote all of his time and attention to this important and ever-increasing work. This work will increase in volume and in importance in the same proportion in which immigration, either European or oriental, is restricted. I earnestly urge that the pending bill be enacted into law without delay, so that an appointment may be made prior to July 1, when reopening of exhausted quotas will again bring on a new flood of appeals. Should Congress hereafter so modify the law as to vest final authority in these appeals in the Commissioner General of Immigration, there would be no objection at that time to abolishing the office of Second Assistant Secretary of Labor. I believe the Commissioner General of Immigration should be invested with power to decide all these appeals, subject only to general review by the Secretary in the same manner as the acts of all other bureau heads are subject to general review by the head of the department, but until the Commissioner General of Immigration is given power to dispose of immigration matters, there is the most urgent need for a Second Assistant Secretary of Labor.

The American people desire always that every human being shall have every opportunity to present his rights in a fair hearing before any tribunal authorized to render a decision involving these rights. The matters coming to the Secretary of Labor for decision, from the Bureau of Immigration, are entirely matters involving human rights. Humanity demands that decisions be rendered promptly to minimize suffering. The American spirit of fair play demands that careful attention be given these human rights by the men who must decide them personally. As at present constituted, the office of the Secretary of Labor is not sufficiently equipped to fulfill this requirement. I urge that this condition be remedied. In urging the passage of this bill I am asking for that which does not mean an additional expenditure of money. The creation of a Second Assistant Secretary of Labor will not add to the amount of money expended in pay rolls but will simply mean that the work will be done by some one charged under his oath with responsibility, instead of some one acting for some one else.

Permit me to thank you for your personal interest in this matter and to express the hope that your colleagues in the House may understand the situation as thoroughly as you do.

Very sincerely yours,

JAMES J. DAVIS, *Secretary.*

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the bill (H. R. 11155) just referred to by the gentleman from California [Mr. NOLAN].

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on H. R. 11155. Is there objection?

Mr. CRAMTON. With the same understanding that the remarks are to be printed in the back of the RECORD.

Mr. BOX. Yes.

The SPEAKER. Is there objection?

There was no objection.

MARY ANN SHIPPING CO.

Mr. A. P. NELSON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 273 for consideration. This bill was objected to the last time for the lack of certain information, and I made a very strenuous effort to get this information and was promised that it would be here by 10 o'clock. Inadvertently, it did not get here until after 12. It was just a few minutes late. I trust no objection will be made. I do not take up very much of the time of the House.

Mr. WALSH. What has that got to do with it?

The SPEAKER. The gentleman asks unanimous consent to return to No. 273 on the Calendar for Unanimous Consent. Is there objection?

Mr. WALSH. If the gentleman desires to present some information with reference to it, I have no objection to his presenting the information, but I do object to the consideration of the bill.

Mr. A. P. NELSON. Of course, the mere presenting of the information would be of no value at this time unless I am permitted to have the bill considered.

Mr. WALSH. Then I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. OLIVER (at the request of Mr. MCDUFFIE), indefinitely, on account of illness of his mother.

To Mr. WILLIAMS of Texas, for three days, on account of important business.

To Mr. ANDREWS of Nebraska, indefinitely, on account of serious illness in his family.

To Mr. LONGWORTH, indefinitely, on account of illness in his family.

Mr. WINSLOW. Mr. Speaker, is it not in order to consider H. R. 10716?

The SPEAKER. The Chair is informed that that bill was laid on the table, a similar Senate bill having passed the House.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARNER. Will the gentleman withhold that a moment until the gentleman from Wyoming [Mr. MONDELL] can make a statement?

Mr. STAFFORD. Certainly; I withdraw the point of no quorum.

Mr. GARNER. Will not the gentleman give us whatever information he may have at this time touching the reported possible recess about the 1st of July? So many Members are asking the question that it does seem to me it would clear up the situation and enable Members to make their calculations, if the gentleman could give us anything like definite information at this time.

Mr. MONDELL. Mr. Speaker, it is impossible at this time to give any definite information. I think within a comparatively short time we will be able to make an announcement to the House as to what we may expect to do and as to the possibility of a recess—possibly within the next 24 hours.

Mr. GARNER. We thank the gentleman for the expression of that hope.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business on Wednesday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday business on Wednesday next. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object——

Mr. MONDELL. My reason for doing that is that the Committee on Appropriations desires to present a deficiency bill, and it is highly important that that bill be considered and go to the Senate. I think the bill should become a law before there is any recess taken.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p. m.) the House adojurned until to-morrow, Tuesday, June 20, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

654. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, amounting to $472,683.60, which have been submitted by the Secretary of the Treasury (H. Doc. No. 356); to the Committee on Appropriations and ordered to be printed.

655. A communication from the President of the United States, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General through the Secretary of the Treasury, as follows: Under the War Department, $25,982; under the Navy Department, $71,416.94; under the United States Housing Corporation, $22,844.32; total, $120,243.26 (H. Doc. No. 357); to the Committee on Appropriations and ordered to be printed.

656. A communication from the President of the United States, transmitting records of judgments rendered against the United States by the District Court of the Eastern District of New York; the Eastern District of Virginia; the District Court for the District of Massachusetts, for the relief of Merritt & Chapman Derrick & Wrecking Co.; for the relief of the owner of the steamship *Matoa*, and for the relief of the owner of the steamship *Henry O. Barrett* (H. Doc. No. 358); to the Committee on Appropriations and ordered to be printed.

657. A communication from the President of the United States, transmitting schedules of claims amounting to $3,881,905.11 allowed by the various divisions of the General Accounting Office, as covered by certificates of settlement (H. Doc. N. 359); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Miss ROBERTSON: Committee on Indian Affairs. H. R. 6044. A bill authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims; with an amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. RIDDICK: Committee on Agriculture. H. R. 11966. A bill defining the crop failure in the production of wheat, rye, barley, oats, and flax by those to whom the Government of the United States loaned money, under the act of March 3, 1921, for the purchase of wheat, rye, barley, oats, or flax for seed, and for other purposes; without amendment (Rept. No. 1115). Referred to the Committee of the Whole House on the state of the Union.

Mr. HULL: Committee on Military Affairs. S. J. Res. 156. A joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia; without amendment (Rept. No. 1117). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KRAUS: Committee on Naval Affairs. H. R. 11389. A bill for the relief of Robert Guy Robinson; with an amendment (Rept. No. 1113). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of a letter from the Acting Secretary of Commerce, transmitting a complete set of general rules and regulations prescribed by the board of supervising inspectors, Steamboat Inspection Service, January, 1922, which regulations have been approved by the Secretary of Commerce, and the same was referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN (by request): A bill (H. R. 12065) to amend section 307 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. CABLE: A bill (H. R. 12066) providing for the purchase of a site and the erection of a public building thereon at Celina, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12067) providing for the erection of a public building at St. Marys, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. KINCHELOE: A bill (H. R. 12068) declaring a portion of the Tradewater River, in Kentucky, to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. DEMPSEY: A bill (H. R. 12069) for the purchase of a site for a public building at Youngstown, Niagara County, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12070) to authorize the purchase of a site for a Federal building in the village of Middleport, Niagara County, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12071) to authorize the enlargement, extension, and remodeling of the Federal building at Niagara Falls, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BECK: A bill (H. R. 12072) making appropriation for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on Appropriations.

By Mr. MADDEN: A bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923; to the Committee on Appropriations.

By Mr. STEPHENS: Joint resolution (H. J. Res. 352) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. John Paul de Baat Doelman, a subject of the Netherlands; to the Committee on Naval Affairs.

By Mr. DUPRÉ: Joint resolution (H. J. Res. 353) authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the Louisiana department of the American Legion for use at the national convention of the American Legion to be held at New Orleans, La., in October, 1922; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: Resolution (H. Res. 370) for the immediate consideration of House bill 12022; to the Committee on Rules.

By Mr. A. P. NELSON: Resolution (H. Res. 371) providing compensation for the assistant superintendent of the House document room; to the Committee on Accounts.

By Mr. McKENZIE: Resolution (H. Res. 372) for the immediate consideration of House bill 11903; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARKE of New York: A bill (H. R. 12074) granting a pension to Maria E. Ross; to the Committee on Invalid Pensions.

By Mr. DAVIS of Tennessee: A bill (H. R. 12075) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 12076) granting a pension to Adele M. King; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 12077) to carry into effect the findings of the Court of Claims in the matter of the claim of

the First Columbia National Bank, of Columbia, Pa.; to the Committee on War Claims.

By Mr. HAWES: A bill (H. R. 12078) granting an increase of pension to Augusta Seubert; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12079) granting a pension to Mary J. Marshall; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 12080) granting an increase of pension to Nancy J. Lance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting a pension to Martha B. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12082) granting a pension to Thomas B. Nafus; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12083) for the relief of W. H. Nelson; to the Committee on Claims.

By Mr. RANSLEY: A bill (H. R. 12084) granting an increase of pension to Bridget Trainor; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 12085) granting a pension to Pricy Eveline Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12086) granting a pension to Mary Shackleford; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 12087) granting an increase of pension to Elijah Forman; to the Committee on Pensions.

Also, a bill (H. H. 12088) granting a pension to John A. Hood; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12089) granting an increase of pension to Martha A. Shirley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6027. By the SPEAKER (by request): Resolutions adopted by the board of directors of the Maritime Association of the Port of New York, protesting against the enactment of House bill 10034; to the Committee on the District of Columbia.

6028. By Mr. BRIGGS: Petition of Mrs. H. M. Barbee, of Lovelady, Tex., urging adequate protection of Armenians; to the Committee on Foreign Affairs.

6029. By Mr. BROOKS of Pennsylvania: Petition of several citizens of York, Pa., protesting against the return of Armenia to Turkish sovereignty; to the Committee on Foreign Affairs.

6030. By Mr. KISSEL: Petition of Frank J. Prial, president, Federal Civil Service Employees residing in the State of New York, favoring the $240 bonus for Federal employees; to the Committee on Ways and Means.

6031. Also, petition of William F. Kehoe, secretary, Central Trades and Labor Council of New York, favoring the $240 bonus for Federal employees; to the Committee on Ways and Means.

6032. Also petition of Rose Schneiderman, president, the New York Woman's Trade League, New York City, N. Y., favoring the $240 bonus for Federal employees; to the Committee on Ways and Means.

SENATE.

TUESDAY, *June 20, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McCUMBER. Mr. President, I ask that the tariff bill be laid before the Senate——

Mr. ASHURST. Mr. President, I object until we have a quorum.

Mr. McCUMBER. And that the Senate proceed to the consideration of paragraph 329, chains.

Mr. ASHURST. Pending that, I ask for a quorum call.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Fernald	Johnson
Borah	Cummins	Frelinghuysen	Jones, Wash.
Brandegee	Curtis	Gerry	Kellogg
Bursum	Dial	Glass	Kendrick
Calder	Dillingham	Gooding	Ladd
Cameron	du Pont	Harreld	Lenroot
Capper	Edge	Heflin	Lodge
Caraway	Ernst	Hitchcock	McCormick
McCumber	Nicholson	Simmons	Wadsworth
McKellar	Norbeck	Smith	Walsh, Mass.
McKinley	Norris	Smoot	Watson, Ga.
McLean	Oddie	Spencer	Watson, Ind.
McNary	Overman	Stanley	Williams
Moses	Phipps	Sterling	Willis
Myers	Poindexter	Sutherland	
Nelson	Robinson	Townsend	
Newberry	Sheppard	Underwood	

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is absent on account of illness.

Mr. CURTIS. I desire to announce that the Senator from Pennsylvania [Mr. PEPPER] is detained on official business.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, there is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2682) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto.

The message also announced that the House had passed the bill (S. 426) to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stats., p. 866), with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; and

S. 3458. An act to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across said river.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 7156. An act to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior;

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona;

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota;

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11298. An act amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city; and to authorize the erection on said new site, when acquired, of a public building suitable for post-office purposes; and for other purposes;

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii;

H. R. 11626. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; and

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States.

THE TARIFF.

Mr. McCUMBER. Mr. President, is the tariff bill now before the Senate.

The PRESIDENT pro tempore. The tariff bill is before the Senate.

Mr. ASHURST. Mr. President, a point of order. When did the bill get before the Senate?

Mr. McCUMBER. I ask to take up for consideration paragraph 329.

Mr. ASHURST. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Arizona will state his point of order.

Mr. ASHURST. I respectfully submit that the tariff bill is not before the Senate. It has not been laid before the Senate by unanimous consent or by motion. One or the other must happen. Neither has happened. The distinguished Senator from North Dakota asked that the tariff bill be laid before the Senate, but before the Chair could put that request I suggested the absence of a quorum. The eligible motion now would be to move to proceed to the consideration of the tariff bill or to ask unanimous consent to proceed to its consideration, and that has not been done.

The PRESIDENT pro tempore. The Chair understood that the tariff bill had been laid before the Senate——

Mr. ASHURST. I call for the reading of the reporter's notes.

The PRESIDENT pro tempore. Just a moment. Will the Senator allow the Chair to state his position?

Mr. ASHURST. Certainly.

The PRESIDENT pro tempore. The Chair understood the tariff bill had been laid before the Senate prior to the time when the Senate took its recess last evening.

Mr. ASHURST. The record does not disclose that fact.

The PRESIDENT pro tempore. The Chair was mistaken in that respect. The Senator from Arizona is right, and the point of order is well taken.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of House bill 7456, the tariff bill.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I yield.

Mr. CURTIS. The tariff bill is the unfinished business. It was temporarily laid aside. A demand for the regular order brings that measure back before the Senate without a motion of any kind or character.

Mr. McCUMBER. That was my understanding, but I understood that the Chair ruled the other way.

The PRESIDENT pro tempore. The Chair, not having been present at the time the tariff bill was laid aside, was uninformed in that respect. The Chair is advised by the Assistant Secretary that when the tariff bill was laid aside it was laid aside temporarily for the consideration of the naval appropriation bill.

Mr. ASHURST. If that be true, then my point of order is not well taken. If the record discloses, or if the Chair asserts—and the Chair's word with me is as good as any record——

The PRESIDENT pro tempore. The Chair will accept the statement of the Assistant Secretary in that respect and hold that the tariff bill is before the Senate.

Mr. ASHURST. If the Assistant Secretary says that when the tariff bill was laid aside it was laid aside temporarily to consider the naval appropriation bill, then the tariff bill is before the Senate, and I withdraw the point of order.

Mr. McCUMBER. And I withdraw my motion.

Mr. UNDERWOOD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. McCUMBER. I yield.

Mr. UNDERWOOD. I ask to have printed in the RECORD a letter from one of my constituents with reference to the pending tariff bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

Hon. OSCAR W. UNDERWOOD,
United States Senate, Washington, D. C.

DEAR SIR: Will you please read into the CONGRESSIONAL RECORD the following resolution and have a copy of the RECORD containing it sent me?

"*Resolved*, That we protest against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. These schedules will increase the cost of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law."

Yours truly, Mrs. J. S. STARKE,
State Chairman Home Economics,
Alabama Federation Women's Clubs,
Representing 10,000 Alabama Women.

ALASKA FUR-SEAL SKINS.

Mr. HITCHCOCK. I ask unanimous consent that a communication from the Secretary of Commerce, recently received in response to Senate Resolution 287, agreed to May 27, 1922, containing information relative to sales of Alaska fur-seal skins under the direction of the Secretary of Commerce, and so forth, be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

M. BORIS BAKHMETEFF.

Mr. BORAH. I ask unanimous consent to have inserted in the RECORD an article from The Freeman entitled "A ghost dance of diplomacy."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

A GHOST DANCE OF DIPLOMACY.

The announcement of M. Boris Bakhmetiev's approaching departure from our shores removes from our vision the costliest diplomatic representative that we have ever entertained, but by no means clears up the mystery of what became of the huge fortune turned over to him by our prodigal Government. In making public the correspondence attendant on the decision to permit M. Bakhmetiev to leave us, the State Department was at pains to have it known that the matter of the departure was all settled before Senator BORAH began his requests for an accounting. The dates on the correspondence were six weeks old at the time of publication. Yet the self-styled ambassador begins his letter with the explanation that his retirement is decided on "in view of recent events." Since the letter as given out by the State Department bears a date prior to the recent events that have caused M. Bakhmetiev's anomalous status to become an embarrassment, it is a fair assumption that the dating of the correspondence is in accordance with the diplomatic rather than the Julian calendar.

When Secretary Hughes remarked recently that the American State Department had not of late years conducted any proceedings that could not be shouted from the housetops he probably did not have the case of M. Bakhmetiev particularly in mind. Nobody has been able to evoke a single shout, or even a whisper, from Mr. Hughes or any other officer of our Government by way of explaining what has become of $188,000,000 of taxpayers' money turned over to M. Bakhmetiev. Neither Mr. Hughes nor any of his predecessors has permitted M. Bakhmetiev to be questioned in the matter, despite no slight public curiosity and occasional efforts by Senators BORAH and REED to secure some illumination. Accompanying the announcement of M. Bakhmetiev's withdrawal, Mr. Hughes made public a letter from Secretary Mellon, which sheds no light on the subject except to note that when M. Bakhmetiev closed out his accounts, March 4, 1921, he turned over to the American Government a cash balance of $70,426.34. This seems a small salvage. Nor is Mr. Mellon's further statement that since that date he has received from M. Bakhmetiev the additional sum of some $338,000, realized "from sales of the Russian Government's property," likely to cheer the sweated taxpayer unduly. Apparently Mr. Hughes's objection to confiscation is not such as to put anything in the way of the irresponsible M. Bakhmetiev in confiscating property of the Russian people for the purpose of private sale.

The adventure of M. Bakhmetiev is a truly romantic chronicle. He was received as ambassador July 5, 1917. At that time his Government was in a precarious position. The Wilson administration, if it had troubled to consult anyone with a practical knowledge of Russian conditions, could easily have learned that it was not likely to outlive the summer. Logic and the trend of events both intimated its early demise. The Russian workers and peasants, having observed how easy it was to get rid of a Czar, were unlikely to boggle at a small political group representing bankers and landlords, especially as the continuance of such a Government implied new and greater sacrifices in a war in which the masses had no interest whatever. Apparently, this never occurred to Mr. Wilson and his advisers; they seemed to think that all that this tottering Russian administration needed was money. The day after M. Bakhmetiev was received he got a loan of $35,000,000. Credits of $450,000,000 were hastily established. There was assurance that Russia would be backed to the extent of $2,000,000,000. By November 1 M. Bakhmetiev had been permitted to draw $186,000,000. A week later his Government vanished forever, but on November 15 he received $2,000,000 more. That was the end of the direct credits, though at later intervals, when M. Bakhmetiev needed a little ready cash, our Government generously purchased some supplies from him, paying $11,000,000, and also paid over to him some $2,000,000 for chartering Russian ships in these waters. One would think that a decent regard for prudence would have impelled our representatives to apply this money against the debt, or at least to hold it against the eventual recognition of some real Russian Government, but nevertheless the shadowy M. Bakhmetiev was permitted to appropriate the amount.

According to official reports, on December 1, 1917, M. Bakhmetiev had paid out on various contracts all the money in his possession except $56,000,000, which he deposited in the National City Bank. This money our Government made no attempt to safeguard for its taxpayers. Subsequently, some $29,000,000 was added to this amount through various sales effected by M. Bakhmetiev. This makes a total of $84,000,000 and the fate of this sum is a secret to this day zealously kept by Government officials from the people who had to raise the money. At different times officials of the State Department and of the Treasury have been questioned about it, though not as a rule with great vigor, by congressional committees. The responses have been confusing.

For instance, Mr. Russell C. Leffingwell, Assistant Secretary of the Treasury, testified before a committee of the House of Representatives, July 26, 1919, that part of our money had been used to maintain M. Bakhmetiev and his staff here in the style to which they had become accustomed after their arrival in this land of easy money. On May 6 last Secretary Hughes sent to the Senate a letter from M. Bakhmetiev, in which it was stated that none of the money had been used for such a purpose. Other discrepancies of a similar nature may be noted in the different statements.

Mr. Leffingwell, testifying before the House committee, gave an ingenious reason for refusing to make public the disposition of this huge fund. He declared that it would violate the diplomatic proprieties to

give the details without first obtaining the permission of M. Bakhmetiev's Government. Since that Government was defunct, it was impossible to get this permission. Apparently, therefore, M. Bakhmetiev could represent his dead Government for other substantial purposes, but not for the release of this information.

Yet news of the disposition of some of this money has managed to seep out. It was used to ship munitions and supplies to the various Czarist adventurers who from time to time have attempted to overthrow the Russian Government. In June, 1919, Mr. Frank L. Polk estimated that such supplies "shipped to Russia" amounted in value to between $25,000,000 and $50,000,000. Mr. Leffingwell, who followed him on the stand, testified that the soviet government would be held responsible for this debt incurred by M. Bakhmetiev and used in the attempt to overthrow the soviet government. This is an interpretation of international law that must fill the ordinary yeggman with a sense of futility and frustration. Secretary Houston, in February, 1921, confirmed Mr. Polk's admission. "A substantial amount of property has been sent to Russians in territory not in control of the Bolsheviki," he declared. It is a fair guess that this "property" consisted neither of primers nor of pruning hooks. Incidentally, we know, too, that M. Bakhmetiev spent a considerable sum in this country for the printing of many bales of Russian rubles in behalf of one of the counterrevolutionary enterprises. Furthermore, although after November 15, 1917, he paid no interest on the $188,000,000 loaned to him by the American Government, the money was used for nearly two years longer to pay interest on loans of $86,000,000 that had been engineered by a syndicate of American bankers.

Just how much remains of M. Bakhmetiev's American fortune or his American war supplies is a mystery. He leaves for Paris, where he will find company as congenial as the membership of the Czarist division of our own State Department. Rumor has it that General Wrangel is gathering the clans for one more effort to bring back the glad old days, and it may be that M. Bakhmetiev has been thrifty enough to be able to furnish some of the sinews of war. The devastation which Wrangel left in the wake of his last essay multiplied immeasurably the difficulty of dealing with the famine, and those humane Americans who have contributed for the relief of Russian sufferers may well wonder whether the money exacted from their patriotism a few years back is still being used to intensify that suffering.

As one ponders over the obscure and fragmentary facts that are available concerning the Bakhmetiev incident, it is increasingly difficult to recall that the American people once fought a bitterly difficult war for the abolition of taxation without representation. M. Bakhmetiev has demonstrated that to-day the American people are without representation in the State Department and the Treasury Department. This is an unfortunate condition, and possibly it distresses Messrs. Hughes and Mellon as well as the rest of us, though we do not think it does. In connection therewith, we trust no "blackguardly person" will criticize either of these gentlemen unduly, for it is a condition which they inherited among a number of other embarrassments. No doubt both gentlemen will be grateful to us for pointing out that departmental irresponsibility leads directly to dissipation of the taxpayers' funds on futilities such as this Russian adventure. No British Government would be likely in so heavy-handed a way to waste $200,000,000 on the ambassador of a phantom government and his romantic military friends, because any cantankerous member of Parliament could at any time secure an accounting. It would seem that when the founding fathers ousted George III they made a mistake in not retaining the British practice of holding political administrators directly accountable for their acts.

PETITIONS AND MEMORIALS.

Mr. LADD presented a petition of members of the First Baptist Church of Roseglen, N. Dak., praying for the granting of relief to the suffering peoples of Armenia, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a resolution of the Women's Christian Temperance Union of San Antonio, Tex., protesting against the sale or disposition of intoxicating liquors on American vessels and the granting of subsidies to American vessels selling such liquors, which was referred to the Committee on Commerce.

Mr. McKINLEY presented a petition of sundry Federal employees of Chicago, Ill., praying for the passage of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, which was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON (by request):

A bill (S. 3731) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," etc.; to the Committee on Commerce.

By Mr. STANLEY:

A bill (S. 3732) declaring a part of Tradewater River, in the State of Kentucky, to be a nonnavigable stream; to the Committee on Commerce.

AMENDMENTS TO HOUSE RIVER AND HARBOR AUTHORIZATION BILL.

Mr. JOHNSON submitted an amendment providing for improvement work at Oakland Harbor, Calif., intended to be proposed by him to House bill 10766, the river and harbor authorization bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. EDGE submitted an amendment providing for improvement work on the Passaic River, N. J., above the Montclair and Greenwood Lake Railway Bridge, intended to be proposed by him to House bill 10766, the river and harbor authorization bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.; to the Committee on Indian Affairs.

H. R. 7156. An act to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax; to the Committee on Finance.

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Ariz.; to the Committee on Irrigation and Reclamation.

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior; and

H. R. 11298. An act amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and to authorize the erection on said new site, when acquired, of a public building suitable for post-office purposes, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes; and

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii; to the Committee on Territories and Insular Possessions.

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota;

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream;

H. R. 11626. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; and

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States; to the Committee on Commerce.

BENJAMIN O. KERLEE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 494) for the relief of Benjamine O. Kerlee, which were, on page 1, line 5, to strike out "Benjamine" and insert "Benjamin," and to amend the title so as to read: "A bill for the relief of Benjamin O. Kerlee."

Mr. MYERS. I move that the Senate concur in the amendments of the House of Representatives to the bill.

The motion was agreed to.

LITIGATION BY POOR SUITORS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 426) to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910, which was, on page 2, line 25, to strike out "or," where it occurs the second time, and to insert "of."

Mr. NELSON. Mr. President, the amendment is merely designed to correct a misprint in the bill by striking out the word "or" and inserting in place of it the word "of." I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COURTS IN ALABAMA.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3156) to change the terms of the District Court for the Northern Division of the Southern District of

Alabama, which were to strike out all after the enacting clause and insert:

That section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended, be, and the same is hereby, further amended to read as follows:

"SEC. 70. That the State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first Mondays in April and November: *Provided*, That suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said divisions. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced in the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division, at Selma on the second Mondays in January and July."

And to amend the title so as to read: "An act to amend section 70 of the Judicial Code."

Mr. UNDERWOOD. I understand the House amendment changes the language but does not change the substance. It is merely in reference to fixing a term of the court, and I move that the Senate concur in the House amendments.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. I ask that the Senate proceed to the consideration of paragraph 329, chains.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent to consider at this time paragraph 329. Without objection, it is so ordered.

Mr. McCUMBER. The committee report certain amendments to that paragraph. I desire to call attention to quite a number of amendments to be offered to the paragraph, so that we may better understand it.

On line 15, page 64, in paragraph 329, the committee proposes to strike out "1 cent" and insert in lieu thereof "seven-eighths of 1 cent"; on line 17, to strike out "1½" and insert "1⅛"; on line 19, to strike out "2½" and insert "1⅝"; on line 20, to strike out "4" and insert "3"; on line 23, to strike out "50" and insert in lieu thereof "35."

Of course, these amendments will be entitled to be voted upon separately, and the first question will be upon the first amendment, proposing to insert "seven-eighths of," on line 15, page 64, and I move that amendment, Mr. President.

Mr. HITCHCOCK. Mr. President, will the Senator from North Dakota advise us how the proposed changes compare with existing law in these several items?

Mr. McCUMBER. Yes. They represent duties something above the existing law, and are substantially, and I do not know but entirely, the same as the Payne-Aldrich law.

Mr. HITCHCOCK. Mr. President, I desire to read to the Senate a resolution which was recently adopted by the Nebraska Retail Hardware Association:

LINCOLN, NEBR., *June 10, 1922.*

GILBERT M. HITCHCOCK,
Washington, D. C.

DEAR MR. HITCHCOCK: At a group meeting of members of the Nebraska Retail Hardware Association held at Crete, Nebr., June 1, there being present representatives from Crete, Fairmont, Dorchester, Sprague, Milford, Friend, De Witt, Jansen, Chappell, and Lincoln, Nebr., the following resolution was unanimously adopted, and the secretary of the Nebraska Retail Hardware Association was instructed to convey to you the following resolution opposing the enactment of the proposed tariff bill now under consideration:

Resolution.

"Whereas the Nebraska Retail Hardware Dealers, who were present at this meeting, are unalterably opposed to unnecessary advances in the prices of commodities; and

"Whereas they believe that higher prices will react unfavorably against the retailer; and

"Whereas the proposed tariff bill under consideration at the present time in the United States Senate will in our belief cause a needless increase in prices due to the large increase in tariff rates on many commodities, the ones we are especially interested in being such items as are carried in a hardware store: Therefore be it

"*Resolved*, That this group meeting convey to the Senators and Representatives from Nebraska this resolution opposing the enactment of the proposed tariff bill now under consideration."

Very truly yours,

THE NEBRASKA RETAIL HARDWARE ASSOCIATION,
GEO. H. DIETZ, *Secretary.*

Mr. President, I desire to say to the Senator from North Dakota that that resolution, which was passed at a group meeting of hardware merchants in Nebraska covering a considerable area of territory, represents the opinion of the western business man without regard to politics; and I present the resolution as what might be termed a nonpartisan or a bipartisan protest against the proposed increases in the tariff by the pending bill. It is the universal opinion among the merchants and retail dealers of the West that this bill means an increase in the prices that retail dealers will be compelled to charge their customers. I think it is fair to say to the Senator from North Dakota that if he could have a referendum of Republicans in his own State he would find that an overwhelming majority of them are opposed to this bill. They are opposed to it because they believe that it means an increase in the cost of living to the American people. I present this resolution at this time because it happens to be appropriate to the pending paragraph.

Mr. McCUMBER. Mr. President, I find very little difference in the people of any State or of any community with reference to their views upon the tariff situation. While they are practically, and especially in the Northern States, all supporters of a protective policy, each one is against protection for the things that he buys and must buy; each one wants to buy in the place of cheapest cost and would like to sell in the place of greatest price. It is impossible, however, Mr. President, to formulate a tariff bill that will meet both of those conditions. A tariff bill, if it be protective and if it is based upon the protective idea, must protect each and every one of the industries.

I do not agree that this bill, if passed, is going to necessitate any higher prices for hardware. I am satisfied that the prices of all commodities have got to come down, tariff or no tariff; and I am certain most of them will come down. It may be a little difficult to say that the law of supply and demand is not a controlling factor, for it does govern to a great extent in the sale of commodities. It is, nevertheless, equally true that commodities are sold for the highest price that is obtainable; but I think, in view of present high prices, commodities can go down considerably and yet leave a good profit to the retailer. I am certain the manufactured product is going down throughout the country, and I see no reason why the retailers, after they shall have disposed of what they have on hand which they purchased at the higher price, should not also lower their prices to meet the lower cost of the manufactured product.

Mr. President, that is all I can say with reference to the objection of hardware merchants or any other merchants to the

pending bill. Either we have got to sustain the principle of protection as a national policy or we have got to surrender it entirely and let everyone go into the cheapest market he can find to purchase his products.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from North Dakota whether he advocates an increase in the tariff on chains against foreign competition on the theory that, after increasing the tariff against the importation of chains from abroad, the manufacturer in this country will lower the prices here?

Mr. McCUMBER. I think there is sufficient competition in this country for the American to fix his price without reference to the duty which we put upon the article in this bill. Under a tariff substantially the same as this that is now proposed they sold at a very much lower price than they are selling to-day and have been selling, and if they could then sell at a very much lower price than they are selling to-day, with the recurrence of normal conditions, I have not any doubt in the world that they will again sell at a much lower price than that which obtains to-day.

Mr. HITCHCOCK. Do I understand the Senator to say that the manufacturers will reduce the price of chains in this country?

Mr. McCUMBER. I believe the manufacturers will reduce the price of chains in this country, and I think probably they will have to reduce the price in order to stimulate the market and the demand for them.

Mr. HITCHCOCK. Then I ask the Senator what object there is in increasing the tariff duty if, in his opinion, the manufacturers can afford now to reduce the price of chains?

Mr. McCUMBER. If this tariff were based upon what might be done at the present time with the present cost of the article in the foreign country, I would say that we need a greater tariff than we have now; but the tariff is made with reference to future conditions, and the future conditions will, in my opinion, justify the rate which we have given in order adequately to protect the American industry, although to-day it might possibly not need to be as high as the old law was from 1909 to 1913.

Mr. HITCHCOCK. Now, let me ask the Senator what conditions he is afraid of and in what country?

Mr. McCUMBER. During the last six months, Mr. President, there have been considerable importations coming in not only from England but from France and Germany; there has been a steady increase in the importations, and I have no doubt that, as we approach a more normal condition, prices will go down both for the imported and for the American article.

Mr. HITCHCOCK. Now, let me ask the Senator a further question. Is it not a fact that the German exports at the present time are only a third of what they were before the war?

Mr. McCUMBER. Certainly, and a little while ago they were only one-sixth of what they were before the war, and a little previous to that they were only one-twentieth of what they were before the war.

Mr. HITCHCOCK. Let me ask the Senator another question. Is it not a fact that we export nearly three times as much to Germany as Germany exports to us?

Mr. McCUMBER. Not of chains.

Mr. HITCHCOCK. I mean exports, generally speaking.

Mr. McCUMBER. Oh, yes; Germany has got to buy a whole lot of things that she herself does not produce.

Mr. HITCHCOCK. So that the Senator is directing this tariff against the future conditions in Germany and not against existing conditions?

Mr. McCUMBER. Oh, Mr. President, there are conditions that are developing. We have got to start our plants working; we have got to broaden our production, and that is just as surely going to happen as day is going to follow night, and in building up a tariff bill anyone who blindly fails to see the changing conditions and to recognize them would formulate a very poor tariff bill at this time.

Mr. HITCHCOCK. Now, I understand that the Senator is directing the rates in this schedule and in other schedules not against existing conditions, but against what he presumes or guesses will be future conditions.

Mr. McCUMBER. Mr. President, any country can make chains; Germany can make them; France can make them; Great Britain can make them. Any one of those countries, with their cheaper labor, in my opinion, can make them cheaper than we can.

Mr. HITCHCOCK. Are they doing it now?

Mr. McCUMBER. They did do it under a law that was practically the equivalent of this, and I will say that they are doing it now; but they are not swamping our market as yet and we are not going to wait until they do.

Mr. HITCHCOCK. Now, will the Senator please give the statistics. He has abandoned his prophetic attitude and says they are doing it now.

Mr. McCUMBER. Oh, Mr. President, I have abandoned nothing. Until the Senator can meet me in a fair and courteous manner in the discussion I decline to yield. I have abandoned nothing that I have said, neither prophetic nor otherwise, and the Senator has no right to charge that.

Mr. HITCHCOCK. Let me ask the Senator another question. Did not the Senator state that under existing conditions this schedule might not be justified, but that for future conditions it was justified?

Mr. McCUMBER. I said that to-day there is not a sufficient quantity of importations coming in to hurt us materially; but those importations have grown quite rapidly in the last six months; and, in my opinion, they will continue to grow until the present rate of duty will be insufficient properly to protect us.

Mr. HITCHCOCK. The Senator is referring to Germany?

Mr. McCUMBER. I am referring to all the countries from which the imports are coming.

Mr. HITCHCOCK. Is the Senator able to give the statistics?

Mr. McCUMBER. Oh, yes; I will give them in a short time to the Senator from Nebraska. The Senator from Connecticut [Mr. McLEAN], however, is desirous of discussing this question, and I wished in my own time merely to state what we had reported and our reasons for our action.

Mr. HITCHCOCK. I will say to the Senator that I will take occasion to-morrow to show that the bogey of German competition is a myth, and that the attempt to erect a tariff against possible German competition is an attempt to continue commercially a war which stopped a good while ago in a military sense; that it is utterly unjustified, and is done in the interest of a few manufacturers of the United States and at the expense of the American people.

Mr. McCUMBER. Mr. President, I recognize——

Mr. WILLIS. Mr. President——

Mr. McCUMBER. I will yield in a moment. I recognize that there is a line of thought on the other side of the Chamber to the effect that our great competitor from 1900 to 1913 will never come back again into the field as a great competitor. I disagree with them upon that. That is only a difference of opinion; and I can see no reason on earth why a country which could compete with us when her wages were about half what ours were can not more than compete with us when they have dropped to one-fifth what ours are.

Mr. WILLIS. Mr. President, I want to give the Senator from Nebraska certain facts about which he seemed to be inquiring, namely, as to what is now taking place in the chain industry. I happen to have before me a copy of a telegram from the Cleveland Chain Products Co., of my State. I may say, for the comfort of the Senator, that so far as I know there is no monopoly in this business. I know of seven or eight independent small concerns in the State of Ohio manufacturing chain.

Here is a telegram from the Cleveland Chain Products Co. which will throw some light on the particular matter about which the Senator inquired:

German goods in Argentine laid down for 20 per cent our prices.

Yet the Senator says this is purely speculative and is a matter of prophecy. Here is the actual fact, now, on the 8th day of June.

German goods in Argentine laid down for 20 per cent our prices. Arbillia—

I judge that is one of the agents of the company—

reports in Greece that our lowest prices are as 90 drachmas to 17 drachmas. In France our prices to-day average five times cost of similar goods. This reported by Peubrier.

I judge that is the agent of this company.

Belgium shipments are returned to us because customers can not afford to pay our price, even after we cut bill in two, claiming our prices still 200 to 300 per cent high. To summarize, reports from every section indicate that German-made goods can be offered in competition at approximately 15 to 20 per cent of American prices.

That is not prophetic. That is not speculative. That is the actual fact, now that these goods are being offered at from 15 to 20 per cent of the American price.

Mr. HITCHCOCK. Mr. President, they are not being offered in the United States at any such fictitious proportions, and it can not be shown that they are offered here.

Mr. WILLIS. Mr. President, I do not know what the Senator means by saying "fictitious proportions." This is the fact that I am giving the Senator. There is nothing fictitious about this.

Mr. HITCHCOCK. Those are unsupported statements relating to something that is occurring in South America. I know the facts to be these, and the statistics show the facts to be

these—that German commerce now is practically stationary; that Germany has been unable to push her exports, with all of her great efforts, to more than one-third of what they were before the war, and they are only one-third now; and, as a matter of fact, the United States is exporting to Germany nearly three times as much as Germany is exporting to the United States.

Mr. WILLIS. Not of chains.

Mr. HITCHCOCK. The Senator has not given us the figures on chains. I have asked for them. I have not seen them; but I have not been able to find that anyone has been able to show any considerable increase in German exports to the United States. I find constantly the desire to raise a wall against doing business with Germany.

Does not the Senator know that Germany is our great customer in Europe to-day; that our trade with Germany is increasing more rapidly, as far as our own exports go, than our trade with any other country; that the one thing the United States needs at the present time above all others is a market for our surplus goods, and Germany is our hope? We can double and treble our exports to Germany if Germany is only given a chance to do business with us and with the rest of the world; and yet in the United States we are doing in this bill just exactly what France and what Great Britain have done: We are attempting to bar out trade with Germany from the foolish fear that German trade is going to injure us.

German trade would be a benefit to us. Germany never can hope to export to us as much as we can export to Germany. Germany needs so much of our raw material—so much of our cotton, so much of our copper, so much of our oil, so much of our grain, so much of our cattle, so much of our meats—that Germany is the very customer of Europe that we should encourage business with; and yet, above all other countries in the world, this bill is directed against Germany. We hear it constantly on every hand. The purpose of the bill is to shut out German goods, not against present importations—there is no pretense that present importations are injuring American business—but it is just for the future. We are asked to build a tariff wall so high as to shut out German goods, and then hope that American manufacturers, as the Senator from North Dakota [Mr. MCCUMBER] says, will reduce their charges to American customers! What warrant is there for the belief that the American manufacturers, when given a prohibitive tariff for their benefit, are going to reduce the cost to the American people? We are right now on the very eve of an era of trust formation behind the wall that you are trying to erect in this bill.

Mr. FRELINGHUYSEN. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think a complete answer to the statement made by the Senator from Nebraska may be found in an article in the Washington Herald, dated Sunday, June 18. It is very short, and if the Senator will yield, I will ask that it may be read from the desk.

Mr. WILLIS. I yield.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the article.

The reading clerk read as follows:

[From the Washington Herald of June 18, 1922.]

GERMANS DEMAND CONTROL OF UNITED STATES DYE INDUSTRY—THREATEN LOSS OF PROFITS UNLESS AMERICANS AGREE TO COMBINATION.

PARIS, June 17.—The German dye industry, which is the backbone of the German chemical warfare operations, is rapidly approaching its pre-war dominance—already it holds most of the dye trade of Europe. During the month the Germans have made arrangements with the leading dye company of Italy and the leading French Compagnie Nationale des Matieres Colorants, giving them a strangle hold on the dye trade of the two countries. A similar arrangement with a British dyestuffs corporation is about to be signed.

Regarding the dye situation in America, Herr von Weinburg, the head of a leading German dye corporation, said:

"Possibly you can make dye as well as we can, but through 40 years' experience we have learned to make them cheaper than you. We will send you experts and let you use German processes if you will give us part control of your companies. By cooperating with us you can profit, but if you do otherwise you can not. We will agree not to compete in our own countries, and we will be willing to divide up the Orient and Latin-American trade among ourselves."

The French company, of which the French Government actually is a part owner, still denies German control, but from American sources it is learned that an agreement already is in operation. The German discussion with British dye interests are open.

The German dominance of the dye trade in Europe thwarts Annex VI of the treaty of Versailles which elaborated provisions to build up the allied industries by including delivery of one-fourth the German dye production until the end of 1924.

Mr. WILLIS. Mr. President, the article which has just been read at the desk shows the general principle that actuates our competitors beyond the sea. They are willing to go to any extent to capture the American market. I am not one of those who worry constantly about what is going to happen to Germany. Senators indulge in eloquent argument about what is going to happen to that country, and tell us that if Germany is not prosperous she will not trade with us, and all that sort of thing. That is a fallacy that was exploded about 60 years ago. A country will buy where it is to its advantage to buy.

The Senator from Nebraska says that Germany is one of our best customers. Very well. So be it. She will continue to be. If we can sell to her things that she wants, and can sell them cheaper than some other country can sell them, Germany will buy those things of us whether we buy anything of Germany or not. That is the theory that is always advocated by our friends who take the revenue view or the free-trade view of the tariff question—that we can not sell to a country unless we buy of that country. It is simply an exploded fallacy. That is all there is to it.

I repeat that so far as I am concerned I am not worrying about Germany, but I am concerned as to whether the industries of this country shall continue to operate.

Mr. WALSH of Montana. Mr. President——

Mr. WILLIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator from Nebraska [Mr. HITCHCOCK] did not have at hand the information concerning the manufacture of chains in this country; but I have the figures here, and if the Senator will permit me I shall be very glad to submit them briefly.

The Tariff Commission reports:

The United States is a large producer of chains made of iron or steel, but statistics are not available. A representative of an important producer estimated the investment in the chain industry in 1918 at $5,000,000 and the country's normal output at $10,000,000.

Imports of chains are small compared with exports. During the years 1918 and 1919 there was a large importation for the construction and equipment of vessels. In the tabulation below imports are given both by kinds and uses.

The amounts are perfectly insignificant—perfectly insignificant. Of one class there was $44,000 worth in 1920, of another class $69,000 worth, of another class $24,000 worth, and that is all.

On the other hand—

Exports of chains have been since 1917, by calendar years, as follows: 1918, $1,940,000; 1919, $3,318,565; 1920, $3,335,637.

That is the situation under which a tariff is asked in order to protect the home market from an inundation of chains from Germany, when as a matter of fact we are exporting apparently one-third to one-half of what we produce in this country—in which, by the way, we lead the world.

Mr. WILLIS. Mr. President, I am perfectly familiar with the figures the Senator has quoted. I have no doubt he has quoted them accurately, and they prove nothing at all, because here is the fact: As everybody knows, during the war the great chain industry in Germany was largely broken up. They are just getting hold of themselves; and this I say to the Senator: Their agents, their traveling salesmen are in this country now offering chain at prices clear below the American cost of production. If the Senator wants the chain that is to be used in this country to be manufactured in Germany and wants our own plants in Ohio and other places to close down, with the workingmen in the street, he can very easily bring about that condition; but I do not believe in that policy.

Mr. WALSH of Montana. Mr. President, will the Senator suffer another interruption?

Mr. WILLIS. I yield to my friend.

Mr. WALSH of Montana. It is a question as to whether, in fixing these duties, we shall be governed by ex parte information, such as is conveyed by some interested manufacturer, or whether we will take the conclusions of the Tariff Commission.

Mr. WILLIS. What is the date of the figures the Senator read?

Mr. WALSH of Montana. I gave those of 1920.

Mr. WILLIS. Precisely; and what I am talking about has occurred within the last six months.

Mr. WALSH of Montana. I will give the figures for the first nine months of 1921. Of one class there was $20,000 worth, of another class there was $595 worth, and of another class there was $19,035 worth in the first nine months of 1921. I submit that we ought to be governed in our action in this matter by some reliable kind of information. This is the prognostication of the Tariff Commission, as contrasted with that of the Senator from Ohio.

The commission says:

Chains are largely made by automatic or semiautomatic machinery. Even in the production of heavy chains machinery is beginning to displace hand labor. Raw materials play an important part in costs of production. The chief raw material is iron or steel in the form of bars or heavy wire, although some chains are made of brass. For finishing or plating brass, copper, zinc, tin, nickel, asphalt, benzine,

and japan are used. The chain industry is one in which the trend is toward large-scale production, with combination of formerly independent plants and larger investment in plant and equipment. It is therefore an industry well suited to American conditions of production and American producers should be able to meet foreign competition successfully. The domestic industry is now well established, imports are relatively small, and a large export trade has been developed. Prior to 1918 no export statistics are available, but before that date American chains had appeared in the world market in competition with the chains of European producers. However, exports before 1914 were purely nominal, and in that year imports increased substantially when the low tariff of 20 to 25 per cent went into effect. The chief advantages of England and Germany in the export field before the war were low freight rates. Germany undersold England, France, and Belgium, but put out an inferior product. With favorable freight rates, American producers should be able to retain a place in the export field.

Mr. WILLIS. Mr. President, if the Senator has finished reading, I want to make two observations touching that. First, the devotion of the Senator from Montana to the findings of the Tariff Commission is certainly touching, because a few days ago, when the manganese duty was under discussion, the Senator put aside the findings of the Tariff Commission with a wave of his hand and himself voted for a duty practically prohibitive on the importation of manganese, manganese being produced to some extent in the State of Montana. I do not find fault with the Senator for that; but in order to reach that conclusion he was obliged to put aside the findings of the Tariff Commission. Now the findings of the Tariff Commission are good.

Mr. WALSH of Montana. The Senator from Montana attacked the findings of the commission on that subject by something more than a mere letter from somebody.

Mr. WILLIS. I am not through with the findings of the commission. I call the attention of the Senate to the fact that what the Senator has read from this survey was prepared for the Ways and Means Committee in 1919. But a good many things have happened since 1919. I am intensely interested in current matters and not in ancient history. The fact of the business is that there are now in this country representatives of the producers of German chains who are offering their products at prices away below the cost of the American production, and I have seen their official offerings.

Mr. HITCHCOCK. Mr. President, of course it is all very interesting to hear about these offers, but can the Senator give the statistics showing that German chains are coming into this country and being sold in large quantities so as to endanger our industry?

Mr. WILLIS. Mr. President, the Senator knows, and he knows that I know, that you can not obtain statistics up to yesterday. That is the trouble with Senators——

Mr. HITCHCOCK. Can the Senator give the statistics for January or February?

Mr. WILLIS. No; because no statistics are available for that period, as the Senator perfectly well knows.

Mr. HITCHCOCK. Suppose we should produce the statistics for January, February, and March and show that there is no increase whatever in the import of German chains or any other kind of chains; would that satisfy the Senator?

Mr. WILLIS. I would accept any statement the Senator might make, but it would not have the slightest bearing upon that about which I am speaking. I am saying that now, to-day, in this country there are representatives of the manufacturers of German chains who are offering their products at prices below the cost of production in this country. What may have been imported in January or February could have no bearing on that.

Mr. HITCHCOCK. Can the Senator give the statistics for any month since the war?

Mr. WILLIS. I am not interested in them, and the Senate is not interested in them. If the Senator wants to give the statistics, he is at liberty to do so. I am calling his attention to a condition. But I decline to be diverted from the point I was making.

Mr. HITCHCOCK. Would not the statistics reveal the conditions better than a mere naked statement some dealer has made? Would not the statistics for one month throw some light on the subject? Can the Senator give statistics for a single month within the last four years which sustain in any degree the attitude he takes, that we need an increase in the import duty on chains?

Mr. WILLIS. I fear it is utterly impossible for me to make myself understood by my friend from Nebraska. What I am trying to show to him and to the Senate is this: That a condition has developed within the last month or two—within the last few weeks, as a matter of fact. These men are now in this country offering their products, and I have read the telegram showing that fact.

Mr. HITCHCOCK. Has a single carload of chains been imported at those prices?

Mr. WILLIS. I do not know, and I do not care. It has not the slightest bearing upon this proposition. The fact is that this chain is being offered at 15 to 20 per cent of the price at which our chains can be offered. The fact that it has not arrived here yet does not make any difference.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. WILLIS. I yield.

Mr. JONES of New Mexico. If I have been able to follow the line of argument of the Senator from Ohio, it amounts to this: That if any amount of an article is offered for sale in the United States the Senator would place the tariff so high as to prevent the importation of that article.

Mr. WILLIS. Certainly not. I never have said anything of that kind, or thought anything of that kind. I advocate no such proposition. I do advocate a tariff that will place the producers and the workingmen of this country on an equality in production with the workingmen of other countries.

Mr. JONES of New Mexico. If the Senator will permit an observation, he has undertaken to present to the Senate one instance of chains being offered for sale in the American market. He says that that is all the evidence he needs. Any person who can use one single incident, such as the Senator has mentioned, as a sufficient reason for increasing the tariff must have the opinion that whenever any amount of a foreign article comes into the United States, however small, should debar it. In other words, the logic of the Senator's argument is that an embargo tariff should be imposed whenever any commodity comes into this country from any other, regardless of its amount.

Mr. WILLIS. Of course, I do not favor prohibitive rates and have not indicated that I favored such rates. Furthermore, the position I have taken is not based upon one instance but upon very numerous ones. As an illustration of that I ask to print in the RECORD as an appendix to my remarks the telegram, a portion of which I have read, and extracts from three letters I have received.

Incidentally, let me suggest to my friend from New Mexico that the particular amendments under discussion do not increase the rate but rather decrease it. They ought, therefore, receive the support of the Senator from New Mexico.

APPENDIX.

CLEVELAND, OHIO, *June 8, 1922.*

Mr. CHAS. M. LUTHY,
Hotel Willard, Washington, D. C.:

German goods in Argentina laid down for 20 per cent our prices. Arbillia reports in Greece that our lowest prices are as 90 drachmas to 17 drachmas. In France our prices to-day average five times cost of similar goods. This reported by Peubrier. Belgium shipments are returned to us because customers can not afford to pay our price even after we cut bill in two, claiming our prices still 200 to 300 per cent high. To summarize, reports from every section indicate that German-made goods can be offered in competition at approximately 15 to 20 per cent of American prices.

THE CHAIN PRODUCTS CO.

Concerning the nature of competition American producers are compelled to meet, the Columbus-McKinnon Chain Co. says:

We understand Senate Finance Committee proposes cutting ad valorem duty on chain from 45 to 35 per cent on ground of large exports and imports of no consequence. If this is done our business on grades of chain under that classification will be seriously handicapped, as German agents are already in country offering chain at prices equal to or below our cost. Number of shipments already received. We respectfully ask that duty of 45 per cent be maintained in new schedule.

L. D. Cull, secretary and treasurer of the Cleveland Chain & Manufacturing Co., states:

We are unable to compete with European makers in our own country. For instance, the George Washington Co. showed the writer only two weeks ago prices on chain which were over 2 cents per pound less than our cost. This was understood to be German chain, at least the quotation was made by a New York broker, who said it was a foreign make. Have run up against this same proposition in Chicago, Milwaukee, and quite a number of cities. The chain appears to be equally as good as American chain, and if we do not have proper protection we will be unable to exist against such competition.

And the Hayden-Corbett plant, Columbus, reports:

Germany is now selling chain in this country at a less price than the American manufacturers can sell at this time, and we feel that with the reduction Germany would soon be selling chain here in large quantities at very much less than it can be produced in this country, which would be very detrimental to the chain industry as well as the workmen in this industry.

Hoping to hear from you, I remain,
Respectfully yours,

UNITED STATES CHAIN & FORGING CO.,
J. T. CORBETT, *Chairman of the Board.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 11228) making

appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KELLEY of Michigan, Mr. FRENCH, Mr. MADDEN, Mr. BYRNES of South Carolina, and Mr. OLIVER were appointed managers on the part of the House at the conference.

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. WALSH of Massachusetts. Mr. President, I have tried since 11 o'clock to get the floor to make a motion. The Senator from North Dakota [Mr. MCCUMBER] and the Senator from Ohio [Mr. WILLIS] have had the floor since 11 o'clock, and of course neither of them could be expected to yield for the purpose of allowing me to make the motion I intend to offer.

I purpose to make a motion to change the order of business. I would have made it at the very outset, before we renewed to-day the discussion of the tariff bill, had I had an opportunity, and the fact that it is made at this time, when the tariff is under discussion, is not my fault.

It has seemed to some of the minority members of the Finance Committee, whom I represent in making this motion, that portion of whom favor the legislation about to be referred to, that an effort should be made at this time to take up for consideration the soldiers' adjusted compensation bill. On two occasions within the last month I personally have been publicly assured in this Chamber by the Senator from North Dakota that within a reasonable time he would request the Senate to proceed to take up the adjusted compensation bill and set aside the tariff bill.

The senior Senator from Arkansas [Mr. ROBINSON] has been promised that if he would delay calling up this matter a motion would be made to lay aside the tariff bill for the compensation bill by the Senator in charge of the tariff bill. We intend now to find out whether or not these promises are to be kept. It was not made to me, or to the other Senators in this body, upon the condition of some action to be taken by a conference of any group of Senators. It was made in good faith. It was made to the country. It was made to everybody interested in the soldiers' adjusted compensation legislation. We intend to demand that these promises be kept. We intend to show by our votes that we are not responsible for defeating this bill by delay.

The third effort is at hand to postpone this bill, and indirectly kill this measure. The first time it was reported to this body it was not called up for consideration because it was claimed that the time was too short before adjournment to give it proper consideration. The second time it was before this body it was recommitted to the Finance Committee at the suggestion of the Executive and on the claim that we did not have money enough to meet the obligations named and stated in the bill. Now, it is proposed to postpone it again because the majority Members of this body have decided to proceed with the consideration of the tariff measure, and are not ready to go on record for or against this measure.

Let the soldiers of this country know that this tariff bill has been set aside on several occasions to consider other legislation. It was set aside only a few days ago to consider the naval appropriation bill. It was set aside a week or 10 days ago to consider the Army appropriation bill. The tariff bill can be, has been, and will be set aside whenever the majority in this Chamber are in favor of a bill they want passed.

Mr. President, those of us who have interested ourselves in this legislation, those of us who have said we would do our utmost to have it enacted into law, propose to have a record vote, and to find out just who are the Members of this body who believe in this legislation, are ready and willing to support it, and believe it to be of such merit as to be entitled to immediate consideration. There are more ways of defeating legislation than by voting directly against a bill; one most commonly employed is delay and postponement.

Therefore, Mr. President, I move that we proceed to the consideration of House bill 10874, an act to provide adjusted compensation for veterans of the World War, and for other purposes, and upon that motion I ask for the yeas and nays. I, for one, refuse to join with the enemies of this measure in postponing action. Let all that oppose this bill vote to postpone action, but let those that sincerely believe in this measure, united with those who are demanding immediate action, who refuse to follow the course and adopt the program of those hostile to this legislation.

Mr. MCCUMBER. Mr. President, he is a poor pilot indeed who, finding dangerous rocks in the course he has chosen, is not willing to veer around those rocks and enter a channel which will assure a safe and certain entry into the port into which he has purposed to go.

A very short time ago there were numerous reports afloat, and they were disquieting reports to me, and I am not certain there was not some substance behind them. They were reports of a purpose to sidetrack the soldiers' adjusted compensation bill, or keep it from being acted upon during this session of the Congress. When I heard of those reports, I immediately expressed myself as in favor of calling for a definite showdown as to whether that matter was to be disposed of or not, and I stated to the friends of the soldiers' compensation bill that it was my purpose in a reasonable time to move to lay aside the tariff bill and proceed to the consideration of the soldiers' compensation bill.

That statement of mine resulted in the immediate calling of a Republican conference. At that conference every question of doubt with reference to whether or not the adjusted compensation bill was to be absolutely passed upon was removed. The party in power, which is responsible for the legislation which shall be passed and responsible for putting aside that which it thinks should not be passed at any session of the Congress, went on record squarely, unequivocally, and determinedly to put itself back of the final disposition of this soldiers' compensation bill. It further put itself on record in no uncertain terms that there should be no adjournment and no recess over until the soldiers' compensation bill should finally be disposed of.

Now, that is what I wanted to be assured. I would rather secure this action through the cooperation of both sides of the Chamber, but especially through the cooperation and support of the side which represents the power to do things. I would rather work that way and be certain that I was going to secure the action I desire, because I knew that once the matter was voted on by the Senate, there would be no question of the result.

I want to read into the RECORD just what assurance is given that the bill shall be passed upon at this session. I moved first in the conference that it was the sense of the conference that the soldiers' compensation bill should supersede for the time being the tariff bill; that the latter should be laid aside for its consideration. I failed to secure a great many votes upon that motion because, while the vast majority of the conference were in favor of the passage of the soldiers' compensation bill, they thought it inadvisable at this time to lay aside the tariff bill. But we were not satisfied with that unless there was a most specific assertion and agreement that the matter should be brought up and disposed of during this session. I shall ask at this time permission to insert in the RECORD the resolution which was passed at that conference. I wish just to read the declarative part of the resolution:

Now, therefore, for the purpose of correcting such reports—

That is, the reports that the bill might by any possibility be abandoned—

for the purpose of correcting such reports and to reassure the country and the American soldier that there has been no change of purpose on the part of the Republican Members of the Senate, be it

Resolved by this conference, That as soon as the vote is taken on the passage of the tariff bill the soldiers' compensation bill shall be immediately taken up and made the unfinished business and its consideration proceeded with to the exclusion of any other business except when temporarily laid aside for matters of immediate exigency, and continued the unfinished business until it is finally disposed of.

And be it further resolved, That both the said bills shall be pressed to their final disposition as expeditiously as possible and that there shall be no final adjournment of this Congress or any recess over until both these proposed measures are finally disposed of.

Now, I can not imagine a more definite and certain assurance to the country and to the soldiers that the party in power, uniting with the minority party, shall absolutely and unquestionably put the bill to a vote before there is either any recess or any adjournment of Congress. That is what I wanted to secure.

Mr. WATSON of Georgia. Mr. President——

Mr. MCCUMBER. In one moment I will yield. That is why I gave notice to friends and foes that it was my intention to move to displace the tariff bill temporarily for the purpose of considering the soldiers' compensation bill. I secured all that I asked to secure—the assurance that the action taken by the conference on April 18 should be in no way abandoned, but it should be reiterated with all the power and strength of the party in power back of it. I now yield to the Senator from Georgia.

Mr. WATSON of Georgia. How does the Senator from North Dakota reconcile what he is now saying with the fact that the only measure which the President has come here to oppose was the soldiers' bonus bill, and that the Senator himself backed down when the President proposed it?

Mr. McCUMBER. Mr. President, I did not back down. I voted against what the President requested at that time, but I recognized that under our scheme of government the President had power in these matters. He has a power, equivalent to the difference at least between a little more than one-half and two-thirds, to destroy any measure. While I think the President may be within his authority, I think, when there are 500 Members chosen by the people and at least 450 or thereabouts of those Members decide that a thing ought to be done, that the President should yield to their judgment rather than to insist upon the judgment of the one man against the 450.

Mr. WATSON of Georgia. Mr. President——

Mr. McCUMBER. I yield again to the Senator from Georgia.

Mr. WATSON of Georgia. I was present on the occasion when the President of the United States came here and made a speech against the soldiers' bonus bill. My recollection is that the Senator from North Dakota said that he was a good party man and would bow to the will of the President, and then the bill was withdrawn and sent to the Finance Committee with the promise that it soon would be reported out. That is my recollection.

Mr. McCUMBER. The Senator is mistaken. I said that I disagreed with the President and I disagreed with the fears of the Secretary of the Treasury. I did not say that I bowed; but I had to do so because the majority of the Senate decided the other way and decided contrary to the vote which I then cast.

I have sought at all times, and I still seek, to keep this matter from being made a football. I do not want the tariff bill to be blocked by the soldiers' compensation bill, or the latter to be used for the purpose of blocking the tariff bill. I confess a great fear that there is a purpose on the part of some—not the friends of the bill, I am certain of that—who would like to use it for that purpose. I refer to those who are enemies of both the compensation bill and the tariff bill. I want both bills to go through. I believe that the course which I have pursued in the matter is the safest and best course, and I believe that if we put them through in that order the President will sign the compensation bill.

I ask permission to insert in the RECORD the resolution adopted at the Republican conference, to which I have referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas at a conference of the Republican Members of the Senate held on the 18th day of April, 1922, it was moved and carried "that it is the sense of the conference that the Senate proceed without further delay with the consideration of the tariff bill, and that it is the sense of this conference that the Senate should at this session pass a soldiers' compensation bill, and that the Finance Committee be requested to report such a bill within a reasonable time"; and

Whereas the amended soldiers' compensation bill was reported to the Senate by the Finance Committee on the 8th day of June, 1922, and is now on the Senate Calendar for the action of the Senate; and

Whereas reports have been made and circulated to the effect that the soldiers' compensation bill might be abandoned at this session; and

Whereas such reports are without any foundation whatever, and the position taken by the Republican conference on the 18th day of April, 1922, has been in no respect modified or changed: Now, therefore, for the purpose of correcting such reports and to reassure the country and the American soldier that there has been no change of purpose on the part of the Republican Members of the Senate, be it

Resolved by this conference, That as soon as the vote is taken on the passage of the tariff bill the soldiers' compensation bill shall be immediately taken up and made the unfinished business and its consideration proceeded with to the exclusion of any other business, except when temporarily laid aside for matters of immediate exigency, and continued the unfinished business until it is finally disposed of.

And be it further resolved, That both the said bills shall be pressed to their final disposition as expeditiously as possible and that there shall be no final adjournment of this Congress or any recess over until both these proposed measures are finally disposed of.

Mr. WATSON of Indiana. Mr. President, I move to lay the motion of the Senator from Massachusetts [Mr. WALSH] on the table.

Mr. ROBINSON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the assistant secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. McKELLAR (when his name was called). I transfer the pair which I have with the junior Senator from Indiana [Mr. NEW] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. McNARY (when Mr. STANFIELD's name was called). I wish to announce the absence of my colleague, the junior Senator from Oregon [Mr. STANFIELD], from the Senate. If he were present, my colleague would vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. McNARY. I wish to announce the absence of the senior Senator from Delaware [Mr. BALL]. If present, he would vote "yea."

Mr. CALDER (after having voted in the affirmative). I am paired with the senior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER], on account of illness. If present, my colleague would vote "nay."

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. HARRISON] and the Senator from Georgia [Mr. HARRIS]. The Senator from Mississippi is paired with the Senator from West Virginia [Mr. ELKINS], and, if present, he would vote "nay." The Senator from Georgia is paired with the Senator from New Hampshire [Mr. KEYES], and, if present, he also would vote "nay."

Mr. ASHURST. I was requested to announce that the senior Senator from Nevada [Mr. PITTMAN[is unavoidably absent. If present, he would vote "nay."

Mr. CURTIS. I wish to announce that the junior Senator from New Hampshire [Mr. KEYES[, if present, would vote "yea."

I also desire to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS].

I wish further to announce that the Senator from Pennsylvania [Mr. PEPPER] is detained from the Senate on official business. If present, he would vote "yea."

The result was announced—yeas 51, nays 22, as follows:

YEAS—51.

Borah	France	McKinley	Shortridge
Bursum	Frelinghuysen	McLean	Smoot
Calder	Glass	McNary	Spencer
Cameron	Gooding	Moses	Sterling
Capper	Harreld	Myers	Sutherland
Cummins	Jones, Wash.	Nelson	Swanson
Curtis	Kellogg	Newberry	Townsend
Dial	King	Nicholson	Underwood
Dillingham	Ladd	Norbeck	Wadsworth
du Pont	Lenroot	Oddie	Watson, Ind.
Edge	Lodge	Phipps	Williams
Ernst	McCormick	Poindexter	Willis
Fernald	McCumber	Pomerene	

NAYS—22.

Ashurst	Hitchcock	Overman	Trammell
Broussard	Jones, N. Mex.	Robinson	Walsh, Mass.
Caraway	Kendrick	Sheppard	Walsh, Mont.
Culberson	La Follette	Simmons	Watson, Ga.
Gerry	McKellar	Smith	
Heflin	Norris	Stanley	

NOT VOTING—23.

Ball	Hale	Owen	Reed
Brandegee	Harris	Page	Shields
Colt	Harrison	Pepper	Stanfield
Crow	Johnson	Pittman	Warren
Elkins	Keyes	Ransdell	Weller
Fletcher	New	Rawson	

So the motion of Mr. WALSH of Massachusetts was laid on the table.

Mr. ROBINSON. Mr. President, it is unfortunate beyond expression that the Senate pursues a course of delay in the disposition of adjusted compensation legislation. Do Senators realize how long this question has been pending before the Congress of the United States? On May 21, 1920, two years ago, a bill providing for adjusted compensation was reported to the body at the other end of the Capitol by the chairman of its Ways and Means Committee, Representative FORDNEY, of Michigan. The bill passed the House of Representatives and came to the Senate.

On June 20, 1921, a year ago, the Senator from North Dakota [Mr. McCUMBER], chairman of the Committee on Finance, reported to the Senate an adjusted compensation bill, and subsequently the Senate proceeded to its consideration. After the bill had been discussed at great length and every phase of it

fully developed, and when the bill was about to be finally voted upon, the President of the United States appeared in the Senate July 12, 1921, and delivered an address against the passage of the bill at that time. It was argued, among other things, that conditions, legislative and economic, were not ripe for the disposition of so important a measure, notwithstanding the fact that a long time previously the House of Representatives had passed the measure, and notwithstanding the further fact that the Senate was then ready to dispose of it. Every Senator in attendance had heard a full and complete discussion of the proposed legislation, yet, in obedience to the extraordinary appeal of the President, who appeared in person to oppose the legislation which was then being considered, the Senate reversed its attitude. It was the first instance in the history of the United States, within my knowledge, when a Chief Executive had appeared before this body to urge the defeat or indefinite postponement of legislation pending and being considered at the time.

We are all familiar with the Executive power of veto. It is in the nature of legislative authority; it gives the President, after a measure has passed both Houses of Congress, the constitutional right, in the exercise of his power, which is in the nature of legislative authority, to override and overrule the deliberate action of Congress registered by a majority vote in both Houses.

Mr. WATSON of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield.

Mr. WATSON of Georgia. I remind the Senator from Arkansas that it was the first time that any chief executive of an English-speaking race since 1641 had appeared before Parliament or Congress to object to a pending measure. That action of Charles I in appearing to make a speech against a measure then pending was the first false step that led his head to the block; and, in my judgment, this false step of President Harding is going to lead his head to the political block the next time the people get a chance at him.

Mr. ROBINSON. Mr. President, in addition to the power of veto the President, under the Constitution, has the right, and it is his duty, to make recommendations to Congress respecting legislation. All Chief Executives have exercised that power. We all know that the country is in the habit of looking forward to the recommendations of the Executive submitted in his annual message, and Congress, and the country too, have sometimes felt and manifested great anxiety when special messages to Congress from the President have been in contemplation. Never before, however, has a President appeared in this Chamber while the Senate was considering legislation and urged the Senate to reject that legislation.

Heretofore Executives have recommended the enactment of laws as necessary in the public interest, and in their messages they have voiced disapproval of prospective measures; but when either House of Congress was about to pass upon a specific measure, never has there been another instance when the Chief Executive has used the almost unlimited power which he has to force upon Congress his will.

The Constitution gives to the Executive objection to legislation passed by Congress solemn and important force. It provides that in the event the President vetoes an act passed by Congress, before it shall become law the measure must be passed notwithstanding the objection of the President by a two-thirds vote in both branches of Congress. The Constitution does not contemplate, and legislative independence does not justify, interference by the Executive with the free and unrestrained exercise of the conscientious convictions of the Members of the two Houses of Congress touching legislation pending and immediately to be determined.

I make no attack upon the President. He performs his functions under his oath and under his conscience, as I attempt to discharge mine; but that precedent is vicious in every possible aspect. The United States needs now—worse than anything else, worse than it needs additional revenue, worse than it needs armies and navies—men in the American Congress who will vote their conscientious convictions. How are we to do that when the country is being governed through propaganda, with all forms of selfish organizations and class organizations riding over and disregarding the general public interest, and trying to intimidate public men in the discharge of their duties? How can a Senator in the majority be expected to exercise his honest judgment touching a measure to be voted on if the President, who has the unlimited power of patronage in this Republic, comes into the Senate when the vote is about to be taken and serves notice of his opposition to the passage of the measure?

The power of the Executive over the legislative conscience, when the Executive chooses to exercise it, is illustrated by what happened a year ago, when the adjusted compensation bill was under consideration in the Senate. The Senate was ready to vote; debate had been practically exhausted; every Senator knew his mind upon the subject, and nearly all Senators had announced their attitude respecting the bill; but within an hour after the Executive had instructed the Senate what its action should be that action was taken, and the bonus bill went back into the pigeon holes of the Committee on Finance, where it slept until the calendar day of June 8, 1922, almost one year after the President had exercised his power to control the Senate, and put the bill to sleep.

Senators may recall that immediately following the conclusion of the President's address I took the floor then and said that the courageous course, the just course for the Senate to pursue, was to vote on the bill. We were ready to vote; but it was recommitted to the committee. I then challenged the Senator from North Dakota [Mr. MCCUMBER] to announce when the committee would again report the measure. You remember that then it was merely a question of the readjustment of some economic conditions, some financial considerations, on the part of the Government, and speedy legislation was promised then. There were more votes for the bonus bill in the Senate when it was recommitted a year ago than there are now, and there are more votes for it now than there will be when it is voted on, and that is the reason underlying the further postponement of it.

A year ago the Senator from North Dakota, when challenged to say what action the Finance Committee might be expected to take and when it might be expected to act, resented any suggestion that a long delay would occur. Of course, he could not say just when the committee would report, but the committee was for the bill, it had so signified, and in his opinion it would be only a short time until the Senate would have an opportunity of voting on the bill. Almost a year went by—a year in which the Congress of the United States considered and disposed of many measures of less importance from an economic and from a political standpoint than the adjusted compensation bill—and at last, with a flourish of trumpets, on the 8th of June of the present year, practically two years after the measure was first considered in the House of Representatives, the Finance Committee, through its chairman, reported the bill to the Senate. He then made important announcements again touching the measure.

The chairman of the committee said, in substance:

> In the very near future I hope to be able to lay aside for a day or two the consideration of the tariff bill for the purpose of considering and passing, if possible, the soldiers' compensation bill.

And then he appealed for consideration and disposition of this subject free from politics; and, as you will remember, I joined with him in that suggestion.

The question ought not to be made the football of politics. It is being made the plaything of contemptible politics. It is wrong to do that. It is wrong to the men who uplifted into light on the far-stretched battle fronts of Europe the flag of this Republic, and maintained it against the intrepid advance of the troops of the Central Empires. It is wrong to the mothers who gave their boys to the military service of this country. It is wrong to the high office that you hold to make politics of this measure.

I have received telegrams urging me to vote for this bill, and I have received telegrams threatening me politically if I do vote for it. I am going to vote my conscientious judgment on this and other measures. If the country can not have here men who are willing to do that the chosen tools of propagandists will make the laws.

All I am asking is that after two years of playing with this question you stand up like men and dispose of it. Has any Senator any doubt as to the effect of the motion of the Senator from Indiana to table the motion of the Senator from Massachusetts? Those who are opposed to the tariff bill will go on to the limit asserting their opposition, and those who are opposed to the bonus bill will look with pleasure, or silent gratification, upon the longest possible delay in the disposition of the tariff bill, because until that is disposed of, under the resolution adopted by the conference of the majority party, the bonus bill can not be considered.

When do you expect this tariff bill to be disposed of under these circumstances? Will somebody answer me? After it passes the Senate—and God alone knows when that will occur—it will go to a conference, which may continue indefinitely. The November elections are only a few weeks in advance, and there is almost a dead certainty that by the time you pass the tariff bill, get an agreement in conference, and

adopt that conference report, which is the only condition under which you can take up the bonus bill under the conference resolution adopted by the majority, the election will be at hand.

Mr. BURSUM. Mr. President, I suggest to the Senator that there will be time to take up the bonus bill while the tariff bill is in conference.

Mr. ROBINSON. But the understanding is that the bonus bill is not to be disposed of until the tariff bill is disposed of.

Mr. BURSUM. Not at all. My understanding is that after the tariff bill has been voted upon in the Senate——

Mr. ROBINSON. Mr. President, I ask unanimous consent that immediately following the final vote in the Senate on the tariff bill, the Senate shall proceed to the consideration of the bonus bill, without further delay, to its final passage or rejection.

Mr. ASHURST. Mr. President, I want to be heard on that motion.

Mr. ROBINSON. I do not for the present yield the floor.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

Mr. BORAH. I object.

Mr. ROBINSON. I realize that before consent could be granted the roll would have to be called, and if the Senator from Idaho did not object any one of a dozen other Senators would object. The fact is the bonus bill is not going to be disposed of by unanimous consent, or any other form of amicable proceeding. It is a fight to the finish in the Senate, and the sooner the fight is begun, the sooner the fight will be over.

Mr. ASHURST. Will the Senator yield?

Mr. ROBINSON. In just a moment. If you wait until the tariff bill has passed and the forces which are all calling you summon you back to the political battle fields the bonus bill can not possibly become a law during this session, and that is the object of the proceedings of to-day. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, in the public press of yesterday afternoon we were advised that the majority side had held a conference and had determined that after the tariff bill was disposed of they would take up the bonus provided certain other matters of exigency did not interpose. We are now told that that exigency which will interpose itself is the ship subsidy bill.

Mr. ROBINSON. May I ask my friend the Senator from Arizona how many Senators were in the Republican conference which adopted the resolution so enthusiastically presented by my friend the Senator from North Dakota?

Mr. ASHURST. I do not know.

Mr. LA FOLLETTE. Thirty-eight.

Mr. ROBINSON. There were 38 Senators, I am informed by Senators about me, some of whom could have been in the conference but were not there because they did not favor that method of disposing of this legislation. There were 38 Senators there; yet the Senator from North Dakota informed us a few minutes ago that his reason for taking this backward step, after having announced here when he reported the bill that he was going to call it up within a few days and secure its passage if possible, was that he had now made certain of the passage of the bonus bill, because the majority side, which control action here, had indorsed the bill. There were 27 for and 11 against the resolution, and nobody is bound by the adoption of the resolution unless he chooses to be bound, and outside of that caucus, muttering audibly and fearfully, stood some of the bravest and best men on the majority side of this Chamber, men some of whom are against the bonus bill, and were unwilling to commit themselves to the resolution for its passage following the tariff bill; others who are for the bonus bill, and who believed that the adoption of the resolution meant defeat or long delay of the legislation. Yet, under those circumstances, we are asked to find that the proceeding to-day, whereby the Senate laid on the table the motion of the Senator from Massachusetts to proceed to the consideration of the adjusted compensation bill, is an act calculated to promote the passage of the measure.

Do not deceive yourselves. When the President made his speech to the Senate a year ago in regard to the adjusted compensation bill, I told the Senate that the recommittal of the bill meant either the death of the measure, or that it would require superhuman exertions to resurrect it. That declaration has proved true. From a legislative standpoint, we are further to-day from the disposition of the adjusted compensation bill than we were a year ago.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON. I yield.

Mr. WALSH of Massachusetts. The Senator read into the RECORD an inquiry which he directed to the Senator from North Dakota a few weeks ago. I wish to read into the RECORD an inquiry I directed to him on May 5 of this year, found on page 6362 of the RECORD, as follows:

> Mr. WALSH of Massachusetts. Mr. President, I understand the Senator from Utah [Mr. KING] desires to take the floor to discuss the pending amendment. While waiting for him, and to save calling the roll, may I ask the Senator from North Dakota whether it is contemplated that a favorable report will be made to the Senate shortly on the soldiers' compensation bill, and whether this tariff legislation will be set aside for a discussion of that bill?

This was May 5.

> Mr. MCCUMBER. Mr. President, I will say that that is the purpose. I want to correct the statement which the Senator made this morning, however, that the majority of the committee had adopted an amended bill. That is not the case. I myself have made a number of suggestions, and in order to have the matter brought before the committee I have prepared an amendment to the bill as it passed the House, and that will be presented not only to Republicans but to Democrats as well, as I want to get something, as I have stated, which will be satisfactory to the Congress, to the Executive, to the American soldiers, and to the public; and to get all those things into one bill may be a little difficult.
>
> Mr. WALSH of Massachusetts. How long does the Senator think it will be before the bill can be reported to the Senate?
>
> Mr. MCCUMBER. I hope we shall be able to report it within a week.
>
> Mr. WALSH of Massachusetts. When the bill is reported to the Senate, the Senator proposes to lay aside the tariff bill in order to have that measure considered?
>
> Mr. MCCUMBER. Yes. I assume that it will not take more than a day or two at most to dispose of it.

Mr. ROBINSON. Mr. President, I had not stated, except in a very general way, what transpired between myself and the Senator from North Dakota when the bill was reported. It will be remembered that when he undertook to report the measure objection was made; it was not then in order to make the report except by unanimous consent. Subsequently, largely through my efforts, and as a result of an understanding with the Senator from North Dakota, the bill was reported, and when I suggested that it ought to be called up within two or three weeks, the Senator from North Dakota expressed the opinion that that was an unduly long time to wait; that it ought to be disposed of, or consideration of it begun, within a week or 10 days. I had that understanding with him, and left the city under imperative necessity, to be gone 10 days, and was notified to be back at the end of 10 days. Compliant with that arrangement, in order that further delay might not occur—and there was a manifestation of restiveness at even that delay—I came back, only to find that the question had been taken into a political conference, or caucus; that with only a few more than a majority constituting that caucus present, it had been agreed by a vote of 27 to 11, less than a majority of the entire conference present voting for the resolution, to postpone the bill until after the tariff legislation is disposed of.

Everyone knows that the President has not consented to this arrangement. Everyone knows that the President of the United States is now insisting, as he has for a long time been insisting, that the adjusted-compensation bill must take its place behind the so-called ship subsidy bill, and from what transpired here once before, a year ago, I think the Senate is quite likely to follow the President's suggestion, for when he then asked that the bill be recommitted to the committee, or delayed, although the Senate had discussed it at great length, had reached a conclusion, and was ready for its final disposition, it complied with the President's recommendation and sent the bill back to the committee. Now, with an understanding, at least by those who favor the bill, that it should be taken up and pressed to a vote at once, it is sidetracked, with the distinct understanding that it shall not come up for consideration until after this tariff bill, with its 2,087 amendments, has been disposed of, and with the assertion by the President that it must not come up until the ship subsidy bill has been disposed of.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. ROBINSON. I yield.

Mr. JONES of Washington. I did not know that the President had made a statement to the effect that the bonus bill should not come up until the shipping bill had been disposed of. I want to say to the Senator, as chairman of the Committee on Commerce, that much as I desire the early passage of the shipping bill, much as I believe that it is necessary for the building up of a merchant marine, I will not, as chairman of that committee, bring the ship subsidy bill before the Senate ahead of the bonus measure, under the action taken by the Republican conference yesterday.

Mr. ROBINSON. Mr. President, that would seem to be a very gratifying assurance to the friends of adjusted compensa-

tion legislation, coming from so eminent authority; but when I recall that a year ago the Senator from North Dakota occupied a much more aggressive attitude on this subject than the Senator from Washington now occupies, and when I compare the natures of the two Senators, I am inclined to think that if the presidential influence, which overcame my good friend the Senator from North Dakota and made him, in my opinion, reverse his attitude on this subject, is brought to bear upon him the same may be expected of the affable, genial, and able Senator from Washington.

Mr. JONES of Washington. Mr. President, I do not think the Senator is justified in making a statement like that until he sees some action of that kind on my part.

Mr. ROBINSON. The Senator from Washington voted to recommit the bill, and he voted——

Mr. JONES of Washington. The Senator is mistaken in that. I voted against recommitting it.

Mr. ROBINSON. I was misled by some of my colleagues, who so informed me.

Mr. JONES of Washington. Yes; that is the difficulty. They do not know. They do not look up the RECORD to know.

Mr. ROBINSON. How did the Senator vote to-day on the motion to table the motion of the Senator from Massachusetts to take up the bill?

Mr. JONES of Washington. That is of record. It appears how I voted to-day.

Mr. ROBINSON. But the Senator knows, and I do not know. Will the Senator be good enough to tell me how he did vote to-day?

Mr. JONES of Washington. I voted "yea" to-day. I voted "nay" on the proposition to recommit the bill.

Mr. ROBINSON. The Senator's attitude is worse now, so far as friendliness to the measure is concerned, than it was a year ago, for then he resisted the pressure of the Executive to send the bill back to the committee, but to-day he has yielded to it, to put the bill behind tariff legislation. In view of that fact, I can not permit my beloved friend the Senator from Washington to take exception to my statement that when the thumbscrews are applied to him he will yield a little more quickly than did the Senator from North Dakota at the time the adjusted compensation bill was first considered.

Why, Mr. President, we understand this measure. I have not the slightest doubt that the Senator from North Dakota wants it disposed of. I have not the slightest doubt that he is in good faith in his efforts to get it disposed of.

The only regard in which I differ with him is that he is taking a course which, when considered in connection with the history of the bill, retards rather than promotes its passage. The very small vote that adopted his resolution in the conference, nine members there standing out against it, and the deafening opposition to his resolution on the outside from Senators entitled to be in the caucus but who deliberately refrained from participating in it, are not assuring that further delay will secure the certain passage of the bill. I can not resist the conclusion that the bonus bill is further from passage to-day than it was a year ago, when it was sent back to the committee, over the opposition of the Senator from North Dakota. He stood up then gallantly and, while he recognized the influences which were overwhelming him, carrying the bill back to its resting place in the committee, he voted against the motion to recommit.

How did he vote to-day on the motion to lay on the table the motion by the Senator from Massachusetts to proceed to the consideration of the bill? If I remember correctly, he not only voted to table that motion but he made an argument in favor of tabling the proposal to proceed to the consideration of the adjusted compensation bill. The argument was that if we pass the tariff bill first Senators who are against the adjusted compensation bill will help pass it then. Be not deceived. This is a fight to the finish. Propaganda has been carried on for the bill and propaganda—the best organized the country has ever seen—has been employed against it and is still continued. The longer the vote is delayed the worse the situation will become from every standpoint.

We understand the measure, and we ought to vote on it. Some time within the next few days I want to get, if I can, a direct test on the motion to proceed to the consideration of the bill. When that vote has been taken I shall content myself with the decision of the Senate. I want the Senate to dispose of the question in its own time and in the conscience and judgment of the Members of the Senate. I recognize that it is an issue about which Senators loyally devoted to duty may well differ, but it is not an issue that courageous Senators may dodge or shirk. It is an issue that ought to have been met a year ago. It is an issue which, if postponed, will inevitably inject itself into politics throughout the country. Let us take up the bill and vote on it. Vote our conscientious judgment. If this is promptly done, I shall be satisfied, whatever the result shall be.

Mr. ASHURST. Mr. President, the Senator from Arkansas announced that at an appropriate time he would move to proceed to the consideration of the adjusted compensation bill. The Senator from Massachusetts [Mr. WALSH] this morning made such a motion, and the Senator from Indiana [Mr. WATSON] moved to lay the motion on the table. Word was conveyed to us that a point of order would be sought to be interposed against the motion upon the ground, under Rule XXII, which provides that "when a question is pending no motion shall be received but the following." So, while it is only academic now, when a motion is hereafter made to move to proceed to its consideration the question then will have to be settled. I have examined the precedents, and there is no doubt that the motion is in order.

When the force bill was pending the force bill was the unfinished business. Senator Wolcott, of Colorado, of gracious memory, moved to proceed to the consideration of the apportionment bill, although the force bill was the unfinished business. I do not believe a point of order was raised. The Vice President was at luncheon and he was hurried upstairs so he might be here in the event of a tie vote. Of course, if a point of order would lie, it would have been raised on the force bill, but that question was conclusively settled in 1912.

The esteemed Senator who so fairly presides over the Senate at this moment [Mr. CUMMINS] had in charge, in 1912, a resolution proposing to amend the Constitution so that thereafter no President should be eligible for a term of years longer than six or for more than one term. The Senator from Iowa [Mr. CUMMINS] was pressing that resolution with his usual ability. While the resolution, to wit, Senate Joint Resolution 78, in the Sixty-second Congress, was pending, and on the 21st day of August the Senator from Pennsylvania, Mr. Penrose, rose to make a personal statement, and thereafter the Senator from Texas [Mr. CULBERSON] made the following motion:

Mr. CULBERSON. I move that the Senate proceed to the consideration of the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections, and to limit the amount of such contributions by individuals or persons.

The PRESIDENT pro tempore—

The Senator from New Hampshire, Mr. Gallinger, was President pro tempore. A number of Senators inquired if this motion would displace the unfinished business.

The President pro tempore said:

The motion would have been in order if the unfinished business had been before the Senate.

A little later:

Mr. BACON. I think, with that fact, undoubtedly the motion prevailing to take it up would displace the unfinished business.

The PRESIDENT pro tempore (Mr. Gallinger). It was so made; and the Chair is of opinion that under the circumstances the unfinished business will be displaced if the motion prevails. (See CONGRESSIONAL RECORD, p. 11468.)

This decision was rendered on August 21, 1912, Sixty-second Congress, second session.

Mr. LENROOT. Mr. President, I am quite sure the Senator from Arizona is laboring under a misapprehension as to what the possible point of order was. I do not think anyone would claim that a motion would be in order while there was another question pending before the Senate.

Mr. ASHURST. Every syllable from the Senator from Wisconsin is important. Will he repeat what he said; I did not hear it?

Mr. LENROOT. The only question that could arise was whether an amendment was pending and a question before the Senate, whether a motion be in order until that amendment had been disposed of; but the moment it was voted upon, I do not think any Senator could claim that the motion would not be in order.

Mr. ASHURST. I am gratified.

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. Will the Senator let me finish my sentence? There might, I concede, be some doubt as to whether a motion would be in order while a particular amendment was pending if a roll call had been ordered. I now yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. If it is doubtful and possible, then, of course, the Presiding Officer, by recognizing the Senator in charge of the bill, like the Senator from North Dakota in charge of the tariff bill, can prevent any motion ever being made to take up any other question.

Mr. ASHURST. Assume that a question is before the Senate and a roll call has been ordered; I venture the opinion that the roll call must be had on that amendment.

Mr. WALSH of Massachusetts. Accordingly he could arrange with the Chair to recognize him after the vote on the amendment.

Mr. ASHURST. I will ask unanimous consent to include in the RECORD a brief citation from Gilfry's Precedents, under the heading of August 21, 1912, Sixty-second Congress, second session, which appears on pages 559 and 560, with reference to the propriety or eligibility of a motion to displace the unfinished business. It is only a few paragraphs. I do this so that in the future we will not be obliged to discuss the point of order when the motion is made.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From Gilfry's Precedents, pp. 559, 560.]

Although the unfinished business is temporarily laid aside, a motion to take up another bill, if carried, will displace it (62d Cong., 2d sess., August 21, 1912).

CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. I move that the Senate proceed to the consideration of the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

The PRESIDENT pro tempore (Mr. Gallinger). The Senator from Texas moves that the Senate proceed to the consideration of Senate bill 3315.

Mr. CUMMINS. I call for the regular order.

Mr. CULBERSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. I ask whether, having laid aside temporarily the unfinished business, this would interfere with it?

The PRESIDENT pro tempore (Mr. Gallinger). It will displace it, the Chair suggests, if the motion is carried. The motion would have been in order if the unfinished business had been before the Senate. The Chair recognized the Senator from Texas, and he made the motion.

* * * * * * *

Mr. CUMMINS. Mr. President, the Senator from Georgia is under a misapprehension. I did demand the regular order. It was not demanded, however, until after the motion of the Senator from Texas [Mr. CULBERSON] was made; but as soon as I could thereafter I demanded the regular order.

Mr. BACON. I did not know of that fact.

Mr. CUMMINS. I think the RECORD will show that to be so.

Mr. BACON. I think, with that fact, undoubtedly the motion prevailing to take it up would displace the unfinished business.

The PRESIDENT pro tempore (Mr. Gallinger). It was so made; and the Chair is of opinion that under the circumstances the unfinished business will be displaced if the motion prevails. (See CONGRESSIONAL RECORD, pp. 11468, 11469, 11470.)

The PRESIDENT pro tempore. If the Senator from Arizona was directing his remarks to the suggestion the Chair made to the Senator from Massachusetts, he is entirely aside from the question. The Chair remarked to the Senator from Massachusetts that his motion would be in order the moment the pending amendment was disposed of.

Mr. ASHURST. The suggestion to which I was responding came from other esteemed Senators and not from the Chair.

Mr. HEFLIN. Mr. President, I ask the Secretary to read the telegram which I send to the desk. This is one of many requests that have come to me in behalf of adjusted compensation.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ANNISTON, ALA., *June 19, 1922.*

J. THOMAS HEFLIN,
United States Senator, Washington, D. C.:

On behalf of the 100,000 ex-service men of this State, their wives, mothers, and dependents, the American Legion appeals to you to use your influence to set aside tariff bill and take up adjusted compensation bill instead. Similar action was taken in behalf of Army and Navy appropriation bills, and we consider our bill of a more pressing nature than either of those measures.

HARRY M. AYERS, *Commander.*

Mr. HEFLIN. Mr. President, in April, 1917, every other measure was laid aside except that providing for the calling of these boys to the colors. Nothing stood in the way of clothing them with uniforms and equipping them with guns to go to Europe to fight for the flag. Everybody seemed to be of one mind that that thing should be done and done at once. These boys went according to the demand of Congress; they served the purpose for which they went; they returned to the country that they had saved, but now they must wait, wait, and wait for simple justice until consideration is given to every kind of measure. They have waited for two years, and the Republican Party has been in power in the other House and the Senate since March 4, 1919, but adjusted compensation has not been given to those faithful boys who saved our country in the hour of its peril.

This same Congress, controlled by the Republicans, has paid out hundreds of millions of dollars to men who furnished material, a great deal of which was never used but left in the hands of the contractor. A great deal of it was never used by the Government. The taxpayers of America were held up in order to get money then to settle every one of these contracts that dealt in the commerce of the country, but the man who offered his life for his country, who exposed himself to the battle fire of the most destructive modern war machine in all the world, the man who offered his life for his flag can not get an act through Congress to permit him to see whether or not the country is still owing him anything for his service.

Mr. President, this presents a sad spectacle to those of us who still believe that this is a Republic and that it belongs to the American people. The soldier who offered his all stands here knocking at the door of this Chamber asking that you pass a measure to see whether or not the Government is owing him something. He is asking for adjusted compensation. Has he not got a right to do that? Certainly he is entitled to that consideration. Why not grant this request of his?

Mr. President, the Senator from Arkansas [Mr. ROBINSON] is right—that a propaganda against the adjusted compensation measure is being carried on. Literature is being sent out from New York and from other places to business men and bankers here and yonder asking, "Do you want your taxes raised? Do you want the burden of taxation increased? If you do not, write your Senator or your Representative or wire them to vote against the bonus or adjusted compensation." That is what is being done.

Mr. President, the men who got the money out of the Treasury for their contracts—every dollar of it—are sitting back with their big bank accounts, when they charged their Government all sorts of profits during the time of its peril, and are now expending some of that money to carry on a propaganda to prevent those boys who served the flag from getting something upon which to live in the land that they saved. Senators, it is a sad situation that confronts us here to-day. The tariff baron is put ahead of the American soldier. We hear that you intend to cancel the foreign debt. It is talked around here that there is a meeting of certain newspaper men in London right now; that men from New York, the East generally, some from the South, the West, and the North, are over there quietly agreeing on a propaganda to oppose the men who want to collect our foreign debt and use a portion of it in squaring the account with our soldiers.

Mr. President, the adjusted compensation bill which is pending before the Senate is not a satisfactory measure. If it shall pass the boys will then have to wait for a time for the payment provided; they will have to try to negotiate with the banks; they will have to try to borrow on their certificates. You do not intend to pass any sort of a bonus without giving somebody a chance to get something out of it. If ever you pass a bonus bill here you are going to tie strings to it in such a way that somebody will profit by it at the expense of the soldier. That is what you are preparing to do.

Now, why do you not pass a resolution following the line suggested by the Senator from Tennessee [Mr. MCKELLAR], the Senator from North Carolina [Mr. SIMMONS], myself and others, and collect the interest on the debt due us by foreign nations, and take some of the principal, if necessary, to pay this bonus outright and wipe the slate clean, pay these soldiers of our country, settle this debt, make them happy, give them something to live on in a country where you are drying up the resources of the people by your misuse of administrative power.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. My friend from Alabama will remember that my plan was to reissue the money which the Federal Reserve Board has called in and destroyed. The contraction of the currency by the Federal Reserve Board has prostrated the industries of this country and has brought countless millions to ruin. Why not put back that money into circulation and thus reinvigorate industry throughout every portion of the Union at once?

Mr. HEFLIN. Mr. President, that would be done if the suggestion of the Senator from Georgia could be followed. I have advocated that; I have said frequently, as has the Senator, that they withdrew from circulation vast quantities of money and they contracted credit so that business was stifled and practically choked to death in the United States. That money put back into circulation would make things literally hum; but you are not going to do that. Wall Street does not want it; Wall Street controls the money supply and is making millions by that control. Wall Street has bought up all the bonds that you drove out of the possession of the small bond buyers, men and women the country over, and is watching the price go up and up. Wall Street does not want any more money put into circulation; it is doing too well as it is.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to the Senator.

Mr. WATSON of Georgia. What I suggest would not tax anybody one cent; it would put back into circulation the money which the Federal Reserve Board retired and destroyed, and that money going to the soldier as a bonus would electrify North and South, East and West, every community in the Union and at once resurrect the prosperity which the contraction policy of the Federal Reserve Board destroyed.

Mr. HEFLIN. That is true, Mr. President. We have the gold now upon which we could issue those notes and never even get in the neighborhood of the reserve required under the law. We have got nearly half of the gold supply of the world, and yet you can not issue money on it, because Wall Street does not want it done.

Now, who is it that is fighting this bonus to the death? It is the agents of Wall Street, the big financial concerns of the country. They have got some of the big dailies attacking me, the Senator from Arkansas [Mr. ROBINSON], the Senator from Georgia [Mr. WATSON], the Senator from Arizona [Mr. ASHURST], and other Senators who dare to stand here and plead in the name of the men who saved the flag in the hour of the country's peril. They do not answer our argument; they do not undertake to do it; they classify us as demagogues. Mr. President, to be called a demagogue by one of these sheets that can be bought just like a sheep in the market place can be bought is a compliment to a gentleman; it is a compliment to a patriot; it is a compliment to an American statesman, who will not lower his arm or bend his knee to the corrupting influences back of such sheets. They have no convictions, poor, spineless simps; they write what they are told to write. I mean no reflection upon the many honest and clean newspaper men in the country. I am talking about the other gang.

Mr. President, we frequently find a situation here that reminds us of the wheat field that the Master spoke about when they found the tares in the field. He told them to let them alone until they grew up large enough so that they could tell the tares from the wheat, and then to pluck up the tares and bind them and burn them; but there was a time when the tare and the wheat looked alike. You could not tell which was which or one from the other; but after a while you could easily distinguish the tare from the wheat.

So it is in this Chamber. At times it is hard to distinguish the tare from the wheat; then, again, anybody can tell the difference. That is when the tare can no longer hide its identity.

I have been in public life here several years, and I have known some men, mere timeservers, to remain in the public service for a long time, purely because some of the big daily newspapers backed them and boosted them and deceived the people regarding them. I have noticed that when the issue is squarely drawn and predatory interests call such men, they take their positions on the side of such interests.

What is a demagogue, in their estimation? It is a man who stands up and uses his talents, his energy, and his strength in trying to serve his country. It is a man who wants to do what is right by capital; it is a man who dares to do what is right by the farmer and the laboring man. It is a man who champions the cause of the common masses. He is a demagogue in the eyes of purchased newspapers; but what, in their opinion, is a statesman? He is a fellow that shuts his eyes, who has no thoughts of his own, puts his conscience to sleep, does the bidding of the boodle bosses, votes what they tell him to vote, and remains silent when they tell him to be still. He is a knot on a log, a misfit in the universe of God, and ought not to be in either branch of Congress. That is the fellow they call a statesman; and the other fellow, who really fights for what he thinks is right, they call a demagogue. They do that because they have not any champion that can answer him. They have not any champion that can meet his lance in the arena and stand up before his sword point in battle, and they just denounce him as a demagogue and dismiss him.

Mr. President, it will be a sad day when this country is to be run by these few fellows over there. One New York editor is now on the pay roll of the Federal Reserve Board or bank in New York, I am told. He used to be on the pay roll of the Federal Reserve Board here in Washington. I wonder if you will see that in the papers to-morrow. He is now, so I am informed, one of the editors of a big New York paper. It is claimed that he is now on the pay roll of either the Federal Reserve Board or the Federal Reserve Bank of New York, writing editorials on a big daily in the city of New York. No wonder they can have these things done. They draw money out of the purse of the people, and when somebody stands up and says: "This is wrong; stop, thief!" they just reply that he is a demagogue.

Mr. President, there was no clamor to postpone action when the profiteers' bill was up, when they wanted to take off the excess-profits tax. Nothing was permitted to stand in the way of that. It went through under the driving power of the Republican side of this Chamber. Excess profits? Why, Senators, the name of it suggests that it is a just tax. I make a profit, a reasonable profit, a fair profit, and then on top of that an excess profit. That is above a fair and a reasonable profit, and we taxed that in the hands of the mighty rich. The Democratic Party made them pay a part of it to help pay the war debt and run the Government; and what did you do? You stood over there under whip and spur, sidetracked everything, and took off that tax, while the soldiers' adjusted compensation bill had to wait. When those contract measures came in, and these men were pressing for a settlement, it was said: "Why, you didn't get your material ready in time. The war had ended." "No; but I went and invested my money in this machinery, and I went to work, and I was getting it out when the war ended. I want my money"; and we paid him, while the soldiers' adjusted compensation had to wait.

Then I saw that bill on the calendar a year ago, and the President came down and urged you to sidetrack it, and it was carried back into the committee room and laid to rest while profiteers could get up a propaganda to kill it outright in the Senate. You said that it would be brought out sometime soon. One month went by, 3 months, 6 months, 9 months, 12 months, and it has not been brought out yet; and to-day the same party that promised these boys who are in need—and they are in dire need, many of them—that you would get quick action on it; to-day you voted to sidetrack it again in this Chamber—for what? To take up a tax bill, a bill not to tax the profiteer, because you have taken that off; but to tax what? To tax the necessities of life. One of the items, as I have mentioned heretofore, is salt, that goes into the people's bread. You put a tax on that. You raised the tax on that. You placed a tax on salt that amounts to 40 cents a 200-pound sack.

Mr. President, I am not going into that in detail, but every article of wearing apparel is taxed; farm implements, cooking utensils, are taxed; sewing outfits, needles, sewing machines, and all. You have taxed all the necessities of life, and you sidetracked the soldiers' adjusted compensation bill in order to take up that measure, to go on and tax these soldiers and tax their fathers and mothers and tax their loved ones to make the tariff barons even richer than they are. You sidetracked the bill that offered justice to the soldier in order to enrich these men at the expense of the American people.

Why did you do that? Why, they had a conference here last week, and you had a meeting down here in the nighttime, and it was understood, so it was suggested, that they were going to contribute to your campaign fund, and they mapped out the policy, and they told you that you had to put this tariff bill through before you got anything, and here you are jamming it through and the soldier must wait. You say to the soldiers, you who bared your breasts on the battle line 3,000 miles away and offered to die for us, stand back! These tariff barons have sent forth the edict, and this bill must go through and you must wait—wait while a propaganda is going on out of Wall Street in New York to kill the adjusted compensation bill altogether; wait until a ship subsidy bill can be passed, and the Ship Trust can take thirty-odd millions of money out of the Treasury and put it in their pockets, and squander the merchant marine that we built up, the greatest in the world except that of Great Britain.

Now we are going to have to sell these ships for practically nothing to the Ship Trust, and then pay them to run them, and all the while the soldier must wait.

Mr. President, the Senator from North Dakota [Mr. MCCUMBER], in reply to the Senator from Massachusetts [Mr. WALSH], said he did not think it would take more than a day or two to pass this bill. What do you think of that, Senators, and what does the country think? It would take only two days to dispose of this bill, that means so much to hundreds and thousands of soldiers who are out of employment and in need of food and clothes—only two days—and you will not give these boys two days! You are going to hold before this body a bill that will take six weeks and maybe longer and the soldier must wait.

Mr. President, the weather is warm and the temptation is to keep as cool as we can during these hot days; but when the Senator from Arkansas [Mr. ROBINSON] was making his strong and splendid speech in behalf of these boys this hot day I thought of how many of these brave boys offered to give their all for us at a hotter place than this, and I said: "I can spend some time and endure the heat in letting them know that there are some of us who still remember them, who still appreciate

their valor and heroism, and who will never cease to be mindful and grateful for the hardships and privations that they endured for us. We will always cherish in our heart of hearts their service to us and ours." The telegram read from the commander of these boys in my State speaks for a hundred thousand of them.

Humanity on the one hand and greed and avarice on the other. Choose ye this day which you will serve in the American Congress. Whose bidding will you do? Are you going to go to the rescue of these men, who are now in distress and who served and saved the Nation, or the men to whom you have turned over the instrumentalities of the Government?

Thank God, the day is not far distant when you must give an account of your conduct, when the conscientious men and women of this Nation must speak for themselves and their country. When they speak, I know what their verdict will be. I know that they will remember—well do they remember—when the boy walked out at the gate and his father and mother kissed him good-by when he went away, perhaps never to return. I know that they remember what happened in the millions of homes in our country as these boys came up from the peaceful pursuits of life, giving up good positions, many of them with their love and faith plighted to some splendid girl in the neighborhood, and bade their sweethearts good-by, to die, if need be, on a foreign battle field, a stranger among strangers.

When these boys gave up their business pursuits, walked out and left lucrative positions, many of them trying to get a start in the business world—stalwart, strong young Americans—when they went to the battle front, leaving all this behind, on every hand they heard "God bless you. There is nothing too good for you boys. Love, gratitude, and justice will always be yours at the hands of this great Government." And yet we are told that some of them since they returned, failing to find work, have died of hunger in the homeland. Out on Boston Common, in the State of Massachusetts, they stripped them to the waist and offered to sell them upon the block—the boys who had worn the uniform and offered to die for their country! What do you think of that, Senators? As one would mount the auction block there stood the auctioneer, saying: "Who will make a bid for this man? He will turn himself over to you like a slave. He was a brave soldier on the battle front in France. He stood four-square to every wind that blew over there. Over there he defied the German Army. Over there he was a terror to the Hun. Over there he broke the power of the German Army, snatched victory from defeat on the western front, and bore his flag back home victorious. Here he is. Who will offer a bid for him? Who will bid for this American youth? Who will buy this boy? He can not find employment and he is starving in the richest land in all the world. Who will buy him and give him a chance to live?"

That happened right here in the United States, and I hang my head with shame and humiliation when I see a majority in this body vote to-day to deny that boy adjusted compensation. Shame on you and the power that has such control over you.

What power is it? How long, God of our fathers, will it be before the American people wake up and do justice, full and complete justice, to the men who offered to die, and whose comrades did die, on the battle fields of France?

Mr. LENROOT obtained the floor.

Mr. CALDER. Will the Senator yield to me?

Mr. LENROOT. I yield.

CLAIM OF HOBOKEN, N. J.

Mr. CALDER. I ask permission to report back favorably, with an amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate Resolution 254, a resolution introduced by the senior Senator from New Jersey [Mr. FRELINGHUYSEN] providing for the appointment of a committee of three Senators to inquire into and investigate the claims of the city of Hoboken in connection with the damage suffered by that city because of the Government taking over the piers of the North German Lloyd Steamship Co. and the Hamburg-American Line Terminal & Navigation Co. The resolution simply authorizes the Committee on Claims to appoint a subcommittee to go to the city of Hoboken and examine into the facts. I ask unanimous consent for its present consideration.

Mr. HITCHCOCK. I would like to have the resolution read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution, which had been reported from the committee on Claims with an amendment, on page 1, line 2, to strike out the word "Commerce" and to insert in lieu thereof the word "Claims," was read, as follows:

Resolved, That a committee composed of three Senators, of the Committee on Claims, to be appointed by the chairman of such committee, is authorized and directed to investigate the claims of the city of Hoboken, N. J., for losses and damage sustained by such city as a result of the acquisition and retention by the United States of certain docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights, and other rights, estates, and interests therein or appurtenant thereto, on the Hudson River, formerly the property of the North German Lloyd Dock Co. and the Hamburg-American Line Terminal & Navigation Co., and to report its findings to the Senate, with such recommendations as it deems proper. Such committee is authorized to hold hearings and to sit during the recesses or sessions of the Sixty-seventh Congress, at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings and finding at a cost not exceeding $1.25 per printed page, the expenses of such investigation to be paid from the contingent fund of the Senate.

Mr. HITCHCOCK. I think before we consent to the resolution we ought to have some explanation from the Senator.

Mr. CALDER. Before the war the North German Lloyd Steamship Co. and the Hamburg-American Line Terminal & Navigation Co., two German-owned companies, operated a number of piers on the New Jersey side of the Hudson River, in the city of Hoboken. They paid a very large sum of money to the city of Hoboken in taxes—perhaps one-fourth of all the revenue collected by that city in taxation. The war came on and this property was taken over by the Government, the payment of taxes, of course, ceased, and the Government has not paid any taxes to the city of Hoboken.

Since the war, however, the Government, through the Shipping Board, leased these piers, rentals are being paid for those piers by private concerns, and the Senator from New Jersey [Mr. FRELINGHUYSEN] is desirous that this matter shall be investigated; that a committee of the Senate shall go to the ground, examine into the facts concerning the matter, and then make report to the Senate. The resolution does not commit the Senate to any action, I will say to the Senator from Nebraska, except an inquiry on the ground by three Senators. It will probably cost the Senate contingent fund $150 or $200 for the expenses of those Senators going there and making the investigation, and that is all.

Mr. HITCHCOCK. I would like to ask the Senator whether this property is in any different condition from any other property controlled by the Alien Property Custodian?

Mr. CALDER. This property is not now in the control of the Alien Property Custodian. It is under the complete control of the Shipping Board, and the Shipping Board are leasing these piers to private operators and obtaining rentals for them. The Senator from New Jersey is anxious that that may be inquired into.

Mr. HITCHCOCK. Is it still held in trust by the Alien Property Custodian?

Mr. CALDER. No; it is not.

Mr. HITCHCOCK. Has the title been transferred to the Government?

Mr. CALDER. It has.

Mr. HITCHCOCK. And the interests of the German owners have been foreclosed?

Mr. CALDER. They have.

Mr. HITCHCOCK. I did not know how that was.

Mr. CALDER. The only difference between this and any other resolution of the same character is that this permits a subcommittee of three to visit the premises and to inquire into the circumstances surrounding the matter.

Mr. HITCHCOCK. I want to say to the Senator that all the property now held by the Alien Property Custodian belonging to citizens of the United States, in my opinion, ought to be returned now, without any further delay, and I do not see any reason why preference should be given to a community when there are thousands of people, resident in the United States, who are suffering as the result of the taking over of a lot of property which ought to have been returned before this time.

Mr. CALDER. I quite agree with the Senator. I am very much in favor of the return of the property, but this property was never in the possession of the Alien Property Custodian. It was taken over by the War Department, who took possession of it, then acquired title to it, and own it. They have recently transferred it, under the operation of the shipping act of a year or two ago, to the Shipping Board, and these piers are now under the complete control of the Shipping Board.

Mr. HITCHCOCK. Wherein does the damage to the city of Hoboken consist?

Mr. CALDER. For a long time before the war the city of Hoboken taxed this property, the property of private institutions, and they paid very large sums of money in taxes to the city of Hoboken. The property is not paying any taxes now.

Mr. HITCHCOCK. Does the Senator take the position that the Government is responsible for taxes—that it is not permitted to appropriate property in this way without assuming the burden of taxation?

Mr. CALDER. Of course, the Senator from New York knows that the Federal Government does not pay taxes to any municipality on any Government-owned property; but this seems to be so different from any other condition in the country that the Senator from New Jersey [Mr. FRELINGHUYSEN] is anxious to have the matter inquired into. It does not commit the Senate to any plan of action. It has been recommended unanimously by the Committee on Claims, and it was referred to my committee for its approval only because we have to recommend the payment of money from the contingent fund.

Mr. HITCHCOCK. I think it would be rather a dangerous precedent to establish to hold that the Government of the United States should respond in damages to any locality in which it had acquired property by lawful means.

Mr. CALDER. That probably will be the final determination of the committee, and I have no desire to commit the Senate to any other action.

Mr. HITCHCOCK. What is there for the committee to investigate, then?

Mr. CALDER. I will ask the Senator from New Jersey to answer that.

Mr. FRELINGHUYSEN. Mr. President, I think I know something about the resolution, inasmuch as I introduced it.

When this country entered the war the United States seized the Hoboken piers. They took over several million dollars' worth of property which was formerly taxed by the city of Hoboken. These piers are within the city. The municipality furnished certain facilities, such as fire protection, police protection, and so forth.

Mr. SIMMONS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SIMMONS. I want to inquire, How did this matter get before the Senate?

The PRESIDING OFFICER. The Senator from New York asked leave to have the resolution which he reported considered by the Senate.

Mr. SIMMONS. I thought perhaps the Finance Committee had temporarily laid aside the tariff bill.

Mr. SMOOT. Not at all.

The PRESIDING OFFICER. The Senator from New York [Mr. CALDER] asked unanimous consent to have the resolution considered.

Mr. SMOOT. Unanimous consent has not yet been given, I will say to the Senator from North Carolina.

Mr. FRELINGHUYSEN. I hope I may be allowed to explain it, and that the resolution may be passed.

Mr. LENROOT. Mr. President, I have the floor, and I would like to know if this is going to lead to extended debate.

Mr. FRELINGHUYSEN. If the Senate is not satisfied with my explanation, and will not decide to send the subcommittee of the Committee on Claims to investigate, I shall simply ask that the resolution lie on the table.

The city of Hoboken was deprived of some $160,000 to $170,000 in taxes, which resulted in a very heavy burden being placed on the taxpayers of that city, inasmuch as the city is small in area, about a mile square, and by reason of being deprived of this taxable property, the tax rate went up some 40 to 50 points.

There has been a certain question of fact raised in regard to the extent of the damages and the extent of the facilities furnished by the city to the Government, and I introduced the resolution to provide that a subcommittee of the Committee on Claims shall investigate the facts. It involves no action by the Congress. It is simply an investigation of the facts concerning the relation of the Government to the city of Hoboken, and whatever losses or damages may have been incurred by the seizure of this property, in order that Congress may determine, when the facts are before it, whether any reimbursement should or should not be made.

The city of Hoboken have asked that an investigation be made, I have introduced the resolution, and I understand a subcommittee at very small expense will visit the city and take testimony and ascertain the facts regarding it.

Mr. HITCHCOCK. Wherein does it differ from an ordinary claim which can be presented to the Committee on Claims, with the resultant evidence? It is just a mere matter of figures, is it not?

Mr. FRELINGHUYSEN. Twice the Senate has passed bills for reimbursement for such taxes, and each time some question of fact has come up as to the extent of the facilities afforded by the city. I have felt, and I still feel, that some investigation should be made, informally, in order that the true facts in relation to it might be the subject matter of a report.

Mr. SMOOT. Do I understand that there is a move on foot for the Government of the United States to pay for damage which may come to Hoboken through the purchase of property by the Government, which resulted in the cessation of the payment of taxes on that property to the city?

Mr. FRELINGHUYSEN. There is no question of damages. The question is whether the city should be reimbursed by the Government, in view of the fact that the Government is now leasing this property as business property, or contemplates doing so, and intends to get a return. The question is one of determining whether the Government should or should not consider a claim for taxes.

Mr. SMOOT. We have nearly half of our State in that same condition to-day. The Government of the United States leases large areas of land to cattlemen and sheepmen, and keeps the title to that land. We can not tax a single foot of it, and we have to maintain our form of government on taxes paid on about 37 per cent of the area of the State. It seems to me it involves a question which would be far-reaching.

Mr. FRELINGHUYSEN. If the resolution contemplated any action by Congress, that would be different; but several times the War Department have asked for certain facts, which we have not been able to furnish by reason of the fact that the Government owns this great property in the city, is now leasing it, and is getting a return for it. The question is as to the nature of the facilities now afforded by the city of Hoboken to the Government—the fire protection and the police protection. It seems to be a matter for investigation and information. I hope the Senator will not object, in view of the fact that it is simply to procure the facts.

Mr. UNDERWOOD. Mr. President, I do not like to object to a resolution of inquiry; but this resolution involves too much to let it go through without thorough consideration. I think I understand the situation in reference to this property, and what I understand carries out substantially what the Senator from New Jersey has said as to the facts. I do not think there is any dispute about the facts in the case.

This property belonged to the German steamship companies, and when we confiscated certain property belonging to the Germans in time of war, we took this property. Subsequently the Government transferred it to the Shipping Corporation as a piece of property. It now belongs to the Government of the United States, just as the forest reserves do, just as the fort sites, such as Fort Morgan, or Fort Myer, across the Potomac River, belong to the Government. I do not think there is any question in the world about the facts. The case has been discussed before committees of which I have been a member, and I have heard it discussed. This property did pay the State of New Jersey and the municipality of Hoboken large taxes when it belonged to German citizens. It does not pay any taxes now because it belongs to the Federal Government. However, this is no new question.

Mr. EDGE. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator understands, I take it, if he has been on committees which have considered similar legislation, that the difference lies in this particular: That the Government took over the German property and after the war it was immediately used for ordinary business purposes; in other words, leased to private ship companies, and the Government thereby secured a large revenue. Then it became really a business in competition with any other docking or wharfage business along the river.

Mr. UNDERWOOD. Does the Senator propose now to adopt the policy in the United States that all the ships owned by the Federal Government shall be taxed; that the shipyard at Hog Island in Pennsylvania shall pay taxes to the State of Pennsylvania; that the shipyards in my State shall pay taxes to the State of Alabama? It would be an entire reversal of our policy.

I have not any controversy with the Senator on the question involved. Of course, I realize that this property paid a large tax, and that it is unfortunate for his State and the city of Hoboken that the property does not now pay taxes. But if we consent that one piece of property which belongs to the Federal Government in one State shall be subjected to taxes, directly or indirectly, we must apply it to other States. This is the same proposition as a tax, as I see it. If we are going to compensate the municipalities in damages because they lose taxes which would have been collected if the property still belonged to the former German owners, it is the same thing as paying taxes.

The cry has come here for more than a quarter of a century from the great Western States that a great injury was being done to them by reason of the national forest reserves being that much property taken out of the State, because the land was not subject to settlement and was not subject to taxation, as it belonged to the Federal Government, and that it was thus a serious burden to the States in which the forest reserves existed. In some of the forest reserves, perhaps not to the extent that it happened in reference to the property now under discussion, they leased some of the land for the grazing of cattle and sheep and for the cutting of timber, and derived a revenue from it. Yet the Government of the United States has continually maintained the policy that the great Western States are not entitled to tax that Government property.

I do not think we can reverse that policy by the consideration of the resolution before us, a resolution not reported from the law committee of the Senate; and it is a law question, not a question of fact. The facts involved are not disputed. I have heard the question discussed before the committees to which I have belonged, and personally I am sure that as to the facts stated by the Senator from New Jersey there is no controversy, but there is a great legal question as to whether the Government of the United States is going to make an exception to the rule that its property shall be free from taxation.

Mr. FRELINGHUYSEN. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Will not that question arise when the question of legislation is to be determined by this body? I am simply asking that the Claims Committee investigate the claim of the city of Hoboken to ascertain certain facts. The Government took this going concern, this property, and used it for war purposes. Now, I understand the Government contemplates leasing it to private parties, and they will transact business with it as a ship concern. If that is true and the Government is going to do that, is it not justice that some investigation should be made to ascertain the services of the city in the way of fire protection, police protection, schools for the children of the thousands of employees who will be there, and so forth? I simply ask that the Committee on Claims shall make an investigation and report its findings so that the Senate may have the information.

Mr. UNDERWOOD. I will say to the Senator that I do not think anybody disputes the facts. Of course, I realize what the Senator is naturally trying to do. He is trying to give a position to this proposal. I think anyone in the Senate will admit all the Senator says about it, but the same is true with reference to Government property from the Pacific to the Atlantic. The public buildings in my home city do not pay any taxes to the city or the State, and yet they have fire protection and police protection. If one of them caught fire, the engines of Birmingham would go and try to put the fire out.

Mr. EDGE rose.

Mr. LENROOT. Mr. President, I must decline to yield further. It was understood that this matter would not lead to debate.

Mr. FRELINGHUYSEN. If the Senator from Alabama will not permit it to be voted on——

Mr. UNDERWOOD. I dislike to object to the Senator's proposition, and I would not do so under ordinary circumstances, but the question is too vital to be settled in this way.

Mr. FRELINGHUYSEN. I am not asking that the policy be settled. I simply want to get information with reference to the facts.

Mr. UNDERWOOD. I think the resolution ought to go over until we can take it up at a time when we shall have a chance to discuss it fully.

Mr. FRELINGHUYSEN. Very well.

The PRESIDING OFFICER. The resolution will go to the calendar.

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. LENROOT. Mr. President, I rose for the purpose of making one or two very brief observations concerning the debate that has gone on this morning with reference to the soldiers' compensation bill. The Senator from Arkansas [Mr. ROBINSON] occupied nearly an hour of the time of the Senate and the Senator from Alabama [Mr. HEFLIN] occupied almost another hour of the time of the Senate in a discussion of the question. Those two Senators in the time they have occupied, Mr. President, have delayed the disposition of the bonus bill by just the length of time of the Senate they have occupied. I, of course, understand, as the Senate understands and as the country will understand, that those hours have not been occupied by those Senators for the purpose of expediting the consideration of the bonus bill. Those hours have been occupied by those Senators for the purpose of making political capital for the Democratic Party out of the situation.

If this were all that we were to have with reference to the question, it might not be important; but we can look forward to-morrow and the next day and the next day after that to speeches similar to those which have been made this morning upon this question, when every speech that is made by these Senators will delay the legislation which they say they are so anxious to have immediately considered.

Now, what is the status of the proposed legislation? In the first place, as has been said, the bill was recommitted almost a year ago, on the 15th of last July. I was not present in the Senate nor was I in the city at the time that motion was made and voted upon. I find that at that time the following Democrats voted for the motion: The Senator from South Carolina [Mr. DIAL], the Senator from Virginia [Mr. GLASS], the Senator from Utah [Mr. KING], the Senator from North Carolina [Mr. SIMMONS], the Senator from Montana [Mr. MYERS], the Senator from Virginia [Mr. SWANSON], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Mississippi [Mr. WILLIAMS]. The Senator from Tennessee [Mr. SHIELDS], the Senator from Ohio [Mr. POMERENE], and the Senator from South Carolina [Mr. SMITH] were announced as paired in favor of the recommittal of the bill. These Senators fall under the denunciation of the junior Senator from Alabama [Mr. HEFLIN] this morning and the scathing condemnation that he has made of them. Of course, he may, if he sees fit, include his colleague in his charge that a conspiracy exists here. That will be for his people in Alabama to settle.

Mr. President, time went on. On the 18th day of April last at a Republican conference a motion was made and carried by a very large majority that the soldiers' compensation bill be passed at this session of Congress. The bill was reported on the 8th day of June. Yesterday a Republican conference was held, and the question arose and was voted upon as to whether the tariff bill should be temporarily laid aside and the soldiers' compensation bill taken up. I was one of a small minority who voted for setting aside the tariff bill, but we were voted down, and the Republican conference by a very large majority passed the resolution which has been placed in the RECORD this morning, pledging the Republican side of the Senate to make the bill the unfinished business as soon as the Senate votes upon the tariff bill.

That will be done, Mr. President. There is no doubt about it. There is not a Senator upon the other side of the aisle who doubts that it will be done. Indeed, I imagine that possibly some of them are afraid that it will be done, and they would rather not have any compensation bill passed at all, in order that they might have a political issue. They know that it is to be done, and yet we may look forward to hours and hours of time being consumed by these Senators, the only effect of which is to delay the legislation for which they are pleading.

It lies entirely with the Democratic side of the Senate how soon the soldiers' compensation bill shall be taken up and disposed of. If they continue their filibuster upon the tariff bill, it will take some weeks; but if they will confine discussion to legitimate debate upon the questions before the Senate and discuss only the amendments which are before the Senate, we can pass the tariff bill within the next three weeks, and we can get the bonus bill out of the way before the 1st of August. Whether we shall do so or not depends upon Senators on the other side of the aisle.

I do not ask that any legitimate discussion upon the tariff bill be curtailed for one single moment, but for every hour that has been consumed thus far upon the tariff bill in legitimate discussion, Senators on the other side of the aisle have wasted two hours in discussion that either had nothing to do with the bill or was not related to the specific question then before the Senate.

So I repeat that the delay of the soldiers' compensation bill rests with Democratic Senators. The junior Senator from Alabama [Mr. HEFLIN] has been responsible more than any other Senator in the past for delay, and I expect that the junior Senator from Alabama will continue to be responsible in the future. He has a right as a Senator to make just as many speeches as he sees fit and just as often and upon the same subject. That is his right as a Senator, but the effect of it will be further to delay the soldiers' adjusted compensation bill, as every Senator well knows.

Mr. WATSON of Indiana. Mr. President, I offer the motion that I send to the Secretary's desk to have read.

The PRESIDING OFFICER. The Secretary will read the motion.

The Assistant Secretary read as follows:

I move that the bill (H. R. 10874) "to provide adjusted compensation for veterans of the World War, and for other purposes," be, and is hereby, made a special order for 12 o'clock meridian of the calendar day immediately following the calendar day upon which a vote is taken upon the third reading and passage of the tariff bill, so called, House bill 7456, and that said first-named bill (H. R. 10874) shall thereafter be kept before the Senate to the exclusion of all other business—save only such business as the Senate shall by a two-thirds vote declare to be of an urgent character—until it has passed through the regular parliamentary stages and has been finally disposed of.

Mr. UNDERWOOD. I make the point of order against the consideration of that motion. It may be in order to make an order for the consideration of the bill therein referred to, but this portion of the resolution, it seems to me, is clearly not in order:

shall thereafter be kept before the Senate to the exclusion of all other business, save only such business as the Senate shall, by a two-thirds vote, declare to be of an urgent character.

Mr. President, that proposes an entire change of the rules of the Senate. An order of that kind would have to be referred to the Rules Committee of the Senate. One day's notice, at least, is required before the rules of the Senate may be changed. It is in the nature of a cloture rule, because it provides for the manner in which business may be disposed of. I therefore make the point of order that it is an effort to change the rules of the Senate. I am not referring to the first part of the motion, although, of course, I am not in favor of the first part of the motion, because I am not for the bonus bill; but that is neither here nor there. I think a bill may be made a special order at any given time; but an order can not be made which shall govern its consideration, under the rules of the Senate, and that is what the Senator from Indiana attempts to do.

Mr. WATSON of Indiana. Mr. President, I think the Senator's point is well taken, and, if he insists upon it, the portion of the motion to which he refers should be eliminated.

The PRESIDENT pro tempore. Will the Senator from Alabama be kind enough to again state his point of order?

Mr. UNDERWOOD. The point of order was that the latter part of the resolution, to which I called attention, proposed a change of the rules of the Senate and sought to regulate the consideration of a question which, I think, under the rules of the Senate, may not be done.

Mr. WATSON of Indiana. It requires a two-thirds vote to make the bill a special order.

Mr. UNDERWOOD. Certainly.

Mr. WATSON of Indiana. I think the point of the Senator from Alabama is well taken.

Mr. UNDERWOOD. Of course, so far as the resolution itself is concerned, I am opposed to it merely because I am not in favor of the bonus bill, and therefore I am not in favor of its consideration.

Mr. WATSON of Indiana. If the portion of the motion to which the Senator from Alabama objects is eliminated, will the Senator then object to the phraseology of the motion?

Mr. UNDERWOOD. I think it is in order for the Senator from Indiana to move to make the bill a special order for consideration. Of course, I shall vote against the motion, but I am not raising any point of order against the other portion of the resolution.

Mr. WATSON of Indiana. I ask that the Secretary read the motion with the portion eliminated to which the Senator from Alabama raises the point of order.

Mr. UNDERWOOD. Of course, the Senator understands that a two-thirds vote is required to make the order?

Mr. WATSON of Indiana. Certainly; I understand that.

The PRESIDENT pro tempore. Does the Senator from Indiana modify his motion in accordance with the suggestion of the Senator from Alabama?

Mr. WATSON of Indiana. I so modify it, and ask that, as proposed to be modified, the motion be again stated.

The PRESIDENT pro tempore. The Secretary will read the motion as now proposed to be modified by the Senator from Indiana.

The ASSISTANT SECRETARY. The Senator from Indiana moves that the bill (H. R. 10874) "to provide adjusted compensation for veterans of the World War, and for other purposes," be, and is hereby, made a special order for 12 o'clock meridian of the calendar day immediately following the calendar day upon which the vote is taken upon the third reading and passage of the tariff bill, so called, House bill 7456.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. HEFLIN. I thought the Senator had concluded. I wish to make a few remarks on the motion which is pending.

Mr. WATSON of Indiana. All I desire to say is that when we passed the resolution in the Republican conference on yesterday we thought that that was sufficiently definite to satisfy anybody and everybody as to just what the intention of the Republican Members of the Senate was. There never was a doubt as to what we intended to do, with reference at least to trying to pass the soldiers' bonus bill, all the time intending, as our resolution well recited, to put it upon its passage immediately after the tariff bill was voted on in this body, either voted up or voted down, whatever the result of that vote might be. That was what the resolution stated, and that was precisely what we intended to do, but inasmuch as speeches have been made on the other side of the Chamber denying our good faith and stating that we never intended to pass the bonus bill at all, and never intended that it should even be considered in this body, I have offered this motion in order to make clear the purpose by having it agreed to as a rule from which we may not escape.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. WATSON of Indiana. I yield to the Senator.

Mr. ASHURST. The object of the Senator is entirely worthy, but I am not without suspicions. I do not intend to reflect on anyone by that statement, but we have been tricked—I withdraw the word "tricked"; I beg the Senator's pardon for using the word "tricked"; I should not have done so—but this question has been postponed so often——

Mr. WATSON of Indiana. Of course, the Senator from Arizona had no reference to me personally?

Mr. ASHURST. Oh, not at all. Now I must be satisfied on this point. The Senator has made his motion for a special order under Rule X; he has done pretty well toward coming under that rule.

Mr. WATSON of Indiana. I thank the Senator.

Mr. ASHURST. I am not in accord with the esteemed leader on our side when he says that a part of the motion of the Senator from Indiana which has been stricken out should have been stricken out; I think it was a proper part of the motion. Now, in order that there may be no further opportunity for misconception on any side, let it now be understood that when the roll is called upon the tariff bill—not upon the conference report, but upon the tariff bill—we shall immediately proceed to the consideration of the soldiers' bonus bill——

Mr. WATSON of Indiana. That is what my motion provides.

Mr. ASHURST. Very good—and that under no contingency shall the subsidy bill, or any other bill, be put ahead of the bonus bill. Do I understand that?

Mr. WATSON of Indiana. No; you do not understand that.

Mr. ASHURST. Will the Senator shift aside the subsidy bill and let the next bill to be voted upon be the bonus bill? Now, do we understand that?

Mr. WATSON of Indiana. That is all on earth we intend to do; that is all the motion means.

Mr. ASHURST. That is good. The Senator is frank. Now, we are to understand and the RECORD is to show and the world is to know that, as a matter of faith and honor, we are bound to put the subsidy bill behind and after the bonus bill. Do I understand aright? Am I correct?

Mr. WATSON of Indiana. The Senator is correct.

Mr. ASHURST. Is there any Senator here who will disagree to that?

Mr. UNDERWOOD. Mr. President——

Mr. ASHURST. We understand, then, that just as soon as the roll is called for final vote on the tariff bill it is the bonus bill which will be considered, and that no Senator will move to proceed to the consideration of the subsidy bill? Are we all agreed?

Mr. BORAH. No; we are not.

Mr. ASHURST. We are not.

The PRESIDENT pro tempore. The Senate must be in order and the occupants of the galleries must be in order.

Mr. WATSON of Indiana. Mr. President, I understand I have the floor.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana further yield?

Mr. ASHURST. I thought I had the floor.

Mr. WATSON of Indiana. No; but the Senator acts as if he thought he did. Mr. President, I do not think it is necessary to tear passion to tatters in connection with a matter of this kind. The motion is a simple one.

Mr. ASHURST. I did not hear the Senator's remarks.

Mr. WATSON of Indiana. I say, I do not think it necessary to become so passionate and indulge in such violent declamations about this matter.

Mr. ASHURST. Mr. President, such talk is necessary at times. When you smite wrong, it is useless to tap it on the wrist; you want to hit it squarely between the eyes with the doubled fist. When you see men backing and twisting and

squirming to avoid a vote on the bonus, it is time for the mailed fist to strike. We have struck with the velvet hand and accomplished nothing.

Mr. UNDERWOOD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. WATSON of Indiana. I yield.

Mr. UNDERWOOD. Mr. President, I always admire the earnestness of my colleague from Arizona, and I am always glad to join with him when I can, and, of course, so far as those who are in favor of the bonus are concerned, if the motion shall prevail, that is an obligation on their part, but there are a number of us who are just as earnestly opposed to the bonus as my friend from Arizona is in favor of it, and, of course, do not accept any committals of any kind.

Mr. ASHURST. If the Senator will yield, I am not finding fault with those who are for the bonus nor with those who are against the bonus. I am finding fault with those who say they are for it but who vote against it every time we have a roll call.

Mr. WATSON of Indiana. Mr. President, we have gone just as far in the motion as we could go to make the adjusted compensation bill a special order. We can not tell what a majority of the Senate will do; but, so far as we are concerned, we propose to make the bill a special order so that it can not be set aside except by a change of the rules. I can not bind the distinguished Senator on my left, the Senator from Idaho [Mr. BORAH], or any other Senator. He has a right to make a motion to take up the subsidy bill if he wants to, and the Senator from Arizona can not possibly frame a rule that will close his mouth on that or any other proposition. All we can do is by a majority vote to make the compensation bill a special order, so that it shall be the order until overturned in accordance with the rules. If we undertake to change the rules, we shall have to do so in the regular way, and can not do so by a mere motion in the Senate. That is all there is to it; and there is no use multiplying words and spilling out language on a proposition of this kind.

Mr. ASHURST. Will the Senator yield?

Mr. WATSON of Indiana. Yes.

Mr. ASHURST. Will not the Senator modify his request so that it will read as follows:

That immediately after the final vote on the pending tariff bill the soldiers' compensation bill shall be laid before the Senate, and shall be kept before the Senate until disposed of, to the exclusion of all other business of every nature and kind whatsoever.

Mr. WATSON of Indiana. When we make the bill a special order that is what we do provide.

Mr. ASHURST. No; because the Senator has just said that the Senator from Idaho or the Senator from Alabama could move to take up the subsidy bill. I do not think either of them would make such a motion.

Mr. BORAH. Mr. President, may I interrupt the Senator for just a moment?

Mr. ASHURST. I have not the floor.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON of Indiana. I yield.

Mr. BORAH. There is no danger of the Senator from Idaho moving to take up the subsidy bill.

Mr. ASHURST. I just said that.

Mr. BORAH. I am just as much opposed to it as I am to the other bill.

Mr. ASHURST. I know that.

Mr. BORAH. But I do not propose to be bound not to make any motion that I may see fit to make at that time.

Mr. WATSON of Indiana. Nor could any rule be provided which would bind the Senator.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. WATSON of Indiana. I yield to my friend from Mississippi.

Mr. WILLIAMS. Mr. President, I do not know whether there is any deliberate intent to bulldoze or intimidate Senators opposed to the bonus bill or not; but if there be any such intent in any Senator's mind, so far as I am concerned, it falls "hurtless from a shield of honest intent."

I am opposed to any bonus bill for able-bodied youths. I am opposed to commercializing and capitalizing patriotism. I was opposed to it when the Grand Army of the Republic was doing it. I was pretty nearly accused then of being opposed to it because I was a southerner. That pension list levied a tribute upon the South of about fifty millions a year in order to contribute to the pocketbooks of other parts of the country. Sometimes I almost doubted whether my enemies who said that I was influenced by sectional feeling were not quite right. I am very proud now, when I find an attack upon the United States Treasury of a similar character—the first charge to be followed by similar charges for the next 50 years—that I have discovered that it was not because I was a southerner or the son of a Confederate soldier but because I was opposed to capitalizing and commercializing patriotism.

I got a letter this morning from a man who said: "I heard you cheering the soldiers on; I heard you trying to vitalize the war; and now, here you are, opposing the bonus bill." I replied to him: "Yes; I cheered the soldiers on. I cheered them on because I thought they were fighting for an ideal. I thought they realized, as I did, that the object of that war was as far as possible to end war; that the object of it was to relieve the common people throughout the world of burdens which had been imposed by an autocracy prepared for war and waging war all the time. Now, if I am to learn, when I am getting old, that my boys and other boys did not fight for an ideal, that they fought merely because they had to fight, and that after they were through fighting they proposed to come back and put their hands into the United States Treasury up to their shoulders if they could, and to plead that because they had saved civilization and democracy and the English-speaking race from European continental usurpation and tyranny therefore they must be rewarded in vulgar dollars after it was all over, I would not have 'cheered them on.' If behind the late war there had lain in my mind the thought on the part of the soldiers of a selfish or a capitalistic purpose, I would not have 'cheered on' the soldiers."

I did cheer them on. I once said to my friend from Alabama [Mr. UNDERWOOD] there, when we were talking about our boys who were in France, that if mine died there I would not wear black; I would dress in white, like a bridegroom, not because he died but because of the thing for which I thought he was dying. If I am to learn now that one of the things for which he thought he was fighting was money, I would never have said that; I would never have thought it; I would never have felt it. On the contrary, I would have felt sorry that my boy was in the service.

Mr. ASHURST. Mr. President——

Mr. WATSON of Indiana. Mr. President, will the Senator yield to me for a question?

Mr. WILLIAMS. No; not now.

Mr. President, there are, after all is said and done, two classes of people in this world—one class with ideals and with vision, seeking all the time, however sinful and weak they may individually be in their conduct, in their thoughts, at any rate, to aspire and reach in their feelings to an approach nearer to God—to "the God in history who controls the destinies of mankind," who controls them not so much by any arbitrary act of His, but by accepting men themselves—the common conscience and the common sense of common men—as His instrumentality to bring the world finally into accord with Himself. That is one class of men. The other class of men is the class of men who, whenever they confer a service upon anybody, or even upon their own country, begin to weigh in their minds as to how much it ought to be worth in dollars.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. WILLIAMS. I do not at this moment. "How much it ought to be worth in dollars." Why, Mr. President, if we paid the boys who went to France and merely failed to die there because they were not shot and others were what their services were worth to America and to democracy and to the civilization of the world and to the ideals of mankind, you might give each one of them every dollar in the Treasury to-day and you would not have evened the account. This is one of the things that can not be measured in dollars. It must be measured in honor; and the man who is not willing to be rewarded in honor is not worthy to be rewarded at all.

I can not be intimidated. I can not be bulldozed. Something was said this morning about the intimidation exercised by the Executive. What is that in comparison with the intimidation being exercised by the propaganda of those who want to make money out of their past patriotism?

I am not going to say anything that I ought not to say, I hope. I am not going to try to say all that I feel. I am going to try, on the contrary, not to say all that I feel.

I remember once when William McKinley, in a burst of magnanimity and a world-wide sort of patriotism, said that he would be willing to pension the ex-Confederate soldiers. It was a beautiful sentiment from him, from his standpoint, because he was speaking as a man who fought for the Union, while our

people fought against it; but what was the response on the other side? There were no Confederate soldiers that wanted to be pensioned by the Federal Government; and I voiced my objections to it at that time, and in voicing it I voiced the objection of Stephen D. Lee and hundreds of the bravest and the truest and the highest officers of the South, with the rank and file behind them. I said:

The ex-Union soldier, wherever he has been needy, and even where he has not been, may claim that there is something of compensation in a pension to him; but a man who has fought to overthrow the majority Government who would accept from that Government a mere charity—a mere largess—without even a pretext of compensation about it anywhere, was not worthy of having followed Stonewall Jackson, Robert E. Lee, or Sidney Johnston.

I remember another thing. I remember that a man came to my own step-grandmother—an honest, good, Scotch-Irish woman—and said: "Mrs. Sharp, you can get a pension as the widow of Captain Sharp, a Mexican War pension." The old lady almost shed her little slippers as she came to her feet and said: "Major Pickett, I will have you to understand, sir, that Captain Sharp did not fight for money." Major Pickett told me about it afterwards, and said: "John, I never was so completely nonplused and reduced to subjection in my life as I was when the old lady walked out of the room, in her own parlor, and left me sitting there."

I did not "give" any boys to this war. They gave themselves. I had nothing in God's world to do with it, except that I thanked God that they were worthy of their grandfather, who had fought under the Stars and Bars, and of their great-grandfather, who had fought on the fields of Mexico under the Stars and Stripes, and of their great-great-grandfather, who had fought against British tyranny in America as one of the Continental line. I did not "give" them. I would no more have attempted to encourage one of them to go than I would have attempted to restrain him; but I was proud that they had the old blood in them, and, as far as I know them, I believe that they fought for ideals and not for money.

Mr. President, I do not want to go over the history of the Grand Army of the Republic and how patriotism was commercialized and capitalized until even at this day we are paying about $140,000,000 a year for pensions to Union soldiers of the Civil War, so called—the War between the States—but these boys have begun earlier. The Grand Army of the Republic, even, did not begin in earnest until about 20 years after the war, I believe—quite a long while, at any rate—and their first request was to take care of the disabled, the sick, and the needy. These boys are beginning, with the very first request, to take care of the healthy and the able-bodied and the venturesome and the brave that ought to be able to take care of themselves; and if history repeats itself, as history sometimes does, what will be the history of the commercializing of patriotism in comparison with a Civil War record that even today amounts to $140,000,000 a year—a half century subsequent to the War between the States? How will this thing be a half century from now?

This first demand is for about three and a quarter or four billions of dollars, on the plea that "We saved civilization." The next demand will be something else. Do you imagine it is going to stop? Why, Mr. President, I stood right over there when I was advocating the war bill to make allowances to widows and children, insurance for the soldiers, and the balance of it, and made an ever-memorable ass of myself when I said that my chief object in advocating it was that it would "stop raids upon the Treasury for pensions." Here is the first effort to fill up, and where is it going to stop when it once begins? If there stand behind it from two to four million votes, and if the instrumentalities through which it shall be accomplished are politicians in the House and in the Senate here—and all of us are politicians, the best of us—with all the power that can be brought to bear when a man is engaged in a fight and wants to whip his antagonist and stay in office, even the best of us; if it starts with three billions and a half, where is it going to end?

If the Civil War still leaves us, a half century after the event, with $140,000,000 to be paid, where will this leave us in another 50 years, starting at a figure ten times as high?

Mr. President, I am almost tempted to tell an anecdote. I dislike to tell one on a very serious occasion, but Bob Broussard once told me a story, and I believe I will tell it, although it may be in bad taste.

He said there was a man in Shreveport, La., who went over to Bayou la Fourche fishing. Senators do not know those swamp bayous. Sometimes a steamboat can go down one drawing 8 feet and the willows will sweep the smokestack. They are narrow and deep. This man slipped and fell in and was very nearly drowned, when a man came up in a boat and pulled him out and rolled him over, got the water out of him, and got him straight. After awhile the man from Shreveport said, "My friend, you have saved my life. There is nothing I can do for you at any time I am not willing to do. My name is so-and-so, and I live at Shreveport. What is your name?"

He said, "My name to me? I am Jean Lebon."

The man from Shreveport said, "Mr. Lebon, if you ever come to Shreveport, if there is anything in the world I can do for you, let me know what it is."

He answered, "Oh, I am Jean Lebon. I live here. I have a little farm here, and my horses and my cows. I do not need anything from anybody."

But about three or four months after that this fellow saved from drowning went down the streets of Shreveport, and there was Jean Lebon. He stepped over, with both hands extended, rejoiced from the very center of his heart to see Jean Lebon, and he said, "Now, Mr. Lebon, I am glad you are in Shreveport. My house is open to you. Is there not something I can do for you?"

Jean Lebon took his hat off and looked at it. "Oh," he said, "I don't know."

The man whom he had saved said, "A hat! A hat! Let me go and get you a nice hat." So he went and bought him a great, big, broad-brimmed hat, which cost twenty-odd dollars. He put it on Jean Lebon, and Jean Lebon went down to his favorite wine place and had his dinner and drank his wine, and this fellow went with him and paid for it all. Then, the next day, when he came down, there was Jean Lebon standing at about the same place. He said, "Mr. Lebon, I thought you told me yesterday you were going home."

Jean Lebon said, "Well, I was; but after I took that fine dinner with you, I feel sort of lazy, and I stay over until this morning, and this morning I say to myself, 'I might meet my friend again.'"

The Shreveport man said, "I am glad you stayed. Now, is there something I can do for you?"

"Well, I don't know," and he stuck out his foot. His friend said, "Oh, yes; a pair of boots! Come right on with me," and he went and got a pair of boots with cork soles and steel insteps and Morocco tops, and he fixed Jean Lebon up. So the next day, to make a long story short, Jean Lebon was still there, and he needed a suit of clothes, and he got them.

Some time after that Jean Lebon went home, but he came back, and things started over again, and finally this Shreveport man said to him, "Now, Mr. Lebon, I owe you my life; I owe you all that I am and all that I possess. I am willing to give you everything I have, except just enough for me and my wife and children to live on, but I want to ask one favor of you, Mr. Lebon. If ever I come into that dadblamed country of yours again and fall into one of those black bayous and am about to drown and you see it, for God's sake and my sake you let me drown. That is my sole request of you." [Laughter.]

Mr. President, whenever a boy goes to fight for an ideal, to save the Union, to save his country, to save civilization, to save democracy, or to save anything worth while and invaluable, and then comes back and proceeds to collect every week as Jean Lebon did, my answer is, "The next time you find civilization in danger, let it sink. I will try to save it myself. At any rate, we will leave it to God, and if God has no instrument of a higher purpose than you, maybe God will let it sink, too. I do not know."

Now I yield to the Senator from Arizona. What did he wish to ask?

Mr. ASHURST. The time has gone by, but as long as the Senator has yielded, I will state that the Senator looked at me with not wholly an eye of kindness, and said that nobody could intimidate him. I hope the Senator did not think I intended or attempted to intimidate or bulldoze anybody, and if I were to attempt it the Senator from Mississippi would be the last man upon whom I would attempt it.

Mr. WILLIAMS. That last observation is a compliment to the Senator's good sense. [Laughter.] I will not say that I personally selected the Senator as one of the men I thought were trying to do the job; but still, when he says that he would select me as about the last one, or one of the last, he would like to try to intimidate, it shows he has wisdom becoming his day and his generation.

Mr. President, the attempt has been made. Talk about propaganda! It is being made in the newspapers, it is being made in resolutions, it is being made in letters to every one of you. I received six insulting letters this morning, some of them which could not be put into the RECORD because of their profanity, and one of them because of its obscenity, giving me notice that I was persona non grata because I was opposed to

the bonus bill. One of them served notice on me that I should never get another office. I do not want any more; but if I did want any more, I would do as I have done several times in my life when men threatened and seemed to have the whip handle—I defied them; and I found that the common sense and common conscience of the common people did not always obey the whip.

My good friend from Arkansas, whom I love almost as if he were a brother, this morning said one thing that was very true. He said that this bill would receive fewer votes now than it would have received a year ago; that it will receive fewer votes a year hence than it would receive now. In that the Senator from Arkansas was right, and if it is postponed even six months it will receive fewer votes than it would receive now, because six months would "carry it over the election." Let us be brave and honest with one another. I am a politician, like all the balance of you, or have been for something like 30 years, and I know what a coward politics makes of all of us now and then. This bill would receive 20 per cent more votes before an election than it would after one, and you all know it just as well as I do, and the object of hurrying up its consideration is in order that it may be passed before November, and the idea in coming to that conclusion is that just before an election it will be at its maximum strength.

I received a letter this morning which was somewhat "personal," in a way. It said:

> I understand that the reason why you are against the bonus is that you are not going to run for office any more.

The fellow showed a great deal of knowledge of human nature, although he was very unjust to me. He said he knew the reason I was opposed to the bonus was that I had already said I would never run for another office.

If all of you were in the same fix I am, I do not know how many votes this bill would get. I see around me several men whom I absolutely love, and I would not openly and above board accuse them of surrendering to any influence in the world when they cast a vote, not because I believe they do not sometimes do it, but because I do not want to hurt their feelings.

Mr. President, I just rose to serve notice. Somebody said this morning we ought to "march up and register our votes and be brave enough to let the country know where we stood." I wanted to let you know where I stood without having a vote.

One word more. There has been a request for unanimous consent, made by the senior Senator from Indiana [Mr. WATSON], to take up the bonus bill immediately after the tariff bill, and make it the order of business. When I am opposed to a measure as being in itself immoral and wrong and contrary to good public policy, and oppressive of the common people, who, after all, pay the taxes under a system of indirect taxation, whenever unanimous consent is asked to expedite the passage of that bill I shall object, if I am the only man in this august body—and it *is* august, because it confesses it itself to be—who will object. So I serve notice now that the request must be made when I am temporarily out of the Chamber.

I do not care with what motives the request is made, whether it is to enable the divergent and clashing and conflicting Republican Members to get together on a given policy, or whether it has a higher motive; whenever my consent is asked for the consideration of something which I think is wrong, I shall not give it. When the parliamentary situation presents itself where it can be carried by a vote, that is all right, and I shall say nothing, and this probably is the last word I shall ever utter upon this matter. The only reason I have said what I have said was that it looked to me as if, from some quarter or other, inside or outside of the Chamber, there was some attempt being made to bulldoze and intimidate those of us who were going to stand pat in opposition to this bill. I hate to be called a standpatter—I would hate it even in heaven; but as regards this particular legislation I am a standpatter.

Mr. ASHURST. Mr. President, the Senator from Mississippi yielded to me a moment ago, and I assured him that I appreciate the suggestion that he did not attribute to me any attempt to intimidate him. The Senator referred to his 30 years of public service. I believe I can speak for all Senators here when I say we regret that he is no longer to be with us after the 4th of next March.

Mr. WILLIAMS. I am glad to hear that.

Mr. ASHURST. Whilst we regret that he will leave, because he has on many an occasion in this forum and in another forum rendered great service to the public, it so happens that the Senator and I have disagreed much, although both belonging to the same party; we have probably disagreed as much as any two Senators could disagree who belong to the same party; but I speak not the language of hypocrisy when I say we wish he could be with us hereafter in helping to solve some of these great questions.

But because of the Senator's experience and his commanding ability, does it mean that he speaks ex cathedra? Does it mean after he has spoken that all the wisdom has been expressed? Does it mean that because of a censoriousness that many able men employ in their attitude toward those who do not agree with them, that we must not reply?

Mr. WILLIAMS. Mr. President, will the Senator pardon me?

Mr. ASHURST. Certainly.

Mr. WILLIAMS. I am a little tired and wish to retire. If the Senator thinks that I think I am a pope, he is mistaken.

Mr. ASHURST. The Senator took the view that whoever suggests adjusted compensation for the ex-soldiers is attempting thereby to capitalize patriotism—a nice large mouth-filling phrase—"whoever attempts to pass a soldiers' compensation bill is capitalizing patriotism."

In a war it becomes necessary to summon the growers of wheat, beef, wool, and so forth. Cotton must be woven into fabric. Leather goods, steel goods, copper goods, woolen goods must be manufactured. When we paid, as we should have paid, from the Federal Treasury for the wares and goods we used in prosecuting the war—steel, leather, iron, cotton, copper, lumber, concrete, lead, brass, corn, wheat, and oil—did anyone here rise and say, "We are capitalizing patriotism?" It is a happy circumstance that when we paid our farmers and manufacturers and merchants for their goods there was no one to cry out "capitalizing patriotism." We summoned and employed the man power, but as soon as it becomes necessary or even thought advisable to pay adequate adjusted compensation to those who composed or furnished that man power it is thrust into our faces that we are "capitalizing patriotism." When did such a brutal, stupid rule obtain control that makes it "capitalizing patriotism" to pay for the man power we employed in winning a great enterprise like the World War, but not capitalizing patriotism to pay for the beef and the mutton, the iron and the steel, the powder, the concrete, the copper, and the leather we used in winning the war?

If we pay for inanimate objects—arms, ammunition, leather, lead, corn, and wheat—used by man power in a war, why is it improper to pay the man power? If all else were furnished gratis, man power might be furnished gratis.

Is not such a rule or policy a discrimination, and an unjust discrimination, against the man power? The man power at least ought to be treated as well if not better or different than are the other potentialities that helped to win the war. I would like to have some Senator answer that proposition. If it be capitalizing patriotism to pay the man power, why is it not also capitalizing patriotism to pay for the woolen goods, for the guns, the powder, the ships, and for all of the other inanimate things that must be employed in winning a war? The barehanded soldier, no matter what his valor, could not win a war unless he had the instruments, weapons, medicines, clothing, food, and equipment, and the inanimate, inert, food, clothing, guns, powder, and instruments could not win a war unless wielded by man power.

What is this adjusted compensation bill? What does it propose to do? What is this enormous raid we are accused of attempting to make upon the Federal Treasury? One of the evil trains and results of war is that it brings upstart millionaires. This World War created 23,000 millionaires in the United States. It would be unjust to say that the man who honestly made a million dollars out of his country during war was wrong. But he should not have done it; it was not a handsome thing to do. He should not have taken advantage of his country's necessities. When our young men were in the trenches, in the air and on the sea, all at home should have used scrupulous care not to coin opportunity into money. We have, of course, some who hover in their vaults and in whose ears the clink of gold has drowned out the voice of patriotism, now crying—I do not mean Senators—against the ex-soldiers' compensation bill.

What is the compensation bill? The soldier was drafted or volunteered, as the case may be. His pay was $1 a day. He received his clothing, his food, his medicines, and his training, and those might reasonably be counted as another dollar per day. Hence, it is now proposed to pay him an additional dollar per day if he served here and an additional $1.25 per day if he served overseas, and it is proposed to do this in order that there may be an equitable equalization between him and the man or boy who remained at home and whose wages were raised and whose station was improved.

Mr. Xenophon was called to the colors. He left a position in a machine shop which was paying him $5 a day. As soon as he was enrolled the national or subject of some other country stepped into Mr. Xenophon's job and received $6 a day or $8

a day, while that soldier, the American boy, Mr. Xenophon, was absent in the Army or Navy. And yet, because we urge the passage of a bill to equalize the compensation or pay of Mr. Xenophon in a slight degree, insinuations about attempting to capitalize patriotism are arguments which we must meet.

Mr. President, we are more or less inclined to forget the days of far 1917. Let us consider the situation from which these young men were taken. I will read a poem drawn from Kipling through the circumstance that when the young English seamen were to be brought home from sea after the war ended it was proposed that they should be sent to college or the polytechnic institutes to resume their interrupted work that they might, notwithstanding their long service in the army or the navy, learn a trade or adopt a profession wherewith to subsist themselves in the future. In England there were profiteers, just as there were here. These profiteers urged that it would be too expensive to put these young men back in the colleges and schools, and one paragraphist said it was absurd to think of sending these young men back to Dartmouth or to Cambridge; that they were no longer buds; that the bud may be opened prematurely, but that we can not close the rose up and make a bud after it has once bloomed. That cynical remark drew from Kipling this poem, which I shall now read to the Senate. It is as follows:

"Oh, show me how a rose can shut and be a bud again!"
Nay, watch my Lords of the Admiralty, for they have the work in train.
They have taken the men that were careless lads at Dartmouth in fourteen
And entered them in the landward schools as though no war had been.
They have piped the children off all the seas from the Falklands to the Bight
And quartered them on the colleges to learn to read and write.

Their books were rain and sleet and fog—the dry gale and the snow.
Their teachers were the horned mines and the humpbacked death below.
Their schools were walled by the walking mists and roofed by the watching skies,
When they conned their task in a new-sown field with the moonlight sacrifice.
They were not rated too young to teach, nor reckoned unfit to guide
When they formed their class on Helle's beach at the bows of the River Clyde.
Their eyes are sunk by the endless watch, their faces roughed by the spray,
Their feet are drawn by the wet sea boots they changed not night or day
When they guarded the 6-knot convoy's flank on the road to Narroway.
Their ears are stuffed with the week-long roar of the west Atlantic gale
When the sloops were watching the Irish shore from Galway to Kinsale.
Their hands are scarred where the life lines cut or the dripping funnel stays
When they followed their leader at 30 knots between the Skaw and the Naze.
Their mouths are filled with the magic words they learned at the collier's hatch
When they coaled in the foul December dawns and sailed in the forenoon watch,
Or measured the weight of a Pentland tide and the winds off Ronaldshay,
Till the target mastered the breathless tug and the hawser carried away.
They knew the price to be paid for a fault, for a gauge clock wrongly read,
Or a picket boat to the gangway brought bows on and full ahead,
Or the drowsy second's lack of thought that cost a dozen dead.
They have touched a knowledge outreaching speech, as when the cutters were sent
To harvest the dreadful mile of beach after the *vanguard* went.

They have learned great faith and little fear and a high heart in distress,
And how to suffer each sodden year of heaped-up weariness.
They have borne the bridle upon their lips and the yoke upon their neck
Since they went down to the sea in ships to save a world from wreck,
Since the chests were slung down the college stair at Dartmouth in fourteen,
And now they are quit of the sea affair as though no war had been.
Far have they gone and much have they known and most would they fain forget,
But now they have come to their joyous own with all the world in their debt.

* * * * * * *

Hallowed river, thrice reverend trees, chapel beyond compare,
Here by gentlemen tired of the seas—take them into your care.
Far have they come and much have they braved. Give them their hour of play,
While the hidden things their hands have saved work for them day by day,
Till the grateful past their youth redeemed return them their youth once more,
And the Soul of the Child at last lets fall the unjust burden it bore.

Let the United States never forget the service our American young men rendered to liberty's cause in the World War.

Let us not forget the environment, the circumstances from which these young men were drawn from civil life. The course of the river of life for many of them has been changed, diverted, interrupted. Some were just about to open from a bud into a rose. They were drawn and placed into their country's honorable service. The manufacturer was paid and should have been paid. The merchant was paid, as was right. The woolen men were paid and should have been paid. The copper men, the iron men, the cotton men, legal men, the steel men, the cattlemen, the leather men, the manufacturers of munitions were paid and should have been paid. Shall it happen that in an opulent, a proud, and puissant Republic we pay for steel, for iron, for concrete, for coal, for copper, for oil and leather, for wheat and oats, but that the moment we attempt to pay the man power, which must be subsisted—the moment we attempt to pay the soldier, the animated, living, breathing human who wins the battles, we are to be stigmatized as trying to capitalize patriotism? I would like to have an answer to that question.

Mr. McCUMBER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield with pleasure.

Mr. McCUMBER. There is but one answer to the Senator's question, and I think it is a definite and a certain answer to those who claim that this is an attempt to capitalize patriotism. The Senator knows that the boy who shouldered the gun, as he said, got about $2 a day, but we will give the benefit of another $1 a day and say that he got $3 a day. The Senator agrees with me and every man in the Senate agrees with me that the man who shoulders the gun and fights for his country is entitled to as great a compensation certainly as the man who stays at home, away from danger, to get material for the soldier to fight with. The Senator knows that the average wage ran from $6 to $10 a day after the soldier went to war. He knows further than this, that outside of that extra compensation to this class of people, just as he said, there are 2,000 more millionaires and the millionaires are many times more millionaires than they were before.

Now, the man who took the soldier's place, the man who took his place in the shop, realizes that he had an advantage over his brother who went to war and he is ready to share in that at the present time. He says, "I will give you a part as a taxpayer." He has finally to pay the taxes as well as the millionaire. He says, "I will share with you and pay you a portion of the extra amount that I earned." Two million signers of petitions have already come from that class of American laborers, men and women, and another million will be deposited here to-morrow. They are not complaining.

The people who are complaining and whining against this little payment of an extra $1 a day and an extra $1.25 a day are those contractors who made their millions and those who multiplied their millions in billions. They are objecting to it, not on the ground that it is capitalizing patriotism, but on the ground that it means taxes to them, and they want to escape it. I think the Senator takes the right position, and that is the theory on which we are supporting the bill—that the American people owe these soldiers that much. They ought to pay more. They are satisfied with that and, before God, we ought to pay that, and we ought not to whine about it either.

The Senator directed his remarks to the question of this particular motion. I think the motion is right. It takes two-thirds of the Senate to adopt it, but it is to make certain that by no possibility are we going to try to escape taking up this bill immediately after the tariff measure shall have been disposed of. I should have favored taking it up at the present time if it could have been done, but it takes votes to do that, and, not having the votes, I am in favor of the next best position to make its consideration dead certain. I see certainty of its consideration in the pending motion, and I hope that the Senator from Arizona will vote with us to make it absolutely certain.

Mr. WATSON of Indiana. Will the Senator yield to me?

Mr. ASHURST. Certainly. I yield.

Mr. WATSON of Indiana. Why does the Senator from Arizona wish to discuss the merits of the question now? We shall have a long time in which to do that. Why not let us vote?

Mr. ASHURST. The suggestion is kindly made and I am not offended by it; but to a speech which has been made I feel that I ought to have the opportunity of making some reply. I shall conclude soon.

I wish to say that every time a Senator manifests activity in favor of the soldiers' compensation bill he is accused either of attempting to play politics or of being a demagogue, or the ex-soldier is accused of capitalizing patriotism. No one has ever heard me here or elsewhere object to the position which has been taken by the Senator from Mississippi [Mr. WILLIAMS]. He has always been opposed to the passage of the soldiers' adjusted compensation bill. I have not criticized him for it. My esteemed friend the Senator from Idaho [Mr. BORAH], whom we all honor, is opposed to this legislation as a matter of principle. We do not impugn his motives because he is against the bill, and those who are opposed to this legislation must stop impugning the motives of Senators who are for the bonus bill. By what right in parliamentary procedure or of fairness between man and man, or otherwise, do you find

ground to say that whilst you are honest in your opinion—and we concede your honesty in it—that we or some of us who favor the bill are moved by demagogy? We do not intend that without protest Senators opposed to this legislation shall continue to charge that it is capitalizing patriotism to pay the soldiers.

Mr. JONES of New Mexico. Mr. President——

Mr. ASHURST. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I believe that the Senator from Arizona has made a very timely discussion of this situation.

Mr. ASHURST. I thank the Senator.

Mr. JONES of New Mexico. I feel deeply that the difference of opinion in this country regarding this measure centers around the point which the Senator from Arizona has been discussing. I can understand how those who do not believe in capitalizing patriotism should undertake to apply that to this situation; but I want to say that we are all of that mind. We do not intend by this bill to capitalize patriotism, and the sooner that notion is gotten out of the mind of the people of this country the better.

Unfortunately, the Senator from Mississippi [Mr. WILLIAMS] to-day placed his opposition to the proposed legislation entirely upon that ground. Opposition upon the same ground arises in other quarters in the country. I listened to the address of the President of the United States when he came before us on the 12th of last July. I heard him use this language:

> Even were there not the threatened paralysis of our Treasury with its fatal reflexes on our activities which concern our prosperity, would it not be better to await the settlement of our foreign loans? At such a time it would be a bestowal upon the part of our Government when it is able to bestow.

Everybody understands what the word "bestow" means. It means to give, to offer, to impart a gratuity; and I am not surprised that people who look at this question in that way should oppose the soldiers' bonus bill; but I want them distintcly to understand, as does the Senator from Arizona, that we do not put it upon that ground; that we feel that there is an indebtedness from this Government to those men that should be paid. It should be paid in dollars and cents; it should be compensation. I grow impatient when Senators in this Chamber or people elsewhere talk about "capitalizing patriotism."

Mr. ASHURST. Mr. President, I thank the Senator from New Mexico. He has made my speech a valuable one.

Mr. President, when the Colonies were not opulent, when the French and Indian war was on, Braddock's expedition—and his troops camped out on the hills near here on the first day out of Alexandria—was equipped largely by Benjamin Franklin at a cost of 20,000 pounds sterling. The Colonies were poor; they were unable readily to pay, although they were at that time British colonies. The expedition marched to the fatal field of the Monongahela, where the red men poured a deadly fusillade of bullets and arrows and flaming faggots into the soldiers who were commanded by Braddock, who was slain, as were colonels and captains and private soldiers; the ammunition horses fled with the ammunition; the stores were destroyed. Panic and dismay came upon the British troops, but the gallant young colonel from Mount Vernon (Washington) took command and restored order. The expedition, however, was a disaster and a failure. The supplies were lost. Benjamin Franklin sent his bill for the payment of the sums of money he expended in outfitting the Braddock expedition. In all the Colonies there was not a man who said, "Benjamin Franklin is capitalizing patriotism, because he wants his pay, the money that he advanced and pledged for Braddock's expedition." Would Senators accuse Benjamin Franklin of having capitalized patriotism? It remained for an opulent people, it remained for the 23,000 millionaires, it remained for upstart parvenus to say that when you pay for the man power which is used in war then you are capitalizing patriotism. Do not be led into the belief that the only thing war means is the death and mutilation of soldiers. War leaves a deadly train, a lowering of the moral tone of the people; it leaves not only dead and wounded, it leaves debts to be paid and taxes to be levied. The American people are ready to meet that debt.

Mr. WATSON of Indiana. Mr. President, the Republican Party is in the majority in the Senate and under the canons of good policy it has the right to direct the course of legislation; it has the right at least to attempt to bring up such measures as commend themselves to the judgment of the members of that party. The proposal I have made does not commit anybody to vote either for the bonus bill or against it; it leaves every Senator just as free to do as he pleases, as if we do not agree to it. It is not even an attempt to commit anybody to vote for the bonus bill or to vote against it, to vote it up or to vote it down; but is merely a proposition that has reference to procedure. That is all there is to it. The bonus bill has been before us for some time in different forms, and has come up in different ways. All in the world the motion I have made seeks to do is to fix a time when we shall consider it. I do not know why anyone should oppose the fixing of a time to consider the bill. It is a question with which we have to deal, for, like Banquo's ghost, it will not down; it rises on all possible occasions. We have got to make some disposition of it; and all in the world the motion seeks to do is fix a time when we shall consider it and either vote it up or vote it down. That is all it attempts to do.

In order that there may be no loophole about it, I wish to modify my motion so that it will read:

> I move that the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, be, and is hereby, made the special order of business immediately following the vote upon the third reading and passage of the tariff bill, so called, H. R. 7456.

I modify the original motion for the reason that the original motion provided that the bonus bill should be a special order at 12 o'clock on the day following the vote on the tariff bill in the Senate. I have changed it, because there might be some unfinished business come up between the time of the passage of the tariff bill and the following day at 12 o'clock, which would set aside the special order. The modification I propose will leave the motion in such shape that nothing can intervene, so that the adjusted compensation bill must come up immediately after the vote on the tariff bill.

Mr. SIMMONS. Mr. President, the Republican caucus on yesterday——

Mr. WATSON of Indiana. Mr. President, does the Senator desire to ask me a question. I have the floor.

Mr. SIMMONS. If the Senator will permit, I was going to make a preliminary observation, and then I was going to make a statement to the Senator which I think he may care to consider, although I do not know as to that.

I was about to say that on yesterday the Republican caucus passed an unequivocal resolution providing that immediately upon the final vote upon the tariff bill by the Senate the bonus bill should be made the unfinished business of the Senate. I assume that that resolution was adopted in good faith and that at the time indicated the bonus will be taken up. Now, the Senator presents a motion which would preclude us, if it be adopted, from taking up the bonus bill at any time between now and the passage of the tariff bill. Does the Senator want to cut off the possible opportunity of acting upon the bonus bill before the tariff bill is passed?

Mr. WATSON of Indiana. If the Senator asks me that question, I will say that I do, because I am not in favor of postponing the consideration of the tariff bill.

Mr. SIMMONS. The Senator's motion will undoubtedly accomplish that purpose.

Mr. President, the friends of this measure, while somewhat disheartened by the vote of to-day, may see an opportunity before the arrival of the time fixed in the motion of the Senator to call up this matter again in the hope of more favorable action; and I think the objection, if there be any, to the Senator's motion is in that particular—that it forecloses the friends of this measure from making a motion to take up this matter at any time until after the tariff bill is acted upon.

I do not know when the tariff bill is going to be acted upon. I hope it will be acted upon within the next six weeks. I think it probably will be. It may not be. It may be three months; and, Mr. President, I want to say right now that I believe two months' or three months' delay of action upon the bonus bill may result in its final defeat.

We all know that during the last few months one of the most persistent and intensive propagandas ever conducted in this country has been conducted against the bonus proposition. We all know that that propaganda has made dangerous headway in the country. If this matter is continued again for six weeks or two months or three months, those who have organized this drive and have pressed it with such vigor and such disastrous results to the fate of the bill will redouble their efforts, will redouble their propaganda, will redouble their drive; and I greatly fear, if these powerful influences and forces that are directed against this proposition and are operating now to pervert public sentiment are given two or three months more, at the end of that time the bonus bill will be dead. It will do very little good, two months from now, to take up the bonus bill if the bonus bill is dead at the time it is proposed to take it up.

Mr. WATSON of Indiana. Mr. President, if the bonus bill is dead, then it is dead beyond resurrection; but the bonus bill

is not dead, and this is simply a proposition to keep it from being killed by anybody, unless they want to kill it when the direct vote is taken on it. Certainly, if the bonus bill is going to die, and my friend from North Carolina wants it to survive, the best way on earth to prevent it from dying is to adopt this motion, because this gives it a fixed status—a thing it now has not—and I can not see why the Senator should want to object to it.

The Senator asks me whether or not as an individual, personally, I would be willing to set aside the tariff bill to take up the bonus bill. I would not, speaking my own personal sentiment about it; but I am not in control over here, and at any time a majority can set it aside and take it up, if the majority see fit to do so.

Mr. SIMMONS. Can they, if the Senator's motion is adopted?

Mr. WATSON of Indiana. I think so.

Mr. SIMMONS. Can they take it up at any time?

Mr. WATSON of Indiana. I think so, beyond any doubt. This is simply a motion to fix a time when it shall be considered in definite fashion. That is all in the world there is to it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON of Indiana. I do.

Mr. BORAH. I just want to ask, largely as a matter of information, in what respect does this motion change the situation at all? A majority may take up the bill at any time prior to the time fixed, and a majority may displace it on the day that it comes up. In what respect does this motion change the situation at all?

Mr. WATSON of Indiana. This motion simply satisfies those Senators who want the bonus bill passed, that in good faith it will be taken up at a fixed time and at least considered, I will say to my good friend from Idaho; and that is all in the world there is to it.

Mr. BORAH. It is still in the hands of the majority of the Senate, as it is now.

Mr. WATSON of Indiana. Yes.

Mr. BORAH. It does not change the situation at all. If a majority wants to take it up to-morrow, the majority may do so. If a majority, upon the day that this order fixes for the hearing, wants to dispose of it without hearing, it may do so; so the situation is not changed, except in certain respects which I do not care to discuss.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. WATSON of Indiana. Yes; I yield to my friend.

Mr. LENROOT. I should like to suggest that the situation is really this—that when the tariff bill is passed, instead of a majority voting to take up this bill, it would require a majority to displace it.

Mr. BORAH. It is a majority just the same.

Mr. LENROOT. Oh, certainly; but the Senator knows that there is a very great difference between displacing a bill that is before the Senate and taking up a bill that is not before the Senate.

Mr. WATSON of Indiana. Mr. President, I ask to have the motion that I proposed, as modified, stated from the desk.

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from Indiana, as modified, which will be stated.

The ASSISTANT SECRETARY. The Senator from Indiana moves that the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, be, and is hereby, made the special order immediately following the vote upon the third reading and passage of the tariff bill, so-called, H. R. 7456.

Mr. HEFLIN obtained the floor.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry, if the Senator will permit it.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. HEFLIN. Yes.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. LA FOLLETTE. If the resolution as now modified shall be adopted, would it be in order at any time while the tariff bill is still pending to move to proceed to the consideration of the adjusted compensation bill for soldiers?

The PRESIDENT pro tempore. The Chair is not well advised in regard to that matter, but in the opinion of the Chair it would not be in order.

Mr. WATSON of Indiana. There is no doubt about it; there is not any question about it, in my judgment.

Mr. LA FOLLETTE. There is no question about it which way?

Mr. LODGE. Mr. President, the special order certainly does not cut off the right to make a motion in the intervening time. It simply provides that at that time the bill shall be taken up if it is still here.

Mr. WATSON of Indiana. That is all.

Mr. LA FOLLETTE. And the only modification of this motion which would be prohibited would be to change that date when the time arrives?

Mr. WATSON of Indiana. That is all.

Mr. LA FOLLETTE. But at any time between now and the termination of the consideration of the tariff bill, if I understand the Senator from Massachusetts, a motion would be in order to proceed to the consideration of the adjusted compensation bill?

Mr. LODGE. I do not understand that this can cut off that motion or cut off a motion to take up any other bill.

Mr. HEFLIN. Mr. President, I want to read again to the Senate the telegram that came to me from Anniston, Ala.:

> On behalf of the 100,000 ex-service men of this State, their wives, mothers, and dependents, the American Legion appeals to you to use your influence to set aside tariff bill and take up adjusted compensation bill instead. Similar action was taken in behalf of Army and Navy appropriation bills. We consider our bill of a more pressing nature than either of those measures.
>
> (Signed) HARRY M. AYRES, *Commander.*

In the name of this commander and the ex-service men that he represents and their loved ones, I repudiate the statement that these men are trying to capitalize their patriotism.

Mr. President, we have been told that England and France have paid their soldiers a bonus with the money they borrowed from us. This Congress refuses, under Republican control, to collect enough of the money that they owe us to give adjusted compensation to our soldiers.

The Senator from Wisconsin [Mr. LENROOT] suggests that I have consumed nearly an hour here to-day. Mr. President, these boys are worthy of all the time I may consume and all that all the Senators here may consume and all the Members of the House may consume in asking for justice for them. They did not have any say when we issued the edict from Congress for them to go to the front on a foreign battle field. They did not have time to wait an hour when the ship was ready to sail. They responded to the call of duty, stood at attention, unfurled the flag, and went away. Now they are back. The danger is removed and the country is safe. All of these debts are paid off to contractors who remained at home during the war, and the soldier is standing out yonder asking that simple justice be done to him and asking that an accounting be had with him. He is asking you to see whether or not you owe him anything, and, if you do owe him anything, to pay it. Then Senators come in here and say that they are trying to capitalize patriotism; that they are showing that they were fighting for money. Think of it. How ridiculous and absurd!

Why, Mr. President, these pompous, big bay-window fellows up in Wall Street, with dollar marks all over them, who are opposing this bonus and who are sending out propaganda to help kill this measure, and who are using their influence upon their agents in every walk in public life, even here in Washington, to fight this thing, are ridiculous; and they talk about fighting for money! Why, not one of them would have taken the place of an American soldier and gone out on the battle front in France for a million dollars a minute. Fighting for money! These boys that went out from my State—God bless them; as brave men as ever battled and covered themselves all over with glory—were not fighting for money. I resent and repudiate the statement that they were fighting for money, and I heap contempt and scorn upon the statement that they are now capitalizing patriotism. I have observed that those who are so eloquent here in denouncing soldiers' adjusted compensation as capitalizing patriotism never had any of their blood shed on the battle front, and they are men of large means, too, most of them. And some of them, I fear, are close friends of Wall Street. But they stand up and throw out their chests and say, "Capitalizing patriotism! Fighting for money!" Thirty dollars a month, and maybe some of them a little more; walking out there on the battle front, where shot and shell and danger and death were. Money was not the consideration.

If money had been the consideration, many and many a day these brave boys, if they had had the money, would have given a hundred dollars an hour to have stayed off of that battle front. Money did not figure in it at all with those brave boys. Love of country, love of justice and right principle, belief in the greatest Government in all the world, faith in it, that it could never be controlled by hog men filled with greed and avarice, where the people would be robbed and the soldiers

deprived of an honest livelihood—that is what inspired them to do and, if need be, die for their country. The ideals inspired and fostered in every home in the Republic—that is what made them fight. Inherent heroism, courage, valor—that is what made them fight so heroically on a foreign battle field.

Now, when they come back home these men, made in God's image, starving many of them in the large cities—I told you to-day that they stripped them to the waist in Boston and sold them on the block—and then you talk about capitalizing patriotism. These men in Wall Street and elsewhere in the East who have got their plans laid to kill the soldiers' bill care nothing for the soldier or the country, except for the purpose of plundering them.

We are going to have a show-down in this Republic, and I am going to assist in bringing on the show-down. I, as does every Senator here, owe a duty to these boys, God bless them. I will stand by them now, just as I stood by them on the battle front, and I do not intend that anybody shall stand here and cast reflections upon them and say they were fighting for money and capitalizing patriotism without rising in my place and letting the RECORD show to-morrow and to posterity that there was somebody here who resented and repudiated the statement. These big profiteers denounce the poor soldier, who is saying: "Am I not entitled to live? I am a young man. I offered all I had. I left my home. I offered to die for the country. I shed my blood over yonder, and now I am back here, and all I want is something to live on. Hear my statement and see if the Government owes me anything." Five hundred thousand of them are out of employment; and you say that boy who wants food for his body is capitalizing patriotism. He did not bring himself into the world. He is entitled to have food. He is entitled to have clothing and he is entitled to have shelter. In this great country everybody is entitled to a living. That is not socialism; that is democracy, simple justice, and Americanism; and, so help us God, we are going to wrench the instrumentalities of this Government out of your hands and unloose the supply of money and credits, so that everybody can make an honest living and have something to do. Yet they come in here and stand up with a sneering and cynical look on their faces, saying to do justice by the American soldier would put him in the attitude of "capitalizing patriotism and fighting for money."

That is utterly ridiculous. Fighting for money? I want these brave soldier boys of our country to know that the men who speak that way do not speak for the right-thinking, justice-loving, and red-blooded Americans of to-day.

Mr. President, if one man should say to another, "You owe me a certain amount of money," and the other should say, "No; I do not owe you anything," and the first man should then say, "Well, one of us is right and the other is wrong. Let us have the matter investigated and adjusted." Would you not think that he wanted to do the fair thing, and would you not think that he was entitled to have the matter decided? That is the situation in a way with the American soldier. In varying amounts they claim that the Government owes them money. They are asking Congress to hear them and decide whether or not they are right in their contention, and I ask you, Senators, if you do not think that a man who was willing to die for his country is entitled to that much consideration at the hands of Congress?

How do these brave boys feel about it? The telegram from Commander Ayres, of Alabama, gives us an idea when he reminds us that the tariff bill can be sidetracked and other bills taken up and considered here while the soldiers' adjusted compensation bill must wait and be kept in the background. Senators, these boys are entitled to know just what is going to be done with this matter. But the big profiteers of Wall Street want it delayed and postponed so that they can carry on their propaganda against it. They are afraid that we will take some of the millions that they got from the Government during the war and use them in settling with the soldier.

Mr. President, it is difficult for many of these boys to make a living under the conditions that exist to-day. There is real distress in many quarters. Right here in this city the other day a brave Belgian boy, who had fought through the World War, was found unconscious and said to be starving. I do not know whether he is dead yet or not. He wandered about in this land of plenty, in the Capital of the greatest Republic in all the world. I wonder if there are any men and women now in Washington who recall that he came and asked them for bread, and they refused him. I wonder if there are any who saw the newspaper picture of that young man in bed in the hospital, delirious, while his physical being battled for life, who recalled that he came to them for assistance and they drove him away hungry. I wonder if there are those who when they saw his face said, "There he is, nearly gone," and recalled that they refused him shelter.

I wonder if there are those who when they saw his face had to admit that he came to them and they turned him away empty handed. Do you know what happens to these boys? They are proud, upstanding American citizens. They offered their lives and their all. They have so much pride that they nearly die before they will beg, and as their physical strength wanes and as they mope about, with spirit broken, in the land they saved, they reach the point where they had rather die than to live, we are told. Disease seizes them, and they are being swept away; yet you postpone action upon this bill, which would give to them bread and meat and shelter and something to wear.

Oh, Senators, there is a judgment day coming beyond the confines of this Chamber. There is a God of love and justice who is going to pass judgment upon the acts of men and nations. The Christ of God, when He was here, said:

> I was naked, and ye clothed me not; I was hungry, and ye gave me not to eat; I was athirst, and ye gave me not to drink. And inasmuch as ye did it unto one of the least of these, ye did it unto me.

Did ever these boys who went abroad to fight for their country dream that when they came home, dire distress looking them in the face, starvation threatening, they could say, "I offered my life for the flag; and I was hungry, and ye would not give me to eat; I was naked, and ye would not clothe me?"

I have stated before and will relate it again, since these gentlemen harp about capitalizing patriotism, that ex-Congressman Crosser, of Ohio, told me that he was in a theater in Cleveland where they had a collection of old clothing taken up for ex-service men—boys who had been in uniform—here in this rich country gathering up old clothes from God only knows where to give to these boys, these proud, upstanding youths who marched away to the drumbeat carrying the flag to preserve liberty. He said a soldier would get up before that audience and walk down to the platform and get an old suit of clothes. Crosser said that the tears ran down his face as he beheld that awful and humiliating sight.

Here we are in the Capital of the Nation denying them an hour, two hours, or a day in which to consider a bill which would give them justice—simple justice, that is all. They are saying, "Give me adjusted compensation. I am willing to present my cause, my claim, my proof; hear me." And you will not even set apart one day to hear his statement and pass upon his claim. He showed us every consideration on the battle field. Have we forgotten that?

You turn a deaf ear to it, and then, when he is starving, and is found unconscious in a park, or walks down the aisle in a theater, my God, how heart-rending the scene! How humiliated he looks with his head hanging down; his very spirit is broken within him.

What feelings must he have for a Republic that denies him work and that will permit him to take an old suit of clothes off the stage at a theater and walk away hungry and disconsolate into the night. Then you stand here and chide me, as the Senator from Wisconsin [Mr. LENROOT] did, for consuming an hour in pleading for simple justice for these boys. Am I filibustering when I speak for the men who offered their lives for their country, when I resent the insult that they are capitalizing their patriotism and fighting for money, when they ask for nothing but justice, simple justice?

Mr. President, I am responsible for the time I consume. I do not have to consult the Senator from Wisconsin when I speak and what I shall speak about. I am responsible to my constituents and to my God; and, so help me God, just as long as I hold a commission from the bravest and best State in all the sisterhood of States, I will continue to fight for what I believe is just and right. The people of that State sent me here because they thought I would do that. I have no ill feeling and criticism for those who in their hearts really oppose adjusted compensation for the soldier. I can not understand their position and I dare to disagree with them. I am criticized by Wall Street agents for the position I take. There never has been a time they could dictate a vote of mine in the House or in the Senate, and I do not propose that anybody shall stand here and say that these boys are capitalizing their patriotism when they ask justice at the hands of the Government. It is not so. It is a mean and dirty reflection upon those boys who offered to die, and whose comrades did die fighting for their country. I resent it. I repudiate it.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. HEFLIN. I gladly yield.

Mr. ASHURST. When Horatius stood at the bridge on the Tiber and assisted, if he did not lead, the fight in hurling back the invading hordes, Rome was so grateful that they concluded, in the language of Macaulay—

> To give him of the corn land, which was the public right,
> As much as two strong oxen could plow from morn to night.

If Horatius had been at the bridge in these days and had helped hurl back the invading foe, and it had been proposed to give him as much of the corn land as two oxen could plow from morning to night, it would have been said that he was capitalizing patriotism.

Mr. HEFLIN. Certainly, according to the standard of these suddenly awakened and inspired gentlemen. Lincoln once said, "The crisis that I see approaching unnerves me, and I tremble for the safety of my country." Senators, when manhood and simple right and justice are put beneath the foot and the dollar lifted high above them the country is indeed on the danger line. Millionaires are increasing while millions of people are denied the necessities of life.

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

What is going on in this country? You are crushing the spirit out of as brave young warriors as ever shouldered gun or drew a battle blade. That is what you are doing. Then you talk about creating Bolsheviks. You are making Bolsheviks. What will make a Bolshevik as quickly as a strong young man seeing justice murdered before his eyes, right trampled under foot, injustice enthroned, and right cast down while wrong is flaunted in his face? What will make a Bolshevik quicker than that? They can not give us a day, not 24 hours, to consider a bill which affects vitally the soldier who won the great World War.

Mr. WATSON of Georgia. Mr. President, after the old French and Indian War, in which George Washington played such a conspicuous part, he spent a whole winter in Williamsburg, where the capital then was, in working on the legislature to pass a bonus bill to give him and his soldiers a land bonus, and he succeeded in getting it. Some of the titles to the finest Virginia estates relate back to those land grants, and Washington himself got 70,000 acres of that land.

Mr. HEFLIN. Mr. President, that was patriotism then, but when you tread upon the toes of these millionaires of Wall Street, who multiplied and increased during the war, who charged their Government all sorts of profits and made themselves richer than Croesus, they fight these boys who want to live, and make light of them, and have sentiments voiced on this floor to the effect that they are capitalizing patriotism and fighting for money.

Mr. ASHURST. Mr. President, it is said that republics are not grateful. They are grateful. When we were poor, Lafayette revisited our country. He was introduced in the House of Representatives, and Henry Clay made a superb oration, which is taught to schoolboys to this day. But they were not content with mere speeches. They voted Lafayette $200,000 from our poor Treasury, and a township, 36 sections, of 640 acres each, in Louisiana or Florida—36 sections of land and $200,000 in cash—and not a man in all the length and breadth of the land ever said that Lafayette was capitalizing patriotism.

It only remains in this opulent day, when we have grown rich and great, that the suggestion is made that to pay the private soldier an adjusted compensation is capitalizing patriotism.

Mr. HEFLIN. Why, certainly that is their contention. I saw the statement some time ago, and it emanated from Wall Street, that it was capitalizing patriotism and that they would be put in the attitude of having fought for money. I never thought that it would be repeated on this floor, but it has been repeated here—that these brave boys were capitalizing patriotism and fighting for money. Mr. President, I wish that the American people had a right to vote on some of these busy gentlemen now, these gentlemen who flaunt their very insults in the faces of as brave an army as ever marched to battle in all the tide of time. Capitalizing patriotism! What an insult!

"Who knocks at that door?" "An American soldier." "What do you want?" "I want a job; I want something to do; I am starving." "Have not you got a job?" "No, sir." "Can not you find work to do?" "I have walked for days seeking it and I can not find it." "Are you hungry?" "I have not had a meal this day; I am hungry and I want something to eat. It almost kills me to have to beg for bread, but I am starving. I am so weak I can hardly stand on my feet."

We come into the Congress and say to Senators, "Let us judge that man's case. He is starving. He is a patriotic youth. He served and saved his country, and he wants to live. He is entitled to live and he is entitled to fair treatment at our hands." Let us pass this measure and decide his case. Oh, no; you pigeonhole it. You take the excess-profits tax off of the big millionaire in Wall Street, you relieve the profiteer, you pass the Army and Navy appropriation bills, and you drive on with your tax bill to-day in the interest of the tariff barons; but you pigeonhole the bill for this boy who is in want and dire distress.

Senators, the American people are fair when they can get the truth, and they are going to get the truth about this case. We are going to give it to them somehow. We are going to let the honest, upstanding men and women of America pass judgment on the case. You are not going to get away with your propaganda and say, "That was capitalizing patriotism, and that is the reason why I voted against it." You will have to meet the issue squarely and fairly at the judgment bar of the American people when they have a chance to speak with their ballots in their hands.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. When the French people overturned the throne and had beheaded the king and had thrown his head as a gage of battle at the feet of other kings, and six or eight armies were marching upon Republican France, it was necessary to have a levy en masse; that is, the people had to rise as a man, all those who were able to bear arms, to defend the fatherland. One of the measures which the French assembly adopted was to provide $3,000,000,000 as a bonus in advance, so that those who fought knew that if they returned to their homes their old age would be provided for; that they would not have to beg their bread from door to door as our boys are doing now; that they would not have to beg for work; and if they fell in battle their dependents, the mother or the wife or the daughter or the son, would be provided for by this bonus. That so inspired the French Army of the Republic that no enemy which they met resisted them, and so inspired them that they immortalized history with such names as Hohenlinden, Marengo, Austerlitz, and a dozen others I might name.

Mr. HEFLIN. Mr. President, I thank the able Senator from Georgia. When these boys of ours went off to battle they never thought about money. They had faith in the Government. They loved the Government well enough to die for it, and no man loves a government better than that. The big profiteers who are trying to deny justice to the soldier boys do not love the Government; they do not love the flag except as they see in it a passport for them into the powers of government which will enable them to increase their fortunes. They care nothing for the flag except as it serves the purpose of predatory interests.

But the boys who marched out were willing to fight and die for their country. They came back home never dreaming that the civic situation would be so changed that the instrumentalities of the Government which, when they went away, were in the hands of the people would be so tied up and controlled as they are to-day; that the volume of money would not be flowing freely in every line of business, with credit conditions agreeable everywhere to everybody who needed credit and had a going business. They never dreamed that when they got back all this contraction and all this deflation would have taken place. They never had an idea that the time would come when prosperity would not flow like a river and they could not obtain something to do. They never dreamed that time would come. But it came.

After they had reached home they saw these contractors marching to Congress in droves to get their checks for all the materials they had used and some that they never produced, their checks for investments which they made and the Government guaranteeing their investments; and when they saw all that being paid, they said, "Well, let us get to work." They were told, "There is no work here. This industry is closed." They said, "Let us go over here." And they were told, "We have shut down. Business is dead." "What am I to do? I have to live. Must I beg my bread?"

Many of them begged at first and would not tell that they were soldiers. I do not believe anybody would turn a soldier away hungry if they knew he was a soldier, unless it was one of these holier-than-thou fellows who now charges him with capitalizing his patriotism. I believe they would turn the soldier away hungry.

Mr. WALSH of Massachusetts. Mr. President——

Mr. HEFLIN. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I understood the Senator in the beginning of his address to refer to a petition from the commander of the American Legion Post of Alabama claiming to represent 100,000 ex-service men. Other Senators have received similar petitions. I have one from my own State claiming to represent 240,000 ex-service men. I would like to ask

the Senator from Alabama if any speeches were made to those young men when they went forth to camp to prepare to fight for their country, accusing them of commercializing their patriotism because they were going to fight for their country for $30 a month?

Mr. HEFLIN. Oh, no, Mr. President. Those fellows who were talking about capitalizing their patriotism were then telling them to go, go. "The Government is just and fair and grateful. The Government will never forget your services. It will always love and honor you." Money never entered into the consideration with them then. They would not have cared whether they got a dollar a day or not if the Government was giving them food and raiment and stuff with which to fight. They went as their forbears have gone, to do battle and to win victory in the cause of right. Of course, the commercial idea never entered into it; but now since they have come home and are asking from the Government, for which they offered to die, an adjusted compensation such as we are discussing they are told that they are fighting for money and that they are capitalizing patriotism.

Now, Mr. President, I want to say in conclusion——

Mr. SIMMONS. Mr. President, I would like to ask the Senator a question.

Mr. HEFLIN. I am glad to yield to my friend from North Carolina.

Mr. SIMMONS. A very nearly unanimous vote has been cast on the other side of the Chamber to-day to postpone the consideration of the bonus bill until after the tariff bill has been passed. The friends of the bonus bill on the other side of the Chamber have voted for that proposition. I want to ask the Senator if the friends on the other side of the Chamber, who have declared their willingness to vote finally for the proposition, have not in that way admitted that the soldiers who fought and won the war are entitled to this additional dollar a day?

Mr. HEFLIN. Certainly.

Mr. SIMMONS. Now, I want to ask the Senator how he thinks the friends of the bonus bill on the other side of the Chamber, who have made that admission, who have declared their ultimate purpose to vote for the bill upon the ground that it is a just debt and due the soldiers, propose to justify themselves for laying aside the measure to pay the soldiers of the war the $1 a day which they admit the Government owes them until after they have had an opportunity to pass a bill to give to the profiteers of the last war millions and hundreds of millions and billions of dollars? How can they justify it?

Mr. HEFLIN. They can not justify it.

Mr. SIMMONS. And that is exactly what they are doing.

Mr. HEFLIN. Certainly it is.

Mr. SIMMONS. They are admitting the debt on the part of the Government to the soldier. They say, "We want to postpone the bill to pay that debt until we can pass the bill to give to the profiteers of the war billions of dollars of the people's money." How do they justify it?

Mr. HEFLIN. Mr. President, the Senator is absolutely right. Nothing they have said justifies their efforts to postpone action on this measure. Word has come from the White House. We are told to put this bill to sleep. But this action has been taken, and we must apply the old Bible standard again, "By their fruits ye shall know them." We know what they intended to do by what they have done. What did they intend to do? They intended to sidetrack the bonus, the adjusted compensation, and to do what? To continue the tariff tax bill that will give billions of dollars to the tax barons of the United States and that will take billions of dollars out of the pockets of the American consumers, including the soldiers. That is what it will do.

What have we done about it? The issue has been drawn in this body. There were those of us who said, "Let us take the soldiers' bill up. They are human beings; they need food and shelter and raiment now, every hour and every day and night, and they must have care and consideration now. Shall we consider them or shall we consider those interests which are pressing you to hurry the other bill through? That bill can wait. Let us take up the soldiers' bill. They are human beings."

Who are these human beings? They are the soldiers of the great World War. We ordered them to go abroad and battle. Now they have won the victory, let us show this consideration for them and consider the bonus bill now. But what did you do? You voted on a roll call to defer action upon it and to put through this bargain counter tariff bill, this tariff tax measure, to drive it through, because the tariff barons have ordered that it be done. Those who fight the bonus have decreed it, because they want to pass the one and kill the other, and you have done what they want you to do. Then you stand up here and talk about being in favor of the bonus. You postpone action on this thing for six weeks.

Some Senators now opposing the soldiers' adjusted compensation measure are going into the States of other Senators making it a point to speak against the bonus when the Senators of those States are pledged to the enactment of such a measure. There has never been anything like this propaganda you are carrying on. You come in and instead of being able to answer our argument you stand up and say it is an attempt to capitalize patriotism and that they were fighting for money. Shame on you. Oh, Mr. President, there are occasions here when those who do love their country have reason to do some very serious thinking; they have reason to have some very disturbing thoughts along lines suggested by occurrences in and around this body.

Mr. President, I want to say a word in conclusion. I did not intend to speak as long as I have upon this subject, but my blood fairly boiled at the suggestion that the boy who went out on that battle line in "no man's land," where death was raining all around him, fighting for me and for my country, was fighting for a money consideration, was capitalizing his patriotism. I resent the base insinuation.

I know that Wall Street feels as though it owned this body; I know that we have got some millionaires in it. I do not object to wealth if a man achieves it properly and honestly; I am for personal rights; I am for property rights; I am for capital; I am for labor; I am for the common man; I am for justice for everybody. That is what every Senator here should stand for. I believe in doing that which will bring about the greatest good to the greatest number. I believe in the enforcement of the laws of justice. That is the American standard. Those who stand for that, those who want to see justice done to the boy who offered to pour out his lifeblood for his country, are accused of wanting to encourage the capitalization of patriotism. Some Senators come in here with their sickly and cynical stuff and say that the demand for the compensation bill shows that our soldiers were fighting for money.

Mr. President, I do not want to take any more time now, although the soldier boys are entitled to all the time that I have and all the physical strength I have to give them; but I know that I am tied and that they are gagged and tied. Senators, they are waiting on us; they can not enter their protests except through us and through some periodicals, thank God, which are for them whole-heartedly. They can write letters and send telegrams to their Senators and Representatives; they can have their State and National meetings and make known their wishes and continue to fight for justice. We will continue to fight for justice for them here; we will keep the fires of recollection, of appreciation, and of gratitude burning at the altar place in this temple of liberty until justice is done to them.

These sneers will not deter us.

I know the effort to prevent this legislation is being made through the columns of certain members of the subsidized press. The newspapers that are not subsidized need not take any offense at what I say; I do not refer to them; I mean the newspaper that is bought; I mean the newspaper that does absolutely the bidding of the greedy and soulless money trust in the United States. I am not talking about the honest newspaper man or the honest newspaper that is not for sale, that can not be bought outright, bribed, or bulldozed; I am not talking about that class of newspapers, but I am talking about the other class.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. The Senator from Alabama, no doubt, remembers the career of George Rogers Clark, whom John Randolph, of Roanoke, called "the Hannibal of the West." He added more territory to this Union than did any other one man who ever lived in it. His march over the flooded lands of the Wabash, his capture of Fort Kaskaskia, his march on Fort Vincennes, his conquest of that great territory, forms one of the most brilliant chapters in our history. George Rogers Clark was of the very highest type of manhood; but yet the Senator from Alabama knows that George Rogers Clark accepted a bonus of land, part of the land that he and his soldiers had fought for and bled for, and he died on it. That land included the present site of the city of Louisville, Ky., in which city, my friend, the senior Senator from Kentucky [Mr. STANLEY], tells me, George Rogers Clark is buried. If George Rogers Clark, if George Washington, if General Greene, if Lafayette, and if other men like them could accept bonuses without disgrace, where comes the shame of accepting a bonus of any kind, either land or money?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the able Senator from Georgia a question. I know he is a historian. He has stated that George Washington accepted land as a bonus. Was that from the State of Virginia or from the Colony of Virginia?

Mr. WATSON of Georgia. First, it was from the Colony of Virginia, and afterwards there was a bonus granted as a result of the Revolutionary War; there was a land grant from the Federal Government.

Mr. BORAH. But Washington declined to receive that for himself, did he not?

Mr. WATSON of Georgia. Washington declined to receive a salary for his services during the Revolutionary War; he received only his expenses; but he received his share of the land bonus which was allotted to the soldiers of the Revolutionary War after the war.

Mr. BORAH. I do not want to detain the Senate or the Senator from Alabama, and I am not going to detain him now by reading from authorities on this subject. My understanding, however, is that Washington positively refused to receive any land for his personal benefit or his personal use, but that he did receive land, with the understanding that it would be dedicated to a public use, and that in his will it was so dedicated.

Mr. WATSON of Georgia. That may have been true, but Washington not only received land but he bought up the land warrants of his companions in arms to a very large extent.

Mr. BORAH. Washington might have purchased land warrants—I do not know about that—but that was a business transaction.

Mr. WATSON of Georgia. But that was certainly an indorsement of the principle.

Mr. BORAH. But I think if the Senator from Georgia will refresh his memory he will find that Washington positively refused to receive a bonus in the way of land. I think I can demonstrate that a little later.

Mr. WATSON of Georgia. I shall be very glad to be corrected on that subject if I am wrong.

Mr. BORAH. I know how thoroughly the Senator from Georgia is informed upon such subjects, and when I heard him make that statement in the first instance, of course I hesitated to disagree with him; but I felt, if my memory served me correctly, that he was in error. I do not say now that he is, but my opinion is that the record will bear out my statement that Washington declined to receive any land in the way of a bonus.

Mr. WATSON of Georgia. Mr. President, my recollection is that in the French and Indian war Washington spent a whole session of the legislature lobbying, as we would call it, using his influence with the legislature to have them pass a land bonus for the soldiers. They passed such a law, and under that law the soldiers received their bonus. That committed him to the principle, surely, whether he received any of the land for himself or not. My recollection is further, though I have not refreshed it, and I may be wrong, that a large part of his landed estate consisted of land warrants which he bought up, those warrants being bonuses granted by the then Federal Government for services during the Revolutionary War. That again committed him to the principle, even if he did not receive a bonus himself.

Mr. HEFLIN. Mr. President, I want to state again that it has been said time and time again in this country and in this Chamber that England and France have both paid their soldiers a bonus or adjusted compensation.

Mr. WATSON of Georgia. And Canada.

Mr. HEFLIN. Yes; and Canada; and that England and France paid theirs with the money they borrowed from us.

Mr. WATSON of Georgia. Italy did so, too.

Mr. HEFLIN. And Italy did likewise, I understand. Mr. President, how can any honest man stand here and refuse to order the collection of enough money which they owe us to pay adjusted compensation to our soldiers? Have you any right to take money out of the pockets of the American people and loan it to France and England and Italy to pay adjusted compensation to their soldiers and deny it to our soldiers here at home? The Christian religion teaches us that charity should begin at home; that we must be just to our own before we are generous to others. What right have you to take this money and let them use it in paying off their obligations to their soldiers and then make fun of our soldier—criticize and belittle him and say that he is capitalizing his patriotism when he asks for the same thing that our allies have considered just and have given to their soldiers who fought by his side in the great World War?

Senators, you can not answer these arguments; you can not begin to answer them; and you do not try to answer them. You are using the papers that you have bought back yonder to carry on the propaganda and to denounce those of us here who dare to speak for these poor boys, hundreds and hundreds of whom have not got a dollar to-day.

Have we reached the time in this country, Mr. President, when a man has no standing unless he has got great wealth? Have we reached the time when manhood and womanhood no longer count? Have we reached the time when merit in men and women no longer decides the contest? Is money to be placed above manhood and is money to be the passport to places of power, and must these places that were once bestowed upon able, strong men who could neither be bought nor bulldozed now go to men who have back of them the biggest purse, when seats in the Senate are put up for sale to the highest bidder? Is money to become the corrupting and controlling power in Congress? There are 96 Senators, all told, and all they have to do is to influence or control the votes of 49 Senators. They have moved their battle ground to this body. They say, "If we can get a majority in the Senate, let the House pass what it will. We will choke it to death in the Senate. Away with your bonuses; up with your subsidies; up with the power of taxation to enrich one class and impoverish another; with your legislative power to kick the soldier out at the back door and enthrone those who pillaged and plundered his country in time of war." Is that your standard of patriotism? Is that your standard of statesmanship? If it is, the sooner the American people lash that standard and you out of this Chamber the better it will be for the Government.

Mr. President, the time has come now that when a man runs for the Senate they want to know how much money he has. Has he got a big campaign fund? How does he stand toward big business? Can we control him? No. Then fight him; let loose the dogs of war on him; just like they are fighting my friend from Tennessee [Mr. McKELLAR]. He had a solution for this bonus question, under which it could be settled without taxing the American people a dollar. His plan, that of the Senator from North Carolina, and my plan, and the plans of others could have settled this question without taxing the American people a cent; but do you know why they will not let you do that? Wall Street held your hands off of the collection of this debt while they paid to Wall Street a private obligation of billions of dollars. Are they to be permitted to punish and drive from public life men who dare to demand justice for the soldier who offered to die for his country? Why, I reminded you here six months ago that they have collected already out of England and France alone $1,750,000,000; and then they were saying they were not able to pay us; just stay the debt.

Who told you to do that? What interest was it that was strong enough to put aside the claim of a hundred millions of people while you collected the debt due 21 men in Wall Street? What power is it in the Government that boys from my State and from your States fought for and died for that can come down here and run things like that? Who is it that is back of such a performance? Who is it that is controlling this Government through this mysterious power in Wall Street? What power is it that will not permit you to collect this foreign debt? What is it, I ask again, in the name of every soldier who wore the uniform—I repeat the question—what is it that is causing this meeting of certain editors now in Europe, aye, in London, we are told, to frame up a policy for the Government of the United States regarding the cancellation or collection of a foreign debt? Who is it that is saying we can not collect this money, principal and interest, of $12,000,000,000 due the Government of the United States? What power was it that made you appoint five Republican commissioners, so that no Democrat would know what was said with reference to handling this foreign debt? Who was it that did that? It was never done before in the history of the country. You should have named three Republicans and two Democrats. You named five partisan Republicans. You voted it through this body. Your President appointed them. Who is it that will not let us collect this money to pay these soldier boys what is due them? Who is it? What power is it that sidetracks this adjusted compensation bill for weeks and weeks and weeks in a country where the boys who wore the uniform are in distress? Who is it, Mr. President?

Thank God for the day when the people can express their judgment at the polls and say for themselves whether they indorse this high-handed conduct, when graft and corruption are rampant in the Republic and profiteers are fattened upon the substance of the people, and tariff barons are preferred and placed on the front seat in a Republican Senate, while the American soldier, neglected and seemingly forgotten, drifts back and back in despondency to the rear.

Mr. NORRIS. Mr. President, I desire to submit a parliamentary inquiry. I understand, in substance, that some parliamentary inquiry was submitted, and I was absent from the

Chamber at the time. To my mind the matter is very important.

The pending motion, as I understand, provides that upon the final disposition of the tariff bill we will take up the bonus bill. The uncertainty of the ending of this tariff debate makes it important, I think, that we should have an understanding. It may be, if we do not get along any faster than we have been doing, that that would mean two or three years from now; but I want to submit a parliamentary inquiry to the Chair, so that we will have an understanding when we vote on this motion. Will the adoption of the pending motion prohibit the making of a motion at any time when it would otherwise be in order to take up the so-called adjusted compensation bill?

The PRESIDENT pro tempore. The Chair answered that inquiry in response to the Senator from Wisconsin. It is obvious, however, that upon that question each Senator must be his own judge of the interpretation to be given to the rules and to parliamentary law. The present occupant of the chair could not and would not attempt to bind the Presiding Officer at the time the question might arise with regard to the proper interpretation or construction of the motion.

Mr. NORRIS. If the Chair will permit me, I am anxious to have it determined, so that, as far as I am concerned—and I should think the same thing would apply to all other Senators—we may vote intelligently on the pending motion; and I think if the Chair would decide it, unappealed from, it would be the same as an agreement, it would be an understanding, that that was going to be the course. If the Chair says that the adoption of the pending motion would make such a motion out of order, so far as I am concerned I shall vote against the pending motion. I do not want to bind myself in any way not to vote for a motion to take up that bill.

The PRESIDENT pro tempore. The Chair feels that he would be usurping the functions of the then Presiding Officer if he should attempt to make a ruling that would bind the Senate or bind the Presiding Officer who may be in the chair at that time. The Chair has an opinion with respect to the matter. He has been advised by several of the most accomplished parliamentarians of the body that he is wrong, but he is of the same opinion still.

Mr. JONES of New Mexico. Mr. President——

Mr. NORRIS. Will the Chair, for my own guidance and also for that of others who like myself were not present when the Chair ruled on the question, say now what his decision was?

The PRESIDENT pro tempore. The Chair stated, in substance—and the Chair again declares that he is not attempting to bind the Presiding Officer when the question arises—that, in his opinion, if the motion presented by the Senator from Indiana is adopted, it will not be in order at any time prior to the date mentioned in that motion to move to take up the bonus bill with the idea that it can be adopted by a majority vote. In other words, the present occupant of the chair is of the opinion that the Senate can not adopt to-day a special order requiring a two-thirds vote and then to-morrow rescind it by a majority vote.

Mr. WALSH of Massachusetts. Mr. President, can not the Senator from Indiana modify his motion so as to provide that a motion can be made at any time to take up the adjusted compensation bill?

Mr. LA FOLLETTE. That would settle it.

Mr. WALSH of Massachusetts. That would remove the difficulty.

Mr. SMITH. Mr. President, I want to ask the Senator from Indiana [Mr. WATSON] if it was his intent, in presenting this motion, to cut off the possibility of having the adjusted compensation bill taken up until the tariff measure is out of the way? If it is his intent, as a matter of course that will go far toward determining the attitude of those who are of like mind with himself; or, on the other hand, does the Senator simply propose that whether it is taken up or not, so long as it is not disposed of, when the tariff bill is out of the way it will automatically become the unfinished business?

Mr. NORRIS. Mr. President——

Mr. SMITH. I ask the Senator that question, if the Senator from Nebraska will allow me?

Mr. NORRIS. Before I conclude—and then I will yield the floor—I want to submit a proposition to the Senator from Indiana. If he has the motion there, may I have it?

Mr. WATSON of Indiana. I have not the motion. It is at the desk.

Mr. NORRIS. I should like to have in my hands a copy of the motion, and then I want to submit a proposition to the Senator from Indiana.

Mr. JOHNSON. Mr. President, will the Senator yield for just an instant?

Mr. NORRIS. I should like to suggest to the Senator a modification of the suggested motion. The motion reads:

I move that the bill—

So and so—

providing adjusted compensation for veterans of the World War, and for other purposes, be, and is hereby, made the special order immediately following—

And so forth. Now, why not say this:

I move that the bill—

And so forth—

unless sooner taken up on motion, be, and is hereby, made the special order—

And so forth.

Mr. LENROOT. "And disposed of."

Mr. LODGE. "Unless otherwise disposed of."

Mr. WATSON of Indiana. "Unless sooner disposed of."

Mr. SMITH. That was the question that I asked the Senator from Indiana—if that was his object?

Mr. LA FOLLETTE. "Unless sooner taken up and disposed of."

Mr. NORRIS. Yes; let me suggest again to the Senator from Indiana to put in a few words there, "unless sooner taken up and disposed of." Would the Senator have any objection to that modification?

Mr. WATSON of Indiana. Now, may I answer the question?

Mr. NORRIS. Yes; I have asked it because I want it answered.

Mr. WATSON of Indiana. The Senator from Mississippi [Mr. WILLIAMS] was addressing me at the time, and I failed to hear the question.

Mr. NORRIS. I will repeat it, then. The motion says:

I move that the bill—

And so forth—

be and is hereby made the special order—

Just in front of the word "be" I suggest putting in the words "unless sooner taken up and disposed of," so that it would read like this:

I move that the bill—

And so forth—

to provide adjusted compensation for veterans of the World War, and for other purposes, unless sooner taken up and disposed of, be, and is hereby, made the special order—

And so forth.

Mr. WATSON of Indiana. Mr. President, if I may have an opportunity now to explain my position, it is simply that what the Senator from Nebraska asks is the rule anyhow.

Mr. NORRIS. I admit that, if the Senator will permit me. I believe that is right. I do not agree with the Chair.

Mr. WATSON of Indiana. Neither do I. I take the liberty of disagreeing with the Chair.

Mr. NORRIS. But the Chair has expressed an opinion, and we feel in honor bound to obey it and follow it unless we appeal from it, and I do not know how we can appeal from a decision that has not yet been made.

Mr. WATSON of Indiana. Oh, yes.

Mr. LA FOLLETTE. It can be cured by the Senator's suggestion.

Mr. NORRIS. It can all be cured by this amendment.

Mr. LODGE. Certainly; it is perfectly obvious. The ruling was stated by the Chair when the Senator was absent from the Chamber.

Mr. WATSON of Indiana. I have taken the liberty of disagreeing with my friend the distinguished Presiding Officer, notwithstanding his great knowledge of parliamentary law, because I have believed, and have so asserted on the floor this afternoon, that even though this motion were adopted, at any time a majority could set it aside and take up the bonus bill. Personally, I have not any doubt about that. That is particularly true after 24 hours, at all events; but, be that as it may, that having been my understanding of the rule from the beginning, I am entirely willing to clear it up by accepting the proposition of the Senator from Nebraska. That is to say, I do not think it changes the existing rule one iota.

Mr. SMITH. If the Senator will allow me, it does modify it in view of the ruling that the present occupant of the chair has made.

Mr. WATSON of Indiana. Of course, I did not understand that the present occupant of the chair had made a ruling——

Mr. SMITH. No; he expressed his opinion.

Mr. WATSON of Indiana. Because he was not called on to rule. There was not anything to rule on.

Mr. SMITH. But he expressed an opinion as to what he would do if he were called on to rule.

Mr. BORAH. Mr. President, if everybody is satisfied, let us vote on it.

Mr. WATSON of Indiana. I agree with my friend from Idaho. If everybody is satisfied, let us vote.

Mr. SMITH. With the modification written in that the Senator from Nebraska has presented?

Mr. WATSON of Indiana. I accept that modification.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nebraska.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

Mr. NORRIS. Will the Senator accept it?

Mr. WATSON of Indiana. I will accept it if I understand it.

Mr. NORRIS. I have interlined it here.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Do I understand that the Senator from Nebraska presents an amendment to a request for unanimous consent?

Mr. WATSON of Indiana. No; it is a motion, I will say to the Senator.

Mr. LODGE. There is no request for unanimous consent about it.

Mr. WATSON of Indiana. There is no request for unanimous consent. This is a motion.

Mr. WILLIAMS. Very well.

Mr. NORRIS. This is the way it would read:

I move that the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, unless sooner taken up and disposed of, be, and it is hereby, made the special order immediately following the vote upon the third reading and passage of the tariff bill, so called, H. R. 7456.

The PRESIDENT pro tempore. Does the Senator offer an amendment or does the Senator from Indiana modify his motion?

Mr. WATSON of Indiana. I modify the motion.

Mr. WILLIAMS. Mr. President, I am not aware of any rule of the Senate under which the mover of a resolution may accept an amendment binding the entire Senate.

The PRESIDENT pro tempore. There is no such rule. There is a rule of the Senate which allows one who moves an amendment to modify it and present it in its modified form.

Mr. LODGE. Mr. President, a special order, if agreed upon, can not be rescinded except by a two-thirds vote, obviously, but I venture to differ with the Chair in his recent opinion. I think it is perfectly lawful to dispose of the special order prior to the time when the special order would come into effect. It is not setting it aside; the order remains. The subject is disposed of in other ways. Therefore I have no objection to the amendment.

Mr. BORAH. Under this procedure, if a subject is taken up prior to the day upon which it is made a special order, immediately after it becomes a special order anyone can make a motion to supplant it with another subject.

Mr. LODGE. No.

Mr. BORAH. Yes; after it is taken up on that day. It then becomes the unfinished business and anyone can make a motion to supplant it, and a majority can supplant it.

Mr. LODGE. After twenty-four hours.

Mr. BORAH. Exactly.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Indiana.

Mr. LA FOLLETTE. Mr. President, before that motion is agreed to I desire to state that my insistence upon a ruling or a modification of the proposed motion rests upon my belief that this soldiers' adjusted compensation bill ought to be taken up before the tariff bill is disposed of. For that reason I was unwilling that the Senate should proceed to vote upon the motion of the Senator from Indiana without a definite understanding that with the adoption of the resolution offered by that Senator it would nevertheless be in order for any Senator at any time during the pendency of the tariff bill to move to proceed to the consideration of the bill for adjusted compensation for soldiers.

I believe that the people of the State I have the honor to represent in part, and I am confident that the members of the American Legion of that State, are opposed to any postponement of the consideration of this bill for the adjusted compensation of the pay of soldiers of the Great War. This morning I received, too late to be offered when the first motion was under consideration, a telegram from the commander of the Wisconsin department of the American Legion. That telegram is as follows:

ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

The question of temporarily laying aside the tariff bill for the purpose of considering the adjusted compensation bill will come up to-day. The adjusted compensation bill has already been before Congress for two years and should be passed at once. It will be months before the tariff bill is completed, and it has already been laid aside on two occasions. Knowing that you are in favor of the adjusted compensation bill, I request that you use your utmost influence to lay aside the tariff bill for a short time and secure the consideration of the adjusted compensation measure. I make this request in behalf of the 125,000 ex-service men and women in Wisconsin and the several hundred thousand mothers, wives, and dependents of ex-service men, who can not understand the inexcusable delay in this matter, and who can not see any reason why the tariff bill can be held up for legislation benefiting the Regular Army and Navy and not be held up for nearly 5,000,000 men and women who actually served their country in time of danger and who are to-day suffering greater economic disadvantage.

EDWARD J. BARRETT,
Commander the American Legion, Department of Wisconsin.

I also received a telegram from Mrs. Frank E. Wilson, department president American Legion Auxiliary, Department of Wisconsin, which I now read:

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

In the name of the mothers, wives, and families of ex-service men I request that you use every effort in your power to secure immediate consideration for the adjusted compensation bill. Having been before Congress for the past two years, it deserves attention even at the cost of postponing action on the tariff. For the sake of the 4,800,000 men and women who actually did the fighting during the World War and who are to-day suffering serious economic disadvantages I am sure you will comply with this earnest request, as I know you are in favor of the bill.

Mrs. FRANK E. WILSON,
Department President American Legion Auxiliary, Department of Wisconsin.

And this further telegram from a former Wisconsin man, now a resident of Michigan, who urges the prompt passage of the soldiers' adjusted compensation bill. It is dated Bellevue, Mich., is addressed to me, and reads as follows:

ROBERT M. LA FOLLETTE,
United States Senate Chamber, Washington, D. C.:

Majority of Michigan soldiers heartily indorse your action regarding adjusted compensation bill. We have been sidetracked and fooled by promises made only to be broken too often. Conditions warrant immediate passage of bill.

D. W. KYLE,
Formerly of Darlington, Wis.

Mr. President, I do not wish to detain the Senate with any extended discussion upon the motion now pending. I believe we are inflicting a great wrong upon the men who were called into service in the World War, by the manner in which we are treating this bill. I do not propose at this hour to review the history of it. It is sufficient to say that for two or three years it has been shilly-shallied with until the sincerity of those who are responsible for the legislation is most seriously questioned not only by the ex-service men but by the people of the whole country. Not only the men who are to be benefited by this legislation demand its passage, but the great body of the citizenship of this country believe that the enactment of this legislation is the discharge of an obligation of this Government to these men. It is not a gratuity, it is not charity; it is the payment of a debt, and I believe that an overwhelming majority of the people of this country want to see the debt to these soldiers discharged by the Federal Government.

Mr. President, the States were under no obligation to provide additional compensation for the soldiers of the National Army. But, sir, the shameful delay on the part of the responsible officials of the Federal Government forced the States to pass bills for the relief of these ex-service men. I do not know how many States passed such bills, but I do know that a substantial number of the States of the Union have enacted such legislation.

I want to express my disapproval of the action of my Republican colleagues in calling caucuses or conferences to control the action of Members upon this side upon matters of legislation. I have always been opposed to taking legislative measures off this floor and making them the subject of caucus action, otherwise called conference action. The purpose of that sort of proceeding is to bind the consciences of Members who attend upon those conferences. That such is its purpose was evidenced very recently, when certain Senators withdrew from one of these conferences, held upon the call of the Republican organization, as a protest against an attempt to control their action upon proceedings in the Senate.

Many years ago one of the great statesmen, one of the great leaders of the Republican Party, Charles Sumner, denounced the policy of taking legislative subjects from the floor of the Senate and determining the proceeding upon them by party caucuses, hampering and trammeling the freedom of action and seeking to control the judgment and conscience of Members upon legislation. I deprecate it, and I hope that it will be discontinued.

Mr. President, I have not taken any part in the tariff debate up to the present time, except by an occasional question. I am much interested in the tariff bill and I purpose to participate in the debate on it. I think it has been foreshadowed in the course of the discussion here to-day that when Senators from

this time on undertake to debate the tariff bill in a thoroughgoing way they are going to be charged with seeking to delay the bill for the soldiers. I think it has been made very plain that this scheme of putting the soldiers' bonus bill behind the tariff bill and making its consideration dependent upon the disposition of the tariff is, first of all, to limit and restrict debate upon the tariff bill and to delay and, if possible, defeat the soldiers' adjusted compensation bill. Debate upon the tariff will be charged up from day to day hereafter as a manifestation of hostility to the ex-service man.

Mr. President, I stand for a protective tariff measured strictly and limited to the difference in the cost of production at home and abroad. I propose, before we have disposed of the tariff bill, to discuss it, with such thoroughness as I am capable of, upon that principle. I do not purpose, sir, to be deterred from debating the tariff bill by any charge that I am delaying the passage of the soldiers' bill.

I deprecate that word "bonus." It should never be called a bonus bill. It is not a bonus. That term has been fastened upon it by those who do not want to fairly compensate the soldiers of the country for the sacrifices they made. It is a soldiers' adjusted compensation. I do not know whether it is fully adjusted or not. I doubt very much that it is.

Mr. President, I purpose to debate the tariff bill, and to debate it with such thoroughness as I am able to, but I say here and now that I am for taking up the soldiers' adjusted compensation bill and disposing of it. The tariff bill can well afford to wait. The people of the country can well afford to have it wait, for they will pay in tribute to the selfish interests of the country far more than the soldiers' adjusted compensation will cost the country.

Mr. President, from time to time as we proceed with the tariff bill, if I shall see an opportunity to get the soldiers' adjusted compensation bill up for consideration, I shall not hesitate to submit to the Senate a motion to vote upon it. I shall not be deterred by the large vote cast in the Senate to-day in favor of delaying action until the tariff bill is disposed of. When Senators hear from their constituents I think they will change their views upon the subject. At least I shall be in favor of giving Senators the opportunity of so doing from time to time in the weeks to come.

Mr. PITTMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. I yield.

Mr. PITTMAN. There are, of course, on our side Senators who are violently opposed to the soldiers' bonus bill, but nevertheless I would ask unanimous consent that we vote on the proposition. I do not think even the Senator from Mississippi [Mr. WILLIAMS] or the Senator from Alabama [Mr. UNDERWOOD] would filibuster against a thing like that. I ask unanimous consent that we take up the so-called bonus bill—I apologize for using that term—and vote upon it at or before 6 o'clock this afternoon. Is there any objection to that request?

Mr. WADSWORTH. Mr. President, do I understand the Senator from Nevada has submitted a unanimous-consent request?

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the bonus bill be taken up for consideration, and that a vote thereon be had by 6 o'clock this afternoon. Upon that suggestion it will be necessary to call the roll to develop the presence of a quorum.

Mr. PITTMAN. If the Senator from New York is willing to object, there is no use of having a roll call.

Mr. WADSWORTH. I shall obviate the necessity for calling a quorum or anything of that sort by announcing an objection now.

Mr. PITTMAN. That explains the whole situation.

Mr. LA FOLLETTE. Now, Mr. President, I have said all I care to say upon the pending resolution.

I now address myself to a question of personal privilege.

Mr. WATSON of Indiana. Mr. President, will the Senator permit me to inquire whether or not it has reference to the question before us?

Mr. LA FOLLETTE. It has not.

Mr. WATSON of Indiana. Will the Senator allow a vote to be taken before he proceeds?

Mr. LA FOLLETTE. I would very much like to conclude what I have to say to-night upon the question of personal privilege, as some matter appeared in the CONGRESSIONAL RECORD of this morning that I think should be answered to-day.

Mr. WATSON of Indiana. I was wondering whether or not——

Mr. LA FOLLETTE. I would be very glad, except for that fact. I have been here for the greater part of the day awaiting an opportunity for recognition and was not able to secure it before and therefore I wish to avail myself of my privilege at this time. The pending resolution, if it should not be voted upon this evening, can be voted upon to-morrow.

Mr. WATSON of Indiana. Very well.

Mr. LA FOLLETTE. Mr. President, I note by the RECORD of this morning that the Senator from New Jersey [Mr. EDGE] yesterday obtained unanimous consent to have printed in the RECORD an address by Nicholas Murray Butler, in which that gentleman charges me with preaching doctrines anti-American and inimical to liberty and justice.

The practice has grown up here in the Senate under which——

Mr. NORRIS. Mr. President, will the Senator permit an interruption?

Mr. LA FOLLETTE. Of course. I yield.

Mr. NORRIS. I have read what was placed in the RECORD by the Senator from New Jersey, a synopsis of an address by Nicholas Murray Butler, in which, it seems to me, an attack is made upon the Senator from Wisconsin which would come very near to a violation of the rule if it were made by a Senator on the floor. The Senator from Wisconsin is taken to task in this address for a speech which he delivered at Cincinnati the other day.

The request I am about to make ought to have been submitted yesterday, of course, but I suppose no one except the Senator from New Jersey knew just what was contained in what he had inserted in the RECORD, because it was not read on the floor of the Senate. Since Mr. Butler's speech has been printed in the RECORD in 8-point type, as I think it is called, it seems to me that the speech delivered by the Senator from Wisconsin at Cincinnati ought likewise, as a matter to self-defense, to be printed in the RECORD in 8-point type. If the Senator from Wisconsin has that speech, I would like, if he will yield for the purpose, to submit a unanimous-consent request now to print the speech in the RECORD.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that a speech delivered by the Senator from Wisconsin [Mr. LA FOLLETTE] at Cincinnati, on a date which will be supplied, be printed in the RECORD. Is there objection?

Mr. WILLIAMS. Mr. President, what is the request?

The PRESIDENT pro tempore. The Senator from Nebraska has asked unanimous consent that a speech delivered by the Senator from Wisconsin in Cincinnati, on a date which the Chair has not confirmed, shall be printed in the RECORD. The inquiry of the Chair now is if there is objection?

Mr. WILLIAMS. Mr. President, I ask unanimous consent, in conjunction with that request, that a couple of lectures of mine delivered in Port Gibson, Miss., one upon the League of Nations and the other upon International Nagging, shall receive the same treatment, and that I shall be permitted to insert them in the RECORD. Otherwise I shall object to the request of the Senator from Nebraska.

The PRESIDENT pro tempore. The Chair is inclined to think that a request for unanimous consent may not be amended. However, if there be no objection, the Chair will state the request as it is now before the Chair. The Senator from Nebraska [Mr. NORRIS] has asked unanimous consent for the printing in the RECORD of a speech of the Senator from Wisconsin [Mr. LA FOLLETTE] delivered at Cincinnati. The Senator from Mississippi [Mr. WILLIAMS] has asked that to that consent there be added the privilege of printing at the same time two speeches of his own in the RECORD, and the Chair supposes in connection with the speech of the Senator from Wisconsin.

Mr. WILLIAMS. At any time. I should not want to be bound by the time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield.

Mr. MCCUMBER. I thought, from a suggestion that the Senator made a short time ago, he would be just as willing to go on in the morning as to finish to-night.

Mr. LA FOLLETTE. Entirely so.

Mr. MCCUMBER. I do not know that there is to be any further discussion upon the motion that was made by the Senator from Indiana; and I hope we may take a vote upon that motion, and then take a recess until to-morrow morning. In that case the Senator from Wisconsin can finish his remarks, which, he intimates, are of some length, if that is agreeable to the Senator.

Mr. LA FOLLETTE. That is entirely agreeable to me, Mr. President. I am willing to yield upon that understanding.

Mr. WILLIAMS. Mr. President, before that is granted, the Senator from Wisconsin said some things that ought to be replied to before the present session of the Senate adjourns, because it would be too late afterwards to reply to them. I do not think I would take over seven or eight minutes in what I want to say.

Mr. McCUMBER. Would not the Senator be willing to defer that until the morning? The Senator from Wisconsin desires to discuss more fully what he stated on a former occasion, and there would be plenty of time in the morning, and I should like to accommodate the Senate and take a recess in a short time.

Mr. WILLIAMS. What I want to reply to is not the question of personal privilege to which the Senator rose, but I want to make about five or six minutes' remarks in reply to what I conceive to be his doctrine of majority rule regardless of constitutional restrictions. It will not take over five minutes.

Mr. LA FOLLETTE. Mr. President, I am going to decline to yield at all for any interruption until I have concluded unless it be for a suggestion to adjourn or to dispose of the motion that is pending. I want the address to follow what I have said without interruption, if possible, and then, of course, Senators are at liberty to make such comment as they desire to make.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. WILLIAMS. I did not intend to ask the Senator from Wisconsin to yield to me for an interruption at all. I simply meant to say that before his speech goes into the RECORD there ought to be a reply to that part of the speech which is in advocacy of unlimited majority rule, as against written constitutional restrictions. I imagine it will go into the RECORD in that way, and I wanted to spend about six or eight minutes——

Mr. McCUMBER. The Senator will have a full opportunity to-morrow.

Mr. WILLIAMS. Yes; I will have it when the matter is cold, but I will not have it when I have in mind what the Senator has said.

The PRESIDENT pro tempore. The Senator from Wisconsin has the floor, and he may yield to whomsoever he wishes.

Mr. EDGE. Mr. President, inasmuch as the Senator from Wisconsin, in opening his remarks, referred to me——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. LA FOLLETTE. I must decline to yield unless it be for a vote upon the resolution or for a motion to adjourn at this time. Should we adjourn now I will conclude what I have to say in the morning, and then Senators would have an ample opportunity to reply to it. If we adjourn now I shall withhold all matter bearing upon the address and the address as well and let it all appear together in the RECORD.

Mr. McCUMBER. Let me ask the Senator from Mississippi if he will not let us have a vote on the motion of the Senator from Indiana and then let us take a recess?

Mr. WILLIAMS. With the understanding that no part of the remarks of the Senator from Wisconsin shall be published in to-morrow morning's RECORD, I am perfectly willing to let the Senator from North Dakota take his course; but I do not want the remarks about the veto of the Supreme Court—which is foolish, for it never had any veto—published without a reply.

Mr. LA FOLLETTE. Mr. President, I decline to yield any further for comment at this time. I will either conclude what I have to say now, or I will yield for a motion to dispose of the pending question.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. LA FOLLETTE. I have no objection to a disposition of the pending question.

Mr. WILLIAMS. With the understanding, which I understand is a gentleman's agreement, that these remarks about the majority rule against the written Constitution do not go into to-morrow morning's RECORD——

The PRESIDENT pro tempore. The Senator from Wisconsin has the floor and will proceed.

Mr. LA FOLLETTE. I yield to the Senator from North Dakota if he desires to make some motion with respect to the disposition of the resolution before the Senate. I have no objection to that.

Mr. McCUMBER. I merely ask unanimous consent that we may vote on it, and if there is any objection to that, then I will yield to the Senator to go on.

Mr. LA FOLLETTE. And I shall exercise my privilege to withhold from the CONGRESSIONAL RECORD all of the remarks which I have made here touching this subject, although I should have been glad to have them go into the RECORD of to-day, since the matter which the Senator from New Jersey [Mr. EDGE] put into the RECORD of yesterday has gone broadcast over the country, and I should like to overtake it as soon as possible.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. EDGE. I am not going to interpose any objection——

The PRESIDENT pro tempore. Senators, nothing will be done until there is order in the Chamber. Senators will take their seats.

Mr. EDGE. Mr. President, a question of parliamentary procedure.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. EDGE. A question of parliamentary procedure. As I understand, the Senator from North Dakota has asked unanimous consent to proceed to vote on the pending motion. The Chair in the ordinary course would ask whether unanimous consent is to be granted. I, in answering that suggestion from the Chair, simply wish to say that——

Mr. LODGE. That does not open the door to debate.

Mr. EDGE. I have not any intention of interposing an objection, but I want to be in a position to reply to the Senator from Wisconsin when he concludes his remarks, whether it is to-night or to-morrow.

The PRESIDENT pro tempore. The Senator from North Dakota will state again his request for unanimous consent.

Mr. McCUMBER. Mr. President, we do not need a request, I think, if the Senator will just withhold his remarks sufficiently for us to get a vote.

Mr. LA FOLLETTE. I purpose to withhold all the remarks I have made to-day relative to the speech I delivered in Cincinnati and my answer to Butler's criticism, because I want the whole matter to go out at one time in the RECORD. I regret that I can not conclude to-night without inconveniencing Senators, but I am willing to make that concession in order that we may dispose of this question and get an adjournment.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Indiana.

Mr. LA FOLLETTE. I yield the floor for the purpose of allowing the Senator to have a vote upon that motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana [Mr. WATSON].

Mr. ASHURST. Let it be stated.

Mr. WILLIS. I call for the yeas and nays.

Mr. PITTMAN. I ask that the pending question be stated.

The PRESIDENT pro tempore. The Secretary will state the pending question.

The READING CLERK. The Senator from Indiana [Mr. WATSON] makes the following motion:

I move that the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, unless sooner taken up and disposed of, be, and it is hereby, made the special order of the Senate immediately following the vote upon the third reading and passage of the tariff bill, so called, H. R. 7456.

Mr. PITTMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. PITTMAN. The Senator from Idaho [Mr. BORAH] has suggested that this motion means nothing.

The PRESIDENT pro tempore. The Senator from Wisconsin has declined to yield, save for a vote upon this motion, as the Chair understands.

Mr. PITTMAN. As a matter of fact, it means that it comes after the tariff bill; does it not?

Mr. LODGE. Let us vote.

Mr. PITTMAN. I do not raise any objection.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, I ask before we vote that the motion may be read once more.

Mr. LODGE. It has just been read.

Mr. LENROOT. I object. It has just been read.

The PRESIDENT pro tempore. The Secretary will again read the pending motion.

The reading clerk read as follows:

I move that the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, unless sooner taken up and disposed of, be, and it is hereby, made the special order of the Senate immediately following the vote upon the third reading and passage of the tariff bill, so called, H. R. 7456.

Mr. WILLIAMS. Mr. President, I think this is entirely too important a matter to be taken up at this hour of the afternoon, with about half the Senate absent.

Mr. LODGE. It has been debated all day long.

Mr. WILLIAMS. I know it has been pending all day long, but it has been kept off until the shank of the afternoon, when a great many Senators are absent. I do not mean, by being kept off, that somebody purposely kept it off. I mean merely that it happened that way.

Mr. President, this is a very important matter. It involves an expenditure of a great deal of money out of the United States Treasury, because if this vote is taken before the election the appropriation is going to pass, and it will mean an ultimate expense of at least three and one-half billion dollars. Everybody with common sense knows that. If it shall be taken later, it will not pass. Nearly everybody suspects that much. I am not willing to vote to bring up this measure at 12 minutes to 6 o'clock, with a scant attendance of the Senate—a very important measure—involving a great deal of quarrel even upon the other side of the Chamber and some degree of quarrel on this side. I rather imagine that if it were brought to a vote right now the motion would be defeated, but I do not think it is a square thing, I do not think it is a fair thing, to bring it up now. I think there ought to be a consent in the Senate, or a general understanding, at any rate, so that every Senator might be present to hear what was said and to take part in the vote, and I think it would be very wise upon the part of the Senator from North Dakota to move to adjourn now, and let this matter go over until to-morrow. If the Senator will make that motion, I will yield to him for that purpose.

The Senator shakes his head and says he will not. Then, Mr. President, I want to make a few remarks in partial reply to what the Senator from Wisconsin has just said. The Senator from Wisconsin is at this particular moment the most pronounced advocate of patriotism and the rights of the American soldier who fought in the late war who has thus far been disclosed upon the floor. Regardless of all past history of every description, including his St. Paul speech, the Senator from Wisconsin stands forward *now* as the man who represents the American soldier and the American soldier's allegations of right.

A little bit later on the Senator from Wisconsin stands for another thing equally paradoxical, if anything equally paradoxical could be imagined.

Mr. McCUMBER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. McCUMBER. I think I am in honor bound to make the point of order. The Senator from Wisconsin yielded with the understanding simply that we would have a vote upon the motion of the Senator from Indiana, and it is taking advantage of that understanding, and in contradiction of it, to go on and discuss some other matter.

Mr. WILLIAMS. Mr. President, as far as I know, there was no unanimous consent to that effect.

Mr. McCUMBER. He yielded for a vote or a recess.

Mr. WILLIAMS. If I had understood that the Senator was seeking unanimous consent, I would not have agreed to it.

The PRESIDENT pro tempore. The Chair understands there was a unanimous-consent agreement that the speech of the Senator from Wisconsin should appear connectedly, and he declined to yield save for a vote upon this motion; but the unanimous consent for a vote upon the motion was not put to the Senate. There has been no unanimous consent entered into for a vote at this time upon the motion. That is the opinion of the Chair.

Mr. McCUMBER. That is true.

Mr. LENROOT. I make a point of order that the Senator from Mississippi has already addressed the Senate twice upon the question before the Senate.

Mr. WILLIAMS. That happens not to be the fact, Mr. President.

Mr. LENROOT. I will let the RECORD speak for itself.

Mr. WILLIAMS. If it were the fact, there might be something in it. I am now making my second speech, and not my third.

The PRESIDENT pro tempore. The Chair does not recall a second speech by the Senator from Mississippi prior to the one he is now making.

Mr. LENROOT. It might have been all one speech, but certainly there were many interventions, and the Senator from Mississippi no later than 10 minutes ago held the floor and addressed the Chair.

The PRESIDENT pro tempore. It would be rather dangerous, however, to hold that a Senator had addressed the Senate more than once just because there were interruptions.

Mr. WILLIAMS. Mr. President, I want to say just one thing, in all deadly earnestness, and I want it to go to the country, independently of this situation. There are two schools of politicians, or statesmen, or legalists, or lawyers, whichever you happen to call them—and they are composed of all classes—with regard to one question. One class believes in a written constitution which is a limitation upon the power of the majority. The other class believes in the absolute, arbitrary right of the majority to govern the community in which the majority happens to reside.

It just happens that these United States, early in their history, became the protagonists of the idea of a written constitution which should limit the power of the judiciary, of the Executive, of the legislative, as agencies of the people, and that should also limit the power of the majority of the people themselves.

Our forefathers took the position that probably the worst tyranny that could exist in the world was the tyranny of the majority, and therefore they provided by a written constitution as a check upon the government of the majority, and as constituting checks and safeguards of the rights of the minority.

The Senator from Wisconsin belongs to one school upon that question; I belong to the other. I contend that there are rights inalienable—human and individual—which *no* government has a right, by howsoever great a majority, to interfere with when I assert them.

When I say, for example, that I believe in God the Father, God the Son, and God the Holy Ghost, or when I say I do not believe in them, I do not admit the right of 99,000,000 of the people of the United States to tell me that I shall or shall not believe in them. Therefore, under the Constitution of the United States, we believe there shall be freedom of religion. We said there should be freedom of religion. We not only said that but we said there should be freedom of a dozen other things. We outlined, in the first 10 amendments, a Bill of Rights, and we have asserted that a majority, no matter how large, has no right under our form of government to do any of the things forbidden to be done by this "Bill of Rights."

When a man tells us that the United States are a government of the majority, he argues that he is absolutely ignorant of the foundations and the history and the development of these United States. The very valuable and new thing which these United States put into the political philosophy of the world was that neither king nor emperor nor pope nor majority had a right to interfere with certain original and inalienable individual rights.

The Senator tells us that the Supreme Court is exercising "a veto," and he tells us in the next breath that it was proposed in the Constitutional Convention that they should be granted a veto, and that it was denied. His first statement was not correct; his last statement is correct. There was a proposition made in the Constitutional Convention that before a bill should become a law the Supreme Court should be consulted about it. There was a proposition made to give the Supreme Court a veto; but our ancestors, with their wonderful wisdom, superior to mine, superior to that of the Senator from Wisconsin, although we have come 100 years after and in an improved world, said, "No; we will grant to no supreme court, to no judge, a veto." But! "We will put this language into the Constitution, that 'the Constitution of the United States and all laws passed *in pursuance* thereof shall be the supreme law of the land.'" Then it became a part of the duty of a court to determine whether a particular litigant was affected by a law of Congress which was not in pursuance of the Constitution of the United States, and in that way, and in that way only, has the Supreme Court ever interfered with acts of Congress. No Supreme Court has ever presumed that it had a right to "veto" an act of Congress. It argues absolutely crass ignorance to say that any Supreme Court ever did that, or ever pretended to have a right to do it.

There are radicals in America who want to govern without a written constitution. There are still more superradicals who want to govern without any written law. In Russia they have originated a government without either constitution or written laws, and they are now reaping their harvest of bitter regret.

I contend, being an individual human being, that whether a citizen of the United States or a citizen of any other country, I am entitled to certain rights which nobody has a right to circumscribe or limit. Of course, the written law of my country and the written Constitution of my country must be the judge of the limitations of those rights, and not I myself, because if I myself were left the sole judge that would mean anarchy.

I do not want the utterances of the Senator from Wisconsin to go to the country without the utterances of time-honored

American policy and legality and constitutionalism to counterbalance it. He talked about a government "of the people, by the people, and for the people." That is right, but the people express their ideas of right government in a written instrument, and they do not express their government through the Senator from Wisconsin, or the Senator from Kentucky, or the Senator from Connecticut, or me. The people adopted the Constitution of the United States, speaking by States, each State acting for itself, and when they said to Congress—the Senate and the House—"No law passed by you which is not in pursuance" of this fundamental, organic law, which we, the people of the several States adopt, shall be valid for one moment. We erect a court of impartial lawyers to say whether or not in litigation between two citizens that principle has been violated. That is all.

Let every man in America who wants the unlimited rule of the majority—the worst tyranny that God has ever permitted on the surface of the earth—proceed to sympathize with the Senator from Wisconsin. Let every man who believes that there are natural rights and inalienable rights, or "unalienable" rights, as old Thomas Jefferson called them, with which no government under the sun has a right to interfere, stand with me and those who are opposed to his position.

Now, Mr. President, I would rather, quoting the language of an old Protestant martyr, "burn in hell a thousand years" than to be subject to the arbitrary commands of the pope, and I would go through the same punishment than to be subject to the arbitrary commands of a majority in my town, in my county, in my State, or in the United States. I am tired of this talk about the "rights of the majority." We had better talk about "the power of the majority" and the "rights of the minority." The majority has all the rights that anybody would contend it was entitled to, but a minority also has rights. That is not all, Mr. President. One single, solitary man, with nothing between him and God, has some rights that no Government and no majority and no consensus of opinion has a right to obstruct.

Our American forefathers recognized that principle when they recognized the freedom of religion, when they adopted the first 10 amendments to the Constitution, and when they said that the individual should have certain rights against which neither State nor National Government had a right to protest. The highest form of sovereignty in the world is the individual sovereignty of a man alone in the sight of God—acting within his own rights, within his "reserved rights." We talk about the reserved rights of the State. They are not as sacred as the reserved rights of the individual. He can not be quelled, intimidated, subjected by politicians, demagogues, majorities, temporary or permanent, as long as he and God understand each other and work together for progress and civilization.

Mr. President, I did not want this talk about a "veto" power of the Supreme Court to go to the country unanswered. The Supreme Court has never undertaken to exercise a "veto" power. The Constitutional Convention declined to give that power to it. But the Constitutional Convention said that the Constitution itself, the fundamental, organic voice of the people, expressed by them through their several States, should be "the supreme law of the land," regardless of any act of Congress or of any State legislature or anything else, and that any act of any State legislature or of this Congress or of any other Congress passed not "in pursuance of" the organic, fundamental voice of the people as expressed in the Constitution, should be null and void as between WATSON of Indiana and WILLIAMS of Mississippi or between any other litigants.

The Supreme Court has never undertaken to pronounce an abstract opinion upon constitutionality of any description. It has no right to do so. It has known from John Marshall's day down—if I may say down—to the present Supreme Court, that it had no right to do that. The Constitutional Convention refused to give them the right to say it, and they never say it, but they say, when STANLEY sues WATSON and bases his right upon an act of Congress or of a State legislature, that the court has the right to inquire whether that act of Congress or that act of the State legislature upon which he bases his alleged right is or is not in pursuance or not in pursuance, and therefore is in violation of the voice of the people as expressed in the organic fundamental law, which we have chosen to call "the Constitution."

I want to warn the American people, so far as my somewhat aged voice may go, that every disputation of that proposition is absolute anarchy. What have we seen in our times? We have seen act after act of the Congress of the United States, not to mention many acts of the legislatures of the several States, that were wrong in every particular, that were tyrannical, and some of which were set aside by the Supreme Court. I heard not long ago a southern Senator talking about the "tyrannical power of the Supreme Court," its "veto power" over legislation, disclosing his ignorance as the Senator from Wisconsin a moment ago disclosed his ignorance. I said to him, "Do you remember that the Congress of the United States passed a civil rights bill, which gave the right to every nigger in the whole country to go to any hotel he chose to go to, to enter any restaurant that he chose to enter, and to do a thousand other things, upon the ground that he was a two-footed, biped human animal and equal with you and me, notwithstanding the difference in color, because we were also nothing but 'two-footed bipeds'? Do you remember that attempted law was set aside by the Supreme Court of the United States as being unconstitutional? And are you aware of the fact that Congress has never repealed that act yet, and that you could not get a Republican Congress to repeal it to-day? Yet you, a southerner, talk to me about the tyranny of the Supreme Court. You would have had the other race with full asserted social rights of equality in every hotel, every sleeping car, every theater, every circus, and everything else, and here you stand, an ultra southerner, talking to me about the tyranny of the Supreme Court. Do you know that if the civil rights bill had had full sway, the South would have been in war—guerilla warfare and not general warfare—with niggers and white people killing one another from behind ambush, from that time down to now?"

Mr. President, the unwritten constitution of England is the common law of England, but it, too, is a written constitution in a certain way, because it has all been reduced to decisions and all published, approved by statutes or not disapproved. But we for the first time in the history of the world said, not only to our citizens, but to the entire world, that the power of the majority shall be curbed in at least one country. In religion, in politics, in industry and anywhere else, we deny the right of the majority to rule arbitrarily regardless of minority or individual rights. As long as we stick to that principle we are the forerunners of the civilization of the world, and the moment we desert it we sink to the level of Russia, or to the level of France during the French Revolution, or to the level of any country that thinks that 10,000 asses may overpower the judgment and will, with regard to individual affairs, of 100 wise and brave men.

Outside of God himself there is nothing so sacred in this world as the well-proved conscience of the individual man indorsed by written agreement amongst his fellow citizens to protect him in so far as any individual question goes. That does not mean that he can run a country. That does not mean that he can go out and do whatever he pleases. But it does mean that the difference between anarchy and law is the difference between the protection of the rights of the minority by fundamental and organic law and the failure to protect those rights and leaving a majority to do whatever in the world it pleases.

Now, what the Senator from Wisconsin has said is very good Russian doctrine; it is very good French sans-culotte doctrine in a certain way; it is very good South American doctrine, except that there the fellow with the most guns makes the majority quit the game at just about the right time. But it is not good United States doctrine.

Before I sat down I wanted to deny, first, that the Supreme Court ever had exercised any "veto" power upon Congress; and, secondly, that any blind assertion of the right of the majority to rule, regardless of fundamental principles and restrictions and limitations, spells anarchy, ruin, and chaos.

The PRESIDENT pro tempore. The yeas and nays having been ordered, the Secretary will call the roll on agreeing to the motion of the Senator from Indiana.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. I understand that if present he would vote as I am about to vote. I therefore feel at liberty to vote, and vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS], but I am informed that if present he would vote as I am about to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD]. If permitted to vote, I should vote "yea." On this question the Senator from Alabama stands paired with the Senator from North Carolina [Mr. SIMMONS] and myself. If present, the Senator from Alabama would vote "nay."

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. NEW]. I understand that upon this question he would vote as I am about to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. WILLIAMS. I wish to announce that the Senator from Alabama [Mr. UNDERWOOD] had to take a train to meet an appointment to which he was indissolubly tied. If he were present he would vote "nay."

Mr. SUTHERLAND. I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. CAMERON (after having voted in the affirmative). I have a general pair with the junior Senator from Georgia [Mr. WATSON]. I understand that if present he would vote as I have voted. Therefore I will let my vote stand.

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. HARRISON] is paired with the Senator from West Virginia [Mr. ELKINS]. If present the Senator from Mississippi would vote "yea."

The Senator from Georgia [Mr. HARRIS] is paired with the Senator from New York [Mr. CALDER], and if present the Senator from Georgia would also vote "yea."

Mr. POMERENE. The junior Senator from Virginia [Mr. GLASS] is paired with the senior Senator from Vermont [Mr. DILLINGHAM]. If the junior Senator from Virginia were present he would vote "nay."

Mr. JONES of New Mexico (after having voted in the affirmative). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Louisiana [Mr. RANSDELL] and permit my vote to stand.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. If present he would vote "yea."

Mr. McNARY. My colleague [Mr. STANFIELD] is absent from the city. If present he would vote "yea."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER].

The roll call resulted—yeas 52, nays 8, as follows:

YEAS—52.

Ashurst	Heflin	McLean	Shortridge
Brandegee	Hitchcock	McNary	Smith
Broussard	Johnson	Moses	Spencer
Bursum	Jones, N. Mex.	Newberry	Stanley
Cameron	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Cummins	Kendrick	Oddie	Townsend
Curtis	La Follette	Overman	Trammell
du Pont	Lenroot	Phipps	Walsh, Mass.
Frelinghuysen	McCormick	Pittman	Walsh, Mont.
Gerry	McCumber	Poindexter	Warren
Gooding	McKellar	Pomerene	Watson, Ind.
Harreld	McKinley	Sheppard	Willis

NAYS—8.

Dial	France	Myers	Wadsworth
Edge	King	Pepper	Williams

NOT VOTING—36.

Ball	Ernst	Lodge	Robinson
Borah	Fernald	Nelson	Shields
Calder	Fletcher	New	Simmons
Caraway	Glass	Nicholson	Smoot
Colt	Hale	Owen	Stanfield
Crow	Harris	Page	Swanson
Culberson	Harrison	Ransdell	Underwood
Dillingham	Keyes	Rawson	Watson, Ga.
Elkins	Ladd	Reed	Weller

The PRESIDENT pro tempore. On this question the yeas are 52 and the nays 8. More than two-thirds of the Senators present and voting, constituting a quorum, having voted in the affirmative, the motion of the Senator from Indiana as modified is agreed to.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 21, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 20, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, heavenly Guide, we thank Thee for life and all that it yields of joy and hope. Any voice that leads toward God, help us to follow it; any emotion of the heart that directs toward duty, may we obey it. Where the best thoughts are; where the best influences work, let us dwell there. Bless every loyal American heart and keep open their minds, which is the wisest attitude for all. O scatter error that is poisonous and establish the truth that saves. Correct false estimates of life and make clear the outlook and the way. In every situation help all men to discharge the obligations of their citizenship with integrity, humanity, and composure. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 370 (Rept. No. 1118).

Resolved, That immediately on the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12022, a bill relative to the naturalization and citizenship of married women. General debate on said bill shall be limited to two hours, one-half to be controlled by the gentleman from Colorado, Mr. VAILE, and one-half by the gentleman from California, Mr. RAKER. At the conclusion of the debate the bill shall be read for amendment, after which it shall be reported to the House and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I ask the gentleman from North Carolina or the gentleman from Tennessee if he desires time on the rule?

Mr. GARRETT of Tennessee. I have no request for time.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, I shall content myself with a statement as to the general purposes of the bill and the rule for its consideration.

Mr. LONDON. Will the gentleman yield me five minutes?

Mr. CAMPBELL of Kansas. Not now. The law as it now stands is that when a woman marries an alien she takes the citizenship of her husband. No matter what her property interest, her citizenship goes with her alien husband.

The difficulty growing out of this marital relation with respect to citizenship and property was not seriously felt until during the war and immediately following it. A great many cases of serious complication grew out of the rights of women who married alien husbands. Vast property rights have been affected and native-born American women are to-day under the trying circumstances of having their property in the hands of the Alien Property Custodian all because some 20, 30, or perhaps 40 years ago they married a German subject who had not perfected his American citizenship. This bill seeks to correct that very grave situation with respect to our citizenship, and provides the means by which women may be restored to their American citizenship, and other provisions of the bill provide that a woman may retain her American citizenship notwithstanding her marital relations with the subject of another country. It seems to me that this bill accomplishes the purpose that was had in mind when the two national conventions met two years ago, because in both conventions the serious situation in which many of our people born in our own country found themselves caused the adoption of resolutions in both the Republican and Democratic conventions declaring that it was the purpose of each of the great parties to correct this very great wrong that was done to many people born in the United States.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Are any of the women's organizations supporting this proposed legislation that the gentleman knows?

Mr. CAMPBELL of Kansas. I should assume they all would. I am not sure, but I should think that the women's organiza-

tions would follow the example of the Republican and Democratic Parties in support of a great measure of this kind.

Mr. RAMSEYER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. RAMSEYER. The gentleman has called special attention to the distress during the late war in reference to property rights affected. Assume this law had been in existence before the late war. An American woman married a German or an American man married a German woman. They were here at the time. One, of course, is an American citizen and the other German. When the proclamations were issued ordering the Germans out of the District of Columbia, what would have been the status, then, separating husband and wife, interning one and leaving the other at large?

Mr. CAMPBELL of Kansas. Well, that is one of the reasons, I assume, that Sherman properly designated what war is. That is one of the conditions that inevitably goes with war.

Mr. RAMSEYER. Is it greater hell to be discommoded in reference to property rights than it is to have a husband and wife separated under the circumstances?

Mr. CAMPBELL of Kansas. Both conditions arise in case of war.

Mr. RAMSEYER. Which is the greater evil?

Mr. CAMPBELL of Kansas. I am not an expert on that subject. If a man had to give up his wife's property or his wife, I assume he would give up the property.

Mr. RAMSEYER. If this law had been in effect and a man's wife had been a German subject, he would have had no choice between his wife and her jewelry. The gentleman would have had to give up his wife.

Mr. JOHNSON of Washington. It depends upon whether American or German.

Mr. RAMSEYER. Assuming the wife was a German.

Mr. JOHNSON of Washington. The gentleman assumes also that an opportunity exists for the making of an election. The wife might have something to say whether she elects to be a German or decides to be an American.

Mr. RAMSEYER. We are assuming there was no such election before the war.

Mr. CAMPBELL of Kansas. That is a matter I do not care to go into, a matter that will be discussed when the bill comes up on its merits, and the gentleman from Iowa will have ample opportunity to discuss it, I assume, when the bill is considered. The bill was of such importance that the Committee on Rules thought it proper at this time that provision should be made for its consideration, and this rule provides for that.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. VOIGT. Division, Mr. Speaker.

The House divided; and there were—ayes 68, noes 3.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum on the vote just had.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. Evidently no quorum is present.

The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees; those in favor of the adoption of the rule will, when their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 3, answered "present" 1, not voting 161, as follows:

YEAS—265.

Almon	Brand	Colton	Fitzgerald
Anderson	Briggs	Connally, Tex.	Fordney
Andrew, Mass.	Brooks, Ill.	Connolly, Pa.	Foster
Andrews, Nebr.	Browne, Wis.	Coughlin	French
Ansorge	Bulwinkle	Crago	Frothingham
Anthony	Burdick	Crisp	Fulmer
Appleby	Burke	Crowther	Funk
Aswell	Burroughs	Cullen	Gahn
Atkeson	Butler	Dale	Garner
Bacharach	Byrnes, S. C.	Darrow	Garrett, Tenn.
Barbour	Byrns, Tenn.	Davis, Tenn.	Gensman
Beedy	Cable	Denison	Gernerd
Begg	Campbell, Kans.	Dominick	Graham, Ill.
Bell	Carew	Doughton	Green, Iowa
Benham	Chalmers	Dowell	Greene, Mass.
Bird	Chandler, N. Y.	Drewry	Greene, Vt.
Bixler	Chandler, Okla.	Dupré	Griffin
Blakeney	Chindblom	Dyer	Hadley
Bland, Ind.	Christopherson	Echols	Hammer
Bland, Va.	Clague	Elliott	Hardy, Colo.
Boies	Clouse	Ellis	Hardy, Tex.
Bond	Cole, Iowa	Faust	Hawes
Bowers	Cole, Ohio	Favrot	Hawley
Bowling	Collier	Fenn	Hays
Box	Collins	Fisher	Henry
Hickey	Linthicum	Perkins	Strong, Pa.
Hill	Logan	Petersen	Summers, Wash.
Hoch	Lowrey	Porter	Swing
Hooker	Luhring	Pou	Taylor, Colo.
Huddleston	McArthur	Pringey	Taylor, N. J.
Hudspeth	McCormick	Purnell	Temple
Hukriede	McDuffie	Quinn	Ten Eyck
Hull	McKenzie	Rainey, Ill.	Thomas
Humphreys	McLaughlin, Mich.	Raker	Thompson
Jacoway	McLaughlin, Nebr.	Rankin	Tillman
James	McPherson	Ransley	Timberlake
Jeffers, Ala.	McSwain	Reed, W. Va.	Tincher
Johnson, Ky.	Madden	Ricketts	Tinkham
Johnson, S. Dak.	Magee	Riddick	Towner
Johnson, Wash.	Mann	Riordan	Tucker
Kearns	Mapes	Roach	Vaile
Keller	Martin	Robsion	Vestal
Kelley, Mich.	Mead	Rogers	Vinson
Kelly, Pa.	Michaelson	Rose	Voigt
Kendall	Michener	Sanders, N. Y.	Volk
Kincheloe	Miller	Sanders, Tex.	Volstead
King	Mills	Sandlin	Walsh
Kirkpatrick	Millspaugh	Schall	Walters
Kissel	Mondell	Scott, Mich.	Ward, N. C.
Kleczka	Montague	Shaw	Watson
Kline, N. Y.	Moore, Ohio	Shelton	Weaver
Kline, Pa.	Moore, Va.	Shreve	Wheeler
Knutson	Morgan	Siegel	White, Kans.
Kopp	Mott	Sinnott	White, Me.
Kraus	Murphy	Sisson	Williams, Ill.
Kunz	Nelson, Me.	Smith, Idaho	Williamson
Lampert	Nelson, A. P.	Smith, Mich.	Wilson
Lanham	Norton	Smithwick	Wingo
Lankford	O'Connor	Snell	Wood, Ind.
Larsen, Ga.	Ogden	Snyder	Woodruff
Lawrence	Oldfield	Speaks	Woods, Va.
Layton	Overstreet	Stafford	Wright
Lea, Calif.	Park, Ga.	Steagall	Wurzbach
Lee, Ga.	Parker, N. J.	Steenerson	Wyant
Lee, N. Y.	Parker, N. Y.	Stephens	
Lehlbach	Patterson, Mo.	Stevenson	
Lineberger	Patterson, N. J.	Strong, Kans.	

NAYS—3.

Herrick	London	Ramseyer

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—161.

Ackerman	Fess	Langley	Rosenbloom
Arentz	Fields	Larson, Minn.	Rossdale
Bankhead	Fish	Lazaro	Rouse
Barkley	Focht	Leatherwood	Rucker
Beck	Frear	Little	Ryan
Black	Free	Longworth	Sabath
Blanton	Freeman	Luce	Sanders, Ind.
Brennan	Fuller	Lyon	Scott, Tenn.
Britten	Gallivan	McClintic	Sears
Brooks, Pa.	Garrett, Tex.	McFadden	Sinclair
Brown, Tenn.	Gilbert	McLaughlin, Pa.	Slemp
Buchanan	Glynn	MacGregor	Sproul
Burtness	Goldsborough	Maloney	Stedman
Burton	Goodykoontz	Mansfield	Stiness
Campbell, Pa.	Gorman	Merritt	Stoll
Cannon	Gould	Montoya	Sullivan
Cantrill	Graham, Pa.	Moore, Ill.	Sumners, Tex.
Carter	Griest	Moores, Ind.	Swank
Clark, Fla.	Harrison	Morin	Sweet
Clarke, N. Y.	Haugen	Mudd	Tague
Classon	Hayden	Nelson, J. M.	Taylor, Ark.
Cockran	Hersey	Newton, Minn.	Taylor, Tenn.
Codd	Hicks	Newton, Mo.	Tilson
Connell	Himes	Nolan	Treadway
Cooper, Ohio	Hogan	O'Brien	Tyson
Cooper, Wis.	Husted	Oliver	Underhill
Copley	Hutchinson	Olpp	Upshaw
Curry	Ireland	Osborne	Vare
Dallinger	Jefferis, Nebr.	Padgett	Ward, N. Y.
Davis, Minn.	Johnson, Miss.	Paige	Wason
Deal	Jones, Pa.	Parks, Ark.	Webster
Dempsey	Jones, Tex.	Perlman	Williams, Tex.
Dickinson	Kahn	Radcliffe	Winslow
Drane	Kennedy	Rainey, Ala.	Wise
Driver	Ketcham	Rayburn	Woodyard
Dunbar	Kiess	Reber	Yates
Dunn	Kindred	Reece	Young
Edmonds	Kinkaid	Reed, N. Y.	Zihlman
Evans	Kitchin	Rhodes	
Fairchild	Knight	Rodenberg	
Fairfield	Kreider	Robertson	

So the rule was adopted.

The Clerk announced the following pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Treadway with Mr. Cockran.

Mr. Kennedy with Mr. Fields.

Mr. Maloney with Mr. Kitchin.

Mr. Stiness with Mr. McClintic.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kahn with Mr. Cantrill.

Mr. Davis of Minnesota with Mr. Sullivan.

Mr. Morin with Mr. Gallivan.

Mr. Burtness with Mr. Buchanan.

Mr. Reed of New York with Mr. Padgett.

Mr. Beck with Mr. Swank.

Mr. Graham of Pennsylvania with Mr. Johnson of Mississippi.

Mr. Codd with Mr. Upshaw.
Mr. Evans with Mr. Tague.
Mr. Newton of Missouri with Mr. Kindred.
Mr. Taylor of Tennessee with Mr. Lyon.
Mr. Fuller with Mr. Drane.
Mr. Cooper of Ohio with Mr. Stoll.
Mr. Langley with Mr. Clark of Florida.
Mr. Arentz with Mr. Barkley.
Mr. Olpp with Mr. Rayburn.
Mr. Nolan with Mr. Tyson.
Mr. Fairfield with Mr. Black.
Mr. Kreider with Mr. O'Brien.
Mr. Leatherwood with Mr. Wise.
Mr. Ackerman with Mr. Williams of Texas.
Mr. Luce with Mr. Oliver.
Mr. Osborne with Mr. Lazaro.
Mr. Fess with Mr. Jones of Texas.
Mr. Knight with Mr. Sears.
Mr. Yates with Mr. Campbell of Pennsylvania.
Mr. Rossdale with Mr. Sumners of Texas.
Mr. Goodykoontz with Mr. Hayden.
Mr. Hicks with Mr. Deal.
Mr. Dickinson with Mr. Rucker.
Mr. Brennan with Mr. Mansfield.
Mr. Kiess with Mr. Stedman.
Mr. Sinclair with Mr. Blanton.
Mr. Newton of Minnesota with Mr. Parks of Arkansas.
Mr. Hutchinson with Mr. Sabath.
Mr. Larson of Minnesota with Mr. Garrett of Texas.
Mr. Paige with Mr. Harrison.
Mr. Frear with Mr. Gilbert.
Mr. Webster with Mr. Goldsborough.
Mr. Burton with Mr. Taylor of Arkansas.
Mr. Connell with Mr. Rainey of Alabama.

Mr. CRAMTON. Mr. Speaker, I voted "yea." I have a general pair with the gentleman from Oklahoma [Mr. CARTER], and I wish to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

THIRD DEFICIENCY BILL.

Mr. MADDEN, from the Committee on Appropriations, presented the bill (H. R. 12090; Rept. No. 1119) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNES of Tennessee. Mr. Speaker, I reserve all points of order.

Mr. VAILE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12022, relative to the naturalization and citizenship of married women; and, pending that——

The SPEAKER. If the gentleman will wait a moment, the Chair will submit a privileged report from the Committee on Enrolled Bills.

Mr. VAILE. Very well.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, had insisted upon its amendments, had asked a conference with the House, and had appointed Mr. POINDEXTER, Mr. HALE, Mr. NEWBERRY, Mr. SWANSON, and Mr. GLASS as the conferees on the part of the Senate.

SENATE ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 156. An act for the relief of the heirs of Julio Carrazco, deceased;

S. 154. An act for the relief of Arthur E. Rump;

S. 777. An act for the relief of John M. Green;

S. 1087. An act for the relief of H. L. McFarlin;

S. 1730. An act for the relief of Philip S. Everest;

S. 1784. An act for the relief of John B. Elliott;

S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; and

S. 3291. An act for the relief of Henry Cordes.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN.

The SPEAKER. The gentleman from Colorado [Mr. VAILE] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12022; and, pending that——

Mr. VAILE. Pending that, I would like to get an idea, if possible, as to what amount of time is desired by Members opposing this bill. I will state, Mr. Speaker and Members of the House, that both the gentleman from California [Mr. RAKER] and myself are in favor of the bill. We desire to accommodate, as far as we can, those who wish to oppose the bill, and we would like to know what amount of time they will require.

The SPEAKER. Under the rule the time is limited to two hours—one-half to be controlled by the gentleman from Colorado and one-half by the gentleman from California.

Mr. VAILE. Very well. I renew my motion, Mr. Speaker.

The SPEAKER. The gentleman from Colorado moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12022. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. CRAMTON. Mr. Speaker, I wish to object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-nine gentlemen are present—not a quorum.

Mr. VAILE. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Colorado moves a call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. As many as favor the motion that the House resolve itself into Committee of the Whole House on the state of the Union will, when their names are called, answer "aye"; those opposed will answer "nay."

The question was taken; and there were—yeas 253, nays 3, answered "present" 1, not voting 173, as follows:

YEAS—253.

Almon	Doughton	Kline, Pa.	Quin
Anderson	Dowell	Knutson	Radcliffe
Andrew, Mass.	Drewry	Kopp	Rainey, Ill.
Andrews, Nebr.	Dupré	Kraus	Raker
Ansorge	Dyer	Kunz	Ramseyer
Anthony	Echols	Lampert	Rankin
Appleby	Elliott	Lanham	Ransley
Aswell	Ellis	Lankford	Reed, W. Va.
Atkeson	Faust	Larsen, Ga.	Rhodes
Bacharach	Favrot	Lawrence	Ricketts
Barbour	Fenn	Layton	Riordan
Beedy	Fisher	Lea, Calif.	Roach
Begg	Fitzgerald	Lee, Ga.	Rogers
Bell	Fordney	Lehlbach	Rose
Bird	Foster	Lineberger	Rosenbloom
Bixler	French	Linthicum	Sanders, N. Y.
Blakeney	Frothingham	Logan	Sanders, Tex.
Bland, Ind.	Fulmer	Lowrey	Sandlin
Boies	Funk	Lyon	Schall
Bond	Gahn	McArthur	Scott, Mich.
Bowling	Garner	McCormick	Shaw
Box	Garret, Tenn.	McDuffie	Shelton
Brand	Gensman	McKenzie	Shreve
Briggs	Gernerd	McLaughlin, Mich.	Siegel
Brooks, Ill.	Graham, Ill.	McLaughlin, Nebr.	Sinnott
Browne, Wis.	Green, Iowa	McPherson	Sisson
Bulwinkle	Greene, Mass.	Magee	Smith, Idaho
Burdick	Greene, Vt.	Mann	Smith, Mich.
Burke	Griffin	Mapes	Smithwick
Burroughs	Hadley	Martin	Snell
Butler	Hammer	Michaelson	Snyder
Byrnes, S. C.	Hardy, Tex.	Michener	Speaks
Byrns, Tenn.	Hawes	Miller	Stafford
Cable	Hawley	Mills	Steagall
Campbell, Kans.	Hays	Millspaugh	Stephens
Carew	Henry	Mondell	Stevenson
Chalmers	Hickey	Montague	Strong, Kans.
Chandler, N. Y.	Hill	Moore, Ohio	Summers, Wash.
Chandler, Okla.	Himes	Moore, Va.	Swing
Chindblom	Hoch	Morgan	Taylor, N. J.
Christopherson	Hooker	Murphy	Temple
Clouse	Huddleston	Nelson, Me.	Ten Eyck
Cole, Iowa	Hudspeth	Nelson, A. P.	Tillman
Cole, Ohio	Hukriede	Newton, Mo.	Timberlake
Collier	Hull	Norton	Tincher
Collins	Humphreys	O'Connor	Tinkham
Colton	Jacoway	Ogden	Towner
Connally, Tex.	Jeffers, Ala.	Oldfield	Vaile
Connolly, Pa.	Johnson, Ky.	Overstreet	Vare
Coughlin	Johnson, S. Dak.	Park, Ga.	Vestal
Crago	Johnson, Wash.	Parker, N. J.	Vinson
Crisp	Kearns	Parker, N. Y.	Voigt
Crowther	Keller	Patterson, Mo.	Volk
Cullen	Kelley, Mich.	Patterson, N. J.	Volstead
Curry	Kelly, Pa.	Perkins	Walsh
Dale	Kendall	Petersen	Walters
Darrow	Kincheloe	Porter	Ward, N. C.
Davis, Tenn.	Kirkpatrick	Pou	Watson
Denison	Kissel	Pringey	Weaver
Dominick	Kleczka	Purnell	Webster

Wheeler	Williamson	Wood, Ind.	Wyant
White, Kans.	Wilson	Woodruff	
White, Me.	Wingo	Woods, Va.	
Williams, Ill.	Wise	Wurzbach	

NAYS—3.

Herrick	London	Thomas

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—173.

Ackerman	Fess	Langley	Rodenberg
Arentz	Fields	Larson, Minn.	Rossdale
Bankhead	Fish	Lazaro	Rouse
Barkley	Focht	Leatherwood	Rucker
Beck	Frear	Lee, N. Y.	Ryan
Benham	Free	Little	Sabath
Black	Freeman	Longworth	Sanders, Ind.
Bland, Va.	Fuller	Luce	Scott, Tenn.
Blanton	Gallivan	Luhring	Sears
Bowers	Garrett, Tex.	McClintic	Sinclair
Brennan	Gilbert	McFadden	Slemp
Britten	Glynn	McLaughlin, Pa.	Sproul
Brooks, Pa.	Goldsborough	McSwain	Stedman
Brown, Tenn.	Goodykoontz	MacGregor	Steenerson
Buchanan	Gorman	Madden	Stiness
Burtness	Gould	Maloney	Stoll
Burton	Graham, Pa.	Mansfield	Strong, Pa.
Campbell, Pa.	Griest	Mead	Sullivan
Cannon	Hardy, Colo.	Merritt	Sumners, Tex.
Cantrill	Harrison	Montoya	Swank
Carter	Haugen	Moore, Ill.	Sweet
Clague	Hayden	Moores, Ind.	Tague
Clarke, Fla.	Hersey	Morin	Taylor, Ark.
Clarke, N. Y.	Hicks	Mott	Taylor, Colo.
Classon	Hogan	Mudd	Taylor, Tenn.
Cockran	Husted	Nelson, J. M.	Thompson
Codd	Hutchinson	Newton, Minn.	Tilson
Connell	Ireland	Nolan	Treadway
Cooper, Ohio	James	O'Brien	Tucker
Cooper, Wis.	Jefferis, Nebr.	Oliver	Tyson
Copley	Johnson, Miss.	Olpp	Underhill
Dallinger	Jones, Pa.	Osborne	Upshaw
Davis, Minn.	Jones, Tex.	Padgett	Ward, N. Y.
Deal	Kahn	Paige	Wason
Dempsey	Kennedy	Parks, Ark.	Williams, Tex.
Dickinson	Ketcham	Perlman	Winslow
Drane	Kiess	Rainey, Ala.	Woodyard
Driver	Kindred	Rayburn	Wright
Dunbar	King	Reber	Yates
Dunn	Kinkaid	Reece	Young
Edmonds	Kitchin	Reed, N. Y.	Zihlman
Evans	Kline, N. Y.	Riddick	
Fairchild	Knight	Robertson	
Fairfield	Kreider	Robsion	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Cramton with Mr. Carter.

Mr. Dallinger with Mr. Bankhead.

Mr. Strong of Pennsylvania with Mr. Tucker.

Mr. Hardy of Colorado with Mr. Kindred.

Mr. Kline of New York with Mr. Mead.

Mr. Robsion with Mr. Wright.

Mr. Taylor of Tennessee with Mr. McSwain.

Mr. Winslow with Mr. Bland of Virginia.

Mr. Clarke of New York with Mr. Goldsborough.

Mr. Bowers with Mr. Taylor of Colorado.

Mr. CRAMTON. Mr. Speaker, on this vote I wish to answer "Present." I have a general pair with the gentleman from Oklahoma [Mr. CARTER]. I would vote "aye" if he were present.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12022) relative to the naturalization and citizenship of married women, with Mr. TOWNER in the chair.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. VOIGT. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Wisconsin objects. The Clerk will read the bill.

The Clerk read the bill.

Mr. VAILE. Mr. Chairman, I should like to be notified when I have consumed five minutes.

The CHAIRMAN. In the division of the time the gentleman from Colorado [Mr. VAILE] controls one hour and the gentleman from California [Mr. RAKER] one hour.

Mr. VAILE. Yes.

The CHAIRMAN. The Chair understands that both the gentleman from Colorado and the gentleman from California are in favor of the bill.

Mr. VAILE. That is correct.

The CHAIRMAN. What arrangements have been made for those who are opposed to the bill?

Mr. VAILE. No requests have been made of me for time in opposition.

The CHAIRMAN. The gentleman from Colorado has control of one hour.

Mr. VAILE. Mr. Chairman and gentlemen of the committee, two recent events have demonstrated quite clearly the inadequacy and injustice of our present laws with relation to the citizenship of women. These events have brought the country to the very definite conviction that woman's citizenship is not something that is unimportant or casual, not something merely incidental to the marriage status, but that woman's citizenship is as important, as individual, and should be endowed with the same dignity and responsibility as man's citizenship.

One of these events was the World War and its effect upon the rights and obligations of American women who had married aliens, and who consequently under existing law had lost the citizenship which was theirs by birth and acquired the citizenship and allegiance of their husbands. This resulted in many cases of injustice to the United States and in even more cases of injustice to these women.

In the first class of cases were women who, married to alien enemies, had lost their sympathy with and their loyalty to the United States and acquired the hostile attitude of their husbands. These women, being aliens by reason of their marriage, were to a large extent beyond the control of our laws, could not be punished for treason or charged with the duties or responsibilities of American citizenship. We have long recognized the undesirability of permitting American citizens to escape the responsibilities of that status in time of national crisis by providing that no American citizen shall be allowed to expatriate himself (or herself) in time of war. There has never been any doubt as to the sound policy of a country continuing its jurisdiction in such a period over those who originally owed it their allegiance. But these women had expatriated themselves by their marriage, and even if the marriage occurred after the commencement of war the same result would obtain under our existing laws.

Thus it will be seen that our present laws involve an inconsistency on a matter which is of the very utmost importance, namely, the allegiance of the citizen in time of war, one statute declaring that at such a time no citizen shall expatriate himself (or herself) and another automatically creating expatriation as an incident of marriage. It is part of the purpose of the pending legislation to remove this inconsistency.

But be it said to the everlasting credit of American womanhood that cases of the sort which I have mentioned, cases that is of the woman's transfer of her moral allegiance, while individually important, were not very numerous. Far more numerous were the second class of cases, namely, those of the American-born woman who having never lost one particle of her own loyalty to our flag and our country, often, indeed, inspired by the loftiest patriotic fervor, found herself legally an alien enemy because her husband was a subject of the German Kaiser. These women, and there were thousands of them, where there were tens of the class previously mentioned, would have cut off their right hands sooner than aid the enemies of the United States in a war against the country of their birth. Yet their property was sequestered, and they were subject to the legal duress and restrictions and the social suspicion and ostracism which attached to the status of alien enemies.

We have all individually known of such cases. A girl who went to school with me at home and whose noble old father had lost an arm in the Civil War married while she was studying music in Germany a young German officer. The marriage was not a happy one, and she returned after a very few years to the United States and lived with her parents. She had been living with them in the United States for at least 10 years before the war broke out, but being of a religious faith which frowns upon divorce she never obtained a legal separation. This splendid young woman took an active part in Red Cross and other military relief work, and was broken-hearted when she was required to stop on the ground that she was an "alien enemy." Of course, aside from her purely technical legal status she was no more an enemy of the United States than any one of us.

In the preceding Congress we extended individual relief in several similar cases, one of which was perhaps an extreme one, but which nevertheless illustrates the natural result of such a situation.

Mrs. De Haven Alten was the daughter of an admiral in the American Navy, and all of her male ancestors from Revolutionary times had served in the armies of the United States. She was wealthy in property acquired entirely by her family residing in the United States. In the World War she had one

brother in the American Army and one brother who had enlisted in the French Army before America entered the war. This woman while she was a mere schoolgirl in Switzerland married a little German baron, who proved to be entirely worthless. He frittered away all of her property that he could get his hands on. He gave her abundant cause for divorce in other ways, and prior to the war she took up a separate abode in Switzerland and instituted divorce proceedings against her husband. Because he was an officer in the German Army, these proceedings were stayed during the entire period of the war, under German law. During the war she went to Hungary and there busied herself in relief work for the wounded prisoners of the allied armies.

Our Alien Property Custodian, as was his duty, seized and held the remainder of her property, consisting of a trust fund in the United States. Reduced from wealth and luxury to absolute poverty, this woman, who had never ceased to be an American at heart, came here penniless to appeal to the chivalry of the American Congress to restore her citizenship, which, since she was not divorced, she could not get except by special act. The Alien Property Custodian vigorously supported her plea, and the Congress, quite properly, granted it.

The class of cases which I am now discussing—American women who, though loyal at heart, became alien enemies by their marriage to Germans—of course, includes many thousands of instances where the husband was a resident here, and many cases where the husband, desirous of becoming an American citizen, had taken out his first papers before the war broke out, leaving both him and his wife in the legal status of alien enemies.

Let me state right here that I believe in the vast majority of cases these husbands were loyal to the land of their adoption, even though the adoption was not yet complete. There could not have been a very great difference between them and the many thousands of fully naturalized citizens who served in our armies. A few weeks ago I heard Mr. David Jayne Hill, at a luncheon of the English-speaking Union, make the statement that more than 40 per cent of our soldiers who fell in the battles of the Argonne Forest bore German names. I never had an opportunity to check these figures, but undoubtedly the percentage was very large. I repeatedly noticed during the war that there would be at least three or four German names among the first dozen in our daily casualty lists, and I want to say here and now that on the whole the very great majority of our citizens of German blood displayed a magnificent loyalty and patriotism under very trying circumstances. The surprising thing is not that there were a few malodorous exceptions but that they were so few. For that matter, if you examine the roster of the present House of Representatives, you will find at least 35 distinctively German names.

Now, Congress recognized the unfairness of retaining the property of American-born women whose status was technically that of alien enemies by reason of their marriage by providing for its release—act of February 27, 1921 (41 Stat. 1147). The necessity of such corrections will be avoided in future by the passage of this bill.

The second event which has demonstrated the need for a change in our present laws was the nation-wide adoption of woman suffrage, putting at once into the exercise of the elective franchise many thousands of women who were citizens merely because of the citizenship of their husbands. Since women vote universally now, the woman's citizenship should obviously be determined by her own qualifications and not by the qualifications of some one else. If she is qualified she should be able to become a citizen; if she is not qualified she should not become a citizen and should not have the right to vote. In other words, the exercise of elective franchise should depend upon the qualifications of the voter and not upon the fortuitous circumstance of whether the voter is married or single.

Woman's citizenship should stand on its own merits. She asks no special privilege. She is entitled to none. Her citizenship should be tested as is the man's citizenship. It should be preserved as her most priceless possession, just as the man's citizenship is so preserved. She is now in name, as well as in fact, an equal partner in the business of conducting the American Government. She should have the privileges of an equal partner, and as a condition of those privileges she should bear, and be qualified to bear, the duties and responsibility of that partnership.

The CHAIRMAN. The gentleman has used five minutes.

Mr. VAILE. I will yield to myself five minutes more.

A great many American women were married to aliens who had just missed becoming citizens or who had not yet become citizens who at heart were loyal to the United States, but who nevertheless technically occupied the position of alien enemies. Some were married to Germans who lived abroad. We recognized the great hardship which arose in such cases, recognized it in several specific instances in the last Congress.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. VAILE. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. What would be the status of an American woman who married an alien and moved to Germany or some European country?

Mr. VAILE. Under the present law the woman takes the status of her husband. Under the pending bill she does not lose her American citizenship unless she expressly renounces it or lives for two years in the country of her husband's allegiance or for five years in any other foreign country.

Mr. SMITH of Michigan. Then she would change her citizenship?

Mr. VAILE. In that case the same presumption applies to her as to naturalized citizens of the United States, who are presumed to have lost their citizenship under those circumstances.

Mr. SMITH of Michigan. How is that presumption rebutted?

Mr. VAILE. The statute provides a way, namely, by registering with the American consular officer, and this presumption will be subject to rebuttal in the same way.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. DENISON. Under existing law, when an American woman marries a foreigner she loses her American citizenship and becomes of his nationality.

Mr. VAILE. That is correct.

Mr. DENISON. If a foreign woman marries an American——

Mr. VAILE. I am about to discuss that phase of the matter.

Mr. DENISON. Does she become an American?

Mr. VAILE. Under existing law, where a foreign woman marries an American, she becomes instantly an American citizen, and that emphasizes the results of the second event to which I have referred. The second event was the universal application in this country of woman suffrage. That was the admission instantly to the exercise of the full rights of citizenship of many hundred thousands of women, who may or may not have been qualified, but whose right to vote was dependent not upon their qualification but upon the fact that they were married to American citizens. The whole point of our bill, on that end of it, is that the citizenship of a woman should stand upon its own merits, as does citizenship of a man; that woman is now an equal partner with man in the business of running the Government; that while she is entitled to no special privileges, while she asks for none, she should be permitted to share equally in that partnership and should be required to bear its burdens and responsibilities.

Mr. DENISON. This is the question that I have in my mind: I am wondering whether this bill is going to get us into any complication. If an American woman marries a foreigner she remains an American citizen, but her husband is an alien.

Mr. VAILE. That is correct.

Mr. DENISON. Under whose flag do the children fly?

Mr. VAILE. They would not be changed in one particle from the situation that exists to-day. If a child is born here, no matter whether of American or alien parents, that child is an American citizen under our Constitution. Under existing law the child who is born abroad takes the nationality of its father, and that is not changed by the pending bill.

Mr. DENISON. Then an American woman who marries an alien in Europe still remains an American citizen?

Mr. VAILE. Yes.

Mr. DENISON. And yet her children are foreigners?

Mr. VAILE. Very true; but under existing law, if she marries an alien, not only her children but she herself would be a foreigner, and we prefer that she should retain her citizenship if she wants to, if she does not expressly renounce it.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. LEHLBACH. Where the husband and wife are of different nationalities do we not have hyphenated or dual citizenship on the part of the children?

Mr. VAILE. Not on the part of the children.

Mr. LEHLBACH. Why not?

Mr. VAILE. If they are born here, they are American citizens; and if born abroad, they are of the nationality of their father.

Mr. LEHLBACH. Not necessarily. Supposing an American woman marries an Englishman in this country and temporarily

visits his folks abroad, when a child is born there that child under British law would be a British subject.

Mr. VAILE. Correct.

Mr. LEHLBACH. Born of a British father, but being the son of an American citizen, that mother temporarily sojourning abroad, the child would be an American citizen.

Mr. VAILE. I think the gentleman is in error. It takes the citizenship of the father.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. ROSE. Either I failed to understand the reply made to the gentleman from Illinois or else the gentleman did not answer it fully. The question was asked, supposing a foreign woman marries an American in this country, what her rights are under this law. Is she an American citizen or not?

Mr. VAILE. Not at all, until she qualifies for naturalization and becomes naturalized according to the process provided in this bill.

Mr. ROSE. In other words, she would have to make application for citizenship the same as any other foreigner?

Mr. VAILE. Except that but one year's residence is required.

Mr. ROSE. She has to make application.

Mr. VAILE. She has to show that she is loyal to our institutions and understands the English language.

Mr. ROSE. The point I am going to bring out is that marriage of a foreign woman to an American citizen does not of itself make her an American citizen.

Mr. VAILE. That is correct.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. McKENZIE. Is this legislation demanded, or does it grow out of some real hardship or wrongs that have been suffered, or is it more or less theoretical?

Mr. VAILE. It is very real. Let me call the gentleman's attention to the fact that in the last Congress we passed a remedial act for the benefit of one woman under these circumstances. It is true that there were two or three, but this was the one particular case of an American-born woman, her father an admiral in the Navy, coming of revolutionary stock, and at the outbreak of the World War she had one brother in the American Army, and before we got into the war she had one brother in the French Army. Let me repeat this instance for the gentleman's consideration, since it is typical of the very thing we want to avoid. While in Switzerland years ago this woman married a worthless German baron, who wasted her property.

Before the war she started divorce proceedings, but divorce proceedings were stayed on account of the fact that he was a German officer. She was penniless. She had always been an American at heart, and was devoting herself to relief work among our soldiers. Of course the Alien Property Custodian took hold of her property, and she came here penniless to the American Congress and asked that her citizenship be restored. That was done, and I think properly so.

Both political parties have indorsed specifically the principle of this bill. There are many associations, some of which may seem to be more or less theoretical, but which the gentleman will find are quite practical, which are also asking for the passage of this measure.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. RAMSEYER. Let us take the question propounded by the gentleman from New Jersey [Mr. LEHLBACH]. A Britisher marries an American woman. They are sojourning in Great Britain when a child is born. It will be a British subject, because it will take the nationality of its father.

Mr. VAILE. Yes.

Mr. RAMSEYER. Suppose two children were born over there under those circumstances. Both would be Britishers. They come back here and two children are born here. Then in the same family you would have two British children and two American children.

Mr. VAILE. That happens now in many cases. It happens in this way, where children are born here with both parents aliens. They are both American citizens. But if the other brother is born in England, that brother is an English subject.

Mr. RAMSEYER. We have cases where a married couple comes here with children and more children are born in this country, but here you add to the difficulties, creating conditions where you have a different citizenship for the husband and the wife and the children.

Mr. VAILE. We could not take care of all the cases of dual citizenship, but I think we have done it as far as we can.

Mr. RAMSEYER. Complications will arise in case of war under this bill. For instance, if this law had been in effect during the World War, you might have had the mother a German citizen, the children all American citizens because born here, and the father an American. Carrying out one of the proclamations of the President during the war you might have interned the mother and separated her from her children and husband.

Mr. VAILE. The gentleman must remember that under the provisions of the bill the mother has the opportunity of becoming an American citizen.

Mr. RAMSEYER. It is not the mother only that you are punishing, but you are punishing the children. You are disrupting the ties of the family.

Mr. VAILE. Mr. Chairman, I will yield to the gentleman if he wants to debate that phase of the case.

Mr. RAMSEYER. I am simply seeking information at this time.

Mr. VAILE. Mr. Chairman, I reserve the balance of my time.

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. The gentleman from California is recognized for one hour.

Mr. RAKER. Mr. Chairman, I ask to be notified when I have consumed 15 minutes. Gentlemen of the committee, your Committee on Immigration and Naturalization have for the last eight years, if not longer, at various times, had this subject before it for its consideration. We have had distinguished Members of this House and others not Members in various hearings before the committee before the nineteenth amendment to the United States Constitution became operative and since. So that, so far as the questions are involved, the committee have tried to give their best attention and consideration to the matter and to bring it before the House in as clear and as concise a manner as it was possible, in order to present the concrete question to the House and to the Congress.

There can be no question now so far as opposition to this legislation is concerned, for both parties at their last convention indorsed it. The Republican Party indorsed this principle unanimously and the legislation that is sought to be enacted into law by this bill. The platform declaration on this question by the Republicans, adopted in their platform at their convention of 1920 at Chicago, Ill., June 8–12, reads as follows:

NATURALIZATION.

There is urgent need of improvement in our naturalization law. No alien should become a citizen until he has become genuinely American, and adequate tests for determining the alien's fitness for American citizenship should be provided for by law.

We advocate in addition the independent naturalization of married women. An American woman, resident in the United States, should not lose her citizenship by marriage to an alien.

And on woman suffrage the platform declaration is as follows:

WOMAN SUFFRAGE.

We welcome women into full participation in affairs of government and the activities of the Republican Party. We earnestly hope that Republican legislatures in States which have not yet acted on the suffrage amendment will ratify the amendment, to the end that all of the women of the Nation of voting age may participate in the election of 1920, which is so important to the welfare of our country.

The Democratic platform, adopted at the Democratic convention at San Francisco, Calif., June 28–July 6, in 1920, on the naturalization and woman suffrage reads as follows:

WOMAN SUFFRAGE.

We indorse the proposed nineteenth amendment of the Constitution of the United States granting equal suffrage to women. We congratulate the legislatures of the 35 States which have already ratified said amendment, and we urge the Democratic governors and legislatures of Tennessee, North Carolina, and Florida and such States as have not yet ratified the Federal suffrage amendment to unite in an effort to complete the process of ratification and secure the thirty-sixth State in time for all the women of the United States to participate in the fall election. We commend the effective advocacy of the measure by President Wilson.

WELFARE OF WOMEN AND CHILDREN.

We urge cooperation with the States for the protection of child life through infancy and maternity care; in the prohibition of child labor and by adequate appropriations for the Children's Bureau and the Woman's Bureau in the Department of Labor.

WOMEN IN INDUSTRY.

We advocate full representation of women on all commissions dealing with women's work or women's interests and a reclassification of the Federal civil service free from discrimination on the ground of sex; a continuance of appropriations for education in sex hygiene; Federal legislation which shall insure that American women resident in the United States, but married to aliens, shall retain their American citizenship, and that the same process of naturalization shall be required for women as for men.

They unanimously indorsed the principles of this bill, so that every Member of the House, Democrat and Republican, if the legislation carries out those two platform declarations, can have no squeamish conscience relative to the propriety or neces-

sity or advisability of this legislation. It is only a question whether the committee has presented to you the legislation carrying out those principles.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RAKER. I would like to complete my statement first, and then I will yield. Since that time, and in addition to the two platform declarations of these two great parties, practically every woman's organization in the United States has indorsed in substance and effect the proposed legislation. Let me read:

INDEPENDENT CITIZENSHIP SUBCOMMITTEE,
July 19, 1922.

DEAR MR. REPRESENTATIVE: We earnestly ask your consideration of the Cable bill (H. R. 12022), which we expect will come before the House for a vote this week, and we trust that you will give it your active support.

This is a bill relative to the naturalization and citizenship of married women, and provides that a woman's citizenship shall not be depended upon her marital status.

The organizations that we represent have all indorsed the principles found in this measure.

Very truly yours,
AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
MRS. RAYMOND MORGAN.
NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN,
MARY STEUART.
COUNCIL OF JEWISH WOMEN,
MRS. SIMON OPPENHEIMER.
GENERAL FEDERATION OF WOMEN'S CLUBS,
LIDA M. HAFFORD.
NATIONAL LEAGUE OF WOMEN VOTERS,
MAUD WOOD PARK.
NATIONAL WOMEN'S TRADE UNION LEAGUE,
ETHEL M. SMITH.
WOMEN'S CHRISTIAN TEMPERANCE UNION,
SENNA LOWE YOST.

Mr. VOIGT. Will the gentleman yield?

Mr. RAKER. Let me first complete my statement and then I will yield. Under the present law an American woman, citizen of the United States, who marries an alien loses her citizenship and becomes of the nationality and of the citizenship of that of her husband. This question was fully discussed and settled in the case of MacKenzie against Hare, volume 239, pages 299 to 231, of the Supreme Court of the United States. The court discusses the question of expatriation as it existed under the common law, and discusses the revision originally adopted by this country, and then says it was brought about beyond all question by the Revolutionary War. Then the acts of Congress in relation to naturalization, the specific statute that a woman who marries an alien takes the nationality of her husband.

Further, under the present law no married woman, an alien, can be naturalized or file her petition for naturalization, and therefore if the husband fails to naturalize she must remain an alien under the law as it now stands. Third, with five minutes' residence in the United States an alien woman who marries a citizen of the United States, or who marries one who has been naturalized as a citizen of the United States, upon her arrival becomes a full-fledged citizen, with all the rights and privileges of an American citizen who has been compelled to live here 21 years or an American boy or an alien who has complied with the naturalization laws. So that under the present law, by virtue of allowing a woman to have the same civil rights as a man, it becomes important whether or not an alien woman who marries an American citizen should instanter become an American citizen, with all the rights and privileges of an American citizen. That is charged by this law.

Now, under the present law an alien married woman can not be naturalized as such independent of her husband. This bill in paragraph 1 allows her to become naturalized without the naturalization of her husband. Under the present law when an alien woman marries a citizen she automatically becomes a citizen. This bill requires her to be naturalized under the provision in section 2 which requires a year's residence and for taking the oath of allegiance and otherwise complying with the naturalization laws. Third, the present law, when an alien man is naturalized the wife becomes automatically a citizen. This bill requires her to be naturalized, and a short process is provided in section 2. Hereafter all women now married at the present time, married to aliens—and there may be a million of them residing in the United States—the husband becomes naturalized, that woman under this law will not become naturalized, but she must come within a year and file her application, become naturalized, take the oath of allegiance, which she ought to take to become a full-fledged citizen, with all the rights and privileges of an American citizen.

Fourth. Under the present law an American woman citizen who marries an alien automatically takes the citizenship of her husband and loses her American citizenship. This bill permits her to retain such American citizenship unless she renounces that citizenship, or unless she goes abroad and remains there two years in the country of the nativity of her husband; and the presumption is that she then loses her residence, or that if she resides for five years generally in a foreign country she loses her citizenship. The presumption is the same as the law now applies to a naturalized citizen who goes abroad and lives two years and loses citizenship if he remains in the country of his nativity for two years, or five years elsewhere.

Fifth. The bill provides that an American woman citizen who heretofore by her marriage to an alien loses her American citizenship may regain the same as provided by section 2 of the bill. If the marital relation is dissolved by death or divorce she can come back to this country and living here become an American citizen; or if she declares before the proper officer abroad she will retain her citizenship, and if under present conditions she wants to retain the citizenship she has to take the oath of allegiance. Her citizenship amounts to something. While we have made some small distinctions we are trying to place the American woman upon the same base as the American man and require her to take the oath of allegiance so as to show it is worth something.

Sixth. An alien woman not eligible to American citizenship can not be naturalized. That is as it ought to be.

Seventh. An American woman citizen who marries an alien not eligible to citizenship loses her American citizenship. Of course, after the death or the dissolution of the marriage she can comply with the provisions of the act and become an American citizen and resume her status.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RAKER. In just a moment.

Eighth. And no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. In other words, if a woman marries a man who is ineligible to citizenship of the United States, while the first provision of the bill says that this married woman may be naturalized, she by virtue of her voluntary act—as was held in the case to which I referred—if she expatriates herself voluntarily and knowingly, she has no complaint; she can not be naturalized because of the reasons suggested. I yield for a short question.

Mr. CONNALLY of Texas. I do not like the qualification, but I would like to ask the gentleman—on page 2, line 15, this bill says:

If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence.

Now, what does that mean? It simply says if she is a citizen after the marriage has terminated she shall continue to be a citizen. Of course she would, if she is a citizen. How does she become a citizen if——

Mr. RAKER. Now I will discuss that and yield further. This bill as presented to the House does not make any distinct——

Mr. CONNALLY of Texas. Will the gentleman answer later on the floor or in his extension?

Mr. RAKER. On the floor. I like to answer on the floor. But this bill does not make any distinction in regard to where the American woman lived originally. The committee thought an American woman residing abroad, who married an alien, should not retain her citizenship, and it was impressed on me very strongly, but the Department of State says from their experience in a good many years the question of residence, whether permanent or not, is somewhat complicated, and creates a good deal of difficulty, so we have said that the American woman anywhere marrying an alien retains her citizenship, provided now that if she resides abroad two years in the country of her husband's allegiance the presumption of law is that she thereby renounces her American citizenship and is expatriated. Second, that if she resides anywhere else than in the country of her husband's nativity or the country to which he owes allegiance for five years, she would by that act lose her citizenship.

The CHAIRMAN. The gentleman has used 15 minutes.

Mr. RAKER. I will take two minutes more. So that the bill as presented with the amendments which will be offered by the chairman for the purpose of clarification and one to cover the question of a woman who marries a man ineligible to become a citizen that during that time she can not herself apply for citizenship, the committee are unanimous, both Democrats and Republicans, in presenting this bill to the House, and hope and believe that it should receive a unanimous vote. We have extended suffrage to women, and all the dire troubles and complications which were predicted, the question of the division of the family and the want of their attendance upon the polls and their interest in Government affairs, have all been wiped away and everything of the kind proven to be a myth.

Mr. DENISON. Will the gentleman yield?

Mr. RAKER. I will.

Mr. DENISON. I would like to know what the views of the committee were for causing an American citizen to lose her citizenship in two years. Under this bill if an American woman marries a foreign man she retains her citizenship for two years. Is that right?

Mr. RAKER. Yes.

Mr. DENISON. If she goes abroad to live with her husband she remains an American citizen two years. What was the reason for limiting her to that two years?

Mr. RAKER. I will answer it as best I can. Under the present law an American woman who marries an alien automatically loses her citizenship. If she remains in the United States she ought to have it, and that is the purpose and object of this bill. If she goes abroad and permanently resides for two years she ought to by that act, voluntary on her part, lose the right granted to her by this law, because she has, in the first place, married an alien. She has determined by her own motion and her act and her conduct that she is not thinking of the United States and therefore ought not to be an American citizen.

Mr. DENISON. Does that begin after two consecutive years or two years altogether?

Mr. RAKER. I think beyond all question that if the woman went over and stayed six months and came back she would not lose it. It must be a consecutive two years' residence, two years' residence abroad, and the presumption would be that she lost her citizenship.

Mr. DENISON. If a foreign man's family under the present law comes to the United States and the man is naturalized the wife also becomes an American citizen. Do the children also become citizens?

Mr. RAKER. No. They stand just as they do under the law now. There has been no change.

Mr. DENISON. Do they still remain foreign?

Mr. RAKER. If they are under a certain age and the father becomes naturalized, they become citizens. If they are over that certain age, they must be independently naturalized, under the present law.

Mr. DENISON. I will ask the gentleman if little babies, under 6 years old, become American citizens?

Mr. RAKER. If the father is naturalized the little baby will be a citizen after he becomes of age. But the mother's naturalization does not affect in any way, shape, or form the naturalization of the children.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GRIFFIN. Will the gentleman take two minutes more in order to elucidate this bill?

Mr. RAKER. I will yield myself two minutes more.

Mr. GRIFFIN. I have in mind the status of the children under this act.

Mr. RAKER. What is the question?

Mr. GRIFFIN. My attention is directed to this: Under the existing law the child will vote upon its father's papers. Now, what will be the situation where an alien woman secures naturalization and the father does not become naturalized?

Mr. RAKER. I will answer that: Under the law as it now stands, all those who are minors when the father becomes naturalized will become American citizens by reason of that naturalization. Those above a certain age are not naturalized by reason of the naturalization of the father, and must become naturalized. Under this bill, if the father is not naturalized, and does not care enough to go and do it, we have said that the mother ought to have some opportunity to advance educationally and otherwise. She can under this bill become naturalized, but it does not in the slightest degree affect the status of the children one way or another.

Mr. STAFFORD. Will the gentleman permit me in that connection——

Mr. RAKER. I yield for a question.

Mr. STAFFORD. Following the gentleman's conclusion just stated, the committee does not repeal section 5 of the expatriation act of 1907?

Mr. RAKER. It does not.

Mr. STAFFORD. May I call to the attention of the gentleman the phraseology of that act?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I yield myself two minutes more.

Mr. STAFFORD. I would like to quote from the act, which I hold in my hand, the case of a child born abroad whose mother would become naturalized but the father would not. The child would take the citizenship of the mother. May I read it?

Mr. RAKER. Yes.

Mr. STAFFORD. Section 5 says, and I think it must be changed if the committee wishes to have it conform to the statement made by the gentleman from California, that—

a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent.

It does not state which parent.

Provided, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

Now, you have not attempted to amend section 5, so that if the mother becomes naturalized during the minority of the foreign-born child, and the husband and father does not, the child under this law will take the citizenship of the mother.

Mr. GRIFFIN. That is the point I wanted explained.

Mr. RAKER. I will say unhesitatingly that under this bill the naturalization of the mother does not naturalize the child, and it will have to wait until it becomes of age and is independently naturalized. Under the law the father wants to do something. He has not done it in the past.

Mr. GRIFFIN. The child is undoubtedly naturalized under the certificate of its parent. Is that not so? It does not say "father."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. VOIGT. Mr. Chairman, I desire to make the motion that the committee do now rise.

Mr. RAKER. Does the gentleman from Colorado wish to proceed now?

Mr. VAILE. If you want to use more time, go ahead.

Mr. RAKER. You had best proceed, and then I will yield 10 minutes. I reserve the balance of my time.

Mr. VOIGT. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order there is no quorum present. The Chair will count. [After counting.] Eighty-four Members are present, not a quorum.

Mr. VAILE. I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Andrews, Nebr.	Fields	Langley	Robertson
Anthony	Fish	Larson, Minn.	Rossdale
Arentz	Focht	Lazaro	Rouse
Bankhead	Frear	Leatherwood	Rucker
Barkley	Free	Lee, N. Y.	Ryan
Beck	Freeman	Little	Sabath
Benham	Fuller	Logan	Sanders, Ind.
Bixler	Fulmer	Longworth	Schall
Black	Gallivan	Luce	Scott, Tenn.
Bland, Ind.	Garrett, Tenn.	McClintic	Sears
Blanton	Garrett, Tex.	McFadden	Sinclair
Bond	Gilbert	McLaughlin, Nebr.	Sinnott
Brennan	Goodykoontz	McLaughlin, Pa.	Sisson
Britten	Gorman	McSwain	Slemp
Brooks, Pa.	Gould	MacGregor	Smithwick
Brown, Tenn.	Graham, Pa.	Maloney	Sproul
Buchanan	Greene, Mass.	Mann	Steagall
Burtness	Griest	Mansfield	Stedman
Burton	Hardy, Colo.	Merritt	Stiness
Campbell, Pa.	Harrison	Montague	Stoll
Cannon	Hayden	Montoya	Strong, Pa.
Cantrill	Hays	Moore, Ill.	Sullivan
Carter	Hersey	Moores, Ind.	Summers, Wash.
Clark, Fla.	Hicks	Morin	Sumners, Tex.
Clarke, N. Y.	Himes	Mott	Swank
Classon	Hogan	Mudd	Sweet
Cockran	Husted	Nelson, J. M.	Swing
Codd	Hutchinson	Newton, Minn.	Tague
Connell	Ireland	Nolan	Taylor, Ark.
Cooper, Ohio	James	O'Connor	Taylor, Colo.
Cooper, Wis.	Jefferis, Nebr.	Oliver	Taylor, Tenn.
Copley	Johnson, Miss.	Olpp	Tilson
Dallinger	Johnson, S. Dak.	Osborne	Treadway
Davis, Minn.	Jones, Pa.	Padgett	Tyson
Deal	Jones, Tex.	Paige	Underhill
Dempsey	Kahn	Park, Ga.	Upshaw
Dickinson	Keller	Parks, Ark.	Ward, N. Y.
Drane	Kelly, Pa.	Perlman	Wason
Drewry	Kennedy	Porter	Weaver
Driver	Ketcham	Purnell	White, Kans.
Dunbar	Kiess	Rainey, Ala.	Williams, Tex.
Dunn	Kindred	Rayburn	Wise
Edmonds	Kinkaid	Reber	Woodyard
Evans	Kitchin	Reece	Wurzbach
Fairchild	Kline, N. Y.	Reed, N. Y.	Yates
Fairfield	Knight	Reed, W. Va.	Young
Fenn	Kreider	Riddick	Zihlman
Fess	Lampert	Riordan	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12022) relative to the naturalization and citizenship of married women, and finding itself without a quorum, he had directed the roll to

be called, whereupon 239 Members responded to their names—a quorum—and he submitted a list of absentees for entry in the Journal.

Mr. HARDY of Texas. Mr. Speaker, before the committee resumes, by consent of the representatives of the majority I wish to ask leave to extend——

The SPEAKER. The Chair has no right to consider any such request. The committee has risen temporarily, and the Speaker has resumed the chair only to receive a report. The Chair has no right to recognize the gentleman. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The gentleman from Colorado [Mr. VAILE] is recognized.

Mr. VAILE. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CABLE].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CABLE. Mr. Chairman, a woman's citizenship should not be determined by her marital status. Justice and common sense should permit a married woman to act upon her own wishes and qualifications for naturalization rather than those of her husband. The principle of independent citizenship for married women is not a new proposition. It has been indorsed by both the Republican and Democratic Parties and incorporated in their 1920 platforms. My bill itself has been indorsed by various national women's organizations of the United States in a statement issued to Members of the House to-day, which reads as follows:

We earnestly ask your consideration of the Cable bill (H. R. 12022), which we expect will come before the House for a vote this week, and we trust that you will give it your active support.

This is a bill relative to the naturalization and citizenship of married women, and provides that a woman's citizenship shall not be dependent upon her marital status.

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COUNCIL OF JEWISH WOMEN,
Mrs. L. OPPENHEIMER.

GENERAL FEDERATION OF WOMEN'S CLUBS,
LIDA M. HAFFORD.

NATIONAL LEAGUE OF WOMEN VOTERS,
MAUD WOOD PARK.

NATIONAL WOMEN'S TRADE UNION LEAGUE,
ETHEL M. SMITH.

WOMEN'S CHRISTIAN TEMPERANCE UNION,
LENNA LOWE YOST.

The Carnegie Foundation made a special investigation to determine the attitude of various judges exercising jurisdiction in naturalization cases, and in that study replies from 350 judges were 2 to 1 in favor of naturalizing women as individuals, and practically 2 to 1 in favor of allowing an American woman to retain her citizenship regardless of marriage to an alien.

The conviction that the citizenship of married women ought to be a genuine right which can not be taken away from her or granted to her without her full knowledge, consent, or wish is not confined to legislative proceedings or resolutions in this country. The International Suffrage News for June, this year, reports that early in April, 1922, a bill was introduced in the French Senate seeking to revise the provisions in regard to nationality, and especially in regard to the citizenship of married women. In England a bill, which 59 women's organizations of the British Empire heartily indorse, dealing with independent citizenship of married women has lately been brought before the House of Commons. The International Council of Women, the largest of the international organizations of women in representing the greatest number of countries, at its meeting at Copenhagen two years ago expressed in a resolution the belief of women of many countries that the citizenship of married women should be upon an independent basis and their sincere conviction that legislative bodies will soon come to recognize the justice and common sense of the women's stand in the matter.

A natural-born American must wait 21 years before she or he is permitted to participate in the government of this country. A foreign-born man or single woman who comes to this country and resides here continuously for five years, if he qualifies before the courts, may become naturalized and acquire the right of suffrage. But a foreign-born woman who comes to this country one day automatically becomes an American citizen the next if she marries an American citizen or if her husband becomes naturalized. With one day's period of residence, as compared to the natural-born American's 21 years of residence, she acquires the same rights, privileges, and benefits in and to our Government. She is not required to be able to speak the English language, to know of our customs and laws, our Constitution, and to be attached to the principles of our Government; she does not even have to renounce allegiance to her foreign ruler and take the oath of allegiance to Uncle Sam.

Citizenship in this country should not depend on the marriage status, but should be based upon loyalty to our country and a knowledge of its language and laws, as well as a wish or desire to become an American citizen. On the other hand, under our present law a married alien woman who may have resided in this country for many years and who has learned to love America, who knows our language, our customs, our laws, can not become an American citizen except by the naturalization of her husband. Why should her citizenship depend upon the will of her husband?

The bill under consideration repeals that section of the present law which provides "Any woman who is now or who may hereafter be married to a citizen of the United States and who might herself be lawfully naturalized shall be deemed a citizen," and in its place provides that when an alien woman marries an American, or when her husband becomes naturalized, she does not automatically become an American citizen, but if she also desires to become an American citizen she may do so by being naturalized through a shortened process.

The present law permitting the naturalization of foreign born deals directly with the husband and father and gives the wife and mother but secondary consideration. The husband is the one who is educated. He is the one who must learn to speak the English language, to know our country, its Constitution, and laws. He is the one who must be attached to the principles of our Nation. He only renounces allegiance to his foreign ruler, and in most cases he only appears in open court and declares on oath that he will support and defend the Constitution. The husband is the one who must be fitted and prepared for his part as an American citizen. Even the children are sent to public schools, but what of the wife? The true process of naturalization should include the education of the mother of this immigrant family. The mother's influence and guidance would be lost to the family without the education that naturalization proceedings provide and require. My bill is intended to permit this wife and mother to learn something about the country. She is the one who should guide these children and ought to have the same privileges of an education as the father.

Mr. VOIGT. Mr. Chairman, will the gentleman permit a question there?

Mr. CABLE. I yield.

Mr. VOIGT. Under this bill you are casting the same mental requirements upon the wife as you are on the husband?

Mr. CABLE. Yes. That is intended so as to permit her to learn something about this country, and not be entirely disregarded when her husband is going through the naturalization proceedings.

Mr. VOIGT. Let us take the case of the average alien family coming to this country. Usually that family consists of a husband and wife and anywhere from two to half a dozen children.

Mr. CABLE. Yes; and when they proceed with their naturalization they devote all their time to the husband and to the education of the children in the public schools, and give the wife and mother but little attention.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. VAILE. I yield two more minutes to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for two minutes more.

Mr. VOIGT. Now, when that family comes to this country, the wife is generally required to do all the family work. She has to work from early in the morning until late at night to take care of those children.

Mr. CABLE. Yes. Let us educate her and give her a chance.

Mr. VOIGT. Do you think it is a fair proposition to throw the same burden, the same mental requirement upon that wife,

when she is busy with her family and her household duties from morning until night, that is cast on the husband?

Mr. CABLE. Under my bill the wife would receive the same education as the father and the children, and thus she would have the same opportunities as the husband and children.

Mr. VOIGT. Does the gentleman believe that the wife is able to get away from her household duties and her children so as to acquire these attainments?

Mr. CABLE. In various States the Americanization proceeding is carried on by going into the home and educating the wife there. We seek to give these foreign-born women a chance to be educated, and we are opposed to keeping the mother and wife in ignorance of our language and laws, as you do in many cases under the present naturalization law.

Mr. LINEBERGER. I will ask the gentleman if it is not true, further, that the inspiration that the children get is more from the mother than from the father?

Mr. CABLE. That is right.

Mr. LINEBERGER. Is it not right, therefore, that the mother who guides these children and has constant association with them ought to have the same privilege of an education as the father, if not more?

Mr. CABLE. The mother should be given the opportunity of learning the English language and our customs and method of government for her benefit as well as her children.

Mr. CHALMERS. First I want to congratulate the gentleman from Ohio upon his bill. [Applause.] I want to say in answer to the gentleman from Wisconsin that I do not consider it any hardship upon a wife to relieve her temporarily from household duties and educate her and give her some education in American citizenship.

Mr. CABLE. Under the present law "any American woman who marries a foreigner shall take the nationality of her husband." This bill repeals that provision of law in line with the Republican and Democratic national platforms. The Republican platform in part provides:

An American woman resident in the United States shall not lose her citizenship by marriage to an alien.

And the Democratic platform dealing with this subject advocates—

Federal legislation which shall insure that American women resident in the United States, but married to aliens, shall retain their American citizenship.

The principle of permitting a woman to retain her nationality, even though she marries a person of another nation, is not confined to this country alone. In April of this year the bill introduced in the French Senate dealing with citizenship of married women provided in article 19 that—

The French woman who marries an alien retains her French citizenship, unless she makes formal declaration that she prefers to take the nationality of her husband.

And in England the bill recently brought before the House of Commons provides for the restoration to British women who have married aliens of their British citizenship.

In my opinion the rich American woman who marries a title and lives abroad should cease to have the privileges and benefits of an American citizen, and under my bill special provision is made that if she resides continuously for two years in the country of which her husband is a citizen or subject, or resides continuously for five years abroad, she is presumed to have ceased to be an American citizen. But there are many American girls who marry foreign born and who continue to reside in this country. Their loyalty and fidelity is with the United States. Since the nineteenth amendment grants equal suffrage to women, so also should they have equal rights with reference to citizenship. An American citizen who marries an alien girl still retains his citizenship; so also should the American girl who marries the alien man. We should not relinquish our rights to legislate or withdraw our country's protection from these natural-born American women; their personal and property rights should be determined by our laws; and we should not by legislative action surrender this right to any foreign nation.

The purpose of the bill is to place citizenship on the highest plane possible. It is a privilege and not a right. Participation in our Government and the protection by our country should not be determined in the case of married women solely by a marriage ceremony.

Mr. RAKER. I yield one minute to the gentleman from North Carolina [Mr. WARD].

Mr. WARD of North Carolina. Mr. Chairman, I hold in my hand 3,500 names of citizens from my own and Mr. KITCHIN's district asking this Congress to act before its adjournment, and as quickly as possible, upon the Muscle Shoals proposition. I am going to lay the petition in the basket, and I want the House to know it so that you can all read it if you want to, provided you do not all read it at one time; and if you all want to read it at one time, I will read it to you. [Applause.]

Mr. RAKER. I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I shall hardly use 10 minutes. I wish to discuss a matter that is not connected with the pending bill, but a matter that has been discussed somewhat heretofore.

According to recent newspaper statements, there is to be further delay in giving the public information as to the reason for the Executive order of March 30, which led to the removal of the director and other responsible officials of the Bureau of Engraving and Printing and the substitution of others in their places. Meanwhile there continue to be intimations that the bureau was being mismanaged and that the officials were guilty of misconduct. I propose this morning to briefly restate the case which I have heretofore more than once discussed, and I do not believe that any facts have been, or will be, developed to disprove the propositions I now submit.

The officials who were removed were rendering faithful service, and there was no good reason for the President's order. The President was the victim of those whose advice he trusted, chief among whom, I have no doubt, were the Attorney General and Assistant Secretary of the Treasury Dover, who seem to be the chief patronage pilots of the administration ship. The action which was taken, besides disregarding the spirit, if not the letter, of the civil-service law, was a gross injustice to competent and honest officials, men and women, who, so far as we are up to this time advised, are beyond reproach.

The Government has suffered a real loss by the removal of some of the officials, who, in their special line, were among the most conspicuous and useful experts in this country, and evidence of this is found in the fact that their services are now being sought by private enterprises. Let me give some instances. I am reliably informed that Mr. Rose, who was chief of the Engraving Division at a salary of $5,000 a year, has been offered by an English engraving concern a salary of $20,000 a year; that Mr. Smilley, who is regarded as the master vignette engraver of this country, if not of the world, and who was receiving a salary of $7,500, is now employed by the American Bank Note Co. at a salary of $10,000; that Mr. Slattery, who was chief of the Electrolytic Division, and Mr. Dean, who was chief of the Surface Division, have been employed at increased salaries by concerns in Bridgeport, Conn., and New Haven, Conn. Of course, there are some of those removed who, in a time like this, find difficulty in securing employment, however well equipped and meritorious they may be, but they must, as best they can, yield to the consequences of an order which was made suddenly, without hearing, without notice, and which is apparently sought to be justified by an investigation that is now already supposed to have gone on for two months and a half.

I do not mean to say that all of the newly appointed officials are unworthy or disreputable. I would be most unhappy to think that such is the case, and would be the last man to assume it to be the fact without definite proof. But what I do mean to say is that some of them are liable to that criticism. What I am saying now I hope will reach the President. I do not know whether he reads the CONGRESSIONAL RECORD or is kept posted as to its contents. I do know that any President would profit by keeping in close touch with the proceedings in Congress in that way. However much the RECORD may be derided by some, it should be consulted by those who hold great positions in the Federal Government, for with reference to the activities of the Federal Government it shows "the very age and body of the times, its form and substance." I wish the President to know that the Chief of the Bureau of Engraving and Printing, appointed by his order, is a man who, at the time of his appointment, was, and is now, under very serious charges made in a divorce case pending in the Supreme Court of the District of Columbia, the case of Evelyn D. Hill against Louis A. Hill, which was filed April 20, 1920. The charges can not be lightly brushed aside, since the complainant is vouched for by those who know her well as of the highest standing and credibility. There is more that would have been adduced relative to the new chief of the bureau that would make the President gravely doubt whether he measures up to the standards of public and private conduct which the President so often advocates in his public addresses had the resolution for an investigation which I proposed, but which the Committee on Rules has ignored, been adopted. The President, I suppose,

understands that the man now at the head of the bureau supervises the work of a Government agency which perhaps has a larger percentage of young women among its employees than any other Government agency. It is for the President to determine whether, in view of the conditions I have briefly outlined, he is content, and expects the women of this country to be content, with what he has done. Had the investigation been permitted it would have shown that the new assistant director is simply a fit associate of his superior. There is something else that the President should know. His order became effective at 6.30 p. m., March 30. Two hours in advance of that a committee of the Treasury Department had made an altogether favorable report of the work of Mr. Ashworth, who was custodian of the dies. That is a very important office, and, as I understand, there is an annual report on its condition. Not only was Mr. Ashworth officially approved, but no one will venture to challenge his capacity or character. The President should know that there was placed in that position a man who was then, and is now, the defendant in a divorce case pending in the Supreme Court of the District of Columbia, the case of Caroline D. McCauley against Joseph D. McCauley, filed February 28, 1922, which contains more serious charges than have probably been presented to that court in any other similar case, charges that are so established by letters written by the defendant himself that there is no escape for him. If one of the shocking charges made in that suit, and evidenced by a prurient and apparently criminal letter written by the defendant, is not barred by the statute of limitations, it could apparently be made the basis of an indictment for felony. It may be noted as a significant coincidence that while the suit was filed on February 28, 1922, the defendant made no answer until March 30, which was the very date of the Executive order. It is for the President to determine whether he is content, in respect to this particular feature of the Bureau of Engraving and Printing episode, with what has resulted from his order, and as to whether he expects the public, and particularly the women of this country, to be content with it. [Applause.]

Mr. VOIGT. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and five Members present, a quorum.

Mr. VAILE. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and gentlemen of the committee, this bill, relative to the naturalization and citizenship of married women, has been indorsed in its principles by the platforms of both the great political parties. Our own Republican platform which we adopted at the last national convention provided in reference to naturalization:

> We advocate the independent naturalization of married women. An American woman, resident in the United States, should not lose her citizenship by marriage to an alien.

The Democratic platform followed us in that particular. Furthermore this bill has been indorsed in its principles by the American Association of University Women, the Business and Professional Women's Clubs, the Council of Jewish Women, the Daughters of the American Revolution, the General Federation of Women's Clubs, the National League of Women Voters, the National Women's Trade Union League, and the Woman's Christian Temperance Union. The bill has also been indorsed by the women in my district.

I have gone over the hearings on this bill very carefully. It is essentially the bill introduced by the gentleman from Massachusetts [Mr. ROGERS]. I desire to say to the House that I am entirely for this bill and shall vote for it. [Applause.]

Mr. VAILE. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Colorado has 32 minutes remaining?

Mr. VAILE. I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, reference has already been made to the decision of the United States Supreme Court in 1907 in the case of McKenzie against Hare. The opinion of Mr. Justice McKenna contained this phrase:

> The identity of husband and wife is an ancient principle of our jurisprudence.

There is no doubt that that is true. The identity of the husband and wife is, beyond question, an ancient principle of our jurisprudence. So is the doctrine that a wife has no property rights. So is the doctrine that the wife has no control over her own children. So is the doctrine that the woman has no rights in the matter of the franchise. But in the last years the viewpoint of the country and the world has changed in that regard. The tendency has been constantly toward extending the rights of women so as to bring them more and more nearly on an equality with man. In my judgment there was no particular force in the demand for this bill until the nineteenth amendment became a part of the organic law of the land. But when women were given civil equality with men, the right to vote, it seems to me that that moment it became ludicrous for us to say that thereafter the rights of women to citizenship shall be dependent on the rights of men. At that moment the doctrine of dependent or derived citizenship became as archaic as the doctrine of ordeal by fire. So to-day there can be no doubt that in theory this bill is a sound one. To me there is no doubt either that as a practical matter also the bill represents a sound principle. I do not believe an alien woman ought to be eligible to take part in the government of the United States the moment she lands on the shores of America just because she happens to be married to an American citizen. I do not believe, conversely, that an American woman who has lived here all of her life, has exercised the obligations of good citizenship all her life, and who wishes to live here always, should be divested of American citizenship because, forsooth, she happens to marry a man who at the moment is not an American citizen. [Applause.]

Both as a matter of principle and of practice I believe that this bill is progressive in the right sense. It is true, as Justice McKenna says, that it changes a very old principle; but it changes it to accord with what the country has said is the right kind of progressivism. [Applause.]

Mr. RAKER. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. GOLDSBOROUGH. Mr. Speaker and gentlemen of the House, the majority leadership is trying to pass through the American Congress a bill to subsidize American shipping to the amount of about $52,000,000 annually, to be paid by all the people, and is at the same time endeavoring to put through a tariff bill which will tend to drive American imports and exports from the seas, destroy American shipping, and so defeat the avowed purpose of a ship subsidy.

Now, I am opposed to a ship subsidy, root and branch; I do not have to tell the House I am against the present tariff bill; I have proclaimed that opposition too long and too often to make it necessary; but the proposed duty on potash is worse in principle than the ship subsidy, for it proposes to subsidize the producers of potash and to make the American farmer pay the tribute to the tune of about $51,300,000 a year.

The statement of the American Farm Bureau Federation, which I have analyzed and believe to be fair, is as follows:

> The proposed tariff rates on potash will cost the American farmer the enormous sum of $51,300,000. That is the tax burden he will have to shoulder if Congress adopts the rates proposed in the pending tariff bill, and there will be no escape from payment, for the farmer can not pass it along. He will have to pay or do without potash.
>
> This potash tax bill of $51,300,000, be it remembered, is in addition to all the other taxes which the farmer must share in common with the rest of us. In plain words, the proposed potash tariff is a scheme that singles out the farmer to carry, alone and unaided, the unconscionable additional tax load of $51,300,000. The iniquity of such a scheme becomes the more apparent when it is realized that without potash, which is one of the elements of complete fertilizer, the crops of the Nation will fall in yield and suffer in quality.
>
> The computation by which the amount of the potash tax is calculated is easy of demonstration. Here are the figures:

Proposed tariff rates.	Tax on 270,000 tons actual potash, 1913 consumption basis (normal year).
$50 per ton ($K_2O$) first year	$13,500,000
$50 per ton ($K_2O$) second year	13,500,000
$40 per ton ($K_2O$) third year	10,800,000
$30 per ton ($K_2O$) fourth year	8,100,000
$20 per ton ($K_2O$) fifth year	5,400,000
	51,300,000

> Why this indefensible scheme of taxation, with its heavy hand upon a single industry—agriculture?
>
> Because of the demand of the domestic potash producers.
>
> They have persuaded committees of Congress to levy a toll of $51,300,000 upon the food producers of the country that they may continue an industry totally inadequate to meet the normal consumption demand.

Under the stimulus of inflated war prices, the output of domestic potash producers in their best year, 1918, reached a maximum of only 50,000 tons. Since then their production has declined, amounting to only 7,626 tons in 1921. But granting that the war-time maximum of 50,000 tons of domestic potash can be equaled, then the operation of the duty on this basis of production gives the producers power to take from the farmer $2,500,000 the first year, $2,500,000 the second year, $2,000,000 the third year, $1,500,000 the fourth year, and $1,000,000 the fifth year. But in addition the farmer is to be still further mulcted in the sum of $11,000,000 the first year, $11,000,000 the second year, $8,300,000 the third year, $5,600,000 the fourth year, and $2,900,000 the fifth year.

Again:

* * * * * * *

It is almost certain that domestic potash production will not reach 50,000 tons a year. As has been stated, the 1921 output was only 7,626 tons, but large or small production will have no effect on the tax proposed to be levied on the potash consumers. If the production should be low, the farmer will have to pay at the customhouse what the potash producer fails to collect.

Such a system of customs duties never has been written in any tariff bill passed by any party in the history of the country. It can not be justified either as a measure of protection or as a means for raising revenue.

Tax laws avow a purpose to distribute their burdens equally. The proposed potash rates are laid with discrimination against the agricultural industry. The farmer in this case is the ultimate consumer, and no others participate in the tax.

The proposed rates mark a departure from the traditional policy of all parties, which have always declared for free plant food. Every civilized nation adheres to that policy, recognizing as a fundamental principle that food producers shall be unfettered in their labors to sustain the nation.

The result of the proposed rates, naturally, will be to restrict the use of potash and cause a decline in crop production. The farmer, still suffering from reverses of 1920 and 1921, which almost overwhelmed him, can not buy at an advance of $50 a ton the quantity of potash requisite for his needs. If the proposed rates are voted, he will strain himself to buy what he can, but the sight of his underfed crops will be a constant reminder of the injustice that has been laid on him.

Because of physical conditions and geographical location, it is economically unsound as it is morally wrong to take by taxation from the farmer for the benefit of a private interest. The potash-consuming regions are on the Atlantic seaboard and west to the Mississippi River. The potash-producing points are west of the Missouri River, and the high freight rates from these producing points to consuming centers make successful competition with the French and German products impossible.

Foreign potash is water borne from points of production to Atlantic-port destination, and transportation charges are consequently relatively low. Foreign potash occurs in huge natural deposits and is mined cheaply, while production of American potash is a costly process. Because of cheap ocean rates it is economical to ship material of low potash content which sells to American consumers at a lower price per unit of potash than the higher-grade salts. American producers can not ship low-grade material, but because of high freight rates must concentrate into high percentage of potash. The low-grade foreign potash contains much magnesia, which is an essential element in the growing of tobacco, potatoes, citrus fruits, and truck. It is obvious, therefore, that even if a duty were placed upon foreign potash some American farmers would be forced to buy it in order to raise a crop.

Mr. Speaker, this duty strikes at the basic industry of this country; it strikes at the men and women and children who rise up in the morning before daylight comes and toil through the day and into the night to feed the peoples of the world; it strikes at the life-giving blood, fresh from the soil, which has done so much to keep the generations of America strong and wise. The duty is unsound, and I shall do everything in my power to prevent its becoming a law.

Mr. RAKER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman, the gentleman from Massachusetts has referred to the feature of this legislation which appeals to me most. Considerations of justice and equality and my recognition of woman's contribution to our political life led me to support this measure in committee and caused me to support it here. We men are very conservative in recognizing the rights of women, but if you had seen the man of a few thousand years ago who got his wife by capture or by purchase, and resented somebody's interference with his rights of absolute ownership, including sometimes the power of life and death, you would have found that old fellow conservative in the same line. He would have said that you were making an undue and dangerous innovation. As intelligence has increased, as the impulses of humanity have enlarged in the human heart, they have placed less premium upon mere physical and brute force and more upon intelligence, love, and justice. I am glad that our country is taking the lead in this forward step in the course of recognizing the right of our sisters, the women of the country.

The gentlemen who met in the council room of the two great conventions to write these two platforms to which reference has been made to-day were but interpreting the sentiment of the people of the United States in making these platform promises. Their interpretations were accurate and their promises are binding. I do not see how any member of the majority who regards such promises as having force can refuse to keep the promise made by his party for him. On this side we can not ignore it; we made it not less emphatically.

Because this is a measure expressive of enlightenment and enlarged and more liberal democracy, because public sentiment in America has led the way to it, because we have promised it to the good women of the country, whose part in our political life is to become greater and ever greater, and because it is just and sound and for the good of the country, I count it an honor that I have had an opportunity to take part in writing the bill, to speak for it, and to vote for it. [Applause.] Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back seven minutes.

Mr. VAILE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, this bill may be deemed divided into two parts, one referring to the right of woman to be an American citizen in her own right and the other referring to the citizenship of the woman who has become such by virtue of naturalization of her husband.

As to the right of the woman to be an independent American citizen in her own right there can be no controversy, because the nineteenth amendment to the Constitution has settled that for all time. In regard to the first part of the bill there was considerable doubt at first in my mind as to whether it was the ideal way of reaching that which we are all striving to attain, namely, full American citizenship both for the husabnd and the wife, with a full recognition of its responsibility. The big problem which has confronted men and women who have been studying the question of the children of the immigrant has always been how to instill into the children who were brought over here respect for the father who becomes an American citizen and also for the mother. My conclusion after studying the whole question for a long number of years has been that we have been giving too much attention to the father becoming Americanized and too little to the mother, who is engaged daily in looking after the home, with its heavy burden of work. I feel that through this bill being enacted into law the mother will commence to take a keener interest in American affairs, learn more about our Government than before, and through being required to go to the courts and obtain her separate citizenship she will be in a position to bridge the chasm which has been growing up on account of her lack of knowledge of English and civics. I sincerely hope that we will attain that result.

Last Thursday I had the pleasure of having Secretary of Labor Davis in New York. He visited the same schools which the Committee on Immigration and Naturalization visited two years ago. He was very agreeably surprised at what the children of Schools 83 and 101, Manhattan, showed him in Americanization work and their studies. He made certain inquiries along lines involving citizenship, and he put the question to 3,000 girls as to whether they thought there should be separate citizenship for the women, and, lo and behold, he got a unanimous vote in its favor. In the evening he spoke in the Institutional Synagogue Auditorium to 522 citizens who have become naturalized during the past few weeks and to 500 other American citizens. Altogether it seems to me that the time has come to cross the bridge and courageously fight the battle for intelligent citizenship. For that reason I feel that this bill deserves to receive the support of every Member of this House. It will help to bring back in our country the spirit of fair play and tolerance. [Applause.]

Permit me to add another thought which has been running through my mind. This bill has been somewhat modified and changed this morning in committee, as will be shown by certain amendments which will be offered. It is going to be vitally necessary to increase the force of clerks and the courts for the purpose of handling efficiently the provisions of this legislation. The commissioner of immigration at Ellis Island told me on Thursday last that the certificate of arrival problem has been growing, and when the applicant for citizenship applied for that certificate of arrival to-day he has to wait five months in order to get it. We will have the problem doubled when this bill becomes a law. We will require more clerks and more courts. The sooner we realize these self-evident truths we will make a sufficient appropriation for that purpose. Without additional funds, courts, and clerks there can be no increase in the number of those who can possibly be naturalized. There are only 6,000,000 people in the United States that have not been naturalized, and one-sixth of that number, or, to be accurate, 1,032,000, are in the city of New York. I do not agree with the proposition of naturalizing 15,000 inside of one month by one judge, something which occurred in the city of New York last July, because I think that is doing the matter in too quick a fashion, without that dignity and decorum which should attend the bestowal of the great privilege of American citizenship. The responsibility, however, rests with Congress.

Mr. BOX. Mr. Chairman, will the gentleman yield at that point?

Mr. SIEGEL. Yes; with pleasure.

Mr. BOX. Has the gentleman any reason to hope that that bad condition which he describes, which many of us have witnessed, especially the gentleman's committee, will soon be improved by the making of adequate appropriations and provision for proper places to do the work?

Mr. SIEGEL. I told the Secretary of Labor on Thursday that I thought he could not render any greater service to this country than by devoting himself exclusively to the question of bringing before the Congress the urgent necessity of providing a sufficient force of men and indirectly by obtaining a sufficient appropriation for that purpose.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. WALSH. Do the State courts of New York naturalize?

Mr. SIEGEL. They do.

Mr. WALSH. How many are naturalized through the State courts as compared with the Federal courts?

Mr. SIEGEL. The State courts are naturalizing nine out of ten. In the Federal court we have only one day a week, with one judge sitting.

Mr. WALSH. I am talking about New York City.

Mr. SIEGEL. The Federal courts are in New York City.

Mr. WALSH. The State courts in New York City.

Mr. SIEGEL. They are doing the entire work, practically, because the Federal courts are so jammed with other important work that they can not attend to it or give it the time required.

Mr. WALSH. Of course, if the State courts are doing 90 per cent of the work that is not any expense to the Government, is it?

Mr. SIEGEL. Oh, no. We are using the State courts and using the State machinery for naturalization, while the money goes into the Treasury of the United States. The Federal judges are not responsible for the conditions, because it is physically impossible for them to handle the entire accumulated calendars of cases before them right now in the southern and eastern districts of New York. Our judges are working as hard as men can.

Mr. WALSH. Has the gentleman's committee any proposition before it with reference to remedying the situation by providing a naturalization court or extending the jurisdiction of the United States commissioners, or otherwise?

Mr. SIEGEL. The question can be solved along these lines. One proposition is to increase the number of clerks we will allow to the naturalization bureau in New York; then designate one of the additional Federal judges to sit, not one day a week but to sit for a term of a month, the same as he handles any other litigation, such as criminal cases, and so forth. The State courts last summer, at my request, through the action of Governor Miller, sat during the entire summer, and the 15,000 people to whom I referred who became citizens in one month obtained relief before Justice Cropsey, who held a special term for that purpose.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. JOHNSON of Washington. The Immigration Committee has before it a bill to permit the chief naturalization examiners to act as commissioners of the courts, has it not, and to do away with the carrying of two witnesses into court at various stages of the naturalization proceedings?

Mr. SIEGEL. That is correct; but, as the gentleman knows, there is opposition to the measure by those who believe in having a judge presiding. We have only two men at Ellis Island to examine the manifests in order to issue the certificates of arrival. They are behind five months. You would have at least 150,000 newly naturalized citizens in the city of New York in the next year if you would increase the courts and clerks, because applicants are being turned away, and people are coming there two or three and often four times with two witnesses.

Mr. WALSH. The gentleman is assuming that all these applicants will be naturalized. What percentage of these applicants in New York City are refused naturalization?

Mr. SIEGEL. Less than 1 to 2 per cent.

Mr. WALSH. That is not quite large enough.

Mr. BOX. After Congress has passed this legislation, which most of us think must be passed, will not the amount of work required by the naturalization court be very greatly increased, although they are now wholly insufficient to do the work?

Mr. SIEGEL. There is no question about it in my mind. It is going to be doubled, because most of these people who are applying to be naturalized have wives and children. I am looking to Congress to act, supported by the press and all who are interested in providing sufficient naturalization facilities.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VAILE. Mr. Chairman, I yield the gentleman two minutes more.

Mr. GAHN. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. GAHN. Will the gentleman explain whether or not it is consistent to allow women who marry aliens to retain their citizenship, whereas those women who are not citizens who marry a naturalized person can not become citizens?

Mr. SIEGEL. They retain their citizenship in the particular country whence they came. That is, the alien woman does. I recognize that this legislation is going to lead to some trouble, but we are proud of the United States; and those who are coming here, according to my viewpoint, to stay here permanently should only come here with the one undiluted thought, and that is to become American citizens, to become part and parcel of this country in the full sense of the word. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include in that extension the speech delivered by the Secretary of Labor last Thursday night, as well as my own remarks regarding American citizenship.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. SIEGEL. Mr. Speaker, on the evening of June 15 there was held at the auditorium of the Institutional Synagogue, 37 to 43 West One hundred and sixteenth Street, New York City, a welcome to 522 newly naturalized citizens. In addition thereto, 500 American citizens, both men and women, were present. The new citizens had come to the United States from 14 different countries.

This program is part of the naturalization work carried on by the Institutional Synagogue since it came into existence a little over five years ago. Its leader is Rabbi Herbert S. Goldstein, a Columbia graduate.

The following remarks were made by me in introducing Secretary Davis:

For the first time in the history of New York City invitations have been extended to those who have become naturalized during the past few months to attend a welcome at the new citizens' meeting. It is fitting that the highest public official of the United States, who not only is in charge of the enforcement of the law in regard to the admission of immigrants but who also looks after the naturalization of aliens, should have come here to deliver a message on such an occasion. We are passing through a time when the spirit of intolerance seems to be spreading throughout our beloved Republic. Here and there, and happily, in only a limited number of places, we see the evidence of a so-called "invisible government" attempting to usurp the functions of constituted authority. There is no room here for individuals who attempt to act for and in behalf of a government which has no legal existence and who endeavor to operate in defiance of law and authority but fearing to disclose their identity.

In this Republic of ours there is only room for those who are 100 per cent Americans, who are ever ready to face their fellow men and perform their full duty as citizens, openly and aboveboard. It is thrice fitting therefore that an official of the President's Cabinet should come here to speak to you, the newest American citizens, that you may learn that this Government of ours, with all that it stands for in behalf of freedom and religious liberty, is as safe to-night as it has been since April 30, 1789, when Washington took the oath as President of the United States. I know that he brings to you a message telling you that this is a Government of laws and not of men.

I desire, my fellow Americans, to allude for a moment to that disgraceful, cowardly, and un-American episode which has recently occurred at the Naval Academy. It costs us approximately $12,000 for each of its graduates. Apparently envy and jealousy, to put it mildly, was at the bottom of the entire trouble. It might be wise to plant in Bancroft Hall, in a conspicuous place, a copy of the Ten Commandments, so that those who pass by daily may at least be able to learn that they are still in existence. It might also help to teach some of the rising generation who are receiving an education at our expense that envy and jealousy are not only in direct conflict with God's law, but that it has no place in the academy. The American people will not tolerate for a moment any kind of discrimination at the academy or at any other place where their money, raised by taxation, is being expended. I rely on Col. Theodore Roosevelt to do his full duty in this case. In his veins flows the blood of one of the greatest Americans and New Yorkers that we have ever had. His father knew New York. He knew how this great Republic of ours had made its progress. We can learn very much from the article he wrote which has been designated as "Roosevelt's Religion."

ROOSEVELT'S RELIGION.

"I can quarrel with no man because of his religion. The Roman Catholic, the Jew, the Protestant, the Mohammedan, the follower of Confucious all are right so long as they seek to follow what their leaders have taught. You know that the Roman Catholic is in prison not because of his faith but because he broke away from it. The Jew is there because he and the synagogue are no longer friends; the

Protestant because his religion has ceased to be a living thing and his soul has atrophied.

"I have no patience with those who attack, who would destroy a man's belief in religion; no patience with those who would convert the Jew en masse or the Catholic. More likely than not, where they succeed at all, they succeed only in destroying something. They take something real away and give nothing in return, leaving the victim bankrupt. After all, one's religion is a private thing and one is apt to be misunderstood. If I should express my opinion publicly some halfbaked ass of a preacher would attack me for indorsing the Pope; another because I am a Mohammedan at heart; and another would see in my tolerance for the rabbi proof that my right name is Rosenfelt or Rosenthal.

"I wish to see nothing like race proscription in this country, but we ought to be frank with ourselves and recognize that under the surface there is considerable anti-Semitic feeling. About the Frank case in Georgia. If I remember rightly, some of the oldest families in Georgia are Jewish. One of Oglethorpe's trustees was a Jew, whose family is still prominent in affairs of that State. It is one of the last places one would naturally look for that sort of thing.

"Our Jewish friends share with us who are non-Jewish responsibility for any success these creatures may make among the newer Jewish people in this country. Like the rest of us, they have assumed that once in the immigrant would be automatically taken care of by our admirable institutions and have neglected him and left him to his own resources. It is not right to criticize the immigrant because he forms what we call 'foreign' colonies in our cities. It is natural that he should seek his kind. He does exactly what Americans do when they go abroad and settle in London, Paris, Berlin. Do they scatter? They do not. They form colonies just as distinct as do the Russian Jew, the Greek, the Armenian, the Irish, or the Germans, or, if you please, the Chinese; they seek their kind. We should see to it that their kind becomes our kind. We won't do it by calling them names, and we won't do it by neglecting them. Immigration will be one of our reconstruction problems. It will have to be handled in a big way, but with the idea that America comes first and that the time has arrived when we must and will be more particular as to whom we admit into our houses, bearing always in mind that we owe it to the alien as well as to ourselves to see to it that he has ample opportunity of becoming a real American."

With that spirit in mind, my friends, we are honored by the presence of a member of the Cabinet, who came here when he was barely eight years of age. By his own conscientious and energetic work, full of courage and determination that he was going to succeed, standing on his own legs all the time and animated by a spirit of independence, he has worked himself up to the high office of Secretary of Labor of this Republic of ours of 110,000,000 people. He recognizes, as well as does all thinking American people, that the main thought which should run through our minds is "How much can we give to America?" instead of "How much can we get out of America?" I know that such doctrine will meet his approval. Emerson said, "America spells opportunity." It was true when Emerson said it, and it is true to-night. I do not know of any better example of what Emerson had in mind than the man whom I present and introduce to you, Secretary of Labor James J. Davis.

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REMARKS OF SECRETARY OF LABOR JAMES J. DAVIS.

Mr. Chairman, ladies and gentlemen, I am delighted to hear the boys' band of the Hebrew Orphan Asylum playing so wonderfully. I have two reasons for a deep interest in your band. First, because I love music, and at one time played the clarinet in a band myself. Second, because I love boys and know a little something about them. I am director general of Mooseheart, a home-school town for the orphans of the members of the Loyal Order of Moose. We have more than 1,100 children at Mooseheart learning to make their way in life. So I know something about orphan children; I want to congratulate your band on its splendid playing. I am delighted to have heard you, and when I have an opportunity I am going to tell our boys at Mooseheart all about the Hebrew Orphan Asylum Band.

I have found that even if you are a member of the Cabinet the place to find happiness is among the plain folks. No man can successfully serve this great Republic in a position of trust and responsibility unless he draws his inspiration and his convictions from the hearts of the people in their everyday life. All my life I have worked among the American workers. I have taken my recreation among them. I have been with them in good times and bad times, in happiness and content, and in sorrow. It is for this reason, as I told the good rabbi here, Dr. Herbert S. Goldstein, that I am particularly at home among you here to-night.

I came to this country as an immigrant boy when I was 8 years old. My first home in America was almost next door to a synagogue. Down the street was a Protestant Baptish church, and just across the way was a Roman Catholic church. The neighborhood represented almost a complete cross section of our immigration as it came to us at that time. There were men and women from the Germanic countries, Jews, Welshmen, Irish, English, and Italians in that neighborhood. All had come to America seeking economic and political freedom. All creeds and all races were there working out their problems of earthly existence side by side. They were our new citizens, and being with them and of them made me a better, stronger, happier man, a better father, a better husband, a better citizen.

I am glad that Congressman SIEGEL was kind enough to invite me here to have a word with you new citizens and to give me an opportunity to know you better. It is a privilege to meet the Congressman's friends personally. We hear a great deal from him about you in Washington. He must be personally acquainted with everybody hereabouts. Early and late he is at the Department of Labor pleading for the rights of some one or the other of you. When he has gone to everybody in the office with a difficult case he finds his way as a last resort to the Secretary of Labor personally. Usually he gets what he wants. So I am not at all surprised to find that the Congressman is a sort of an institution among you.

One of the greatest privileges that can be accorded a man or woman on this earth to-day is to be a citizen of the United States. It is the realization of this fact that has induced millions to come here from other countries seeking the freedom of opportunity that America offers. One of the most beautiful recollections of my younger life that remains with me is the picture of my mother with a shawl about her head coming down the gangplank of the vessel that brought her and her six children to this country. We landed at Castle Garden, which was the Ellis Island of those days, and to-day I can realize fully the hopes and ambitions that filled my mother's heart. She knew that in this new land there lay opportunity and inspiration for her little ones and that here they might find success and happiness.

The welcome that my mother felt was extended to her when she came to this country I want to extend to every one of you to-night. I am proud and happy to offer you my help in your efforts to join the citizenship of this great Republic. Here in these 48 great States you will find real opportunity. Its vast territory, its wealth of natural resources, its great industrial development are before you for your use. Here you will find a great school system to provide your children with the training necessary for their growth and progress in the struggle of life. But America, with all of its vast resources, can not make you real Americans. That remains with each one of you. You must do your part. You must take advantage of the means which America offers to develop yourselves into real Americans, living American lives, under American laws, and in accordance with those high ideals which America stands for.

Let me charge you with one thing: Know America. Acquaint yourself with the Constitution of the United States and the laws under which you live. Study the history of our country and learn the high purpose that was before the founders of this Republic when they welded the scattered colonies on this continent into a single Nation. Learn the rights and privileges which are accorded American citizens, but above all learn the duties which devolve upon every man and woman who accepts those privileges.

You have an opportunity now to take your part in the government of this great Nation of more than 100,000,000 people. Your voice is as powerful as the voice of anyone in the selection of the men who will conduct your Government. You have your part in the choosing of every elective officer in city, county, State, and National administration. Your vote is a sacred thing. Upon your ballot and those of your neighbors rest the whole structure of government in America. Let your conscience and the general welfare of all the people be the controlling factors in deciding your choice in political affairs.

You will find a few in this country who go about preaching the doctrine of hate and revolution against all constituted authority. Let me warn you against these insidious influences. Follow no doctrine based upon the gospel of hate. Rest not your hopes in revolution. Remember that in this country the people rule, not by violence but by peace and the ballot. There is not a law on the statute books of this Republic that can not be wiped out or changed if you can convince a majority of the people that it should be abolished or altered. The rule rests with the majority. You will not always have your way. The minority can not have its way. But we can and must abide by the decisions of the majority of our people if this great experiment in human government is to endure. We must work by evolution and reject the false doctrine of revolution. Every man who preaches revolution in America brings discredit upon his race. Do not give him a hearing.

Find out the true American citizen and make friends with him. Seek his advice and profit by his counsel. Remember that these things are fundamental in our Government: The protection of life, the protection of the right of contract, the protection of property, and the protection of free labor. These things, with the right to a trial by jury, to a day in court, are the basis of government, and I say to you that I am irrevocably opposed to any man or any government which fails to recognize them.

We have no room in America for those who would teach the doctrine of hatred of race or creed or class. I like to tell the story of an occurrence on the battle field during the Great War that was told me as I visited the scenes of strife after the war was over. I followed the army up through the Argonne Forest on my way into Germany. In the Argonne I heard this story. In the last American company that went over the top just before the armistice became effective were three young men who gave their lives. When the smoke of the battle had cleared the three were lying mortally wounded side by side in the dreary wreckage of no man's land.

As they lay there one of the three, feeling that his spirit had not long to remain in this world, said to the wounded soldier next to him, "Will you reach into my pocket and take the Good Book which mother gave me and read the twenty-third psalm?" With an effort his buddy took out the Book and began to read:

"The Lord is my Shepherd, I shall not want. He maketh me to lie down in green pastures," and so continued, concluding, "And I shall dwell in the house of the Lord forever." And after these words had been feebly repeated the owner of the Book breathed a sigh and the light of life went out. He was a Jew.

The effort of reading had been great and the second soldier realized that he, too, had not long to live. His coat was closely buttoned and it was with difficulty that he turned over on his other side and whispered to his remaining comrade, "Open my breast," and his buddy did so, disclosing a small crucifix. He understood and pressed it into the hand of the dying man, whose lips moved feebly in prayer as another spirit went to meet its Creator. He was a Catholic.

A Red Cross nurse who came upon the field to attend the wounded after the battle heard the story from the lips of the last survivor, but his spirit, too, had received the call and he knew that life was fast ebbing away. He whispered to the nurse, "Will you take the little Testament which my mother gave me and read me the fourteenth chapter of John?" and she started, "Let not your heart be troubled, ye believe in God, believe also in Me," and with a sigh of content this Protestant Christian boy passed out into his fuller life beyond.

My friends, that was the spirit that won the war. Jew and Gentile, Protestant and Catholic, made up that Army and offered the supreme sacrifice. We must always keep that same spirit alive in America, and upon you, the men who are coming anew to citizenship in this Republic, rests the duty of perpetuating that spirit. I say to you that America has no room for prejudice of race or creed. Every boy and girl must have the opportunity, the right, to succeed in life. He must not be hampered because of the race or creed of his parents or himself. That is one of the big things of America.

This is your America now. As you become American citizens, there are many who will look to you for example and guidance. Other immigrants will come, are coming every day. Others will appear for naturalization as you have, and it is to you that these men must look for a demonstration of what American citizenship means. See to it that you cast no discredit upon your kind.

I feel deeply my privilege as a former immigrant to welcome you to citizenship in this great country. I am proud of the part I have played in the everyday life of America. I am proud to remember that I gave years of my life to labor in the development of the tremendous iron and steel industry of America. I started to work when I was less than 9 years old, and I worked in the iron mills. I know what it is to

stand before a furnace from early morning until late at night, and to start for home barely able to walk at the close of the day's labor. It was a great struggle to get ahead. Getting ahead is a struggle for every one of us. But let me say to you that here you will find the opportunity for yourself and your children to get ahead by honest industry. You are now a part of this Nation. The President of the United States has no greater power in the selection of officers to govern you than you have. You can cast a ballot for your elective officers, and the President himself can cast but one. Let me say to you again, Welcome, thrice welcome to this great fraternity, the fraternity of 48 States, the United States of America, the greatest country in the world.

Mr. SIEGEL. Mr. Chairman, the following information gives in concrete form all the statistics which have been repeatedly asked for by Members:

Foreign-born white population of the United States, 1920, 1910, and 1900.

State.	Foreign-born white.			Increase,[1] 1910–1920.		Increase,[1] 1900–1910.	
	1920	1910	1900	Number.	Per cent.	Number.	Per cent.
United States	13,703,987	13,345,545	10,213,817	358,442	2.7	3,131,728	30.7
Alabama	17,662	18,956	14,338	−1,294	−6.8	4,618	32.2
Arizona	78,099	46,824	22,395	31,275	66.8	24,429	109.1
Arkansas	13,975	16,909	14,186	−2,934	−17.4	2,723	19.2
California	601,654	517,250	316,505	164,404	31.8	200,745	63.4
Colorado	116,954	126,851	90,475	−9,897	−7.8	36,376	40.2
Connecticut	376,513	328,759	237,396	47,754	14.5	91,363	38.5
Delaware	19,810	17,420	13,729	2,390	13.7	3,691	26.9
District of Columbia	28,548	24,351	19,520	4,197	17.2	4,831	24.7
Florida	43,008	33,842	19,257	9,166	27.1	14,585	75.7
Georgia	16,186	15,072	12,021	1,114	7.4	3,051	25.4
Idaho	38,963	40,427	21,890	−1,464	−3.6	18,537	84.7
Illinois	1,204,403	1,202,560	964,635	1,843	0.2	237,925	24.7
Indiana	150,868	159,322	141,861	−8,454	−5.8	17,461	12.3
Iowa	225,647	273,484	305,782	−47,837	−17.5	−32,298	−10.6
Kansas	110,578	135,190	126,577	−24,612	−18.2	8,613	6.8
Kentucky	30,780	40,053	50,133	−9,273	−23.2	−10,080	−20.1
Louisiana	44,871	51,782	51,853	−6,911	−13.3	−71	−0.1
Maine	107,300	110,133	92,935	−2,833	−2.6	17,198	18.5
Maryland	102,148	104,174	93,144	−2,026	−1.9	11,030	11.8
Massachusetts	1,077,072	1,051,050	840,114	26,022	2.5	210,936	25.1
Michigan	726,214	595,524	540,196	130,690	21.9	55,328	10.2
Minnesota	485,261	543,010	504,935	−57,749	−10.6	38,075	7.5
Mississippi	8,019	9,389	7,625	−1,370	−14.6	1,764	23.1
Missouri	185,893	228,896	215,775	−43,003	−18.8	13,121	6.1
Montana	93,447	91,644	62,373	1,803	2.0	29,271	46.9
Nebraska	149,652	175,865	177,117	−26,213	−14.9	−1,252	−0.7
Nevada	14,802	17,999	8,581	−3,197	−17.8	9,418	109.8
New Hampshire	91,154	96,558	87,961	−5,404	−5.6	8,597	9.8
New Jersey	738,761	658,188	430,050	80,573	12.2	228,138	53.0
New Mexico	29,077	22,654	13,261	6,423	28.4	9,393	70.8
New York	2,783,773	2,729,272	1,889,523	54,501	2.0	839,749	44.4
North Carolina	7,099	5,942	4,394	1,157	19.5	1,548	35.2
North Dakota	131,486	156,158	112,590	−24,672	−15.8	43,568	38.7
Ohio	678,647	597,245	457,900	81,402	13.6	139,345	30.4
Oklahoma[2]	39,951	40,084	20,390	−133	−0.3	19,694	96.6
Oregon	102,149	103,001	53,861	−852	−0.8	49,140	91.2
Pennsylvania	1,387,298	1,438,719	982,543	−51,421	−3.6	456,176	46.4
Rhode Island	173,366	178,025	133,772	−4,659	−2.6	44,253	33.1
South Carolina	6,401	6,054	5,371	347	5.7	683	12.7
South Dakota	82,372	100,628	88,329	−18,256	−18.1	12,299	13.9
Tennessee	15,479	18,459	17,586	−2,980	−16.1	873	5.0
Texas	360,071	239,984	177,581	120,087	50.0	62,403	35.1
Utah	56,429	63,393	52,804	−6,964	−11.0	10,589	20.1
Vermont	44,499	49,861	44,694	−5,362	−10.8	5,167	11.6
Virginia	30,784	26,628	19,068	4,156	15.6	7,560	39.6
Washington	249,818	241,197	102,125	8,621	3.6	139,072	136.2
West Virginia	61,899	57,072	22,379	4,827	8.5	34,693	155.0
Wisconsin	459,904	512,569	515,705	−52,665	−10.2	−3,136	−0.6
Wyoming	25,243	27,118	16,582	−1,875	−7.0	10,536	63.5

[1] A minus sign (−) denotes decrease.

[2] Includes population of Indian Territory for 1900.

TABLE 1.—*Citizenship of foreign-born white males 21 years of age and over, by divisions and States, 1920 and 1910.*

Division and State.	Number, 1920.					Per cent, 1920 and 1910.							
	Total.	Naturalized.	First papers.	Alien.	Citizenship not reported.	Naturalized.		First papers.		Alien.		Citizenship not reported.	
						1920	1910	1920	1910	1920	1910	1920	1910
United States	6,928,027	3,314,577	1,116,698	2,138,205	358,547	47.8	45.6	16.1	8.6	30.9	34.1	5.2	11.7
Geographic divisions:													
New England	866,043	367,479	128,790	343,403	26,371	42.4	40.7	14.9	6.1	39.7	46.0	3.0	7.3
Middle Atlantic	2,406,973	1,065,415	374,400	871,498	95,660	44.3	38.7	15.6	8.9	36.2	42.5	4.0	9.9
East North Central	1,687,305	843,626	362,390	388,790	92,499	50.0	51.6	21.5	9.4	23.0	27.1	5.5	11.8
West North Central	738,670	483,501	100,226	98,487	56,456	65.5	58.8	13.6	8.8	13.3	16.6	7.6	15.8
South Atlantic	170,407	72,664	20,816	63,077	13,850	42.6	40.6	12.2	6.0	37.0	37.9	8.1	15.5
East South Central	39,697	22,056	3,683	8,079	5,879	55.6	56.0	9.3	4.8	20.4	18.7	14.8	20.5
West South Central	208,433	64,503	13,516	111,738	18,676	30.9	41.2	6.5	5.9	53.6	30.7	9.0	22.2
Mountain	241,321	119,979	30,452	76,754	14,136	49.7	44.1	12.6	9.0	31.8	33.2	5.9	13.6
Pacific	569,178	275,354	82,425	176,379	35,020	48.4	46.4	14.5	9.9	31.0	31.6	6.2	12.1
New England:													
Maine	49,355	18,028	6,553	21,676	3,098	36.5	30.9	13.3	3.1	43.9	48.8	6.3	17.1
New Hampshire	42,431	17,395	4,839	17,723	2,474	41.0	39.1	11.4	3.4	41.8	46.2	5.8	11.3
Vermont	20,462	9,540	2,106	7,886	930	46.6	45.5	10.3	4.9	38.5	40.6	4.5	9.0
Massachusetts	491,109	213,478	73,725	193,845	10,061	43.5	41.7	15.0	6.6	39.5	46.7	2.0	4.9
Rhode Island	78,118	38,212	13,521	23,562	2,823	48.9	42.2	17.3	7.0	30.2	42.2	3.6	8.6
Connecticut	184,568	70,826	28,046	78,711	6,985	38.4	39.6	15.2	5.9	42.6	45.3	3.8	9.2
Middle Atlantic:													
New York	1,318,878	604,251	214,958	446,859	52,810	45.8	41.1	16.3	10.7	33.9	38.9	4.0	9.2
New Jersey	360,902	158,727	60,708	129,137	12,330	44.0	41.5	16.8	7.9	35.8	39.4	3.4	11.2
Pennsylvania	727,193	302,437	98,734	295,502	30,520	41.6	33.6	13.6	6.3	40.6	49.6	4.2	10.6

TABLE 1.—*Citizenship of foreign-born white males 21 years of age and over, by divisions and States, 1920 and 1910*—Continued.

Division and State.	Number, 1920.					Per cent, 1920 and 1910.							
	Total.	Naturalized.	First papers.	Alien.	Citizenship not reported.	Naturalized.		First papers.		Alien.		Citizenship not reported.	
						1920	1910	1920	1910	1920	1910	1920	1910
East North Central:													
Ohio	363,502	156,819	76,524	114,286	15,873	43.1	46.2	21.1	5.7	31.4	36.9	4.4	11.2
Indiana	82,908	34,871	23,563	15,980	8,494	42.1	47.8	28.4	15.0	19.3	20.6	10.2	16.6
Illinois	613,796	341,910	125,752	111,348	34,786	55.7	52.5	20.5	7.2	18.1	28.9	5.7	11.4
Michigan	381,388	175,306	86,414	101,169	18,499	46.0	55.4	22.7	8.7	26.5	25.3	4.9	10.6
Wisconsin	245,711	134,720	50,137	46,007	14,847	54.8	53.1	20.4	17.7	18.7	15.9	6.0	13.3
West North Central:													
Minnesota	266,856	177,355	40,727	35,245	13,529	66.5	60.1	15.3	8.8	13.2	19.5	5.1	11.6
Iowa	121,392	84,160	11,109	15,384	10,739	69.3	61.7	9.2	4.5	12.7	13.8	8.8	20.0
Missouri	97,345	57,561	13,765	17,240	8,779	59.1	54.0	14.1	8.3	17.7	21.3	9.0	16.3
North Dakota	70,043	51,350	6,558	7,017	5,118	73.3	58.5	9.4	12.3	10.0	13.8	7.3	15.4
South Dakota	45,337	31,027	6,318	3,103	4,889	68.4	59.6	13.9	14.7	6.8	8.0	10.8	17.7
Nebraska	79,821	49,012	13,868	9,490	7,451	61.4	60.7	17.4	10.5	11.9	13.1	9.3	15.7
Kansas	57,876	33,036	7,881	11,008	5,951	57.1	52.7	13.6	8.3	19.0	16.5	10.3	22.5
South Atlantic:													
Delaware	10,614	4,329	1,539	4,033	713	40.8	42.2	14.5	7.5	38.0	36.3	6.7	13.9
Maryland	50,363	26,077	8,720	13,720	1,846	51.8	50.6	17.3	6.8	27.2	28.3	3.7	14.3
District of Columbia	14,042	7,786	1,775	2,842	1,639	55.4	55.2	12.6	9.0	20.2	19.6	11.7	16.2
Virginia	17,431	8,356	2,294	4,792	1,989	47.9	43.1	13.2	5.8	27.5	31.5	11.4	19.6
West Virginia	38,471	8,315	3,105	23,996	3,055	21.6	20.9	8.1	3.9	62.4	65.0	7.9	10.2
North Carolina	4,035	1,886	285	1,124	740	46.7	43.7	7.1	5.9	27.9	25.1	18.3	25.4
South Carolina	3,850	1,924	417	921	588	50.0	47.7	10.8	5.5	23.9	22.0	15.3	24.7
Georgia	9,319	5,023	958	2,340	998	53.9	47.3	10.3	7.3	25.1	21.7	10.7	23.7
Florida	22,282	8,968	1,723	9,309	2,282	40.2	34.2	7.7	4.5	41.8	42.5	10.2	18.9
East South Central:													
Kentucky	16,827	10,273	1,472	3,060	2,022	61.1	64.7	8.7	4.0	18.2	13.5	12.0	17.8
Tennessee	8,428	4,430	739	1,821	1,438	52.6	53.8	8.8	4.6	21.6	18.5	17.1	23.1
Alabama	9,814	5,031	1,125	2,030	1,628	51.3	46.0	11.5	6.5	20.7	26.5	16.6	20.9
Mississippi	4,628	2,322	347	1,168	791	50.2	46.7	7.5	4.9	25.2	23.6	17.1	24.8
West South Central:													
Arkansas	8,166	4,593	753	1,319	1,501	56.2	54.4	9.2	6.1	16.2	14.3	18.4	25.2
Louisiana	24,848	9,350	2,121	10,708	2,669	37.6	37.8	8.5	4.4	43.1	34.5	10.7	23.3
Oklahoma	22,817	11,239	1,777	6,233	3,568	49.3	51.3	7.8	6.3	27.3	18.9	15.6	23.6
Texas	152,602	39,321	8,865	93,478	10,938	25.8	38.7	5.8	6.1	61.3	33.8	7.2	21.5
Mountain:													
Montana	54,250	34,009	8,714	7,636	3,891	62.7	46.6	16.1	11.4	14.1	28.6	7.2	13.5
Idaho	23,366	14,186	3,156	4,489	1,535	60.7	49.6	13.5	9.6	19.2	24.0	6.6	16.8
Wyoming	15,796	7,289	2,427	4,791	1,289	46.1	37.4	15.4	10.6	30.3	44.5	8.2	7.5
Colorado	62,089	34,630	8,648	15,696	3,115	55.8	50.0	13.9	9.3	25.3	27.8	5.0	12.9
New Mexico	13,244	3,381	750	8,390	723	25.5	34.1	5.7	5.7	63.3	48.4	5.5	11.8
Arizona	33,582	5,986	1,801	24,147	1,648	17.8	23.0	5.4	4.3	71.9	56.7	4.9	15.9
Utah	28,791	16,377	3,563	7,664	1,187	56.9	47.0	12.4	7.4	26.6	29.5	4.1	16.1
Nevada	10,203	4,121	1,393	3,941	748	40.4	43.9	13.7	10.0	38.6	35.1	7.3	11.0
Pacific:													
Washington	143,258	77,156	28,308	29,572	8,222	53.9	46.8	19.8	10.4	20.6	29.3	5.7	13.5
Oregon	58,580	31,899	11,255	12,800	2,626	54.5	46.4	19.2	11.9	21.9	27.3	4.5	14.4
California	367,340	166,299	42,862	134,007	24,172	45.3	46.2	11.7	9.3	36.5	33.6	6.6	10.9

TABLE 2.—*Citizenship of foreign-born white females 21 years of age and over, by divisions and States, 1920.*

Division and State.	Number.					Per cent.			
	Total.	Naturalized.	First papers.	Alien.	Citizenship not reported.	Naturalized.	First papers.	Alien.	Citizenship not reported.
United States	5,570,307	2,893,785	77,534	2,226,712	372,276	52.0	1.4	40.0	6.7
Geographic divisions:									
New England	839,238	388,039	8,521	405,169	37,509	46.2	1.0	48.3	4.5
Middle Atlantic	2,070,839	959,218	27,693	956,203	127,725	46.3	1.3	46.2	6.2
East North Central	1,290,845	732,715	23,179	441,002	93,949	56.8	1.8	34.2	7.3
West North Central	553,107	390,615	7,572	105,135	49,785	70.6	1.4	19.0	9.0
South Atlantic	116,810	58,761	1,461	46,150	10,438	50.3	1.3	39.5	8.9
East South Central	27,545	16,279	297	6,283	4,686	59.1	1.1	22.8	17.0
West South Central	148,791	49,755	1,219	84,505	13,312	33.4	0.8	56.8	8.9
Mountain	152,687	90,885	1,790	51,321	8,691	59.5	1.2	33.6	5.7
Pacific	370,445	207,518	5,802	130,944	26,181	56.0	1.6	35.3	7.1
New England:									
Maine	44,974	22,451	189	18,751	3,583	49.9	0.4	41.7	8.0
New Hampshire	39,608	19,217	201	16,874	3,316	48.5	0.5	42.6	8.4
Vermont	17,770	10,285	117	6,377	991	57.9	0.7	35.9	5.6
Massachusetts	497,804	227,938	5,555	248,506	15,805	45.8	1.1	49.9	3.2
Rhode Island	78,748	39,963	1,232	33,445	4,108	50.7	1.6	42.5	5.2
Connecticut	160,334	68,185	1,227	81,216	9,706	42.5	0.8	50.7	6.1
Middle Atlantic:									
New York	1,209,675	549,574	19,142	564,303	76,656	45.4	1.6	46.6	6.3
New Jersey	314,320	146,789	3,185	145,890	18,456	46.7	1.0	46.4	5.9
Pennsylvania	546,844	262,855	5,366	246,010	32,613	48.1	1.0	45.0	6.0
East North Central:									
Ohio	259,017	136,715	3,350	103,999	14,953	52.8	1.3	40.2	5.8
Indiana	57,465	28,696	1,353	19,682	7,734	49.9	2.4	34.3	13.5
Illinois	504,131	297,536	8,386	161,042	37,167	59.0	1.7	31.9	7.4
Michigan	281,352	155,327	4,553	103,343	18,129	55.2	1.6	36.7	6.4
Wisconsin	188,880	114,441	5,537	52,936	15,966	60.6	2.9	28.0	8.5
West North Central:									
Minnesota	195,726	142,035	3,211	37,404	13,076	72.6	1.6	19.1	6.7
Iowa	93,087	69,111	781	13,686	9,509	74.2	0.8	14.7	10.2
Missouri	76,208	46,887	993	19,853	8,473	61.5	1.3	26.1	11.1
North Dakota	51,004	39,837	407	6,702	4,058	78.1	0.8	13.1	8.0
South Dakota	32,673	24,121	433	4,397	3,722	73.8	1.3	13.5	11.4
Nebraska	61,078	40,771	1,119	12,705	6,483	66.8	1.8	20.8	10.6
Kansas	43,333	27,853	628	10,388	4,464	64.3	1.4	24.0	10.3

TABLE 2.—*Citizenship of foreign-born white females 21 years of age and over, by divisions and States, 1920*—Continued.

Division and State.	Number.					Per cent.			
	Total.	Naturalized.	First papers.	Alien.	Citizenship not reported.	Naturalized.	First papers.	Alien.	Citizenship not reported.
South Atlantic:									
Delaware	7,631	3,698	67	3,131	735	48.5	0.9	41.0	9.6
Maryland	43,261	23,687	647	16,914	2,013	54.8	1.5	39.1	4.7
District of Columbia	12,334	6,926	324	3,491	1,593	56.2	2.6	28.3	12.9
Virginia	10,422	5,703	108	3,327	1,284	54.7	1.0	31.9	12.3
West Virginia	16,994	5,826	100	9,386	1,682	34.3	0.6	55.2	9.9
North Carolina	2,453	1,349	10	648	446	55.0	0.4	26.4	18.2
South Carolina	2,091	1,138	21	583	349	54.4	1.0	27.9	16.7
Georgia	5,536	3,203	73	1,533	637	59.5	1.3	27.7	11.5
Florida	16,088	7,141	111	7,137	1,699	44.4	0.7	44.4	10.6
East South Central:									
Kentucky	12,661	8,220	159	2,212	2,070	64.9	1.3	17.5	16.3
Tennessee	5,891	3,278	62	1,535	1,016	55.6	1.1	26.1	17.2
Alabama	6,291	3,472	59	1,639	1,121	55.2	0.9	26.1	17.8
Mississippi	2,702	1,309	17	897	479	48.4	0.6	33.2	17.7
West South Central:									
Arkansas	5,000	2,976	64	1,066	894	59.5	1.3	21.3	17.9
Louisiana	16,380	5,846	82	7,586	2,866	35.7	0.5	46.3	17.5
Oklahoma	13,290	8,133	124	3,265	1,768	61.2	0.9	24.6	13.3
Texas	114,121	32,890	949	72,588	7,784	28.7	0.8	63.6	6.8
Mountain:									
Montana	31,459	22,618	479	5,990	2,372	71.9	1.5	19.0	7.5
Idaho	12,804	9,708	139	2,217	740	75.8	1.1	17.3	5.8
Wyoming	7,261	4,719	72	1,965	505	65.0	1.0	27.1	7.0
Colorado	42,928	27,688	603	12,446	2,191	64.5	1.4	29.0	5.1
New Mexico	8,689	2,500	45	5,642	502	28.8	0.5	64.9	5.8
Arizona	22,391	4,722	79	16,638	952	21.1	0.4	74.3	4.3
Utah	23,463	16,815	348	5,320	980	71.7	1.5	22.7	4.2
Nevada	3,692	2,115	25	1,103	449	57.3	0.7	29.9	12.2
Pacific:									
Washington	87,177	56,761	1,443	22,954	6,019	65.1	1.7	26.3	6.9
Oregon	36,227	23,581	726	10,326	1,594	65.1	2.0	28.5	4.4
California	247,041	127,176	3,633	97,664	18,568	51.5	1.5	39.5	7.5

Country of birth of foreign-born white for continental United States, 1920.

England	812,414
Scotland	254,482
Wales	67,071
Ireland	1,035,680
Norway	363,599
Sweden	624,759
Denmark	189,051
Belgium	62,648
France (including Alsace-Lorraine)	152,792
Luxemburg	12,539
Netherlands	131,262
Switzerland	118,647
Germany	1,683,298
Poland	1,139,578
Austria	574,959
Hungary	397,081
Czechoslovakia	359,285
Yugoslavia	173,063
Ruthenia	3,100
Russia	1,398,999
Finland	149,671
Lithuania	135,139
Portugal	67,850
Spain	49,232
Italy	1,607,458
Greece	175,701
Bulgaria	10,486
Rumania	103,007
Turkey in Europe	5,315
Other Europe	11,541
Asia	110,586
Africa	5,250
Australia	10,885
Canada, French	307,681
Canada, other	809,455
Newfoundland	13,239
Cuba and other West Indies (except Porto Rico)	27,179
Mexico	477,521
Central America	4,082
South America	16,838
Atlantic islands	39,003
Pacific islands	3,629
At sea	5,275
Country not specified	3,657
Total foreign-born white	13,703,987

Mr. VAILE. Mr. Chairman, in order to secure a full attendance for the next few minutes, I will yield five minutes to the gentleman from Oklahoma [Mr. HERRICK].

Mr. HERRICK. Mr. Chairman and gentlemen of the committee, I do not know whether I will take five minutes or not. I have just a few words to say. I want to say, in its present form, I am opposed to this bill. My main opposition is to lines 8, 9, and 10, page 2, which allows an American woman to marry a foreigner and retain her citizenship. It is a well-known fact that no American farmer's daughter, no American laborer's daughter, no small business man's daughter marries a foreigner. It is only the daughter of the so-called wealthy, the profiteer class, who marries a foreigner—those who coin American citizenship into gold which they may use to purchase some Count No Account, some degenerate from over the seas. That being the case, this matter has become a national scandal, and what is the use of profiteers piling up millions and millions with which to purchase some foreign degenerate for some American girl who values her American heritage so little as to be willing to go across the seas for a husband and marries some Count No Account? Let them be known by the title of Mrs. Count No Account. [Laughter.] I might say more, but the fact is plain and it is not necessary. I yield back the remainder of my time. [Applause.]

Mr. VAILE. I yield to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD on the subject of the reclamation of arid lands.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. COLTON. Mr. Chairman, in the few moments that are allotted to me I desire to discuss a question of great magnitude to this country. Sometimes it is well for us to read and consider some of the pledges we solemnly made to the people prior to election. I quote from the platforms of the two great political parties:

REPUBLICAN.

We favor a fixed and comprehensive policy of reclamation to increase national wealth and production.

We commend to Congress a policy to reclaim lands and the establishment of a fixed national policy of development of natural resources in relation to reclamation through the now designated Government agencies.

DEMOCRATIC.

We favor ample appropriations for the continuation and extension of this great work of home building and internal improvement along the same general lines, to the end that all practical projects shall be built, and waters now running waste shall be made to provide homes and add to the food supply, power resources, and taxable property, with the Government ultimately reimbursed for the entire outlay.

In these two planks of their platforms both the Republican and Democratic Parties of this country recognize that the reclamation of the arid lands of the West, and of the drainage of the swamp lands of other sections of our country, is a great national policy; a policy which if carried out will enrich every portion of America. Just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States, so the settlement of the West is helping to build up every section of our country.

It is more than an incident that recorded history began in the countries where the great art of irrigation and reclamation got its start. We of the West are ardently supporting any movement

which attempts to reclaim new lands. We deny, however, most emphatically that this is a sectional or a partisan question, nor do we subscribe to the idea that any problem before the American people is of greater importance. Viewed from any angle its importance is apparent. If the cold business side of the question is considered, it is then found to be one of the most profitable undertakings in which the people of the United States may engage.

ACCOMPLISHMENTS OF RECLAMATION SERVICE.

Since 1902 the Reclamation Service has constructed irrigation systems to supply water for nearly 3,000,000 acres of land. Surely it will appeal to the business people of the United States that an investment totaling about $129,000,000 made in this work since 1902, which has resulted in the production of wealth amounting to over $500,000,000, is a good business venture. This is to say nothing of the value of the crop raised annually on reclamation lands, which now reaches the sum of nearly $150,000,000.

To make myself clear and to show the extent of this work, I shall quote from a recent publication of the Department of the Interior:

Purpose: The Reclamation Service, organized in July, 1902, under the reclamation act of June 17, 1902 (32 Stat. 388), is engaged at present in the investigation, construction, and operation of about 30 irrigation projects aggregating about 3,200,000 acres in area located in the 17 arid and semiarid States of the far West, including the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas. The funds for this work come largely from the sale of public lands, and the money expended is returned to the fund by easy payments of settlers, usually in 20 annual installments without interest, in accordance with the reclamation extension act of August 13, 1914. The money thus forms a revolving fund for the construction of additional works.

Constructive results: The service has built on the 30 projects thus far approved by the Secretary of the Interior over 12,500 miles of canals, ditches, and drains, including 100,000 canal structures and involving the excavation of 175,000,000 cubic yards of materials. In connection with this work there have been constructed 100 storage and diversion dams, including the Arrowrock Dam, 349 feet high, the highest in the world; the Elephant Butte Dam on the Rio Grande, forming the largest irrigation reservoir in the United States, of 2,600,000 acre-feet capacity; and the longest roller-crest dam in the world, located on the Grand River in Colorado. In connection with this work the service has built 95 tunnels, 1,000 miles of road, 83 miles of railroad, 3,200 miles of telephone line, a dozen power plants, and 650 miles of transmission lines, and is also mining coal and has manufactured 1,676,000 barrels of cement and sand cement. The total expenditures to date are about $150,000,000.

Agricultural results: At the present time over 100,000 persons are living on the 28,000 farms being irrigated by the service, and the value of the crops in 1919 on the 1,100,000 acres cropped was about $88,000,000. In addition, the value of crops grown on land served from the works of the Reclamation Service under Warren Act contracts, and from which crop statistics were not obtainable, would bring the total value to over $138,000,000. About 3,200,000 acres of land (65,000 farms) will be irrigated on the completion of the Reclamation Service projects proper. A State has already been added to the Union from an agricultural standpoint, and there are springing up in what was but recently a "desert" hundreds of happy, contented, and prosperous communities as a result of the work of this service.

Incidentally, I may call attention to the fact that we have an opportunity of furnishing employment to thousands of people.

A PAYING INVESTMENT.

The Government owns vast stretches of desert lands in all of the Western States. The average value of these lands prior to 1902, and even to-day, would not exceed $10 per acre. Government irrigation has increased the value of these project lands $200 per acre. The increase in the price received for State lands included in the projects, and now mostly disposed of, has been at least $3,000,000, which revenue has gone almost entirely to the State. I doubt whether any other place in the United States where Government money has been invested can make a showing equal or anything like approaching the net results following the expenditure of Government appropriation on these projects.

There is another feature that is worthy of attention. It is easily shown from statistics that the average gross product of agricultural crops on reclamation projects, and, indeed, on irrigated lands, is just about double the average yield from nonirrigated lands in the United States. In other words, it means that the same amount of produce can be obtained from a 40-acre tract under irrigation as from an 80-acre tract in regions that are not irrigated. Of course, it requires more labor per acre, but much less labor in proportion to the amount of crop harvested. Encouraging, as this does, intensive cultivation and smaller farms, it naturally results in a greater centralization of population. This results in the advantages of larger schools and all of the other benefits of more thickly settled regions and yet insures to the people the advantages of country life. The social life and the better local government that grow up under conditions where these superior advantages obtain is not the least of the many blessings flowing from reclamation of arid lands.

It has been truthfully said:

It is the unthinking, the uninformed, who would speak of the possibilities of overproduction. Our population is growing so fast we can hardly keep up with food supplies for home consumption, and it will be a sad day for America when we cease to be an export nation. Besides, the products of this climate are largely different from what you raise elsewhere. The family sugar bowl is always hungry for our beets, and with butter already coming from overseas in ship-cargo lots, you need our alfalfa in dairy products, as well as meat.

But what of grain? Will not these new wheat fields hurt the farmers of the Middle West? Friends, we ourselves use now 650,000,000 of the 800,000,000 bushels of wheat raised in the United States, which means that we have only one loaf in five left for the world's market basket. You know it is a crime to talk of overproduction when half of the world is starving and children in every city of our own United States are suffering by thousands for lack of food. The problem of congested markets lies along other lines than overproduction.

Remember ever that we are all one family; that what hinders or hurts one harms all.

RECLAMATION AND EX-SERVICE MEN.

In the discussion of adjusted compensation laws it has been contended by some that the ex-service man does not want to return to the farm. That this contention is not borne out by the facts may be easily seen from a recent report of the North Platte project land opening, details of which are found in the Reclamation Record of October, 1921, written by Dr. C. J. Blanchard, chief statistician of the United States Reclamation Service:

The second opening of Government irrigated lands on the North Platte for ex-service men and women occurred on September 9 at Torrington, Wyo., and, like the first opening in the spring of 1920, was an unqualified success. War veterans to the number of 3,436 and registering from 36 States, the District of Columbia, and Canada, filed water-right applications for the 224 farms. In auto, prairie schooner, Pullman, day coach, airplane, on horseback, and on foot, the hosts of land-hungry hordes flocked to the bustling little city of Torrington, in the wonder valley of the North Platte.

Men, many of them bearing the cruel marks of service on the historic battle fields of France, but most of them were strong, vigorous, and manly young Americans. All were cheerful, wishful home seekers, and their journey was to secure, if possible, a place in which to build their home and to provide for their dear ones and to fulfill the part that they were to play as American citizens as best they knew how.

More than half the entries were filed between Thursday afternoon and Friday morning at 9 o'clock, the closing hour. During the last 24 hours 2,136 applications were recorded and the Reclamation Service employees were rushed to the limit. The unlucky applicants voiced their disappointment mildly and each expressed the hope that future openings would be far larger areas with correspondingly greater chance for winning a farm.

Ex-service men are anxious to get farms, and over 14,000 disabled veterans are now training for agricultural pursuits under the direction of the War Veterans' Bureau.

This problem is vital to the future growth and development of all that vast area of land lying west of the Mississippi River. For a number of years there has been a great deal of talk concerning conservation. Theoretically we are all conservationists in that we want to avoid the waste of public property, but is it wise or economical to continue to hold from the public vast tracts of land at a nominal value which can be made the most rich and productive part of our entire country? A comparatively small investment to-day yields a hundredfold to-morrow. In the State which I have the honor to represent in part there is less than 25 per cent of the lands upon our tax rolls. Vast areas of land now practically worthless only await the magic touch of water to become the finest farms in the world. Almost untold wealth lies in our public lands; it is our duty to develop that wealth; we can do it only through reclamation.

UTAH PROJECTS.

I was amazed soon after coming to Congress to find a general sentiment that there were no favorable reclamation projects in Utah. Only a hasty investigation has shown that there are at least five or six feasible projects with a total acreage of over 1,000,000 acres, and I am sure that careful investigation will reveal a great many more. There may be a difference of opinion at this time as to whether we should enact the so-called Smith-McNary bill independently, or whether substantially its provisions should be attached to the so-called soldiers' bonus bill. It does not matter to us which one of these ways are taken. We are concerned with the results, and I feel sure that a careful study of the speeches that have been made upon the floor of this House, showing the great purchases that are made from manufacturing districts and shipped to these projects, will easily convince the Members from all sections that this is a great national policy worthy of the best efforts of every part of this country.

EXAMPLE OF RESULTS OBTAINED.

In addition to what has been heretofore on this floor so ably said, may I briefly quote from a letter recently sent out by the Western States Reclamation Association in which the following facts are set forth and which were taken from the records of the Southern Pacific and the Atchison, Topeka & Santa Fe Railways:

The surprising thing about the following figures is that they relate to just a little patch on the map of our glorious country—a patch which a few years ago was a cactus waste, the home of the centipede and wild dog, but to-day is a bountiful scene, where the orange, the lime, and the vine thrive, and beautiful habitations dot one of the fairest landscapes in all America. Just grasp the full significance of the fact that the people on less than 250,000 acres of irrigated land, in the main a Federal reclamation project and being almost supported thereby, receive each year from the outside 7,935 carloads of commodities; while the less-than-carload lots received run into the millions of dollars in value; and these are from sections engaged in the manufacture of the more expensive and less bulky wares.

Congressmen from Wisconsin, Salt River Valley is buying in your State 213 carloads of products each year. Do you realize that this is far more than the people of Wisconsin buy from the whole State of Arizona? Does such an exchange injure the farmers of your State?

Two hundred and fifty thousand acres of irrigated land in the extreme Southwest have a trade from the outside running into the millions of dollars each year, and 20,000,000 acres of like land await the irrigation ditch. What an opportunity to increase the home market! Which is better for our ex-service men and our country in general, the reclamation of these broad waste acres or the rehabilitation of a yet belligerent Europe?

The Smith-McNary bill if enacted into law will not only reclaim these arid wastes but millions of acres of swamp and overflowed land so generally distributed throughout the United States.

GOOD HOMES BEST ASSET OF NATION.

Mr. Chairman, in conclusion may I briefly refer to another phase of this question? I know that in this cold matter-of-fact world, and particularly in discussing the business before this Congress, we are little given to a consideration of the sentimental side of any question; but I do not think that that fact in any way lessens its importance. In my humble judgment one of the crying needs of the hour is that more sentiment shall be injected into the business world and into Governments themselves. It can not be denied that there is widespread unrest and a desire in many parts of the world for an entire new social structure. There are no more contented people in all the world than home owners and home builders. If there is unrest and dissatisfaction among the boys who so nobly rallied to the defense of our country in time of war, give them the hope of a home—a chance to get a little of the earth's surface that they may call their home; let them feel the endearing ties of a place that in its truest sense is their home, and I venture that much, if not all, of this unrest and dissatisfaction will disappear. After every war our Government has concerned itself in directing the attention of its people to its lands. It has always encouraged home building. The easy available tracts of land are gone. The only source left is for us to turn our attention to the reclamation of arid lands and to the draining of swamp lands. It is economical; it is a paying investment and in no sense an expense, because in addition to increasing a hundredfold the wealth of a nation, every dollar loaned by the Government is paid back with interest. We have the privilege now not only of making this splendid investment but in assuring happy and contented homes for the people of America, and thereby more firmly strengthen the bulwalk of our liberty and insuring the perpetuity of the institutions of our great Government, so devoutly to be desired. It is the duty of a Government to give its citizens a chance to get homes and to possess them in safety. Here is a chance to perform a duty.

Some one has said: "The Persian and Chaldean Empires were founded on irrigation; the splendor of old Peru was fed by irrigation; Nile's great gift to Egypt is but crude, rudimentary, natural irrigation." When I tell you, and truly, that all these wonders are dwarfed—that the hanging gardens of Babylon, the temples of the Incas, are but trinkets, the fellahins' clumsy cultivation after the footsteps of Father Nile but a mud pie compared with the practical irrigation possibilities of your own Westland—perhaps you may grasp a little clearer concept of what this development will mean to our whole Nation. Does not your heart beat a little faster with pride at the splendid courage and vision of it? Do you not want to help us fill all these deserts with roses and the laughter of happy children?

Reclamation is the hope of the future. A happy and contented people the reward for its achievement. We can not refuse nor hesitate longer to pursue a course fraught with such possibilities and blessings.

Mr. RAKER. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from California has 24 minutes remaining.

Mr. RAKER. And how much has the other side?

The CHAIRMAN. Eleven minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise in order that the gentleman from Michigan may present a conference report.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12022, had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11228, the naval appropriation bill, to disagree to all the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11228) making appropirations for the Navy Department and naval service for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to disagree to all the Senate amendments and agree to the conference asked by the Senate. Is there objection?

Mr. CRISP. Mr. Speaker, reserving the right to object, I would like to ask the chairman if he has consulted with the minority Members or with Mr. GARRETT about this?

Mr. KELLEY of Michigan. I have not. I did not think it would be necessary——

Mr. CRISP. I am not going to object.

Mr. KELLEY of Michigan. It is an oversight on my part.

Mr. CRISP. I am not going to object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. KELLEY of Michigan, Mr. FRENCH, Mr. MADDEN, Mr. BYRNES of South Carolina, and Mr. OLIVER.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN.

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12022.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12022, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12022, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12022) relative to the naturalization and citizenship of married women.

Mr. VAILE. Mr. Chairman, how does the time now stand?

The CHAIRMAN. The gentleman has 11 minutes.

Mr. VAILE. How much time has the gentleman from California?

The CHAIRMAN. Twenty-four minutes.

Mr. VAILE. Will the gentleman from California yield some time?

Mr. RAKER. I understand the gentleman has one more speech.

Mr. VAILE. One more.

Mr. RAKER. I will yield out of my time 4 minutes to the gentleman from Colorado so that he may have 15 minutes for the gentleman from Washington [Mr. JOHNSON].

Mr. VAILE. I thank the gentleman.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am not going to take up much of your time at this time. There is no one on the Democratic side who is opposed to this legislation; it is unanimous. I am sorry on the other side my Republican friends have not been able to make as good a showing. We believe in carrying out our platform pledge on this question, but I really believe those who have been making points of order and talking against it when it comes to voting are going to see their way clear; they can not help it. I promised to answer the gentleman, always clear in his questions before, but I did not know how the time stood, and therefore I did not answer, and I shall answer it now, as I think it is important. On page 2 of the bill, lines 15 to 17, is the following language:

If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence.

Under the law as it now exists if it were not for that the woman abroad would not retain her American citizenship under this bill. It is intended, irrespective of the place of residence upon the termination of that citizenship, she may have American citizenship before automatically, under the present bill, she returns and applies for naturalization.

Mr. VAILE. Will the gentleman yield?

Mr. RAKER. I will.

Mr. VAILE. Do I understand the gentleman is under the impression that when a woman citizen of the United States

marries an alien under existing law that there is any question about her citizenship?

Mr. RAKER. Yes. If she does not return to the United States and does not make a declaration, she continues to be an alien. Just as a matter of courtesy to myself—and my bashfulness almost prevents me from referring to it—I will say that a bill introduced by myself contains practically all of the provisions of this bill in order to try to carry out the purposes and objects and declarations of the Democratic platform. Of course, I recognize that the minority could not report any bills when the majority is in charge; that we may give all the work and labor we can to gentlemen honestly and faithfully trying to formulate legislation.

I introduced my bill on this subject on April 29, 1921, H. R. 5525, Sixty-seventh Congress, first session, found on page 587 of hearing under date of June 8, 1922, and is as follows:

The CHAIRMAN. I will also insert a bill introduced some time ago by Mr. RAKER, of this committee. His bill contains some slightly different provisions to cure defects. I think the draft of the Cable bill cures some of these defects. Others can be cured by the committee when we read the bill under consideration for amendment. Judge RAKER'S bill follows:

[H. R. 5525, 67th Cong., 1st sess.]

A bill relative to the naturalization and citizenship of married women.

Be it enacted, etc., That any woman citizen of the United States who hereafter, being then a resident of and residing in the United States, marries an alien, who may be lawfully naturalized, shall retain her American citizenship so long as she continues to reside in the United States, unless she makes in writing a formal renunciation of said citizenship before a court having jurisdiction of naturalization proceedings. If at the termination of the marital status she is a citizen of the United States, she shall retain such citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign country of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

SEC. 2. That any woman citizen of the United States who hereafter, being then a nonresident, marries an alien, and any such woman citizen, whether or not a resident of the United States, who hereafter marries an alien, who may not be lawfully naturalized, shall cease to be a citizen of the United States.

SEC. 3. That any woman who has heretofore ceased to be a citizen of the United States by reason of her marriage to an alien, who may be lawfully naturalized, may, if then a bona fide resident of and residing in the United States, file a petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon due and satisfactory proof to the court may be admitted to citizenship of the United States upon complying in all respects with the other requirements of the naturalization law. If thereafter, during the continuance of the marital status, she resides continuously for two years in a foreign country of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thenceforward be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of said act approved March 2, 1907.

SEC. 4. That an alien woman who hereafter marries a citizen of the United States shall not derive United States citizenship by reason of the fact of such marriage.

SEC. 5. That an alien woman shall not derive United States citizenship by the naturalization of or resumption of citizenship by her husband after the passage of this act.

SEC. 6. That any woman who heretofore acquired United States citizenship by marriage to a citizen of the United States or by naturalization of or resumption of United States citizenship by her husband shall retain such American citizenship.

SEC. 7. That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

I know the chairman of the committee, if it were necessary to state it, and my colleagues Judge Box and Judge WILSON and myself have been constantly in attendance and giving assistance to this legislation, as well as others in the committee, trying to make it workable the best we could. I think it is the duty of every man. It is not a party proposition. It is a question of results. That is my attitude on this legislation or any other. There is only one kind of partisan legislation that comes before Congress, and that is the question sometimes of a roll call, whether or not a certain man shall be seated because he has run as a Democrat or a Republican, and that involves a question of politics. Ordinarily we are trying to legislate the best we can for the country and the people.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I will yield to the distinguished gentleman.

Mr. CONNALLY of Texas. I am almost inclined not to ask the question after that. I want to get the committee's interpretation of lines 15 and 16 on page 2.

Mr. RAKER. I gave that to you, but you were out. I explained it fully to the satisfaction of the chairman and my distinguished associates. Ordinarily the gentleman from Texas is here; it is an exception when he is not.

Mr. CONNALLY of Texas. I am not really sorry that I asked the gentleman the question now.

Mr. RAKER. That is all right.

There is only one inharmonious thing that has occurred to-day in this legislation, and I know the distinguished gentleman did not mean it. It was the argument made many years ago and continued up until the adoption of the nineteenth amendment. But we have not heard any of that argument since until to-day, from the distinguished gentleman, in regard to the fact that the women did not compare in intelligence with men. Lord bless you men, I supposed that the theory and that idea had been exploded years ago, particularly in America. One of the misfortunes is that there are fewer young men attending our high schools and our colleges than there are women, because of the fact that our people have been negligent in it and are failing to see that the American boy is receiving the same kind and character of education that our American girls are receiving. They ought to wake up, and there ought not to be any difference. The American girls for the last 10 years have been outstripping the boys in the schools, because the boys are not attending school as they should. Both ought to be given equal opportunity. And everyone that has the opportunity ought to attend, and no man can honestly and consistently say that the American woman is not equal both in knowledge and capability to the man. So you have said in this bill. It is a wise provision, for many reasons. There has been an attempt before the committee to permit naturalizations, not in open court, not to require witnesses to attend, and I want to tell you it is one time in a man's life that he ought to be able to lay down his work and go to the courthouse with his witnesses when he is being given the opportunity for that citizenship that many men have laid down their lives for. And yet we find people now saying that he ought not to give up his time in order to receive this great benefit and this wonderful opportunity and privilege.

Mr. LOWREY. Will the gentleman yield?

Mr. RAKER. I will be glad to do so.

Mr. LOWREY. I would like to put this into the RECORD: Last night I attended a high-school graduation. I think there were six girls graduated to one boy who graduated.

Mr. RAKER. I have observed it for years.

Mr. LOWREY. I stated I had been attending such exercises for 10 or 20 years, and that is generally almost the proportion—3 or 6 or 7 girls to 1 boy graduating in the high schools.

Mr. RAKER. But there are as many young men of that age as there are girls.

Mr. LOWREY. I guess so.

Mr. RAKER. Then, as a matter of fact, it is an indictment against our institutions and against the men in power, to allow a condition that permits three young American girls to graduate and only one boy. When there are six altogether, two are not receiving that benefit. It requires a little more care and consideration to keep the standard up equally on both sides and give them both the same education, which means opportunity. It will make our Government stronger; it will make our city and State and National Government stronger by saying and requiring of them that they both shall receive equal and coordinate education.

What I wanted to say, and what I wanted to impress upon these men with relation to this bill is, to my mind, one of the best things in it, that an alien woman, who is married to an alien who can be naturalized but does not, may enter the courthouse upon her petition; that she may have the opportunity—and may compel her employer to yield a sufficient time from her work without taking it from her pay, if she is working—to go to the courthouse where the opportunity is presented to her to become an American citizen, that she may for a few moments forget what my friend from Wisconsin says, that she is so overburdened with her duties with her family that she does not even have time to be naturalized.

That idea of American womanhood in this country ought to be forgotten, namely, that because she is a mother she should be so bound down to her duties on the farm or at her home in the city that she can not even have an opportunity to go to the courthouse to become naturalized; that you want to make her a beast of burden all the time, without any opportunity to see God's sunlight, or to get some of the benefits of civilization and an opportunity to better herself and better her children, so that she may go home and give them some of the inspiration that she herself is trying to drink in and obtain by virtue of that association. So I think the committee on that point alone, saying nothing else, will have accomplished a wonderful move forward when they will be able to say to over a million alien women that can not be naturalized now, that they will be given an opportunity to be naturalized under this law and to go to the courthouse with their witnesses and become naturalized and become American citizens, irrespective of the sluggish, un-American, lazy husbands, who do not want to take the time

and opportunity to give their wives American citizenship. We will eliminate that class, and they will wake up when mother begins to take an active part, and they will wake up further when daughter and sons will begin to realize that mother has an interest in citizenship and has the right to vote. Father will wake up and take a bath and put on decent clothes and go with mother and become naturalized and become an asset instead of a liability in this country. There is only one danger in this country now, and that is the Bolshevists within the confines of the United States that are ready and willing to tear down the country. We want to eliminate them as fast as we can.

Mr. CONNALLY of Texas. I was much interested in the gentleman's statement. It is really an indictment of our institutions when three girls are graduated in school and only one boy.

Mr. RAKER. And when there are as many boys as girls.

Mr. CONNALLY of Texas. How is the gentleman going to eliminate it—by saying that only one girl should graduate?

Mr. RAKER. Did I make myself so poorly understood that the gentleman conceives the idea that there was a limitation? What I was trying to convey, and I will repeat it again——

Mr. CONNALLY of Texas. Just a moment.

Mr. RAKER. I want to state this, that the fathers and mothers of these boys and girls ought to make the surroundings such that every boy in the community who is able and capable should go to the grammar and high schools instead of loafing on some street corner or going to some place to swim when he should be in school. Send them both. Give them both the opportunity.

Mr. CONNALLY of Texas. That is what I was getting at. I was wondering, however, how the gentleman was going to make them equal.

Mr. RAKER. Oh, you can not make the boy equal to the girl. I admit that. [Laughter.]

Mr. CONNALLY of Texas. I was just wondering, when the gentleman said a moment ago that that old feeling that the women were not equal to the men had been exploded—I was wondering whether he would admit, on the other hand, that the intelligence and mental qualities of the men equaled those of the women. He does not admit that, does he?

Mr. RAKER. I want to answer that. I think when you give them both an equal opportunity that, except for the difference in sex, they are equal, only I like the women better than the men; that is all. [Laughter.]

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. DENISON. Under this bill if an American woman marries an alien who can not be naturalized, she immediately becomes an alien?

Mr. RAKER. Yes.

Mr. DENISON. She loses her citizenship?

Mr. RAKER. Yes; but she can attain it by her husband's accidental death or by divorce.

Mr. DENISON. But if a man marries a woman who can not be naturalized, he does not lose his citizenship. Why do you not treat them both alike?

Mr. RAKER. We are doing so.

Mr. DENISON. You are not by this bill.

Mr. RAKER. That is a different proposition altogether.

Mr. DENISON. I think you ought to treat them both alike.

Mr. RAKER. The man has always had his right of citizenship. The men have dominated the thing from the beginning. They have been the lords of creation.

Mr. DENISON. I am talking about the question as it is now.

Mr. RAKER. The women have been denied their rights. We want to equalize them as nearly as we can.

Mr. DENISON. But you are not doing that in this bill. If a woman marries a foreigner, she can be naturalized, but if a man marries an alien he can not be naturalized.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. LOWREY. I want to make it plain to the Republican majority that if they do not regulate that matter of the inequality of numbers among the boys and girls in schools, I am going to vote the Democratic ticket next fall and do all I can to carry my district for the Democratic candidate. [Laughter.]

Mr. VAILE. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Washington is recognized for 15 minutes.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the committee, the germ at the heart of this bill has been before Congress for 12 years at least. In the Sixty-second Congress it came up as a motion to amend the expatriation clauses of the naturalization act. The hearings conducted at that time were illuminating. The privilege was claimed on the demand of certain States which then had suffrage for women. Bills were on two occasions sent to the floor of the House from the Committee on Foreign Affairs. Attempts made to pass them by unanimous consent failed. No effort was made to pass them by vote. In the meantime the enactment of the nineteenth amendment had so broadened the scope of suffrage that this legislation becomes necessary from two important angles, namely, the rights of American women married to aliens and the protection of the ballot against women brought into citizenship as wives of naturalized citizens.

As is well known to Members, the Committee on Immigration and Naturalization for some time have had under consideration a plan for the general recodification of the naturalization laws of the United States. The provisions of this particular bill as introduced by the gentleman from Ohio [Mr. CABLE] are found in quite different language in the so-called omnibus bill, and in that bill are elaborate provisions attempting to define the status of children under the various conditions that might arise. For some time it has been apparent that the bill was too involved and that it carried too many provisions. Therefore I am glad that the particular details relating to the naturalization and citizenship of women have been brought out separately.

I think that there will be no need for the amendment of section 5 of the expatriation act, as suggested by the gentleman from Wisconsin [Mr. STAFFORD] in the early part of this debate, where the word "parent" is used. The reading of that law now is that in the event of the death of the father the mother is held to be the parent. I think there will be no difficulty in that phase of it with reference to the nationality of the children. As it is now all present laws as to nationality of children will stand.

The Cable bill, which is now before you, has been carefully gone over in the committee. It has been rewritten two or three times, and we have two or three perfecting amendments to present. I have come to a complete indorsement of plans outlined in this bill with much caution. I recognize the great principle, now recognized by all of us, that American-born women who marry aliens should not lose their rights—certainly not in the United States; but I happen to be one of those old-fashioned individuals who thinks that marriage should not be like an old shoe, to be put on and off, and I know that citizenship should not be like another old shoe, to be put on and off. We have tried to avoid provisions which might let an American woman put her citizenship on and off at will. We have adopted the State Department's suggestion of not introducing the question of residence.

With regard to separate naturalization of wives of aliens who become naturalized we have adopted what we call a short form of naturalization for the wives—one year's residence. The full naturalization process would require five years' residence, and when the husband became naturalized the wife—if the long process were required—would be left for five years a woman without a country.

There has been some discussion of dual nationality. But as long as we create citizens by law, and expatriate by law, and as long as we have aliens, we will have problems of dual nationality. This bill when it becomes the law will not change that situation.

Mr. Chairman, I approve and desire to praise the remarks of my colleague the gentleman from New York [Mr. SIEGEL] on this particular bill and the necessity for it. True naturalization is what we seek for the aliens now here. We do not desire enforced citizenship to be thrust upon aliens, either men or women. My desire and purpose is not that too many shall come to the United States while we are taking care of those now here. To make it possible to bring properly into citizenship under uniform and just laws a large part of the 6,000,000 aliens now here is our real task. And that is why the committee has been trying to write a new naturalization code.

THE OMNIBUS NATURALIZATION BILL.

Mr. Chairman, the omnibus naturalization bill, the new naturalization code, is having its troubles. I notice in this morning's Associated Press dispatches that at the great annual gathering of the American Federation of Labor the omnibus naturalization bill, designed to make naturalization easier and simpler for the 6,000,000 aliens in the country, designed to lead them on to where they belong, in the possession of full citizenship, is pointed out and criticized as a "legislative absurdity." The alleged "absurdity," my friends, comes because in that bill it is proposed to register the aliens in the United States not

for the purpose of espionage but for the purpose of an orderly progress toward the naturalization of those who qualify for citizenship. In another body a similar bill has been introduced carrying all the paragraphs which represent the work of the various members of the House Committee on Immigration and Naturalization, but with the fee fixed in the measure pending in the other body placed at the sum of $24, a sum so large that I doubt if either body would consider it for any length of time or give many votes to the proposal. The fee fixed in the House omnibus naturalization bill is placed at $5.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. In a moment.

I have no quarrel with the American Federation of Labor. When its president, Samuel Gompers, is gone he will be missed by those who fail now to recognize the good that he has done and is doing by "sitting on the lid" against the spread of radicalism, internationalism, one big unionism, and revolutionary notions generally. I have had numerous letters from the president of the American Federation of Labor, Mr. Gompers, indorsing certain of my work here, particularly with reference to the present restriction of immigration. I am proud of those letters.

The American Federation of Labor pointed out many years ago the great flaw which hindered the progress of the United States was the permitting of great hordes of nonassimilable aliens to come pouring into the United States to take the jobs and keep down the wages of Americans. That organization led the fight and I am glad it did, and I am proud to stand on this floor and say that we now have a law which checks and holds up and restricts immigration.

That organization has a right to criticize the new naturalization code. In due time its legislative delegates will come before the Committee on Immigration with their criticisms in detail and their suggestions for improvement. But regardless of the Federation's present criticism, I note that many others who oppose any registration of aliens in the United States—notably the foreign-language press—have some reason for opposing it other than those reasons that they put forth. I notice that the foreign-language press leads in the opposition.

In my opinion, the objection of the foreign-language press to the registration features is largely a smoke-screen objection, their real objection being to that phase of the naturalization bill requiring those aliens coming here in the future to come with certain certificates. Your committee has discovered that in an immigration law we can not very well, under the present treaties, provide for this examination overseas that the whole American public calls for. We can not go into another country and set up a United States establishment for the examination of people desiring to come here, unless we first obtain the consent of that government; but in a naturalization act we can provide that those who come here, whom we hope and believe will some day come into American citizenship, shall come here with such credentials as we may designate by law. Many aliens desire to come without credentials, and therein lies the basic objection of some people against the whole new naturalization code.

In addition, I note that some organizations which object to the registration of aliens by the people of the United States themselves do a pretty neat job of alien registration and fee collecting. It is fair for them to do it, they think, but they also think that it would be un-American for Uncle Sam to do it. I wonder why.

The Saturday Evening Post this very week has something editorially to say along that line which is quite to the point. I quote:

[From the Saturday Evening Post, June 24, 1922.]

AMERIKANSKI AGAIN.

There is no more galling reading in the daily press than the well-displayed interviews with aliens and hyphenates who resent every effort made by Congress to protect our own people from the wholesale invasion of European slum dwellers. When the extension of the 3 per cent law was under discussion, aliens in every city took pen in hand to denounce it as "un-American." When a proposal was made in the House to require aliens to register, aliens again rose to brand the bill as "un-American." Strangely enough, all over the country there were editors, well-meaning and patriotic citizens, who allowed their columns to be used for the dissemination of this propaganda. Americans and Americans only are entitled to say what is "American" and what is "un-American."

Mr. Chairman, I do not care to use all the time allotted to me. Those who will do me the honor to read in the RECORD the remarks I made recently on this floor will find there my views as to whether that registration shall be arbitrary or voluntary; also a general statement as to our program of immigration legislation. I ask unanimous consent to place in the RECORD at a later date translations of foreign-language newspaper editorials in regard to naturalization, registration, and other matters of the kind.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes; with pleasure.

Mr. SMITH of Michigan. I had occasion to hear the gentleman's remarks the other day, and later I read very carefully the printed report, and the question arose in my mind as to why the gentleman took the census of 1910 as the basis for admitting the 3 per cent.

Mr. JOHNSON of Washington. It is immaterial what figure one takes. The later the figure and the more the immigrants in the country the less the quota.

Mr. SMITH of Michigan. There is another point. The gentleman designated the number of 600 as a base quota for all countries, and then used 2 per cent instead of 3. What is the object in that?

Mr. JOHNSON of Washington. Of course, that is my view. I am only one member of a committee of 15, and I am one Member of a great House of Representatives of 435.

Mr. SMITH of Michigan. I think it is a good way to adjust it——

Mr. JOHNSON of Washington. I thank the gentleman.

Mr. SMITH of Michigan. But I wondered why the gentleman took those particular figures.

Mr. JOHNSON of Washington. I would not care whether it was 600 or 1,200. Whatever the quota is based upon, the guaranteeing of a base quota does away with petty bookkeeping in human beings.

Mr. SMITH of Michigan. And the object is to limit the number who come?

Mr. JOHNSON of Washington. Yes. The gross number to be admitted would be much less.

By unanimous consent, leave to extend remarks on the bill was granted to Mr. VOLK.

The extension of remarks referred to are here printed in full as follows:

Mr. VOLK. Mr. Speaker, the naturalization and citizenship of married women has claimed the attention of the public during the past few years as never before. Numerous bills embodying the principle of independent citizenship, but differing somewhat in their provisions, have been presented in Congress. The difference between these has not been in the principle, but in the determination and solving of the complicated and perplexing questions of dual citizenship, the nationality of children, conflicting property and inheritance rights, and so forth.

The nation-wide adoption of woman's suffrage permitting the exercise of the elective franchise by hundreds of thousands of women, many of them citizens merely because of their marital state and without regard to any other qualifications, at once opened up a wide field for serious thought. The effects of the World War upon the status of American women who had married aliens and thereby lost their citizenship, the attending ostracism and injustices visited upon them, are too recent to need description in detail. They serve but to accentuate the importance of this needed legislation.

Under existing law when an alien woman marries an American citizen she instantly becomes an American citizen, entitled to all the rights and privileges attendant upon that citizenship. Conversely, when an American woman marries an alien she immediately loses her citizenship and takes the nationality of her husband. Under the existing law an alien married woman can not apply for naturalization independent of her husband, no matter how fit she may be or regardless of the length of residence in the United States.

It is now proposed to change all this. Both the Republican and Democratic Parties in 1920 at their national conventions inserted planks in their platforms indorsing the principles of independent citizenship for women. The following women's organizations have favored it: American Association of University Women, Business and Professional Women's Clubs, Council of Jewish Women, Daughters of the American Revolution, General Federation of Womens' Clubs, National League of Women Voters, National Women's Trade Union League, Women's Christian Temperance Union.

Briefly, the change from the present status regarding citizenship for women would be as follows:

(a) It would permit alien married women who are desirous and are qualified to become American citizens to apply for naturalization.

(b) It would change the present law, which confers citizenship upon an alien woman by reason of marriage with an American citizen and require a residence of one year within the United States, filing a petition, and compliance with all

the requirements of the naturalization laws as to qualifications, and so forth, for citizenship.

(c) It would preserve the status as a citizen of an American woman who marries an alien, unless she formally renounced it before a court having jurisdiction over naturalization of aliens or lived for two years in the country of her husband's allegiance or for five years in any other foreign country. The last two are the same presumptions as now apply to naturalized citizens of the United States.

If an American woman married an alien who is ineligible for citizenship, she would cease to be a citizen. The bill further provides for the naturalization of a woman who has heretofore lost her citizenship because of marriage to an alien but who was eligible to citizenship.

The status of children is not affected by the provisions of the new bill. As before, those born here are citizens of the United States regardless of the allegiance of the parents; those born abroad take the nationality of the father.

That the wife takes her identity from her husband is an ancient principle of our jurisdiction. It was reiterated in the opinion of Mr. Justice McKenna in the decision rendered in the United States Supreme Court in the case of McKenzie versus Hare in 1907. The doctrine that a wife has no property rights, that a wife has no control over the children, that a woman has no rights in the matter of franchise, has been materially changed in the last few years. The tendency has been toward extending the rights of women and to place them on a plane of civil equality with men. The need has been accentuated by the passage of the nineteenth amendment to the Constitution, which states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The doctrine of dependent or derived citizenship has become archaic. The theory of independent citizenship for women is a good one, and this bill carries out in a practical manner the sound principles involved. It is progressivism in the right direction and will meet with the approval of the great masses of thinking Americans.

The CHAIRMAN. All time has expired, and the Clerk will read the bill.

Mr. VAILE. Mr. Chairman, I ask unanimous consent, in lieu of the committee amendment, to offer the following section as a substitute.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to offer an amendment in lieu of the committee amendment. Is there objection?

Mr. WALSH. Reserving the right to object, let us hear what the amendment is.

The Clerk read as follows:

> Pages 1 and 2, strike out all of section 2 and insert in lieu thereof the following:
> "SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:
> "(a) No declaration of intention shall be required.
> "(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition."

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman if this would permit a woman who lives in the United States, in different places for short periods of time, to count the total residence in an application to be naturalized?

Mr. VAILE. That is the purpose of the amendment I have offered in lieu of the original.

Mr. WALSH. Does the gentleman think that is wise?

Mr. VAILE. I think it is fair. The situation was this: Under the present law the alien woman becomes a citizen immediately on her marriage. We did not think it was fair to require the regular period of naturalization—five years, two years for declaration of intention and three years after that—and the reason we did not think it was fair is that she is living in family relations and presumably would be qualified for citizenship earlier than a woman who did not have that opportunity. In the second place, there would be a long wait when she would be virtually without a country, because after she had declared her intention to become a citizen her former country has disowned her. But we thought at least she should reside in the United States for one year. The preparation for citizenship involves something more than moral character, something more than a knowledge of the language; it involves, as we consider it, some familiarity with our institutions. This arbitrary period of one year was fixed at what we thought would be fair.

Mr. MANN. Will the gentleman yield?

Mr. VAILE. Certainly.

Mr. MANN. Under the existing law if a woman marries an American citizen she at once becomes an American citizen.

Mr. VAILE. That is correct.

Mr. MANN. I understand the gentleman's amendment is so that under the new law the woman who marries an American citizen may at once file her application to become an American citizen——

Mr. VAILE. No; she can not file it for one year.

Mr. MANN. The gentleman did not wait until I finished the question—if she had lived in the United States one year, without requiring her to move back to the place where she came from, and requiring her to live apart from her husband in order to secure naturalization in the district where she had lived.

Mr. VAILE. The gentleman has stated it more accurately than I did.

Mr. MANN. The purpose is to let her live with her husband while making the application for citizenship.

Mr. VAILE. Yes.

Mr. ROGERS. I notice the language of the gentleman's amendment begins "any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization." I do not think it affects the meaning in the least, but I wondered if it would not be more instantly apparent what the purpose of the language was if you inserted before the word "woman" in each place the word "alien."

Mr. VAILE. No; and the reason for that is this: Of course, this does not affect any woman but an alien woman. We do not want it to affect all alien women. If we say any alien woman who marries a citizen may become naturalized, that would apply to certain alien women who are not eligible as citizens.

Mr. ROGERS. But the first clause is in the negative, "any woman who marries a citizen of the United States shall not become a citizen," and so forth. Why not say any alien woman, so as to make it clear?

Mr. VAILE. A Filipino woman is not an alien woman, neither is she a citizen of the United States.

Mr. ROGERS. What is she?

Mr. VAILE. I leave that to the gentleman; she owes permanent allegiance, but is not a citizen.

Mr. RAKER. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. RAKER. The gentleman from Illinois has clearly and succinctly stated what the committee believe they have accomplished by this amendment. The question of the gentleman from Massachusetts [Mr. ROGERS] is the same question that presented itself to me. He is right; it makes it clearer; but with an alien woman it makes no difference, because it is only alien women who will be affected. So, the committee this morning seemed to think we would strike out the word "alien."

Mr. ROGERS. I notice in the bill as reported you say "any woman who marries a citizen shall not become a citizen," and in the other place you say "any alien woman whose husband is naturalized shall not become a citizen."

Mr. RAKER. This leaves it just the same; it only as a matter of fact applies to alien women.

The CHAIRMAN. Is there objection?

Mr. HERRICK. Mr. Chairman, I object.

Mr. VAILE. Then, Mr. Chairman, I offer this amendment as a substitute for the committee amendment.

The CHAIRMAN. The gentleman from Colorado offers a substitute for the committee amendment, which the Clerk will report.

Mr. MANN. No; it will be a substitute for the section.

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois to the fact that the committee amendment has been reported.

Mr. MANN. But it has not been voted on. After all, the other motion is in order.

The CHAIRMAN. It may be denominated as a substitute for the section. The Clerk will report it.

The Clerk read as follows:

> Pages 1 and 2, strike out all of section 2 and insert in lieu thereof the following:
> "SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen

of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

"(a) No declaration of intention shall be required.

"(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition."

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. I sent an amendment to the original section to the desk. Ought not that to be voted on now?

The CHAIRMAN. If the gentleman desires to offer it. That is a perfecting amendment.

Mr. VAILE. That would not come before the committee amendment unless the amendment that I offer is voted down.

The CHAIRMAN. That is the observation the Chair made a few moments ago. The Chair is willing to follow out the desire of the committee, but it occurred to the Chair that the gentleman from New York should not be deprived of the right of having his perfecting amendment considered. The Clerk will report the perfecting amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Strike out the word "not," in line 10, page 1, insert a comma instead of a semicolon at the end of line 11, on page 1; strike out lines 1 to 7, inclusive, on page 2, and insert in lieu of the matter stricken out the following: "unless the woman makes a formal renunciation of United States citizenship before a court having jurisdiction over naturalization of aliens within 90 days after such marriage or such naturalization."

Mr. LONDON. Mr. Chairman, this bill comes now before the House under a special rule. The announcement made on Sunday giving the program for the week mentioned this bill as one of the things that would be taken up next Thursday. Many intricate problems of international law are involved in this legislation, many questions of principle.

I understand that this legislation is primarily the result of the desire of women to complete the work of political and civic emancipation, to secure the fullest and largest measure of liberty so as to place the individual, irrespective of sex, on a basis of equality in society. So far, so good, but what in the world has this proposition to do with the process of naturalization which presents an entirely different situation? It is a large subject in itself, which requires most careful study and thought. It is impossible to give the subject the proper degree of deliberation under a special rule which provides only two hours of general debate, without any time having been given to those who are opposed to the bill or to some features of it.

A woman who is an American by birth and who marries a foreigner retains her citizenship, unless she renounces it. I would give the same measure of equality to the alien woman who becomes the wife of an American citizen. I would have her become a citizen unless she renounces it; unless she declares her desire not to be a citizen of the United States. That is the object of my amendment. I do not want you, in order to satisfy a theoretical desire for liberty, to strike at liberty, to strike at hundreds of thousands, if not millions, of wives of the industrial workers, by placing new obstacles in the way of their enfranchisement. Nearly 60 per cent of the workers in the basic industries will be adversely affected by the proposed measure.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Just one moment, please. It is customary to attribute the greatness of every man to his mother, and in a large measure it is true. The character of the child is shaped by the mother. No school influence amounts to anything unless the home influence is healthy, moral, salutary, and there is no home for a child where there is no mother. The unity of the family should not be disturbed. The enfranchisement of a man should carry with it the enfranchisement of his wife unless she dissents. If the nineteenth amendment, the political enfranchisement of women, is to be given as a valid excuse for this legislation, then it would apply with the same validity and force to illiterate native men and women; it would apply with equal potency to all ignorant persons.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. WALSH. If I understood the reading of the gentleman's amendment correctly, this section would read then that any woman eligible for citizenship, and so forth, shall become a citizen by reason of such marriage or naturalization, and then is added the provision that unless within 90 days she renounces her allegiance.

Mr. LONDON. Unless within 90 days she renounces United States citizenship. In other words, she becomes a citizen unless within 90 days she renounces her citizenship.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. How can a woman renounce anything that she has not got?

Mr. LONDON. She becomes a citizen by marriage or naturalization, and she may divest herself of it by formal renunciation in a court. That is the object of my amendment.

Mr. WALSH. Of course, that is saying that a woman shall become a citizen unless she renounces her citizenship.

Mr. LONDON. Yes; exactly. She becomes a citizen unless she refuses to do so. I am trying to conform myself to the high ideals proclaimed by women who speak of the right of woman to determine her citizenship.

Mr. WALSH. I appreciate that the gentleman is always struggling to conform to ideals, but he states here that the woman shall become a citizen unless she renounces her citizenship. I can not see how she can renounce something before she has acquired it.

Mr. LONDON. I believe I have expressed it clearly, and if I have not it is again because we have not been given the time to prepare properly. I say, "Unless the woman makes formal renunciation of United States citizenship before a court having jurisdiction over naturalization of aliens within 90 days after such marriage or such naturalization." Marriage to a citizen or naturalization of the husband confers citizenship upon the wife, but in order to give a woman that high degree of liberty which we are being assured is so essential to her salvation, she may within 90 days exercise the privilege of renouncing American citizenship.

Mr. WALSH. Would it not be more appropriate if within 90 days she claimed citizenship of some other country?

Mr. LONDON. That might be an improvement, but I believe the language of my amendment embodies the idea I have endeavored to express.

Mr. CHALMERS. Will the gentleman yield?

Mr. LONDON. I will.

Mr. CHALMERS. If the gentleman makes that provision for the woman, why not make the same provision for the man; the gentleman wants the laws uniform?

Mr. LONDON. Poor man does not want anything. This legislation is here primarily because the women want it. It is a piece of political candy that is being given to the women. That part of the bill which permits an American woman to retain her citizenship is not the thing I object to. I object to the poisoned candy you hand out to the millions of poor devils who are taking care of their children and of their husbands, and who make happy homes. It is the poisoned candy that I would like to see eliminated.

Mr. CHALMERS. Will the gentleman yield?

Mr. LONDON. I do.

Mr. CHALMERS. Having the nineteenth amendment, which places women on the same footing with men, the laws governing naturalization should be about the same for both of them, should they not?

Mr. LONDON. The qualifying of the people for the understanding of American institutions should be the continuous task of statesmanship. There are millions of natives who can not read or write but who are the possessors of a good portion of common sense and of an unerring instinct for the right which some professors with the degree of doctor of philosophy do not possess. Victor Hugo makes one of the students of a graduating class say "the fact that I am a doctor of philosophy is not conclusive proof that I am a jackass."

In its present form this bill confers some benefit upon the select few and places at a disadvantage the many. It is a sad departure from the fundamental and wholesome policy of liberal naturalization which is as old as the Republic itself, and which has heretofore never been attacked, never been challenged, except during the brief frenzy of the alien and sedition law days or during the wave of Know Nothingism.

Instead of creating new difficulties the process of naturalization should be made more easy, so that every useful man or woman may share in the advantages of American citizenship.

It seems that this Congress can not move except backward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. LONDON) there were—ayes 6, noes 63.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute for the section offered by the gentleman from Colorado.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

Mr. MILLS. Mr. Chairman, I move to strike out the section.

Mr. ROGERS. Mr. Chairman, I have a perfecting amendment, if that is in order.

The CHAIRMAN. The gentleman can offer his perfecting amendment if he desires. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 2, line 8, strike out all of section 3.

The CHAIRMAN. The Clerk will report the perfecting amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 25, at the end of the paragraph add a new sentence, as follows:

"Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes, 1999, or of section 2 of the expatriation act of 1907 with reference to expatriation."

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. WALSH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. If I understand correctly, a perfecting amendment is entitled to be voted upon first, but if the gentleman from New York has been recognized to strike out the section, he is entitled to recognition for debate.

The CHAIRMAN. The Chair knows, but no precedent of that kind as a matter of record——

Mr. ROGERS. I shall be glad to give way to the gentleman from New York.

The CHAIRMAN. There has been recognition both ways. It makes no difference to the Chair. The Chair will recognize the gentleman from New York.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I have not a great deal to say with respect to this section, except to point out to the committee what must be obvious to anyone, that there is no logic in or reason for this section. You provide that an American woman who marries a foreigner shall retain her American citizenship, yet you all know that according to international comity and according to the laws of practically every foreign country she will become a citizen of that foreign country. Under this section which country is she a citizen of? Is she a citizen of both countries? Is she entitled, let us say, to marry a Frenchman or a German and move abroad, to live there, to exercise her rights as a citizen of that country, and yet come home in the fall to the United States and vote? And to which country, pray, will her children belong? If she gets into trouble, is she entitled to appeal for protection to the German Government and at the same time to appeal for protection to the United States Government? And must both Governments rush to her assistance?

Furthermore, gentlemen, let me remind you that during the war we heard considerable outcry against the very small number of Germans who had come to this country and become American citizens and yet favored the enemy nations. We maintained the principle that if a man came to this country and became a citizen he was an American citizen, and no matter what his forbears were, no matter what his ancestry was, no matter where he was born, he owed allegiance to the American Government. Here you say that a woman who goes abroad and marries abroad does not owe allegiance to the country in which she lives, in which her husband lives, and in which her family is being reared. We are going to keep a string on her and say, "You remain an American citizen." You violate, it seems to me, all logic; you violate all existing legal notions, and you violate, it seems to me, the essential principle of family unity.

Mr. STEPHENS. Will the gentleman yield?

Mr. MILLS. Gladly.

Mr. STEPHENS. If a male citizen of the United States marries a foreign woman and moves there, he does not lose his citizenship.

Mr. MILLS. Not necessarily.

Mr. STEPHENS. Then why does a woman under the same laws and same regulations?

Mr. MILLS. That is theory, permit me to state, because, as a matter of fact, the gentleman knows that when an American marries a foreign woman he stays at home. He does not move abroad, or scarcely ever. He does not change his residence by reason of marriage, whereas we know it is a universal practice that when a woman marries her husband's home is her home.

Mr. STEPHENS. Under the nineteenth amendment the thing is equal.

Mr. MILLS. Yes; from the standpoint of voting. But the nineteenth amendment never contemplated that a citizen has the right to claim the protection of two countries or be a citizen of two countries. What men have that right?

Mr. STEPHENS. Should not the law apply equally to the women as to the men in connection with naturalization?

Mr. MILLS. But you do not give to any man who lives abroad the right to retain his American citizenship.

Mr. STEPHENS. Yes; you do.

Mr. MILLS. Excuse me.

Mr. STEPHENS. He can marry a foreign woman and go there and live two or three years.

Mr. MILLS. And become naturalized as an Englishman and retain his American citizenship?

Mr. STEPHENS. No.

Mr. MILLS. But an American woman who marries an Englishman becomes an English woman and is recognized as such by the English Government.

Mr. CAMPBELL of Kansas. Under the provisions of this bill she may renounce her American citizenship.

The CHAIRMAN. The time of the gentleman from New York [Mr. MILLS] has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes. It is an interesting statement, I think.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from New York may have five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. If a woman marries an Englishman, she may, under the provisions of this bill, renounce her American citizenship.

Mr. MILLS. Very true.

Mr. CAMPBELL of Kansas. If she fails to do it under the provisions of this bill, and she may retain her American citizenship, and she does not accept the citizenship of her English husband——

Mr. MILLS. But whether she accepts it or not, under the English laws she becomes a British citizen. They do not have any such provision as this. They have woman suffrage over there, but because they have woman suffrage they have not adopted any such ridiculous provisions as this, that changes the entire legal status of married people.

Mr. JOHNSON of Washington. If an American woman marries a British subject and lives in England, although she returns to the United States, what is her status?

Mr. MILLS. She is still a British citizen.

Mr. JOHNSON of Washington. She is an American citizen under our law. You are going to have that dual proposition, and you can not help it.

Mr. MILLS. The gentleman asked a question. She is a British citizen unless she declares her intention to become an American citizen.

Mr. VAILE. By returning to the United States and residing therein.

Mr. MILLS. The State Department, from a case that I know of and which has come to my attention very recently, will not only require a declaration, but will require proof that she intends to reside in the United States permanently.

Mr. CURRY. Lady Astor was born in the United States. She went to Great Britain and married a British subject, Lord Astor. She was not admitted to citizenship, but she became a citizen on account of her marriage to Lord Astor. She became a candidate for Parliament and was elected. Now then, if this bill was included in the law and Lord Astor should die and she would come to the United States, she would become an American citizen?

Mr. MILLS. By so declaring. And under the provisions of this bill, she could be a Member of the American Congress and at the same time represent America in the British House of Commons.

Mr. MOORE of Virginia. In that connection, if the bill should be enacted, in the case you suppose, she would be taxable on her income in both countries?

Mr. MILLS. That is a question of residence as well as citizenship.

Mr. MOORE of Virginia. Would she not be taxable under British law?

Mr. MILLS. She is anyhow.

Mr. MOORE of Virginia. And by virtue of this provision, if this bill should be adopted, she would be taxable under the American law?

Mr. STEPHENS. If she had property here.

Mr. MOORE of Virginia. On her American income. There would be dual taxation?

Mr. MILLS. Yes; there would be.

Mr. VAILE. I would like to speak for a moment in opposition to this amendment, Mr. Chairman.

Of course, to cut out section 3 would be to cut out the heart of this bill. It is only offered for the purpose of defeating the bill. The fact is that it would nullify the declaration of both party platforms. The Republican Party declared that an American woman resident of the United States should not lose her citizenship if she married an alien. The Democratic platform declared that an American woman who married an alien should retain her American citizenship.

Mr. ROGERS. The draft of this bill is the very draft that I presented to the committee for consideration. There was a provision that the retention of citizenship by an American woman who married an alien should exist only as long as an American woman should reside in the United States.

Mr. VAILE. Yes.

Mr. ROGERS. I understand that the committee have given very full consideration to that point and have decided to eliminate the provision that I had thought it wise to include. Will the gentleman tell the committee why?

Mr. VAILE. I shall be glad to. If you limit the operation of this act to citizenship for women while they reside here, you will bring up the legal question of what constitutes residence. Of course the books are full of decisions on the question of what constitutes residence, in the main holding it to be a matter of intention. We want to avoid a doubtful legal question depending upon circumstances which are different in every individual case. But if the woman wants to change her allegiance, do not attach a string to it. If she does not want American citizenship, in the first place, she can renounce it, and in the second place, we make her citizenship the same as that of naturalized citizens in the United States by bringing her under the terms of the expatriation act. If the married woman resides abroad in the country of her alien husband for two years or for five years in any other country, she is presumed to lose her citizenship here.

I hope the committee will not be scared about the question of dual citizenship. We have lots of cases of dual citizenship in this country now. If a man applies for naturalization, before he is naturalized he is subject to dual citizenship. He may be a subject of a foreign nation, although the foreign nation may refuse to give him a passport; but he is the subject of that nation, notwithstanding the fact that he has applied for naturalization in this country and has not yet been fully adopted by our country. It affects hundreds of thousands, perhaps millions, at this time.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. BOX. Is it not true that there will always be dual citizenship until there is created a uniform system of citizenship applying to all countries?

Mr. VAILE. Yes, of course; and until you have a uniform system of citizenship applying to all countries you will not cease to have conflicting claims. Italy claims that a child born here of Italian parents is an Italian subject. Japan does the same. Japan claims that a child born here of a Japanese father is a Japanese subject, while under our Constitution he is a citizen of the United States. We have in many ways too numerous to mention, too numerous to go into here, this matter of dual citizenship to wrestle with, and we can not expect to iron it out entirely. We have ironed it out partially; we have released the string on the woman who does not want us, by providing, in the first place, that a woman can renounce her citizenship, and, in the second place, that she is presumed to have relinquished it, and under those circumstances, which would amount to loss of her residence here and acquisition of actual residence elsewhere. We are not trying to force American women out of citizenship; we are merely trying not to make such an inequitable distinction between the citizenship of women and the citizenship of men.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. STEPHENS. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Colorado may have two minutes more. Is there objection?

There was no objection.

Mr. STEPHENS. It is provided here that if an American woman marries an alien who is ineligible to citizenship here she ceases to be a citizen of the United States?

Mr. VAILE. Yes.

Mr. STEPHENS. I can not understand why that should be. I do not understand why a woman citizen should cease to be a woman citizen by reason of marriage.

Mr. VAILE. That is the provision of the bill; but where a woman marries an alien who is eligible to citizenship, who may later become a naturalized citizen, should she not retain her citizenship? If she marries an alien who later becomes a naturalized citizen it is abhorrent to think that she should not have a chance to be a citizen of the United States.

Mr. STEPHENS. Does the same law apply to men?

Mr. VAILE. No; and I will show you why: Because when a woman marries a Japanese, for example, assuming that she is deprived of her American citizenship, she at least gets Japanese citizenship, but when an American man marries a Japanese woman he would lose his citizenship here and not get citizenship there.

Mr. STEPHENS. I would suggest that you strike out the word "woman" in there and say "any citizen who marries an alien," and leave out the other language.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. RAKER. Mr. Chairman, the crux of this bill, the main purpose, is section 3, to permit under the law and make expatriation mandatory, unless the woman herself takes the initiative to remain a citizen of the United States. The Supreme Court of the United States discussed this question fully and fairly in the case of Mackenzie against Hare (233 U. S. 299–312), where the woman was an American citizen and married an alien.

Now, under the common law she remained an American and retained her allegiance immutably to the country in which she was born. Under the doctrine of the United States, first by diplomatic relations, and then by act of Congress, and then consummating the matter by the success of the War of 1812, the American Government said to the world, "We will determine who can be citizens of the United States and what is necessary for people to do to become citizens of the United States." As Kent stated in his second volume, fourteenth edition, "The deduction would seem to have been repealed by the naturalization laws"; that is, that it was immutable, "and it was certainly opposed to the executive opinion, and we may say popular sentiment so determined that it sought its vindication by war."

Now, a person born in the United States becomes a citizen of this country, contrary to the doctrine of any other country in the world. They can not add to or subtract from our declaration. When a woman then marries an alien, under the act of 1868, chapter 249, Fifteenth Statutes 223, incorporated in the Revised Statutes, we again assert our rights by virtue of the result of the War of 1812; that that woman loses her citizenship wherever she goes, against any declaration of any country on earth.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I just want to complete this thought: That is the statute to-day; and only by virtue of that statute and the declaration of the Congress of the United States, by virtue of the Constitution of the United States, that woman loses her citizenship.

That woman loses her citizenship, first, by our declaration that a person can release citizenship by complying with the laws of the United States; second, that we control it by the declaration in the Constitution; third, that is arranged by uniform laws passed by the Congress. Now, the main crux of the bill is this: That Congress in its wisdom said that an American woman would lose her citizenship under certain conditions, and the court in reasoning out this case carries out that idea clearly. She voluntarily marries. She has a right to do that. It is the same as though she voluntarily crosses the border into Canada and applies for British citizenship. Therefore she loses her United States citizenship.

Mr. STEPHENS. Will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. STEPHENS. That is something in the past.

Mr. RAKER. No; that is the law to-day.

Mr. STEPHENS. The nineteenth amendment has placed women in the same position as men.

Mr. RAKER. That makes no difference here.

Mr. STEPHENS. The same laws ought to govern the women as govern the men.

Mr. RAKER. That does not apply to this provision.

Mr. STEPHENS. They all ought to come under the same naturalization law, because they are all citizens and electors alike, with the same privileges and the same burdens.

Mr. RAKER. That is the law to-day. What we are trying to do is to change it. The Congress, backed by the wisdom of the people of this country, should say that an American woman born in America retains her American citizenship irrespective of what may be the law of Great Britain or of France or of Italy. Under the Constitution and under our declaration following the War of 1812, that woman is an American citizen and not a British or French or Italian subject, as the case might be.

Mr. KINCHELOE. Will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. KINCHELOE. I want to ask the gentleman in regard to section 3. I understand the purpose of this section is to benefit American women.

Mr. RAKER. And no one else.

Mr. KINCHELOE. Under the provisions of this section any American woman who marries a foreigner retains her citizenship as an American citizen unless she affirmatively renounces it?

Mr. RAKER. Yes; with the exceptions named in the bill by reason of residence abroad two or five years as provided.

Mr. KINCHELOE. Unless she marries some alien who is ineligible to citizenship in this country?

Mr. RAKER. Yes.

Mr. KINCHELOE. Then she loses it?

Mr. RAKER. Yes. If she marries an alien ineligible to become a citizen of the United States.

Mr. KINCHELOE. If this is for the benefit of American women why not make the same law apply to a man who is an American citizen who willfully marries a woman who he knows is ineligible to citizenship in this country? Why should not he surrender his citizenship also? This is a discrimination in favor of the man.

Mr. RAKER. No. Let us be practicable.

Mr. KINCHELOE. I want to know the reason for the discrimination.

Mr. STEPHENS. If the gentleman will yield, what is sauce for the goose is sauce for the gander.

Mr. RAKER. I decline to yield. No one has ever complained, and the law on the statute book to-day provides that certain individuals are ineligible to citizenship in the United States. No one has ever raised the question that the man who marries a woman ineligible to citizenship should lose his own citizenship. Why take it up and discuss it in this bill? It is not involved.

Mr. KINCHELOE. Why should it not be?

Mr. RAKER. I do not yield any further. There is no necessity for it and no demand for it. Nobody wants it. But when an American woman marries a person who can never become a citizen of the United States, no matter how long he lives or wherever he may live, she should stand by that voluntary agreement of hers and lose her citizenship.

Mr. KINCHELOE. Why should not the man lose his citizenship, too?

Mr. RAKER. That is not involved. I hope it will not be insisted upon by the gentleman from Kentucky.

Mr. KINCHELOE. I want to know the reason. That is what I am trying to get.

Mr. RAKER. The mere statement is reason enough, I trust, under the law now on the statute books. It could be done, no doubt. Let it alone as it is for the present.

Mr. KINCHELOE. It may be for the gentleman, but it is not for me.

Mr. RAKER. Now to get back to the question of a voluntary renunciation—it must be an affirmative act in court. Second, it puts her in the same place as a naturalized citizen. If she resides two years in the country of the husband's nativity or five years anywhere she, by presumption, is deemed to have made a renunciation.

Mr. VAILE. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Colorado moves that all debate on this section and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. KINCHELOE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. In view of the fact that debate is closed, I would like to be recognized to offer a perfecting amendment before the section is passed.

The CHAIRMAN. The gentleman will be recognized.

Mr. ROGERS. Mr. Chairman, the amendment which I have pending at the Clerk's desk simply seeks to insure that the present right of expatriation shall be retained. Let us assume that England allows the separate naturalization of a married woman. Suppose an American woman goes abroad, marries a Frenchman, and proceeds to go through the process of securing British naturalization, independent, of course, of her French husband, in the courts of England. She would renounce allegiance to the United States and would assert allegiance to the other sovereign. By that very fact, as our law now stands, she would put an end to her American citizenship. I think that is the intent of the section as presented by the committee. But the language of the pending bill is such as to make it at least a close question whether an American woman who, while abroad, renounces American citizenship would certainly thereby put an end to her American citizenship. In this connection I want to call your attention to the beginning of section 3: That the woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage unless she makes renunciation before a United States naturalization court. Now, if she undertakes to acquire citizenship by naturalization in some other country, she would not be renouncing anything in the United States and therefore would not be terminating her American citizenship. Then, in the sentence beginning in line 15, it is provided that if at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. That language is unconditional. There is no provision in it for the operation of the doctrine of expatriation even though she wants it to operate. It seems to me that in view of the fact that for at least 50 years the American view of international law has insisted on the right of expatriation it is exceedingly important that nothing in section 2 shall put an end to that right. As I say, I rather think the committee agrees with me as to the principle I am announcing, and that if there is any difference between us it would be a difference solely as to the effect of the language they have used. My amendment provides that nothing herein shall be construed to repeal existing laws with reference to expatriation. I think it makes safe a very important principle of our law. For our national protection, it must be clear that a person who seeks to throw off American citizenship shall have every shred of that citizenship stripped from him.

Mr. VAILE. I have no objection to the amendment offered by the gentleman from Massachusetts.

Mr. KINCHELOE. Mr. Chairman, I have an amendment which I would like to offer.

Mr. ROGERS. Mr. Chairman, would not a vote on my amendment naturally come at this time?

The CHAIRMAN. Not necessarily.

Mr. ROGERS. If permissible, I respectfully request that my amendment be voted on now.

The CHAIRMAN. The Chair can not grant that request now. The gentleman from Kentucky is recognized.

Mr. KINCHELOE. Mr. Chairman, after the word "any," page 2, line 13, strike out the word "woman," and after the word "citizen" insert the words "of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. KINCHELOE: Page 2, line 13, after the word "any," strike out the word "woman," and after the word "citizen" insert the words "of the United States."

Mr. KINCHELOE. Mr. Chairman, they say that this section 3 is the heart of this bill for the woman. I want to be for the woman. I can not understand why there should be any discrimination in favor of the man. It provides that any American woman who marries an alien does not surrender her citizenship unless she does it affirmatively, or provided she marries an alien ineligible to citizenship. In other words, if she marries an alien ineligible to citizenship she ipso facto surrenders her citizenship as an American. But the man who is an American citizen can marry any woman he wants to that is ineligible to American citizenship, live with her, bring her to this country, and yet he does not surrender his citizenship at all.

Mr. VAILE. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. VAILE. Did the gentleman hear the discussion upon that point a moment ago?

Mr. KINCHELOE. Yes; but it was not very satisfactory to me.

Mr. VAILE. May I repeat the reason?

Mr. KINCHELOE. My point is this: I have no respect for an American man who marries a foreign woman ineligible under our laws to citizenship. You say he can do it and retain his citizenship in good standing as an American citizen, but, on the other hand, you say to the American woman, if you marry a man ineligible to citizenship you will immediately surrender your citizenship.

Mr. VAILE. But we want to avoid as far as possible having people without any citizenship at all.

Mr. KINCHELOE. If a man does that, I want him to be without any citizenship at all.

Mr. VAILE. What are you going to do with him?

Mr. KINCHELOE. I do not know. What are you going to do with the woman?

Mr. VAILE. She has the citizenship of her husband.

Mr. KINCHELOE. She surrenders her citizenship in this country.

Mr. DENISON. Ought there not be a penalty to prevent that from happening?

Mr. KINCHELOE. Absolutely. Under this bill a man can marry a woman who is ineligible to citizenship with impunity, but you say to an American woman that if she does it she surrenders her citizenship. I want to be fair to the women.

Mr. CURRY. Mr. Chairman, will the gentleman yield to me for a question?

Mr. KINCHELOE. Yes.

Mr. CURRY. I do not know whether the gentleman is aware of the fact or not, but no alien is permitted to marry a Japanese woman in Japan. In order to marry a Japanese woman, the alien has first got to take a Japanese name and to become a citizen of the Japanese Empire. Outside of the Japanese and a few others who have similar laws, I do not know how any man could marry an alien who was ineligible to citizenship without ipso facto, according to the law of that country, losing his United States citizenship.

Mr. KINCHELOE. I want to say to this American, "When you do that you surrender your citizenship as an American."

Mr. CURRY. But he will already have done that before he marries the Japanese woman.

The CHAIRMAN. All time has expired.

Mr. BOX. Mr. Chairman, I ask unanimous consent that the Rogers amendment may be again reported.

There was no objection, and the Clerk again reported the Rogers amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by Mr. ROGERS.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE].

The question was taken; and on a division (demanded by Mr. KINCHELOE) there were—ayes 20, noes 63.

So the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 2, line 8, after the word "States," insert "so long as she continues to reside in the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 40, noes 35.

Mr. VAILE. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. ROGERS and Mr. VAILE were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 37, noes 39.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from New York to strike out the section.

The question was taken; and on a division (demanded by Mr. MILLS) there were—ayes 18, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act, and she shall upon her naturalization have for all purposes the same citizenship status as immediately preceding her marriage: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States.

With the following committee amendment:

Page 3, line 3, after the word "act," strike out the comma and the words "and she shall upon her naturalization have for all purposes the same citizenship status as immediately preceding her marriage."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. VAILE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. VAILE: Page 3, at the end of line 9, insert a new sentence, as follows: "After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act."

Mr. RAKER. Mr. Chairman, this is an afterthought, and it makes no difference whether it is or not, but it is pure, unadulterated surplusage.

Mr. VAILE. Mr. Chairman, this amendment is quite important.

Mr. RAKER. This is an amendment that is, in my view, surplusage. It can not be explained otherwise. When a woman loses her citizenship and comes back again to citizenship, she stands as though the thing had never occurred, but it is immaterial whether it goes in or not.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VAILE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after line 9, insert a new section, as follows:

"SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during a continuance of the marital status."

Mr. STAFFORD. As I gathered from the reading of the amendment, it prohibits a woman from taking out naturalization whose husband is not eligible.

Mr. VAILE. Where she continues to be married.

Mr. STAFFORD. What does the gentleman mean by being ineligible—not having the qualifications of citizenship, the ability to read the Constitution——

Mr. VAILE. No.

Mr. STAFFORD. What does the gentleman mean by ineligible; what does that term mean?

Mr. VAILE. Well, there are people in certain parts of the world who are not eligible to citizenship.

Mr. JOHNSON of Washington. Under the law, eligibility is applied to free white persons and persons of African descent.

Mr. STAFFORD. I should think when a man is denied citizenship because he is not able to meet the qualifications exacted by the court or the law that he would be ineligible and——

Mr. VAILE. He is eligible if he can cure the defect, but there are certain people who can not cure the defect, and consequently they are ineligible.

Mr. ROSENBLOOM. Does that apply to insane persons and to persons convicted of treason?

Mr. JOHNSON of Washington. It does. Let me say this: The naturalization laws provide that naturalization shall be given to free white persons and persons of African descent. Certain others now have been made ineligible on account of race. And then in addition Congress during the war passed an act declaring that certain aliens who withdrew their first papers in order to avoid service with the armed forces of the United States shall be forever afterwards ineligible. So there is one more class numbering about 1,500. I think that is about all of the classes who can not cure ineligibility.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

Mr. VAILE. Mr. Chairman, I send an amendment to the Clerk's desk to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, strike out the figure "5" and insert the figure "6."

Mr. VAILE. This is to correspond with the numbering of the other sections. I ask for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage; and such status shall continue until changed in accordance with the provisions of this act or other law of the United States.

The committee amendment was read, as follows:

Page 3, line 18, after the word "section," strike out the remainder of the paragraph.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to substitute an amendment for the committee amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for the consideration of a substitute for the committee amendment. Is there objection?

Mr. RAKER. Reserving the right to object——

Mr. STAFFORD. Let it be reported.

The Clerk read as follows:

Substitute for committee amendment: Page 3, line 21, after "marriage," strike out the semicolon, insert a period, and strike out the remainder of the line and all of lines 22 and 23.

Mr. RAKER. I would like to ask the gentleman what is the object of the amendment?

Mr. VAILE. It is simply to define her status. We thought we had stricken out too much, and it is well to have this in to define her status. It is not a matter of very great importance, but——

Mr. RAKER. It was thoroughly considered, but if the committee determines that it should be that way, why, it makes no difference.

Mr. MAPES. Will the gentleman yield?

Mr. VAILE. I will.

Mr. MAPES. If the gentleman from Colorado will give attention for a moment, the other provisions of the bill state that a woman who marries a foreigner and resides in the country of her husband for two years loses her citizenship?

Mr. VAILE. Shall be presumed to lose her citizenship, unless she makes such a showing as naturalized citizens do.

Mr. MAPES. Does not this provision, by reinstating this language which the committee propose to strike out, make a woman who has been married 10 years and has lived ever since in Germany a citizen of the United States?

Mr. VAILE. No; because we repeal section 3 of the expatriation act.

Mr. MAPES. Do you say that a woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage?

Mr. VAILE. That is, if she was a native-born citizen prior to her marriage. Here is the difference between that amendment and the preceding one. There are two classes of citizens, the native born and naturalized. Now, it is not quite accurate to say that they are exactly in the same situation, because the law imposes certain burdens upon naturalized citizens which are not placed upon native-born citizens, namely, in this respect, that when a naturalized citizen has resided two years in the country from which he came——

Mr. MAPES. I understand that.

Mr. VAILE. So we want to distinguish between the naturalized citizen and a native-born citizen, and want it to apply to the woman prior to her marriage.

Mr. MAPES. I do not understand the reference here. It seems to me you provide that a woman who is already married and has lived for 10 years in the country of her husband resumes the citizenship she had prior to her marriage.

Mr. VAILE. We say that a woman who has resumed citizenship shall have the same status she had preceding her marriage. She is a citizen now. We provide she shall have the status of a native-born or naturalized citizen, according to what her status was before her marriage.

Mr. ELLIS. Mr. Chairman, I want to offer an amendment.

Mr. VAILE. Mr. Chairman, I ask for a vote on my substitute.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Colorado [Mr. VAILE].

The question was taken, and the substitute was agreed to.

Mr. VAILE. Mr. Chairman, the bill should be amended by striking out the figure "6" and inserting the figure "7."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 15, strike out the figure "6" and insert the figure "7."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. ELLIS].

The Clerk read as follows:

Amendment offered by Mr. ELLIS: Page 3, after line 23, insert a new section, as follows:

"SEC. 8. That subdivision (a) of section 2 of the act entitled 'An act to limit the immigration of aliens into the United States,' approved May 19, 1921, is amended by inserting before the period at the end thereof a semicolon and the following: 'or (9) an alien woman married to a citizen of the United States.'"

Mr. STAFFORD. Mr. Chairman, I reserve a point of order until some statement is given of this amendment.

Mr. ELLIS. Mr. Chairman, this is to correct a difficulty that would have been produced by this bill. It could have been corrected by an amendment to the bill itself, but upon the suggestion of gentlemen in charge of the bill this amendment to the pending law has been substituted. Under the law as it now stands, an alien woman by marrying a citizen of the United States becomes entitled to admittance to the United States. But when you take away the benefit of the husband's citizenship, as you do in this bill, she would be no longer entitled either as a citizen or under the citizenship of her husband to come in. She might be excluded by the quota. So that this amendment simply amends the law as it now stands by adding this language and permitting the woman to enter, whether the quota were exhausted or not.

Mr. BOX. Does the gentleman say that was submitted to the committee?

Mr. VAILE. As was stated a few minutes ago, we thought it was fair. We have a rigorous restriction law. We do not desire to separate families. Now we have an American bringing himself and his wife here and withholding from her a chance to be an American citizen.

Mr. BOX. Does the gentleman think the law will keep him out?

Mr. JOHNSON of Washington. Yes.

Mr. BOX. Is he kept out now?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. RAKER. Mr. Chairman, I make a point of order against the amendment.

Mr. ELLIS. I hope the gentleman will withhold his point of order.

Mr. KING. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order there is no quorum.

Mr. KING. I withdraw it.

Mr. RAKER. Mr. Chairman, I withhold the point of order.

Mr. ELLIS. Mr. Chairman, I had prepared an amendment to this bill simply to this effect, to add another subdivision to section 2, providing that an alien woman otherwise qualified to come in should not be excluded by consideration of any quota at any time if as the wife of a citizen she should seek admittance. Now, you see the point. Married or not, an alien woman from some other country could not, if this bill becomes a law, come into this country if the quota of her country were exhausted. She could not come with her husband to this country if that quota were exhausted. This amendment to existing law would obviate this.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. Yes.

Mr. MONDELL. The condition of affairs that the gentleman refers to would not be likely to occur in a thousand years. There would be only the remotest possible chance that the filling of a quota would come between a husband and a wife.

Mr. ELLIS. Those things would be occurring every day now but for the right of a citizen to bring his wife in, irrespective of quotas. The gentleman is not informed.

Mr. MONDELL. Something of that kind might occur some time in the history of the world, but it would be the rarest thing.

Mr. RAKER. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. VAILE. Mr. Chairman, I move that the committee rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Colorado moves that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12022) relative to the naturalization and citizenship of married women, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. By the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HERRICK. Mr. Speaker, I demand the yeas and nays on the bill; and, pending that, I make the point of no quorum.

The SPEAKER. The point of no quorum is not appropriate yet.

Mr. HERRICK. I withdraw that for the time being.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ROGERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROGERS. I am not.

The SPEAKER. The gentleman from Massachusetts offers a motion to recommit. The Clerk will report it.

The Clerk read as follows:

Mr. ROGERS moves to recommit the bill with instructions to report the same back forthwith, with the addition of the following language: Page 2, line 8, after the word "States" insert "so long as she continues to reside in the United States," and strike out the last sentence of section 3.

Mr. ROGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. VAILE. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 28, noes 58.

So the motion to recommit was rejected.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HERRICK. Mr. Speaker, I renew my point of no quorum.

The SPEAKER. The point of no quorum is made on the vote on the motion to recommit. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 64, nays 186, not voting 180, as follows:

YEAS—64.

Andrew, Mass.	Ellis	Lankford	Rhodes
Aswell	Fisher	Larsen, Ga.	Rogers
Beedy	French	Lehlbach	Scott, Mich.
Bell	Frothingham	McCormick	Sisson
Bird	Garrett, Tenn.	McDuffie	Steagall
Bland, Va.	Greene, Vt.	Mapes	Strong, Kans.
Brand	Hadley	Michener	Temple
Butler	Herrick	Miller	Thomas
Byrns, Tenn.	Hoch	Mills	Tillman
Clouse	Humphreys	Moore, Va.	Tucker
Collier	Jacoway	Overstreet	Volstead
Connally, Tex.	Jeffers, Ala.	Park, Ga.	Walsh
Crago	Kincheloe	Parker, N. J.	Webster
Crisp	Kirkpatrick	Parker, N. Y.	Williams, Ill.
Curry	Kleczka	Rainey, Ill.	Wingo
Darrow	Kunz	Rankin	Wright

NAYS—186.

Ackerman	Burroughs	Edmonds	Hays
Almon	Byrnes, S. C.	Elliott	Henry
Anderson	Cable	Faust	Hickey
Andrews, Nebr.	Campbell, Kans.	Fenn	Hill
Ansorge	Carew	Fish	Himes
Anthony	Chalmers	Fitzgerald	Hooker
Appleby	Chandler, N. Y.	Fordney	Huddleston
Atkeson	Chindblom	Foster	Hudspeth
Bacharach	Christopherson	Free	Hukriede
Barbour	Clague	Fulmer	Hull
Begg	Cole, Iowa	Funk	James
Benham	Cole, Ohio	Gahn	Johnson, S. Dak.
Bixler	Connell	Gensman	Johnson, Wash.
Bland, Ind.	Coughlin	Gernerd	Kearns
Boies	Crowther	Glynn	Keller
Bond	Cullen	Goldsborough	Kelly, Pa.
Bowers	Dale	Goodykoontz	Kendall
Bowling	Davis, Tenn.	Graham, Ill.	King
Box	Denison	Green, Iowa	Kinkaid
Briggs	Dominick	Griffin	Kissel
Brooks, Ill.	Doughton	Hardy, Tex.	Kopp
Browne, Wis.	Dowell	Harrison	Kraus
Bulwinkle	Dupré	Haugen	Lampert
Burdick	Dyer	Hawes	Lanham
Burke	Echols	Hawley	Lawrence
Layton	Murphy	Sanders, Tex.	Timberlake
Lea, Calif.	Nelson, Me.	Sandlin	Tincher
Lineberger	Nelson, A. P.	Shaw	Tinkham
Linthicum	Norton	Shelton	Vaile
Little	O'Brien	Shreve	Vare
Logan	O'Connor	Siegel	Vestal
London	Ogden	Sinnott	Vinson
Lowrey	Oldfield	Smith, Idaho	Voigt
Lyon	Patterson, Mo.	Smith, Mich.	Volk
McArthur	Perkins	Smithwick	Walters
McLaughlin, Mich	Petersen	Snell	Ward, N. C.
McLaughlin, Pa.	Pringey	Snyder	Watson
McPherson	Purnell	Speaks	Wheeler
McSwain	Quin	Sproul	White, Kans.
Magee	Radcliffe	Stafford	White, Me.
Michaelson	Raker	Steenerson	Williamson
Millspaugh	Ransley	Stephens	Wilson
Mondell	Ricketts	Stevenson	Woodruff
Moore, Ohio	Roach	Swing	Woods, Va.
Morgan	Rose	Taylor, N. J.	Wyant
Morin	Rosenbloom	Ten Eyck	
Mott	Sanders, N. Y.	Thompson	

NOT VOTING—180.

Arentz	Fess	Lee, Ga.	Robertson
Bankhead	Fields	Lee, N. Y.	Robsion
Barkley	Focht	Longworth	Rodenberg
Beck	Frear	Luce	Rossdale
Black	Freeman	Luhring	Rouse
Blakeney	Fuller	McClintic	Rucker
Blanton	Gallivan	McFadden	Ryan
Brennan	Garner	McKenzie	Sabath
Britten	Garrett, Tex.	McLaughlin, Nebr.	Sanders, Ind.
Brooks, Pa.	Gilbert	MacGregor	Schall
Brown, Tenn.	Gorman	Madden	Scott, Tenn.
Buchanan	Gould	Maloney	Sears
Burtness	Graham, Pa.	Mann	Sinclair
Burton	Greene, Mass.	Mansfield	Slemp
Campbell, Pa.	Griest	Martin	Stedman
Cannon	Hammer	Mead	Stiness
Cantrill	Hardy, Colo.	Merritt	Stoll
Carter	Hayden	Montague	Strong, Pa.
Chandler, Okla.	Hersey	Montoya	Sullivan
Clark, Fla.	Hicks	Moore, Ill.	Summers, Wash.
Clarke, N. Y.	Hogan	Moores, Ind.	Sumners, Tex.
Classon	Husted	Mudd	Swank
Cockran	Hutchinson	Nelson, J. M.	Sweet
Codd	Ireland	Newton, Minn.	Tague
Collins	Jefferis, Nebr.	Newton, Mo.	Taylor, Ark.
Colton	Johnson, Ky.	Nolan	Taylor, Colo.
Connolly, Pa.	Johnson, Miss.	Oliver	Taylor, Tenn.
Cooper, Ohio	Jones, Pa.	Olpp	Tilson
Cooper, Wis.	Jones, Tex.	Osborne	Towner
Copley	Kahn	Padgett	Treadway
Cramton	Kelley, Mich.	Paige	Tyson
Dallinger	Kennedy	Parks, Ark.	Underhill
Davis, Minn.	Ketcham	Patterson, N. J.	Upshaw
Deal	Kiess	Perlman	Ward, N. Y.
Dempsey	Kindred	Porter	Wason
Dickinson	Kitchin	Pou	Weaver
Drane	Kline, N. Y.	Rainey, Ala.	Williams, Tex.
Drewry	Kline, Pa.	Ramseyer	Winslow
Driver	Knight	Rayburn	Wise
Dunbar	Knutson	Reber	Wood, Ind.
Dunn	Kreider	Reece	Woodyard
Evans	Langley	Reed, N. Y.	Wurzbach
Fairchild	Larson, Minn.	Reed, W. Va.	Yates
Fairfield	Lazaro	Riddick	Young
Favrot	Leatherwood	Riordan	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Clarke of New York with Mr. Martin.

Mr. Reece with Mr. Garner.

Mr. Gorman with Mr. Williams of Texas.

Mr. Greene of Massachusetts with Mr. Montague.

Mr. Schall with Mr. Pou.

Mr. Knutson with Mr. Favrot.

Mr. Robsion with Mr. Riordan.

Mr. Taylor of Tennessee with Mr. Wise.

Mr. Griest with Mr. Collins.

Mr. Patterson of New Jersey with Mr. Rainey of Alabama.

Mr. Strong of Pennsylvania with Mr. Weaver.

Mr. Kreider with Mr. Johnson of Kentucky.

Mr. Paige with Mr. Lee of Georgia.

Mr. Leatherwood with Mr. Gallivan.

Mr. Winslow with Mr. Taylor of Colorado.

Mr. McKenzie with Mr. Hammer.

Mr. Dempsey with Mr. Hayden.

Mr. McFadden with Mr. Drewry.

Mr. Perlman with Mr. Woods of Virginia.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. RAKER. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

The SPEAKER. The gentleman from California demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Thirty-nine Members have arisen, not a sufficient number, and the yeas and nays are refused. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LEHLBACH) there were—206 ayes and 9 noes.

Mr. KINCHELOE. Mr. Speaker, I object to the vote and make the point that there is no quorum present.

The SPEAKER. The vote discloses that a quorum is present.

Mr. KINCHELOE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. How many does it require to make a quorum?

The SPEAKER. Two hundred and fifteen.

So the bill was passed.

On motion of Mr. VAILE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREENE of Massachusetts, indefinitely, on account of illness in his family.

To Mr. OSBORNE, indefinitely, on account of illness.

To Mr. JONES of Texas (at the request of Mr. LANHAM), for to-day, on account of important business.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks on the bill just passed was granted to Mr. CHANDLER of New York, Mr. LONDON, Mr. ANSORGE, and Mr. BOND.

The extension of remarks referred to are here printed in full as follows:

Mr. ANSORGE. Mr. Speaker, I am heartily in favor of the principle of independent citizenship for married women. In my first campaign for Congress, in 1912, I advocated equal suffrage. I am now proud to advocate equal citizenship.

An American male citizen does not lose his citizenship by marrying an alien, neither should an American woman lose her citizenship by marrying an alien. The woman's citizenship should not be dependent upon her marital status. A married woman should be permitted to determine her own desire for citizenship and naturalization.

The principle of independent citizenship for married women was indorsed by the Republican and Democratic platforms in 1920. That portion of the Republican platform referring to this question reads as follows:

NATURALIZATION.

There is urgent need of improvement in our naturalization laws. No alien should become a citizen until he has become genuinely American, and adequate tests for determining the alien's fitness should be provided for by law.

We advocate in addition the independent naturalization of married women. An American woman resident in the United States should not lose her citizenship by marriage to an alien.

That portion of the Democratic platform reads as follows:

We advocate * * * Federal legislation which shall insure that American women resident in the United States but married to aliens shall retain their American citizenship, and that the same process of naturalization shall be required for women as for men.

The principles of this bill have been indorsed by the following women's organizations: American Association of University Women, April, 1922; Business and Professional Women's Clubs, July, 1911; Council of Jewish Women; Daughters of the American Revolution, April, 1919; General Federation of Women's Clubs, January, 1922; National League of Women Voters, April, 1922; National Women's Trade-union League, June, 1922; Woman's Christian Temperance Union, August, 1921.

The passage of this bill will serve another very important purpose. At the present time an alien woman arriving in this country and marrying an American citizen immediately becomes an American citizen and a voter. This bill provides that any woman eligible for citizenship who marries a citizen of the United States, or whose husband becomes naturalized, shall not become a citizen by reason of such marriage or naturalization of the husband. She may become a citizen upon compliance with the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) Residence within the United States for at least one year prior to filing of her petition for naturalization shall be required.

The bill provides that the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

The bill provides further that a woman citizen of the United States shall not cease to be a citizen by reason of her marriage after the passage of this bill, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens, with this proviso, that any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States.

If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

The bill provides further that a woman before the passage of this act has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship may be naturalized as provided by section 2 of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States.

This bill in no way affects the status of children. Under the Constitution children born in the United States are citizens regardless of the allegiance of the parents. Children born abroad of course take the nationality of their fathers.

This bill carries out the principle of equality of citizenship. Such citizenship should be based upon loyalty to country and desire for citizenship rather than upon the marital status.

I believe the bill is a move in the right direction, and will tend to make better Americans of alien women, and will protect the American citizenship of American women.

ADJOURNMENT.

Mr. VAILE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 21, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 12073. A bill to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923; without amendment (Rept. No. 1120). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 8062. A bill amending subdivision (5) of section 302 of the war risk insurance act; with an amendment (Rept. No. 1121). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Military Affairs. S. J. Res. 23. A joint resolution authorizing the Secretary of War to investigate the claims of private parties to the Mariveles Quarry within the limits of a United States military reservation in the Philippine Islands and to permit the working thereof by the persons entitled thereto, provided military necessities permit; with amendments (Rept. No. 1122). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years; supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. GREENE of Massachusetts: A bill (H. R. 12091) to amend section 4132 of the Revised Statutes and to repeal an act approved August 18, 1914, entitled "An act to provide for the admission of foreign-built ships to American registry for foreign trade, and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

By Mr. ASWELL: A bill (H. R. 12092) granting the consent of Congress to the Louisiana Development Co. to construct a bridge across Red River at or near Grand Ecore, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 373) providing compensation for the assistant superintendent and an assistant in the House document room; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 12093) granting a pension to Maggie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12094) granting a pension to Benjamin F. Kirtley; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 12095) granting a pension to Martha A. Shoemaker; to the Committee on Invalid Pensions.

By Mr. HENRY: A bill (H. R. 12096) granting an increase of Pension to Mary E. Veith; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 12097) for the relief of George A. Cummings; to the Committee on Claims.

Also, a bill (H. R. 12098) for the relief of John Albright; to the Committee on Military Affairs.

By Mr. KISSEL: A bill (H. R. 12099) for the relief of the McAllister Steamboat Co.; to the Committee on Claims.

By Mr. LUCE: A bill (H. R. 12100) granting a pension to Louis Toupin, alias Beaudette; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 12101) granting a pension to Thomas H. Emory; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 12102) granting an increase of pension to Fannie McQuade; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12103) granting an increase of pension to Orville H. Mills; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 12104) granting a pension to Emma S. Stevens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6033. By Mr. COLTON: Petition of E. G. Crandall and others, of Provo and other places in the State of Utah, protesting against the passage of House bills 9753 and 4388 or Senate bill 1948; to the Committee on the District of Columbia.

6034. By Mr. KISSEL: Petition of American Association of University Women, urging the passage of the Cable bill; to the Committee on Immigration and Naturalization.

6035. Also petition of E. A. Bates, secretary-treasurer the New York State Federation of Labor, urging continuation of $240 bonus for Federal employees; to the Committee on Appropriations.

6036. By Mr. MacGREGOR: Petition of the Buffalo Civic Club unanimously opposing the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

6037. By Mr. TEN EYCK: Petition of the members of the Grace Methodist Episcopal Church of Albany, N. Y., to the Congress of the United States to protect the Armenian people from the ravages of the Turks through executive initiative; to the Committee on Foreign Affairs.

6038. By Mr. WARD of North Carolina: Petition of 3,000 citizens of North Carolina, favoring the leasing of Muscle Shoals to Henry Ford; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *June 21, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McLean	Simmons
Borah	Gooding	McNary	Smith
Brandegee	Hale	Nelson	Smoot
Bursum	Harris	Newberry	Spencer
Cameron	Johnson	Norbeck	Sterling
Capper	Jones, N. Mex.	Oddie	Sutherland
Cummins	Kellogg	Overman	Swanson
Curtis	Kendrick	Phipps	Walsh, Mass.
Dial	King	Poindexter	Walsh, Mont.
du Pont	Ladd	Pomerene	Warren
Edge	La Follette	Rawson	Watson, Ga.
Fernald	Lenroot	Robinson	Watson, Ind.
Gerry	McCumber	Sheppard	Willis

Mr. CURTIS. I wish to announce that the Senator from Washington [Mr. JONES] is absent on official business. I ask that this announcement may stand for the day.

I also wish to announce that the junior Senator from Pennsylvania [Mr. PEPPER] is necessarily absent.

Mr. GERRY. I wish to announce that the senior Senator from Florida [Mr. FLETCHER] is absent on account of illness.

Mr. KENDRICK. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. McKINLEY], the Senator from Oklahoma [Mr. HARREL], the Senator from Alabama [Mr. HEFLIN], and the Senator from Arkansas [Mr. CARAWAY] are engaged in a hearing before the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Fifty-two Senators having answered to their names, a quorum is present.

THE COTTON SITUATION.

Mr. EDGE obtained the floor.

Mr. SMITH. Mr. President, will the Senator allow me to make a unanimous-consent request to have printed in the RECORD some very important communications pertaining to the cotton situation?

Mr. EDGE. I yield for that purpose.

Mr. SMITH. The communications include one from Sir Charles W. Macara, of Manchester, England. I ask to have the articles printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

ST. MATTHEWS, S. C., *June 8, 1922.*

Hon. E. D. SMITH,
Senate Office Building, Washington, D. C.

MY DEAR MR. SMITH: Recently we sent out thousands of questionnaires to experts of the cotton industry, and as a result we have secured some very valuable information. Many of the letters reaching us are from leaders not only in the cotton industry but in the business world, and they bring to light information of national importance.

I am inclosing you copy of a report made up from the questionnaires, which is headed "Cotton supplies and prices."

* * * * * * *

Sincerely yours,

J. S. WANNAMAKER,
President American Cotton Association.

EXHIBIT A.

COTTON SUPPLIES AND PRICES—MOST ACUTE FAMINE OF COTTON SUPPLIES SINCE 1865 IS CONFIRMED BY REPLIES TO QUESTIONNAIRES SENT TO THOUSANDS OF EXPERTS IN VARIOUS LINES OF COTTON INDUSTRY.

[By J. S. Wannamaker, president American Cotton Association, St. Matthews, S. C.]

For the purpose of ascertaining the views of the leading experts on the question of cotton supplies and prices the American Cotton Association mailed out thousands of questionnaires, and we beg herewith to submit a synopsis of the replies (these questionnaires were not sent to the producers but to experts in the other lines of the cotton industry, including the leading cotton authorities of the world):

1. Estimate of indicated yield as of May 22, 1922, 8,500,000 bales.
2. Estimated consumption of American cotton from growing crop for next cotton year, 14,000,000 bales, but will not be available.
3. Estimate of untenderable cotton now in American stocks, 1,250,000 bales.
4. In my (the expert's) judgment a yield of American cotton from the growing crop, based upon the following estimated production, will bring:

If 11,000,000 bales, 35 cents per pound.
If 10,000,000 bales, 45 cents per pound.
If 9,000,000 bales, 60 cents per pound.
If 8,000,000 bales, 80 cents per pound.
If 7,000,000 bales, 90 cents per pound.
If 6,500,000 bales, $1 per pound.

Many of those making the above estimate as to indicated yield point out that they expect the Government to show an estimate 25 per cent higher. They emphasize the fact that they are satisfied the Government will overestimate the crop this season as badly as they underestimated it last season. However, they also point out the certainty of a famine in cotton supplies regardless of the possibilities of the present crop yield. While the above report, as explained, is made from questionnaires not sent to the producers but to the best experts and authorities in the various lines of the cotton industry, it might not be amiss to refer to the nearness of the correctness of the report on acreage and indicated yield issued by the American Cotton Association at this same date last year, reading as follows:

"Allowing a deduction in production this year of 12 per cent on account of the reduction of 51.17 per cent in the use of commercial fertilizers, added to the acreage reduction of 30.73 per cent, making an estimated total of 42.75 per cent, the forecast of production for 1921, as compared with the 1920 crop, would be 7,558,365 500-pound bales."

The final report of the Government as to the yield of the 1921 cotton crop showed 7,952,539 500-pound bales.

A bullish feature that has not been fully stressed is the farmers' cooperative marketing movement, controlling approximately 4,000,000 bales, the strong and forceful organization of the cotton growers under the American Cotton Association and then the senatorial agricultural bloc in Washington. We can not think that the cotton farmer will revert to his low standard of living, and, in fact, we feel that the ultimate consumer would not want him to do so. The difference in price of 20 cents and 35 cents means to the farmer the difference between poverty and a fair standard of living, and this difference of 15 cents a pound would scarcely be felt by the final consumer. For instance, there is about 1 ounce of cotton a pair of half-hose, less than a pound of

cotton in a dress shirt, about half a pound in a summer union suit, about 1 ounce in a "linen" collar, etc. Now, the full advance of 15 cents a pound in the price of cotton would be absorbed by the manufacturer, who would advance his price slightly, but the articles would still retail at the popular prices of, say, 25 cents per pair for the half-hose, $1 for the union suit, $1.50 for the shirt, 15 cents for the collar, and $1.50 for the overalls (weighing about 1½ pounds per pair).

It is conceded by the best economists that it is necessary to increase the area of cultivated lands to supply adequate products for the sustenance of human life to take care of the increased population of the world each year at the rate of 2½ acres per capita, or 37,000,000 acres each year. Yet within the last two years statistics show that instead of this necessary increase we have a marked decrease. This is startlingly illustrated in the great agricultural producing sections of Russia.

When the War Finance Corporation was suspended in May, 1920, it had an unused revolving fund of approximately one-half billion dollars, and there were pending applications for millions of dollars. I protested against its removal and the policy of deflation through restriction of credits and contraction of currency by the Federal reserve system and pointed out that the suspension of the War Finance Corporation and the enforcement of the deflation policy would stagnate commerce, paralyze agriculture, and cause our civilization to pay a fearful penalty; and would mean the absolute certainty of famine supplies in the production of staple crops, including cotton, as the world was dependent upon America for production as never before on account of the impoverished condition of a large proportion of the world and their inability to produce. Many of the leaders in finance and business, men with international reputations, in their replies to our questionnaire confirm the correctness as to our position as to the cause of the shortage of cotton and other staple crops and state that no other result could be possible from the enforcement of such policies as mentioned above. Our prediction is being startlingly verified to-day. We are face to face with the most acute cotton famine since 1865.

W. Arthur Shelton, a prominent statistician and expert, well says:

"Cotton is not the only fiber that is likely to be scarce during the next 18 months. We have pointed out that the jute crop of India was only 40 per cent of normal last season, and it is now reported that the new crop of jute and hemp is likely to be small. The flax crop is some 70 per cent of that of last year and wool production 15 per cent less than an average. The advancing prices of cotton, wool, jute, hemp, flax, and silk are indications that the general shortage of fiber is now a price factor. Higher prices for cotton, jute, hemp, and wool seem especially likely because of a shortage of each of these and because of the relation between the prices of these fibers."

At no time since the war between the States has the world's cotton supplies been more uncertain. The boll weevil now covers 90 per cent of the cotton belt. The best experts show that the largest number of live weevils on record have passed through the past winter and that the fields are being infested as never before. The cotton farmer is loaded with an inflated debt; his credit is seriously impaired and his ability and incentive for production are both at low ebb.

The American farmers incurred losses on the production of the 1920 and 1921 crops of $12,000,000,000, based on the cost of production and the selling price, and of this amount the southern cotton producers have suffered losses of $2,300,000,000. These stupendous losses are represented by unsettled obligations due bankers, merchants, manufacturers, and other lines of industry extending credits for the production of these crops. This brings this Nation face to face with one of the most serious problems it has confronted within the last century—an adjustment of these inflated debts so that we can have adequate production of agricultural products.

In view of the world's steadily increasing needs for agricultural production, including cotton, a solution of this problem is a national and world-wide necessity. The unchangeable law of cause and effect and of supply and demand plainly indicates that we are facing the most acute famine of raw cotton since the War between the States before the 1923 cotton crop can reach the market; and even before that time the matter of sufficient supplies of raw cotton will be of more serious concern to the cotton-consuming world than at any period within the last half century.

The settlement of the German reparation is now a certainty. The adjustment of the Russian problem is assured. This means an enormous increased demand for cotton. World leaders are concentrating their efforts upon the restoration of commerce, realizing that it is only in this way prosperity can be restored. As a result, the law of supply and demand will function. The demand is assured. What about the supplies?

The South will maintain its monopoly of cotton production which God has given it. However, a permanent higher level of prices is absolutely necessary to secure sufficient production, on account of the added cost from the stupendous losses suffered by the growers and the additional expense caused by the ravages of the boll weevil.

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EXHIBIT B.

THE FUTURE OF COTTON—SHORT-SIGHTED POLICY OF THE WORLD'S SPINNERS AND MANUFACTURERS.

[By Sir Charles W. Macara, Bart., Manchester, England.]

(NOTE.—The following article has been written by Sir Charles W. Macara, of Manchester, England, one of the largest British cotton manufacturers, and who is recognized as a leading world authority on the cotton industry, having served as president of the International Cotton Spinners' Federation for 11 years. It will be noted in this article that Mr. Macara strongly advocates that the spinners of the world should take a larger measure of interest in the welfare of the cotton growers, to the end that the producers of cotton may receive not only the cost of production but fair and reasonable profits. He further takes the position that the world spinners must depend upon the Southern States of America for their supplies of raw cotton as it appears to be practically impossible to grow supplies in large quantities in any other country. In view of Sir Charles Macara's great influence and unrivaled experience in all lines of the cotton industry, his able article will prove of untold interest and benefit as it covers matters of vital importance to the entire industry.)

In a letter I have received from my esteemed friend Mr. Harvie Jordan, secretary of the American Cotton Association, dealing with the present unsatisfactory condition of things in the cotton-growing area of the Southern States, I find a request that I should "express the attitude of the spinning industry regarding the payment of a price for cotton that will enable growers to produce the staple on a basis of cost, plus a reasonable profit."

I should be very glad indeed to be able to do so, but, unfortunately, I do not yet find that enlightened opinion abroad which will allow me to say that the cotton trade has begun to view our supremely important industry in a comprehensive way—that it has begun to take into account not merely the question and cost of the production of yarn and cloth, but how it must insure for the future a full and in every way adequate supply of the raw material.

It is an extraordinary thing how indifferent the people engaged in the manufacture of cotton are to their welfare in this matter. On this question in particular I have for very many years, but more especially since the war, carried on a very large propaganda work, and I have never ceased to put before the spinners of the world the absolute necessity of seeing that a price is paid to the grower of cotton that will remunerate him for his labor and enterprise.

How is it possible to secure present and future supplies otherwise? One would think that it would be the first concern of anyone engaged in business to see that his raw material was placed beyond the possibility of doubt, but somehow those who spin and manufacture cotton seem to have little or no anxiety as to the supplies upon which the whole of their existence depends. Possibly the regularity with which cotton has year by year come to hand when required has lulled them into a sense of security, or maybe the fact that most of the raw material is grown so far away from the places where it is manufactured that it induces a feeling of unconcern. At all events, this fatal indifference or inertia exists, and I see nothing but some great upheaval that is likely to bring people to their senses. Some day the desire to obtain cotton at under-cost price will result in a condition of things such as we had in the sixties of last century, and again in 1903–4, when the Lancashire mills and those of the rest of Europe had for 12 months to curtail their production by one-third, and employers had to play Providence to their workpeople by spreading wages over the whole of the 12 months, instead of paying full wages for 8 months and none at all for 4. Then perhaps even the most selfish and short-sighted will begin to take notice.

What has been my object all along is to wake up our people in time and to make them see what a catastrophe it would be both for themselves and the world in general if the wherewithal for our most important manufacturing industry was not forthcoming.

I am by nature neither a pessimist nor an alarmist, but the state of things existing in the cotton fields of America at the present time must give rise to the gravest anxiety in the mind of anyone who has the welfare of his trade and his fellow men at heart. Mr. Harvie Jordan, whose word can be relied upon entirely, tells a story of what he has seen on a personal tour of the cotton-producing States that is calculated to bring not only British spinners but those of every other cotton-manufacturing country to a vivid realization of the position of things. Not only is the boll-weevil menace a terrible reality, but the result of the drastic deflation in the market value of staple farm products has brought farmers in the South to the verge of ruin.

The losses on the two crops of cotton produced in 1920 and 1921 are conservatively estimated at $2,300,000,000, and on the top of this thousands of negro tenants, share croppers, and laborers are leaving the cotton fields and moving to industrial centers as a result of their inability to cope with the changed conditions resulting from the cotton-boll weevil menace. Indeed, the whole situation is changing in the Southern States, and if capital and labor are not forthcoming for a more intensive and naturally more costly system of cultivation the outlook is very black indeed.

"Our efforts are to produce the crop as economically as possible," says Mr. Harvie Jordan, "but it can not be sold for less than the cost of production and the industry maintained in this country."

These are serious and weighty words, and ought to go home to every cotton spinner and manufacturer in the world. For the question arises, If America is obliged to go out of business as a cotton producer, where is the world in future to get its supplies?

It is clear, therefore, that we shall have, by hook or by crook, to get the spinners and manufacturers of the world to view this industry of cotton on comprehensive rather than on sectional lines; factory owners will have to be made to see that it is no use whatever to gloat over advantages gained to the detriment of the planters, and that they are only pursuing a foolish and suicidal policy to expect to make profits themselves while the planters make losses. It simply means that this stupid way of doing business will ultimately result in the planter going out of business, leaving the spinner and manufacturer stranded high and dry. The planter will have to come to be regarded as of the same importance as any other person who touches cotton on its way to the draper's counter, and his profits and rewards will have to be considered just as much as either spinner, manufacturer, finisher, merchant, middleman, or shipper. All are indispensable to the production of the finished article, and all must be sufficiently compensated for the work they do.

It is amazing that the planter is so little regarded, seeing that he is the basis of everything. If cotton could not be got, then none of us would be wanted. What I have always contended in the numerous articles and books I have published out of an unrivaled experience of the cotton trade all over the world is that we must regard cotton products and manufacture as one whole industry, and that we should always put in the forefront the proper remuneration of the cotton planter. The planter, of course, should be encouraged to avail himself of all modern appliances, scientific methods, and inventions, and to cultivate his land economically and to the greatest advantage, but when he has done this his enterprise should be fully acknowledged and appreciated. Especially should consideration be given at a time like the present, when the work of the planter is not only very costly but surrounded by extraordinary difficulty.

I should like very much to see something done to intensify cultivation, believing as I do that it would be no difficult thing to double the yield of cotton in the fields of the Southern States of America. During my visit to Atlanta in 1907 I was presented with a case of cotton bolls of a description which it was estimated would have produced four bales from an acre. The average at that time was a third of a bale per acre, and it is probably less to-day. I quite admit that these bolls were exceptional, but they were an example of what can be done.

I am inundated with correspondence from people who have read my articles on this and kindred questions which have appeared in British and American journals, and some of the writers have an idea that I personally can take over the whole of the cotton crop and deal with it. This, of course, is what no one man can do, but I shall never cease to try and educate the trade up to its duties and obligations in this matter of remunerating the cotton planter. How thoughtless and illogical are some of the men on the manufacturing side can be gathered by their attitude toward the British Cotton Growing Association. While they constantly show a total indifference as to whether the cotton

they secure will pay for the growing, they show dissatisfaction when the scale of developments in cotton growing is below expectation.

I have been uneasy about the cotton situation for long enough. Had my advice been taken at the outbreak of the war cotton would have been withheld from enemy countries and the war shortened by a good 12 months; and again had a reserve of cotton been formed of the large surplus which existed at that time we should not have had the price falling to 4d. a pound owing to the glut, nor should we have seen identically the same cotton run up to 45d. a pound later on, and all the consequent chaos caused by prices of clothing soaring sky-high and then being rushed down by an artificial and disastrous campaign of slump.

It was my misfortune, however, to be defeated by the folly of the Government and the stupidity of the English Cotton Spinners' Federation, the members of which thought of nothing beyond the immediate advantage of procuring a quantity of cheap cotton, and never paused to think that the planter might retaliate by reducing his acreage under cultivation and make them regret their cupidity later on. The whole thing was a frightful mistake, and cost the country dear in a two years' trade depression from which we are only just now emerging.

My American friends, however, may rest assured that I shall continue to work whole-heartedly for a recognition of the full status of the planter, believing as I do that it is not only to his own but to everybody's interest in the cotton trade that his claims should have first consideration.

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EXHIBIT C.

DETAILED REPORT AS TO CONDITION OF PRESENT COTTON CROP, ACREAGE, AND ALL IMPORTANT MATTERS BEARING ON CROP TO BE ISSUED BY AMERICAN COTTON ASSOCIATION—SOME IMPORTANT AND VITAL FACTS CONCERNING THE BOLL WEEVIL.

The American Cotton Association will issue on July 1 a report showing the condition of the cotton crop, the acreage, and various other important matters bearing on the crop as of June 20.

Thousands of questionnaires are being now sent out to our special reporters, covering the 850 cotton-growing counties, each county being represented by a set of reporters representing farmers, bankers, merchants, ginners, and warehousemen and special reporters at large, all reporters being selected after a most thorough investigation as to their qualifications for filling the position. In addition to this, there is a set of special State reporters.

This will be the most complete and accurate report ever issued concerning the production of cotton in America. The association has decided to go to a great deal of extra expense and trouble in the preparation of this report, realizing that accurate information concerning all phases of the cotton-producing industry, due to the great shortage of raw cotton, is of more importance to the cotton-consuming world and all lines of industry dependent upon cotton than any time within the last 50 years.

In addition to the various details shown in the questionnaire, the report will show the condition of the cotton crop as of June 20, the increase or decrease in cotton acreage, the increase or decrease in the use of fertilizers to cotton, and it will show more accurately than any report ever issued the area infested by the boll weevil and the extent of its damage. It will also show acreage abandonment and the financial condition of the farmers.

Information reaching our headquarters as a result of tests impress upon the officials of the association as never before the importance of securing some scientific method for eradicating the boll weevil. Cotton production has dropped, as shown by the Department of Agriculture, to approximately 124 pounds per acre, the yield showing a steady decrease.

We find as a result of scientifically conducted tests that it is found that the boll weevil in addition to destroying growing cotton by puncturing the squares, blooms, forms, and bolls also reduce the productivity of the soil. The constant destruction causes the plant to draw on the soil for elements which produce fruit far in excess of the amount that would be drawn under normal conditions. Consecutive plots of the same soil planted to cotton under boll-weevil conditions and planted to cotton protected from the boll weevil over the five-year test absolutely demonstrates that this condition exists. The nonprotected plot is protected in alternating years to ascertain the production in fruiting as a result of elements drawn from the soil by the damage of the boll weevil to the growing plant. It was the general consensus of opinion heretofore that the boll weevil did no damage to the productivity of the soil, as the plant when damaged by the boll weevil became very vigorous, showing many times the size as under normal conditions. This idea, however, has been absolutely exploded as a result of the above test. The fruit-producing elements taken from the soil under boll-weevil conditions are far in excess of normal conditions and are not returned. Only the vegetable-growing elements are returned by plowing under the stalks. Then, too, the boll weevil greatly increases the cost of cotton production. As no cotton can be produced under boll-weevil conditions after August 1 to 15, therefore, over 90 per cent of the Cotton Belt the matter of an early killing frost or a late killing frost will have no bearing on production.

With the boll weevil covering 90 per cent of the belt, this is one of the most serious problems that has faced every line of the cotton industry within the last century.

The questionnaire we are sending out to thousands of reporters covering every section of the Cotton Belt and every line of industry interested in cotton production for the compilation of our report is as follows:

Town ———, county ———, State ———, June 20–22. Estimate condition cotton crop as of June 20–22 ——— per cent of normal. How does condition compare same time last year? ——— per cent. With 10-year average? ——— per cent. How many days late crop? ———. Estimated increase or decrease in cotton acreage planted your county for year 1922? ——— per cent increase. ——— per cent decrease. Estimated increase or decrease in use commercial fertilizers to cotton your county for year 1922? ——— per cent increase. ——— per cent decrease. Estimated amount land planted to cotton your county already abandoned from any cause this year, ——— per cent. Amount to be abandoned, ——— per cent. Is infestation boll weevils your county this year light or heavy? ———. How does compare with last year? ———. Financial and credit conditions farmers your county ———. Comments ———.

(Signed) ——— ———,
County Correspondent.

PROPOSED DUTIES ON FOOD, TABLEWARE, AND WOMEN'S WEAR.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have the Secretary read a communication from citizens of the State of Mississippi affecting a public question.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.

DEAR SIR: Will you please read into the CONGRESSIONAL RECORD the following resolution and have a copy of the RECORD containing it sent me:

"*Resolved*, That we protest against the food, tableware, and women's wear schedules of the Fordney-McCumber bill. These schedules will increase the cost of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law."

Yours truly,

SUSIE V. POWELL,
Chairman of Home Economics,
Mississippi Federation of Women's Clubs.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of sundry Federal employees of New Haven, Conn., and vicinity, praying for the passage of House bill 8928, to provide for the classification of civilian positions within the District of Columbia and in the field service, which was referred to the Committee on Civil Service.

He also presented a resolution of the Metal Trades Department, American Federation of Labor, of New Haven, Conn., protesting against the enactment of legislation granting ship subsidies, which was referred to the Committee on Commerce.

He also presented petitions of the ministers and congregations of the First Congregational Church of Guilford; the Winchester Congregational Church, of Winchester Center; the Woman's Auxiliary of St. John's Church, of Salisbury; the East Pearl Street Methodist Episcopal Church, of New Haven; the Orange Congregational Church, of Orange; and sundry citizens of Norwich, all in the State of Connecticut, praying for the granting of relief to the suffering peoples of Asia Minor, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the prompt passage of an adequate tariff law based upon American valuations, which was referred to the Committee on Finance.

He also presented resolutions of James W. Milne Camp, No. 14, of Rockville, and William McKinley Camp, No. 9, of Norwalk, both of the United Spanish War Veterans in the State of Connecticut, favoring the passage of House bill 4, granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, which were referred to the Committee on Pensions.

SUPPLIES FOR THE NATIONAL GUARD.

Mr. SUTHERLAND, from the Committee on Military Affairs, to which was referred the bill (S. 3704) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," reported it without amendment and submitted a report (No. 779) thereon.

UNITED STATES VETERANS' BUREAU.

Mr. SMOOT. I report back favorably without amendment from the Committee on Finance the joint resolution (H. J. Res. 313) providing for the disposal of articles produced by patients in the United States Veterans' Bureau, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ROBINSON. Let us have first a statement of the purpose and effect of the joint resolution.

Mr. SMOOT. If the Senator will hear the joint resolution read he will have it fully explained.

Mr. ROBINSON. Very well; let the joint resolution be read in full.

The VICE PRESIDENT. It will be read.

The reading clerk read the joint resolution as follows:

Resolved, etc., That the Director of the United States Veterans' Bureau is authorized to make regulations governing the disposal of articles produced by patients of such bureau in the course of their curative treatment, either by allowing the patients to retain the same or by selling the articles and depositing the money received to the credit of the appropriation from which materials for making the articles were purchased.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 12022) relative to the naturalization and citizenship of married women, in which it requested the concurrence of the Senate.

BILL INTRODUCED.

Mr. WILLIS introduced a bill (S. 3733) granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio, which was read twice by its title and referred to the Committee on Commerce.

TARIFF BILL AMENDMENT.

Mr. FRELINGHUYSEN submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was referred to the Committee on Finance and ordered to be printed.

KATHERINE MACDONALD.

Mr. MYERS submitted an amendment proposing to appropriate $9,819, to pay Katherine Macdonald, of Butte, Mont., for losses sustained by her through the building of the Corbett Tunnel, a Government project, etc., intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ASSIGNMENT OF CERTAIN NAVAL OFFICERS.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 11214) authorizing the President to scrap certain vessels in conformity with the provisions of the treaty to limit naval armaments, and for other purposes, which was referred to the Committee on Naval Affairs, ordered to be printed, and to be printed in the RECORD, as follows:

On page 3, line 9, add the following: That three reserve officers are hereafter authorized to be retained on active shore duty in the historical section of the Office of Naval Intelligence, though beyond the age of disenrollment or retirement.

HOUSE BILL REFERRED.

The bill (H. R. 12022) relative to the naturalization and citizenship of married women, was read twice by its title and referred to the Committee on Immigration.

DECISIONS OF THE SUPREME COURT.

Mr. EDGE. Mr. President, I wish, first, to propound a question as to the parliamentary situation. I understood last evening that the Senator from Wisconsin [Mr. LA FOLLETTE] had requested that the address which he started to read should go into the RECORD without reading. If I am mistaken about that, I would like to be informed, because I wish to address the Senate briefly following the address of the Senator from Wisconsin. He read through a portion of it, and then permitted the Senate to vote on the pending question, and I am not quite positive what the parliamentary situation is at this time.

Mr. MCCUMBER. Mr. President, at the request of the Senator from Nebraska [Mr. NORRIS] the address was ordered to be printed in the RECORD yesterday. The Senator from Wisconsin informed me this morning that instead of proceeding with the reading of it, he would allow it to be printed in the RECORD without reading.

Mr. EDGE. That being the situation, and assuming that the address has been ordered printed in the RECORD and will appear in the RECORD, I desire briefly to address the Senate on the same subject.

The Senator from Wisconsin [Mr. LA FOLLETTE], when rising to a question of personal privilege, inferred that it was unethical for a colleague to insert in the RECORD an attack upon the expressed views of a fellow Senator. The Senator from Wisconsin seems to consider the address of Dr. Butler as being a personal attack rather than a disagreement with the policies recently proclaimed by the Senator.

That the question of ethics should be raised especially by the Senator from Wisconsin is particularly surprising to me. I did not ask the Senator's permission, neither did I then nor do I now think it a lack of courtesy. May I say to the Senator—I regret that he is not in the Chamber, but I have sent a page to try to locate him—that I feel, greatly to his credit, in most cases at least, that I have considered him one of the most conspicuous advocates of free speech in the country. I can not conceive why the CONGRESSIONAL RECORD should be the sacred exception.

I have during my short career as a Senator endeavored to subscribe to a qualified reverence for the traditions of the Senate; but frankly, Mr. President, I find myself entirely unable to agree with the policy which seems to permit a Senator to say anything he pleases touching not only the viewpoint and policy but at times the character of citizens of the Republic, and then to insist on immunity when a Senator is under discussion.

Every Member of this body thoroughly appreciates, I am sure, that in recent times at least—perhaps it was not so in the old days—none outside of Senators, and sometimes not even Senators, are immune from most venomous attacks on the floor of this Chamber. From the President of the United States and members of the Cabinet, and touching practically every activity of the country, the Senate has recently at least been a limited forum where citizens have been the subject of at times startling attacks.

So far as I am concerned, I waive any immunity, whether it be upon the floor of the Senate or elsewhere, and I should think Senators would welcome the publication in the people's own production, the CONGRESSIONAL RECORD, of opinions which may differ from their own.

How can Members of this body in fairness, when they proclaim time after time that they are the people's representatives and when they attack either individuals or policies, take exception to the insertion of a reply or a response when made publicly and without reserve or qualification? We know perfectly well that attacks are made almost daily in this Chamber upon men who hold high public positions and who, because they are not Members of the Senate, are unable to reply, excepting through the medium of a public statement, which, as a rule, receives much less consideration in the public press than does the attack of the Senator. So far as I am concerned, I am a little weary of the policy of standing on our dignity, when almost one-half of our time is spent in criticizing the activities or viewpoint or policy of those outside of the Chamber. I can not subscribe to that type of consistency.

The CONGRESSIONAL RECORD, which is published at the expense of the taxpayers of the country, seems to be, under the traditions of the Senate, or at least according to the view of some Senators, simply a receptacle for the wise or unwise utterances of Senators; but an answer from a citizen in any way differing should not appear therein.

We do not grant citizens immunity; why should we ask it for ourselves? We are permitted here almost without qualification, so long as we do not libel a fellow Senator, to give utterances to any thought that comes to our minds; but the answer of a citizen representing the other 110,000,000 people must not appear in the RECORD, because it is unethical. And yet the Senator from Wisconsin directs his attack upon the Supreme Court mainly on the premise that this is a people's government and the work of Congress should not be set aside by any other branch of the Government.

Mr. President, it reminds me somewhat of the bully of the old country school, who blusters about and when some one, tiring of his bluff and braggadocio, asserts himself, usually in the recognized American style of self-defense, the bully runs away.

The RECORD should not be simply a personally conducted senatorial publication. The RECORD, in all fairness to the taxpayers, if it is to be used for the bright inspirations of Senators, should likewise be open to the occasional bright and pertinent thoughts of some of the other citizens of this great Republic.

The RECORD, it appears to me under the apparent ethics of the Senate, would almost resolve itself into a publication "you pat me and I'll pat you"; and if anybody disagrees with our mutual-admiration society or system of patting and petting, they must be refused a place in the taxpayers' publication because it is unethical.

If I may be permitted to paraphrase an expression of a fellow Senator, whose ability I greatly admire and who remarked after completing a most forceful and eloquent speech, "If this be treason, make the best of it," may I be permitted to suggest if my viewpoint as to the ethics of the Senate in this regard is transgressing the sacred policy of this body, then adjudge me guilty.

So, Mr. President, while I do not believe in personal attacks, whether on the floor of the Senate or outside, still I am not prepared to admit that the speech of Doctor Butler can fairly be considered a personal attack on the Senator from Wisconsin.

True, Doctor Butler in forceful language disagreed most positively with the suggested amendments to the Constitution proposed by the Senator from Wisconsin. He termed them, as I

recall the speech, "anti-American" and "not representing either political party." I agree with him. Doctor Butler considers the speech anti or un American, and I contend that all precedents and all references going back one hundred or more years will justify that viewpoint. The doctor attacks the Senator's remedies, and in attacking the Senator's remedies he, of course, must disagree with the Senator. He does not say the Senator is anti-American; he says his teachings and his policy and suggestions would be anti-American.

Does the publication of this type of viewpoint transgress the ethics of the Senate? If it does, Mr. President, then I am firmly convinced that the Senate in all fairness should revise its own privileges and withhold to a very considerable extent its almost daily tirades upon the viewpoint and policies of eminent citizens and public officials not members of this body.

So much for the ethics, the question of personal privilege, and the crime the Senator from New Jersey was guilty of committing when he asked and secured unanimous consent to publish extracts from Doctor Butler's speech in the people's CONGRESSIONAL RECORD.

As a layman, I presume I should not attempt to discuss the wisdom of the policy enunciated by the Senator from Wisconsin. I thoroughly appreciate that I am not equipped by study or association, it might be said, to discuss legal problems. At the same time, Mr. President, my layman view of the policy of the Senator from Wisconsin, crudely expressed, would be that any man, especially when occupying a high public position, who invites or advocates a lessening of respect for the highest courts in the land and who through his violent attack seems bent on the destruction of our present form of government, weakens the very cornerstone of our American political system, which is the judicial protection of individual liberty and private rights against any encroachment even on the part of the Government itself.

When a public official attacks that position he contributes to a situation which may ultimately mean the downfall of the Republic. If the Senator from Wisconsin takes exception to the address of the President of the Columbia College, so far as it is possible, it will give me great pleasure, inasmuch as I inserted it in the RECORD contrary to the ethics of the Senate, to subscribe as a Senator to every word which appeared therein and to discuss it as well as I am able from the layman's standpoint.

Let us analyze Doctor Butler's address on this subject. The doctor said, in part:

"The public press of yesterday reports the text of a speech made by the senior Senator from Wisconsin, Mr. LA FOLLETTE, before the annual convention of the American Federation of Labor at Cincinnati. This speech presents a view of our American Government that is so false, and announces a political program that is so revolutionary, as to justify, indeed to demand, quick reply. Senator LA FOLLETTE made an attack not only upon the American judiciary but upon the very corner stone of our American political system, which is the judicial protection of individual liberty and private rights against any encroachment even on the part of Government itself

"Senator LA FOLLETTE is quoted as saying: 'A century and a half ago our forefathers shed their blood in order that they might establish on this continent a government deriving its just powers from the consent of the governed, in which the will of the people, expressed through their duly elected representatives, should be sovereign.'

"Our forefathers did nothing of the sort. They took good care to do something quite different.

"What our forefathers did was to retain sovereign power in the people of these United States and to erect a Government of strictly limited powers and functions, divided into an executive, a judicial, and a legislative branch. Each one of these branches of the Government rests upon one and the same constitutional foundation. Each in its own sphere represents the people and gives voice and effect to the public will. The notion that the legislative branch of the Government in some mysterious way more adequately represents the will of the people than does the executive or the judicial branch is without warrant either in legal theory or in our political history.

"The judicial branch of the Government represents the people's fundamental principles, their controlling ideals, and their continuing purpose. It brings, and justly brings, to the test fixed by these any and every legislative act that may be challenged. This power of judicial review and of judicial protection is distinctive American doctrine and constitutes America's greatest single contribution to the cause of free government. Without it we should be swept hither and yon by the swiftly shifting tides of mere opinion and by the active propaganda of aggressive minorities. Destroy the principle of judicial protection of public law and of private rights and the America that we have known falls to pieces.

"The Executive, too, directly represents public opinion and the popular will. The President of the United States is the one public officer for whom the whole people vote. His constituency is the Nation; he speaks for the Nation and is responsible to the Nation.

"While in theory the legislative branch of the Government directly represents the people's will, it has in fact during recent years come to be less representative of public opinion and public interest than either the executive or the judicial branch of the Government. Parochialism, sectionalism, and various forms of self-interest and fanaticism have all operated to weaken the truly representative character of the legislative branch. It is now far from certain that when a State legislature or the Congress enacts a law that law has the support of public opinion. When the Congress meets, the public heart sinks, and when the Congress adjourns public pæans rise to heaven.

"The program announced by Senator LA FOLLETTE is not new, but it is ominous that it should have been cheered at a convention of American workingmen, for those of us who work have most to gain from the preservation of the American system of government and most to lose from the overthrow of the principle of judicial protection."

A short editorial from the Philadelphia Inquirer printed a few days ago, it seems to me, presents the situation at least very concisely. I quote a portion of that editorial, as follows:

To say that a Supreme Court decision declaring an act of Congress unconstitutional is defeating the purposes of the founders of the Government is nonsense. The Supreme Court was established for that very purpose, because if all of the conflicting and doubtful laws which are passed by Congress were permitted to stand we should have confusion and anarchy instead of a stable and well-ordered system of government. It has been pointed out more than once that the very existence of this high tribunal and the willingness of the people to abide by its decisions is the greatest possible proof of their ability to govern themselves. Pull that important stone away from the foundations of the Republic, and in spite of our wealth and greatness it would not take us long to lapse into a condition of chaos. The fathers of the Republic, in spite of LA FOLLETTE to the contrary, knew exactly what they were doing.

As I recall, the Senator from Wisconsin among his references last evening read a statement of Alexander Hamilton, and I think, if I am not mistaken, he referred to former Chief Justice Marshall. I desire to read a very few references from the life of John Marshall written by that able statesman who I am sure will soon be a Member of this body, the Hon. Albert J. Beveridge. Members of the Senate frequently refer to the policy of our forefathers and deplore the fact, if it is a fact, that at times we seem to be ready to depart from their teachings and their doctrines; and, if the Senator from Wisconsin feels that he has the slightest encouragement for his remedy in order that the courts shall be weakened, I am quite positive he can not glean it from the opinions and statements of the statesmen of the early days of the Republic.

What Alexander Hamilton wrote in the Federalist, which had such a profound influence on the decision of Chief Justice Marshall in the famous case of Marbury against Madison in this particular connection, was:

The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, * * * the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Again, speaking of Marshall, in the same case:

After writing nearly 9,000 words, he now reached the commanding question: Can the Supreme Court of the United States invalidate an act which Congress has passed and the President has approved?

That is certainly absolutely pertinent to the present question and to the remedy offered by the Senator from Wisconsin.

Marshall avowed that the Supreme Court can and must do that very thing, and in so doing made Marbury against Madison historic. In this, the vital part of his opinion, the Chief Justice is direct, clear, simple, and convincing. The people, he said, have an elemental right to establish such principles for "their future government, as * * * shall most conduce to their own happiness." This was "the basis on which the whole American fabric had been erected."

Again:

There is no "middle ground." The Constitution is either "a superior paramount law," not to be changed by legislative enactment, or else "it is on a level with the ordinary legislative acts" and, as such, "alterable" at the will of Congress. If the Constitution is supreme, then an act of Congress violative of it is not law; if the Constitution is not supreme, then "written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable." Three times in a short space Marshall insists that for Congress to ignore the limitations which the Constitution places upon it is to deny the whole theory of government under written constitutions.

If I wished to take the time, I might refer right here to the address by another colleague, a distinguished member of the minority, my good friend the Senator from Kentucky, Mr. STANLEY, who also spoke in my home town of Atlantic City before the same organization—the State Bar Association—who heard the timely address of Doctor Butler. The Senator from Kentucky spoke most eloquently and convincingly, from my viewpoint, on the question of meddling with the Constitution and abridging the personal privileges of the governed by the adoption of the eighteenth amendment.

I am not going to discuss this subject further than to remark in passing that the Senator from Kentucky feels that amendments to the Constitution can destroy the fundamental and clearly defined viewpoint of our forefathers, and expressed himself most positively to the effect that the eighteenth amendment did; and I am equally positive that any other amendment, such as suggested by the Senator from Wisconsin, to permit the Congress to circumvent the authority of the Supreme Court would even more strikingly destroy the intent of the Constitution.

Mr. President, if I have been unethical in bringing to the attention of the country a clearly expressed opposition to the constitutional theory of the Senator from Wisconsin, thank God, I offended ethics!

If this attack upon the highest court in our land, the bulwark of liberty and freedom, has been brought to the attention of the country to such an extent that the other side, the right side, can be fully aired in this Chamber, then I am pleased. I feel quite positive, Mr. President, that ethics will not be disastrously offended if Senators better qualified than I am to discuss the legal side of this preposterous proposition are inspired by the opening of this attack to defend the fundamental laws of the land.

In closing, may I give expression to just a personal word? During the period of our country's participation in the World War I had the great privilege of being the Governor of the State of New Jersey. I was, as undoubtedly was every other governor of all the other 47 States in the Union, impressed with that wonderful spirit of cooperation and loyalty which spontaneously came from every quarter. Religious prejudice, social distinctions, class prejudice, were cast aside as if they had never existed. It was almost embarrassing at times for those in authority to act upon the many suggestions in the interest of the advance of the common cause. It was so inspiring, moving around among the citizens of the State, to see this wonderful, universal, unanimous enlistment in the common cause. It seemed in those days as if the one great recompense for the sacrifices of the war was going to be greater tolerance, a clearer understanding, a determination to meet problems without thought of political expediency or class prejudice or distinction.

The sacrifices were made. The war was won. The country has struggled for three or four years following it endeavoring to get together and reach an understanding with a common purpose. I am afraid to a great extent we have failed; and when I realize, as some of the happenings of recent days seem to emphasize, how far apart we seem to be in governmental policy and understanding as represented right in this Chamber, it makes one feel that the sacrifices of the war, to that extent at least, were in vain.

Oh, is it not possible to bring ourselves back to the atmosphere and the environment of those days, when, with few exceptions, the entire country was enlisted in the common cause? When I listen to the widely divergent opinions which seem to prevail, it becomes most discouraging.

Fellow Senators, can we not all realize that the problems of peace, with all the insidious efforts to bore from without and from within, are much more difficult than the problems of war when, following the martial music and uniforms, it was so easy to work in harmony? I wonder if it is beyond accomplishment.

Holding almost in our control, as we do in this Chamber, the destiny of 110,000,000 people for happiness or discontent, recognizing that every industry of every kind to-day is almost dependent upon our decisions and our teamwork, I wonder if it is not possible to rise above the partisanship of extreme viewpoint and prejudice and enlist again, as we did in 1918, in the common cause of our common country?

Mr. KELLOGG. Mr. President, I regret to take a moment of the Senate from the consideration of the tariff bill to discuss any other subject, but when a Senator of the United States on the floor announces doctrines so subversive of our representative government, the liberties of the people, and the guaranties of the Bill of Rights, which have been won in the long upward struggle of the human race, have been fought for upon fields of battle, and sanctified by the blood of martyrs, I think it is time for some one to express dissent from these pernicious doctrines.

I listened to the speech of the Senator from Wisconsin, delivered on the floor of the Senate last evening, and I read the speech which he made at Cincinnati to the American Federation of Labor as published in the papers. I am not going to discuss the merits of the decisions of the Supreme Court, for I am as heartily in favor of protecting the Nation against child labor as is the Senator; but I am in favor of doing it by constitutional means. I shall devote the few moments which I have to the discussion of fundamental principles announced by the Senator, which strike at the very foundations of constitutional government, human liberty, and the well-being of society.

In the Senator's speech in Cincinnati, after stating that the Supreme Court had usurped power not conferred upon it by the Constitution in declaring laws unconstitutional, the Senator proposed this change by constitutional amendment:

> That no inferior Federal judge shall set aside a law of Congress on the ground that it is unconstitutional.
>
> That if the Supreme Court assumes to decide any law of Congress unconstitutional, or by interpretation undertakes to assert a public policy at variance with the statutory declaration of Congress, which alone under our system is authorized to determine the public policies of Government, the Congress may, by repassing the law, nullify the action of the court.

Again, he said:

> We have never faced the fundamental issue of judicial usurpation squarely. The time has come when we must put the ax to the root of this monstrous growth upon the body of our Government, the usurped power of the Federal courts must be taken away, and the Federal judges must be made responsive to the popular will.

Then the Senator outlined his proposed constitutional amendment and said:

> What I propose is that Congress shall be enabled to override this usurped judicial veto and to declare finally the public policy just as it has the power to override the presidential veto so that we may realize in fact the fundamental purpose of the Government as declared in Article I, section 1, "that all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The Senator's propositions are two: (1) That the Federal courts have usurped power not conferred upon them in declaring a legislative act unconstitutional; and (2) that the Constitution should be amended so as to give Congress the absolute power to nullify the Constitution of the United States and all the guaranties of liberty and personal rights therein contained. I shall first take up this so-called usurpation of power.

From the time the Constitution was framed, during the discussions when it was before the various States for adoption, at the time of the great decision of John Marshall in Marbury against Madison in 1803, down to the present time, there has never been any doubt that under our written Constitution the only possible way the Constitution could be made effective was through the decisions of the Supreme Court of the United States, which was expressly given jurisdiction to enforce the constitutional provisions, the supreme law of the land.

The people of the Colonies who formed themselves into a confederated Government for the purpose of defense had gone through seven years of war. They had made incalculable sacrifices to establish self-government and personal liberty. They adopted a written Constitution that representative democracy might be perpetuated and personal liberty guaranteed, and in order that those rights might not be lightly taken away they provided that the Constitution could only be amended by a two-thirds vote of the Congress and a three-fourths vote of the States.

Mr. President, the power is in the people to change the Constitution in a constitutional way. The power is in the people to take away these guaranties of liberty, the bright, shining light of our Constitution, but I hope the time will never come when the American people will do it.

Under this Constitution there was created the executive, the legislative, and the judicial branches of the Government and their powers defined and limitations placed upon each.

As originally adopted, the Constitution did not contain the so-called Bill of Rights soon thereafter adopted and constituting the first 10 amendments. It is a fact well recorded in history that but for the general understanding when the Constitution was pending for ratification before the legislatures of the States, had it not been well known that the so-called Bill of Rights would be thereafter adopted as an amendment to the Constitution, it never would have been ratified by the requisite number of States. The American people were so intent on framing and establishing by written Constitution those guaranties of personal liberty, property rights, free speech, freedom of thought and religious liberty, that they insisted that they be embodied in the fundamental law of the land, the Constitution of the United States.

If the Congress is the sole interpreter of the Constitution and can pass any law it sees fit, how are you going to maintain the provisions of the Constitution creating the Government and limiting the powers of the several branches? How are you going to maintain the constitutional protection?

The Legislature could limit or abolish any department of the Government or change the form. Let me illustrate: The Constitution provides that no bill of attainder or ex post facto shall be passed.

Suppose the Congress were to pass a bill of attainder against an American citizen, and he sought the protection of the courts of the United States. Is it true that the courts would be denied the right to declare the bill of attainder unlawful which was expressly prohibited by the Constitution? Is it true that that is a usurpation of law by the Supreme Court unjustified by the Constitution?

Again, the Constitution provides that no tax or duty shall be levied on articles exported from any State. Suppose Congress were to pass a law to-morrow levying a tax on exports from a State, and in the courts a suit were brought to enforce that tax; will the court enforce that which is prohibited specifically by the written Constitution, which is by that Constitution declared to be the supreme law of the land, when the Constitution gives the Supreme Court jurisdiction to enforce its provisions? It is said there is no express provision of the Constitution which gives the Supreme Court the right to declare a legislative act unconstitutional. There is no express provision of the Constitution which says that Congress can not tax the instrumentalities of the States and the activities of the States, but it can not do it, from the very nature of the two governments and their independence.

Let us look for just a moment at the Bill of Rights, which was adopted about 1789, and made a part of the Constitution.

The first amendment provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and address the Government for redress of grievances.

Suppose Congress were to pass a law establishing a religion, or preventing the free exercise of religious beliefs, or abridging the freedom of speech. Are the courts to enforce it because it is the mandate of the Congress, not adopted, according to the constitutional provision, by a two-thirds vote of the Congress and three-fourths of the States?

Amendment 4 provides that the people shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. This runs against the Congress as well as against the action of the courts. If the Congress provides that a man shall be seized and thrown into prison, and his papers searched for evidence against him, without a charge or without trial, is the court to stand by and enforce it because the Congress has passed such a law?

The fifth amendment provides that no person shall be held to answer for a capital or otherwise infamous crime, except upon an indictment, and so forth, nor shall any person be twice placed in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

This amendment contains some of the most important protections of human rights and property rights which are embodied in the Constitution. Is it possible that any department of the Government, the executive or the legislative, may take away those rights and the courts be powerless to enforce the rights of individuals, to protect them in those sacred rights guaranteed to them, and which are necessary to human liberty and human progress?

Amendment 6 guarantees the right in criminal prosecution to a speedy trial by an impartial jury of the State and district in which the crime shall have been committed, and so forth.

These rights were not new to the men framing the Constitution. They had been struggled for, fought for by the Anglo-Saxon race for more than 600 years. Priceless treasure and sacrifice of human life had been given to establish these principles of liberty. From the day of King John at Runnymede, 600 years before the adoption of our Constitution, the struggle had gone on, and the Revolution, in which the framers of the Constitution had been engaged, was the last great struggle of our ancestors to cement and make permanent these guaranties.

I have not the time to go through the long list of authorities, including the declaration of contemporary statesmen at the time of making the Constitution, that in order to effectuate these guaranties of the Constitution the Supreme Court was conferred with the power to declare a legislative act violative of the Constitution, which was the highest law of the land.

The Constitution itself provides that it shall be the supreme law of the land, and the Supreme Court is given jurisdiction to enforce this Constitution.

It was undoubtedly the opinion of the leading men of the convention that the judiciary had the power of declaring a law of Congress violative of the express provisions of the Constitution. Men who held this opinion and expressed themselves were Elbridge Gerry, of Massachusetts; Rufus King, of Massachusetts; Madison finally came to this view; George Mason, of Virginia; James Wilson, of Pennsylvania; Luther Martin, of Maryland, and others; but the greatest exponent of this doctrine was Hamilton.

I shall not stop to read some extracts from Hamilton's work, but I ask permission that there be printed in the RECORD as a part of my remarks certain extracts from pages 101 and 102 of volume 2 of the Federalist.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

APPENDIX.

[From the Federalist. No. 78. By Hamilton.]

No legislative act, therefore, contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid.

* * * * * * *

The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental.

Mr. KELLOGG. Suffice it to say that Hamilton, probably the greatest statesman of his time, doing a wonderful work in the advocacy of this Constitution before the legislatures of the various States, expounded this provision of the Constitution, and took the ground that the Supreme Court of the United States was empowered to enforce the Constitution, the supreme law of the land, and to declare null and void an act of the Congress violative of the Constitution.

It is a significant fact that in 1803, when John Marshall decided the case of Marbury against Madison, he had the advantage of the contemporary opinions of the statesmen of the period when the Constitution was adopted, and the discussions before various legislative bodies pending its adoption. Both Hamilton and Marshall were familiar with the constitutional debates, and John Marshall, when threatened with impeachment, delivered a masterly opinion, in Marbury against Madison, which has settled the doctrine that the Supreme Court has a right to enforce constitutional provisions against the action of the executive or the legislative branch. It was the first great judicial step to make secure the Bill of Rights contained in this Constitution. It has been the law from that day to this.

I do not care whether the object in view is accomplished through breaking down the judiciary and destroying its power, or is accomplished by an amendment to the Constitution sweeping away all protection for our form of government and the guaranties of the Bill of Rights. Either is destructive of human liberty and spells the doom of representative democracy. If all the agitators who are going up and down the land denouncing the Supreme Court and the Constitution could have their way, our great representative democracy, bulwarked by the Constitution, which has stood for nearly 140 years, would disappear, and we would relapse into a state of insecurity and to anarchy so conspicuous in certain nations of the world.

If it is true—and I deny it absolutely—that the Government is controlled by an oligarchy of wealth, then the laboring man, the humble citizen, the millions of the toiling masses, should be the last to sweep away those guaranties of liberty and individual rights which have surrounded them for more than a century.

Mr. LA FOLLETTE. Mr. President, I have not objected to any criticism of an address which I delivered on June 14 before the American Federation of Labor at Cincinnati, but it does seem to me that it would have been orderly, and a matter of courtesy as between Senators, if a criticism of that sort was to be inserted in the RECORD, that mention should have been made of that fact to the end that the address itself, which is the subject of so much criticism and animadversion by certain Senators, might have had a place in the RECORD along with the criticism of the address. My first intimation that there had been introduced into the CONGRESSIONAL RECORD any criticism of that address did not come from the Senator who introduced the criticism, but came from another Senator on this floor who said to me that as he came into the Senate he heard just a word of the comment of the Senator from New Jersey, and that he fancied that something was being put into the RECORD in criticism of an address I had made at Cincinnati.

I was invited to deliver an address on the decision of the Supreme Court on the child labor law at the annual convention

of the American Federation of Labor on the 14th of June. I accepted that invitation. I delivered that address. It has not been printed anywhere so far as I am advised. Only very brief extracts from it have appeared in the public prints, and no one has had a fair opportunity to judge of what I said there.

It seems to me it would have been an ordinarily decent courtesy from one Senator to another, if a Senator was to introduce a criticism of that address, that he should have given me notice at the time that he was going to do it, thus affording me an opportunity to put the address in the RECORD so that it could be judged along with the criticism.

Up to the present hour the address that I made before the American Federation of Labor has been printed nowhere and yet Senators, seizing upon the opportunity to prejudice the American public with respect to that address, have taken the floor here and assailed it.

Yesterday, late in the session, getting recognition as early as I was able to, I briefly replied to the criticism of the president of Columbia University, which had been printed in the RECORD the previous day at the suggestion of the Senator from New Jersey without any notice to me that it was to be inserted. I intended in connection with my answer to the criticism to print the speech as delivered at Cincinnati. The Senator from North Dakota [Mr. MCCUMBER] asked if I would not yield to allow a vote to be taken upon the motion offered by the Senator from Indiana [Mr. WATSON] before I had concluded what I had to say upon the subject. I agreed to that, and as the result of what transpired, which appears in the RECORD, I withheld the presentation of the speech to the Senate at that time.

It will be remembered by Senators that the Senator from Nebraska [Mr. NORRIS] asked leave, in view of the fact that the criticism by Nicholas Murray Butler had been printed in the RECORD, that my speech be printed in the RECORD, and he obtained unanimous consent that that be done. In view of that, and solely for the purpose of saving the time of the Senate, I called up the Senator from North Dakota this morning and said to him that while I had thought I ought to read that speech into the RECORD myself, in view of the criticism which had been leveled at it, yet in order to save time this morning I would simply avail myself of the unanimous consent agreement that it be printed and would print it in the RECORD. I called on the telephone the Senator from New Jersey [Mr. EDGE] and informed him that I intended to do that. He replied over the telephone that he wanted to get some further observations in the RECORD to go out at the same time the speech went out. I reminded him of the fact that he had placed in the RECORD some criticism of the speech that did not go out along with the speech itself, but I left him to take his own course, and he has occupied the time of the Senate this morning in making an added attack upon that speech.

Then, Mr. President, when the Senator from New Jersey concluded his attack I rose in my place here, rather expecting that I might be accorded recognition; the Senator, the famous "trust buster," from Minnesota [Mr. KELLOGG] bobbed up and secured recognition, instant recognition, as though the wires had all been charged with electricity to insure it. He said something about making a tariff speech, and I thought, so far as he was concerned, that he was going to talk about the tariff, so I went up to my committee room to do some work on the oil investigation which the Senate has ordered the Committee on Manufactures to undertake. Then word came to me that the Senator from Minnesota was attacking the speech that had been made in Cincinnati before the American Federation of Labor, that nobody knew anything about, excepting as extracts of it had appeared in the newspapers.

Mr. President, I am going to revise my determination about that speech, and I am going to lay the speech and the comments which I made yesterday all together in one statement before the Senate. I have the floor. I am not going to yield to interruptions. I am going to present my response to Nicholas Murray Butler, the handiman of privilege, who happens to be at the head of Columbia University. I am going to repeat what I said in the Senate yesterday in response to his criticism of that speech and then I am going to put the speech into the RECORD, and I am going to do it without yielding to interruptions, that it may all go to the country together.

I may say, Mr. President, that I purpose shortly to introduce a proposed amendment to the Constitution. I am going to present it for the consideration of the Senate, and at the time when I present it, or shortly thereafter, I am going to make to the Senate an argument in support of the proposed amendment. I am going to review in that argument all of the decisions of the Supreme Court from the beginning of the Government down to the present time in which that court has declared unconstitutional the acts of the legislative branch of the Government. I am going to submit an analysis of those decisions. I purpose to show that the Supreme Court has departed from the position allotted to them by the founders of this Government to interpret the law and administer justice and that its members have become in large measure a legislative body, injecting their views into the acts of Congress and modifying those acts by constructions, in plain violation of the purpose and intent of Congress. Indeed, so far have they gone in this respect that members of that court—such men as Justice Harlan, Justice Day, and Justice Holmes, men whose views should command the respectful attention of this body—have said that the majority of the court were violating the Constitution of the United States; that they were assuming to legislate, when the founders of this Government said that the Congress alone should legislate and that the Supreme Court should adjudicate the law as written.

Mr. President, members of the Supreme Court themselves have administered much severer criticism of their associates and of that court than anything that I have ever uttered against them. They have gradually encroached upon the legislative department of this Government until they destroy, will-nigh destroy, the scheme of Government prepared and carried out for us by the fathers in establishing this Government.

Mr. President. in presenting the criticism that I have made of the Supreme Court, I believe, as I believe in my existence, that I am serving the purpose of the men who founded this Government, that I am not assailing, attacking, or undermining our free institutions. Nay, sir, I am willing to be judged in my time and in the future by the high test of the men who made this Government.

Mr. President, I have not offered any criticism, I made no criticism on yesterday in what I said, of the course of the Senator from New Jersey [Mr. EDGE], and there was small reason, as I shall show presently, for his taking the floor, or for the "trust buster" from Minnesota [Mr. KELLOGG] taking the floor to assail my yet unpublished speech to which I am going to give publicity before I quit the floor. I refer to the speech delivered by me at Cincinnati on the 14th day of June. So, in view of what has transpired here this morning, and as showing the purpose of it, I propose—and I am glad that it will appear in the RECORD in this order following the statements of the Senator from New Jersey and the Senator from Minnesota—to put into the RECORD now the criticism that I made, in so far as I made any criticism, and the answer that I made to the abstract of the speech of Nicholas Murray Butler, which the Senator from New Jersey put into the RECORD day before yesterday without giving any notice to me.

What I said upon that occasion with reference to the action of the Senator from New Jersey was as follows:

> The practice has grown up here in the Senate by which Senators as a matter of course procure unanimous consent to print in the RECORD letters, newspaper clippings, or other communications which the Senator offering may think to be of public interest. No one sees the matter in advance except the Senator offering it. The honor and good faith of the Senator offering the matter is the only protection afforded to Senators from having inserted in the RECORD more or less unwarranted attacks concerning them.

Mr. President, I interpolate at this point the observation that that, and that only, is the mild statement that I made with regard to the course pursued by the Senator from New Jersey in putting the so-called abstract of Nicholas Murray Butler's speech in the RECORD without my knowledge. That is all I said about him, and yet that furnished the Senator from New Jersey the occasion for his performance here this morning.

In the address of Doctor Butler, which the Senator caused to be inserted in the RECORD, he quotes me as saying in a speech in Cincinnati a few days ago as follows:

> A century and a half ago our forefathers shed their blood in order that they might establish on this continent a government deriving its just powers from the consent of the governed, in which the will of the people, expressed through their duly elected representatives, should be sovereign.

That is the end of the quotation which Doctor Butler made. He took issue with what I said in the following language:

> Our forefathers did nothing of the sort. They took good care to do something quite different.

That makes up the issue between Doctor Butler and myself, and because of the language which he quoted—for he quotes nothing else from my speech—I assume that it is upon this basis that he charges me with "preaching doctrines anti-American and inimical to liberty and justice." The purposes for which our forefathers shed their blood in the American Revolution were solemnly and unanimously declared in the Declaration of Independence, of which Doctor Butler apparently has never heard. What I said in the opening of my address was nothing more than a weak paraphrase of the immortal words used in the Declaration of Independence; that to secure the rights enumer-

ated in the first sentences of the Declaration "governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

I am aware that gentlemen of the ilk of Doctor Butler are ready to contend that our forefathers did not shed their blood in order that they might establish a government on this continent "deriving its just powers from the consent of the governed," and in which the will of the people, expressed through their duly elected representatives, should be supreme; but, as against the contention of Doctor Butler and the Wall Street interests he so ably serves permit me to put into the RECORD the declarations of a few of those men who have done so much to make this Government representative of the will of the people.

I quote these words from Washington as to what this Government is:

The basis of our political system is the right of the people to make and alter their constitutions of government at will.

Madison, whose hand, sir, is credited with having written most of the Constitution, declared:

The people are the only legitimate foundation of power.

Alexander Hamilton said of this Government:

The foundation of the American empire ought to rest on the solid basis of the consent of the governed.

Webster in his immortal reply to Hayne gave birth to the germ that finally flowered into an expression that fell from the lips of Abraham Lincoln and was given to immortality. Webster in his reply to Hayne used these words:

It is the people's Constitution, the people's Government, made for the people, made by the people, and answerable to the people.

Lincoln at Gettysburg on that gray November morning gave immortal life to that idea as he uttered these words:

We here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

Mr. President, what was the head and front of my offending which so outraged the sensibilities of Doctor Butler and those special interests in this country he so ably serves? In discussing the intolerable conditions which have grown up outside and contrary to the Constitution of this country, by which the Federal judiciary have infringed upon and to a large extent usurped the lawmaking power, I propose to amend the Constitution, in the regular way, providing—

First. That no inferior Federal judge shall set aside a law of Congress on the ground that it is unconstitutional; and

Second. That if the Supreme Court assumes to decide a law of Congress unconstitutional or by interpretation undertakes to assert a public policy contrary to that declared by Congress, then the law may be reenacted in the regular constitutional manner and shall thereafter become effective in spite of the veto of the court.

Mr. President, every person at all familiar with the Constitution of this country and its history knows that this proposal, so far from being revolutionary, merely aims to restore to the lawmaking branch of the Government the power which the Constitution in express terms confers upon it. On this point I should like to place before you the carefully considered opinion of an authority who should command the respect even of Doctor Butler. I quote:

As the people are the only legitimate fountain of power, and it is from them that the constitutional charter under which the several branches of Government hold their power is derived, it seems strictly consonant with the republican theory to recur to the same original authority—

That is, to the people—

not only whenever it may be necessary to enlarge, diminish, or new-model the affairs of government but also whenever any one of the departments may commit encroachments on the chartered authorities of the others.

The several departments being perfectly coordinated by the terms of their common commission, none of them can pretend to an exclusive or superior right in settling the boundaries between the respective powers. And how are the encroachments of the stronger to be prevented or the wrongs of the weaker to be redressed without an appeal to the people themselves, who, as the guarantors of the commission, can also declare its true meaning and enforce its observance?

Who wrote those words? Was it Roosevelt, in advocating the recall of judicial decisions, or Bryan, in advocating the recall of judges? No, no! They were addressed by Alexander Hamilton, who is sometimes regarded as the founder of the Republican Party, to the people of the State of New York, and are found in The Federalist, in article No. 49.

No one, sir, I take it, will assert that there is anything in the Constitution which gives the Federal courts the right to declare a law unconstitutional. I pause to let that soak in. I repeat it: No one, sir, I take it, will assert that there is anything in the Constitution which gives the Federal courts the right to declare a law unconstitutional; nor will anyone dispute, I believe, the familiar principle that since the Federal Government is one of enumerated powers, every power that it possesses must be provided for in the Constitution, either expressly or by necessary implication. More than that, anyone familiar with the constitutional debates knows that the proposal was made in the Constitutional Convention to give the courts some measure of this power—not the whole power, just some measure of this power—which they have since usurped in declaring laws unconstitutional, but that proposal was rejected by the framers of the Constitution. The fact is that the Federal courts by their decisions have worked a complete revolutionary change in our form of government, and it is none the less complete because the change has been made gradually. The conditions which that revolution has created are no longer bearable, sir; and my proposition is simply to proceed in accordance with the law and in accordance with the Constitution to restore to the executive, the legislative, and the judicial departments of government the powers and functions which the fathers, in the Constitution, declared they should respectively possess and exercise.

And now, Mr. President, I am not quite content, sir, to print in the RECORD the address which I made before the American Federation of Labor on June 14. The Senator from Nebraska [Mr. NORRIS], while I was on the floor yesterday, obtained consent from the Senate that that address should be printed; but it has been so traduced, so maligned, so misrepresented, that I am not content that it shall simply be reproduced in the type of the RECORD. I do not wish to overweary the Senate. Until the Senator from New Jersey [Mr. EDGE] found it necessary to take the floor again this morning and add to that which he said day before yesterday, without this speech ever having yet been published, I had intended to save the time of the Senate this morning, and had so informed the chairman of the Committee on Finance, that, so far as I was concerned, I would be content to print in the RECORD the speech which was delivered in Cincinnati on June 14 before the American Federation of Labor. After coming into the Senate, however, and listening to the performances of the Senator from New Jersey and the Senator from Minnesota, I have concluded that I am going to exercise my rights and privileges as a Senator, and I am going to put that speech before the Senate now just exactly as I put it before the American Federation of Labor on the 14th of June in Cincinnati.

Sir, a few days before the 14th day of June I was invited to speak upon the recent decision of the Supreme Court of the United States in declaring the child labor law unconstitutional and to address myself to submitting suggestions for meeting the situation which had arisen as a result of that decision. I accepted the invitation, and on the 14th day of June I appeared before the American Federation of Labor at Cincinnati, and was introduced to the members of the American Federation of Labor and the audience there assembled in a speech of presentation that I felt accorded to me more generous praise with respect to my public work than I was fairly entitled to. I mention that as it explains some matter which appears in the preliminary remarks preceding the address which I had prepared to deliver to the American Federation of Labor at that time in response to their invitation.

Mr. President, I now proceed to give the address exactly as it was given there at that time—the address which has been subjected to all this animadversion and criticism, to all these diatribes that have been delivered through the columns of the press, editorially and otherwise. Why, although I have not seen it myself, I understand that I have been made the subject of a most drastic and vitriolic editorial in the Wall Street Journal. I suppose, Mr. President, that it is somewhat akin to the criticism delivered here. I have not read it myself. I have not seen it. It may be a sort of little brother to the observations made here by the Senator from New Jersey and the Senator from Minnesota.

I now will reproduce here before the Senate the address which I delivered in Cincinnati on the 14th day of June.

ADDRESS BEFORE ANNUAL CONVENTION OF AMERICAN FEDERATION OF LABOR, CINCINNATI, JUNE 14, 1922.

Mr. President and members of the American Federation of Labor, I count it a great honor and a great privilege to be given the opportunity to appear before you here to-day. Permit me, sir, to say out of a full heart that I deeply appreciate your more than generous words of introduction to this great audience.

You have accorded to me more praise and achievement than is my due. I am not the author of the seamen's law.

That has been enumerated by Mr. Gompers, in presenting me to the audience, as one of my achievements in legislation.

I wish I might claim it all as mine. To Andrew Furuseth, more than any other living man, is due the credit of that piece of legislation. I think I may fairly say that I added, after the matter was submitted to me, some few provisions to it which gave it a broader public interest and enabled us to enlist the general public in its support. It was of practical value. I may say that my contribution was in extending the life-saving provisions to the general public and thereby enabling us to make a broader appeal for support for that legislation.

And, sir, in fullness of time, when we have all passed, a grateful public will erect a suitable monument to the memory of Andrew Furuseth, the one man above all others who emancipated the American sailor from slavery.

Now, Mr. President, ladies, and gentlemen, I come to the subject which has been assigned to me through your invitation to address this convention. I have set down with some care what I am to say here to-day. I have been, Mr. President, misquoted sometimes in my addresses [laughter], and when it befalls a man in public life that some statement is attributed to him either through mistake or through malice, which he never made, he suffers a long time before he can get a fair correction.

Perhaps no one in this country has experienced the truth of that statement more than yourself, Mr. President, for you have been maligned and misrepresented all through your great work as the head of this organization.

A century and a half ago our forefathers shed their blood in order that they might establish upon this continent a government deriving its just powers from the consent of the governed, in which the will of the people, expressed through their duly elected representatives, should be sovereign.

By a process of gradual encroachments, uncertain and timid at first, but now confident and aggressive, sovereignty has been wrested from the people and usurped by the courts.

To-day the actual ruler of the American people is the Supreme Court of the United States.

The law is what they say it is, and not what the people, through Congress, enacts. Aye, even the Constitution of the United States is not what its plain terms declare but what these nine men construe it to be.

In fact, five of these nine men are actually the supreme rulers, for by a bare majority the court has repeatedly overridden the will of the people as declared by their Representatives in Congress, and has construed the Constitution to mean whatever suited their peculiar economic and political views.

The nine lawyers who constitute the Supreme Court are placed in positions of power for life, not by the votes of the people but by presidential appointment.

Ex-President Taft was recently made Chief Justice by President Harding.

Thus a man was invested with the enormous prestige and influence of Chief Justice of the Supreme Court by presidential appointment who had been repudiated by the voters of the United States on his record as President. After they had experienced a single term of his administration as Chief Magistrate and had studied his attitude, his acts, his sympathies, on public questions for four years they declined to reelect him President.

No one will contend that he could have been elected Chief Justice of the Supreme Court by vote of the people. And yet, made Chief Justice by presidential appointment, Mr. Taft wrote the opinion that annulled the child labor law. He also wrote the opinion in the Coronado Coal Co. case.

In making this observation, I level no criticism at the personnel of the present court. I am not concerned with personalities. I am dealing with fundamentals. The present court is probably up to average of that court in ability, wisdom, and character, but these judges, even though they sit upon the Supreme Bench of the United States, are after all but men. I am concerned only with allowing them or any other body of men so chosen to have supreme power over the happiness, the rights, and the very lives of the 110,000,000 people of the United States.

Sharing the sovereign power of the Supreme Court, but in every way subordinate to it, is the array of minor Federal judges. Many of these Federal judges are excellent and enlightened men with a high sense of justice. Some of them, notably Judge Anderson, of Indiana, and Judge McClintic, of West Virginia, have, in my opinion, shown themselves to be petty tyrants and arrogant despots.

Here again I am not attacking the personalities or opinions of individual judges. I am dealing with the fact, which can not be denied, that we are ruled by a judicial oligarchy. Even if all these Federal judges were men of the greatest wisdom, the most irreproachable character and the broadest views, the essence of the situation would not be altered. If this were the case, and unfortunately it is not, we would merely have a benevolent despotism—a system repugnant to every American ideal.

From what source, it may be asked, have the Federal judges derived the supreme power which they now so bodly assert? Not only was such power not given to the judiciary in any Constitution, State or Federal, but the records of the Constitutional Convention show that when it was proposed in the Constitutional Convention that judges should have a veto upon acts of Congress, it was decisively defeated on four separate occasions, and at no time received the support of more than three States. As a matter of fact, no member of the Constitutional Convention was bold enough to bring forward a proposition that Federal judges should have the power of nullifying a law after it had been enacted by Congress and approved by the President. The most extreme measure offered exalting the power of the judiciary was merely the proposal, presented by Madison and James Wilson, that the Supreme Court have the same power as the President to pass upon legislation before its final adoption, and if the Supreme Court should hold it unconstitutional that the measure in question should be passed by a two-thirds vote of each House before it should become effective as law. It was in this restricted form that the members of the Constitutional Convention overwhelmingly rejected the theory of "a paramount judiciary."

There is, therefore, no sanction in the written Constitution of the United States for the power which the courts now assert. They have secured this power only by usurpation. Thomas Jefferson foresaw this inevitable encroachment of the judiciary upon the sovereignty of the people, and used his mighty powers to resist it. He said:

> It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the judiciary—the irresponsible body working like gravity, by day and by night, gaining a little to-day and gaining a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

In extending their jurisdiction in other directions, the Federal courts have often gone to the judiciary of England for precedents, but in asserting their right to set aside the laws of Congress they have never looked in that direction, and for a very good reason. As Chief Justice Clarke, of the Supreme Court of North Carolina, has aptly said:

> The courts have attempted only once in England to assert a right to set aside an act of Parliament, and then Chief Justice Tresillian was hanged and his associates exiled to France, and hence subsequent courts have not relied upon it as a precedent. * * * No court in England since Tresillian's day has refused to obey an act of Parliament.

In the beginning encroachment by the Federal judiciary was very gradual. In the case of Marbury against Madison, where the power of the judiciary to nullify statutes was first formally declared, it is worthy of note that this principle was not involved in the decision, but was asserted only as an opinion of the court, and that it was further qualified by the statement that it is only legislation "clearly repugnant to the Constitution" that can be declared void. That was the first time they undertook to say anything on the subject, and then they said it had to be a very plain case about which there could be no dispute.

This is one of the commonest stratagems of the court. The particular case is decided in accord with the popular attitude, but there is often adroitly introduced into the decision what lawyers call obiter dicta—that is, a carefully worded declaration, as a mere incidental and collateral expression of opinion, not material to the decision of the case before the court, but which is injected into the case at bar to prepare the way for a contemplated decision when the occasion shall be more opportune.

This, it may be remarked, is exactly what the Supreme Court did the other day in the Coronado case, where it dismissed the case against the United Mine Workers, but laid down a line of policy which will in future be relied upon by all Federal and many State courts to limit and hamper, if not destroy, not only trade-unions but organizations of farmers and others who are concerned in bitter controversies against the powers of intrenched wealth.

Until recent years the Supreme Court ventured to assert this great power to override the acts of Congress, only upon rare occasions, and at widely separated intervals of time. As only a relatively small part of the people were directly affected by any of these decisions, the public as a whole were not aroused to the dangerous usurpation which was taking place. There were, it is true, occasions, such, for example, as the decision that Congress did not have the right to levy an income tax, which aroused the entire country, but in these cases

the evil was cured by constitutional amendment overruling the Supreme Court, so that the direct question of the court's usurped power did not become a continuing issue.

For several years before the outbreak of the Great War, however, the people had become aroused to this dangerous situation and a continuous campaign was being conducted to check or correct it. This, you will recall, was one of the issues in the campaign of 1912, when Theodore Roosevelt brought forward as his remedy a proposal for the recall of judicial decisions. The growing movement for the reform of the American judiciary, like many great reform movements of that kind, was interrupted and set back by the outbreak of the World War. But the judiciary was not checked. On the contrary, it availed itself of this period, when the attention of the people was diverted by the problems of war and of reconstruction, to extend its powers and to nullify the acts of Congress with greater boldness than it ever before displayed.

Several years ago Justice Harlan, one of the wisest and most farsighted men who ever sat upon the Supreme Court, said:

When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government, and by judicial construction only is declaring what should be the public policy of the United States, we will find trouble. Ninety millions of people—all sorts of people with all sorts of opinions—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government and the power on its part to declare what is the public policy of the United States.

In my opinion, the time of which Justice Harlan spoke is now at hand. I believe that the decisions of the Supreme Court and the injunctions of the lower Federal courts, coming as they have as the culmination of a long train of judicial usurpations, have aroused every citizen who pretends to have any concern for the welfare of his country.

I believe that this question of judicial usurpation is now a supreme issue.

The decision handed down by the majority of the Supreme Court on May 15 last, in what is commonly known as the child labor case, is merely one of the latest manifestations of the usurpation of power by that court.

Assuredly it is not necessary in this presence to discuss the evils of child labor in our industrial system. The conscience of the people of this country has long been aroused upon that subject both by daily witnessing the baleful results of pressing children of tender years into the service of greedy and selfish employers and by scientific knowledge of the race deterioration that results from depriving childhood of its inherent right to grow and develop under normal conditions.

The question here is not whether the people wanted the child labor law. That they demanded it, and that Congress enacted it in response to enlightened public opinion, is certain.

When I first came to the Senate in 1906 the evil of child labor in the United States was one of the foremost subjects of interest and discussion in Congress and throughout the country.

Not until 10 years later, however, was the child labor act passed. But when the vote on the bill was finally taken there were 337 to 46 in favor in the House and 52 to 12 in the Senate.

Back of this vote was the enormous pressure of public opinion, a tremendous expenditure of energy and effort. In addition to the mighty power of the American Federation of Labor and labor organizations generally, the women's organizations of the country had worked unceasingly, unitedly, disinterestedly for the passage of the bill. The women's clubs, the Consumers' League, the Women's Trade Union League, the Federal Children's Bureau were all powerful factors in securing the enactment of the child labor law.

Any discussion of this subject must take into consideration the immense setback to human progress which naturally follows the annulment of the child labor law. It is a great task to overcome the loss of enthusiasm, the disappointment and discouragement on the part of those who have given years of life and service to a cause when it is defeated. The people are made to feel helpless and hopeless. Their Government appears to be an autocracy instead of a democracy.

The decision of the Supreme Court has set aside and nullified that law. The pressing question is, What are we going to do about it? In order to answer that question it is necessary to recall the leading facts in the struggle between the people and the Federal courts on the subject of child-labor legislation.

The Congress first passed a law upon this subject in September, 1916. That law prohibited transportation in interstate commerce of goods made at a factory in which children under the age of 14 were employed or permitted to work, or children between the ages of 14 and 16 were employed or permitted to work more than eight hours a day or more than six days in a week or after 7 p. m. or before 6 a. m. Certainly this was most moderate regulation and afforded the minimum of protection to young children employed in industry. This law was passed by Congress in response to an insistent public demand. The old idea that it was desirable or even commendable to employ young children in exhausting labor in factories, mines, and shops had given way to the more humane and intelligent view that such labor was not only a crime against childhood but that it degraded adult labor as well and was a menace to the race and hence to government itself. This more enlightened view had been approved by the people of the country generally—with the exception possibly of certain Federal judges, and always excepting the powerful but selfish manufacturers in a few States, who were able to defeat child-labor legislation in those States.

The hearings before Congress upon this measure were extended and most exhaustive. It was shown at these hearings that the mortality of children in industry was many times greater than among children of the same age not similarly employed. For example, in the House Report No. 46, Sixty-fourth Congress, first session, page 222, it was pointed out that mortality from tuberculosis among the most youthful children employed in certain cotton mills was four times as great as among children of like age not so employed, and that of the older children the mortality from tuberculosis was two and one-half times greater than children of the same age and environment not so employed.

In the Senate Report No. 368, Sixty-fourth Congress, first session, at page 11, it is said:

The evidence is overwhelming that unregulated child labor does not promote a healthy citizenship; that it tends to the deterioration of the race physically; and the dwarfing of children mentally through the denial of a full opportunity for education; and to criminality, since the statistics of our juvenile court show that by far the largest percentage of juvenile delinquents are the children who were put to work too soon rather than the children who are trained in the schools.

The medical evidence was to the same effect and showed that the young child worker became dwarfed in body and mind, that the State was deprived thereby of vigorous citizenship, and the child lost his birthright to share in the opportunities given to his fellows, and child labor was denounced as "child slavery."

Wherever enlightened State courts have had occasion to deal with this subject the evidence has all been to the same effect. In the case of the Inland Steel Co. against Yedinak, upholding the constitutionality of the Indiana child labor laws, the court said:

The employment of children of tender years in mills and factories not only endangers their lives and limbs but hinders and dwarfs their growth and development physically, mentally, and morally. The State is vitally interested in its own preservation and, looking to that end, must safeguard and protect the lives, persons, health, and morals of its future citizens.

Because many States were without adequate child labor laws and because certain selfish and powerful interests in those States, determined to exploit child labor, were sufficiently powerful to prevent State legislation, it became necessary that Congress should take action upon this subject under its admitted power to regulate commerce between the States. That congressional action was absolutely necessary was demonstrated beyond question at the hearings I have referred to. There was no means other than through the action of Congress by which the citizens of the States with enlightened and humane child labor laws could protect themselves against the goods turned out by cheap and underpaid child labor in the States which had no adequate protection for child workers. For example, in 1880 the percentage of children under 16 years of age to all wage earners in the Southern States was 25 per cent. In the New England States it was only 14 per cent. In 1890 the percentage in the Southern States was 24.2 per cent, still substantially 25 per cent. In the New England States it had fallen to 6.9 per cent. In 1900 the percentage of the Southern States was still 25 per cent and in the New England States it was only 6.7 per cent. One result of this conflicting economic situation was the establishment of branches of New England cotton mills in South Carolina, Georgia, Alabama, and North Carolina, where young children could be worked with little restriction.

The Industrial Commission created by the act of June 18, 1898, in its final report, volume 19, page 922, said:

Uniform, or at least similar, legislation in the various States is especially desirable in the case of laws restricting child labor, because in so far as the employment of children is a real economy, it gives manufacturers in the States where it is permitted an unfair advantage over those in the States having child labor laws.

The whole matter was well summed up in the testimony of Mr. Brinton, of Philadelphia, printed in the hearings before the Committee on Labor, Sixty-fourth Congress, first session, on H. R. 8234, page 270, as follows:

Mr. BRINTON. Gentlemen of the committee, from Pennsylvania we come to this hearing with high hopes. Session after session at our legislature we have been met by the cry from the manufacturers, "State legislation is unfair. You ask us to compete with other States of different standards. This interstate competition will ruin our business. If we must advance, let us advance together." * * * The condition which confronts us to-day is therefore in actual fact largely a problem of interstate competition through interstate commerce, a condition emphasized in every child-labor campaign in every State; a condition certain to grow more hopeless as conditions of competition become constantly more intense. Interstate commerce is at the root of the evil as it exists to-day.

And in the Senate Report No. 358, Sixty-fourth Congress, first session, page 21, which had under consideration the measure which afterwards became law, it is said:

So long as there is a single State which for selfish or other reasons fails to enact effective child-labor legislation, it is beyond the power of every other State to protect effectively its own producers and manufacturers against what may be considered unfair competition of the producers and manufacturers of that State, or to protect its consumers against unwittingly patronizing those who exploit the childhood of the country.

It has been well and truthfully said that childhood labor in any State lowers manhood labor in every State.

Congressional legislation is absolutely necessary, therefore, to protect the childhood of the country, and to protect the manhood and womanhood of the country, and to protect the consumer from becoming a partner with the exploiters of child labor through unwittingly purchasing the tainted products of child labor.

It was, sir, in recognition of this situation and in obedience to these compelling reasons that the Congress enacted the child labor law to which I have referred.

The power of Congress to enact that law is not only written into the plain language of the Constitution itself, but Congress had so frequently exercised a similar power as to make it seem certain beyond the possibility of a doubt that no court would venture to question the congressional authority to enact this much-needed legislation. The clause of the Constitution of the United States which I contend expressly confers upon Congress the power to enact this law is found in section 8, where it is declared "the Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

The power of Congress to regulate commerce between the several States is therefore supreme. The Congress has precisely the same power to regulate and control commerce between the several States that it has to regulate and control commerce with foreign nations. Before the Congress passed the child labor law it had passed many other laws, the constitutionality of which had been upheld by the Supreme Court, which not only regulated but practically prohibited interstate commerce in certain commodities. It had prohibited the movement in interstate commerce of lottery tickets, of persons for immoral purposes, of diseased live stock, of adulterated food, and of intoxicating liquors. (See Lottery Case, 188 U. S. 321; Hoke *v.* United States, 227 U. S. 308; Reid *v.* State of Colorado, 187 U. S. 137; Hopilite Egg Co. *v.* United States, 220 U. S. 45; and Clark Distilling Co. *v.* Western Maryland Railroad Co., 342 U. S. 311, 325.)

In these and many other instances Congress had absolutely closed interstate commerce to certain persons and commodities under its power to regulate commerce. That the commodities excluded were in many instances not harmful made no difference. (See United States *v.* American Tobacco Co., 221 U. S. 106, 132.)

The Constitution vested in the Congress solely the right to determine the necessity and propriety of regulating even to the point of prohibiting the transportation of any article in interstate commerce. This rule had been so repeatedly declared in the cases to which I have referred, and many others, that it had come to be accepted as a self-evident proposition. Nor was this all. So tenacious of the power of Congress to control interstate commerce has the Federal Government always been that the power of States to regulate or tax corporations engaged in interstate commerce has been greatly hampered by the court and flatly denied by the Supreme Court, wherever it could be made to appear that the action by the State to any extent burdened interstate commerce. (See Ex parte Young, 209 U. S. 123; Galveston, etc., Railroad Co. *v.* Texas, 210 U. S. 217; Western Union Telegraph Co. *v.* Kansas, 216 U. S. 1; Yazoo, etc. Co. *v.* Greenwood Co., 227 U. S. 1; and numerous other cases.)

The administration of the law was given to the Federal Children's Bureau under the direction of Julia Lathrop, a rarely gifted executive. In her sixth annual report Miss Lathrop said:

A well-organized system of administration had been developed, which was constantly growing in efficiency. States with standards as high or higher than those of the Federal statute and with competent administering officials were working in excellent cooperation with the Government inspectors to the strengthening of both. In some States laws had been modified to make possible compliance with the certificating provisions of the new statute. In others the direct issuance of certificates by the officers of the Children's Bureau was securing an orderly procedure, returning many children to school, increasing the popular demand for schools, and incidentally showing the parents and the public the need of physical tests of fitness for work. Cases of willful violation had been successfully prosecuted, though this was the least important effect of the law.

In spite of the clear language of the Constitution and the many decisions of the Supreme Court, the ink was hardly dry upon the child labor act, passed by Congress in 1916, before an inferior Federal judge in North Carolina assumed to hold the act void, as unconstitutional, and enjoined its enforcement in that district. I refer to the case of Hammer *v.* Dagenhart, which reached the Supreme Court on appeal by the Government and was decided in June, 1918. (See case reported in 247 U. S. 251.)

We are informed from the record in this case that the bill to test the constitutionality of the law was filed in the United States District Court for the Western District of North Carolina by a father in his own behalf and as the next friend of his two minor sons, one of the age of 14 and the other was between the age of 14 and 16 years. All were employees in the cotton mill at Charlotte, N. C. Who paid the expenses of these cotton-mill operatives in the litigation does not appear. The Supreme Court of the United States, however, by a 5 to 4 decision, declared the law unconstitutional in spite of the plain language of the Constitution and in spite of that court's previous decisions. Mr. Justice Holmes filed a strong dissenting opinion, which was concurred in by Mr. Justice McKenna, Mr. Justice Brandeis, and by Mr. Justice Clarke. In his dissenting opinion Mr. Justice Holmes said:

The question then is narrowed to whether the exercise of its otherwise constitutional power by Congress can be pronounced unconstitutional because of its possible reaction upon the conduct of the States in a matter upon which I have admitted that they are free from direct control. I should have thought that that matter had been disposed of so fully as to leave no room for doubt. I should have thought that the most conspicuous decisions of this court had made it clear that the powers could not be cut down or qualified by the fact that it might interfere with the carrying out of the domestic policy of any State. * * *

I should have thought that if we were to introduce our own moral conceptions where, in my opinion, they do not belong, this was preeminently a case for upholding the exercise of all its powers by the United States.

But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone * * *. It is not for this court to pronounce when prohibition is necessary to regulation, if it ever may be necessary—to say that it is permissible as against strong drink, but not as against the product of ruined lives.

This does not meddle with anything belonging to the States. They may regulate their internal affairs and their domestic commerce as they like. But when they seek to send their products across the State line, they are no longer within their rights. If there were no Constitution and no Congress, their power to cross the line would depend upon their neighbors. Under the Constitution such commerce belongs not to the States but to Congress to regulate. It may carry out its views of public policy whatever indirect effect they may have upon the activities of the States.

I want you to get that into your minds. Congress enacts law, and Congress declares the public policy of government under the Constitution as this Government was builded by the fathers. It is the business of the courts to administer justice under the laws as written, and they have absolutely no business to meddle with or attempt to dictate the public policies of this Government. That is what Justice Holmes means when he says:

Instead of being encountered by a prohibitive tariff at her boundaries, the State encounters the public policy of the United States which it is for Congress to express. The public policy of the United States is shaped with a view to the benefit of the Nation as a whole. If, as has been the case within the memory of men still living, a State should take a different view of the propriety of sustaining a lottery from that which generally prevails, I can not believe that the fact would require a different decision from that reached in Champion *v.* Ames. Yet in that case it would be said with quite as much force as in this that Congress was attempting to intermeddle with the State's domestic affairs. The national welfare as understood by Congress may require a different attitude within its sphere from that of some self-seeking State. It seems to me entirely constitutional for Congress to enforce its understanding by all the means at its command.

The opinion, written by Mr. Justice Day for the five judges constituting the majority of the court, does not in form overrule any previous decisions, but says:

In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States.

Of course, the very purpose of the legislation was to prevent young children being overworked in mines and factories in States that refuse to pass decent child labor laws. The

majority opinion, however, in apparent justification of North Carolina's law, said:

> In North Carolina, the State where is located the factory in which the employment was had in the present case, no child under 12 years of age is permitted to work.

The majority opinion held that the products of child labor, though stained with the sweat and blood of its victims, are untainted, and that the Congress of the United States is powerless to declare otherwise.

The seventh annual report of the Chief of the Children's Bureau tells the results of the repeal of this child labor law by the Supreme Court in its decision of the Dagenhart case, as follows:

> The immediate effect of the decision of the Supreme Court in States where the State child-labor standards were lower than those imposed by the Federal law was the prompt restoration of the longer working day for children. In addition, in a number of these States there was an appreciable increase in the violation of the State laws. For example, of the 53 factories visited in one State by inspectors of the bureau shortly after the Federal law was declared unconstitutional 47 were found violating the State law by employing 430 children under 12 years of age, while in the 40 factories inspected in this State while the Federal law was in operation only 95 children under 14 had been found at work. The tendency to illegal employment of children was especially marked in the canning industry. In one State where the minimum age for employment in canneries was 14 years, the same as that established by the Federal law, 721 children under that age, including over 50 who were not yet 10 years old, were found employed in 205 canneries visited by inspectors of the bureau in the summer of 1918. (After the Supreme Court had nullified the child labor law.)

Congress at the next session passed the act of February 24, 1919, which sought to obviate the objection of the Supreme Court by levying an excise tax upon the employers of child labor who transported their product in interstate commerce and who employed children within the prohibited ages and in excess of prescribed hours. This statute, in my opinion, though amply supported by authority to be found in previous cases of the Supreme Court, was doomed unless the court should reverse the decision in the Dagenhart case.

When the decision was handed down on the 15th of last month in the case of Bailey against the Drexel Furniture Co., setting aside and nullifying this statute, only Mr. Justice Clarke dissented. I assume that the judges dissenting in the Dagenhart case, which I have already discussed, thought that the decision in the case was conclusive and that a dissent was useless. The Bailey case, like the Dagenhart case, also came up from the western district of North Carolina, and in both instances an inferior Federal judge assumed to nullify a statute passed by the Congress after the greatest consideration and approved by the President. It is worthy of note also that the Dagenhart case, which settled the principle and fixed the position of the majority of the court, should almost wholly escape public notice and condemnation, while the Bailey case, decided last month, which does little more than to cite the Dagenhart case as authority, has provoked hostile comment from one end of the country to the other and is made the subject of consideration in this conference. The explanation is, of course, that the Supreme Court decided the Dagenhart case June 3, 1918, when we were all too busy making the world safe for democracy to pay any attention to what was happening to our own children and to our own country.

I have briefly sketched the manner in which the Federal courts have thwarted the will of the Congress and of the people to protect children against exploitation by our industrial system, simply because it is typical of the conduct of the Federal judiciary, and particularly the Supreme Court, whenever Congress has sought to enact progressive and humane legislation which was offensive to great financial interests and enterprises. The point that I am making is that we are dealing with a fixed purpose and predisposition on the part of the Supreme Court and the Federal judiciary generally.

This decision is, however, merely the last of a long list of decisions equally arbitrary and equally indefensible from the standpoint of public welfare.

You have only to recall the decisions arising out of the employers' liability statutes, the arbitration act, the workmen's compensation act, the income tax laws, and the shameful manner in which the court rewrote and misapplied the antitrust act in the Standard Oil and Tobacco Trust and other cases. If perchance the memories of any of you are very short, I direct your attention to the recent decision of the Coronado Coal Co. case.

The opinion in this case by Chief Justice Taft is significant because of what the court says on questions that are not involved in the case rather than because of anything that is actually decided. This is another case of obiter dicta.

A six-line decision was all that was required to dispose of the case on its merits, for the Supreme Court was reluctantly obliged to admit the fact that there is not, and never was, any evidence to show that the defendants conspired to restrain or monopolize interstate commerce. That being true, of course there is not, and never was, any case against the United Mine Workers in the Federal court. The court, however, went out of its way through 29 pages of obiter dicta to berate the defendants and to characterize them as outlaws and murderers, and Chief Justice Taft wound up his opinion by saying: "The circumstances are such as to awaken regret that in our view of the Federal jurisdiction we can not affirm the judgment."

Here again the court went outside the record to announce a principle which will be laid hold of by the Federal courts whenever necessary to disrupt labor unions and farmers' organizations throughout the country.

There is no need for laymen to comment upon these decisions. Let the dissenting members of the Supreme Court themselves criticize the action of the majority of the court in these cases.

First of all, I remind you of the recent stock dividend decision, by which the sixteenth amendment to the Constitution was in large part nullified by the Supreme Court. This amendment empowered Congress to lay taxes "on incomes from whatever source derived." But by a bare majority, five to four, the Supreme Court held that this did not cover income in the form of stock dividends.

Listen to what the minority, comprising the ablest members of the court, in dissenting said with regard to this decision:

> If stock dividends representing profits are held exempt from taxation under the sixteenth amendment the owners of the most successful business in America will, as the facts in this case illustrate, be able to escape taxation on a large part of what is actually their income.

It was further declared by the minority: "That such a result was intended by the people of the United States when adopting the sixteenth amendment is inconceivable."

I cite also the late decision of the Supreme Court in the Steel Trust case. This was decided by a bare vote of four to three, inasmuch as Justices Brandeis and McReynolds did not participate in the decision. Justice Day in this case delivered the dissenting opinion, which criticizes the decision of the majority in these burning words:

> As I understand the conclusions of the court * * * they amount to this: That these combinations * * * although organized in plain violation and bold defiance of the provisions of the Sherman Act, nevertheless are immune from a decree effectually ending the combinations and putting it out of their power to attain the unlawful purposes sought, because of some reasons of public policy requiring such conclusion. I know of no public policy which sanctions a violation of the law, nor of any inconvenience of trade, domestic or foreign, which should have the effect of placing combinations, which have been able to thus organize one of the greatest industries of the country in defiance of law, in an impregnable position above the control of the law forbidding such combinations. Such a conclusion does violence to the policy which the law was intended to enforce, runs counter to the decisions of the court, and necessarily results in a practical nullification of the act itself.

Another set of decisions particularly affecting the rights of labor were the so-called picketing cases in one of which the court nullified the power of a State legislature to define the conditions under which picketing might be carried on, and instead itself laid down minute and absurd rules upon the subject. This case well illustrates the tendency of the courts, not only to legislate by evading the acts of Congress but even to enter upon the field of prescribing minute rules and regulations of conduct upon any subject which it chooses.

I can not leave these decisions, limited as my time is, without recalling to you the criticism which Justice Holmes—concurred in by Justice Brandeis—delivered with reference to the decision of the court in the now famous Abrams case. To my mind this case, involving the fundamental right of freedom of speech, best illustrates the extreme length to which the court is prepared to go under the influence of its prejudices and passions. Justice Holmes did not mince words when he said in his dissenting opinion:

> In this case sentences of 20 years' imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. * * * Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time, warrants making any exception to the sweeping demand, 'Congress shall make no law * * * abridging the freedom of speech.' * * * I regret that I can not put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States.

Heretofore the people of the United States have met the difficult situations created by the courts' decisions on constitutional matters by dealing with the particular question upon which the court was at variance with the popular will. When the court held that a sovereign State might be sued by the citizen of another State, the people were indignant, but they

cured this situation by speedily passing the eleventh amendment. The people of the United States cured the situation created by the Dred Scott decision by the adoption, after a Civil War, of the thirteenth and fourteenth amendments. When the Supreme Court held the income tax law invalid, the people after 30 years were able to cure this situation by the adoption of the sixteenth amendment, which, as we have seen, the Supreme Court has already partially nullified by exempting stock dividends from taxation. And now we will probably have to have a stock dividend constitutional amendment.

We have never faced the fundamental issue of judicial usurpation squarely with a determination to make an end of it once and for all.

The time has now come to do so. It would require a dozen constitutional amendments to correct the evils of the decisions which the court has handed down within the past three or four years.

The time has come when we must put the ax to the root of this monstrous growth upon the body of our Government. The usurped power of the Federal courts must be taken away at one stroke and the Federal judges must be made responsive to the basic principle of this Government.

Constitutions and statutes and all the complex details of government are ordained, established, and supported for the sole purpose of expressing and executing the sovereign will of the people.

Now, sir, as to a remedy.

The subject is one to which I have given much thought. For years I have seen the day coming when the Federal judiciary must be made—to some extent, at least—subject to the will of the people, or we must abandon the pretense that the people rule in this country. We have created—or, at least, have suffered—to grow up within our land a Frankenstein which must be destroyed or else it will destroy us. And we can destroy that Frankenstein without destroying the constitutional court that was created for us by our fathers if we will go about it.

No student of existing conditions, however conservative he may be, can ignore the alarming fact that there is widespread and growing belief in the public mind that our courts and kindred tribunals established to administer justice under the law are more considerate of property interests than of personal rights.

For years the current literature of the day has teemed with it. It is idle to say that it is confined to the violent denunciation of the agitator and demagogue. It has found expression in publications of accepted standing. It has been the theme of eminent publicists. It has been denounced from the pulpit. It has been discussed in the meetings of National and State bar associations. It has become the settled conviction of millions of worthy citizens of the Republic.

I say this is no longer an academic question. Out of it has come the demand for the recall of judges, which is already embodied in the constitutions of at least three States of the Union.

In the American home, in our schools, and in all the relations of life we are taught to respect and reverence our courts. The judiciary alone of all our institutions of government was set upon an eminence of station and consecrated to a service designed to lift it above the suspicion of perverting justice.

Standing somewhat apart from the turmoil and clash of the material world, our courts were insured a calm and repose where they might hold with even hand the scales of human justice. Nor was that all. Through common-law proceedings for contempt and a great body of statutory crimes against justice we have thrown about them as constituted every protection and safeguard which the wit of man can provide.

But this isolation and sanctity of position, this absence of direct responsibility to the people, has led the Federal judiciary, and particularly the Supreme Court, to assume and exercise an arbitrary power wholly inconsistent with popular government.

The question is, Which is supreme, the will of the people or the will of the few men who have been appointed to life positions on the Federal bench?

It is idle, sir, in my opinion, to talk about a constitutional amendment which will merely meet the objection to the child labor law raised by a majority of the Supreme Court. We can not live under a system of government where we are forced to amend the Constitution every time we want to pass a progressive law. The remedy must adequately cope with the disease, or there is no use applying it.

I fully recognize the fact that the power which the court now exercises to declare statutes of Congress unconstitutional is a usurped power, without warrant in the Constitution, and it is absolutely certain the Constitution would never have been adopted had the men at that time believed that the court they were providing for would assume the powers now exercised by our Federal judges. Every student of history knows that to be true. Is the remedy, then, such a drastic change in the Constitution as will forever strip the judiciary of this power? I do not think this is necessary, nor do I think that the popular election of Federal judges would adequately meet the situation.

I would amend the Constitution so as to provide:

(1) That no inferior Federal judge shall set aside a law of Congress on the ground that it is unconstitutional.

(2) That if the Supreme Court assumes to decide any law of Congress unconstitutional, or, by interpretation, undertakes to assert a public policy at variance with the statutory declaration of Congress—which alone under our system is authorized to determine the public policies of government—the Congress may by reenacting the law nullify the action of the court.

Thereafter the law would remain in full force and effect, precisely the same as though the court had never held it to be unconstitutional.

Had such been the provision of the Constitution, the action of Congress in enacting the child labor law the second time would have been effective, and we would have had an efficient child labor law to-day. Had such been the Constitution, it would not have been necessary to wait 20 years to get an income tax law, after the Supreme Court had reversed its former decision upholding the law. Were such now the Constitution, the Congress could by statute speedily correct the indefensible policy asserted by the Supreme Court in the Coronado case with respect to labor unions, farmers' associations, and other voluntary organizations.

While, of course, it is a great burden upon the people to require them virtually to pass remedial legislation twice, nevertheless where the subject is important enough and the interest keen enough it will not be a difficult thing to do.

The Constitution gave to the President of the United States a veto upon legislation, in order that the Executive might be able to protect itself against encroachments. But it also gave to the Congress the power to assert its will by repassing the law, even after it had been vetoed. This was necessary in order to prevent the President from using his veto to block all progress and make himself a despot.

The Constitution did not give the courts a veto, but, as I have shown, repeatedly refused to permit them even to participate in the exercise of the presidential veto power. Nevertheless, the courts have asserted not a veto power while laws were in the making but have usurped the far greater veto power of nullifying laws after they have been enacted, and by the process of so-called interpretation to declare the public policy. They thus themselves enact what shall be the law of the land.

What I propose is that Congress shall be enabled to override this usurped judicial veto and to declare finally the public policy just as it has the power to override the presidential veto, so that we may realize in fact the fundamental purposes of the Constitution as declared in Article I, section 1, that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Certainly no one can complain that the plan proposed is revolutionary or even radical. It can fairly be criticized as being too conservative, but it at least would give the people an effective method of expressing and enforcing their will if the sentiment and purpose is strong enough, and it would at one sweeping stroke relieve the present intolerable condition.

A very good illustration of what I propose is found in the recent history of the House of Lords of Great Britain. That body, as you know, constitutionally has a dual character. It is both a law-making body and a court. Our Supreme Court by usurping legislative powers has become somewhat like the British House of Lords. You will recall that several years ago the House of Lords refused to approve the budget adopted by the House of Commons, taxing landed estates for the promotion of a great program of social legislation. This veto so provoked the popular branch of the British Parliament that the next general election was fought out on the issue that thereafter, if the House of Lords withheld approval of any measure of the House of Commons, the latter could by repassing the bill nullify the veto action of the lords. The British people overwhelmingly supported the House of Commons.

Even after this election the lords were still inclined to rebel against giving up their veto power, but through the influence of the Prime Minister the King was induced to threaten to pack the House of Lords with enough new members to bring about the passage of the law. The result was that the

lords yielded, and the British Government became to that extent more representative.

Can we not do as much in this country as the British did? Can we not reduce our Federal judiciary to its constitutional powers? If not, we can at least arrest its further growth. We can prevent its further encroachment upon the lawmaking branch of the Government. The plan I propose will do this, and I believe will be accepted by the people in all parts of the country, without regard to party, as the quickest means of restoring their Government to the people.

We are confronted with a situation wherein we must make a choice that will determine the destiny of this Nation in all the generations to come. This choice is simple but fateful. Shall the people rule through their elected representatives or shall they be ruled by a judicial oligarchy? Shall we move forward in our development as a Nation, carrying out the will of the people as expressed by their ballots, or shall all progress be checked by the arbitrary dictates of five judges until the situation becomes so desperate that it can no longer be endured?

I have no doubt what the choice of the American people will be when this issue is submitted for their decision. The American Nation was founded upon the immortal principle that the will of the people shall be the law of the land. The courts have forgotten this, but the people have not. When they have an opportunity they will overwhelmingly declare that they will no longer tolerate a condition under which the wheels of progress may be blocked by the arbitrary dictates of a majority of nine judges, but that a way shall be opened whereby the Nation may move forward in peace, in order, and in harmony to achieve the great ideals of freedom, prosperity, and happiness enshrined in the Declaration of Independence and in the preamble of the Constitution of the United States.

Mr. President, that is the address as delivered before the American Federation of Labor on the 14th day of June, this present month. I did not ask to have it put into the CONGRESSIONAL RECORD. After it had been assailed and I had been assailed in connection with it, and my patriotism and Americanism had been subjected to criticism through material introduced into the RECORD regarding it, I then felt that it was just that the RECORD should carry the address as it was made to the American Federation of Labor.

Sir, I will say now at this time and in this connection that I shall in the early future introduce a proposed amendment to the Constitution carrying out and embodying the suggestions made in this address, and I shall at as early opportunity thereafter as the convenience of the Senate and my other official obligations may permit, offer such arguments in support of that constitutional amendment as I am able to present to the Senate. I will say, sir, that the issues raised by the present situation will not be permitted to lapse. The American people will have an opportunity, as early as may be in the course of matters of such importance, to express their views upon the need of an amendment to the Constitution to meet the situation.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. FRELINGHUYSEN. Mr. President, on February 23 I introduced Senate bill 3199, which was referred to the Committee on Finance, and which proposed to enlarge the powers of the present Tariff Commission and lay down a fundamental principle of tariff legislation. That bill is now before the committee, but in view of the fact that the Senate is now considering the tariff measure, I am sending to the desk an amendment to the pending bill, which embodies the proposal of the bill which I introduced. I ask in connection with my remarks that it be printed in the RECORD, and that the amendment be referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

Amendment intended to be proposed by Mr. FRELINGHUYSEN to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, viz: On page 286, after line 19, insert the following new section:

"SEC. 322. (a) That section 700 of the revenue act of 1916 is amended to read as follows:

"'SEC. 700. That in order that Congress may secure necessary data (1) to determine and fix the proper rates of duty to equalize wherever possible differences in conversion costs of articles grown, produced, or manufactured in the United States and of articles grown, produced, or manufactured in foreign countries and differences in competitive conditions, and (2) as economic or industrial conditions change to amend from time to time the existing rates or forms of duty on one or more articles, a commission is hereby established, to be known as the United States Tariff Commission (hereinafter in this title referred to as the commission) and to be composed of 10 members. Each member shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior, but any member may be removed by the President, after due notice and hearing, for neglect of duty, malfeasance in office, or inefficiency. The President shall designate a chairman and a vice chairman to serve for four years. A vacancy shall be filled in the same manner as the original appointment. Vacancies shall not affect the duties nor impair the rights or powers of the commission or of the remaining members.

"'The members shall be selected because of their experience and fitness and must possess qualifications necessary for the efficient performance of the duties imposed upon them by law. Not more than five members shall be of the same political party. A member shall not engage actively in any private business, trade, or profession.'

"(b) The first sentence of section 701 of the revenue act of 1916 is amended to read as follows:

"'SEC. 701. That each member shall receive a salary at the rate of $12,000 per annum.'

"(c) The commission is authorized to appoint from time to time such advisers and to create such advisory committees as it deems advisable to assist it in carrying out the provisions of this section and of Title VII of the revenue act of 1916, as amended. Such advisers shall be appointed without regard to their political affiliations, and they shall serve without compensation therefor from the United States.

"(d) Each member of the commission appointed prior to the passage of this act shall continue to hold office as a member of the commission for the remainder of the term for which he was appointed and shall receive a salary at the same rate as a member appointed under the provisions of this section, but a vacancy resulting from the death, resignation, expiration of the term of office, or removal of any such member shall be filled in accordance with the provisions of this section.

"(e) When used in this section—

"The term 'article' includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

"The term 'conversion cost' means the cost of growing, producing, fabricating, manipulating, or manufacturing an article; and

"The term 'import cost' means the price at which an article is freely offered for sale in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States.

"(f) In addition to the duties imposed by law, the commission shall—

"(1) Ascertain conversion costs in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the commission it is necessary and practicable;

"(2) Ascertain conversion costs in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs are necessary for comparison with conversion costs in the United States and can be reasonably ascertained;

"(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported articles; and obtain and file samples of articles so selected, whenever the commission deems it advisable;

"(4) Ascertain import costs of such representative articles so selected;

"(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected;

"(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles.

"(g) Not later than December 1, 1923, and at least once every six months thereafter, the commission shall report to Congress the results of the investigations completed at the time of the report showing—

"(1) The conversion costs in the United States;

"(2) The conversion costs of articles imported into the United States;

"(3) The differences between such conversion costs;

"(4) The scope and methods of the investigations for ascertaining or determining and the items of cost included within such conversion costs;

"(5) The differences in competitive conditions;

"(6) The rate or rates of duty which it deems necessary to equalize such differences in conversion costs and in conditions of competition in trade, and whether the duty should be specific, ad valorem, or ad valorem and specific;

"(7) When conversion costs have not been ascertained and the commission is of the opinion that an existing rate of duty does not fairly equalize competitive conditions, then its recommendation as to the proper rate of duty and the facts upon which the recommendation is based;

"(8) The probable effect in dollars, as nearly as it can be estimated, of each rate proposed as it affects American growers, producers, manufacturers, and consumers; and the probable revenue to be derived from the imposition of each duty.

"(h) In addition to the powers and privileges conferred upon the commission under the provisions of Title VII of the revenue act of 1916, the commission is authorized in order to ascertain any facts required by this section to require any improper and any American grower, producer, manufacturer, or seller to file with the commission a statement under oath giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him.

"Any commissioner, officer, employee, or agent of the commission, and any adviser who divulges any information or data received relating to the importation, growth, production, fabrication, manipulation, manufacture, or sale of a specific article, except in a report under the provisions of this section or except in so far as he is directed by the commission or by a court of the United States or a judge thereof or by a committee of the Senate or the House of Representatives, and any person who knowingly solicits or receives any such information or data from any such commissioner, officer, employee, agent, or adviser shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than two years, or by both such fine and imprisonment.

"(i) The commission is authorized to establish and maintain an office in the principal customs port of entry of the United States, or else-

where, for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law.

"(j) In addition to the appropriations now available, there is hereby appropriated the sum of $1,000,000, out of any money in the Treasury not otherwise appropriated, for the payment of salaries and expenses of the United States Tariff Commission in carrying out the provisions of this section and of Title VII of the revenue act of 1916, including the actual traveling expenses and per diem allowances of any member, officer, expert, examiner, clerk, or other employee of the commission when engaged in the performance of duties in any place other than his headquarters office, the purchase of samples, apparatus, mechanical devices, supplies, equipment, furniture, stationery, law books, books of reference, periodicals, and such other articles as may be necessary."

Mr. FRELINGHUYSEN. Mr. President, the amendment which I have offered proposes in brief to enlarge the Tariff Commission to 10 members; that no more than 5 members shall be of any one political party; that they shall have life tenure and shall receive a salary each of $12,000 per year. It also empowers the Tariff Commission to make studies of the difference in conversion costs of all products produced in this country and to compare the conversion costs in competing countries; and wherever such information can not be obtained, the amendment empowers the Tariff Commission to make an investigation of the difference in the domestic selling price of any American article produced and the landed cost selling price of the foreign article. It empowers them to forward to the Congress, with full information and facts as to their findings, the rates required to equalize those conditions.

This proposal is an effort on my part to remove the tariff from politics. Our past and present system of tariff legislation is not scientific or businesslike. I say this, although I did my share as a member of the Finance Committee in framing the present measure. I hold that it is not scientific because of the system on which it is based. This system is not the product of either the Republican or Democratic Parties. It is the outcome of past conditions, when a scientific finding of facts was not regarded as an essential in tariff making. My purpose is by an amendment to the pending measure to remedy the defects of that system and attempt to set up machinery looking to the enactment in the future of scientific tariff schedules.

Primarily tariff making affects trade and commerce. It is therefore a matter of economics, not of politics. The determination of rates is properly a subject for expert study and consideration. It ought to be in the hands of a trained body of men equipped to give it specialized study and having the authority to make exhaustive investigation and report to Congress scientific conclusions. The amendment which I propose would vitalize the Tariff Commission and extend its powers. It would remove the members of the commission from personal and party pressure by establishing a fundamental principle for fixing rates, and it would give them the time, the money, and the authority to frame such a bill as would afford actual, not merely supposed, protection to American industry and American labor.

Mr. POMERENE. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. POMERENE. The Senator from New Jersey has stated that his proposed amendment will establish a principle which will guide the commission in the fixing of rates. What is that principle for which the Senator contends?

Mr. FRELINGHUYSEN. Briefly, in opening my remarks, I stated that principle, but I intend later in my speech to explain the plan.

The public mind is now thoroughly awake to the abuses of this system of tariff making and to the necessity for reform, and this awakening should be a warning to all of us to take the tariff out of politics by providing legislation setting up the machinery for a scientific system of levying tariff duties, for which purpose this amendment is offered.

In offering this amendment I am not apologizing for the present tariff measure that we are considering, and which I assisted in drafting. To my mind it is as good a measure as could be prepared under the circumstances, and it should be passed as quickly as possible, in order to remove from business the uncertainty that now exists.

But neither the pending tariff measure nor any tariff measure that has ever been passed or ever will be passed can be adequate to the needs of the country so long as we continue our present system of preparing tariff measures. This applies equally to Republicans and Democrats, and we all know it. Whether the tariff to be written is one for revenue only or for protection, the facts on which the duties are levied are the same. And what is that system? It is a compilation of the statements of manufacturers, importers, merchants, and farmers, and of inconclusive data collected by Government agencies inadequately equipped either with sufficient funds or proper authority.

In other words, our tariffs of the past have been the result of approximation, and by reason of the fact that the rates have been fixed by statute they have been inflexible. Therefore any rate improperly fixed has not been subject to change or revision because no Government agency has the power to revise by amendment. Any injustice caused by too high or too low a rate must necessarily rest imposed on industry until a new tariff bill is written.

So long as it was not an important matter how we determined the basis of value of which to fix tariffs, so long as we fixed them high enough to protect infant industries, this system worked very well. But that day has passed. We have entered now upon an era of intense international industrial competition, in which it is essential for us to protect our labor and our capital investment against the lower costs of production and conversion abroad. This protection must be honest and fair in its effect, and the basis on which it is arrived at should be scientific and free from party or business bias.

Our tariff duties must be sufficiently high to prevent a flood of imports at a cost lower than the cost of similar domestic manufactures, but it must not be so high as to act as an effectual embargo against free and unrestrained flow of our foreign trade both of exports and imports.

It is generally agreed that the prime purpose of a protective tariff is the protection of the American wage scale. In other words, a tariff may be said to determine the standard of living in the country where it operates, for civilization progresses or recedes according to the benefits enjoyed by the masses of the people.

The American wage scale per unit is the highest in the world, and it is this wage scale that makes a protective tariff absolutely necessary in this country, because it is the element in the cost of production and conversion that makes our products more expensive to produce than those of other countries.

This being the case, admitted by economists and by politicians, no matter what particular political party happens to be writing the current tariff bill, it seems logical to suppose that we would adopt a system of tariff making that would have for its basis the protection of wages.

Facts on which to base equitable tariffs, whether they are protective in character or are for providing revenue, must be obtained by trained experts. That is why, in the amendment that I am offering for inclusion in the pending tariff bill, there is provided a tariff commission of 10 members, with life tenures of office, at salaries that will attract men of sufficient caliber and experience to handle the very difficult tasks that they must solve.

I have no desire to criticize the present Tariff Commission, nor the ability of the gentlemen composing it. With its present facilities and limited power it has done exceptionally well during one of the most chaotic periods in industrial history. But the present commission in number of personnel and in the power given it under the law, which is only the power of investigation, is inadequate to and falls far short in usefulness and effectiveness as an agency for the information and guidance of Congress in the enactment of an equitable and scientific tariff.

The policy of a tariff commission acting as an independent governmental agency was a constructive piece of legislation, but with limited powers of investigation and with insufficient funds, no power of recommendation, no stated policy by Congress or definite rules under which to work, it fails in the mission for which it was created. It falls short in its usefulness unless it is given definite powers and rules through statute.

The magnitude of the work to be done demands this. Our annual industrial output now averages $65,000,000,000 and is increasing each year. Never before in all time has any nation even approached this marvelous record. Our foreign trade, which is absolutely essential for the continued prosperity of the country, and an outlet for our surplus product, averages 10 per cent of our total annual output, and the future of this necessary phase of our national business organization depends in a large measure on the equity and thoroughness of the tariff measure enacted.

Business—and by "business" I mean all of the elements of agriculture, industry, commerce, and labor—has suffered great loss during the past year while this pending tariff measure has been under consideration. It has been impossible during this most critical period of world reorganization for any of the elements of American business to chart a definite course, either in volume of production or in an estimate of costs or of demand. The whole economic machinery of the country waits on the

tariff bill. In a few years unless we change the present system we will go through the same destructive experience while another Congress writes another tariff bill.

Present world conditions in values and in wages have been so unsettled that in order properly to protect our industrial system and maintain its stability there has been a confusion of counsels as to the policy of valuation upon which the pending tariff bill should be written. Honest and sincere men in both branches of Congress have differed continually as to the basis of valuation which should be utilized. This has caused wide disagreement as to the policy to be pursued, although never in the history of any tariff legislation has it been so necessary to have accurate and complete information as at the present time. Had the Tariff Commission act of 1916 included the powers, made sufficient appropriation, and given sufficient authority for fact finding and recommendations as to rates by men who by experience and education were qualified as contemplated by the amendment, the committees of Congress, unfamiliar with statistics necessary properly to frame a tariff, could have earlier completed their labors.

I think that every Senator in this Chamber will agree with me that such a situation, particularly at this juncture in the world's history, reveals the weakness of our present system. The Tariff Commission, clothed with the powers which my amendment would give it, would effectually correct this state of affairs in the future. After expert investigations, which would discover as accurately as possible the difference between production and conversion costs here and abroad, it would recommend to Congress the proper rates to be assessed. Congress need not accept those rates; it might revise them; it might wipe them out altogether if it desired to; but whatever the action of Congress, on whatever theory of tariff policy it operated, it would be operating on a basis of fact.

It is a great and complex task which this Tariff Commission must face, one which will take years to complete; but when the task is completed this Nation will have added to the militant economic forces of the country a chart on which its course in competition with other nations may be correctly drawn.

It has been said cynically that the tariff can not be taken out of politics. It is probable that the theory of what constitutes proper tariff levies will always remain a political question, just as it has always been a matter of dispute between economists; but the method of finding out the facts on which to assess tariffs is certainly not a political matter, any more than the method of adding, subtracting, or multiplying is a political matter.

The Finance Committee commenced its hearings on the pending tariff bill on July 25, 1921, and completed them January 9, 1922. The sum of all the testimony given before the committee, if boiled down to the actual facts necessary to construct rates, would not have filled more than 100 pages of competent testimony, instead of more than 3,000. No one can wade through this gigantic mass of information without confusion, and he can not be sure of his conclusion because of the technical nature of the subjects.

Yet in the preparation of this bill the Finance Committee relied upon the best information obtainable.

Not only that, but it sought further information by compilation of the customs figures. That took time. Our opponents have secured similar information from other sources considered equally reliable, yet the facts relied upon by both sides are so different that there is doubt thrown upon the accuracy of all of them. If Congress had all of the facts, not part of them, presented in a short and concise form by a body delegated to collect them, such a condition would not exist.

Even were it possible for the Finance Committee or the Ways and Means Committee to collect information of undoubted accuracy, it is not fair to ask either committee to sit day after day and month after month, neglecting other important legislation, to receive such information, when the entire subject should be analyzed and handled by experts.

There is another very important reason why a committee of Congress should not be compelled to gather its own facts on this all-important and far-reaching subject. A tariff rate as it is determined to-day often becomes at best a compromise, an attempt to meet varying demands of many sections and many opposing interests.

The reason always given in protective tariffs for the ad valorem system has been the necessity of protecting American industry by equalizing the difference between the total cost of manufacture here and abroad.

A careful analysis of the cost of manufacture reveals its gross inadequacies so far as the adequate protection of the labor involved is concerned. In fixing tariff rates on total manufacturing costs, no account is taken of the percentage of labor and material that enters into the finished article.

A brief example will illustrate the effect of the difference between the total cost of manufacture, or, as commonly used, the cost of production, and conversion costs as a basis for rate making. Let us assume that the cost of a raw material to-day is 20 cents per pound. In the United States it costs 40 cents to convert this raw material into an article of commerce, but in a foreign country the cost of converting this same raw material into the same article is but 20 cents. We have, then, a total cost in the United States of 60 cents, and in the foreign country of 40 cents. To equalize this, a 50 per cent rate of duty is necessary. Subsequently, let us suppose the cost of the raw material in both countries drops to 10 cents, while the conversion costs remain the same. We then have a total cost in the United States of 50 cents and a total cost in the foreign country of 30 cents. To equalize these costs a rate of 66⅔ per cent is necessary. Next, let us assume that the raw material cost again fluctuates, and it becomes 30 cents per pound in both countries, while the conversion cost remains constant. To equalize the 70-cent cost in the United States and the 50-cent cost in the foreign country will require a duty of 40 per cent ad valorem.

If we had determined our rate of duty solely upon the conversion costs, we would have imposed a specific rate of 20 cents upon the article, and the difference would have been equalized in each of the above cases; our rate would have been constant.

Let us now analyze further the conversion-cost method. An additional important advantage it possesses over the total cost of manufacture theory is found in the fact that in ascertaining conversion costs we ascertain the cost of the processes. In obtaining facts regarding the cost of manufacture of any article, totals only are obtained. In determining conversion costs the cost of each step in the processing of an article from the raw material to the finished product is determined. These processes in each industry for specific articles are essentially similar. Therefore, in discovering original conversion costs in specific industries, the foundation is laid for establishing the total conversion costs of any article in that particular industry.

As an illustration I will cite, for instance, the ascertainment of a scientific rate of duty for cloth. All of the elements of costs up to and including the finished product would have to be ascertained. The difference in the cost of producing the raw material here and abroad, if there were any difference, would represent the rate of duty to be imposed on the raw material. The difference in the conversion cost in producing the yarn, plus the duty on the raw material, would represent the duty on the yarn. The difference in the cost of completing the yarn into a certain kind of cloth, plus the duty on the raw material and the yarn entering into the cloth, would represent the rate of duty to be finally imposed upon the finished product.

In certain instances neither conversion costs nor costs of production are available, because of the disinclination of the manufacturers to disclose their methods and costs, although the act of 1916 gives the commission ample power and authority for ascertaining all of these facts. In other instances the foreign markets are so distant, and the methods of manufacture so crude and so varying, that the costs of production or conversion would be indefinite for practical purposes of fixing tariff duties. When these or any other conditions exist making it impossible to obtain essential facts on which to discover conversion costs, it is desirable that a substitute method be employed to recommend to Congress the proper rate of duty.

Mr. HITCHCOCK. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. HITCHCOCK. I am very much interested in the Senator's proposed reform. I should like to ask him whether he thinks his party, if there were such a commission in existence, would be guided by its findings and recommendations and would shut out from the committee room the interested manufacturers who have been coming to Washington for generations now to persuade the party to which he belongs to give them the benefit of high tariffs? Does he think they would be shut out, and that the recommendations of the Tariff Commission that he proposes would be received?

Mr. FRELINGHUYSEN. Mr. President, that is the object of this plan, and I think that the committee should be equally stern toward the manufacturing interests as toward the importers; that both of these interests should be shut out—those who represent the men who are trying to break down the rates of the industries, the importers, and the manufacturer who is trying to procure a selfish tariff.

I am not putting this upon a partisan basis nor making a partisan speech, nor am I pointing out or outlining the weaknesses of either party. I am attacking this system, and I am

saying that a governmental body properly clothed with authority and properly instructed as to how to base fundamentally these rates should take from a committee of Congress the task of hearing the representatives who appear here to present their case and present their facts.

This bill provides that committees from the industries and from every interest—importer, producer, consumer—shall be consulted by the Tariff Commission. I want this Tariff Commission to lay down its conclusions, based upon the difference in the conversion costs, and the facts which form that conclusion.

That may be Utopian; I do not know. But this, I am informed, is the only country that lays down tariff duties through parliamentary bodies. I am informed that every other country that imposes customs duties has a governmental agency to ascertain these facts, considering that it is an economic, not a political, question; that that governmental agency collects the data and the facts, and upon the facts collected, based upon the fundamental principle of difference in conversion costs—or, if they can not be found, the difference between the landed costs of a foreign article and the comparable domestic article—they lay down the tariff that will be necessary to equalize those differences, taking the bulk-line production. By "bulk-line production" I mean the cost of a steel rail in Pittsburgh, as compared with the cost of a steel rail in Birmingham, where there is the greatest production. I hope that it will relieve the committee from the necessity of granting extended hearings and listening to the demands of manufacturers coming here, often in good faith, anxious for their industries, anxious to be properly protected against competition; that it will transfer that pressure from a committee of Congress to a governmental agency, instructed and empowered to collect these facts.

Have I answered the Senator?

Mr. HITCHCOCK. I understand the Senator's position. It is quite an ideal one; but as long as he belongs to a party which is wedded to that idea of promoting the prosperity and development and profits of industries in this country at the expense of the people I have very serious doubts whether any committee controlled by members of his party would refuse to listen to the representatives of those interests when they knock at the door and demand an increased tariff for the exclusion of the competition from abroad.

I want to draw the Senator's attention to the fact that we are now considering a certain amendment. It is the amendment which proposes to increase the tariff on iron and steel chains from the present law of 20 per cent and 25 per cent to about 45 per cent. The Tariff Commission now existing has made reports on this specific article, and, reading those reports of the Tariff Commission and the recommendation of the Senator's committee, it looks to me as though the committee had absolutely shut its eyes to the facts which the Tariff Commission has reported relating to the manufacture of chains.

The Tariff Commission has reported that the manufacture of these steel chains in the United States approximates $10,000,000 a year, and that same commission has reported the imports as being practically negligible.

Mr. FRELINGHUYSEN. Mr. President, I yielded to the Senator for a question. I am perfectly willing that he should ask me a question, but I do not want my speech interrupted by a speech from the Senator. I want to be courteous. I will say to the Senator that that question will be answered when we discuss that paragraph. I will say to him further that had the Tariff Commission made a study of the difference in the conversion costs here and in Europe, giving protection to the American wage earner and to the American industry, based upon the difference in the conversion costs of those chains here and abroad, the rates they would have fixed, I venture to say, would have been justified. That is an illustration which I present. I want the Tariff Commission to be empowered to study those things, so that we may know the facts. The industries are interested, and I am more interested in the industries than I am in the importers who are trying to break down this tariff, and the industries tell us that they are faced with disastrous competition, and we have only a few of the examples before us of the difference in the costs; but we have the figures showing the differences in the wage scales. I want to have the Tariff Commission empowered to study fundamentally the difference in the conversion costs here and abroad, so that a fair tariff can be imposed. The Senator has furnished an argument for my amendment, and I thank him for it.

Mr. HITCHCOCK. Let me ask the Senator another question. Is it not conclusively proved that competition from Germany or any other country is not serious when the imports amount to only about forty or fifty or sixty thousand dollars a year, while the American producers are making $10,000,000 worth of the article a year, and exporting $2,000,000 worth a year?

Mr. FRELINGHUYSEN. That is where the Senator falls down in his argument, and has fallen down all through the consideration of this tariff bill. The menace of competition lies in the difference between the conversion costs here and abroad and the facilities of the competing countries. If a tariff rate is not fair and does not provide protection equal to the difference in those conversion costs, the foreign industry can undersell us at any period, and, God knows, we want to keep our industries here.

Mr. HITCHCOCK. The fact that they do not undersell us is conclusive proof that their cost of manufacture is not less than ours, is it not?

Mr. WILLIS. Mr. President——

Mr. FRELINGHUYSEN. I refuse to yield further. I will simply answer the question by saying that Germany has organized. She has her agents here. She is beginning to ship goods. The importations are increasing.

Mr. HITCHCOCK. Let me ask the Senator this question: Were they increasing at the time the majority of the committee drew this bill?

Mr. FRELINGHUYSEN. Certainly.

Mr. HITCHCOCK. What do they amount to now?

Mr. FRELINGHUYSEN. I do not know.

Mr. HITCHCOCK. Let me tell the Senator——

Mr. FRELINGHUYSEN. I am not going into the details——

Mr. HITCHCOCK. I can tell the Senator what they were for the first three months of this year, which was after the bill was drawn. Does the Senator decline to hear them?

Mr. FRELINGHUYSEN. I will be perfectly willing to go into a discussion of that matter when we discuss paragraph 329.

Mr. HITCHCOCK. Will the Senator permit me to give the figures for January, February, and March of this year?

Mr. FRELINGHUYSEN. I decline to be further interrupted.

The VICE PRESIDENT. The Senator from New Jersey has the floor.

Mr. FRELINGHUYSEN. As a second fundamental principle the amendment proposes that in these instances the differences in competitive conditions would be determined by foreign costs, charges of transportation, and costs of merchandising compared with the selling prices of similar or comparable domestic articles.

In analyzing competitive conditions and reporting the rate of duty the Tariff Commission should consider all the favorable or unfavorable conditions as they relate to the foreign or domestic merchandise, such as distance from place of production to place of consumption, differences in quality, advantages of trade name, and many other elements. The rate of duty determined from the difference between the laid-down cost of an imported article plus the proper expenses and the price of the competing domestic article will at least have the advantage of being a rate based on fact, although in certain instances it may be necessary to further adjust this rate to meet certain other conditions which materially affect values of articles.

In some industries and for certain articles there exists greater efficiency as well as certain natural advantages, here or abroad, which would affect the amount of protection to be given to any particular article. There exist also certain types of manufactures the value of which is governed by exterior factors, including the demand of style, the genius of creation, or the goodwill value of a name. The basis on which rates are to be fixed for these articles must be determined by a study of facts and conditions. Congress has never considered this, nor could it well take it up in detail; but the enlarged Tariff Commission which is provided for in this amendment could give the matter proper attention and could reconcile such discrepancies in the recommendations prepared for the final consideration of Congress.

The duties of the enlarged Tariff Commission are specifically defined in this amendment. It is to obtain and compare conversion costs wherever possible. It is directed in addition to select representative samples of imports and of the similar domestic article and to keep these samples always available. Whenever conversion costs can not be ascertained, the commission is directed to analyze the cost of imported articles and the selling prices of similar domestic articles. The commission then recommends the rate of duty necessary to equalize differences in conversion costs and in competitive conditions.

It authorizes the establishment of a New York office, a facility long needed at principal ports through which flow 75 per cent of our imports. The commission can then keep in continual touch with market conditions and have current prices constantly available.

The appropriation of $1,000,000 for expenses will not be considered excessive when we consider the extent of the commission's activities and the results to be accomplished. It must be remembered that the revenue from the tariff averages between three hundred and four hundred million dollars annually. We can well afford to devote one million of this in securing the necessary facts. The Bureau of the Census expended approximately $2,000,000 in obtaining the 1919 census of manufactures, and the Taft Tariff Board expended a little short of half a million in procuring the costs of production in the woolen and cotton industries alone. The appropriation asked will be sufficient, however, because it is expected that American agriculturists, manufacturers, importers, exporters, and those representing the labor interests of the Nation, will cooperate with the commission in an effort to place our tariff on a scientific basis.

In offering this amendment I am trying to create a tariff policy which will remove this troublous question from the arena of politics. The fundamental principle upon which my amendment is based is not new. I have been informed that the tariffs of other countries are compiled by governmental agencies and not through the parliamentary bodies. Many of these agencies have absolute power to enact a tariff. But because of our governmental system, this amendment simply proposes that a governmental agency shall procure the facts, and upon a certain fundamental principle recommend to Congress a tariff necessary to equalize the difference between values here and abroad.

This amendment leaves all the detail, all of the study, and the unification of the interested parties to a governmental agency, which informs Congress of the rate which should be imposed, upon a principle laid down by Congress, and the basis of arriving at the same. If the tariff machinery now created through this amendment is to be nonpartisan, let us rise above partisanship in this body and do something constructive by enacting it without making it a party question, for the welfare not only of the wage earners and the industries but also for the consumers, and the entire country at large.

Mr. President, I have here a list of the presidents of associations which have favored the amendment I have submitted. Those associations are as follows:

Eastern Federation of Feed Merchants, F. C. Jones, secretary, Bullville, N. Y.

Flower & Feather Manufacturers of America, Jacob de Jong, president, 599 Broadway, New York.

Grain Dealers' National Association, Charles Quinn, secretary, Toledo, Ohio.

National Pickle Packers' Association, F. A. Vickers, secretary, 326 West Madison Street, Chicago, Ill.

National Macaroni Manufacturers' Association, J. J. Donna, secretary, Braidwood, Ill.

National Milk Producers' Federation, Milo D. Campbell, Coldwater, Mich.

Oregon State Farm Bureau Federation, George A. Mansfield, president, Portland, Oreg.

Wall-Paper Manufacturers' Association of the United States, Henry Burn, president, 169 Madison Avenue, New York.

New Hampshire State Grange, George R. Drake, secretary, Manchester, N. H.

Wyoming Farm Bureau Federation, Riverton, Wyo.

Charles de B. Claiborne, chairman banking division, Southern Tariff Association, the Whitney-Central National Bank, New Orleans, La.

New Mexico Woolgrowers' Association, Prager Miller, president, Roswell, N. Mex.

The Ohio Sheep and Woolgrowers' Association, J. F. Walker, secretary, Gambier, Ohio.

James E. Rice, chairman Committee for the Promotion and Protection of the Poultry Industry, Ithaca, N. Y.

Tri-City Manufacturers' Association, Moline, Ill.

Utah Manufacturers' Association, Salt Lake City, Utah.

C. C. Ousley, secretary Kentucky Manufacturers' Association, Louisville, Ky.

The Colorado Manufacturers & Merchants' Association, W. J. H. Doran, president, Denver, Colo.

The Manufacturers' Association of Connecticut (Inc.), A. B. Sands, assistant secretary, Hartford, Conn., and, I might add, the Manufacturers' Association of New Jersey.

I have here a list of prominent manufacturers and other individuals, with their indorsements of this plan, which I ask to have printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

From B. E. Clement, president Grain Dealers' National Association, Waco, Tex.: "Notwithstanding the fact that I am a southern Democrat, I am frank to say that I believe in the wisdom of a tariff, and I am frankly of the opinion that the tariff should be so applied as to give protection to American manufacturers and agriculture in such a manner as to secure American markets to American manufacturers and producers. Of course, it would be much wiser for the tariff to be based on facts than upon mere political pull—a pull that reflects itself in a tariff that protects one article and one section to the detriment of another article and other sections. I am frank to say, however, that the Republicans have not been wholly at fault in the method of applying the tariff in the past. The Republicans have had sense enough to see the advantage of a tariff, and when they have been in power they have given protection to the interests of the Republican sections of the country, while the Democrats have been such fools they have refused to demand participation in the benefits of the tariff by applying same or insistence upon the application of same to the products of the South and West."

From Charles Feldman, executive secretary Associated Flower and Feather Manufacturers of America, New York: "At a general meeting of this association, held Tuesday evening, May 16, in our headquarters, resolutions were unanimously adopted, and the movement which you represent was heartily indorsed."

From Milo D. Campbell, president the National Milk Producers' Federation, Coldwater, Mich.: "I am in hearty accord with the attempt to divorce as far as possible the tariff from party politics and to make it an American citizen. If I can be of any assistance along this line, I shall gladly cooperate."

From W. E. Skinner, secretary and general manager National Dairy Association, Chicago, Ill.: "I am acknowledging copy of the pamphlet describing Senator FRELINGHUYSEN'S tariff measure. I will be very much pleased to receive 50 copies of this pamphlet to send to our directorate, and will say that we most heartily and sincerely appreciate your slogan."

From Prager Miller, president New Mexico Wool Growers' Association, Roswell, N. Mex.: "After mature thought am offering you my humble assistance and shall cooperate with contemplated permanent organization. Tariffs that will protect agriculture, industry, and labor equally are the foundation for a prosperous United States, in my opinion. Therefore I would naturally be in favor of more permanent and more accurate facilities for establishing just and equitable tariffs, if such can be done."

From F. C. Jones, secretary Eastern Federation of Feed Merchants, Bullville, N. Y.: "I am interested in the undertaking and shall be very glad to help in any means to take the tariff out of politics."

From J. F. Walker, secretary Ohio Sheep and Wool Growers' Association, Gambier, Ohio: "I am very heartily in sympathy with the idea of a nonpartisan tariff based on production and conversion costs, and think I can assure you that our association will be glad to cooperate with you in securing such legislation."

From James E. Rice, chairman committee for the promotion and protection of the poultry industry of the American Poultry Association, Ithaca, N. Y.: "I take pleasure in saying that I am wholly in sympathy with the objects and shall be glad, indeed, to do anything I can to assist in promoting the movement, if it strictly lives up to its ideals of being nonpolitical and without fear or favor, so far as being dominated by any branch of our industries is concerned."

From H. A. Jansen, secretary-treasurer Tri-City Manufacturers' Association, Moline, Ill.: "This is to advise the Tri-City Manufacturers' Association is vitally interested in a nonpartisan tariff commission and believes that such a commission should be appointed. I feel assured in guaranteeing the support of our governing board and a full indorsement of all the members of the association."

From Henry Burn, president Wall-Paper Manufacturers' Association of the United States, New York: "It will give me great pleasure to use such influence as I may possess with our Representatives in Congress to act favorably upon the proposition of the establishment of a nonpartisan, scientific tariff."

From John T. Queeny, chairman of the board, Monsanto Chemical Works, St. Louis: "You can rest assured that we are very much in sympathy with the purposes of your organization, and shall be glad to see the representative from your committee when he visits St. Louis."

From William A. Aird, secretary-treasurer the Oregon State Farm Bureau, Portland, Oreg.: "Your letter, inclosing copies of resolutions passed by your association, received. I would be pleased to take up this matter at our next executive meeting. I am sure that it will be passed unanimously."

From F. A. Vickers, secretary National Pickle Packers' Association, Chicago: "I will be very glad, indeed, to take up with the members of our executive committee promptly the matter of indorsing the resolutions as passed at Atlantic City."

From Charles de B. Claiborne, chairman banking division, Southern Tariff Association, the Whitney Central National Bank, New Orleans, La.: "I have read the inclosed pamphlet, and I believe that the plan of Senator JOSEPH S. FRELINGHUYSEN of New Jersey with regard to having a sort of advisory committee is a very good one, provided, of course, you see that you obtain the proper men to advise the committee—men who are big enough to act beyond self-interest and men who, moreover, have made a careful study of this matter and are ready and willing to give the time and the benefit of their study and experience. I believe that there is no doubt that the tariff should be based on the cost of production and conversion cost."

From the Hon. MILES POINDEXTER, United States Senate: "I am very glad to know the views of your organization on the subject of an adjustable tariff to be administered under a general rule laid down by Congress, providing for administrative adjustments from time to time. This plan is contained in an amendment reported by the Senate Finance Committee, and I am heartily in favor of it."

From John H. Brewster, representing Fagersta Bruks, makers of carbon and alloy steels, New York: "I have been intending to offer whatever cooperation I could give to your permanent organization, as I am thoroughly in sympathy with it."

From Charles E. Graham & Co., publishers, Newark, N. J.: "I am in favor of the passage by Congress of the bill introduced by Senator JOSEPH S. FRELINGHUYSEN, which contemplates establishing a nonpartisan tariff commission and the removal entirely of the tariff question from the status of a 'football of politics'; and we will be willing to cooperate in the furtherance of the project to whatever extent we are able."

From Maurice A. Knight, manufacturer of acid-proof chemical stoneware, East Akron, Ohio: "We are heartily in favor of taking the tariff out of politics, for two reasons: First, because under the present system by the time some real action is taken the cause for same is usually passed, and the grief has to be gone over again; and second, because the tariffs as now arranged are not based on any scientific fact, but mostly on expediency or political necessity, with little thought for the results."

From M. E. P. Gebhard, the Milford Co., manufacturers of hardware, Milford, Del.: "I am in hearty accord with your movement, and you can count on me to do everything within my power to advance the cause. By all means take the tariff out of politics, and I am sure that the entire business world is with you in such a good work. Best wishes for the success of your committee."

From N. Kopp, vice president and general manager Pittsburgh Lamp, Brass & Glass Co., Pittsburgh: "It is needless to say that I am strongly in favor of such a procedure—taking the tariff out of politics—as it will be the only true solution of the tariff question. In 1916 I assisted materially the agents of the Secretary of Commerce to ascertain the cost of the production of glassware in the United States, showing the percentage of labor, material, and other costs in relation to the sale price. A report has been printed on our industry accordingly, and I shall be ready in the future to lend such assistance in solving the problem as my time will permit."

From W. S. Ferris, the Sidway Mercantile Co., Elkhart, Ind.: "You can count on our cooperating with the permanent organization referred to in your letter just received, for we are most heartily in sympathy with the program to take the tariff out of politics and place it in the hands of a board who will handle the subject scientifically."

From the secretary-treasurer the Wyoming Farm Bureau Federation, Riverton, Wyo.: "We indorse your effort to take the tariff out of politics and to substitute instead a scientific nonpartisan tariff as contemplated by the Frelinghuysen bill."

From L. M. Brile, president Brile & Ratner (aluminum), New York: "I am heartily in accord with the movement to take the tariff out of politics and to obtain a tariff system based on nonpartisan findings of fact as to production and conversion costs. The present tariff system, beyond question, is unscientific and inequitable. Special interests are able to control, through political machinations, the tariff rates on those commodities of agriculture or industry in which they are interested. No analysis of the true factors involved in the correct solution of the problem is possible under the illogical system which is in vogue in the making of our tariff."

From W. A. Becker, the Diamond Match Co., New York: "I think the idea of getting the tariff out of politics, if this is a possible thing to do, is a good one, and I am very willing to be of such assistance to you as I can in this connection."

From Gray Silver, Washington representative American Farm Bureau Federation: "I am very much interested in the measure introduced by Senator FRELINGHUYSEN to remove the tariff from politics, and which will adequately protect American agriculture, industry, and labor."

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Montana?

Mr. FRELINGHUYSEN. I yield.

Mr. WALSH of Montana. I should be disposed to support the proposal of the Senator from New Jersey to extend the power of the Tariff Commission and give it ample funds with which to prosecute its work, authorizing it to report to Congress what rate would be required to equalize the costs of production here and abroad. I inquire of the Senator if he is able to tell us what action the Committee on Finance will take with respect to the amendment he has proposed?

Mr. FRELINGHUYSEN. I would say to the Senator that I have presented the amendment, and I am making my argument, and I intend to ask the Finance Committee to report the amendment. The matter has not been considered yet by the Finance Committee. I want to get it before the whole body and the country.

Mr. WALSH of Montana. Is the Senator prepared to tell us, from his experience on the committee, whether the committee was guided by that rule in the preparation of the bill before us, namely, never to fix any rate at such a figure as would produce more than the difference between the cost of production here and the cost of production abroad?

Mr. FRELINGHUYSEN. I will say to the Senator in reply that there was a great absence of information; that the effort of the committee was to ascertain the difference between the cost of production here and the cost of production abroad, and the conversion costs, if possible; but the Senator must realize that the Tariff Commission has not a sufficient staff and has not the authority to study this question, and they have had no foreign representatives. They have had no opportunity to make this study of the difference between the conversion costs here and abroad; and as far as possible, taking the wages approximately, we have tried to fix the tariffs on this basis as nearly as possible.

Mr. WALSH of Montana. Is that the case with reference to chains and saws?

Mr. FRELINGHUYSEN. I think the Senator will find, as to chains and saws, that the difference in conversion costs will justify the rate; but, of course, in arriving at the conversion costs the object will be to secure as far as possible specific rates, because such rates are more desirable than ad valorem rates, I believe.

Mr. WALSH of Montana. May I ask the Senator if that rule was applied in the case of manganese?

Mr. FRELINGHUYSEN. I think if the Senate would rely upon this principle as to manganese and as to magnesite I would be perfectly satisfied and feel that the principle was a good one and that it was fair protection.

Mr. WALSH of Montana. I was simply asking if it was applied—not for the Senator's attitude.

Mr. FRELINGHUYSEN. I do not think it was applied. I will say that frankly.

Mr. WALSH of Montana. Then, perhaps the Senator would not apply it to such items.

Mr. FRELINGHUYSEN. I would apply it to everything. I believe in the principle; but I want the facts ascertained, and I want the facts reliable, and I want to empower the commission to ascertain the facts and to recommend the rates.

Mr. WALSH of Montana. How did the Senator come to make an exception in the case of manganese?

Mr. FRELINGHUYSEN. We have not the facts or figures in any way to make a tariff upon this principle. There are no facts to go on, as I have stated.

Mr. WALSH of Montana. There were abundant figures with reference to that item.

Mr. FRELINGHUYSEN. There were no figures that I saw which gave conversion costs abroad.

Mr. WALSH of Montana. They were supplied in abundance with respect to that item.

Mr. FRELINGHUYSEN. I have never seen the costs of conversion.

Mr. WALSH of Montana. For certain reasons, good or bad, the committee obviously did not care to apply that rule in the case of manganese and as to a number of other items. I inquire of the Senator whether he would make any exceptions to the rule?

Mr. FRELINGHUYSEN. I have said very frankly that the system has not been followed by either party. I think the Democrats are equally as culpable as the Republicans might have been in ascertaining facts of this character.

Mr. President, in closing I want to read, as an evidence of the widespread demand for a more scientific tariff, a speech made by the head of a great industry, who has been referred to as a dye-tariff robber baron, Judge Elbert H. Gary, before the American Steel & Iron Institute in New York the last week in May.

Judge Gary said:

Revision of the tariff laws is an intermittent disease. It appears, if not with every session of Congress, certainly with every change of administration. It seems to be considered an important political question, though it ought not to be. It should be discussed and decided strictly upon scientific principles and from the standpoint of fairness to every part of the country, to every line of employment, and to the public welfare. This was the tendency of public discussion for a time, but it seems there has been an increasing departure from this practice; that the data secured by the National Tariff Commission at large expense has been almost completely ignored in late discussions.

Many years ago I was invited to the White House to consider briefly tariff matters. I commenced by saying: "Mr. President, I favor free trade," and, after waiting for the surprised expression of countenance which appeared, finished by saying, facetiously, of course, "for every industry except our own." President Roosevelt, immediately catching the point, replied: "That is exactly the trouble. They laughed Hancock 'out of court' for saying the tariff was a local issue, but he was nevertheless perfectly accurate." This little incident illustrates what has always appeared prominent in congressional investigations and decisions, and the disposition has been shown to the same extent in both parties. Efforts to obtain personal advantage have not been limited to localities, individuals, industries, or commodities; they have been universal. Every Member of Congress, striving to faithfully represent his own constituency, is more or less selfish and, by argument, persuasion, and sometimes, if rarely, by bargain with other Members, contends for and often secures benefits which are more or less local.

As between parties, the main difference, as I see it, is that the Republican Party has stood for a "protective tariff" and the Democratic Party a "tariff for revenue only," whatever the distinction may be or is claimed to be. The settlement of this controversy should include both. Indeed, if the question is settled right there must be both. The evil, if any, results from going to extremes. If the two parties could agree upon principles, as they ought to do, the tariff question would be removed from politics and business progress would not be disturbed by pending legislation relating to it.

Tariff rates should be high enough to protect all producers in this country, including capital and labor, against destructive foreign competition, which may come from cheap labor or otherwise, and might drive both domestic capital and labor out of employment. They should protect domestic production fully up to the point of being on a parity with all foreigners as to selling prices in the United States, but they should not be high enough to permit producers to oppress consumers by unreasonable and unconscionable prices.

The determination from time to time of this basis—that is, the full and fair application of the principle stated—would involve careful and scientific study and be more or less difficult, but it would not be political. There should be a commission of well-paid, high-minded, intelligent, competent, and nonpartisan appointees, authorized to ascertain and communicate the facts and figures, and their reports should be frequent, so that, if deemed necessary, a change in or amendment to the tariff laws or any of them could be made at any time Congress is in session. Its members would or should confine their discussions to the question as to whether or not the recommendations came within the principles named.

If tariff laws should be based entirely on the amount to be collected for revenue, great injustice might be done the consumer. There are many kinds of imports that are not produced in the United States. On these, if revenue alone is considered, the amount of tax might be unlimited, except as determined by the absolute necessity or the willingness to buy, and it might be oppressive; but while this would add

to the treasury of the revenue collector, it would come out of the consumer, and to the extent that it was excessive it would be oppressive.

Fair and reasonable protection to industry, no oppression to the consumers, this is the line to be established and maintained up to the highest point of possibility. To this principle I think we may safely and conscientiously subscribe. For its application good business will lend its influence.

We have able, fair-minded men in Congress, and they are not afraid to vote against tariff rates they believe are too high or too low. It is to be hoped the tariff agitation now pending will soon be ended, and that the bill adopted will not especially help or hurt either political party and that it will help business.

Mr. President, the trouble with our tariffs is that they are inflexible. I think by this method of allowing the Tariff Commission to make continued studies and recommend to Congress the basis of rates, Congress would be enabled to correct any injustice, either by a higher or a lower tariff as the situation might require; but in all events Congress would have all of the facts and a scientific and expert study of the tariff situation. Every manufacturer whom I have mentioned agrees with me that it is the proper principle. Mr. Taft, when he found that Schedule K was unfair, recommended to the Tariff Board a revision. I have here his message to Congress. Notwithstanding the fact that the McKinley tariff had been in force for several years, the last words of President McKinley at Buffalo were to the effect that there should be a revision of the tariff, that there should be a change, that there should be reciprocity, that we must consider our exports as well as our imports.

If Congress is big enough and constructive enough to create a Tariff Commission having to do with $65,000,000,000 of products and of commerce, which this country enjoys every year, to create a body almost as important at least as the Interstate Commerce Commission—I was about to say almost as important as the Supreme Court—a body of high-minded men who will study conditions and who will receive salaries sufficient to enable us to secure the best and ablest men, and then remove them from any political pressure by making the position one of life tenure, I think we will go a step forward in constructive statesmanship on the tariff question, such a step as this country has never yet taken.

We had for years been without a budget, without an orderly method of financial appropriation. I am informed that we were practically the only country without a budget. Even Mexico has had her budget. Now, we have instituted that reform. Are we willing in this body to go far enough now, irrespective of party, to give a governmental agency authority and power to make these expert studies and refer to this body their conclusions based upon a fundamental principle laid down, conclusions which will be accurate and which will be reliable?

I have served on the Finance Committee only for a short period, but I have had a long business career, and I am presenting this legislation as a business policy of the Government on the theory that the great economic question of tariff imposts should be handled by an expert and experienced governmental agency and not by men who have not the time or the technical knowledge to determine the facts necessary to arrive at the tariff rates necessary to properly protect agriculture, labor, and industry.

Mr. LADD obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GOODING in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McKellar	Simmons
Brandegee	Hale	McKinley	Smith
Broussard	Harreld	McLean	Smoot
Cameron	Harris	McNary	Spencer
Capper	Harrison	Nelson	Stanley
Caraway	Heflin	Newberry	Sterling
Cummins	Hitchcock	Norbeck	Sutherland
Curtis	Johnson	Norris	Swanson
Dial	Jones, N. Mex.	Oddie	Townsend
du Pont	Kellogg	Overman	Wadsworth
Edge	Kendrick	Phipps	Walsh, Mass.
Ernst	Ladd	Poindexter	Walsh, Mont.
France	Lenroot	Rawson	Warren
Frelinghuysen	Lodge	Robinson	Watson, Ga.
Gerry	McCormick	Sheppard	Willis
Glass	McCumber	Shortridge	

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

ENFORCEMENT OF CUSTOMS LAWS.

Mr. McCUMBER. Mr. President, will my colleague yield to me for a moment that I may ask unanimous consent to present a report from the Committee on Finance?

Mr. LADD. I yield to my colleague for that purpose.

Mr. McCUMBER. I report favorably from the Committee on Finance the joint resolution (H. J. Res. 344) to authorize the Secretary of the Treasury to detail four persons, paid from the appropriations for the collection of customs.

Mr. SIMMONS. Mr. President, I simply wish to make an observation with reference to the report which has just been made from the Finance Committee by the Senator from North Dakota. I will take but a moment. I do not recall that any meeting of the Finance Committee has been called for the purpose of considering the joint resolution or that there has been any meeting of the committee at which the joint resolution was acted upon. I wish to ask the Senator from North Dakota a question. I do not know that I have any objection to the joint resolution; I have not considered it; I did not hear it read by title; but I wish to ask the Senator if the joint resolution was reported after a meeting of the Finance Committee?

Mr. McCUMBER. The joint resolution was supported by a majority of the Finance Committee and I thought it could go to the calendar, but if the Senator from North Carolina desires further consideration of the matter, I shall withdraw the report.

Mr. SIMMONS. Mr. President, that is not the point I am making.

Mr. McCUMBER. I stated that the joint resolution had the approval of the majority of the committee.

Mr. SIMMONS. But, Mr. President, the majority of the committee can not act upon a measure unless there is a meeting of the committee. There are meetings every day of the majority members of the Finance Committee, but they are not the committee. A joint resolution of this character certainly can not be acted upon by a majority of the committee unless there is a meeting of the committee at which every member of the committee has an opportunity to be present and to express his view.

I think, Mr. President, that it is due the minority members of the committee that I, as the ranking minority member, should protest against the majority membership of the committee considering any question when the minority membership were not present and were given no opportunity to be present and were not notified of the meeting of the committee. I think that in justice to the minority members of the committee that this matter should be brought to the attention of the Senate. Indeed I think, Mr. President, it is an indignity to the minority membership of the committee for the committee to meet and take up bills and consider them at a meeting of the majority members of the committee at which the minority members have not been notified to be present. I am not meaning to reflect upon the chairman of the committee, but I think it is a very bad practice.

It has been called to my attention that one or two small bills have been considered by the Finance Committee dealing with various and sundry matters when I knew there had been no meeting of the committee and no action upon the bills by the committee. I did not then call attention to it, because I thought it was an inadvertence on the part of the chairman of the committee, but I think the matter has gone now to the point where I owe it to the minority members of the committee to protest.

Mr. McCUMBER. Mr. President, I desire to say that it has long been the custom of the committee, instead of calling a meeting of the committee to consider small matters as to which it is supposed there will be no discussion, merely to send the measures around to the members of the committee and have them "O. K." them as satisfactory. That has been the custom right along and has been adopted, I think, by both political parties. We all admit that it is irregular if anyone desires to object to it, and in this particular instance, if the Senator from North Carolina has any objection to the report being made, I shall be very glad to withdraw it.

Mr. SIMMONS. Let me say frankly to the Senator that if he had polled the committee I should not make any point.

Mr. McCUMBER. It was my intention to do so, and I thought the majority of the committee had been polled and that the joint resolution had been found satisfactory. However, as the Senator from North Carolina has indicated a desire to be heard upon the matter, I shall request that the report be withdrawn. I think the Senator has the right to have the matter reconsidered, if he desires that it shall be.

Mr. SIMMONS. As I have stated, I do not know that I have the slightest objection to the joint resolution, but I do insist that members of the committee should be notified of committee meetings and have an opportunity to be present, or that the committee should be polled.

Mr. McCUMBER. Yes; the Senator is right. But often we do not find all of the members of the committee so as to be able to poll them in a day, and when we have a majority in favor

of a measure we generally order it reported. I think, perhaps, there may have been a failure to present this measure to all the members of the committee, as is usual in such cases. I thought it was of very little importance, and I assumed that the Senator from North Carolina was agreeable to the arrangement.

Mr. SIMMONS. I am simply protesting because as a member of the committee I do not wish to be ignored, and I speak on behalf of the minority, who, I think, feel the same way as I do—that we ought to be notified of meetings at which action is taken, or that we ought to have the matter submitted to us by way of a poll.

Mr. McCUMBER. The Senator is correct, and I will withdraw the report.

The PRESIDING OFFICER. The report presented by the Senator from North Dakota is withdrawn.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. PHIPPS. Mr. President, I will ask the Senator from North Dakota to yield to me in order that I may present a conference report on the District of Columbia appropriations, which, I think, will lead to no discussion.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. LADD. I yield.

Mr. PHIPPS. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923.

The PRESIDING OFFICER. The conference report will be read.

The Assistant Secretary proceeded to read the conference report.

Mr. PHIPPS. Mr. President, I may say that the amendment has been read more than once in the Senate. The only real changes which have been made in conference have been in the verbiage and in appropriating a fund not to exceed $20,000 to take care of the expenses incident to the inquiry proposed into the matter of the balance existing as between the District of Columbia and the Federal Government. There is a further change as to the period of time to be covered by the proposed investigation, it being extended for four years; that is to say, starting in 1874 instead of 1878. If any Senator desires that the amendment as perfected may be read, certainly that would be in order, but unless there is a request that it shall be read I hardly think it would be necessary.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Without objection, the reading of the amendment will be dispensed with.

Mr. ROBINSON. Mr. President, pending that I should like to be informed as to whether the conference report represents a complete agreement between the two Houses.

Mr. PHIPPS. It is a complete agreement between the conferees on the part of the House and the conferees on the part of the Senate. I may say that the only matter under consideration at the latest conference was amendment numbered 1, relating to the fiscal feature of the bill, all other items having been agreed to some time ago.

Mr. ROBINSON. I ask that the amendment which it is proposed to adopt may be read.

The PRESIDING OFFICER. The Secretary will read the conference report.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 10101) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the amendment of the House to Senate amendment No. 1, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment of the House and the amendments of the Senate thereto insert the following:

"That, annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927; and that beginning with July 1, 1922, and annually thereafter, one half of the tax levied upon taxable real and personal property in the District of Columbia shall become due and payable on the 1st day of November of each year and the other half of such tax shall become due and payable on the 1st day of May of each year; and if either said installment of such tax shall not be paid within 30 days of the date it is due and payable, said installment shall thereupon be in arrears and delinquent; and there shall then be added, to be collected with such tax, a penalty at the rate of 1 per cent per month upon the amount thereof for the period of such delinquency, said delinquency to date from the date such installment was due and payable, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion to any rate not in excess of the rate imposed upon real estate) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between

them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "Miscellaneous receipts," but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"A joint select committee, composed of three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein the business of the Government of the United States shall be considered by said committee. And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all the matters hereby referred to it to the Senate and House, respectively, on or before the first Monday in February, 1923. The chairman or acting chairman of said committee hereby is empowered to administer oaths or affirmations. The committee also is empowered to compel witnesses to attend its meetings and to testify, and also to compel the production of such books and papers as it may deem desirable. Any person who has been duly notified to appear before the committee either as witness or witness duces tecum, and fails so to do, shall be deemed guilty of contempt of Congress, and therefor may be punished to such extent as either the Senate or the House may determine; and said committee shall determine whether the proceedings for contempt shall lie with the House or the Senate. The committee may employ such accountants and stenographers to assist in the work as may be necessary, but the same qualifications for such accountants shall be required as was required of accountants by section 6 of the act of June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," and no one shall be so employed as accountant who is or has been heretofore an officer or employee of the District of Columbia or the United States. No employee of said committee shall be paid more than $25 a day while actually at work. The Attorney General of the United States hereby is authorized and directed to assign a competent attorney from his regular force of attorneys to represent the United States before said committee; and any Member of Congress shall be permitted to examine any witness and argue any question before the committee. For the payment of salaries of accountants and stenographers, for printing and binding, and other necessary expenses of the committee, there is appropriated 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia, the sum of $20,000 to be paid out upon vouchers approved by the chairman or acting chairman of the committee.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:"

And the Senate agree to the same.

LAWRENCE C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.
MARTIN B. MADDEN,
LOUIS C. CRAMTON,
BEN JOHNSON,
Managers on the part of the House.

Mr. ROBINSON. Mr. President, may I ask the Senator in charge of the conference report a question or two?

Mr. PHIPPS. Certainly.

Mr. ROBINSON. Is the report signed by all the members of the conference committee?

Mr. PHIPPS. It is.

Mr. ROBINSON. The amendment which has just been read appears to be a permanent adjustment of the issue that has been so long pending in Congress respecting the proportions of the expenses of the District of Columbia government that shall be paid by local taxation and by the Federal Government, respectively.

Mr. PHIPPS. The Senator's understanding is correct.

Mr. ROBINSON. I have not had an opportunity to study it.

Mr. PHIPPS. I will say to the Senator that the only changes of any moment whatever in the report as now submitted are in the language relating to the appointment of the commission of inquiry. The House conferees virtually accepted the amendments to their amendment No. 1 which were voted upon by the Senate a week ago. The other amendment attached by the Senate, which was offered by the Senator from Mississippi [Mr. HARRISON], has been changed, in that language desired by the House has been substituted for the Senate language; but it results in the same thing, the establishment of a commission with power to investigate and report back to the two Houses of Congress.

Mr. ROBINSON. What subject matters of inquiry will be dealt with by the commission?

Mr. PHIPPS. As to whether or not collections of revenue made under franchises, rights, and privileges, collected by various officials of the District, have been properly credited to the District and the United States in correct proportion, or whether arrears have crept into the accounts, and whether the balances now shown on the books of both, which agree in the amount, shall be subject to correction, and be corrected.

Mr. ROBINSON. Is it contemplated that the commission shall inquire into the fiscal relationship and legislation necessary to establish the same between the Government of the United States and the District, or is that permanently set at rest by the amendment?

Mr. PHIPPS. That is set at rest. There is no authority to go behind the law. If appropriations are made to be divided in certain proportions as between the United States and the District, that can not be disturbed; but the point is to determine whether or not the collections were duly made and credited in accordance with those provisions of law.

Mr. ROBINSON. Mr. President, I express the hope that the system which has been worked out will prove very satisfactory and will terminate a controversy of very long standing in the Congress.

Mr. PHIPPS. I ask for the adoption of the report.

The report was agreed to.

ORDER OF PROCEDURE.

Mr. LADD and Mr. WATSON of Georgia addressed the Chair.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from North Dakota.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. HARRISON. Of course, I do not want to interfere with the Senator from North Dakota; I do not know on what subject he is going to speak, but he speaks eloquently, and I am always delighted to hear him. However, the Presiding Officer of the Senate has always been extremely fair in the division of time for speakers, but this morning there have been four very long speeches made by members of the majority party, the junior Senator from New Jersey [Mr. EDGE], the senior Senator from New Jersey [Mr. FRELINGHUYSEN], the senior Senator from Wisconsin [Mr. LA FOLLETTE], and the junior Senator from Minnesota [Mr. KELLOGG]. The whole of the day has been occupied by gentlemen on the other side of the aisle. The Senator from Georgia [Mr. WATSON] has a speech, a very brilliant speech, to make, and we thought perhaps at least some time might be allotted to the minority. We do not want to be squelched entirely.

Mr. LADD. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. HARRISON. Then my parliamentary inquiry is ruled out?

Mr. LADD. I do not think I have taken very much of the time of the Senate since I have been a Member of the body. I believe I have spoken but once before, except to explain one or two points in connection with the tariff bill.

Mr. HARRISON. If the Senator will permit, I trust he did not think I was hitting at him. He does not address the Senate often. I was merely calling attention to the fact that four Republican Senators have already spoken to-day; and that there are some on this side who desire to speak, but they are not recognized.

PROPOSED AMENDMENT TO SOLDIERS' COMPENSATION ACT.

Mr. LADD. Mr. President, I have offered an amendment to the bill providing for adjusted compensation for veterans of the World War, H. R. 10874. At this time I desire to make some remarks, observations, and explanations of that amendment, and inasmuch as the amendment is an essential part of the discussion I ask that permission be granted to print the same at the close of my remarks.

The PRESIDING OFFICER. Without objection, leave is granted.

Mr. LADD. Mr. President, for the past several months we have heard a great deal about the so-called "bonus" for the soldiers. I think the term "bonus" a misnomer. It seems to me that there has been a consistent effort to hammer into the minds of the people the idea that the soldiers were to receive something for nothing. Quite recently the wife of one of the most prominent of international bankers in this country was quoted in the press as saying that she did not approve of the bonus, and she raised what to her doubtless seemed a pertinent question, "Did not Uncle Sam feed and clothe the soldiers?" She apparently thinks that that, coupled with $30 per month, was sufficient. How often do some of our people see only one side of the question? I have wondered if that lady, or her husband, when considering the question of soldiers' compensation stopped to consider, or if they knew, how much the National City Bank of New York made in profits during the World War.

It is my belief, Mr. President, that the most of this opposition to the soldiers' compensation has been fathered by the big banks. Of course, I do not mean to say that a great many men have not reached independent conclusions; but, doubtless, a great many other conscientious men have been influenced by the propaganda against this proposed compensation, and, doubtless, are conscientiously opposed to the idea of adjusted compensation. But, it is my opinion that the propaganda inspired by the bankers has had a great deal of influence upon the whole subject.

May I venture another opinion? Instead of being so zealous of the public interests and so fearful of the consequences upon the Treasury of the United States, the bankers are more worried at this time lest there shall be some actual cash distributed among the people of this country that will for a time restore the business of this country in such manner as to result in their temporarily losing control of the situation. They are not yet through with their period of exploitation and plunder. They do not hesitate to purchase Treasury certificates bearing a good interest return; they do not hesitate to carry over a Treasury deficit—all of this is business between the Treasury and the banks and could not possibly result in placing money among the people. The independence of labor, the marketing channels of the farmer, our entire internal and domestic conditions must be first subject to the bankers' regulation before they intend to loosen the purse strings.

We behold in this country to-day, Mr. President, a most untenable condition. We have a small coterie of bankers that are patently more powerful than the Government! They control the financial situation; they can say to our Government how much of Treasury obligations they will buy; they can finance new railroad enterprises and new industrial combinations that meet the stamp of their approval; they can even finance foreign ventures—and the rate of exchange seems to affect them but little in so doing—in fact, there seems to be very little limit to their possibilities to finance; yet the great Government that houses and shelters all of their enormous wealth is not able to pay her soldiers a just compensation for their sacrifices in defense of our flag!

And it is a question of just compensation, Mr. President. One of the greatest stains that has been placed upon the American honor has been the persistent attempt to blacken and besmirch the patriotic American boys who faced hell and death upon the bloody battle fields of France, who sacrificed and toiled in every branch of the service. The people of this great land should be shamed into humiliation at such a spectacle! These American boys are not asking for a gratuity! Why should they be insulted by even an intimation of such a charge? These boys should not even be faced with the necessity of asking for simple justice!

The banker who sits in his palatial residence or his marble office and prospers by reason of his operations under a delegation of sovereign governmental functions by act of Congress may doubtless feel that the soldier has been well treated and is not entitled to anything. Mr. President, we took these boys away from their work; we destroyed their domestic arrangements; we changed the whole course of their lives; we forestalled every opportunity for advancement or for profit during their period of service. While this was going on the great banks of this country were piling up surplus and distributing dividends and increasing the salaries of bank officials. It is one of the greatest crimes of the age that we have not used the strong arm of this Government to reach into the gold-laden coffers of these war profiteers and compel them to divide in an equitable manner their outrageous profits with the boys who suffered, who sacrificed, who bled, and who have lost hope and business opportunity; who came back to domestic life facing new conditions—compelled to start all over again.

Mr. President, let me emphasize. The big banks of this country emerged from this great war in the most commanding position of power of any institutions in the history of the world. The American soldier emerged in a broken condition, without money, with uncertainty, in abnormal times, with the future gloomy, and prosperity far beyond the horizon. Millions of them were literally turned loose upon the country with nothing to do. The banks were not satisfied. To add to the desperateness of their condition they inaugurated their policy of drastic deflation, that not only destroyed jobs but threw out of employment thousands of others who could be forced to face these conditions with them. The soldier was used to fight for his country at a salary of subsistence while the bankers were making their unconscionable profits; he was turned upon his own resources, possessing nothing, while these same bankers made his condition worse by deflating every opportunity he had to rehabilitate himself. It is the same old story of the fighting man being lauded and appreciated so long as the emergency existed and being discarded and neglected when no longer needed to wade through blood and protect national sovereignty and honor. Even now they are not satisfied, but because an ungrateful Congress has compelled the soldier to ask for a just compensation these same bankers would destroy his character and blacken his honor simply to prevent a measure that would retard their plans for forging the chains of economic servitude upon the producers and toilers of free America. It is one of the greatest crimes of the age, and the American Senate can not afford to be a party to it.

Mr. President, I can point with pardonable pride to my own State, North Dakota. Ex-Governor Frazier, of that State, was one of the first, if not the first, of State executives to include in his message to the legislature, immediately after the armistice, a recommendation to take care of the soldiers. To the credit of our State let it be said that North Dakota has author-

ized the largest cash payment of any State in the Union, notwithstanding the unholy efforts of the financial conspirators to destroy the credit of the State.

It is to be expected that one of the principal objections to this proposition will be the contention that it will bring about inflation of the currency. Not admitting that such is true, I will state that should it result in such inflation it would be only fair to the major portion of these citizens of this country who are in debt, for the very simple reason that their debts were created at a time when there was inflation and when the obligations they created would purchase little. They would have an opportunity to pay off some of these old debts more nearly on a basis on which they were created. However, should this proposition result in an inflation of the currency it would not be such an inflation as existed at the high peak of the Federal reserve circulation, because should this whole amount be issued there would then be less money in circulation than there was reported to have been at one time during 1920.

In discussing a similar condition during the Civil War, Abraham Lincoln said:

> If a Government contracted a debt with a certain amount of money in circulation and then contracted the volume of money before the debt was paid, it is the most heinous crime a Government could commit against a people.

No one will deny but what the above is a just criticism which we can not at this time afford to forget.

In this same connection that brilliant American statesman, John C. Calhoun, said:

> Place the money power in the hands of a combination of a few individuals, and they, by expanding or contracting currency, may raise or sink prices at pleasure, and by purchasing when at the greatest depression and selling at the greatest elevation may command the whole prosperity and industry of the community and control its fiscal operations.

Would anyone at this time attempt to refute this statement? Is it not true that when the sovereign States voted to give up the right to coin money and fix the value of the same to the Federal Government—that is, to Congress—did Congress proceed to do this or was this authority delegated to private and corporate interests and the power so delegated used by these interests to inflate and deflate the money and credit value to the benefit of these same interests? Then, under Government protection, have we not as a Nation been guilty of the very thing that Lincoln and Calhoun warned us against? If so, then can Congress be blameless? While Congress continues to permit these banking conditions to prevail we shall be forced to tolerate inflation and deflation so timed and administered as to benefit the bankers, financiers, and speculators at the expense of the producers, especially the farmers, laborers, small business men, and country bankers, until the farmers become serfs to pass with the land.

Another point in connection with inflation: This proposition will require no new inflation of credits in order to get some money among the people. One of the most serious drawbacks to prosperity in this country to-day is a lack of money among the people. I am not speaking of bank deposits, or bank reserves, or fictitious figures that are created by banking methods; I am talking about actual cash. We have enormous facilities for short-term credit, if such facilities are dominated and controlled by a few and doled out at their pleasure, on their terms and at their convenience; but such control has already resulted in the impairment of credit and the destruction of security values. To get more of this credit among the people means to start the credit machine moving, with the people furnishing the necessary security to obtain the credit. The manner of treatment received at the hands of the credit machine has left the people in such condition that it makes it hard for them to provide the security, save at a great sacrifice in security value, and such sacrifice in security value would make the credit both inadequate and too expensive. This amendment would place actual currency among the people, and would necessitate no new creation of debt. Therefore, there would be no new inflation of credits. Naturally, the monopolists of money and credit in this country would object and would fight it to the bitter end. We are accustomed to their opposition, Mr. President, and I think it is about time that Congress compelled them to show their hand. Several months ago, Mr. SINCLAIR, of North Dakota, introduced in the House a resolution asking for an investigation of the Money Trust. I am not criticizing the House of Representatives, Mr. President, but Mr. SINCLAIR is an able, conscientious, and earnest gentleman, and he has thus far been unable to obtain hearings on what I consider one of the most important resolutions that has been introduced in this Congress. It is time we knew something about the inside working of the powerful and gigantic money and credit machine that has been built up in this country, which is to an extent too largely protected by acts of Congress.

Anyone familiar with the conditions in this country, that knows the situation in the byways and hedges, realizes that there is no money among the people. We have subsisted so long on bank credit and our commercial wheels have had to so completely depend upon bank credit for their motive powers that upon cessation of the credit supply it was only a matter of a short time before actual necessities of life took from the people the comparatively small amount of actual currency in their midst. If this money is authorized and is issued to the people direct, as provided in the terms of my proposed amendment, the wheels of business will respond immediately. It will enable a great many men who owe small debts to pay them off; it will enable others to undertake many little needed improvements; it will enable many small business undertakings to get the necessary cash to inject new life into their business. The inevitable result is bound to be a great deal of revival in business and a general restoration of business confidence. Of course, it is not in accordance with the bankers' game, it will take business from them, and will show the people of this country that they have a way of freeing themselves from the bankers' domination; but the people will be benefited and that is the thing with which we should most concern ourselves. We may expect much opposition from the bankers and their friends, but the needs of the people of this great country demand this relief and we should give it to them.

Let me emphasize this point: My proposed amendment is designed not alone to take care of the soldiers' compensation in the most effective and least expensive manner, but is also designed as a step toward the restoration of business confidence and prosperity in this country by placing some actual money among the people with which they can do business. With our credit situation as it is, controlled as it is, with property values chaotic as they are, it is impossible for business to take a vigorous hold on life until a few men who control the situation are ready to release the brakes.

The proposed amendment provides for a tax that will raise the funds necessary to retire this money. If this money is to be retired by taxation, instead of conversion into bonds, then the amendment provides for a distribution of the burden over a period of 25 years. This amendment proposes to levy a tax upon the profits of banks, banking institutions, banking partnerships, and trust companies, allowing to them a profit or dividend of 12 per cent upon capital and surplus, allowing the deduction of all amounts paid in any other taxes, and then taxing to the extent of 50 per cent of any profits over and above such amounts as are required to meet the items mentioned. This tax applies only to banks, banking institutions, and so forth, that are incorporated for $100,000 or more, or partnerships that have $100,000 or more invested in the partnership business. Therefore the little banks over the country will not in any wise be affected.

In the event the revenue derived from this source is more than sufficient to meet any annual installment of money to be retired, then any surplus is to be turned into the public funds in the Treasury to be disposed of as Congress may see fit by appropriation. In the event the revenue derived from this source is insufficient to meet any annual installment, then such amounts as may be required are to be taken from the interest paid on the foreign debt. In the event these two sources should prove inadequate, then any deficit is to be met out of any funds in the Treasury not otherwise appropriated.

Suppose that it should be necessary to provide for the full amount of any annual installment out of the public funds in the Treasury and the two sources of revenue should entirely fail, it would require less than $100,000,000 each year to retire this money. Suppose we should provide for adjusted compensation by the issuance of $2,500,000,000 of 4 per cent gold bonds. The interest on this amount of bonds would require $100,000,000 each year. This would be virtually the amount we would have to appropriate each year in order to retire the full issue of money within 25 years. In the case of bonds we would have spent that much in interest, and the principal would still be due.

Mr. President, I can fully understand the objection that will be raised to taxing the banking institutions of this country in order to pay this adjusted compensation. I am fully familiar with the slogan, "Take the Government out of business and put business in Government." The situation reminds me very much of the little boy who sicked his dog on his father, and as the dog's teeth sank in the leg of the father, the little boy yelled out: "Stick to it, dad; it's hard on you, but it is the making of the pup." Just so it is with business as we have experienced it and as big business sinks it teeth into the Government the chanters of the slogan yell, "Stick to it, Government; it's hard on you, but it is the making of big business." We have had a great deal of that kind of thing. There is no

great mystery about the cry that emanates from certain quarters to "let business know what it can do." Mr. President, the big-business interests of this country have seldom had to inquire as to what they could do. They usually know what they can do and what they are supposed not to do. They are more frequently found doing the things they are not supposed to be allowed to do than they are in being dilatory in doing what they are allowed to do. Big business in this country is not in any quandary as to what to do; big business simply wants to be given governmental sanction to pursue a course of ruthless exploitation, and it sometimes looks as if they will be given permission. One need only glance at a list of the appointees of the Secretary of Commerce to fill the positions of bureau chiefs to know that big business is fairly familiar with that which is going on.

There is ample precedent, Mr. President, for the issuance of the money necessary to pay this adjusted compensation as provided in my proposed amendment. It is to be expected that the cry of "soft money" will be raised. That is a stock phrase that is long outworn, but never too old to be used as a bugaboo by the banking interests who wish to protect their legalized privileged monopoly. It is not the gold, it is not the silver, it is not the nickel, it is not the copper that makes the money. It is the stamp of the sovereign. It is the power of the Government, the sovereignty of a Nation, that gives it its value. Our Supreme Court has said—12 Wallace Reports, page 553—that "the gold or silver thing we call a dollar is in no sense a standard of a dollar. It is representative of it." An act went into effect on the 1st day of August, 1834—ibid., supra, page 552—that changed the weight of our coins, but that did not change the dollar. I do not wish to take up the time of the Senate at this time to present the argument in favor of this contention. Ample precedent for the issuance of this money lies in the action of Secretary Chase in the issuance of the first $60,000,000 at the beginning of the Civil War. The acts of July 17, 1861, of August 15, 1861, of February 12, 1862, and of March 3, 1863, are all important in this connection. Although the act of 1863 qualified the money by making it unacceptable for duties on imports and interest on the public debt, the bankers used that exception to drive down the value of that issue. However, there is now in circulation legal-tender notes issued under that act, and they are circulating at par with all other money of the United States. However, the acts authorizing the first $60,000,000 contained no exceptions, just as my proposed amendment contains no exception, and that money always circulated at par. The other so-called greenback acts provided such measures and qualifications on the money issued under them that the very terms of their issue destroyed the circulating value and effectiveness as sound money.

The first $60,000,000 always remained at par, because the money contained no exceptions, but was acceptable as legal tender for all debts, public and private. The other issues did deteriorate in value, because the bankers were successful in qualifying the money by exceptions. However, the act of March 3, 1863, is cited in this connection to show that at this time there is in circulation money issued under the provisions of that act, and that that money is at par with all other money of the United States. It would always have remained at par with other money of the United States had there been no qualifying exceptions.

We can provide for the issuance of this money and make it full legal tender for all debts, public and private, and make no exception whatever that will prevent its circulation as money anywhere in our country, and it will always remain at par with the rest of our money, because the power of our sovereign Nation says that it must. Why burden the taxpayers of this country and pay bounty to bond dealers by even considering a proposition of long-term bonds at a high rate of interest? Why create volumes of new business with a Government indorsement for the banks by proposing a method whereby the soldier will be compelled to negotiate a loan if he is to realize any ready cash? Is it the purpose to keep money away from the people and create more interest-bearing debts to be held by the bankers? How will the people of this country ever pay the billions of debt they now owe unless some actual currency is placed in the country? They can not pay off bank credit by negotiating more bank credit. That is a method of creating a debt to pay a debt, borrowing from Peter to pay Paul.

However, I have realized the difficulty that will be met in trying to get a measure of this kind through. Therefore I have gone even further than I think necessary, or that we should go, in order to present a proposition that I think this body might accept. There are provisions in my proposed amendment that are in the nature of concessions to conservatism. I have drawn the amendment in this manner in the hope that it will receive real consideration at the hands of this body.

In providing for the issurance of money I realize that the question will be asked as to how we are to retire this money or prevent it from continually being in circulation. If we put this money in circulation, how will we ever retire it?

In order to meet this proposition I have provided some very definite measures:

First, I propose that none of this money shall be retired within the first 12 months after its issuance. And then I have provided a method of converting this money into bonds, but with the restriction that not more than 20 per cent of the total amount of the issuance can be converted within any year. My idea in that was this: We have all just experienced the results of drastic deflation, and I do not believe that we should place any substantial amount of money out in the country at this time without taking safeguards against its sudden contraction.

During the past several months, while we have been haranguing and debating and doing nothing about this soldiers' compensation, these men who risked their lives and fortunes for American honor have suffered all kinds of humiliations and hardships. It has been no uncommon sight to see some of them at the back doors of the citizens of this country asking for bread. It comes with poor grace for us to talk about them working, when we permitted the bankers of this country to pursue their ruthless policy of drastic deflation and take from them every opportunity there was to work. It comes with poor grace for anyone to talk of "professional bonus hunters" when the "professional job destroyers" have been permitted to run wild and play havoc in this country. If there be any veteran who feels that his honor will not permit him to accept any adjusted compensation, then the option is with him. Let not the few more fortunate, who have been accustomed to more out of life than the average veteran, or who have come under the influence of the wily propaganda that has flooded this country against adjusted compensation, or who has formed an independent opinion against the compensation, defeat the justice due the man who is in need or who has no hesitancy in receiving payment of a debt justly due him. Mr. President, the "honor" of the war profiteers did not seem to trouble them very much, yet they seem to be greatly disturbed about these veterans, who, at this late date, are just receiving consideration. They are very poor specimens of American citizenship to be talking about the "honor" of the American soldier.

Referring again to this question of a tax on banking institutions: It seems to me that it would be very difficult for any man to seriously contend that under present conditions, after a banking institution has made 12 per cent on its capital and surplus and paid all taxes, it should not be made to divide its remaining profits with the Government that has granted to it the enormous powers that enable it to make such tremendous profits. Mr. President, Congress has seen fit to set up a great credit machine in this country and has provided a system of credits and has turned that machine over to private banking institutions and permits them to loan, inflate and deflate, those credits to the citizens of this country at high rates of interest, and the interest returns do not come back into our National Treasury, but go to create enormous profits for these private banking institutions. Indeed, Congress has been very generous with them. They have turned over to them this sovereign constitutional governmental function to operate for private gain, and the American people pay the bounty. Even our American Government, if it wants the use of some of that same credit, must pay enormous amounts in the interest to these same institutions so favored by acts of Congress.

There is scarcely a day now but what we see where some corporation is paying a dividend. There are few banks incorporated in excess of $100,000 but what have consistently shown a good profit, and are now making profits. In startling contrast to this the farmers of this country lost $5,000,000,000 on a single crop! The producers of America have been placed on an operating basis that denies them the reasonable living of the reasonable American workingman. It is a terrible responsibility for any man to assume by indorsing such conditions.

In reference to the proposition embraced in this proposed amendment for the applying of the interest on the foreign debt due the United States, that needs very little explanation. That is to be used only in the event that the revenue realized from the proposed tax on the banks, banking institutions, banking partnerships, and trust companies should prove insufficient to meet any annual installment.

Now, I come to another interesting point in this proposed amendment: The conversion of this money into 3 per cent gold bonds.

As a further means for providing for the retirement of this money and assuring its soundness from a more conservative viewpoint, the proposed amendment provides for the conversion of this money into 3 per cent nontax-exempt gold bonds of the United States. Any holder of $100 or more of this money can any time after 12 months from the issuance of the money convert the same into these bonds by presenting the same to the Secretary of the Treasury with the request for conversion. However, not more than 20 per cent of the total amount of the money issue can be so converted within any 12 months' period. As a matter of convenience to the Secretary of the Treasury and to provide uniform dates for such bonds, he is authorized to set definite dates, quarterly or semiannually, for the conversion of these bonds. The bonds are to run for 25 years from date of issue, such date being determined by the date they are offered for conversion. The right is reserved in Congress to call these bonds for redemption at any time it sees fit. I would not want to delegate that right to the Secretary of the Treasury, because we do not know who may become our Secretary of the Treasury in the future, or what kind of refunding processes might be attempted. Definite dates for conversion will make the bonds uniform in date, and the different periods will distribute the burden of payment in the future and will not concentrate the load upon the Treasury at any one time.

Personally, I believe it would be more preferable not to convert the money into bonds but retire it by the method proposed over a period of 25 years. However, the method prescribed for converting into bonds will prevent the retirement of an amount too large at any one time, which would tend to bring about the evils of contraction. But this method of converting into gold bonds will largely take away the argument of those who cry "soft money." The money will be sound if gold bonds of the United States are sound. Should this put too much money into circulation the bankers are provided a way for gradual retirement by converting into bonds, which bonds are to bear a low rate of interest. Should this money be converted into these bonds the Government will have borrowed some of the cheapest money in her history. If the bankers prefer not to take the bonds at the rate of interest provided, and being nontax exempt, they can let the money stay in circulation and it will be retired under the provisions provided.

This issuance of money will also tend to deflate credits, Mr. President, because it will require no new creation of debts to get it among the people, and once it is among the people they can use it to pay credits or debts already created.

In this manner, Mr. President, I believe that the adjusted compensation can be paid the veterans in cash. The cash will do a great deal toward restoring the business of this country.

The proposed amendment provides that the money shall be mailed to the veterans direct by registered United States mail. This is to avoid bank manipulations, which would substitute checks for cash, and would be too easy for the bankers to control the situation. This will place actual cash, that is so badly needed, among the people.

This method provides for the payment of this compensation at a minimum of cost to the taxpayers of this country. We will circulate the credit of our Government instead of paying the bankers high interest rates to circulate it for us. The taxpayers will get the advantage of the interest we would otherwise pay out to bond dealers.

Mr. President, we have reached the point in the administration of our national affairs where we are having to expend annually about $4,000,000,000. A very large proportion—too large—of this amount goes to pay interest on Government obligations. These obligations have been largely acquired by banking privileges accorded to private banking institutions by our National Government. It is high time that we were beginning to think something about the duty of Congress in exercising the sovereign right of issuing and controlling the money and credit of this country. We have already delegated far too many powers and rights to private banking institutions that have worked detriment to the people. This places the issue before this Senate. Will you exercise the solemn duty delegated to Congress by the people of this great land through their Constitution and assert some control over the currency and credit of this country, or will you supinely consent to a continuation of bankers' control by the legislative sanction of Congress?

Mr. President, as answering many questions that arise in connection with this proposition and the amendments, I ask to have printed, without reading, in 8-point type, an address made by myself at a gathering at Holyoke, Mass., and also a short statement published generally in the North Dakota press.

There being no objection, the matter was ordered to be printed in the RECORD, in 8-point type, as follows:

RETROSPECT AND PROSPECT OF AMERICAN FINANCE—A DEBT-PAYING VERSUS A DEBT-CONTRACTING SYSTEM.

"When Charles Dickens was visiting this country in 1842, writing from Boston to a friend of his in London, he said:

"There is not a man in this town nor in this State who has not a blazing fire and meat every day for dinner, nor would a flaming sword in the air attract more attention than a beggar in the streets."

"What a contrast between the America of 80 years ago that knew no beggar, no pauper, no poverty, no financial misery and the America of to-day that witnesses 5,000,000 of her people without employment, with unfortunates and beggars on almost every corner, with paupers filling our homes of charity, with poverty stalking among pale-faced, emaciated children in our crowded cities and industrial centers, and a financial system that destroyed in excess of $15,000,000,000 in property values within a single year and left misery, hardship, wrecked business opportunities, debt slavery, and a shattered public confidence in its wake. What a contrast!

"Here we have a great country, with limitless resources. Our mountains are literally bursting with their wealth, yet our people are limited in their means to bring it forth—limited not in their capacity and desire for labor, but limited by financial and economic conditions over which they no longer exercise any control. Here we have plenty of work to do that would add comfort and joy to our national life, but 5,000,000 are forced to lie idle. Here we already produce more of foodstuff than we consume; millions in Europe are starving, and thousands here whose faces are becoming pale and wan from the pinch of hunger, yet our American producers are compelled to produce their crops under conditions that make their crop more expensive than the remuneration they receive for it. Here there is food in abundance, and some of our nationals who are willing to work are forced to go without sufficient nourishment to keep their bodies in full mental and physical health and vigor.

"As we scan the business conditions throughout the country to-day we find that the producers of the Nation—the farmers, the laborers—have been stripped of all their savings and are practically living from hand to mouth. Farming, the basic industry of America, is in a most deplorable condition. The farmer can not buy sufficient fertilizers or implements with which to produce a normal crop; and, what is more depressing, he has no assurance that he will realize out of the sale of his crop an amount equivalent to his investment in the crop. On the other hand, we find the reserves of the big banking institutions consistently piling up. Not only have they gathered in all the gold of the country and practically all of the money, but they have enormously increased the amount of the debts owed them. The little business man throughout the country is walking on stilts over the treacherous quicksand of financial domination. The few big business men are making more secure their grasp upon the resources of the Nation and the labor of the people. Indeed, this condition causes us to wonder if we are approaching a situation such as Lincoln had in mind when, with almost prophetic vision, he said:

"It (the Civil War) has been indeed a trying hour for the Republic, but I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of the war. God grant that my suspicions may prove groundless.

"This statement sounds almost as if it had been made in this good year 1922. It is much nearer true to-day than it was at the close of the Civil War. If corporations were enthroned during Lincoln's administration, how much more were they enthroned during the great World War. The increased number of American millionaires during the World War was but an indication of the startling rapidity with which wealth was speedily aggregating in the hands of the few. An examination of the increased volume of debt in this country, exclusive of that portion created by the Government for the prosecution of the war, and a view of where the volume of debt is held is an amazing revelation of the destination for which we are headed.

"But why all this depression to-day? Why are mills and factories closed and men without employment? Why is farming land lying idle, in part, and in part but poorly tended? Why is Mr. Average Citizen overwhelmingly in debt? Only two short years ago we were apparently in the midst of prosperity. Our whole national life was as one busy workshop, everybody having more of life than they had ever had before; Mr. Average Citizen consuming and producing more than he had ever produced; good cheer and happiness was on every hand. Then the crash! The fields were ripe unto harvest. There was much to be gathered. The reapers possessed the greatest machinery in their history. They reaped and garnered and gathered into

their own barns and they groaned under the fruits of their harvest. In some instances the gold reserve ascended until it exceeded 70 per cent.

THE CAUSE OF DEPRESSION.

"There are doubtless many important factors that enter into the causes for the present depression. There is, however, but one basic and fundamental cause and that is our money problem. It has been truly said that the love of money is the root of all evil, and when we find a concentrated control of money, which control is exercised for the benefit of the few as against the many, there we find concentrated evil. Such control means power, and that power is always oppressive power. As the book of Ecclesiastes says:

"So I returned and considered all the oppressions that are done under the sun; and beheld the tears of such as were oppressed, * * * and on the side of their oppressors there was power.

HIGH SPOTS IN FINANCIAL LEGISLATION.

"Time will not permit me to give you an analytical sketch of the history of our money system. I can but touch upon some phases, but will, to a certain extent, particularize upon the system under which we are now working. There is one thing that I wish you to bear in mind at the outset, and that is that under our present system the issuance and control of our money and credit is vested largely in private banking institutions. Notwithstanding the fact that the right to issue and control money is supposed to be a sovereign governmental function intrusted to Congress, that power has largely been delegated to the Federal reserve banks, which are now admitted to be private banking institutions which display a great deal of opposition to governmental interference. In fact, they have become so arrogant in their power that they virtually threaten Members of Congress with defeat at the polls should such Members dare oppose in Congress their plans. And what makes them more arrogant and defiant in their high-handed policies is the fact that the Government has virtually gone into partnership with them. Not the Government, but faithless officials, clothed with the people's authority.

"We have had three separate and distinct experiences in this country with banks along the idea of a central bank. The first was the one brought into existence as a result of the report of Hamilton, and began business on the 12th day of December, 1791. This was the First United States Bank. Various charges were brought against this bank. One of the principal objections was that three-fourths of the stock was held abroad by foreigners, another charge was that the act creating the bank was unconstitutional, and still another charge was that it constituted a 'money trust.' The criticisms proved sufficient to defeat the bill continuing its charter, and the bank ceased to operate on the 3d day of March, 1811.

"Then for awhile the business of the country was conducted through State banks. All during the War of 1812 the State banks were functioning and carrying on business. However, a need for some national system was apparent. On April 10, 1816, a law went into effect creating the Second Bank of the United States. This bank was modeled closely after the first, and was our second experience with banks of the central-bank idea. This bank had varied experiences. First, it is reputed to have lost quite heavily, and Langden Cheves was made president. He was followed by Nicholas Biddle. They adopted a policy of retrenchment and deflation. The customers of the bank naturally suffered, but H. Parker Willis, who was so prominent in the promulgation of the present Federal reserve system, tells us that the bank became 'the most powerful and best-managed financial institution the country had ever seen.' Just so is the Federal reserve system to-day—that is, it is 'the most powerful and best managed,' but it is managed for the benefit of the banks and a few special-privileged, and the people suffer the results. Argument was soon adduced that proved sufficient to defeat the attempt to recharter the Second Bank of the United States, and it went out of existence in President Jackson's administration.

"Our third experience with banks modeled along the central-bank idea is the system under which we are now operating—the Federal Reserve Bank of New York—to all practical effects being the central bank of the United States. There are a great many things to be said about our present system—things that will show the danger of granting to private banking institutions the right to issue and control the money and credit of a nation. It is true such powers make for powerful and profitable banking institutions, but they prove a curse to the people who have to live under their shadow.

"After the demise of the Second Bank of the United States, we again operated for awhile with State banks. Then, through the act of February 25, 1863, and the revised act of June 3, 1864, the national banking system came into effect. With various supplemental and amendatory acts, we operated under the national banking system until the establishment of the Federal reserve system in 1914, our third, and let us hope it is to be our final experience with a central banking system under private control.

"It is interesting to note that the same character of influences that were at work at the first two instances of central banks under private control were the influences that were at work to put into operation our present system, modeled along the central-bank idea with private control, and this in spite of the fact that so many of our really conscientious Representatives in Congress really thought they were giving the people a real currency system that was under the direct control of the Government, so that direct governmental control could be exercised over the money and credit of this Nation. But they are not to be so greatly blamed, because they were fooled.

"'Drastic deflation' has become an established term in American phraseology. It has conveyed a terrible meaning to hosts of American citizens. There has been an almost mystifying submissiveness to its exactions due to the belief that has been propagandized among the people generally that such a policy was necessary as a matter of reconstruction and that its attending hardships are the natural results and expected penalties that all patriotic citizens must pay as their part of a war announced as victorious. But while the people of this country have been going through a process of deflation the big banks have been piling up their reserves and the purchasing power of the enormous debts due them has been tremendously increased. While some of the little State banks throughout the country which really seek to serve their communities have been forced to close their doors for the want of a few thousand dollars, a Federal reserve bank has been able to build a marble palace costing millions of dollars to house its activities. We have, indeed, been witnessing a remarkabe display of the power of banking institutions in striking contrast to the helplessness of the people. But this is a condition of affairs about which we have had sufficient warning.

WARNING OF DANGERS AHEAD.

"When we launched our first experience with the central bank idea in this country by authorizing the first bank of the United States, that great Englishman, William Pitt, who was chancellor of the exchequer, said:

"Let the American people go into their debt funding schemes and banking systems, and from that hour their boasted independence will be a mere phantom.

"In 1888 Mrs. Emery made a most striking statement when she said:

"By controlling the finances of the country they—the money power—have been enabled to form trusts and syndicates which have reduced the people to a wage slavery more abject and heartless than any chattel slavery that ever cursed God's earth.

"Thomas Jefferson also witnessed the oppressing power of the central bank system in the operations of the first bank of the United States, and he said:

"I hope we shall crush in its inception the aristocracy of our moneyed corporations which dare already to challenge our Government to a test of strength and bid defiance to the laws of our country.

"How true it is to-day that they 'challenge our Government to a test of strength and bid defiance to the laws of our country.' Jefferson also recognized the fact that the power to issue and control the circulating medium belonged to the Government and that the Government should exercise that sovereign function. He declared that—

"Bank paper must be suppressed and the circulating medium must be restored to the Nation to whom it belongs. Let banks continue if they please, but let them discount for cash alone or for United States notes.

"He saw the evil that was resulting from bank credit and bank paper and knew that it would prove a curse to the people who permitted such a system to be imposed upon them. It is strange that the party of Jefferson should have so far forgotten the admonition of their great founder as to walk straight into the trap against which he had warned them.

"One of the world's greatest economists, Joseph Caillaux, former Premier of France, in his recent book 'Where is France Going? Where is Europe Headed?' says:

"The most urgent problem confronting the world to-day is the ending of the present grotesque confusion of moneys. The sole solution is the creation of a European bank note based not on gold but on credits and international securities. The gold standard was faulty in its inception and it has remained as long as it has solely because the great catastrophe proving it fallacious was long in coming. But the war has shown that a system by which a floating gold supply can govern the richness or poverty of far-separated nations is a system not only fundamentally unjust but one which in the end wreaks vengeance on its supposed beneficiaries.

"Under its present ownership that formerly great paper, the New York Tribune, apparently holds an entirely different

view on the Nation's monetary system than did Horace Greeley when he said:

"We are careful to conceal the ugly fact that by our iniquitous monetary system we have nationalized a system of oppression more refined, but none the less cruel, than the old system of chattel slavery.

"Salmon P. Chase, the great Civil War Secretary of the Treasury, considered the great mistake of his life to be his activity in procuring the passage of the national bank act, and declared that—

"It has built up a monopoly that affects every interest in the country. It should be repealed. But before that can be accomplished the people will be arrayed on one side and the banks on the other in a conflict such as we have never seen in this country.

"How prophetic his words appear to be! The Federal reserve system is but a considerable extension of those powers of monopoly which Mr. Chase beheld in the national bank act with a great deal of solicitude. Truly the people are gradually becoming arrayed against the tyrannical and oppressive, though 'refined' banking institutions that so effectually dominate our country to-day. It is only a matter of time when the people will become informed as to the exact situation and then Mr. Chase's prophecy will become true. The people of this great country will not tamely submit to economic servitude and the conflict between the banking interests and the people is inevitable. Let us hope that it will be waged intelligently and peaceably.

WALL STREET AND THE CIVIL WAR.

"Mr. Chase had unusual experiences with the money power and knew whereof he spoke. Among the many burdens that the Lincoln administration had to bear, that of raising the money to finance the war proved to be one of the most difficult. It was practically impossible to negotiate foreign loans because the safety of the Government was threatened. Wall Street, who clamored for the war and was loud in denunciating slavery, was appealed to. The banks were perfectly willing to loan their notes on Government bonds, payable in gold, at a 20 per cent discount. We learn from Appleton's Cyclopedia for 1861, page 296, that Wall Street, with a swell of patriotism, tendered loans to its Government, fighting for existence, loans at a rate of interest at from 24 to 36 per cent. The money barons retired all the gold and silver to their vaults and it looked as if the Government was at their mercy. However, Mr. Chase came forth with a constitutional idea, and that was that 'Congress shall have the power to coin money.' The enactments of July 17, 1861, and February 12, 1862, followed, authorizing the issue of $60,000,000 of Treasury notes, non-interest bearing, payable for all debts, public and private. This issue of money had not one ounce of gold behind it and has always remained at par with gold.

"However, the money barons were thwarted in their scheme to rob the people. They did not propose to quietly submit to this process of shearing them of their power. Only four days after the passage of the legal tender act a bankers' convention was held in Washington. This legal tender act would transfer the monopoly of money from the hands of the money dealer into the hands of the people. It meant the destruction of Shylock's system. The bankers' convention was called. Mrs. Emery tells us that—

"There is left no room to doubt but that the conspiracy perfected at that convention resulted in that infamous exception clause on the greenback, and was consummated by act of Congress, February 25, 1862, wherein it was stipulated that the greenback should be legal tender for all debts, public and private, except duties on imports and interest on the public debt, which from that time forward should be paid in coin.

"Wall Street had won a great victory. All the greenbacks that were issued with that exception clause, qualifying its value, subsequently rapidly decreased in value. So, then, Mr. Chase knew whereof he spoke. If the money he proposed had not been qualified by such an exception, its value would always have remained at par with gold, because it would have had not only all the gold in the United States but all of the wealth, the Army, and the Navy behind it. It would have been worth par just so long as the United States remained a Nation and exercised her governmental prerogatives in behalf of her people, because the people would have accepted it willingly, showing their confidence in the honesty of their representatives.

SHYLOCK'S POUND OF FLESH.

"When Congress passed this act refusing to accept its own notes in payment of obligations due to it in way of import duties, depreciation of this paper money was inevitable. But the other provision which excepted the payment of interest on public debt made a twofold victory for the bankers. The bankers had hoarded all the gold. When imports reached this country the importers had to have gold to pay the duties, because this provision of the act kept the Government from accepting its own money in payment of these duties. The result was that the importers had to go to the bankers to get the gold to pay the duties. This placed gold at a premium, and the premium advanced as high as 185 per cent. In other words, $100 in gold would buy $285 of the Government's money. The bankers would sell $100 in gold for $285 of Government bonds bearing interest. These bonds were payable in gold, and the Government's money could not be used to pay interest on the public debt, so the interest on these bonds bought with $285 of Government money had to be paid in gold and paid in advance. What a harvest for the bankers while the Union soldiers were facing death on the battle field for $16 per month, payable, not in gold, but in this same Government money. If these exceptions had not been written into the law and the money had not been so conditioned, the money would have remained at par with gold for all time. To be sure, the bankers would not have realized their conscienceless profit, but the people would not have suffered from such high prices and burdensome taxes.

"But, we are told, why all this argument for fiat money? Such a proposition, as just stated, is a declaration for fiat money and is dangerous in the extreme. In return, let me ask: What is fiat money? When it is desired to divert our course from financial reform that will really mean something for the people, the cry of fiatism and greenbackism is raised.

"The New York Times, under date of April 2, 1922, publishes an article headed 'Gold standard does not exist,' and then adds 'but should be created,' thus admitting there is no gold standard and demonstrating what every thoughtful student knew to be true, namely, that the gold standard plays but a small part in the transactions of business, which is largely done on 'credit notes' made possible through a system of most ingenious bookkeeping evolved by the Federal reserve system.

FIAT MONEY DEFINED.

"The truth about the matter is that all money is fiat money. Brice—and where is there a better authority—in his Financial Catechism says:

"Whatever a nation chooses to select, upon which to stamp its device and so stamp and declare it money, it is money to all intents and purposes, within the limits of such Government, and none can go farther than that as money.

"He also says:

"Fiat is a command to do something; and when issued by a recognized lawmaking power it carries with it all the force of the nation whose lawmakers issue it. In national affairs, it is the command of the Government. In the collection of taxes, it says how much shall be collected, upon what the levy shall be made, and what shall be exempt. In providing money for commerce it says how much shall be made; what material shall be used; and what value shall be set on each piece. Every mandatory law on the statute books of any nation is simply the fiat of the nation placed upon record.

"One of our great constitutional authorities, Judge Tiffany, at page 221 of his Constitutional Law, says:

"To coin money and regulate its value as an act of sovereignty involves the right to determine what shall be taken and received as money; at what measure or price it shall be taken; and what shall be its effect when passed or tendered in payment or satisfaction of legal obligations. Government can give to its stamp on leather the same money value as it puts upon gold or silver or any other material. There is no such thing legally as gold or silver or paper money. Money is the sovereign authority impressed upon and attached to that which is capable of taking and retaining the impress of that authority. The act of coining money consists in affixing to that which is to constitute money the stamp or seal of sovereign authority by which it may be known and recognized in market as being authority entitled to be received at the price or value stamped thereon. The authority which coins or stamps itself upon the article can select such substance it may deem suitable to receive the stamp and pass as money; and it can fix what value it deems proper, independent of the intrinsic value of the material upon which it is affixed. The currency value is in the stamp when used as money, and not in the material independent of the stamp. In other words, the money quality is the authority which makes it current and gives it the power to accomplish the purpose for which it was created—the power to pay debts.

"And again the United States Supreme Court says:

"Whatever power there is over the currency is vested in Congress. If the power to declare what is money is not in Congress it is annihilated. * * * No one ever doubted that a debt of $1,000 contracted before 1834 could be paid by 100 eagles coined after that year, though they contained no more gold than 94 eagles such as were coined when the contract was made, and this not because of the intrinsic value of the coin, but because of its legal value; the eagles coined after 1934 were not money until they were authorized by law, and had they been coined before without a law fixing their legal value, they could no more have paid a debt than uncoined bullion or cotton or wheat. * * * The coinage act fixes its unit as a dollar, but the gold or silver thing we call a dollar is in no sense a standard of a dollar. It is a representative of it. * * * We repeat, money is a printed legal decree.

"In spite of all the cry about fiat money, all money is fiat money. In spite of the cry against greenbackism, unless there is some discrimination in the law authorizing such paper money, which will prevent it from passing as currency for all domestic purposes, such paper money will always remain at a par with the gold money of the country. As a matter of fact, there has

been no money in the history of our country that more completely illustrated the use of fiat money than the money issued under the provisions of the Federal reserve act. Under the Federal reserve act practically all of the money that has been in circulation has been paper money. About July 30, 1921, over 77 per cent of the general stock of gold in the United States was held by the Federal reserve banks. June 30, 1920, when we were in the midst of inflation and gradually reaching the peak, there were only $34,216,000 gold coin and $41,928,000 gold certificates in all of the reporting national and State banks. During that period the test of the purchasing power of the dollar was not the percentage of gold that was in the gold reserves, but, rather, the volume of money that was in circulation plus the condition of bank credits.

BANK CREDIT VERSUS MONEY.

"That leads me to say something else. The great majority of business that has been conducted since the inauguration of the Federal reserve system has not been done with money but has been done with bank credit. The big bankers have been able to easily fool the people in making a distinction between the two. Very few men who created debts and made bank loans during the war actually borrowed money. They paid interest just the same, but the banker did not actually loan them money. When we pick up the papers and read the various bank statements and look at the statement of deposits and see that the statement says that so many dollars are on deposit, that does not mean that those deposits represent cash. They do not. To a large extent they represent credit.

"Let me illustrate: Mr. A walks into a bank and says to the cashier, 'I wish to borrow $10,000; here is my note properly indorsed, and it is such a note as comes within the provisions of the Federal reserve act.' The cashier says to Mr. A, 'Well, Mr. A, do you wish this in cash or do you simply wish a checking account?' Mr. A replies that he simply wants the note discounted and placed to his credit on his checking account. The loan is granted. The note is discounted, Mr. A is credited on the books with the amount, and he pays his bills by check. His checks are deposited by his payees in their various banks, who are engaged in the same kind of loan transactions. These checks are then passed through the clearing house and there 'washed out' by matching, or checking, them against each other and the banks adjusting their differences in cash. The banks have not loaned money. They have simply loaned a book transaction, credit, and are drawing interest on their system of bookkeeping. It is hardly probable that more than 5 per cent of cash is required to adjust the differences of the banks in the clearing house association. An interest-bearing debt has been created solely on the ability of the banks to keep books, coupled with an unjust privilege allowed them under the provisions of the Federal reserve act, which permits them to extend or contract such credit almost at will. It has been the arbitrary exercise of this sovereign function placed in the hands of private bankers that has wrought so much havoc during the past several months.

THE FEDERAL RESERVE SYSTEM ARRIVES.

"In August, 1913, we were assured by one of the proponents of the Federal reserve act that the act would—

"Prevent unfair and undue constriction of credits with its consequent paralyzing effect on business and on the productive energies of the Nation.

"Also—

"Men will not be thrown out of employment wholesale throughout the country by the fright of financial and commercial panic, but finance and commerce will be steady. Men will not be ruined by violent and abrupt changes of values. Hundreds of thousands of men will not suddenly be thrown out of employment during these national waves of depression. There will be no national waves of depression nor undue feverish buoyancy.

"The above statements were made by Senator ROBERT L. OWEN, and appeared in an article entitled 'The banking and currency bill,' in the Commoner, August, 1913, volume 13, No. 28, page 4.

"Senator OWEN is a most brilliant man and had given a great deal of time and thought to his subject, but how easily was he fooled. It is true we have had no bankers' panic but we have had one of the greatest panics among the people that we have ever witnessed. What an era of 'unfair and undue constriction of credits' have we had, and we have fully realized its 'consequent paralyzing effect on business and on the productive energies of the Nation.' Men have been thrown out of employment, not by the hundreds of thousands but our unemployed have reached the 5,000,000 mark. 'Violent and abrupt changes of values' robbed the farmers of $5,000,000,000 in value on a single crop. Men have been ruined on every hand, suicides and failures have been introduced into every community, homes have been lost, and hope has been shattered, but it has not been advertised upon the billboards of the country, instead they have blazoned the enchanting phrase, 'Prosperity is just around the corner.'

DRAWING BIG INTEREST ON BOOKKEEPING AND NO MONEY.

"With such a condition as this facing the country, and in view of all the inspired statements of the banking wizards as to inflation and how much money was in the country during the period of inflation and the necessity for deflation, it is pertinent to note that the total cash in the vaults of all reporting banks, national and State, was on June 30, 1914, $1,639,219,000, and on June 30, 1920, $1,076,378,000.

"In other words, there was over half a billion dollars more of cash in the vaults of the reporting national and State banks before the inauguration of the Federal reserve system in 1914 than there was June 30, 1920, when we were in the midst of inflation. The bankers were doing the business, not with cash but with bank credit. In using bank credit they were drawing interest on their privileged system of bookkeeping.

"Another pertinent point: The loans and discounts, including overdrafts of all reporting banks, national and State, was on June 30, 1914, $15,339,478,000, and on June 30, 1920, $31,365,333,000.

"In other words, the debts due the banks more than doubled from the period just before the Federal reserve system was inaugurated until the 30th of June, 1920, when we were in the midst of inflation. These debts were created by the extension of bank credit, and the banks were realizing interest on these paper credits. From these figures you can begin to realize the enormous profits which the bankers were able to realize by reason of the special privileges granted to them by the Federal reserve act. At an average rate of interest of 6 per cent the interest on these debts would approximate $2,000,000,000, half enough to run our Government during this period of high taxes. If you would add to that the interest realized off of Government bonds and obligations annually, you would have an amount that would practically pay the expenses of the Government. It is hard to see where these institutions afford any special service that the Government could not well exercise under proper administration for the benefit of all the people and without material expense. In other words, by reason of the special privileges granted these banking institutions they are able to realize an amount of profit almost sufficient to pay the expenses of our Government if our Government were to conduct the same kind of business. Through these privileges the people of this country are contributing to these banking institutions an amount almost equivalent to the amount they have to pay for the support of the Government. No wonder they will howl 'fiatism' or any other kind of 'ism' in order to keep for themselves these powerful weapons of economic servitude.

DOES THE FEDERAL RESERVE SYSTEM MEASURE UP?

"In this connection we would do well to recall the speech of John C. Calhoun in the Senate, who said:

"Place the money power in the hands of a combination of a few individuals and they, by expanding or contracting the currency, may raise or sink prices at pleasure; and by purchasing when at the greatest depression and selling at the greatest elevation may command the whole property and industry of the community and control its fiscal operations."

"In discussing our present deplorable financial condition it is well to keep in mind that seven men have almost unlimited power in the Federal reserve system. If this power was used for the best interests of all our people, it would bring prosperity, but this power has not been so used; in fact, it seems to have been used for the very opposite purpose, and its maladministration has brought ruin to a large group of our people. Says a writer in the Manufacturers' Record for March 30, 1922:

"At no time in our history, not only from the time of Lincoln but from the time of George Washington, since the formation of this great Republic, have we been presented with a greater wave of prosperity, a greater opportunity for securing permanent benefits to agriculture, commerce, and civilization, nation-wide and world-wide, than was almost forced upon us prior to the enforcement of this policy of wreck and ruin. And had the Federal reserve system functioned for the purpose for which it was intended to-day we would be in the midst of prosperity; we would have a contented and prosperous agriculture, intense commercial activity, and the people of America and the world would have received great benefits. Of course, we would have eventually had deflation in prices. However, it would have come upon the law of supply and demand and never to pre-war levels as a perpendicular drop. Had the Federal reserve system functioned for the purpose for which it was created, it would have been recorded in the permanent records of history as one of the greatest benefactors of civilization."

WHEN DRASTIC DEFLATION CAME.

"With all of these debts outstanding it is easy to see how a crash could be precipitated. When 'drastic deflation' was ordered paying time had come. Debtors were called upon to pay, and they must pay with money. The most of these debts

were short-term bank obligations and immediately due. Bank credit was shut off. Debtors could borrow neither money nor bank credit. It was only a matter of time until the comparatively small amount of money that was in circulation had gone the rounds and had been drawn in. But the debt due had not been paid. Shylock was demanding his pound of flesh. Money became dear, because money became scarce. After the money that was in circulation had passed its round of debt paying and had gradually found its way to the vaults of the big banks the only way to get it out again was by the sale of commodities, of property, and of labor. This gave the money power the weapon they needed with which to force down the price of commodities and of labor. Since through payment on debts they had gathered in the money, and now payment on debts was to be made by labor and commodities, it made their debts immensely more valuable to obtain as much of labor and commodities for their debts as possible. As a result we have witnessed the inevitable collapse of basic industry in this country and the real producers reduced almost to a state of vassalage.

"Many reasons were assigned. The people needed to be led to believe that such a painful operation was necessary for their own salvation. They were asked to be good sports and take their part of the medicine. They took their medicine all right while these legalized money barons were bundling in their booty.

"When our markets collapsed we were told that the European purchasing power had dwindled and that there was no European market for our goods. The farmer was asked to be patient until Europe could be restored. We were told that the difference in exchange rates made it impossible for Europe to buy. Our financial guardians, if they had the interests of the country at heart, should have thought of that when they ordered 'drastic deflation.' They should have known—and probably did—that deflation in America, which would result in dear money, would make a wider margin of difference in exchange rates with Europe, that was continuing inflation and cheap money. Is it possible that some of our international bankers held enormous European war securities, that were subject to become valueless unless American resources and labor could be marshaled to their support and their value be restored by American commodities?

HOME CONSUMPTION VERSUS FOREIGN MARKETS.

"Had more thought been given to domestic conditions and more attention paid to home consumption, prices in our basic products would have never suffered such a collapse. When we threw 5,000,000 out of employment, who were earning about an average of $4 per diem, we destroyed a purchasing power of $20,000,000 per day, or about $6,000,000,000 per year. Think of the effect this amount of money would have had upon our domestic market had it been spent for necessities and comforts of life. As a nation we can produce practically everything we need for home consumption, and we are really practically independent of foreign trade, save the necessity of adjusting trade balances. It is a crime to force American products upon a foreign market until the maximum demand in this country is first satisfied. We need to adjust our economic system so that our people can consume more and have more of the pleasures and comforts of life as well as of the necessities. If our people produce the commodities, any system is criminal that denies to them the results of their toil in pleasures, comforts, and necessities. Our present system does it. But there is a way of allowing our people to realize more of the fruits of their toil, and that is through a proper monetary system, a system that really circulates for the people, a system wherein money is really a circulating medium through which the people can exchange values and not a system wherein money is purely a commodity with which to engage in trade, barter, sell, control, and make scarce, and make all human endeavors subservient to the beck and call of those who control and manipulate it. One is a system for the people realized by our Government exercising its sovereign governmental functions, the other is a system for the special privileged banking class and their allies, realized by the banking class being granted sovereign governmental functions, to be exercised by them privately for their own special greed and avarice and gain.

"There is one thing I want you to bear in mind, ladies and gentlemen, and that is that when the money power of this country wants to divert your attention from their activities they begin to point out other problems that face the country and ask you to notice them, that they are the dangers to the Nation. I want to say to you that there is no really big and important question before our people to-day that is inseparable from the money question, and the money question usually controls the situation.

"We have gotten into our present difficulties because of the fact that Congress has delegated certain sovereign governmental functions to a few specially privileged to use for their own advantage. It is true that the rank and file of Congress did not realize just what they were doing. There is only one way to meet the problem. The first thing is to undo that which we have done.

THE LADD MONETARY BILL.

"With that in view, I have introduced a bill in the Senate that provides for the restoration of the sovereign function of the issuance and control of money and credit to the Government, where it rightfully belongs under the Constitution. After extended investigation and much preparation, I formulated a tentative measure in Senate bill No. 2604. I believe this bill to contain provisions of great importance that are fundamentally sound. The bill provides for a Government issuance of money, to be loaned direct to the people at a rate of interest not to exceed 4 per cent per annum, and I believe if it were passed it would be the greatest triumph for the people in the history of monetary legislation in our country. The fundamental principles of the bill are, I think, of such transcendent importance that I am little concerned as to the details of the bill, just so the fundamental propositions remain unimpaired. The right to issue money and control the volume and to control credit should be placed back in the Government and remain there to be used for and on behalf of all the people of this great country, and not be manipulated by a privileged monopoly for the benefit of the few.

"To bring about such a reform as this means to challenge all the combined powers of aggregated wealth with all of their plutocratic, dominating, and conscienceless methods of warfare. Mr. Chase's prophecy will then become realized, wherein 'the people will be arrayed on one side and the banks on the other in a conflict such as we have never seen in this country.' But we must gird up our loins and enter the fight or submit to a system that Horace Greeley foresaw to be as cruel as that of 'the old system of chattel slavery.' Will we permit this to go on until the Republic is destroyed, as was feared by Lincoln? God forbid! Will this generation see us as William Pitt prophesied, that our 'independence will be a mere phantom'?

"The challenge is to you, the challenge is to me, the challenge is to every good citizen who loves his country. What will you do? Will you agree that the citizens of this great land shall be manacled and bound in economic servitude, or will you demand that they shall be free? Free to toil and labor and enjoy the fruits of their intelligence and thrift. The way is open; but we must first have the determination of battle and the willingness to wage it to a successful conclusion. In the name of righteousness, justice, and freedom, let us start it.

"I regard poverty as a curse. God never meant any man to be poor in the sense of that pinching, grinding want which gives a man heartache and brain ache. There is plenty in the world for every man to live in comfort, and all lack is largely the result of governmental mismanagement."

INFORMATION RELATIVE TO THE ORIGIN AND OPERATIONS OF THE FEDERAL RESERVE SYSTEM.

"This week I received a request from North Dakota, as follows:

"Many of us have not as clear an idea of the Federal reserve bank and its workings as we should have. Can you tell us through the Courier-News—

"1. How the Federal reserve was started?

"2. What it pays the Government for money it gets from it? How much, etc.

"3. Who are the beneficiaries of this Federal reserve bank?

"4. How money can be contracted through it, etc."

"There are so many angles involved in this request that it is quite impracticable to answer in detail, as it would impose upon the space in the Courier-News. However, I hope to discuss various details at different times, so that the people may have some specific information relative to the workings of the Federal reserve system.

1. HOW WAS THE FEDERAL RESERVE STARTED?

"Paul M. Warburg, former member of the firm of Kuhn, Loeb & Co., international bankers of New York, and which firm was found by the Pujo committee to be one of those firms that constituted the Money Trust, is the person who really brought about the Federal reserve system. It was his idea. Warburg was born in Germany in 1868; he came to the United States in 1902. The German banking house of the Warburgs was established in 1796. Warburg is the finished product of many generations of international bankers. His world-wide education thoroughly equipped him for the opportunities of international banking on a large scale. Notwithstanding the fact that he came to America in 1902, he did not become an American citizen until 1911. In 1906 he commenced an active campaign

to put his banking ideas on the Federal statute books. He was active in the Aldrich measure, and by that measure committed the Republican Party to his banking program. The Democrats, very righteously, rose in arms and defeated the Aldrich measure and then turned right around and nestled Warburg to their bosoms, camouflaged and modified the proposals contained in the Aldrich measure, and passed the Federal reserve act. The Republicans already having been committed to its principles, which, if possible, was the more vicious of the two, as embodied in the Aldrich bill, could not offer any substantial resistance to it, and it is doubtful if they desired to do so. When Warburg was before the Senate Banking and Currency Committee testifying in the hearings on his nomination to the Federal Reserve Board, he stated:

"I have, as you know, taken a keen interest in this monetary reform since I have been in this country. I have had the success which comes to few people of starting an idea and starting it so that the whole country has taken it up and it has taken some tangible form.

"This committee who heard Warburg say this was in a position to know who was responsible for the Federal reserve act, and no voice was raised to question his authorship. He further stated, when asked to explain the fundamental differences between the Aldrich plan and the Federal reserve plan, that—

"the Aldrich bill brings the whole system into 1 unit, while this deals with 12 units and unites them again into the Federal Reserve Board. It is a little bit complicated, which objection, however, can be overcome in an administrative way.

"Mr. Warburg was chosen the administrator to overcome the objections and making it conform to the possibilities of a central-bank idea. How well he succeeded its drain upon the people of this country should amply testify.

"This is a brief statement as to how the Federal reserve system was started.

2. WHAT DOES IT PAY THE GOVERNMENT FOR MONEY IT GETS FROM THE GOVERNMENT?

"The last definite information I have on this subject is as late as February 8, 1922, and I do not think the conditions have materially changed since that date. Under the provisions of section 16 of the Federal reserve act, Federal reserve banks are required to reimburse the Treasury Department for all expenses necessarily incurred in connection with the printing, issue, and retirement of Federal reserve notes. The act also empowers the Federal Reserve Board to establish a rate of interest which each Federal reserve bank shall pay on the total amount of its Federal reserve notes outstanding less the amount of gold and gold certificates held by the Federal reserve agent as collateral security. Up to February 8, 1922, however, the board had not required the reserve banks to pay interest on the Federal reserve notes issued to them, justifying such failure to do so upon the ground that all net earnings after the payment of the annual dividend of 6 per cent are either paid to the Government as a franchise tax or are transferred to surplus account in accordance with the provisions of the Federal reserve act. However, the ingenuity of bankers help them take care of a great many things. Severe criticism has been made relative to increase of salaries of bank officials and employees and the building of bank buildings—the New York Federal Reserve Bank proposed to build a marble banking palace to cost approximately $25,000,000. The banks are also required to pay a tax of one-half of 1 per cent each half year on the average amount of such bank's notes in circulation. This is equivalent to the rate charged national banks on their circulation. Up until December 31, 1921, the Federal reserve banks paid to the Government in franchise taxes the sum of $124,537,336. This was all, notwithstanding the fact that they were doing billions of dollars' worth of business. The proposed bank building in New York was to cost a fifth of this sum.

3. WHO ARE THE BENEFICIARIES OF THE FEDERAL RESERVE SYSTEM?

"Those who own and control the system, of course, and it is owned and controlled by the big bankers. It is a common misunderstanding that the Federal reserve banks are public institutions owned by the people. They are not. They are private banking institutions, and their officials have so testified before congressional committees. They are operated for private gain. Congress simply delegated to them, under the provisions of the Federal reserve act, the control and use of the money and credit of this country. Congress had no moral right to do so, if it had the legal right. The Constitution places upon Congress the duty of regulating and controlling the money and credit of this Nation, and it was morally criminal to delegate those functions to private bankers to operate for their own private gain. Of course, at times, there must be resultant benefits to the people and temporary prosperity in order to make the system profitable to the bankers; but there are also the periods of depression which sweep away all of savings and prosperity and more completely forge the chains of economic servitude. The power is in the hands of the bankers who control the system to bring about either that they desire. It is mere prating for them to talk about prosperity is just around the corner, because they alone can turn the corner when they desire. Natural economic conditions no longer control the situation in this country. Unnatural, fictitious conditions of the bank manipulators control, and they control under a quasi partnership with the Government and under the protection of a delegation of powers by Congress. Congress must undo what it has done and restore to the people the control and exercise of the sovereign function of the issuance and control of money and credit.

4. HOW CAN MONEY BE CONTRACTED THROUGH THE FEDERAL RESERVE SYSTEM?

"The Federal reserve system set up a system of bank credits that enveloped the country in debt without putting the necessary corresponding amount of money into circulation to help them pay out when paying time came. The most of the loans made throughout the country were loans of bank credit. If you went to a bank to borrow, your loan was placed to your credit at the bank and you drew your checks against it. You saw very little of the money that your debt was supposed to represent. It was a system of bookkeeping. The debts were created, but the money did not go into circulation. When the Federal reserve system was ready to contract, it simply stopped the issuance of bank credit, and you could not borrow from your banks any more. They had no bank credit to loan. It had been stopped by the system. There were about ten times as large an amount in debts due through the Federal reserve system as there was money in circulation. It was only a matter of a short time after these debts were called for payment until all the money in the country was drawn into the Federal reserve banks, and still the larger proportion of the debts remained unpaid. Then the only way the people could get money with which to pay the debts or to purchase the necessities of life was to sell their products or their property. They held the money and they owned the debts. This gave them control of the situation so that they could dictate the prices the producers of the Nation were to receive for their labor and products. They not only contracted the currency but deflated everything else the average citizen had. Especially did they deflate the farming class."

Amendments intended to be proposed by Mr. LADD to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, viz:

Amend section 401 by striking out, on page 11, line 6, the comma after the word "credit" and insert in lieu thereof a period, and all the rest of lines 6 and 7, namely: "if, and only if, such credit is not more than $50."

Strike out all of Title V, "Adjusted service certificates," beginning with page 12 and including pages 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, and in lieu thereof insert the following:

"ADJUSTED SERVICE PAY.

"SEC. 405. (a) That the Secretary of the Treasury be, and he is hereby, authorized and directed, for the payment of the adjusted service credits provided for in this act, to issue, on the credit of the United States, the sum of $2,500,000,000 of United States notes, or as much thereof as may be necessary, not bearing interest, payable to bearer, which notes so issued shall be lawful money and a legal tender in payment of all debts, public and private, within the United States; and any of the said notes, when returned to the Treasury, may be reissued from time to time as the exigencies of the public service may require, unless such notes have been duly retired or converted in accordance with the provisions hereinafter contained in section 406 of this act.

"(b) Such Treasury notes shall be issued in denominations of $1, $2, $5, $10, $20, $50, $100, and $500 each, in such amounts of each as to make them best suitable for circulation among the people generally.

"(c) Veterans entitled to receive 'adjusted service pay' under the provisions of this act, and who shall have duly made application for such 'adjusted service pay' in accordance with the provisions of section 302 of this act, shall be paid the amount of their 'adjusted service pay' with lawful money of the United States by forwarding the same to such veterans by registered mail.

"GRADUAL RETIREMENT PROVISION.

"SEC. 406. (a) That for the purpose of providing for the gradual retirement of the Treasury notes issued under the provisions of this act, there shall annually be levied and collected upon all banks, banking institutions, and trust companies, organized and doing business in the United States or in any of its possessions that are incorporated for or in excess of $100,000, and upon all partnerships engaged in the banking business in

the United States or in any of its possessions in which the total amount of capital invested in the firm business amounts to $100,000 or more, a sum equal to 50 per cent of all profits made by such banks, banking institutions, trust companies, or banking partnerships, in excess of 12 per cent upon capital stock and surplus after due deduction is made for all other taxes paid by such banks, banking institutions, trust companies, or banking partnerships: *Provided, however*, That none of the Treasury notes issued under the provisions of this act shall be retired within 12 months after the issuance of such notes: *And provided further*, That the Treasury notes issued under the provisions of this act shall be retired over a period of 25 years in equal annual installments, except where such Treasury notes are retired by bonds as hereinafter provided.

"(b) If the money levied and collected under paragraph (a) of this section of this act shall be in amount in excess of the amount required for the retirement of the proportional amount of such Treasury notes for that year, such excess shall be turned into the public funds in the Treasury; if the amount levied and collected under paragraph (a) of this section of this act should not be sufficient for the retirement of the proportional amount of Treasury notes for that year, then such amounts as may be necessary to provide for the retirement of the proportional amount of Treasury notes for that year shall be paid from the funds received from the interest paid by foreign Governments on their refunded debts owing to the United States.

"(c) In the event the funds provided for in paragraphs (a) and (b) of this section should be insufficient for the retirement of the proportional amount of Treasury notes for any year during the operation of this act, then and in that event there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to retire the proportional part of such Treasury notes for that year.

"(d) After one year from the issuance of Treasury notes provided for in this act any holder of Treasury notes issued under the provisions of this act in amount of $100 or more may present such notes to the Secretary of the Treasury for exchange in gold bonds of the United States: *Provided*, That not more than 20 per cent of the total amount of Treasury notes issued under the provisions of this act shall be thus exchanged during any one year.

"(e) As soon as practicable after such Treasury notes are presented to the Secretary of the Treasury for conversion he shall issue therefor gold bonds of the United States as herein provided for, and for that purpose the Secretary of the Treasury is hereby authorized to issue bonds of the United States, nontax exempt, the principal and interest thereof shall be payable in United States gold coin of the present standard of value, at an annual rate of interest not exceeding 3 per cent, payable semiannually, and said bonds shall be payable 25 years from date of issue, the date of issue being determined by the date on which such Treasury notes are offered for conversion: *Provided*, That at any time prior thereto, upon act of Congress, such bonds may be called for redemption.

"(f) In his discretion the Secretary of the Treasury may fix definite dates, quarterly or semiannually, at which time such Treasury notes may be tendered to the Secretary of the Treasury for conversion at par into the bonds authorized under the provisions of this act."

ATTITUDE OF GEORGE WASHINGTON TOWARD BONUS FOR SOLDIERS.

Mr. WATSON of Georgia. Mr. President, it is not for the purpose of carrying on a discussion of the soldiers' bonus that I claim at this time the attention of the Senate for a few moments. On yesterday afternoon there arose a difference of memory between myself and the Senator from Idaho [Mr. BORAH] as to whether George Washington favored, in principle, a soldiers' bonus. The Senator from Idaho evidently had in his mind the fact that General Washington refused to receive any compensation for his services during the Revolutionary War. One might very naturally, after the lapse of years, confuse that fact with the previous record of General Washington in connection with other wars, especially the old French and Indian War. It is for the purpose of showing that I was right in saying that General Washington had indorsed the principle of the bonus, cash bonus and land bonus, that I now ask for a few moments of the time of the Senate.

The first authority from which I read is John Marshall, who, as everybody knows, was a great personal friend of George Washington and afterwards was Chief Justice of the United States. His work, the Life of Washington, is one of the original authorities, and from volume 2, page 11, I read:

Great credit was given to Colonel Washington by his countrymen, for the courage displayed on this occasion—

That was part of the old French and Indian War—

and the legislature were so satisfied with the conduct of the party as to vote their thanks to him and the officers under his command. They also gave 300 pistoles to be distributed among the soldiers engaged in the action, as a reward for their bravery.

Mr. President, this morning I had the Spanish coin "pistole" looked up, and its equivalent in our money is $4. Therefore the amount paid by the Virginia Assembly to these soldiers was $1,200, worth at this time perhaps five times the amount it was worth then, the purchasing power of the dollar having decreased so much. Therefore this bounty in cash was worth not less than $6,000, and the text leaves you in doubt as to whether that was for each man or for the entire party, to be divided among the men. Take it either way you will. There is the principle of the legislature voting to George Washington, then a colonel, and to the small body of men he commanded in that expedition against the Indians, about $6,000 in cash; and Mr. Marshall, on the margin of that page, prints a letter signed by George Washington, in which he thanks the legislature for its action in this regard.

Mr. Marshall does not go any further into the matter, but Sparks does. In Sparks's Life of Washington, at page 67, I find the following:

Another and more substantial proof soon followed.

That is, proof of the general gratefulness of the legislature and the people for the services of Colonel Washington and his men in those expeditions up the Ohio against the Indians.

The Virginia Legislature voted £40,000 for the public service and enlarged their regiment to 16 companies. Three hundred pounds were likewise granted to Colonel Washington and proportional sums to the other officers and privates—

Now he quotes from the act of the legislature, evidently—

"for their gallant behavior and losses" at the battle of the Monongahela.

As everybody knows, the British pound is about $4.84 of our money. That is within a fraction of it. Multiply the £40,000, say by five, and you would have $200,000; and multiply that by five, to bring the value of the dollar down to its purchasing power now, and you would have a very substantial bounty. The significance of this, Mr. President, is that £300 of it is specifically voted to Colonel Washington, and he accepts it. If that does not fix him to the principle of the bounty nothing on earth could, and surely there never lived a man who had a nicer, a higher sense of personal honor than George Washington; and if he could accept a bounty without shame and without reproach the Chevalier Bayard could do it. Would anybody dare to charge him with capitalizing his patriotism? Would anybody dare to say that he degraded his manhood when he accepted that £300 voted to him by the Virginia Legislature because of his gallant service at the battle of the Monongahela?

I come now, Mr. President, to the Life of George Washington, by HENRY CABOT LODGE, present senior Senator from Massachusetts, volume 1, page 109:

While thus looking after his own estates at home, he went farther afield in search of investments, keeping a shrewd eye on the western lands and buying wisely and judiciously whenever he had the opportunity. He also constituted himself now, as in a later time, the champion of the soldiers, for whom he had the truest sympathy and affection, and a large part of the correspondence of this period is devoted to their claims for the lands granted them by the assembly. He distinguished carefully among them, however, those who were undeserving; and to the major of the regiment, who had been excluded from the public thanks on account of cowardice at the Great Meadows, he wrote as follows: "Your impertinent letter was delivered to me yesterday. As I am not accustomed to receive such from any man, nor would have taken the same language from you personally without letting you feel some marks of my resentment, I would advise you to be cautious in writing me a second of the same tenor. But for your stupidity and sottishness, you might have known, by attending to the public gazette, that you had your full quantity of 10,000 acres of land allowed you."

This major, who had shown cowardice in the face of the enemy at Great Meadows, had been gazetted in the public papers as having had 10,000 acres of land allotted to him as a bonus, and Washington said to him, in effect: "If you had been paying attention to what was being published, you would have known that, in spite of your cowardice, you could have gotten your 10,000 acres of land."

Now I come to Paul Leicester Ford's "The True George Washington," page 130:

As a military bounty in the French and Indian War, the Governor of Virginia issued a proclamation granting western lands to the soldiers, and under this Washington not merely secured 15,000 acres in his own right but by buying the claims of some of his fellow officers doubled that quantity.

Mr. President, I think I have made out my case.

CIVILIAN INSTRUCTORS AT NAVAL ACADEMY.

Mr. POMERENE. Mr. President, the conferees on the naval appropriation bill are in session. The other day, when that bill was before the Senate, it developed that there are 118 civilian instructors in the Naval Academy. Under the bill as it passed the House none of these civilian instructors could be dismissed except for cause. The distinguished chairman of the Naval Affairs Committee, the Senator from Washington [Mr. POINDEXTER], made the statement on the floor of the Senate that Admiral Wilson desires to dismiss from the academy 78 out of the 118. The Committee on Naval Affairs added to the House bill an amendment which would permit a reduction from 118 to 80, thereby reducing the number of civilian instructors 38.

Of course, at the time when the appropriation bill was before the Senate it was impossible for anyone to know what the ultimate action of the Senate would be, or what recommendations the conferees would make, or what would be the final action of the Congress of the United States. Notwithstanding that fact, notice was served by the superintendent of the academy upon six of these civilian instructors that their services would be dispensed with. Within the last three hours information has been brought to me by one of the men in the press gallery that he has been advised that either yesterday or the day before Admiral Wilson, as superintendent of the academy, had notified 30 of the civilian instructors that their services would not be needed after a certain period of time; I have forgotten the number of days—60 days, I think. I may be slightly in error as to that. If the superintendent of the academy is going arbitrarily to take this stand, not knowing what the final action of the Congress is going to be, what will be his attitude if the Congress fails to stay his hand?

Mr. President, I think it has been clearly shown to the Senate and to the country that the average civilian instructor in the academy is much superior to the average naval officer there; and yet, for some reason or other, there seems to be a prejudice on the part of the superintendent against these civilian instructors. As a result of this policy, we have naval officers put in certain departments from time to time. They are kept there while on shore leave for a period, as I am informed, of not exceeding three years, and then they go back to sea or are assigned to other duties.

What would happen to the great universities of the country or to our public schools if the instructors or professors were to be changed every two or three years? This thought was clearly pointed out by the distinguished senior Senator from Massachusetts [Mr. LODGE].

Mr. NELSON. Mr. President——

Mr. POMERENE. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I think my good friend from Ohio misapprehends the situation. I understand by the great reduction of our Navy we have been left with a large number of officers with little to do. Indeed, I understand that we now have officers enough in the Navy for an enlisted personnel of twice the present size. We have to pay those officers anyway, whether they are on the retired list or on the active list, and if we can utilize them at the Naval Academy and save the expense of employing civilian instructors, why should we not do it?

As I understand the situation, before the war there were about 40 civilian instructors at the academy. During the war their number was increased to 108, and the proposition is now made to reduce that force a trifle. I do not understand that there is any sinister object back of that, as would be implied from the remarks of the Senator from Ohio, but it is to be done in a spirit of economy. We have a large surplus of naval officers and it is difficult to find work for them. So it is proposed to use some of those officers as instructors and thus get rid of the necessity of paying salaries to civilian instructors.

We are greatly reducing our Navy. There are a large number of officers on the retired list whom we have to pay, and we have a large number on the active list who are not doing much. With the great reduction in personnel, it is difficult to find employment for all the officers, and if we can utilize the services of some at the academy, they still being under pay, it will be a move toward economy. I have no doubt that those officer instructors, man for man, will average up with the civilian instructors. Most of them are graduates of the Naval Academy and they have had good training. This move is made in a spirit of economy, and I can not see how any man who wants to see our expenses reduced can object to it.

Mr. POMERENE. Mr. President, I have no quarrel with my distinguished friend from Minnesota in so far as economy in public expenditures is concerned, but I am afraid he did not follow the course of this debate.

Mr. NELSON. I hope the Senator from Ohio will not regard this as a personal attack upon him.

Mr. POMERENE. Oh, no.

Mr. NELSON. I got my information about the matter from one of the civilian instructors. He came here and told me how essential it was to maintain that corps of 108 civilian instructors; that they are the only men on the face of the earth, apparently, who are fit to instruct the midshipmen at the academy, and what a great hazard it would be to deprive the academy of those civilians.

Mr. ROBINSON. With the permission of the Senator from Ohio, I desire to inquire if it is true that these civilian instructors were assured, when they were employed, that they would be given at least six months' notice before they were discharged from the service. The fact must be recognized that if teachers are discharged from any institution at this time of the year without prior notice, it will probably mean that they will be deprived of employment during the coming school year. I have information acquired from some of the instructors at the Naval Academy to the effect that they were given assurance that before they would be discharged they would have six months' notice, in order to enable them to secure other employment. If that is true, it involves a question of good faith in dealing with them, and it ought to have some influence upon the final action to be taken by the conferees, for the Government ought to act justly.

Mr. POMERENE. Mr. President, I am advised that some of these contracts are for five years, some for three years, and some have but one year to run, I understand. I am not clear whether there is such a provision in the contract as the Senator from Arkansas refers to, but by an amendment to the naval appropriation bill, agreed to in the Senate the other day, that provision was inserted in the bill.

Mr. ROBINSON. I do not wish to be understood as saying that it was represented to me that the contract itself provides for six months' notice before the discharge of an instructor, but the contract is made for a definite period of time, and I presume the power of discharge from public necessity or for other cause is reserved in the contract.

I am informed that assurance was given these several instructors that the power to discharge them would not be exercised previous to the termination of their contracts except upon six months' notice, and one can readily see the reason for such an understanding. Persons who are engaged in teaching, like other persons who have employment, are under the necessity of making provision for the future, and any teacher who is discharged now will find it difficult, if not impossible, to secure employment during the coming year, for the reason that all schools which conduct their business upon a sane basis have already employed their instructors for the coming year.

Mr. POMERENE. Mr. President, there is great force in what the Senator from Arkansas has stated. The Government of the United States can not afford to be ungenerous with these people and violate its contracts, either in letter or in spirit. But I am not looking at this matter so much from the standpoint of the instructor himself as from the standpoint of the academy and the standpoint of the midshipmen.

The Senator from Minnesota [Mr. NELSON] has referred to the necessity for economy. I accept his statement as correct. But it appeared in the course of the debate here that the naval officers' salaries are from 20 to 40 per cent in excess of the salaries of the civilian instructors. More than that, one of the admirals, I am advised, perhaps at the commencement exercises, very recently, anyway, made the statement that the Navy needs a thousand officers additional. The total enrollment in the Naval Academy during this past year, which was the peak year in the history of that academy, was 2,500. The total enrollment during this coming year will be something in excess of 2,400, only slightly less than it was last year, and if there is this need of naval officers, as there seems to be, let them do the work of officers, and let us maintain a reasonable proportion of these civilian instructors.

I have not only conferred with naval instructors, but I have conferred with members of the Board of Visitors, and I know that the character of instruction which is given by the civilian instructors is vastly superior to that which the students get from the naval officers, and for the very good reason that those naval officers have had little or no experience in teaching. Of course, the civilian instructors are confined to certain lines of instruction, as, for instance, mathematics, English, modern languages, and probably physics and some other kindred branches. When it comes to navigation, gunnery, and studies

of that kind, certainly the practical instructor on the whole is the better, and the naval officers are used for that purpose. But the academy for some years has pursued the policy of having some of these officers take positions as civilian instructors in modern language, in English, in mathematics, in physics, and such subjects.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. POMERENE. I yield.

Mr. ROBINSON. Not only is it true that in certain classes of study the civilian instructor would perhaps be better qualified to perform service than the naval officer who has had no experience in teaching, but it is also true that these civilian instructors afford the only medium of touch between the Naval Academy and the students there and civilian life.

Mr. POMERENE. The Senator is exactly right.

Mr. ROBINSON. That has been deemed by many students of the subject as of considerable value.

Mr. POMERENE. I do not care to continue the discussion of the character of the instruction which has been given at that academy. I went into that somewhat at length formerly. But this information coming to me as it did, when the conferees are sitting, I felt it would not be improper to call the Senate's attention to it.

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. JONES of New Mexico. Mr. President, I was interested in the fact that the present occupant of the chair, the junior Senator from North Dakota [Mr. LADD] took occasion to-day to discuss the adjusted compensation situation. On yesterday, owing to a motion to lay upon the table, which had the effect of shutting off debate, we were not permitted to discuss the question of the time when the adjusted compensation measure would be considered. I regretted that incident very much.

I know the people of the country are interested in that question. The people in the State which I represent in part certainly are interested in it. It is not a new question before the Senate, as appeared from what was said on yesterday, and a hope has been held out at different times that this measure would finally be disposed of.

About a year ago, when the President of the United States came before the Senate and asked a recommittal of the measure then pending, I expressed my objection to that course. I predicted then that it meant undue delay if not ultimate defeat. Following his address, on the 15th day of July the distinguished senior Senator from North Dakota [Mr. MCCUMBER] gave explicit assurances that there would be no such delay as would work to the detriment of the people who would be beneficially interested in that measure. I wish to read his language. He was discussing the effect of the recommitment, and said:

> What effect, then, will its recommitment have on the status of the proposed legislation? Will it delay its enactment into law? Will it postpone the time within which in its present form the legislation would become effective? I assume, Mr. President, that these questions are now being asked by the American soldier, and I answer both questions: The recommitment will, of course, delay the date on which the compensation bill would in all probability have become a law. The recommitment, however, will not, in my opinion, postpone the time at which the legislation proposed will become effective.
>
> Under the terms of the bill the cash payment and the insurance plans are to come into effect as of July 1, 1922. Long before that date the bill, in its present or amended form, will be placed upon the statute books of the country.

That was a solemn assurance from the chairman of the Finance Committee, who at different times had expressed his unqualified support of the adjusted compensation legislation. The 1st of July will soon be here—in just a few days more—and I suppose no one will believe that prior to that date will the legislation become effective.

I called attention at that time to the fact that the educational provisions of the measure would largely become of no avail unless speedily enacted into law. At that time—a year ago—the average age of the ex-service men was 28 years. To-day it is a year greater. Time is going by. I am glad to know, notwithstanding what occurred yesterday, that there is still a deliberate determination on the part of those who favor the legislation to see that it shall come to early enactment. There is no telling when the tariff bill is going to be passed. Judging from present indications which I see all around me, it is going to be some time. I apprehend that the question of the adjusted compensation will not down until it is settled—until it is passed upon by the membership of this Chamber.

The Senator from North Dakota, the chairman of the Finance Committee, on yesterday undertook to give us further assurance that the bill would become a law before the expiration of this Congress. I am confident that assurance was given in all good faith. I know that the Senator from North Dakota always believes what he says. But if we may judge the future by the past, we can but have apprehension, and the Senator from North Dakota, as well as the rest of us, will be disappointed in the future as we have been in the past. That the legislation should be enacted I believe is the view of at least two-thirds of the Members of this body. Delay can only militate against it. Delay can not serve any useful purpose. We have laid aside the tariff bill for many other measures, some of them requiring several days for consideration. It is true the most important of those perhaps were appropriation bills to pay the debts of the Government, but those who believe in the adjusted compensation bill believe that it is for the purpose of paying a debt, and I can not conceive of a more sacred debt than that. If we can take up time in paying other debts, why can we not take up time to pay this debt?

Mr. President, I do not intend to take up the time of the Senate now in discussing the matter, but if the distinguished Senator from North Dakota feels that the people of the country are willing that the delay shall be had, I want to state that in my humble judgment he is mistaken about it. From the State of New Mexico every official connected with the ex-service men has wired me that the tariff bill should be laid aside or that the adjusted compensation bill should not be deferred because of the tariff bill. They are not different from officials in other States. They do not speak solely for themselves. They are representative people. They have the official confidence, and of course the personal confidence of the great mass of the ex-service men. It is their judgment that the matter should not be longer delayed. Delay can only operate to disadvantage. It has operated to the disadvantage of those who want to get some benefit from it. If it is a debt, let us pay it with as much freedom as we would pay any other indebtedness of the Government. Everybody else who has a claim against the United States comes here and we listen to the claimant and we are at least liberal in listening to the evidence in support of the claim. We are liberal in our appropriations. Why should we not be liberal with this kind of claim against our great Government, a claim growing out of the greatest war in the history of the world, a claim which has in its foundation the greatest service to civilization within historical times?

Mr. President, I have here telegrams from the department commander of the American Legion, the department president of the American Legion Auxiliary, the first vice president of the American Legion Auxiliary, and the department commander Veterans of Foreign Wars of the United States. I ask that these telegrams may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams are as follows:

SANTA FE, N. MEX., *June 18 1922.*

Senator A. A. JONES,
Senate Office Building, Washington, D. C.:

The American Legion appreciates your unfailing devotion to the ex-service men and women of America, and we of New Mexico feel that we can absolutely count upon you to vote against sidetracking the adjusted compensation bill for the tariff bill or any other piece of legislation which is secondary to the great debt which the country owes her defenders.

M. A. OTERO, Jr.,
Department Commander the American Legion.

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ALBUQUERQUE, N. MEX., *June 18, 1922.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.:

Department of New Mexico, American Legion Auxiliary, requests you vote against laying aside adjusted compensation bill to make room for tariff legislation.

MRS. BELLE NYE,
Department President American Legion Auxiliary.

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CLAYTON, N. MEX., *June 19, 1922.*

Senator A. A. JONES,
Senate Chamber, Washington, D. C.:

Ladies' Auxiliary, American Legion, urge that you vote against placing tariff bill ahead of adjusted compensation measure. Tariff bill has twice been laid aside for Army and Navy bills, and we think that compensation bill should take precedence over tariff bill.

Mrs. C. F. MILLIGAN,
First Vice President American Legion Auxiliary.

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ALBUQUERQUE, N. MEX., *June 19, 1922.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.:

You are urged by ex-service men of State to use utmost effort to secure immediate consideration of adjusted compensation bill, which has been pending two years. I understand will be reconsidered Monday. May we expect your whole-hearted support?

SYDNEY ELLIOTT,
Department Commander Veterans of Foreign Wars United States of America, Albuquerque, N. Mex.

Mr. JONES of New Mexico. Mr. President, I wish to suggest further that as time progresses in the consideration of the tariff bill there will be from day to day an insistent demand that the adjusted compensation legislation be taken up and disposed of. Hesitation has been evidenced because we are told there is a lack of money in the Treasury with which to pay. I want to make the observation that if those who are managing the financial affairs of the country were to devote one-half the energy and one-half the intellectual consideration in trying to find methods for paying this debt, instead of not paying it, there would be little if any difficulty in the way. There is no question that the means can and will be found sooner or later. Let this question of the adjusted compensation be considered and cared for in precisely the same manner as other claims against the Government growing out of the World War are cared for.

Mr. McCUMBER. Mr. President, it is true that in 1921 I honestly believed that we would dispose of the soldiers' compensation bill long before this time. It is equally true that in 1921, when the special session was called for the purpose of disposing of both a tariff bill and a revenue bill, I then thought we would get through with the tariff bill in 1921. The year 1922 is here; it is nearly July; and still we have not got through with the tariff bill which it was proposed should be disposed of in 1921.

It is true that after the President had given a sort of ultimatum as to the kind of a soldiers' compensation bill which would be agreeable to him, there was a long attempt made to find this way and that way to meet both the views of the President and the views of the Congress, which seemed to be different from those of the President, but all had a voice in the soldiers' compensation bill.

It is true that I hoped to have brought this measure to a showdown and a final vote long before this time. We have been delayed in a great many matters of legislation which we expected to have disposed of a long time ago.

In my estimate of last year that it would not necessitate any change in the time in which the compensation bill should go into effect, the long time taken upon the revenue bill and the tariff bill would naturally compel me to revise my judgment as to my estimate, I hope, not longer than the six months which the present bill provides, or three months longer than that which the bill as passed by the House provided.

I can not imagine a stronger position in which to place the bill than the position under the circumstances that the bill is now in. With the backing not only of the party in power, but the backing of both sides of the Chamber, first of the party in power that there shall be no recess over and no adjournment until it is finally disposed of, and that supplemented by the very overwhelming vote making it a special order as soon as we have a vote on the tariff bill, and with the privilege of calling it up at any time before, I feel that it is absolutely assured that it will pass during the present session.

I would be glad if we could take it up to-day and pass it in one or two or three days, but I appreciate the objections on the part of a great many to laying aside the tariff bill for any other bill, and I appreciate that that objection is governed more or less by the belief that we could get no time limit upon the consideration of the compensation bill and that there would not be a sufficient number of votes to take it up and then attempt to dispose of it in the short period in which a great many Senators might think the bill could be passed.

In each step that I have taken and in whatever position I have assumed—admitting that I was mistaken last year in the time within which I thought we could dispose of the bill—I at least have acted according to what I believed to be the most definite, certain, and sure way not only to get an adjusted compensation bill passed at this sessoin, but also to get a bill passed at this session which would be signed by the President when we completed it. I hope, Mr. President, that we may go on with the tariff bill for a little while, and that we may also consider the other bill. There is still time enough to get both bills through, and I hope that we shall get them both through by the 15th of August.

Mr. JONES of New Mexico. Mr. President, does the Senator from North Dakota hold out hope that the adjusted compensation bill may come up prior to the disposal of the tariff bill?

Mr. McCUMBER. I can not speak definitely as to that; I do not want to prophesy, but, candidly, I believe that if the tariff bill should be on the boards too long there would be a probability that we could take up the soldiers' adjusted compensation bill and dispose of it. I do not want the bills to block each other in any way, shape, or manner. I hope that at some time we shall arrive at a conclusion so that we may take up the soldiers' compensation bill and vote on it. I wish we could secure a unanimous consent agreement to take it up and consider it for not to exceed a certain number of days and then vote on it, but I appreciate that is an impossibility. I have tried to be square and straight with those Senators whose views differ from mine on the subject, and have endeavored to get the matter in such shape that we shall have as definite assurance as the Senate going on record can give that the compensation bill will be disposed of during the session.

Mr. JONES of New Mexico. Mr. President, I have been constrained to make the few remarks which I have made this afternoon largely by reason of an article which I have read to-day in the New York Journal of Commerce. According to that article, interested parties throughout the country are coming to Washington and insisting upon a review of the schedules of the tariff bill in which they are interested. We have also been told by the chairman of the Committee on Finance at different times that the committee was reviewing the various paragraphs. If that sort of thing is going on, certainly there can not be suggested any definite length of time during which the tariff bill will be under consideration. The tariff bill here, as it is written, has not behind it the views of a majority of the Finance Committee. The Finance Committee is daily considering the various paragraphs of the bill, and, as I am advised by the newspaper to which I have referred, the parties interested in the items of the various schedules are coming daily to the majority of the committee and insisting upon changes or that there shall be no changes or, at any rate, seeking to have a consideration anew of the various paragraphs.

Mr. MOSES. Mr. President, I should like to propound a question to the Senator from New Mexico and to ask him if he wishes to put an end to the practice which he has described?

Mr. JONES of New Mexico. I have no control whatsoever over that matter.

Mr. MOSES. But will the Senator consent to give assistance in securing a unanimous consent agreement to vote on the tariff bill, say, on the 1st day of July?

Mr. JONES of New Mexico. Mr. President, I doubt if the chairman of the committee would agree to any such proposal as that.

Mr. MOSES. Then, I will ask the chairman of the committee if he is willing that an agreement may be secured to vote on the tariff bill on the 1st day of July?

Mr. JONES of New Mexico. Of course, I understand that the Senator from New Hampshire does not expect an affirmative reply, because the Senator knows that the tariff bill can not be considered by that time; but if he is willing to accept the bill just as it is, he is the first Senator that I have heard express himself to that effect on the floor of the Senate.

Mr. MOSES. I do not want the Senator to draw any such inference from the question which I propounded to him. I thought the Senator was desirous of putting an end to the practice of which he read in the newspapers, and which he considered to be deleterious, and I thought he wished to expedite the consideration of the tariff bill. I merely wished to find out how genuine his sentiments were.

Mr. JONES of New Mexico. The Committee on Finance in its rehearings on this bill, I think, has made very substantial modifications for the good of the country. If they are going to modify the bill along those lines——

Mr. MOSES. Why does the Senator delay the matter?

Mr. JONES of New Mexico. I hope the good work will go on.

Mr. MOSES. I thought the Senator was complaining about the practice which was taking place.

Mr. JONES of New Mexico. What I was suggesting was that these interviews are going on; that there is no well-considered bill here, and it is evidence that there will be much time consumed in the further consideration of this bill before it is enacted into law, and for that reason I was suggesting the advisability of taking up the adjusted compensation bill and disposing of it. Of course, I know that the Senator from New Hampshire is opposed to the adjusted compensation bill and is perfectly willing to take up anything that will prevent its passage, but others of us look at the matter in a different light.

Mr. MOSES. I am entirely willing to vote on it.

Mr. JONES of New Mexico. Then why not let us vote on it?

Mr. MOSES. I am entirely willing to vote on the tariff bill, and I suggest to the Senator, inasmuch as we have already agreed that we will take up the adjusted compensation bill the day following the vote on the tariff bill that he permit us to vote on the tariff bill on the 1st of July.

Mr. JONES of New Mexico. Yes, Mr. President, that was one of the things that was clearly evident yesterday when

Senators were undertaking to put the bonus bill behind the tariff bill—and it was so expressed upon the floor—that it would be used as a lever to force action upon the tariff bill, even without adequate consideration.

Mr. MOSES. The Senator voted, however, to fix that date.

Mr. McCUMBER. Mr. President, I hope that we can bring this matter to a close. It is desired to hold a brief executive session and then to have a recess.

Mr. LENROOT and Mr. HEFLIN addressed the Chair.

Mr. McCUMBER. I first yield to the Senator from Wisconsin.

Mr. LENROOT. I wish to ask the Senator from New Mexico if he thinks there has only been adequate consideration of the bill so far?

Mr. JONES of New Mexico. That is my judgment of the matter.

Mr. LENROOT. Then the Senator must conclude that we can not pass the tariff bill at this session of Congress, must he not?

Mr. JONES of New Mexico. The Senator from Wisconsin must know, as the matter has been discussed in the colloquy between us heretofore, that in the early consideration of this measure considerable time was taken in developing or attempting to develop the theory upon which this bill was framed. After it has been made apparent that there is no defined principle underlying the bill, we do not propose to try to bring that out much clearer than it has been brought out, and necessarily as much time proportionately will not be required in considering the remaining paragraphs of the bill as has been required previously.

Mr. LENROOT. Do we, then, have some assurance from the other side that hereafter discussion will be reasonably confined to the question before the Senate?

Mr. JONES of New Mexico. Mr. President, I believe the Senator will agree that, so far as I am personally concerned, I have seldom mentioned anything that did not relate to the bill under discussion.

Mr. LENROOT. That is quite true, but the Senator will also admit that if other Senators should occupy as much time as has the Senator from New Mexico it would take 20 years to pass the bill.

Mr. JONES of New Mexico. The Senator from Wisconsin must admit also that a large portion of this day—in fact, much the larger portion—has been taken up by Senators on the Republican side of the aisle in discussing matters which had no connection whatever with the tariff bill.

Mr. McCUMBER. All of which the chairman of the committee, at least, exceedingly regrets.

Mr. JONES of New Mexico. And I do, too.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Alabama.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the resolution which I send to the Secretary's desk. I do not think there will be any opposition to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CURTIS. Let the resolution be reported.

Mr. MOSES. I ask that the resolution be read for the information of the Senate.

The reading clerk read the resolution (S. Res. 308), as follows:

Whereas it has been charged upon the floor of the Senate that each and every one of the regional Federal reserve banks of the United States has had printed and distributed at its own expense a speech delivered in the Senate by Senator GLASS, of Virginia, in which the position of Senator HEFLIN on the deflation policy of the Federal Reserve Board was assailed and criticized: Therefore, be it

Resolved, That all of said Federal reserve banks, except the Federal Reserve Bank of Atlanta, which has already reported to the Senate, be, and they are hereby, requested, respectively, to furnish to the Senate in writing a list of the names and addresses of citizens to whom said speech was sent, and all information in their possession, respectively, called for in the following questions:

1. At whose instance was the speech in question of Senator GLASS sent out?
2. At whose expense was said speech printed and distributed?
3. How was the fund provided and how many copies of said speech were sent out and how much money was expended in printing and distributing said speech?
4. Did any member of the Federal Reserve Board suggest the printing or distribution of the said speech?
5. Was any letter sent out with said speech? If so, attach a copy to your report.

Mr. HEFLIN. Mr. President, I presented a similar resolution, which was adopted, with reference to the Federal reserve bank at Atlanta, and that bank has reported. I have been informed that a number of copies of the speech referred to have been sent out by the other Federal reserve banks. I am merely asking in the resolution that they be called upon to report as did the Federal Reserve Bank of Atlanta.

Mr. McLEAN. Mr. President, is the Senator from Alabama asking for the immediate consideration of the resolution?

Mr. HEFLIN. Yes; I do not suppose that any Senator will oppose its adoption.

Mr. McLEAN. In the absence of the Senator from Virginia [Mr. GLASS], I object. I ask that the resolution go over until to-morrow.

The PRESIDING OFFICER. Objection being made to the immediate consideration of the resolution, it will be printed and go over under the rule.

JOHN PAUL DE BAAT DOELMAN.

Mr. LODGE. From the Committee on Foreign Relations I report a joint resolution and ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution (S. J. Res. 213) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. John Paul de Baat Doelman, a subject of the Netherlands, was read the first time by its title, the second time at length, and was considered as in Committee of the Whole, as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. John Paul de Baat Doelman, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis: *Provided*, That no expense shall be caused to the United States thereby and that the said John Paul de Baat Doelman shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said John Paul de Baat Doelman shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONFERENCE ON PREVENTION OF POLLUTION.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (H. J. Res. 297) requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas the careless casting of oil refuse into the sea from oil-burning and oil-carrying steamers has become a serious menace to the maritime and the fishing industries of the United States and other countries; and

Whereas the fire hazard created by the accumulation of floating oil on the piles of piers and bulkheads into harbor waters is a growing source of alarm; and

Whereas most serious is the destruction of ocean fisheries resulting from the constant discharge into territorial waters of the waste products of the oil used for fuel on many steamers in place of coal, which threatens to exterminate the food fish, oysters, clams, crabs, and lobsters, which are a vital part of our various national food supplies; and

Whereas the dumping of this oil refuse is not only ruining the bathing beaches situate on the territorial waters of the various countries, which during the summer attract hundreds of thousands of people to the seashore resorts, but the depreciation in value of millions of dollars of seashore property is most alarming; and

Whereas this pollution takes place on the high seas as well as within territorial waters: Now, therefore, be it

Resolved, etc., That the President is requested to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDER FOR RECESS.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its session on this calendar day it shall take a recess until to-morrow at 11 o'clock a. m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 5 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, June 22, 1922, at 11 o'clock a. m.

SUPPLEMENTARY EXTRADITION CONVENTION WITH GREAT BRITAIN.

In executive session this day the following supplementary convention was ratified, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

To the Senate:

I transmit herewith, to the end that I may receive the advice and consent of the Senate to its ratification, a supplementary extradition convention concluded between the United States and Great Britain at London on May 15, 1922, adding "willful desertion or willful nonsupport of minor or dependent children" in the United States and Canada to the list of crimes on account of which extradition may be granted.

As is explained in the accompanying report of the Secretary of State, this convention is in substitution of the convention signed at London on January 15, 1917, which provided extradition for "willful desertion or willful nonsupport of wife or children" and which the Senate by its resolution of April 27, 1921, amended so as to make the offense "willful desertion or willful nonsupport of minor or dependent children."

WARREN G. HARDING.

THE WHITE HOUSE,
Washington, June 12, 1922.

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The PRESIDENT:

On January 15, 1917, a supplementary extradition treaty, making "willful desertion or willful nonsupport of wife or children" in the United States and Canada an extraditable offense, was concluded between the United States and Great Britain.

By its resolution of April 27, 1921, the Senate amended the said convention by striking out the words "wife or" and inserting before the word "children" the words "minor or dependent," so that the offense should read, "willful desertion or willful nonsupport of minor or dependent children."

The amendment was accepted by the British Government, which preferred, however, that a new convention be signed in substitution of the amended one.

The new convention was signed at London on May 15, 1922, and is herewith laid before the President with a view, if the President approve thereof, to its transmission to the Senate to receive the advice and consent of that body to its ratification.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, June 12, 1922.

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The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of enlarging the list of crimes on account of which extradition may be granted under the conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a supplementary convention for this purpose, and have appointed as their plenipotentiaries, to wit:

The President of the United States; the Hon. George Harvey, ambassador extraordinary and plenipotentiary of the United States at the court of His Britannic Majesty; and

His Britannic Majesty; the Most Honorable the Marquess Curzon of Kedleston, K. C., His Majesty's principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE 1.

The following crimes are, subject to the provision contained in article 2 hereof, added to the list of crimes numbered 1 to 10 in the first article of the said convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in article 1 of the supplementary convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 to 15 in article 1 of the supplementary convention concluded between the United States and Great Britain on the 12th April, 1905—that is to say:

16. Willful desertion or willful nonsupport of minor or dependent children.

ARTICLE 2.

The operation of the present convention is confined to cases in which the offenses mentioned in the preceding article having been committed in the United States or in the Dominion of Canada, the person charged with the offense is found in the Dominion of Canada or in the United States, respectively.

ARTICLE 3.

The present convention shall be considered as an integral part of the said extradition conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the first article of the said convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 16 in the first article of the present convention, subject to the provision contained in article 2.

The present convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force 10 days after its publication in conformity with the laws of the high contracting parties, and it shall continue and terminate in the same manner as the said convention of the 12th July, 1889.

In testimony whereof the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at London, this 15th day of May, 1922.

GEORGE HARVEY.
CURZON OF KEDLESTON.

NOMINATIONS.

Executive nominations received by the Senate June 21 (legislative day of April 20), 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

J. Morton Howell, of Ohio, now agent and consul general at Cairo, to be envoy extraordinary and minister plenipotentiary of the United States of America to Egypt.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 31st day of December, 1921:

Lewis D. Causey.
Charles S. McWorter.

Lieut. Commander Guy E. Davis to be a commander in the Navy from the 2d day of May, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Robert H. Bennett.
Robert E. Bell.

Lieut. John F. Donelson to be a lieutenant commander in the Navy from the 25th day of August, 1921.

Lieut. Webb Trammell to be a lieutenant commander in the Navy from the 20th day of September, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Walter A. Riedel.
Lucien B. Green, 2d.
Sherwood Picking.
Wells E. Goodhue.
Joseph L. Nielson.
Joseph M. Blackwell.
George A. Rood.
Van Leer Kirkman, jr.
Philip R. Baker.

Lieut. Eugene T. Oates to be a lieutenant commander in the Navy from the 1st day of January, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 11th day of February, 1922.

George D. Murray.
Harry R. Bogusch.

Lieut. Carroll Q. Wright, jr., to be a lieutenant commander in the Navy from the 2d day of March, 1922.

Lieut. (Junior Grade) Thomas C. Latimore to be a lieutenant in the Navy from the 6th day of June, 1920.

Lieut. (Junior Grade) Sidney B. Blaisdell to be a lieutenant in the Navy from the 26th day of April, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

Albert R. Staudt.
Robert M. Dorsey.
George W. Brashears, jr.
Edgar R. Winckler.

Lieut. (Junior Grade) William H. Meyer, of the United States Naval Reserve Force, to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Lieut. Myron F. Eddy, of the United States Naval Reserve Force, to be an ensign in the Navy from the 4th day of June, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Passed Asst. Dental Surg. John R. Barber to be a dental surgeon in the Navy, with the rank of lieutenant commander from the 3d day of June, 1921.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant from the 1st day of July, 1920:

Andrew L. Burleigh.
Robert H. Fladeland.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 6th day of February, 1921:

Charles B. Bradley.
James A. Featherston.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 16th day of December, 1921:

Jack K. Campbell.
John M. Buckley.

Gunner John M. Kirkpatrick to be a chief gunner in the Navy, to rank with but after ensign, from the 7th day of March, 1922:

Machinist John E. Sullivan to be a chief machinist in the Navy, to rank with but after ensign, from the 28th day of December, 1920.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 30th day of November, 1921:

Robert J. Kingsmill.
Charles B. Shackelton.
Emery Smith.

Malory A. Pittman, a citizen of North Carolina, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade) from the 18th day of April, 1922.

POSTMASTERS.

FLORIDA.

Add Joyce to be postmaster at Cedar Keys, Fla., in place of L. A. Toler. Office became third class July 1, 1920.

GEORGIA.

Edwin K. Large to be postmaster at Atlanta, Ga., in place of B. H. Jones, resigned.

ILLINOIS.

Fred A. Griggs to be postmaster at Kirkland, Ill., in place of W. C. Stewart, resigned.

Rebecca C. Miller to be postmaster at Smithfield, Ill., in place of R. C. Miller. Office became third class April 1, 1921.

INDIANA.

William B. Thornley to be postmaster at Jeffersonville, Ind., in place of J. E. Burke. Incumbent's commission expired July 21, 1921.

Garrett W. Gossard to be postmaster at Kempton, Ind., in place of C. D. McCarthy, resigned.

IOWA.

Charles J. Rutenbeck to be postmaster at Lost Nation, Iowa, in place of R. M. Gable. Incumbent's commission expired January 24, 1922.

LOUISIANA.

Lillian Causey to be postmaster at Bonita, La., in place of Lillian Causey. Office became third class January 1, 1921.

Viola M. McMillan to be postmaster at Iota, La., in place of V. M. McMillan. Office became third class October 1, 1920.

Blaise A. Chappuis to be postmaster at Rayne, La., in place of Joseph Abadie, resigned.

Robert E. Loudon to be postmaster at Zachary, La., in place of R. E. Loudon. Office became third class January 1, 1921.

MICHIGAN.

Claud E. Ford to be postmaster at Caledonia, Mich., in place of N. C. Thomas, resigned.

MINNESOTA.

Thomas Tamasek to be postmaster at Albany, Minn., in place of Nicholas Young. Incumbent's commission expired May 22, 1922.

NEW JERSEY.

Margaret G. Burd to be postmaster at Deal (late Deal Beach), N. J., in place of J. A. Poole. Incumbent's commission expired January 24, 1922.

OHIO.

Robert J. Pollock to be postmaster at Fairpoint, Ohio, in place of A. V. Patton. Office became third class April 1, 1920.

OKLAHOMA.

Alice B. Spears to be postmaster at Hulbert, Okla., in place of J. J. Reed. Office became third class April 1, 1920.

OREGON.

Simeon Bolton to be postmaster at The Dalles, Oreg., in place of R. E. Williams. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

DeWitt C. Vail to be postmaster at New Milford, Pa., in place of E. L. Aldrich. Incumbent's commission expired October 3, 1921.

Ambrose D. Mitchell to be postmaster at Portage, Pa., in place of P. F. Campbell. Incumbent's commission expired August 7, 1921.

William L. Meserole to be postmaster at Springville, Pa., in place of Stuart Riley. Office became third class January 1, 1922.

John C. McCurdy to be postmaster at Verona, Pa., in place of P. G. Katz, resigned.

RHODE ISLAND.

S. Martin Rose to be postmaster at Block Island, R. I., in place of S. M. Rose. Incumbent's commission expired February 14, 1922.

TENNESSEE.

Gordon P. Hyatt to be postmaster at Ducktown, Tenn., in place of T. J. Addington. Office became third class October 1, 1920.

Carrie L. Waters to be postmaster at Goodlettsville, Tenn., in place of A. R. Hitt. Office became third class January 1, 1921.

WASHINGTON.

Guy N. Lafromboise to be postmaster at Enumclaw, Wash., in place of Petrus Nelson. Incumbent's commission expired April 16, 1922.

WISCONSIN.

Joseph R. Frost to be postmaster at Avoca, Wis., in place of A. F. McNulty. Office became third class April 1, 1920.

Grant E. Denison to be postmaster at Carrollville, Wis., in place of G. E. Denison. Office became third class July 1, 1920.

Fred J. Marty to be postmaster at New Glarus, Wis., in place of Nicolaus Elmer. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21 (legislative day of April 20), 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

J. Morton Howell to be envoy extraordinary and minister plenipotentiary of the United States to Egypt.

POSTMASTERS.

ALABAMA.

Thomas H. Stephens, Gadsden.

ILLINOIS.

Nelson H. Webster, Naperville.
John B. Porter, Olney.
Nelle L. Hyland, Windsor.

LOUISIANA.

Louis P. Bourgeois, Gramercy.
Otis Waguespack, St. Patricks.

MARYLAND.

Charles W. Glasgow, Street.

MISSOURI.

George Thayer, Flemington.
Paul V. Martin, Sarcoxie.

NORTH CAROLINA.

William D. Holland, Dunn.
Francis D. Gibson, Gibson.
James B. Fagg, Leaksville.
John W. Gilliam, Sanford.
Walter D. Warren, Sylva.

PENNSYLVANIA.

John E. Anthony, East Berlin.
George H. Cole, Evans City.
George E. Baldwin, Hastings.
Charles E. Keim, Hellam.
Arch R. Lykens, Martinsburg.
Arnold E. Ewing, Newtown Square.
Edward Bayley, Picture Rocks.
James T. Patterson, Williamsburg.

UTAH.

A. Morinda Lundberg, Sandy.
John E. Sheffer, Smithfield.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy Lord God. Thy infinite nature and the protection of divine care stir our gratitude. We bless Thee that there is a merciful restraint to Thy power and no limit to Thy grace. O God of the nations, look upon our own and bless it abundantly and richly. Help us to put our best resources on the altar of its needs. Make us brave as we face the high standards of service set before us. Inspire us to labor for the defense and honor of all worthy causes, and may we lay no claim to personal reward, but may the trophies of victory be a united people, a prosperous and happy citizenship, and a country that follows righteousness and fears the wrong. In Thy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MINORITY VIEWS ON SHIP SUBSIDY BILL.

Mr. DAVIS of Tennessee. Mr. Speaker, unanimous consent was granted a few days ago that the minority might have five legislative days within which to file minority views on the ship subsidy bill, and I rise now to ask unanimous consent that we may have five additional days within which to file those views. There has been a delay in printing the majority report, so that that report was not available until yesterday. It is a voluminous document of 35 pages. We have spoken to the chairman of the Committee on the Merchant Marine and Fisheries [Mr. GREENE of Massachusetts] and to other Members of that committee, and they have no objection to this further extension.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority may have five additional legislative days within which to file minority views on the ship subsidy bill. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 494. An act for the relief of Benjamin O'Kerlee;

S. 426. An act to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910; and

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 313) providing for the disposal of articles produced by patients in the United States Veterans' Bureau.

SHIP SUBSIDY LEGISLATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to have read by the Clerk and inserted in the RECORD a letter addressed to me by the President of the United States.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to have read a letter addressed to him by the President of the United States. Is there objection?

There was no objection.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, June 20, 1922.

MY DEAR MR. MONDELL: You have been advised by those who have discussed the matter with me in personal interview that I am in complete accord with the opinion of leaders among the majority in the House that the final consideration of the merchant marine bill in the House might well be postponed until approximately such time as House Members will be called in active attendance to send the tariff bill to conference. I am writing to give formal confirmation and to express the satisfaction with which I contemplate having this measure taken directly by Members to their constituencies for such reaction as will enable them to translate the deliberate preference of the country into a national policy fixed by law.

If it were practical to secure final action on a measure of such importance in the 60 actual working days of the short term of Congress, I would gladly postpone action until after the general elections and ask a renewed expression of the people at the polls.

Unfortunately for such a program, the national interests will not admit of such postponement, and I should feel myself remiss in a public duty if I did not ask a decision before the present session is finally ended.

There was an expression of the popular mind in 1920. The party now charged with responsibility spoke in no uncertain terms about the "promotion and maintenance of an American merchant marine." The question was not made paramount, but the pledge was covenanted, and it was well understood, because the people knew in a very general way that vast tonnage in shipping was a Government possession as the result of war activities, and a practical Government must turn this one war asset to permanent, peace-time advantage. Literally we have a merchant marine, poorly balanced, because the war construction was emergency construction, building anything and everything we could, at any cost, without serious thought of its possibilities in the sea service of peace. Moreover, it is largely Government-owned, operated at a loss to the Government Treasury. In spite of every drive toward economy, in spite of suspended service and the cancellation of contracts for operation in the Government's behalf, in spite of radical reformation in the Government's shipping activities, and suspended lines much sought by American commercial interests, the plain, blunt truth is that Government shipping has cost the Treasury more than a $50,000,000 loss during the fiscal year now closing. This does not include depreciation or deterioration, running into millions more, and we have a practical problem which can not be ignored by either the executive or legislative branch of the Government or by the American people, of every section, who must supply the Treasury funds.

Perhaps this venture in Government pursuit of what ought to be a private business would be looked upon with complacency if we were making even a slight degree of progress toward a permanent and efficient merchant marine. But we are not succeeding. The vital element of private initiative and genius for business success is lacking and our inefficient activities are discouraging and disheartening the few who have sought to establish shipping lines on private account. There is no fault to be charged to the Shipping Board as it is now organized. Losses aggregating sixteen millions a month have been reduced to substantially one-fourth that sum. The reminder is not a criticism of what had developed out of war service and war construction. Our first thought then was national survival. There was war inflation and the excesses in commerce in the immediate aftermath. Then there came to shipping a slump beyond all comparison with other activities. Our ships costing three billions suddenly became worth only a fraction thereof and there was no market in which to sell at any price. Profitable operation turned to shocking deficits and only drastic curtailment of activities saved us from the astounding losses which were ensuing when the present board was organized.

We have, therefore, two outstanding problems which must be met, in the solution of which Congress must share the responsibility and regarding which there can be but one opinion when our people are acquainted with the facts. One is the handling of our shipping assets to the highest advantage without continued loss to the Public Treasury. The other is the establishment of an efficient merchant marine, when opportunity is beckoning as never before, as an agency of commerce and an avenue to influence in peace and an indispensable element of defense if we are again involved in war. No argument is needed on the last essential other than the reminder that we builded our vast tonnage as a war necessity, and no one thought to complain of the excessive cost or the ultimate accounting.

The question is not to be prejudiced by the old and worn-out cry against subsidy. If there is insistent use of a term so long employed to awaken public hostility, let it be known that we are subsidizing to-day by paying losses aggregating fifty millions a year for inadequate service of no permanence, while the pending measure contemplates no such outlay and is paid only for specified service, which is the base of a merchant marine fit to compete with the maritime powers of the world. Moreover, the term subsidy, implying bestowal upon special interests, can no longer be applied to a public service where the aid is extended only until a normal earning is developed, and must be returned after the earnings reach a 10 per cent return on actual investment, certified under Government audits. All this the pending measure provides.

The larger question is that of national policy in availing ourselves of our tonnage and the present opportunity to establish a great American merchant marine. If we are to think of only a self-contained Republic, aloof from the world, perhaps we may go on depending upon our competitors for our carriers

by sea. But such a course challenges every aspiration and narrows our vision. No nation ever has maintained enduring prominence or abiding good fortune except in proportion to its eminence on the seas. It is the unvarying story of national power and influence throughout all civilization. The rare development of our own land in a century and a half of national life is no contradiction, because we were boundless in our untouched resources until now, and even with them we felt the impetus of our sea-carrying power until steam and oil superseded the sails which whitened the seas.

In the new order of the world we shall no longer be self-contained, but in shipping we must become self-reliant. We ask no favors, but we do believe in American genius and capacity under equal opportunity. It does not become us to go on paying shipping tolls to the world when our righteous purposes in trade are better promoted by serving ourselves in making our tenders in the marts of the world.

At the risk of excessive length, let me point out what I believed to be a well-screened source of opposition to an outstanding and confident American course in this matter. No well-developed maritime power of the Old World is craving the development of our shipping. We can not complain thereat. I confess an admiration for the national spirit which always thinks of the interests of the homeland first. I crave its manifestation here at home in solving this problem. Other nations know the value of sea carrying as an adjunct of trade, and the individual discouragement abroad to our worthy aims—a discouragement often insidiously disseminated here—ought to argue an American interest no longer to be ignored.

I have not attempted to argue the merits of the pending bill in detail. I do hope to have Members convey to agricultural, mining, and industrial constituencies the relation of future shipping and foreign trade to the maintained good fortunes in their pursuits, and stress the fact that now, if ever, with ships ready for cargoes and crews, our people must take their place on the seas or surrender every such aspiration and liquidate at whatever price is necessary the assets at our command. Even if we mistakenly assent to liquidate I am well persuaded that the favoring policy contemplated in the bill will save hundreds of millions in that liquidation. The rightful course concerns our immediate good fortune, and has infinitely more to do with the fortunes and the prestige of the greater Republic which is ever in the making.

Frankly, I feel deeply the responsibility. I think it a national calamity to fail in the waiting opportunity. I can not but believe the American people will be in accord. If they appraise the immediate problem in the continuation of losing millions, through our present operation, and sense the situation as it relates to the American future, I believe Congressmen will return from the contact with the people at home confident that the merchant marine bill is no less appealing than relief to agriculture in distress or to railroads in their necessity. It is not in my mind to appeal in behalf of a special interest in America. I confidently believe that if you and your associates will take the problem to the people at home you will encounter a very favorable reaction on a patriotic interest which concerns all America, conspicuously to-day and of greater consequence to our future.

Sincerely yours, WARREN G. HARDING.

Hon. FRANK W. MONDELL,
House of Representatives, Washington, D. C.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. BYRNES] may address the House for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from South Carolina [Mr. BYRNES] may address the House for 10 minutes. Is there objection?

Mr. MONDELL. On what subject?

Mr. GARRETT of Tennessee. On the subject of the letter just read.

The SPEAKER. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Speaker, I think it a matter of regret that the great Republican newspapers of the country have recently grossly misrepresented the attitude of the President in stating that he demanded action upon this ship subsidy bill before there should be a recess of the House. Certainly, we all understood that until a few days ago. The gentlemen who are in charge of the legislative program of the House have evidently convinced the President that really, as a matter of fact, this bill is of not such great importance as he thought it, and that it is of more importance that Members should return to their homes, and the President has surrendered, and in the hope that he may convince the people of the country of the wisdom of his position, has written to the majority leader the letter which has just been read to the House.

Mr. Speaker, I am satisfied that the President will have to do more than he has done in that letter before he can cause such a change of the views of the people of this country as will reverse the attitude of the Members of the House on the ship subsidy question. I know that some gentlemen on the Republican side of the House believe, because they voted for $1,715,000 as an advertising fund for the Shipping Board, that through the wise and discreet administration of that fund there will be such a favorable sentiment created for this ship subsidy bill as will enable them to get by, but when these Members return to their homes I hope that they will explain to their people whether or not they knew when they voted $1,715,000 of the money of the taxpayers to the Shipping Board for advertising purposes, that the Shipping Board under the direction of the gentleman who is influencing the attitude of the President in this matter, Mr. Lasker, was going to spend that fund in advertising in foreign newspapers the fact that alcoholic liquors were for sale on ships flying the American flag, while failing to do so in the newspapers of the United States, thus deceiving the people of the country as to what was actually occurring on board the ships of the United States Government. I want them, also, to tell the people in answer to what the President has said in this letter that the Shipping Board which he says is economically administering our merchant marine has been here demanding appropriations to pay salaries of $35,000, $25,000, $20,000 a year, and demanding the right to pay attorneys, large numbers of them, more than $11,000 a year, when the Department of Justice charged with the conduct of the legal business of the Government has never asked such appropriation for attorneys, regular or special. I want them, also, to tell the people why it is that the President urges a subsidy for the merchant marine industry, which has lost $50,000,000 this year, and fails to urge a subsidy or any other relief for the agricultural industry of the country which has lost billions since his administration came into power.

Because last year the Shipping Board lost $50,000,000, a subsidy is necessary, and the farmers of the country must be taxed through all the years to come to reimburse the shipping interests to the extent of $100,000,000 a year. Last year the farmers lost hundreds of millions, but the President did not urge financial relief for them. All that he could do for them was to invite a selected few to Washington to a conference and make to them a speech. The President says we ought to do as much for the shipping industry as was done for the railroad and the agricultural interests in distress. Under the Esch-Cummins bill this administration has done something for the railroads. They have guaranteed them rates which will yield to them a minimum of 5½ per cent. They are assured against loss, at the expense of the people. Now, when it comes to the shipping interests in distress, we are to go down into the Treasury and take the tax money of the people to make them whole. I ask you to point to any legislation which has for its purpose the subsidizing or financial relief of the agricultural interests, which have been in greater distress than any other interest during the past two years. The President gave them a speech, but gives the shipping interests a subsidy.

Mr. SNYDER. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. SNYDER. Will the gentleman state right there what the previous Democratic administration had done to the railroads?

Mr. BYRNES of South Carolina. The previous administration did not go down into the pockets of the people and guarantee by a subsidy any of the losses that the railroads of this country might incur. It was left to your administration to provide rates that would guarantee a profit. When the railroads were taken over by the previous administration they were taken over to successfully prosecute the war by the vote of the gentleman from New York and every other gentleman in this House——

Mr. KING. Will the gentleman yield?

Mr. BYRNES of South Carolina. I can not, because I want to call attention to some other things for which the President pleads in this letter. He pleads when you go home you urge your constituents to stand for a bill which would grant a subsidy to the Standard Oil Co. in transporting its own products in its own bottoms.

Mr. CHINDBLOM. That is not the provision that is provided in the last print of the bill.

Mr. BYRNES of South Carolina. Why, your committee in its last print has taken from it the only thing that left any doubt, and makes it certain that the bill as it stands will grant

a subsidy to the United States Steel Co. as well as the Standard Oil Co. for carrying their own products.

Mr. CHINDBLOM. Does the gentleman say when they are carrying their own goods?

Mr. BYRNES of South Carolina. Carrying their own products.

Mr. DAVIS of Tennessee. It does.

Mr. BYRNES of South Carolina. There is no doubt in the mind of any gentleman who has studied the bill. The very fact you have in the last print eliminated the only provision that would cast any doubt makes my interpretation certain.

Mr. CHINDBLOM. That is true as to foreign trade.

Mr. BYRNES of South Carolina. I want to ask the farmer of the country if he wants to pay a subsidy to the United States Steel Corporation and the Standard Oil Co. using their own ships, guaranteeing them a profit in carrying on their own business? If it is fair to tax them to pay the Standard Oil Co. and the United States Steel Co., why is it not fair to guarantee the farmers a profit in their wheat and their corn and their cotton and other agricultural products in this country? During the past year every merchant, every miner, has suffered a loss. Why not subsidize them instead of taxing them to pay the Standard Oil Co.?

Mr. KING. If the gentleman will yield——

Mr. BYRNES of South Carolina. I yield.

Mr. KING. I want to ask the gentleman if it is not a fact that in September, 1920, the great crime of deflation was had against the farmers and producers of this country under a Democratic administration and under their appointees?

Mr. BYRNES of South Carolina. If the gentleman has not been in his district since this administration started, he may not know it, but if he returns he will find that the deflation belongs to this administration, and that while under the Democratic administration your people were riding around in automobiles, under this administration they are walking around, seeking an opportunity to make a living. Many are in want in your district and in every other district in the country, and when your people realize that under the proposal of your President you are going to take what little money they have left, tax them, and turn it over to the Standard Oil, the United States Steel, and the shipping interests, they are going to entertain the same view of this letter that they held as to his letter urging you to reduce the surtaxes upon the millionaires of the country.

This letter of the President also says under this administration the Shipping Board has reduced the losses from $16,000,000 to $4,000,000 a month. The President wants to be fair, and, of course, would have been fair, but did not know it, because the director of the Shipping Board, this great genius in shipping affairs, Admiral Lasker, of the Lasker Advertising Agency, did not tell him about it. When he reduced the loss from $16,000,000 to $4,000,000 he reduced it because he reduced the number of ships in operation. If he had taken all ships off the sea in the last year he would not have had any loss at all. But there was not any business in the country during last year that did not suffer loss. Every other business suffered a loss. If you based action upon the profits of 1919 and 1920 there would be no subsidy. But because of extravagance and the general slump in business there was a loss last year, and therefore the people must be taxed through all the years to come. And while you tax the people to put our ships upon the sea you enact a tariff law to prevent imports and thus prevent our ships from securing return cargoes. At a time when the wages of the laboring people are being reduced, when the miner is out of work and the farmer has almost lost hope, you propose to tax them to pay a subsidy to the United States Steel Trust and the Standard Oil Co.

I want my friends of the Middle West to return and tell their people that story, and I have no doubt of the result when they come back. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. MONDELL. Mr. Speaker, I am sure we all appreciate very greatly the splendid letter from the President which was read this morning. Fine as it is, clear as it is, logical and convincing as it is, I did not anticipate it was going to strike so deep or so seriously interfere with the peace of mind on the Democratic side as it seems to have done. It certainly has stirred the gentleman from South Carolina [Mr. BYRNES]; stirred him so deeply that, accurate as he generally is in his statements, he has been quite as inaccurate in many of the statements he has made this morning as a man can well be who wants to tell the truth. The gentleman among other things stated that we guaranteed returns to the railroads. The gentleman knows perfectly well that that is not true. He knows perfectly well that the railroads of the country under the rates which have been established have been carning on an average about 2¾ to 3¼ per cent on the value of their property as fixed by the Interstate Commerce Commission, and there is no guaranty anywhere from anybody that they shall receive any more than they may earn under the rates that have been established.

The gentleman talks about extravagance in the operation of our ships. Well, if there is one subject on which the gentlemen on that side ought to keep silent, profoundly silent, it is on the question of expenditures connected with the building up of a commercial fleet. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. My time is very brief.

Mr. GARRETT of Tennessee. Yes; I know.

Mr. MONDELL. And I say, with the certainty that there can be no successful contradiction by any man acquainted with the facts, that there never has been in all recorded time so sad, sordid, and miserable a story of wanton waste and extravagance as the story of the extravagance in connection with the building of our merchant fleet under the Democratic administration. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. Very briefly.

Mr. GARRETT of Tennessee. Will the gentleman be specific?

Mr. MONDELL. Be specific?

Mr. GARRETT of Tennessee. Yes.

Mr. MONDELL. If I were called upon to recite in detail all of the waste and extravagance, I would need not 10 minutes but ten times 10 minutes, and then I would only get fairly started. [Applause on the Republican side.] Nobody denies it; nobody questions it. The President of the United States in the letter that has just been read is, out of the goodness of his heart, too generous in his statement in regard to the cost of that fleet.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. He, kindly and considerate, did not want to harrow the feelings of the gentlemen on that side, and I have no disposition to do so. The gentleman from South Carolina [Mr. BYRNES] talks about two or three appropriations for salaries. They were so insignificant in amount as compared with the millions of waste and extravagance that gentlemen on that side at least ought not refer to them.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I am sorry. I can not yield in the brief time that I have.

Mr. GARRETT of Tennessee. All right.

Mr. MONDELL. We are all of us responsible for the great fleet of merchant ships we have, because, following our patriotic impulses during the period of the war, we did what the administration asked to have done in the way of appropriation and authorization. We were compelled under the circumstances to resolve every doubt in favor of the view of the administration and in favor of the interests of our country as the administration viewed them. So, to a certain extent, we are responsible. But your administration and your party are responsible for the conditions and practices of awful waste and extravagance under which that fleet was created. And the least that you could do in common decency would be to join with us on a plan for taking care of, providing for, and making useful to the people of the United States the great fleet so built while your party was in power.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. It is a condition and not a theory that confronts us. What are we to do with this enormous fleet? What are we going to say to the country relative to the three and one-half billion dollars spent to build it? Shall we allow the ships to rot at the dock? Shall we supinely submit to the creation of conditions under which our merchant flag shall be driven from the high seas? No, verily. You placed this burden upon us; yours was the first responsibility. [Applause on the Republican side.] The burden is here. We accept it, because in good conscience we must accept it, and, in the courage that has always distinguished our side, we shall go forward to the solution of the problem confronting us. We shall see that American shipping is not driven from the seas. [Applause on the Republican side.] We shall see that our flag floats from merchant ships in all the seven seas and wherever men carry on trade and commerce. And out of the difficulties that confront us, out of the burden which you placed upon the American people, we hope to bring a fleet that eventually will be the finest in all the world. [Applause on the Republican side.]

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GARRETT of Tennessee. Will the gentleman object to withholding that for a moment and give me a chance to take two or three minutes?

Mr. TOWNER. The gentleman knows I do not desire to continue the discussion.

Mr. GARRETT of Tennessee. I know; but I am not responsible for it. I would like to proceed for three minutes, Mr. Speaker.

Mr. TOWNER. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, during a part of the remarks of the gentleman from Wyoming, had I not seen him I should have supposed it was Mr. WOODRUFF speaking. Here and now let us be done with the camouflage and the absurdity. Will the gentleman from Wyoming now, within my time, name a specific case of the Shipping Board that he would prosecute or ask to be prosecuted?

Mr. MONDELL. What was the last?

Mr. GARRETT of Tennessee. That he would prosecute or ask that they be prosecuted.

Mr. MONDELL. I was not talking about prosecution. I was talking about willful, wicked waste, most of it carried on under the orders of the administration, and therefore not punishable as a crime. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. The gentleman from Wyoming therefore excuses and makes it easy for the present Attorney General in the future. Is that right?

Mr. MONDELL. Well, the gentleman can not shift the question that way. The question is not that of criminal prosecution, but of willful, continuous, and all-pervading waste. [Applause on the Republican side.]

Mr. DAVIS of Tennessee. Mr. Speaker, will my colleague yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DAVIS of Tennessee. I just wish to call attention to the undisputed fact that even under the previous administration practically all of those who were in charge of the Shipping Board, especially during the construction period, were Republicans, to wit, Gen. George W. Goethals, Charles M. Schwab, Mr. Piez, Mr. Rossiter, and others, and that the three men who were called to the Shipping Board as experts, two at $35,000 and one at $25,000, held important positions in the former Shipping Board.

Mr. GARNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GARNER. Mr. Speaker, I want to say to the gentleman who propounded the question, it is not so much with some of us who admit that there has been some extravagance under both Republicans and Democrats, but why in the name of heaven do you not stop it? [Applause on the Democratic side.] You ought to stop it now. That is what is the matter. [Applause on the Democratic side.]

Mr. MONDELL. We have stopped the operations of some of the Democratic officials who were guilty of extravagance.

Mr. GARNER. You ought to kick them out, then, if they are guilty of extravagance.

Mr. GARRETT of Tennessee. Mr. Speaker, that is a very serious remark made by a very serious gentleman—that is, the majority leader—that there are a number of Democrats in positions of power now under the Shipping Board, so I understood the gentleman to mean. I do not want to interrupt the gentleman's remarks.

Mr. MONDELL. When the gentleman from Texas [Mr. GARNER] talked about this extravagance it occured to me that there might still be some hold-overs who had not gotten over the habits of extravagance that they acquired under the former administration.

Mr. GARRETT of Tennessee. Just exactly what did the gentleman mean by that remark?

Mr. MONDELL. Just what I said. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. That, of course, means nothing. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for three minutes. [Applause.]

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, when we entered into the war the greatest problem we had was the one of ocean transportation. We knew how to gather together an army and train it; we knew how to supply the munitions of war; but the great problem at that time was the matter of transportation, and the greatest problem which to-day is before the American people is the shipping problem, the question whether we shall abandon our merchant marine or attempt to maintain an American merchant marine, and if so, how and upon what terms.

We have the responsibility upon this side of the House. We shall have to determine the policy of the Government. Whether there has been waste and extravagance in the past, which all admit, it will not aid very much in making up our minds as to the future course. But let us try to approach this subject as statesmen. All we can expect from the other side of the House is that they will be constantly searching for and trying to point out flyspecks. [Applause on the Republican side.] That is the only service they render. [Applause on the Republican side.]

We have the responsibility. Let us attend to it, and let us give to the American people legislation which will provide that when war comes again we shall not be called upon again to spend wastefully three or four billions of dollars in attempting to provide for transportation which is not ready until the war is over. We would have finished the war before we did at far less expense if we had had an American merchant marine. And meanwhile do not pay too much attention to the gentleman from South Carolina and other gentlemen seeking to point out flyspecks. [Applause on the Republican side.]

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. HARDY of Texas. Reserving the right to object, Mr. Speaker, I would like to ask unanimous consent to address the House for three minutes. After the gentleman from Iowa is through, may I have recognition to make the request?

The SPEAKER. The Chair will recognize the gentleman after the gentleman from Iowa has concluded. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TOWNER. Mr. Speaker, it is with great pleasure that I call attention to the fact that we have with us to-day the Philippine Parliamentary Mission, who are now making an official visit to this country, and who are at this moment occupying seats in the gallery. [Applause, the Members rising.]

Mr. Speaker, it is particularly fitting that they should visit the Congress of the United States, for we are proud to claim them as our legislative children. We have given them, and they have gladly received and assimilated, our form and most of our procedure.

The present Philippine organic act is a complete constitution of government. It created a government with more power and more privileges than has any State of the Union. It has a bill of rights with more assurance of self-government than is contained in the Constitution of the United States, and with better guaranties of individual liberty than, when made, were contained in any constitution of any nation or State then in existence. It has a legislature composed of two houses, the members of which are elected by the people. It has an independent judiciary modeled after our own. The members of their cabinet have greater prestige and influence with the lawmakers than have the Secretaries of departments at Washington.

Regarding the personnel and the methods of procedure of the Philippine Legislature, it may be said that most of the members of both houses are educated men and many of them are able orators and keen debaters. The decorum and dignity of their procedure is worthy of the highest praise. Of their presiding officers, Mr. Quezon, president of the senate, and Mr. Osmena, speaker of the house, it may be said that it would be difficult to find abler leaders or better presiding officers in any parliamentary body. [Applause.]

I hope the Members of the House will personally meet the members of the mission so they may be able to know and appreciate their high character and personal charm. Both the presiding officers are here, Mr. Quezon and Mr. Osmena. There are six members of the senate and nine members of the house, and I think those who meet them will agree that the honor conferred upon them by their selection as members of this mission has been worthily bestowed. The Speaker will receive the mission informally at once in his rooms, and it is desired that as many of the Members of the House as can do so will meet them there also.

Mr. Speaker, whatever may be our position with respect to matters upon which there may be differences of opinion, we will forget them to-day and only remember that we are brother legislators, with high regard and best wishes for the greatest measure of success possible within our respective spheres of action. We believe that to know each other better will be to respect and honor each other more, and that this visit can have no other result than to further the interests of the people whom we love and strive to serve. [Applause.]

Mr. Speaker, I ask unanimous consent to have inserted in the RECORD the petition which the commission has already presented to the President, together with the statement of the personnel of that commission.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The petition is as follows:

PHILIPPINE PARLIAMENTARY MISSION
TO THE UNITED STATES, 1922,
Washington, D. C., June 16, 1922.

The House of Representatives, Washington, D. C.

GENTLEMEN: With the deepest sense of loyalty and confidence in the American people, the Philippine Legislature has decided to send the present parliamentary mission to the United States. The mission brings a message of good will and friendship from the Filipino people to the people of the United States and is charged to resume the negotiations for the independence of the Philippines begun by the first mission sent in 1919.

The people of the Philippine Islands yearn to see the fulfillment of their aspirations for national existence. This desire, always strong, has grown with every year. While the Great War was on they desisted from active agitation for independence, not because it had become less dear to them but because they felt the broad issues of freedom and democracy for the world depended upon the outcome of that war and because their loyalty and affection to the United States bade them lay aside for the moment their own cause for the sake of that which embraced all mankind.

Realizing that the war ideals of America were their own, that the struggle for democracy and the rights of smaller peoples was also their own struggle, they placed all the resources of the islands at the disposal of the United States and offered their sons for the battle fields of Europe. As expressed by the then highest American representative in the Philippines, "Every sentiment, every impulse, every hope of the Filipinos was enlisted in the cause of the United States."

With the ending of the war the Filipino people felt that the principle for which they had contended had triumphed with the triumph of the Allies and the associated powers. With hopes renewed and faith strengthened they resumed the work for their own cause. Hence on March 9, 1919, the Philippine Legislature approved what was officially known as the "Declaration of purposes," which remains to-day an official authoritative pronouncement of the people on what should be their attitude toward and relations with the United States.

The Philippine Legislature declared that the "stable government" required in the preamble of the Jones law as the only prerequisite to independence had already been established in the Philippines; hence "a full and final exchange of views between the United States of America and the Philippine Islands" was deemed necessary. The time had come for the fulfillment of the American pledge. The first Philippine mission was asked to "convey to the Government of the United States the frankest assurances of the good will, friendship, and gratitude of the Filipino people and to submit with as much respect as confidence the question of Philippine independence with a view to its final settlement."

When the first mission reached the United States, however, it found the American people and Government still absorbed in their international problems. The President was in Europe negotiating the treaty of Versailles; but realizing that the fulfillment of the American obligations toward the Philippines could not be delayed any longer, he requested the Secretary of War to receive the mission in his behalf and expressed the belief that the end was almost in sight of the work undertaken in the islands by Americans and Filipinos.

Soon thereafter, when the American people and Government had been relieved of many of their pressing international burdens and distractions, the petition of the Philippine Legislature through the Philippine mission received the favorable indorsement of the administration in Washington. President Wilson, in his message to Congress on December 2, 1920, officially recognized the fulfillment of the only condition required of the Philippines as a prerequisite to a separate national existence—a stable government—and formally recommended the immediate granting of independence. He said: "Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands.

"I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

This recommendation was made after the highest representative of America in the Philippines, the Governor General, had officially certified both to Congress and to the President of the United States that a stable government had already been established in the islands.

It is a fact, therefore, that immediately prior to the coming into power of the present administration the Philippine question was on the eve of solution. The solemn covenant, as the author of the Jones law had called it, between the American and the Filipino peoples was about to be fulfilled. The Philippine Legislature had declared that there was a stable government in the Philippines and the highest magistrate of the United States and the American representative in the Philippines concurred in the view.

We beg to submit that the last 15 months that have elapsed since the new administration has assumed office have not altered the situation. The same stable government exists. Contrary to what some may aver, the phrase "a stable government" does not convey a vague and indefinite condition. It has a specific and well-established meaning. The international relations of the United States for the last century and a half, especially her dealings with the South American countries, bear this statement out.

President McKinley in addressing the Cuban people defined a stable government as one "capable of maintaining order and observing its international obligations, insuring peace and tranquillity, and the security of its citizens as well as our own." It must be remembered that the term "stable government" in the Jones law had been adopted directly from the American promises to the Cuban people. It can not, therefore, but have the same meaning. It is worth noting that recently a similar interpretation has been given to that phrase by the League of Nations.

No American official, whether of the past or present administration, has denied the statement of the Philippine Legislature, the certificate of the Governor General, and the finding of the President of the United States to the effect that we have established the "stable government" required by the Jones law in accordance with the interpretation universal usage has assigned to those words. Even the report of the Wood-Forbes mission, which is unwarrantably severe and critical, does not deny this assertion.

There are apparently in President McKinley's estimate two main elements in a stable government: First, ability to maintain order and insure peace and tranquillity and the security of citizens; second, ability to observe international obligations. To these two elements Mr. Root, in his instructions for the Cuban people, added the following: "It must rest upon the peaceful suffrages of the people and must contain constitutional limitations to protect the people from the arbitrary actions of the Government." All these elements are to be found in the Philippines to-day.

It is admitted by the Wood-Forbes mission that order has been properly maintained and that our insular police or constabulary "has proved itself to be dependable and thoroughly efficient." (P. 23 of the report.) The tranquillity and security of the citizens are not jeopardized. "They are naturally an orderly and law-abiding people" (p. 19), said the report.

As to obligations for international life, the Wood-Forbes mission recognizes that there are people in our service that would do credit to any government. "We find that the legislative chambers are conducted with dignity and decorum and are composed of representative men" (p. 45), observed the Wood-Forbes report.

The Filipino people are by nature and tradition hospitable and courteous to foreigners. There has been no antiforeign agitation or outbreak. The business of foreigners has been amply protected and will continue to be so protected under an independent Philippines. During the short-lived Philippine Republic prisoners of war were treated according to the law of nations and there was security for foreigners.

The insular, provincial, and municipal governments of the Philippines rest on the free and peaceful suffrage of the people. The people elect members of the insular legislature, provincial governors, members of the provincial boards, municipal presidents, and members of the municipal councils. Speaking of the elections of 1919, the report said: "Interest in the elections was widespread, and election day passed without any serious disturbances. There was a general, quiet acceptance by the minority of the results of the popular vote * * *" (p. 42). The elections held a few days ago, though vigorously contested, have again demonstrated the capacity of the Filipino people for the orderly exercise of popular franchise.

The structure and workings of our government also conform to the standard defined by Mr. Root in that it is "subject to the limitations and safeguards which the experience of a constitutional government has shown to be necessary to the preservation of individual rights." The Filipino people fought for such constitutional safeguards during the Spanish régime. A modern bill of rights was inserted in the constitution of the Philippine Republic. Our present constitutional limitations and safeguards have been in operation since 1900, when President McKinley, in his instructions to the second Philippine Commission, set down as inviolable rules the fundamental provisions of the American Bill of Rights. Those provisions with slight modifications were later included in the organic act of 1902, and again set forth in the Jones law of 1916. For more than 20 years, therefore, the Philippine Government has been subject to constitutional practices. They are embedded in the political life of the people, and no matter what political change may occur in the Philippines they will find no material alteration. An impartial judiciary is there to enforce them.

"The supreme court," said the Wood-Forbes report, "has the respect and confidence of the Filipino people" (p. 24). The courts of first instance, now mostly presided over by Filipinos ever since 1914, have maintained a standard which, in general, compares favorably with the State courts of the Union. From August 31, 1911, to September 1, 1913, during the last two years of Governor Forbes's administration, only 25.1 per cent of the decisions appealed from these courts were reversed by the supreme court. From March 3, 1919, to March 4, 1921, another period of two years with Filipinos in control, the percentage of reversals was decreased to 20.8 per cent. The number of cases disposed of by the courts of first instance from 1906 to 1913, inclusive, was as much as 82,528. The total number of cases disposed of for the same length of time with Filipinos in control (1914 to 1921, inclusive) was 117,357, or an increase of 34,829, or 42 per cent.

The last eight years in which the Filipinos have been given a larger control of governmental affairs have also seen a notable increase of the agencies of social and political progress, such as schools, roads, public buildings, hospitals, etc. In 1913, when the Filipino people had even less share in the government than they have now, there were enrolled in the public schools 440,050 pupils; in 1921 there were nearly a million (943,422). In 1913 there were only 2,934 public schools; in 1920 there were 5,944. In 1913 there were 2,171 kilometers of first-class roads in operation; in 1921 the figure was 4,608.8, in addition to about 5,000 kilometers of second-class roads. In 1913 there were no dispensaries where the poor could be given medical treatment; in 1921 there were over 800. In 1913 the appropriation for medical aid to the poor was ₱1,548,317.25; in 1921 the sum was ₱3,153,828.

Social and economic progress has also been tremendous during this period. In 1913 there were hardly a dozen women's clubs; in 1921 there were 342 in active work. In 1913 the volume of Philippine commerce was only ₱202,171,484; in 1920 it swelled to ₱601,124,276. The cultivated area in 1913 was 2,361,482 hectares, as compared with 3,276,942 hectares in 1920, 238.7 per cent increase.

The present conditions in the Philippines, even as alleged in the Wood-Forbes report, compare favorably with those existing in many nations whose right to national sovereignty is not open to the least question.

These are incontrovertible facts which no impartial witness can deny.

The present parliamentary mission, in which all political parties of the Philippine Islands are represented—the two wings of the Nationalist Party, on the one hand, and the Democratic Party, on the other—has been sent by the Philippine Legislature to ask for immediate, complete, and absolute independence of the Philippines. This desire is not born of ingratitude toward the United States, nor does it show lack of appreciation of the risks and dangers of international life. It is the logical outcome of more than 20 years of patient labors jointly undertaken by the Americans and Filipinos. The Filipino people firmly believe that the time has come when this question should be settled once for all. Further delay in the fulfillment of America's pledge contained in the Jones law will only result in injury to the best interests of both peoples.

Three years ago the impression of the members of the first Philippine mission was that the main objection in the mind of many Americans to the immediate independence of the Philippines was the danger of foreign aggression. While this is entirely outside of the question as to whether we have complied with the requirements of the Jones law, it may not be amiss to call the attention of those Americans to the great change in international affairs which has taken place since the visit of the last mission.

Wholesome relationship has especially been established in the Pacific area. The recent Washington conference has cleared away many doubts and misgivings.

Surely, after that conference has been hailed the world over as a solid foundation for international peace, the United States can not, without showing lack of faith in her own work, now say that she will not grant independence to the Philippines for fear of foreign hostile designs.

In the words of the President of the United States that conference was called "to provide some means whereby just, thoughtful, righteous peoples, who are not seeking to seize something which does not belong to them, can live peaceably together and eliminate cause of conflict." While the Filipino people realize that the international situation is not a necessary part of the condition prescribed in the Jones law as a prerequisite to independence, they crave the distinction of becoming the first nation to take advantage of the new order of things brought about by the Washington conference.

To the favorable international atmosphere may be added the fact that the first of colonial powers is already reversing her former policies. She has granted recognition of freedom and equality to peoples hitherto held as subjects and vassals. Egypt has regained her independence. The Irish people have been asked to enter into an agreement with England looking to the establishment of a free state. Liberal institutions are now being established in India.

We see in all these events the gradual triumph of American ideals, especially of that fundamental American principle that declared that governments derive their just powers from the consent of the governed.

Hence we come to America in the full expectation that the United States can do no less than other nations have done to their dependencies; that she can not now refrain from practicing those principles which were initiated by her and followed by her sister nations; that she can not now refuse specific realization of those purposes and ideals, which found eloquent expression in her spokesmen both in times of war and in times of peaceful reconstruction; and that she will make the Filipino people a determining factor in the relationship that should exist between the United States and the only unincorporated and subject country now under the American flag.

We, therefore, submit our case, with faith and confidence, frankly and without evasion. It is the case of the Filipino people whom in fact and in law we represent; for certainly under the present circumstances no other agency can speak or act with as much authority on what the Filipino people want or on Philippine conditions in general as their duly accredited representatives. That is the very essence of representative government.

We reiterate that the present is the time for the United States completely to discharge its obligations to the Philippines. The Filipino people have fulfilled their part in the covenant with America. Their relations with the United States are of the most cordial and friendly nature. If the independence of the Philippines could now be secured as an amicable agreement between the two peoples, nay, even as an act of magnanimity on the part of a sovereign power, how much would that mean for the peace of the world! How much more would that add to the prestige of the United States when she again appears before the world as a champion of democracy and human liberty!

Respectfully submitted.

Manuel L. Quezon, chairman on the part of the senate; Pedro Guevara, member; Antero Soriano, member; Santiago A. Fonacier, member; Ceferino de Leon, member; Teodoro Sandiko, member. Sergio Osmena, chairman on the part of the house; Jose G. Generoso, member; Guillermo F. Pablo, member; Pedro Abad Santos, member; Celestino Gallares, member; Vicente Llanes, member; Juan Nolasco, member; Emilio P. Virata, member; Proceso Sebastian, member. Teodoro M. Kalaw, honorary member; Jorge B. Vargas, secretary; Wenceslao Trinidad, technical adviser; Jorge Bocobo, technical adviser; Maximo M. Kalaw, technical adviser; Antonio G. Sison, technical adviser; Arsenio N. Luz, technical adviser; Justo Lukban, technical adviser.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, it is, of course, very gratifying to have the pleasure and the honor of welcoming the delegation from the Philippines. So far as I know, there is only one difference between the gentleman from Iowa [Mr. TOWNER] and myself touching this matter. I would, Mr. Speaker, without hesitation respond to the petition as granted, and grant to the Philippines absolute, unqualified independence. [Applause.]

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for three minutes. Is there objection?

Mr. WALSH. I would like to know upon what topic.

Mr. HARDY of Texas. In reply to the gentleman from Illinois [Mr. MANN].

Mr. WALSH. I object.

ADDITIONAL COMPENSATION TO CIVILIAN EMPLOYEES.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 374 (Rept. No. 1123).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12073) entitled "A bill to provide additional compensation for certain civilian employees of the Government of the United States and the District of Columbia during the fiscal year ending June 30, 1923." After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be divided and controlled equally between the gentleman from Illinois [Mr. MADDEN] and the gentleman from Tennessee [Mr. BYRNS], the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the Committee shall report the bill to the House and the previous question shall be considered ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution, if adopted by the House——

Mr. HARDY of Texas. Mr. Speaker, I make the point that no quorum is present. I will withdraw that if I am given the privilege of addressing the House for three minutes.

Mr. GREENE of Vermont. If any such condition as that is imposed, I will make the point of order myself.

Mr. HARDY of Texas. Mr. Speaker, I withdraw the point of no quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will yield, I understood when the gentleman from Wyoming asked unanimous consent to dispense with Calendar Wednesday business that a deficiency bill was coming up.

Mr. MONDELL. I think I did say to the gentleman when asked what would be brought up that the Appropriations Committee would report a deficiency bill, and I thought we ought to take it up. However, the Committee on Appropriations has two bills to present and desires to present this bill first.

Mr. GARNER. Let me suggest to the gentleman that it is rather unusual to ask that Calendar Wednesday business be dispensed with by unanimous consent with a statement that certain procedure would be followed by the House and then change it.

Mr. MONDELL. If the gentleman from Texas feels that there is any question about it—what I had in mind was that the Committee on Appropriations had some bills that must be passed before we could recess, but I think the only one I referred to was the deficiency bill.

Mr. GARNER. The only thought in my mind is this, that there are some Members of the House who would like to be here to consider the bonus bill, and under the gentleman's statement they did not think it would come up to-day. But I will not object.

Mr. GARRETT of Tennessee. I will not object.

Mr. SNELL. Mr. Speaker, if this resolution is adopted by the House, it makes in order for consideration immediately the bill H. R. 12073, a bill providing additional compensation for certain civilian employees of the Government of the United States in the District of Columbia and outside during the fiscal year ending June 30, 1923. We expected earlier in the year when we passed what we think was a scientific reclassification measure that it would not be necessary to take up on the floor of the House the question of additional compensation for civilian employees. But as that measure has not been considered at the other end of the Capitol, if it is the desire of the Members of the House to grant additional compensation to these civilian employees until such time as that measure may become a law, it will be necessary to consider it at this time for the reason that the present appropriation expires on June 30. I believe it is the desire of a great majority of the Members to consider this legislation at this time.

Mr. CROWTHER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CROWTHER. I want to ask the gentleman if it was not distinctly understood by the membership of the House, and I think the gentleman from Illinois made the statement that we were going to give them the bonus, and that we were not going to have any discussion about it—that they need have no fear about it?

Mr. MADDEN. Let me say that the gentleman from Illinois did not make any such statement.

Mr. CROWTHER. I do not want to misrepresent the gentleman, but I read in the press that the gentleman had given that out.

Mr. MADDEN. The gentleman must not believe all that he reads in the press. If the gentleman will read the RECORD, he will see what I said.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, this rule makes in order a bill which provides that the bonus shall be $180 instead of $240. So far as I recall, there was no opposition to the rule before the Rules Committee. The Rules Committee took the position that it ought to give the House an opportunity to vote on this proposition. That is all there is in it. Now, Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. HARDY], and I ask unanimous consent that he may proceed out of order.

The SPEAKER pro tempore (Mr. WALSH). The gentleman from North Carolina yields eight minutes to the gentleman from Texas and asks unanimous consent that the gentleman from Texas may proceed out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Texas. Mr. Speaker, in the mildest possible way I wish to reply to the remarks of the gentleman from Illinois [Mr. MANN] in reference to the ship subsidy bill. As a member of the Merchant Marine and Fisheries Committee I feel personally interested in the trend of those remarks. I want to say that for more than 11 years I have been a member of that committee and have been earnestly and honestly trying to help build up a great American merchant marine, and if any criticism of any action has been made by me it was certainly not in the way of flyspeck criticism. I supported and voted for the act of 1920 framed by the Republican majority of that committee, although at the time there were many serious objections to it, because I believed that in many particulars that bill was a great constructive measure.

I believe that it laid down the policies of this Government which ought to be pursued in order to build up an American merchant marine after eliminating some of its minor features. I wish to say now that I have not been like some Members of this House, and some outside of the House, casting not only flyspecks upon the administration and value of our great shipping property, but covering it with whole bucketfuls of filth and slime.

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. LEHLBACH. Does the gentleman approve, and did he approve, of that part of the act of 1920 contained in section 34, which permitted a 10 per cent——

Mr. HARDY of Texas. I am glad the gentleman has asked the question, and the gentleman knows full well that I did not approve that part of the act, and that part of the act two Presidents have held should not be enforced. If it is enforced, it will bring us back to the old doctrine of discriminating duties and involve us in conflicts with all the nations of the earth. The gentleman knows, as the present President knows, as the former President knows, that that would be the result. I am glad that two Presidents have had, as I hoped they would, the good sense not to try to execute section 34 of the act of 1920. What has given our American shipping the biggest black eye is the action and criticism and depreciation of the old Shipping Board by the chairman of the present board and his constant and continued depreciation of our Shipping Board ships and his iterated and reiterated assertion of our incapacity to compete with the shipping of the world. He and ship-owning subsidy hunters have given the dog a bad name; they have made it so that the public has lost all confidence in American capacity, and I think that the greatest injury to the American merchant marine prospect to-day is Chairman Lasker, of the Shipping Board, who from the moment of his appointment to that position has depreciated the worth and the value of our ships and our ability or capacity to compete with the world. I maintain that the American merchant marine and Congress is on trial to-day. I think the gentleman from Illinois, who preceded me, agreed at least some time in the past—about 1907—in the position that I maintain; that is, that the great American merchant marine, given an opportunity, will win its way to success on the oceans of the earth, but hothouse it into imbecility and it will fail and again disappear from the surface of the sea as it did under 60 years' administration of hothouse policy under the Republican Party. [Applause on the Democratic side.] I want a great merchant marine; I want one that will prosper by affording the cheapest unit of transportation to overseas traffic, as our merchant marine did from 1830 to 1861, without any subsidy or other Government aid. Our farmers of the great West and South, and even of New England States, want the same, as appears from the testimony of the only genuine farm organization representatives before our committee, and they came voluntarily to oppose this bill. I want a merchant marine, but I am unwilling to saddle upon the back of the farmers and producers and consumers of the United States $100,000,000 annually in order to favor a few shipbuilders and owners in a futile effort to build a merchant marine with tax money of the people in unheard-of subsidies.

Mr. SNELL. Mr. Speaker, I corroborate what the gentleman from North Carolina [Mr. POU] said in regard to this rule. There was no opposition in the committee. I move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 41, noes 1.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on ordering the previous question.

The question was taken; and there were—yeas 249, nays 11, answered "present" 1, not voting 171, as follows:

YEAS—247.

Ackerman	Edmonds	Lankford	Rhodes
Andrew, Mass.	Elliott	Larsen, Ga.	Ricketts
Andrews, Nebr.	Ellis	Lawrence	Riordan
Ansorge	Faust	Layton	Roach
Anthony	Favrot	Lea, Calif.	Robsion
Appleby	Fenn	Lee, Ga.	Rose
Aswell	Fish	Lee, N. Y.	Ryan
Atkeson	Fisher	Lehlbach	Sanders, N. Y.
Bankhead	Fitzgerald	Linthicum	Sandlin
Barbour	Fordney	Little	Schall
Beedy	Foster	London	Scott, Mich.
Begg	French	Luhring	Scott, Tenn.
Bell	Frothingham	Lyon	Shaw
Benham	Fulmer	McCormick	Shreve
Bird	Funk	McKenzie	Siegel
Bixler	Gahn	McLaughlin, Mich.	Sinnott
Blakeney	Gensman	McLaughlin, Nebr.	Smith, Idaho
Bland, Ind.	Gernerd	McLaughlin, Pa.	Smith, Mich.
Bland, Va.	Glynn	McPherson	Smithwick
Boies	Goldsborough	Madden	Snell
Bond	Graham, Ill.	Magee	Snyder
Bowers	Green, Iowa	Mann	Speaks
Bowling	Greene, Vt.	Mapes	Sproul
Brand	Griffin	Martin	Stafford
Briggs	Hadley	Mead	Steenerson
Brooks, Ill.	Hammer	Michaelson	Stephens
Browne, Wis.	Hardy, Colo.	Michener	Strong, Kans.
Bulwinkle	Hardy, Tex.	Mills	Swing
Burdick	Haugen	Millspaugh	Taylor, Colo.
Burke	Hawes	Mondell	Taylor, N. J.
Butler	Hawley	Moore, Ill.	Temple
Byrnes, S. C.	Hayden	Moore, Ohio	Ten Eyck
Byrns, Tenn.	Hays	Moore, Va.	Thomas
Cable	Henry	Moores, Ind.	Thompson
Campbell, Kans.	Hickey	Morgan	Tillman
Cannon	Hill	Morin	Timberlake
Carew	Himes	Mott	Tincher
Chalmers	Hoch	Murphy	Tinkham
Chandler, N. Y.	Hogan	Nelson, A. P.	Towner
Chandler, Okla.	Hooker	Norton	Tucker
Chindblom	Huddleston	O'Brien	Vaile
Clague	Hudspeth	O'Connor	Vestal
Clouse	Hukriede	Ogden	Vinson
Cole, Iowa	Hull	Oldfield	Voigt
Cole, Ohio	Jacoway	Oliver	Volk
Collins	James	Olpp	Volstead
Colton	Jeffers, Ala.	Osborne	Walsh
Connolly, Pa.	Johnson, Ky.	Overstreet	Walters
Coughlin	Johnson, S. Dak.	Parker, N. J.	Ward, N. C.
Crago	Johnson, Wash.	Parker, N. Y.	Watson
Crowther	Keller	Patterson, Mo.	Weaver
Cullen	Kelley, Mich.	Pou	Wheeler
Curry	Kendall	Pringey	White, Kans.
Dale	King	Purnell	White, Me.
Darrow	Kirkpatrick	Quin	Williams, Ill.
Davis, Tenn.	Kissel	Radcliffe	Williams, Tex.
Dempsey	Kleczka	Rainey, Ill.	Wingo
Denison	Knutson	Raker	Winslow
Doughton	Kopp	Ramseyer	Wood, Ind.
Dowell	Kraus	Rankin	Woodruff
Dupré	Kunz	Ransley	Wyant
Echols	Lampert	Reece	

NAYS—11.

Box	Garner	Lanham	Steagall
Connally, Tex.	Garrett, Tenn.	McDuffie	Sumners, Tex.
Dominick	Kincheloe	Sanders, Tex.	

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—171.

Almon	Beck	Brooks, Pa.	Burton
Anderson	Black	Brown, Tenn.	Campbell, Pa.
Arentz	Blanton	Buchanan	Canfrill
Bacharach	Brennan	Burroughs	Carter
Barkley	Britten	Burtness	Christopherson

Clark, Fla.	Greene, Mass.	McFadden	Sanders, Ind.
Clarke, N. Y.	Griest	McSwain	Sears
Classon	Harrison	MacGregor	Shelton
Cockran	Herrick	Maloney	Sinclair
Codd	Hersey	Mansfield	Sisson
Collier	Hicks	Merritt	Slemp
Connell	Humphreys	Miller	Stedman
Cooper, Ohio	Husted	Montague	Stevenson
Cooper, Wis.	Hutchinson	Montoya	Stiness
Copley	Ireland	Mudd	Stoll
Crisp	Jefferis, Nebr.	Nelson, Me.	Strong, Pa.
Dallinger	Johnson, Miss.	Nelson, J. M.	Sullivan
Davis, Minn.	Jones, Pa.	Newton, Minn.	Summers, Wash.
Deal	Jones, Tex.	Newton, Mo.	Swank
Dickinson	Kahn	Nolan	Sweet
Drane	Kearns	Padgett	Tague
Drewry	Kelly, Pa.	Paige	Taylor, Ark.
Driver	Kennedy	Park, Ga.	Taylor, Tenn.
Dunbar	Ketcham	Parks, Ark.	Tilson
Dunn	Kiess	Patterson, N. J.	Treadway
Dyer	Kindred	Perkins	Tyson
Evans	Kinkaid	Perlman	Underhill
Fairchild	Kitchin	Petersen	Upshaw
Fairfield	Kline, N. Y.	Porter	Vare
Fess	Kline, Pa.	Rainey, Ala.	Ward, N. Y.
Fields	Knight	Rayburn	Wason
Focht	Kreider	Reber	Webster
Frear	Langley	Reed, N. Y.	Williamson
Free	Larson, Minn.	Reed, W. Va.	Wilson
Freeman	Lazaro	Riddick	Wise
Fuller	Leatherwood	Robertson	Woods, Va.
Gallivan	Lineberger	Rodenberg	Woodyard
Garrett, Tex.	Logan	Rogers	Wright
Gilbert	Longworth	Rosenbloom	Wurzbach
Goodykoontz	Lowrey	Rossdale	Yates
Gorman	Luce	Rouse	Young
Gould	McArthur	Rucker	Zihlman
Graham, Pa.	McClintic	Sabath	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Treadway with Mr. Cockran.

Mr. Kennedy with Mr. Fields.

Mr. Maloney with Mr. Kitchin.

Mr. Stiness with Mr. McClintic.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kahn with Mr. Cantrill.

Mr. Davis of Minnesota with Mr. Sullivan.

Mr. Langley with Mr. Clark of Florida.

Mr. Reed of New York with Mr. Montague.

Mr. Fuller with Mr. Gallivan.

Mr. Christopherson with Mr. Collier.

Mr. Frear with Mr. Sabath.

Mr. Brennan with Mr. Tague.

Mr. Rossdale with Mr. Humphreys.

Mr. Taylor of Tennessee with Mr. Upshaw.

Mr. Strong of Pennsylvania with Mr. Kindred.

Mr. Paige with Mr. Wilson.

Mr. Beck with Mr. Black.

Mr. Gorman with Mr. Lowry.

Mr. Burtness with Mr. Wright.

Mr. Goodykoontz with Mr. Stevenson.

Mr. Leatherwood with Mr. Drewry.

Mr. Cooper of Ohio with Mr. Campbell of Pennsylvania.

Mr. McFadden with Mr. Buchanan.

Mr. Lineberger with Mr. Mansfield.

Mr. Kline of New York with Mr. Deal.

Mr. Luce with Mr. Rayburn.

Mr. Kiess with Mr. Padgett.

Mr. Yates with Mr. Crisp.

Mr. Webster with Mr. Sisson.

Mr. Patterson of New Jersey with Mr. Gilbert.

Mr. Arentz with Mr. Jones of Texas.

Mr. Perkins with Mr. Tyson.

Mr. Fairfield with Mr. Woods of Virginia.

Mr. Newton of Minnesota with Mr. Logan.

Mr. Nolan with Mr. Stoll.

Mr. Evans with Mr. Drane.

Mr. Fess with Mr. Lazaro.

Mr. Perlman with Mr. Swank.

Mr. Bacharach with Mr. Wise.

Mr. Hicks with Mr. Stedman.

Mr. Sinclair with Mr. Harrison.

Mr. Hutchinson with Mr. Sears.

Mr. Dallinger with Mr. Park of Georgia.

Mr. Dickinson with Mr. Blanton.

Mr. Greene of Massachusetts with Mr. Parks of Arkansas.

Mr. Clarke of New York with Mr. Taylor of Arkansas.

Mr. Griest with Mr. Rucker.

Mr. Codd with Mr. Rainey of Alabama.

Mr. Kline of Pennsylvania with Mr. Barkley.

Mr. Knight with Mr. Johnson of Mississippi.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER pro tempore. The question now recurs on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 131, noes 10.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present, and object to the vote on that account.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. It is evident that there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 230, nays 12, answered "present" 2, not voting 186, as follows:

YEAS—230.

Ackerman	Edmonds	Larsen, Ga.	Rhodes
Almon	Elliott	Lawrence	Ricketts
Andrew, Mass.	Ellis	Lea, Calif.	Riddick
Andrews, Nebr.	Faust	Lee, Ga.	Riordan
Ansorge	Favrot	Lee, N. Y.	Roach
Anthony	Fenn	Lehlbach	Robsion
Appleby	Fish	Lineberger	Rose
Aswell	Fisher	Linthicum	Ryan
Atkeson	Fitzgerald	Little	Sanders, N. Y.
Bankhead	Fordney	London	Sandlin
Barbour	Foster	Luhring	Schall
Beedy	French	Lyon	Scott, Mich.
Begg	Frothingham	McArthur	Scott, Tenn.
Bell	Fulmer	McCormick	Shaw
Bird	Funk	McDuffie	Shreve
Bixler	Gensman	McLaughlin, Mich.	Siegel
Blakeney	Gernerd	McPherson	Sinnott
Bland, Ind.	Goldsborough	Madden	Smith, Idaho
Bland, Va.	Green, Iowa	Magee	Smith, Mich.
Boies	Greene, Vt.	Mapes	Smithwick
Bond	Hadley	Martin	Snell
Bowers	Hammer	Mead	Speaks
Bowling	Hardy, Colo.	Michaelson	Sproul
Brand	Hardy, Tex.	Michener	Stafford
Briggs	Haugen	Miller	Steenerson
Brooks, Ill.	Hawes	Mills	Stephens
Browne, Wis.	Hawley	Millspaugh	Strong, Kans.
Burke	Hayden	Mondell	Swing
Burroughs	Henry	Moore, Ill.	Taylor, Colo.
Butler	Herrick	Moore, Ohio	Taylor, N. J.
Byrnes, S. C.	Hickey	Moore, Va.	Temple
Cable	Hill	Moores, Ind.	Ten Eyck
Cannon	Himes	Morgan	Thomas
Carew	Hoch	Morin	Thompson
Chalmers	Hogan	Murphy	Tillman
Chandler, N. Y.	Hooker	Nelson, A. P.	Timberlake
Chandler, Okla.	Huddleston	Norton	Tinkham
Chindblom	Hudspeth	O'Brien	Vaile
Clague	Hukriede	O'Connor	Vestal
Clouse	Hull	Ogden	Vinson
Cole, Iowa	Jeffers, Ala.	Oldfield	Voigt
Collins	Johnson, Ky.	Oliver	Volk
Colton	Johnson, S. Dak.	Olpp	Volstead
Connolly, Pa.	Johnson, Wash.	Overstreet	Walsh
Coughlin	Kearns	Parker, N. J.	Walters
Crago	Keller	Parker, N. Y.	Ward, N. C.
Crisp	Kelly, Pa.	Patterson, Mo.	Watson
Crowther	Kendall	Porter	Weaver
Cullen	King	Pou	Wheeler
Curry	Kirkpatrick	Pringey	White, Kans.
Dale	Kissel	Purnell	White, Me.
Darrow	Kleczka	Radcliffe	Winslow
Davis, Tenn.	Knutson	Rainey, Ill.	Wood, Ind.
Denison	Kopp	Raker	Woodruff
Doughton	Kraus	Ramseyer	Wright
Dowell	Kunz	Rankin	Wyant
Dupré	Lampert	Ransley	
Echols	Lankford	Reece	

NAYS—12.

Box	Graham, Ill.	Layton	Sumners, Tex.
Connally, Tex.	Kincheloe	Quin	Tucker
Dominick	Lanham	Steagall	Williams, Tex.

ANSWERED "PRESENT"—2.

Byrns, Tenn.	Cramton

NOT VOTING—186.

Anderson	Classon	Fields	Humphreys
Arentz	Cockran	Focht	Husted
Bacharach	Codd	Frear	Hutchinson
Barkley	Cole, Ohio	Free	Ireland
Beck	Collier	Freeman	Jacoway
Benham	Connell	Fuller	James
Black	Cooper, Ohio	Gahn	Jefferis, Nebr.
Blanton	Cooper, Wis.	Gallivan	Johnson, Miss.
Brennan	Copley	Garner	Jones, Pa.
Britten	Dallinger	Garrett, Tenn.	Jones, Tex.
Brooks, Pa.	Davis, Minn.	Garrett, Tex.	Kahn
Brown, Tenn.	Deal	Gilbert	Kelley, Mich.
Buchanan	Dempsey	Glynn	Kennedy
Bulwinkle	Dickinson	Goodykoontz	Ketcham
Burdick	Drane	Gorman	Kiess
Burtness	Drewry	Gould	Kindred
Burton	Driver	Graham, Pa.	Kinkaid
Campbell, Kans.	Dunbar	Greene, Mass.	Kitchin
Campbell, Pa.	Dunn	Griest	Kline, N. Y.
Cantrill	Dyer	Griffin	Kline, Pa.
Carter	Evans	Harrison	Knight
Christopherson	Fairchild	Hays	Kreider
Clark, Fla.	Fairfield	Hersey	Langley
Clark,, N. Y.	Fess	Hicks	Larson, Minn.

Lazaro	Newton, Minn.	Rucker	Tincher
Leatherwood	Newton, Mo.	Sabath	Towner
Logan	Nolan	Sanders, Ind.	Treadway
Longworth	Osborne	Sanders, Tex.	Tyson
Lowrey	Padgett	Sears	Underhill
Luce	Paige	Shelton	Upshaw
McClintic	Park, Ga.	Sinclair	Vare
McFadden	Parks, Ark.	Sisson	Ward, N. Y.
McKenzie	Patterson, N. J.	Slemp	Wason
McLaughlin, Nebr.	Perkins	Snyder	Webster
McLaughlin, Pa.	Perlman	Stedman	Williams, Ill.
McSwain	Petersen	Stevenson	Williamson
MacGregor	Rainey, Ala.	Stiness	Wilson
Maloney	Rayburn	Stoll	Wingo
Mann	Reber	Strong, Pa.	Wise
Mansfield	Reed, N. Y.	Sullivan	Woods, Va.
Merritt	Reed, W. Va.	Summers, Wash.	Woodyard
Montague	Robertson	Swank	Wurzbach
Montoya	Rodenberg	Sweet	Yates
Mott	Rogers	Tague	Young
Mudd	Rosenbloom	Taylor, Ark.	Zihlman
Nelson, J. M.	Rossdale	Taylor, Tenn.	
Nelson, Me.	Rouse	Tilson	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Gallivan (for) with Mr. Byrns of Tennessee (against).

Additional pairs:

Mr. Kreider with Mr. Wingo.

Mr. Snyder with Mr. Garner.

Mr. Yates with Mr. Jacoway.

Mr. Larson of Minnesota with Mr. Garrett of Texas.

Mr. Graham of Pennsylvania with Mr. Mansfield.

Mr. Fuller with Mr. Sanders of Texas.

Mr. Glynn with Mr. Garrett of Tennessee.

Mr. Newton of Missouri with Mr. McSwain.

Mr. Osborne with Mr. Bulwinkle.

Mr. Vare with Mr. Griffin.

Mr. CRAMTON. Mr. Speaker, I have a general pair with the gentleman from Oklahoma [Mr. CARTER]. He is absent. If he were present, I would vote "aye." As he is absent, I desire to answer "present."

The name of Mr. CRAMTON was called, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12073.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and of the District of Columbia during the fiscal year ending June 30, 1923.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken, and the Speaker announced that the ayes appeared to have it——

Mr. VOIGT. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a division.

The House again divided; and there were—ayes 107, noes 11.

Mr. VOIGT. Mr. Speaker, I make a point of order that there is no quorum present on the vote just had.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. Unquestionably there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 235, nays 12, answered "present" 2, not voting 181, as follows:

YEAS—235.

Ackerman	Boies	Clague	Edmonds
Almon	Bond	Cole, Iowa	Elliott
Andrew, Mass.	Bowers	Cole, Ohio	Ellis
Andrews, Nebr.	Bowling	Collins	Faust
Ansorge	Brand	Colton	Favrot
Appleby	Briggs	Connolly, Pa.	Fish
Aswell	Brooks, Ill.	Coughlin	Fisher
Atkeson	Browne, Wis.	Crisp	Fitzgerald
Bankhead	Bulwinkle	Crowther	Fordney
Barbour	Burdick	Cullen	Foster
Beedy	Burke	Curry	Frothingham
Begg	Byrnes, S. C.	Dale	Fulmer
Bell	Cable	Darrow	Funk
Benham	Cannon	Davis, Tenn.	Gensman
Bird	Carew	Dempsey	Gernerd
Bixler	Chalmers	Denison	Goldsborough
Blakeney	Chandler, N. Y.	Doughton	Graham, Ill.
Bland, Ind.	Chindblom	Dowell	Green, Iowa
Bland, Va.	Christopherson	Echols	Griffin
Hadley	Layton	O'Connor	Snell
Hammer	Lea, Calif.	Ogden	Snyder
Hardy, Colo.	Lee, Ga.	Oldfield	Speaks
Hardy, Tex.	Lee, N. Y.	Oliver	Sproul
Haugen	Lehlbach	Olpp	Stafford
Hawes	Lineberger	Overstreet	Stephens
Hawley	Linthicum	Parker, N. J.	Stevenson
Hayden	Little	Parker, N. Y.	Strong, Kans.
Hays	London	Patterson, Mo.	Swing
Henry	Luhring	Porter	Taylor, Colo.
Herrick	Lyon	Pou	Taylor, N. J.
Hickey	McArthur	Pringey	Temple
Hill	McCormick	Purnell	Ten Eyck
Himes	McLaughlin, Mich.	Radcliffe	Thompson
Hoch	McLaughlin, Nebr.	Rainey, Ill.	Tillman
Hogan	McLaughlin, Pa.	Raker	Timberlake
Hooker	McPherson	Ramseyer	Tincher
Huddleston	Madden	Rankin	Tinkham
Hudspeth	Magee	Ransley	Tucker
Hukriede	Mapes	Reece	Vaile
Hull	Martin	Rhodes	Vestal
Jacoway	Mead	Ricketts	Vinson
James	Michaelson	Riordan	Voigt
Jeffers, Ala.	Michener	Roach	Volk
Johnson, S. Dak.	Miller	Robsion	Volstead
Johnson, Wash.	Mills	Rose	Walsh
Kearns	Millspaugh	Ryan	Ward, N. C.
Keller	Mondell	Sanders, N. Y.	Watson
Kelly, Pa.	Moore, Ill.	Sandlin	Weaver
Kendall	Moore, Ohio	Schall	Wheeler
King	Moore, Va.	Scott, Mich.	White, Me.
Kissel	Moores, Ind.	Scott, Tenn.	Williams, Ill.
Kleczka	Morgan	Shaw	Williamson
Kopp	Morin	Shelton	Wingo
Kraus	Mott	Shreve	Winslow
Kunz	Murphy	Siegel	Wood, Ind.
Lampert	Nelson, A. P.	Sinnott	Woodruff
Lankford	Newton, Mo.	Smith, Idaho	Wright
Larsen, Ga.	Norton	Smith, Mich.	Wyant
Lawrence	O'Brien	Smithwick	

NAYS—12.

Box	Dominick	Lanham	Steagall
Collier	Johnson, Ky.	Quin	Sumners, Tex.
Connally, Tex.	Kincheloe	Sanders, Tex.	Williams, Tex.

ANSWERED "PRESENT"—2.

Byrns, Tenn. Cramton

NOT VOTING—181.

Anderson	Fairfield	Knight	Rosenbloom
Anthony	Fenn	Knutson	Rossdale
Arentz	Fess	Kreider	Rouse
Bacharach	Fields	Langley	Rucker
Barkley	Focht	Larson, Minn.	Sabath
Beck	Frear	Lazaro	Sanders, Ind.
Black	Free	Leatherwood	Sears
Blanton	Freeman	Logan	Sinclair
Brennan	French	Longworth	Sisson
Britten	Fuller	Lowrey	Slemp
Brooks, Pa.	Gahn	Luce	Stedman
Brown, Tenn.	Gallivan	McClintic	Steenerson
Buchanan	Garner	McDuffie	Stiness
Burroughs	Garrett, Tenn.	McFadden	Stoll
Burtness	Garrett, Tex.	McKenzie	Strong, Pa.
Burton	Gilbert	McSwain	Sullivan
Butler	Glynn	MacGregor	Summers, Wash.
Campbell, Kans.	Goodykoontz	Maloney	Swank
Campbell, Pa.	Gorman	Mann	Sweet
Cantrill	Gould	Mansfield	Tague
Carter	Graham, Pa.	Merritt	Taylor, Ark.
Chandler, Okla.	Greene, Mass.	Montague	Taylor, Tenn.
Clark, Fla.	Greene, Vt.	Montoya	Thomas
Clarke, N. Y.	Griest	Mudd	Tilson
Classon	Harrison	Nelson, Me.	Towner
Clouse	Hersey	Nelson, J. M.	Treadway
Cockran	Hicks	Newton, Minn.	Tyson
Codd	Humphreys	Nolan	Underhill
Connell	Husted	Osborne	Upshaw
Cooper, Ohio.	Hutchinson	Padgett	Vare
Cooper, Wis.	Ireland	Paige	Walters
Copley	Jefferis, Nebr.	Park, Ga.	Ward, N. Y.
Crago	Johnson, Miss.	Parks, Ariz.	Wason
Dallinger	Jones, Pa.	Patterson, N. J.	Webster
Davis, Minn.	Jones, Tex.	Perkins	White, Kans.
Deal	Kahn	Perlman	Wilson
Dickinson	Kelley, Mich.	Petersen	Wise
Drane	Kennedy	Rainey, Ala.	Woods, Va.
Drewry	Ketcham	Rayburn	Woodyard
Driver	Kiess	Reber	Wurzbach
Dunbar	Kindred	Reed, N. Y.	Yates
Dunn	Kinkaid	Reed, W. Va.	Young
Dupré	Kirkpatrick	Riddick	Zihlman
Dyer	Kitchin	Robertson	
Evans	Kline, N. Y.	Rodenberg	
Fairchild	Kline, Pa.	Rogers	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Gallivan (for) with Mr. Byrns of Tennessee (against).

Additional pairs:

Mr. Wurzbach with Mr. Dupré.

Mr. Husted with Mr. Thomas.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALSH). A quorum is present. The Doorkeeper will open the doors.

Mr. HARDY of Texas. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HARDY of Texas. I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. HARDY of Texas. Mr. Speaker, the subsidy advocate says that if you give our people the right to buy ships wherever they can get them the cheapest and use them under our flag in the coastwise trade you will destroy our shipyards. This I emphatically deny if you will continue the recently passed law giving free shipbuilding material without any restrictions whatsoever. The Republican Party in its anxiety to shelter our infant steel industry were never willing to do this.

The following is an extract from a speech of mine in the House in June, 1916:

In 1904 Congress passed an act creating a merchant-marine commission, composed of five Senators and five Representatives, with the duty of investigating and reporting at its next session what legislation, if any, was desirable for the development of the American merchant marine; and this commission visited and took testimony at all the leading cities of the country. This investigation shows that prior to the enactment of the Dingley law the handicap of high-priced iron needed by our shipbuilders was partly understood and attempted to be remedied by a clause in that law providing for the admission of shipbuilding material free. Unfortunately that Congress was so wedded to the idea of protection both for the iron manufacturer and for our coastwise shipping that they limited the free material to vessels built for foreign ownership or vessels of domestic ownership that should not engage in our coastwise trade more than two months in the year, and so they smothered the feeble purpose to emancipate our shipping by the stronger desire to shelter two favored lines of American industry from competition; and, commenting on the effect of that legislation, the House Committee on the Merchant Marine, Report No. 4136, Fifty-eighth Congress, say:

"No American shipowner under present conditions builds a deep-sea ship, even though she be designed primarily for foreign commerce, without considering that he may be glad some day to fall back on the coastwise trade. Therefore this apparently liberal privilege of free materials has not checked the decline of American ocean shipbuilding and has been availed of for the complete construction of only one large steel ship, the *Dirigo*, built by Arthur Sewell & Co. at Bath, Me. The Messrs. Sewell say that the peculiar status of the *Dirigo* is the cause of frequent anxiety to them, for if the vessel were to be more than two months on voyage from Puget Sound to Hawaii the duties would have to be paid on the foreign plates, angles, and beams of which she is constructed. American ships continue to be constructed of domestic steel, even when designed for foreign service. This fact lent large importance to certain testimony in the hearing of June 28, 1904, at Cleveland. Mr. James C. Wallace, then vice president of the American Shipbuilding Co., said:

"'Recently one of our largest steel mills sold abroad 100,000 tons of steel plate. They delivered it, I understand, at Belfast, at $24 a ton. That would practically mean, with ocean rates as they are, $22 a ton at tidewater. They are charging us to-day at Pittsburgh $32 a ton. A differential of $10 in a ship carrying 5,000 tons is $50,000.'"

So it is clear that the free ship-material clause of the Dingley law was a fraud, though doubtless not so intended. I will add here that we have at last passed a real free ship-material law, one that has no restrictions or limitations on it, and, as a result, our shipbuilders to-day pay no more for their iron and steel material than do the shipbuilders of England. Commenting on the testimony of Mr. Wallace and others, the Marine Commission says:

"It has been conclusively shown by testimony before this commission that the materials which enter into the construction of ships are sold by our factories and laid down in foreign shipyards for a price far below that charged to our own people."

And they quote a number of shipbuilders, among them John Roach, to the effect that the high cost of iron produced by the tariff upon it is one of the principal difficulties our commerce has to contend with. Mr. Roach said:

"If Congress will take off all the duties from American iron, then we are prepared to compete with foreign shipbuilders."

Remember that the United States is the only great nation on earth which does not give its citizens the full privilege of buying their ships where they can get them cheapest and sailing them in all trades.

The present House has passed a new tariff bill, and the present Senate is likely to pass it, putting back the duty on shipbuilding material. Undoubtedly the Republican Party is fully intending to go back to the policy of refusing our citizens the privilege of buying and operating under the flag any ship not built in the United States. It will be a sad day for the American shipping if we now take the back track and start out on the discriminating duty and subsidy pathway which leads, through international restrictions and retaliation and domestic inefficiency, greed, and corruption, to decay and death of our overseas merchant marine.

I have already discussed the monstrous subsidy provisions of the pending bill. No less important is the question involved in the bill of

DISCRIMINATING DUTIES AND TONNAGE DUES.

It is involved in the provision giving a tax reduction to those who ship in American ships of 5 per cent of the freight they pay and by the proposal to levy tonnage and light dues on foreign ships for the benefit of American ships and the proposal to give special railway rates to goods exported or imported in American ships. These, doubtless, only mark the beginning of a policy which is beginning to assume a great prominence among shipping people. It is the question of discriminating duties and tonnage dues. This question has a history, but, strange to say, a history that is very little known by those most interested, and what little information the public is given upon it is mostly misinformation. The story has been so distorted by writers, who have most always written with a purpose, that I can not rely on text writers for an accurate statement of the facts of history; and consequently I have gone to the annals and records of Congress, made at the time when the history was writing itself, to get my facts.

By way of introduction, I will state some facts not disputed by anyone and generally known to all. Before the thirteen original British Colonies of America declared their independence they had begun in a small way to navigate the waters of the Atlantic and to carry their own commerce. They were hampered and restricted very considerably even then by the laws of Great Britain. When they obtained their independence after a long struggle, they were united only under the old Articles of Confederation, which were so lacking in cohesive power and authority that they were practically useless. These articles gave no power to the confederacy to regulate commerce either between the individual States or between them and foreign countries. The result was that the separate States were each an easy prey to the restrictive legislation of foreign countries, and more particularly of the mother country, Great Britain, the navigation laws of which imposed outrageous burdens and restrictions upon the ships and navigation of the States. During the Revolutionary War from necessity we had begun to manufacture, and had become to some extent a manufacturing as well as agricultural people. Of course, it was to the interest, or it seemed to nearsighted statesmanship, to be to the interest of older countries to keep down our manufacturing enterprises and our shipping enterprise also. In fact, at that time the philosophy of civil government seemed in all European countries and to a great extent here to rest upon the theory that each nation prospered in proportion as they could hamper and destroy the thrift and prosperity of every other people. Consequently all the old countries sought to build up their markets by exclusive privileges for themselves and burdensome restrictions upon others. So when we became an independent Nation, or 13 independent nations bound together by very feeble ties, we found ourselves, as to our foreign trade, in conflict with all the world, and all the world adopting restrictions and imposing burdens upon our merchant vessels.

For example, Great Britain imposed upon our ships discriminating tonnage dues by which a vessel of any of the States entering a British port was compelled to pay several times as much dues as were exacted from a British vessel entering the same port. And, in addition, her tariff laws levied one rate of duty upon goods brought into her ports in English vessels and a much higher rate of duty upon the same goods brought into the same port in a ship belonging to the States. The same thing was true of other nations.

The first thing that naturally suggests itself to the human mind in these conditions is retaliation. If England imposed discriminating tonnage dues and tariff rates on goods entering her ports in vessels of the States, why should not the States impose discriminating tonnage dues and taxes upon British vessels and goods imported in British vessels? That was the first idea that occurred to the different States, but the difficulty was that these States were several and there was no common or central authority which could act for them all and give them uniform laws of retaliation; and it was found that acting separately they could not act uniformly or effectively. This was because of the first law of human nature, which is selfishness or self-interest. On our eastern coast we had many fair ports which might be entered for purposes of trade by the vessels of all nations. These ports were all naturally and actively competitive ports, each seeking its own advantage in commerce; so then when the State of New York levied a given rate of tonnage dues and tariff taxes upon the ships of a foreign country and the goods brought in by its ships the State of Massachusetts or the State of Virginia or the State of Maryland could attract the trade of that foreign country by levying lower tonnage dues and tariff taxes. It was found in actual experience that because of this competition between the different States none of them could really retaliate by placing the same burdens upon foreign ships in our ports that foreign countries could and did place on our ships in their ports.

And so the matter stood, with our shipping suffering helplessly from the discriminating laws of foreign countries, until the Union was formed under the Constitution of 1787. This condition of our merchant marine formed one of the strong ar-

guments for the adoption of the Constitution and the forming thereby of a more perfect union; and so one of the very first laws passed by the very first Congress that assembled was a retaliatory law imposing heavy discriminating tonnage dues and duties upon foreign ships entering all our ports and the cargoes therein, in excess of the tonnage dues and duties upon our own ships and cargoes imported in them. Under it we exercised restriction for restriction; we imposed burden for burden. It became a conflict of burdens and restrictions of the most vigorous and vicious character.

Fortunately for us, about that time the French Revolution began to disturb the commerce and shipping of England and France and all the Old World, so that while all overseas commerce and transportation was hampered and restricted by these discriminatory laws, we being neutrals, our shipping suffered less from war disturbances than did that of England or France or other European countries. Our shipping increased greatly, you might say it prospered wonderfully; and we find numberless text writers, who should have been students of the subject, attributing that increase and prosperity of our shipping to our then existing discriminating tonnage dues and duties, and utterly ignoring the world conditions under which our shipping at that time was prospered and increased. It will be observed that all this class of text writers, however, are advocates to-day either of ship subsidies or of discriminating duties, and they study history with a purpose of finding therein arguments favoring their pet policies, and naturally they ignore or minimize any fact that does not help their argument.

This policy of discrimination was not peculiar to Europeans, but was practiced in colonial times by the Colonies between themselves. The northern Colonies, however, at an early date wisely adopted reciprocity as to each other, but after their independence all the States had varying restrictions and discriminating duties on foreign ships. New York put double duties on goods imported in British vessels, whether they came in direct or through other States. The States had an abundance of discriminating tonnage laws, but no two of them were the same prior to the adoption of our present Constitution. Our act of 1789, the first congressional act on the subject, gave 10 per cent rebate of duties on goods in United States ships, which is in effect the pending bill, except that under this the shipper gets his rebate when he pays his income tax instead of when he pays his tariff tax, and this bill applies to dutiable and nondutiable goods and to exports as well as imports, and is therefore a far greater discrimination than the act of 1789. Our act of 1790 substituted a 10 per cent increase of duty on goods brought in foreign ships for the 10 per cent reduction when goods were imported in American ships. In 1804 an extra tonnage duty of 50 cents per ton was placed on foreign ships, and in 1812 this was increased to $1.50 per ton. Mr. Bates, a much-quoted text writer, who advocates the most drastic discriminating laws in favor of our shipping, says that in a few years after 1789 our vessels were carrying 80 to 90 per cent of our exports and imports, and he attributes this solely to the discriminating dues and duties. He forgets that that very year the French Revolution, in all its fury, broke out and the French King was imprisoned in Paris, and that a few years after that all Europe was afire, engaged in a death struggle, with England, Holland, Spain, Prussia, and Austria in coalition against France, and that the ships of all these nations encountered such danger of seizure and destruction as gave the ships of the United States, a neutral, every possible advantage, and that every shipper sought a neutral ship to avoid seizure.

He forgets that this condition continued, except for the brief period, when we were drawn into the maelstrom in our war with England, down to the peace treaty after the fall of Napoleon at Waterloo, June 18, 1815, and that all Europe was exhausted and disordered for years after that; at least he ignores these facts. He forgets or ignores the fact that during these years our ships had to carry our commerce, if it was carried at all. He says that the peak of our shipping was in 1826, when we carried 89.6 per cent of our exports and 95 per cent of our imports in our ships, and that our carrying fell to 72.1 per cent of our exports and 60 per cent of our imports in 1861. He is careful not to give the successive declines of our percentages in carrying, but lumps it and says it was in the period from 1826 to 1861, and then attributes it to our reciprocity laws and treaties alone.

The plain truth of history, as I shall show more fully later, is that our reciprocity policy began in 1815, just after we passed the reciprocity act of March 3, that year. Reciprocity had two phases or stages. The theory of total abolition of all discriminations was of slow growth. The act of March 3, 1815, only provided for eliminating discriminations as to ships carrying goods that were produced by the country to whom the ships belonged, and not to ships carrying the products of some other country. The former was called direct trade, the latter indirect trade.

The act of 1815 provided that as to ships engaged in direct trade we would abolish all discriminating duties and tonnage dues against ships of any nation which would abolish such discriminations as to our ships; but this did not affect the indirect trade—goods carried by one nation for another. It affected, however, perhaps three-fourths of the commercial shipments of the world.

Under this act of 1815 we began at once to negotiate treaties. Among the first of these was one with Great Britain in the same year, which did not include her colonies. We negotiated a great many treaties under this act of 1815. And by far the greater part of the burdens on our ships in foreign ports and burdens on foreign ships in our ports were eliminated, greatly to our advantage, as shown by the continued growth of our shipping.

But our people were not satisfied with reciprocity in direct trade only. We earnestly sought through treaty and legislation full reciprocity in both direct and indirect trade, and after many treaties we passed the general statute of February 26, 1829, which I will show later. If reciprocity was hurtful to our shipping, its baleful effects ought to have begun to show immediately after 1815. But in the ignorance and blindness of the statesmen of that day they thought it was a good thing, and they pursued it with persisting ardor, passing one law after another and making one treaty after another, all with the purpose of securing greater freedom of our ships from discriminatory burdens in foreign ports in exchange for freedom of foreign ships from discriminatory burdens in our ports.

We finally secured full and complete reciprocity with Great Britain, in direct and indirect trade, and in her colonial as well as her home ports in 1830, and our merchant marine continued to grow until 1861, although England, through her iron ships, began to gain on us in the fifties.

After 1815 the merchant marines of other countries, especially Great Britain, recovered from their stricken condition and grew also, so that they carried a greater percentage of their trade with us, which was natural and inevitable if they at all approached us in skill and ability as builders and operators of ships. I would submit a plain question. In normal times, under normal international trade relations, is not any great nation carrying its fair proportion of its export and import trade when it carries 72.1 per cent of the former and 60 per cent of the latter? Do we really hope or even care to do more? Yet that is what even Mr. Bates says we did after 35 years of fair competition. I will correct him by saying that we had had open, free, and fair competition with Great Britain in both direct and indirect trade only since 1830—that is to say, only 31 years—but that was surely long enough to test a policy.

Mr. Bates notes our further decline. He says that by the close of the Civil War in 1865 we carried only 26.1 per cent of our exports and 29.9 per cent of our imports, and that in 1901, a further period of 35 years, we carried only 6.13 per cent of our exports and 11.99 per cent of our imports. For all this decline he leaves the reader to infer that our reciprocity laws and treaties, which mean simply giving and receiving equal treatment, were the cause. He seems to know nothing of the War between the States or of anything else as a cause. With the blindness of a jaundiced advocate he hopes that his hearers or readers may be equally blind. And Mr. Bates furnishes a large percentage of the quotations of present-day advocates of discriminating duties in their distortion and perversion of history. I might add that recently some writers have attributed the prosperity of our merchant marine up to 1861 to some restrictions in laws affecting our fishing industries—a contention too ridiculous to answer.

It seems to me that the surest way to ascertain the good or evil effect of the laws in question upon our shipping and commerce is to study them through the eyes and minds of the statesmen and people of that day and time. The European wars ended by the peace of Paris in 1815. In fact they were supposed to have ended by the first treaty of Paris in 1814, but Napoleon's escape from Elba prolonged the agony till 1815, when the dangers to British shipping at sea were ended. Our own war with Great Britain ended in 1814. The shipping of the world became free in 1814–15, except for such shackles as were placed upon it by the lawmakers of the different nations—that is, it was free from war hazards. Beginning with that period I want to present the subject to you from the annals and records of Congress.

I find from Annals of Congress, third session of Thirteenth Congress, Senate, page 253:

Committee reports bill (February 6, 1815) to repeal so much of several acts as impose discriminating tonnage between foreign vessels and United States vessels and discriminating duty between goods imported in foreign vessels and United States vessels. Bill read and passed to second reading.

Only just that brief statement.

Same bill read second time, February 21, 1815. (P. 257.)
Same bill read third time and passed, February 23, 1815. (P. 267.)
Yeas 24, nays 0, giving names voting.

STATEMENT.

So it was resolved unanimously that this bill pass and that the title thereof be, "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States and between goods imported into the United States in foreign vessels and vessels of the United States."

HOUSE.

February 23, 1815. Notice from Senate that it had passed bill repealing discriminating duties. (Same noted, supra, p. 1186.)
February 24, 1815. Same bill read twice and referred to Ways and Means Committee. (P. 1191.)

(Page 1210, February 24, 1815.)

Mr. Eppes, from the Committee on Ways and Means, to whom was referred the bill from the Senate to repeal (in certain events) the discriminating duties now imposed on foreign tonnage and on goods, wares, and merchandise imported into the United States, reported the same without amendment, and moved that it pass to a third reading. Mr. Seybert said this was a subject of great importance, in which his constituents, as much as any people of the United States, were interested; that it came into the House at too late a period of the session to be fully discussed and maturely considered; that, when heretofore the subject had been brought before the Congress, it had been opposed by petitions from various quarters, which would not now appear, because no such measure was expected to have been agitated at this session. He therefore moved that the bill be postponed indefinitely. Mr. Eppes hoped this motion would not prevail. It was true, on former occasions when this subject had been before the House it had excited some sensibility among the merchants, but this was a very different proposition from any which had before been agitated. The bill proposed to take off these countervailing duties when other nations shall adopt corresponding regulations. For his part, Mr. Eppes said he believed we were capable of building vessels as cheaply, perhaps more cheaply, than any country on earth, and such a regulation as was proposed, if reciprocal, would prove highly advantageous to our navigation, etc. Mr. Seybert interrupted Mr. Eppes by a withdrawal of his motion to postpone the bill, and it was, on motion of Mr. Eppes, committed to a Committee of the Whole.
March 3, 1815. Bill reported by Committee of Whole, ordered to third reading, read third time, passed by unanimous vote, and returned to Senate (p. 1267).
March 3, 1815. Bill as passed and approved (p. 1934):

An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States.

Be it enacted, etc., That so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same are hereby, repealed, so far as the same respects the produce or manufacture of the nation to which such foreign ships or vessels may belong. Such repeal to take effect in favor of any foreign nation whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished. Approved March 3, 1815.

It will be observed that this act relates only to direct shipments—that is, to goods the product of the country to which the ship belonged. So ended this volume. The reasons given were that we could build and operate ships cheaper and better than other nations. Let me observe in passing that no nation has been greatly successful except for the same reasons. And during all the period of our great shipping supremacy our ships furnished to international commerce the cheapest unit of transportation.

Fourteenth Congress, first session (Senate), about the only thing I can find is (pages 1795 and 1796) a tariff raise act approved February 5, 1816, which carefully provides not to impair or affect the act of March 3, 1815. That part of the act is as follows:

SEC. 3. *And be it further enacted*, That nothing in this act contained shall be so construed as to contravene any provision of any commercial treaty or convention concluded between the United States and any foreign power or State; nor so as to impair or in any wise affect the provisions of the act entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and in vessels of the United States."
Passed on the 3d day of March, in the year 1815.
Approved February 5, 1816.

Fourteenth Congress, second session (House of Representatives, p. 275), December 13, 1816, Committee of Ways and Means, Mr. Lowndes, introduced the following report and bill:

The Committee of Ways and Means, who have been instructed to inquire into the expediency of amending the act entitled "An act to regulate the duties on imports and tonnage," so far as it relates to duties on tonnage, report: That it appears, by a letter from the Secretary of the Treasury, which accompanies this report, that under the construction put by the Treasury Department upon "the act to regulate the duties on imports and tonnage" the duty paid upon foreign vessels entering the ports of the United States has been $2 per ton, as well since as before the 30th of June last. The committee have no hesitation in recommending to the House a bill which will make the rate of duty upon the tonnage of vessels engaged in a trade which is open to American navigation the same as is provided by the act of July 20, 1790. By this act the duty upon vessels of the United States entering from a foreign port is 6 cents per ton; on vessels built within the United States after the 20th day of July, 1789, but belonging wholly or in part to subjects of foreign powers, 30 cents per ton; and on other vessels 50 cents per ton. This low rate of duty can not prudently be applied to vessels engaged in a trade between the United States and ports from which American tonnage is excluded.
The subject of such trade has been referred to the Committee of Foreign Relations, and the second section of the bill proposed is intended only to continue it in the state in which it has been placed by the construction of the act of the last session, until that committee can have time to mature a more extensive and adequate remedy for the embarrassments of our navigation. The bill proposed contains a reference to the act of 1790 instead of a repetition of its enactments. A different course, though it might be more regular, would spread upon the statute book many minute provisions, which the passage of a navigation law, before the close of the session, might modify or repeal.

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A bill supplementary to "An act to regulate the duties on imports and tonnage."

Be it enacted, etc., That the tonnage duties to be paid by ships or vessels which shall be entered in the United States, excepting, only, such foreign ships or vessels as shall be entered from any foreign port or place, to or with which vessels of the United States are not ordinarily permitted to go and trade, shall be the same as are provided by the act, entitled "An act imposing duties on the tonnage of ships or vessels," passed on the 20th day of July, in the year of our Lord 1790. *Provided always*, That nothing in this act contained shall be deemed in any wise to impair any rights and privileges which have been, or may be, acquired by any foreign nation, under the laws and treaties of the United States relative to the duty on tonnage of vessels.

Evidently referring to act of March 3, 1815, and treaties under it—

And be it further enacted, That on all foreign ships or vessels which shall be entered in the United States before the 30th day of June next, from any foreign port or place to and with which vessels of the United States are not ordinarily permitted to go and trade, there shall be paid a duty at the rate of $2 per ton. And the duties provided by this act shall be levied and collected in the same manner, and under the same regulations, as are prescribed by law in relation to the duties upon tonnage now in force. The bill was committed.

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December 16, 1816: This bill engrossed for third reading, and on December 17, 1816, read third time and passed. Madison, President. (P. 296.)
December 23, 1816: Bill reported by Foreign Relations (p. 357):

An act concerning the navigation of the United States.

Be it enacted, etc., That after the — day of ——— no goods, wares, or merchandise shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation: *Provided, nevertheless*, That this act shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation of commerce.
SEC. 2. *And be it further enacted*, That all goods, wares, or merchandise imported into the United States contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.
Mr. Forsyth, from the same committee, also reported a bill supplementary to the act regulating the duties on imports and tonnage, passed April 27, 1816. These two bills were twice read and referred to a Committee of the Whole.

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February 28, 1817. Instructions to report bill to continue last act, which was limited to June 30, 1816, thus continuing $2 per ton duty on ships from countries that exclude our ships (pp. 1040–1041).

These were, of course, mutually cutthroat retaliation laws.

February 28, 1817. Same bill reported by Committee of Whole (p. 1043).
March 1, 1817. Same bill passed House (p. 1045).
March 3, 1817. Message from Senate showing passage of act to continue in force act of March 3, 1815 (p. 1055).
March 3, 1817. Shows Senate bill was read twice and ordered to lie on table (p. 1057).

Seems to have finally passed (p. 1307):

An act to continue in force the second section of the act entitled "An act supplementary to an act to regulate the duties on imports and tonnage."

Be it enacted, etc., That on all foreign ships or vessels which shall be entered in the United States after the 30th day of June next, from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of $2 per ton, to be levied and collected in the same manner and under the same regulations as are prescribed by law in relation to the duties upon tonnage now in force.
Approved March 3, 1817.

For exact law, which is as follows (p. 1277):

An act supplementary to an act to regulate the duties on imports and tonnage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tonnage duties to be paid by ships or vessels which shall be entered in the United States, excepting only such foreign ships or vessels as shall be entered from any foreign port or place to or with which vessels of the United States are not ordinarily permitted to go and trade, shall

be the same as are provided by the act entitled "An act imposing duties on the tonnage of ships or vessels," passed on the 20th day of July, in the year of our Lord one thousand seven hundred and ninety: *Provided always*, That nothing in this act contained shall be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels.

SEC. 2. *And be it further enacted*, That on all foreign ships or vessels which shall be entered in the United States before the 30th day of June next, from any foreign port or place to and with which vessels of the United States are not ordinarily permitted to go and trade, there shall be paid a duty at the rate of $2 per ton. And the duties provided by this act shall be levied and collected in the same manner and under the same regulations as are prescribed by law in relation to the duties upon tonnage now in force.

Approved, January 14, 1817.

JAMES MADISON.

See especially Fifteenth Congress, first session, December 1, 1817, to April 20, 1818, pages 2584 and 2586, for retaliatory laws, as follows (p. 2584):

An act to continue in force, from and after the 30th of June, 1819, until the 30th of June, 1826, the fourth paragraph of the first section of the act entitled "An act to regulate the duties on imports and tonnage."

Be it enacted, etc., That the fourth paragraph of the first section of the act entitled "An act to regulate the duties on imports and tonnage," passed the 27th of April, 1816, shall, from and after the 30th of June, 1819, continue to operate in the same manner, and to have the same effect, until the 30th of June, 1826, that the above-mentioned fourth paragraph now has and will continue to have until the 30th of June, 1819, any law to the contrary notwithstanding.

Approved, April 20, 1818.

(Page 2586.)

An act concerning tonnage and discriminating duties in certain cases.

Be it enacted, etc., That so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States as imposes a discriminating duty between foreign vessels and vessels of the United States is hereby repealed so far as respects vessels truly and wholly belonging to the subjects of the King of the Netherlands, such repeal to take effect from the time the Government of the aforesaid abolished the discriminating duties between her vessels and the vessels of the United States arriving in the ports or places aforesaid.

SEC. 2. *And be it further enacted*, That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same is hereby, repealed, so far as the same respects the produce or manufactures of the territories, in Europe, of the King of the Netherlands, or such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the kingdom aforesaid, the same being imported in vessels truly and wholly belonging to subjects of the King of the Netherlands; such repeal to take effect from the time the Government aforesaid abolished its discriminating duties between goods, wares, and merchandise, imported in vessels of the United States and vessels belonging to the nations aforesaid.

Approved April 20, 1818.

The clear purpose and purport of all these laws was to repeal discriminating dues and duties on vessels of countries which abolished such discrimination against our ships in our direct trade with those countries and tighten our laws against those excluding us.

Mr. Forsyth's report (p. 866) of February 9, 1818, is as follows:

COLONIAL TRADE.

Mr. Forsyth, from the Committee on Foreign Relations, to whom was referred so much of the President's message as relates to the commercial intercourse of the United States with the British West India Islands, North American Colonies, and the petitions of sundry inhabitants of different parts of the District of Maine, upon the subject of the said intercourse, made a report, which was read; when Mr. Forsyth reported a bill, supplementary to the act, regulating duties on imports and tonnage, passed the 27th of April, 1816, which was read twice and committed to a Committee of the Whole.

The report is as follows:

"The committee to whom was referred that part of the President's message which relates to the commercial intercourse of the United States with the British West India Islands and North American Colonies, and also the petition of the inhabitants of the different parts of the District of Maine, on the same subject, report: That, by the statement marked A, annexed to this report, it appears that the average amount of duties upon merchandise annually imported into the United States from the British West India Islands and North American colonial possessions from 1802 to 1816, excluding the period from the commencement of the restrictive system to the termination of the late war, exceeds $2,000,000. The value of this merchandise, upon which these duties accrued, is supposed to be equal to $7,000,000 per annum. The statement B shows that the average annual amount of exports to the same places, principally of domestic production, up to 1817, excluding the time of the operation of the restrictive system and the continuance of the war, have exceeded $6,500,000. The statement C shows that in the year 1815 the amount of duties on merchandise imported in American vessels from the British West India Islands and North American colonial possessions was, to the amount of duties on merchandise imported in British vessels, as one to four; in 1816, as one to five and a half, or two to eleven. Taking the ratio of 1816 as the basis of calculation, and it is believed to afford the safest and most solid, as past experience shows a constant diminution of the amount of duties on goods imported in vessels of the United States, it is estimated, supposing the same proportion exists in the exports, that American vessels are used in the transportation annually of $2,177,924 worth of merchandise, and British vessels $11,322,076 worth of the most bulky articles of commerce, one-half of which are the growth, production, or manufacture of the United States. This inequality in the advantages of this commerce, to the injury of the navigating interests of this country, arises from the rigorous enforcement of the colonial system of Great Britain as to the United States, while it is relaxed to all other nations who are friendly to the British Empire and have colonial possessions.

"The portion of the commerce which is carried on in American vessels arises from accidental and temporary suspensions of the system which the governors of the islands, etc., are permitted, under the pressure of dire necessity, to direct—an employment for our seamen and vessels precarious and momentary, rather irritating and tantalizing than profitable. This intercourse appears to the committee in the worst possible state, as it regards the navigation of the United States while it is in the best for that of Great Britain. Justice and policy require on the part of every wise government its best exertions to secure to its own citizens a perfect equality in the transportation of merchandise with the people of every nation, respectively, with whom it has commercial intercourse. Some governments are governed by a policy more contracted, desiring to give to their navigators the exclusive transportation of their native products, while they desire to participate in carrying the production of other countries. The committee are satisfied that the United States will never be governed by the selfish views of the latter class, but trust that it has not been, nor will it ever be, regardless of the just motives of the former. So far it is a duty to protect the navigating interest. This duty can be performed in relation to the subject of this report or by a conventional stipulation with Great Britain, formed upon the basis of reciprocity or by legislative acts, operating exclusively against the British navigator engaged in this trade. With the first mode this House has no further concern than to know that the other branch of the Government has performed its duty. Repeated and hitherto unavailing applications have been made to the British Government. It is not, however, surprising that they have been unsuccessful, since no adequate motive at present exists to induce Great Britain to arrange this intercourse by convention. The offer contained in the articles annexed to this report, the most rational and reciprocally advantageous of any ever made, may be considered as dictated by a spirit of accommodation, which, under the pressure of adequate motives, might be fostered into a determination to grant all that we could reasonably ask or they be expected to yield.

"The first three articles, with some practicable modifications, by the adaptation of our commercial laws to the stipulations contained in them, confining the commerce strictly to those articles which Americans were permitted to carry, would place the trade upon as favorable grounds as could be expected. It would, no doubt, in a short time be followed by a complete abandonment of the residue of the present jealous system of exclusion. The committee can not, however, but approve the prompt rejection of this proposition, since these articles are connected with another altogether inadmissible, without a departure from what they deem the settled policy of this country in relation to the trade with the Indians within its jurisdiction. The British ministry having assured the Government that these articles were all that could be granted consistent with their opinions of the best interest of the British Empire there is no longer any hope of effecting this desirable object by negotiation. It remains for Congress to determine what course is to be pursued. If it were possible to separate the interest of one class of the community from that of another, it must be obvious that, however fatal to the navigator, the present state of things is not injurious to the cultivator of the soil. The productions of his labor are carried with facility to a ready market, and he receives in return all those articles which taste and habit have rendered necessary to his comfort. But this separation is impossible and the necessary connection between the two interests is apparent when it is remembered that the competition of American with foreign navigation is essential to keep down the expense of transportation, always paid by the cultivator and consumer. If this injury is not now apparent, it will ultimately be felt, when the total ruin of the navigating interest will deprive us of the power to remedy the evil."

All this in days happy of discriminating duties.

"The committee forbear to press those important considerations of preparation for national defense so inseparably connected with this inquiry. They feel that there is on this point but one sentiment among the Representatives of the people and in the Nation. Experience, prudence, gratitude for the glory shed upon our country, and the confidence and delightful anticipation of future renown all conspire to insure the necessary sacrifices for the preservation and interest of the seamen of the United States. * * * The only remaining question to be examined as to the mode of effecting this desirable result: By total prohibition of all intercourse or by burdensome charges on the trade, if confined to British vessels?"

This report does not seem to harmonize with Mr. Bates's statements which I have quoted. It shows that under discriminating duties the British were faring better than we. The condition described by Mr. Forsyth did not improve but grew worse up to 1826, so that I doubt Mr. Bates's percentage figures for that period. In the discussion had in Congress between 1815 and 1830 there are many speeches that make one doubt Mr. Bates's figures.

At second session, Fifteenth Congress, I find on February 27, 1819, an effort to pass a bill extending tonnage reciprocity to Prussia was defeated because she would not extend it to us. But later an act was passed extending to vessels from Hamburg and Bremen the benefit of existing reciprocity laws—that is, acts of April 20, 1818, and March 3, 1815—until January 1, 1824. This seems to have been simply an attempt to induce Prussia to abandon her discriminations against our ships. The annals of the first session of the Sixteenth Congress devotes a good many pages to discussions and memorials on the subject of discriminations against us by other nations, but I have found no law at that session altering existing law as to discriminating dues. On December 27, 1819, a memorial was presented from the Chamber of Commerce of New York showing injurious consequences of discriminating duties lately imposed by France, and praying specially that heavy tonnage duty be imposed on French shipping in our ports for the protection of our shipping and commerce. At the second session of this Con-

gress many protests are filed against French discriminations and against our own high tariffs, but no change of law seems to have been made.

The Seventeenth Congress, first session, simply passed an act continuing in force existing laws on the tonnage subject, and making permanent the law of March 3, 1815—the law tendering reciprocity to all countries.

In the Eighteenth Congress, on December 29, 1823, discussing a bill to continue certain acts—the act of March 3, 1815, and others of like tenor—Mr. Smith, of Maryland, from the Committee of Finance of the Senate, used this language:

About the year 1801 the subject was brought forward in Congress, and the necessity of doing away with all countervailing duties, by admitting on terms of reciprocity the vessels of all nations who were willing to adopt the same policy in regard to us, was explained. But the attempt did not succeed; people could not be made to extend their views to the time when the European wars should cease, and the nations left free to retort upon us for our discriminating system. But at last the peace of Amiens took place, and that event opened the eyes of our people. It showed us that British ships would get all the employment, while we retained our discriminating law. War again commenced, and so long as it continued our system did us no harm. But when peace again returned it was soon found what would be the result of our policy. It was in 1815 that the act passed repealing all discriminating duties on the vessels of those nations which would admit ours on terms of reciprocity.

Volumes 41 and 42, page 3193, shows among laws passed at first session of Eighteenth Congress an act which provides that after January 1, 1824, discriminating duties are suspended as to certain countries named in direct trades so long as they reciprocate, and no longer.

In Senate, page 758, notes a message from the House showing that the House had passed a bill to revive and continue the act of March 3, 1815.

Page 1099 of same volume shows House action on same bill, January 20, 1824.

These references are made simply to show that during these years, when Mr. Bates is claiming our discriminating duties were such a blessing, the policy of our Government and Congress was uniformly, earnestly, and insistently seeking reciprocity.

In the House, March 15, 1824. First session, Eighteenth Congress, page 1789. Mr. Brick offered a resolution, and so forth, to inquire and report whether any law exists in contravention of provisions of convention of July 3, 1815, with Great Britain, and into the expediency of countervailing by law any duties on American tonnage which Great Britain may lay contrary to terms of said convention.

Volume 1, Congressional Debates, second session, Eighteenth Congress, begins December 6, 1824, nothing noted.

Volume 2, first session, Nineteenth Congress, begins December 5, 1825:

JANUARY 25, 1826.

The Senate proceeded to the consideration of the following bill, reported by the Committee on Commerce in addition to an act entitled "An act concerning discriminating duties on tonnage and impost:

"*Be it enacted, etc.*, That upon satisfactory evidence being given to the President of the United States by the Government of any foreign nation that no discriminating duties of tonnage or impost, to the disadvantage of the United States, are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation, and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes as aforesaid shall be continued and no longer."

This seems to be the first full and free abandonment of discriminating duties on imports both direct and indirect shipments on account of their being imported in foreign ships of any country that would reciprocate. Its discussion is illuminating. This is what Mr. Bates calls the end of discriminating duties and the beginning of the end of our merchant marine. Please note that this bill did not abolish our discriminating duties except as to nations which abolished their discriminating duties as to us, and as a matter of fact this reciprocal end of discriminations did not take place between us and our greatest competitor in transportation, Great Britain, at that time nor until our treaty with that country in 1830. (P. 70:)

Mr. Lloyd, of Massachusetts, said the object of the bill was to clothe the Executive with the authority to proffer to any foreign nation who would reciprocate the same liberal conditions to the United States an entire equality of commercial intercourse; in other words, that the vessels and merchandise of foreign powers agreeing to this condition should be admitted into the ports of the United States on precisely the same terms and be subjected to no other or higher rates of duty, whether of tonnage or of impost, than the vessels and cargoes of the citizens of the United States. This, it would be perceived, when acceded to, amounted to a complete removal of the system of discriminating duties with the parties agreeing to it. The report, he said, which had been made by the Committee of Commerce, laid on the tables of the Members of the Senate would give the general reasoning on the subject, and more especially would the minute statements accompanying it furnish precise data on which gentlemen could correctly form their opinions as to the expediency of adopting the course of policy recommended and of passing or rejecting the bill. Most gladly he said he would leave the subject on this ground, but he had been informed in the position in which he stood, as chairman of the committee, that something more was expected from him, and that other elucidations of the bill should be given.

These expectations he would endeavor, then, as briefly as in his power, to comply with, and, in doing it, attempt to trace the origin, progress, and effect of the discriminating duties, adverting, in his remarks, to three or four more marked eras in the commercial history of the United States; showing the relative amount of the foreign trade at the different periods referred to; the proportion of it enjoyed by the citizens of the United States and that part of it occupied by foreign navigation; also, the present state of this trade—January, 1826—and the amount of it exhibited at the date of the latest returns from the Treasury Department in 1824. He would then advert to the effect to be produced by the passing of the bill, on the commerce of this and other countries, and leave it to the better judgment of the Senate for its decision. The discriminating duties, he said, were coeval with the Government, being among the first acts after its adoption; the effect was salutary and beneficent in a high degree; at this time the navigation of the United States was in not only a depressed but nearly a prostrate state. We had, before the adoption of the Federal Constitution, scarcely recovered from the impoverishment and exhaustion of the war for independence; we had no common head to protect our rights or property in foreign countries; alien duties abroad were laid on our navigation, which we had no power to retaliate; for, if one State retaliated these duties, and the others did not follow her example, her situation was only changed from bad to worse—as it drove the little foreign trade she might have from her ports to those of the States where no duty was imposed. The consequence was, we could not compete with foreign navigators; they taxed our vessels but we could not tax theirs; and this inequality was decisive against us; the consequence in a little while would have been that the whole, or nearly the whole, carrying trade of the United States, even for our own products, would have been in the hands of foreign navigators.

At this period the Federal Government was most happily adopted, and the discriminating duties were imposed; the effect was electrical; the merchants and navigators of the United States saw the whole revenue of enactions of the Government based upon the interest with which they were most nearly connected; they felt they had a Government, not only able but willing, to protect them; and that the countervailing duties would place them in some degree on a footing with other nations—

And in that way be most beneficial—

from this moment the navigation and commerce of the United States most rapidly expanded, increasing in a ratio unexampled in the records of any other people. In 1789 the whole tonnage employed in the foreign commerce of the United States was only 234,000 tons, of which more than 100,000 was in foreign navigation; but in the short space of 17 or 18 years the tonnage employed in the foreign trade of the United States had swelled to no less an amount than 1,200,000 tons, giving an increase, in this short space, of more than five-fold, of which not nearly one-half, as in 1789, was in foreign navigation, but only 86,000 tons, out of 1,200,000 tons; giving an increase of the American tonnage nine times over—it having increased during this time from about 120,000 tons to 1,100,000 tons. This was the second period to which he should allude. But this highly gratifying state of prosperity for the commerce and navigation of the United States, he could not contend, arose exclusively, or principally, from the imposition of discriminating duties; nor did it arise mainly from them; it arose from other and more powerful causes; from the political events of the times; from the wars of the French Revolution, which soon followed—which continued for 20 years, embracing in their vortex within that time all the navigating States of Europe, deranging and overturning their commercial systems, and, when engaged in war, sweeping all their shipping from the ocean, with the single exception of Great Britain, whose naval preponderance enabled her to protect her mercantile marine. In this state of things, the commerce of the world was almost entirely thrown into the hands of American merchants and shipowners; and this, to the greater extent, was the source from which the unexampled success of American commerce and American navigation had arisen.

Mr. Lloyd then calls attention to the act of March 3, 1815, and to the treaty with Great Britain, made in July, 1815, abolishing discriminating duties between the two countries in the direct trade. This, he said, was the period when the first suspension of discriminating duties had taken place. The convention was for four years. In 1818 it was renewed for 10 years, and is now—1826—in existence. In 1818 a treaty of the same kind and for the same period was formed with Sweden. The principle has been extended by diplomatic arrangements with Russia, Prussia, Norway, Oldenburg, the Hanse towns, France, and Sardinia, and negotiations are pending with other European countries and the South American States with the same end in view. The result, he says, in general terms—

shows that on a fair field and clear stage your merchants and navigators on equal terms are able to compete with any nation on the face of the earth.

And this notwithstanding he had shown in another part of his remarks that our wages were about one-third higher than British. He then showed that with reciprocity we carried of our trade with Great Britain five-sixths, with France nine-tenths, with the Hanse towns two-thirds, and so forth. So that reciprocity in direct trade, largely prevailing before 1826, had not resulted disastrously, as Mr. Bates says; but favorable results to us were perhaps the cause of Great Britain restricting

our trade with her colonies by discriminations which it was the work of our statesmen to get removed. After showing these facts and figures Mr. Lloyd said it remained to show what the effect of a wider or perfect and complete reciprocity would be on our shipping.

Nineteenth Congress, first session, debates, volume 2, Senate, page 576, April 18, 1826, shows memorial of certain shipowners and manufacturers of Baltimore:

That Great Britain had lately opened the trade of her North American and West India Colonies on far more favorable terms to the rest of the world than to the merchants of the United States, and they therefore urge our abolition of discriminating dues and duties against these Colonies, etc.

The committee reported showing that the adjustment of intercourse between the United States and British colonial possessions was committed to our minister at the court of London and that negotiations were expected to come to a definite issue before the next session of Congress, and therefore they opposed any legislation at that time. Mr. Lloyd, of Massachusetts, and Mr. Smith, of Maryland, discussed the question. Mr. Smith said he believed there was no difference of opinion; that all who had studied the subject agreed that our discriminating duties ought to be repealed as far as they related to the subject before them—the British colonial trade; that the only difference was as to the manner; that the Secretary of State, Mr. Clay, and the President, Mr. Adams, were of same opinion. The Committee on Commerce thought it ought to be done by negotiations. Others thought it ought to be done by legislation, meeting the liberal act of Parliament of July 5, 1825. Mr. Smith thought so. He discussed the heavy burdens our shipping was bearing by reason of discriminating duty. Mr. Tazewell agreed with Mr. Smith.

During this discussion Mr. Lloyd, of Massachusetts, exhibited a statement where a small lumber-loaded vessel of the United States paid charges before she got out of port more than double the original cost of the entire cargo. Briefly, the whole discussion showed that up to that time, April 18, 1826, there had been great and burdensome restrictions between the United States and Great Britain, and all parties here wanted, in the words of Mr. Lloyd, "an open and equal trade." This, he said, was particularly true of shipping interest and all farmers and others who produced export goods. No farmer in America who understands it will ever consent to return to discriminating duties in 1922.

In 1827, second session, Nineteenth Congress, the Committee on Commerce were introducing a bill to exempt Swedish and Norwegian vessels from discriminating duties. This was done to take the place of a 10-year treaty negotiated in 1816, which had expired. Mr. Tomlinson, for the bill, said that the King of Sweden and Norway was observing the terms of the treaty, though expired, and that the course to be pursued by the United States was plain; that it ought to reciprocate the friendly conduct of the King till the treaty could be renewed.

Twentieth Congress begins December 3, 1827. Debates, volume 4, page 237, February 6, 1828. Mr. Woodbury, of New Hampshire, in the Senate recalls—

to their minds the history and present condition of our discriminating duties.

He says that prior to 1815 the duties on American vessels coming from abroad were 6 cents per ton; on foreign vessels, 50 cents per ton on the vessel and 10 per cent additional impost on cargo. That since 1804 these last have been subject also to 50 cents per ton light money, thus making a discrimination of 44 cents per ton without, and 94 cents per ton with, light money on the ship and 10 per cent on the cargo. Since March 3, 1815, the discrimination remains the same, except in certain cases and certain nations, which he particularizes at great length, referring to many treaties and amendments of the law of March 3, 1815, and showing that in many and important particulars discriminations still exist between domestic and foreign vessels, especially those of France and Britain. The pending act, he says, proposes to do away with the whole of these remaining discriminations. Arguing for the bill, he shows that it was greatly to our pecuniary interest, since our ships and our cargoes paid to foreign countries more under these discriminations than foreign ships and cargoes paid to us, and that this was true because we exported more than we imported, and because our ships then carried more of our trade than foreign ships did—a condition we hope to see return. Of course, if we expect to export but little and to carry but little of our foreign trade, we can, with profit to our exchequer, lay as heavy discriminating duties and burdens as we choose on the shipping of other countries, and if our import tax is not high enough this further burden on imports will help protection further. He says:

It has been suggested, in opposition to the extension still further of the policy of 1815, to all kinds of merchandise whatever, that since the year 1815 our foreign tonnage has declined, and the decline might be attributed to the introduction of that policy. But a moment's consideration will show that here, as in many other cases, events following each other in date are not connected as cause and effect. Our foreign tonnage in the year 1816 was, to be sure, 1,300,000, and is now, or was in 1825, only about 1,055,446. But it is not to be forgotten that in 1816 foreigners enjoyed 258,000 tons, or one-fifth of the whole; while in 1825 they enjoyed only 95,000 tons, or about one-tenth of the whole. So that the American tonnage in the foreign trade is now in a proportion nearly double to what it was then. The decline then is not comparative, neither is it from the removal of the discriminating duties; but it undoubtedly has arisen from the long peace in Europe, which naturally diminishes our exports, and from the circumstance that, as the many old vessels in 1816 cease to be seaworthy, they have been supplied by smaller vessels in the coasting trade, where their employment could be more profitable. As proof of this the coasting trade, including all enrolled and licensed tonnage, has risen, from 1815 to 1825, over 200,000 tons, or from 513,833 to 722,323 tons. Indeed, in 1816 it was only 571,458 tons, while it now exceeds considerably all our tonnage engaged in the foreign trade. But we not only want the discrimination removed abroad, wherever it still exists on our products, freighted in our own vessels, because our products transported are much more valuable in amount than theirs in their vessels; but because ours, being necessaries of life and raw materials, will always hereafter be much surer in demand than theirs as mere luxuries of life or manufactures for which we at home are able generally to furnish substitutes. A very direct tendency of the present measure will also be to relieve our present exports of foreign products, amounting in 1825 to $32,590,643 and in 1826 to $24,539,612, from that discriminating duty which does not come within the scope of the act of 1815 or 1824, and which has never been removed abroad, reciprocally, to any great extent, except by recent treaties with Central America, Denmark, the Hanseatic Republics, and Sweden.

By those treaties, as before named, every species of discrimination, whether on vessels or merchandise of any kind, is entirely abolished. These exports of foreign articles, if burdened with only 10 per cent increased duty, equal to what is now imposed here in like cases, would expose us abroad to an annual tax of over $2,000,000, while the same increased duty on the amount of all kind of imports here, in foreign vessels, would be only about $400,000. Should we in this country extend the period of drawbacks and adopt more extensively the warehouse system, as now contemplated, it will become still more useful to us to assort the cargoes of our vessels to all nations without encountering, as to any part of those cargoes, either prohibitions or discriminations. The removal of every unequal and odious distinction will promote harmony in our foreign intercourse.

He then shows that, with islands belonging to England, trade with which was natural and profitable, we had at that time total prohibitions by means of which over 100,000 tons of our shipping had been diverted from that trade in the last year. We were then actually carrying between countries on the Mediterranean and ambitious to spread our ships over the world in fair competition, and, said Mr. Smith, of Maryland, when the obstructions to British colonial trade were removed, we should be able to go all over the world. The debate was engaged in by many Senators—all approving it—and the bill was engrossed without a division.

Volume 5, page 308, February 4, 1829. House considered a bill to repeal all tonnage duties on United States ships and ships of countries reciprocating. This was to get rid of the 6 cents per ton dues imposed on our ships and all other ships every time they entered any of our ports. This was shown to be unequal and burdensome on our coasting vessels, which paid it many times on a single round trip. But the bill on February 6, 1829, was laid on the table by a tie vote, the Speaker voting in the affirmative. On February 26, 1829, it was taken up again and passed.

Andrew Jackson became President on March 4, 1829. The Encyclopedia Americana says his foreign policy was firm and successful. The dispute with Great Britain over the northeastern boundary and the trade between the United States and British colonies, and so forth, were dealt with shrewdly and with success. I have tried to find that treaty and failed, but I am sure it was through Jackson that full reciprocity in direct and indirect trade and in her colonial trade was reached with Great Britain in 1830.

It may be that commercial warfare hereafter, like military warfare, is to be a conflict of the whole peoples instead of those only on the front or firing line; that not the nation which can furnish the best and cheapest unit of transportation but the one whose people as a whole can pay the biggest subsidies will do the carrying of the world. Whenever it is acknowledged that our merchantmen and shipbuilders are permanently incapable of meeting the other nations of the world in fair, open, and equal competition, our merchant marine must disappear from the overseas trade or our Nation as a whole must come to the point of giving subsidies to enable our ship-operating princes to furnish cheap service to the foreign and American shipper.

If American ship operation does actually cost more, a subsidy sufficient to equalize the unit cost will not satisfy the subsidy hunters, but, like the tariff beneficiaries, they will want a margin for an assured profit and royal official salaries.

It is a prospect not pleasing to contemplate. But discriminating laws in favor of our ships are worse, because they mean a warfare as desolating commercially as was the German war physically, and it is not to be thought of that we, the Government of the United States, shall plunge the world into such a commercial war. We know that if we did we as a Nation would merit the curse, just as Germany has merited it, of the civilized world. There are three courses we may pursue. First, we may try honest, fair, and equal competition in building and operating ships, putting back of the effort all of the skill, industry, resources, and genius of our builders, seamen, operators, and merchants. Second, we may retire from the contest and let the foreigner carry our goods, as we did during the 50 years prior to 1914. Third, we may try to sustain our merchant marine by taxation upon the whole of our people in the form of stupendous and ever-increasing subsidies. I prefer the first course, and, fortunately, we are more favorably circumstanced now for pursuing that course than we ever have been since 1861

After a long fight we have given our shipbuilders free raw materials, free iron and steel material, and we have found that instead of builders getting their iron and steel from England or other countries as the protected iron producers protested they would they have gotten it all here, and our iron and steel producers have demonstrated that they can easily compete with their strongest competitor, Great Britain. Many of our shipbuilders have always claimed that they could compete with Great Britain if they had free iron and steel, so that their raw material would cost them no more than it cost their competitors. We persistently refused to give it to them on account of the opposition of the iron manufacturers until 1914. Then we gave it to them with the result which I have stated. They have it now. Much of the cost of our ships comes from complicated and expensive machinery, and our manufacturers of machinery have shown that in almost every line they can hold their own in the markets of the world. The oil burner and the Diesel engine are effecting as great a revolution in shipping now as the displacement of wooden by iron ships did in the fifties of the last century. The economies effected by this new fuel and machinery in operation and cargo space and greater speed and quicker turn around are marvelous, and it will take a long time for the other nations of the world to junk their existing coal-burning fleets, while we can fairly start with the new era. If we only have the courage and patriotism to ignore the protests of our shipbuilders and make them compete by putting their product on the free list and letting the American operator buy his ship where he can buy it cheapest, we shall see the best of our shipyards not only survive but build the best and cheapest ships, and their product will be sold not only to the American but to every nation of the world. Circumstances favor us again here. We have on hand already built enough tonnage to supply our own wants and perhaps more than supply it for many years. Our shipyards must build for the world or quit. During this forced period of competition they will find their strength and ability as they never would do and never will do so long as they are given the assured tonnage of all the ships under the American flag whatever the cost or price of their ships may be.

I would therefore, were it left to me, open up the sale of our great ship tonnage now owned by the Government to the ship buyers of all countries. All our shipyards ought to favor this proposition so as to sell these ships before they are shelf worn and give the yards a chance to build more for ourselves as well as for other countries. When our shipbuilders build for us and for others, they will have a greater volume of business than they can ever have building for us alone; but, more than that, they will, if our merchantmen are permitted to buy where they will, sell ships to our people and for our flag as cheaply as they do to foreigners. And that will remove the great handicap that destroyed our merchant marine. For 50 years prior to 1914 all the ships under the American flag cost from 40 to 100 per cent more than the same kind of ships under the British flag. That is an undisputed fact, and that fact rendered it impossible that there could be any American merchant marine in the overseas trade. I have demonstrated that more than once on the floor of this House and am ready to do it now if anyone disputes the statement. Again, we are fortunate at this time, because our Government wishes to get out of the ship operating business, and she can sell, and is ready to sell, 10,000,000 tons of merchant shipping at the lowest world prices, so that the handicap of doing business in more costly ships than our competitors is gone for at least 10 years. If it be a fact that the wages of our crew and officers is higher than those of the British crew and officers, that fact will prove a mere trifle in our competitive enterprise, because the total labor cost is not more than 8 to 12 per cent of the whole cost of operating an American coal burning ship. And even that percentage will be lessened by the use of oil burners and the Diesel engine, and when this class of ships come in competition with coal burners, which constitute the bulk of foreign shipping, the percentage of labor cost to whole cost will be less on our ships than theirs. The loss in shipping comes from lack of cargo, slow voyage, slow loading, slow turn around. The profit comes from full cargo, quick voyage, and quick turn around. In these things the American merchant and ship operator if they pull together can best the world. We must make our banking and merchant connections and agencies abroad and our marine insurance equal to the best, and we must have incoming as well as outgoing cargoes. Given these things, the success of our merchant marine is sure. Without them its failure is sure.

ADDITIONAL COMPENSATION FOR CERTAIN CIVILIAN EMPLOYEES.

In accordance with its previous motion the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923, with Mr. MCARTHUR in the chair.

The bill was reported by title.

Mr. MADDEN. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. In 1918, Mr. Chairman and gentlemen, at the height of the war the Congress thought, on account of the high cost of living, that some contribution should be made by the Government to the employees of the Government, and in the year 1918 legislation was enacted in various bills which gave from 5 to 10 per cent increase in the compensation of the employees, and this increased compensation only applied to salaries up to $1,800. It was 10 per cent on all compensation below $1,200 and 5 per cent on salaries between $1,200 and $1,800.

The total cost of the Government contribution in the form of what is now known to be a bonus for that year was $11,400,000; and that was in the middle of the war when the living cost was at its height. For the fiscal year 1919 the practice of carrying a temporary bonus in the form of a percentage was abandoned and a flat rate of contribution amounting to $120 per annum was made, and that applied to all salaries below $2,500, including $2,500, and the total cost of that for 1919 was $18,000,000.

In 1920, two years after the war closed, the Congress in its generosity voted a further contribution of $240 per annum to all employees receiving $2,500 and less, and the total cost of that to the taxpayers of the country amounted to $53,600,000.

In 1921 we continued the $240 bonus. The bonus law always provided that all employees of the Government whose wages were fixed by wage boards should not be included in the privilege granted under the act, and that included all navy yard employees and other employees of a like character throughout the country. But notwithstanding the law, the Secretary of the Navy that year extended the bonus to all the Navy employees in violation of the law, and it cost the Government $14,000,000 in addition to what the law provided, and it increased the outgo from the Treasury to $64,200,000 and paid those employees two bonuses instead of one.

The law has never contemplated the payment of a bonus to any of these wage-board or lump-sum-appropriation employees of the Government. They are not included in this bill, and we do not want it understood that this bill provides a bonus for every person on the Government pay roll. So you gentlemen who live in navy yard districts and arsenal territory who may have friends on the pay roll there must not forget that any vote to increase this bonus—that is, the proposition recommended by the committee—will not add a dollar to the pay of any of the employees that work in those places, for they do not get it now, and they have never received it except in the case before referred to. Now we pass along to 1922, when the Committee on Appropriations, in making up the appropriations for 1922, the fiscal year now about to close, changed the situation as it existed as the result of the order issued by the Secretary of the Navy, and we cut the figures for 1922 by $24,000,000, so that this is not the first cut by any manner of means; so that the cost of the bonus as paid for 1922 will amount to about $40,800,000.

At the beginning of the consideration of the pending bill for the fiscal year 1923 I wanted to be sure that we did no injustice to anybody, and I took the precaution of asking the Secretary of Labor to make a report to the committee as to what the

level of living cost is to-day as compared with the living cost in 1920; and his report shows that all over the United States the living cost has gone down 23 per cent; to be exact, 22.9 per cent. All the elements are taken into consideration in the determination of the reduction of costs; they include rent, furniture, clothing, food, heat, light, everything that goes into the living cost.

It was always understood that this bonus was no part of the salary of anybody working for the Government. It was understood to be the Government's contribution to the employee to help provide against the higher cost of living, due to the abnormal conditions of the country. That being the case, because it must be clear to everybody that when we began to pay this we began at the highest peak of living cost in 1918——

Mr. RAINEY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I do not want to yield now. I want to make this statement: We only paid then 10 per cent on the wage up to $1,200, which was $60, and 5 per cent above $1.200, up to $1,800; and we increased that, not because of any abnormal conditions that have obtained since that time but because of pressure that has been brought from time to time that induced the Congress to vote the higher amount.

If this was intended, as I believe it was, to be a contribution to the living cost and to be no part of the basic pay, what is there more just than to conclude that when the living cost goes down the contribution shall go down to meet it? This contribution recommended now by the Committee on Appropriations is $180. That which was made for the current fiscal year was $240. If the $180 recommendation of the committee is adopted, it will make the annual cost for 1923, $28,335,880, or a reduction from the present cost of about $12.000.000.

But I may say in passing that about $3,000,000 of this $12,000,000 is due to the fact that the number of people entitled to the bonus in the Veterans' Bureau will be 16,800, according to the law, instead of 28,000, which they recommend as entitled to the bonus. When the Veterans' Bureau was organized it took over the vocational training forces and all the people on the pay roll under the Vocational Training Bureau, and the compensation of those people was fixed by wage boards and they never have been entitled to the bonus. But, notwithstanding that, the Veterans' Bureau recommended them for the bonus on this occasion. But the committee, looking over the facts in the case, decided that they were not entitled to it, and we have not provided for them in the bill. So that if you take the $3,000,000 deducted from the proposed expenditure to the employees in the Veterans' Bureau from the $12,000,000 which we propose to deduct as the difference between $180 and $240, we have $9,000,000 of a saving to the Treasury.

In reaching the conclusion that this should be done, we were not unmindful of the merits of the people who are drawing the bonus. We realized as well as anybody can that they are all worthy employees of the Government, performing the duties assigned them in a meritorious way, but we also realized that there is another side to this question, and that is the side that affects the taxpayers. In the consideration of great problems like this are we to consider only one side of the question? Is our judgment to be based entirely upon the demands of those on the Government pay roll or are we to give consideration to the man on the farm, who is not on the Government pay roll but who pays the tax to meet the burden? If you do not want to take into account the rights of the man who pays the taxes, you will vote for $240. I understand such an amendment will be offered. If you do want to take him into consideration, you will vote for $180. Of course, your conscience will tell you what you ought to do. We are supposed to be here to speak for 110,000,000 people. Our job is to do justice to all and to play favorites with none. It may be unpopular with the man who is on the pay roll to cut part of his income off, but does anybody ever think how unpopular it would be to add more to the tax of the man who has no Government income? Shall we consider him as a part of the Nation or shall we consider no element in the equation except the man who is on the pay roll? I admit that the man on the pay roll is always a very active force. He is bound to get his case before you, and it may be that the unfortunate taxpayer, who has no respite from the daily duties that begin before the sun rises and end only after the sun has set, has no time to write you to present his side of the case; but you know we are not elected entirely by the Government employees.

I am willing to admit that they are an active force, but if nobody except the Government employees in your district voted for you you would not be here. Of course you will all admit that. [Laughter.] Because it takes a few more votes even than we have Government employees on the pay roll to elect the Members of Congress. They are not all on the pay roll yet. But somewhere in America, sitting by the fireside on a winter evening, with prattling children upon the knees of the father and the mother, and the grandfather and the grandmother sitting in the most comfortable chairs, they read the story of the attitude of Congress. They do not have time to read it in summer. They are too busy making a living, too busy trying to store up the food they need for winter, and so they may forget now to call on you and me to urge economy. But while they forget during the working hours of these long days to tell you what they want, let us not forget them. We should be here to think about them once in a while. Remember that a vote for a $240 bonus means that you are taking $9,000,000 from the pockets of these people next year. Will you do it? Too many of them receive less than those for whom you are proposing to vote the $240, but you are proposing to saddle them with more burdens. Our business is to be just. Nobody is more desirous to be just than I am. I want to treat both sides fairly. We have a classification act pending in the Senate. The Senate ought to pass it. I can not criticize them for not having done it, but we have done our duty here. We have proved to these people on the Government pay roll that we are in favor of giving them a respectable compensation for their services, and I verily believe it would be a good thing for them if we took the bonus away from them altogether. Now, why do I say that? I say it because I believe it would force them to force the Senate to action. They would then realize more than ever the necessity for the legislation for reclassification; but as long as you keep them fed up with the reclassification without reclassification, by giving them a bonus, they will be asleep at the switch and there will be inequity in the case. As it is to-day in the departments of the Government, some people are getting a good deal more than they ought to get and other people are getting a good deal less, but the classification act would equalize that, and for myself I want to see the classification act passed. I am for it heartily.

Mr. KNUTSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KNUTSON. As soon as final action has been had upon the reclassification act, will it immediately go into effect?

Mr. MADDEN. Yes; but it would take a year to reclassify them after it is passed, so we are providing this bonus to meet the needs of the hour between the time of its passage and the time of its effectiveness by reclassification.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. GRAHAM of Illinois. But if the reclassification act is passed and becomes a law during the fiscal year 1923 and this bill passes, this $180 will be a part of the basic salary in the reclassification.

Mr. MADDEN. Yes.

Mr. GRAHAM of Illinois. That is fixed for all time.

Mr. MADDEN. It is fixed for all time, and under this bill the pay would be given to everybody in the service until their particular positions were classified. Whether it lasted all the year would depend on when the classification took effect.

Mr. GRAHAM of Illinois. But it would be paid them as a part of the basic salary?

Mr. MADDEN. Yes.

Mr. WINGO. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WINGO. Possibly the gentleman has stated it, and I did not get it. Under this bill how many persons will get the bonus?

Mr. MADDEN. One hundred and seventy-six thousand, and there are over 650,000 people in the Government service. You want to remember that the bonus applies to only 176,000 of them, that it never has applied to the others, can not apply to them, and will not apply to them all. In this bill we have enumerated the number of people in every department who will be entitled to the bonus and the amount that will be carried for each department, and we have provided that under no circumstances can the head of a department expend in the payment of the bonus a sum in excess of the amount set out in the bill.

Mr. CRISP. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Georgia.

Mr. CRISP. Can the gentleman tell me how much money the Government pays yearly to its civil employees?

Mr. MADDEN. It is about $600,000,000. I think, altogether. I will put the correct figures in the RECORD.

Mr. CRISP. I was curious to know, and I know of no one better prepared to answer that question than the gentleman from Illinois.

Mr. DENISON. Will the gentleman yield?

Mr. MADDEN. I yield to my colleague.

Mr. DENISON. In the original bonus legislation some language is used which would indicate that Congress did not intend the bonus to go to the employees on the Panama Canal.

Mr. MADDEN. That is true in this bill.

Mr. DENISON. They have been receiving it heretofore.

Mr. MADDEN. Then that is in violation of law.

Mr. DENISON. Is there anything in the bill on the subject of the Panama Canal?

Mr. MADDEN. Yes; here is what it says:

The provisions of the act do not apply to the following employees: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues, except employees of the Post Office Department in the District of Columbia, who shall be included; employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916, except employees of the United States Tariff Commission, the United States Veterans' Bureau, the Bureau of the Budget, the General Accounting Office, and the Bureau of Accounts of the Post Office Department, who shall be included, but the additional compensation granted herein shall not be paid to any person employed in the United States Veterans' Bureau who did not receive the additional compensation during the fiscal year 1922; employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside source under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries.

Mr. KNUTSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KNUTSON. Under the provisions of this act could the postal employees receive a bonus?

Mr. MADDEN. Their salaries have been classified, and that would be an equivalent. They have never been included.

Mr. DENISON. Notwithstanding that provision, the Panama Canal act provides that the employees in the Canal Zone shall receive 25 per cent more than is paid to similar employees.

Mr. MADDEN. That is true; but that is on account of the climatic conditions and not on account of a bonus.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. Why is it that you have not passed the reclassification bill?

Mr. MADDEN. We have.

Mr. GARNER. The gentleman can not take the position that his party has fulfilled its promise to pass all these meritorious bills that is said was absolutely essential when they are still pending in the Senate?

Mr. MADDEN. The distinguished gentleman from Texas knows that I am heartily in favor of the reclassification act, and there is nothing for which I could express more regret than the fact that it has not been passed by the Senate. The House has done its duty.

Mr. GARNER. Does not the gentleman believe that one way to force them to pass it is to say that we are not going to pass any bonus bill?

Mr. MADDEN. I said a few minutes ago that it would be better for the employees if we did not give them any bonus, because then they would organize to such an extent as to be able to force the passage of the law. But even if the reclassification act is to be passed there will have to be a bonus until the reclassification under that law takes place.

Mr. BOND. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BOND. I understand there are 175,000 people who get the benefit of this act. Was this the amount they got under the pre-war basis compensation?

Mr. MADDEN. The base pay was not increased.

Mr. BOND. Was this pre-war pay as high as the employees outside of the service got?

Mr. MADDEN. The outside service all over the United States is reducing the compensation every day.

Mr. BOND. Not to less than the pre-war basis.

Mr. MADDEN. Far below the basis on which these people are paid. They are paid higher than those on the outside.

Mr. CROWTHER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CROWTHER. The gentleman from Illinois and I had a controversy a few moments ago regarding the statement made by him some weeks ago. I want to call attention to the debate which the gentleman had with the gentleman from Alabama [Mr. OLIVER] on the legislative appropriation bill, and call attention to the fact that the gentleman from Illinois did not deny that he had made such a statement. The gentleman from Alabama [Mr. OLIVER] said:

The gentleman has stated through the press that in the event the reclassification bill does not pass he will ask for a resolution extending the bonus for another year.

So unless we do provide in the way which I have suggested for these parties and that reclassification bill does not pass they would absolutely have no relief whatever.

And the gentleman from Illinois said, "We can include them." I think that this statement was heralded in the press here in Washington and all through the country and carried the message that the gentleman from Illinois intended that the bonus should stand for another year without any change.

Mr. MADDEN. Oh, the gentleman can not twist what I said by any system of imagination to mean that I ever promised anybody anything.

Mr. CROWTHER. I do not have to twist it; it is printed here in plain English.

Mr. MADDEN. The gentleman can not make me say that I agreed to anything. I said, "We can." And that means "you can"; that Congress can. What I did say was this; I think I can quote what I said. I did not say it on that day. I said it when I was presenting the Treasury bill. I said we do not include the bonus to civil employees of the Government in this or any other appropriation bill; that we would not include it in any of these bills, but when the time came, toward the end of the session, if it was thought wise by Congress to consider the question, we would be glad to take it up for consideration. That is what I say now; we are taking it up for consideration. We have kept our pledge; we have presented the question for consideration, and you have the power to decide it.

After a careful and painstaking consideration we concluded that $180 ought to be paid instead of $240, and that conclusion was reached after careful study and deliberation, taking into account the people of the United States that paid the taxes as well as the people of the United States who received the bonus.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CROWTHER. The gentleman refers to the people who are going to be burdened by this taxation. I notice he refers to one class, the farmers, and pictures to us their distress in words magically eloquent. How long since has the gentleman been coddling agricultural interests when he speaks of economy?

Mr. MADDEN. Oh, I want to say to the gentleman that I have been an agriculturist all my life.

Mr. CROWTHER. Does the gentleman belong to the agricultural bloc?

Mr. MADDEN. I belong to the great American group consisting of 110,000,000 people.

Mr. CROWTHER. The gentleman did not refer to them, or express any regret regarding the burden of taxation they bear in common with the farmers.

Mr. MADDEN. Oh, yes; I said that there were 110,000,000 people, and that we are presumably here to speak for them. Did he not hear that?

Mr. CROWTHER. I heard that, but the gentleman specifically referred to the farmers.

Mr. MADDEN. Oh, I was describing a particular case.

Mr. GARNER. Oh, let us have harmony, harmony. [Laughter.]

Mr. MADDEN. The gentleman's heart is entirely too tender.

Mr. CROWTHER. Oh, I do not want to be technical——

Mr. MADDEN. I said tender, not technical.

Mr. CROWTHER. Would the gentleman be willing to set aside these $9,000,000 that he claims we would save as a little nest egg for the soldiers' bonus?

Mr. MADDEN. I am in favor of putting the $9,000,000 into the Treasury of the United States, and if it is possible to add something to that, to relieve the burden of taxation from the backs of the people. I am in favor of that.

Mr. CROWTHER. I want to say to the gentleman that I am as anxious as he is that the burdens of taxation shall be lightened, but I think it is a mighty poor way to save money by cutting down wages.

Mr. MADDEN. I am not complaining about what the gentleman thinks or knows, but I have my views about what we ought to do, and the gentleman can differ from me if he wants to, and it will not hurt my feelings a bit.

I reserve the remainder of my time.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, at the time I asked for 10 minutes I had overlooked the fact that the rule provided that the debate be confined to the bill. I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, would the gentleman mind stating what he is going to talk about.

Mr. POU. Not at all. I am going to discuss the legislation that is before the House, what the Committee on Rules has done, and the Muscle Shoals matter.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POU. Mr. Chairman, within the last few days the Committee on Rules has been rather generous in reporting out special rules. As many as nine have been voted out through the action of the Committee on Rules. Some of them are of very great importance, others are not quite so important. I find that one of the resolutions agreed to by the Rules Committee provides for the consideration of what is known as the Fish resolution, providing for an expression of opinion by the United States Government as to the advisability of establishing a home or refuge for the Jews in Palestine. The Rules Committee gave that matter very serious consideration and did not hesitate to authorize a favorable report.

Then, another rule is that pertaining to migratory birds. It is proposed, I believe, to require everybody who shoots migratory birds, such as quail, robbins, and woodpeckers, to take out a United States license and pay a fee. After this important piece of legislation becomes a law no man will dare to shoot migratory wild game without taking out a license and paying the Government a fee, or run the risk of prosecution and perhaps a jail sentence.

Then, another rule provides for the continuation of certain land offices. And still another rule provides for the passage of the Capper-Tincher grain law, which was very urgently pressed and which the Committee on Rules favorably reported this morning.

There is still another resolution which we reported out—and I speak seriously about this, because action should have been taken long ago. I refer to the bill which provides increased compensation to the totally disabled ex-service men; those who are totally blind; those who have lost both arms or both legs and who require the constant attention of a nurse. The Rules Committee did a very wise and necessary and commendable act in providing for the consideration of that particular measure. It ought to be passed unanimously.

Then we have given the Committee on Agriculture still another day. We dumped out, almost at one fell swoop, nine special rules. There is another matter of some importance that is pending, and inasmuch as everyone is talking about the three-day recesses and thinking of going home, a motion was made by a minority member of the Committee on Rules to provide for the consideration of the Muscle Shoals measure, which, I understand, has taken weeks of the time of the committee that had it in charge, a subject which has engaged the attention of the country almost as much as the subsidy bill. A motion was made to take this bill up and give the House an opportunity to vote upon it and forthwith a motion to adjourn was made, and the Committee on Rules upon motion voted to adjourn.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. POU. Yes.

Mr. GARNER. The gentleman ought to state to the House whether or not it was the minority to the majority that made the motion to adjourn, so that he can place the responsibility.

Mr. POU. I believe I am not permitted to go further than to state the result of the vote. I think it will not be denied that the minority was very earnestly in favor of the consideration of the Muscle Shoals measure.

Mr. GARNER. And the majority adjourned.

Mr. POU. And the majority adjourned on us, walked out of the room. So it seems they are not even going to consider this matter. Yet I sat in my seat and the time is not many months back when I heard the chairman of the Committee on Appropriations speak of Muscle Shoals as one of the great burdens of the Democratic administration, where the Democratic administration had sunk millions of dollars, all of which would be utter loss to the American people. It was stated that project was not worth a continental, and yet here is a man who offers to take it off the hands of the Government and the Committee on Rules adjourns and will not even give the House an opportunity to vote upon the Ford offer.

Gentlemen can draw their own conclusions. I am not here to discuss the Muscle Shoals matter, for I have not given it sufficient study, but I do know one of the most serious questions that concerns the agricultural masses of this country in this day and time is how to procure commercial fertilizer at fair, just, economical prices; and you will not always be able to sidestep this question, gentlemen. You may take your three-day recesses, you may go home, but just as sure as we are now in this Chamber the time will come in the not distant future when the Committee on Rules will not adjourn when the Muscle Shoals proposition is brought before that committee. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed out of order in the time allotted to him. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Chairman, the gentleman from North Carolina [Mr. POU] has referred to some of the troubles that are laid at the door of the Committee on Rules. The gentleman told you of our troubles. What he has told you I am sure has impressed the committee of the trend of the House of Representatives to go to the Committee on Rules whenever the House wants action upon any matter. I mention this because there will come a time in the very near future when it will be necessary for the House of Representatives to make some provision for the Committee on Rules to execute the will of the House with some degree of expedition. Now, as to the rules which have been agreed to I want to say this: I think the gentleman from North Carolina will not disagree with what I say. The Committee on Rules has not sought any of the business which has been transacted by it. We have not gone out after any of these bills. They have come to us. Their importance have been impressed upon the committee, and we have yielded to the demands of the House of Representatives in granting these rules. It is true——

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. GARNER. Has the pressure been greater for these various nine rules on the committee than the Muscle Shoals matter?

Mr. CAMPBELL of Kansas. Yes; the only pressure brought to bear upon the Committee on Rules for a rule on Muscle Shoals was a motion made this morning in the committee by a member of the committee to report out a resolution that was pending in the committee.

Mr. GARNER. Will the gentleman be kind enough to tell us why the rule was not reported?

Mr. CAMPBELL of Kansas. I have only five minutes. [Laughter.] I will state this to the gentleman from Texas, that one of the purposes was to give the gentleman from Texas an opportunity to read the bill and the report.

Mr. GARNER. Well, does the gentleman mean to say that there was nobody on the Republican side sufficiently interested to ask a rule or press the committee for action?

Mr. CAMPBELL of Kansas. I mean to say this, that the bill providing for the giving away of Muscle Shoals and guaranteeing for 100 years the expenses of its maintenance was only reported eight or nine days ago. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. And I think the matter of giving away $107,000,000 worth of property and guaranteeing its maintenance for 100 years is a matter of sufficient importance to justify the Committee on Rules in asking the House of Representatives to acquaint itself with the provisions of the bill, and that the Members may read not only the bill but the report and minority views.

Mr. GARNER. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Is the gentleman in favor of the Muscle Shoals proposition?

Mr. CAMPBELL of Kansas. I have only had an opportunity to read the bill itself. I want now to read the majority report and the minority views, and I shall state when the roll is called whether I am in favor or against the bill.

Mr. GARNER. When is the gentleman going to let us have that roll call?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I yield five additional minutes to the gentleman.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. JOHNSON of South Dakota. Does the gentleman from Kansas know of anything the Rules Committee could do or any rule it could pass that would recover back the approximately $75,000,000 wasted on Muscle Shoals by the last Democratic administration? [Applause.]

Mr. CAMPBELL of Kansas. The gentleman from South Dakota has propounded a poser, and that I submit to my friend from Texas to answer—in his own time.

Mr. GARNER. If the gentleman will give an opportunity, the House of Representatives, I believe, including the Republicans, will tell how to get it back. Are you going to give us a chance; will the gentleman give us a chance?

Mr. CAMPBELL of Kansas. Oh, the gentleman from Texas can not throw me into a spasm.

Mr. GARNER. I would like to have the gentleman tell us if he is going to give us a chance to have a roll call?

Mr. CAMPBELL of Kansas. The matter is of great importance and will be considered in due time when reached, but it will not be considered in the interest of any one man when it is considered, but in the interest of the whole American people.

Mr. GARNER. When can we have that opportunity on behalf of the American people?

Mr. CAMPBELL of Kansas. There will be a time for the consideration of all these important matters. Now, I want to say the Committee on Rules has reported out for the consideration of the House some rules here this morning which were spoken of lightly by the gentleman from North Carolina. The matter pertaining to what is known as the Capper-Tincher bill is a matter of very great importance to the people of this country. The matter has been before the country in one way or another for a great many years. The legislation has heretofore failed. In a recent decision the Supreme Court decided that the taxing clause of the Constitution could not be resorted to for regulatory purposes. It indicated in its opinion the way by which the end sought might be reached.

The Committee on Agriculture, after long and arduous labor, met the conditions imposed by the Supreme Court and incorporated them in the bill, and the bill has been reported by the Committee on Agriculture, and a rule, of course, after considerable difficulty, has been finally agreed to by the Committee on Rules, and will be presented if the chairman of the Committee on Rules may have the indulgence of the House to-morrow morning after the reading of the Journal.

The other matters that were presented are of such importance that the legislative committees agreed to them, and the Committee on Rules should not be criticized for enabling the legislative committees of the House to function as they have desired.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. KINCHELOE. Speaking of the rules asked for by the Committee on Agriculture, does the gentleman remember when the Rules Committee gave the Committee on Agriculture three days for considering bills and the sugar bill was brought up and defeated?

Mr. CAMPBELL of Kansas. That is behind us.

Mr. KINCHELOE. It was considered and defeated, and I was wondering after the election if they were to give them another opportunity to get loot out of the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY of Illinois. Mr. Chairman, I protest most vigorously against the short-sighted, close-fisted, unjust, and tricky proposal rushed in here to cut the salaries of Government employees after they had been led along to believe that they would get at least $240 in adjusted compensation, if not substantial permanent increases in their salaries.

In endeavoring to crowd this measure through at the eleventh hour, with the implied threat that we must vote for it or the army of faithful clerks will get nothing in the way of a miscalled "bonus," the Republican majority is but shoveling a few more spadefuls from their political grave.

The present—and passing—Republican administration won their elevation by promising the people efficient economy, a reorganization of the Federal workshop, and a reclassification on a scientific, businesslike basis of the thousands of earnest workers in the Government service. They have done none of this.

Failing under a scientific Budget system to make anything more than a paper showing of saving on expenditures, they now flaunt before us that they can save $9,000,000 by taking $5 a month out of the pay envelopes of Uncle Sam's employees, every one of whom receives less than $2,500 and most of them from $900 to $1,200.

In the name of all that is reasonable, how can anyone, married or single, support a family on that much. And, mark you, we call this a "bonus," but it is not. This is adjusted compensation, to every cent of which, and more, the workers are entitled. This was given to them in lieu of increases in salaries at a time when the high cost of living was driving them crazy and to cajole them into staying in the Government service during the easy-money days when they could have received much more in outside employment. Remember, too, that these are the "truck horses" of the Government service who keep the wheels of government moving steadily. They know their jobs and do the work. But you called in during the war days immature boys and girls and inexperienced men and women and gave them from lump-sum appropriations far more than these experienced, reliable, and dependable employees were receiving. The people of the country will frown upon an administration and a party that strives to make a false showing of "economy" by taking $5 a month out of their meager salaries.

You Republicans have failed also to put through your efficiency-economy program of reorganization, because several members of the Harding Cabinet have been at swords points among themselves, each jealous and fearful that he will lose some small fraction of his temporary and transient jurisdiction. This Cabinet fight has developed into what would be a national scandal, and you try to cloak it over by taking $5 a month from the pockets of the Government employees of small salaries.

Again, you Republicans have failed to put through the promised reclassification. Why? Because with two measures before you carrying different schedules of increases you have allowed pride of authorship in these particular bills to get them into a deadlock. Yes; and the situation has grown so tense that your party leaders have gone to the President urging him to call a conference of the quarreling Republican fathers of these bills and to get them to compromise in the interests of party success. Here you had carefully considered schedules to establish new statutory salaries for the Government workers, both of which proposals meant substantial increases above their present salaries plus the bonus. Personal and party politics have prevented the passage of either measure.

With the avowed purpose of the reclassification bills to put all Government employees doing the same or equivalent work on an equal-pay basis this Congress, Republican in both branches, has created still further discrimination which will be intensified by the passage of the measure now under consideration. You have put certain classes of Government workers on an increased pay schedule, giving them new, permanent, statutory salaries—for example, the postal employees and the employees of the Patent Office. That action was perfectly proper and justified. But your proposition now to create still further discrimination by cutting the salaries of all other low-salaried workers is unjustified, unjust, and nonsensical.

You have the official reports of the United States Bureau of Efficiency that the present schedule of salaries is disgraceful. You have the testimony of department heads and leaders in Congress that there must be substantial increases. You have had laid before you comparative statistics showing that Uncle Sam has more efficient but woefully underpaid help than in any private industry. You have the official reports of the Department of Labor giving statistics which show an increase in the cost of living for the District of Columbia.

I wish to call to your attention the fact that wholesale prices from January, 1922, to May, 1922, are on the upward trend and are still going up. Prices of farm products increased 8.2 per cent, food 5.3 per cent, fuel and lighting 10.8 per cent, and the general index of wholesale prices, including 400 commodities, shows an increase of 7.2 per cent from January, 1922, to May, 1922. Cloths and clothing as measured by the wholesale prices increased 2.3 per cent. If wholesale prices are to continue to go up, as indicated by these figures, retail prices along all lines will stop going down; in fact, they have stopped. The retail prices of 43 articles of food in the District of Columbia have increased 2.1 per cent in the last two months, and this is an average increase, which, of course, means that a number of single articles of necessary consumption have increased very materially in that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY of Illinois. May I have one minute more?

Mr. BYRNS of Tennessee. I yield to the gentleman one minute more.

Mr. RAINEY of Illinois. With this testimony before you, with scientific schedules prepared by experts before you, you play politics and then your tight-fisted and shortsighted Appropriations Committee brings in a verdict that we must tax all

Government workers $5 a month if we expect to win reelection. Yes, gentlemen; that is, in effect, what the report on the misnamed "bonus" bill says.

And while you have continued to play the game of "wiggle and wobble," leading the workers to rest confident that they would get at least their present salaries continued, then smugly coming out and saying, "We did not assure them the $240 bonus; we only promised them a bonus," you have been forgetting that there is a moral obligation on Uncle Sam as an employer not to short change his workers in this way. You seem to have forgotten that if there is one trait strong in the American people—in the voters, if it pleases you, since your whole concern seems to be how they will look upon what you do—that is "fair play." I tell you that you are not playing fair with these workers, and the American people will not be satisfied with such action.

It is not the fault of the Government employees that there has been delay in passing the reclassification bill. They have been very patient in waiting. For years they have suffered the throes of periodic uncertainty regarding how much salary they are to get. If a Budget system was necessary for the Federal Government, it is just as necessary for each employee to know how much salary he is going to get and that he can be sure of. These thousands of Government employees, doing what is most essential for the future of the Government, bringing up their families according to American standards, educating them in American ideals, have been led to expect at least as much salary next year as they have been getting this year. Now you come and say, "We must cut you down $5 a month." It is easy to say, "Thus we save the country $12,000,000." But that $5 a month means more than most of you realize to these people, all of whom are in stringent if not destitute circumstances.

Nowhere has there been any evidence to show that the Government employees are getting excessive salaries and that they should be reduced, yet here you come with a blanket proposition—we are going to cut all the low-salaried employees $5 a month.

You had better think it over very carefully, gentlemen, from an economic standpoint, from a question of humanity, and—since it seems to move you most—from a political viewpoint also. "Beware of November, 1922." [Applause.]

Mr. MADDEN. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, when the cost of living and the compensation of employees generally in the country were greatly increased on account of the war, Congress first provided a bonus of $120 a year to the civil employees of the Government; and subsequently, when the cost of living was still increasing and the compensation of employees generally had been further increased, the bonus was increased to $240 a year. In the opinion of the committee some recession can be made in that amount now. But here is the situation: The reclassification bill as it passed the House provided for a reclassification of the civil employees of the Government based on the salaries which they were receiving at the time the reclassification takes effect which, if it should become a law at once, would not be until July, 1923. The reclassification would not take effect until July, 1923. The initial salaries which the employees of the Government are to receive under that reclassification will be largely based on the salaries they are receiving at that time, including any bonus as a part of the salary. So that if no bonus is granted for this next fiscal year that amount will not be taken into consideration, but the initial salaries under the reclassification act will be the basic salary without a bonus. But if we provide for a bonus for the next fiscal year, then the amount of that bonus will be included in the permanent salaries under the reclassification act.

Mr. LAYTON. Regardless of the cost of living.

Mr. MANN. It would not make any difference about the cost of living. Now, while I am not in favor of paying large salaries to Government employees, I submit that there has been a permanent increase in the cost of living which will be permanent during our day and generation to at least the amount of the bonus proposed here. And if we passed a reclassification act designed to bring some spirit of cooperation and sympathy from the employees of the Government, it would not be wise to base the salaries fixed by the reclassification act merely upon the old salaries which the employees have been receiving for many years. Hence we ought to provide for some bonus for the next fiscal year. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Maryland, Mr. LINTHICUM.

Mr. LINTHICUM. Mr. Chairman, I find that people in my district and my State are crying for economy, but I have never yet found any of them crying for that kind of economy which requires the reduction of the salaries of the poorest-paid employees of the Government. I find that salaries throughout my section are all from 50 to 100 per cent more than they were before the war, and certainly to take off or reduce this additional compensation at this time is highly improper, in my judgment, when everything is so very high, such as rent, foodstuffs, and clothing; in fact, everything we must purchase.

I noticed in the paper yesterday where the chairman of the Shipping Board made appointments of two or three men at salaries of $25,000 a year. You have been creating a number of offices during the past year aggregating $7,500 to $10,000 a year, and there are hundreds of such. It seems to me if we want to reduce the expenses of the Government by reducing salaries we ought to adopt the same principle we adopted in reference to the income tax. In the income tax we said that the men who received the largest salaries and the largest incomes should bear the greater proportion of the Government expenses. We should carry that policy or principle into the wage question, and if we must reduce the expenses of the Government by reducing salaries we should begin with the men receiving the high salaries and not start in with the men who receive small ones.

There are 176,000 employees affected by this bill out of the total of 600,000 employees, and by reducing the additional compensation from $240 to $180 would be saving $9,000,000. There has been a great deal of talk about the reclassification bill, but according to my recollection when that bill was under discussion it was plainly stated that the reclassification act would be a greater expense upon the Government than the $28,000,000 called for under present legislation. It certainly is not right, it is not fair, to carry out what the gentleman from Illinois and the gentleman from Tennessee said, and use the Government employees to build a fire under the Senate to compel it to pass the reclassification bill.

If the Senate does not choose to do it, it is up to the Senate, but it is not fair nor proper for this branch of the Government, the representatives of 110,000,000 people, to take it out upon Government employees merely because of the Senate's neglect of Government employees and make them bear the loss and expense in salary.

I do not believe we pay tremendous salaries, except in few instances. In the Bureau of Printing and Engraving—of which I said something the other day, several capable men were ousted by this administration—I noticed in the speech of the gentleman from Virginia [Mr. MOORE] that the Chief of the Bureau of Printing and Engraving, Mr. Rose, one of those removed and who was receiving a salary of $5,000, had been offered in the last two days by an English engraving concern $20,000 a year salary. In other words, we were receiving the services of a man for $5,000 for which an English concern is willing and ready to pay $20,000. Mr. Smiley, the head of the Vignette Engraving Division, who received a salary of $7,500, was offered a position by the American Bank Note Co. paying $10,000 a year. I think you will find all down through the line that there are hundreds of Government employees who can get better salaries outside than the Government is paying them to-day.

You will ask, Why do they not accept those positions? The man who comes to Washington as an employee purchases a home, gets his children established in school and is tied to the job in the Government, and whether you reduce his salary or increase his salary, he can not leave because every tie binds him to those things most dear to him. He is bound to Washington, and it is for the House of Representatives and the Senate to see that he is fairly and justly treated. So I take the position that, considering the increase in the price of everything, I shall support the compensation of $240 a year, as is now the law and should be the law for the next year. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, the constant abuse of the word "bonus" in relation to the salaries of Government employees is shocking. The $240 allowance is not a bonus. A bonus is either an extra reward for extra effort or it is a gratuity. The increase of $240 was given because Congress was either too lazy or too incompetent to give an increase which should be proportionate to the rise in the cost of living. Instead of studying the thing and raising the compensation, so that it should conform to the increased cost of living, Congress discovered the word "bonus." The bonus was fixed at $240. It was not $239; it was not $211 or $199.67, but $240. So far as the amount was concerned, it was purely an accident. It was surely not the result of study or investigation, and it had no relation whatever to the actual needs of the Government employee.

Is the reduction in the cost of living between the year 1920 and now such as would justify us in reducing the present compensation of the Government employees? Any man who knows anything about the cost of living knows that we can not get our shoes or clothing or a home to live in or anything we want without paying at least 50 per cent more than we were paying several years ago. We are not paying enough to the Government employees as it is. I am not one of those who would like to show my friendship for labor at the expense of Uncle Sam. Many an inveterate enemy of organized labor and many a man who in his private capacity seeks to bind the hands of labor by injunctions and similar methods becomes very liberal at the expense of Uncle Sam.

Then there is another thing. Why do you assume that the condition of employees must not improve? Why do you take it for granted that they can not improve upon the condition that existed in 1914 or 1915? Why do you lay so much stress and emphasis on the cost of living? The standard of living of civilized man necessarily involves the element of growth and expansion. Civilized man wants more to-day than he wanted 10 or 15 years ago. The demands of life are greater, the call of life is stronger. You can not so mold and shape civilized man as to make his standards unchangeable. Why proceed upon the theory that the condition of the employees who happen to work for the Government can never improve; that his life must never be enlarged; that his standards must never be raised? It is poor economy, indeed, to attempt to save nine or ten million dollars by deducting $5 a month from the earnings of the men who get $800 or $900 a year from the Government of the United States, and they constitute the majority of the beneficiaries of the so-called "bonus."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I have paid close attention to the debate, and, although I have not had the time to make an accurate study of how all this would work out, I am sure that it will make confusion and trouble at one place. I happen to be a member of the Joint Committee on Printing, and only yesterday that joint committee met for the purpose, among other things, of considering an appeal which has been put out broadcast by the Civil Service Commission in an effort to keep up the supply of printers needed at the Government Printing Office. The work is heavy there. The printing business is heavy throughout the United States. There is a shortage of expert printers. A partial reason for the shortage of printers at the Government Printing Office is that the printers under the scale fixed by Congress, with the bonus added, at the Government Printing Office, working eight hours a day, is less than the scale for commercial printers here in the city of Washington. The wage scale in the newspaper offices down town for 42 hours a week is $43.68 and in the Government Printing Office it is $40.60 for a 48-hour week.

Mr. MADDEN. What about the 30 days' leave?

Mr. JOHNSON of Washington. In the book and job offices it is $42 per week. These are commercial propositions. Of course, we must take into consideration the vacation and the sick leave, but I do not think that people on an hourly basis should have them. However, we do not cure that defect with this legislation. We simply make the situation worse. My experience is that people paid in that way, and many others, for that matter, by the very nature of things live from hand to mouth, practically speaking. When the time comes to get a job, the printer who needs the money will take the seven-hour job at $44 rather than the Government eight-hour job at $42 with a vacation thrown in at some time in the rosy future.

If the bonus is reduced to the figures proposed in this bill, the Government scale will be $38.40, as against $43.68 down town. There are over 4,000 employees in the Government Printing Office, a great institution. We were told yesterday in our effort to supply the need for labor there through the civil service that this scale, not counting the leave, is less than the commercial scale in other surrounding cities, in Philadelphia and in New York.

Mr. MADDEN. How much less work do those men do than men in a commercial house in a day?

Mr. JOHNSON of Washington. They work one hour more.

Mr. MADDEN. How much less work do they do?

Mr. JOHNSON of Washington. A good printer, in my opinion, will do the work he should do in an hour. We are assumed to have good printers.

Mr. MADDEN. The testimony before one of our subcommittees was to the effect that for the same class of business, the same amount of business, the same volume of business, as they do in the Government Printing Office they could do it with 2,600 employees less.

Mr. JOHNSON of Washington. That may be so as to every form of Government work.

Mr. MADDEN. And the Government Printer admitted that that was true.

Mr. JOHNSON of Washington. I suspect it, but we run that Printing Office and we have to have the printing. We do the best we can; there are many good men there; we get the best men we can. We are unable to bring in new, snappy printers for every single place; for that reason we have quite a number of employees below the fair standard of efficiency; but the Government does not have a way of throwing out broken-down printers.

Mr. WALSH. Can the gentleman state whether there has been any reduction in the number of employees at the Government Printing Office since we reduced the number of these magazines and pamphlets?

Mr. JOHNSON of Washington. It is going on continually. During the year just past there was a reduction from 4,765 men to 4,255, and the reduction still goes on. In spite of doing away with voluntary printing—that is, unnecessary Federal publications—the Federal establishment is rapidly growing larger and the demand for printing is larger. Consider, for instance, the printing of these income-tax blanks, which are sent to all the people of the United States; it amounts, probably, to as much as the cost of the whole business of the Government Printing Office 20 years ago. Do you know what it means to print these millions of blanks which go over all the country to every man who has an income?

My opinion, after listening to this debate so far, is this, that we are likely to destroy the system not only here but elsewhere in chopping off the $240 bonus before we get anything else quite ready, and rather than see this bill beaten with the words "one hundred and eighty dollars" in it I think it would be better to amend this bill and make it a legal $240 bonus. I yield back whatever time remains.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield five minutes ot the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, this matter comes before the committee on a proposition affecting the compensation for the fiscal year 1923 of 176,000 of the poorest-paid Federal employees. I think it is unfortunate that it has been referred to as a "bonus" and the impression given that it is a mere gratuity or favor that Congress grants out of a spirit of good will and not out of a spirit of a legitimate businesslike effort to meet extraordinary conditions that grew out of the increased cost of living during the war. I think a majority of the Members when they voted for the $240 bonus, or rather when we first started the bonus which was less than that, had in mind the idea that possibly the increased cost of living we were seeking to meet was a temporary proposition that would pass away with the end of the war. Now, the House is confronted with this situation: Has the increased cost of living receded; and if so, to what extent? The committee contends that it has receded to such an extent that you could reduce this additional compensation down to $180. That is the whole proposition. There was some reduction some time during the last year in the cost of living, but my information, and all the information that I could get, is that there had been a slight steady increase in the cost of living in the last few months, which will probably continue; and I think if you will get the figures on the cost of living you will find that in the lower grades of furniture and cotton goods and underwear and those things bought by the lowest-paid employees who are affected by this, I fear you will find that instead of there being a recession the price to-day has increased. I have occasion to know in a business way that the cost of the character of things referred to being put out by the mills for next season's delivery have advanced and that the trade journals point to it as evidence of the return of prosperity to the country.

Now, gentlemen, we know that rents instead of decreasing are advancing. Rents in the District of Columbia, by concerted action in the last 90 days, have been increased from $5 to $25 per month an apartment. And the same is true in Philadelphia, Chicago, St. Louis, Little Rock, Fort Smith, and all the other important cities where these people are largely employed. My information is that there is a steady increase in rents. Now, gentlemen, that presents to my mind this practical proposition: Has there been a recession? Will there be any for 1923? If what the industrial papers and the financial journals point to with pride as a sign of return of prosperity, a stiffening of commodity prices, if that be true, if 1923 justifies that expectation, I can not escape the conclusion that

these employees are going to have to pay as much, and in some instances more, for living in 1923 than in 1922 or 1921. Now, that is my candid judgment, gentlemen.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. WINGO. I have but five minutes. That is my candid judgment. Now, if that be true, then it occurs to me that there is no basis for a reduction in the compensation, if the prospect held out for the next fiscal year is that these lower-paid employees who buy this class of commodities find their costs will probably increase instead of decreasing. Then, I think that will seriously challenge any man's attention as to whether we should go ahead and reduce the pay of these employees. If you will frame a bill, if you can devise some scheme by which the legislative branch can compel a reduction in the number of employees now in the Government service, I am with you there. I think there is where the greatest economy can be exercised. Another method would be to reduce some of the salaries of officials drawing $10,000 up to and including those drawing $35,000, which latter positions this administration has largely increased over my protest. Another matter that prevents reducing salaries of the poorest paid Government employees as you propose is the pending Republican profiteers' tariff bill, which all honest, intelligent men admit will increase the cost of living at least $60 a year for each family.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Tennessee desire to use more time?

Mr. BYRNS of Tennessee. No; I do not.

The CHAIRMAN. Does the gentleman from Illinois?

Mr. MADDEN. Let the Clerk read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of $2,500 per annum or less, except as otherwise provided in this act, shall receive during the fiscal year ending June 30, 1923, additional compensation at the rate of $180 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,500 and less than $2,680 shall receive additional compensation at such rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,680 per annum, and no employee shall receive additional compensation under this act at a rate which is more than 45 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of $240 per annum for the fiscal year ending June 30, 1922, shall not be computed as salary in construing this act: *Provided further*, That where an employee in the service on June 30, 1921, has received during the fiscal year 1922, or shall receive during the fiscal year 1923, an increase of salary at a rate in excess of $200 per annum, or where an employee, whether previously in the service or not, has entered the service since June 30, 1921, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation.

Mr. LEHLBACH. Mr. Chairman, I desire to offer an amendment. On page 1, line 8, strike out the figure "180" and insert in lieu thereof the figure "240."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, strike out "180" and insert in lieu thereof "240."

[Cries of "Vote!" "Vote!"]

Mr. LEHLBACH. Mr. Chairman, I reserve my time.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MADDEN. Mr. Chairman, I hope the amendment of the gentleman from New Jersey will not prevail. [Cries of "Vote!" "Vote!"] You are not going to drive me off the floor. I have always been courteous to you, and I think I am entitled to respectful consideration, and I do not see why I do not get it. I do not believe the amendment ought to be adopted. Certainly it ought not to be adopted. We have the official statement of the Secretary of Labor to the effect that the cost of living has gone down 25 per cent since 1920. We have already knowledge of the fact that the so-called bonus was only given as a Government contribution to the increased cost of living. Now, if that is true, there is not any reason in the world why we should not take off part of this contribution when the cost of living has gone down. That it has gone down there is absolutely no doubt. What it may do in the future, of course, no one can say. I believe that in the consideration of the problem before us we ought to have in mind not only the employee and the justice we want to do to him but the man who pays the employee as well.

I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the Chair announced that the "ayes" seemed to have it.

Mr. MADDEN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 88, noes 43.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, now that the $240 has been adopted there are several other amendments that ought to be made.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MADDEN. I will offer the amendments, if the gentleman does not mind.

On page 1, line 10, strike out "$2,680" and substitute "$2,740."

The CHAIRMAN. The gentleman from Illinois offers an amendment. Does the gentleman wish to offer his amendments separately?

Mr. WALSH. That is the only way he can offer them.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 1, line 10, strike out "$2,680" and insert "$2,740."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment, on page 2, line 2, striking out "$2,680" and inserting "$2,740."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 2, line 2, strike out "$2,680" and insert "$2,740."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. And on line 4, page 2, strike out the figures "45" and insert the figures "60."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MADDEN: Page 2, line 4, strike out the figures "45" and insert in lieu thereof the figures "60."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this act who otherwise is entitled to receive the same.

Mr. LONDON. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman of the committee whether all the sections of the bill except section 1 are a copy of the existing law?

Mr. MADDEN. Yes; except the figures. We will have to change those to conform with the amendments as we go along.

Mr. LONDON. But the substance is identical?

Mr. MADDEN. Yes. We will have to change the figures as we come to them later on, in order to increase the amount.

Mr. LONDON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

Mr. MADDEN. Mr. Chairman, I ask leave at this point to offer a substitute to the legislative, executive, and judicial section on page 5.

The Clerk read as follows:

SEC. 6. That to pay the additional compensation provided in this act to employees of the Government of the United States, there are appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, respectively:

LEGISLATIVE.

United States Senate, $138,330; House of Representatives, $236,250; Library of Congress, $79,200; Library Building and grounds, $22,527; Architect of the Capitol, $64,455; Botanic Garden, $9,000.

Mr. MADDEN. Mr. Chairman, I ask leave at this point to offer a substitute to the legislative, executive, and judicial portion, following the section on page 5, to make the figures to conform to the adoption of $240.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to offer a substitute.

Mr. MADDEN. To conform to the amendment previously adopted, of $240. The only difference is to change the figures to agree with what has been adopted.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the substitute.

The Clerk read as follows:

In lieu of section 6, insert the following:

"SEC. 6. That to pay the additional compensation provided in this act to employees of the Government of the United States there are appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, respectively:

"LEGISLATIVE.

"United States Senate, $184,440; House of Representatives, $315,000; Library of Congress, $105,600; Library Building and grounds, $30,036; Architect of the Capitol, $85,940; Botanic Garden, $12,000.

"EXECUTIVE AND JUDICIAL.

"Independent offices: Bureau of Efficiency, $7,200; Civil Service Commission, $87,936; Commission of Fine Arts, $480; Executive Office, $10,560; Federal Trade Commission, $50,600; General Accounting Office, $506,400; Government Printing Office, $957,260; Interstate Commerce Commission, $315,812; National Advisory Committee for Aeronautics, $15,600; Panama Canal, $16,800; Rock Creek and Potomac Parkway Commission, $720; Smithsonian Institution, $109,044; State, War, and Navy Department Buildings, $372,000; Tariff Commission, $20,000; United States Employees' Compensation Commission, $15,800; United States Veterans' Bureau, $4,013,480.

"Executive departments: Department of Agriculture, $3,232,863; Department of Commerce, $1,835,159; Department of the Interior, $2,803,692; Department of Justice and the judiciary, $779,484; Department of Labor, $566,832; Navy Department, $444,720; Naval Establishment, $42,000; Post Office Department, $359,280; Department of State, $144,000; Treasury Department, $10,724,326; War Department, including the Military Establishment and all other field activities, $8,122,548.

"In all, $36,287,012: *Provided*, That the additional compensation granted in this act shall be applied by administrative officers in such a manner that the appropriations made herein will not be exceeded."

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Illinois.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

SEC. 7. That to pay the additional compensation provided in this act to employees of the government of the District of Columbia, the following sums are hereby appropriated: One million forty-nine thousand seven hundred and sixty-one dollars, of which 40 per cent is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia; $18,720 from the revenues of the water department on account of employees of that department; $39,000 from the revenues of the water department on account of employees of the Washington Aqueduct; $13,140 wholly out of the revenues of the District of Columbia on account of employees of the Minimum Wage Board, the play grounds department, and the community center department of the public schools.

In all, $1,120,621.

Sixty per cent of any amounts expended under the provisions of this act on account of employees of the United States whose basic compensation is payable 60 per cent from the revenues of the District of Columbia and 40 per cent from the Treasury of the United States shall be reimbursed to the Treasury of the United States from the revenues of the District of Columbia.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, line 18, strike out "$1,049,761" and insert "$1,399,681."
On page 6, line 21, strike out "$18,720" and insert "$24,960."
On page 6, line 23, strike out "$39,000" and insert "$52,000."
On page 6, line 24, strike out "$13,140" and insert "$17,520."
On page 7, line 4, strike out "$1,120,621" and insert "$1,494,161."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, may I ask my colleague what is the necessity of the last provision of section 7 as to reimbursement? The appropriation is made 60 per cent out of the revenues of the District of Columbia.

Mr. MADDEN. One has to do with the District employees and the other with Government employees.

Mr. MANN. I understand.

Mr. MADDEN. This has to do with District employees.

Mr. MANN. It appropriates 40 per cent out of the Treasury and 60 per cent out of the revenues of the District of Columbia. What is the necessity, then, of providing that the Treasury shall be reimbursed with 60 per cent of the revenues of the District of Columbia? The appropriation is made out of the revenues of the District of Columbia for the 60 per cent.

Mr. MADDEN. Some of the local courts and the Department of Justice are paid for partly out of the revenues of the District of Columbia and partly out of the Federal Treasury. Some of the employees are in these institutions, and it is necessary on that account to have that provision.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The gentleman from Oregon [Mr. MCARTHUR], Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having under consideration the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass. Is a separate vote demanded on any amendment?

Mr. VOIGT. Mr. Speaker, I ask for a separate vote on the Lehlbach amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. GARNER. Mr. Speaker, let us also have a separate vote on the Madden amendment, which is in conformity with the change in the bill made by the Lehlbach amendment.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. WALSH. Mr. Speaker, I withdraw the point.

The SPEAKER. The gentleman from Massachusetts withdraws the point that there is no quorum present. Is a separate vote demanded on any other amendment?

Mr. MANN. Does the gentleman from Wisconsin [Mr. VOIGT] desire a separate vote on one amendment?

Mr. VOIGT. On the Lehlbach amendment.

Mr. MANN. That is, to increase it. The appropriations go with it. It is all one proposition. The other amendments follow the Lehlbach amendment either way.

Mr. VOIGT. I withdraw my request and consent to have them all voted on together.

The SPEAKER. The question is on agreeing to the amendments.

Mr. WINGO. Mr. Speaker, a separate vote was demanded on the Lehlbach amendment.

The SPEAKER. It was withdrawn.

Mr. GARNER. Mr. Speaker, I demand a separate vote on the Lehlbach amendment.

Mr. WINGO. If that is done, it will be necessary to have a separate vote on the other amendment, especially in section 1, because they are all affected by the same amendment. If that should be voted down, the House would be in an embarrassing attitude.

Mr. WALSH. Regular order, Mr. Speaker!

Mr. WINGO. I am in perfect order, as the gentleman would know if he had been listening.

Mr. WALSH. Mr. Speaker, I demand the regular order.

Mr. WINGO. Very well. I will ask for a separate vote on each and every amendment, so as to please the meticulous gentleman from Cape Cod. [Laughter.]

The SPEAKER. A separate vote is demanded on each amendment. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: On page 1, line 8, strike out the figures "$180" and insert in lieu thereof the figures "$240."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. VOIGT and Mr. GARNER demanded a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 109, noes 19.

Mr. GARNER. Mr. Speaker, I object to the vote on the ground of there not being a quorum present.

The SPEAKER. The gentleman from Texas objects to the vote on the ground that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those favoring the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 220, nays 38, answered "present" 3, not voting 169, as follows:

YEAS—220.

Andrew, Mass.	Faust	Lee, N. Y.	Riddick
Ansorge	Favrot	Lehlbach	Riordan
Anthony	Fish	Lineberger	Roach
Appleby	Fisher	Linthicum	Robsion
Aswell	Fitzgerald	Little	Rodenberg
Bacharach	Foster	London	Rogers
Bankhead	Free	Luhring	Rose
Barbour	Fulmer	McArthur	Ryan
Beedy	Funk	McCormick	Sanders, N. Y.
Begg	Gahn	McLaughlin, Mich.	Sandlin
Bell	Gensman	McLaughlin, Nebr.	Schall
Benham	Gernerd	McLaughlin, Pa.	Scott, Mich.
Bird	Glynn	Mann	Scott, Tenn.
Bixler	Goldsborough	Mapes	Shaw
Bland, Ind.	Green, Iowa	Martin	Shelton
Bland, Va.	Greene, Vt.	Mead	Shreve
Boies	Griffin	Michaelson	Siegel
Bond	Hadley	Michener	Sinnott
Bowers	Hammer	Miller	Smith, Idaho
Brand	Hardy, Colo.	Mills	Smith, Mich.
Briggs	Harrison	Millspaugh	Smithwick
Brooks, Ill.	Hawes	Mondell	Snyder
Bulwinkle	Hawley	Moore, Ill.	Speaks
Burdick	Hayden	Moore, Ohio	Sproul
Burke	Hays	Moore, Va.	Stafford
Burroughs	Henry	Moores, Ind.	Stephens
Cable	Herrick	Morgan	Stevenson
Carew	Hickey	Morin	Strong, Kans.
Chalmers	Himes	Mott	Swing
Chandler, N. Y.	Hogan	Mudd	Taylor, N. J.
Chindblom	Hooker	Murphy	Temple
Clague	Huddleston	Nelson, Me.	Ten Eyck
Cole, Iowa	Hudspeth	Nelson, A. P.	Thompson
Cole, Ohio	Hull	Newton, Mo.	Timberlake
Collins	James	Norton	Tinkham
Colton	Jeffers, Ala.	O'Brien	Towner
Connolly, Pa.	Johnson, S. Dak.	O'Connor	Vaile
Coughlin	Johnson, Wash.	Ogden	Vestal
Crago	Kearns	Oldfield	Vinson
Crisp	Keller	Overstreet	Voigt
Crowther	Kelley, Mich.	Park, Ga.	Volk
Cullen	Kelly, Pa.	Parker, N. J.	Volstead
Curry	Kendall	Parker, N. Y.	Ward, N. C
Dale	King	Patterson, Mo.	Watson
Darrow	Kissel	Petersen	Weaver
Davis, Tenn.	Kleczka	Porter	Wheeler
Dempsey	Knutson	Purnell	White, Me.
Denison	Kopp	Radcliffe	Williams, Ill.
Doughton	Kunz	Rainey, Ill.	Wingo
Dowell	Lampert	Raker	Winslow
Dupré	Lankford	Ramseyer	Woodruff
Echols	Larsen, Ga.	Ransley	Wright
Edmonds	Lawrence	Reece	Wurzbach
Elliott	Lea, Calif.	Rhodes	Wyant
Ellis	Lee, Ga.	Ricketts	Yates

NAYS—38.

Almon	French	Layton	Sumners, Tex.
Atkeson	Garner	McDuffie	Tillman
Bowling	Garrett, Tenn.	McPherson	Tincher
Box	Graham, Ill.	Madden	Tucker
Butler	Hill	Magee	Walsh
Christopherson	Hoch	Quin	White, Kans.
Collier	Johnson, Ky.	Rankin	Williams, Tex.
Connally, Tex.	Kincheloe	Sanders, Tex.	Williamson
Dominick	Kraus	Sisson	
Fordney	Lanham	Snell	

ANSWERED "PRESENT"—3.

Byrnes, S. C.	Byrns, Tenn.	Cramton

NOT VOTING—169.

Ackerman	Codd	Gilbert	Kitchin
Anderson	Connell	Goodykoontz	Kline, N. Y.
Andrews, Nebr.	Cooper, Ohio.	Gorman	Kline, Pa.
Arentz	Cooper, Wis.	Gould	Knight
Barkley	Copley	Graham, Pa.	Kreider
Beck	Dallinger	Greene, Mass.	Langley
Black	Davis, Minn.	Griest	Larson, Minn.
Blakeney	Deal	Hardy, Tex.	Lazaro
Blanton	Dickinson	Haugen	Leatherwood
Brennan	Drane	Hersey	Logan
Britten	Drewry	Hicks	Longworth
Brooks, Pa.	Driver	Hukriede	Lowrey
Brown, Tenn.	Dunbar	Humphreys	Luce
Browne, Wis.	Dunn	Husted	Lyon
Buchanan	Dyer	Hutchinson	McClintic
Burtness	Evans	Ireland	McFadden
Burton	Fairchild	Jacoway	McKenzie
Campbell, Kans.	Fairfield	Jefferis, Nebr.	McSwain
Campbell, Pa.	Fenn	Johnson, Miss.	MacGregor
Cannon	Fess	Jones, Pa.	Maloney
Cantrill	Fields	Jones, Tex.	Mansfield
Carter	Focht	Kahn	Merritt
Chandler, Okla.	Frear	Kennedy	Montague
Clark, Fla.	Freeman	Ketcham	Montoya
Clarke, N. Y.	Frothingham	Kiess	Nelson, J. M.
Classon	Fuller	Kindred	Newton, Minn.
Clouse	Gallivan	Kinkaid	Nolan
Cockran	Garrett, Tex.	Kirkpatrick	Oliver
Olpp	Robertson	Strong, Pa.	Vare
Osborne	Rosenbloom	Sullivan	Walters
Padgett	Rossdale	Summers, Wash.	Ward, N. Y.
Paige	Rouse	Swank	Wason
Parks, Ark.	Rucker	Sweet	Webster
Patterson, N. J.	Sabath	Tague	Wilson
Perkins	Sanders, Ind.	Taylor, Ark.	Wise
Perlman	Sears	Taylor, Colo.	Wood, Ind.
Pou	Sinclair	Taylor, Tenn.	Woods, Va.
Pringey	Slemp	Thomas	Woodyard
Rainey, Ala.	Steagall	Tilson	Young
Rayburn	Stedman	Treadway	Zihlman
Reber	Steenerson	Tyson	
Reed, N. Y.	Stiness	Underhill	
Reed, W. Va.	Stoll	Upshaw	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gallivan (for) with Mr. Byrns of Tennessee (against).

Mr. Sullivan (for) with Mr. Steagall (against).

Mr. Tague (for) with Mr. Byrnes of South Carolina (against).

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Ackerman with Mr. Lowrey.

Mr. Jones of Pennsylvania with Mr. Sabath.

Mr. Clarke of New York with Mr. Kindred.

Mr. Kiess with Mr. Drewry.

Mr. Fairfield with Mr. Montague.

Mr. Luce with Mr. Stoll.

Mr. Codd with Mr. Wilson.

Mr. Fess with Mr. Upshaw.

Mr. Kline of New York with Mr. Rayburn.

Mr. Reed of New York with Mr. Swank.

Mr. Langley with Mr. Clark of Florida.

Mr. Burtness with Mr. Mansfield.

Mr. McKenzie with Mr. Pou.

Mr. Zihlman with Mr. Barkley.

Mr. Sinclair with Mr. McClintic.

Mr. Beck with Mr. Thomas.

Mr. Dallinger with Mr. Parks of Arkansas.

Mr. Gorman with Mr. Garrett of Texas.

Mr. MacGregor with Mr. Jacoway.

Mr. Griest with Mr. Sears.

Mr. Patterson of New Jersey with Mr. Oliver.

Mr. Treadway with Mr. Cockran.

Mr. Kennedy with Mr. Fields.

Mr. Maloney with Mr. Kitchin.

Mr. Kahn with Mr. Cantrill.

Mr. Greene of Massachusetts with Mr. Hardy of Texas.

Mr. Hicks with Mr. Taylor of Colorado.

Mr. Cooper of Ohio with Mr. Padgett.

Mr. Blakeney with Mr. Rucker.

Mr. Cannon with Mr. Woods of Virginia.

Mr. Frear with Mr. McSwain.

Mr. Graham of Pennsylvania with Mr. Wise.

Mr. Frothingham with Mr. Black.

Mr. Davis of Minnesota with Mr. Lyon.

Mr. Osborne with Mr. Deal.

Mr. Perlman with Mr. Blanton.

Mr. Summers of Washington with Mr. Johnson of Mississippi.

Mr. Newton of Minnesota with Mr. Stedman.

Mr. Olpp with Mr. Drane.

Mr. Hutchinson with Mr. Sears.

Mr. Knight with Mr. Jones of Texas.

Mr. Fuller with Mr. Taylor of Arkansas.

Mr. Dickinson with Mr. Driver.

Mr. Browne of Wisconsin with Mr. Campbell of Pennsylvania.

Mr. Goodykoontz with Mr. Buchanan.

Mr. Brennan with Mr. Gilbert.

Mr. Arentz with Mr. Lazaro.

Mr. Larson of Minnesota with Mr. Parks of Arkansas.

Mr. Strong of Pennsylvania with Mr. Humphreys.

Mr. Webster with Mr. Tyson.

Mr. Stiness with Mr. Rainey of Alabama.

Mr. CRAMTON. Mr. Speaker, I have a general pair with the gentleman from Oklahoma, Mr. CARTER, and I wish to withdraw my vote of "no" and answer "present."

Mr. CRAMTON answered "present," as above recorded.

Mr. BYRNS of Tennessee. Mr. Speaker, I have a pair with the gentleman from Massachusetts, Mr. GALLIVAN, and I wish to withdraw my vote of "no" and answer "present."

Mr. BYRNS of Tennessee answered "present," as above recorded.

The result of the vote was announced as above recorded.

Mr. WINGO. Mr. Speaker, the amendment having been adopted, I withdraw my demand for a separate vote on the other amendments and ask that the remaining amendments be voted on in gross.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The remaining amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MADDEN presented a conference report on the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for printing under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

PRINTING HOUSE DOCUMENT NO. 408.

Mr. JOHNSON of Washington, from the Joint Committee on Printing, presented the following privileged report, which was referred to the House Calendar:

House Concurrent Resolution 61.

Resolved by the House of Representatives (the Senate concurring), That there be printed 50,000 additional copies of parts 1 and 2 of House Document No. 408, being the report of the Joint Commission of Agricultural Inquiry, in four parts, of which 10,000 shall be for the Senate, 30,000 for the House, 1,000 for the Senate document room, 2,000 for the House document room, and 7,000 for the Joint Commission of Agricultural Inquiry; and that there be printed 100,000 copies of parts 3 and 4 of House Document No. 408, being the report of the Joint Commission of Agricultural Inquiry, of which 20,000 shall be for the Senate, 60,000 for the House, 2,000 shall be for the Senate document room, 4,000 for the House document room, and 14,000 for the Joint Commission of Agricultural Inquiry.

Mr. GARRETT of Tennessee reserved all points of order.

EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the gentleman from Alabama [Mr. TYSON].

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. CRAMTON. Reserving the right to object, the gentleman expects to print the extension in the back of the RECORD.

Mr. HUDDLESTON. I do.

Mr. CRAMTON. With that understanding, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUDDLESTON. Mr. Speaker, under leave to extend my remarks, I print a speech delivered by my colleague, Hon. JOHN R. TYSON, of Alabama, on June 11, 1922, to the Baraca Class of the First Baptist Church of Montgomery, Ala., as follows:

Ladies and gentlemen, I shall speak to you this morning on obedience to law.

In these days of reconstruction, in which the people of the civilized nations of the world are engaged in rehabilitating financial and political conditions, I know of no work which you can do more productive of "blessing," of mutual helpfulness in uplifting the citizenship of the Nation, and in working out the problems of life than the lending of the influence of your great fraternal ogranization, as a band of brothers, in creating conditions promotive of respect for law.

There can be no observance of and obedience to law unless there is a recognition of its supremacy and a reverence for it.

"All beings have their laws; the Deity has His laws, the material world has its laws, superior intelligences have their laws, the beasts of the field their laws, and man has his laws."

They emanate from God and radiate from the sun to the circling edge of creation. Indeed, the mighty Lawgiver has subjected himself unto the law. The virtue of nature is obedience to law.

In the operations of the natural world—the earth in its revolutions and the planets in the performance of their orbital functions—we find perfect obedience to the laws which their Maker prescribed for their regulation and government.

The least disobedience by them would result in the crash of worlds and the destruction of all vegetable, animal, and human life.

Burke has said: "There is but one law for all, viz, that law which governs all laws—the law of our Creator, the law of humanity, justice, equity; the law of nature and of nations."

And this law finds responsive obedience in every sphere of its operation except by man. He is the most intelligent of all God's creatures and is the most disobedient to all laws. He establishes governments of laws and violates them. He does not appreciate that "true obedience is true liberty"; that the virtue of Christianity is obedience and that the virtue of good citizenship is loyalty to the laws of his creation; that his "laws are the very bulwarks of his liberty; that they define every man's rights and stand between and defend the individual liberties of all men."

He does not appreciate that without respect and love for the institutions and traditions, which are the outgrowth of the purposes established, nourished, and sustained by the principles of a more perfect union ordained to establish justice, to promote the general welfare, and to secure to ourselves and to our posterity the blessings of liberty, this Republic, the pride of the civilized world, will of necessity be a failure.

No democratic people can be prosperous, contented, and happy who are unwilling to protect their morals, health, and safety by the enforcement of laws made by their accredited representatives, and no democratic people can conserve their liberty who willingly trample under foot the fundamental principles established by their constitution. To depart from those principles and to refuse to give to them obedience, and to refuse to revere them as the supreme law of the land, as the embodiment of the bedrock of the life and liberties of the people of the Nation, will be to destroy the Government and to bring to a once liberty-loving people despotism and anarchy.

Let us understand and appreciate that in forming the Union, sanctified by the adoption of the Constitution of the United States, our fathers recognized and sought to establish and promote man's relation to God, to himself, and to his fellow man, to ordain and establish that liberty, secured by governmental power, under which each citizen shall be forced to so conduct himself and so use his own property as not necessarily to injure another.

That in the creation of the indestructible Union of the States a democracy was established in this country recognizing that man was endowed by his creator with inalienable rights, such as life, liberty, property, and the pursuit of happiness, and that those rights can only be conserved by obedience and respect for law.

Let us understand and appreciate that those who stand for the violation of the laws of our country are enemies to our Constitution, our civilization, and our Christian institutions, for the establishment of which our forefathers shed their blood and gave up their lives, and that defiant lawbreakers are not good citizens; that they are enemies to the public peace and morality of the people; that they promote disrespect for the courts, degrade American ideals, and, if suffered to continue in their defiance of law, will ultimately destroy the patriotic spirit which has made America the greatest of all civilized nations.

Let us understand that they are preying upon the vitals of the Nation, undermining its social and governmental status, destroying the blessings of liberty and all else that is sacredly enshrined in the hearts of all loyal Americans.

Let us all understand and carry the message to the people of the Nation that "where law ends tyranny begins."

Let us understand and proclaim to the people that respect and reverence for law is the basis of our civilization, of our liberties, and our religion.

The partnership between law and order can not be dissolved.

Law stands for the corporate and individual privileges and restraints that make for the order of the whole. If the combination is to succeed the desire for order must inspire the enactment of law; for order, i. e., harmony, throughout the body politic, is the one justification of law. Law is never an end in itself. It is the handmaid of order. Let us not forget that our social salvation is dependent upon the sustained efforts of the individual to develop himself for the sake of and with reference to the community. Let your organization make every effort to impress the individual citizen with the responsibility of citizenship to the end that he may appreciate his obligations to the members of the community in which he lives.

May I be pardoned for saying to you on this occasion that you can not render a greater service to your God and to your country than by assisting in promoting conditions that will arouse a healthy public sentiment against the evil effects of disobedience to law which will ultimately put an end to its violation.

Violators of law can not withstand the militant spirit of love, when aroused, which the American people have for their God, their laws, and their country. In the language of Abraham Lincoln, "Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his fathers, and to tear the charter of his own and his children's liberty. Let reverence for the law be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in the courts of justice. In short, let it become the political religion of the Nation."

Let the citizens of this Nation understand and appreciate that our Government is a "government of laws and not of men," and that "liberty exists in proportion to wholesome restraint," that each of them must submit to the limitations of the law for the sake of the stability of society and the security of their lives, their property, and their happiness.

Let us all revere the majesty of the law to which no greater tribute can be found than in the lines of that great and good man, Richard Hooker, "Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care and the greatest as not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring her as the mother of their peace and joy."

Mr. RAINEY of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the President's letter which was read this morning be printed in 8-point type.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the President's letter read this morning be printed in 8-point type. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES of Texas (at the request of Mr. LANHAM), for to-day, on account of important business.

To Mr. SUMMERS of Washington, on account of illness in family.

To Mr. FENN, for 10 days, on account of important business.

EXTENSION OF REMARKS.

Mr. HOGAN. Mr. Speaker, I ask unanimous consent to print in the RECORD, in 8-point type, an address delivered by the gentleman from New York, Mr. KISSEL, at the Victory Monument, at Brooklyn, on May 28.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD, in 8-point type, a speech by his colleague, Mr. KISSEL. Is there objection?

Mr. CRAMTON. Reserving the right to object, the gentleman expects to put this in the back part of the RECORD?

Mr. HOGAN. I do.

Mr. CRAMTON. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HOGAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert an address delivered by Hon. JOHN KISSEL at the unveiling of the Victory and Peace Monument at Freedom Square, Brooklyn, N. Y., on Sunday, May 28, 1922. The address is as follows:

"Mr. Chairman, ladies, and gentlemen, when I went to Washington I resolved to stay at Washington, to be present in attendance at every roll call of the House of Representatives and to be in position, as your servant in Washington, to answer every call or demand that might be made upon me wherever the effort and influence of a Member of Congress might be of aid to you as my constituents, individually or collectively. I have been asked to attend banquets here, social and political reunions, and have declined. But the invitation to attend here to-day came as a call to duty, to honor, in common with all my neighbors of every shade of religious and political thought, the memory of those brave men whose noble deeds will be an inspiration to posterity so long as this Republic lives and radiates its influence around the world.

"This is a memorial of peace. This is a memorial of victory. But we glory more in the peace than in the victory. The happiness of our times and of the days to come flows not from victory itself, but from the peace that follows victory. We are assembled here to commemorate the achievements of our honored dead, the boys who are still living in our hearts and still remembered with affection in the homes around us to which they once brought light and joy. They died that other homes might be brightened although the darkness might steal into their own. They died to maintain the high ideals of the American Nation, enriched by the ambitions of the men and women of all races that go to make up the American Nation; and their names will live in history and be familiar to succeeding generations long after our names have passed beyond the memory of living man.

"It is one of the regretful things of life that there is no joy that has not its attendant sorrow. When we see here to-day around us those gold-star mothers, the women who really feel the real evils of war, we ourselves begin to appreciate what victory has cost and that the value of peace is priceless. Our hearts are moved to sympathy that can find no adequate expression to relieve their suffering. We can only offer them the consolation that the Eternal Father Himself has promised—that for every gold star shining here there is a gold crown on the other shore reflecting in the glorious light of God's own love that sympathy which passeth all understanding, that sympathy which alone can reach the hearts of these mothers and awaken the spirit of resignation which carries with it its own reward here and in the hereafter.

"No matter whether our thoughts of life are found in the Old Testament or in the New, or in what church or temple, or at what altar or shrine we may worship, we have the common knowledge that heavenly bounties await the men who have made the sacrifices that have bettered humanity. They have made the supreme sacrifice that the victory won by their death might bring peace into our lives; and we, who are present to-day, ought here and now to resolve that as we honor them so shall we honor ourselves by consecrating ourselves to the sacred duty of providing for the dependents of these men and at least to see that these mothers are not neglected by the Nation for which their brave sons died. Some of them left wives, some of them left children. They should not be stinted to the miserable pittance of a charity, but cared for in manner worthy of the name and fame of the honored dead, and all the honor we give them here to-day is idle if the dependents near and dear to them are at any time left to destitution or despair.

"There is one other duty that rests upon us that is suggested by what these men fought and died for. We have given thought, time, effort, and money—money in the billions—to establish the liberties of the people of other lands. We have so intensely been engaged in the interests of others that for the time we lost sight of our own. We must from now on give first consideration to our own people. These men died for us, too. Their victory was our victory. The peace they won they won for us.

"The liberties they fought for were our liberties as well as the liberties of the peoples of the Old World. And if you, who have made sacrifices of your own in your own way during the war, have surrendered or consented to the surrender of your personal liberties, have permitted the withdrawal one by one, almost imperceptibly, of the precious individual rights that victory and peace have guaranteed to other peoples or other nations, then these men whom we honor to-day have died in vain. If liberty, national liberty, personal liberty, dies on this continent, it can never live in any other.

"We have here performed a duty to the dead. We honor ourselves in honoring them. But we have a duty still to perform for the living, for ourselves, and our descendants, and with the example of these brave men before us, let us leave to-day with the determination that this victory we celebrate is an American victory, that this peace we glory in is an American peace, and that under this victory and under this peace the honest sentiment of the plain American people shall dominate the Government under which we live."

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Thursday, June 22, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

658. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a request for the enactment of legislation providing for the extension of the availability of certain appropriations to permit the settlement of claims of foreign nationals (H. Doc. No. 360), was taken from the Speaker's table, referred to the Committees on Appropriations and Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO: Committee on Military Affairs. H. R. 10144. A bill conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owners, for public park purposes; with amendments (Rept. No. 1126). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Military Affairs. H. J. Res. 353. A joint resolution authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the Louisiana Department of the American Legion for use at the national convention of the American Legion to be held at New Orleans, La., in October, 1922; without amendment (Rept. No. 1125). Referred to the House Calendar.

Mr. PARKER of New Jersey: Committee on Military Affairs. H. J. Res. 261. A joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; without amendment (Rept. No. 1127). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Printing. H. Con. Res. 61. A concurrent resolution providing for the printing of additional copies of the report of the Joint Commission of Agricultural Inquiry; with amendments (Rept. No. 1128). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 9316. A bill for the relief of Robert J. Ashe; without amendment (Rept. No. 1124). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 12105) providing funds for the erection of additional suitable and necessary buildings for the National Leper Home; to the Committee on Public Buildings and Grounds.

By Mr. FISH: A bill (H. R. 12106) for the retirement of all enlisted men who have served honorably in the United States Army as herein provided; to the Committee on Military Affairs.

By Mr. PETERSEN: A bill (H. R. 12107) to fix the salaries of postal employees in cities of over 1,000,000 inhabitants; to the Committee on the Post Office and Post Roads.

By Mr. FISH: Resolution (H. Res. 375) for the consideration of H. R. 8062; to the Committee on Rules.

Also, a resolution (H. Res. 376) providing for the printing of 5,000 additional copies of the hearing on H. J. Res. 322, favoring the establishment in Palestine of a national home for the Jewish people; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 12108) granting a pension to Ella S. Robison; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 12109) granting a pension to Frances A. Harris; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12110) granting an increase of pension to Francis M. McDonald; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12111) granting an increase of pension to Emiline Rader; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 12112) granting a pension to Candace A. Kain; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12113) granting an increase of pension to Mary E. Pinkley; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 12114) granting a pension to Charles F. Ogden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12115) granting an increase of pension to Lewis H. Palmer; to the Committee on Pensions.

By Mr. ROACH: A bill (H. R. 12116) granting an increase of pension to Geneva Beha; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 12117) granting a pension to James A. Moninger; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 12118) granting a pension to Mahala E. Broadbent; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6035. By the SPEAKER (by request): Resolutions adopted by the Presbytery of San Francisco at Livermore, Calif., urging the passage of House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

6040. Also (by request), resolution adopted by the Presbytery of San Francisco at Livermore, Calif., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

6041. By Mr. KISSEL: Petition of the Merritt & Chapman Derrick & Wrecking Co., New York City, N. Y., against the passage of House bill 10034; to the Committee on the District of Columbia.

6042. By Mr. RYAN: Petitions of John Hillock, 401 West Thirtieth Street; David Lyons, 440 West Forty-fourth Street; Frederick Buckhotz, 459 West Forty-ninth Street; and Charles F. Hillock, 401 West Thirtieth Street, all of New York City, urging the passage of the Fairfield bill relative to the retirement of Federal employees; to the Committee on Reform in the Civil Service.

6043. Also, petition of George A. Phillips, 764 Ninth Avenue, New York City, urging the passage of the Fairfield bill relative to retirement of Federal employees; to the Committee on Reform in the Civil Service.

6044. By Mr. WILLIAMSON: Resolution adopted by the Federal Employees' Union, No. 188, of Rosebud, S. Dak., urging the passage of an act providing for the continuance of the increased compensation pending the going into effect of the proposed reclassification of Federal employees; to the Committee on Appropriations.

6045. By Mr. WOODS of Virginia: Petition of residents of the State of Virginia protesting against the proposed duty on cotton gloves; to the Committee on Ways and Means.

SENATE.

THURSDAY, *June 22, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Simmons
Borah	Hale	McKellar	Smith
Cameron	Harreld	McLean	Smoot
Capper	Harris	McNary	Spencer
Caraway	Harrison	Moses	Stanley
Culberson	Heflin	Myers	Sterling
Cummins	Johnson	Nelson	Sutherland
Curtis	Jones, N. Mex.	Newberry	Trammell
Dial	Jones, Wash.	Oddie	Walsh, Mass.
Dillingham	Kellogg	Overman	Walsh, Mont.
du Pont	Keyes	Pepper	Warren
Edge	Ladd	Poindexter	Watson, Ga.
Ernst	La Follette	Rawson	Watson, Ind.
Frelinghuysen	Lodge	Robinson	Williams
Glass	McCormick	Sheppard	Willis

Mr. SMITH. I was requested to announce the absence of the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. McKINLEY], and the Senator from South Dakota [Mr. NORBECK], who are engaged in a hearing before the Committee on Agriculture and Forestry.

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on account of illness. My colleague has a general pair with the senior Senator from Delaware [Mr. BALL].

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. WATSON of Indiana obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator yield to me for a moment? I want to ask unanimous consent for the consideration of a resolution.

Mr. SMOOT. What is the resolution?

Mr. HEFLIN. It is Senate Resolution 308, which I offered yesterday afternoon, with regard to the circulation of the speech of the junior Senator from Virginia [Mr. GLASS]. That Senator was not in the Chamber at the time, and the Senator from Connecticut [Mr. McLEAN] asked that the resolution go over until this morning, when the Senator from Virginia could be here. The resolution calls upon every Federal reserve bank to do what the Atlanta bank has done.

Mr. WATSON of Indiana. I should like to know whether the matter will occasion debate?

Mr. HEFLIN. Not at all.

Mr. WATSON of Indiana. Yesterday I got myself into a situation where I yielded the whole blessed day, and I am not going to yield in that way to-day.

Mr. HEFLIN. If it leads to debate I shall not press its consideration at this time.

Mr. McCORMICK. Of course it will lead to debate.

Mr. WATSON of Indiana. It is bound to lead to debate, I am afraid. Why can not the Senator wait until I conclude my 30 minutes' speech? That is all the time I intend to take.

Mr. HEFLIN. I am here and the Senator from Virginia is here at this time. It would take but a moment, I think, to dispose of the resolution. I do not think anyone will object to it.

Mr. WATSON of Indiana. If no one else objects, I shall not object.

Mr. EDGE. Mr. President, in the absence of the chairman of the Committee on Banking and Currency, the Senator from Connecticut [Mr. McLEAN], I, as a member of the committee, would feel compelled to object. I do not wish to object, but I think the chairman of the Committee on Banking and Currency should be in the Chamber before the resolution is taken up.

Mr. HEFLIN. The chairman of the committee was in the Chamber; I saw him here just a moment ago.

Mr. EDGE. He is not in the Chamber at this time.

Mr. SMOOT. Mr. President, let us lose no more time. I object.

The VICE PRESIDENT. The Senator from Utah objects to the present consideration of the resolution.

PROHIBITION ENFORCEMENT.

Mr. STANLEY. Mr. President, some time ago a statement from the Manufacturers' Record was printed in the CONGRESSIONAL RECORD. Mr. Fish, of New Jersey, has requested me to incorporate in the RECORD some facts and figures touching the accuracy of that statement. I ask unanimous consent to have his statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HOIST WITH THEIR OWN PETARD.

One of the cleverest pieces of prohibition propaganda which has seen the light in many a day has just been "put over," to use the current phrase, and to the Manufacturers' Record, of Baltimore, belongs the credit for the accomplishment. The Record has long been noted as one of the bitterest and ablest prohibition publications in the United States, and the present achievement is in complete harmony with its past policy and performance.

It will be remembered by many readers that about five years ago a certain petition was presented to Congress praying for country-wide prohibition on physical, mental, moral, economic, social, and racial grounds. The petition was signed by 1,000 persons, most of whom could be truthfully described as leaders in business and the professions. It had been gotten up and circulated, we believe, by Prof. Irving Fisher, of Yale, who had previously been identified with the economic phase of prohibition propaganda. The petition of 1,000 achieved much note at the time and has generally been regarded as having been a powerful factor in bringing about national prohibition.

A short time ago the Manufacturers' Record, still as aggressively prohibition as ever, but too intelligent not to perceive the waning of that cause, conceived the idea that some good, from its standpoint, might be done if the signers of this petition could be consulted. Accordingly it sent a letter to each signer, asking him if he had changed his view and other questions related to the subject. Quite naturally a great number of replies were received, indicating that the writers were still firm in the faith. A summary of the replies was gotten up by the Baltimore publication and a pamphlet containing all of the replies was printed. The summary was sent broadcast to the press throughout the country, and as it contained testimonials as to the benefits of prohibition from such men as, for instance, Elbert H. Gary, head of the Steel Trust, it received wide publicity.

The cleverness of the "stunt" lay in the knowledge undoubtedly possessed by the Manufacturers' Record that the newspapers generally would accept the impressive surface facts developed by its questionnaire and would not pay attention to some other circumstances which could only be demonstrated by probing and analysis. Judge Gary—to take one ready letter writer—is still in favor of prohibition and believes that it brings good results in efficiency from his thousands of employees. He is still also in favor of the 12-hour working day and 7-day working week and believes that they bring good results from his employees. The fact that the experience of the civilized world has long demonstrated this to be an erroneous assumption has not changed his opinion, though perhaps the plea of the President of the United States may persuade him to adopt a more humane system from which he and his men will both benefit in time.

Again, the figures presented by the Manufacturers' Record summing up the character of replies received from the signers reveal a condition that should really alarm those who hold prohibition as their first article of political faith. Remember that this was a hand-picked list; that the signers of the petition had solemnly called upon Congress to make the country "dry"; that they were all upon public record and in the minds of their fellow countrymen as demanding this revolutionary change; that, furthermore, national prohibition has not yet existed three years and that concerted efforts to enforce it have not been going on quite two and a half years. In circumstances like these men would have the strongest reasons in the world to say they had not repented—at least yet. But the poll furnished by the Manufacturers' Record shows a remarkable change among the signers of the petition, all of whom had demanded absolute prohibition. The poll follows:

	Per cent.
For prohibition in some form	98.50
Against prohibition	1.50
For strict prohibition	85.50
For beer and wine	7
Against Volstead Act	1.25
For modification of Volstead Act	.75
For high license or Government control	1
For dispensary system	.25
Undecided or noncommittal	2.75

Seven per cent of the former absolute prohibitionists already demanding beer and wine! Fourteen and a half per cent of these carefully selected "drys" now against strict prohibition! We should say that any political party which suffered such defections was in for a bad licking.

As a contrast to the partial exhibit of the Manufacturers' Record let us present the results of a questionnaire sent out in New Jersey by the Association Against the Prohibition Amendment. This questionnaire was sent to business and professional men throughout the State without discriminating between known "wets" and "drys," and, indeed, without knowledge as to the opinions of the persons addressed. Of the more than 3,500 replies received, the very great majority being from employers of labor, the following is an accurate summary:

	Yes.	No.
Are you in favor of prohibition?	1,409	1,954
Are you in favor of the repeal of the eighteenth amendment?	1,903	1,435
Do you favor the abolishment of the saloon?	2,728	585
Do you favor the sale of light wines and beers, to be sold only with meals in licensed hotels and restaurants?	1,745	1,466
Are you in favor of the sale of light wines and beers to be consumed off the premises where sold?	1,846	1,366
Are your employees more efficient because of prohibition?	1,302	1,608
If in sympathy with our association will you encourage your employees to join?	1,394	1,034

It may be added that the larger employers of labor almost invariably testified that the efficiency of their employees had not been increased by prohibition. The small employers were the ones who thought they had noticed an improvement.

It is submitted that this exhibit is far more impressive than that of the Manufacturer's Record.

BOLL WEEVIL RAVAGES.

Mr. DIAL. Mr. President, will the Senator from Indiana yield to me for a moment?

Mr. WATSON of Indiana. What does the Senator from South Carolina want?

Mr. DIAL. The Senator from Indiana is so agreeable that I would like to have him yield to me for just a moment.

Mr. WATSON of Indiana. Is the Senator about to read an article in a newspaper?

Mr. DIAL. Oh, no. We are greatly disturbed in the South about the ravages of the boll weevil. In one of our papers there is a short description of experiments carried on in the South, and the results in the eradication of the boll weevil are splendid. The Senator from Indiana is interested in cotton goods. I merely ask to have this article printed in the RECORD.

Mr. WATSON of Indiana. If the Senator will have it printed without reading, I shall have no objection.

Mr. DIAL. I do not ask to have it read, but printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From The State (Columbia, S. C.), June 20, 1922.]

FURTHER EVIDENCE ON CALCIUM ARSENATE-MOLASSES MIXTURE.

To the EDITOR OF THE STATE:

During the past few days many farmers in this section have made tests with various mixtures of calcium arsenate and molasses, and in every instance with which I am familiar they are delighted with the results. On our own plantations we have experimented with several mixtures, and are now using a mixture of one-half gallon warm water in which is thoroughly mixed 1 pound of calcium arsenate and added to one-half gallon of black molasses. We have found a convenient way to apply is to use a quart bottle which is filled three-quarters full of the mixture. Cut a trench out of one side of the cork, reverse the bottle, and apply to the bud of the cotton by shaking or plunging motion, dropping two or three drops in the bud of the plant. This method requires less of the mixture per acre and keeps it thoroughly agitated all the time. We find that none of the mixture should be carried overnight as it is hard to mix the next morning. No more should be mixed than can be used during the day, and it should be thoroughly stirred before pouring into the bottle (or buckets if the mop is used).

Mr. Randolph Gillespie applied the molasses mixture to three different fields on the 12th, 13th, and 14th. This morning (the 16th) he spent more than an hour in these fields searching for weevils. He found no live weevils and no recently punctured squares. There were many weevils in the fields before the poison was applied.

Mr. J. L. Jordan was picking about 50 weevils per acre from his fields before poisoning. He poisoned on the 8th and 9th, and on the 12th and 13th he sent hands into the fields to pick weevils and the hands could find no weevils. Mr. Jordan and Mr. Middleton went into the fields themselves and looked for some time and could find none.

On Monday, the 12th instant, we poisoned the field near the Pedigreed Seed Co.'s gin and warehouses in which numerous weevils had been observed. On Wednesday we sent about 20 hands into this field, offering them 2 cents each for live weevils. A few quit pretty promptly on not finding any weevils. About 15, however, kept looking for some time, but none found a weevil after going over about 7 acres. Mr. Sharpe, who was in charge of the gang, raised the price to 5 cents per weevil, but still failed to find any. Later the price was advanced to 10 cents per weevil, and not a single hand found a weevil after searching two hours.

George J. Wilds, plant breeder of the Pedigreed Seed Co., carried out the following experiments during the past week:

Test No. 1: At 1 p. m. on the 10th instant nine hills of cotton were treated with the molasses mixture. There are two plants in each hill, and only one of the plants in each hill was treated. Twenty-one weevils were placed on these nine hills, about one-half being placed on the poisoned plants and the rest on the unpoisoned plants. At 6 p. m. the nine hills were examined, with the result that six living and six dead weevils were found on the treated plants. At 2 p. m. on the 12th the same plants were examined and two live and eight dead weevils were found. At 9 a. m. on the 14th the plants were again examined and no live weevils and 10 dead ones were found. As weevils move about considerably at this season it is assumed that all that remained on the treated hills were destroyed within the test period. The mixture used in this test was ½ gallon water, 1 gallon molasses, and 2 pounds calcium arsenate.

Test No. 2: At 1 p. m. on the 10th instant 10 hills were treated with the following mixture: 8 gallons of water, 3 gallons of molasses, and 10 pounds of calcium arsenate. And on the 10 hills 20 weevils were placed. At 6 p. m. on the same day, 4 living and 5 dead weevils were found. At 2 p. m. on the 12th 2 living and 7 dead weevils were

found. At 9 a. m. on the 14th 1 live weevil and 8 dead ones were found. Mixture used above is very light and dries up quickly.

Test No. 3: Same mixture was used on test No. 3, under about the same conditions, and 75 per cent of the weevils succumbed.

Test No. 4: In test No. 4 a mixture of 5 gallons of molasses, 5 gallons of water, and 7½ pounds of calcium arsenate was used on five hills. Twenty weevils were placed on the five hills. At 8 a. m. on the 13th no living and four dead weevils were found. On the 14th, a shower having fallen during the night of the 13th, another search for weevils was made and three additional dead and no live ones were found.

The results of these experiments seem to show that where a liquid containing at least half molasses and at least three-fourths of a pound of calcium arsenate per gallon is used, 100 per cent mortality occurs within four days.

The fact that a good many of the weevils placed on the plants were unaccounted for does not modify the value of the experiment, as our experimenters observed some weevils to fly away immediately on being placed on a plant.

The cotton surrounding these experiments had not been treated with poison of any kind.

I have two letters from G. M. Norris, of Vance, Orangeburg County, who last year applied on or about June 10 a mixture of 1½ pounds calcium arsenate and 1 quart of hot water mixed with 1 gallon of molasses. He stirred the water and arsenate for 30 minutes before mixing with the molasses and applied with a mop. He says one man or boy can apply to 4 acres per day. He gathered 900 pounds of seed cotton per acre and only made 200 to 400 pounds per acre on the balance of the farm. He does not consider this test positively conclusive, owing to the fact that he had no untreated cotton in the field with treated cotton. He is confident that the poison was responsible for his comparative success in a section which was almost wiped out by the weevils last year. The cost of the mixture, Mr. Norris says, was 20 to 25 cents per acre.

All the farmers who have reported on the use of the mixture in this section agree that the cost is between 15 and 25 cents for materials. Mr. Norris reports that most of the farmers in his section are using the molasses-calcium arsenate mixture this year, and so far as he has heard they are pleased with the results.

I can not be certain that by the use of calcium arsenate-molasses treatment any farmer will make a crop of cotton, and I can only be sure that under the weather conditions we have had here since May 30 that the vast majority of the weevils have been killed and that few weevils are left in the treated fields and few punctured squares are appearing. The cost of the application is so slight and the results appear so manifest that I feel that every farmer can ill afford not to invest 20 cents per acre per application for this treatment and apply it several times at intervals of a week or 10 days. There is not the slightest question that millions of weevils have already been killed by this treatment during the past 10 days, and it stands to reason that this has done some good.

DAVID R. COKER.

HARTSVILLE, *June 16.*

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. WATSON of Indiana. Mr. President, it is very gratifying, indeed, to realize that at last we are to get back to the tariff. We have had a detour of some six days and are finally back on the main road. Any discussion relating to the tariff is, of course, entirely legitimate and should be indulged in, but extraneous matters, except appropriation bills, should, as far as possible, be kept out.

The Republican Party is either a protective tariff party or it is nothing. There has been a distinct line of demarcation on the tariff question between the two parties ever since the birth of the Republican Party. If we are to have party solidarity, there must be something of an agreement on the protective tariff question, and therefore as the party which has 24 majority in the Senate and is responsible for legislation I think we should bend every energy to the passage of the bill, not in hæc verba, not in the precise verbiage in which it comes from the committee, of course, but with such amendments as the Senate after debate may adopt.

The Finance Committee proposed 2,082 amendments; up to this time 516 have been acted on by the Senate, and the amendments that remain to be considered therefore number 1,566. The amendments adopted as originally proposed by the Finance Committee are 415; the amendments by which rates have been reduced upon recommendation of the Committee on Finance number 84; the amendments by which rates have been increased upon the recommendation of the Committee on Finance number 11. The amendments by which rates have been reduced by action of the Senate number 3, and the amendments by which rates have been increased by action of the Senate number 3.

Mr. ROBINSON. Will the Senator from Indiana yield for a question?

Mr. WATSON of Indiana. I yield to the Senator.

Mr. ROBINSON. I inquire of the Senator from Indiana whether the 2,082 amendments include all amendments reported by the Finance Committee or include only amendments of importance? The Senator understands that a large number of the amendments actually reported by the Committee on Finance are merely formal, a considerable number of them being mere verbal changes.

Mr. WATSON of Indiana. Let me answer the Senator from Arkansas by saying that the experts have furnished me this statement showing that the total number of committee amendments proposed is 2,082.

Mr. ROBINSON. That, then, includes all of the committee amendments?

Mr. WATSON of Indiana. That is my understanding.

Mr. ROBINSON. Then, can the Senator from Indiana segregate from the total list of amendments the number of amendments which might by anyone be considered important and state the number of amendments to the substance of the bill? The Senator smiles, but the Senator is bound to see the force of my inquiry. There are, perhaps, one-half of the amendments reported by the Committee on Finance which have no importance, and no contest has arisen or will arise concerning them. I recall that some of them relate to striking out a word and rewriting it with a comma following it. There have been, perhaps, some 50 instances during the consideration of the pending bill when that sort of an amendment has been proposed by the committee and has been passed upon. There are also a large number of amendments which are merely verbal and which have no important relation to the substance of the bill.

What I want to know is, if the Senator from Indiana can state it, the number of substantial amendments which the Finance Committee proposes, the number that the committee has receded from during the course of the debate, and the number that have been adhered to.

Mr. WATSON of Indiana. I can not answer that question. As to whether or not an amendment is important depends on the viewpoint of the Senator who offers it or who discusses it.

Mr. ROBINSON. In that connection, the Senator would not consider a mere change of punctuation, unless it changed the meaning of a sentence, important? The Senator would not consider a change of the spelling of a word important? Many of the changes which the Committee on Finance has proposed are purely verbal, and I do not think any Senator would consider perhaps a third or a half of the amendments reported by the Finance Committee as substantial amendments.

Mr. WALSH of Massachusetts. Will the Senator from Arkansas yield to me for a moment?

Mr. ROBINSON. The Senator from Indiana has the floor.

Mr. WATSON of Indiana. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. What the Senator from Arkansas desires to know is the number of amendments which affect the rates in the bill?

Mr. ROBINSON. I refer to amendments which either affect the rates or other important provisions. Of course, the amendment affecting the basis of valuation, whether it shall be American valuation or foreign valuation, is a very important amendment. The provision relating to the power of the President to increase rates under given conditions is also an important amendment. Certainly, however, no mere change in punctuation, unless it affects a change in the meaning of the language employed, could be considered important. The mere striking out of a word and the substitution of a more appropriate word would not be considered important.

Mr. WATSON of Indiana. I quite agree with the Senator from Arkansas as to that.

Mr. ROBINSON. I know from my studies of the bill, and the Senator from Indiana is bound to know, that a very large number—the exact proportion of them I can not accurately state, but I suggest approximately one-half—of the 2,082 amendments which have been reported by the Finance Committee are of an unimportant character from the standpoint of any Senator.

Mr. WATSON of Indiana. Mr. President, judging from the length of the discussion which has been indulged in by Senators on practically every one of the amendments, except those relating to the mere verbiage or punctuation, they have all been considered of sufficient importance to excite the volubility of certain Senators.

Mr. ROBINSON. Will the Senator yield to me further?

Mr. WATSON of Indiana. I yield to the Senator.

Mr. ROBINSON. Mr. President, that statement of the Senator from Indiana is not illuminating as to the question that I have asked. On yesterday when an amendment relating to trace chains, I believe, was under consideration Senators on the other side of the Chamber consumed six or eight hours in the discussion of entirely irrelevant issues and did not mention the pending amendment. That has been true throughout the whole debate. Some of the discussion of irrelevant topics has come from this side, but the greater proportion of it recently has come from the majority side of the Chamber. How-

ever, no analysis of this bill or the progress which has been made on it that is dependent merely upon the number of amendments disposed of reflects any true light upon the issues that have been determined, because the large majority of the amendments, or at least approximately one-half of the amendments already disposed of, have not been important, and one-half of the amendments yet remaining to be disposed of are not important, and no discussion will occur concerning them.

Mr. WATSON of Indiana. I trust that the prophecy made by my friend from Arkansas will be verified, and that the great majority of the amendments which have been reported by the Committee on Finance and are yet to be considered will not excite debate.

Mr. ROBINSON. Let me have an understanding with my friend from Indiana. Does the Senator controvert the correctness of the statement of fact which I have just made, and does he dispute my statement that a large number of the amendments that have been reported by the Finance Committee and which are embraced in the total of the 2,082 to which he has referred are not important and have not provoked discussion and will not provoke discussion?

Mr. WATSON of Indiana. No; I do not dispute that. I have not at any time said that I dispute it. I have simply stated the number of amendments which have been proposed by the Finance Committee, the number that have been acted on up to this time, the number which have involved an increase of rates, and the number which have involved a decrease of rates. That was all there was to the statement which I made.

Mr. HARRISON. May I ask the Senator a question before he continues? I did not get precisely the number of the amendments which he stated. How many amendments did the Senator say the Finance Committee had been forced, since the reporting of the bill originally, to change and to reduce the rates under the fire of the minority side of the Chamber?

Mr. WATSON of Indiana. Not one.

Mr. HARRISON. How many amendments since the bill was originally reported from the Finance Committee have been changed by amendments being offered at the instance of the Finance Committee and the rates reduced as originally carried in the bill as reported to the Senate?

Mr. WATSON of Indiana. There have been 84 such changes.

Mr. HARRISON. That action was taken by the Senate after full consideration and after the iniquitous provisions of the bill had been revealed by Members on the Democratic side of the Chamber.

Mr. WATSON of Indiana. My friend from Mississippi flatters himself. The amendments very largely were the result of the deliberations of the Committee on Finance itself. Occasionally, or semioccasionally, rather, a helpful suggestion may have come from the other side. That has not occurred very often and the suggestions have not been very illuminating, but, after all, sometimes sufficient to put the committee upon inquiry. Senators must remember that at the outset of the discussion on this bill it was stated the committee were not infallible and that there had been mistakes made; that because of shifting values, because of changing prices, because of chaotic conditions, they could not precisely say what the difference was in the cost of conversion, and therefore, as a matter of course, the committee were compelled to change their views with reference to those matters not in any very great respect, and, after all, simply as to the rate, not as to the principle involved. That is all there is to that proposition. Changes will continue to be made because of the existence of these very conditions. Even in the old days when the Dingley law was framed and when the Payne-Aldrich law was formulated the committee made many changes after the bills were reported because they acquired additional information on the subject; but at this time, when the whole world is chaotic, when industry can not put it foot upon anything that is finally solid, there must of course be changes from time to time to make the tariff what we think it ought to be—adequately protective of American industry.

Mr. McCORMICK. Mr. President, the Senator will remember that the Senator from Alabama [Mr. UNDERWOOD] a few days ago bore witness to the difficulties which every Ways and Means Committee and every Finance Committee confront, and testified that no tariff bill could be written which was infallible and in which mistakes were not made.

Mr. McLEAN. Mr. President, I think something like a thousand amendments were recommended by the Chairman of the Finance Committee in 1913 in the framing of the Underwood-Simmons law.

Mr. WATSON of Indiana. My recollection is that the number was something in excess of a thousand; but, be that as it may, these are the conditions that confront the committee. We have been dealing with those conditions as best we could under those circumstances that surrounded us, and we shall continue to deal with those conditions as best we may under the circumstances that surround us.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. WATSON of Indiana. I yield.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator as to the more than 100 amendments which the Finance Committee have brought in, is it not true that practically all of them have been brought in during the last few weeks and that until we had finished the chemical schedule and the earthenware schedule the committee did not begin daily to bring in amendments reducing rates?

Mr. WATSON of Indiana. Mr. President, I do not recall precisely when the earthenware schedule was considered, but I do know that the committee has been meeting every morning at 9.30 without the loss of a day and when other matters were before the Senate the committee has been sitting all day for the purpose of acquiring additional information, for the purpose of hearing Senators who claimed to have additional information and who, as a rule, have illuminated the subject which they discussed. We have been doing the very best we could to get all the information possible. We have gone everywhere we could to find the facts so as to change the rates if we found it necessary to change the rates in order to make the kind of a tariff bill we started out to make. That we shall continue to do until the end, however far off the end may be.

It repeatedly has been stated on the floor by those who are opposing this measure that wages are as high in Europe as they were in 1914 and that because of that fact some of these rates were excessive. Mr. President, the statistics show that an ounce of gold purchases 17.22 hours of labor in the United States, 50.16 hours of labor in Great Britain, 95.50 hours of labor in Japan, 117.31 hours in France, and 201.66 hours in Germany. These facts are not disputed.

Mr. HITCHCOCK. Mr. President, will the Senator quote the source of his statistics?

Mr. WATSON of Indiana. Yes; the statistics come from the English Parliament and have been indorsed, according to my understanding, by our own Tariff Commission. That is my understanding.

Mr. HITCHCOCK. Can the Senator quote the source of that information?

Mr. WATSON of Indiana. I did not ask, but in the committee it was understood that the Tariff Commission had seen these figures and had indorsed them.

Mr. JONES of New Mexico. Mr. President, may I inquire, also, as to the date when those figures would be applicable?

Mr. WATSON of Indiana. On the 1st of February.

Mr. JONES of New Mexico. Of this year, I assume?

Mr. WATSON of Indiana. Yes.

Mr. JONES of New Mexico. And from all countries at the same time.

Mr. WATSON of Indiana. I do not understand the purport of the Senator's question.

Mr. JONES of New Mexico. I mean the same date applies to each country?

Mr. WATSON of Indiana. That is my understanding of the statistics, and I think they are absolutely reliable. I do not think there is a question in the world about their authenticity.

Mr. JONES of New Mexico. Mr. President, will the Senator state also to what line of occupation those figures relate? The Senator doubtless knows that wages vary in the different lines of occupation in every country in the world.

Mr. WATSON of Indiana. My understanding is that these figures were collated from five of the key industries in the various countries.

Mr. HITCHCOCK. If I may ask one more question, were the figures the Senator has just quoted used as the basis for framing the pending bill in the Finance Committee?

Mr. WATSON of Indiana. They were not. They merely authenticate the other information we had along the same line; they simply back up the facts and the figures in our possession.

Mr. HITCHCOCK. Will the Senator state what information he did have when he made up the bill?

Mr. WATSON of Indiana. Oh, Mr. President, the Senator knows that it is just as impossible for me to answer that question under a three or four day speech as it would be to fly. We were literally months in collecting the information.

Mr. HITCHCOCK. The Senator has referred to some information that came in subsequent to the formation of the bill——

Mr. WATSON of Indiana. Some information; certainly.

Mr. HITCHCOCK. Will the Senator please give us the source of the information of the committee prior to the formation of the bill?

Mr. WATSON of Indiana. We had information constantly. We began the consideration of the tariff bill away back over a year ago. We heard witness after witness, dozens of them and scores of them, experts from every one of the departments, from the Tariff Commission and the Treasury Department, expert appraisers, together with the importers and their representatives, who came before us, and they are not backward about coming.

Mr. HITCHCOCK. It has been stated here upon the floor that there was no knowledge as to the cost of labor abroad.

Mr. WATSON of Indiana. Oh, Mr. President, who stated that?

Mr. HITCHCOCK. Several Senators on the other side have made the admission.

Mr. WATSON of Indiana. Who?

Mr. HITCHCOCK. I do not recall just at the present time. I do not like to hold anyone responsible, but we have asked for it. We have asked if this bill was made up upon the theory of compensating for the difference in the cost of labor at home and abroad, and it has been stated that they did not know what that difference was; that the statistics were lacking; and I now ask the Senator, if he had them prior to the making up of the bill, to state what they were, and he says he has not them.

Mr. WATSON of Indiana. The idea of the Senator standing up here on the floor of the United States Senate and asking me, as a member of the Finance Committee, to furnish him the facts upon which we formulated this bill! Why, I could not do that under two weeks if I were to try my level best. The Senator knows that.

Mr. HITCHCOCK. The Senator has given the figures which they received subsequently to making up the bill, and all I am asking is for him to give the figures which they had prior to the making up of the bill.

Mr. WATSON of Indiana. We had a vast volume of figures and data that we acquired from every available and accessible source, and upon that basis we formulated this bill, and as fast as we acquire additional knowledge on the subject we will change the provisions of the bill to conform to that additional knowledge. That is all I can say to the Senator—that we have been formulating it along the line of the difference in the cost of production at home and abroad, which is the fundamental basis of a protective tariff system.

Mr. HITCHCOCK. Then let me ask the Senator whether the figures which he has just read, representing, as he thinks, the difference in the cost of labor in Europe and in the United States, are substantially the same figures which the committee used in making up this bill?

Mr. WATSON of Indiana. I will not say that they were, because we did not have those figures at that time.

Mr. HITCHCOCK. In what respect did they differ?

Mr. WATSON of Indiana. I can not answer that question, because that would involve the statement of details which I am not here to discuss and which would involve a very long discussion if I were to go into the subject.

Mr. HITCHCOCK. I think the Senator has practically admitted that they had no figures before the bill was made up.

Mr. WATSON of Indiana. Mr. President, I can not understand the insistent repetition of the Senator, contrary to all the facts that he knows very well existed and do exist. The Senator knows that we did not just get off in a corner and make up a tariff bill without any information, without ever having asked anybody about it. He knows just as well as I know, who sat there and heard the evidence, that we had testimony from everywhere. My honorable friend, the Senator from North Carolina [Mr. SIMMONS], attended these meetings. He heard these witnesses testify, one after another, dozens and scores of them. Many times the Senator from Massachusetts [Mr. WALSH] was also present, and frequently the Senator from New Mexico [Mr. JONES]. They heard this testimony, very great volumes of it; and after that testimony had been adduced before the committee we proceeded to formulate the bill, and after that other people continued to come, and Senators came and Representatives came and business men came and importers came, and we continued to gather additional data and additional information, which, to the very best of our ability, we incorporated from time to time in the schedules. That is all I am going to say about that.

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON of Indiana. I will not yield any further on that point, because it is absolutely useless to discuss that sort of thing.

Mr. JONES of New Mexico. I was not going to refer to the point suggested by the Senator from Nebraska, but I did want to make just one further inquiry. To what extent have these wages varied during the past year? And upon what ratio are those wages increasing from month to month?

Mr. WATSON of Indiana. Not greatly. They have varied somewhat, of course, in all European countries; likewise in our own. Wages in many of the industries in America are not as high as they were. We all know that. Wages in many of the countries of Europe are somewhat higher than they were. The Senator must remember that the question of depreciated currency enters into this whole proposition, and enters into it in a way that can not be avoided. Because instead of having a normal value of 24 cents, the mark to-day has a value of one-half cent or less, measured in gold. Those things all enter into this question of the tariff, and all enter into the question of conversion costs, and all must be taken into consideration in coming to a conclusion as to conversion costs in these rival commercial countries.

Mr. JONES of New Mexico. I think the Senator is quite right in that statement. I merely wanted to suggest that in the country which is usually referred to in this connection wages have been increasing by large percentages from month to month, and that increase is going on to-day, and that any statement which the Senator may make with respect to wages on the 1st of February, at least as to Germany, has no special significance with regard to conditions there to-day, and by the time this bill becomes a law conditions will be entirely different from what they were on the 1st of February or from what they are to-day, as the Senator doubtless will admit.

Mr. WATSON of Indiana. Mr. President, there is not any question but that there are changing values and shifting costs about the world. That is the reason why, from time to time, the committee, after hearing the testimony, have somewhat changed rates in order to conform to this new condition that they have found to exist, which is the wise and sane thing to do. That is why, until the conclusion of this bill, we may continue to change some of these rates so as to measure as nearly as possible the difference in conversion costs in these rival commercial and industrial countries. Further than that I can not say. Further than that nobody can say. We started out with that in view. We have not been deflected from our course, nor shall we be until the conclusion of our deliberations.

Mr. President, as an instance of cheap production abroad, Republican Senators, working through the Treasury Department, brought to Washington a large number of articles made in foreign countries. These could be indefinitely multiplied, running into the thousands, if we cared to bring them here, covering almost every phase of manufacturing activity, and running along all lines of industrial usefulness; but we have brought here what, in a short space of time, we thought we could present to the Senate as evidence, first, of cheap production abroad, and, secondly, of the large profits made by importing houses in the United States, thereby giving the country to understand the eagerness and the intensity of the propaganda that is being circulated throughout the country against the passage of this bill.

I have had some knowledge of tariff legislation in this country for 30 years; and while, of course, the opposition has always been from the same source, while the importers have always objected to the enactment of a protective tariff and probably always will, nevertheless it has been more insistent this time than ever before. It has been more extensive and more intensive than I have ever known it to be in my experience; and that is why we have these resolutions passed everywhere, and that is why we have these petitions sent to us from various stores and houses throughout the country, coming to us almost every day, petitions already printed and signed below by large numbers of citizens. The people did not get up those petitions. They were sent out by these importing houses to the retail stores, and they put them on their counters, and they asked everybody that came in to sign them, and everybody signed, because they simply made the statement, just as our Democratic friends have always made the statement whenever a tariff bill was under consideration, that the tariff was a tax, and that it was added to the price that the consumer would have to pay, and that it would therefore necessitate an increase in the cost of living, and all that sort of thing; and people hastily signed petitions and resolutions of every kind, without waiting to give the tariff bill an opportunity to justify itself or giving its provisions a chance to show what will be worked out under their operation.

I challenge directly the statement that this bill will add measurably to the cost of living or to the cost of commodities in the United States. I can not go into that in detail, because it is far afield from what I started out to talk about.

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON of Indiana. I do not want to yield now, because I am going on to the thing I want to talk about. Nothing gives me greater pleasure than to yield to my friend when it is opportune, but if I get into a general discussion of the tariff here—which I like as well as I like anything in the world—I shall be kept here the whole day discussing these matters, and not get down to the thing that I came to present to the Senate this particular morning.

My friend the Senator from North Dakota [Mr. McCUMBER], the chairman of the committee, the other day presented a number of these articles. I shall present some this morning. Other Senators from time to time will present other articles for the purpose of showing the cheapness of production abroad, and the further fact that the American people, even under the present Underwood-Simmons law, are not deriving the benefit from cheap goods that they ought to derive if they come in thus cheaply and without the imposition of a protective tariff rate.

For instance, I hold here a shotgun. [Exhibiting.] I do not know much about shotguns. I will hold it up this way. I do not think it will go off, I will say to my friend from Nebraska. He suggests that I point it at the press gallery. No; I have too many friends up there. I do not want to shoot anybody.

Mr. SMITH. Mr. President, is the Senator going to use that shotgun to reinforce his argument?

Mr. WATSON of Indiana. Absolutely; and I think it will if my friend will patiently listen to me.

Mr. President, this gun was manufactured in Germany. The foreign cost was $1.80.

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON of Indiana. Wait until I finish.

Mr. JONES of New Mexico. The Senator says the foreign cost was $1.80.

Mr. WATSON of Indiana. No; I made a mistake in that. I did not look at the figures right. The foreign cost was 90 cents. The landed cost, including the duty, was $1.80.

Mr. JONES of New Mexico. The question of amount is wholly immaterial to the point which I had in mind. Was the article bought for cents at all? Was the article contracted for and purchased for so many cents?

Mr. WATSON of Indiana. Yes; measured in gold.

Mr. JONES of New Mexico. Oh, Mr. President——

Mr. WATSON of Indiana. That is exactly the way we buy abroad.

Mr. JONES of New Mexico. That is entirely a different question.

Mr. WATSON of Indiana. No; it is the same question.

Mr. JONES of New Mexico. I will venture to assert that the party who bought the gun did not pay 90 cents for it.

Mr. WATSON of Indiana. How much did he pay?

Mr. JONES of New Mexico. I do not know what he paid.

Mr. WATSON of Indiana. I agree with the Senator on that.

Mr. JONES of New Mexico. And from what the Senator from Indiana says I apprehend he does not know.

Mr. WATSON of Indiana. I do know.

Mr. JONES of New Mexico. But I venture to assert that the contract for that gun was made for so many marks.

Mr. WATSON of Indiana. Mr. President, that is not true at all. We have the actual invoice and the invoice price.

Mr. JONES of New Mexico. Not in cents.

Mr. WATSON of Indiana. This is the invoice price given by the man that brought it here to the appraising officer.

Mr. JONES of New Mexico. Without impugning the motives or good intention or good faith of the Senator from Indiana, I challenge his statement. I ask him to produce the invoice, and the Senator will find upon an examination of the invoice that the goods were not billed out in dollars and cents at all. I ask him to produce the invoice.

Mr. WATSON of Indiana. I have not the invoice, but we have the authority from the Secretary of the Treasury to get the invoice if these figures are challenged.

Mr. JONES of New Mexico. The figures are challenged, and I am challenging them upon the information, which has been uniform, that such purchases were made in marks and not in dollars and cents at all. When Senators rise here and talk about these articles being purchased in Germany for so many cents it is misleading, and I call upon the Senator from Indiana, before he proceeds further, to produce his invoices, and they will show that the articles were not purchased or contracted for in gold.

Mr. WATSON of Indiana. Mr. President, if the Senator will wait a minute and give me a chance to teli him something, I will do so. These figures are taken from the invoices furnished by the importers, directly from the invoices themselves. They recite what they paid for this article in dollars and cents.

Mr. JONES of New Mexico. No; Mr. President——

Mr. WATSON of Indiana. In dollars and cents.

Mr. JONES of New Mexico. I challenge that statement.

Mr. WATSON of Indiana. I do not care whether the Senator does or not; the appraiser has given me the facts.

Mr. JONES of New Mexico. The Senator from Indiana, I know, is speaking in good faith, but I challenge the accuracy of his statement, and I call for proof.

Mr. WATSON of Indiana. I can get the invoices right from the appraising office, if the Senator wants them. I can have them right here and furnish them, to show that the man who imported this gun paid that price for it in dollars and cents, and said so in the invoice itself; and that is all there is to it. I know what I am talking about.

Mr. JONES of New Mexico. Mr. President, the Senator's information is undoubtedly inaccurate, because doubtless at the time that importation was made such goods were always contracted for in marks. The date of the purchase is important, the date of contract is important, and the Senator is misled in this, that under the law the cost of the article at the time of exportation is required to be taken as the price of the foreign article, but they may have been contracted for a year previously, or six months previously, and the purchaser may have bought his foreign exchange at an entirely different price; but the Senator has doubtless taken the foreign exchange value of the foreign money at the date of the exportation of the article, and it may or may not mean the cost of the article as measured in gold. I venture to assert that the Senator has not a single article upon the desk before him which was billed out by the foreign exporter in dollars and cents.

Mr. WATSON of Indiana. Mr. President, this is my speech, and not that of the Senator from New Mexico. We have listened to him for months, and I am going to talk a little while in my own time, if my friend will permit me.

Mr. JONES of New Mexico. I hope the Senator will agree that he has been very much enlightened by what I have said on different occasions.

Mr. WATSON of Indiana. Not a great deal, I will say to my friend from New Mexico, because he has been shooting wide of the mark, wider than I would shoot, probably, if I undertook to use this gun. The fact about it is that the importer makes out his own invoice in dollars and cents. How can an importer make out an invoice in marks and get through the New York appraising office with it? He could not do it. He makes it out in American money, in dollars and cents, and that is exactly what the duty is levied on. That is true in this case, and in the case of every other article I shall present. This gun cost in Germany 90 cents in American money. The landed cost, including the duty, was $1.80. The retail price was $15. The spread between the cost in Germany and the retail price was 1,566 per cent. The percentage of retail price to landed cost was 733 per cent. It was bought from J. L. Galeb, of New York City, on Chambers Street, in May. Here is the receipt taken over the counter for the money paid. There is no escape from that proposition, from the beginning to the end.

Mr. SIMMONS. Mr. President, will the Senator permit a question?

Mr. WATSON of Indiana. Yes; I will let the Senator ask me a question.

Mr. SIMMONS. I would like to ask the Senator to give us the retail cost of a comparable gun produced in America.

Mr. WATSON of Indiana. That I can not do, and do not pretend to be able to do it.

Mr. SIMMONS. Then let me ask the Senator another question. Does he think that the vendor of that foreign-made gun could have obtained a price of $15 for it in the American market if a like American gun, produced in America, was not being sold in the American market at retail for that much or more?

Mr. WATSON of Indiana. In this speech I am not going off into the wild realms of speculation to determine what might or might not happen under other conditions than those which exist. What I am showing absolutely is this: First, the cheapness of production abroad, which is denied here; secondly, the immense profit made by those profiteering importing houses, which accounts for the strength and intensity of their propaganda against this bill; thirdly, the influence they have as advertisers over a few of our newspaper friends in the city of New York.

I come next to this clock, which is a very handsome work of art. [Exhibiting.]

Mr. STANLEY. Mr. President, before the Senator leaves that gun——

The VICE PRESIDENT. Does the Senator yield to the Senator from Kentucky?

Mr. WATSON of Indiana. I will have to yield to my friend.

Mr. STANLEY. I want to ask the Senator a very brief question, and it will not require any argument. As I understand, the present duty upon that gun is about 200 per cent of its cost, is it not?

Mr. WATSON of Indiana. The duty and the landed charges.

Mr. LODGE. And the freight?

Mr. WATSON of Indiana. The freight, insurance, and duty, 100 per cent.

Mr. STANLEY. I thought the Senator said it was $1.80, and that the gun cost 90 cents.

Mr. WATSON of Indiana. I have not the rate of percentage. The Senator can look that up.

Mr. STANLEY. Has the Senator a statement of what the duty is less the landing charge?

Mr. WATSON of Indiana. No. I did not permit that to be put in this statement, because I did not want to encumber the record with it. I do not care anything about it for the purposes of my argument.

Mr. STANLEY. Has the Senator any idea about how many hundred per cent would be adequate protection on that gun?

Mr. WATSON of Indiana. No.

Mr. STANLEY. The Senator does not know what he wants, then?

Mr. WATSON of Indiana. This gun comes in under the Underwood Act now.

Mr. STANLEY. Exactly; but to what extent would the Senator change the law in order to keep that gun out? How many thousand per cent does the Senator want?

Mr. WATSON of Indiana. I will answer that question by and by. The next article is this 400-day clock; that is, it runs 400 days without being wound more than once. This clock was also made in Germany. The foreign cost was $1.70, American money. The landed cost, including the duty, was $2.21. The retail price was $30. The percentage of retail price to foreign cost was 1,661 per cent. Percentage of retail price to landed cost was 1,257 per cent. It was bought of Peter Korn, New York City. There is the receipt for it. It was bought on the 18th day of May for $30.

Mr. SIMMONS. What did the Senator say the landed cost was?

Mr. WATSON of Indiana. I did not say what the landed cost was. I said the landed cost including the duty was $2.21.

The next article to which I desire to call attention is this watch, which was also made in Germany. [Exhibiting.] The foreign cost was 17 cents. The landed cost, including the duty, was 22.9 cents. The retail price was $1. The percentage of retail price to foreign cost was 468 per cent. The percentage of retail price to landed cost was 335 per cent. It was bought of George Daly Co., New York, in May of this year.

Mr. SIMMONS. What was the landed cost?

Mr. WATSON of Indiana. The landed cost was 22.9 cents. This belt which I hold in my hand [exhibiting] was made in England. It is described as a "gent's cowhide belt." The foreign cost was 47.7 cents. The landed cost was 65 cents. The retail price was $2. The percentage of retail price to foreign cost was 319 per cent. The percentage of retail price to landed cost was 208 per cent. It was bought of Martin & Martin, New York, 618 Fifth Avenue, on the 22d day of this month.

Mr. HITCHCOCK. Mr. President, will the Senator advise us whether these stores in which these purchases were made were the importers?

Mr. WATSON of Indiana. Practically every store the name of which I have given the Senator was the importer.

Mr. HITCHCOCK. Will the Senator be kind enough hereafter to specify?

Mr. WATSON of Indiana. I can not give the Senator that information, because it was not furnished to me, but my understanding is that practically every one of these stores is an importing store, and that in no instance was there more than one transfer, so my information is, from the importing store to the retail store that sold it; but, so far as I am concerned, that does not make any difference, because these figures show the tremendous spread between production cost and the retail selling price in this country.

Mr. HITCHCOCK. Does the Senator maintain that the sale of these imported articles at these enormous profits tends to destroy American industries which sell them at the same prices?

Mr. WATSON of Indiana. No, Mr. President; where there is an enormous spread between the two, if we put a tariff on, and if as a result of that tariff certain wages are paid, and we have certain conversion costs of these articles in the United States, then, because there is that enormous profit, they can simply lower the price and undersell our people. If we could be absolutely sure that they would never sell at a less price than this, we would not be subjected to the same danger, though these importers would continue to make enormous profits; but the big point is that if we were to fix rates which would permit a comparable watch of American make to be sold at that price in New York the result would be that the importer could get under that price, still reap an enormous harvest, undersell us, and compel a reduction in American wages.

Mr. SIMMONS and Mr. JONES of New Mexico rose.

Mr. WATSON of Indiana. I decline to yield. I am going to finish this speech, if I can.

Mr. SIMMONS. Will not the Senator yield, so that I may ask him a question?

Mr. WATSON of Indiana. I will yield to the Senator from North Carolina. I can not very well avoid yielding to him; the Senator is the ranking member of the Committee on Finance on the Democratic side.

Mr. SIMMONS. I shall not abuse the courtesy of the Senator.

Mr. WATSON of Indiana. I understand that; the Senator never does.

Mr. SIMMONS. I simply want to ask the Senator if he will not give the prices charged for American-made articles comparable to those he is now exhibiting and commenting on—what the American manufacturer's price is?

Mr. WATSON of Indiana. I do not know.

Mr. SIMMONS. And what the retail price is of those particular articles.

Mr. WATSON of Indiana. I do not know, I will say to my friend, the price of the comparable American article. I did not look it up, and for the purposes that I have in mind it does not make any difference.

Mr. SIMMONS. If the retailer is charging as much profit upon the American manufactured article as he is charging upon the foreign manufactured article, does not the Senator see that that would be very important information?

Mr. WATSON of Indiana. Oh, no. I am not assuming, as my friend from North Carolina is assuming, that wages in the United States are as low as they are in Germany or that production costs in the United States are as low as they are in Germany. We know better than that.

Mr. SIMMONS. Why did not the Senator, when he was getting the foreign manufacturer's price with duty added, for the purpose of aiding the committee and the Senate in reaching a just conclusion about the matter, also get the American manufacturer's price for the same article?

Mr. WATSON of Indiana. Because that was far apart from the thought I had in mind, far apart from the thought that all had in mind when we brought these articles here. We want to show the cheapness of production abroad. We want to show the enormous spread between the foreign production cost and the American selling price in order to show the enormous profits gotten by the importing houses, all of which shows their reason for establishing and spreading this enormous propaganda against the passage of the bill.

Mr. President, I next take up an aluminum sauce pot [exhibiting] which was made in Germany. The foreign cost was 29.7 cents; the landed cost, 40.3 cents; the retail price, $1.24. The percentage of retail price to foreign cost was 317 per cent and the percentage of retail price to landed cost 208 per cent. The article was bought of R. H. Macy & Co., of New York, on the 15th day of May and I have here the receipt taken for the money paid over the counter.

Mr. STANLEY. Mr. President——

Mr. WATSON of Indiana. Well, I will yield to my good friend from Kentucky.

Mr. STANLEY. I appreciate the graciousness of the Senator from Indiana. I realize that he prefers to go on with his speech and I interrupt him with some hesitancy, but I feel it is important that we should understand each other as we go along. Does the Senator know and can he advise the Senate as to the source of the raw material from which that aluminum pot was made, whether in this country or in Germany?

Mr. WATSON of Indiana. It was made in Germany.

Mr. STANLEY. Have they their own aluminum there? Does the Senator know and can the Senator advise me whether the raw material from which the pot was made was obtained in Germany or in this country?

Mr. WATSON of Indiana. My understanding is that it was obtained in Germany. I have not any doubt about that.

Mr. STANLEY. Does the Senator know the cost of producing that aluminum pot in this country?

Mr. WATSON of Indiana. I do not.

Mr. STANLEY. If it transpires that the aluminum from which that pot is made or the same substance was made in this country by one single corporation, one great concern making practically all of it, and if it transpires that there is no material difference in the cost of production in this country and abroad, then this high price is the result of a monopoly in this country or it could not get that price for the retailed article.

Mr. WATSON of Indiana. Oh, Mr. President, the Senator is assuming something which is impossible of existence; that is to say, that it would not cost any more to manufacture that pot in the United States than it would in Germany. We know better than that. I do not need to go into that question, because it has not any bearing on the situation; that is to say, it throws no light on the subject I am discussing before the Senate. The Senator can look up, if he pleases, the conversion cost in the United States and then make his comparisons. I do not care anything about it. I know that if we were not to put on a tariff sufficiently high to protect the American manufacturer as against his German competitor, where that saucepan was made, and if we were to bring the American article up to that price in the New York market, the importers would immediately lower the price and undersell us because of the enormous profit they are getting, and they would put our manufacturers out of business quite the same as if we were to go on under the freedom of the Underwood-Simmons law and give them a free hand.

Mr. STANLEY. Mr. President, I do not know that there is such a difference in the cost of production or I would not have asked the Senator. I do know, for instance, taking the pressed glass in the clock on the desk before the Senator—that is, I have every reason to believe from the testimony of glassmakers—that we can make a pressed-glass receiver as cheaply in this country as they can in Germany. We can make a bottle as cheaply——

Mr. WATSON of Indiana. Now, I do not want my friend to inject a speech of that kind into the midst of my speech, because it has not a thing in the world to do with the matter I am discussing—not to say generally, but it has not a thing in the world to do with the particular matter I am now presenting. I am discussing this aluminum sauce pot; I am discussing the production cost abroad; I am discussing the enormous profits made by profiteers in the United States; and I am discussing the reason why they have injected themselves into this propaganda against the tariff all over the country by men and by money. That is what I am discussing and that is all I care about. In other words, the whole thing is happening at the present time under the Underwood-Simmons law, which is practically a free-trade law out of which the people of the United States get nothing and out of which we do not hope to get anything.

Mr. STANLEY. What I wish to call to the attention of the Senator is that unless he shows, as he proceeds, a difference in the cost of producing those articles here and abroad, he is simply demonstrating the fact that these enormous prices are obtained from the consumer by virtue of the fact that the manufacturers and retailers in this country, in violation of every law against combinations and in restraint of trade and monopoly, are charging enormous prices and are practicing an amazing extortion upon the body of the people, and the Senator is proposing to shut away from them the only avenue for competition.

Mr. WATSON of Indiana. Now, Mr. President, I knew that my friend wanted to inject a free-trade speech into the body of my remarks. I very good-naturedly permitted him to do that. I might take an hour to answer that argument. It would not take an hour to answer it, but it might take me an hour to convince my friend. It has not anything on earth to do with the question I am presenting, not the slightest in the world. I am not going to be diverted further.

I wish next to take up a padlock [exhibiting]. Perhaps it ought to be put on the mouths of some of us. This padlock was made in Germany. The foreign cost was 19.6 cents. The landed cost, including the duty, 25.8 cents; retail price, $1; percentage of retail price to foreign cost, 410 per cent; percentage of retail price to landed cost, 288 per cent. Bought of Louis Wright, New York, on the 26th of May, and I have here the receipt for the money paid over the counter.

Next is a very beautiful bird cage [exhibiting]. I feel like holding an auction to see whether or not I could sell this to my friend from Mississippi [Mr. HARRISON]. I am told the decorations on this bird cage are hand painted. I would not know whether they are or not. The foreign cost of this magnificent bird cage was $1.20; landed cost, including duty, $1.74; retail price, $11; percentage of retail price to foreign cost, 817 per cent; percentage of retail price to landed cost, 532 per cent. Bought of E. W. Stoffregn in New York, and here is the receipt for $11 paid over the counter on the 24th day of last month.

Next is a folding rule [exhibiting] made in Germany. The foreign cost was nine-tenths of 1 cent; the landed cost, including duty, 11.4 cents; retail price, 25 cents; percentage of retail price to foreign cost, 177 per cent; percentage of retail price to landed cost, 120 per cent. Bought of the New York Central Supply Co., city of New York, on the 26th of May, the receipt being here for the money paid over the counter.

Next is this electric hair dryer [exhibiting], for which my distinguished friend from Kentucky [Mr. STANLEY] unfortunately has no use. The foreign cost of this article is $2.75; the landed cost, including the duty, $3.57; the retail price, $17.50; the percentage of retail price to foreign cost, 536 per cent; percentage of retail price to landed cost, 378 per cent. Bought of the Knickerbocker Electroleer Co., in New York, on the 26th day of May, the receipt being here attached. It will now be in order for our friends to talk about how the women of the country are going to be oppressed by reason of the tariff we are imposing on various articles coming into this country from abroad.

Mr. JONES of New Mexico. Mr. President, will the Senator yield? I would just like to inquire something about the purchase. I imagine if some of the good women of the country to whom the Senator has just referred were doing the purchasing there might not be such a large profit.

Mr. WATSON of Indiana. Mr. President, I am not going to yield for any such purpose. Of course, I suppose if a woman goes to buy an article it will be sold to her at a lower price while if a man goes to buy the same article he will be charged a higher price. If my friend is content with that kind of argument, I am quite content that he shall make it, and I will let it pass without any further comment.

Mr. JONES of New Mexico. If there is any such great spread as that and if the article is not worth the price, if the American comparable article is not selling at the same price, does not the Senator think the discriminating purchaser could have done better?

Mr. WATSON of Indiana. Mr. President, I am not going off into any question about a discriminating purchaser. That has not a thing on earth to do with the fundamental principle involved here. Whether or not a man buys an article for what it is worth or pays more than it is worth in a store on Pennsylvania Avenue, I do not care. That has not a thing in the world to do with the fundamental question involved which I am presenting here and to which there is no answer. I care not about the cost of conversion in the United States. It does not apply, because, as I have stated over and over again, under the Underwood law, now in existence and which Senators on the other side of the Chamber are attempting to perpetuate with all the force they have and without change, these articles are coming in and these enormous profits are being made, and if our conversion costs were so great that the prices——

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON of Indiana. That the prices of the foreign product, as I have said over and over again, were to equal the price that——

Mr. JONES of New Mexico. Mr. President——

Mr. WATSON of Indiana. Will the Senator wait until I finish my sentence? The Senator is so anxious to make a speech that he will not even wait until I, who have the floor, complete my sentences.

I have stated over and over again that under the Underwood-Simmons law, which Senators on the other side of the aisle are trying to perpetuate, these articles are coming in and that these enormous profits are being made. If it really cost as much or if we put on a tariff that would make it cost as much for us to manufacture that article, what would the result be? The result would be that the foreigner would simply lower his price, which he could do under these enormous profits, as I shall show later on.

Now, if my good friend from New Mexico will possess his soul in patience until a little later on, I shall undertake to answer one or two of his inquiries.

Mr. JONES of New Mexico. I am trying to be patient, but I just wonder if the Senator would answer it now.

Mr. WATSON of Indiana. No; not now.

Mr. JONES of New Mexico. If the Senator does not care to be interrupted——

Mr. WATSON of Indiana. I do not care to be interrupted at this particular point.

Mr. JONES of New Mexico. Very well.

Mr. WATSON of Indiana. I have here [exhibiting] a bottle of Apollinaris water, for which there is still some use in the country. That was produced in Germany. The cost of it was 2.4 cents; the landed cost, including the duty, was 5.7 cents; the retail price, 24 cents; the spread between the foreign cost and the retail price, 900 per cent; the spread between the landed cost and the retail price, 336 per cent. It was bought of Park & Tilford, New York, on the 31st day of May. Here [exhibiting] is the receipt for it.

Mr. STANLEY. Mr. President, they must have been bell boys if they paid 24 cents for a split of Apollinaris.

Mr. WATSON of Indiana. They probably were not born in Kentucky, but I only know that they paid that price. Here [exhibiting] is the receipt for it, which I exhibit to my friend from Kentucky.

Mr. JONES of New Mexico. I should like to know if the Senator from Indiana knows what profit was charged by the dealer in the other articles used in connection with Apollinaris water?

Mr. WATSON of Indiana. That is a matter of ancient recollection.

Mr. STANLEY. Does the Senator from Indiana know what we pay for the Apollinaris water?

Mr. WATSON of Indiana. I do not buy any.

Mr. STANLEY. What is the difference between the price of Apollinaris water and White Rock water, which is supplied in the Senate cloak room?

Mr. WATSON of Indiana. I do not know. I do not drink any.

Mr. STANLEY. The Senator does not drink water?

Mr. WATSON of Indiana. No; not Apollinaris water. I take my water straight.

Mr. President, I have here a package of cabbage seed. The foreign cost of this article is 1.2 cents for one-quarter of an ounce; the landed cost, including the duty, is 1.5 cents; the retail price is 35 cents; the percentage of the retail price to the foreign cost is 2,891 per cent; the percentage of the retail price to the landed cost is 2,233 per cent. This was bought of Stumpp & Walter, New York City. Here [exhibiting] is the receipt which was given for the purchase price.

Here [exhibiting] is a toy—union-stone building blocks. It is very heavy; I shall not open the box, but shall content myself with simply showing it. The blocks were made in Germany. The foreign cost was 21.7 cents; the landed cost, including the duty, 35 cents; the retail price, $4; the percentage of retail price to foreign cost, 1,743 per cent; the percentage of retail price to landed cost, 1,042 per cent. Bought of F. A. O. Schwarz Co., Fifth Avenue and Thirty-first Street, on the 6th day of June, and the receipt accompanies it.

Now I come to something that I know will excite the risibilities of my good friend from Mississippi [Mr. HARRISON], who does me the honor of listening to me.

Mr. HARRISON. Let the organ grinder proceed.

Mr. WATSON of Indiana. I noticed yesterday that my friend came over here and very critically examined this toy monkey. I saw him here during my absence from my desk. He examined it, and I thought perhaps he might be interested in the addresses that William Jennings Bryan had been making recently in which Mr. Bryan is attempting to convince the American people that there is nothing in the theory of evolution and that neither he nor his ancestors descended from the monkey in accordance with the Darwinian theory of evolution. I will say to my friend from Mississippi that I have not any intention at all of saying anything about the ancestry of the Democratic Party and that he need not have given himself such great concern by coming over here and examining this article; but had our mutual friend William Jennings Bryan any idea of the vast profit that could be made out of a stuffed imitation of a monkey, I do not think he would have taken such great umbrage at the thought of our descent from the real simian article.

This monkey "schuco"—I do not pretend to know what "schuco" means, but I am informed by the expert that it is a trade name—was produced in Germany. The foreign cost was 19 cents; the landed cost was 31 cents; the retail cost was $2; the spread between the foreign cost and the retail price was 952 per cent; the spread between the landing cost and the retail price was 545 per cent. This is a toy. My friend from New Mexico [Mr. JONES] one day here waxed very eloquent about the boy's jackknife and what we proposed to do with the boy's jackknife by our iniquitous tariff bill. I wonder what he will say about the profit on this harmless toy for the little child who wants a toy monkey with which to play, and these other toys—the union blocks, and so forth. I might multiply their number indefinitely and refer to dozens of different kinds of toys as to which the Senator from Utah [Mr. SMOOT], who understands this question probably better than anybody else, says it would take a thousand or fifteen hundred or even two thousand per cent, if we imposed a direct rate on these imports of toys coming from abroad, in order to protect the American manufacturer in the enjoyment of the American market.

The next article is unperfumed toilet soap [exhibiting]. It comes from France. The foreign cost was 10 cents; the landed cost, including the duty, 13 cents; the retail price, 60 cents; the percentage of retail price to foreign cost, 500 per cent; the percentage of the retail price to landed cost, 361 per cent.

The next is a toothbrush [exhibiting], which was made in Japan. The foreign cost was 11.2 cents; the landed cost, 15.5 cents; the retail price, 50 cents; the percentage of retail price to foreign cost, 346 per cent; and the percentage of retail price to landed cost, 221 per cent; and the receipt accompanies it. It was bought of Louis K. Liggett, of New York, on the 6th day of June.

The next article is a string of amber beads [exhibiting], which was produced in Germany. The foreign cost was 62 cents; the landed cost, 76 cents; the retail price, $12.50; the spread between the foreign cost and the retail price, 1,916 per cent; the spread between the landed cost and the retail price, 1,544 per cent. It was bought of Gimbel Bros. in New York, and the receipt accompanies the exhibit.

Mr. President, on the 8th of May of last month there appeared in the New York Times this advertisement:

DO YOU WANT TO PAY MORE FOR YOUR LINENS?

JAMES MCCUTCHEON & CO.,
Fifth Avenue, Thirty-fourth, and Thirty-fifth Streets,
New York.

I want to call the attention of those who honor me with their presence to this advertisement and to the situation which it unfolds—

To the public:

The Senate committee has reported to the Senate the new tariff bill. This bill would raise the duties on linen from 30 and 40 per cent to 50 and 60 per cent; or, in other words, would almost double them. This will, of course, mean that the prices of these goods will have to be advanced.

By way of illustration—

And I call particular attention to this—

By way of illustration, a towel—

I have here [exhibiting] the very towel to which reference is made—

a towel 18 by 32 inches, which now sells at $6 per dozen, would have to sell at $7.25 or $7.50 a dozen—

It is safe to say that if these men were selling it it would sell for $7.50—

under the new tariff. Handkerchiefs which to-day are selling around $3.85 a dozen would have to sell for about $4.50 a dozen.

I want to call attention to that statement specifically in just a moment, but I desire first to read the remainder of the advertisement:

If this change was going to protect the American workingman and American manufacturer, we would have nothing to say. But it does not, for the simple reason that, except for the lower-end huck towels and crashes there is practically no linen manufactured in the United States. More than 98 per cent of the linen you use comes from abroad.

Now, listen to this, and if you have tears to shed prepare to shed them now—

We have been making very strenuous efforts in the last year and a half to reduce the prices of all of our goods and are most distressed at the thought of having to advance them at a time like this. If you agree with us that such a change in the tariff rate on linens is unwise and that the prices should not be forced up, won't you write to your Senator and Representative in Congress and protest against this uncalled-for advance in rates?

Yours very truly,

JAMES MCCUTCHEON & CO.,

On the front page in the first column of the New York Evening Post of the isue of June 20 occurs an article headed:

Tariff on linen will only make prices higher. Will not "protect," as nearly all finished product is imported. By William E. Speers, treasurer, James McCutcheon & Co.

The article which follows sets forth precisely the same language that is employed in the advertisement which I have just read. I quote from the article as follows:

The Senate committee has reported to the Senate a new tariff bill, and this bill is now under discussion. In common with almost all the schedules, the rates of the linen schedule of the tariff have been quite sharply increased. Where formerly a linen towel paid 35 per cent duty, it will have to pay 50 or 60 per cent, and the same is true of damask tablecloths and napkins. A plain hemmed or hemstitched linen handkerchief which formerly paid 40 per cent duty will, under the new tariff, pay 60 per cent.

These changes will, of course, inevitably raise the landed cost of the article in question, and consequently increase the selling price which the wholesalers and retailers must receive in order to cover expenses and legitimate profit.

By way of illustration, a plain huck face towel—

The same towel I have here [exhibiting]—

18 by 32 inches, which at present sells in New York for $6 per dozen, would have to sell for $7.25 or $7.50 per dozen under the new tariff. There would be a proportionate advance in the price of table napkins and tablecloths.

A proportionate advance, mark you.

If we take the case of handkerchiefs, we find that a dozen handkerchiefs which to-day are being sold at retail for $3.85 per dozen would have to be advanced to at least $4.50 per dozen, if the new rates in the tariff schedule went into effect.

One of the worst features of this schedule from the standpoint of the consuming public is that the coarser, cheaper fabrics, such as linings for overcoats, cheap towels, and cheap napkins, all are made to pay a duty of 60 per cent, whereas the more expensive, finer articles pay only 50 per cent.

I want now briefly to devote a little attention to that argument. What is it?

The merchandise referred to in this advertisement consists of this towel and of the handkerchief. On hemstiched towels and handkerchiefs—get the phrase—the present rate is 35 per cent on towels and 40 per cent on handkerchiefs. The proposed rate is 60 per cent on towels and handkerchiefs—an increase of 50 per cent on one and of practically 70 per cent on the other. An investigation—and anybody can make the investigation—will disclose these facts. What are they?

In the case of the towels, on which the present rate of duty is 35 per cent, the foreign cost—this is the investigation and the result of it, just like these others were investigated—the foreign cost converted is $2.76 a dozen; landing charges, 9.6 cents; duty, 35 per cent, or 96.6 cents. In other words, the landed cost under the present tariff is $3.82 a dozen. I pause here long enough to say that the selling price at this time, according to their own advertisement, is $6, so that they get at the present time 80 per cent of an increase; but that is not what I want to stress.

I call your attention to the fact that under our proposed rate they will pay the same in the foreign country as they do now, $2.76. The landing charges will be precisely the same, 9.6 cents. Only the duty would be increased from 35 to 60 per cent, and that increase in duty would be the difference between 96 cents and $1.65, or 70 cents. In other words, the landed cost of the towel at the present time is $3.82 a dozen, and under the proposed bill it would be $4.51 per dozen, or an increase of 70 cents; and yet they squarely assert in this advertisement that if this new tariff is put on they will be compelled to increase the price $1.50 a dozen. There is no increase in the foreign cost, and there is no increase in the landed cost, and the only increase is in the duty, and the increase in the duty is only 70 cents, and yet in this advertisement they squarely say to their people that it will become necessary for them to increase the price of this towel $1.50 a dozen.

So much for the towel.

At the present time the rate on the handkerchief is 40 per cent. In other words, a dozen abroad cost $1.76; the landing charges are 8.8 cents; the duty is 40 per cent, amounting to 70.4 cents. The landed cost is $2.55 under the existing law. They sell the handkerchiefs at $3.85 a dozen, according to this advertisement, which is about 70 per cent increase now; but the rate would be increased to 60 per cent by our bill. The foreign cost will be the same, $1.76; the landing charge is the same, 8.8 cents; and the duty would be increased how much? The duty would be increased but 35 cents. That is to say, the only difference in the landed cost of a dozen of the handkerchiefs would be the difference between $2.55 now and $2.90, or 35 cents; and yet they squarely assert in this advertisement which I have read to you that it will be necessary for them to increase the price of the handkerchiefs from $3.85 to $4.50, or 65 cents a dozen. So that, according to their own advertisement, they would take advantage of this duty to charge a far greater price than the circumstances warrant or the conditions permit. They are direct importers—J. McCutcheon & Co.

Mr. SMOOT. Mr. President, I will say that they are the largest importers in America. In fact, they virtually control the linen market of the United States.

Mr. HITCHCOCK. Mr. President, will the Senator advise us whether comparable articles are made in this country?

Mr. WATSON of Indiana. They are; yes.

Mr. HITCHCOCK. They are sold in competition with the American product?

Mr. WATSON of Indiana. Why, certainly.

Mr. HITCHCOCK. And what the Senator is complaining of is that they do not reduce the price so as to destroy the American production?

Mr. WATSON of Indiana. My contention is that, without a protective duty, they would destroy the American production. There is not any doubt in the world about it.

Mr. HITCHCOCK. By charging a high price?

Mr. WATSON of Indiana. Does anybody pretend to say that if we do not put on a protective duty these imports will destroy the American production?

Mr. HITCHCOCK. These outrageous profits which McCutcheon is making by charging high prices tend to injure American industry, do they?

Mr. WATSON of Indiana. Ah! That is not the point at all. I wonder how often I will have to say that thing over and over again to get my friend to understand it. I am not going to say it over any more.

Mr. HITCHCOCK. Does the Senator want McCutcheon to reduce those prices so as to wipe out the American production?

Mr. WATSON of Indiana. No; that is not the point I have made at all.

Mr. SMOOT. Would it not be better to answer the question in this way: That if McCutcheon and these other importers will not reduce their prices, we want some of the profit they are making to go into the Treasury of the United States?

Mr. WATSON of Indiana. The point of the whole business is simply this: It would simply take away a part of these enormous profits. Listen to me: If under the pending bill McCutcheon & Co. were willing to make from 30 to 33⅓ per cent—and I have the exact figures here—they would not need to raise the price; they could sell that handkerchief and that towel at precisely the same price and yet make between 30 and 33⅓ per cent. That they do not want to do; and their advertisement, in order to arouse the American people, and especially to excite the women, who are their purchasers, shows that they want to take an unfair advantage of this duty in order to convince the people that they are about to be robbed, when it is McCutcheon & Co. that are doing the robbing, and not the tariff.

Mr. HITCHCOCK. I admit that if the Senator's figures are correct; but I should like to ask the Senator this question: What becomes of the argument which he has made here so frequently and so eloquently that under the present tariff act these foreign imports of goods made by pauper labor are flooding the country and tending to destroy American industry?

Mr. WATSON of Indiana. I can not go into that. That means a whole tariff speech. My friend gets up and asks me to make a whole tariff speech here.

Mr. HITCHCOCK. Is not the Senator's present speech answering the other speeches he has made here?

Mr. WATSON of Indiana. No, no.

Mr. STANLEY. Mr. President——

Mr. WATSON of Indiana. Let me go on and finish this, and then I will listen to my friend.

What is the real fact about the whole business? The real fact is that on the great body of linens imported into this country we raise the duty only from 50 to 60 per cent. Here are two hemstitched towels. Anybody can look at these who cares to. They were made in Ireland. The foreign cost was $14.48 a dozen. The landed cost, including the duty, was $19.90 a dozen. The retail price was $65 a dozen. The percentage of retail price to foreign cost was 349 per cent. The percentage of retail price to landed cost was 227 per cent. These were bought of whom? James McCutcheon & Co. There is the receipt for the money, the $65, taken across their counter, and yet listen to this camouflage that they throw about this:

We have been making strenuous efforts in the last year and a half to reduce the prices of all of our goods and are most distressed at the thought of having to advance them at a time like this.

And they take this tariff that we propose to put on the towels and on the handkerchiefs as a basis for the whole argument on the linen question, but they fail to mention the other linens in any advertisement that they have ever put out to the American people. They do not say anything about these fine tablecloths. They do not say anything about these superior qualities of linen. They do not say anything about the damasks—not at all. They mention only the towels and the handkerchiefs, and on those they propose, according to their own advertisement, to increase the price outrageously without justification and without warrant.

Here are some more towels. So far as I know and the figures show, they are of a cheaper quality. The foreign cost was $3.52 a dozen. The landed cost was $4.87 a dozen. The retail price was $24 a dozen. The percentage of retail price to foreign cost was 582 per cent. The percentage of retail price to landed cost was 393 per cent. They were bought of whom? James McCutcheon & Co., New York, and there is the receipt for the money paid when the article was bought of the men who say:

We have been making strenuous efforts in the last year and a half to reduce the prices of all of our goods, and are most distressed at the thought of having to advance them at a time like this.

Put out as an advertisement—what for? For the purpose of arousing the American public against this bill, when they them-

selves in their own language admit that they intend to take an unfair advantage of these rates to boost the price and cheat their customers.

What is the next?

Mr. STANLEY. Mr. President, if the Senator will yield at that point——

Mr. WATSON of Indiana. No; not until I get through this.

Mr. STANLEY. Just one suggestion; I think I catch the point of the Senator. The whole question has resolved itself into who shall do the profiteering.

Mr. WATSON of Indiana. No; not at all. I do not agree with the Senator at all on that proposition. I deny that the American manufacturer in the main is a profiteer, and I deny that the American wholesaler in the main is a profiteer, and I deny that the American retailer in the main is a profiteer. Why is it that whenever we have a tariff question or any other question up, our friends on the other side inveigh against business and criticize business men? We are always led to believe that any man who is in business is a thief; that any man who tries to carry on an industry in the United States is a scoundrel; that there is something wrong with his heart and something perverted about his soul. Those things I absolutely deny. These business men have made possible the prosperity of this country. They have been the leaders along business lines. They have not only furnished the capital to develop our industries and to utilize our natural resources, but they have employed labor. They have taken that labor into their confidence from time to time, until to-day the laboring people in the United States, under a Republican policy always, have come to be the best-paid and the best-fed and the best-found and the best-clothed and the best-educated laboring men, and the most moral, with more of comfort in their American homes and more of hope in their American hearts than any laboring men who ever used their hands in toil on earth before.

Yet you are always undertaking to make us believe that the men who have accomplished these miracles of commerce and industry are no better than cormorants who prey and fatten upon the labors of the people. I deny it all, and I say that these men are absolutely essential to the industry and the independence of the American people.

Mr. STANLEY. Mr. President, the Senator's remark about McCutcheon did not indicate any special interest in big business.

Mr. WATSON of Indiana. He is not a manufacturer; he is an importer.

Mr. STANLEY. The only difference between the Senator and myself is this, I believe that a profiteer ought to go to the penitentiary if we can get our claws on him, whether he sells linen or anything else, whether he manufactures it or imports it, whether he subsidizes my party or fights it. The Senator confines his animadversions to the profiteer who happens to criticize this tariff, and does not notice the profiteer who is devouring the consumer and battening upon the necessities of the American people.

Mr. WATSON of Indiana. Mr. President, I have heard that ever since I was a boy——

Mr. STANLEY. You do not seem to heed it.

Mr. WATSON of Indiana. Ever since I was a child, the same old thing. I recited it here the other day ad libitum to my friends on the other side. It is the same old argument; but it is not really an argument. It is that peculiar frame of mind into which my Democratic friends get themselves at times. I remember hearing the late Thomas B. Reed say on the floor of the House one day that he had often stood out in front of one of the great industrial establishments of the country, and thought of his own comparative poverty, and of the great wealth that was being displayed on the inside in the vast machinery, the marvelous buildings, and the tremendous establishment, and that he had often wondered why it was that the virtue out on the sidewalk had not been rewarded equally with the virtue inside of that building. "But," he said, "when I came to myself and considered the situation I knew that it was real, old-fashioned, downright envy; just envy, that is all." "But," he said, with his nasal twang, "When a Democrat gets that kind of a feeling he thinks it is political economy." There is a great deal of truth in that. Our friends are against the whole system, and if they had had their way we would not have this system in the United States to-day, because these industries have been built up and this labor has been employed, and they have been brought to their high condition among the peoples of the world, and our industries have been developed and our resources diversified, through the operation of the protective tariff, and history attests the truthfulness of that statement.

I come down now to tablecloths. Under a Republican policy we always have something, thank fortune, to put on the tablecloth. I have here a tablecloth made in Scotland. The foreign cost is $9.05. Let our friends come over and look at it. The landed cost, including the duty, was $12.67. The retail price was $22. The percentage of the retail price to the foreign cost was 143 per cent. The percentage of the retail price to landed cost was 73 per cent. Then there are the napkins to match. What are they? Country of manufacture, Scotland. Hemstitched. Foreign cost, $13.27 a dozen. Landed cost, including the duty, $18.57. Retail price, $32. Percentage of retail price to foreign cost, 141 per cent. Percentage of retail price to landed cost, 65 per cent. How modest they are to make but 65 per cent on this. Here is the bill, and here is the receipt. So much for all that.

So these prices were charged by the man who, in his advertisement, said, "We are most distressed at the thought of having to advance these prices at a time like this." And under his own statement he advances them far more than the figures justify and the facts warrant.

I think that if facts can prove anything, or figures can demonstrate any proposition, I have shown beyond the peradventure of a doubt to any man who wants to know, first, with respect to the cost of production abroad, that its very cheapness is something with which we can not compete, and in the absence of a protective tariff American industry would be undermined and destroyed. That is my contention. You have to have protection, and you can not build up industry in any other way.

In the second place, I have shown the enormous profits these importing houses are making on these things. That is why they send out these petitions to their retailers. That is why they are putting all these advertisements in the newspapers. Will the great New York Times, one of the ablest and strongest papers published and edited in all the world, publish the truth about these things? No; it will not. Why? Because James McCutcheon & Co. will not permit them to do it. That is precisely the reason.

Only recently, on June 13, this very month, the American Fabrics Co., of Bridgeport, Conn., lace manufacturers, offered an advertisement to the New York Times through the E. H. Clarke Advertising Agency, quoting wholesale prices of lace offered for sale. The advertising agency submitted the "ad" to the Times, but that newspaper declined to publish it.

On June 13 the advertising agency wrote the American Fabrics Co. as follows:

> Representatives of the Times explained to us that prices may be given in only two ways: Either the advertisement should quote the lowest and the highest figures at which the goods are offered wholesale, or else it should quote the price at which the goods are to sell at retail. The reason given for this is that retailers object to the quoting of a set wholesale price on the ground that it injures their business.

I quote that only for the purpose of showing the strangle hold the retail and importing establishments of New York have on some of these very great publications and newspapers.

I have as great admiration for the New York Times as a newspaper as anybody else, but it is an international paper. It believes in these importing houses. It is opposed fundamentally to the establishment of American industry, if and where such industry interferes with the importing business, and those are the same people who all the time tried to drag us into the League of Nations and into all these other foreign embroilments, and that is the thing to which I object. I do not want an isolated country, and it is all folly to talk about ours being such a country, with all the relations we have with all the other peoples of the world; but I want a thoroughly Americanized country, and I want our labor developed as it has been, on an American plane, living an American life, holding to American ideals, and all these things, my friends, testify to the fact that these great results, which have made us at once the wonder and the envy of the world, can be worked out only through a beneficent protective-tariff policy.

Mr. SIMMONS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. EDGE in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Hale	McCormick	Pomerene
Cameron	Harreld	McCumber	Sheppard
Capper	Harris	McKellar	Simmons
Caraway	Heflin	McKinley	Smith
Culberson	Hitchcock	McLean	Smoot
Cummins	Johnson	McNary	Spencer
Curtis	Jones, N. Mex.	Nelson	Stanley
Dial	Jones, Wash.	Newberry	Sterling
Dillingham	Kellogg	Nicholson	Swanson
du Pont	Keyes	Norbeck	Townsend
Edge	King	Oddie	Trammell
Ernst	Ladd	Overman	Walsh, Mass.
Fernald	La Follette	Owen	Watson, Ga.
Frelinghuysen	Lenroot	Phipps	Williams
Gooding	Lodge	Poindexter	Willis

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

Mr. HEFLIN. Will the Senator yield to me to call up a resolution?

Mr. SIMMONS. I yield if it does not lead to any discussion.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN. I ask unanimous consent for the present consideration of Senate Resolution 308, which I ask may be read.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The ASSISTANT SECRETARY. The Senator from Alabama [Mr. HEFLIN] asks unanimous consent for the present consideration of the resolution (S. Res. 308), submitted by him yesterday, as follows:

Whereas it has been charged upon the floor of the Senate that each and every one of the regional Federal reserve banks of the United States has had printed and distributed at its own expense a speech delivered in the Senate by Senator GLASS, of Virginia, in which the position of Senator HEFLIN on the deflation policy of the Federal Reserve Board was assailed and criticized: Therefore be it

Resolved, That all of said Federal reserve banks, except the Federal Reserve Bank of Atlanta, which has already reported to the Senate, be, and they are hereby, requested, respectively, to furnish to the Senate in writing a list of the names and addresses of citizens to whom said speech was sent, and all information in their possession, respectively, called for in the following questions:

1. At whose instance was the speech in question of Senator GLASS sent out?
2. At whose expense was said speech printed and distributed?
3. How was the fund provided and how many copies of said speech were sent out and how much money was expended in printing and distributing said speech?
4. Did any member of the Federal Reserve Board suggest the printing or distribution of the said speech?
5. Was any letter sent out with said speech? If so, attach a copy to your report.

Mr. HEFLIN. Mr. President, I am asking unanimous consent for the immediate consideration of the resolution. It is a resolution I called up last night, and the Senator from Connecticut [Mr. MCLEAN] asked that it go over until this morning. I called it up a little while ago, when the Senator from Virginia [Mr. GLASS] was here and made no objection, but the Senator from Utah [Mr. SMOOT] objected temporarily. I now ask for the immediate consideration of the resolution.

Mr. MCLEAN. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. MCLEAN. I think the resolution ought to go to the committee. I do not know that there is any serious objection to it, but its ramifications are pretty wide, and what it involves I do not know. I move that the resolution be referred to the Committee on Banking and Currency.

Mr. HEFLIN. Mr. President, the Senator from North Carolina yielded to me, and I do not want to take up any of his time.

Mr. SIMMONS. I will yield the floor to the Senator if he will permit me just a moment. I had intended to discuss some of the observations made by my good friend the Senator from Indiana [Mr. WATSON], but I think as this is the lunch hour I shall wait until a little later, perhaps half-past 2 or 3 o'clock, before I proceed.

Mr. HEFLIN. Mr. President, in January of this year the Senator from Virginia [Mr. GLASS] made a speech of several hours' length, and my name was mentioned several times in that speech. Speeches that I had made on the deflation policy of the Federal Reserve Board were attempted to be replied to, and the Senator undertook to refute a number of my statements. That speech has been put in pamphlet form. Thousands of copies of it have been circulated by the Federal reserve banks of the United States. These banking institutions are governmental institutions provided for under the law of Congress, and their officers are quasi public officials, all of them. They are taking up the speech of one Senator, criticizing and assailing the position of another Senator, and partly at Government expense and the expense of the banks they are having that speech printed and widely circulated in the United States.

Some time ago I offered a resolution to have the political activities of the bank at Atlanta investigated, a bank which supplies money to the banks of my State. As I have stated, that bank had this speech printed and sent to the banks and business men of my State. I as a Senator from that State had criticized the policy of deflation and had criticized and excoriated as best I could the Federal Reserve Board for that crime against the country. This speech was sent into my State, and a letter written with it asking the reader to give his opinion upon the subject, as to how he felt upon it before he read the Glass speech and how he felt upon it after he had read the Glass speech. There never was a more brazen attempt to injure a man politically, to use the power of a governmental institution to intimidate and hurt a United States Senator, made by anybody or any institution.

I offered the resolution, and I objected to the resolution going to the Senate Committee on Banking and Currency. I said that it would never be reported, and it has not been reported from that good day to this. No action has ever been had upon it, and in order to get the information that I sought I offered another resolution that would save the Government expense by calling on the bank at Atlanta to give in writing the information that I wanted, to wit: To whom did they send the speech? If they wrote a letter, to send a copy of the letter. At whose expense did they publish and distribute the speech? How many did they distribute and at what cost? They gave that information to me. I am now asking that the other regional banks do the same thing. The Senator from Connecticut [Mr. MCLEAN], who is always on guard, always to the rescue when any Senator undertakes to have justice done to the masses of the people who are entitled to have this money institution properly governed, now moves to refer my resolution of to-day to the death chamber of his committee, where my other resolution lies buried.

Mr. MCLEAN. My recollection is that some committee was appointed to consider the resolution to which the Senator refers. I do not know whether the Senator has requested any hearings or has taken any steps to get a report or not. My recollection is that in the absence of any report from the committee, the information desired by the Senator has been sent to the Senate.

Mr. HEFLIN. By the Atlanta bank?

Mr. MCLEAN. Yes.

Mr. HEFLIN. Without expense to the Government, without costing the Government one cent. Under the first resolution it might have cost a few dollars to have them come up here, if ever you reported the resolution, so I decided to do it the other way and to get around the committee, to which I never wanted my resolution sent in the first place.

Mr. MCLEAN. It does not seem to me the Senator has any cause for complaint if he has the information on his previous resolution.

Mr. HEFLIN. From the one bank.

Mr. MCLEAN. Very likely he can get it in so far as this resolution is concerned. All I ask is that the proceedings be regular. It is unusual to ask action on a resolution of this sort by unanimous consent. It involves a good deal——

Mr. HEFLIN. I know it does.

Mr. MCLEAN. It may involve a good deal of expense.

Mr. HEFLIN. I realize that it is a difficult matter to get unanimous consent wherever the Money Trust is involved.

Mr. MCLEAN. I will assure the Senator that if the resolution goes to the Committee on Banking and Currency, I shall appoint a subcommittee to consider it. I do not know that there is any objection to the resolution, but I do object to this multiplication of resolutions on the part of the Senator from Alabama and insisting that they be passed by the Senate when no one is here. I shall insist on my motion that the resolution be referred to the Committee on Banking and Currency.

Mr. HEFLIN. I am going to be heard on the Senator's motion at length. I propose to have the country know each day and all the time while I am here just what transpires and some of the situation about the motives back of the thing. This is a Government of the people. What I ask is a matter of simple justice to myself. I am involved, assailed by a speech full of inaccurate statements and incorrect figures.

Mr. GLASS. Mr. President, I deny absolutely that there is a single inaccuracy in the speech to which the Senator refers. I am getting very tired of these utterly false accusations by the Senator from Alabama.

Mr. HEFLIN. If the Senator charges me with making a false statement, he is a liar.

Mr. GLASS. I charge him with it; I charge that he is repeatedly making false statements.

Mr. WATSON of Georgia. Mr. President, I call both Senators to order.

Mr. GLASS. And the Senator's blackguardism does not help him any.

Mr. WATSON of Georgia. I call both Senators to order.

Mr. HEFLIN. I will not permit the Senator to insult me.

Mr. WATSON of Georgia. I call both Senators to order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS. Mr. President, the Senator from Alabama insulted the Senator from Virginia, and the Senator from Virginia in reciprocity, I suppose, insulted the Senator from Alabama, but in neither of those things has the Senate as a body in

the slightest degree any part or parcel. The Senator from Georgia [Mr. WATSON] calls both Senators to order. He is absolutely within his rights when he does that. I insist that the call to order by the Senator from Georgia shall be immediately obeyed in the words of the rule of the Senate in order that we may not turn this body into a fighting body. We have hitherto been noncombative.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. WILLIAMS. I insist that the point of order made by the Senator from Georgia is well made and ought to be obeyed.

Mr. FRELINGHUYSEN. Mr. President, I ask that the rule be read.

The PRESIDING OFFICER. The Secretary will read the rule.

The ASSISTANT SECRETARY. Rule XIX of the Senate, beginning with paragraph 2, reads as follows:

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

3. No Senator in debate shall refer offensively to any State of the Union.

4. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the objectionable words shall be taken down in writing, and read at the table for the information of the Senate.

Mr. WILLIAMS. I insist upon the observance of the rule.

Mr. WATSON of Georgia. Mr. President, I move that the Senator from Alabama be permitted to proceed in order.

Mr. WILLIAMS. Mr. President, I shall insist upon the observance of the rule.

Mr. EDGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	McCumber	Sheppard
Broussard	Harreld	McKellar	Shortridge
Bursum	Harris	McKinley	Smith
Cameron	Harrison	McLean	Smoot
Capper	Heflin	Moses	Spencer
Caraway	Hitchcock	Nelson	Townsend
Curtis	Johnson	Newberry	Trammell
Dial	Jones, N. Mex.	Nicholson	Wadsworth
du Pont	Jones, Wash.	Norbeck	Walsh, Mass.
Edge	Kellogg	Oddie	Warren
Ernst	Ladd	Overman	Watson, Ga.
France	La Follette	Pepper	Watson, Ind.
Frelinghuysen	Lenroot	Poindexter	Williams
Glass	Lodge	Pomerene	Willis
Gooding	McCormick	Rawson	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names; a quorum is present. The question before the Senate is the motion of the Senator from Georgia [Mr. WATSON] that the Senator from Alabama [Mr. HEFLIN] be allowed to proceed in order.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alabama will proceed in order.

Mr. HEFLIN. Mr. President, I want to withdraw the language that I used a little while ago. This is not the place to use language of that kind. I used the expression that the speech of the Senator from Virginia was full of inaccurate and incorrect statements. I do not think that would call for a statement from him such as did come from him. I was provoked that he did use that language, and I desire to withdraw what I said.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, the Senator could have used the expression "inaccurate and incorrect statements," and that would have been all right, but I think he said "inaccurate and false statements." He ought to withdraw the word "false."

Mr. HEFLIN. I do not think that I used the word "false" until after the Senator from Virginia had said what he did.

Mr. WILLIAMS. The Senator used that word, and that was the offense.

Mr. HEFLIN. If the Senator from Virginia is willing to withdraw his language as to my statements being "false," or regarding a "false position," I am willing for that to go out also.

Mr. GLASS. Mr. President, I am always willing to withdraw any unparliamentary language that I may use on the floor of the Senate and to regret having been provoked to use any unparliamentary language. The Senator from Alabama or any other Senator is perfectly at liberty to say a speech which I make contains inaccuracies; that may be said without offense; but when the Senator repeatedly states that my speech contains misrepresentations and false statements, that is a very different proposition. When the Senator shall have withdrawn that statement I shall very gladly withdraw my retort.

Mr. HEFLIN. Mr. President, I did not use the language that the speech of the Senator from Virginia was full of misrepresentations, as I recall, but I said that it contained inaccurate and incorrect statements.

Mr. MOSES. Mr. President, I ask that the reporter's notes may be read in order that we may know exactly what is the issue in controversy.

The PRESIDING OFFICER. The notes of the reporter will be read.

The Assistant Secretary read from the transcript of the reporter's notes as follows:

Mr. HEFLIN. I am going to be heard on the Senator's motion at length. I propose to have the country know each day and all the time while I am here just what transpires and some of the situations about the motives back of the thing. This is a Government of the people. What I ask is simply a courtesy to myself. I am involved, assailed by a speech full of inaccurate statements and inaccurate material.

Mr. GLASS. Mr. President, I deny absolutely that there is a single inaccuracy in the speech to which the Senator refers. I am getting very tired of these utterly false accusations by the Senator from Alabama.

Mr. HEFLIN. If the Senator charges me with making a false statement he is a liar.

Mr. GLASS. I charge him with it; I charge that he is repeatedly making false statements.

Mr. WATSON of Georgia. Mr. President, I call both Senators to order.

Mr. GLASS. And the Senator's blackguardism does not help him any.

Mr. WATSON of Georgia. I call both Senators to order.

Mr. HEFLIN. I will not permit the Senator to insult me.

Mr. WATSON of Georgia. I call both Senators to order.

Mr. HEFLIN. Mr. President, the notes show that I never used the words "false representations" or "misrepresentations." I said "inaccurate statements," "incorrect statements," but according to the notes I never used any offensive language until the Senator from Virginia said what he did.

Mr. GLASS. Mr. President, it is perfectly evident that I was mistaken in my supposition that the Senator accused me of misrepresentation. He seems to have accused me of inaccuracy, which, of course, I deny, but it is not offensive to a Senator to say that he is inaccurate in a statement. Therefore I very greatly deplore that I was betrayed into a characterization such as I made, and, of course, I am willing to withdraw it.

Mr. HEFLIN. Now, Mr. President, I was going on to say to the Senator from Connecticut [Mr. MCLEAN] that when my resolution was referred to the Committee on Banking and Currency I thought it should not go there, in the first place, because there was a controversy involving myself and a member of that committee, namely, the Senator from Virginia [Mr. GLASS]; I thought the open Senate ought to act upon it, and I made that request; but, nevertheless, the resolution was referred to the Committee on Banking and Currency by a margin of two votes, as I recall. It does not make any difference whether the speech was made by the Senator from Virginia, myself, or any other Senator, but whenever a Senator is sharply taken to task and his position ridiculed and criticized, and the statements that he makes are undertaken to be refuted, then a banking institution under control of the Government and operating under law has got no right to go into politics and circulate that speech at the expense of the bank's funds, some of which would go to the Government if they were not used for that purpose. That is the position that I take.

This speech was circulated in my State, and circulated amongst bankers, I repeat, who have got to go to the Federal Reserve Bank in Atlanta to get money, and a letter was written to them asking, "What was your opinion on this subject before you read the speech of the Senator from Virginia, and what is your opinion of it now?" I was the Senator assailed—named and assailed—in that speech. That speech was being circulated in my State, and the letter was being written to people whom I represent in this body and to whom I am responsible.

I asked the Senate to let us investigate that bank down there, and the Senator from Connecticut opposed that course, and this resolution was referred to his committee, where it has been asleep for weeks and months. In my judgment, it never will be reported. I went to the subcommittee. I spoke to the Senator from Florida [Mr. FLETCHER] time and time again, and he said: "I have been trying to get a meeting of the committee," and again he said, "I have been trying to get a meeting of the subcommittee." I took the Glass speech and marked the parts of it that I thought reflected upon me and that took to task things that I had asserted as facts obtained from the bulletins of the Federal Reserve Board itself, from which I got much of my information, and I said, "These are the objectionable things"; and I turned that over, pointed out and marked, to the subcommittee, and no report has ever been made.

Then I introduced a resolution calling on the bank at Atlanta to give the mailing list, the people to whom it sent that speech, the number that it sent out, and the cost incurred in sending it out. I found that they circulated 6,500 copies of that speech. The original print cost twenty-odd dollars a thousand, and each additional thousand cost $15. It cost something to address them and send them out, so there is considerable expense incurred in it. That was done, that bank reported under my resolution passed by the Senate, without a cent of cost to the Government.

Then I offered this resolution calling upon each and every one of the other Federal reserve banks, 11 of them, operating under the law, Government institutions, and the Senator from Connecticut objects to the immediate consideration of it and wants it referred to the Committee on Banking and Currency. I, a Senator in this body, am assailed in that speech. My position is criticized. I do not object to that if people who read that speech can read mine also. I am willing for each one of them to pass judgment upon the case, as thousands have, and have written to me their judgment, as doubtless some of them have to the Senator from Virginia. There are two sides to it. I want the same people who got his speech to get my speech; and as a Senator in this body I ask other Senators, after telling them the situation, to pass this resolution and to give me this information and let this body have that information, and the Senator from Connecticut persists in sending it to his committee, where I do not think it will ever be acted on.

Mr. McLEAN. Mr. President——

Mr. HEFLIN. I yield to the Senator from Connecticut.

Mr. McLEAN. It seems that the bank to which the Senator wrote for information responded, and he got all the data that he wanted. Why does not the Senator write to the other banks?

Mr. HEFLIN. I did not write to them. I got that other information by a resolution passed through this body calling on them to give it, and the Federal Reserve Board requested them, as was its duty, to comply with the Senate resolution, and this resolution is asking the other banks to do what that bank did.

Why does the Senator object to it? How can he object to it? Mr. President, there is not a Senator on the other side who could rise in the circumstances that I am in, where his position had been assailed and speeches sent into his State and over the country refuting his stand and his statements, to whose request I would object. I would help him to get unanimous consent; but here stands the Senator from Connecticut, blocking this unanimous consent that I requested, and instead of giving me action on it to-day, that I may get these lists and send my speech to them if I desire, he wants to send the resolution to his committee. I want the people of the country to see and judge for themselves just how fair they think the Senator from Connecticut is in this matter.

Mr. McLEAN. The Senator from Connecticut is not worrying about that. As I have already said, I do not know that there is any objection to the Senator's resolution; but these resolutions are coming rather frequently, and I remember one of them, introduced some time ago, which called for data with regard to the construction expenses of the Federal reserve bank and it cost several thousand dollars to get that information and collect it. It has been in the office of the chairman of the Committee on Banking and Currency for some time, and I do not know that the Senator from Alabama has even looked at it.

Mr. HEFLIN. What is that—about the bank in New York?

Mr. McLEAN. Yes.

Mr. HEFLIN. I have all of that information in my office. I had them send it over. There is a wheelbarrow full of it, and I have been going over it.

Mr. McLEAN. My impression is that if the Senator from Alabama will write to these banks, he will get all the information he wants. It seems to me to be forcing matters somewhat to call upon the Senate of the United States—I do not know what special jurisdiction they have over the subject—to deal with this matter by a Senate resolution; and I wish the Senator would try to get his information without putting the Government to any expense in the matter.

Mr. HEFLIN. There will not be any expense in this matter at all. It will not cost the Government a cent.

Mr. McLEAN. I will say to the Senator now that if he will write to these banks and they do not respond, and respond immediately, I shall have no objection to the adoption of the resolution.

Mr. HEFLIN. Mr. President, I have pursued the course that I think is wise and just. The Senate has already called on this bank at Atlanta and it has responded. Now the Senator wants me to write to these banks who have been circulating a speech that assails my position and ask them to do me a favor. Congress created these banks. It created the board; and the Federal Reserve Bank at Atlanta said, in response to the question as to who suggested that they send out the Glass speech, that the Federal Reserve Board advised them that it was available. Of course the board suggested it. These banks were created by Congress. They are operating under the law enacted by Congress. Why can not the Senate, in response to the request of a Senator, call on that bank, call on each and every one of those banks, to furnish certain information to it when they have circulated a speech, it makes no difference whose it is, that bitterly assails the position of another Senator, a Member of the country's lawmaking body.

I am utterly astounded that any Senator should object. Would I object if a speech of mine criticizing the position of any other Senator was being sent out in his State and in other States by a banking institution, and he should want the names of those to whom it was sent in order to send his, so that he could answer mine? Would I oppose it? Why, no; I would not oppose it. The Senator from Virginia [Mr. GLASS] has not openly opposed it. I have heard nothing said from him upon the floor in opposition to this resolution.

Mr. McLEAN. Mr. President, if the Senator will yield——

Mr. HEFLIN. I yield to the Senator.

Mr. McLEAN. I want to say to the Senator from Alabama that I would never think of introducing in the Senate of the United States a resolution instructing the banks of the country to furnish information that was personal to me until I had first requested them to send me that information; and I want to say to the Senator now that if he will write these banks and they decline to furnish this information, I shall be glad to support his resolution.

Mr. HEFLIN. The Senator, then, puts himself in the attitude, in his place as a Senator in this body, that unless I will pursue his suggestion and request these banks to do me the favor of giving me the information that I desire, he will vote against allowing the Senate to request those banks to give me this information. I take that to be the attitude of the Senator.

Mr. McLEAN. Yes; I think it is entirely unnecessary action on the part of the Senate of the United States. I think if the Senator will write these banks he will get all the information he wants, and I think it is up to him to attempt to get it in that way before he calls upon the Senate.

Mr. HEFLIN. I offered a resolution regarding the Atlanta bank, and the papers were full of it, stating that I wanted that information, and showing what the resolution called for, and they saw copies of the resolution, and they never responded. They did not respond at all. Some of the newspapers said that my resolution never would be reported, and they told the truth about it. Then, when I offered the other resolution, nobody objected to it.

I did not believe that anybody would object to this one; but the Senator from Connecticut strenuously objects to it. Here is this great banking system, operating under the law, circulating one Senator's speech assailing another Senator's speech and position, and the Senator from Connecticut does not want the Senator assailed to have a list of those to whom the speech was sent, so that he can have an opportunity to send them his speech if he desires, or otherwise to communicate with those people; and after the Senate has set the precedent, has already done this with regard to the Atlanta bank, the Senator from Connecticut now wants to hold up action on my resolution regarding the other 11 regional banks in the United States.

Mr. President, I can not understand it. I regret to see the Senator from Connecticut take this stand, but it so happens that when any measure comes in here that looks toward regulating in any way those who control the money supply of the country, those in charge of these institutions, and requiring the Federal Reserve Board to observe the law or to bring down interest rates, the Senator from Connecticut is always on the spot and he comes enthusiastically to the rescue.

Mr. McLEAN. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. McLEAN. The Senator is entirely mistaken. Since I have been in the Senate I have never voted against a resolution of investigation of any kind—not once.

Mr. HEFLIN. The Senator voted to refer my resolution to his committee.

Mr. McLEAN. And I tried to make it clear to the Senator that I might vote for this resolution, but I think it ought to go to the committee; and I will assure the Senator that it will be reported right out. If the subcommittee to which the other resolution was referred have not reported, I am surprised. I had assumed that they had reported on that resolution; but I think it is the duty of Senators who want information that is

personal to try to get it in the ordinary way before they come in here and ask for the passage of a resolution by the Senate. The motive of the Senator is immaterial to me.

I have no doubt that it is a good one, and I am always glad to listen to him when he attacks the banks, because if the banks deserve punishment I want them to get it. I do not believe in attacking the banks unless they deserve it; and it is for that reason that I think this resolution, like other resolutions, should go to the committee in the orderly way.

I will say to the Senator that I shall continue to object to the consideration of this resolution, and I shall insist on my motion that it go to the committee.

Mr. HEFLIN. Mr. President, I never criticize a bank unless I think that bank is doing wrong. I criticized the deflation policy of the Federal Reserve Board because I believe it is a burning shame and a crime against the country. I have a right to criticize it; and I have condemned the conduct of these banks which have circulated one Senator's speech against another Senator without giving him the opportunity to send his. I do not ask any favors of them. I want the Congress which created them to let them know that we have a scrutinizing eye on them always, and that they can not meddle in politics and circulate one Senator's speech against the position of another Senator in order to sustain their position. Why should I be put in the attitude of writing to these banks which have taken that stand against me simply because I dared to stand in my place and criticize the policy of deflation?

The feeling that these officers have exhibited in circulating the speech shows that they were trying to answer my position and injure me politically if they could. I think that is clearly established in the minds of all fair-minded people.

The Senator from Connecticut voted against the consideration of my resolution to investigate a Federal reserve bank close to my State, which was circulating this speech in my State amongst the people I represent in part in this body. The Senator had his way then, and he would not permit the Senate to act upon that resolution, though the situation involved me personally. The resolution went to the Senator's committee, and there it has remained ever since, and he is now asking me to send this resolution to the same committee. Mr. President, I repeat I do not want it to go to that committee.

Mr. McLEAN. Mr. President, the Senator is again mistaken. I was not present when the vote was taken on that resolution.

Mr. HEFLIN. Well, did the Senator favor it going to his committee?

Mr. McLEAN. That is another matter.

Mr. HEFLIN. Yes; that is another matter.

Mr. McLEAN. I wish the Senator would try to be accurate in his aspersions.

Mr. HEFLIN. I ask the Senator now if he did not approve the course which sent it to the committee?

Mr. McLEAN. The Senator said I voted for it.

Mr. HEFLIN. I thought the Senator was here and voted for it.

Mr. McLEAN. My recollection is that I was not present.

Mr. HEFLIN. I ask the Senator now if he did not approve the course which sent it to his committee?

Mr. McLEAN. Very likely if I had been here I should have voted to send it to the committee, because I believe that should be done with all such resolutions.

Mr. HEFLIN. Mr. President, if any Senator on the other side were involved as I was involved and am involved and should make a request for unanimous consent such as I made I would favor it and help him to get it through, but an effort is made to keep me from getting information regarding my own State and myself, a Senator in this body, fighting in his place for what he believes is right, as I have a right to do. What is it back of this spirited move to block action on my resolution? The Senator from Connecticut may satisfy his own conscience; that may not be hard to do——

Mr. McLEAN. Mr. President, I withdraw my motion that the resolution be referred to the Committee on Banking and Currency, and I object to its immediate consideration.

Mr. HEFLIN. Does the Senator object to the present consideration of the resolution?

Mr. McLEAN. I do.

The PRESIDING OFFICER. The Senator from Connecticut withdraws his motion, but objects to the immediate consideration of the resolution.

Mr. HEFLIN. Mr. President, I thought the Senator would object. I like to have the truth of a situation come out. I want the exact position of men in this body on public questions to be known. The people have a right to know, and I have a right to express my opinion about the situation which it involves.

This is the simple proposition: The Federal reserve system, a great banking institution, which I helped to establish, the greatest banking institution in all the world, has never been criticized by me in one word. I have condemned the maladministration of the system. I have condemned the Federal Reserve Board. There was a speech circulated which assailed and criticized my position, and I asked that the list of those to whom it was sent be sent to the Senate, in order that I might have the names, and send my speech to those people, in order that they might read both sides and decide for themselves, in this free Republic of the west. I thought that was a simple request and a fair one. I did not believe that anybody would oppose it.

I wanted to know, and I wanted the Senate to know and the public to know, who suggested the sending out of the speech of the Senator from Virginia, how much it cost, who paid for it, and to whom it was sent. Anything wrong about that?

Mr. SHEPPARD. I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SHEPPARD. How many times can a resolution go over on objection? Did not this resolution go over yesterday on objection?

The PRESIDING OFFICER. It did.

Mr. SHEPPARD. Has not the Senator now a right to move that it be taken up?

The PRESIDING OFFICER. The resolution is now before the Senate.

Mr. LENROOT. Mr. President, I make the point of order that it can not be before the Senate. We are in the same legislative day, and under the rules of the Senate that resolution can not come before the Senate except by unanimous consent until we have had an adjournment.

The PRESIDING OFFICER. The Senator from Alabama rose and asked unanimous consent, which was granted; the resolution has been read and a motion has been made against it. The resolution is before the Senate.

Mr. LENROOT. The motion to refer has been withdrawn and objection was made to immediate consideration.

The PRESIDING OFFICER. The motion was made, and it could not have been made unless the resolution was before the Senate.

Mr. LENROOT. It could be made by unanimous consent. The resolution was not before the Senate. The record will show, I am sure, that unanimous consent was not given for immediate consideration of the resolution, but, in fact, it was objected to.

Mr. WADSWORTH. May I inquire what becomes of the unfinished business if this resolution is now before the Senate?

Mr. SMOOT. It would displace the tariff bill as the unfinished business.

Mr. LENROOT. Unanimous consent has been objected to, so it could not be before the Senate.

The PRESIDING OFFICER. There was no objection made at the time the resolution was read. A motion was made on it, and the resolution has been read.

Mr. LENROOT. But the motion has been withdrawn. It was a motion to refer. When the motion was withdrawn that left the resolution exactly where it was before any request had been made concerning it.

The PRESIDING OFFICER. How could the motion have been made unless the resolution were before the Senate?

Mr. SMOOT. The only way the resolution could be before the Senate would be by unanimous consent or on a motion to take it up. The Chair says there was no objection. Perhaps there was no objection at the time—I can not say, because I was not in the Chamber—but the motion to refer it has been withdrawn and there is no unanimous-consent agreement for the consideration of it.

Mr. LENROOT. Objection was made by the Senator from Connecticut.

Mr. SMOOT. If the Chair's ruling is correct, then the unfinished business will be displaced. No vote was taken, and some Senator certainly would have objected to the tariff bill being displaced. Not only that, but when a resolution is presented and a request is made for its immediate consideration anyone in the Senate has a perfect right to object at any time before the resolution is passed.

Mr. SHEPPARD. Let me say to the Senator from Utah that instead of an objection being made a motion was made to refer the resolution.

Mr. SMOOT. That has been withdrawn.

Mr. HEFLIN. And the objection was renewed by the Senator from Connecticut.

Mr. LENROOT. That is the record.

Mr. HEFLIN. And the Senator is of the opinion that that prevents immediate consideration of it?

Mr. LENROOT. Certainly.

Mr. SMOOT. I thought the Senator was speaking on the subject covered by the resolution, as he has a right to do, but with the tariff bill before the Senate.

Mr. HEFLIN. It may be that the resolution is temporarily withdrawn; but I am still before the Senate.

Mr. SMOOT. I do not object to that. I said the Senator has that right, and I am not objecting to it at all.

Mr. SHEPPARD. But has the Senator a right to renew the objection after a motion has been made to refer the resolution?

Mr. SMOOT. Certainly, at any time.

Mr. SHEPPARD. An opportunity was offered for objection when the resolution was first brought before the Senate, and instead of an objection being made a motion was made to refer the resolution.

Mr. SMOOT. But that motion has been withdrawn, and now the Senator objects.

Mr. SHEPPARD. Is it not too late for another objection?

Mr. SMOOT. I do not think so.

Mr. HEFLIN. Mr. President, I started out with the impression that the Senator from Connecticut would object. This resolution calls upon the bank in New York and the other banks to give to the Senate certain information pertaining to the conduct and the activity of the Federal Reserve Board and the Federal reserve banks in politics. It is information to which the Senate is entitled. It is information I believe every fair-minded Senator on the other side will agree I am entitled to as a Senator in this body; but the Senator from Connecticut always has his eagle eye out for any approach of anything toward a bank and the control of the volume of money and of credits. He is always Johnny-on-the-spot then. I have not seen him so closely in attendance on this floor for quite a while as he has been this morning, when he was doubtless looking for this resolution to be called up.

The Senator has a right to object; I am not criticizing him for that; but I am criticizing the fact that he does object under the circumstances. It is hard for me to work out just why a Senator would object to having this information furnished to another Senator, and to the Senate and the country, under the circumstances.

What is it in this body or in the Government that has such a powerful influence that a simple request of this kind can not be granted by one Senator to another? In small affairs the Senator is very courteous. The Senator asks, "Were you interested?" "Yes." "It pertains to you and your State?" "Certainly." "You are involved in it, and you want this information?" "Certainly." "I have no objection." That is the way it is done in things that do not involve big things. But you tread on the toes of one of these great octopuses that has its tentacles running out around the necks of every character of business in the country, you dare to insult it by calling on it to give you information through a resolution of this lawmaking body of the Nation, and somebody is right on the spot to object.

Mr. McLEAN. Mr. President, I call the attention of the Senator from Alabama to the fact that the New York World, on which he relies a great deal, is authority for the statement that the banking interests of my State have united to defeat my reelection.

Mr. HEFLIN. Mr. President, I did not hear what paper said that, but if the banking interests are fighting the Senator from Connecticut they are fighting one of the most enthusiastic representatives they have ever had upon this floor. I like to read the New York World, a Democratic paper, but whenever they say anything like that about the Senator from Connecticut they sure miscued on him. [Laughter.]

Mr. McLEAN. Perhaps the Senator from Alabama would like to know the reason assigned for this opposition.

Mr. HEFLIN. I have not time to yield to the Senator to give the reason, because I want to finish my remarks.

Mr. McLEAN. It is due to the fact that I am in favor of the soldiers' compensation act.

Mr. HEFLIN. That is at least one redeeming trait, but how any man who is a friend of the soldier boys, believing in giving justice to them, can stand up on this floor and oppose immediate consideration of a resolution like mine I can not understand.

Mr. President, the question involved here is a serious one. It was raised when "Old Hickory" Jackson was in the White House, when he dared "call" the money power. Trusts have multiplied, and they are multiplying now. They are springing up overnight. They are increasing on every hand. Big predatory interests are rampant in the Republic. The greatest trust of them all, the most deadly and dangerous of them all, is the Money Trust, and the people know it. That trust controls the lifeblood of business. It holds its hand on the currency system and on the credit system of the country, and that trust is stalking about the door of every kind of business in the Republic, and whenever you get anywhere in its neighborhood it is difficult to get unanimous consent for anything that even remotely concerns it.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I call the attention of the Senator from Alabama to the fact that a New York paper this morning states that there are 19 men in that State who have a net income per annum of $1,000,000 and more.

Mr. HEFLIN. Yes, Mr. President, and if they would tell the truth there are more than that. There are more than that in Wall Street proper. I noticed in the papers this morning a statement that the amount collected by the Government from income tax had fallen off in the last year. One of two things has happened: You have excused men who ought to pay money into the Treasury, you have permitted them by some hook or crook to dodge the taxgatherer, you have permitted them to evade their just share of the tax burden of the Government, or you have so choked the instrumentalities of business that business has fallen off, is paralyzed, and they have not produced generally as they did before. One of those things is certain to be true. Yet, this morning, this fine June day, when I offer a resolution simply calling on the banks to give this information, which would take but a little while to consider and would not cost the Government a cent, the Senator from Connecticut has forced me to consume time to discuss the matter, which I expect to do whenever a thing comes up like this so patent on its face that it is fair and just and reasonable. So I must talk into the RECORD that is a perpetual record in the country. The people who read the thirty thousand and odd copies of the RECORD that go out of here each day are entitled to know on just which side Senators are when questions come up here for consideration.

There are two sides to these questions. There is always a right side and a wrong side. I would be willing almost to submit my case to any unbiased Republican in the country and say to him: "Do you not believe I am entitled to this information?" I believe that the average Republican on the other side of the aisle would say yes. There is nothing complicated about the resolution. A committee is not required to investigate it. It simply calls upon the banks to give the information. Did you circulate Senator GLASS's speech? How much did it cost? To whom did you send it? At whose expense did you send it?

Mr. President, what is wrong or unfair in that? Why can not the Senate pass that resolution? But the Senator from Connecticut halts it. He stops it right at the threshhold. He refuses to allow it to be passed. He refuses to permit it to be considered this day. He suggests that that simple, plain, straightforward, honest resolution be referred to the committee over which he presides and where my other resolution still sleeps and will sleep until Gabriel blows his horn. He rises in his affable manner, smiling and bowing, and asks me to let this resolution go down to his committee. "Walk into my parlor," said the spider to the fly. Oh, Mr. President, you know what happens to the fly when he gets in there. They soon have a very nice situation. The spider and the fly lie down together, but the fly is inside the spider. [Laughter.] He tells us they want to investigate this resolution. What is there about it that needs investigation? I have stated it. It is a simple, straightforward request to these 11 banks to make this report to the Senate of the United States. This great body is entitled to that information. I want that information. I am entitled to it. I would not deny any Senator on the floor that information if he sought it, but here I am held up by the Senator from Connecticut. Why?

Mr. President, I know why. We can not put anything through here at all that would injuriously affect those who can fix interest rates as they please and gouge the people on loans at every turn in the road. We can not get anything through here by unanimous consent that affects predatory interests. They are too powerful. There are people who lean on them for support in elections and they are not going to permit a request to go through by unanimous consent to investigate them or to have them do something that will give information to the Senate revealing that they have been circulating a speech that defended their conduct. They do not wish to give to the Senate the facts as to who suggested that the speech be sent out and at whose expense it was sent out.

Mr. President, we can get through resolutions that do not affect any big concern, but let us come in with one that goes to the sore spot, that aims at the biggest trust of them all, the Money Trust, and we can not get very far with it by unanimous consent in this Republican Senate.

Mr. President, it ought not to have taken more than one minute to pass my resolution. My other resolution was passed in a minute or two. The bank at Atlanta has responded. Now, here is the chairman of the Committee on Banking and Currency, Mr. MCLEAN, sitting in the Chamber when the resolution is read, and he halts it and asks that it be not considered but sent to his committee. I most respectfully protest against that. I do not want it to go to his committee. I have said that the other resolution was never acted upon, that I was not treated right about that, and the public was not treated right. I am entitled to object to sending this resolution to that commitee. I am entitled to ask its immediate consideration. But the Senator from Connecticut objects to its present consideration and that ends it, Mr. President. Of course I can not get action upon it now.

Mr. President, I am going to ask that the resolution lie on the Vice President's table. The Senator from Connecticut has withdrawn his motion to refer it to the committee and objected to the immediate consideration of the resolution. I therefore ask that it remain on the Vice President's table and that the tariff bill be taken up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. OWEN. Mr. President, the Republican platform of 1904 declared:

> The measure of protection should always at least equal the difference in the cost of production at home and abroad.

The Republican platform of 1908 repeated this declaration and declared against "excessive duties."

In the tariff bill of 1909 the Republican leaders in Congress disappointed the confidence of the country by writing a bill full of "excessive duties," with average duties in every schedule greatly in excess of the total labor cost in such commodities and in many of them running from 100 per cent up to 800 per cent above the total cost of labor. During the discussion of that bill I presented to the Senate a table demonstrating the accuracy of that statement. I ask unanimous consent that the table may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, permission is granted.

The table is as follows:

Estimated revenues.

RECAPITULATION.

[Compiled by Committee on Finance, April 12, 1909. The ad valorems are based on the dutiable values.]

Schedules.	Value of merchandise (dutiable and free).	Revenue under—		Equivalent ad valorems.		Volume IX, Census 1900.[1]	Census of manufactures, 1905 [2] (calendar year 1904).		Percentage of labor cost to value of products by wages and value, as shown, 1904.[1]
		Present law (act of 1897).	Proposed bill (H. R. 1438).	Present.	Proposed.	Percentage of labor cost to value of product.	Wages.	Value of products, including custom work and repairing.	
				Per ct.	*Per ct.*				
A—Chemicals, oils, and paints	$42,067,649.85	$11,187,405.69	$11,754,112.86	27.62	28.20	8.0	[3] $44,258,256	[4] $572,848,476	7.5
B—Earths, earthenware, and glassware	31,306,008.97	15,350,019.67	15,247,487.70	49.03	48.70	37.1	154,652,719	420,944,049	36.7
C—Metals, and manufactures of	68,016,829.55	21,812,195.72	21,523,669.22	32.44	31.65	12.7	652,109,633	3,130,253,195	20.8
D—Wood, and manufactures of	24,493,810.90	3,705,024.34	2,723,058.08	15.12	11.21	.....	378,461,021	1,393,489,978	27.1
E—Sugar, molasses, and manufactures of	92,784,081.69	60,338,523.31	59,635,940.54	65.03	65.30	.....	23,536,189	413,333,428	5.6
F—Tobacco, and manufactures of	29,959,081.79	26,125,037.41	26,113,185.29	87.20	87.18	18.9	62,640,303	331,117,681	18.9
G—Agricultural products and provisions	63,925,575.39	19,181,915.96	20,594,283.57	30.16	32.28	5.7	100,839,004	2,194,833,894	4.5
H—Spirits, wines, and other beverages	23,083,420.03	16,318,120.14	20,518,168.77	70.69	88.89	8.9	43,924,676	474,487,379	9.2
I—Cotton manufactures	31,869,814.07	14,291,026.65	15,023,742.16	44.84	47.14	26.0	217,955,322	1,014,094,237	21.4
J—Flax, hemp, and jute, and manufactures of	114,172,202.94	49,900,580.31	50,353,163.25	43.67	44.07	13.3	27,223,574	185,094,092	14.6
K—Wool, and manufactures of	62,818,797.81	36,554,815.89	36,554,815.89	58.19	58.19	19.7	135,059,093	767,210,990	17.6
L—Silks and silk goods	38,816,839.20	20,313,706.39	23,581,996.60	52.33	60.76	22.6	26,767,943	133,288,072	20.0
M—Pulp papers and books	20,005,025.62	4,136,029.42	4,042,076.14	20.67	21.88	16.2	123,903,633	548,957,239	22.5
N—Sundries	135,821,484.06	29,896,513.49	31,307,603.27	22.50	23.06	19.9	[5] 340,596,182	[6] 1,954,228,027	18.3
Total from customs	779,140,621.87	329,110,914.39	338,973,303.34	.....	.....	.....	[7] 2,331,938,518	[8] 13,534,180,743	.....
Net increase	.....	.....	9,862,388.95	.....	.....	.....	.....	.....	.....
Total luxuries, articles of voluntary use, dutiable	289,411,904.28	149,837,286.47	160,454,103.74	52.48	55.47	.....	.....	.....	.....
Total necessaries, dutiable	489,728,717.59	179,273,627.92	178,519,199.60	36.77	36.69	.....	.....	.....	.....
Total entries for consumption, dutiable and free	1,415,402,284.78	.....	338,945,001.07	.....	23.95	.....	.....	.....	.....
Total necessaries, dutiable and free	1,125,990,380.50	.....	178,519,199.60	.....	15.85	.....	.....	.....	.....

[1] Percentage of wages to value of product calculated and inserted by R. L. OWEN.

[2] Industries grouped to conform as nearly as possible with the articles enumerated in the respective schedules of the tariff law. Industries with products named in two or more schedules are credited to the schedule which includes the major product. The value of products for each group is the sum of all products of all industries in the group, and hence includes a large amount of duplication due to the product of one industry serving as material for another.

[3] Should be $56,796,143; addition erroneous.

[4] Should be $767,401,417; addition erroneous.

[5] Should be $273,959,320 (see p. 67).

[6] Should be $1,495,686,437 (see p. 67).

[7] Should be $2,277,838,543.

[8] Should be $13,270,192,088.

Mr. OWEN. The table which I have inserted in my remarks completely exposes the pretense that the duties imposed are justified on the theory of protecting labor, because the percentage of labor in the products on the chemical schedule, for example, as to the value of the product, averaged 7.5 per cent, while the duties imposed were 28.20 per cent. If labor cost nothing in Europe, 7.5 per cent would be the maximum duty permissible for purely protective purposes on the commodities of the chemical schedule, but the duties imposed were put at 28.20 per cent on such articles, or 400 per cent of the total labor cost.

The total percentage of labor cost in Schedule I, the cotton-goods schedule, was 21.4 per cent. The maximum permissible, if European labor cost nothing, would be 21.4 per cent for protective purposes, but the schedule of duties was fixed at 47.14 per cent, over 200 per cent of the total labor cost.

In Schedule K, woolen manufactures, the labor cost was 17.6 per cent on such commodities, while the duty imposed was 58.19 per cent, over 300 per cent of the total labor cost.

And so throughout the schedules, as set forth above and for convenience compacted into the following table:

Manufacturing schedules.	Total labor cost.	Tariff rate.
	Per cent.	*Per cent.*
A.—Chemicals	8.0	28.20
B.—Glassware	37.1	48.70
C.—Metal goods	12.7	31.65
D.—Wooden goods	27.1	11.21
E.—Sugar, etc	5.6	65.30
F.—Tobaccos	18.9	87.18
G.—Provisions	5.7	33.28
H.—Beverages	8.9	88.89
I.—Cotton goods	26.0	47.14
J.—Flax, hemp, jute	13.3	44.07
K.—Wool goods	19.7	58.19
L.—Silk goods	22.6	60.76
M.—Paper and books	16.2	21.88
N.—Sundries	19.9	23.06

The calculation of the percentage of labor cost to the value of products is made from figures taken from the United States census and will be found in my address of June 15, 1909, page 3261, and following. The present bill makes these duties much higher, without any justification whatever unless fancied political expediency can be deemed justification.

I demanded at the time of the managers of the bill that they explain these excessive duties on the ground of protecting labor in America and they were unable to do so. I challenge the present Republican leaders now to justify these excessive duties on the theory of honest protection. The only theory that can justify a charge higher than the total labor cost in a commodity is on the theory of producing revenue, and even this theory does not justify such an interference with commerce.

The Democratic Party has justified its schedules in the past on the ground of favoring a tariff for revenue and have most unwisely used the term for revenue "only," when in sober truth every revenue tariff ever passed by the Democrats contained duties higher than were necessary to protect American labor.

As a lifelong Democrat believing that commerce should be interfered with as little as possible by government, I should be perfectly content with a tariff that would truly impose duties measuring merely "the difference in the cost of production at home and abroad," that would give full honest protection. There is always the additional protection to American manufacturers by as much as the freight across 3,000 miles of water and the insurance and port charges would be added to such duties.

In addition to such protection I should be willing to add for full good measure 10 per cent, because I am more than willing, as I believe all other Democrats are, to give honest protection to meritorious American industries. What I vigorously object to, what all Democrats object to, are duties so excessive, so far above "the difference in the cost of production at home and abroad," as to engender and protect monopoly and make effective a substantial robbery of the consumers of the country. The plain truth is, Mr. President, that both the Democratic tariff and the Republican tariff are much higher than such a tariff as would impose duties equal to the difference in cost of production plus 10 per cent or plus 20 per cent or plus 50 per cent on an average of the schedules.

The truth is, Mr. President, that whether the Democratic committees or Republican committees are writing these tariff schedules they are subjected to the pressure of special interests, of parliamentary solicitors, of gentlemen of the finest manners, of the greatest social talents who subject the committeemen and Congressmen to blandishments and cajoleries that are irresistible, while the inarticulate mass of the people of America who pay the prices arising under the shelter of these high duties do not seem to be adequately represented in such ex parte pleadings.

As a consequence the tariff duties, whether Republican or Democratic, are far higher than are required on the principles of protection honestly and faithfully applied. It is easy to impose upon Congress. Here comes this present tariff bill of over 400 pages and with four or five thousand items on these schedules based on evidence taken without the safeguard of an oath, with no legal penalties for imposing upon Congress or abusing its confidence and with volumes of evidence running into thousands of pages.

Members of Congress, in addition to passing on the involved questions of duties on thousands of items, have very many other things to do in conducting the affairs of this gigantic Government, and the capacity of men—and if I say it without offense, even of Congressmen—is limited.

Mr. President, I am in favor of a scientific tariff removed from politics. I am perfectly willing to study the tariff schedules, but I know equally well the futility of it. When the tariff bill of 1909 was being considered, my remarks on June 15, 1909, took 60 pages of the CONGRESSIONAL RECORD. It was a very careful analysis; it was work faithfully done; it would make an ordinary octavo book of 350 pages, but of what use was it? The partisan leaders had determined to give the special interests in this country whatever they wanted, and the schedules were put through accordingly. It is true that it caused a revolt in the country when the people realized the injury to their business enterprises and to the consumers, and then followed a reaction with the Democrats in power, who proceeded to rewrite the tariff bill for revenue purposes, which involved exceedingly high protection nevertheless. The Democrats have always intended to give incidental protection. They have given, incidentally, protection far more than is necessary in my judgment, and without apparently realizing the fact.

I am willing, as a Democrat, and I believe the Democratic leaders are willing, to give full protection up to "the difference in the cost of production at home and abroad," but I am opposed to "excessive duties." The Democrats of the country are opposed to "excessive duties," and I believe that nine-tenths of the Republicans are opposed to "excessive duties." Those who favor excessive duties—the very rich and powerful—who seek to establish monopolies by cutting off foreign competition, dare not say as much to the American people and can only put over such high schedules and monopoly protecting and monopoly engendering duties under the color of party loyalty and patriotism and the protection of labor. The plea of political expediency covers a multitude of sins.

Mr. President, I offer the following amendment to the present bill to be inserted on a suitable page and line:

The United States Tariff Commission is hereby authorized and directed to ascertain the difference in the cost of production at home and abroad of every article imported from any foreign country into the United States or into any of its possessions where duty is imposed on such article. The said commission is directed to calculate the specific duty equal to the difference in the cost of production at home and abroad of such article, which, with 10 per cent added thereto, shall be published by said commission as the duty fixed upon such article by the Congress of the United States.

Mr. President, this provision or its equivalent will put an end to upsetting the business of the United States every time there is a change of parties in our national elections.

Under this plan scientific honesty can be made to replace political expediency, logrolling, false testimony, and "excessive duties."

Congress will be able to transact the national business without being torn to pieces by trying to do the impracticable and impossible duty of passing on the duties of 4,000 commodities which fluctuate in value from time to time.

It will put an end to depressions due to uncertainties with regard to tariff duties.

It will remove as far as practicable unnecessary obstructions to international commerce.

It will enable Europe to pay its debts to America which can not be done under a prohibitive tariff, as these debts must be paid in commodities.

It will expand our foreign commerce and give new markets to our manufacturers, because it is impossible in the long run for one nation to ship more to another nation than it receives. Whatever we buy from abroad we pay for in terms of our own commodities, and the more we buy from abroad the more we will ship abroad. This everlasting truth can never be broken, and when the world fully understands it, as hundreds of thousands do understand it, it will be discovered that it is to the interest of all mankind to interpose as few obstructions as possible in our domestic or in our international commerce. The one gigantic fact which has made America prosperous, exceedingly prosperous, has been the complete freedom from interference in our interchange of commodities between the 48 States of the Union. That is why America has built up the greatest domestic commerce of any like number of people in the world; that is why America has developed the greatest banking power in the world with nearly fifty billions of assets.

Mr. President, I appeal to my Republican associates, who love their country as well as I, to take the tariff out of politics and give our people a scientific administration in the imposition of duties which shall afford honest protection and nothing more than protection. Let us raise our revenue by other means than choking the arteries of commerce and obstructing the flow of commodities into and from our country which has grown rich and powerful at home by freedom of commerce at home.

No Republican can justify himself in voting against the amendment I propose on the ground that it is unconstitutional

or on the ground that it delegates the legislative power. The Republican Members are precluded from making this charge because they have given to the President in this very bill powers greatly in excess of what I propose the United States Tariff Commission shall exercise.

In fact, I do not propose to give the Tariff Commission any power except to make mathematical calculations based upon the evidence which they are directed to take. The duties which I propose by this amendment are fixed by Congress as a legislative act, leaving to the Tariff Commission the mathematical calculations based upon facts which they are directed to ascertain.

Congress can not fix railroad rates or tariff rates as a practical matter. Its legislative powers can be exercised in a practical way and this must be done through laying down the principles and permitting the Executive to discharge the administrative duties fixed by Congress under its legislative authority.

It will be observed that I propose to give the Tariff Commission no power whatever to fix the rate. Under the amendment which I propose the rate is fixed by the legislative power of the Congress of the United States at a point which shall "equal the difference in the cost of production at home and abroad," leaving the ascertainment of the facts to an administrative board charged with the duty of working out the mathematics thereof, a rate which may and will fluctuate from time to time but which will always represent the legislative will of Congress, will always be absolutely fair to American producers, equally fair to foreign producers, and, above all, fair to the consuming public of the United States, and beneficial to our manufacturers in America who will find their foreign markets expanded under this system

Under the amendment I propose the legislative will is expressed with as much precision as is humanly possible, and the legislative will, if this be the legislative will, can not be carried out practically except by the use of some such administrative agency.

It is obvious that under our present practice the collector of the port of New York, for example, exercises just such an administrative power under the present tariff act. He uses his judgment on the classification of the goods imported; he determines the quality of the goods; he determines the value of the goods; he applies the principle of the act, whether ad valorem or specific, and his deputies figure up the mathematics in each individual instance. The parallel is complete. No one may properly assert that Congress has a right to declare as its legislative will that the tariff shall equal the difference in the cost of production at home and abroad and then have no power to put that legislative will into effect.

I am informed with regard to the authorities cited by the Senator from Montana, May 8, 1922, RECORD, page 6494, and so forth, and these decisions, in my judgment, are wise and right, and they do not in the slightest degree abate the force of my contention, while they do apply to the undefined powers attempted to be conveyed to the President by the pending bill and which would transfer to him legislative power which Congress has no right to do. I give notice, Mr. President, that at the proper time I shall demand the yeas and nays on my proposed amendment.

I listened with interest this morning to the address of the Senator from Indiana [Mr. WATSON]. He demonstrated to my entire satisfaction that under the existing condition of the retail markets of this country there is no need for any increase in the protective duty, for he showed us case after case where the foreign goods in competition with American goods were selling at 100 per cent, 200 per cent, 500 per cent, and 1,000 per cent above the actual cost of the article plus the duty. For the purposes of revenue his argument is valid, for if such prices are being obtained from the consuming public in America by the retailers, there is a wide margin there, of which the Government of the United States may take advantage for revenue purposes, but for the purpose of protection there is no intellectual justification in the argument of the Senator from Indiana.

It is shown from the evidence which the Senator has submitted and which other Senators on the other side of the Chamber have submitted that there is, in fact, in this country a profiteering going on in the retail business. That demonstration is complete as made by Senators who have addressed the Senate with regard to various articles. If they take the position that such high prices ought to be abated, I agree with them; but no step is being taken to abate them. I think it ought to be made a criminal offense in the District of Columbia, for example, where Congress has authority, for the retailer to charge over 100 per cent profit on the articles which he is retailing to the public. There ought to be some limitation somewhere on prices. Whether the party in power has the courage to apply itself to the discharge of that duty, I do not know. That remains to be determined by the action taken by my friends on the other side of the Chamber.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Broussard	Harris	Moses	Simmons
Cameron	Heflin	Myers	Smith
Capper	Hitchcock	Nelson	Smoot
Caraway	Johnson	Newberry	Spencer
Culberson	Jones, Wash.	Norris	Sutherland
Curtis	Kellogg	Oddie	Townsend
Dial	La Follette	Overman	Trammell
Ernst	Lenroot	Owen	Wadsworth
Frelinghuysen	Lodge	Pepper	Walsh, Mass.
Glass	McCormick	Phipps	Warren
Gooding	McCumber	Poindexter	Watson, Ga.
Hale	McKinley	Pomerene	Willis
Harreld	McNary	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. GLASS. Mr. President, if I may venture to delay the unfinished business of the Senate for a moment or two, I desire to make some brief observations upon the question that has been most discussed to-day.

Since making an address to the Senate on the 16th and 17th of last January, in which I endeavored to present an exposition of the Federal reserve act and a defense of its administration, I have very carefully refrained from all participation in subsequent discussions of the question. I rather felicitate myself that the address which I did venture to make seems to have been so complete in all of its details and its deductions that the distinguished Senator from Alabama [Mr. HEFLIN] appears to have found it necessary to attempt to reply to it about 40 or 50 times. I have not found it either desirable or necessary to make any response whatsoever to what that Senator has said about my first and only speech on the subject; and not until to-day, when I was drawn into a most distasteful notoriety by the episode to which the Senate was a witness, have I even ventured to interrupt the Senator from Alabama, or to correct any of his multitudinous inaccurate references to me personally and to the subject upon which we disagree. I rise now only to set myself right with respect to one aspect of this matter.

The Senator from Alabama said that I had not objected to the consideration of this or any other resolution which he has presented having as its purpose a disclosure of certain facts as to the distribution of my speech by the banks of the country; and that is true. I have not objected, and I do not intend to object; but frankness compels me to say that I have not objected only because it is my speech that is involved always in the resolutions of the Senator from Alabama. I have not objected merely through a sense of delicacy and furthermore through conscious indifference to the whole matter at issue. I do not care who knows what banks have circulated my speech or how many have been circulated. I could have given the Senator all the information which he seems to desire on the subject long ago had he made a simple inquiry of me as to what banks had circulated my speech and as to how many had been circulated.

Of one thing the Senate may be entirely assured, and that is that I never asked or suggested in the remotest way that any bank or anybody else circulate a single one of my speeches. I had a moderate number of copies of the speech printed on my own account, in response to thousands of requests from various parts of the country for copies of the address. I had them printed at my own expense and circulated only in response to these requests; so that I have been indifferent to this furore over the circulation of my speech by the banks of the country; and, as I have indicated, through a sense of delicacy have made no objection to these resolutions of inquiry. I do not care to have it understood, however, that my judgment sanctions anything of the sort. I think the Senate has nothing whatsoever to do with the circulation of anybody's speech by any private banking institution of the United States.

It is not an unusual thing for banking institutions to establish and conduct publicity departments. I venture to say that there is not a bank of considerable importance in the United States which has not a publicity bureau. I have on my desk right now a pile of literature circulated from time to time by banking institutions in the United States and in other countries. The great banking institutions of Great Britain and Germany and France have their publicity departments and send out, if not

every week, at least once every month, their literature, discussing economic problems and the relation of political movements to the business interests of these respective countries.

At least 20 of the great banks in New York City have their publicity bureaus and each week issue these pamphlets discussing political questions in their relation to the business interests of the country. So that there was nothing of an unusual nature about the circulation by these banks of a speech made by a public man in the Senate of the United States.

I may say, in passing, that it was not a political address. I defy anybody on earth to read it from the beginning to the end and say, from its contents, whether the man who delivered the speech was a Democrat or a Republican. It undertook to discuss no political aspect or phase of the problem whatsoever. It was strictly and exclusively an economic discussion, so much so that 23 State universities and colleges, including some of the great educational institutions of the United States, have adopted it as a textbook to be taught to their classes in economics. So I say it was in no sense a political address.

As to the right of the Senate to make inquiry into the matter, had I not been involved, or had my speech not been involved, I should undoubtedly have objected to the right of the Senate to make any inquiry into the matter at all. It has been said here that the Federal reserve banks are the creatures of the Congress, and they are. So are the national banks the creatures of the Congress of the United States. They operate under precisely the same charter rights as are possessed by the Federal reserve banks. But they are private institutions. Like the Federal reserve banks, they pay to the Government a franchise tax, and that is all. The Government of the United States has not furnished one dollar of the capital of the national banking institutions and the Government has not furnished one dollar of the capital of Federal reserve banks.

National banking institutions are owned and operated by their private stockholders, who contribute to their capital and manage the institutions. Federal reserve banks are owned and operated by the stockholding member banks. The United States Government has never contributed a dime to their capital stock.

The Senate of the United States has as much right to-day to ask or to require the Irving National Bank of New York, or the First National Bank of St. Louis, or any other individual national banking institution in the United States, to furnish an individual Senator with its mailing list, or to furnish the Senate with its mailing list, as it has to ask or to require one of the Federal reserve banks to furnish the Senate or any individual Senator with its private mailing list.

It has just as much right to ask or require an individual national bank operating under its Federal charter to furnish a Senator with a list of its depositors or of its borrowers, as it has to require it to furnish its private mailing list to a Senator for the purpose of dispatching an address of his to the bank's correspondents; and it has no right to do either. The only interest of a pecuniary nature the United States has in a national bank is that a national bank shall pay into the Treasury of the United States a franchise tax from its earnings, and the only pecuniary interest the United States Government has in a Federal reserve bank is that it shall pay into the Treasury of the United States a percentage of its net earnings as a franchise tax to the Government, after it has made the earnings.

The United States Senate has not hitherto bothered itself or concerned itself with the detailed operations of individual national banks, nor has it concerned itself or bothered about the detailed operations of Federal reserve banks. It might as well require these banks, of either character, to furnish it with a statement of the amount of ice water drunk by its employees as to furnish the Senate with its private mailing lists.

I have said this much, Mr. President, only to elucidate, as I think, the apparent misconception in this body of what a Federal reserve bank is, and of what the relation of the Government, or the legislative branch of the Government, is to these banks, and that is all. There seems to be a misconception as to this, even on the part of the distinguished chairman of the Banking and Currency Committee, because in a qualified way he promised the Senator from Alabama to report back this resolution. I want to say that if it is the deliberate judgment of the Senate that this body has a right minutely to inquire into the private business operations of a national bank because it possesses a Federal charter, or a Federal reserve bank because it is operating under an identical Federal charter, there is no need whatsoever to refer this or any kindred resolution to the Banking and Currency Committee for report, and I shall advise that the unanimous consent be given to exact this information, and explicitly to require these banks to furnish a Senator with their private mailing lists in order that he may dispatch his speech or speeches to the persons with whom these banks are accustomed to do business.

If that is the view of the chairman of the Banking and Currency Committee, if he thinks it is a proper exercise of the Senate's power to engage in that sort of thing, I should advise that he withdraw his objection and let these banks be by this method coerced into disclosing their private business affairs to the Senate of the United States, albeit by doing so the substantial operation of these banks is interfered with.

Mr. McLEAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. GLASS. I yield.

Mr. McLEAN. I assumed that the Senator from Alabama requested this information from the Federal reserve banks and had no application to the national banks. Inasmuch as the Federal reserve banks are more or less under the control of the Federal Reserve Board, and their directors are chosen by the Federal Reserve Board, it seemed to me that they did stand in a relation a little different from that of the national banks in so far as their operations are concerned and that it might be proper for the Senate to request information from one of the Federal reserve banks.

Mr. GLASS. I will say to the Senator that in the matter of control the individual national bank, operating under an identical charter, is very much more subject to Government control than a Federal reserve bank. The national banks are put under the absolute control of a single man, to wit, the Comptroller of the Currency.

Mr. McLEAN. The directorship of a national bank is entirely private, and the Senator knows that some of the directors of the Federal reserve banks are chosen by the Federal Reserve Board, and the Federal Reserve Board is appointed by the President and confirmed by the Senate. Without giving the matter much thought, it seemed to me that the relationship was much more intimate between a Federal reserve bank and the Government than between a national bank and the Government in any matter which related to expenditure, or, if you please, to the sending out of public documents, or things of that kind, and that a resolution of inquiry might properly emanate from the Senate. I have not given the matter very much thought, but I still think that it would be in order for the Senate to request any information it desires to receive from the Federal reserve system, confining it to the Federal reserve banking system.

Mr. GLASS. In my judgment, the relationship is very much less intimate with respect to the Federal reserve banks than with respect to individual national banks. It is conceivable that if a charge of fraudulent transactions or flagrant mismanagement of a Federal reserve bank should be made, a joint resolution by the two Houses of Congress for an inquiry as to the facts might be proper; but even in that case Congress itself has established a central board to supervise the operations of these banks, and it very properly relies upon the scrutiny and viligance of that board to control any matter of that description.

But let us not be deceived about the nature of this inquiry. The whole purpose of it was frankly avowed here to-day by the Senator from Alabama, and it is that these banks may be by the Senate compelled to furnish him with their private mailing lists in order that he may utilize those lists for the purpose of posting copies of his speeches to people who do business with those banks. The Senator has made no concealment of that purpose on his part. Now, then, will the Senate proceed logically to require those banks, at the expense of their private stockholding banks, some of them State banks, to have printed and purchased the speeches of the Senator from Alabama, and to circulate them at the expense of their stockholding banks, notwithstanding their judgment may entirely disapprove of what the Senator from Alabama has said; albeit they may think that his construction of the Federal reserve banking system is totally at fault, saturated with prejudice, with no intelligent conception of the real purpose and meaning of the law? Is it the idea of the distinguished Senator from Connecticut that the Senate must proceed in that fashion; that just because a bank has circulated an address of a Senator giving an economic exposition of an economic problem, without one semblance of politics in it, therefore those banks must be compelled, at the expense of their private stockholding banks, to circulate an antagonistic view of the banking system, one that charges its officials with murder, that charges it with having pauperized a great section of the country, notably the State of Alabama, that charges its officials with graft and dishonesty?

How unreasonable, Mr. President, it was in the officials of these banks to circulate an economic address that conservatively sought to defend them against charges of graft and theft and assassination! What are these bank officials that they should resent imputations of that sort against their character? These men who are selected by the individual National and State member banks of the system, presumptively for their ability and their strict integrity and their scientific knowledge of the banking business of the United States—who are they that they should presume to object to these characterizations and in disproof of them circulate an address which merely undertakes to recite in perfectly respectful terms the accomplishments of those banks during a given period? Is that political propaganda? Is that an attempt to seize and control the Government of the United States? Is that properly any reflection upon the Senate of the United States? Is any Senator here alarmed over the modest wish of these bank officials that they, by the circulation of a public address, might be exculpated from these violent charges of graft and rascality and merciless oppression of certain classes of their fellow citizens?

I do not think, Mr. President, that the Senate properly has any right to ask or to require these banks to furnish one of its Members with their private mailing list in order, as he avows, that he may thereby be enabled to send the men with whom those banks do business his speech or speeches. So far as I am concerned, I would not object for one moment, vocally or mentally, to having the Senator's speech put in the hands of every intelligent man, woman, and child in the United States. I would not object for one moment to having that done. If he thinks it is an answer to the speech which I ventured to make, I felicitate him upon his happy frame of mind. I shall not undertake to deny to him the satisfaction of feeling that he has really answered my speech. If he can possibly get anybody else to concur in that belief, I should be cheerfully willing to afford him all the facilities and all the opportunities that he might desire. But I do not think the Senate has any right to do it at the expense of the Federal reserve banks, owned by their stockholding banks and which, in my view, have a right, if they are going to circulate literature at all, to circulate literature which commends itself to their judgment rather than literature which does not commend itself to their judgment.

Now, Mr. President, that is all I have to say about the matter. If it is the view of the Senate that it has a right to do this, I am in favor of speeding the proposition rather than delaying it.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. HEFLIN. Mr. President, the Senator——

Mr. SIMMONS. I thought the Chair recognized me.

The VICE PRESIDENT. The Chair recognized the Senator from North Carolina.

Mr. HEFLIN. I, of course, have been referred to in the speech of the Senator from Virginia——

Mr. SIMMONS. I have several times deferred what I have to say and I would like to proceed.

Mr. HEFLIN. I shall wait until the Senator from North Carolina concludes, and then I shall reply to the Senator from Virginia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 154. An act for the relief of Arthur E. Rump;

S. 156. An act for the relief of the heirs of Julio Carrazco, deceased;

S. 426. An act to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat. p. 866);

S. 494. An act for the relief of Benjamin O. Kerlee;

S. 777. An act for the relief of John M. Green;

S. 1087. An act for the relief of H. L. McFarlin;

S. 1730. An act for the relief of Philip S. Everest;

S. 1784. An act for the relief of John B. Elliott;

S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army;

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

S. 3156. An act to amend section 70 of the Judicial Code;

S. 3291. An act for the relief of Henry Cordes; and

H. J. Res. 313. Joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. SIMMONS. Mr. President, the speech of the Senator from Indiana [Mr. WATSON] delivered this morning, and the exhibits which he made to the Senate in connection with his speech, were a mere continuation of the speech and exhibits made by the Senator from North Dakota [Mr. MCCUMBER] a few days ago. The speech added a few articles, principally of a trifling character so far as the part they play in our national trade is concerned, to the rather unimportant objects of commerce exhibited by the Senator from North Dakota. The line of thought was exactly the same. So that I think it may be very truly said of the speech of the Senator from Indiana, that while admirable in its delivery, while exceedingly interesting as all of his performances are, it added no new thought and no new facts to the tariff discussion. The speech really does not require an answer. The answer has been made already to the speech of the Senator from North Dakota. That answer has been accepted by the press of the country as overwhelming and conclusive.

As a tariff argument, of course, the speeches of both the Senator from North Dakota and the Senator from Indiana, if I may use the terms without offense, because I certainly intend none, were quite preposterous and ridiculous. I do not understand that either of the two distinguished Senators made his speech as a part of any tariff argument. I tested out the Senator from Indiana to-day, as by some questions I think I tested out the Senator from North Dakota the other day, asking him whether or not he was really presenting the argument and exhibits as a tariff argument, and I think the answer shows conclusively that neither of them thought anything of either the talk or the exhibits as a tariff argument in favor of the pending bill. Both of them seemed to admit, and did admit, as I understood them, that the purpose of their speeches was not to demonstrate the sufficiency or the insufficiency of a given rate of duty, but the purpose was to indict, so to speak, the importer and certain newspapers of the country upon the ground that they were either, in the case of the importers, selfishly interested and therefore their opposition to the bill should be discredited, or, in the case of the newspapers, especially those of the political faith of the sponsors of this bill, unduly, if not corruptly, influenced by the importers.

Mr. President, we dealt with that phase of the situation very thoroughly in the discussion a few days ago. The same charge was made and the answer was given. I should not now take the floor for the purpose of again answering that suggestion, and I say that is all in the Senator's speech to answer, because as a tariff argument he admits that it is beside the mark; it is a mere argument for the purpose of convicting those who oppose the bill as opposing it through improper motives. Feeling that way about it, I should not take the floor at all to-day if it were not for the fact that I have a few little exhibits which I myself wish to present and which I think will be somewhat interesting to Senators on both sides of the Chamber and will also be somewhat interesting to the country. However, Mr. President, so long as the indictment has been repeated against the importers and the newspapers and additional facts along the same line have been adduced and additional argument along the same line has been indulged in, I want briefly—not elaborately at all—to review those arguments.

Mr. President, these exhibits have been presented here by the two Senators to whom I have referred for the purpose of showing that the importers of the United States who are sometimes connected with the department stores, as is charged, are unduly profiteering upon the American people in selling the articles which are purchased from abroad. What is the evidence of that charge? It is a serious charge to make against any class of business people who stand well, as do the American importers, for generally they are American citizens, although one might

not think so to judge by what Senators on the other side say of them, and those citizens interested in the department stores. What is the evidence upon which it is sought to convict these two great interests in the United States of opposing this piece of proposed legislation, claimed to be in the interest of the people, from selfish or greedy and improper motives? What is the testimony? The testimony is the ex parte statement of two propositions, and only two: First, that the foreign selling cost of the imported article appears to be low, and, second, that the retail selling price of the particular article in this country appears to be very high; in other words, it is sought to convict this class of business men of the United States of improper motives because of the alleged big spread between the wholesale price of the imported article and the retail price at which that article is sold in the American market.

Mr. President, it is clear that if this charge were made in a court of justice no prejudicial inference could be drawn from those two facts against the department stores or the importers. It is evident that the essential fact necessary to support and sustain the conclusion which the Senator from North Dakota [Mr. McCUMBER] and the Senator from Indiana [Mr. WATSON] attempt to draw has been left out and suppressed, and that no effort on our part to pry out of them these facts, if indeed they possess them, has been successful. I undertake to say that if those two Senators were proceeding in a court against the importers and the department stores to prove a charge of profiteering on articles brought from abroad they would not only present to the jury the wholesale selling price of the foreign article, but that they would present to the jury and they would feel that they had made out no case unless they presented to the jury at the same time as an essential part of the evidence the wholesale selling price of the comparable American article. Nor would they think that their case was completed when they presented the wholesale selling price in the American market of the foreign article unless they at the same time presented the retail selling price of the comparable domestic product in the American market.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I should be glad if the Senator from Oklahoma would not interrupt the line of thought I have in mind just now. I will yield to him a little later on.

Mr. OWEN. Very well.

Mr. SIMMONS. I say those facts are absolutely necessary to make out the case and support the charge which is made against these reputable business men. Why did the distinguished Senators not present those facts? Is it because they were not in possession of them? Mr. President, as to these little trifling articles of commerce which they have exhibited to the Senate and to the country, it would have been just as easy to obtain the wholesale selling price of the comparable American article as it was to obtain the selling price of the foreign article. It would have been just as easy for them to have ascertained the retail selling price of the comparable domestic article as it was to ascertain the retail selling price of the foreign article.

That suggestion was brought to the attention of the Senator from North Dakota a few days ago when he presented his argument. He must have seen its force. The country saw it; the American press saw it; it was not hidden from anybody. It may be said that he had inadvertently failed to get those facts and present them to the Senate; but I maintain and I submit that when four or five days afterwards another majority member of the Finance Committee makes exactly the same argument, presents exactly the same facts, and neglects, as the Senator from North Dakota neglected in his speech, to present these additional and essential facts, which might in the meantime easily have been ascertained, it is apparent they do not desire to present to the country a comparison between these prices.

Oh, Mr. President, it is incredible that Senators who are here voting to impose taxes upon these articles have not already in their possession the evidence showing the difference between the wholesale price of the foreign articles which they have mentioned, all of which are covered in the tariff bill, and the wholesale selling price of the American article. To say that they are not in possession of both of those facts is to say that they knew nothing about the very fundamental facts that must lie at the bottom of the rates proposed according to the theory upon which they claim they framed this bill.

They say they framed it with the idea of bringing up the wholesale selling price of the imported article to the level of the wholesale selling price of the domestic article. If they framed it upon that theory, it is criminal negligence for them to stand here and say, "We have the wholesale selling price of the foreign article, but we are not able to present to the country the wholesale selling price of the domestic article." That is convicting themselves of having framed this bill upon a certain theory and being ignorant of the facts that were necessary to enable them to apply that theory to a given object.

They have no time to look up these essential facts in connection with this question, Mr. President, or they refuse to do it; they have no time to give the country information to enable the people to discover whether the serious charge against large and influential classes in the United States, embracing the press itself, incidentally, may be sustained; they have no time to find out the facts that would enable us to test the truth of their charge. They have had no time until recently even to discuss the schedules of this bill; they were so pressed that they insisted upon voting without serious and due consideration and discussion of the items; and yet, Mr. President, when it comes to preferring infamous charges against the newspapers of this country, including the Republican press as well as the Democratic and the nonpartisan press, these Senators not only take two or three days of the time of the Senate in trying to bolster up this unfounded charge but they have men scouring the country, rushing from port to port, from store to store, with a view to finding some exceptional or freak importations upon which to make a charge, and leave out in the making of that charge the vital evidence necessary to give it force and effect.

Mr. President, it is charged that the importer is also the retailer, and therefore that we should look at the importer in a very different light from that in which we look at the American wholesaler, because the wholesaler is not a retailer, although, as a matter of fact, many of them do retail as well as wholesale business. There is but little significance in the fact that some of the articles that have been exhibited here were sold by the same concerns that imported them. So far as the spread is concerned, the spread in that case would naturally be very much the same as the spread between the wholesale selling price and the retail selling price. Why? Because the importer—he may be a department-store head—must pay the overhead charges of importation. He can not import without paying the same overhead charges that any other importer has to incur. He can not then sell as a retail dealer without incurring also the overhead charges of the retailer; and so, in the case of the importer who is also a retailer, against that particular object of merchandise we have the item of the overhead of the importer as well as the overhead of the retailer to take into account, and then to that must be added the profits. I say, therefore, that there is very little difference between that case and that of the importer who sells to the retailer.

Is the importer who in also a retailer practicing extortion upon the public as a retailer? Mr. President, we can not tell unless we ascertain whether or not he is charging the American consumer a higher retail price for the foreign article than his competitor is charging the American consumer for an American-produced article at retail. This much is absolutely apparent, that the high retail prices at which these articles have been declared to have been sold in the American market could not have been realized for those articles in this market unless the American product had been sold at retail for as high a price as that paid for the foreign article. If the importers of foreign products were able to command high prices for those products in the American market—prices that seem to be outrageous profiteering—it is because their competitors, dealing in American-produced products at retail, have set the pace, and the importers are simply following them.

Why attack the importer's motives with respect to this bill under those circumstances and not at the same time attack the motives of the hundreds of thousands of retail merchants in this country from one end of it to the other who are denouncing this bill in unmeasured terms? Why single out the importer as a criminal? If he is a criminal because he exacts in the American market these high prices that are alleged to have been given, then it necessarily follows that the American retailer of domestic products is also a criminal. If the importer's motives must be attacked and his opposition to this bill attributed to selfishness and profiteering, upon the same theory every retailer in this country who is opposing this bill—and I say the great bulk of them are; nine out of ten of the retailers of this country, according to my information, are opposed to this bill—we might just as well denounce them and their opposition as to denounce the importer.

But, Mr. President, suppose that it be conceded—and, of course, it is not conceded—that the Senators have made out their case against the importers and the department-store people. Suppose they have shown that these men are outrageous profiteers in the retail market of the United States; that they

are criminally guilty of extortion upon the people; and that they ought to be segregated from the American retail profiteer and punished and held up to the contempt of the Congress and the country. If they have established that, Mr. President, how have they made out their case against the newspapers?

I assume that these gentlemen are not after the importers and the department stores so much as they are after the newspapers of the country, the press of the country. That is their objective. We did not hear much talk about the activities and the sinister motives of these importers and department stores until we began to read into the RECORD these editorials from the great metropolitan newspapers of the country denouncing this bill in unmeasured terms. It was these editorials under which the Senators on the other side, in charge of this bill, squirmed and writhed. It was these editorials that drew their fire. But, Mr. President, it became necessary to ascribe a sinister and a corrupt motive to the newspapers, especially of the Republican press, that were so severely criticizing and denouncing this bill; and then for the first time, coming in force, in overwhelming force, we saw and heard these assaults upon the department stores and the importers. For what? For the purpose of fixing an ulterior and unworthy motive upon the newspapers for their attacks upon the bill.

When these great newspapers declared themselves, and when their lead was followed by the big papers of all the large towns of the country, without reference to whether they were importing centers or not, when Senators on the other side saw that the clamor against their bill, which started with these newspapers, was being taken up by the smaller dailies and weeklies throughout the country, and saw the number, day after day, of these assaults from Republican sources, from newspapers that had always supported the theory of protection and Republicanism, with respect to whose partisan Republican affiliations no question could be made, they saw the necessity of immediately finding some plausible excuse for that attitude on the part of this large number of newspapers throughout the country, not only of their own party, not only of the Democratic Party, but of the nonpartisan press, of the trade press. In fact, this movement was led by the commercial papers of New York and Chicago, and by the Republican papers of those cities and of other large centers. And so, Mr. President, the Senators from North Dakota and Indiana are simply using the department stores and the importers as the evidence in their indictment against the newspapers of the Republican faith in this country. I say that their evidence has broken down as against the importers and the department stores.

Mr. President, what has the Republican side of this Chamber to say with respect to the evidence which the able Senators representing the majority of the committee have presented here in an effort to convict the newspapers of the United States of corruption and of bribery through advertising? Where is the evidence?

Mr. President, has a more serious charge than that ever been framed or presented in the American Senate—a charge that the great newspapers, the chief sources of public information, constituting as they do one of the Republic's chief safeguards, have suddenly fallen from their high estate and surrendered their editorial and news columns to an unworthy assault upon a bill presented and sponsored by the party to which they belong and which they have so faithfully served in the past? I think no more serious charge than that was ever presented in the American Congress; and now, Mr. President, I ask what is the evidence upon which the majority side of this Chamber seek to convict the Republican press of this country who are opposing their bill of this infamous charge that they have leveled against it? Where is the evidence?

I say here now, and I challenge successful contradiction, that up to this time there is not one particle of evidence to sustain this charge against the newspapers of the United States except the bare, unsupported statements of those who have made the charge in the Senate. Therefore, I ask, have you proven your case? You certainly have not proven it as against the importers as to prices or against the department stores as to prices. Where is your evidence to establish your charge—a charge that involves and presupposes almost unspeakable venality on the part of a large and influential part of the press of the Republican Party?

Yet, Mr. President, to support these two charges, one against the importer and the second against the newspapers, Senators on the other side, who profess to be so anxious to facilitate the consideration of this bill and have so little time to devote to discussion and explanation, have taken two or three days' time trying to make out a case. That was the only object and purpose of the two spectacular speeches we have had and the two vaudeville tariff shows we have had in the Senate, according to the confession of both Senators.

Of course, we have shown that the Senators have failed to maintain either charge, first, because they would not get the essential evidence as to one, and it is a rule in the courts where I used to practice that whenever you catch a party to a suit suppressing a fact it is because he knows that its presentation would not advance his action, whatever its character might be.

They said we were going to have some more of these shows. I challenge them now, if they do make a third effort to convict these department stores and importers, to bring the essential evidence, the lack of which is now the fatal defect in their case against those stores and importers. I demand that if they are going to insist that this influence accounts for the attitude of the Republican press of this country, that they bring us some evidence other than their bare statements to sustain that charge.

I want to talk just a little while about these things which have been presented to us here to-day. We are here considering a very important bill. Evidence is to be brought here to accomplish a very serious purpose, to wit, the discrediting of the newspaper press of the country, and the conviction of certain great interests in this country of dishonest and corrupt motives, and extortion from the public. What have we had here before us?

We have had an exhibit of a number of little, trifling articles, gathered up with great care. It probably took several weeks for the flying squadron of appraisers, who have been out searching over the tomes of the customhouse to find some exceptional or freak importations, to gather up the articles exhibited by the Senator from North Dakota the other day. Then they rushed off to the department stores, or to the general merchandizing stores, of the great cities to see if they could not find that the articles had been sold at extortionate prices, and when they found they had been sold at the very same prices which the retail merchant was charging for the same or comparable American article, Senators rush in here and say, "We have made out our case. We have shown that an article which cost only 30 or 40 cents, or, we will say, a dollar, has been sold at retail for $15."

Mr. President, before I get through I am going to show an American product in common use in this country which sells at retail everywhere for $5, but is sold at wholesale for 19 cents.

They exhibited Apollinaris water, cabbage seed, leather belts, toothbrushes, amber beads, bird cages, hair dye, a foot rule, padlocks, and a monkey.

Mr. CARAWAY. Mr. President, I have been informed that among the interesting things they yet have to bring on in this circus is a roulette wheel. They seem to think that is one of the necessary household utensils. They also have in the room below the statue of a lady minus her clothes, and a bottle of prunes. I do not know who is to be ringmaster when that particular circus is brought in, but how appropriate it was that the first circus opened with a cuckoo. That is a bird which lays its eggs in some other bird's nest, and how appropriate it is to open a tariff discussion with a cuckoo. The next opened with a monkey. If they want to slander their ancestors by auctioning him off, I suppose they have a right to do it.

Mr. POMERENE. Where was the organ grinder?

Mr. CARAWAY. The Senator from Indiana was the organ grinder. I am sorry he is not present, but unless there is some organ for him to grind he never is here.

It strikes me, if I may interrupt the Senator from North Carolina, that it is appropriate for a party which has become so absolutely helpless that the papers of its own faith are denouncing it for its incompetency to open a show here in the Senate with a cuckoo and conclude it with a monkey. They are so typical, so entirely typical, of the capacity and the performances of the party. I am sure that the people who elected them will appreciate that they have run true to form.

Mr. SIMMONS. Mr. President, is it not a little strange that as to all of these little toy articles which were brought here, none of them except the tablecloth, the napkins, and the gun are of common use among the people? If they are, they are items of trifling consequence, and it is upon such articles as that, as we all know, that these profiteers make their greatest exactions. That is a matter of common knowledge. They selected a lot of articles upon which there is always profiteering, because the people have no knowledge of the cost of these little things, and therefore the retailer can take advantage of them, and the retailers and the drug stores—I do not mean all of them, but a part of them—from time immemorial have been in the habit of figuring very much greater percentage of profits in fixing the retail prices of these little articles of the character

the Senators on the other side have brought into the Senate than they figure upon more important articles.

It was not necessary for these gentlemen to bring these articles in and exhibit them. They can be described without exhibition. For the purpose of making this argument and this comparison, why did they not select some of the essential and staple things of life, things about which the people are supposed to have knowledge of the original cost and the ultimate cost to the consumer, and are therefore able, by reason of having some degree of familiarity with both prices, to make a comparison for themselves?

If they were not going to do that, they owed it to the Senate, as I said a little while ago, at least to furnish us a statement of the facts with reference to the commercial transactions in these articles which they exhibit, or use for illustration, which information is essential to enable us and the country to determine whether the importer or the department store is profiteering any more in connection with the foreign article than with reference to the domestic article, so that we might be able to determine whether the importer is any more of a criminal than any other American retail or wholesale merchant.

The Senator from Indiana, selecting an article sold by McCutcheon, of New York, claimed that McCutcheon had declared that if the duty on linen were doubled—raised, I think, from 30 to 60 per cent—the retail price of linen towels would probably be advanced by reason of that increase from $6 a dozen to $7 a dozen; and the Senator said that advance was not justified by the increase in the rate. It may not be altogether justified by the increase in the rate, but it is very nearly justified by the increase in the rate. The foreign selling price, according to the Senator, was three dollars and eighty-odd cents, I think. Adding 30 per cent to that would increase it a dollar. But suppose the duty did not cover the advance in the price this great mercantile house anticipated might occur and would occur; does that prove that that department store is profiteering with respect to this particular article?

Does the Senator know whether he paid more or less for his napkins than the invoice price? I think it was just one sale. I do not know when that sale was made. Does he know whether McCutcheon made the sale out of the present stock, probably as the result of recent purchases, and paid only that amount or paid more than the foreign landed price which he gave? I think he does not. I think he probably would find that the foreign prices have increased very much in recent months.

But leaving all that out, assuming that they have not increased, assuming that the advance in prices is greater than the duty would justify, what does that prove? It proves the charge that has for long, long years been made against a high protective rate, a charge that actual experience has borne out. Put a duty upon almost any product that is imported in large quantities and the price of the American product will at once respond, and in many instances, instead of adding simply the full amount of the duty, they will use that duty as an excuse to advance the price far more than the amount of the duty. That is a matter of common knowledge and common experience. Part of the advance is justified and part of the advance is not justified. That is one of the tricks of trade, Mr. President. I do not say that of all, but in many instances. Wherever a good excuse is given for an advance of a certain amount, that excuse will be availed of for the purpose of making an advance to a far greater amount, especially where, as in the case of the tariff, the consumer who is victimized has no opportunity or means of ascertaining whether he has been mulcted only to the extent of the tariff or has been mulcted far beyond the tariff.

Of course, Mr. McCutcheon is going to sell that merchandise in competition with other merchants. Mr. McCutcheon has got to charge at retail for his products practically the same as the other merchants charge.

If the spread was too great for the duty, and I do not think it was much too great, he presumed upon the very fact that sometimes, more often than otherwise, more is added than the tariff duties would justify.

Mr. POMERENE. Mr. President, the Senator has been discussing the duties on linen. I do not care to interrupt him now if he does not desire an interruption——

Mr. SIMMONS. I would very much prefer that the Senator would allow me to proceed.

Mr. POMERENE. I shall do so, of course. I have a letter bearing upon that subject from the proprietor of a large hotel.

Mr. SIMMONS. I would be glad if the Senator would put it in the RECORD after I shall have concluded my speech.

Mr. POMERENE. I shall do so.

Mr. SIMMONS. Mr. President, I do not want to take too much of the time of the Senate. I have not had an army of appraisers at my command to send out to get me exceptional and freak articles which do not represent anything of consequence to the trade life of America in the requirements of the people and are but a small item in connection with their living expenses, items the price of which at retail ordinarily are not at all in harmony with ordinary prices obtaining as to staple products and representative products. I have not had any appraisers to do that for me. I have not scoured the country to get some illustrations here of prices that so shock the common sense that everybody recognizes that they are not real transactions.

The Senator spoke about the gun which he displayed. That gun sold for a dollar. Think of it, Mr. President. A fairly good stock, a fairly good barrel, that gun could be manufactured and sold for $1 in Germany, but when it comes over here the gullible American purchaser has no more common sense than to pay $15 for the worthless thing. This sort of spread in prices as to these freakish articles needs no answer, because the common sense of mankind answers and says they are not representative articles, and a great party should not descend to the level of seeking to palm them off as representative. They will not succeed in doing that, because the American people are intelligent, and I do not think any Senators are being deceived unless they want to be.

Now, Mr. President, we have heard a great deal about watches. While I have nobody to search out anything for me, I am beginning to receive articles from people who feel that a fraud is being practiced on the American people and an unwarranted assault made upon the very sources of our information. I have here in my hand two watches. They are exactly alike. They are of the same commercial value. One of them was made in Germany and the other was made in this country. We saw a watch here the other day that was sold, according to the statement of the Senator who presented it, for something around a dollar, maybe a little less than a dollar; that is, the foreign-landed cost was about a dollar and it sold in the American market, as alleged, for some outrageous price, I have forgotten what, but perhaps $8 or $10. Here are these two watches. I am going to read what the man said who sent these watches to me as to each of them.

This communication is from Mr. Edward J. Gall, of Paul Forbriger & Co., of New York. He sends me this letter in connection with the watches:

NEW YORK CITY, *June 7, 1922.*

The Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: As we see from the press the active interest you are taking in all matters of the tariff, permit us to point out to you a specific instance in which the proposed rates are excessive.

We are inclosing duplicates of invoices showing that we sell an imported watch at 65 cents and 67½ cents. Our price to the jobbing trade on this imported watch is 72½ cents, and in larger quantities 67½ cents. On only two occasions have we sold it at 65 cents, and then to meet domestic competition. A watch similar to this foreign product, made in this country, is sold as low as 60 cents.

The proposed new tariff on watches imposes a duty of 75 cents on all watches having less than seven jewels, and this covers both men's watches and ladies' watches. We question whether the intention was to make this duty apply to the so-called "clock" watches, a cheap form of construction, differing entirely from that of the ladies' watches, which are imported in 1 jewel, 3, 5, and 6 jewels. If a duty of 75 cents apiece is imposed on the cheap "clock" watches, to which we are referring, the duty itself would be greater than the selling price of the American watch, which is evidently unwarranted. So-called "clock" watches are largely used by workmen and boys, and it does not seem reasonable to force them to pay very much higher prices by a measure which collects, in the form of specific duty, the total selling value of the American product.

Respectfully yours,

PAUL FORBRIGER & CO.,
Per EDWARD J. GALL.

Now, then, Mr. President, I have another letter from him a little later on in response to a letter which I wrote him, as follows:

NEW YORK CITY, *June 13, 1922.*

The Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: As requested in yours of June 10, we have sent you a sample of the American watch manufactured by the E. Ingraham Co., Bristol, Conn.—

There is the place to go, Mr. President, if you want to find cheap products. They only become very costly, these Connecticut products, when they want tariff protection—

and sold under the trade-mark name of "Viceroy," also a sample of the German watch that we have been importing. Both of these watches are of equal value in the wholesale as well as retail trade.

The American watch also has the advantage of having an indestructible crystal over the dial and not an ordinary glass crystal that is easily broken.

We attach the original paid bill, dated March 7, for the American watch, showing a price of 65 cents at that time. Since then the

prices have been reduced again and they are now being sold to the wholesalers by the manufacturer at 60 cents each.

We also attach a page from the trade paper of the Jewelers' Circular of April 26, showing an advertisement by a wholesale distributor in New York—not a manufacturer—offering American guaranteed watches at 70 cents apiece.

We hope that these facts will be of good service to you, and it shows plainly that a duty of 75 cents apiece on cheap watches will absolutely eliminate the further importation thereof. We also trust that you will endeavor to have the duty rate on low-priced watches altered, so that it will still be possible to import them and compete with American watches that are being sold at 60 cents each.

Respectfully,

PAUL FORBRIGER & CO.,
Per EDWARD J. GALL.

This [exhibiting] is the American watch and here is the bill of sale:

[Established 1835. The E. Ingraham Co., manufacturers of clocks and watches, Bristol, Conn., U. S. A.]

Date: March 7, 1922.
Sold to B. Raff & Sons, 233 Fifth Avenue, New York, N. Y.
Order No. P-2686. Your order of 2/16/22; 1 box, weight 98 lbs.; shipped via express; examined, W. J. L.
Nos. 022/24.
Box, 1.
Watches, 504.
Terms: Net 30 days—no discount—f. o. b. Bristol. Viceroy, 65; $327.60.

That was with reference to the American watch. Now, I want to read data with reference to the German watch. Here is the invoice:

[Paul Forbriger & Co., importers, 35 East Tenth Street, New York, May 5, 1922.]

Sold to Southern Bargain House, Richmond, Va.
Terms, 1 per cent 10/ net 30 days.
Route via freight.
One hundred and eighty-nine pieces No. 201 Umpire watches, at 65 cents, $122.86.
Order No. 4203.
This is to certify that the above is a correct and true copy of its original.

PAUL FORBRIGER & CO.
E. J. GALL.

Sworn to before me this 13th day of May, 1922.
[SEAL.] JOHN F. VALENT,
Notary Public, New York County.

That is sworn to by Mr. Gall, who sends me these papers. That is the imported watch. The invoice for the American watch is not sworn to, but on the margin is printed "Paid, April 28, 1922."

That is the reason, Mr. President, I wanted the Senator from North Dakota to bring comparable articles. These are two comparable articles—they are practically identical articles; one is produced in Germany and the other produced here; the transactions are both recent, and the watches sell in the American market at the same price.

Mr. OVERMAN. For what do they sell at retail?

Mr. SIMMONS. I do not know for what they sell at retail. I am giving only the wholesale price. The Senator from North Dakota referred to watches which he said came from Germany which sold for a dollar there, but which he said retailed at eight or ten dollars. I do not know at what price these watches retail, but I know that this German watch and this American watch are sold at wholesale by these parties at the same price. At what price they are sold retail I do not know; they may retail at $5, $10, or $20; there may be a spread between these prices and the retail prices as big as the spread which the Senator from North Dakota disclosed the other day with reference to the watch which he exhibited.

I should not be at all surprised if that were true, because everybody knows that there is astounding, almost unbelievable, profiteering going on in this country on the part of many retailers. I believe by a little search I could find a hundred cases right here in Washington where the retail price is 1,000 or 1,500 per cent higher than the price received by the original producer or manufacturer. That has nothing to do with the tariff; but that fact acquits the importer, for it shows that the American seller of the American product is charging equally high prices.

Mr. KING. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. Yes.

Mr. KING. I desire to observe that, as I recall, my colleague, the senior Senator from Utah [Mr. SMOOT], has on more than one occasion referred to the enormous profits which were being made by the retailers in the United States. The charge has been made that they were profiteering; and I have no doubt that, as to many articles which are manufactured in the United States and sold by the manufacturers for a low price when they finally reach the ultimate purchaser the spread is several hundred per cent, and, in some instances, more than 1,000 per cent.

Mr. SIMMONS. I desire to state to the Senator from Utah that a Senator who is a member of the majority of the Finance Committee of the Senate stated to me to-day that he had occasion to buy a certain article of medicine very frequently, and that the retail price was so high he concluded that he would investigate and ascertain the first cost of the elements that entered into that medicine; that he made his investigation, and that he found that the actual cost was only 11 cents; and yet he had to pay, month after month—for he used the article frequently—$2.68, as I remember, for that medicine, which cost to produce but 11 cents.

I say that in connection with this bill we have nothing to do with retail prices, and any man who knows the A, B, C's of the tariff knows that retail prices have nothing to do with it. Senators may make an argument as to prices in connection with the tariff, but they know as well as I know that the only sensible comparison under the theory of their bill is between the landed cost plus the duty and the American manufacturer's cost, not the wholesaler's cost, because if we are going to take the wholesaler's cost we have got to add the importer's profit on the foreign article, for the wholesaler's profit is added to the American manufactured article. We have either got to consider the difference between the price of the imported article, without the duty, and the price of the American manufactured article, or the difference between the price for which the importer sells his article, with the duty added, and his profit added, and the price for which the American wholesaler sells the American article with his profit added.

The use of any other figures for any incidental purposes, if there be the slightest attempt to connect them with the tariff, is a dishonest argument and one that should not be given any consideration whatsoever.

Mr. President, I have here a very remarkable letter that I received the other day, and also a safety razor. It is suggested to me that if I thought it was not a good razor I could try it. It is being extensively sold as an American product. This letter to me is a copy of a letter that the writer says he sent to the Senator from North Dakota [Mr. MCCUMBER] on June 15, 1922, but it is mighty certain that the Senator from North Dakota has never presented this letter to the Senate. He certainly did not present it the other day in connection with his argument on razors. He says:

F. E. LONAS,
53 Washington Square, New York, June 15, 1922.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed please find copy of my letter of this date to Hon. PORTER J. MCCUMBER, United States Senator from North Dakota, on the subject of razors. I think you may find this information of interest, and in case the Senator from North Dakota should not feel disposed to enlighten the Senate on this subject—

And he has not, Mr. President—

perhaps you may like to do so, and you are at liberty to use this letter for that purpose if you so desire.

I am now going to read a copy of the letter that this gentleman, who is Mr. F. E. Lonas, wrote to the Senator from North Dakota:

F. E. LONAS,
53 Washington Square, New York, June 15, 1922.

Hon. PORTER J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: I was much interested in reading in the New York Times of this morning of your efforts to enlighten the Senate and the people of the United States on the subject of profiteering in various imported articles. I noted with regret, however, that you were unable to supply any information as to the cost and selling price of competing articles made in this country—

He has struck the vitals of this whole controversy—

and feeling sure you would be glad to have this information to submit to the Senate and the public at large, I am writing to give you some specific information with reference to one of the articles in question, viz, razors. I note that you exhibited a razor which you stated cost 21 cents abroad. I happened a few months ago to be in the office of an acquaintance connected with a very large manufacturing concern in this city and he had on his desk at the time the various parts of a Gillette safety razor. I asked him what he was doing with it in his office, and he replied that they had been asked to figure on a large order. I asked if they had secured the order, and he replied that they had not, as some other manufacturer had submitted a lower bid. I then asked what price he had submitted, and he replied, 19 cents for supplying all the material and doing all of the work necessary to make a complete razor. This, of course, included profit to his firm in the price submitted. You doubtless know that some millions of these razors—

These Gillette razors offered in large quantities by this manufacturer, who was unable to sell because another manufacturer in this country underbid him—

You doubtless know that some millions of these razors are sold annually in the United States at a retail price of $5 each.

I have no doubt that you will be glad to have this information, which I can assure you is absolutely correct, and that you will be glad to impart it to the Senate in due course. As I observed from the press report Senator SIMMONS desired this information, I am sending him a copy of this letter in the same mail as the original to you.

Mr. KING. That would be several hundred per cent profit, over a thousand per cent profit, would it not?

Mr. SIMMONS. I should say so, though I have not calculated it. We do not know what that underbidding manufacturer's price was, but the price of this manufacturer was 19 cents, and he lost the order because another American manufacturer underbid him. I assume that the other bid was at most not higher than 18 cents.

Mr. President, I have here [exhibiting] a knife. A German knife was exhibited here the other day by the Senator from North Dakota. The size of that German knife was just about the same as this. This knife has a gold-plated handle; that is to say, it claims to have been dipped in gold. I think the dip must have been mighty thin, but it looks just as good as gold. The ordinary man who is not skilled in matters of that kind might buy that knife for a gold-handled knife. That is an American-made knife. It has two nice blades to it, good springs, and is, I think, a better knife than the German knife which the Senator from North Dakota exhibited here the other day, which he said was bought by the importer for 5, 8, 9, or 10 cents—I do not recall exactly the alleged price to the importer—and sold for a price—oh, I do not remember, Mr. President, but way up in the dollars; $7 I think.

I have here the letter accompanying this knife. The letter reads:

> Usually you would not wish to know the price of a gift, but in this case it will give added interest to know that it was made in an American factory and sold at a profit, in quantities, at 9.374 cents each.

About 9.4 cents.

Mr. POMERENE. They were sold wholesale for that price?

Mr. SIMMONS. Yes; they were sold for that price at a profit in quantities by the American factory. Nine and four-tenths cents is the factory price. If I am asked for what it retails I can not tell; but if the 9-cent or 10-cent knife which the Senator from North Dakota showed the other day retailed for $7, perhaps this knife retails at an equally high price. It seems ridiculous to think that anybody is fool enough in this country to give $7 for a knife of that kind; $7 is more than is given for almost any pocketknife, but if the German knife exhibited by the Senator from North Dakota retails for that much I should say it would be easier to palm off this American gold-handled knife for $7 on an unsuspecting and credulous purchaser than the knife which the Senator from North Dakota exhibited.

Mr. POMERENE. What is the date of the invoice from which the Senator quoted?

Mr. SIMMONS. I did not read an invoice, but I will give the date of the letter which I read. The letter is dated June 17, 1922, and the knife was sent to me by Mr. H. E. Miles, president of the Fair Tariff League. He adds:

> If it was made in a German factory and imported at this price—
>
> Nine cents—
>
> the duty would be 12 cents per knife plus 60 per cent, making the duty 18.6 cents, or 200 per cent.
>
> Double the cost of the knife——

Mr. POMERENE. When it may be sold at a profit at a little over 9 cents?

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I yield.

Mr. McLEAN. Will the Senator tell us where that knife was made?

Mr. SIMMONS. I do not know, but I will read further from the letter:

> I have the same gold knife, of decidedly poorer quality, from another Connecticut factory, at 7 cents each, and this poorer quality, with one blade only, at 5.2 cents each. If imported, the duty on this would be 15½ cents each, or 300 per cent.

Mr. McLEAN. Can the Senator tell us what factory in Connecticut manufactures the knife?

Mr. SIMMONS. No; but I can give the Senator the name of the gentleman who wrote me the letter. The letter is written by Mr. H. E. Miles, who is the chairman of the Fair Tariff League, a moderate protection organization, which claims to have 1,500,000 members in this country.

Mr. McLEAN. I am acquainted with Mr. Miles and his views on the question of protection.

Mr. SIMMONS. I am, too; and I think he is a protectionist; although, of course, the Senator from Connecticut is in favor of so much higher protection that he does not think Mr. Miles is a protectionist at all.

Mr. McLEAN. That is for the Senator from North Carolina to say. Does the Senator know what the profit is on that knife?

Mr. SIMMONS. No. I know nothing except the facts that I have given.

Mr. McLEAN. Mr. Miles says it is sold at a profit. Does the Senator know at what profit?

Mr. SIMMONS. No; I can not tell the Senator at what profit it is sold; but Mr. Miles states that it is sold by the manufacturer, the producer, at a profit, and he also says—I do not know whether the Senator from Connecticut has any information about that or not—that he has a knife made in a Connecticut factory which sells for 7 cents each, one of a little poorer quality, with only one blade, which sells for 5 cents each. That is what Mr. Miles says.

Mr. McLEAN. It is too bad he did not send it on when he sent the other.

Mr. SIMMONS. He sent the other.

Mr. KING. Does the Senator from Connecticut deny it?

Mr. SIMMONS. If the Senator from Connecticut denies that there is such a knife as that made in Connecticut—that is, the Senator's own State—and if Mr. Miles is wrong, if there is no such knife made in his State at that price, the Senator can find that out very quickly.

Mr. McLEAN. I do not know anything about it; but I doubt it very much.

Mr. SIMMONS. I am giving what Mr. Miles says, and I am sure he is an honorable gentleman. I know enough about him to say that.

Mr. POMERENE. Mr. President, may I ask the Senator a question, in view of certain questions which have been asked here?

Mr. SIMMONS. Certainly.

Mr. POMERENE. The Senator has served on the Finance Committee during the time that the hearings were held. To what extent did the committee try to find out the factory cost of the various articles about which testimony was given?

Mr. SIMMONS. Mr. President, there was a great deal of testimony, but I think there was very little testimony that was directed to ascertaining the factory costs of any of the products upon which duties are imposed in the tariff bill. It was usually stated by the majority that in the present conditions it would be impracticable to get that information, and no effort was made to get it. The testimony, if the Senator will read it, is directed principally to showing that the wages paid the German laborer were less than the wages paid the American laborer.

Mr. POMERENE. That is usually the way with many of these investigations. Will the Senator pardon me for just a minute?

Mr. SIMMONS. Yes.

Mr. POMERENE. I have in mind a hearing before the Ways and Means Committee a good many years ago in which the secretary of an association of manufacturers was called before the committee, and this secretary said that the men engaged in his line of industry were not making anything. A member of the Ways and Means Committee referred to a certain company of which I had personal knowledge—I am not guessing about this—and asked the secretary of the association whether that company had made anything. It so happened that the proprietors of this company were related to the member of the Ways and Means Committee, and the secretary replied: "I am sure they have made nothing during the past year." It was common knowledge in Ohio that that company that year had made a very large cash dividend, and, in addition thereto, a 100 per cent stock dividend.

Mr. SIMMONS. I think the Senator will find that that was a fair illustration of a good many things that happened in connection with the hearings upon this bill; but let me go on, Mr. President. I shall detain the Senate only a very few minutes longer.

While I am referring to Mr. Miles, I want to read a little bit about these prices.

Here is an article that appeared in the Daily News Record, of New York, written by Mr. Miles. That, I understand, is either a Republican paper or an independent paper with strong Republican leanings. It publishes some statements contained in a letter written by Mr. Miles, the gentleman from whom I have just quoted. I shall read a part of it. The part I shall read is headed:

IGNORANT OF CONDITIONS.

> Our Senators must be ignorant of manufacturing conditions. This does not excuse them.

Now he refers to this knife:

> I have a gold-handled, two-bladed penknife. The American factory price, 9.4 cents; Senate duty, 18.6 cents, or 200 per cent—the covering real gold, handsome—you can guess how thin. A poorer quality, 5.2 cents.
>
> The ordinary new-style fluted bread knife, 10-inch blade, American make, 6.5 cents. Duty, 14 cents, or 215 per cent.

Butcher knife, 8-inch blade, 8.3 cents. Duty, 14.5 cents, or 174 per cent.

Paring knife, high-carbon superior steel, 2.7 cents. Duty, 4.6 cents, or 170 per cent. Common kitchen table knife, 4.5 cents. Duty, 12.5 cents, or 277 per cent.

"Kindergarten" scissors, round ends for safety, used mostly in schools, pre-war, 2.25 cents, now 5 cents. Duty, 7.25 cents, or 134 per cent.

American safety razor with blade, shaving as well as Gillette, 5 cents. Duty, 175 per cent.

Of all American table cutlery made in the last three years 48 per cent has been exported.

Think about that, Mr. President, when we are being told that German cutlery is flooding this market to such an extent that it is endangering the domestic industry and driving the manufacturer out of business, in connection with the actual fact that after producing all that the American market will take of these products we export to the outside world, and sell at a fair price, 48 per cent in competition with Germany!

Common gingham for kitchen aprons and cheap dresses made cheaper here than anywhere—

And it is. I live in a country of cotton factories. It is, Mr. President.

Imports impossible—

True.

Freely exported—

Absolutely certain—

present duty 15 per cent, Senate 39.2 per cent. The principal manufacturers showed capital in 1896 $4,000,000, now $44,500,000, and $30,000,000 cash dividends also declared. It is reducing labor, while Congress increases its tariff 275 per cent.

* * * * * * *

I have an excellent silk fabric from a Connecticut mill, now sold in free-trade England at good profit.

Think about that, Mr. President. It is desired now to increase the present duties on silks up to 70 per cent, and on plushes made out of silk up to 90 per cent, and here is an excellent silk fabric from a Connecticut mill now sold in free-trade England at a good profit, and yet Senators insult the people's intelligence by contending that we can not compete with England right here in this country with a tariff of less than 70 per cent.

Mr. McLEAN. Mr. President, has the Senator the name of the mill and the price?

Mr. SIMMONS. No; I am reading from a newspaper article, and it does not give the name of the mill.

Mr. McLEAN. No; I guess not.

Mr. SIMMONS. It simply says "a Connecticut mill."

Proposed duty 62 per cent, permitting our manufacturers, now badly overprotected, to add $60,000,000 to their prices, which amount would be doubled at retail against consumers. Wages are 15.7 per cent of the factory selling prices, or one-fourth of the proposed duty, which pretends to be principally for the wage earners.

Aluminum ware, chinaware, glassware, pots, and kettles, and almost everything else is like this.

Even common salt—

Mr. President, I remember a time when the people of this country almost rose up in arms against the suggestion of putting a duty on common salt—

Even common salt, of which we have several deposits, each about 600 miles long by 50 to 200 miles wide and sometimes 200 feet deep, is to be given 44 per cent duty in bulk and over 70 per cent in bags.

I beg the pardon of the Senate for taking up so much time, but I thought it very well to put some of these matters into the RECORD. I have a great deal of additional matter along this same line, but I could not get it segregated in time to use it this afternoon.

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of to-day's business the Senate take a recess until 11 o'clock to-morrow.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the tariff bill be temporarily laid aside and that the conference report on the War Department appropriations bill be considered at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MILITARY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 18½, 40, 43, 58, 66, 67, 68, 72, 73, 84, 91, 92, 98, 110, 113, 121, 128, 137, 138, 142, 143, 144, 181, 194, 195, 201, 210, 213, 215, 233, 237, 238, and 239.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 18, 19, 21, 22, 23, 25, 26, 27, 29, 32, 42, 44, 45, 51, 53, 54, 55, 56, 59, 62, 63, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 90, 93, 95, 97, 99, 100, 104, 105, 107, 108, 114, 115, 116, 117, 118, 123, 125, 126, 130, 132, 133, 134, 135, 136, 139, 140, 141, 145, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 169, 169½, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 183, 184, 185, 186, 187, 188, 192, 193, 202, 206, 207, 209, 211, 212, 217, 219, 223, 226, 227, and 228; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,270"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,100,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "30" and insert in lieu thereof "35"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For expenses incident to completion of the work of furnishing to adjutants general of States and the District of Columbia statements of service of all persons from those States and the District of Columbia who entered the military service during the war with Germany, including the employment of clerical and other help in the office of The Adjutant General of the Army, $230,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,020"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pay of officers: For pay of officers of the line and staff, $33,890,771: *Provided*, That after January 1, 1923, the sum herein appropriated for the pay of officers shall not be used for the pay of more than 12,000 commissioned officers on the active list of the Regular Army and the emergency officers in service undergoing physical reconstruction: *Provided further*, That on and after January 1, 1923, there shall be officers as now authorized by law except that there shall be 420 colonels, 577 lieutenant colonels, 1,575 majors, 3,150 captains, 2,067 first lieutenants, and 1,771 second lieutenants, and these numbers shall not be exceeded except as hereinafter provided; 983 officers of the

Medical Corps, 158 officers of the Dental Corps, 126 officers of the Veterinary Corps, 72 officers of the Medical Administrative Corps, and 125 chaplains; and the numbers herein provided shall include the officers of Philippine Scouts who shall continue to be carried on the promotion list and who shall be promoted to grades from first lieutenant to colonel, inclusive, in the same manner as prescribed by law for other officers on the promotion list: *Provided further*, That prior to January 1, 1923, there shall be no promotions to grades below brigadier general of officers of the Regular Army except of officers of the Medical Department and chaplains, and vacancies now existing in any grade below brigadier general not actually filled by the acceptance of an appointment tendered prior to the date of approval of this act shall not be filled, and beginning January 1, 1923, there shall be no promotions or appointments to any grade or to the branches of the Medical Department or chaplains that would cause the numbers herein authorized for such grade or branch to be exceeded, except that the colonels, exclusive of those in the Medical Department and professors, remaining on the active list on January 1, 1923, and not included in the 420 junior colonels on that date shall be carried as additional numbers so long as they remain in that grade and shall not prevent promotions due to vacancies occurring among the 420 authorized colonels: *Provided further*, That officers in excess of the numbers authorized herein and not removed from the active list by other means shall be disposed of as follows: Those of the Medical Department and chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided; those other than of the Medical Department and chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided except that not more than a total of 800 now in grades from colonel to first lieutenant, inclusive, shall either be continued as additional officers in their grades until absorbed, or those in grades below lieutenant colonel shall, in inverse order of standing on the promotion list beginning with the lowest on the list in each grade, be discharged and recommissioned in the next lower grade prior to January 1, 1923, and officers accepting recommission in a lower grade shall be carried on the promotion list in the positions they now occupy and shall, while serving in such lower grade, take rank among the officers of the Regular Army in accordance with their length of service notwithstanding the date of their new commission; and any officer shall be eligible for recommission and service in the branch in which now commissioned; officers selected for elimination of less than 10 years' commissioned service may, upon recommendation of the board herein provided for, be discharged with one year's pay; or those of more than 10 years' and less than 20 years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay multiplied by the number of complete years of such commissioned service; or those of more than 20 years' commissioned service may, upon recommenadtion of the board, be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent: *Provided further*, That, of the 800 or less officers to be absorbed or recommissioned under the preceding proviso, a suitable number of officers in grades from colonel to first lieutenant, inclusive, shall be continued as additional until absorbed and a suitable number in each grade from major to first lieutenant shall be recommissioned in the next lower grade, such suitable numbers to be determined by the President upon the recommendation of the board of general officers hereinafter provided for: *Provided further*, That commissioned service for the purposes of this act shall include only active commissioned service in the Army performed when under appointment from the United States Government whether in the Regular, provisional, or temporary forces: *Provided further*, That any officer of less than 10 years' commissioned service but of more than 20 years' service accredited toward retirement or for increased pay for length of service may, in lieu of discharge with one year's pay as hereinbefore provided, if he so elects, be appointed a warrant officer and carried as an additional number in that grade; or he may, if he so elects, be retired with the rank of warrant officer with pay at the rate of 2 per cent of the pay of a warrant officer multiplied by the number of years of such accredited service: *Provided further*, That the Secretary of War shall convene a board of five general officers which may include retired officers, whose call to active duty for this purpose is hereby authorized, which board, under regulations prescribed by the Secretary of War, shall recommend to the President the officers to be eliminated from the active list under the provisions of this act, the number of officers in various grades to be recommissioned in the next lower grade as hereinbefore provided, and the number of officers in various grades to be continued as additional until absorbed as hereinbefore provided: *Provided further*, That officers shall be assigned to the several branches of the Army so that the number assigned to any branch, except of the Medical Department and chaplains, shall be 70 per cent of the number prescribed for such branch under the act of June 4, 1920, but the President may increase or diminish the number of officers assigned to any branch by not more than a total of 30 per cent."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of warrant officers, $1,800,000: *Provided*, That no vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to 600, and thereafter the number shall not be increased above 600: *Provided further*, That nothing contained herein shall prevent the appointment of qualified band leaders for authorized bands: *Provided further*, That within 60 days after the approval of this act the number of warrant officers in the Army Mine Planter Service shall be reduced to 40, and thereafter the number shall not be increased above 40."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$950,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,209,784"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, $56,866,399: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 125,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the number proposed insert "7"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the number proposed insert "32"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the number proposed insert "53"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the number proposed insert "70"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the number proposed insert "98"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$418,800"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$710,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For rental allowances, including quarters for enlisted men on duty where public quarters are not available, $6,097,644"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For subsistence allowances, $5,316,713"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or at Fort Apache, Ariz."; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "$1,617,000" and insert in lieu thereof "$1,460,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,750,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for payment of transportation costs for dependents of officers and enlisted men as provided by law"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,900,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,350,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and, on page 42 of the bill, line 1, after the word "thereof," insert "and rentals for United States troops in China"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except in case of emergency with the approval of the Secretary of War, in which case the total cost, including the heating and plumbing apparatus, wiring, and fixtures, shall not exceed in the case of quarters of a general officer the sum of $8,000; of a colonel or officer above the rank of captain, $6,000; and of an officer of and below the rank of captain, $4,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,825,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$475,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and on page 49 of the bill, in line 13, strike out the word "three" where it occurs the second time and insert in lieu thereof "two"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700,000"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$213,880"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "; for expenses incidental to instruction of citizens of the United States in marksmanship and their participation in international matches, $20,000."; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"The mounted, motorized, air and tank units of the National Guard shall be so reduced that the appropriations made in this

act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1923."

And the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In line 75 of the matter inserted by said amendment strike out "$2,500," and insert in lieu thereof "$2,000," and in line 86 strike out "$107,380," and insert in lieu thereof "$106,880"; and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,680,549"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 93 of the bill, in line 23, strike out "$60,000" and insert in lieu thereof "$65,000"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,059,629"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an average daily wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality."

And the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of 25 per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per centum more than the estimated cost of manufacture by the Government."

And the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 105 of the bill, after line 12, insert as a separate paragraph the following:

"Such portion of the appropriation of $750,000 for procurement of the exclusive rights of John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, made in the fortification appropriation act approved July 6, 1916, as remains unexpended on January 1, 1923, shall be carried to the surplus fund and covered into the Treasury."

And the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment, as follows: In line 6 of the matter inserted by said amendment, strike out "$1,143,720" and insert in lieu thereof "$543,320"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$75,000"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$465,000"; and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In the matter inserted by said amendment, in line 11, strike out "$47,000" and insert in lieu thereof "$40,000"; in line 11, strike out "$105,000" and insert in lieu thereof "$100,000"; in line 13, strike out "$336,500" and insert in lieu thereof "$324,500"; in line 33, strike out "$110,000" and insert in lieu thereof "$100,000"; in line 34, strike out "$90,000" and insert in lieu thereof "$85,000"; in line 34, strike out "$40,000" and insert in lieu thereof "$35,000"; in line 35, strike out "$525,500" and insert in lieu thereof "$505,500"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500,800"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The limitations on the expenditure of appropriations for salaries and wages of civilian employees hereinbefore made in this act shall not apply to the appropriations for the Panama Canal."

And the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$930,000"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,114,434"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 41, 65, 106, 131, 199, 214, 220, 221, 225, and 230.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
G. M. HITCHCOCK,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
Managers on the part of the House.

Mr. WADSWORTH. Mr. President, the report, of course, is exceedingly lengthy, and it would take the Secretary considerable time to read it, so I shall make merely a brief statement.

The conferees have come to a complete agreement. With respect to nine items the agreement is informal, because it is impossible under the rules of the House for a formal agreement to be reached upon those nine items. Upon those nine items, however, the House conferees will request the concurrence of the House, so that in effect we are reporting a complete agreement.

May I say, very briefly, that under this agreement the enlisted strength of the Regular Army is to be fixed at a maximum of 125,000 men for the next fiscal year, and the commissioned strength is to be fixed at a maximum of 12,000 men for the next fiscal year? In this respect the Senate has yielded 8,000 enlisted men and 1,000 officers from its original proposal.

The report also would involve an aggregate appropriation of something like $15,000,000 less than the bill as passed by the Senate. It is impossible to give the Senate an absolutely accurate figure concerning that reduction, because two or three of the items which are technically in disagreement can not be included in the computation until the House acts upon them, but, generally speaking, this report carries an aggregate of appropriations something like fifteen or sixteen million dollars less than the bill as passed by the Senate.

Mr. KING. Will the Senator state what other important matters of disagreement there were, and what conclusions were reached respecting those matters of disagreement?

Mr. WADSWORTH. The only one of any importance in disagreement technically is the appropriation of $7,500,000 for continuing the building of Dam No. 2 at Muscle Shoals. That is reported in disagreement. We are given to understand, however, that the House conferees do not object to it, but, under their system of rules, and their general understanding with their colleagues of the House, they felt it to be their duty to bring that back to the House for a separate vote, and the only way to bring it back for a separate vote is to report a disagreement.

The others are exceedingly slight in importance. For example, there is one amendment providing that the appropriation for pay of the Army shall be administered as and shall constitute one fund, with a certain limiting proviso that the funds shall not be used in any such way as to pay more persons in the Army than the specific appropriation provides for.

Another one is a small matter, authorizing the Air Service to enter into the same kind of contracts in the purchase of supplies as the Quartermaster's Department, the Signal Corps, and the Engineers now use.

The other is an amendment allowing all the items under the head "Pay of the Military Academy" to be administered as and to constitute one fund. In the item "Pay of the Military Academy," each and every man paid is listed in the bill, and his salary is fixed. Every salary is fixed by statute, and the statute controls the number absolutely. So the Senate proposed that that shall be administered as one fund and thus save a vast amount of bookkeeping here in Washington. The House conferees, believing that that is legislation, under the House rules, are going to take it back and ask the House to concur.

There is another item of very minor importance. Under the existing law, when men of the Army die outside of the United States or on Army transports, the Government pays for the transportation of the bodies to be brought home. We insert in the bill a provision that the same shall apply to Army nurses who die under similar circumstances.

The Medical and Surgical History of the War is now being prepared under the direction of the Surgeon General of the Army. We want that done under a separate appropriation, and in order to have that done the Senate conferees yield and concur in the House proposal that it shall be done under a separate appropriation, rather than to take it out of the general appropriation for the support and maintenanace of hospitals.

Then there is another amendment. To-day the National Home for Disabled Volunteer Soldiers receives part of its maintenance fund from the Veterans' Bureau and the rest of its maintenance fund by a direct appropriation carried in this bill. The conferees of both Houses believe that that is an exceedingly unbusinesslike method; that the soldiers' homes should be supported by specific appropriations sufficient to maintain them in their entirety, and that no lump sum should be handed over by the Veterans' Bureau to the soldiers' homes. We can not cure the situation for the coming fiscal year, because the Budget estimates were prepared upon that basis, but we desire to have inserted in the bill a provision that for the fiscal year 1924, and thereafter, the Veterans' Bureau funds shall not be handed over to the soldiers' homes for the support, or partial support, of those homes.

Mr. KING. Is the report unanimous?

Mr. WADSWORTH. It is unanimous on the part of the Senate, one conferee on the part of the House not signing the report.

Mr. JONES of Washington. Mr. President, I desire to say just a word about one of the Senate amendments that was not agreed to in conference.

The Senate put upon the Army bill an appropriation of $1,500,000 to replace the Alaskan cable. A measure for that purpose has passed the Senate twice. The Senate has gone into it very carefully, and the committee considered the need of replacing that cable as very imperative, and the Senate ratified the view of the committee.

I fear that our failure to have this item agreed to will be very bad, if not calamitous. The House conferees, however, apparently had not gone into the matter very fully and carefully, and so they would not yield upon it. It was the last amendment disposed of in the conference.

As I said, the Senate conferees receded. I regret very much that we did so, but I think I violate no confidence when I say that the members of the conference on the part of the House individually assured the Senate conferees that in the preparation of the military appropriation bill next winter they would look into the matter very carefully, and, if the need appeared to be imperative, as we tried to show them, they felt satisfied that the bill would take care of it—that is, if they were convinced of the need of it, they would use their influence, at any rate, to have the appropriation made immediately available. I feel that in the next bill the matter will be taken care of and the appropriation provided. So I consented to the recession from that item.

Mr. WADSWORTH. Mr. President, I think it is my duty to the Senate to mention the two remaining technical disagreements. They are not important, but perhaps they should be stated for the RECORD.

The House appropriated something like $4,000,000 for longevity pay for enlisted men of the Army. The Senate appropriated a smaller amount, due to the reduction of that item by the new pay law. When we got into conference, we found that we required even less than the Senate amendment provided for, but as conferees are required to stay within the limits of the House and Senate provisions on such items, we must ask the House to take an even lower sum than the Senate provided, which is lower than the House item.

The other amendment is with respect to the quarters which are to be built at Fort Benning. The Senate provided that the money for that purpose could be used for the building of apartment houses, not to cost in excess of $150,000, and to house 18 families. The Senate passed it in that form. The House conferees desired to accept that limitation upon the appropriation, but it is necessary, under their rules, to take it back to the House, because under their rule it is legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PRICES OF CRUDE OIL AND GASOLINE.

Mr. LA FOLLETTE. Mr. President, the supply of copies of Senate Resolution 295 has been exhausted in the files of the document room. The Committee on Manufactures requires copies for the use of the committee to send out to certain oil companies. I ask unanimous consent that an order be entered for a reprint of 1,000 copies for the use of the document room.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that 1,000 copies of Senate Resolution 295 be reprinted. Is there objection? The Chair hears none, and it is so ordered.

MILITARY ROAD, DISTRICT OF COLUMBIA.

Mr. JONES of Washington. While the tariff bill is temporarily laid aside, I ask unanimous consent to call up the bill (S. 3345) changing the name of Keokuk Street, in the county of Washington, D. C., to Military Road. The change of name is desired by those living on both sides of the street. A part of it is called Military Road and a part Keokuk Street, so that it causes a great deal of confusion.

Mr. HEFLIN. Will it lead to discussion?

Mr. JONES of Washington. It will lead to no discussion.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the name of the street known as Keokuk Street NW., extending from Military Road at Twenty-seventh Street to Wisconsin Avenue, be, and the same shall henceforth be, known as Military Road. And the Commissioners of the District of Columbia are hereby directed to cause the name of Military Road from Military Road at Twenty-seventh Street to Wisconsin Avenue NW. to be placed upon the plats and maps of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIALS.

Mr. MOSES presented a resolution adopted by the Colebrook Woman's Club, of Colebrook, N. H., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That we protest against the food, tableware, and women's-wear schedules of the Fordney-McCumber bill. These schedules will increase the costs of living in every American home. They are fines levied by American men upon American women and upon American children. They should not be allowed to become law.

Mr. MOSES presented resolutions adopted at a mass meeting held on Sunday, June 18, 1922, of citizens of Manchester, N. H., which were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas four years after the Great War the systematic extermination of the Christians of Asia Minor is still being pursued by the Turkish Government of Angora with unabated ruthlessness, which will result in the virtual extinction of the Armenian and Greek populations of Anatolia; and

Whereas the latest decisions of the Allied Governments propose to hand back to Turkey another million of Christians but recently delivered from Turkish oppression: Be it hereby

Resolved, That this meeting protest to the civilized world against the commission of such an abominable outrage and extend its heartfelt sympathy to the Christians of the Near East who are thus threatened with complete extermination, and pledge to them its unstinted material and moral support in their strenuous resistance to the return of Turkish tyranny; be it further

Resolved, That this meeting express the conviction that the continued presence of the Greek Army in Asia Minor is the most efficacious guaranty for the safety of the Christians and other non-Turkish minorities; and be it finally

Resolved, That this meeting express its grateful appreciation of the efforts of the British Government and the later decision of the United States Government to bring the Turkish horrors to the knowledge of the civilized world.

GEO. E. TRUDEL, *Mayor*.
Right Rev. EDWARD M. PARKER,
HOBART PILLSBURY
(For Gov. Albert O. Brown).
Dr. A. S. MANGURIAN.
D. D. GRIMES.
GEO. L. KIBBEE.
FRANK KNOX.
C. W. TOBEY.

ENFORCEMENT OF CUSTOMS LAWS.

Mr. McCUMBER, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 344) to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs, reported it without amendment and submitted a report (No. 780) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3734) for the relief of Benjamin F. Burch; to the Committee on Military Affairs.

By Mr. WATSON of Indiana:

A bill (S. 3735) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, by amending section 10 thereof; to the Committee on Interstate Commerce.

By Mr. SUTHERLAND:

A bill (S. 3736) granting a pension to Clarence G. Stonestreet; to the Committee on Pensions.

A bill (S. 3737) to correct the military record of Clarence G. Stonestreet; to the Committee on Military Affairs.

By Mr. LODGE:

A joint resolution (S. J. Res. 214) to authorize the expenses for delegates to the Pan-Pacific Union; to the Committee on Foreign Relations.

TARIFF BILL AMENDMENT.

Mr. JOHNSON submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was referred to the Committee on Finance and ordered to be printed.

REPRESENTATIVES TO THE REPARATION COMMISSION.

Mr. KING. I submit a resolution and ask its reference to the Committee on Foreign Relations. It calls for certain information. I am informed that those pretending to represent the United States, or actually representing it, officially or unofficially, on the Reparation Commission are being paid for their services by Germany or amounts coming from Germany. I want to secure full information in regard to that matter, the number of employees and the amount paid to each, and whether any officials are officers; and if so, whether they are drawing double compensation.

The resolution (S. Res. 309) was referred to the Committee on Foreign Relations, as follows:

Resolved, That the Secretary of State is requested to report to the Senate the names of any official or so-called "unofficial" representatives of the State Department accredited to the Reparation Commission, or presuming to act for the United States in dealing with the Reparation Commission, together with a statement of the instructions under which said persons may be acting or pretending to act for the Government of the United States, and also a statement of the salaries and allowances made to said persons and by whom paid, and further as to whether or not officers of the Army have been attached to said Reparation Commission or have been delegated by the State Department to represent the Government in dealing with the Reparation Commission, and whether or not such officers have been permitted to receive or have received salaries and allowances from the Reparation Commission in addition to their pay and allowances as officers of the Army; and also a statement of the number of clerks, stenographers, and persons employed by said representatives of the State Department, together with the compensation paid to each.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On June 17, 1922:

S. 2664. An act for the relief of Jesse Goodin;

S. 2666. An act for the relief of Ed Thomas and Pauline Thomas; and

S. J. Res. 204. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots for the use of the members of the United Confederate Veterans during the sessions of the national encampment of the United Confederate Veterans at Richmond, Va., from June 19 to 22, 1922.

On June 19, 1922:

S. J. Res. 7. Joint resolution authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States.

HOUSE BILL REFERRED.

The bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923, was read twice by its title and referred to the Committee on Appropriations.

THE TARIFF.

Mr. HEFLIN. Mr. President, I shall consume but little time.

Mr. CURTIS. Will the Senator allow the regular order—the tariff bill—to be laid before the Senate?

Mr. HEFLIN. I have no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. The pending amendment is in paragraph 329, page 64, line 15, where the committee proposes to strike out the figure "1" before the word "cent" and insert in lieu thereof "seven-eighths of 1," so as to read:

Chain and chains of all kinds, made of iron or steel, not less than three-fourths of 1 inch in diameter, seven-eighths of 1 cent per pound.

Mr. SHORTRIDGE. Mr. President, I hold in my hand an editorial which appeared in the Evening Mail, a New York journal, on the subject of the tariff, entitled "Why the tariff bill should pass." It is a very thoughtful article on the measure pending before the Senate, and I ask consent that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Mail.]

WHY THE TARIFF BILL SHOULD PASS.

A tariff for protection is a tariff for the American people and for American prosperity.

It has been tested time and again and has never failed.

It is the policy that has held the American home market for the American farmer.

It is the policy that has developed every American industry, maintained every American wage scale above the competing wage scale in other countries, and made the American wage earner the best paid workingman in the world.

The pay envelope of the American wage earner under a protective tariff always carries more contentment, better living conditions, and greater individual possibilities than any other pay envelope anywhere.

Every Democratic free trade law ever enacted has sooner or later forced industrial depression and panic; every protective tariff law has encouraged industrial expansion and created prosperity.

Whenever the Republican Party has been given power in the Nation it has been because its first principle is, through protection, to assure stability and prosperity to our farms and factories. A Republican Congress has always met that expectation as its most immediate duty.

This Congress has delayed too long performing that duty. It should have enacted a tariff law months ago. Farmers know, indeed the country knows, what the emergency tariff, passed a year ago, has done to put our farmers back on the road to prosperity. It provided them with a market. Our industries are entitled to the same helpful legislation. The Republican Congress is a year late in according it to them; it is now time for action.

The Senate is making progress with such a bill. It is frankly a measure designed to protect American industries. That is as it should be. It is no better and no worse than every other protective tariff ever enacted. Flaws can be found in it, of course. Every revenue law has them. The great Democratic tariff law of the Cleveland administration was denounced by Mr. Cleveland as "a badge of party perfidy and dishonor," and Senator Calvin Brice, himself chairman of the Democratic National Committee, graphically described the scenes in the Senate as "a wild orgy of the trusts."

These characterizations of the work of a Democratic Congress were made by a Democratic President and a Democratic United States Senator. Despite his denunciation of it, Mr. Cleveland did not veto the measure. It became a law without his signature—the only revenue law we ever had without presidential sanction.

Free-trade Democrats in the Senate are assailing the pending bill with prophecies that it will add to the cost of living. That is an old, old story with free traders. For nearly a century they have been saying it over and over again until it has worn so deep a groove in the Democratic platform that no Democrat can see over the sides of it.

All that they have said in the present debate was uttered in precisely the same terms by their Democratic predecessors of years ago in denouncing every protective tariff law before enactment.

Never do these same Democrats—or did their predecessors—justify their argument by taking the figures of a protective tariff period to prove that protection has ever added a penny to the cost of living. They do not do it, because results do not show it.

Democrats talk fiercely of what a protective tariff will do, but you never can get a word out of them as to what a protective tariff has done.

The difference is the difference between prophecy and results.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN. Mr. President, I was astounded at the position taken by the Senator from Virginia [Mr. GLASS] that the Senate had no right to call upon a Federal reserve bank for the information asked in my resolution. I am surprised, in the first place, that the Senator would take such a stand. I hold that his position is utterly untenable, in the second place.

I do not know, but it is difficult for me to believe that any other Senator would agree with him that the Senate—which helped to create the Federal reserve banking system, which established 12 regional banks, with the Federal Reserve Board as the governing power, with its members appointed by the President and confirmed by the Senate, and with that board naming the governor of every Federal reserve bank—had no right to call upon one of those banks for the information sought in the resolution. I can not understand the Senator's method of reasoning and the logic of his strange argument in this matter.

I was also surprised when the Senator took the position that he opposes the passage of the resolution calling upon those banks to give the information which I seek in the resolution. The Senator's speech had been sent to those on the mailing lists of those banks at the expense of the banks and partly at the expense of the Government, because a part of the money which they accumulated goes into the Government. I hold, and I have scores of letters from all over the country which hold, that this is a bad practice; that these banks have no right to take up any Senator's speech assailing the position of another Senator on a great public question and circulate it at their expense and thus indulge in politics in that way.

These banks have used Federal reserve bank mailing lists. They have sent out the speech of the Senator from Virginia. What right have they to do that? Am I right or wrong in that request? I was not seeking to reprimand them, although they should have been reprimanded for manifest political activity. I am asking to have them tell the Senate who suggested that they send out that speech. Is not that a fair proposition? Are we going to permit these banks to go into politics? Is that the purpose of Senators who would thus shield them in this pernicious activity? What right had they to take the speech of a Senator, a speech that assailed me in a number of instances and undertook to refute statements that I made upon this floor, with very critical references made to myself in that speech, and mail it out in that way? The term "demagogue" was applied to those of us who opposed the Federal Reserve Board's deflation policy, and was employed frequently. The word "ignorance" and statements like that toward myself and those who opposed the deflation policy were employed. That speech was circulated by these governmental institutions. The bank at Atlanta admits sending out 6,500 copies of the Glass speech down in my territory, and those speeches cost $15 a thousand to have them printed. I am calling on other banks to give us the same character of information. Who told you to send out this speech? What caused you to send it out? The bank of Atlanta, in response to my question, "Did any member of the Federal Reserve Board suggest it?" said, "No; but the reserve board said they were available." I know just as well as I am living that the Federal Reserve Board inspired the printing and distribution of that speech.

Mr. President, I was surprised to find the Senator from Virginia coming out and opposing the giving of that list to me. Why, he said, "The Senator from Alabama wants to get hold of this mailing list for the purpose of sending his speech to these people." Why not? If I want to send them at my own expense, or if somebody else wants to send them in the interest of fair play, why should the Senator object? These Federal reserve banks sent out the speech of the Senator from Virginia. They had them published by the hundreds and thousands. They had them addressed. They have gone into the hands of thousands of people, and I do not know who received them. I submit to every fair-minded Senator in this body that my request is a fair and just one.

I made a speech assailing the Senator's position. I attacked his figures. I undertook to refute his statements regarding the deflation policy. I quoted figures from the Federal Reserve Board Bulletin. I gave facts from its own records, and they do dispute the statements of the Senator from Virginia. Why should I not have the right to lay my statements before the people who have read his speech? Why should I not have that right?

I want to give the Senate just a small measurement of what was in his speech and what I said. The Senator from Virginia said:

I pointedly deny that there was deflation of either regional reserve bank credits or any diminution of Federal reserve currency for the period of the appalling drop in prices of agricultural products. * * *

Instead of deflating credits and currency, the Federal reserve banks, during the period of falling prices, enormously expanded bank credits and increased the volume of circulating notes.

Now, listen, Senators! Here is what I said on February 9 as to what the official records prove:

The Reserve Board's own figures, printed in the Federal Reserve Bulletins, clearly prove that Senator GLASS made a grave and inexplicable blunder in asserting, as he did in his speech, and then in printing the statement in the pamphlet speech in italics, that "during the whole period of falling prices the Federal reserve banks were supplying largely increased credit facilities and issuing a constantly increasing volume of Federal reserve notes," for an analysis of the reports shows, irrefutably, that in precisely the "period of falling prices," through which we have been passing, there was not only no "enormous expansion" by the reserve banks in either "bank credits" or "circulating notes," but in the 12 reserve banks there was an actual contraction of $2,005,149,000 in the Federal reserve credits—

Those facts come from the Federal Reserve Board Bulletin. If they are not correct, I am not responsible for that.

And a contraction of $927,026,000 in the volume of Federal reserve notes.

Now, Senators, I want these figures to go in the RECORD of to-day's proceedings. Listen, here are the facts:

Loans, discounts, and bought paper held by all of the 12 Federal reserve banks.

May, 28, 1920 (p. 748, Federal Reserve Bulletin, 1920)	$2,938,031,000
Aug. 31, 1921 (p. 1240, Federal Reserve Bulletin, 1921)	1,527,255,000
Jan. 25, 1922	932,882,000

Contraction of credits by the 12 Federal reserve banks.

May 28, 1920, to Aug. 31, 1921	$1,410,776,000
May 28, 1920, to Jan. 25, 1922	2,005,149,000

Contraction of Federal reserve notes in circulation.

May 28, 1920, to Aug. 31, 1921	$625,555,000
May 28, 1920, to Jan. 25, 1922	923,020,000

In refutation of the emphatic assertions by the Federal reserve authorities that they did not proceed to deflate credits, attention is asked to the following excerpt from the bulletin issued by the Federal Reserve Bank of Richmond, under date of December 20, 1919, addressed to "all member banks":

"Our present task, therefore, is to proceed with the deflation of credits as rapidly and as systematically as possible."

If my position is correct—and I feel that it is—are not those who have read the speech of the Senator from Virginia [Mr. GLASS] entitled to have my speech sent to them? As a Member of this Chamber in which sits the Senator whose speech has been sent broadcast by these banks, these great governmental institutions seeking to injure me because I have dared to call a spade a spade and to criticize and condemn them for their deflation policy, am I not entitled to have my speech read by the people who have read his speech? Would not a sense of common fairness require that? What is there wrong in that?

Senators, is there anything wrong in the suggestion that I have made? I must confess that I never expected the position to be taken that the Senator from Virginia has taken on this point in the controversy. I had an idea that he would say, "Why, let him have the information and the list"; but not so; he opposes it; he does not want the committee to permit the resolution to pass. He even takes the ground that we have no right to call in this creature of the Congress and inquire into its conduct, and say, "You have been circulating a speech in which there is a severe arraignment of those who are opposed to the policy of the Federal Reserve Board; you have had that speech printed at considerable expense; you have sent it out; now we want the list of those to whom you sent it, in order that a Member of the United States Senate who has been attacked may have the opportunity, if he desires, to send his speech to those people.

That is not all, Mr. President. I want to know how much money has been expended in this propaganda and who it was who inspired the sending out of that speech in the outset. I ask that question in the resolution of each and every one of these banks. Are we not entitled to know that? Are Senators on the other side going to take the position that we are going to let these banks go into politics; that we are going to let them use the banks' funds and some of the public's funds to circulate somebody's speech, as was done in this instance? Are Senators on the other side of the Chamber not going to permit them to make an accounting to the Congress that created them; to show what they are doing with their money when it is charged by a Senator on this floor that they are misusing it?

Oh, Senators, let no one here or elsewhere be deceived. There is more behind this thing than the mere matter of getting that list. I want the truth known to the country. I want the facts to come out. I want the people to know that these banks, under the suggestion of the governor of the Federal Reserve Board, had this speech printed and circulated among the business men and bankers of the United States. They have got one side of it; and the situation that has been presented to them I attack and refute with my figures and with my position upon the question.

The speech of one Senator from Virginia having been circulated, which another Senator claims has a great many inaccurate and incorrect statements in it, and that his speech has the right and correct statements, will not the Senate decide to let each man who has read the one speech read both speeches and decide for himself? Senators, are we not entitled to such a proposition of fair play in this country? This is a republic. The people out yonder who read and inform themselves are entitled to know the truth in order that they may know how properly to cast their votes. Here is the lawmaking body which belongs to them, and here is a Senator who has been fighting a deflation policy that he will believe to his dying day was inaugurated by the money lords of Wall Street, and that it brought ruin upon millions of people in the country. Is he going to be hampered and handicapped and hounded by the very people who have been guilty of the things he charges? Will not the Senate, that has the authority and the power, merely request—for that is what the resolution does—these banks to give that information?

Mr. President, let us get the truth. Let me try again. I offered a resolution a month ago to investigate the Federal Reserve Bank of Atlanta, a bank that holds the purse strings of the States of my section, my State included. The bankers of my State must go to that bank to make arrangements to get their currency and credit, and yet that bank sends out a speech, accompanied by a letter, to the people who must depend on it for currency and credit, and calls on them to give their opinion as to the situation, the speech and all. Mr. President, that is a severe crime in a Republic. I know that there are those, and some of them get into this Chamber occasionally, who have but little regard for the rights of the people. What right has a banking institution which holds the money supply and controls the life blood of business, and especially an institution which is under Government supervision, with its head officer named by the Federal Reserve Board, to go into politics in this fashion? Was I wrong in calling for that information? I could not get it. The committee never acted on that resolution and that resolution is dead. I chose the other course and called on the bank at Atlanta, and that bank has reported, and I am simply requesting that the other banks do likewise. Is there anything wrong in that?

Mr. President, I know that some Senators do not like to hear what I am saying, but they are going to hear a heap more of it before this thing is over. If the President reappoints Governor Harding on the Federal Reserve Board, they never will hear the last of it; I will give it to them morning, noon, and night. We are deeply in earnest about this thing; we do not propose to have a man selected who is stamped all over with the approval of Wall Street to sit unmolested at the head of the Federal Reserve Board and control the money supply of this great Government.

I want to read a statement to Senators to show how efforts are being made to secure indorsements for him. Some of those who are trying to secure his reappointment went up to New Jersey and in some fashion got a bankers' convention there to indorse him. One of the delegates who was present stated that this is what occurred:

Referring to the fact that at their meeting last week the New Jersey Bankers' Association passed resolutions asking President Harding to reappoint Governor Harding as governor of the Federal Reserve Board, a New Jersey banker of the highest standing writes the Manufacturers' Record as follows:

"Nobody felt like saying much about it. I was temporarily out of the conference at the time. The vote was a very feeble one of not more than 10 or 15 out of the three or four hundred people there, and I know it was not favored by the majority of those present."

That, Mr. President, is the character of propaganda going on—sneaking, insidious, slipping around in a convention, sitting with resolutions in their pockets, never saying a word until just before the convention adjourned, and then, when all the delegates have gone, springing a resolution like that with only a handful present.

Mr. EDGE. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. EDGE. Will the Senator state the name of his correspondent in New Jersey? I happened to hear him refer to the New Jersey Bankers' Association.

Mr. HEFLIN. His name is not given.

Mr. EDGE. I imagined it belonged to the anonymous class of communications.

Mr. HEFLIN. The quotation is from an editorial in the Manufacturers' Record which says:

A New Jersey banker of the highest standing writes the Manufacturers' Record as follows:

Then follows what he said as I have read it. I do not believe the name is given, but I will tell the Senator who I think he is; I think he is ex-Governor Stokes, of New Jersey, who is against the Federal Reserve Board's deflation policy.

Mr. President, that is what is going on in an effort to have this man reappointed. The interests supporting him are working in every way to bring about his reappointment.

The Senator from Virginia says that if the Senator from Alabama feels like his speech has answered the one the Senator from Virginia made, he felicitates the Senator from Alabama upon his happy frame of mind. That is a nice compliment for the Senator to pay to himself. I have received a number of letters from people in his own State who agree with my position. I am not going to read any of them now. I have letters here from Texas, from Maryland, from Tennessee, and scores of letters from various other States. Just to give an indication of the sentiment outside of his State and mine, I quote from a letter written by the former cotton expert of the State of Texas, Mr. Yearry. He says:

Replying to yours of May 12, on reading your speech on the Federal reserve bank in reply to the speech of Senator CARTER GLASS, allow me to say that you have made a masterful reply and an unanswerable charge against the work of the Federal Reserve Board.

Here is a letter from James A. Martin, manufacturer and wholesale dealer in lumber, of Johnson City, Tenn.

At no time in two years past could business get loans at fair rates so that the user or manufacturer could afford to borrow and expand his business. Mr. HEFLIN is absolutely correct when he charges deflation with destroying values and business in the South.

Mr. President, I am not going to weary the Senate now, but I promise that I will discuss this question at various times, and if ever that man is reappointed I will have much more to say. I will read a letter now from Baltimore—and, as the hour is growing late, I shall read no more letters this afternoon—written by Mr. McCormick. This letter was sent to me by a friend.

It is addressed to Mr. L. C. Younger, district manager of the Provident Life and Trust Co., Richmond, Va.

MY DEAR MR. YOUNGER: I have just read with a great deal of interest your article in the Manufacturers' Record regarding the Federal reserve, and want to thank you for it. I have written a good many articles on this subject. I was president of the Baltimore Commercial Bank for five years. It is the largest State bank in Maryland, a member of the Federal reserve. While I believe in the Federal reserve system, the ideas promulgated by the present régime as well as Mr. Houston are certainly far from sound business. We are paying very, very dearly for them, and it will be years before the majority of business houses can recoup the losses sustained through the unbusinesslike methods of the Federal reserve. Profits in legitimate business, such as ours, are not made as rapidly as in some other.

I hope you will keep up the good work, because I find that the bankers, as a rule, are afraid to say anything, and the majority of our people are totally blind to the situation.

Yours very sincerely,

W. N. MCCORMICK.

Those are all the letters I am going to read this afternoon, Mr. President. I am simply showing you why it is that I have gone to the trouble, week after week and month after month for nearly two years, of condemning a policy that I know strikes at the very heart of the business life of my country. You can talk about your tariff and talk about your ship subsidy and other things, but I am hammering on the livest question in this Nation, and that is the control of the money supply and credits. I know you want to wave it aside, but the American people, descendents of the men who achieved liberty in the Revolution, who won the War of 1812, the war against Mexico, and fought out the great questions between the States in 1861, and won the war with Spain, and then won the great World War—these heroic citizens, men and women, are not going to submit to being held up and having the money supply taken away from them and their business killed in order to make millionaires and billionaires in Wall Street every 5 or 10 years. That is why these papers pounce upon me. I am hammering on the real issue, the one that affects most vitally the whole business fabric of America. That is why they fight me. That is why these banks are willing to take somebody else's speech that defends their position and circulate it and keep back mine, that denounces and condemns their position.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator.

Mr. EDGE. If the Senator will permit a suggestion—I do not desire to make it, however, in any other thought than that it may be helpful—I recall the Senator's previous resolution, and my suggestion at the time that it be referred in the proper way, in the orderly manner, to the committee having charge of that particular activity—the Committee on Banking and Currency. The Senator refused to permit that action; and the resolution, as I recall, was on the table for two or three weeks, and perhaps longer, with frequent addresses on the part of the Senator covering in part the same subjects. Finally the Senator sent it to the committee in the usual way, and a subcommittee

was appointed. I am not a member of the subcommittee, so I can not discuss what happened in the subcommittee, but the information requested under the resolution came to the Senate and was published, as I recall, rather expeditiously after that action.

If the Senator really wants action, rather than merely the opportunity to talk to the resolution all the time—he can talk anyhow, so far as that is concerned, whenever he gets the floor, whether the resolution is in the custody of the committee or otherwise—it seems to me that if, in the usual way, he would ask to have the resolution referred to the proper committee, and the committee would then appoint a subcommittee to make such inquiry as they thought proper, his desire would not be in the slightest degree delayed. Instead of that, the Senator has chosen to have his resolution lie on the table, without action by the committee, and then from time to time to make a speech about it.

Of course the Senator has that privilege. I am not criticizing it at all, but I think he should have the information. I heard the chairman of the committee to-day make the statement that he would gladly appoint a subcommittee to consider this resolution. Speaking now from precedent, the action that was taken before seems to have been expeditious, and just why the Senator assumes that he will not get action on his resolution if it is referred to the committee now, I do not know. That assumption seems to me entirely unjustified.

I merely make that suggestion in an absolutely friendly manner, because the Senator is entitled to the information, and I think that is the way to get it, not simply to talk on the floor of the Senate to a resolution that is on the table.

Mr. HEFLIN. Mr. President, I appreciate the kindly interest of the distinguished Senator from New Jersey, who helped to send my other resolution to its long, last sleep. It sleeps there still, Mr. President, with no sign of awaking. [Laughter.]

Mr. EDGE. Was not the information which the Senator requested under the terms of the other resolution received by the Senate after the resolution was referred to the committee?

Mr. HEFLIN. No; not until I had another resolution passed through this body. I got a resolution through here, by unanimous consent, calling on the Atlanta bank to give this information, and to send their mailing list, and they did so. Now I am asking that the other 11 banks do the same thing, and show how much they expended, and how many speeches they sent out, and two or three Senators on the other side are blocking the proposition.

Mr. EDGE. I recall very clearly that after the previous resolution went to the committee, word was received that the Atlanta bank was ready at any time to send the information. I do not think the other banks would feel differently disposed; but this idea of talking forever on the floor of the Senate to a resolution that apparently can not receive action without unanimous consent, when there is other unfinished business before the Senate, certainly does not get the Senator anywhere. It simply gives him the opportunity to make frequent speeches, which he seems to enjoy.

Mr. HEFLIN. Mr. President, I have to remind my friend from New Jersey that I make a speech when I feel it my duty to speak, without consulting him as to when or how long I shall speak, or what I shall speak about. Now, just think. If I had not spoken this afternoon, would I ever have brought out such a suggestion from the Senator from New Jersey? Publicity—giving the facts in the CONGRESSIONAL RECORD; this is one publication that can not be subsidized. When you tell the facts, and they go out in the CONGRESSIONAL RECORD, the country reads them, and that is what I want it to do.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I am glad to yield to my friend from North Carolina.

Mr. OVERMAN. Mr. President, I hope the Senators on the other side will give consent to the passage of this resolution. The Senate has already passed a resolution asking the Atlanta bank for this information, and they have replied. It did nobody any harm. The Senator from Alabama feels that this matter is personal to himself and an attack on him. I do not agree with the Senator from Virginia [Mr. GLASS] that the Government has nothing to do with the Federal reserve banks. I think the whole system is under the control of the Government. The Senator from Alabama evidently is going to talk on this resolution all this evening; he is going to talk to-morrow; and why not give consent? No harm will be done to anybody, but it will satisfy him and his friends.

I hope the Senators on the other side will yield. The chairman of the committee is here, and I think he will agree with me that no harm will be done by passing the resolution. I ask the chairman of the committee if he will not consent to its passage?

Mr. McLEAN. Is the Senator addressing his remarks to me?

Mr. OVERMAN. Yes. I ask the Senator to consent to the passage of this resolution. Let us settle the matter. No harm will result to anybody, and it will satisfy a brother Senator who thinks he has been aggrieved in this matter. Why not pass the resolution? It will do no harm, and it is very easy to pass it and elicit this information.

Mr. McLEAN. I think, in the first place, the resolution is in bad form.

Mr. OVERMAN. It may be in bad form.

Mr. McLEAN. I think if it had been addressed to the Federal Reserve Board it would have been in much better form.

Mr. OVERMAN. I rather agree with the Senator; but the Senator's colleague has adopted another plan.

Mr. HEFLIN. And the other resolution was exactly like it, addressed to the bank, and the Federal Reserve Board sent it to the bank. That is the way it is done.

Mr. OVERMAN. This course was taken with regard to the Atlanta bank, and why not take it in regard to the others? There is no harm in it. It can hurt nobody at all, and it will satisfy the Senator from Alabama himself; and I think if consent is given here this afternoon to pass the resolution it will be satisfactory all around, to the Senator and to his friends. I do not believe that the Senator from Virginia [Mr. GLASS] will object to it, because I believe that the Senator will agree with me that the whole Federal reserve system is under the control of Congress and that we have a right to pass any resolution we please dealing with it.

Mr. McLEAN. I understand that the Senator from Alabama has nearly finished his remarks.

Mr. HEFLIN. I do not know how long I am going to speak. If this can be done and the resolution agreed to, I will stop now——

Mr. McLEAN. The Senator might as well use up the rest of the afternoon, I think. We are to have a meeting of the Banking and Currency Committee to-morrow, and I should like to consult the committee with regard to these matters, if they are to keep coming. I think it is an unfortunate precedent to allow all these resolutions to go through under unanimous-consent agreements. I should like to know what they involve.

Mr. OVERMAN. I agree with the Senator, and yet we have adopted this principle; we have done it before, and why not do it again?

Mr. McLEAN. I think, furthermore, that the resolution should be in proper form, and I should like to have it go to the committee. It seems to me that the Senator from Alabama is as much obligated to consent to let the resolution be referred regularly as I am obligated to withdraw my objection, under the circumstances.

Mr. OVERMAN. The Senator is usually very gracious and kind about these matters, and I thought if I appealed to him probably he would yield. I felt that the Senator has no personal objection because of these technicalities, and this has been done before.

Mr. McLEAN. As I said, I have not voted once, since I have been in the Senate, against a resolution of investigation; but in this particular case there are so many of these resolutions coming along that I should like to consult the committee with regard to the matter, because I have a feeling that we are establishing a precedent here that is going too far.

Mr. OVERMAN. I agree with the Senator. I have opposed a good many proposed investigations but this precedent has already been set, and it does not require the expenditure of any money.

Mr. McLEAN. If it is a bad precedent, the sooner we diverge from it the better.

Mr. OVERMAN. I think, if we agreed to the passage of this resolution, we could go along with the tariff bill to-morrow and not have a continuation of these speeches. It will take all day, probably, to discuss the matter. I am making the suggestion only in the interest of economy of time.

Mr. HEFLIN. Mr. President, the Senator from Connecticut declines to withdraw his objection and permit this resolution to pass, and I am forced to proceed and comment upon that.

The Senator from North Carolina [Mr. OVERMAN], one of the ablest, fairest, and best Members of this body, who believes in justice and fair play in everything, is asking now, as a matter of simple justice, something that will not cost the Government one cent. The Senator from Connecticut [Mr. McLEAN], who opposes giving this information to me and to the country, wants my resolution referred to his committee, of which the Senator from Virginia [Mr. GLASS] is a member, and I am asking the

Senate not to do it. I have stated what happened to the other resolution. I never would have gotten that information if I had not gone around to the committee and offered a resolution here that did not cost the Government anything. In that way I got that information. That is all I am asking for now.

What is it that makes Senators want to hold up this resolution until to-morrow? Do they want to confer with the Federal Reserve Board governor? Do they want to talk to the Federal Reserve Board governor, whose conduct I have criticized and expect to continue to criticize? Do they want to ask them whether or not they want to give this information? Is that the object of delaying this thing? What is it, Mr. President? Does it come back to what I suggested in the outset to-day? Whenever you get a matter up here that treads on the toes of big business—business that regards itself as bigger than the Government; business that thinks it has a bought license under which to pillage and plunder the American people; business that can whisper around and have a thing like this held up—what is it that is back of all this thing that we witness here to-day?

The Senator from New Jersey [Mr. EDGE] wants to know why I want to discuss the resolution. Thank God there is free speech in this Chamber! If we have not a free press, we have free speech. Some of the press are free. Some of the newspapers are clean and honest, and all that, and I praise them. When I refer to a subsidized press and an unfair, bought press, I am not referring to the other crowd. Nobody need take offense unless he is hit by what I say.

Mr. President, I got that other information, through another resolution, in a week or 10 days, and I do not think the Senator from Connecticut knew that resolution had passed. I do not think the Senator from New Jersey knew that resolution had passed. Probably both of them, if they had been present, would have objected to it. One of them voted to-day against permitting me to proceed with free speech in this body in order. I heard them. I knew who they were. The Senator from New Jersey [Mr. EDGE] was one of them. I heard him vote against allowing me to proceed in order to discuss a resolution which I introduced, which affects me personally and affects the people I represent, and affects the business life of the whole American people. I am anxious to keep these banks out of politics. When I fight for that I am fighting for the best interests of my country, and when the banks want to get into politics, they are doing that which would drag this Government down.

If the banking institutions, under Government control, are to become mighty factors in politics, Senators, free institutions are in danger. Must I remain quiet or strive to prevent such a condition? We can not get the other side to withdraw an objection to a resolution which simply asks these banks, "Who told you to send out the Glass speech? How many did you send out? How much did you spend in sending them out?"

Mr. EDGE. Mr. President, the Senator from Alabama is on the other side of the Chamber from me, and I may have misunderstood him, but did he make the statement that he heard the Senator from New Jersey vote against free speech in the Senate to-day?

Mr. HEFLIN. I do not want to do the Senator an injustice, but when the motion was made that I be permitted to proceed in order, the Chair put the question; there were a number of ayes, and there were a few noes, and I understood the Senator from New Jersey to vote "no."

Mr. EDGE. The Senator is entirely correct. The Senator from New Jersey did vote "no." The Senator from New Jersey would like to make that perfectly clear and plain, if there is any doubt in the mind of the Senator from Alabama about it. The Senator from New Jersey will always vote "no," when a question of order is put by the Chair to the Senate, when a Senator so far forgets himself as to call a colleague a liar, unless the Senator so offending withdraws such statement——

Mr. HEFLIN. I did withdraw it.

Mr. EDGE. And at that time the Senator from Alabama had not withdrawn the statement.

Mr. HEFLIN. I could not withdraw it. If the Senator understood parliamentary law at all, he would know that. How could I withdraw it until the matter had been disposed of and the Senate had directed under the rule that I proceed in order? But the motion was that I be permitted to proceed in order, and the Senator from New Jersey voted against that motion. I was undertaking to plead for his constituents, the men, women, and children in New Jersey, who have been pillaged and plundered by this deflation policy. I am fighting for the whole people. I know it is a hard fight and a big fight that I am making.

Mr. EDGE. Mr. President——

Mr. HEFLIN. The subsidized press agents are on every hand, and every sort of ingenuity is employed to suppress what I say and keep it from the country. I know it is a hard fight, but I am going to make it if I live.

Mr. EDGE. The Senator can not evade the actual happening in that way. Of course, the Senator was very properly called to order, and, as he says, technically could not have spoken until relieved of that ban. That is very true. But there was only one time for a Senator to express his feeling of—I do not want to use the word "contempt," and I will not use it——

Mr. HEFLIN. The Senator can not use it toward me.

Mr. EDGE. To express his feeling, certainly, of difference of opinion, when a Senator will permit himself to forget himself, even for a moment, and use a term of that kind on the floor of the United States Senate. The only time that any Senator could express his view of it was when the motion was made. The Senator as a rule is rather difficult to stop in debate, and he could have withdrawn that expression before the actual call to order was made. He was still standing on the floor; he was trying to speak; but he made no effort to withdraw the word until after the motion was made, and then he did. So that I voted "no," and I will always vote "no" when any Senator so far forgets himself as that.

Mr. HEFLIN. I was on my feet, but the rule was produced, and the Presiding Officer said that both Senators should be seated. I sat down. Just as soon as I got the floor I withdrew the remark I made. I was provoked into it. The Senator from Virginia himself acknowledged that I had not used the language he thought I had used, so I can not be blamed, for I was provoked into using the language I did. Of course, I regret violating the rules of this body at any time, and hope to keep within them; but, Mr. President, the Senator from New Jersey fought hard and fought bitterly to refer my other resolution, which called for information from these banks, to the Banking and Currency Committee.

He is not new in the arena with regard to this thing. He is an old hand at the business. He fought the other proposition, just as he is fighting this one. Of course, the suggestion of a Senator being indignant at a Senator losing his temper is very good. But there are other things beside and behind that. The Senator from New Jersey evidently does not want these banks called upon for this information. I want them to give it. I am going to keep on——

Mr. EDGE. The Senator must adhere to the facts. I stated very frankly—and I will not permit the Senator to put words into my mouth—that the orderly method was to refer the resolution to the Committee on Banking and Currency; and that does not infer any policy whatever. At the same time I suggested—and the RECORD will so show—that, so far as I was concerned, the Senator was entitled to the information, and I repeat it. So I resent the suggestion of the Senator that I do not want him to get the information.

As far as I am concerned, he can have the information at any time; but I do resist this attempt to circumvent the rules and the practice of the Senate because a Senator feels that he is personally aggrieved. He has no reason to assume that the chairman of the Banking and Currency Committee, or the committee, will not treat his resolution in a proper and orderly manner, and inasmuch as he has made it so personal, I will tell him right now, without calling a quorum, that I will personally object to unanimous consent for the consideration of that resolution in its present form at any time he requests it.

Mr. HEFLIN. Then, I personally notify the Senator from New Jersey now that I will speak on it frequently in his hearing, if he is here, and I hope he will be here from now on.

Mr. President, I know Senators frequently get up and say, "I personally have no objection, but let this thing go to the committee." Here is the place to express their personal objection, and when they do it and refer the matter to a committee, then I must judge them. As the Bible says, "By their fruits ye shall know them." As I said here day before yesterday, I judge what they intended to do by what they do. If they say that personally they do not object, that is all right, and I like to hear them say that. But what are the facts? What has become of that resolution, about which the Senator talked so friendly at that time? It never has been reported. It is as dead as a doornail, and I had to get the information by another resolution in this body. I just want the facts to go to the country, and I expect to see to it that they do go to the country.

The CONGRESSIONAL RECORD will convey the information to nearly 40,000 readers in the United States to-morrow, for nearly that many RECORDS go out, and they will read in the various homes and hamlets of America of an effort made by a Senator to get some information of interest to the country

and of interest to him and how the fight that was made by those opposing the passage of the resolution.

If the Federal Reserve Board do not object to it, why do you want to postpone action on it to-day? Do the banks object to giving this information? Is that what we want to wait for? I do not care whether the Federal Reserve Board or the Federal reserve banks object. I am a lawmaker in the greatest lawmaking body in the world, and I speak, in part, for one of the sovereign States of this Union; and in my place and right as a Senator I demand this information of these banks created by law in a body of which I was a Member, for I was a Member of the other House at the time the bill was passed creating the Federal reserve system.

Why am I not entitled to this information? This banking system was administered fairly and well until the late spring of 1920, when it inaugurated the deflation policy which was indorsed by the Senator from Connecticut, hitherto an opponent of the Federal reserve banking system. I was for the system in the beginning; I am for it still. I was for the Federal Reserve Board up until the late spring of 1920; but when the Federal Reserve Board trafficked with that system and commenced to manipulate it as Wall Street decreed should be done and broke down business in my section, lost the people of my State more than a hundred million dollars, and I stood up here and protested against it, and the Senator from Connecticut defended it. He came across this aisle and shook hands with the Senator from Virginia on his speech, which has been circulated by these Federal reserve banks. He congratulated him upon that speech. Hitherto he had been against the system. Now he is for it. Now he is for the board.

Now, let me read to the Senate a letter put into the CONGRESSIONAL RECORD by the able and distinguished Senator from South Carolina [Mr. SMITH]. A better friend the farmer never had in this or any other legislative body. He put a letter in the CONGRESSIONAL RECORD yesterday, to be found on page 9069. It was headed:

The future of cotton—Short-sighted policy of the world's spinners and manufacturers.
(By Sir Charles W. Macara, Bart., Manchester, England.)

He is president of the Cotton Spinners' Association of England, and in a letter to Hon. Harvie Jordan, who used to be president of the American Southern Cotton Association, this language was used by this great Englishman, 3,000 miles away, a spinner, and head of the spinners' organization of his country:

Not only is the boll-weevil menace a terrible reality, but the result of the drastic deflation in the market value of staple farm products has brought farmers in the South to the verge of ruin.

Then talk about making an attack upon the Federal Reserve Board without any facts to back it up! I know what I am doing. I am hitting this crooked bunch in a tender place. I believe in calling a crook in high place a crook, just as I would call a common crook in the common walks of life a crook. This country will be better off when more of that is done in responsible positions. Why should I come around treading on velvet, talking about a man who I believe speculated in cotton himself at the time he was denying the farmers loans, with which to withhold their cotton from the market, and he was beating the price down below the cost of production. I believe, and I repeat on this floor, that I believe he made hundreds of thousands of dollars speculating in cotton. Then they say to me that I ought not to make this fight! My sense of right and justice impels me to make this fight.

Now, when I did make the fight I invited from Virginia the able and brave John Skelton Williams, one of the bravest and best Americans living to-day, a man who was Comptroller of the Currency for eight years, the best comptroller, so stated to me by a Virginian that Senator GLASS said of Williams, that we had had in 40 years. I invited him to come to Washington. We went over the Federal reserve bulletins and facts and figures that he had gathered and that he knew about while he was Comptroller of the Currency. I said, "I am going to reply to Senator GLASS's speech and I want the facts and nothing but the truth." We went into those things in the two or three conferences we had. I marshaled those facts under his aid, with the figures that we obtained from their own records, and brought them in here, and in a five-and-a-half hours' speech refuted the arguments of the Senator from Virginia, and he never undertook to answer my statements until to-day, and that feebly and only in a general way.

I am asking for the opportunity to send out that speech of mine to the people who read the Senator's speech, which I say contains so many inaccurate and incorrect statements. I think he was imposed on by the board. They grabbed up the speech he made and circulated it. Now, I am asking that I, not the board, not the bank, not a cent of expense to the Government, be given the opportunity to circulate my speech that I made in the Senate in the interest of right and justice to me and to the whole people of the United States. That is all I ask, but I am held up. Now, then, I must give my opinion and impressions to the country. I want the country to know that we can get nothing through here that affects for good the American people if it in any way pertains to this big banking octopus of the East without some eastern Senator blocking it. When will the West wake up? When will the North wake up and the South? When will they combine their strength and crush this octopus that flourishes in wrongdoing in Wall Street and has become so big that when a Senator assails it on this floor there are editorials written about him wherever there is a Federal reserve bank located. Is not that strange?

Do you know what I said here the other day? I said that I was informed by a former official of the United States Government that one of the editors of one of the big dailies in New York, who used to be in the employ of the Federal Reserve Board in Washington, is now on the pay roll of the Federal Reserve Board, or on the pay roll of the Federal reserve bank, at New York, and I told you that you would not see it announced in a single newspaper next day, and you did not, did you? Do you remember that? Then ask me why I stand here and expend my strength day after day in this hot summer. Somebody has to fight. Somebody ought to fight. I told you from my place here that when the Supreme Court handed down a decision, in which it criticized and condemned the Federal Reserve Board's treatment of a State bank in Nebraska, that it was not given to the country, and I had letters about it from people, and one paper out in the West had an editorial that first called my attention to it. It said, "Why was not that bit of news given to the country"?

Should I remain silent, although it is more in keeping with ease and comfort to sit silent a hot day like this, when I see these forces creeping up little by little and step by step? No, Mr. President, I would rather have it said of me when I am gone, whether I live long or die soon, that when these concerns with mighty tread were stealing up slowly but surely upon the Government and its instrumentalities that he was there fighting as best he could; that those who were hired to write editorials attacking him did not deter or intimidate him; that the effort to hamper and hinder him in the fight failed utterly; "he fought on and on for what he believed was right." I would rather leave that record to my boy and to those of my relatives and friends than any other record I could make.

I have never mistreated a Senator in this Chamber. I never have been an initiator of anything that looked in that direction. I have resented things when I felt it my duty to do so. They who fight for the right encounter obstacles and difficulties. They have no easy path to walk. They must fight. I recall the old hymn. "Sure I must fight if I would win. Increase my courage, Lord." That is the slogan. Fight what? Fight predatory interests that feel that they are greater than the Government. Fight to keep banking institutions created by law to serve the business needs of the people out of politics. Fight those who will take a speech brimful of attacks upon a Senator and full of statements the correctness of which are challenged and broadcast it over the country, costing thousands of dollars.

Why, Mr. President, I know I have stirred up strong opposition amongst them. I am astounded to see the enthusiastic and determined effort on the other side of the Chamber of the two Senators from the East who are opposed to this resolution. One of them, the Senator from New Jersey [Mr. EDGE], says he does not object personally and yet he serves notice on me that he will object personally to the consideration of the resolution. Is he offended with me personally? There is no just cause for it. No Senator in this body could offend me enough personally to make me object to a resolution like this. I would not put it on that ground; so help me God, I would not. I would permit a Senator to put a resolution like this through, even if I did not speak to him. So let us come out in the open on this thing.

I will be getting letters from New Jersey and from Connecticut and from other sections of the country on this fight to-day. I have had them on every fight I have made, from nearly every State in the Union, saying, "More strength to your arm."

Senators, that is the way the people feel to-day. They know the danger of the money power in politics. We were told by George Washington to fight against it. We were told by Jefferson and Jackson and Lincoln to fight against it. When we inaugurated the Federal reserve system under the leadership in this body of the great Senator from Oklahoma [Mr. OWEN], President Wil-

son said we had broken the power of the Wall Street gang and driven them from the control of the money system and the credits of the country. I am fighting to keep this system out of politics. I want you to help me to do it. I am doing it in the interest of the country. I have had letters from all over the country saying that I was right in this matter. I have scores of them from Virginia saying that I am right. Yet here I am confronted with the proposition that I have not the right to ask for this information, and that I ought not to have it; that I ought not to be able to send my speech out to the people who read the speech of the Senator from Virginia.

Senators, the work of this day will be recorded, and you will hear from it many times before the campaigns of 1922 and 1924 are over. We are talking now about the most vital thing in this Government. They who control the money supply, they who hold the purse strings, they who manipulate the credits of the Nation, control the lifeblood of business in the whole United States.

Am I to be condemned for demanding that Federal reserve banks shall keep out of politics and perform the duties for which they were created?

I am a friend of the system. I helped to create it and in the Democratic caucus in the House I fought to have cotton recognized, and the warehouse receipts of the farmer so recognized that he could borrow money on them to help him obtain the cost of production plus a profit. My friend the Senator from South Carolina [Mr. SMITH] is a friend of the system. He is just like I am with reference to the deflation policy of the Federal Reserve Board.

Here is the Governor of the Federal Reserve Board, who is opposed to me, of course. The Senator from Virginia said he wrote him a letter stating that the reason why he did not go home and vote was that he would have to vote for me, and I replied that he knew I would expose his crookedness if ever I got into the Senate. That is the man at the head of the board. I have read documents here from various sources condemning him, and I have read an editorial from the Manufacturers' Record just bristling with indignation at the suggestion of his reappointment, and showing how the honest business men and bankers of the country would resent it; and yet he is appointing the governors of the other banks and having a speech sent out; at least, they said at Atlanta that it was suggested the speech was available, and, of course, he suggested that they send it out. None of them would ever have been circulated by these banks but for the Governor of the Federal Reserve Board. He appoints the governors of these banks. Do you understand, Senators?

Now, they have sent them out.

I said, "All right, there is Senator GLASS's speech in pamphlet form, and here is mine. You had his printed at Government expense and at the expense of the banks. The Government is entitled to a little interest in the funds you have expended. I want you to give Congress a list and let us see what you have done. I want to send my speech where you have sent his." But Senators on the other side, a couple of them, the Senator from Connecticut [Mr. MCLEAN] and the Senator from New Jersey [Mr. EDGE], oppose the resolution. The Senator from New Jersey said that personally he does not object to me having the information, but the RECORD will disclose the fact that he said he would object to the consideration of the resolution. I leave it for the reading public, those who read the RECORD, to decide just what his attitude is in the matter.

Now, Mr. President, I want to say just this in conclusion: The American people are having some very strange thoughts about Congress. The impression is growing stronger every day that big special interests have a hold on the Government under this administration such as they never had before; the impression is growing that the man with big means is all and all at this Capitol, and that the rank and file of the men and women out yonder are apparently of little consequence. They need our help—the rank and file.

The speech of the Senator from Virginia contained some of the same points made by the governor of the Federal Reserve Board in his speech.

The Senator's speech was sent out—6,500 copies of it by 1 bank of the 12. If the bank at Atlanta, in a section of country which is not so thickly populated as is the eastern section, sent out 6,500 copies of that speech, how many do Senators suppose were sent out from New York? I had a letter from a gentleman the other day stating that a New York lawyer told him that he thought that everybody in New York had received one of those speeches. Now, the Federal Reserve Board has had that speech circulated. I am asking for the right and opportunity to circulate my speech in order that the American reader may decide for himself the question regarding deflation as presented by two United States Senators.

Mr. President, I submit the question to the intelligent and fair-minded people of the country.

Mr. CURTIS. Mr. President, the Senator from New Mexico [Mr. JONES] intended to address the Senate to-night on the tariff bill, but he has said that at this late hour it would be impossible for him to conclude, and that time would be saved by letting his speech go over until to-morrow. I move that the Senate proceed to the consideration of executive business.

Mr. EDGE. Mr. President, if the Senator from Kansas will yield to me for a moment, I wish to say merely a word. I have no desire to make an address at all, but simply to correct the last statement made by the Senator from Alabama, and which I think in fairness should be corrected. The Senator from Alabama said, if I heard accurately what he said, that two United States Senators have prevented him from getting the information he desires. I think I can speak for the Senator from Connecticut, and I know I can for myself. We have not prevented the Senator from getting the information; that must be made absolutely clear; we have merely insisted that he obtain the information in the usual regular and orderly manner by having the resolution referred to the committee having charge of such activities.

Mr. HEFLIN. Will the Senator now give consent that the resolution may be considered at this time?

Mr. EDGE. I will not.

Mr. HEFLIN. That is all.

EXECUTIVE SESSION.

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were opened, and (at 6 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, June 23, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 22 (legislative day of April 20), 1922.

RECEIVER OF PUBLIC MONEYS.

Charles S. Merrill, of Wolcott, Colo., to be receiver of public moneys at Glenwood Springs, Colo., vice Henry J. Holmes, removed.

REGISTER OF THE LAND OFFICE.

Miss May G. Angel, of Idaho, to be register of the land office at Hailey, Idaho, vice Ben R. Gray, removed.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. George Evans Stewart, Infantry, from June 14, 1922.

Lieut. Col. Henry Aloysius Hanigan, Infantry, from June 14, 1922.

To be lieutenant colonels.

Maj. George Catlett Marshall, jr., Infantry, from June 14, 1922.

Maj. Talbot Smith, Cavalry, from June 14, 1922.

To be majors.

Capt. Paul Joseph McDonnell, Infantry, from June 14, 1922.

Capt. Eustis Leland Poland, Infantry, from June 14, 1922.

POSTMASTERS.

ALABAMA.

Jacob G. Matson to be postmaster at Sylacauga, Ala., in place of R. St. John, resigned.

HAWAII.

Lee Loon to be postmaster at Pahala, Hawaii, in place of James Campsie, resigned.

ILLINOIS.

Jacob H. Hill to be postmaster at Decatur, Ill., in place of W. M. Bering. Incumbent's commission expired February 4, 1922.

Mack Sparks to be postmaster at Mattoon, Ill., in place of E. F. Poorman, removed.

INDIANA.

Ella S. Shesler to be postmaster at Burnettsville, Ind., in place of E. S. Shesler. Office became third class January 1, 1921.

KANSAS.

Cyrus L. Ward to be postmaster at Narka, Kans., in place of R. L. Bever. Office became third class October 1, 1921.

LOUISIANA.

Harry J. Norris to be postmaster at Oak Ridge, La., in place of G. H. Norris, declined.

Samuel M. McCarty to be postmaster at Salem, La., in place of G. C. Calvin. Office became third class October 1, 1920.

MICHIGAN.

Arthur M. Gilbert to be postmaster at Wakefield, Mich., in place of E. F. W. Neidhold, resigned.

MINNESOTA.

Elvia R. Sester to be postmaster at Richville, Minn., in place of E. R. Sester. Office became third class January 1, 1922.

MISSISSIPPI.

Aaron B. Johnston to be postmaster at Enid, Miss., in place of H. I. Brown, resigned.

NEW JERSEY.

Charles W. Foster to be postmaster at Grenloch, N. J., in place of C. D. Nicholson. Incumbent's commission expired January 24, 1922.

Charles R. Stoneall to be postmaster at Ridgewood, N. J., in place of F. M. Stevens, resigned.

NEW YORK.

John C. Tharp to be postmaster at Campbell, N. Y., in place of A. J. Harrison. Office became third class October 1, 1920.

John C. Shanks to be postmaster at Waterloo, N. Y., in place of H. C. Kinney. Incumbent's commission expires July 2, 1922.

NORTH CAROLINA.

Sion D. Johnson to be postmaster at Pittsboro, N. C., in place of W. H. Griffin. Incumbent's commission expired April 6, 1922.

OHIO.

Glenn L. Shaffer to be postmaster at Bellville, Ohio, in place of K. H. Robinson, removed.

SOUTH CAROLINA.

Joseph G. Holland to be postmaster at Edgefield, S. C., in place of C. M. Mellichamp. Incumbent's commission expired April 29, 1922.

SOUTH DAKOTA.

Joshua Trumm to be postmaster at Hayti, S. Dak., in place of Josh Trumm. Office became third class January 1, 1920.

Emma G. Esteinsen to be postmaster at Lake Norden, S. Dak., in place of E. G. Esteinsen. Office became third class October 1, 1920.

TEXAS.

Milton S. Fenner to be postmaster at Karnes City, Tex., in place of W. F. Erp, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22 (legislative day of April 20), 1922.

UNITED STATES DISTRICT JUDGE.

William H. Barrett to be United States district judge, southern district of Georgia.

JUDGE OF THE MUNICIPAL COURT.

Robert H. Terrell to be judge of the municipal court, District of Columbia.

UNITED STATES ATTORNEYS.

Granby Hillyer to be United States attorney, district of Colorado.

W. O. Potter to be United States attorney, eastern district of Illinois.

Frederick R. Dyer to be United States attorney, district of Maine.

CONSULAR SERVICE.

TO BE CONSULS OF CLASS 6.

Jay C. Houston.
Norwood F. Allman.

TO BE CONSULS OF CLASS 7.

Philip Adams.
H. Merle Cochran.
Joseph F. McGurk.
Charles J. Pisar.
Louis H. Gourley.
James J. Murphy, jr.
Lynn W. Franklin.
George L. Brandt.
S. Bertrand Jacobson.
Robert F. Fernald.
Ilo C. Funk.
V. Winthrope O'Hara.
George Wadsworth.
Orsen N. Nielsen.
Walter A. Adams.
William W. Heard.
George A. Makinson.
John L. Bouchal.
H. Earle Russell.
William P. George.
Samuel R. Thompson.
George T. Colman.
Dillard B. Lasseter.
Harvey T. Goodier.

REGISTERS OF LAND OFFICES.

Silas E. Speckman to be register of land office, Lamar, Colo.

William Ashley to be register of land office, Coeur d'Alene, Idaho.

Hugh E. O'Donnell to be register of land office, Lewiston, Idaho.

George J. Reiley to be register of land office, Baton Rouge, La.

Martin Widsten to be register of land office, Crookston, Minn.

William O. Ligon to be register of land office, Jackson, Miss.

Eber Melvin Steninger to be register of land office, Elko, Nev.

Albert Halen to be register of land office, Vernal, Utah.

PROMOTIONS IN THE ARMY.

Samuel Greaner Talbott to be major, Adjutant General's Department.

Henry Henderson Pfeil to be major, Adjutant General's Department.

George Walter Hirsch to be captain, Ordnance Department.

Robert John Wagoner to be captain, Quartermaster Corps.

Frank Watts Arnold to be captain, Quartermaster Corps.

Harrison William Johnson to be first lieutenant, Signal Corps.

POSTMASTERS.

ARIZONA.

Lutie Paxton, Flagstaff.

GEORGIA.

John H. Pullen, Meigs.
Gordon G. Ridgway, Royston.

KANSAS.

Harry R. Markham, Alton.

KENTUCKY.

Henry C. Mann, Kevil.

MARYLAND.

Mary C. Worley, Riverdale.

MINNESOTA.

George N. Breher, Wadena.

NEW MEXICO.

Arthur W. Lyckman, Madrid.

NEW YORK.

Grace O. Meloy, East Durham.
Rosella M. Palmeter, Purling.

OHIO.

James M. Light, Greenville.

OREGON.

Curtis C. Heidrich, Chiloquin.
Carrie N. Parker, Gladstone.
Karl A. Bramwell, Halsey.
Charles M. Crittenden, Hubbard.
Benjamin F. Turner, Maupin.
Thomas J. Warren, McMinnville.
Herbert R. Satchwell, Shedd.

PENNSYLVANIA.

Edward F. Anderson, Austin.
W. Stans Hill, Williamsport.

SOUTH DAKOTA.

Sadie E. Gustafson, Buffalo Gap.

TENNESSEE.

Frank J. Nunn, Brownsville.
Thomas E. Tipler, Grand Junction.
Matthew D. Duke, Martin.
Mahlon H. Webb, Pulaski.

VIRGINIA.

James S. Smith, Bristow.
Arthur G. Childers, Galax.
Roy M. Cleek, Warm Springs.

WASHINGTON.

Walter J. Hunziker, Langley.
William C. Black, Lowell.
Alfred R. Bramer, Marlin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 22, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, in whom we have our being, make Thy name excellent in all the earth. In all lands, upon all peoples, let shine the sun of Thy righteousness. In wondrous ways Thou dost show Thyself. Give us eyes to see the story of Thy goodness in all the displays of Providence. Be with us, O Heavenly Father. If the burden is too heavy to bear, touch it; if the heart is bound to earthly idols, release it; if the eye is dimmed with tears that we dare not approach, dry them; and in gracious mercy open Thy hand of bounty to all. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by former Commissioner of Corporations Davies upon the subject of standardized prices.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the gentleman expects to put these remarks in the back of the RECORD?

Mr. KELLY of Pennsylvania. Yes.

Mr. WINGO. On what subject is it?

Mr. KELLY of Pennsylvania. Standardizing prices. It was delivered in this city by former Commissioner of Corporations Davies and is a very interesting legal argument.

Mr. WINGO. Does the gentleman mean a legal argument in favor of the Government standardizing prices?

Mr. KELLY of Pennsylvania. No; it is the standardizing of prices by manufacturers.

Mr. WINGO. If the gentleman thinks it will add anything to the knowledge of Congress, I have no objection.

Mr. WALSH. Reserving the right to object, is this the gentleman who was formerly a Federal trade commissioner?

Mr. KELLY of Pennsylvania. Yes; he was former chairman of the Federal Trade Commission.

Mr. WALSH. Is there any legislation pending in Congress on this subject?

Mr. KELLY of Pennsylvania. There is.

Mr. OLDFIELD. Reserving the right to object, when the gentleman speaks of standardizing prices, he means retail prices?

Mr. KELLY of Pennsylvania. Wholesale and retail prices.

Mr. OLDFIELD. And also means to have something to do with fixing the retail prices of various articles.

Mr. KELLY of Pennsylvania. This is a legal study of court decisions upon that matter.

Mr. OLDFIELD. Does this gentleman take the position that manufacturers of articles should have the right to fix the retail price to the consumer?

Mr. KELLY of Pennsylvania. It goes over the entire matter in a legal way for the last 15 years, and gives the Supreme Court decisions upon the question. It is more a legal discussion than an argument, although, of course, that phase is brought out. He is in favor of that right through legislation pending in this Congress.

Mr. WINGO. Has the Attorney General read this?

Mr. KELLY of Pennsylvania. I am not sure about that.

Mr. WINGO. I suppose the gentleman will submit it to him.

Mr. CHINDBLOM. Is this Mr. Davies from Wisconsin?

Mr. KELLY of Pennsylvania. Yes; I think he is. He was formerly commissioner of corporations and later Federal Trade Commissioner. Yes; he is from Wisconsin.

Mr. CHINDBLOM. This is not laying the foundation for a further senatorial campaign, is it?

Mr. KELLY of Pennsylvania. Not that I know of.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. KELLY of Pennsylvania. Mr. Speaker, in accordance with the permission granted by the House, I desire to place in the RECORD the following address on "Price standardization," by Hon. Joseph E. Davies, former Commissioner of Corporations and chairman of the Federal Trade Commission, delivered at the Twenty-second Annual Convention of the American Booksellers' Association in the city of Washington:

PRICE STANDARDIZATION.

I am pleased to have this opportunity of addressing you upon this very interesting and important subject. By reason of my experience as an official of the Government of the United States, I presume that I have had the benefit of the slant of the public official view upon questions, and in that connection I wish to say that the proponents of price standardization have given evidence, in a very practical way, of their appreciation that the public interest is paramount to their individual, selfish interests in this situation, and to a very remarkable degree the proponents of this idea have evidenced a largeness of mind and a broadness of vision and a high character of purpose that reflects distinct credit upon them as citizens as well as people who are interested in fair trade.

I say that for this reason: You will notice that the qualification of the Federal Trade Commission in its indorsement of this idea is that there shall be public or official scrutiny of prices made by manufacturers upon goods that are price maintained. And because public officials are thinking in terms of public interest, not only as to what is beneficial for manufacturers and distributors, but as well what is to the interest of the consumer, undoubtedly that qualifying indorsement was placed in the recommendations of the Federal Trade Commission, and the significant part of that situation is that the proponents of this idea recognized it, seized it, and embodied it as a part of their plan, thus giving concrete and positive proof that they were concerned in this enterprise, not because of selfish purposes primarily, but with a very high sense of their duty and their obligation to the public. And the Stephens-Kelly bill embodies just such protection; and there is nothing in the Stephens-Kelly bill, and there is nothing in this idea of price standardization which any public-minded man, thinking in terms of the public, can possibly take exception to. It is honest, it is straight, it is in the interest of the public, and it is in the interest of honest manufacturers and honest distributors, and, in my opinion, in the interest of society itself.

Those of us who have given close study to the merchandising problem and to the place of the standard price in the distributing system, find it difficult to reconcile the recent developments of the law with the best interests of the public. We see the building up of standards of quality, the establishment of honest, faithful production, and consequent establishment of a proper and valuable good will, and we see the tearing down of the good will thus established through years of faithful effort by trade pirates who steal this property of the producer for dishonorable exploitation. And during the past decade we have seen the building up of a body of law which protects the thief and renders the honest quality producer helpless to protect that which is his own.

You gentlemen will recall that in your trade you were first confronted with this trend of the law in 1908, when the Supreme Court, in the case of Bobbs-Merrill Co. *v.* Straus, held that the copyright monopoly does not include the right to impose, by notice, a limitation upon the price at which a copyrighted book may be resold.

In 1911 the Supreme Court, in the case of Dr. Miles Medical Co. *v.* John D. Park & Sons Co., held that resale price maintenance contracts were in restraint of trade and unlawful, in violation of the Sherman law. Then came the so-called Sanatogen case (Bauer & Cie *v.* O'Donnell), in which the Supreme Court in a 5 to 4 decision held that a notice on a patented preparation licensing resale at no less than a designated price, and warning that a sale at a less price would constitute patent infringment, was without effect, and that sales at less prices than those designated would not constitute a patent infringement. Following that case in 1913, in the case of Straus *v.* American Publishers' Association, the Supreme Court extended the principle laid down in the Bobbs-Merrill case, by holding that resale price maintenance contracts on copyrighted books were unlawful under the Sherman Act.

THE RIGHT TO REFUSE TO SELL.

The results of all these decisions up to this point were to make it impossible for manufacturers to protect their good will and the right to see that all customers were able to purchase their products at the same price, either by use of patent or copyright notices or by contracts with distributors. The outcome of this situation was to compel the manufacturers of identified merchandise to resort to what they considered their undoubted rights of refusal to sell in order to protect the good will of their products. The right to refuse to sell to price cutters was indeed upheld by the Supreme Court in the Colgate case, but, as you know, the later decisions have so developed as to make this a bare right, difficult of practical application.

The first limitation appeared in the Schrader case, which not only reaffirmed the Doctor Miles medical case as to the illegality of express price maintenance contracts, but also suggested by way of dicta, that an implied contract to maintain prices is also within the ban of the law. This immediately suggested to many of us the possibility of courts finding that a manufacturer who refused to sell to those who did not maintain suggested prices entered into an implied contract with every distributor who knew of the policy and purchased goods with that knowledge and the intent to maintain the suggested prices, and in fact carried out the intent, had entered into an implied contract to sell at the suggested resale price in violation of the law as interpreted by the Supreme Court.

This possibility was indeed strengthened by the subsequent decision of the Cudahy case—Frey & Son against Cudahy Packing Co.—which held that the circuit court of appeals was in error in holding that the trial judge should have instructed a verdict for the defendant on the grounds that there was no showing of an express contract, and stated that "the essential agreement, combination, or conspiracy might be implied from course of dealing or other circumstances."

Then came the recent Beechnut decision (Federal Trade Commission *v.* Beechnut Packing Co.) in which a still further limitation was established. In that case the court held that the resale price maintenance system, being contrary to public policy, under the Doctor Miles case and subsequent decisions, constitutes an unfair method of competition, in violation of the Federal Trade Commission act, for a company to create and maintain a system of resale price maintenance, by cooperation with dealers or others even though no agreement, express or implied, exists between the manufacturer and the distributor. It condemns the carrying into effect by cooperative methods a system by which the manufacturer, distributor, customer, and agent undertake to prevent others from selling the manufacturer's product at less than a designated price.

Thus you see the progress—first, an express contract was held to be unlawful, then an implied contract was held to be unlawful, and then a system of seeking by cooperative means to maintain a resale price system was held to be unlawful.

COOPERATION FORBIDDEN.

In effect it places under the ban of the law the most effective methods by which the manufacturer may protect the good will of his product by refusal to sell. The most effective if not the only practical method by which the manufacturer may ascertain who is demoralizing his products by price cutting is by securing the necessary information upon which investigations may be predicated from other distributors in the trade. While this decision leaves to the manufacturer the bare right to refuse to sell, he is, to put it mildly, severely handicapped in his ability to secure the necessary information.

For instance, what sales manager, when he receives a complaint as to price cutting, could do anything unless he received that information from some person in the trade who knew of it? When he acts upon that information received from some one in the trade, there is danger that he may be engaging in a cooperative method to maintain a price maintenance system which comes under the ban of the law, so that while the manufacturer may have the right to refuse to sell, the means to exercise that right, the use of a cooperative method—and almost any method by which he would receive it would be cooperative—is placed under the ban of the law, and consequently the refusal to sell is a bare right.

It must be apparent, therefore, that we can now only protect the good will of the manufacturer of identified articles, and protect the public from the unfair practices of predatory price cutters, and discrimination, by changing the law, as it exists to-day through remedial legislation, such as the Stephens-Kelly bill provides. In view of the fact that these decisions condemning price maintenance have all been under the Sherman law, it might give rise to the suggestion that to attempt to establish a price-maintenance system is an attack upon the principle of the Sherman law. That is untrue. The principle of the Stephens-Kelly bill is in accord with the principle of the Sherman law, and is that development which evolution and society require to preserve the Sherman law as an active agency for the protection of the society and the competitive order. The Sherman law was enacted for the purpose of preserving industrial freedom and preventing monopoly. That principle we all subscribe to. That principle, if we came to the knob of the situation, we would all fight for, because the monopolistic order of society inevitably leads to regulation, inevitably leads to price control, and within a generation or two would inevitably lead to State ownership, which means State socialism, and State socialism means the negation of individual effort. It means an oligarchy of brains, then an oligarchy of power, the complete denial of individual rights, and the complete destruction of our representative form of republican government.

We stand unqualifiedly, as do all thinking men of all political parties and all publicists, for the preservation of the competitive order and for the principles of the Sherman law. But since the Sherman law was enacted much water has gone over the wheels. We have found that the law must go further than the Sherman law goes in order to protect society from monopoly, that the law must prevent the seeds of monopoly from germinating. It was for this purpose that the Federal Trade Commission was created, because it was recognized that unfair methods of competition were the seeds of monopoly and were those means which were employed to create monopoly. And we maintain, and we can support that proposition, that selling copyrighted, honest merchandise below cost and at less than a fair price is an unfair method of competition, and is, therefore, within the ban of the law and is entirely consonent with the principle of the Sherman law.

IS IT A NECESSARY PROTECTION?

We find ourselves, therefore, in this rather anomalous situation, that under the strict language of the Sherman law, the restraint of trade clause, this system is held to be unlawful by any means projected. We find that the Federal Trade Commission, as a matter of public policy, has gone on record in favor of this system as a means of preventing an unfair method of competition. But there is a gap in the law between the Sherman law and the Federal Trade Commission act. There remains no choice for the Federal Trade Commission but to enforce the law, as the Supreme Court of the United States has declared the law to be under the Sherman law. What is needed to secure the adequate relief in this situation is additional legislation which the Federal Trade Commission has indorsed and approved and which is embodied in a very scientific and intelligent way in the Stephens-Kelly bill. The only question, then, which need be further discussed is the question of whether or not the standard price system is, in fact, a necessary protection to the manufacturer and the public and within the public interest.

You gentlemen who are engaged in the sale of books and the other lines of merchandise customarily sold therewith have undoubtedly learned by hard experience the necessity of a standard price system, both for the protection of yourselves and for the protection of the public. Most of you have, no doubt, become the victims of unfair competition of some department store, drug store, or chain store which has carried a line of books and has chosen from time to time to cut the price below that which will show a reasonable profit, or even to such an extent as to show an actual loss. You have seen these stores willfully cut the price of books for purposes of destructive competition, with the sole intent of making up their loss on this merchandise from other lines to which they have attracted trade. You have seen such methods absolutely destroy the sale of particular publications in your community; you have seen the absolute theft of the property of the publisher and the property of the author by such methods; you have seen it destroy your own property right, the right to compete in the sale of books and publications at a fair and reasonable profit.

TO CREATE PERMANENT GOOD WILL.

And so I believe that it is unnecessary for me to discuss the subject further from your particular point of view. But as you are the advocates of the standard-price system, as you intend to take this problem to the public, and through them to the legislators, I believe that it will not be amiss for me to discuss this problem as it affects the merchandisers, producers, and consuming public of the identified article as a whole, and not from the standpoint of the problem as it confronts you.

It will be my purpose to try to suggest to you possibly some reason, some argument, which has not previously been called to your attention, and which you may be able to use effectively in this campaign.

The manufacturer of unidentified or unbranded merchandise has little incentive to produce quality. It is true, of course, that an article of quality will sell more readily upon inspection than the inferior article, particularly where the evidence of quality is apparent from casual examination. But unless the article be branded or identified, there is no means by which its quality may create a permanent good will.

Many manufacturers conceive the idea that a permanent good will may be created by the branding or identifying of quality products, the putting out of an article of uniform quality, under a certain brand, the creation of a demand for the article and the consequent building up of a good will in the product.

PUBLIC CONVINCED OF PROFITEERING.

The producer of a thing of quality has performed a very definite service for the public. He has placed at the constant disposal of the consuming public an article of quality, an article of uniform quality. The consumer knows that this article has a definite value—he has used the product and knows it is what he wants. If it be a watch, he knows from experience or the experience of others that it will keep time and perform the service which he desires; if it be an automobile tire, he knows from past experience that it will give him the desired mileage and service.

The manufacturer of such an article has, by continued quality production, created a thing of value, known as good will. In this intangible thing called good will he has a definite and established property right, a property right recognized by the law and the courts of justice. If another attempts to steal that good will by passing off other goods as the products of the producer who owns the good will, the courts will prevent such action by injunction, the Federal Trade Commission will order him who attempts to make use of that good will without right to cease and desist therefrom. The manufacturer or producer who possesses this property known as good will, has the legal right to sell and assign it as he may sell and assign any other property or property right.

Yet the predatory price cutter, under the law as it exists, may steal and destroy this property right of the producer or manufacturer with absolute impunity, and he may do so to the loss and damage, not only of the producer, but to the detriment of the public. You are all familiar with the various methods employed by the predatory price cutter. He selects an article of well-known value and quality, an article the usual price of which to the consumer is universally known, and he makes of this article an advertising leader through which he may make other sales at a profit. He cleverly advertises or displays the identified article of known price and value at a price which means to him on that article an absolute loss. The public knows its value and the public infers exactly what the price cutter intends it to infer—namely, that other articles of merchandise sold by that price cutter are offered at proportionately low prices. You, gentlemen, who are familiar with merchandising, know that this inference must be false. You know that in order to make up a definite loss on one article of merchandise it is necessary for the price cutter to make his profit on another. But through this method the price cutter accomplishes a definite deception on the consuming public. He exploits the identified article, he makes it impossible for his competitors to sell at a profit without being accused of profiteering on the product. The public reasons that, of course, if Mr. Price Cutter can sell that article at a certain price, his competitors who are selling it at a higher price are profiteering. Thus the price cutter not only steals the good will of the manufacturer, but he also steals the good will of his competitor. The competitor must discontinue the sale of the product, whereupon the price cutter loses the advertising value and the advantage over his competitor resulting from the cut price, discontinues the article, and carries the exploitation into another field. The sale of that particular identified product is killed in that community. The price cutter has stolen the manufacturer's good will and the good will of his competitors on the product.

When I was chairman of the Federal Trade Commission, a large number of manufacturers and distributers testified before that body to any number of instances where this condition, as I have outlined it, was brought about by the predatory price cutter. Exactly the same end as that accomplished by the price cutter who employs the leader sales method was sought a few years ago by certain mail-order grocery concerns in the Middle West. These concerns sold groceries in combinations only, advertising extensively in rural publications. This was during the period of sugar shortage, and the advertisements usually carried in scare heads the announcement, "Sugar, 3 cents a pound"; then in smaller type it was explained that sugar in certain amounts could be secured at 3 cents a pound, when purchased in combination with other articles. Most of the other articles were those whose values in the quantities named were unknown to the average housewife, but when the whole combination was figured up investigation showed that these mail-order concerns were securing for the entire combination a price no lower, and in many instances more, than would be charged for the same products by the average "delivery and credit" grocery store in the section in which they operated. The Federal Trade Commission discontinued this practice by orders to cease and desist. That body recognized the obvious deception in this method of merchandising, yet I submit to you that these concerns were employing exactly the same methods as those employed by the predatory price cutter.

ADVANTAGE OF STANDARDIZED PRICE.

The situation resulting from the inability of the producer to control resale prices also operates to the disadvantage of the public. The producer, by establishing uniform resale prices, attempts to prevent discrimination to the consumer, he attempts to make it possible for the consumer in every locality to get the same value at the same price. The consumer likes to know that he can purchase an identified article, the value of which he knows, at a definite price. It saves him the time and expense of shopping. He can send his office boy or his servant to the store to purchase the article he desires in the knowledge that it can be purchased at a definite price.

In addition to this the inability of the producer to establish uniform resale prices on identified articles tends very definitely toward a more expensive and less economic system of distribution, which in the end must lead to higher prices to the consuming public. The large manufacturer knows that in order to protect his good will and prevent discrimination to the public he must by some means, if possible, accomplish the end that his product may be purchased at one price by all. If uniform prices can not be accomplished through the jobber and retailer method of distribution, he must, if possible, establish his own system of distribution. Without the ability to establish uniform resale prices through a jobber and retailer, the tendency is inevitably toward agency distribution. This method of distribution means, of necessity, destroying the economies resulting from the distribution of the costs of selling over the lines of hundreds of different manufacturers.

AGENCY DISTRIBUTION COSTLY.

The inevitable tendency toward the agency system of distribution, as opposed to the jobber and retailer system, is to tend to eliminate the competition of the small manufacturer to the obvious detriment of the public.

The small manufacturer can not finance a system of national distribution. He can not finance a system of warehouses or a system of chain-store distributors. He is dependent upon the present normal method which evolution has developed in society which has been called for by necessity and by experience. He uses the jobber and the retailer. If you have a large group of small manufacturers or a small group of large manufacturers who eliminate the wholesaler and the jobber, you have very nearly established a system of monopoly in production. Further than that, you have destroyed individual opportunity, individual initiative, the chance which your children might have to become great in distribution by reason of their talents. You have gone into a monopolistic order as opposed to the competitive order in that particular industry. More than that, you destroy the very fiber and the best spirit of our community life. When you destroy the independence of the merchants of the small community, then you have gone far in destroying independent public thought.

The small manufacturer is patently without the means to maintain a system of agency distribution, yet in the case where the large manufacturer establishes the agency system the small producer is at a disadvantage by reason of his inability to maintain uniform resale prices.

In addition to this, the existence of uniform resale prices is to the benefit of the public in stabilizing the market. I have not the time to discuss this feature of the situation in detail. I can only say to you, that an investigation conducted by the American Fair Trade League showed that during the abnormal advance in prices of the war period the articles upon which uniform resale prices were maintained increased in a remarkably small ratio to the increase in prices generally.

I have merely tried to suggest to you some of the reasons for the maintenance of uniform resale prices. The standard pricer asks only the right to make use of economic jobber and retailer distribution without danger of the theft of his own most valuable property, his good will. He advertises his product so that he who approves its quality may secure it again and again. He acquaints the public with its value, places it on the shelves of the convenient store, and desires only the right to say to all "there it is for you at the same price." He desires the right to make use of the economies of the distributing agencies who divide their costs over hundreds of lines. He wants only the right to protect those distributors from the unconscionable price-cutter, who uses the known value of the product as a bait to make other sales. His system fosters competition and prevents monopoly, renders the manufacturer's competition immediately effective to the consumer and stabilizes prices in emergency.

The standard-pricer does not wish to destroy competition between manufacturers of similar products; he does not wish to destroy competition between identified and unidentified products, but he does wish, while preserving the benefits of competition of similar articles, to protect the public against discrimination and deception.

The courts have recognized that good will is a property right which should be protected, but they have failed to see that the maintenance of uniform resale prices is essential to the protection of that property right. The subject has been passed upon repeatedly by our highest court, and it is now too late to quarrel with its decisions. Legislation is now the only remedy, and it is incumbent upon every one of us to do his part in making the public see the absolute necessity for such legislation. We must go to the public, and the public must demand of its legislators that the situation be remedied.

In conclusion, I wish to say that all of you who are interested in this subject owe a debt of gratitude to Mr. Butler and his associates, who have insistently and persistently attempted to educate the public to this point of view. You are under great obligations to Mr. Whittier, of the American Fair Trade League, and his associates, such as Mr. Ingersoll and others. They have been untiring and highly intelligent in their efforts, and particularly do you owe a debt of obligation to some of the public legislators who have seen this economic issue arise and who have taken it upon themselves to fight your battle. I refer to Mr. ROGERS, of Massachusetts, and to Mr. CLYDE KELLY, of Pennsylvania.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 297. Joint resolution requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 213. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. John Paul de Baat Doelman, a subject of the Netherlands.

CALL OF THE HOUSE.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms was notified to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Dunbar	Kleczka	Rouse
Almon	Dunn	Kline, N. Y.	Rucker
Andrew, Mass.	Elliott	Knight	Ryan
Andrews, Nebr.	Evans	Kreider	Sabath
Ansorge	Fairchild	Langley	Sanders, Ind.
Anthony	Fairfield	Larson, Minn.	Sears
Arentz	Fenn	Lazaro	Sinclair
Bankhead	Fields	Logan	Slemp
Barkley	Fish	Longworth	Stevenson
Beck	Focht	Luce	Stiness
Black	Frear	Lyon	Stoll
Bland, Ind.	Freeman	McClintic	Sullivan
Blanton	Fuller	McFadden	Summers, Wash.
Bond	Gahn	McKenzie	Swank
Brennan	Garrett, Tex.	McSwain	Sweet
Britten	Gilbert	MacGregor	Tague
Brooks, Pa.	Goodykoontz	Merritt	Taylor, Ark.
Brown, Tenn.	Gorman	Mills	Taylor, Tenn.
Buchanan	Gould	Montague	Ten Eyck
Burroughs	Graham, Pa.	Montoya	Thomas
Burtness	Greene, Mass.	Mudd	Tilson
Burton	Griest	Nelson, J. M.	Treadway
Campbell, Pa.	Hersey	Nolan	Tyson
Cantrill	Hicks	Olpp	Underhill
Carter	Hill	Osborne	Upshaw
Chandler, N. Y.	Hogan	Overstreet	Vare
Clark, Fla.	Hooker	Padgett	Vestal
Clarke, N. Y.	Humphreys	Paige	Vinson
Classon	Husted	Park, Ga.	Volk
Cockran	Hutchinson	Parker, N. J.	Ward, N. Y.
Codd	Ireland	Parks, Ark.	Wason
Collier	Jefferis, Nebr.	Patterson, N. J.	White, Kans.
Colton	Johnson, Miss.	Perkins	Wilson
Connell	Johnson, S. Dak.	Perlman	Winslow
Connolly, Pa.	Jones, Pa.	Porter	Wise
Cooper, Wis.	Jones, Tex.	Purnell	Wood, Ind.
Copley	Kahn	Rainey, Ala.	Woodruff
Crowther	Kearns	Rayburn	Woods, Va.
Dallinger	Kendall	Rebe.	Woodyard
Davis, Minn.	Kennedy	Reed, N. Y.	Wurzbach
Deal	Ketcham	Riddick	Yates
Dickinson	Kiess	Riordan	Young
Drane	Kindred	Robertson	Zihlman
Drewry	Kirkpatrick	Rosenbloom	
Driver	Kitchin	Rossdale	

The SPEAKER. Two hundred and fifty-two Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

REGULATING TRANSACTIONS ON GRAIN-FUTURE EXCHANGES.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 377 (Rept. No. 1130).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House will resolve itself into a Committee of the Whole House on the state of the Union for the consideration of H. R. 11843, a bill for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain-future exchanges, and for other purposes; that general debate on said bill shall not exceed two hours, one-half to be controlled by the gentleman from Kansas [Mr. TINCHER] and one-half by the gentleman from Illinois [Mr. RAINEY]. At the conclusion of the general debate the bill shall be considered by sections, and at the conclusion of such consideration the bill, together with the amendments, shall be reported to the House, whereupon the previous question shall be considered as ordered on the amendments and bill to final passage without intervening motion, except on the motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution makes in order the consideration of what is commonly known as the grain-futures bill, a bill that had consideration in the House in the earlier part of the session, known as the Tincher-Capper bill. The bill at that time passed the House by a very large majority. It sought to regulate transactions on the grain exchanges by the use of the taxing power. The Supreme Court held that that could not be done, and this bill meets the objection of the court in that it would regulate these exchanges under the commerce clause of the Constitution. The bill has a very large support of the country and in the House, and it has some very pronounced opposition. The matter should be considered by the House and the country given an opportunity to enter its judgment upon a bill that will operate under the law in a constitutional way on this subject.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. What is the reason for the concluding phraseology of the rule—

except on the motion to recommit.

What does that mean? That is not the ordinary language.

Mr. CAMPBELL of Kansas. No; that varies the language just a little.

Mr. WALSH. What does that mean?

Mr. CAMPBELL of Kansas. It means that there shall be one motion to recommit, and that there shall be no vote except upon the motion to recommit.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield me three minutes?

Mr. CAMPBELL of Kansas. Mr. Speaker, I would state for the information of the House that the Committee on Appropriations is very anxious to go on with the consideration of the deficiency appropriation bill, and I have presented this rule at this time very largely for my own personal convenience.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Let me say that if this rule is agreed to the Committee on Appropriations will go on with the deficiency appropriation bill to the conclusion of that bill.

Mr. MANN. That is what I understand, but what I wanted to ask of the gentleman who is in charge of the bill is whether the bill is likely to be reached to-day or not?

Mr. MADDEN. It can not be reached to-day, because the Committee on Appropriations will take all day and may have to take some time to-morrow.

Mr. MANN. Will the gentleman from Kansas [Mr. TINCHER] say that the bill will not be called up to-day? My colleague [Mr. MADDEN] informs the House that the Committee on Appropriations will take all day, although, of course, it might get through sooner than that.

Mr. MADDEN. Oh, we have arranged for four hours of general debate.

Mr. GARRETT of Tennessee. Mr. Speaker, we on this side are somewhat interested in knowing just what is going on.

Mr. MANN. If the gentleman will listen he will get a great deal of information.

Mr. CAMPBELL of Kansas. Mr. Speaker, I just suggested that it was the purpose, after the conclusion of its consideration by the House, which I hope will result in agreeing to this rule, that the Committee on Appropriations will take up the deficiency appropriation bill and conclude the consideration of that bill, that to be followed by the Committee on Agriculture in the consideration of this bill.

Mr. CHINDBLOM. If the gentleman will yield for just a moment, I want to say that there was opposition to the adoption of this rule before the Committee on Rules.

Mr. CAMPBELL of Kansas. Yes.

Mr. CHINDBLOM. We appreciate the situation and we are not disposed at this time to delay the proceedings of the House. I have no doubt the rule will be adopted, but I think it should be recorded at this stage of the proceedings that such opposition exists, and we still think that this bill in its present shape has not received the careful consideration which it should have had from the Committee on Agriculture. I think it ought to be very materially amended and modified before it becomes a law.

Mr. CAMPBELL of Kansas. I sincerely hope the bill will have the consideration that its merits require and that the subject requires when it is considered by the House, and I know it will have such consideration.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I do.

Mr. KINCHELOE. Do I understand under this rule that the time in favor of the bill is to be controlled by the gentleman from Kansas [Mr. TINCHER] and the time against it by the gentleman from Illinois [Mr. RAINEY]?

Mr. CAMPBELL of Kansas. Yes.

Mr. KINCHELOE. Does that mean that the gentleman from Illinois will yield only to those against the bill and that Mr. TINCHER will yield only to those who are for the bill on both sides of the aisle?

Mr. CAMPBELL of Kansas. I assume the gentleman from Kansas [Mr. TINCHER] will divide the time on both sides of the aisle, as I assume the gentleman from Illinois [Mr. RAINEY] will divide his time on both sides of the aisle.

Mr. RAINEY of Illinois. Preference, however, will be given to those against the bill.

Mr. CAMPBELL of Kansas. To those opposed to the bill and Mr. TINCHER will yield to those in favor of the bill.

Mr. KINCHELOE. The reason I asked that was, of course, a whole lot of the Members on this side of the aisle, including myself, favor this bill, and perhaps may want to make some remarks on it. I assume the gentleman will yield to both sides.

Mr. SMITH of Michigan. Is the debate to be confined to the bill?

Mr. CAMPBELL of Kansas. Not by the terms of the rule, but I presume it will be confined to the bill.

Mr. ASWELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. ASWELL. Can the gentleman inform the House whether the bill will be considered to-day?

Mr. CAMPBELL of Kansas. Not likely. In fact, I think I am very safe in saying it will not be considered to-day.

Mr. ASWELL. To-morrow?

Mr. CAMPBELL of Kansas. To-morrow, very likely.

Mr. CHINDBLOM. Why not make certain it will not be considered to-day?

Mr. GARRETT of Tennessee. Conference reports probably will be in to-morrow.

Mr. CAMPBELL of Kansas. It will follow the consideration of the deficiency bill in the usual way. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the Speaker announced the ayes appeared to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 146, noes 21.

Mr. VOIGT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 233, nays 25, not voting 172, as follows:

YEAS—233.

Andrew, Mass.	Fisher	Lee, N. Y.	Sanders, N. Y.
Andrews, Nebr.	Fitzgerald	Lehlbach	Sanders, Tex.
Ansorge	Fordney	Lineberger	Sandlin
Anthony	Foster	Linthicum	Schall
Appleby	French	Little	Scott, Mich.
Aswell	Frothingham	London	Scott, Tenn.
Atkeson	Fulmer	Lowrey	Sears
Bacharach	Funk	Luhring	Shaw
Bankhead	Garner	McCormick	Shelton
Barbour	Garrett, Tenn.	McDuffie	Shreve
Barkley	Gensman	McKenzie	Siegel
Beedy	Gernerd	McLaughlin, Mich.	Sinnott
Begg	Glynn	McLaughlin, Nebr.	Sisson
Bell	Goldsborough	McLaughlin, Pa.	Smith, Idaho
Bird	Goodykoontz	McPherson	Smith, Mich.
Bixler	Graham, Ill.	Magee	Smithwick
Blakeney	Green, Iowa	Maloney	Snell
Bland, Va.	Hadley	Mansfield	Speaks
Boies	Hammer	Mapes	Steagall
Bowers	Hardy, Colo.	Martin	Stedman
Bowling	Hardy, Tex.	Mead	Steenerson
Box	Harrison	Michaelson	Stephens
Brand	Haugen	Michener	Strong, Kans.
Briggs	Hawes	Miller	Strong, Pa.
Brooks, Ill.	Hawley	Millspaugh	Sumners, Tex.
Browne, Wis.	Hayden	Moore, Ill.	Swing
Bulwinkle	Henry	Moore, Ohio	Taylor, N. J.
Burdick	Herrick	Moore, Va.	Temple
Burke	Hickey	Morgan	Thompson
Burroughs	Hill	Morin	Tillman
Butler	Himes	Murphy	Timberlake
Byrnes, S. C.	Hoch	Nelson, Me.	Tincher
Byrns, Tenn.	Huddleston	Nelson, A. P.	Tinkham
Cable	Hudspeth	Norton	Towner
Campbell, Kans.	Hukriede	O'Connor	Upshaw
Cannon	Hull	Ogden	Vaile
Chandler, Okla	James	Oldfield	Vinson
Christopherson	Jeffers, Ala.	Oliver	Voigt
Clague	Johnson, Ky.	Parker, N. J.	Volstead
Clouse	Johnson, Wash.	Parker, N. Y.	Walsh
Cole, Iowa	Keller	Patterson, Mo.	Walters
Cole, Ohio	Kelley, Mich.	Petersen	Ward, N. C.
Collier	Kelly, Pa.	Pou	Watson
Collins	Kincheloe	Pringey	Weaver
Connally, Tex.	King	Purnell	Webster
Coughlin	Kinkaid	Quin	Wheeler
Crago	Kissel	Radcliffe	White, Kans.
Cramton	Kline, Pa.	Raker	White, Me.
Crisp	Knutson	Ramseyer	Williams, Ill.
Curry	Kopp	Rankin	Williams, Tex.
Dale	Kraus	Ransley	Williamson
Darrow	Lampert	Reece	Wingo
Davis, Tenn.	Lanham	Reed, W. Va.	Woodruff
Doughton	Lankford	Rhodes	Wright
Dowell	Larsen, Ga.	Ricketts	Wurzbach
Echols	Lawrence	Roach	Wyant
Elliott	Layton	Robsion	
Fess	Lea, Calif.	Rose	
Fish	Leatherwood	Rosenbloom	

NAYS—25.

Carew	Faust	Moores, Ind.	Snyder
Chalmers	Favrot	Newton, Minn.	Sproul
Chindblom	Gallivan	Newton, Mo.	Stafford
Cullen	Griffin	O'Brien	Tucker
Dupré	Kunz	Rainey, Ill.	
Dyer	Madden	Riordan	
Ellis	Mann	Rogers	

NOT VOTING—172.

Ackerman	Britten	Clarke, N. Y.	Dallinger
Almon	Brooks, Pa.	Classon	Davis, Minn.
Anderson	Brown, Tenn.	Cockran	Deal
Arentz	Buchanan	Codd	Dempsey
Beck	Burtness	Colton	Denison
Benham	Burton	Connell	Dickinson
Black	Campbell, Pa.	Connolly, Pa.	Dominick
Bland, Ind.	Cantrill	Cooper, Ohio	Drane
Blanton	Carter	Cooper, Wis.	Drewry
Bond	Chandler, N. Y.	Copley	Driver
Brennan	Clark, Fla.	Crowther	Dunbar

Dunn	Johnson, Miss.	Mondell	Slemp
Edmonds	Johnson, S. Dak.	Montague	Stevenson
Evans	Jones, Pa.	Montoya	Stiness
Fairchild	Jones, Tex.	Mott	Stoll
Fairfield	Kahn	Mudd	Sullivan
Fenn	Kearns	Nelson, J. M.	Summers, Wash.
Fields	Kendall	Nolan	Swank
Focht	Kennedy	Olpp	Sweet
Frear	Ketcham	Osborne	Tague
Free	Kiess	Overstreet	Taylor, Ark.
Freeman	Kindred	Padgett	Taylor, Colo.
Fuller	Kirkpatrick	Paige	Taylor, Tenn.
Gahn	Kitchin	Park, Ga.	Ten Eyck
Garrett, Tex.	Kleczka	Parks, Ark.	Thomas
Gilbert	Kline, N. Y.	Patterson, N. J.	Tilson
Gorman	Knight	Perkins	Treadway
Gould	Kreider	Perlman	Tyson
Graham, Pa.	Langley	Porter	Underhill
Greene, Mass.	Larson, Minn.	Rainey, Ala.	Vare
Greene, Vt.	Lazaro	Rayburn	Vestal
Griest	Lee, Ga.	Reber	Volk
Hays	Logan	Reed, N. Y.	Ward, N. Y.
Hersey	Longworth	Riddick	Wason
Hicks	Luce	Robertson	Wilson
Hogan	Lyon	Rodenberg	Winslow
Hooker	McArthur	Rossdale	Wise
Humphreys	McClintic	Rouse	Wood, Ind.
Husted	McFadden	Rucker	Woods, Va.
Hutchinson	McSwain	Ryan	Woodyard
Ireland	MacGregor	Sabath	Yates
Jacoway	Merritt	Sanders, Ind.	Young
Jefferis, Nebr.	Mills	Sinclair	Zihlman

So the previous question was ordered.

The Clerk announced the following pairs:

On the vote:

Mr. Sinclair (for) with Mr. Kindred (against).

Mr. Carter (for) with Mr. Sabath (against).

Mr. Burtness (for) with Mr. Mills (against).

Mr. Hooker (for) with Mr. Sullivan (against).

General pairs:

Mr. Treadway with Mr. Cockran.

Mr. Stiness with Mr. McClintic.

Mr. Kahn with Mr. Cantrill.

Mr. Langley with Mr. Clark of Florida.

Mr. Kennedy with Mr. Fields.

Mr. Crowther with Mr. Lee of Georgia.

Mr. Cooper of Ohio with Mr. Buchanan.

Mr. Fairfield with Mr. Tague.

Mr. Beck with Mr. Humphreys.

Mr. Kiess with Mr. Kitchin.

Mr. Perkins with Mr. Padgett.

Mr. Arentz with Mr. Drewry.

Mr. Codd with Mr. Black.

Mr. Fuller with Mr. Park of Georgia.

Mr. Evans with Mr. Dominick.

Mr. Brennan with Mr. Garrett of Texas.

Mr. Chandler of New York with Mr. Stoll.

Mr. Osborne with Mr. Tyson.

Mr. Gorman with Mr. Overstreet.

Mr. Davis of Minnesota with Mr. Almon.

Mr. Ackerman with Mr. Lazaro.

Mr. Sanders of Indiana with Mr. Campbell of Pennsylvania.

Mr. Frear with Mr. Drane.

Mr. Hutchinson with Mr. McSwain.

Mr. Luce with Mr. Jacoway.

Mr. Clarke of New York with Mr. Wilson.

Mr. Volk with Mr. Jones of Texas.

Mr. Gahn with Mr. Rayburn.

Mr. Taylor of Tennessee with Mr. Stevenson.

Mr. Knight with Mr. Montague.

Mr. Winslow with Mr. Gilbert.

Mr. Kline of New York with Mr. Taylor of Colorado.

Mr. Yates with Mr. Driver.

Mr. Colton with Mr. Thomas.

Mr. Graham of Pennsylvania with Mr. Lyon.

Mr. Mondell with Mr. Rucker.

Mr. Larson of Minnesota with Mr. Parks of Arkansas.

Mr. Greene of Massachusetts with Mr. Deal.

Mr. Kendall with Mr. Blanton.

Mr. Fenn with Mr. Swank.

Mr. Griest with Mr. Ten Eyck.

Mr. Patterson of New Jersey with Mr. Wise.

Mr. Hicks with Mr. Logan.

Mr. Dallinger with Mr. Woods of Virginia.

Mr. Reed of New York with Mr. Taylor of Arkansas.

Mr. Dickinson with Mr. Rainey of Alabama.

Mr. Kreider with Mr. Johnson of Mississippi.

Mr. RAINEY of Illinois. Mr. Speaker, I voted "nay." I want to say that my colleague [Mr. SABATH] is unavoidably absent. If he were here, he would vote "nay."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The Doorkeeper will open the doors. The question is on the adoption of the rule.

The question was taken, and the Speaker pro tempore announced that the "ayes" seemed to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 95, noes 18.

Mr. VOIGT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present, and evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 227, nays 25, answered "present" 1, not voting 177, as follows:

YEAS—227.

Andrew, Mass.	Fordney	Lea, Calif.	Rosenbloom
Andrews, Nebr.	Foster	Leatherwood	Ryan
Anthony	French	Lee, N. Y.	Sanders, Tex.
Appleby	Frothingham	Lehlbach	Sandlin
Aswell	Fulmer	Lineberger	Schall
Atkeson	Funk	Linthicum	Scott, Mich.
Bankhead	Garner	Little	Scott, Tenn.
Barbour	Garrett, Tenn.	London	Sears
Barkley	Gensman	Lowrey	Shaw
Beedy	Gernerd	Luhring	Shreve
Begg	Glynn	McArthur	Siegel
Bell	Goldsborough	McCormick	Sinnott
Bird	Goodykoontz	McDuffie	Sisson
Bixler	Graham, Ill.	McKenzie	Smith, Idaho
Blakeney	Green, Iowa	McLaughlin, Mich.	Smith, Mich.
Bland, Va.	Greene, Vt.	McLaughlin, Nebr.	Smithwick
Boies	Griffin	McLaughlin, Pa.	Snell
Bowers	Hadley	McPherson	Speaks
Bowling	Hammer	Magee	Sproul
Box	Hardy, Colo.	Maloney	Steagall
Brand	Harrison	Mapes	Stedman
Briggs	Haugen	Martin	Stephens
Brooks, Ill.	Hawley	Mead	Strong, Kans.
Browne, Wis.	Hayden	Michaelson	Strong, Pa.
Burke	Hays	Michener	Sumners, Tex.
Butler	Henry	Miller	Swing
Byrnes, S. C.	Herrick	Millspaugh	Taylor, N. J.
Byrns, Tenn.	Hickey	Moore, Ill.	Temple
Cable	Hill	Moore, Ohio	Thompson
Campbell, Kans.	Himes	Moore, Va.	Tillman
Christopherson	Hoch	Morgan	Timberlake
Clague	Huddleston	Mott	Tincher
Clouse	Hudspeth	Murphy	Tinkham
Cole, Iowa	Hukriede	Nelson, Me.	Towner
Cole, Ohio	Jacoway	Nelson, A. P.	Upshaw
Collier	James	Norton	Vaile
Collins	Jeffers, Ala.	Ogden	Vestal
Connally, Tex.	Johnson, Ky.	Oldfield	Vinson
Coughlin	Johnson, S. Dak.	Oliver	Voigt
Crago	Johnson, Wash.	Parker, N. Y.	Volstead
Cramton	Kearns	Patterson, Mo.	Walters
Crisp	Keller	Petersen	Ward, N. C.
Crowther	Kelley, Mich.	Pou	Watson
Curry	Kelly, Pa.	Pringey	Weaver
Dale	Kincheloe	Purnell	Webster
Davis, Tenn.	King	Quin	Wheeler
Dempsey	Kissel	Radcliffe	White, Kans.
Denison	Kleczka	Raker	White, Me.
Doughton	Kline, Pa.	Ramseyer	Williams, Ill.
Dowell	Knutson	Rankin	Williams, Tex.
Dyer	Kopp	Ransley	Williamson
Echols	Kraus	Reece	Wingo
Elliott	Lampert	Rhodes	Woodruff
Fess	Lanham	Ricketts	Wright
Fish	Lankford	Roach	Wurzbach
Fisher	Lawrence	Robsion	Wyant
Fitzgerald	Layton	Rose	

NAYS—25.

Carew	Gallivan	Newton, Minn.	Snyder
Chalmers	Hawes	Newton, Mo.	Stafford
Chindblom	Kunz	O'Brien	Tucker
Cullen	Madden	Parker, N. J.	Walsh
Dupré	Mann	Rainey, Ill.	
Ellis	Moores, Ind.	Riordan	
Faust	Morin	Rogers	

ANSWERED "PRESENT"—1.

Hardy, Tex.

NOT VOTING—177.

Ackerman	Chandler, N. Y.	Fairchild	Ireland
Almon	Chandler, Okla.	Fairfield	Jefferis, Nebr.
Anderson	Clark, Fla.	Favrot	Johnson, Miss.
Ansorge	Clarke, N. Y.	Fenn	Jones, Pa.
Arentz	Classon	Fields	Jones, Tex.
Bacharach	Cockran	Focht	Kahn
Beck	Codd	Frear	Kendall
Benham	Colton	Free	Kennedy
Black	Connell	Freeman	Ketcham
Bland, Ind.	Connolly, Pa.	Fuller	Kiess
Blanton	Cooper, Ohio	Gahn	Kindred
Bond	Cooper, Wis.	Garrett, Tex.	Kinkaid
Brennan	Copley	Gilbert	Kirkpatrick
Britten	Dallinger	Gorman	Kitchin
Brooks, Pa.	Darrow	Gould	Kline, N. Y.
Brown, Tenn.	Davis, Minn.	Graham, Pa.	Knight
Buchanan	Deal	Greene, Mass.	Kreider
Bulwinkle	Dickinson	Griest	Langley
Burdick	Dominick	Hersey	Larsen, Ga.
Burroughs	Drane	Hicks	Larson, Minn.
Burtness	Drewry	Hogan	Lazaro
Burton	Driver	Hooker	Lee, Ga.
Campbell, Pa.	Dunbar	Hull	Logan
Cannon	Dunn	Humphreys	Longworth
Cantrill	Edmonds	Husted	Luce
Carter	Evans	Hutchinson	Lyon

McClintic	Park, Ga.	Sanders, N. Y.	Treadway
McFadden	Parks, Ark.	Shelton	Tyson
McSwain	Patterson, N. J.	Sinclair	Underhill
MacGregor	Perkins	Slemp	Vare
Mansfield	Perlman	Steenerson	Volk
Merritt	Porter	Stevenson	Ward, N. Y.
Mills	Rainey, Ala.	Stiness	Wason
Mondell	Rayburn	Stoll	Wilson
Montague	Reber	Sullivan	Winslow
Montoya	Reed, N. Y.	Summers, Wash.	Wise
Mudd	Reed, W. Va.	Swank	Wood, Ind.
Nelson, J. M.	Riddick	Sweet	Woods, Va.
Nolan	Robertson	Tague	Woodyard
O'Connor	Rodenberg	Taylor, Ark.	Yates
Olpp	Rossdale	Taylor, Colo.	Young
Osborne	Rouse	Taylor, Tenn.	Zihlman
Overstreet	Rucker	Ten Eyck	
Padgett	Sabath	Thomas	
Paige	Sanders, Ind.	Tilson	

So the rule was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Sinclair (for) with Mr. Kindred (against).

Mr. Carter (for) with Mr. Sabath (against).

Mr. Burtness (for) with Mr. Mills (against).

Mr. Hooker (for) with Mr. Sullivan (against).

Until further notice:

Mr. Bacharach with Mr. Favrot.

Mr. Luce with Mr. Bulwinkle.

Mr. Summers of Washington with Mr. Lee of Georgia.

Mr. Nolan with Mr. Mansfield.

Mr. Paige with Mr. O'Connor.

Mr. Olpp with Mr. Larsen of Georgia.

Mr. RAINEY of Illinois. Mr. Speaker, I wish to state that if my colleague, Mr. SABATH, who is detained on important business, were here, he would vote "no."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

DEFICIENCY BILL.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12090, the third deficiency bill, and, pending that motion, I wish to see if I can agree with the gentleman from Tennessee [Mr. BYRNS] as to the amount of time we shall be compelled to use in general debate.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have a number of requests. In order to satisfy all those asking for time I ought to have three hours. I think, perhaps, I could get along with two hours and a half.

Mr. MADDEN. Can the gentleman get along with two hours?

Mr. BYRNS of Tennessee. I can not satisfy even partially some of these requests in that case. It will mean only an hour more. I hope the gentleman will agree on two and one-half hours to a side.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the time of general debate shall be limited to five hours, two hours and a half to be controlled by the gentleman from Tennessee [Mr. BYRNS] and two hours and a half to be controlled by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate be limited to five hours, one-half to be controlled by the gentleman from Tennessee [Mr. BYRNS] and one-half to be controlled by himself. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the deficiency bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 132, noes 5.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum on that vote.

The SPEAKER. The Chair thinks there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. As many as are in favor of the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the deficiency bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 247, nays none, not voting 183, as follows:

YEAS—247.

Almon	Elliott	Lee, N. Y.	Ryan
Andrews, Nebr.	Ellis	Lehlbach	Sanders, N. Y.
Ansorge	Faust	Lineberger	Sanders, Tex.
Appleby	Fess	Linthicum	Sandlin
Aswell	Fisher	Little	Schall
Bacharach	Fitzgerald	Lowrey	Scott, Mich.
Bankhead	Fordney	Luhring	Scott, Tenn.
Barbour	Foster	McArthur	Sears
Barkley	French	McCormick	Shaw
Beedy	Frothingham	McDuffie	Shelton
Begg	Fulmer	McKenzie	Shreve
Bell	Funk	McLaughlin, Mich	Siegel
Benham	Gallivan	McLaughlin, Pa.	Sinnott
Bird	Garner	McPherson	Sisson
Bixler	Garrett, Tenn.	Madden	Smith, Idaho
Blakeney	Gensman	Magee	Smith, Mich.
Bland, Va.	Gernerd	Maloney	Smithwick
Boies	Glynn	Mann	Snell
Bowers	Goldsborough	Mansfield	Snyder
Bowling	Graham, Ill.	Mapes	Speaks
Box	Green, Iowa	Martin	Sproul
Brand	Hadley	Mead	Stafford
Briggs	Hammer	Michaelson	Steagall
Brooks, Ill.	Hardy, Colo.	Michener	Stedman
Browne, Wis.	Hardy, Tex.	Miller	Steenerson
Bulwinkle	Harrison	Millspaugh	Stephens
Burdick	Haugen	Mondell	Strong, Kans.
Burke	Hawes	Moore, Ill.	Strong, Pa.
Burroughs	Hawley	Moore, Ohio	Sumners, Tex.
Butler	Hayden	Moore, Va.	Swing
Byrnes, S. C.	Hays	Moores, Ind.	Taylor, N. J.
Byrns, Tenn.	Henry	Morgan	Temple
Cable	Herrick	Mott	Thompson
Campbell, Kans.	Hickey	Murphy	Tillman
Cannon	Hill	Nelson, Me.	Timberlake
Carew	Himes	Nelson, A. P.	Tincher
Chalmers	Hoch	Norton	Tinkham
Chandler, Okla.	Hogan	O'Brien	Towner
Chindblom	Huddleston	Ogden	Tucker
Christopherson	Hudspeth	Oldfield	Upshaw
Clague	Hukriede	Oliver	Vaile
Clouse	Hull	Parker, N. J.	Vestal
Cole, Iowa	Jacoway	Parker, N. Y.	Vinson
Cole, Ohio	Jeffers, Ala.	Patterson, Mo.	Voigt
Collier	Johnson, Ky.	Petersen	Volstead
Collins	Johnson, S. Dak.	Pou	Walsh
Connally, Tex.	Johnson, Wash.	Purnell	Walters
Coughlin	Kearns	Quin	Watson
Crago	Keller	Radcliffe	Weaver
Crisp	Kelley, Mich.	Rainey, Ill.	Webster
Crowther	Kelly, Pa.	Raker	Wheeler
Cullen	Kincheloe	Ramseyer	White, Kans.
Curry	Kissel	Rankin	White, Me.
Dale	Kline, Pa.	Ransley	Williams, Ill.
Davis, Tenn.	Kopp	Reece	Williams, Tex.
Dempsey	Lampert	Reed, W. Va.	Williamson
Denison	Lanham	Rhodes	Wingo
Doughton	Lankford	Ricketts	Winslow
Dowell	Lawrence	Riordan	Wright
Dupré	Layton	Roach	Wurzbach
Dyer	Lea, Calif.	Rogers	Wyant
Edmonds	Leatherwood	Rose	

NAYS—None.

NOT VOTING—183.

Ackerman	Evans	Kline, N. Y.	Reber
Anderson	Fairchild	Knight	Reed, N. Y.
Andrew, Mass.	Fairfield	Knutson	Riddick
Anthony	Favrot	Kraus	Robertson
Arentz	Fenn	Kreider	Robsion
Atkeson	Fields	Kunz	Rodenberg
Beck	Fish	Langley	Rosenbloom
Black	Focht	Larsen, Ga.	Rossdale
Bland, Ind.	Frear	Larson, Minn.	Rouse
Blanton	Free	Lazaro	Rucker
Bond	Freeman	Lee, Ga.	Sabath
Brennan	Fuller	Logan	Sanders, Ind.
Britten	Gahn	London	Sinclair
Brooks, Pa.	Garrett, Tex.	Longworth	Slemp
Brown, Tenn.	Gilbert	Luce	Stevenson
Buchanan	Goodykoontz	Lyon	Stiness
Burtness	Gorman	McClintic	Stoll
Burton	Gould	McFadden	Sullivan
Campbell, Pa.	Graham, Pa.	McLaughlin, Nebr.	Summers, Wash.
Cantrill	Greene, Mass.	McSwain	Swank
Carter	Greene, Vt.	McGregor	Sweet
Chandler, N. Y.	Griest	Merritt	Tague
Clark, Fla.	Griffin	Mills	Taylor, Ark.
Clarke, N. Y.	Hersey	Montague	Taylor, Colo.
Classon	Hicks	Montoya	Taylor, Tenn.
Cockran	Hooker	Morin	Ten Eyck
Codd	Humphreys	Mudd	Thomas
Colton	Husted	Nelson, J. M.	Tilson
Connell	Hutchinson	Newton, Minn.	Treadway
Connolly, Pa.	Ireland	Newton, Mo.	Tyson
Cooper, Ohio	James	Nolan	Underhill
Cooper, Wis.	Jefferis, Nebr.	O'Connor	Vare
Copley	Johnson, Miss.	Olpp	Volk
Cramton	Jones, Pa.	Osborne	Ward, N. Y.
Dallinger	Jones, Tex.	Overstreet	Ward, N. C.
Darrow	Kahn	Padgett	Wason
Davis, Minn.	Kendall	Paige	Wilson
Deal	Kennedy	Park, Ga.	Wise
Dickinson	Ketcham	Parks, Ark.	Wood, Ind.
Dominick	Kiess	Patterson, N. J.	Woodruff
Drane	Kindred	Perkins	Woods, Va.
Drewry	King	Perlman	Woodyard
Driver	Kinkaid	Porter	Yates
Dunbar	Kirkpatrick	Pringey	Young
Dunn	Kitchin	Rainey, Ala.	Zihlman
Echols	Kleczka	Rayburn	

So the motion was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. Cramton with Mr. Carter.
Mr. Bond with Mr. Ward of North Carolina.
Mr. Dempsey with Mr. Hooker.
Mr. Husted with Mr. Sabath.
Mr. Ketcham with Mr. Kindred.
Mr. Perlman with Mr. London.
Mr. Steenerson with Mr. Kunz.
Mr. Vare with Mr. Griffin.
Mr. McFadden with Mr. Sullivan.
The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 12090, which the Clerk will report.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. VOIGT. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

The Clerk will report the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

For payment of the judgment rendered against the United States by the District Court of the United States for the Eastern District of New York, sitting in admiralty, and certified to Congress in House Document No. 358 of the present session, under the Navy Department, $2,521.24.

Mr. VOIGT. Mr. Chairman, a point of order. I am not able to follow the reading of this bill by the Clerk.

The CHAIRMAN. The Clerk advises the Chair that he is reading at page 19, line 11.

Mr. VOIGT. Just a moment. I followed the Clerk in reading page 7, to the bottom of line 23, and I did not hear him read lines 24, 25, and the following lines. I ask that those portions be read.

The CHAIRMAN. The Chair must assume that when the Clerk states that he has read to a certain point in the bill the Clerk has stated the fact. [Applause.]

Mr. VOIGT. Mr. Chairman, I will ask, for the information of the House, whether the Clerk does state that he has read lines 24 and 25 on page 7?

The CHAIRMAN. The Clerk has already made his statement. The point of order is not sustained. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 356, namely:
Under the Treasury Department, $14,350.83.

Mr. VOIGT. Mr. Chairman, I rise to a point of order. I state now to the chairman of the committee that the reading clerk has skipped 10 pages in this bill, and I ask that the Chair take notice of that fact and direct that this bill be read as required by the rules of the House.

The CHAIRMAN. The Chair has already passed upon that.

Mr. VOIGT. I ask that the Chair take notice of the fact that the bill is not being read.

The CHAIRMAN. The Clerk will read the bill from the point where he is now reading, and in future if the gentleman objects that any portion has not been read and will call it to the attention of the Chair at the time it will be read.

Mr. VOIGT. I state now to the Chair that 10 pages of the bill have not been read.

The CHAIRMAN. The Clerk states otherwise.

Mr. VOIGT. I do not understand that the Clerk does state——

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The Clerk will proceed.

The Clerk, proceeding with the reading of the bill, read as follows:

For support of prisoners, United States courts, $23.85.
Total, audited claims, section 2, $3,881,905.11.

Mr. VOIGT. Mr. Chairman, I move that the further reading of the bill be dispensed with.

Mr. MADDEN. That is not in order.

The CHAIRMAN. The Chair will state that a motion is not in order at the present time. The gentleman can ask unanimous consent.

Mr. VOIGT. Do I understand the Chair to rule that there can not be any motion made to dispense with the further reading of the bill?

The CHAIRMAN. That is the understanding of the Chair at this time.

Mr. VOIGT. Then I withdraw the motion.

The Clerk resumed and completed the reading of the bill.

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, the pending bill recommends an appropriation of $40,043,103.31. Of that sum $28,000,000 is to reimburse citizens of the United States who have overpaid their income taxes. During the period since 1917 about $10,000,000,000 of internal revenue taxes have been collected by the Treasury Department. In many cases the taxpayer has underpaid, and in many other cases the taxpayer has overpaid. When the audits are made on the schedules filed, the department discovers whether an underpayment or an overpayment has been made. It has been found that in the matter of underpayment the Treasury Department is collecting about $40,000,000 a month, and out of the whole $10,000,000,000 so far collected we have up to this time appropriated $50,000,000 for overpayment. This $28,000,000 proposed in this bill will make the total refund $78,000,000, while the total collections from underpayments aggregate about $40,000,000 a month, or close to $500,000,000 a year. It may be interesting to note that most of the personal schedules for income tax returns have been audited, and most of the corporation returns on income taxes have not been audited since 1917. The fact that they have not been audited is not due to any desire not to audit them, but to the impossibility of meeting the emergency that has arisen because of the difficulties and disputes that have occurred from time to time in connection with the settlement. It is due also to the fact that they have not had a sufficient force to audit many of the corporation schedules. It is necessary in the selection of men who are qualified to audit claims to take men with special training, and after having had a special training which qualifies them to come into the Government service they are given a further education at the Government expense at a school of accounting under the direction of the Treasury Department. It is not always possible to get the class of men needed for this sort of work.

About a year ago the Treasury Department requested of the Appropriations Committee authority for employing 1,200 additional men. They were then collecting about $35,000,000 a month on back taxes. They said if we are given 1,200 additional men we will be able to add to the $35,000,000 a month perhaps another $100,000,000 a year in back tax collections. They said if they were able to audit the corporation schedules as rapidly as they thought they might it would be possible for them to increase the income from back taxes from $500,000,000 to $550,000,000. The committee only allowed them 600 men, because the committee believed from investigation that they could not assimilate 1,200 men; that under the best circumstances possible they might assimilate 100 men a month. It has turned out that they have not been able to assimilate the number of men that they anticipated monthly, even to the 600.

It is a very interesting situation in connection with the settlement of tax accounts. Some of these corporation schedules have so many documents connected with them that it takes a truck or two to carry the schedules for one corporation. We are told that the most expert men they have in the audit service can audit not to exceed 15 of these schedules in a year. So that it is going to take some time to audit all of the schedules back to 1917 before we know how much we have due on underpaid schedules.

It is fair to say that in the consideration of problems affecting tax payments, when schedules are made those who make them claim exemption from certain charges imposed under the law, and until the adjustment of these conditions between the department and the taxpayer are made, nobody knows how much the Government is going to get. It frequently happens that where the taxpayer makes a claim for a refund, when it comes to an audit he owes the Government; and it frequently happens that where the taxpayer is claimed to have underpaid, the audit will show an overpayment. The audit is going along as rapidly as it can under the circumstances, but it will be two or three years, in my judgment, before the corporation schedules will all be audited, although the present schedules are now current. I thought it might be interesting to say this much in view of the fact that we are recommending an appropriation of $28,000,000 for the refund of taxes.

We are recommending an item of $271,000 for the Capitol power plant. The Capitol, the House Office Building, the Library, and the Senate Office Building are all heated and lighted and operated from the central power plant under the direction of the Architect of the Capitol. The Architect of the Capitol says that the boilers in the plant are obsolete. A test of those boilers has recently been made, and the inspector of boilers says that the boilers are unsafe. The same thing is true of the Government Printing Office boilers in their plant. The Government Printing Office supplies power, light, and heat to the city post office and to operate its own plant besides. The committee decided after careful investigation to transfer all the power plant required by the Government Printing Office and the city post office to the central power plant under the direction of the Architect of the Capitol. That will obviate the necessity of the renewal of the battery of boilers at the Government Printing Office, and will transfer to one control all the expense incident to the operation of all the buildings on the Hill, including the Government Printing Office and the city post office. It is a very important recommendation that we make here, one about which there should be no question, because it is vital, I may say, that these plants should be renewed.

Another important item, although a small amount, $20,000, is in connection with the inspection of buildings of the District. There never has been a sufficient number of building inspectors allowed the city government to properly conduct the building inspection of the city, and now at this period, when there is more building than ever before, it is specially important that proper inspection should be had, and so we allow $20,000, the amount recommended by the District Commissioners. I believe if they had had proper building inspection at the time the Knickerbocker building was erected there would never have been a disaster.

Mr. BEGG. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. Does the evidence before the inquest show any warrant for such a statement?

Mr. MADDEN. Yes.

Mr. BEGG. They had an inspector there for the Knickerbocker building, did they not?

Mr. MADDEN. They did not have a sufficient number to do the work.

Mr. BEGG. How many inspectors do they need?

Mr. MADDEN. They would want but one for that building, but one inspector can not properly inspect a building if he had a hundred more to look after. You must have a sufficient number of inspectors to go around and see the buildings that are being erected at least once every day or two.

Mr. SPROUL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SPROUL. I made a very thorough canvass of that matter after the Knickerbocker Theater disaster and I found out that last summer one inspector was taking care of the inspection of 400 buildings in the District. That was the condition at the time the Knickerbocker Theater was constructed and the condition last year.

Mr. MADDEN. Of course, that is an impossible state of affairs. The Patent Office sant notice out to patentees throughout the country that unless they had an appropriation of $30,000 made available before the 1st of July they would not be able after the 1st of July to send out the printed, bound patents that are issued, and the Director of the Patent Office says that if they do not send the patents out in that form on the dates set many of these patents are invalid. I want the public to know that we have recommended the total amount to the Patent Office which the Director of Patents himself was able to prove is necessary, $27,453.03, instead of $30,000 which he asked.

Some time since, I do not know how long, perhaps a couple of years, there was authorized the erection of the Eastern High School in the District. There was a limit of cost fixed upon the erection of the building. That limit of cost is exceeded, largely because those who have charge probably paid very little or no attention to the amount of money at their disposal, and they erected a building the cost of which was much greater than the amount allowed. The building is now in process of construction. It will be completed, ready for occupancy next December. It will have a capacity for 1,500 students, but the building will not be complete without equipment or janitors or engineers, and they have not a dollar with which to supply equipment. Therefore we have recommended here $260,000 for equipment and service in order that when the building is complete it will be at the disposal of the children who are now unable to attend school because of the lack of facilities.

The General Accounting Office came before the committee and requested an appropriation of $92,500. The proposal was based upon the intention of the General Accounting Office to audit the Shipping Board books. The evidence presented to the committee did not indicate that the audit which they proposed would be very comprehensive, and finally, after careful study of the problem in consultation with the Comptroller General, we induced him to make a further study of the question for which he asked the money in order that a more comprehensive audit than he proposed might be entered into, and pending that study we declined to give him what he asked. This question will probably come up at some future day.

In 1921 the Congress authorized loans to be made to farmers for seed in Montana and North Dakota and Idaho, and I think one or two others of those Northern States. The loans made were about 13,000 in number and amounted to $1,950,000. Notes were taken for these loans from the persons to whom the loans were made and security was given on the 1921 crop. Out of the $1,950,000 loaned, $700,000 was collected and new notes in some cases have been taken. No renewed security has been taken in any case. This spring—1922—Congress authorized loans to the amount of $1,500,000 for this same purpose in that same region. Those loans have been made and security has been taken on the 1922 crop. That makes $2,750,000 in loans outstanding. The Agricultural Department thought it wise to begin a campaign for the collection of the money due on those notes. They outlined to the committee the character of campaign they would make. The committee made several suggestions about what they thought should be done. They believed that if they were given money with which to pay those who were to make the campaign, employees of the department, of course, they would be able to collect during this summer on these loans $500,000. They asked for $50,000. If they get nothing there will probably be nothing paid. The committee thought it would be a good investment to give $50,000 to the Secretary of Agriculture to make this campaign of collection, not only because of the amount of money that would follow the campaign into the Treasury of the United States but because it would indicate to those who borrowed the money from the Government that the Government expected to have it paid back, and it would make for better citizenship to let them understand that the money was a loan and not a gift. Therefore we have recommended an appropriation of $50,000 to the Secretary of Agriculture, who is to use it for the purpose of making collections under the circumstances I have just described.

We come now to the Interior Department, the Pension Office. Some time since the Congress passed an act which authorized the payment of pensions to Civil War and other veterans every 30 days instead of every 90 days. That involves an expenditure of nearly $500,000 as we gathered the facts, and it makes necessary the appointment of 151 more people in the Pension Office at a cost of $211,830 as the committee recommends it, but at a cost of $233,400 as the Pension Office recommends it. We gave them all the men they wanted, but we did not fix the pay as they desired, and we find ourselves with an economy of $21,570 on account of recommending a different list of salaries to the people to be employed. Contingent expenses, such as desks and supplies of all kinds, amount to $45,875 in connection with that same matter. Further on we were compelled to make a recommendation for an appropriation to the Treasurer of the United States on account of this, because while to-day under the present system 550,000 checks are sent out every 90 days, under the new system which must be put into force before the 1st of September there will be 550,000 checks a month sent out.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. THOMPSON. I notice in the bill here that in the $1,200 grade you have 84 clerks. They asked for 60 and they asked for 5 supervising clerks.

Mr. MADDEN. Yes; and we gave them three. The reason why we gave them only three was this: They have 150 people attending to this business now and they have 3 supervisors, and they are going to put on only 150 more, but they wanted 5 additional supervisors. We could not understand that. As a matter of fact, I think that the three supervisors that they have now could do the work, but I think they were perfectly satisfied that three additional supervisors could do the work. We did not want to cripple them, so we gave them three, against my judgment. I do not think they ought to have any. When you commence to put supervisors on top of supervisors and subsupervisors on top of subsupervisors, and you have a supervisor in this department over every five persons who are working, and there are so many things that the supervisor has to do that somebody else must do for him, then it gets to be kind of monotonous, putting these fellows one on top of the other with somebody else to do the work.

I am very heartily in favor of seeing this work properly done and of employing people at a rate of wage where they will not need somebody to wait on them, instead of employing too many at such a rate of wage they will need two servants, one on each side of them.

Mr. THOMPSON. Will the gentleman yield for one more question, if he will bear with me?

Mr. MADDEN. I will.

Mr. THOMPSON. I understand they have asked for 35 clerks over there at $1,600 each?

Mr. MADDEN. That is what they did.

Mr. THOMPSON. And the gentleman gave them 15 at $1,500 each?

Mr. MADDEN. That is what they have now. There is no reason why we should give them 35 for the additional 150 when they have 15 for the first 150. Why should they want 35 supervisors for the additional 150 when we only have 15 for the 150 now there?

Mr. THOMPSON. The law of Congress, as they claim, has increased the work so they must have these.

Mr. MADDEN. I do not blame the gentleman for being an advocate of the Pension Bureau, because it is a very interesting bureau to some of our friends. I like the people down there very well myself, but I am not in favor of playing favorites anywhere. If we are going to have to put a lot of extra people to do the work, I want the people put on to do the work and not sit around watching their fellows every day.

Mr. McKENZIE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. McKENZIE. The gentleman went into the question pretty thoroughly as to the relative number that should be in the various grades?

Mr. MADDEN. Yes, indeed.

Mr. McKENZIE. And feel you have it properly balanced?

Mr. MADDEN. I feel absolutely certain we have; that is, we have it so balanced that it will work. Now, we have in the Postal Service a recommendation for $1,500,000 for domestic-mail indemnities, and I wish to say that it is in connection with losses on registered mail.

The revenue from this source is about $9,000,000 a year. The expenditures up to this time have aggregated about $4,000,000. There are about 30,000 unadjusted claims pending, all of which it is expected will be adjusted between now and the 1st of July. I have already explained that $28,122,500 is for the return of income taxes illegally collected. We have had application for two or three very large items that the committee did not allow. One was for $650,000 for the construction of an addition to the leprosarium in Louisiana. There we have a leprosarium accommodating 200 leprosy cases. They say they have applications for admission to this institution of 135 more. There are some 1,100 or 1,200 cases throughout the United States, and they are unable to accommodate them, but the committee had no jurisdiction to make the allowance if they had the disposition to make it, because that is a matter for the Committee on Public Buildings and Grounds. There was one other item that the committee did not allow. That is a reimbursement to Louis Leavitt of $620,623.33. This is the case where the man, on the advertisement of the Government of the United States, bid for the purchase of 2,800,000 pounds of bacon. The contract was awarded on June 15, 1919. The contract provided that deliveries would be made upon his order at any time after the contract was signed. The evidence before the committee showed that no sale was made of the bacon purchased on June 15, except $20,000 worth, up to October 27, 1919. Between June 15, 1919, and October 27, 1919, you gentleman will recall we were passing resolutions in the House urging the Secretary of War to dispose of the surplus food supplies of the country to the people who were unable to buy them at decent prices. It was contended that between the period of June 15, 1919, and October 27, 1919, Mr. Leavitt could have sold this bacon. He paid the United States about $620,000, or maybe more; yes, $720,000, and had $100,000 paid back to him because of the quantity that he bought not having been delivered.

Mr. STEVENSON. Bought it from the Government?

Mr. MADDEN. From the Government. No orders, as I understand, were given by Mr. Leavitt to the Government for shipment of the bacon that he purchased until September. I may be wrong about that, and I do not want to do an injustice. But in September one million eight hundred and some odd thousand pounds, and later on 400,000 pounds more, were shipped to Mr. Leavitt to New York to a cold-storage warehouse he designated and was held there as his property.

On the 27th of October the district attorney for the eastern district of New York decided that Mr. Leavitt had been hoarding food supplies and began prosecution of Mr. Leavitt under the food control act. They had him indicted, and he was indicted five times. He was tried, and he was acquitted. Then the bacon had deteriorated, and he finally was compelled to sell it for about 3 or 4 cents a pound, whereas he paid 28§ cents a pound for it. Then he made claim for the difference of what he sold the bacon at and what he paid for it, and the Secretary of War made an award in his favor for the amount of $620,623.33. When he went down for payment the Comptroller General held that there was no money there with which to pay. This was certified to the Committee on Appropriations for payment. Our investigation led us to this conclusion: First, we concluded that if Mr. Leavitt wanted to sell this bacon between June 15 and October 27, he could have sold it; that it was his property and subject to his order at any time, and if it deteriorated after that it was none of our business. But that was not all. We reached the conclusion, after some inquiries of the Judge Advocate General of the United States Army, who is the attorney for the Army, and asked him this question finally in the consideration of the problem: If the Government had the money in the Treasury, or the War Department had the money in the Treasury, out of which this claim could be paid on the day the award was made, was there any law on the statute books under which the War Department would have the authority to make the payment? He said there was not, and that it required legislative action.

That being the case, there was nothing for our committee to do but to reject the recommendation on the ground that it was a claim and not properly before our committee. I think that was our conclusion, was it not, Mr. BYRNS? And so we rejected the claim.

Mr. HOCH. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HOCH. Has the gentleman made a statement with reference to the item of $3,000,000 and a little over beginning on page 17 of the bill? I was called out of the Chamber.

Mr. MADDEN. Was that in regard to the certified accounts?

Mr. HOCH. It was in regard to the settlement of claims.

Mr. MADDEN. During the war many things happened connected with the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I will use two or three more minutes. During the war, of course, we had many things that we had to do, many things impossible of ascertainment. We found in the War Department obligations existing everywhere, the vouchers for which did not come down and could not be reached. Perhaps the claims were in dispute.

Mr. HOCH. These are claims, apparently, of foreign Governments and nationals for service furnished the American service abroad.

Mr. MADDEN. The gentleman is talking about another matter altogether. I am talking about claims.

Mr. HOCH. I am speaking of the items on page 17. What is the nature of the claims? I think there are about $3,200,000.

Mr. MADDEN. Those are cases where, for example, during the war certain obligations were incurred between the United States and the French Government and other Governments, settlement for which was authorized by an act later on. Adjudication of these cases is proceeding from time to time, and has not yet been completed, and can not be completed until some time in 1923. That classification amounts to $1,103,000. And then the $2,100,000 goes to make up the $3,203,000, and comes about like this: During the war the United States Government entered into a contract with England that during the war—that is, during the period for which England was in the war—she would pay all the royalties to patentees of English airplanes for all planes used by the United States as well as England, and after the war we would have to meet our own obligations for patents that we used.

The English Government declared peace some time in 1919. We did not declare peace until 1921; that is, the proclamation was not issued until 1921. Between 1919 and 1921 we were compelled to pay for all the patent rights on engine parts that we used that belonged to the English patentees. Up to that time England paid it all. The total cost of the entire use of these patents, I think, ran up to about $50,000,000. Our liability was limited to 4 per cent, which amounts to $2,000,000, and all this is under contract between the United States and England. First, England wanted the United States to have these cases adjudicated in the English courts. The United States refused to do that, but the United States did enter into a contract with England to arbitrate between our officials and theirs.

Mr. HOCH. Is there anything in that contract which prevents this debt from being set off against the debt of England to the United States?

Mr. MADDEN. This stands by itself.

Mr. HOCH. It must stand by itself, and there is no disposition to set off these claims against the claims we may have against foreign nations?

Mr. MADDEN. We have no liability since the close of the war. England paid about $48,000,000.

Mr. HOCH. This provision apparently extends the Dent Act?

Mr. MADDEN. It does not; but it does this, namely, it extends the period for which a certain amount of money is available under the Dent Act. There is $60,000,000 now available in the War Department, all of which will be covered into the Treasury on the 30th of June, but it does extend a part of that money, but not the act.

Mr. HOCH. But no part of that money could be expended for the payment of claims of this country?

Mr. MADDEN. There are no claims of this country. This just extends the contracts——

Mr. HOCH. This specifically extends the act of March 2, 1919, up to 1923?

Mr. MADDEN. It extends the date of the use of the money.

Mr. HOCH. It extends it only for that purpose?

Mr. MADDEN. Yes; and all the rest of the money will be covered into the Treasury.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VOIGT. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Wisconsin makes the point of no quorum. The Chair will count. [After counting.] Fifty Members are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Fairfield	Larson, Minn.	Rogers
Anderson	Fenn	Lazaro	Rosenbloom
Andrews, Nebr.	Fields	Lee, Ga.	Rossdale
Anthony	Fish	Logan	Rouse
Arentz	Fitzgerald	London	Rucker
Bankhead	Focht	Longworth	Ryan
Beck	Frear	Luce	Sabath
Bird	Free	Lyon	Sanders, Ind.
Black	Freeman	McClintic	Sanders, N. Y.
Blakeney	French	McCormick	Schall
Bland, Ind.	Fuller	McFadden	Shelton
Blanton	Gahn	McLaughlin, Mich.	Siegel
Bond	Garrett, Tex.	McLaughlin, Nebr.	Sinclair
Brennan	Gilbert	McSwain	Sisson
Britten	Gorman	MacGregor	Slemp
Brooks, Pa.	Gould	Martin	Snell
Brown, Tenn.	Graham, Pa.	Merritt	Stafford
Buchanan	Greene, Mass.	Michaelson	Steenerson
Burtness	Griest	Mills	Stiness
Burton	Harrison	Montague	Stoll
Butler	Haugen	Montoya	Sullivan
Campbell, Kans.	Hawes	Moore, Ill.	Summers, Wash.
Campbell, Pa.	Hayden	Morin	Swank
Cantrill	Hays	Mott	Sweet
Carter	Herrick	Mudd	Tague
Chandler, N. Y.	Hersey	Nelson, J. M.	Taylor, Ark.
Chandler, Okla.	Hicks	Newton, Minn.	Taylor, Colo.
Christopherson	Hooker	Nolan	Taylor, Tenn.
Clark, Fla.	Humphreys	O'Brien	Ten Eyck
Clarke, N. Y.	Husted	O'Connor	Thomas
Classon	Hutchinson	Oliver	Tilson
Cockran	Ireland	Olpp	Towner
Codd	James	Osborne	Treadway
Collier	Jefferis, Nebr.	Overstreet	Tyson
Colton	Jeffers, Ala.	Padgett	Underhill
Connell	Johnson, Miss.	Paige	Upshaw
Connolly, Pa.	Johnson, S. Dak.	Park, Ga.	Vare
Cooper, Ohio	Jones, Pa.	Parker, N. Y.	Vestal
Cooper, Wis.	Jones, Tex.	Parks, Ark.	Volk
Copley	Kahn	Patterson, Mo.	Walters
Crowther	Keller	Patterson, N. J.	Ward, N. Y.
Dallinger	Kelley, Mich.	Perkins	Wason
Darrow	Kennedy	Perlman	Webster
Davis, Minn.	Ketcham	Porter	White, Me.
Deal	Kiess	Rainey, Ala.	Williamson
Dempsey	Kindred	Rayburn	Wilson
Denison	Kinkaid	Reber	Winslow
Dickinson	Kirkpatrick	Reed, N. Y.	Wise
Drane	Kitchin	Reed, W. Va.	Wood, Ind.
Drewry	Kleczka	Rhodes	Woods, Va.
Driver	Kline, N. Y.	Riddick	Woodyard
Dunbar	Knight	Riordan	Yates
Dunn	Kraus	Roach	Young
Evans	Kreider	Robertson	Zihlman
Fairchild	Langley	Rodenberg	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, and finding itself without a quorum, he had directed the roll to be called, whereupon 211 Members had answered to their names, a quorum, and he submitted a list of the absentees for entry in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized.

Mr. GOLDSBOROUGH. Mr. Chairman, before the gentleman begins, will he yield to me for one minute?

Mr. BYRNS of Tennessee. Yes; I yield to the gentleman one minute.

Mr. GOLDSBOROUGH. Mr. Chairman, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD a speech delivered by my colleague, Mr. LINTHICUM, of Maryland, at the Key memorial exercises on June 16, 1922, at Fort McHenry, and I ask that it be inserted in the regular CONGRESSIONAL RECORD type.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the address of his colleague [Mr. LINTHICUM] referred to be printed in the RECORD in the regular 8-point type. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

"President Harding, Mr. Chairman, ladies, and gentlemen, this event marks an occasion I long have anticipated—the erection of this beautiful memorial to that undaunted, courageous, and distinguished Marylander, Francis Scott Key, author of the Star Spangled Banner, our national anthem, and to the soldiers and sailors who took part in the Battle of North Point and the defense of Fort McHenry.

"It was my pleasure, at the request of the Star Spangled Banner Centennial Commission, to introduce in the House of Representatives a bill providing for the erection of such a monument. Through the splendid work and cooperation of the Hon. John Walter Smith and our other colleagues in Congress an item of $75,000 for the erection of this memorial at Fort McHenry was provided in the urgent deficiency bill and approved by the President on July 29, 1914. According to the terms provided in that bill, James H. Preston, then mayor of Baltimore; Dr. A. B. Bibbins, president of the Star Spangled Banner Centennial Commission; George Weems Williams, president of the park board; John Walter Smith, Senator from Maryland; and myself constituted an advisory commission, with the Superintendent of Public Buildings and Grounds, representing the Secretary of War, and Joseph Evans Sperry, architect, Ephraim Keyser, sculptor, and Douglas H. Thomas, jr., architect, were constituted advisors to the commission.

"In April, 1916, competitive designs for a monument and submission of models was asked, and out of 100 applicants 34 submitted models, which were on exhibition at the National Museum in the city of Washington. This advisory commission, with the able assistance of the Superintendent of Public Buildings and Grounds, Gen. William W. Harts, the predecessor of our distinguished friend, Lieut. Col. C. O. Sherrill, after much deliberation and mature thought, recommended to the Secretary of War the adoption of the beautiful monument which you see before you to-day—the work of Charles L. Niehaus, the talented sculptor, who has been so diligent and so earnest in having it perfect in every detail. There is no monument in this or any other country more accurate than this.

"The monument stands for more than those ordinarily erected in that it represents the appreciation of the entire people through the National Government for the accomplishment of Francis Scott Key in the writing of the Star Spangled Banner, and of the soldiers and sailors who so valiantly fought for the defense of our city and country. There are other monuments to that celebrated citizen, but none which bears the imprint, the approval, and which has been erected by an appropriation of the National Government except this. The Government has established in marble and bronze a monument to the man whose memory has been carried in the loving hearts of his fellow countrymen, and to those valiant sons of the war. It represents in concrete form the love and admiration of the people of this great Republic through an act of Congress and the approval of the President of the United States.

"This strong Nation, comprised as it is of 110,000,000 people, with great wealth and powerful influence, with the respect and admiration of the entire world, with innumerable victories to its credit, not alone upon its own soil, but upon the battle fields of foreign nations, is to-day at the head of the countries of the world, and it is difficult to realize that at the time of the War of 1812 it was struggling for existence—a country then divided in sentiment over the declaration and prosecution of that war. Another well-known citizen of our State, William Pinkney, then Attorney General of the United States under President James Madison, had written the declara-

tion of war which Congress had enacted and the President approved on the 18th day of June, 1812.

"Our armies were fighting under serious difficulties for the country's very existence; our land was invaded from the north by troops mobilizing at Plattsburg and ordered to proceed down Lake Champlain; and in the south a naval force, under Admiral Cochrane, which had mobilized at Bermuda, had arrived in the Chesapeake Bay and begun hostilities. It was believed that a junction of these forces was intended. The Capital of the Nation had surrendered and the public buildings lay in ruins, a terrible desecration which struck terror into the hearts of the people. With these victories and their natural exhilaration upon the enemy's troops, they proceeded to Baltimore. The land troops disembarked down the river and met their defeat at the Battle of North Point, General Ross, their commander, losing his life in the advance. It was natural for them to expect, with their powerful army and great battleships of that day, with their seasoned troops fresh from the Napoleonic wars, where success had not long since perched upon their banners, that they would crush the little Republic resting insecurely on this side of the Atlantic, and the mere opposition of a city like Baltimore, then composed of only a few thousand population, was a matter very immaterial to them, indeed.

"They had not, however, calculated upon the spirit and valor of the men of America; they had not taken into calculation the fact that our people were fighting for home and loved ones, nor had they considered that the independence which had been secured in 1783 would never be easily relinquished nor its purposes abandoned; it was never ordained to be so. They could not comprehend that the men fighting for America under our form of government were the controlling factors of America; they were America militant. The enemy therefore sailed boldly up to this little fort and began their bombardment, while the land troops fought at North Point—both confident of success.

"Francis Scott Key, desiring to procure the release of a prisoner friend, was on the deck of the British flagship *Minden*, just in yonder harbor. All night long he paced the deck of that battleship. We can well imagine how he longed for the morning to come, how he watched 'the rockets' red glare' and heard 'the bombs bursting in air,' and how wearily the hours passed. At last, peering through the mists of that memorable morning, he saw in the distance his country's flag proudly and defiantly waving from yonder staff, where our flag to-day peacefully unfurls its colors. He was inspired with patriotic fervor to write those stirring lines:

"The Star Spangled Banner, oh long may it wave,
"O'er the land of the free and the home of the brave.

"There are millions to-day who sing our national anthem which has made Key's name immortal and has written in letters of gold the deeds of those brave soldiers and sailors. Many, however, do not realize that the crushing repulse of the enemy at Fort McHenry was a victory of the utmost strategic value to our Nation at the most critical period in its history, when encouragement was so greatly needed. It was not only the most spectacular engagement of the war of 1812, but the spirit of Americans aroused and awakened by that victory, and the song which it inspired, stirred the patriotic blood of the people in every State of our Union. It furnished the most dramatic chapter of an intensely bitter war. Tidings of the battle of North Point were followed rapidly by details of the death of General Ross, commander of the enemy's forces; details of the fierce and dramatic attack on Fort McHenry, and the complete repulse of the enemy were soon corroborated by Key's inspiring anthem, which met with tremendous popularity. As by magic, our people were aroused and our Government infused with the vigor and vitality of an awakened national life. The victory at Fort McHenry, so well pictured by Key's inspired lines, was a stimulus to the patriotic impulses of the Nation, which worked a wonder little short of miraculous in rejuvenating our national spirit; there was infused into the hearts and minds of our people a determination to fight until success was assured. It should be written along with the great battles of the world, not alone for the fighting spirit but for the culminating effect it brought about for all time to come.

"We have great wealth in manufacturing industries in the North and New England States, giving employment and feeding millions of our population—an empire in itself—but that does not constitute a nation; to the south we have the great plantations with their industrious and thriving people, with the numerous cities and towns, and all the luxuries necessary for human existence, but that does not make a nation; to the west we have the great fields of golden grain, wealth of mines, and a vast acreage of wonderful plains and towering mountains, but that does not constitute a nation; on the great Pacific slope we have the many cities busy with their various enterprises, the gold mines and beautiful orange groves, as well as fruit of every kind, but that does not constitute a nation; nor does the combination of all these great industries, wealth, and so forth, constitute a nation.

"It requires something more—a consolidating and vitalizing influence which draws the hearts and minds of the people to a common purpose, a common country, a common cause, instilling into them a patriotism not born of wealth but of inspiration. Thus did the anthem written by Francis Scott Key make the whole Nation as one man, with the power and wealth of a nation back of it, and soon brought the war to a final conclusion.

"When tales of that battle were carried back to London it was not long before our commissioners were able to negotiate peace, and the treaty of Ghent was signed on the 24th of December, 1814. The official messengers arrived in New York on February 11, 1815, but before they could reach Washington Christopher Hughes, jr., of Baltimore, secretary to the commission, who sailed direct for the Chesapeake on the *Transit*, landed at Annapolis bearing the glad tidings. His remains rest in the same tomb with his brother-in-law, Colonel Armistead, the defender of Fort McHenry, in old St. Paul's graveyard in this city.

"To-day we honor ourselves in honoring these men who mean so much in the history of our country. To-day we stand upon hallowed ground and, in the presence of our Chief Executive and this vast concourse of true American citizens, rededicate ourselves to the service of our country and determine to emulate those to whom we now dedicate this beautiful monument."

Mr. BYRNS of Tennessee. Mr. Chairman, I will ask the Chair to notify me at the end of 10 minutes.

The CHAIRMAN. Very well.

Mr. MONDELL. Mr. Chairman, will the gentleman from Tennessee yield to me for half a minute?

Mr. BYRNS of Tennessee. I yield.

Mr. MONDELL. Mr. Chairman, I desire to say to the Members that we hope to get through with general debate at about 7 o'clock, but we shall remain in session until the general debate is concluded.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN], as he always does, has made a very clear and comprehensive explanation with reference to the pending bill, and it is not my purpose to enter into any particular discussion of it.

This bill carries $40,043,102.31. Of that sum about $1,370,535 is for deficiencies for the year 1921 and previous years. The bill carries, as has been stated, $28,122,500 for refund of taxes to those who have made overpayments. It carries an appropriation of $4,420,293.89 for judgments and claims, and about $967,000 for the year 1923. The remainder of the appropriation is for deficiencies for the current fiscal year.

The bill also carries, as has been explained, reappropriations out of unexpended balances of more than $3,200,000, so that it makes available for the purposes set forth in the bill $43,250,000 in round numbers.

I am in favor of this bill. I think the committee has reduced it to the very greatest extent possible. I shall vote for it, because it is necessary to supply the various deficiencies of this year and also to take care of some of the obligations of the Government for the next year which were not provided for in the regular annual appropriation bills which were passed and which will become effective on July 1.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield for a brief question.

Mr. STEPHENS. Then all of this appropriation is really not for deficiencies?

Mr. BYRNS of Tennessee. No. Not all of it is for deficiencies; as I explained, it has nearly a million dollars for 1923. The gentleman from Illinois [Mr. MADDEN] in his discussion of the bill explained the various items that go to make up that sum.

The question might be raised in the minds of some, and especially in the mind of the general public, which gets its information from the newspapers and which has read the various statements which have been issued with so much regularity by the Director of the Budget as to the saving of hundreds of millions of dollars, as to just why, if that be true, it has been necessary to make a deficiency appropriation to take care of deficiencies for this year. As a matter of fact, this is the fourth deficiency bill that has been passed. The first deficiency bill was passed in August last, which carried $50,500,000, in round numbers. Another deficiency bill was put through in December. That bill carried $105,207,000, in round numbers. Another deficiency bill was put through in March of this year, which carried $137,245,000, making a total in those three bills of $293,079,413.51. Then, you will recall that Congress by a special resolution

passed an appropriation of $500,000 to enable the Attorney General to prosecute the war profiteers, and Congress also appropriated by special resolution $12,000,000 under the authorization for new hospitals, and this bill, as I say, carries something over $40,000,000, which makes $345,622,516.82 appropriated by way of deficiencies for this year.

Now, I submit that that is a very large deficiency appropriation to be passed in any one fiscal year, especially in the face of the repeated declarations and statements of the Director of the Budget that he is saving so much to the Treasury and to the people of the United States since the Budget went into operation. Clearly he is not saving it by reducing the appropriations made by Congress. Clearly he has not cut out any expenditures which were authorized by Congress and for which appropriations were made.

Now, if he means by his statements that he has prevented some bureau or some department from making expenditures not authorized and not appropriated for by Congress, then possibly he may be correct in some measure, although any such statement would be largely speculative. But that, if really true, and I question it, is not a saving. The mere fact that some bureau has not spent more money than Congress said a year ago that it should spend during the fiscal year does not entitle the head of that bureau or the head of the Budget to say that a saving has been made, because that bureau might have spent more As a matter of fact, no department head, no head of a bureau, has the right to create a deficiency, and if they do so they are liable under the law and subject to a penalty of fine and imprisonment.

So I repeat that the mere fact that we have appropriated during this year over $345,000,000 by way of supplementing the appropriations made in the regular annual appropriation bills for this year is a clear refutation of any statement that has been made in the past on the part of the Director of the Budget that there has been a saving under the operation of the Budget in the real, true sense of the word "saving."

Mr. STEPHENS. Will the gentleman yield?

Mr. BYRNS of Tennessee. For a brief question.

Mr. STEPHENS. Will the gentleman explain how it is possible for the heads of these bureaus to have deficiencies if they are held under the law to only use the amount of money that is appropriated for a particular purpose. That is what I can not understand.

Mr. BYRNS of Tennessee. I want to conclude my remarks, and so I will answer the gentleman briefly. It has been the custom in the past for departments to create deficiencies, but in many cases they are in violation of the statute the gentleman refers to. I am happy to say that the gentleman from Illinois, the chairman of the Appropriations Committee, has served notice on the departments and heads of bureaus that in the future they will have to show some real reason, some genuine reason, some important reason, for creating a deficiency or they will not get by with an appropriation, because they are to be held to the appropriations made by Congress, and if Congress does not assert its right to insist on their staying within the appropriations it results that the heads of the departments or the heads of the bureaus make the appropriations instead of the appropriating body.

Mr. STEPHENS. Are not these deficiencies illegal?

Mr. BYRNS of Tennessee. Some of them may be in a strict sense. There are deficiencies that can be created in a perfectly legal manner, and while many may not bear close inspection so far as the legality is concerned, they may have been necessary.

The gentleman from Illinois has referred to an appropriation carried in the bill of $50,000 to enable the Agricultural Department to collect on the account due the Government for advances made to certain farmers in Montana, the two Dakotas, Idaho, and Washington for the purchase of seeds. Gentlemen will recollect that Congress last year appropriated $2,000,000, and those who advocated the appropriation said there was no question about its being repaid, because it was to be a first lien on the crops. After earnest and persistent effort the Agricultural Department has only collected up to date $700,000, of a total loan of $1,960,000, $30,000 having been used for administration purposes; but they say that if this appropriation is made and they are permitted to employ persons to personally intercede and personally see these debtors that possibly they will be able to collect from $300,000 to $500,000. In other words, the department states that under no circumstances do they expect to be able to collect more than $1,200,000.

Mr. LAYTON. This is an appropriation of $50,000 more to collect on an expectation.

Mr. BYRNS of Tennessee. Absolutely, and yet I feel that the $50,000 ought to be appropriated because it is clear that unless you appropriate the money and send a representative to these debtors who will personally endeavor to collect these debts, I am satisfied, and the department is satisfied, that they will not be able to collect any more than has been collected.

In addition, Congress appropriated a million and a half dollars this year for the same purpose, and $1,460,000 has been loaned up to this time. It is due next October, and, judging by experience of last year, I take it that not more than 50 per cent will ever be repaid to the Treasury. How long is Congress going to continue to make that character of appropriations and give away the people's money? [Applause.]

Mr. CRAMTON. Mr. Chairman, it gives me great pleasure to yield 40 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, more than two months ago I called the attention of Congress to extensive violations of the Federal corrupt practices act by the Anti-Saloon League.

Immediately thereafter I laid conclusive and sworn proof in support of my charges before the Department of Justice.

I took my charges and my evidence to the Department of Justice because I believed, as I do now, that the Congress is utterly subservient to the prohibition minority in this country and that any hope at present there might be of remedying the intolerable domination of Congress by the Anti-Saloon League must come from the executive and not the legislative branch.

Twelve weeks have elapsed and the evidence has not been presented to a grand jury.

I wish to reiterate my charges now. My reason for so doing are these:

The Federal Government through inaction is condoning violations of the Federal corrupt practices act.

Now, I am reliably informed that the offenses against the Federal corrupt practices act are to be repeated in the forthcoming elections.

The Anti-Saloon League in a recently issued statement, signed by Wayne B. Wheeler, William H. Anderson, and another, contends that it is not obligated to make any returns to Washington for the receipts and expenditures relating to elections of its State subsidiaries, which are its real operating agencies. Very few of the States impose requirements of their own.

The end of this session of Congress is approaching. I have here before me evidence that 11 of the State subsidiaries of the Anti-Saloon League are proposing to support with their influence and their money the Representative from the seventh Minnesota congressional district.

The Literary Digest, a most reputable publication, June 17 current, page 13, states:

> The dry forces, on the other hand, with 20 or more organizations and a $2,000,000 fund, are out to keep dry Senators and Representatives in Washington and to add to their number, if possible. Already they have announced their antagonism to Senator CALDER, of New York, who expects to be reelected this fall, but have intimated that Assistant Secretary of the Navy Roosevelt would be acceptable.

Mr. CRAMTON. Will the gentleman yield?

Mr. TINKHAM. I can not. I continue to read from the Literary Digest:

> Representatives of 11 States, meeting in Milwaukee, at the Anti-Saloon League conference, united in promising their aid to Congressman VOLSTEAD this fall.

Mr. CRAMTON. I wish simply to ask the gentleman to state the date of that Literary Digest.

Mr. TINKHAM. June 17 current. Here again we have the outrageous situation about which I have protested. Here again we have the Anti-Saloon League, dependent upon the Representative of the seventh Minnesota district for its intended further restrictions of the personal liberties of our people, proposing to purchase that preferential treatment it has received heretofore by supporting with money a campaign for reelection of the Representative from the seventh Minnesota district.

If we are going to have prohibition let us prohibit this insidious evil, more inimical to the foundations of our Government than the greatest abuse of liquor ever was.

Before this Congress adjourns it should place upon the statute books a law making it a crime for any person, corporation, association, or organization interested in the passage or repeal of any legislation of whatsoever character to purchase it by spending money for the election of men who will favor their selfish interests or their particular or peculiar legislative ideas.

Great denunciation has been leveled at a certain Senator from Michigan for excessive expenditure of money for his election, but the money was not contributed by those seeking legislation.

Certain criticism has been made of a candidate for Governor of Pennsylvania because of large contributions of his own to his personal campaign fund.

I hold no brief for the defense of either Mr. NEWBERRY or Mr. Pinchot. They are capable of defending themselves. However, neither of these men is under any legislative obligation to anyone because of these expenditures and contributions, and in their offices they are free to exercise their power in accordance with the public interest. But what shall be said of a Member of the Senate or a Member of the House of Representatives whose political bills are paid not by himself but by others who are seeking legislation through him?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. TINKHAM. I can not.

Mr. CONNALLY of Texas. Does the gentleman mean to charge that Members are doing that?

Mr. TINKHAM. I can not yield.

Mr. CONNALLY of Texas. I make the point of order that the gentleman is out of order, and move that his words be taken down. Now will the gentleman yield?

Mr. TINKHAM. I will not. The words may be taken down.

Mr. CONNALLY of Texas. I think that is the only way to get any effect, by having them taken down.

Mr. TINKHAM. By a competent——

Mr. CONNALLY of Texas. I make the point of order that the gentleman must take his seat when the motion is made to take down his words.

Mr. STAFFORD. The question before the Chair is whether the gentleman's words are out of order. I claim they are not.

The CHAIRMAN. The words are being taken down by the Clerk.

Mr. CONNALLY of Texas. The gentleman charges Members with graft by having their campaign funds paid by some interest that he has mentioned in order that they may have their bills enacted into law.

Mr. TINKHAM. I have sworn evidence to verify my statement.

The CHAIRMAN. The gentleman will suspend until the question of order is determined.

Mr. CONNALLY of Texas. I make the point of order that the gentleman must take his seat.

Mr. STAFFORD. I take it that there is a preliminary matter to be decided by the Chair: First, as to whether the words are out of order. Otherwise, any Member of the House could rise and say that a gentleman is out of order when his words were clearly in order, and thereby interrupt the whole legislative proceedings of the House.

Mr. KING. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Clerk will read the words that are demanded to be taken down.

The Clerk read as follows:

> But what shall be said of a Member of the Senate or a Member of the House of Representatives whose political bills are paid not by himself but by others, who are seeking legislation through him.

The CHAIRMAN. The point of order has been made that the gentleman is proceeding out of order. The Chair fails to see in the words that have been read to the committee anything that violates any rules of the House that are known to the Chair. No specific mention is made of any particular Member. The statement is a general one, and it seems to the Chair it is one that the gentleman has a right to make in the course of debate. The point of order is, therefore, overruled, and the gentleman will proceed in order. [Applause.]

Mr. TINKHAM. Mr. Chairman, by a competent legal decision bribery has been defined to be "the giving to another anything of value or any valuable services intending to influence him in the discharge of some legal duty."

Notwithstanding this decision and definition it would be difficult, in fact impossible, to convict a Member of the Senate or a Member of the House of Representatives of being bribed because he received a contribution for campaign purposes or had his political expenses paid by an individual, corporation, or association interested in the passage of legislation or preventing the repeal of legislation.

Yet this form of bribery is insidious and poisonous in the highest degree, and in this age and country it is a more depraved, vicious, and dissolute type of that evil than the world has ever known, because its corruption is so universal and it is conducted upon such a vast scale.

To abolish this corruption, which, if allowed to continue, will destroy all government and all respect for law made under such influences, I have introduced a bill the provisions of which are as follows:

> That it shall be unlawful for any individual or corporation or for any organization, association, society, committee, league, or other body of persons organized or incorporated under any name or title whatever, whether for social, political, religious, fraternal, scientific, or any other purpose, to make a money contribution or equivalent to a candidate or to a committee supporting a candidate, or to use, promise, loan, advance, or expend any money or its equivalent in behalf of a candidate or to a committee supporting a candidate in connection with any election in two or more States at which Representatives in Congress and Members of the United States Senate are to be elected, if and when such individual, corporation, organization, association, society, committee, league, or other body of persons shall be seeking, advocating, promoting, or proposing the enactment of legislation by the Congress of the United States—
>
> With a penalty not exceeding $1,000 or by imprisonment for a term of not more than one year, or both.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not yield.

Mr. LINEBERGER. I think the gentleman ought to yield.

Mr. TINKHAM. I can not.

Mr. LINEBERGER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eight Members are present, a quorum. The gentleman from Massachusetts will proceed.

Mr. TINKHAM. Mr. Chairman, in connection with this bill I desire to bring to the attention of the Members of the House of Representatives some astounding facts which show the absolute necessity for the passage of such legislation as I have proposed and the passage of further legislation requiring that all organizations engaged in political propaganda or seeking legislation or the repeal of legislation shall be incorporated and a detailed publication of their receipts and expenditures filed here in Washington yearly.

I have selected the highly paid professional Federal lobbyist, Wayne B. Wheeler, and his propaganda organization, the Anti-Saloon League of America and its subsidiaries organized in every State of the Union, after careful investigation because his and its practices best illustrate the evils which should be abolished. Also, because Wayne B. Wheeler came before the subcommittee on the State and Justice Departments appropriation bills of the Appropriation Committee last March, of which I am a member, and under cross-examination made certain disclosures which lead to the finding of much incriminating evidence in relation to many violations of the corrupt practices act of June 25, 1910, by Wayne B. Wheeler and his organization, which evidence is now before the Department of Justice for prosecution.

The act of June 25, 1910, requires two returns of money received and money expended to be made in Washington before an election and one after an election by the "national committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected."

Wayne B. Wheeler and the part of his propaganda organization known as the Anti-Saloon League of America for the first time in 1920 filed a return of its receipts and expenditures but did not comply with other requirements of the statute. Only six State subsidiaries filed returns, all not in conformity with the law.

The returns of the Anti-Saloon League of America, the national propaganda organization, were signed and sworn to by Wayne B. Wheeler, who in signing called himself, "Treasurer, campaign committee, Anti-Saloon League of America."

In the first return signed and sworn to by Wayne B. Wheeler, dated October 22, 1920, and in the second return filed October 29, 1920, he asserts that some of the money spent in the numerous congressional districts mentioned in these returns was spent in the seventh district of Minnesota.

No return in accordance with the law was filed in Washington by the Anti-Saloon League of Minnesota, a subsidiary of the Anti-Saloon League of America, although the Anti-Saloon League of Wisconsin, an adjacent State, and also a subsidiary of the Anti-Saloon League of America, filed one return in Washington of political expenditures amounting to $10,028.83, and it is common report that a much larger sum than this was spent by the Anti-Saloon League of Minnesota.

The Representative from Minnesota, ANDREW J. VOLSTEAD, represents the seventh congressional district of Minnesota.

Wayne B. Wheeler knew that he was going before a committee of Congress of which the Representative from Minnesota, ANDREW J. VOLSTEAD, was chairman, for legislation or to prevent the repeal of legislation, and as a matter of fact, appeared for legislation. When Wayne B. Wheeler appeared before the Representative from Minnesota, ANDREW J. VOLSTEAD, chairman of the Judiciary Committee of the House of Representatives, could the Representative from Minnesota, ANDREW

J. VOLSTEAD, refuse such legislative demands and exactions as insisted upon by Wayne B. Wheeler, and, if so, to what extent? In what position was the Representative from Minnesota, ANDREW J. VOLSTEAD, between the interests of his country, the maintenance of its Constitution and all its parts, and his obligations to Wayne B. Wheeler?

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the gentleman has no right to refer to the gentleman from Minnesota except as the gentleman from Minnesota, other than by his name.

Mr. TINKHAM. Mr. Chairman, I have referred to him carefully as the Representative from Minnesota, ANDREW J. VOLSTEAD, which is in proper parliamentary form.

The CHAIRMAN. The Chair does not believe that the language referred to by the gentleman from Texas is out of order or violates any rule of the House. [Applause.]

Mr. TINKHAM. When Wayne B. Wheeler appeared before the Judiciary Committee of the House of Representatives at the present session of Congress favoring restrictions more drastic than those contained in the original Volstead Act, he had violated the Federal corrupt practices act. He or another employee of the Anti-Saloon League had committed perjury, and the evidence is now before the Department of Justice for prosecution. He was a legislative corruptionist.

I challenge him to sue me for libel, and I promise to waive any immunity I may have as a Member of Congress, if what I have just stated is untrue. He dare not face a court of law where he will be compelled to tell the truth. His very presence in the Capitol is an offense against decency. With him there is the incarnation of invisible government and the rule of the power of money.

Wayne B. Wheeler has systematically and on a wholesale plan subsidized in the way indicated in the case of the Representative from Minnesota Members of Congress and concealed the facts by not complying with the act of June 25, 1910, until the election of 1920, and then only complying with the act in small part and under a written protest, stating that his organization was not a political organization.

These facts can not be denied and their moral obliquity defended.

Notwithstanding the adoption of the eighteenth amendment to the Constitution in 1918 and the Volstead Act in 1919 and the constant denial by Mr. Wheeler and many officials of his propaganda organization that they had not been engaged in or are not now engaged in political action or participating directly in elections and are not subject to the corrupt practices acts, the following facts show these statements to be unqualifiedly false.

Under date of September 29, 1921, William H. Anderson, State superintendent of the Anti-Saloon League of New York, sent a circular letter which reads in part as follows:

> The nation-wide financial stringency has hit your agency for protecting and promoting the enforcement of prohibition. Unless we have $25,000 quickly part of the organization it has taken years to build must be dropped and some of our expert staff it has taken years to develop must be allowed to go. If this happens we may not be able to hold the line in New York against the certain wet drive next year for wet Congressmen in dry districts and a wet governor and legislature to repeal or destroy the State enforcement law.
>
> Thousands of our subscribers have been obliged to default on their subscriptions because they are out of work and have not cash even to buy the necessities of life. The financial situation has also hit some of our larger givers. One manufacturer who has given $10,000 a year is flat. Another one who has given $5,000 has even borrowed to his limit. A man who gave $10,000 last year has died, and it has been impossible to find anybody yet to take his place.

With William H. Anderson there now appears "big business" and millionaire manufacturers with contributions of $10,000 apiece. But Mr. Rockefeller is not mentioned. His contributions are secret.

New York is one of the very few States of the Union which has a corrupt practices act requiring returns by such organizations as the Anti-Saloon League, if they participate in elections, yet no returns of receipts and expenditures have ever been made by the Anti-Saloon League of New York, either at Albany under the New York corrupt practices act or in Washington under the Federal corrupt practices act.

Under date of April 11, 1922, in the St. Louis Globe-Democrat, W. C. Shupp, superintendent of the Anti-Saloon League of Missouri, is quoted as saying:

> The Anti-Saloon League is now building the strongest organization it has ever had in Missouri. We are extending our organization to every county and community and enlarging our membership.
>
> We should have for the work mapped out $60,000 or more. We expended $49,000 in the last prohibition campaign and then we ran short about $5,000.
>
> Our organization will fight Senator JAMES A. REED and other candidates who have furnished wet leadership or who are unfriendly to the enforcement of the prohibition laws.
>
> This will include Senators, Congressmen, prosecutors, and members of the legislature; in fact, wet candidates who have anything to do with legislation or the enforcement of the liquor laws.

Several months ago Parker Shields, superintendent of the Anti-Saloon League of Tennessee, issued a leaflet asking for large contributions to the league, from which the following is a quotation:

> A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

Wayne B. Wheeler, his propaganda organization, and allied big-business interests did not begin corruption with Congress, but for years had corrupted the public mind by appeals to prejudice and passion, by false statistics, by partial and misleading statements and sophisms, and by a myriad of paid speakers, some of whom have been and some of whom are now in the Senate and House of Representatives, and by an elaborate organization in every State, comparable only to that of the Standard Oil Co. or some other great national industrial organization. All of this has been promoted by a vast expenditure of money, many of the sources of which have been kept concealed and the persons to whom much of it has been paid unrevealed.

Perhaps no way of preventing this corruption of the public mind by Wayne B. Wheeler, his propaganda organization, and allied big-business interests, or any other propaganda organizations or institutions can be devised without trespassing on those vital rights which should never be infringed—free speech and free press—yet some method of controlling these organizations by law should be devised, and my suggestion is that such organizations be compelled by law to incorporate and publish in Washington yearly all receipts and expenditures in detail.

It has been said, and is worthy of belief, that Wayne B. Wheeler and the interests he controls expended one hundred to one hundred and fifty millions of dollars in the series of years which preceded the adoption of the eighteenth amendment to the Constitution of the United States.

Some idea of the enormous expenditure of money previous to the adoption of the eighteenth amendment to the Constitution in 1918 can be obtained by the following facts, although they all relate to the period subsequent to the adoption of the eighteenth amendment.

Under date of November 15, 1918, the Ohio Dry Federation, one of the instruments of Wayne B. Wheeler, filed a return with the secretary of the State of Ohio, under oath, that it expended $104,366.85 in the election held in Ohio in November. Ohio, with New York, is one of the very few States which requires return of such expenditures to be made by such an organization as the Anti-Saloon League.

In 1920 Wayne B. Wheeler and allied big business interests divided the United States into districts, and from the southeastern district proposed to collect $5,000,000. March 4, 1920, Charles O. Jones, superintendent of the Georgia Anti-Saloon League, stated that he had "raised $240,000 during eight months in 1919," and that in the last five years previous, on a certain plan, Georgia alone had contributed $427,125.11. Yet Georgia is not a wealthy State, nor are there many millionaire manufacturers.

William H. Anderson, superintendent of the Anti-Saloon League of New York, in his annual report in 1920, said that the New York league needed $1,000,000 a year, and that the receipts for 1919, or the fiscal year, were $343,000.

The American Issue of April 27, 1919, the official organ of Wayne B. Wheeler and his propaganda agencies, contained an official and carefully elaborated proposal to raise $50,000,000.

That the eighteenth amendment to the Constitution of the United States was bought and paid for there can be no doubt. If fanatical and self-interested minorities by organization and a vast expenditure of money can amend the Constitution of the United States, there is an end to that Constitution and an end to our civilization.

If cunning and crafty men for their own purposes, no matter what those purposes may be, can master the mechanism of political action in the United States and spend vast sums of money and dictate laws to the Congress of the United States, that is the end of the Congress as a deliberative body and as a national institution worthy of respect.

If one minority can do these things to-day, another minority can do them to-morrow.

The Constitution of the United States as originally adopted was a spontaneous expression by men of their conception of the principles of government and of law, unmoved except by the highest public purposes and uninfluenced except by consideration of the public weal.

No money was spent to influence the passage of the Federal Constitution.

There has been no amendment to the Constitution of the United States until the eighteenth amendment which did not express a sentiment of the Nation which had spontaneously arisen and demanded constitutional settlement without the influence of money.

The expenditure of money had never been made in the United States for the passage of a constitutional amendment until the eighteenth amendment. There should be no possibility in the future, if laws can prevent it, of the Constitution being bought and sold.

The prevention of the repetition of this greatest of national crimes now lies in the hands of the present Congress. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, it is not necessary for me to say that I most heartily concur in every word that has just been said by my most able colleague from Massachusetts [Mr. TINKHAM]. A week ago I attempted to show to this House and to the country that the biggest bootlegger of all is the grand old man to whom we doff our hats and bow in humble obeisance—Uncle Sam. On Sunday last I picked up some of the New York papers and read therein that the Republican leader of this House, the gentleman from Wyoming [Mr. MONDELL], had said that the attempt I made to show a violation of the Volstead Act by the United States Shipping Board was a smoke screen solely intended to confound and confuse the efforts of the Republican Party to pass a ship subsidy act. The gentleman from Wyoming was hopelessly mistaken in his reference to me. I am one of the few Democrats who believe in a ship subsidy act. I do not say that I shall vote for the ship subsidy act which has been reported to this House, because some weeks ago, when this House passed a soldiers' bonus bill, I took a solemn oath that I would vote for no appropriation which mounted up into the millions until the soldiers' bonus bill was written into the law of the land, and it has not been written into the law of the land as yet. We did not have to pass a subsidy bill for the red-blooded boys of America. All we are asking the Congress to do—and, of course, I am not criticizing this branch, which has done noble work for the boys who answered the call to the colors—is to adjust their compensation, but I want that compensation bill passed before I vote for a ship subsidy act, as dear to my heart as a ship subsidy is, and I want to say that I have been lobbied on both sides of this House to vote against the ship subsidy bill, and that most of the lobbying has come from the Republican side.

I noticed in the morning papers that Prohibition Commissioner Haynes says that he proposes to take no action whatever to prevent the sale of liquor on the United States Shipping Board vessels. A week ago in this very body I called it to his attention. In other words, he becomes particeps criminis, and he joins hands with Wayne B. Wheeler in permitting a violation of the law on United States territory every hour of every day of every week. Let me call the attention of Mr. Haynes and Mr. Wheeler to section 26 of the Volstead Act, which if observed as it has been written into the law of the land as against the Shipping Board would produce very interesting results. I refer to that section of the law which has to do with the taking of ships for the sale of liquor and the carrying of liquor inside the territory of the United States. The Volstead Act provides—

First. It shall be the duty of the officer of the law to seize any and all intoxicating liquors found in such ship.

Mr. Chairman, the *John Adams* came into Boston last week, the latest, and as I am told the most princely, of Admiral Lasker's fleet, and when it got to the 3-mile limit it sealed the entrance to the bars, but within the 3-mile limit it was violating the Volstead law, because it was carrying liquor in United States territory and should have been seized by the prohibition enforcement officer in Massachusetts.

Second. The law provides that this officer shall take possession of such ship.

Third. He shall arrest the person in charge thereof.

Fourth. He shall proceed against the person arrested in any court of competent jurisdiction.

Fifth. Such ship shall be returned to the owner upon execution of a good and valid bond.

Sixth. The court, upon conviction of the person so arrested, shall order the liquor destroyed.

Seventh. Unless good cause is shown, he shall order the sale by public auction of the property seized.

And I am reading the law, men of America, the law that you passed by an overwhelming vote in your capacities as Representatives in the Congress of the United States.

Mr. VOIGT. Will the gentleman yield?

Mr. GALLIVAN. No; I can not yield. Do not, please, interrupt me. [Laughter.] The section further provides—

If, however, no one shall be found claiming the ship, the taking of the same with a description thereof shall be advertised in some newspaper published in the city or county where taken.

And section 21, gentlemen of the House, of the Volstead Act provides—

That any room, house, building, boat, etc., where intoxicating liquor is sold is hereby declared to be a common nuisance.

And then it provides the penalty. And every United States Shipping Board trans-Atlantic liner, according to the law of the land, is a common nuisance, no matter how much money Congress votes to refurnish and rehabilitate Shipping Board ships. Men of the House, the point I am trying to make is that the whole thing is a tyrannical farce and enforcement seems to be peculiarly exercised. Now, mark you, in the winter when traveling is bad in the North, Florida and the Gulf resorts are full of prohibition agents. I notice by the papers nowadays, however, they have thoroughly cleaned them up and are preparing to spend the summer on steam launches and automobiles along the Canadian border, and when that is cleaned up it will be time to go to Florida again or perhaps southern California. [Laughter.] I want the House to know—and I mean this if I ever meant a word I have spoken in Congress in my eight years—I want the House to know that I stand for principle in this thing. I can no longer be accused of representing either the liquor dealers or beer makers. You put them out of business and you substituted bootleggers and moonshiners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield the gentleman two additional minutes.

Mr. GALLIVAN. Unfortunately the American people have been badly educated in the history of the foundations of their Government, and consequently they do not yet see where prohibition and all its ilk leads. I have at least in my speech of last week shown to the country that Admiral Lasker and Chief of the Bureau of Navigation Wayne B. Wheeler [laughter] and Rear Admiral Haynes have all run to cover. Perhaps after all personal liberty will again become a part of our Government. Frankly, I am pessimistic. Unfortunately and unhappily, religion and fanaticism have been made a part of prohibition propaganda, and they are mighty hard things to penetrate. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, perhaps I may be pardoned if for a few moments I turn aside from the speech I have had in mind to give some attention to the various ebulitions from Massachusetts. The gentleman from Massachusetts [Mr. GALLIVAN] does not understand apparently why it is that Admiral Lasker and Chief of the Bureau of Navigation Wheeler, and Rear Admiral Haynes are giving their attention to enforcement of the prohibition laws upon the land rather than upon the sea. They are doing that, my friends, because for the first time since prohibition became a part of the Constitution of the United States, for the first time since that great event, the gentleman from Massachusetts [Mr. GALLIVAN] has manifested a desire for a real enforcement of prohibition on any spot on the globe, and they are going to leave that job to him—on the sea.

Mr. GALLIVAN. Good; I will do it.

Mr. CRAMTON. If the gentleman will take care of the seas, as he now manifests the disposition, the real friends of prohibition will try to take care of the land; and as they go from the resorts of Palm Beach to the resorts of the North, back and forth each season, I guarantee these prohibition agents are following assiduously the wealthy tourists of Massachusetts who go back and forth [applause], and who probably will need more watching in the way of prohibition than anybody else. I presume that when history comes to judge the Anti-Saloon League, of which the other gentleman from Massachusetts [Mr. TINKHAM] has spoken to-day, the Anti-Saloon League will be finally judged just the way the saloon was judged, and that is by its fruits. The saloon was driven out from under the American flag because of its fruits, and if the Anti-Saloon League lives in history as being a worthy organization it will be because of the part it has played and is playing in properly representing the sentiment of the God-fearing, law-respecting people of this Nation in behalf of prohibition.

I enjoyed the speech of the gentleman from Massachusetts [Mr. TINKHAM] a couple of weeks ago when I heard it for the first time. I have enjoyed it more, I think, to-day because something of its terrors have been removed by familiarity.

The two speeches I have heard to-day from the gentlemen from Massachusetts and the interview I read in the paper this morning from another distinguished man from Massachusetts, John W. Weeks, a member of the Cabinet for the moment, give us considerable Massachusetts nullification in one day. All these gentlemen of New England, the land of law and order, advocate sale of beer and wine in direct violation of the Constitution of the United States. They are friends of beer and wine and advocate an amendment to the Volstead Act to permit their sale in defiance of the Constitution. While these gentlemen come into the House worrying about what is going to happen to the Constitution of the United States, while their evident effort is to secure the sale of 14 per cent wine, when the Constitution says that intoxicating liquors shall not be sold, still the country must not take too seriously, as the House does not, the gentlemen from Massachusetts, Mr. TINKHAM and Mr. GALLIVAN, or even the distinguished Secretary of War, who fears that minorities that agree with him are not going to be able to govern this country, and who stands on the burning deck of the old guard, proclaiming his belief that the majority can not be trusted. Speaking of habitual talkers against prohibition reminds me of an article which, of course, has no reference to any of these gentlemen from the land of the Puritans but nevertheless may be of present interest.

And may I suggest that this little article appeared recently as an editorial by Mr. Norman Hapgood in Hearst's International Magazine.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUPERBORES.

What is the acutest bore known to the human race? There is a game in which each player confesses his tastes He names his favorite novel, opera, pastime; what character in history or fiction he hates most; what experience is most distressing. To one person, listening all night to a window rattle may top the annoyance list; to another, sitting in wet underclothing in a draft. Is there anything more excruciating than the talk with which the haters of prohibition flood dinner tables? Night after night, month after month, they emit canned diatribes. No sooner is your napkin unrolled than the topic begins. Since January, 1919, there has not been a new word said. "People drink now because it is forbidden; they drink too much; bootlegging flourishes; workingmen, instead of being drunk every Monday, are loaded every day; drug addicts increase; homes are breweries; young people learn contempt for law." Expand these ideas and serve. Other topics are dead. Society has become a nightmare.

This editorial is no argument for prohibition. It is a wail against boredom. These * * * who now fill their empty heads with the evils of prohibition never made an effort to cure the evils of the saloon. High license was the nearest their minds could reach. The prohibition wave rose to its inevitable power because our legislators and our public were supine. While they slept money intended for shoes and education of children was taken from the wives of the poor and wasted in sodden drink. The saloon became the center of political corruption, of gambling, of prostitution. It was for the dress-suit or ruling class to check these scourges. They never stirred. After long suffering popular wrath took action, with roughness. Now it is for the same dress-suit class to hang its head, to hold its tongue, to give to the new institution a decent trial.

Mr. CRAMTON. Mr. Chairman, while there are many seeking to make a success of that tremendous experiment—national prohibition—there are those who have never done anything to do away with the evils of the liquor traffic before the adoption of prohibition and who now are in the way of the eradication of those evils in the way decided on by the overwhelming majority of the people of America. One of the organizations that is most conspicuous—that probably has in its membership more of those dress-suit gentlemen than any other organization—is the National Association Against the Prohibition Amendment. I heard nothing of that in the speech of the gentleman from Massachusetts [Mr. TINKHAM]. He does not seem to be worried about the money they are spending to defeat the gentleman from Minnesota [Mr. VOLSTEAD] and to defeat other dry candidates and who are active all over the country.

While professing to speak in behalf of purity of our elections and safety of our institutions from disorderly attack of friends of order, the gentleman shows clearly he is speaking rather in support of attack upon law and order, in defense of those who seek to nullify our National Constitution. If the former were the case, he would attack alike all organizations that seek with money and activity on a national scale to influence election of legislators. But he attacks the Anti-Saloon League, the only organization, with reference to the liquor issue, that has filed any reports of campaign expenditures at any time up to the present under the Federal act, and ignores the 30 organizations against prohibition that have never filed any such reports.

He referred to the support which the article in the Literary Digest of June 17 says is to be given to dry candidates in the effort "to keep dry Senators and Representatives in Washington, and to add to their number if possible," and to the aid promised by branches of the Antisaloon League for the reelection of Congressman VOLSTEAD this fall.

Why should not the drys want to see VOLSTEAD reelected this fall? His defeat would be hailed with delight by every enemy of national prohibition, by every advocate of traffic in intoxicating liquors. It is regarded by them as the end most devoutly to be sought, only less important than repeal of the eighteenth amendment itself, for defeat of VOLSTEAD would be hailed as repudiation of the Volstead Act, which is the eye and the right arm of the eighteenth amendment. In the eyes of the gentleman from Massachusetts VOLSTEAD's great offense is compliance with the Constitution.

But he omitted the following sentences immediately preceding his quotation from the Literary Digest article:

It is the announced intention of the wet forces, which are well organized in at least 10 States, to elect a "liberal" Congress and to defeat Congressman VOLSTEAD, who, they assert, is the author of all their woes.

To be accepted as a bona fide crusader for political purity he should require the same standard of those on each side of a political contest. And in this national liquor fight he ought not to so carefully overlook national programs now zealously carried on by wet organizations, even though they be his friends.

For instance, in the State of Michigan there is a branch of the said National Association Against the Prohibition Amendment. It is said in the Detroit Free Press of June 16 that—

The Michigan branch of the National Association Against the Prohibition Amendment is now organized in 63 out of the 83 counties in Michigan and in every important city. This announcement was made Wednesday at a meeting of representative leaders held in Detroit, at which plans for this fall's campaign were discussed.

No decision was reached on the matter of submitting to the voters this fall of a constitutional amendment in the form of a resolution to permit the manufacture and sale of the lighter alcoholic beverages. No such amendment has so far been circulated by this association in Michigan, and it is unlikely to be a November election issue it is declared.

One decision reached at the Wednesday meeting was that every candidate for political office in Michigan this year will be called upon to go on record on the question of modifying the Volstead Act to permit the sale of beer and light wine legally. * * *

Every senatorial, congressional, and State and county candidate, as well as the legislative candidates of all parties will be asked to state his or her position on modifying the prohibition enforcement act.

The raising of a campaign fund to be expended this year for propaganda and in putting up to the voters the attitude of various candidates toward beer and wine also was decided upon. Newspaper advertising and personal letters to the voters will be used. Voluntary contributions on a monthly basis are being asked of the members to further this campaign and the committee expects to expend about $6,000 monthly.

It is probable that the committee will advance "wet" candidates in congressional districts where the chances of victory are regarded as favorable.

They propose the raising of an antiprohibition campaign fund—and I hope the gentleman from Massachusetts will note this—the raising of a campaign fund to be expended, please note "for propaganda." I think the gentleman talked on propaganda. Here we have it again, and "in putting up to the voters the attitude of various candidates toward beer and wine." They are going to have newspaper advertising and personal letters. It is probable the committee will advance wet candidates "in congressional districts where the chances of victory are regarded as favorable."

Things in Michigan are not going to be so terrible as all that might indicate, because they say they are going to use this money in districts where the chances of victory are regarded as favorable. What are the chances? When State-wide prohibition was adopted in Michigan, it carried in November, 1916, before our entry into the war, by a majority of 68,624. When it had been in effect about one year the wets proposed the return of light beer and wine and the sale of those so-called harmless intoxicating liquors was refused at the election April 7, 1919, by a majority of 207,520. Such was the reaction to beer and wine in Michigan. [Applause.] And two cities only in the industrial State of Michigan gave a majority—and when I speak of cities, I mean towns of over 5,000 population—only two gave any majority whatever for beer and wine. You would think that would give the wets reason to pause. Well, it does, because this organization has been announcing for months in Michigan that we would vote on a beer and wine amendment next November, a vote which this same statement says that they are going to postpone, because "the chances of victory are not regarded as favorable." In Michigan they know the blessings and the benefit of prohibition. The laboring men, the mechanics, the heads of industry, the farmers alike say, "We are done with the traffic in intoxicating liquor, and never want it to come back." [Applause.]

And least of all do we want any nullification of the Constitution of the United States. The Detroit Free Press, one of Michigan's most prominent and influential newspapers, has never advocated prohibition so far as I recall, but its lack of confidence in the efficacy of prohibition does not destroy its re-

spect for the National Constitution. In an editorial June 3, 1922, the Free Press repudiated any beer and wine nullification program:

THE ONLY HONEST WAY.

In the midst of hurly burly, of noise and fury, and of random talk and intemperate recrimination over the proposed "beer and light wine" amendment to the Volstead Act, it is a relief and satisfaction to discover a sane discussion of the subject born of straight thinking. Such a discussion is provided by the Dallas (Tex.) Morning News, published in a community where the amendment seems to have become an issue in the congressional campaign. And the nub of what the Morning News says is this:

"There are some people who believe that it would be well to permit the manufacture and sale of beer and light wines. But if their belief is to command respectful consideration, it must be presented in the form of a proposal to amend or recast the eighteenth amendment. Only those who adopted it are competent so to amend or fashion the Volstead Act so as to permit the sale of beer and wines without violating the oath which its Members take. A proposal so to amend the Constitution would be entitled to respectful consideration even from those who would be sternly opposed to the proposal. But a proposal to amend the Volstead Act so as to permit the sale of beer and light wines is not entitled to respectful consideration, because it is a proposal to have Congress do something which the Constitution forbids it to do."

This is clear and right to the point. It is an absolutely correct interpretation of the situation, and it ought to have wide currency. It is the interpretation the Free Press endeavored to set forth in its columns some time ago when the American Federation of Labor heads made their pronouncement in favor of an alteration of the Volstead Act. Such an amendment by Congress would be a violation of public trust, a defiance of public mandate, and a legislative lie. For as long as beer and light wines are in fact intoxicating—and nobody can deny that thousands have become drunk by imbibing them—no statutory fiction can make them otherwise. To attempt to say that they are otherwise would be puerile stultification.

If mild intoxicants are to be reinstated in the United States, let the reinstatement be done decently, honestly, and in the way provided by the fundamental law. If the "wets" try to get what they want by proceeding in a proper manner, they will at least be entitled, as the Morning News says, "to respectful consideration," from which their present tactics bar them.

And such is the sentiment of the Nation. Beer and wine candidates in the recent Pennsylvania primaries failed everywhere. Friends of law and order, like DARROW, COUGHLIN, KELLY, KENDALL, SHREVE, and others, won out triumphantly over beer and wine candidates and against scandalous campaign expenditures. If beer and wine can not win in Philadelphia and Pittsburgh, these gentlemen from Massachusetts must realize they are cherishing vain hopes.

I commend to the gentleman from Massachusetts [Mr. TINKHAM] his reading of the Literary Digest. I hope he did not overlook in the issue on June 10 the article, "A poll of 'best minds' on rum's return," where it said:

The latest poll concentrates on 1,500 leaders in various fields of activity and is taken by the Manufacturers' Record, of Baltimore. * * * Says the Manufacturers' Record in a booklet setting forth the results of the poll:

"These letters come from men of national standing, men known in every walk of life, in the great business interests and professions. They are in answer to a questionnaire which we recently sent to about 1,500 manufacturers, bankers, college presidents, and others as to whether, in their opinion, prohibition had proven a success, and what has been the result in their own experience and among the men in their employ."

A compilation by the Record gives the following results in percentage to the total:

	Per cent.
For prohibition in some form	98.50
Against prohibition	1.50
For strict prohibition	85.50
For beer and wine	7.00
Against Volstead law or present regulations	1.25
In favor of modification of Volstead law	.75
In favor of high license or Government control	1.00
In favor of dispensary system	.25
Undecided or noncommital	2.75

Thus we see in this verdict from a hundred cities that an overwhelming majority are for prohibition in some form. For instance, "I am unalterably opposed to a resumption of the liquor traffic, even the reentry of light wine and beer," writes Dr. Harvey W. Wiley, and Warren S. Stone, head of the Brotherhood of Locomotive Engineers, says that the longer he lives and the more he sees of the liquor traffic the more bitterly he is opposed "to the entire question of the manufacture and sale of liquor." "Best of all," notes the director of the college of commerce, University of Southern California, "under prohibition a generation of boys and girls are growing up who will soon come to maturity without the taint of alcohol."

In Detroit "the favorable effects of prohibition are apparent to even a blind man," declares the president of the Leland Motor Co., "despite the fact that we are but across the river from Canada." In Louisville, reports the mayor, "savings accounts show an increase of 50 per cent." * * *

So much for Massachusetts and nullification.

Now, I was diverted for a few minutes by this onslaught from Massachusetts. I want to take up the speech I had in mind, to speak for a few minutes on a matter of economy, which I am sure will have the interest of every Member here. We all know that the one thing the people of this country are asking above all else is a reduction of taxes, and the only way to reduce taxation as a Federal proposition is to cut down expenditures, and that has been the effort of the Committee on Appropriations under the direction of its splendid chairman, Mr. MADDEN, who has never been excelled in zeal or ability in that position.

In the Interior Department appropriation bill there were not many chances to make reductions, but your committee went at it as the servant of the House, trying to make the greatest reduction that could be made without sacrifice of efficiency. One of the things that was done in that bill was to abolish 19 land offices and consolidate the officers in 21 others. What was the need of that? Let me call the attention of the House to the fact that the land service, that administers all the great domain of the United States, that sells our land, turns into the Treasury millions of dollars, but it costs twice as much to administer such land service as the Federal Government receives. In the year 1921 the report of the Commissioner of the Land Office shows that the receipts to the Treasury were $1,794,905 and the expenditures were $3,149,024 for this service. The money obtained for sales or leases of the public domain does not all go into the Federal Treasury, but largely into the reclamation fund, and is therefrom expended for the benefit of the States where these lands are located. I do not think there are any of us who complain much about that, except we feel that the administration of the service ought not to be a burden on the Federal Treasury, and in order to reduce those expenditures as much as possible your committee cut out some 19 land offices.

Mr. Chairman, I am going to ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. The Interior Department appropriation bill provided for the closing of 19 land offices. Of these the office at Minot, N. Dak., was closed in May, 1922, by voluntary action of the Secretary of the Interior, and in obedience to law long existing. The office at Springfield, Mo., has already been closed, the provision as to the closing of that office becoming effective with the Department of the Interior appropriation act.

The other offices to be discontinued July 1, 1922, under the Interior Department appropriation bill are as follows: Camden, Ark.; Harrison, Ark.; Del Norte, Colo.; Hugo, Colo.; Sterling, Colo.; Alliance, Nebr.; Broken Bow, Nebr.; Clayton, N. Mex.; Fort Sumner, N. Mex.; Tucumcari, N. Mex.; Dickinson, N. Dak.; Williston, N. Dak.; Bellefourche, S. Dak.; Gregory, S. Dak.; Lemmon, S. Dak.; Timber Lake, S. Dak.; and Waterville, Wash. We consolidated the officers of 21 others, making in all an annual reduction of $128,000 in the cost of this service. Not much as compared with four billions of total Federal expenditure, but it is something, and we felt wherever there was waste it ought to be stopped. Now, there is a proposition before the House to restore those land offices. It is contained in S. 3425, which I have been opposing.

Of these offices, S. 3425, as passed by the Senate, provided for the reestablishment of Springfield, Mo., and Minot, N. Dak., now closed, and the following offices which the Interior Department appropriation bill will close Juy 1 next: Camden, Ark.; Harrison, Ark.; Del Norte, Colo.; Alliance, Nebr.; Broken Bow, Nebr.; Clayton, N. Mex.; Fort Sumner, N. Mex.; Dickinson, N. Dak.; Williston, N. Dak.; Bellefourche, S. Dak.; Lemmon, S. Dak.; Timber Lake, S. Dak.; and Waterville, Wash.

Said bill, as reported by the House, drops out some of these but adds Sterling, Colo. The pending bill, therefore, proposes either in the House or Senate the reestablishment of all the offices slated for closing excepting Hugo, Colo.; Tucumcari, N. Mex.; and Gregory, S. Dak. Whether these three will be added on the floor of the House completing the nullification of all the economy accomplished in the Department of the Interior appropriation act remains to be seen.

Gentlemen from the West who are trying to get greatly increased national aid for reclamation, trying to get the Smith-McNary bill through, it does not seem to me can afford to show to this House that they view some little petty patronage in their district as of more importance than they do the financial interests of the whole country.

Now, it is quite common for committees of the House to attack the Appropriations Committee as assuming some legislative jurisdiction, and very often they have said that the Appropriations Committee is doing this. Let me call the attention of the House to the fact that there was passed in the year 1840, 82 years ago, an act which is now section 2248 of the Revised Statutes, providing that whenever the acreage in any land district fell below 100,000 acres the land office in that district should be discontinued.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. Very briefly.

Mr. JOHNSON of Washington. Did the act of 1840 contemplate the establishment of great forest reserves and withdrawal of land from possible entry?

Mr. CRAMTON. That will be for the gentleman to argue. The section 2248 is as follows:

SEC. 2248. Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than one hundred thousand it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice.

There has never been any effort on the part of the Public Lands Committee to amend the act in any respect. On the contrary, it is in full force and effect, not only as to 16 of the offices that we abolished, offices that were being maintained in absolute violation of law, but in addition 9 others we did not abolish.

The Commissioner of the General Land Office in his report for the fiscal year ending June 30, 1921, says that the area of land unappropriated and unreserved in the several districts named below was, on July 1, 1921, as follows: Eureka, Calif., 84,991; Lamar, Colo., 5,651; Lewiston, Idaho, 78,751; Cass Lake, Minn., 97,660; Duluth, Minn., 55,155; Great Falls, Mont., 97,079; Kalispell, Mont., 29,801; Seattle, 10,238; Vancouver, 43,158.

None of these did we attempt to close, though personally I feel they should be closed in compliance with law. We were trying to be a little easy on these gentlemen from the West. We picked out only what we thought were the worst cases. But that statute was on the books, and the Committee on Appropriations, instead of legislating, all that we did was to attempt to put the law in force.

Now, what were some of the facts about these districts? Why, one of the offices that was abolished, but which the Senate still proposes to restore, was the office at Springfield, Mo., where there are to-day only 48 acres of public land—or there were a year ago. These figures are a year old; the lands that have been disposed of in the last year must be subtracted from the figures that I will give. A year ago there were 48 acres of public land in the whole State of Missouri.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I am sorry I can not, because other gentlemen would also ask me to yield, and I have not the time. I am sorry.

Mr. VAILE. I was going to ask if the office is left in the House bill?

Mr. CRAMTON. It is in the Senate bill, and when you gentlemen go to conference with a pork-barrel bill you will have to make an agreement on a pork-barrel basis, and if you get your offices taken care of you must let others take care of their offices. It is a pork-barrel bill, built upon pork-barrel principles. In the Senate one Senator got up and said he had this, and it went in, and another got up and said he had that, and it went in, and there was no opposition. In the Committee on Public Lands you cut out two or three, but that will all end in conference. You will settle it in conference on a pork-barrel basis.

As I said, in the State of Missouri there are 48 acres of public land. I do not know how much it is worth to take care of that 48 acres, but it was costing us more than $1,300 a year to take care of them. You will find gentlemen in the House and in the Senate who still think that that office ought to be continued.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I regret I can not. There is an office in the gentleman's State at Del Norte, Colo. There is a lot of public land in that land district, 492,000 acres in that district, but——

Mr. VAILE rose.

Mr. CRAMTON. I regret I can not yield to the gentleman. He can debate the matter when the bill comes up for consideration, though, frankly, it will not come up. Last year the receipts of that office were $5,129 and the expenses were $3,067. Nearly 60 per cent of the money taken into the office went to pay salaries of clerks and receivers. What good or what benefit does that hold out to the reclamation fund or to the Government of the United States? The Land Office says it is grazing land, and the experience of recent years indicates that nobody is going to homestead it in the near future.

Further, here is an office at Camden, Ark. It cost only 22 per cent of the receipts to maintain it, but there were only 32,000 acres of land in that district. At Harrison, Ark., it took 69.7 per cent of the receipts to maintain it. At Hugo, Colo., there are only 1,800 acres of land within the district, and until the Committee on Appropriations took hold of it they were going to continue that office indefinitely. When we attempt to close up these worthless offices——

Mr. VAILE. Nobody is asking to keep Hugo.

Mr. CRAMTON. But nobody proposed to abolish it until this committee took hold of it. In the Hugo district there are 1,805 acres. In the Sterling, Colo., district there are 6,191 acres; not enough to make a good township. There are others, including Alliance, Nebr., with 14,950 acres; and Broken Bow, Nebr., with 11,592 acres; and Fort Sumner, N. Mex., with 655,450 acres, costing 40 per cent of the receipts to administer the office, and some of them costing as much as 200 per cent almost of the revenue to maintain them. I am sorry that my time will not permit me to set out the figures respecting these offices in full, but I will insert them in my remarks.

Office.	State.	Acreage.	Receipts.	Expenditures.	Per cent.	Consolidated with—	Number left in State.	Total State acreage, July 1, 1921.
Camden	Arkansas	31,919	$20,135	$4,482	22	Little Rock	1	264,157
Harrison	do	101,923	8,815	6,148	69.7	do		
Del Norte	Colorado	492,709	5,129	3,067	59.7	Pueblo	7	8,150,263
Hugo	do	1,805	1,770	4,960		do		
Sterling	do	6,191	13,070	10,802	82.6	Denver		
Alliance	Nebraska	14,950	9,413	6,363	67.6	Lincoln	1	29,665
Broken Bow	do	11,592	6,929	3,736	53.9	do		
Clayton	New Mexico	66,136	18,114	12,657	69.8	Santa Fe	3	18,064,003
Fort Sumner	do	655,450	29,218	11,707	40	Roswell		
Tucumcari	do	58,620	10,301	11,598	112	do		
Dickinson	North Dakota	60,771	5,482	6,787	123	Bismarck	1	91,297
Minot	do	6,007	3,283	3,881	118	do		
Williston	do	20,263	2,330	4,309	184	do		
Bellefourche	South Dakota	51,580	30,326	10,205	33.6	Rapid City	2	212,942
Gregory	do	4,061	2,614	5,324		Pierre		
Lemmon	do	15,487	10,320	9,373	90.8	do		
Timber Lake	do	4,718	5,232	6,711	128	do		
Waterville	Washington	330,524	11,913	8,186	68.7	Spokane	5	1,038,410
Springfield	Missouri	48	1,738	1,365	78		0	48

Mr. CRAMTON. Except in the case of Missouri, we have left a land office still in each of those States. We have saved money and we are not seriously injuring the service.

Take note of Arizona, one of the great public-land States of the West. It has available for entry 16,000,000 acres of public land. They entered last year 1,469,000 acres of public land, and have done it all through one land office. Not only are they satisfied but they prefer it, because, having one land office doing a good big business, they get substantial, able men as registers and receivers, who make able, good decisions that are not overruled in Washington. They have capable clerks with real work to do. The whole service is economically handled and it cost the Government of the United States only 9 per cent of the receipts to take care of that office.

I hope my friends from the West will work with the Committee on Appropriations in our efforts to get economy in administration. I know that no Member of Congress likes to have a little piece of patronage taken away from his district, although I think we all agree that the more patronage we have the more trouble we have. Still I know it is embarrassing to have it taken away. I know that the towns where these offices are located feel that they lose prestige with the closing of the

offices. But this abolition of land offices has been going on for a century. They used to have land offices in the State of Ohio. That is where the first ones were located. There were once land offices at Marietta and Steubenville, but the time came when they lost those offices.

The time has come when Hugo and Del Norte and 15 or 20 others likewise ought to lose their land offices in the interest of the Treasury of the United States, and this can now be done without any sacrifice to the service. Yet some gentlemen who are not familiar with these matters, who have not gone into them as carefully as the subcommittee that took up this matter, want to know if this action of the committee is a "dark, deep, damnable plot," as the gentleman from Kansas [Mr. WHITE] inquired in committee. Why, it was just an effort on the part of the subcommittee to perform its function as a creature of this House, to secure economy, to secure enforcement of the national law. Now, I want to say that I was the weakest member of that subcommittee. There was upon it the gentleman from Idaho [Mr. FRENCH]. No one in the House is more zealous than he for the welfare of the West, and no one better informed. There was the gentleman from Oklahoma [Mr. CARTER], and there is no one in the House who knows the needs of the West better than he does, and there is no abler man in the House. These men gave hearty support to this measure, and they have the support of the gentleman from South Carolina [Mr. BYRNES] and myself, who are not so well informed as to local conditions, but who have a fair realization of the needs of the National Treasury. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10871), making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

THIRD DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennessee. I yield one hour to the gentleman from Texas [Mr. HARDY].

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized for one hour.

Mr. KINCHELOE. Mr. Chairman, will the gentleman from Texas [Mr. HARDY] yield to me a minute?

Mr. HARDY of Texas. I yield to the gentleman.

Mr. KINCHELOE. Mr. Chairman, we learned from the President's letter that there is soon to be a recess taken by Congress for the purpose of taking a referendum on the ship subsidy bill, and I think before that recess is taken the Members of the House ought to know something about it themselves so that they can tell their constituents. I understand the gentleman from Texas [Mr. HARDY] is going to speak on the ship subsidy. In view of my association with him on that committee for six years I know he knows more about it than any other man in the House, and I think the House ought to have the benefit of his information. Therefore I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Butler	Deal	Goodykoontz
Anderson	Campbell, Kans.	Dempsey	Gorman
Andrews, Nebr.	Campbell, Pa.	Dickinson	Gould
Arentz	Cannon	Drane	Graham, Pa.
Bacharach	Cantrill	Drewry	Green, Iowa
Bankhead	Carter	Driver	Greene, Mass.
Barkley	Chandler, N. Y.	Dunbar	Griest
Beck	Clague	Dunn	Harrison
Beedy	Clark, Fla.	Echols	Hayden
Bell	Clarke, N. Y.	Evans	Hays
Benham	Classon	Fairchild	Hersey
Black	Clouse	Fairfield	Hicks
Blakeney	Cockran	Favrot	Hooker
Bland, Ind.	Codd	Fenn	Huddleston
Bland, Va.	Collins	Fields	Humphreys
Blanton	Colton	Fisher	Husted
Bond	Connell	Fitzgerald	Hutchinson
Brennan	Connolly, Pa.	Focht	Ireland
Britten	Cooper, Ohio	Frear	James
Brooks, Pa.	Cooper, Wis.	Freeman	Jefferis, Nebr.
Brown, Tenn.	Copley	Frothingham	Johnson, Miss.
Buchanan	Crisp	Fuller	Johnson, S. Dak.
Burdick	Crowther	Gahn	Jones, Pa.
Burroughs	Dallinger	Garrett, Tex.	Jones, Tex.
Burtness	Darrow	Gilbert	Kahn
Burton	Davis, Minn.	Glynn	Kearns
Kendall	Mills	Roach	Tague
Kennedy	Montague	Robertson	Taylor, Ark.
Ketcham	Montoya	Robsion	Taylor, Colo.
Kiess	Moore, Ill.	Rodenberg	Taylor, Tenn.
Kindred	Moore, Va.	Rogers	Ten Eyck
Kinkaid	Morin	Rosenbloom	Thomas
Kirkpatrick	Mott	Rossdale	Tilson
Kitchin	Nelson, J. M.	Rouse	Towner
Kleczka	Newton, Minn.	Rucker	Treadway
Kline, N. Y.	Nolan	Ryan	Tucker
Knight	Olpp	Sabath	Tyson
Kreider	Osborne	Sanders, Ind.	Underhill
Kunz	Overstreet	Sanders, N. Y.	Vare
Langley	Padgett	Sanders, Tex.	Vestal
Larsen, Ga.	Paige	Schall	Volk
Larson, Minn.	Park, Ga.	Sears	Walters
Lawrence	Parker, N. Y.	Shelton	Ward, N. Y.
Lazaro	Parks, Ark.	Siegel	Wason
Linthicum	Patterson, Mo.	Sinclair	Watson
Logan	Patterson, N. J.	Sinnott	Webster
London	Perkins	Slemp	White, Me.
Longworth	Perlman	Snell	Williams, Ill.
Luce	Porter	Snyder	Wilson
Lyon	Pou	Stedman	Winslow
McArthur	Pringey	Steenerson	Wise
McClintic	Purnell	Stevenson	Wood, Ind.
McFadden	Rainey, Ala.	Stiness	Woods, Va.
McSwain	Rayburn	Stoll	Woodyard
MacGregor	Reber	Sullivan	Yates
Maloney	Reed, N. Y.	Summers, Wash.	Young
Martin	Reed, W. Va.	Swank	Zihlman
Merritt	Riddick	Sweet	

The committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12090, the third deficiency appropriation bill, and finding itself without a quorum, he had ordered the roll to be called, when 229 Members responded to their names, and he presented a list of the absent Members for printing in the RECORD and Journal.

The committee resumed its sitting.

Mr. HARDY of Texas. Mr. Chairman, may I begin by asking the earnest patience of the House, first asking pardon for wearying you at this late hour when I know you are worn and tired; and by saying that the subject I will try to discuss is one not only of the greatest but perhaps the greatest question that has come before this Congress at this session, involving interests and questions of more magnitude in dollars and cents and economic and governmental policies and principles of greater moment than any one issue now before the public. It seems to be the one question on which the President of the United States has set his heart and on which he has determined to drive Congress through to the doing of his will. On the soldier bonus and many questions of great importance to the general public he is like the Sphinx, voiceless, and announces that he does not believe in Executive dictation to Congress. But on this question, involving vast grants of money and favor to vast interests, he reverses himself and uses both persuasion and threats to control Congress.

I have been on the Merchant Marine Committee for 13 years, and during all that time I have studied with what little intellect I have the question of making our merchant marine a success. I have tried to study the means by which those nations that have made it a success have been able to do so. I think as a member of that committee I have made some suggestions of value, but my study has led me to oppose to the uttermost the two chief propositions of the bill pending; that is, to oppose discriminating duties and subsidies to our ship interests from the Treasury of our country.

My colleagues, the last real tilt on this subject in the Congress of the United States was in March or February, 1907. Then there was a mail subvention bill before Congress which proposed to grant additional subventions for mail transportation amounting to the stupendous sum of three and a quarter million dollars. That bill was fought by the faithful Representatives of the West and the South and of the farming people all over this land to its death. This bill proposes that not three and a quarter million dollars for carrying Government mails, but $50,000,000 in direct subsidy to all ships without any service in return and indirect favors involving burdens on the Public Treasury and the people amounting to more than the subsidy, according to the proponents of the bill, when we shall have a privately owned merchant marine carrying 50 per cent of our foreign commerce. Bear in mind this is the charge upon the people for carrying only 50 per cent of our foreign commerce, while the same interests are privileged under the bill to fix their own charges without competition for carrying our coastwise commerce. The 10 years for which contracts under it are authorized to be made with ship lines by the board will involve a total sum in direct subsidies alone of $500,000,000. This will not be limited to the first 10 years, but these 10-year contracts can be made 5 or 10 years

from now—that is, any time before the repeal of this law, and will be valid for 10 years after they are made.

What influences are back of this bill? Not the Republican platform, for that platform warmly indorsed and approved the bill known as the Jones Act of 1920. It indorsed it in toto, and that act did not contain either a subsidy or any of the other favors granted in this bill. In fact, that bill was declared to be the policy of the Republican Party with reference to the reinstatement of the American merchant marine, and on that platform the Republican candidates were elected. I, a Democrat, approved earnestly that policy as it was set forth in section 7 of that bill. I still approve it.

Here it is:

SEC. 7. That the board is authorized and directed to investigate and determine as promptly as possible after the enactment of this act and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, District, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service. The board is authorized to sell, and if a satisfactory sale can not be made, to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining. The Postmaster General is authorized, notwithstanding the act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General: *Provided*, That preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines if the board is satisfied of the ability of such persons to maintain the service desired and proposed to be maintained, or to persons who are citizens of the United States who may then be maintaining a service from the port of the United States to or in the general direction of the world market port to which the board has determined that such service should be established.

Neither the President nor the Shipping Board has any commission from the people to propose or indorse this bill. Its framers know the American people are opposed to ship subsidies, and therefore they studiously avoid the use of the word subsidy anywhere in the bill and call the contract authorized to be made for payment of subsidy a "contract for compensation" to deceive the people. The hearings show that the American Steamship Owners' Association is back of this bill. On page 1058 of the hearings before our committee is the testimony of Winthrop L. Marvin, vice president and general manager of the American Steamship Owners' Association. He was cross-examined by the minority members of the committee. Mr. Davis of Tennessee asked him this question:

Now, it was upon the recommendation of you and your association that Mr. Lasker appointed the three experts, Love, Smull, and Frey, was it, Mr. Marvin?

Mr. MARVIN. We favored the appointment of those gentlemen.

Then Mr. Davis asked:

You were requested to select certain men whom you could recommend, and you did select them, and he replied that he believed they were fit for important posts and he recommended their appointment.

Further, Mr. Davis said:

You were on the committee, as has been shown, that could give the details and data for the study and preparation of this bill?

Mr. Marvin said, yes.

Mark you, of these three leading officials of the Shipping Board two received $35,000 and one $25,000 a year, and they were selected by whom? By the Ship Owners' Association, the beneficiaries under this legislation.

Remember, Mr. Marvin is the vice president and general manager of the Ship Owners' Association of the United Sattes, under salary from them, paid to bolster and advance legislation like this.

Mr. DAVIS of Tennessee. Now, you wrote an article that was published April 22, 1922, in a number of the American Marine Engineering, under the title of "The merchant marine bill of 1922, analyzed," "One of the experts who assisted the Shipping Board in framing the bill outlines its merits. By Winthrop L. Marvin."

Mr. MARVIN. Yes.

Mr. DAVIS of Tennessee. Did you make a general recommendation as to what should be embodied in the bill?

Mr. MARVIN. There was an agreement among the committee as to certain policies, or the general lines to be followed in the building up of the merchant marine. That is the purpose for which we were appointed.

Mr. DAVIS of Tennessee. The same article referred to the deduction from taxes of freight money paid by shippers shipping in American bottoms, and you state "this is an ingenious new departure intended to serve the purpose of the preferential duties of the original Jones Act, but as a matter of fact it is far more valuable and effective, for it would apply to all merchandise, dutiable or free, inward or outward."

Evidently Mr. Marvin was proud of this provision of his devising.

The provision of the original Jones Act to which you refer was section 34.

Mr. MARVIN. Section 34; yes.

Mr. DAVIS of Tennessee. Which both Presidents felt it inadvisable to enforce.

Mr. MARVIN. Yes.

It seems that both Mr. Wilson and Mr. Harding refused to enforce a plain, straight law imposing discriminating duties on foreign ships, but the President is now urging a far more effective discriminating duty law, in this bill, because it is "ingenious" in form, as Mr. Marvin says, and is given nominally to the American shipper instead of to the shipowner. Of course, it makes a 5 per cent tax discrimination against foreign ships carrying from or bringing goods into our ports, violates our treaties in spirit, and invites retaliation and increases the burden on our exports and imports. Marvin knew this, but the President seems not to know it. Our treaties provide for equal treatment of foreign ships in our ports in exchange for equal treatment of our ships in foreign ports.

Mr. DAVIS of Tennessee. You further state these elastic features of the compensation portion of the bill, together with the limitation on profits in one paragraph of section 702, are unique in American shipping legislation. A State-aided ship may not realize a net operating profit of more than 10 per cent. This is a legislative experiment that may be unwise in its results. It will undoubtedly facilitate the passage of the bill by Congress.

Mr. DAVIS just read that from Mr. Marvin's remarkable article. It has reference to a proviso in the bill that a company receiving a subsidy that makes more than 10 per cent net upon its capital invested shall pay back to the Government one-half of the excess over the net 10 per cent, which by the way is so worded that a single ship may operate for 50 or 100 per cent profit, but nothing is returned unless the Government can show a net profit of over 10 per cent on the company's entire capital. Mr. Marvin's statement that a State-aided ship may not realize a profit exceeding 10 per cent is therefore not true.

Mr. Marvin states in this article that all oil tankers and like craft owned by great companies are required to hold open until 10 days before sailing substantially one-third of their cargo space for use as common carriers, in order to be entitled to the graft called compensation in the bill. We would like to know just what service to the public this so-called compensation to oil companies is for.

The Marvin article proceeds:

Here again is a provision manifestly inserted to smooth the passage of the bill and meet the objections certain to be raised by a certain class of lawmakers.

Even the framers of the bill seem to admit that certain provisions of it were put in to deceive or cajole Members of Congress and the people. The whole bill is unique and ingenious.

What I mean to say, my colleagues, is this: That the American Steamship Owners' Association, through their vice president and general manager, were called into conference to frame a bill, and they framed a bill to meet by unique and ingenious provisions the strange consciences of the representatives of the American people who might oppose the giving of vast sums of public money to private interests, especially such interests as haul their own products in their own ships and already have such monopolistic power that they levy all the tribute they desire on our whole people.

I shall, perhaps, have more to say with reference to those provisions later if I reach them; but lest I forget I wish to say right here that the framers of this bill never expected the Government to receive back any of the subsidy granted them, nor did they expect or intend in any way to limit the right of oil companies or the United Fruit Co. or other big companies carrying their own products in their own ships to receive full subsidies under the bill, subsidies to monopolies that will amount to many millions annually.

There has been more ingenious propaganda favoring this bill than ever originated in the support of any other bill. And yet it is by the merest accident that this bill is before this House. The President of the United States sought to secure the services of Mr. James A. Farrell as chairman of the Shipping Board. Mr. Farrell is a shipping expert, a man greatly interested in the shipping industry. He never thought of advocating a subsidy, but, on the contrary, he has stated that under proper legislation American ships can compete with the ships of the world. Had that first selection of the President been made,

had Mr. Farrell become chairman of the Shipping Board, this bill would not be before this Congress to-day.

What are the qualifications of the present chairman of the Shipping Board? Absolutely none for the position that he holds. His qualification was that of a great advertiser, a great booster, a great boomer, a great propagandist, with no knowledge of shipping whatever. Let me give you an illustration of the publicity efforts to pass this bill. On June 12 Representative DAVIS of Tennessee, who has given this subject the keenest investigation, the most sincere study, made a speech against the bill in this House of an hour's length that contained more meat than any speech that has been delivered in a long time. It was well worthy of the consideration of the public. It ought to be read in every household in the Middle West and interior parts of this country—yea, even in every household all over the land.

What publicity did it get? The next day the four great dailies of Washington came out. One of them had a reference to the speech of Mr. DAVIS exactly three and a quarter inches long. The others ignored it. But the Star, the Post, and the Herald all had a fulmination from the White House that the President had decided he would keep this Congress here until they passed the ship subsidy bill. And the Times had a full double-width column in which it demanded the passage of this bill, asserting that the agricultural interests, the chambers of commerce, and the labor interests were all before the committee favoring the bill, and that no American interest was opposed to it. All that goes out to the country. Even the Associated Press practically, if not entirely, ignored Mr. DAVIS's speech, but carried the propaganda.

Mr. VOIGT. May I briefly interrupt the gentleman?

Mr. HARDY of Texas. The gentleman will pardon me, I can not get through in my hour.

Mr. VOIGT. Just at that point.

Mr. HARDY of Texas. For half a minute.

Mr. VOIGT. Did any farmers' organization indorse this bill before the gentleman's committee?

Mr. HARDY of Texas. I had that in mind and I was going to answer it and I will answer it now. One J. W. Howard, president of the American Farm Bureau, a salaried position, in the city of Chicago, was seen and given data by Mr. Lasker. Just how much he was persuaded by him I do not know, but he was induced to send a telegram saying that the American Farm Bureau favored the bill and he came voluntarily, and when he came he was cross-examined. He admitted that his organization had always opposed any subsidy on principle, and that they had never in any convention or otherwise indorsed this or any other ship subsidy bill, but claimed that he and certain other gentlemen whom he had selected had constituted themselves a committee and had studied and approved the bill. This committee included Clifford Thorne, a lawyer, certain manufacturers, and traffic managers, and they got together and agreed they would support the bill, and so the telegram was sent. They seem to have done all their investigation in Chicago, and here with Lasker, and that is all of their farmer indorsement.

On cross-examination it appeared that he did not represent any organization of farmers in sending the telegram; that in his own brain, after being thoroughly dressed by the argument of Mr. Lasker and talking with his Chicago committee, he was for the bill, although he admitted that his order in convention had declared themselves on general principles opposed to subsidy legislation. So it seems to me——

Mr. DAVIS of Tennessee. If the gentleman will yield, right in that connection I think it well to state that Mr. Howard or Graysilver, one of the Howard committee, was invited to the White House to luncheon and appealed to by the President and Mr. Lasker on behalf of this bill. At the time he sent the telegram indorsing the bill he, Mr. Howard, was an active candidate for a place on the Federal Reserve Board.

Mr. HARDY of Texas. Well, I did not know that, but his cross-examination absolutely wiped from under his feet any pretense that he represented any farm organization in his support of the bill, or that he really understood many features of the bill. On the other hand there appeared before the committee the representative established here in Washington of the National Grange.

That is the order having, I believe, some 800,000 actual, bona fide, paid-up members, the largest farm organization in the United States. They represent every State in the North and East, and Tennessee, Georgia, North Carolina, Kentucky, Missouri, Oklahoma, Wyoming, and California. He said to us he did not want to do it until he saw their business and legislative representatives who came to Washington about this very bill. They came to Washington and they said to him, "Why do not you take a step, take a stand, as the grange has always done on this question of subsidy?" And then he came before our committee and he showed us that his order had actively opposed subsidy legislation ever since 1890 and was opposing it now.

Mr. DENISON. Will the gentleman tell who that was?

Mr. DAVIS of Tennessee. It was T. C. Atkeson, of the National Grange, a brother of Representative ATKESON, now in Congress from Missouri.

Mr. HARDY of Texas. The gentleman and one or two others came before us representing farm organizations and brought the resolutions of their orders both in the last convention and the conventions prior and spread those resolutions before us here in the hearings. But the public press do not tell the people that.

Well, I do not know whether the Times says the labor organizations—yes, it does; that the labor organizations favor this bill. Well, the Shipping Board had one witness who volunteered to come before us and indorse the bill. Who was he? He was the organizer of the Mates and Masters of Vessels, an association which had their organization in quarters provided by the shipowners, a man receiving a salary for the last 5 to 10 years of $5,000 a year, with office and clerical expenses, every dollar of which was paid by the shipowners, and that is the only kind of labor that came and indorsed the bill.

And yet the Times says it is indorsed by labor. On the other hand, who did not indorse it? The American Federation of Labor only a few days ago met, and a resolution, introduced by Andrew Furuseth, the president of the Seamen's Union of the United States, declaring against this ship subsidy bill, this very bill, was adopted by unanimous vote. I think I am justified also in saying that the chairman of the Shipping Board offered Andrew Furuseth, the president of the American Seamen's Union, to eliminate such features of the bill as were objectionable, and to include such amendments as he desired, if his order would get behind the bill. I do not know whether any of you know Andrew Furuseth or not. He is a real seaman; he may be sometimes extreme. During the war he came to the front nobly and urged his people to stand for the service of their country without any kind of slacking or disorder. And everywhere you put your finger on him you find him a patriot. His reply was: "No; his people could not support this bill; that it would put unjustifiable burdens on the masses of the people of America. Well, he was not alone. Other labor people came. I can not call their names. Two or three others came in opposition to the bill, but they came on their own expense and without having been previously talked to. I think the greatest schemer that ever had anything to do with legislation in this country is Mr. Lasker. There has not been an interest that he has not approached and preached to from one angle or another. He has sought to counsel and advise and cajole labor; he has sought to counsel and advise everyone else with whom he has come in contact. That may be all right. I am not criticizing him for that, but I want to show you the influences that are back of this bill. And he is working under the direction and supervision of the American Shipowners' Association and if the bill is passed and he remains chairman of the Shipping Board he will have more power for weal or woe over the fortunes of shipowners and ports than any man living ever had or ought to have.

There is another right curious thing. The law creating the Shipping Board requires that the board study and investigate shipping problems and conditions and policies of our country and of other countries, with a view of finding the policies best adapted to build up the American merchant marine, and make report from time to time on these matters to the President and to Congress. Under that law a committee was appointed by the board to make research into the history of shipping discriminations and various forms of Government aid to shipping. This report was submitted early in this year to the members of the Merchant Marine Committee, accompanied by a letter from Chairman Lasker. It is indorsed, "Compiled by the United States Shipping Board, Washington, D. C.—Washington, Government Printing Office, 1922." That is the only date I can give to it. I really think Mr. Lasker had not read it when he transmitted it, because it is an historical refutation of the claims of subsidy advocates that Great Britain and other great countries have built their merchant shipping by either subsidy or other aids. It is a pamphlet of 44 pages. It gives the history touching these matters of Great Britain, France, Spain, Japan, Belgium, the Netherlands, Sweden, Denmark, Austria-Hungary, and the United States. Those of us opposed to this bill caused it to be inserted in the hearings, where it appears on page 67.

It is well worth the earnest consideration of Members of Congress. It discusses at length the discriminating duty policy of the United States in its early history and shows the antagonism

and, to some extent, the evils generally growing out of it, and that the United States from 1815 to 1828 persistently sought to eliminate it both by treaty and legislation, and that in 1828 Congress passed a bill offering reciprocity in the direct and indirect trades to all countries, under which some 32 treaties still in effect were negotiated; the final and last-made treaty thereunder being with Great Britain in 1830, which it shows was practically the end of discriminating duties. I have not time to discuss the report further, but it is even more full on the subject of subsidies. It winds up with the conclusion that a study of the authorities on subsidies, taking into account the policies adopted by the various countries, would seem to indicate that, with the exception of Japan, the policy has not been important in the building up of a merchant marine. It is proper to state, however, that the whole amount paid by Japan is insignificant when compared with what is carried in this bill, and that in the body of the report they say "success of Japan as against the failure of France under somewhat the same system may therefore be attributed to the greater efficiency of the Japanese, or, what is somewhat more correct, to the difference in the industrial development of Japan." And it further shows that in granting such subsidies as it did Japan required its beneficiaries to submit to the Government's fixing of rates and charges, while this bill does no such thing.

Japan is the only country whose success is in any way or slightest degree attributed in this report to subsidies, and I apprehend it will be found that the payments of Japan have been, in the main, mail and admiralty subventions. Surely Japan has never needed a subsidy on account of high wages or high cost of operations growing out of high wages. This report was like a bucket of cold water on the feverish advocates of subsidy. Mr. Lasker, however, was equal to the occasion. He practically suppressed or withdrew this report and had him another one made to order under his direction. I have not read this latter report, but feel sure it meets Mr. Lasker's demands as the arguments for subsidy. Reading the first report, I think one would conclude that the authors of it wanted to help the subsidy cause but would not sacrifice historical truth and facts. The second report seems completely the work of special pleaders, from extracts I have read.

The only countries that have earnestly tried to breathe life into the dead corpse of their merchant marine by any general subsidies are France and Italy, and they have completely and utterly failed. Subsidy in those countries has been like pouring water in a rat hole. It only promoted graft and inefficiency.

Mr. DAVIS of Tennessee. I think it ought to appear definitely that the first investigation was made definitely by Judge Lasker himself.

Mr. HARDY of Texas. It was presented by him. I think it was made by a committee appointed by him acting with the board. He transmitted it to the committee with a letter in which he asked the subsidy bill be passed. But that report, if understood, will enable any man to tear this whole bill, with its vast subsidies, to pieces, so he had to have a second and a different report.

Mr. DENISON. Has the gentleman any explanation to give the House and country why we have not a merchant marine now?

Mr. HARDY of Texas. I will certainly give that explanation before I am through.

Mr. DENISON. I hope the gentleman will. We have the capital here, and we have not the merchant marine of England or that which Germany had.

Mr. HARDY of Texas. It is not in order now, and I will take it up further on.

Gentlemen, it is a strange course that the proponents of this bill have taken. The Republican Party came into power on March 4. Congress met in April, 1921. There was no hint of such a bill given until after the great advertiser, Mr. Lasker, had been some six months in office criticizing our former Shipping Board and working and consulting with the Shipowners' Association and Winthrop L. Marvin, their vice president and general manager and legislative expert.

Then, upon an innocent and unsuspecting administration and Congress it came with a rush. The source of its inspiration is clear.

It came early this year. On April 4, one year and one month after President Harding took his oath of office, the hearings began by joint sessions of the House and Senate committees on the subject. It could not wait to take the ordinary course of hearings before the Committee on the Merchant Marine of the House and then take its chances of passage through the House and then going before the Senate Committee on Commerce and then being reported by that committee to the Senate with the opportunity to the committee in the Senate to supplement anything that the House committee had failed to develop.

Your great tariff legislation takes weeks and months in the House and then goes over to the Senate, and the Senate takes the privilege of revising it and holding hearings on it. But how was it on this bill? This legislation must be put through by a joint committee, with bills introduced in the Senate and in the House by different Members at the same time, and then joint hearings. I want the House and the country to know how those hearings began and how they ended. When all things were ready, the witnesses primed, the skilled attorneys who prepared the bill and the representatives of the interested parties and the agents of thosse parties, when they were ready, the two committees were called together in joint session. Then, as a skilled lawyer would present his case, these selected witnesses, first this one and then that one, were rushed on the stage. The members opposing the bill, having no opportunity to prepare themselves on the subject as the testimony was introduced, cross-examined the witnesses as best they could.

We spent weeks and the proponents of the bill held us there day after day from the morning hour to the hour of adjourning at night, with scarcely time to attend to our other business, with no opportunity given us to investigate or find sources of opposition. Week after week the Shipping Board continued to send its witnesses in troops, in marshaled order, led by Captain Lasker, and in the latter part of May they concluded their testimony, and then we asked to have some witnesses that we might want to hear from summoned, and we were answered by the statement of the chairman of the joint committee that they were not going to summon any witnesses but only volunteers would be heard. And only volunteers were heard, and under that condition, with the greatest financial interests involved on the one side, interests that never sleep, interests that are always prepared, interests that keep in their employment the best talent that money can command, having presented their side, we were told then that no witnesses would be summoned who might speak for the other side, the taxpayers' side. None were summoned and in that way the hearings closed and every effort made to rush the passage of the bill in the crowded closing hours of Congress.

That, gentlemen, is the story of the way that this bill comes here. What is the matter? Is Mr. Lasker afraid that Congress and the people may get to understand his bill and its iniquities? But that is not all. I want to call your attention to what representations were made to the President on which he became so absorbed and convinced. I think the all-pervading Lasker has seen and talked to everybody. The President was nearly a year unmindful of the subject, apparently satisfied that his platform had indorsed the shipping act of 1920 and that that was the right policy, the policy which, if pursued, would build up the American merchant marine. The President has been misled into believing that if this bill is passed a brief period of time will bring forth a great privately owned prosperous merchant marine successfully competing with the world and carrying at least 50 per cent of our commerce economically, safely, expeditiously to and from all quarters of the globe and bring our Shipping Board expenses to an end.

The reason I believe that is this last letter of the President, written to the gentleman from Wyoming [Mr. MONDELL], in which he makes certain statements. I do not believe that the President knows whether those statements are correct or not, but he believes they are correct; he thinks that he has gotten them from a reliable source. And, gentlemen, if you will pardon me, let me say right here that I do not want to say anything that would be at all discourteous or at all unpleasant to the President. When I was a boy I used to live near a creek. We had an old darkey, old Uncle Ned, who used to go down fishing on the creek. On one occasion he pulled up one of those big "turkles," as they call them. The mud turtle had taken the hook, and the old darkey stuck his finger in his mouth to get it out. The "turkle" came down on his finger, and held it fast; and the old darkey hollered to his son, "Come here, Aleck! Come here! Get a knife and whack this turkle's head off." Aleck says: "My God, daddy, I would like to whack the turkle's head off, and I would; but I'm afraid I'd whack your finger, too. [Laughter.] Now, I would like to whack the turkle's head off. I would like to get Lasker and the American Steamship Association, but I do not want to touch the President. I am afraid they have got his finger in their mouth. [Laughter.] Let me read you what the President's last expression is. He says:

> There was an expression of the popular mind in 1920. The party now charged with the responsibility spoke in no uncertain terms about the promotion and maintenance of an American merchant marine.

The President does not state here that they indorsed the shipping act of 1920, but that is what they did, and that does not

hint at a subsidy. Let me tell you, gentlemen, you have all of you enjoyed listening to the President's messages.

You have an idea of his style. The President is a very busy man. He has to have help sometimes. This letter is not in the style of Warren G. Harding, but it is in the style of Andrew D. Lasker. Let me say further that not only the style but the substance of it is Mr. Lasker's. The letter says:

> The plain truth is that the Government shipping has cost the Treasury more than $50,000,000 during the fiscal year now closing. This does not include depreciation or deterioration running into the millions more, and we have a practical problem which can not be ignored.

That is the point on which a great deal of stress is laid. And the letter continues:

> Losses aggregating $16,000,000 a month—
>
> That is by the former administration—
>
> have been reduced substantially to one-fourth.

Gentlemen, it now goes all over this country that the former Shipping Board was extravagant and wasteful if not vicious and corrupt, and that its administration was costing this Government $16,000,000 a month, and that the present Shipping Board since they came in had reduced it down until it was costing $50,000,000 a year, and that for the purpose of getting rid of that $50,000,000 a year expense they had better give these ships to private enterprise and get rid of them. So they are using the present ship property of the United States and their own unjustifiable losses as a club with which to coerce Congress into the adoption of a measure that will give our ships away and for all time will saddle upon the American people from $50,000,000 to $100,000,000 a year. But what was the evidence before our committee? I want to show you what the facts were. The President did not get that statement of $16,000,000 a month out of the hearings before our committee. There were 2,500 pages of that testimony. The President has not read that. But I will tell you what you can find. You can find that the net profits from the operation of the Shipping Board vessels, from the time when the Shipping Board was first organized down to June 30, 1919, were $166,493,994.85, and the net revenues from the beginning of operations to March 31, 1920, although they lost something between 1919 and 1920, was still $132,783,781.29.

Apparently there was a loss of some $34,000,000 in those nine months, as reported by the Shipping Board and incorporated in the report on the merchant marine bill of 1920, filed by Chairman JONES, of the Senate Committee on Commerce. When the American public reads the letter of the President, published in every newspaper in Washington and probably in every great daily in the country, it will be led to believe that under the former administration and the former Shipping Board this ship property had cost the Government of the United States $16,000,000 per month, or $192,000,000 a year. Yet the United States Shipping Board in 1920 showed, as that showing was given by Chairman JONES in June, 1920, when the shipping act of 1920 was reported, that the Shipping Board had made a profit up to June 30, 1919, of $166,000,000; and that on March 31, 1920, its net profits even then were $132,000,000. It ought not to be forgotten that the Shipping Board carried nearly all our supplies and nearly a million troops to France and brought back nearly 2,000,000 of our boys from France. Then the slump came after March, 1920. Every private shipowner began to lose money. So did the Shipping Board begin to lose money, and perhaps they have continued to lose money. Right here I am going to say that one great line in this country has been the Panama Steamship Co., operated by the United States under a salaried man. It has been in operation for 20 years and more, and every year but two it has made a profit. It lost in 1920 and also in 1921, and probably will lose something this year. Mr. Lasker has been reaching out for control of that line, but, thank the Lord, has not gotten it so far. But that is a digression.

Then, further, according to the report of Chairman Lasker, the excess of cash outgo over income of the division of operations under the old board for May, 1921, was $6,500,000, but for June only $1,714,000. Those were undoubtedly heavy losses, mainly under M. O. 4 contracts with big companies. They were perhaps the greatest losses they ever carried. The present Shipping Board took charge July 1, 1921, and report that net operating losses, including voyage losses, administrative expenses, repairs and betterments, insurance, and lay-up expenses of vessels not in operation for the first three months of 1922 averaged $3,413,021 per month, the voyage losses being only $792,178 per month, and that under M. O. 4 contracts, where the board's agents have no incentive to economize. It must be borne in mind that the board is carrying a great number of idle ships, as most private companies are doing also.

In a speech on the floor June 13, Congressman DAVIS of Tennessee, in a manner I can not improve upon, said:

> The chairman and other representatives of the Shipping Board in testifying at the hearings on the appropriation bill for the coming year, when they asked for the $50,000,000 appropriation for expenses and losses, estimated that same would be made up as follows:
>
> | | |
> |---|---|
> | Net voyage losses | $5,497,561 |
> | Other expenses: | |
> | Repairs and betterment, insurance, expenses during permanent lay up, advertising | 29,502,439 |
> | Administrative expenses | 15,000,000 |
> | Total | 50,000,000 |
>
> Martin Green, staff correspondent of the New York Evening World, summed up the situation as follows:
>
> "It costs 43 cents to spend a dollar in administration of the affairs of the Shipping Board Emergency Fleet Corporation, according to figures submitted to Congress in connection with the request for an appropriation of $50,000,000 for vessel losses and administration expenses for the fiscal year ending June 30, 1923.
>
> "They are going to lose $5,497,561 in vessel operations, lay out $29,502,439 in accumulating the loss, and sink $15,000,000 in supervising the operation.
>
> "Comparison with the operations of another department of the Government should be in order here. The department selected is that which takes care of the internal revenue of the country.
>
> "The total internal-revenue receipts for the fiscal year ending June 30, 1921, amounted to $5,408,075,468. The net expense of collecting this money was $27,043,000. It costs the Government 50 cents to collect each $100 of the money resulting from internal revenue and 43 cents to spend $1 disbursed by the Emergency Fleet Corporation in handling the people's ships."
>
> Mr. Lasker was questioned as to why it was that there was not a reduction in the Shipping Board expenses in view of the fact that there had been such a large reduction in the number of ships in operation, in connection with which attention is called to the following testimony at the hearings:
>
> "Mr. DAVIS. Well, you are only operating less than one-third of the vessels now.
>
> "Mr. LASKER. Well, as a business man you know this: That whether we are operating 400 ships or 1,200 ships, there isn't much difference in your overhead."
>
> I emphatically insist that the overhead expense connected with the operation of 400 ships should be decidedly less than the overhead expense connected with the operation of 1,200 ships, especially when the larger number were operated by a much larger number of operating companies.
>
> Chairman Lasker further testified as follows:
>
> "Mr. DAVIS. Even under the operation of this law, and at least until the ships that are sold on time are paid for, will it not be necessary to continue a very substantial Shipping Board force?
>
> "Mr. LASKER. Do I understand you to ask 'until the ships are paid for will it be necessary'?
>
> "Mr. DAVIS. Yes.
>
> "Mr. LASKER. The answer to that is no; but if your question means as long as we have to operate ships, where we have to keep substantially the same organization as now, the answer is yes.
>
> "It will be a good many years before we do not have any stuff left, with most favorable legislation. I want to make it plain here that I do not think the proposed legislation is going to, by the wave of a magic wand, give us a merchant marine."

Now you see that the loss under the old board was $16,000,000 a month, according to the letter of the President, and according to Lasker, when he is talking in glittering generalities for the public, the losses now are $50,000,000 a year; but the evidence does not sustain either statement. The old Shipping Board made no such losses even in the dull slump season of May and June, 1921, when it was in a measure wrecked by reason of the fact that the new act of 1920 had caused the appointment of a new and larger Shipping Board and the appointment of new commissioners was held up in the Senate, and under the conditions of the act the old board hardly knew what to do or where they stood. Nevertheless, for the two months May and June immediately preceding the taking over by the new board they lost about $4,000,000 a month, or $8,000,000 in two months, instead of $16,000,000 in one month. Doubtless they then had many ships running with little or no cargoes, which would never occur in normal times.

Mr. MADDEN. How could they tell what they lost when they had 8,000 voyages and only 3,000 had been audited?

Mr. HARDY of Texas. The gentleman is going into criticisms of Lasker that I believe have been in controversy from the beginning. The so-called hearings that we had on the bill were full of inuendo as to the capacity and extravagance, if not worse, of the old Shipping Board, and not a single member of the old Shipping Board was allowed to come before that committee. Almost the very first utterance of Mr. Lasker when he took charge was to belittle the value of our ships and belittle the administration that had gone out. Mr. Lasker and the majority of the committee did not think it proper to have them come before us I would take their word as quickly as that of Mr. Lasker. Admiral Benson was not heard, although still on the board; Edward N. Hurley was not heard—he was a long time chairman of the Shipping Board; John Barton Payne, an able and conscientious representative of the people and a man with a fine reputation for ability, for a while chairman of the Shipping Board, was not heard; but everybody that could cast a stigma or fling a stone was heard. No voice was

heard giving the magnificent work of the Shipping Board in sending soldiers and supplies to France and bringing them back.

Now, before I forget it, I want to say that among the very first criticisms of the present chairman of the board was that the old board had made with operating agents, who were big private shipowning companies supposed to "know how," what is known as M. O. 4 contracts, which are contracts under which the board farmed out its ships; it let them to agents under a contract that the agent should receive a percentage of the gross income of the ship. Mr. Lasker denounced that contract scathingly.

I will tell you specifically what that contract is. The Shipping Board lets the agent, usually a big private ship corporation, have a certain ship to operate upon some established line or some line desired to be established by the Shipping Board, with a contract that the agent shall receive 5 per cent of all outgoing freight and 2½ per cent of the incoming freight and 10 per cent of the outgoing and 5 per cent of the incoming passenger money. The board pays all the expenses of wages, subsistence, repairs, and overhead generally. Mr. Lasker before our committee and the Committee on Appropriations denounced that contract as vicious, almost criminal. We asked him if he was going to change it. Oh, yes, he would change it. But a year has passed—he took possession about the 1st of July, 1921, and it will be a year in a few days. Has he quit giving these big companies the M. O. 4 contract? Not at all. He is still giving that same M. O. 4 contract, and just last night in an address to an association of shipowners he made the statement that in addition to the commissions under the M. O. 4 contract he was hereafter going to pay them a husbandry fee. Where a company operates as agent five or more Shipping Board vessels it is to receive $400 per month per ship for the first five and $300 per month per ship for all over five in addition to the gross receipts commission. So that he adds to this shameful contract, as he called it, an additional bounty or bonus out of the pockets of the people in order that the Shipping Board expenditures may run still higher and make it that much more necessary to give the ships away and pass this bill.

Thus the profits of favored agents in a losing business are greatly increased. This gracious bounty to a company operating just five ships is a little more than the salary of three Congressmen.

But will the passage of this bill get rid of the board's vast overhead expense? I do not think you can at this time give the ships away as long as big companies can get the use of them free, with such commissions and husbandry fees as the board is now paying. They certainly will not buy unless the subsidies are bigger than the commissions and fees. It will be a matter of calculation, for these big companies, as to whether they will get more graft by the subsidy or the M. O. 4 plus husbandry fees.

Let us see how we will stand after passing the bill. If we do not sell these ships or a great part of them, we will have still left expenses for repairs, betterments, insurance during permanent lay up, and advertisement at least to the extent of all the ships not sold; and how many ships are going to be sold in a year? Mr. Raymond, I think it was, a prominent shipping man, testified before the committee that after the passage of this bill they might sell 100,000 or 200,000 or 300,000 tons of shipping in 12 months, and he was asked if they might sell 500,000 tons in 12 months, and said "no." What then? Why, we have 10,000,000 tons of steel ships, most of them laid up, and some 400 ships now in operation, and you can not sell in 12 months a half million tons. I do not think you can sell half of those now in operation, and perhaps very few of those laid up, and what are you going to do with the rest? You have got to keep that Shipping Board in operation, and you have got to expend the same $29,000,000 for repairs, betterments, and insurance on ships laid up that Mr. Lasker testified we are now spending, and the same $15,000,000 for administrative expenses, so the Shipping Board after the passage of this bill will continue to spend $44,000,000, or thereabouts. Yet the President's letter and Mr. Lasker would lead the people to believe that by the passage of this bill you will at once get rid of the annual $50,000,000 under the present expert administration, or $192,000,000 under the former. We may be spending a great deal to care for idle tonnage we now have, as private owners would have to do if they owned it, but we are not losing any such sums as Lasker claims in operating ships, and we would not lose half as much as we are losing if the Government was actually operating them.

Mr. DAVIS of Tennessee. Mr. Lasker himself said before the committee that even if this bill passed he would consider himself very happy if they disposed of the 400 ships under operation in 30 months; that he was unable to tell how many months it would take to dispose of the ships still remaining and of the other Shipping Board property.

Mr. HARDY of Texas. That would dispose of about 2,000,000 or 3,000,000 tons in 30 months, the cream perhaps, and leave us the rest—some seven million tons—to care for at the end of 30 months, and that is the optimistic claim of Lasker. I thank the gentleman for his information. I might say that I am amazed at the gentleman's accuracy of memory. I know in a general way, but I can not remember the details; but my colleagues, just as sure as you gaze upon me at this moment, the passage of this bill will not stop the $50,000,000 expended by the present Shipping Board, as stated by the President, nor will it stop one-half or one-quarter of it in 30 months in my judgment. You have the President's letter before you and before the country, stating in effect that the former Shipping Board lost $192,000,000 a year in trying to operate and take care of our ships, and that the present Shipping Board is losing $50,000,000 a year, and that by the passage of this bill you will get rid of that and lose no money. This shows that even the President can be misled and misinformed, and that that statement in the letter that he sent to Mr. MONDELL, and perhaps to all of the Members of the Congress, is Mr. Lasker's statement and not the President's, and it occurs to me that Mr. Lasker is but the echo of Winthrop L. Marvin, vice president and general manager of the United States Steamship Owners' Association.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Very briefly.

Mr. LAYTON. How many tons of the tonnage that we now possess would be required in transporting all of the agricultural and industrial products of this country? Would what we have be sufficient to constitute a merchant marine?

Mr. HARDY of Texas. I think I shall answer that question in the progress of my remarks; but I want to say that there is not any question about some bad judgment having been exercised in the kind of ships we built. We have some ships that were not of the best. We need some ships that we have not got, but if properly husbanded and taken care of, if properly equipped and such alterations made as a wise man owning this property would make for its use, I think we have far more ships than we need to carry 50 per cent of all our exports and imports, agricultural, mining, and manufacturing, and that seems to be the goal aimed at. I think we are making a mistake now in not selling a great many of these ships to foreign buyers if we can, giving the preference, of course, to Americans.

Mr. LAYTON. That is the answer I wanted to get. If that is the case, where would the difficulty be in disposing of all this tonnage, provided by law we make it profitable for our capital to go into the business?

Mr. HARDY of Texas. Of course we can sell every ship we have, if we will pay the purchaser a handsome operating profit regardless of his legitimate earnings. But, Mr. Chairman, I grow weary of always providing by law for the interest and profits of big capital under the pretense of protecting the American workingman's wages. The trouble with protection generally is, as Mr. Roosevelt once said, that it does not find its way into the workingman's pay envelope, and private shipowners are even now paying in many instances less than the British pay to seamen. I have made some figures on this alleged handicap of American high wages. Let us suppose that the crew, outside of officers, are paid an average of $40 per month, and that subsistence cost is 65 cents per day per man. That wage is higher than average private shipowners now pay, and that subsistence is just what the Shipping Board is now allowing to its agent operators. On a ship of 7,500 tons there are less than 30 members of the crew, excluding officers. But counting them at 30 their wage and subsistence would cost $59.50 per day, $1,785 per month, $21,420 per year. A thousand such ships would give us a tonnage of 7,500,000 and the total wages and subsistence would come to $21,420,000 per year. We will not use that much tonnage to carry 50 per cent of our foreign trade, probably not exceeding 4,000,000 tons, but I am estimating everything liberally. This bill appropriates for subsidy in one item alone $30,000,000 to $35,000,000, in 10 per cent of our estimated tariff revenue. That item alone will leave in the shipowners' pockets after paying the wages and subsistence of crews from $8,500,000 to $13,500,000; that is, if they operated 7,500,000 tons of shipping. And yet with the Government ready to sell him our ships at less than world market price the wages and subsistence cost is to-day the only excuse or pretense for Government aid or subsidy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Will the gentleman let me have a few minutes more?

Mr. SISSON. Mr. Chairman, I yield 14 minutes more to the gentleman from Texas.

Mr. DENISON. Mr. Chairman, I hope the gentleman will not forget to explain why we have not a merchant marine like England and Germany.

Mr. HARDY of Texas. If the gentleman will give me his attention, I think I can do it. Why have we not a merchant marine? Is it for lack of discriminating duty or subsidy or of other Government aids? No! It is because of the fact that for 50 years under the policy of the party or parties in power—and I think that they thought they were doing best—they first imposed heavy duties on the material that went into the building of ships. This they did to protect our infant iron and steel manufactures, and then to protect our shipbuilders they provided that no ship should fly the American flag that was not built in the United States, and then to protect our ship operators they passed or continued a law excluding every ship that did not fly the American flag from our coastwise trade. Prior to 1861 nearly all our commerce was carried in wooden ships. Our wooden-ship builders were not in combination; it was before the day of vast combines. Our wood-ship builders competed with each other and, notwithstanding wages were even then higher here than in England, we built here the best ships for the money in the world, and furnished the cheapest unit of transportation and had the greatest merchant marine in the world, except possibly England.

After 1861, England having begun the building of iron ships better than our wooden ships, our high tariff on iron and steel raised the price of material to the American shipbuilder. Our exclusion of foreign-built ships from our coastwise trade gave a monopoly of our coastwise trade to American ship owners and builders. With heavy duties and higher prices on shipbuilding material, our builders justly doubted their ability to compete with England. Our coastwise trade was about six-sevenths of all our ship service anyhow, and so our shipyards, content with monopoly in that trade, abandoned all effort to compete in building ships for overseas trade, and American-built ships, the only ones that could get American registry, began to soar in price and American capital ceased to buy them to engage in overseas trade.

James J. Hill, the great railroad magnate, said, and he said truly, that the American ship that cost a million dollars could be bought in Great Britain for $600,000, just exactly the same ship, equal in every way. From the time we got into that situation, from the time we ceased to build wooden ships—in which we could and did excel the world, because we had the cheapest material and best wood-ship builders—and after the War between the States, in which we had lost and sold over 800,000 tons of shipping, we found that the American ships began to sell for higher and still higher prices, until they reached the prices named by Mr. Hill. Americans bought enough of them to carry our coastwise commerce, because they could not go in the coastwise trade unless they bought American ships. They could not sail in that trade at all except under the American flag. Well, gentlemen, the American would not buy our high-priced ships to go into overseas trade. Our shipyards in monopolistic control of our coastwise trade, six-sevenths of all our water-borne commerce, priced ships higher than anywhere else in the world, and only built for the coastwise trade, and our ship operators were forced to buy from them for that trade. Of course, when we gave an exclusive monopoly of the coastwise trade by declaring that no ship shall sail in the coastwise trade unless it is built in America, that alone, regardless of cost of building, put a premim on American-built ships, and for half a century they sold at a premium of 25 per cent to 100 per cent. What would naturally ensue, Mr. DENISON? If a man wanted to charter or buy a ship for overseas trade and in New York finds two sister ships in appearance and capacity, one built in an American yard—Newport News—and the other built on the Clyde or somewhere else, and finds the American ship price is a million dollars while the British vessel is $600,000, which will he buy? Which would you buy? Suppose you are going into trade between New York and Liverpool, and by treaty you have the same right to carry goods to Liverpool under the British flag as you have under an American flag, and you have got the same right to bring goods to New York under the British flag as you have under the American flag. Now, you are a business man, a patriotic American, but what are you going to do? Are you going to pay $400,000 to fly the American flag? No.

Mr. DENISON. Will the gentleman yield?

Mr. HARDY of Texas. I will ask the gentleman not to interrupt me. I can not get through.

Mr. DENISON. Just at that point.

Mr. HARDY of Texas. Well, then, briefly.

Mr. DENISON. Why did not the Democratic Party change these laws during the eight years?

Mr. HARDY of Texas. I thank the gentleman that he has asked the question; we did change it, but you are going back under this old law. It may possibly be that it will not make so much difference now, as the Government has ships to sell at world market prices or less, but for 50 years of Republican rule it made such a difference that it drove our ships from the sea. By section 413 of this very bill you go back to that old law by absolutely requiring all repairs, renewals, and reconditioning to be done in American yards, and by the tariff bill as you passed it in the House you put the tariff tax back on shipbuilding material to force or excuse high-priced American ships in the future. We put material on the free list and to a great extent removed the restrictions preventing our citizens from buying ships where they pleased. I have hammered on this proposition for 12 years, but Congress has been hard to move. I have said, give the American the right to buy the cheapest ship he can find and put our flag on it, and he will buy ships and fly the American flag and will compete with all comers on the seas. Oh, you say, he has got to pay higher wages. Why, if he paid twice as much as the British ship, which is not true, he could compete, because the cost of the unit of transportation determines who will carry the freight. Wages are the very smallest element of success or failure in the operation of a ship. Why, if they were controlling or specially important, and if cheap labor countries had always the cheapest seamen, Japan or China would drive all competitors off the sea; Great Britain could not compete with Germany, France, or Italy; the United States could not compete with Mexico or Cuba.

There are many things that enter into the matter of furnishing the cheapest and best unit of transportation and thus securing the custom. Shippers want cheapness, regularity as to schedule, safety, and sometimes speed. Many things enter into all these. The actual cost per unit of freight is not the same in any two ships, just as no two factories produce the same article at precisely the same cost; and no two farmers produce a bale of cotton or bushel of wheat at precisely the same cost.

A bigger ship ordinarily can carry a ton of freight cheaper and faster than a little ship.

The ship which burns oil ought to carry cheaper than a ship which burns coal. If you make it an oil burner, you reduce your crew one-third and save 20 per cent cargo space. If your American ship goes fully laden to Liverpool and makes a quick turn around and comes back fully laden to New York, it can pay any kind of wages and beat a ship that comes back half laden. In truth the wages is a very, very small element in the question of success. Our merchant marine must prosper, if it ever does prosper, by reason of being better managed and better officered and better administered. In close competition modern loading and unloading facilities and equipment generally is a great element of economy. Equipment, management, and cargo is the whole thing. With all these elements entering into the question, what red-blooded American will say he can not compete?

But always bear in mind that when it comes to making the initial purchase of a ship no man will buy the American ship and pay twice as much for it if he knows he can run the cheaper ship just as readily and have the same rights under one flag as the other so far as the trade he is to engage in is concerned. I want to say the time has come when we should find our real trouble of the past 50 years and then apply the right remedy. The trouble and the remedy have been patent all these years. The narrow self-interest of shipbuilders and owners of ships in the coastwise trade made them refuse to see it, and the public generally have not understood it. Members of Congress generally have not understood it. They have thought that some mysterious disease struck our shipping about 1861 and killed it. They have heard from sources interested in covering up the real trouble all sorts of causes assigned for the decay of our foreign-going ship service. A favorite cause assigned was our antiquated navigation laws, but these could not be pointed out. Then they raised the wage question. And that, I presume, was the reason for the repeal of the old law requiring seamen on American ships to be American citizens. That law was repealed in 1864, and after that shipowners could use foreign cheap labor. Ever since then the crews employed on American ships have been mainly foreigners—black, white, and yellow. No; high wages did not kill our merchant marine, but, lest there still be some who may think that wages are the important question, let me read you from the San Francisco Bulletin of March 13, 1922:

WAGE QUESTION.

Let us take the alleged higher wages which the American shipowner is compelled to pay. American steamships in the trade to the Orient employ Chinese crews almost exclusively, only the licensed officers being American citizens. These Chinese employed on American ships receive

a lower compensation than the Japanese employed on competing Japanese steamships in the same trade. It is obvious, therefore, that the Japanese shipowner is the one who has a real grievance in this respect. He pays higher wages to his sailors and firemen than his American competitor. Yet the American shipowners' present cry for subsidy is principally based upon the alleged fanciful wages paid to American seamen.

Those who framed the present subsidy bill have evidently forgotten the historical truth that when American ships were manned by Americans we managed to beat our competitors in any trade we tackled. It was not a question of cheapness in those days, because Americans on land and sea always received somewhat higher wages.

Cheap wages did not and could not bring back our flag in overseas trade. Neither cheap labor nor dear labor, skilled labor, nor unskilled labor will put a high-priced ship on the seas as against a low-priced ship, because the smaller initial investment makes the operator buy the cheapest ship. These facts have been covered up from the uninformed public. They have been unknown or ignored by Congress. Yet they constitute the key to the whole problem. We are the greatest Nation, with the greatest overseas commerce, and our merchant marine vanished because we refused to let our shipowners buy ships where they could buy cheapest, and incidentally we are the only Nation on earth that does it. I tell you now that if ours was a pauper labor country, our merchants would not pay a higher price for ships than their competitors, and operate them in free competition, if by putting up a foreign flag they could buy and operate the cheaper ship in the same trade. I repeat it: Give to the American ship operator the right to buy ships wherever he can get them cheapest and operate them in both our coastwise and overseas trade, and he will buy them and put our flag on them and compete with the world, and we will not bear the burden of $100,000,000 a year to make up a differential in wages which is nonexistent or of minor import. Gentlemen, study it. We have had various and sundry efforts made to solve the problem, but Congress has refused to look the real trouble in the face; we have never tried honestly, because we have let special interests with short sight stand in the way. The shipyards of the United States have said they will perish if you give us free ships. The Steel Trust said the same thing up to 1914—that if you took the duty off shipbuilding material our shipbuilders would go to England for material to build the ships. We knew that they were selling armor plate and ship material cheaper abroad than here, as they were selling steel rails and machinery cheaper. We knew they could compete. And so we put ship material on the free list, and after we had done it our shipbuilders did not go abroad to get the material but continued to build with our steel, with our material.

Our mills could not only compete here with the steel mills of old England and Germany but, with shipbuilding material on the free list, they drove them out of the American market and carried our steel products into every market of the world. Our mills did not do this until they had to, but when by law they were compelled to compete they did so gloriously. And so, as to shipbuilding material, we got back to be men, to the days when American manhood, resource, and skill put itself into competition with the manhood and skill of the world. If we put them to the test we will find that ships can be built as cheaply and perhaps better in America than in German or British shipyards. Our builders are bound to compete anyhow to-day or quit. We have 10,000,000 tons of shipping on hand. There will be little save repair work for our shipyards unless they build for foreign account. If they can do it while they are waiting for us to exhaust the supply of ships we have on hand to-day, they can do it afterwards. And, gentlemen, the time has come when American industrial life must stand sometime, somewhere, on its own feet. Are we to sacrifice the commerce of this country, the industry, the labor, the toil of the farm and the factory and the mine, to give an easy time and many millions to a few shipbuilders that in 1914 only employed 47,000 workers? We had better take those poor shipbuilders and pay every dollar of labor they have to have to build the ships and then tell them to go ahead: "You have got the iron, you have the coal, and the cheapest wood material; go ahead and build in competition with the world, and build better ships and sell to our merchants as cheaply as they can buy anywhere else." Give us a chance on the sea to let the American flag float over the world. That is the way! [Applause.]

Mr. SUMNERS of Texas. Has the gentleman a list showing what American companies have earned?

Mr. HARDY of Texas. I have. I will read you a brief and accurate statement as to some of our companies.

American ships, if honestly financed and efficiently operated, can compete with foreign ships, as many of them have done in the past and as many of them are doing to-day, without subsidies. Various shipowners testified at the hearings, and not one of them even claimed that his line was losing money now, although it is universally admitted that this is the worst time in the history of shipping. Not only have at least most of the American privately owned lines made profits during peace times but practically all of them made fabulous profits during the war. For instance, the Luckenbach Steamship Co. made a net profit on its capital stock of 666.9 per cent for 1917 and 236.2 per cent for 1916. The American-Hawaiian Steamship Co. paid a dividend of 200 per cent in 1916 and 405 per cent in 1917. The Dollar Steamship Line made a net profit on its capital stock of 322.9 per cent during 1916, the Pacific Mail Steamship Co. made a net profit on its capital stock of 82 per cent for 1917, and during the years 1915 to 1920 made a net income of 365.3 per cent. The Atlantic, Gulf, and West Indies Lines earned a net profit of more than their entire capital stock during the years 1915 to 1920.

Mr. LAYTON. You do not think that is pertinent as to the times of peace, do you?

Mr. HARDY of Texas. Let me read it, and then I will answer your question:

The United Fruit Co. made a net income of $94,147,500 during 1915 to 1920 upon a capital stock of $50,000,000, which was increased to $100,000,000 upon the issuance of stock dividends of 100 per cent in 1920; during those years it added $66,176,490 to the surplus. The Standard Oil Co. and the United States Steel Corporation operate a large number of ships in the transportation of their own products and would be entitled to the subsidies and other aids provided by the pending bill; it is unnecessary for me to call attention to the enormous profits which these "infant industries" have always made. All of the facts and figures here given, as well as much other data along the same lines, appear in the record of the hearings.

Let me add that a period of shipping competition, running, I think, to about 1910, caused very low rates at that time, and perhaps some losses, to operators, but about that time the big lines all entered into agreements to keep down competition, among themselves, and fight competition from outsiders. These were called ship conference agreements. Our investigations, lasting over a year, showed that every real line in the overseas trade, American or foreign, was in the conference. Rates began at once to rise, and no losses were sustained by any of the conference lines after that. In 1914, before the German war, ocean rates were nearly twice what they were a few years before. These conference agreements divided and apportioned territory and fixed schedules of rates and sailing, and so forth.

Now, then, Doctor LAYTON, all this is very pertinent. It not only shows what will happen under this bill, but the Shipping Board gives as a reason for these great subsidies to private shipowners the alleged fact that they have more invested in their ships than British owners have. That even if they buy the board's ships at $20 per ton they must add the cost price of ships they bought before or during the war or just after the war at $100 or $200 per ton, and then find the average cost of their ships, and on that average cost be assured good returns. Thus if a company has 100,000 tons of old shipping for which they paid $150 per ton, and buys of the board 100,000 tons, at $20 per ton, their invested capital ought to be considered $17,000,000. When asked if British prices were not also high during the war the board admits it, but says that the British shipowner has written off his book values by profits made, and therefore his ships have less book value, and he has less capital cost in his business than our shipowner. I ask you, If the American owner made these profits during the war, why not make him write off his profits and reduce his book values, too?

The real fact is that American lines have not written down their book values because by not doing so they were allowed to earn a greater sum, as legitimate earning on investment before excess profits taxes began to be assessed—and now they or the Shipping Board are trying to use these stilted values as a reason for giving them big subsidies. The contention is ridiculous, silly; but it is what the board contends.

I am not without company even among ship people in knowing that a ship operator under the American flag can compete with the world without a subsidy.

On pages 1741–1742 of the hearings appears a letter dated March 22, 1920, from the International Mercantile Co., P. A. S. Franklin, president, making three distinct offers in behalf of his company to the then Shipping Board. He states that they are desirous of developing business under the American flag, particularly between the United States and Germany, and that they are prepared to buy a sufficient number of ex-German combined passenger and freight steamers to adequately cover the service between North Atlantic ports and Hamburg as soon as the board is in a position to sell them on the basis of 25 per cent cash, they to recondition the steamers at their expense. Pending that time he offers to operate them for the board on a commission basis or to charter them for a term of five years, and offers to prepare form of contract if the board is ready to do business on any one of the lines named. He declares

they have no fear of being able to hold their own and protect the business against competition in both east and west bound passenger and freight business. He states they have their own offices in Hamburg and Antwerp, with native Americans in charge; that they also have passenger and freight offices and agencies in the principal interior places of Europe. Then he adds:

In the United States we have our own salaried passenger and freight offices at each Atlantic port, and also in many of the important interior cities, and in addition we have our own offices in Seattle and San Francisco on the Pacific coast.

We claim that nobody else in the world can put before you such an organization for securing steamship freight and passenger business on both sides of the Atlantic.

8. Regarding the establishment of services from Hamburg to foreign countries other than the United States, we are confident that if the present chaotic commercial and political conditions will permit of sufficient business being done to warrant the profitable operation in such services of American-flag steamers our American organization in Hamburg can efficiently handle the business; and as previously advised you, as such business is obtainable, we are prepared to negotiate with you with the view of sharing the losses and profits of such business; but we claim that it is impossible to say to what countries or ports steamers can be profitably operated at present.

While on this feature of the case we want to point out to you that we are to-day operating for you Shipping Board steamers from Hamburg to Antwerp to the east coast of South America, and if this proves successful there is no reason why the same policy should not be pursued regarding other trades as business conditions become normal.

Again on April 2, 1920, he wrote the following letter (see page 1743):

HAMBURG SERVICES,
9 BROADWAY, NEW YORK, *April 2, 1920.*

Admiral WILLIAM S. BENSON,
Chairman United States Shipping Board,
Washington, D. C.

DEAR ADMIRAL BENSON: Responding to your letter of the 26th ultimo we inclose herewith a form of agreement covering the management and operation of a group of eight ex-German vessels and providing for their ultimate purchase if and when the board is authorized to sell. We have reduced our views regarding the arrangement to the form of a contract, as we believe that it will facilitate your consideration of the various terms and conditions necessarily incident to such an arrangement. Kindly understand that if in the judgment of the board any detailed alterations are desirable, we would very gladly discuss them with you.

We would also like an opportunity of taking up this subject and the inclosed proposed contract with you and would appreciate a time being fixed most convenient for the board.

Yours very truly,

P. A. S. FRANKLIN.

I give these brief extracts. There is much more in the record, but these show that the biggest shipping company in the United States was ready to buy or charter and operate ships under the American flag without a subsidy where the fiercest competition would be met. The trouble was that at that time political conditions were chaotic, Congress was debating what its shipping policy should be and the functions of the Shipping Board were almost suspended for lack of a definite declaration of policy by Congress. The shipping policy was finally determined by the Jones Act of June, 1920, but that act provided for the appointment of a new shipping board, and so I presume the old board did not wish to forestall action of the new board. The Senate refused to confirm the appointees to this board made by Mr. Wilson, and Mr. Harding delayed appointments of the new board until about July 1, 1921.

Shipping the world over became more and more depressed. The new shipping board chairman began a campaign of criticism of the old board and depreciation of our ships and denial of our ability to compete with the world in either building or operating ships, and very likely began to make or listen to suggestions of a great subsidy bill. Every time he appeared in the press or before committees our old shipping board and our shipping capacity seemed to be further discredited and then the vast subsidy scheme of the present chairman was sprung on the country and I have no doubt private capital will not now invest in shipping until they are assured either that this bill will pass or it will not pass. If the bill passes shipping investments to some extent will be made in our ships at such prices as the present board may be willing to take and the board intimated that that price will be around $20 a ton and then we will have initiated an American shipping era of corruption, greed, and incapacity. If the bill is killed definitely we may look for some delay before the American ship operators will take courage and begin to do what P. A. S. Franklin wanted to do in 1920, and what Mr. Rossbottom, who is actually operating ships on a reasonable salary directly for the board, says he can do with good ships, that is to say, enter the list of ship operators in fair, free, and equal competition with the ships of other nations. And with ships that cost less than those of their competitors, with skillful management, with the best equipment and ample facilities and proper support by the American merchants and public, our ships will prosper as they have not prospered since 1861. Meantime the Government may have to hold the bag and supply the necessary shipping and routes for our commerce until the return of normal conditions.

On page 375 of the hearings you will find in the testimony of Mr. Thomas H. Rossbottom:

Mr. HARDY. Let me ask you: How are those vessels operated now, Mr. Rossbottom? I do not mean whether by oil or coal, but are they operated directly by you for the Shipping Board, or under some form of charter hire?

Mr. ROSSBOTTOM. No; they are operated directly by the Shipping Board.

Mr. HARDY. You pay no commissions to anybody as an operating fee?

Mr. ROSSBOTTOM. No.

Mr. HARDY. These vessels of which you have charge, some 12 in number, you say, or 13——

Mr. ROSSBOTTOM. Yes.

Mr. HARDY. They are operated directly by you for the Shipping Board?

Mr. ROSSBOTTOM. They are.

Mr. HARDY. And your pay is not on a commission basis but you have a salary?

Mr. ROSSBOTTOM. I have.

Mr. HARDY. And as I understand you, all of these ships that are really fitted for the trade have been earning money?

Mr. ROSSBOTTOM. Yes.

He then testified very fully, showing that every vessel he had which was fit to be operated was making good money, and he gave us the exact earnings for four months ending December 31, 1921, and said that if the Shipping Board would give him a fleet of good ships he would not take off his hat to anybody, and the board has such ships which they could give him. If the American people could all read the testimony of Rossbottom in full they would have no doubt that even the Government can operate American ships at a profit. What they need is to get more Rossbottoms and fire all their M. O. 4 agents. Rossbottom is operating the only ships the board does operate directly.

The policy the Government ought to pursue is simple and plain. They ought to let the shipping world know that they have ships to sell at world market prices, and to those who will operate them on desired routes at a shade under world market prices. If they can not sell them, let them charter them. If they can not charter, then let them stop the M. O. 4 contracts and operate them directly by the Government to the extent of maintaining or establishing necessary commercial lines, and let them sell the remainder of the ships to foreigners if they can and use some of the money received to equip the ships retained by the Government in the very best form. That is substantially the policy of the Jones Act. That policy will give us a merchant marine which will in a few years be owned and operated by private owners.

Mr. Chairman, what I believe and what I think I have shown is that with the cheap ships now at his command the American owner can operate ships under the American flag without any kind of Government aid. I think I have shown that he can operate any first or fair class ship he now owns under the American flag without aid. And I believe this bill is a monumental looting of the Treasury of the United States and a monstrous crime against the American people.

Mr. MADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Chairman, I to-day introduced a resolution which I will ask the Clerk to read.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. CURRY. I am not going to object, Mr. Chairman, but I would like to have the gentleman from Texas state——

Mr. WOODRUFF. Mr. Chairman, I hope this will not be taken out of my time.

The CHAIRMAN. The Chair rather thinks that that is improper. Leave has been granted, as I understand it, to the gentleman from Texas.

Mr. CURRY. The Chair asked if there was any objection, and I reserved the right to object.

Mr. WOODRUFF. Mr. Chairman, I decline to be taken off the floor in this way.

The CHAIRMAN. The Chair thinks the gentleman from Michigan has the floor. The request of the gentleman from Texas will be deferred until later. The Clerk will read the resolution.

The Clerk read as follows:

Whereas the Alien Property Custodian, appointed under the trading with the enemy act, is a trustee, charged by law and morals with the duty of conserving and administering honestly and economically all property seized under said act; and

Whereas it has been frequently and definitely charged by newspapers, magazines, and other publications of responsibility and wide circulation, by Members of both Houses of Congress, and by individuals in private life that maladministration under former custodians was frequent and palpable, that properties of enormous values have been sold by the

custodian to favorite purchasers at prices far below their reasonable value, and in some instances to ineligible purchasers; and

Whereas it has also been charged that prodigious fees have been paid by the custodian to lawyers, some of whom were representing the custodian and representing alien enemies at the same time, and that lawyers who represented the Alien Property Custodian in the seizure and administration of trust properties have in many instances been permitted to represent claimants to and secure the return of the same properties from the custodian; and

Whereas it has further been charged that very large amounts of properties belonging in fact to American citizens were seized and many millions of dollars of property belonging to American citizens are still withheld from them, notwithstanding German citizens and subjects have in many instances been able to obtain release of their property without congressional authority; and

Whereas it has been charged also that in the exercise of an alleged discretion the Alien Property Custodian has refrained from seizing many thousands of properties belonging to enemy aliens resident in the countries with which we were engaged in war, at the same time seizing thousands of properties belonging to neutrals and American citizens, and holding and administering them at great expense and loss; and

Whereas the administration of said office has disregarded the principles of law and equity which should control the conduct of a trustee in dealing with such property, with the result that vast properties were dismembered and wasted and a favored few have been enriched at the expense of the trust property; and

Whereas the astute and crafty alien enemy who knew where to seek proper influence avoided the seizure of his properties while American citizens and neutrals in large numbers were deprived of control and dominion over their properties; and

Whereas it was the duty of the present custodian when he took office to inquire into alleged maladministration of the trust estate and to seek to have appropriate proceedings taken to restore to the trust estate all properties which had been fraudulently or illegally disposed of, and all illegal or excessive payments made out of the trust funds; and

Whereas it has also been charged that the present custodian, although in office upward of a year, has taken no steps or proceedings to investigate the alleged frauds in connection with the administration of his predecessors or to restore to the trust estate any properties illegally or fraudulently transferred or funds improperly disbursed, but, on the contrary, when the German peace resolution was before Congress in June, 1920, strenuously labored to persuade the Foreign Relations Committee of this House to write into the peace resolution a provision which would confirm, ratify, and make incontestable at law all seizures, sales, and other transactions of his predecessors theretofore occurring and all like transactions of himself thereafter to occur; and

Whereas it has also been charged that the present custodian has authorized and paid to certain lawyers excessive fees; that many lawyers who in the recent past have represented the Alien Property Custodian in the seizure and administration of properties are now representing claimants to the said properties before the Alien Property Custodian; and that the present custodian still permits and tolerates such a practice; and

Whereas such charges have been so frequent, so insistent, and so widespread as to create a condition which can not be ignored without grave injury to the good name of our country, and the situation demands a full and impartial inquiry: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of this House a select committee of nine Members for the Sixty-seventh Congress, which said committee is hereby authorized and directed to fully investigate all seizures, contracts, sales, expenditures, and other transactions of the Alien Property Custodian and the administration of said office, and all contracts, sales, expenditures, and other transactions of any company or corporation under his direction, or under the direction of officers, directors, or agents by him appointed, or in the appointment of which he participated, during and since the late war with Germany.

In addition to the powers herein conferred said committee is hereby authorized to employ counsel and other assistance; to send for persons and papers, to administer oaths and affirmations, to take testimony, to sit during the sessions of the House and during any recess which may occur during the sessions of the House, to meet at such places as said committee deems advisable; to appoint such subcommittees as it may deem advisable, such subcommittees when so appointed to have authority to send for persons and papers, to administer oaths and affirmations, to take testimony, and to meet at such times and places as said subcommittee shall determine, subject at all times to the direction of the whole committee; and

Resolved further, That said committee shall report to the House, in one or more reports, as it may deem advisable, the results of its investigation, with such recommendations as it may care to make; and

Resolved further, That the Speaker of the House is hereby authorized and directed to issue subpœnas to witnesses, upon the request of said committee or any subcommittee thereof, during any session of Congress or during any recess of Congress during a session; and

Resolved further, That the Sergeant at Arms of the House be, and he is hereby, directed to serve all subpœnas and processes put into his hands by said committee or any subcomittee thereof.

Mr. WOODRUFF. Mr. Chairman, House Resolutions 323 and 324, introduced on April 11, 1922, by the gentleman from South Dakota [Mr. JOHNSON] and myself, provided in substance for the appointment of a committee to investigate the contracts and expenditures made by the War Department, the Navy Department, and the Alien Property Custodian during and since the late war, and the settlement of any such matters, and to investigate the civil and criminal prosecutions or lack thereof by the Attorney General, the Alien Property Custodian, the Secretary of War, and the Secretary of the Navy.

It will be observed that one of the important functions of the proposed committee would be the investigation of the administration of the office of the Alien Property Custodian. On four occasions in the recent past I have addressed this House in relation to the Attorney General and what I conceived to be his neglects and dereliction. This phase of the discussion pertinent to the resolution naturally and inevitably leads us through one of its angles or ramifications, into the office of the Alien Property Custodian. The Attorney General is the chief legal adviser of the Alien Property Custodian. Under a former administration the gentleman first appointed to the office of custodian later left that office to become Attorney General, and his chief of the bureau of investigation of the Alien Property Custodian's Office succeeded him as Alien Property Custodian and likewise was appointed the Assistant to the Attorney General. The relations between the two offices have not only been theoretically but in a very practical sense close and blending at many points. Under the present administration, of course, the Attorney General continues to be the chief legal adviser of the Alien Property Custodian, and one of his assistants has a continuing assignment as the legal adviser of the custodian. So far as the administration of the affairs of the custodian's office is concerned and whatever derelictions there be, must be known to and shared in by both departments.

According to the report submitted by Mr. Palmer, as custodian, for the period ending February 15, 1919, the value of the enemy property seized up to that time was $700,000,000. Before and since that report was made vast properties have been sold, some at private and some at public sales, many manufacturing plants and business enterprises were operated under the control of the Alien Property Custodian, and stocks, bonds, and almost every other form of property have been disposed of or otherwise dealt with.

It has been frequently and definitely charged by newspapers, magazines, and other publications, of responsibility and wide circulation; by Members of both Houses of Congress; and by individuals in private life, that properties of enormous value have been sold by the custodian to favored purchasers, in some instances to ineligible and illegal purchasers, at prices far below their reasonable value; that prodigious fees had been paid by the custodian to lawyers, many of whom were representing the custodian and representing alien enemies at the same time; that maladministration was frequent and was palpable; that the principles of law and of fair dealing which should control the conduct of the trustee in dealing with trust property had been disregarded in a manner so open and flagrant as to manifest a cynical disregard and contempt for public opinion, or the opinion and the responsibility of Congress, and for the possibility of civil and criminal liability arising out of this course of conduct. Members of this House as well as Members of the other House of Congress, who, in the past, in the discharge of their duty have called public attention to the conditions to which I am now referring, have been openly flaunted and abused by the persons responsible for these conditions. And one may almost feel justified in the conviction that these men must feel a sense of security, must feel sure of immunity as the result of conditions or commitments of which the public is ignorant. And up to this time, I regret to say, official nonaction by the present custodian and Attorney General and the silence and patience of Congress has given to them that security and that immunity of which they seem so fully assured.

The property seized and administered under the trading with the enemy act was taken and held in trust, subject to the final disposition of Congress, and because of that status it was and is held for the United States. Until that status is changed frauds in reference thereto are frauds against the United States.

The former custodians were trustees charged by law, and by principles of equity centuries old, with the duty of administering it honestly and economically. The present custodian is a trustee charged with like duty. It was his duty when he took office to inquire into alleged frauds against the trust property which depleted it in quantity or in value, and to seek to have appropriate proceedings taken to restore to the trust estate of which he was trustee all properties which had been fraudulently or illegally disposed of, and all depletion which were the result of a disregard by his predecessors of their duties as trustees. The Chemical Foundation Co. and the Bosch Magneto cases have been pointed out as typical instances of the most flagrant sort of maladministration of the trust property calling for swift and drastic action. What has been done during the past year and more by the present custodian and the Attorney General in regard to these matters? Absolutely nothing so far as results are concerned. May we depend upon the present Alien Property Custodian and his legal adviser, the Attorney General, to take such steps now as should have been taken several months ago? Is an investigation under this proposed resolution necessary to expose conditions that will compel official action to restore to the trust estate that of which it has been despoiled and correct improper conditions that still exist? The facts I am now about to lay before you will answer both these questions.

About the time, or shortly before the German peace resolution came before Congress for action in the spring of 1921,

the present custodian was appointed to office. At and prior to that time the charges to which I have already referred had been made against the administration of the custodian's office. Several Members of this House and several Members of the Senate had placed these charges in the CONGRESSIONAL RECORD. Suits were then pending to set aside sales by the Alien Property Custodian upon allegations of fraud and conspiracy, and the fact that these suits were pending had been commented on in the public press and had been mentioned on the floor of both Houses. The Chemical Foundation Co. was under attack in Congress and the press. The Bosch Magneto sale was being attacked in the courts. Other transactions were also conspicuous before the public. These, and many other transactions of the Alien Property Custodian, had been the subject of much discussion during the 1920 presidential campaign, and responsible party leaders had repeatedly and solemnly declared that if the Republicans were returned to power impartial investigations would be carried forward without delay and civil and criminal prosecutions instituted in cases calling for redress.

In this situation and in the face of these facts and shortly after his appointment the present custodian appeared before the Committee of this House on Foreign Relations, when it had the German peace resolution under consideration in 1921, and for what purpose? Was it for the purpose of seeing to it that nothing in the peace resolution would in any way impair his right and his duty to inquire into previous maladministration of the trust property? No, indeed. His purpose was directly to the contrary. He sought to persuade the Foreign Relations Committee of this House to write into the peace resolution a provision which would confirm, ratify, and make incontestable at law or in equity all seizure sales, and so forth, of his predecessors in office as well as sales thereafter to be made, and he proposed an amendment to this effect, which, of course, the committee very promptly and very properly rejected.

I invite your attention to the CONGRESSIONAL RECORD of June 30, 1921, pages 3403 et seq.

Mr. LAYTON. Mr. Chairman, will the gentleman permit a question right there?

Mr. WOODRUFF. Yes.

Mr. LAYTON. Was the sale of the Bosch Magneto Co. consummated under the former Alien Custodian or under the present Alien Custodian?

Mr. WOODRUFF. Under the former Alien Custodian.

Mr. LAYTON. I just wanted to establish that.

Mr. WOODRUFF. The peace resolution was before the House at that time. The chairman of the Foreign Relations Committee, Mr. PORTER, speaking to the resolution, among other things, said:

> We purposely omitted confirmation of sales for fear it might confirm sales that are alleged to have been fraudulent * * *. All through the drafting of this legislation we kept that point to the front, and I feel certain that there is nothing in this resolution that will confirm, either directly or indirectly, any fraudulent sales, if there were any.

Another member of the Foreign Relations Committee, Mr. COOPER of Wisconsin, speaking to the resolution, said in part:

> Mr. Speaker, the gentleman from Pennsylvania, the chairman of the committee, says this point was kept to the front during the drafting of the resolution. Yes, and if I may say it without violating the rules of propriety, I desire to add that I helped to keep it to the front, and that I helped to keep it to the front, Mr. Speaker, because of the work of A. Mitchell Palmer and of what I had learned of the attitude and purpose of his successor, the present Alien Property Custodian.
>
> And this reminds me that yesterday one of the papers published in this city contained the statement that the resolution as now presented to the House by the conferees had been drafted in consultation with and embodied the suggestions of the present Alien Property Custodian. Now, his desire and purpose are clearly shown in the brief which he submitted to the Committee on Foreign Affairs, a copy of which I have in my hand. From it I now read:
>
> "And all fines, forfeitures, penalties, seizures, and sales imposed or made by the United States are hereby ratified, confirmed, and maintained."
>
> He wished that all sales made by A. Mitchell Palmer or any of his successors should be by law confirmed and maintained. He also said in his brief that he wished a certain amendment, in order "to avoid any ambiguity and so enable the custodian to complete any program of sale he had made."
>
> Now, listen, "without possibility of contest at law."
>
> Remembering that newspaper statement and remembering the purpose and plan of the Alien Property Custodian I propounded the very important question to the gentleman from Pennsylvania [Mr. PORTER], and I am glad, indeed, to have elicited the response that he gave.
>
> There was a hearing before the subcommittee of the Committee on the Judiciary of the Senate in the Sixty-sixth Congress, June 4, 1919, on the nomination of A. Mitchell Palmer for Attorney General. He had sold these millions of property, the owners not knowing anything about the sales. There was, of course, an opportunity for fraud. * * *
>
> Mr. Palmer then became a candidate for Attorney General, to have charge of possible prosecutions. Here is what Senator FRELINGHUYSEN, of New Jersey, said at that hearing:
>
> "Several of my constituents, all Americans, and many others in various States, had complained to me continually of the injustice of the administration of the Alien Property Custodian's office and Mr. Palmer's interpretation of the law and its administration. There had come under my observation the sale of several properties which I believe had been sold at extreme sacrifice."
>
> It is now said, and I believe not denied, that one of the assistants of Mr. A. Mitchell Palmer is one of the principal officers of the company which purchased one of these very valuable properties at private sale and at a price greatly below its value.
>
> One statement is made that the property was worth from $12,000,000 to $14,000,000, and that it was sold at private sale for less than $3,000,000.
>
> And yet the present Alien Property Custodian in his brief asked not only that all sales made by either of his predecessors or by himself should be by law ratified, confirmed, and maintained, but he also asked that the law should be so drawn as to "avoid any ambiguity and to enable the custodian to complete any program of sale he had made without possibility of contest at law."
>
> Mark that language. No matter what the same might be, he wanted no possibility of contest at law.
>
> Interesting testimony was given on July 15, 1919, at a hearing before the Committee on Ways and Means by Mr. Francis P. Garvan, a former assistant of A. Mitchell Palmer and his successor as Alien Property Custodian. He was examined by Mr. Moore, then a distinguished Member of the House from Pennsylvania and now mayor of Philadelphia. I will read some of the questions and answers:
>
> "Mr. MOORE. Now, he obtained that legislation [Mr. Palmer] subsequently through the medium of riders to appropriation bills, did he not?
>
> "Mr. GARVAN. The facts show. I know there was an amendment passed. What it was a rider to I am not familiar with, but I assume your statement is correct.
>
> "Mr. MOORE. I asked the question for this reason: The assumption of Congress, when this bill was passed, was certainly that the Alien Property Custodian would be trustee for property seized?
>
> "Mr. GARVAN. Yes.
>
> "Mr. MOORE. And I think that originally there was no intent of Congress when this trading with the enemy act was passed to provide the Alien Property Custodian with authority to sell property seized and then convert the proceeds without coming back to Congress."
>
> Certainly not, Mr. Speaker, without coming back to Congress, without reporting the figures at which sales were made, and letting Congress say whether the property of absentee owners should be sacrificed. * * *
>
> "This continues:
>
> "'Mr. GARVAN. I think the first intent was only to sell to prevent waste and to protect the property.'
>
> "And I stop right here in my reading from that record to ask any gentleman here to arise and tell the House if, during the six months' debate, beginning in the spring of 1917 and ending in September, 1917, there was ever a word on this floor or in the Senate said by Senator or Representative urging that the Alien Property Custodian be given the right to take that property and, in his discretion, at public or private sale dispose of it? The debates were very elaborate and exhaustive. Some of the distinguished participants in that debate are here now before me and they can rise and say what the understanding was.
>
> "Every one of them will admit—he will not have to admit, but will be glad to say—that the only understanding was that the Alien Property Custodian was to take that property as custodian and so keep it that it would not go to waste or be seriously injured, and that it should be sold only when a sale should be necessary to prevent waste, and that the proceeds must be retained and turned into the United States Treasury."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman 20 minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 20 minutes more.

Mr. WOODRUFF. Then Mr. Moore of Pennsylvania asked this question:

> "Under the original trading with the enemy act, he did not seem to have sufficient power. The present Alien Property Custodian has just stated that Mr. Palmer did not feel that he had sufficient power to sell.
>
> "Mr. KITCHIN. But he did get it afterwards?
>
> "Mr. MOORE. He did get that power by coming in at a time when all was excitement and secured what he wanted by the passage of riders to appropriation bills.

He got it, Mr. Speaker and gentlemen, by getting a rider on the urgent deficiency bill, thus amending a law that had been under discussion for six months in the Senate and the House, the only understanding being that, of course, while he had in his hands hundreds of millions of dollars worth of alien-owned property, he should be a common-law trustee, responsible for an honest, open, and aboveboard dealing with the property of absentee owners.

* * * * * * *

Therefore it was, Mr. Speaker and gentlemen, that I asked the distinguished chairman of the Committee on Foreign Affairs whether this elaborate amendment with its somewhat involved phraseology would in anywise confirm or ratify any sale made by any Alien Property Custodian, there being now in the courts suits to set aside some of these sales, the complaints charging, in effect, conspiracy to defraud and alleging the acceptance of such small amounts of money for extremely valuable property as in the language of the law to constitute a badge of fraud. Certainly while such suits are pending we ought not to enact a law confirming all sales of such property.

I am very glad that in reply to my question the chairman of the committee said that the distinct understanding of all of the conferees on the part of the Senate and of the House is that in nowise does this amendment affect or make valid or confirm or seek to maintain any sale by any Alien Property Custodian.

Mr. FLOOD. Mr. Speaker, may I ask the chairman of the committee a question?

Mr. PORTER. Certainly.

Mr. FLOOD. I should like to ask the gentleman if the present Alien Property Custodian, Mr. Miller, did not ask that such a provision as the gentleman from Wisconsin is discussing be put into this resolution; that is, a provision protecting sales that have been made by the Alien Property Custodian?

Mr. COOPER of Wisconsin. I mentioned that a moment ago.

Mr. Chairman, what I have just quoted from the record of the proceedings of this House clearly disclosed, to use the language of the Member from Wisconsin, Mr. COOPER—

> The attitude and purpose of * * * the present custodian.

This action, on the part of the present custodian, to persuade this House to ratify and confirm the sales and transactions of the former custodians, was of the gravest character and importance. If it had been successful it would have had the most serious consequences to the Republican Party and would have been a complete negation of the pledges which our leaders had made, as well as an offense against honest government. That it did not succeed, is to the everlasting credit of this House.

Does anyone suppose that the present custodian, then but recently inducted into office, took this action wholly upon his own responsibility, and without conference with and the approval of the Attorney General? Will it be denied that in the preparation of the amendment to the peace resolution proposed by him ratifying and confirming sales and transactions of the custodian, and in the preparation of the brief submitted by him in support of such proposed amendment, that he did not have the cooperation and assistance of the Attorney General's office.

Thus we find at the very outset of his official career, a determined, deliberate effort to have Congress put the stamp of its approval on frauds committed, to have Congress ratify, for instance, the Chemical Foundation transaction, the Bosch Magneto sale, and other similar cases, and make it impossible for prosecutions, either civil or criminal, to be brought. And will anyone now seriously contend that, without the lash and whip of congressional investigation, officials who sought to persuade Congress to confirm these transactions, and happily failed in their efforts, and who apparently have since sought by official nonaction to accomplish indirectly what they failed to accomplish directly, may now be trusted or expected to prosecute with diligence or with any desire to succeed if prosecutions are instituted?

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. FOSTER. May I ask the gentleman if he has taken up with the Attorney General recently the Bosch Magneto matter, which for months and months they have been investigating and which within a few weeks they will begin prosecuting?

Mr. WOODRUFF. I have not been down to the Attorney General's office recently.

Mr. FOSTER. My question is, Have you been down within six months to discuss the Bosch Magneto case?

Mr. WOODRUFF. I have not within three months been down. I have discussed this case recently with the Attorney General.

Mr. FOSTER. You asked the House: "Will anybody seriously contend that the officials desire to succeed in prosecutions," and so forth? I understand the position of the Attorney General's office with respect to the Bosch Magneto case referred to. Have you, within six months, had any conversation with him about it, before bringing in a resolution criticizing the department as you did last night before the American Legion?

Mr. WOODRUFF. I am glad there is a gentleman who has the temerity to get up here and defend the Attorney General.

Mr. FOSTER. I will try to secure the gentleman more time. If he could secure 10 minutes from the other side, as he has done in this case, perhaps you can secure some more time to explain what was said before the American Legion last night.

Mr. WOODRUFF. I do not question that, but I am willing to consume a little bit in yielding to the gentleman.

Mr. FOSTER. I wish the gentleman would use some of it in explaining the position he took last night before the Legion.

Mr. WOODRUFF. What I stated before the Legion last night, as quoted in the paper, was substantially in accordance with the facts, although it was not quoted with entire accuracy by the press.

Mr. FOSTER. I want to call the gentleman's attention to the fact that he said that four slackers who were overseas with him are in that service in the Department of Justice. The gentleman is quoted as saying that.

Mr. WOODRUFF. If the gentleman will carefully read the newspaper accounts of what I said at the legion meeting last night he will know I said nothing of the kind. The gentlemen to whom I referred in the Attorney General's office were not overseas, and they were slackers.

Mr. FOSTER. The gentleman is reported in the morning papers as saying that that office was in the hands of slackers.

Mr. WOODRUFF. The men to whom I referred at the meeting of the American Legion were men who had charge of the prosecution of war frauds in the Attorney General's office prior to my speech of April 11. Any references made to men who had joined the Attorney General's staff since that date were made in complimentary terms.

Mr. FOSTER. And you are quoted in the morning paper as saying that that prosecution was in the hands of slackers. I tell you I know of three colonels and one lieutenant who were over there, who have been assigned as special counsel to the War Profits Division.

Mr. WOODRUFF. I am very glad to hear that and I presume their appointments were of a very recent date.

Mr. FOSTER. I can take ten minutes and convince everybody except you.

Mr. WOODRUFF. You undoubtedly can secure the 10 minutes.

Mr. FOSTER. I have asked for it.

Mr. WOODRUFF. Newspapers of wide circulation have recently carried stories concerning H. Upmann & Co. The matter presents some very interesting phases. An article in the Washington Times of Thursday, May 18, of this year, states that a year after the property of this concern was seized, Mr. Garvan reached the conclusion that the seizure was illegal, and the property was thereupon released and returned. A short time ago one of the leading newspapers of Habana (in which city the Upmann's have their headquarters) stated that Upmann & Co. had spent upward of a million dollars in the United States in securing a return of the seized property. These statements were apparently predicated upon examination now being made by accountants, into the affairs of this concern in connection with liquidation proceedings.

Evidently the Alien Property Custodian experienced a great change in heart and in opinion between the time the properties of Herman Upmann and Upmann & Co. were seized, and the time when they were subsequently released. Herman Upmann and his associates in Herman Upmann & Co. were German citizens. They did not reside within the United States. They were clearly within the terms of the trading with the enemy act. On page 151 of the report of the Alien Property Custodian for the period ending February 15, 1919, the following excerpts appear:

> The best ally which Germany had in Cuba was Herman Upmann, a German subject, and a close friend of Hugo Schmidt, who was one of the best financiers in Cuba. His capital is invested in every commercial branch of the Island Republic. Like an enormous octopus, he has reached out with his tentacles and has grasped every field of industry throughout the Republic. * * * Through the employees of his different firms he was able to organize a German propaganda machine and obtain valuable information from Germany.
>
> When other Cuban exporters ceased to export tobacco and other commodities to Germany, Upmann increased his activities. Through certain intermediaries in Holland he was able to smuggle several shipments into Germany, and received enormous prices for them.
>
> Many of his holdings are registered in the name of Upmann & Co., a partnership composed of Herman Upmann, Albert Upmann, and Frederick Tidemann. This partnership has been dissolved.
>
> Upmann's holdings in this country amount to approximately $3,000,000, which is represented by bank deposits, trade accounts, and stocks in various concerns. All this property has been taken over by the Alien Property Custodian.

No one who reads what I have quoted from the report of the former Alien Property Custodian but what will admit that he made out a case clearly justifying a seizure of the property, and also requiring that he hold it subject to disposition by Congress. However, it appears from the official records of the custodian's office that on December 28, 1920, about a month and a half after the American people had decided that the late administration should retire from public office in the early part of the succeeding March, the claim of Upmann for the return of this property was allowed, and the trust fund was depleted to the extent of $3,000,000, if the figures given by the former custodian in his report may be relied upon. Just what sort and variety of arguments were used to convince the former custodian that he had erred in seizing the property in the first instance we, of course, do not know to a certainty. Evidently it was an expensive proceeding for Upmann. To the unbiased mind it might reasonably appear that if the property of Upmann had been wrongfully seized in the first instance and had been wrongfully withheld from him for a year or more it should have been returned to him without expense and with an apology. Conversely, if it had been rightfully seized in the first instance and rightfully withheld it should not have been returned to him until Congress had authorized such action. However, Upmann was not without friends and without influence in the places and positions where they could do him the most good.

In the proceedings for the return of this property he was fortunate enough to secure the services of an attorney, who is, or at least at that time, so I am informed, was the counsel for a New York financial concern which had received valuable favors in the way of deposits from the Alien Property Custodian, and who had as one of its officers Mr. George J. Gorbett, a gentleman who was one of Mr. Garvan's chief aids in putting over

the Chemical Foundation deal, who became the secretary of that concern on its organization, and who, therefore, had received very substantial compensation, out of trust properties, of course, for services rendered to the custodian, in one instance a fee upward of $25,000 in addition to sundry other emoluments on other occasions. Further comment is unnecessary. The Upmann matters, among many others, should be investigated.

While we consider the ease, expensive ease, perhaps, but nevertheless apparent ease, with which Hermann Upmann, described by the former custodian as German octopus, smuggler, propagandist, and so forth, could deplete the trust fund by the return of property worth millions, I wish to call your attention to the fact that according to the statement of the present Alien Property Custodian made before the Appropriations Committee of this House on December 12, 1921, there was still held by the custodian at the close of business on November 30 last, upward of $29,000,000 worth of property seized from and belonging to American citizens, and this condition existed three years after the armistice had been signed. Apparently American citizens were not as successful in securing a restitution to them of their properties as were German spies and propagandists.

Mr. LAYTON. Will the gentleman answer a question there?

Mr. WOODRUFF. A brief one.

Mr. LAYTON. I will be brief. That property was seized before the present Alien Custodian took office, was it not?

Mr. WOODRUFF. Yes; and returned to its owners.

According to the same statement of the Alien Property Custodian there was still held upward of $30,000,000 not listed as belonging to Germans, Austrians, interned enemies, or American citizens. It was not listed in his statement as belonging to any class of alien enemies. It would be interesting to know to whom it belongs, and why it is held.

I will refer to another very interesting phase developed by the statement of the present custodian, to which I have already referred. A former Alien Property Custodian, in his report for the period ending February 15, 1919, states on page 10 of that report that the value of the properties seized up to that time was $700,000,000. These figures do not take into account properties seized after the period covered by the report, or the earnings of going concerns, stocks, bonds, and so forth. The great bulk of the properties seized consisted of going concerns, which continued to be operated until sold by the Alien Property Custodian, interest-bearing bonds, and dividend-paying stocks, and the like.

Presumably, when properties were sold, the proceeds were invested in securities, as by law required. Many of the plants operated under the control of the Alien Property Custodian must have been operated at a large profit, because we find on page 14 of the same report, in defending the unrestricted program of selling continued after the armistice, the custodian says:

> More than that, we would have been forced to account at the end of the war for enormous profits made by many of these businesses.

I think I am conservative in saying that apart from the value of the property seized since the report was made, and this was considerable, the earnings upon the seized properties during the past four years should amount to upward of $100,000,000, which, added to the value of $700,000,000 fixed by the report, would make a total of upward of $800,000,000, which could now be accounted for, less the value of property returned upon claims legitimately allowed.

The statement made by the present Alien Property Custodian before the Committee on Appropriations on December 12 last showed the value of all properties in or which had passed through the trust, and including all claims allowed, to be approximately $575,000,000, or nearly a quarter of a billion less than we might reasonably expect to find there.

Mr. LAYTON. Will the gentleman yield again?

Mr. WOODRUFF. Not now, Doctor, as my time is very limited. How much of this shrinkage is due to depreciation through maladministration, how much is due to the sale of properties far below their reasonable value, how much is due to wasteful administration, how much is due to practical gifts to officials, friends, and favorites of the custodian's office, such as the Chemical Foundation case and others of like character, I am unable to say. Only an impartial investigation will disclose the truth, and obviously that can be gotten only through appropriate action by Congress or one of its branches.

It was no doubt the view of Congress when the trading with the enemy act was passed that all the properties of the enemies which fell within the provisions of the act should be dealt with on the same basis. Certain provisions of the act were, however, susceptible of a different construction. Thus we find on page 1 of the report of the Alien Property Custodian for the period ending February 15, 1919, the custodian points out that the right to demand and take over enemy property was and is primarily vested in the President, and need only be seized "if the President shall so require."

And to quote the language of the report:

> Thus giving to the Executive the fullest discretion as to what enemy property shall be taken and what shall be left in the hands of its private custodian.

And the report further continues:

> The power and discretion vested in the President by the section of the act thus referred to were delegated by Executive order to the Alien Property Custodian.

According to this the powers of the President under the provisions of the act referred to were lodged in the Alien Property Custodian, and he construed the act to authorize him to seize such enemy-owned property as he saw fit and abstain from seizing such enemy-owned property as he saw fit to favor. It is a fact that the Alien Property Custodian failed to seize considerable properties located in this country owned by persons and concerns resident in, subjects of, and engaged in the prosecution of the war in behalf of countries opposed to the United States, and of the existence of which property the custodian had full knowledge. It is also a fact that in thousands of instances properties which were upon investigation found to be enemy owned and which were demanded were not in fact reduced to possession and brought into the trust fund for divers and sundry reasons, many of which I believe would bear scrutiny and require explanation. Obviously this construction of the law and this course of conduct opened wide the door for all sorts of pressure, influence, favoritism, manipulation, and fraud. According to the statement made by the present custodian before the House Appropriations Committee on December 12 of last year there had been "nixed" or canceled up to that time 11,665 separate trusts, most of them under the administration of his predecessors. These represented properties which, upon investigation, had been found to be enemy owned, possession demanded, and for some one or another of unexplained reasons not reduced to possession, the trust or proceedings being "nixed" or canceled.

Evidently the custodian exercised by the wholesale the discretion which, he says, was committed to him by the law and by the executive order to determine what enemy owned property within the provisions of the trading with the enemy act should or should not be seized. And in the light of the fact that we find many instances where attorneys and certain financial institutions who received large fees from the custodian for services rendered in connection with enemy owned property were at the same time acting for and representing alien claimants to enemy owned property in the hands of the custodian, contact with which claimants they probably made through association with the Alien Property Custodian, we may well ask whether or not Congress and the American people are not entitled to have a full investigation and disclosure made in relation to the multitude of enemy owned properties which in the exercise of his discretion, as he terms it, he abstained from the landing or, having demanded them, has abstained from reducing them to possession and terminated the proceedings against them without the sanction of Congress and entirely upon his own responsibility.

BOSCH MAGNETO CO.

In my address before this House on April 11 I referred to the American Bosch Magneto Co. Before and since that time much has been said and written concerning this matter. Some time ago, and due to the publicity given to the unusual and illegal features of this transaction, statements, apparently emanating from the office of the Attorney General, indicated that the portals of the penitentiary were being opened to receive the culprits. We are still awaiting official action with a hope only born of irrepressible optimism. From what has recently developed, according to press reports and the record of the other branch of Congress, the Attorney General is more successful in getting criminals out of jail than he is in getting them into jail. However, this is a digression from what I started to say.

A few days ago I made a somewhat hasty examination of the report of the present Alien Property Custodian transmitted to the Senate on April 10, 1922. Up to the time I examined this report I had supposed, and indeed I presume everyone else familiar with the facts had supposed, that the former custodian had sold the Bosch Magneto property to Martin E. Kern. Indeed, I am safe in saying that the custodian, who conducted the sale, was of the view that the purchaser was Martin E. Kern. At the time the sale was made Mr. Joseph F. Duffey was the sales manager for the custodian. At that time Mr. Francis P. Garvan was the director of the bureau of investigation and manager of the New York office of the custodian. Mr. Otto Barnard and Mr. George L. Ingraham were members of the advisory sales board. The following is a copy of an

official document which is or should be in the files of the custodian's office:

[Alien Property Custodian, Sixteenth and P Streets NW., Washington, D. C. 110 West Forty-second Street, New York City.]

JANUARY 7, 1919.

JOSEPH F. DUFFEY,
Sales Manager, Bureau of Sales,
Alien Property Custodian, New York City.

DEAR SIR: I have made a complete investigation into the circumstances surrounding the sale of the Bosch Magneto Co. and the character of the purchaser.

I have examined the letters of Hornblower & Weeks and those of J. Harry Covington, counsel for Martin E. Kern, dated January 6, 1919, and in view of my investigations and the filing of these letters I beg to recommend that the bureau of sales O. K. the sale to Howard E. Griffith as agent of Martin E. Kern, of Allentown, Pa.

Yours very truly,

(Signed) FRANCIS P. GARVAN,
Director Bureau of Investigation.

We hereby approve the sale of the Bosch Magneto Co. as to purchaser.

OTTO BARNARD.
GEORGE L. INGRAHAM.

NEW YORK, *January 7, 1919.*

I understand also that the official documents which are or should be in the files of the Alien Property Custodian will show that the transfers of this property were made to Martin E. Kern, to whom possession was delivered. Evidently Mr. Garvan, Mr. Barnard, and Mr. Ingraham had no doubt as to the identity of the purchaser. Evidently these gentlemen thought they were approving a sale to a gentleman by the name of Martin E. Kern, of Allentown, Pa. This is the same gentleman who was quoted in the Washington Times, on page 3 of its issue of January 29 of this year, to the effect that he thought he had discovered that the Bosch Magneto Co. in the hands of its former owners was not dealing patriotically with the United States, and, to quote his own language:

I thereupon used my influence with A. Mitchell Palmer, who had been my lawyer and with whom I was acquainted, owing to our contiguous estates, to place Arthur T. Murray at the head of the company, which he did.

More recently it appeared, or so the facts seem to be, that Mr. Kern is not an American citizen and that he had served three terms in penal institutions in the State of New York. It also appeared that his last conviction and incarceration occurred while Mr. Garvan was assistant district attorney in the city and county where Mr. Kern had been thrice convicted.

Now, subdivision 4 of section 12 of the trading with the enemy act as amended, among other things, provided:

That any property sold under this act, except when sold to the United States, shall be sold only to American citizens.

Other provisions prescribe a penalty for any violation of the act of a fine of $10,000 or imprisonment for not more than 10 years, or both, and additionally that the property shall be forfeited to the United States. So it would appear that the sale to Mr. Kern was a criminal offense, and subjected the property to forfeiture; that is, subjected whatever interest the purchaser obtained to forfeiture. Forfeiture does not seem to be discretionary with any official. The law is imperative. The language is:

And the property shall be forfeited to the United States.

Well, the sale was made about two years and a half ago, and nobody has yet been prosecuted, no proceedings for the forfeiture of the purchase have been begun.

Now, it seems from an examination of the report of the present custodian, to which I have referred, that Mr. Garvan and Mr. Barnard and Mr. Ingraham and Mr. Palmer, and even Mr. Kern, as well as the rest of us, were mistaken in supposing that the property was in fact sold to Mr. Kern. The report mentioned, when it comes to the Bosch Magneto Co., does not follow the formula used with reference to other sales, which merely advises as to the date of a sale, the consideration, and the name of the purchaser. When it comes to dealing with the Bosch Magneto sale it speaks of "participants in the purchase of Bosch Magneto Co.," followed by a list of about 115 names of persons and companies, among which that of Martin E. Kern is inconspicuously placed down near the middle of the list. The names of many distinguished financiers appear on this list. Among others, a member of the Morgan banking firm; also, a then president of a New York trust company; also, the firm of Hornblower & Weeks; and several others whose alleged interest as participants in the purchase might in a measure explain the failure of the present custodian and present Attorney General to take such legal action as the facts would seem to require.

Now, the fact is that after Mr. Kern purchased the property he organized a new company, called the American Bosch Magneto Co., to which he transferred the property, and I venture to say that the individuals and concerns who are listed by the present custodian as participants in the purchase were merely subscribers to or purchasers of stock in the new company. Evidently somebody put something across on the present custodian and induced him to print a list of such stockholders as participants in the purchase in order to exclude, so far as possible, the personality and the record of Mr. Kern from the transaction.

However, if what the present custodian says in his report is in accordance with the facts, the gentlemen involved have but fled from one difficulty only to encounter another and equally serious one. Clearly the official records made up in the office of the Alien Property Custodian disclosed Martin E. Kern as the purchaser. The law, among other things, provides that—

Any person purchasing property from the Alien Property Custodian for an undisclosed principal—

and so forth, is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $10,000 or imprisonment for more than two years, or both, and, quoting the language of the statute—

The property shall be forfeited to the United States.

L. VOGELSTEIN & CO.

The case of L. Vogelstein & Co. will be mentioned as typical of some of the transactions that make an investigation imperative. If you will read a report of the custodian for the period ending February 15, 1919, you will find a chapter devoted to the metal situation and to the relation of German interests thereto. From the first paragraph of this chapter I quote the following:

To appreciate what has been accomplished in ridding the metal industry of the United States of the influences of the so-called "German metal octopus" it is necessary to briefly sketch the growth of the German metal concerns on their native soil and then to point out how these gradually invaded foreign markets and to what extent the American metal markets came under their domination. * * *

The octopus was spreading his tentacles across the Atlantic, but he had not yet assumed the "octopian" proportion.

The Alien Property Custodian has taken over the German-owned metal concerns in the United States, and by disbanding some and Americanizing others it is believed the German influences in our metal markets have been completely eliminated.

Now, one of the octopi which is referred to at length in this chapter was Aaron Hirsch & Son, of Germany, and its alter ego in this country was L. Vogelstein & Co. L. Vogelstein & Co. was capitalized at $5,000,000. Its assets were probably worth several times that amount. Its net profits on the business transacted in the United States in 1916 was $3,000,000. Not long after the trading with the enemy act was passed the entire business and assets of Vogelstein & Co. were taken over by the custodian as enemy owned. Keeping in mind the capitalization of this company, the probable value of its assets, and the volume of its business as indicated by its profits in 1916, I will now proceed briefly to state what subsequently happened in relation to this concern.

Certain lawyers, whose names appear in the official records of the Alien Property Custodian's office, were retained by the custodian in connection with the seizure and administration of this property and represented the custodian in connection with the subsequent transactions. One of these same lawyers appears to have represented L. Vogelstein & Co. at the same time, and subsequently filed with the Alien Property Custodian, in behalf of L. Vogelstein & Co., a claim for the return of the seized property. This is one of the attorneys who received from the custodian fees aggregating about $135,000. In any event, under the circumstances I have indicated, the custodian was persuaded that L. Vogelstein & Co. was not German owned, that it merely owed the parent company in Germany a certain amount of money, and all of the capital stock, assets, and business were returned to L. Vogelstein & Co. upon the payment of this alleged indebtedness. I have a mental picture of the lawyer sitting upon one side of the table, representing the custodian in this transaction, and sitting on the other side of the table representing L. Vogelstein & Co., and in the latter capacity using all his logic, his ability—which no doubt is great—and his persuasive ingenuity to convince himself sitting on the other side of the table in the capacity first mentioned that the property of L. Vogelstein & Co. was improperly seized and should be released. The situation was somewhat camouflaged by an arrangement by which the shares of stock in L. Vogelstein & Co., after their return or release, should be put in a voting trust for a term of years; but this camouflage does not conceal the true and sinister character of the transaction.

In addition to what is contained in the chapter on the metal situation to which I have referred, the report of the former Alien Property Custodian, on page 357, states that L. Vogelstein & Co. was 100 per cent enemy owned.

There is another interesting feature; the attorney to whom I have referred, in a communication which may be found in the files of the Alien Property Custodian, states in substance that

as the result of the arrangements which were made the Alien Property Custodian had received in money and securities from L. Vogelstein & Co., as representing the alleged indebtedness to the parent company in Germany, $3,076,100.20, while the report of the present Alien Property Custodian on page 582 states the amount received by the custodian to be $2,164,088, or a discrepancy of $912,012.20. In other words, on the face of the figures, it would appear that the custodian has received and reported as being in the trust fund about $912,000 less than the attorney, who acted in the dual capacity, states was paid over by L. Vogelstein & Co.

Furthermore, it is safe to say that, whichever amount be the correct one, the custodian received upon the release of these properties but a small fraction of their value, notwithstanding he had seized and held and listed them as 100 per cent enemy owned after full investigation.

If another war should come and another Alien Property Custodian should be appointed for such emergency, every person who has the desire to be endowed with sudden wealth should be a lawyer and patriotically volunteer to serve as one of the aids of the custodian. If you will read the report of one of the former custodians for the period ending February 15, 1919, you will be entertained; your fancy will be engaged; your interest and your attention will be intrigued by the flowing style, the sonorous diction, and the beautiful and touching encomiums which he piles lavishly upon himself and the patriotic members of his staff, particularly the lawyers who served him at such manifestly pathetic sacrifice of their own private interests. Caught in the magnificent swing of that official document, touched and exalted by the panegyrics pronounced upon the patriots of the office of the Alien Property Custodian, the soldiers who served upon the battle fields of Europe, who merely offered, and in all too great numbers, gave their lives, their health, their future in behalf of their country must feel ashamed of the pitiful insignificance of their sacrifices.

What has the Alien Property Custodian done in appreciation of and to requite the services of these noble patriots who so freely volunteered their services to aid him in his work? If you will examine the report recently submitted by the present Alien Property Custodian, you will find that five of the most conspicuous of these patriots received but the insignificant sum of $697,000 for their prodigious labors. This sum would pay the salaries of an equal number of Congressmen for between 18 and 19 years. The amount received by these five men, who, by the way, were only employed occasionally and not continuously, would exceed the pay of more than 1,600 soldiers while fighting in France for a year. One lawyer received upward of $170,000, another $137,000 and upward, and another $135,000 and upward, two or three more each an amount exceeding $100,000. Others either less patriotic or less favored were forced to be content with paltry amounts, such as $75,000, $73,000, $71,000, $54,000, $43,000, and so on through a long list. There is only one good reason that occurs to me at this time why we should not investigate these matters, and that is that the facts are too shameful to be exposed to public view.

I recall reading some time ago in the RECORD of the hearings before one of the committees of this House the glowing praise Mr. Garvan heaped upon a gentleman whom he referred to as the "fighting Ramsey Hoguet." This gentleman had ably assisted Mr. Garvan in the Chemical Foundation Co. matter and had become one of its counsel after the organization of the company. One might reasonably draw the inference from what Mr. Garvan said in that hearing that the "fighting Ramsey Hoguet" had performed prodigious labors for the common good in connection with matters under the charge of the Alien Property Custodian without profit to himself and with reimbursements insufficient to cover clerical expenses. Manifestly, the enthusiasm of Mr. Garvan on that occasion in behalf of his colaborer in the Chemical Foundation affair obscured his recollection of the facts, because it would appear that the "fighting Ramsey Hoguet" in the matter of fees, paid, of course, out of trust properties, or the Public Treasury, had received something over $73,000. Thus were the "fighting" qualities of one great warrior well and generously rewarded.

If you will examine further the report recently submitted by the present custodian you will find another very interesting, not to say extraordinary and scandalous, situation. Scores of lawyers who were employed by the Alien Property Custodian have represented in the past and are now representing claimants to property in the hands of the Alien Property Custodian.

Every one of the lawyers who received the large fees to which I have referred repeatedly represented claimants before the office of the Alien Property Custodian, and in a number of instances at the very time they were employed by the custodian. There are instances disclosed by the report where the lawyers who represented the custodian in connection with the seizure and administration of enemy-owned property passed over to the other side and successfully represented claimants in securing a release of such property, and it is of more than passing significance that many of these same lawyers to whom the big fees were paid have been unusually successful in persuading the custodian to release enemy property. It has been stated upon excellent authority, with names and amounts given, that some of these lawyers who have been the recipients of such generous favors at the hands of the custodian have in turn received fees running into hundreds of thousands of dollars in securing the return of property from the custodian, and that such services have been rendered upon contingent-fee contract, a species of employment which, to my mind, under the circumstances, is open to the most serious criticism. And the recent report of the custodian shows this condition still continues to exist—a reproach, a scandal, and a menace to the decent and orderly administration of the public business. [Applause.]

Mr. Chairman, I have laid before the House some very serious charges against the Alien Property Custodians, past and present. If I have been misled, if the charges I have made are unfounded, if I have not spoken the truth, there is only one thing for the present Alien Property Custodian to do, and that is to appear before the Rules Committee and demand that it report out favorably the resolution of investigation I have to-day introduced.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOODRUFF. Will the gentleman give me five minutes more?

Mr. MADDEN. I am sorry, but we have not got the time to yield.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. How does the time stand on general debate?

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has 35 minutes and the gentleman from Tennessee [Mr. BYRNS] has 30 minutes.

Mr. RAKER. Are we going to continue the discussion of such important matters as these with only a few Members present? Is that the idea?

Mr. MADDEN. We are going to finish the general debate. It will take only about an hour. We want to finish the work that we have to do by next Thursday, so that we can all go home.

Mr. RAKER. Will the gentleman permit a suggestion?

Mr. MADDEN. This is all by general consent. We are going to stay here until we finish this general debate.

Mr. RAKER. I would like to ask the gentleman if, as a matter of fact, he is making any effort to get a rule so that these matters may be investigated?

Mr. MADDEN. I have nothing to do with that. I yield five minutes to the gentleman from Wyoming.

Mr. VOIGT. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Wisconsin moves that the committee do now rise.

The questing being taken, on a division (demanded by Mr. VOIGT) there were—ayes 5, noes 32.

Mr. VOIGT. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of no quorum present. Evidently there is no quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Browne, Wis.	Connolly, Pa.	Fairfield
Anderson	Buchanan	Cooper, Ohio	Faust
Andrews, Nebr.	Burroughs	Cooper, Wis.	Favrot
Ansorge	Burtness	Copley	Fenn
Anthony	Burton	Crago	Fields
Arentz	Butler	Crisp	Fisher
Atkeson	Byrnes, S. C.	Crowther	Focht
Bacharach	Campbell, Kans.	Dallinger	Fordney
Bankhead	Campbell, Pa.	Darrow	Frear
Barkley	Cannon	Davis, Minn.	Freeman
Beck	Cantrill	Deal	Fuller
Beedy	Carter	Dempsey	Fulmer
Bell	Chandler, N. Y.	Denison	Funk
Benham	Clague	Dickinson	Gahn
Black	Clark, Fla.	Drane	Gallivan
Blakeney	Clarke, N. Y.	Drewry	Garrett, Tex.
Bland, Ind.	Classon	Driver	Gilbert
Bland, Va.	Clouse	Dunbar	Glynn
Blanton	Cockran	Dunn	Goldsborough
Bond	Codd	Dupré	Goodykoontz
Brennan	Cole, Ohio	Dyer	Gorman
Briggs	Collins	Echols	Gould
Britten	Colton	Ellis	Graham, Pa.
Brooks, Pa.	Connally, Tex.	Evans	Green, Iowa
Brown, Tenn.	Connell	Fairchild	Greene, Mass.

Greene, Vt.	Lanham	Olpp	Steagall
Griest	Larsen, Ga.	Osborne	Stedman
Griffin	Larson, Minn.	Overstreet	Steenerson
Hardy, Colo.	Lawrence	Padgett	Stevenson
Hardy, Tex.	Lazaro	Paige	Stiness
Harrison	Lee, Ga.	Park, Ga.	Stoll
Hawley	Lehlbach	Parker, N. Y.	Sullivan
Herrick	Linthicum	Parks, Ark.	Summers, Wash.
Hersey	Little	Patterson, Mo.	Swank
Hicks	Logan	Patterson, N. J.	Sweet
Hill	Longworth	Perkins	Tague
Himes	Luce	Perlman	Taylor, Ark.
Hogan	Luhring	Porter	Taylor, Colo.
Hooker	Lyon	Pou	Taylor, N. J.
Huddleston	McArthur	Rainey, Ala.	Taylor, Tenn.
Hudspeth	McClintic	Rainey, Ill.	Ten Eyck
Hull	McFadden	Ramseyer	Thomas
Humphreys	McLaughlin, Mich.	Rayburn	Tilson
Husted	McLaughlin, Nebr.	Reber	Tinkham
Hutchinson	McPherson	Reed, N. Y.	Towner
Ireland	McSwain	Rhodes	Treadway
Jacoway	MacGregor	Riddick	Tucker
Jefferis, Nebr.	Maloney	Roach	Tyson
Johnson, Ky.	Mann	Robertson	Underhill
Johnson, Miss.	Mansfield	Robsion	Upshaw
Johnson, S. Dak.	Martin	Rodenberg	Vare
Johnson, Wash.	Merritt	Rogers	Vinson
Kahn	Michaelson	Rosenbloom	Volk
Kearns	Mills	Rossdale	Walters
Kelley, Mich.	Montague	Rouse	Ward, N. Y.
Kelly, Pa.	Montoya	Rucker	Wason
Kendall	Moore, Ill.	Ryan	Watson
Kennedy	Moore, Va.	Sabath	Weaver
Ketcham	Morgan	Sanders, Ind.	Webster
Kiess	Morin	Sanders, N. Y.	White, Me.
Kindred	Mott	Schall	Williams, Ill.
Kinkaid	Mudd	Scott, Mich.	Wilson
Kirkpatrick	Murphy	Shelton	Wingo
Kitchin	Nelson, Me.	Shreve	Wise
Kleczka	Nelson, J. M.	Siegel	Wood, Ind.
Kline, N. Y.	Newton, Minn.	Sinclair	Woods, Va.
Knight	Newton, Mo.	Slemp	Woodyard
Kraus	Nolan	Snell	Wyant
Kreider	O'Connor	Snyder	Yates
Kunz	Oldfield	Speaks	Young
Langley	Oliver	Stafford	Zihlman

The committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 12091, finding itself without a quorum, had caused the roll to be called, when 146 Members answered to their names, and he presented a list of the absentees.

The CHAIRMAN. When the point of no quorum was made the committee was dividing on the motion of the gentleman from Wisconsin [Mr. VOIGT] that the committee do now rise.

The question was taken, and the motion was lost.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, may I express the hope that Members will remain and maintain a quorum in the committee until we conclude the general debate on the bill? I think, as a matter of fact, we ought to pass the bill to-night. [Applause.]

Mr. Chairman, I find it rather difficult to understand the motives that actuate the gentleman from Michigan [Mr. WOODRUFF], who has just spoken, in his attack on the Attorney General and the Alien Property Custodian. His attacks are based on the theory that during the last Democratic administration there was a great deal of fraud, a very great amount of evil doing, and that the Attorney General and the Alien Property Custodian have not been sufficiently swift in ferreting out these alleged or actual evildoers and punishing them.

In the first place, while I have been rather caustic in my criticism of the former administration at one time and another, I am not willing to believe and never have believed that all of the fraud that has been charged at one time and another was practiced, or that all the crimes that have been charged were actually committed. Furthermore, I know, and I think every gentleman who has cared to inform himself knows, that both the Alien Property Custodian and the Attorney General have since their appointment been diligently investigating charges that have been made of fraud and irregularities. Very properly, neither of them has advertised the work they were doing. It would not have been wise or proper for them to have done so, first, because it is not fair to charge men with evil doing unless you have very definite grounds for such charges, and, second, to have advertised what they were doing, or the work they were undertaking, the methods they were pursuing, the facts they were securing, would have served no other purpose than to give notice to those persons who were being investigated, and by so doing give them an opportunity to arrange a defense and do all or any of those things which men do to avoid punishment.

Mr. WOODRUFF. Will the gentleman yield?

Mr. MONDELL. No; I have only five minutes. Now, we are bound to take it for granted that the gentleman from Michigan is acting in good faith, but we all know that if we were to do what he asks to have done—that is, ask the Attorney General and the Alien Property Custodian and others to turn aside from their regular duties, to suspend their investigations, to give up for the time the ferreting out of evil deeds and appear before congressional committees of investigation—we would to the extent to which we demanded their time for this purpose, retard the very investigations and prosecutions which the gentleman from Michigan says he desires to have carried on.

Furthermore, these investigations would serve to place those who were under suspicion on notice and thus afford them opportunities that would be helpful to their case and possibly afford them a splendid opportunity for setting up a claim of immunity. It is true the gentleman from Michigan will be able to say, when these investigations have been concluded, when cases shall have been brought to trial, when final action shall be taken with regard to the evil doing that he complains of: "I told you so; they did it because I prodded them; there would not have been a thing done if I had not prodded them; and there was not a thing done until I did prod them."

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, will the gentleman from Illinois give me two minutes more?

Mr. MADDEN. I yield two minutes more to the gentleman from Wyoming.

Mr. MONDELL. I can not yield; my time is brief. The gentleman will be able to sing the time-honored refrain, "I told you so, I told you so," and he will claim the credit, I suppose, for all that the Attorney General's force has been doing from the beginning of the administration; he will declare that nothing would have been undertaken, nothing would have been carried forward, nothing would have been accomplished except for his prodding. As a matter of fact, so far as I know, what he has said and what he has done have simply tended to encourage those who were under suspicion. It certainly has not had the effect of advancing prosecutions. [Applause.] I know that the very cases he mentioned have been under consideration for months, but those who are investigating them are not heralding the facts abroad.

I am not one of those who hope that a lot of men will be found to have been guilty of fraud. I hope that comparatively few will be found to have been guilty of actual fraud. I hope that all who have been guilty will be proven guilty, but I am not one of those who hope that a great many men were guilty of deliberate fraud. I think there was, however, grievous wrongdoing, and I hope it will all be punished. These matters are now under consideration, and in due time they will be brought to a proper conclusion, but the attacks such as the gentleman from Michigan is making are not helping the cause of justice or aiding in the punishment of crime. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I do not believe there is a Member of this House who wants to protect anybody in wrongdoing. I do not believe the membership of this House is made up of men of that kind. I do know that both sides are prone to play a great deal of politics and say a great many things about the other man's administration and then rush to the defense of their own. I presume that is human nature. This is all right. Each side should criticise the other. It is healthy for both.

I knew Mitchell Palmer intimately and so did many of you in this House. I do not believe that any man who served here with Mitchell Palmer thinks that there is a dishonest bone in him or a dishonest thought about him. He was a man of high standing in this House. He enjoyed the confidence of both sides. You may not agree with him politically, but I know you think that he is an honest man. [Applause.] I am sure of his honesty. In my opinion he is also a man of great ability as well as a man of integrity.

I would have a great contempt for any Member of this House who wanted to take the engines of prosecution and use them to the hurt of an innocent man. I think one of the greatest crimes on earth is to take an honest man and connect him up with dishonesty for political purposes when there is no ground for it but because he has held public office. It is a crime unless you have absolute proof. You not only do the official a very great injustice, but you have done your Government a great injustice. People throughout this country now are too prone to believe that men in high office, men holding high official positions, are dishonest. If this is carried too far it will overturn the Government even if it is untrue. I believe I can truthfully say that of the several hundred men that I have known besides those with whom I am now serving, there is but one man with whom I have served about whom I had

any suspicion in respect to honesty and integrity, and I may be wrong about him.

A MEMBER. Who is the gentleman looking at?

Mr. SISSON. Well, he is not in this Congress. [Applause and laughter.] He has been out a long time. I might tell you privately who he is, but I do not want to do even him an injustice. This House has given to the Attorney General $500,000 for the purpose of prosecuting wrong wherever he finds it, and every Democrat, so far as I know, voted for that resolution. As I look into the faces of these men with whom I serve here every day, if I were called upon to put my hand upon a man who is dishonest, who I think would steal directly or indirectly from the public funds, then, if I put my hand on the shoulder of the wrong man, God was to strike me down like Ananias and Sapphira because I had lied, I would hate to put my hand out. Everybody in the United States almost is prone to jump on Congress. Everybody has a right to kick us and say mean things about us, not only individually but as a body. As a rule, I think public officials are honest men. In any event, can we not exercise the same presumption about a man in public office that the law requires us to exercise in respect to a man in private life? He is presumed honest until the contrary is shown. A man who runs the gantlet of a congressional election for several terms, with all the boys out looking for bad places in his record, is usually all right when he gets here, and such a one surely will be generous enough to indulge the presumption with reference to his colleagues and other officials. You will find that the people do not make very many mistakes in sending people to Congress, so far as honesty and integrity is concerned. I think in the last election they made some horrible mistakes in the exercise of judgment, but not because the men were dishonest. However, I think the next election will right that wrong and the thing will be reversed. [Applause and laughter.]

A MEMBER. Very little applause.

Mr. SISSON. That is true, a lack of Democratic enthusiasm. [Applause.] But I did not find very much applause on that side when a gentleman over there, sotto voce, criticized my not having received Democratic applause. I really believe in Members applauding their own side. I believe I am a partisan, and I do not have very much respect for a man who does not have convictions enough to be a partisan, if he is a good, honest one. But, gentlemen, I am talking about something I did not have any idea in the world of talking about. Mr. MONDELL made some statements and I thought I would say a word in his defense——

Mr. KNUTSON. Will the gentleman yield?

Mr. SISSON. I will yield.

Mr. KNUTSON. If a congressional investigation were ordered and some of these alleged culprits would appear before the committee and testify, would there not be danger of their claiming immunity later when a prosecution came on?

Mr. SISSON. Of course, that might be true. When a man is compelled to testify under oath to a competent body, of course, unless he did so voluntarily, he would be immune.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. SISSON. I do.

Mr. GARRETT of Tennessee. That question was debated very carefully when the Graham committee was organized, and it did not stand in the way at that time of that investigation?

Mr. SISSON. But the courts have not passed upon that action. I believe when a man is called upon under pains and penalties of perjury and compelled to give testimony that under the Constitution of the United States he is exempt from prosecution if by and under such oath he divulges matters that should not be divulged but for that oath, I think he is exempt from prosecution for the matters so divulged. That is my opinion.

Mr. TINCHER. Will the gentleman yield?

Mr. SISSON. I will.

Mr. TINCHER. Thoroughly agreeing with my friend with reference to his statement as to a man who has run the gauntlet of being elected to Congress several times, is not that testimony in favor of the present Attorney General who has selected men we know and with whom we associated in the Congress—taking one from the Senate and two from this body—to prosecute these people who are alleged to have violated the laws?

Mr. SISSON. I think without hesitation that we ought to presume that the Attorney General is endeavoring to do his duty until the contrary is shown. [Applause.]

Mr. TINCHER. There is no Member of Congress who would charge Frank Reavis or McCullough, who were in this body, of being anything else but upright, reliable, honest men, or Senator Thomas, of Colorado.

Mr. SISSON. I think absolutely these gentlemen whom the gentleman mentions, one in the Senate and two from the House, are men of honesty and integrity. I tell you I would have great contempt for any Attorney General of any party who pushed his prosecutions and indictments unless he would take into consideration all the evidence and the character of the case against the citizenship of this country. [Applause.] Because you can just as successfully destroy an innocent man—and it is a worse crime to destroy him by an unlawful prosecution than it is to let a guilty man escape—and it is upon that principle that liberty rests. Convict a man; yes. Convict him if he is a guilty man under the evidence beyond a reasonable doubt and moral certainty; but never convict him unless so proven guilty, and I hope my record in this House is such that no man will believe I will in any way court wrongdoing on the part of any man.

Mr. KNUTSON. The gentleman's record is good.

Mr. SISSON. Gentlemen, I had intended to talk to you a little about the expenditures and about my attitude in reference to the expenditure of public funds, but the hour is extremely late and I am not going to do that, but I will say before I conclude my remarks that I believe I speak the truth when I say that every man who served on a subcommittee with me, every man who served on the Committee on Appropriations with me, every man who served on a conference committee with me, will say that I have made every effort to be nonpartisan in the appropriation of public funds, and by the exercise of the ability which God gave me have tried to keep the expenses down. [Applause.] And I believe also that they will bear testimony that I have made an effort to protect the taxpayers of America from high and unjust taxes.

Mr. CRAMTON. Will the gentleman yield?

Mr. SISSON. I will.

Mr. CRAMTON. As one who has had the privilege of serving on two subcommittees of the Committee on Appropriations and on one committee of conference, upon a strenuous occasion, with the gentleman from Mississippi, it gives me pleasure to confirm absolutely what the gentleman says. I have deemed him one of the real economists in this House, and his outstanding ability is recognized by us all. [Applause.]

Mr. SISSON. I thank the gentleman. Gentlemen, I do not believe any man makes a mistake, when an appropriation is of doubtful propriety, by voting against it. In the appropriation of public funds I feel that every dollar appropriated should be appropriated as a sum absolutely necessary for public use; and if it is not, he who votes does a wrong tantamount to a crime. I am afraid of a man if he is careful about spending his own money and very reckless about spending the people's money. [Applause.]

Mr. Chairman, the hour is late. I have talked longer than I ought; I therefore yield back the balance of my time.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from North Carolina [Mr. WARD].

The CHAIRMAN. The gentleman from North Carolina is recognized for 11 minutes.

Mr. WARD of North Carolina. Mr. Chairman, it is said that variety is the spice of life, and I have now to introduce some variety by asking you to hear me just a few minutes on a matter we have not heretofore considered in this body, to wit, the subject of birds.

I did not introduce that subject to this Congress, and I am sorry it was ever introduced in the form in which it has been presented. In May, 1921, the gentleman from Kansas [Mr. ANTHONY], away out yonder where I thought there were no birds, introduced a bill known as H. R. 5825, providing for establishing shooting grounds for the public, for establishing game refuges for protecting migratory birds, and requiring a Federal license to hunt them.

The bill brought great alarm to the hearts of many of my constituents, and I am commanded by my duty to them in this limited opportunity to speak to it. Hearings were had by the Committee on Agriculture, to which it was referred, and strange to say, wonderful to behold, that committee reported to this House that the bill ought to pass. In the face of the great questions of national importance pressing upon the consideration of this Congress, reviewed so aptly by my colleague, Mr. POU, yesterday, the Committee on Rules has reported a rule favoring the immediate consideration of this bill. The destiny of Muscle Shoals and of ship subsidies and of all such questions of great national importance, which the public mind is pressing with such anxious impatience upon the consideration of this

Congress, have been relegated to the rear and the bird bill has been given a rule as of superior importance to those great measures, and so shortly you will be called upon to vote upon this question.

The bill provides that there shall be a commission appointed consisting of Members of each House of the Congress, the Secretary of Agriculture, the Attorney General, and the Postmaster General, whose duties it shall be to secure, lay off, survey, and set apart reservations of land or water wherein no man shall hunt or shoot unless he shall first obtain a license from the Agricultural Department. For that license he shall pay $1, and the manner of obtaining it and the conditions upon which it is issued and the regulations upon which he shall exercise it are prescribed up here in the Agricultural Department.

Under one of the provisions of this bill a man who is found on one of these reservations without a license and in any way violating one of the regulations, if he is in possession of a single bird's egg as big as the end of my thumb, can be arrested without warrant by an agent of the Agricultural Department and carried, if need be, across a dozen counties to a Federal commissioner, by this commissioner bound over to a Federal grand jury, and there indicted and put on trial, and the Federal judge must sign and enter a judicial decree determining the proper custody and possession and property of such bird's egg, whether it be the property of the defendant, and if not, adjudging it to be the property of the Agricultural Department. See section 12 of the bill, page 8, from line 5 to line 4 on page 9.

How commanding, awe-inspiring, and wonderful as a display of governmental power and authority it will be to stand in the presence of an august tribunal, presided over by a Federal judge, and see him and his assistant officers adjudicate title and rightful possession of the egg of a brant! In section 13 of this bill there is a segregable proposition and sentence, under which a man may be indicted for disturbing any fish within one of these Federal reservations; and I state it here and now, as a man and a lawyer, staking upon its correctness whatever reputation as either man or lawyer I have with my constituents, that if a district attorney should write a bill of indictment in the following words, "The grand jurors of the Government on their oaths present that A B, late of the county of Currituck and State of North Carolina, and in the eastern district of said State, being willfully and unlawfully in a certain Federal reservation, did unlawfully disturb a certain fish, to wit, a black bass, by throwing a club at him, contrary to the statute in such cases made and provided and against the peace and dignity of the United States," that bill of indictment could not be quashed, but under this bill, if it should become a law, is sustainable; and if under the bill it should be found by the jury that he was on that reservation and wantonly took a club and threw it into the water and caused disturbance to a fish, he may be fined $50 and imprisoned six months. [Laughter.] See section 15, page 10, from line 6 to line 16.

I insist, Mr. Chairman, that this matter is too serious to be laughed at in the American Congress. I submit that the people of this country have been so annoyed, pricked, nagged, and aggravated by penal laws and by the piling up of penalties for every imaginable act, word, and deed that their patience and submission are hardly able to bear up under them longer.

Already there is sufficient law for the protection of all kinds of birds. I favor the spirit and purpose of such laws. Birds of all kinds ought to be protected against wanton and extravagant destruction. In furtherance of this purpose the Congress has passed laws under which a man may be indicted and imprisoned six months for killing a single catbird, because he is a songster, even if that bird is eating his own raspberries. Already it is the law that if a man holding a dozen dead migratory birds in his hand at the groceryman's door should exchange one of them with the groceryman for a pound of flour, sugar, coffee, or any other article of food with which to eat one or more of the other 11, he may be imprisoned in a Federal prison for six months.

Are not such extreme Federal statutes as these quite sufficient circumspection and limitation upon the ordinary, natural, and almost irresistible conduct of the citizen to protect birds as far as their protection is necessary, and do they not go as far as the Congress ought to go in circumscribing the conduct of the citizen? Where and when, I ask, will the Congress ever stop in saying what men shall and shall not do in their natural and necessary everyday walks of life, and where and when will it ever stop in establishing courts to try them, building prisons to hold them, fixing penalties to punish them, and appointing foreign officers and departmental agents to arrest them without warrant, and search their secret precincts and possessions? How can the people be expected to obey such a network of laws that surround them on every hand to nag, to gnaw, to nibble, to tease, to irritate, to pester, and to annoy them? Such laws give no inspiration and create no conception of "awe and majesty wherein doth lie respect for government." They destroy respect for government, and they have done much and are constantly doing much to destroy respect for law and government.

No wonder the people are restless and discontented with their Government. No wonder political parties succeed each other in power with each recurring election. No wonder there is Bolshevism, socialism, and every form of public discontent all over the land. Once surround the citizenship of the country with a system of restraints upon his conduct and his natural rights, forbid him doing the things his forefathers did before him without question, and the things he has been doing all his life that have in them no possible sense of inherent wrong, surround him with penalties for the things he was trained to think God had given him a right to do, and then smite him with the hand of governmental power and expect him, like a whipped dog, to come up and lick the hand that smites him, and you will find when it may be too late the difference between the man and the dog. You are simply doing all that government can do to convert a patriot into an anarchist.

This bill authorizes the search of the sacred precincts of a home, by an agent of the Agricultural Department, unbonded and unsworn, to find a dead brant or a duck egg. Think of a North Carolina woman, standing there in her home, with her little ones about her, where she thought she was protected by her great Government from invasion and trespass, looking on the beautiful and inspiring spectacle of an agent of the Agricultural Department prowling through her bureau drawers to see if her husband has hid a dead brant or a goose egg in them. Pass this bill as it is written and I solemnly declare that it authorizes exactly that thing exactly as I state it. God Almighty save the mark! [Applause.]

What, now, is the real purpose and intent of this bill, and why was it inspired? Is it this: The sportsman, whose inherited fortunes have removed him far from life's duties, responsibilities, and cares, has purchased an island in the waters, say, of Currituck Sound, N. C.—and other waters are similar—and on it he has built a home and stocked it with all the things that luxury and ease and sport and revelry can suggest. In this island home he "tastes the spices of Arabia, but feels not the sun or showers that produce them." Around this island for several miles it may be is very shallow water and shoals. His riparian and other rights extend far out to deep water. He has difficulty in using the local courts to enforce protection of his shooting ground. He wants to turn these islands and shooting grounds over to the United States, pay his license, and get the United States Government to protect them by its regulations and through its courts. I know whereof I speak. I have been in touch with just these conditions, and for several years I did my best to enforce rigid State laws for the protection of migratory birds and the property rights of those who enjoyed peculiar privileges in the shooting of them. I found it difficult. Juries act reluctantly and call for, sometimes, most too much proof before they convict on such indictments. But pass this bill and the club owner and sporting man will raise the song of the southern negro, "All 'er my troubles am done away. I will turn these lands and waters over to the Government and go to the Agriculture Department and get a network of regulations governing shooting on them and get an agent of the Agriculture Department to come down here and wine and dine with me and he will pick up these fellows—he will not need any warrant—and carry them away to a United States commissioner and have him bound over to the Federal court and make him come to that court to get a trial three or four times, 100 miles away from his home, and by that time I have done enough to him not to care whether he is convicted." That is what is in this bill. It is a piece of tyranny and of sportsman despotism that no English lord would have asked for the protection of his manor in the thirteenth century. [Applause.]

Mr. CRAMTON. I yield five minutes to the gentleman from Ohio [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, the Washington Herald of this morning contains on the first page an article purporting to cover an address by Congressman WOODRUFF, of Michigan, made last night before the George Washington Post of the American Legion. The article carries a heading, "Got goods on Daugherty." A second heading reads, "Representative charges Attorney General put war-fraud cases in hands of slackers."

The article contains the following language:

Charging that Attorney General Daugherty has put into the hands of a few slackers the duty of investigating war-fraud cases, and asserting that those in the Department of Justice who really have the inter-

ests of the Nation at heart are not allowed to investigate any cases except those which have been put into their hands by those higher up, Representative ROY O. WOODRUFF, of Michigan, last night declared before the George Washington Post of the American Legion that a change was needed in the Department of Justice.

The newspaper purports to quote the gentleman from Michigan [Mr. WOODRUFF] as follows:

Our Attorney General has been in office 14 months now; his archives are crammed with war-fraud cases, with enough evidence to warrant indictments, and still he has taken no action.

The article further purports to quote the gentleman from Michigan [Mr. WOODRUFF] as follows:

It is a well-known fact that when I threatened to move the impeachment of Mr. Daugherty if he did not get after the Lincoln Motors case, in which the Government overpaid the company more than $9,000,000, he got some action quick. Why can't this be done in all cases?

The paper further states that the gentleman from Michigan [Mr. WOODRUFF] concluded by declaring that—

Mr. Daugherty may soon be stirring now, because he knows very well that we have the goods on him.

Assuming that the above quotations are substantially correct, I wish to take just enough of the time of the House to say that in my judgment such unwarranted statements serve the purpose of defeating rather than promoting speedy and exact justice being administered to war profiteers.

I was privileged to serve for two years on the so-called Walsh committee, which investigated some of the war expenditures. My experiences on that committee convinced me of the necessity of careful and thorough preparation on behalf of the Government before actions were begun. The American people want prosecution of war profiteers. Our efforts can better be used toward aiding rather than discrediting that department. The present Attorney General was a personal and intimate friend of Senator John Sherman, Senator M. A. Hanna, Senator J. B. Foraker, President McKinley, and is not entirely unknown to President Harding. Ohioans may well await with interest the results of an organized effort to discredit a worthy public official.

Congress has recently appropriated $500,000 for investigation and prosecution. This new bureau is in the process of organization, and, in my judgment, it ill becomes Members of Congress to attempt to hamstring this bureau before it has scarcely had time to get in action. I have known Attorney General Daugherty for the past 20 years. I do not believe he has put into the hands of a few slackers the duty of investigating war fraud cases. No one who knows Mr. Daugherty will believe that statement. I am reliably informed that among the list of special assistants to the Attorney General who have been assigned to investigate and prosecute war frauds may be found Col. Henry W. Anderson, Col. William T. Champland, Col. Guy D. Goff, and Lieut. C. Leon Downing, all in the recent war, and, I dare say, with military records which would not suffer by comparison with that of distinguished gentlemen who make these charges against the Attorney General. How many other members of the bureau investigating and prosecuting war frauds were in the recent war I do not know, but it is evident that the facts do not bear out the charge that the Attorney General has put into the hands of a few slackers the duty of investigating war fraud cases.

The gentleman from Michigan is credited with having said:

It is a well-known fact that when I threatened to move the impeachment of Mr. Daugherty * * * he got some action quick.

Has it ever occurred to the gentleman from Michigan that this very same action might have happened at exactly the same time and in exactly the same manner, even had he not so courageously announced his threat of impeachment? It is quite possible that even a Member of this distinguished body may at times take himself entirely too seriously. [Applause.]

Then he is credited with the statement—

Mr. Daugherty may soon be stirring now, because he knows very well that we have the goods on him.

I submit that it does not require a very high degree of courage or foresight to predict activities on behalf of a bureau, created under congressional appropriation, to investigate and prosecute war frauds. The gentleman is further quoted as having said last night:

In a very few days I shall get after former Alien Property Custodians A. Mitchell Palmer and Francis P. Garvan.

Has it not occurred to the gentleman from Michigan that the Department of Justice might have equal facilities with him for ascertaining the facts surrounding these Alien Property Custodians? Action will come in due time, I predict, while his resolution peacefully sleeps.

I have no desire to question the right of the gentleman from Michigan [Mr. WOODRUFF] to make whatever charges, in whatever manner he sees fit. I am not trying to disparage his motives or deter his line of action, but I do submit that in fairness to the present administration and in fairness to one of the great branches of this Government no Member of Congress should in haste commit himself to such charges as the daily press credit to the gentleman from Michigan.

May it not be possible that powerful interests, fearful of war frauds investigations are making systematic efforts to discredit the Department of Justice? May not the gentleman from Michigan unintentionally and unwittingly be lending his efforts in aid of this scheme? That there is such a scheme every American with an open mind must discern. However, anyone who knows the present Attorney General knows that no such efforts will ever swerve him from his line of duty. During 30 years' active participation in politics, Harry Daugherty never struck below the belt. He is a hard fighter, but a fair fighter. Those who are hoping to discredit his administration and thereby prevent prosecutions are doomed to a great disappointment.

In 1912 I resigned as secretary of the Republican State Committee and served as secretary of the Progressive State Committee in Ohio. Mr. Daugherty led the Taft fight. It was a spirited contest, but real Progressives lost no respect for Mr. Daugherty. It was my pleasure to sign his petition for United States Senator four years later. The struggle of 1912 had left no ill feeling, because Mr. Daugherty was a hard fighter, but a fair fighter. I predict that the gentleman from Michigan, as well as the American public generally will soon conclude, if they have not already done so, that war profiteers will not prevent the present Attorney General from discharging the duties of his office without fear or favor.

It is to be regretted, as I see it, that some of our Chatauqua circuit riders and notoriety seekers have unwittingly contributed to this well-organized scheme to discredit this great branch of our Government. I offer no apology, either for the Department of Justice or for the Attorney General. They need none. I make no defense of either the department or Mr. Daugherty. They need none. I do venture the opinion that in the near future the membership of this body, as well as the country at large, will realize that the Department of Justice is functioning with precision and effectiveness. Surely such a condition is desired by all Americans, save and except our princely war profiteers, and that small but select band of professional elephant chasers.

Mr. CRAMTON. I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. VOIGT. Mr. Chairman, on what subject, please?

Mr. VOLSTEAD. I intended to make some remarks in answer to something said by my friend the gentleman from Massachusetts [Mr. TINKHAM] this afternoon.

Mr. VOIGT. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. VOIGT. On what subject?

Mr. NORTON. On the condition the country was in when Congress met and what has been accomplished.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, when the Republicans came into power, on March 4, 1921, the country was still at war, although more than two years had passed since the armistice. The mills were closed and men were out of employment; cotton piled in the yards throughout the South with no market and the wheat and corn market in even worse condition, so that the farmers were discouraged, surrendering their farms to the mortgagees. Europe was bankrupt and banks were breaking almost daily, some 32 having failed in North Dakota alone. Wages were going down, with about 7,000,000 unemployed looking for work which was not to be had. In short, confidence, which is the basis of trade, was wanting.

United States bonds were selling for 85 cents on the dollar. We had an interest-bearing debt of about $24,000,000,000 with an annual interest of more than a billion dollars; everyone complaining about the nuisance taxes and the internal-revenue taxes generally; the soldiers in need of hospitals, all the shacks

in the country being filled to overflowing; and all these conditions existing only 16 months ago when the Republicans came in power.

AND WHAT ARE SOME OF THE THINGS THAT HAVE BEEN DONE DURING THESE 16 MONTHS?

PEACE WITH GERMANY.

The Republicans not only passed a resolution declaring a state of peace with Germany, which was opposed almost unanimously by the Democrats, but they have negotiated and ratified a treaty saving all our rights without making entangling alliances or impairing our sovereignty.

INTERNAL REVENUE.

The nuisance taxes have been done away with and the internal revenue reduced nearly $200,000,000, and in 1923 will be reduced $790,320,000. The personal exemption for heads of families has been increased from $2,000 for the head of the family and $200 for each minor child to $2,500 for the head of the family and $400 for each minor child on all incomes up to and including $5,000, and this provision affects 60 per cent of the taxpayers. The $60,000,000 tax on cereal beverages was repealed and the war tax on cereal beverages placed at 2 cents per gallon.

HOSPITALIZATION.

Two bills, one for $18,600,000 and the other for $17,000,000, have been passed and the entire proceeds appropriated for the enlarging and building of needed hospitals for the soldiers who served in the World War; about 35,000 soldiers have been provided for, as follows: 12,180 tubercular, with the expectation that 3,500 more will be provided for, making 15,680 in all; present number of neuropsychiatric patients, 8,850, and general medical and surgical cases, 9,084. More than $178,714,182 has been paid out for vocational training and for schooling, support of families, and so forth, and $78,278,930 for medical and hospital service this year.

THE VETERANS' BUREAU.

Of all matters that have come before Congress, those of the soldier deserved and have received the most attention. When the present administration took hold, it found that the War Risk Insurance Bureau, the Federal Board for Vocational Education, and that part of the United States Public Health Service which has been dealing with the veterans were each under a distinct and separate head, and there was no end to the red tape that had to be unraveled before action could be had on any claim, and in many instances a soldier suffering from the lack of necessities was driven insane before action on his case was had. In fact, these bureaus were more than six months behind. But now the War Risk Insurance Bureau, the Federal Board for Vocational Education, and that part of the United States Public Health Service which has been dealing with veterans, have been combined into what is known as the Veterans' Bureau with Colonel Forbes at the head, and the red tape is being rapidly dispensed with. The central office is established in the District of Columbia with 14 regional offices and 140 suboffices. All the records have been transferred to the regional offices and now instead of having to make a trip to Washington, soldiers are treated nearer home. Colonel Forbes is a man of action, and the ex-service men are as a class more than pleased with the great change that is taking place—hospitals are being erected, repaired, and made ready—thousands of new beds have been equipped within the past few months, improvements are being made, and the claims of those suffering with injuries received while in the service of their country are receiving prompt attention, and the change meets with the approval of the ex-service men.

REDUCTION OF EXPENSES.

Expenses have been greatly reduced, especially the so-called fixed charges.

The Army appropriation has been reduced $45,000,000 and the Army from 256,000 to 125,000; the Navy appropriation reduced $86,000,000 and the Navy from 110,000 to 86,000; the Shipping Board appropriation has been reduced $76,500,000. We found a debt of $24,000,000,000 and paid the first year, on the principal, $350,000,000.

In 1921 the United States' expenses were $5,538,040,689, while in 1922 they are $3,922,392,000, or $1,615,668,659 less than they were in 1921. During the month of July, 1921, the Government discharged 5,537 civil-service employees more than it employed, and in one year it discharged 71,849.

BUDGET SYSTEM.

What is termed a "Budget system" has been adopted for the first time in the history of our Government, and it is said that this has already resulted in a great saving in the cost of administering the Government in the amount of about $250,000,000.

RELIEF FOR FARMERS.

Knowing the terrible condition the farmers of the West and South are in owing to the great drop in the price of all agricultural products, their crops not selling for enough to pay for the labor expended, and knowing how the entire country is dependent upon the farmer for its sustenance, this problem has received the special attention of Congress.

Several bills have been passed to enable the farmer to secure upon proper security the necessary loans to prevent the great sacrifice that would have resulted from the sudden decline in the value of farm products. A number of protective and improvement measures were also passed, such as the packers' bill, the grain futures bill, and an appropriation of $100,000,000 for the present year and $75,000,000 for the next fiscal year.

SHIPPING BOARD.

The total appropriations for the Shipping Board since its inception amount to $3,306,000,000. During the war robbery was rife on every hand. The Shipping Board alone squandered many millions of dollars. The United States Shipping Board now has 1,500 ships. The entire property of the board has cost the Government $3,306,000,000 and the year before last we lost $200,000,000 in operation. There is now claiming to be from $300,000,000 to $500,000,000 owing the board. There are 3,500 lawsuits pending against the Government, with claims of over $350,000,000, so that the face value of the claims nearly exhaust the assets of the company. They wanted an appropriation of $125,000,000 this year, but Congress gave them $48,500,000, cutting the amount $76,500,000. Where there were about 3,000 men employed by the board there are now 1,100.

The number of ships completed before the armistice was 450; the total number completed, 2,288, of which about 389 were wooden ships, which cost $375,000,000 and were absolutely worthless, as were also the 30 concrete ships that were built.

EXCESS SUPPLIES.

We all know what enormous amounts of supplies were purchased at exorbitant prices; that more than 33,000 automobiles were purchased after the armistice was declared, sent to France and sold along with other supplies and goods and it is not generally known that when we undertook to reexport those articles—bring them back home after the war was ended—the French Government asked us more than $150,000,000 import duty, so rather than to pay it, and especially for the purpose of helping France to start anew, we sold goods that had cost us $1,700,000,000 for $400,000,000, or about 25 cents on the dollar, on a 10-year payment plan. Then France, instead of using the goods we sold her to assist her in rehabilitation, sold them to speculators who were sending them back to America by the shipload to sell at a less price than they can be produced here. These speculators were sending these goods back as "American manufactures returned," thereby avoiding the payment of a duty, and in order to prevent them from thus fraudulently underselling goods produced by the American workman Congress passed a bill putting a duty of 90 per cent on such goods and as usual the Democrats voted against it as they have against nearly every bill that has sought to protect the American workman.

TARIFF BILL.

An emergency tariff was passed to prevent the flooding of markets with goods made by cheap labor, and a new tariff bill passed the House on July 21, 1921, and will soon pass the Senate, which will greatly add to our revenue and, I trust, enable our mills to run again to capacity.

FOREIGN LOANS.

A great deal has been said about our foreign loans of about $10,000,000,000, on which there is a billion dollars in interest due. And why do we not collect it? The fact is, when the loans were made bonds were not taken, only memoranda papers; and, besides, the only way we can collect would be to go to war or take the customhouses. Congress, however, said they should pay in full, especially those who have anything with which to pay, and a commission was appointed, consisting of Secretary of the Treasury Andrew J. Mellon, Secretary of State Charles E. Hughes, Secretary of Commerce Herbert C. Hoover, Senators Smoot and Reed, and Congressman Burton, to refund the debts and take bonds to run not more than 25 years, with interest at not less than 4½ per cent.

IMMIGRATION.

Our associations with the allied powers during the recent war seems to have involved us to a certain extent in European and Asiatic matters. Since the Farewell Address of George Washington we have scrupulously avoided such situations. No one doubts but the following of the sound advice given by Washington has prevented this country from being constantly in-

volved in the numerous broils that have disrupted many of the European and Asiatic countries, and while they have fought we have advanced in both wealth and education.

It would seem that the entire world is now at unrest and we are asked to attend meeting after meeting. While it is right and proper that we should aid as far as possible, we must look first to our own country and determine what is best for our own people. A melting pot we have, but we must not stifle the spirit of progress by admitting the hordes from abroad when our own people are seeking work to maintain themselves and their families. Our own firesides demand our first attention.

In 1920 there were 606,292 visés granted and between 50,000 to 60,000 in Warsaw alone were ready to start for America when we enacted what is known as the Johnson 3 per cent immigration law, which limits the number of immigrants per year from each country to 3 per cent of the number of aliens from any given country residing here as shown by the census of 1910. The combined number permitted from all countries is 355,212. The total number of immigrants for the seven months from March 1, 1921, to June 3, 1921, when the law went into effect, was 712,242 and the act to limit immigration kept out from 1,750,000 to 2,000,000 the first year. Without the 3 per cent law last year the net gain in immigrants was 550,000. This fiscal year, with the law in force, the net gain will not exceed 80,000.

INTOXICATING LIQUOR.

What constitutes intoxicating liquor under the constitutional amendment adopted by 46 States, which is a greater number than ever adopted a constitutional amendment before, is made definite, so that those who sell beer and come within the law will not be subject to arrest and those who deliberately break the law as provided in the Constitution will be subject to punishment.

Prior to the adoption of the law determining what constitutes intoxicating liquor, 30 States had already passed laws fixing the amount of alcohol in beer, wine, and so forth, that would constitute intoxication, some of which States allowed less than that provided in the law passed by Congress, so that what was a crime in one State might not be in another. This was unfortunate for the producer as well as the consumer, and it was essential that some definite amount should be determined upon, and, as many States had fixed one-half of 1 per cent, this was the per cent determined upon in the general law, so that what constitutes intoxicating liquor in one State should in all.

There has never been and probably never will be an amendment to an amendment of the Constitution of the United States, and the eighteenth amendment, which prevents trafficking in intoxicating liquors, was approved by 46 out of 48 States, and this is more than any other amendment was ever approved by, and this, too, before the women had the right to vote, so anyone with any judgment will see how absurd and farcical is the agitation of the liquor question at this or any future time.

Cards are being mailed that say, "Give us beer and wine that is only slightly intoxicating," forgetting that the Constitution prohibits the sale of any beverage that is intoxicating; and it makes no difference how slight, a law that provided for its manufacture or sale would be unconstitutional and void.

Thus the United States statute only defined for all the States what the majority of the States had already agreed upon, so that a crime in one State should be a crime in all, which is not only proper but necessary under the Constitution if law and order are to prevail. The Federal Government has for years compelled the payment of internal revenue tax on beverages containing more than one-half of 1 per cent of alcohol.

If it is not for the reason that light wine and beer are intoxicating, why is there talk of passing a law permitting their sale? And if they are intoxicating, then any law of that kind would be unconstitutional, as the Constitution makes no distinction between slightly intoxicating and very intoxicating. The word used is "intoxicating" with no qualifications.

The wets, as stated by Mr. VOLSTEAD, had only to secure the votes of one-third of either House of Congress or a majority of either branch of the legislatures of 13 States to have prevented the submission and adoption of the eighteenth amendment, while the advocates of the amendment had to obtain two-thirds of both Houses of Congress and a majority of both houses, or 72 in all, of 36 States. In fact, in less than a year and a half the amendment was carried in 92 out of the 96 houses of the 48 legislatures, and only 4 houses failed to approve it.

To repeal or modify the Constitution would require the same number of votes that it did to put it into effect.

Michigan adopted prohibition by a vote of over 68,000. A year later it defeated the sale of wine and beer by a majority of 270,000.

Ohio adopted prohibition in 1918, and when a referendum was taken a year later on permitting the sale of beer containing 2¾ per cent of alcohol the majority against it was increased, and the last referendum election in Ohio, which prohibits the sale of beer and wine that contains more than one-half of 1 per cent of alcohol, was carried by a majority of 290,000 votes, and similar votes have been taken in other States. Are not these facts sufficient to show that the present agitation of the liquor question is a mere camouflage to detract attention from the manufacturers of moonshine and the unlawful sale by the bootleggers?

NARCOTICS.

In June, 1919, the United States Treasury, Department of the Public Health Service, issued a pamphlet showing that the United States was the greatest opium-consuming country on record per capita, consumption being 36 grains per capita, as compared with 1 for Italy, 2 for Germany, and 3 for France.

On May 22, 1922, an act was passed that places a penalty of not more than $5,000 and imprisonment for not more than 10 years upon anyone who fraudulently or knowingly imports or brings any narcotic drug into the United States and any Territory under its control or jurisdiction contrary to law, and so forth; also holds the vessel on which imported and prevents its being transported through the United States to any other country, and it is believed that this will practically put an end to its sale in the country.

PEACE CONFERENCE.

The Peace Conference, which adjourned on February 6, 1922, accomplished more in the three months in which it was in session than all the gatherings of that nature did in all past time, and that without the surrendering of sovereignty or an agreement to assist any other country in war.

When it convened it was generally believed that dissension would arise, especially between the representatives from Japan and China, and it was with great misgivings as to results that the convocation met, and yet when it finally adjourned it was with the best of feelings on the part of the representatives of every nation.

Among the important subjects considered were the islands in the Pacific. It has been generally conceded that the United States was in more danger of trouble, especially with Japan, on this account than any other nation. The four-power pact or treaty to keep peace in the Pacific entered into by the United States, the British Empire, Japan, and France is probably the shortest treaty ever made between the leading contracting powers, and yet by its terms, for at least 10 years, it will avert the possible danger of misunderstandings on this subject.

By the treaties not only is war averted so far as the islands in the Pacific are concerned for at least 10 years, but the secret treaty existing between Great Britain and Japan, by which Great Britain had agreed to assist Japan, is abrogated, and the use of gas and submarines without first giving notice is prohibited.

To remove any possible doubt as to our being bound in complicating alliances by the four-power treaty, the following reservation was made to the treaty:

> The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

OTHER LEGISLATION.

Many other important matters of legislation have been considered and acted upon by Congress, among them being the maternity bill; the antilynching bill, which was passed by the House on January 26, 1922, being opposed almost unanimously by the Democrats; the so-called soldiers' bonus bill, which passed the House March 23, 1922, and provides a slight compensation for the great sacrifice each soldier made while many of those who have opposed it were at home profiteering from the soldiers' efforts; the blue sky bill, which passed the House April 28, 1922, and prevents the use of the mails or other interstate commerce from transporting or procuring the sale of fraudulent securities into a State that has a blue sky law, as Ohio and most States have; and the Cable bill, which passed the House June 20, 1922, giving to alien women equal rights with men; and many other bills.

Never before has a party been confronted with such a problem as this administration. When the Civil War ended, we were only indebted two and one-half billions of dollars, while now we owe $23,600,000,000, with an annual interest charge of about $1,000,000,000. Again, when the Civil War ended Europe had an abundance of capital to buy our products, both of the factory and the farm, and immediately invested a large amount of capital here in the construction of railroads and other enterprises, while now they are nearly all practically bankrupt and begging assistance.

We avoided a panic only because the people believed that the Republican Party would do all that a government can do to assist in restoring confidence and placing the Government back on a safe and sound foundation. And in the short period of 16 months, under the wise guidance of the Republican Party, the Government survey shows that confidence has been restored and that business is steadily improving, that there is a large increase in employment as compared with last year, that the production of steel is increasing, prices of staple articles and materials are advancing, interest is falling, and that all the Federal banks report a great improvement in business. The fact that United States bonds, which were selling at 85 cents on the dollar, have gone to par is absolute proof in itself that times are better and that the people generally are satisfied with what the present administration has done and is doing.

Mr. CRAMTON. Mr. Chairman, I yield the balance of the time to the gentleman from Illinois [Mr. GRAHAM].

The CHAIRMAN (Mr. FESS). The gentleman from Illinois is recognized for 20 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, on April 11, 1922, the gentleman from South Dakota [Mr. JOHNSON] introduced a House resolution for the appointment of a select committee to investigate all contracts and expenditures made by the War and Navy Departments and the Alien Property Custodian during the War with Germany. Afterwards that resolution has been discussed upon the floor of the House and Senate repeatedly. The gentleman from Michigan [Mr. WOODRUFF], generally on time yielded by the Democratic side, has addressed himself to the subject on several occasions, and again to-day has alluded to the matters involved in the resolution. Coming from Republican sources, the resolution and the speeches of Mr. WOODRUFF and Mr. JOHNSON have been seized upon largely by Democratic Members in both House and Senate as excuses, and in both Houses the most strenuous demands have been made by them on repeated occasions for an investigation of the Department of Justice and for the passage of this resolution. However worthy may have been the object of the original mover of the resolution, it has been a means toward an end for the Democrats of the Congress. They have filled the CONGRESSIONAL RECORD and the papers of the country with their denunciations of the Attorney General and his department, knowing full well that all the sentiment they can thus create will militate against the present administration and to Democratic advantage. This resolution has been made a political tool.

They clamor for an investigation. Of what? Of the thieves and grafters that existed under their administration. Thus far I have sat by and listened in silence to this Democratic enthusiasm for investigations. But I now feel that it might be useful from a historical standpoint to look at the Democratic record briefly on the subject of war investigations. The gentleman from Tennessee [Mr. GARRETT], the minority leader, on May 9 last, in advocating the passage of the Johnson resolution, said in speaking of the Wilson administration, in part:

> On every side it was criticized and complained of, but its head, nor any of the heads of departments, although first and last criticized from every partisan angle and standpoint, thank God, never directly or indirectly requested to be excused from a congressional investigation. * * * No Democratic administration ever backed away from an investigation or attempted to avoid it.

These sentiments awakened intense enthusiasm among our Democratic brethren. Let us investigate the records a little on the subject.

In the Sixty-fifth, or "war" Congress, the Senate, seeing the immense expenditures about to be incurred, and desiring to have a committee of Congress to act with the President and executive departments in limiting and regulating war expenditures, attached an amendment to the food control act providing for the appointment of such a bipartisan committee. A similar committee had been appointed in the Civil War in the administration of President Lincoln. President Wilson at once wrote a letter to Mr. Lever, Democratic chairman of the Committee on Agriculture of the House, in which he said as to this Senate amendment:

> Section 23 is not only entirely foreign to the subject matter of the food administration bill, in which it is incorporated, but would, if enacted into law, render my task of conducting the war practically impossible. I can not believe that those who proposed this section scrutinized it with care or analyzed the effects which its operation would necessarily have. The constant supervision of executive action which it contemplates would amount to nothing less than an assumption on the part of the legislative body of the executive work of the administration.

That ended the matter. Every Democrat in Congress lined up behind the President. There was no such committee. The appointment of such a committee doubtless would have saved billions of the peoples' money.

When the Sixty-sixth Congress met early in 1919 it was Republican in both branches. One of the first things done was to appoint a committee of 15 to investigate the expenditures of the war. The Democrats selected to act on this committee were five of the best lawyers and leading men they had. The gentleman from Tennessee, Mr. Garrett, present minority leader; Mr. Flood, of Virginia; Mr. Doremus, of Michigan; the gentleman from California, Mr. Lea; and Mr. Donovan, of New York. The Democrats did not oppose the naming of this committee, because manifestly such opposition would have availed nothing in face of the solid Republican majority in the House. They contented themselves, however, with attempting to obstruct the investigation and render it futile in any way possible.

If you are interested, look into one of the 18 volumes of hearings of this committee. Every question asked by the minority members seems to be framed to defend the particular person or interest being investigated. All through the investigation the War Department was hostile and the Department of Justice ignored it. Whenever the committee began to get its hands on some one, all the force of the War Department was exerted in defense, and whitewashing committees exonerated the accused. In all this the Democratic members concurred.

On June 1 last the gentleman from Tennessee [Mr. GARRETT] presented to the House a letter from the former Attorney General in which Mr. Palmer, who had found no war frauds to prosecute while Attorney General, said:

> I hope the House will pass the Woodruff resolution for the appointment of a committee to investigate all contracts and expenditures made by the War Department, etc., * * * an investigation of the character proposed in the Woodruff resolution might be very helpful to the Congress.

My mind ran back at once to August 11, 1919. The Committee on War Expenditures was investigating Muscle Shoals. We found that the Attorney General, Mr. Palmer, had complete daily reports from investigators about conditions there. Thinking to save double expense we sent a trained accountant to inspect these reports for us. Mr. Palmer refused this privilege in a letter, a part of which is:

> * * * The reports and statements made to the Attorney General by his subordinates are regarded as privileged. In harmony with the long-established practice, such reports of matters still under consideration in this department should be treated as confidential within the department. Furthermore, this matter is actively pending and under observation in the department, and I am therefore of the opinion that it would be incompatible with the public interest to permit Mr. Storck and his assistants to inspect such reports that have been made to me from time to time by my agents engaged in the Muscle Shoals investigation.

Thus we observe that what Mr. Palmer would not do in his administration he now insists should be done in the administration of his successor.

Man after man on the Democratic side has risen to ask for this proposed investigation. It is useful to observe what they did and said when the former investigation of these matters was being had. The select committee filed several reports. In every case the Democratic Members filed minority views. Some of these reports were as follows:

On July 28, 1919, the committee reported that there were immense quantities of surplus canned goods on hand in the Army stores, which were spoiling, that the Secretary of War was keeping them off the market by agreement with the packers and asking by resolution that they be sold direct to the people. The Democratic Members in minority views said the arrangement made by the Secretary of War with the packers and canners was proper, said there were no surplus goods, and did all they could to defeat the resolution.

On November 11, 1919, the committee reported on the allowance of claims under the Dent Act, complaining that errors and frauds existed, called attention to specific cases, and presented a resolution calling on the Secretary of War to demand or sue for the sums unjustly paid. These are the same claims where Brigadier General Lord, Chief of Finance, has already discovered $46,000,000 of errors in auditing one-tenth of these claims. The Democratic Members objected. The gentleman from North Carolina [Mr. POU], Democratic ranking member on the Rules Committee, opposing the rule to bring in this resolution, said:

> The proper thing to do with this resolution is to vote it down. Such an asinine performance as this has never been enacted in this House since I have been a Member.

The gentleman from Tennessee [Mr. GARRETT], in presenting the minority views, said:

> It (the passage of the resolution) will tend to render uncertain the minds of all those business interests throughout the whole United States with whom settlements have been made, and its inevitable effect

will be to embarrass and retard the various war claims boards on the one hand and contractors on the other in the negotiations relative to the settlements in the hundreds of cases still pending.

Then, after shedding their tears over the poor contractors, the gentleman from Tennessee [Mr. GARRETT] concludes:

In view of the foregoing statements of fact and reason, it is felt by the minority that it is extremely regrettable that House Resolution 381 and the report accompanying it, containing the imputations and inferences against trusted officials of the Government and the vast number of respectable and honorable business men with whom these officials have dealt, should be presented to the House, and that if it be brought up for consideration it should be unhesitatingly rejected.

On February 16, 1920, the committee presented a report on aviation. It dealt with the spruce division, the failure of the aircraft program, condemned the cost-plus system, and named guilty officials. The Democratic Members defended the waste of the spruce program, defended the cost-plus sysem, alluded to the persons criticised as "men who faithfully served the Government during the war" and "men who self-sacrificingly devoted themselves to the cause of their country." As to Colonel Deeds, of whom Mr. Hughes, in his report, had said he ought to be indicted and punished, the report was alleged to be "unwarranted and a gratuitous reflection."

On April 10, 1920, a report was made on war camps. Hundreds of cases of frauds were cited and the cost-plus system condemned. It recommended suits for recovery of sums fraudulently paid out. The Democratic Members said: "The cost-plus system was not only justifiable but inevitable and unavoidable." All war camp contractors were defended and absolved.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; I have but a limited time.

On May 18, 1920, a report was filed on nitrate plants, especially Muscle Shoals. The report called attention to the political location of these plants, cited immense frauds in their construction, asked that no further funds be expended until some policy was adopted, and criticized and attacked the legality and fairness of the contracts with the Air Nitrates Corporation and the Alabama Power Co. The Democratic Members defended everything; they defended the expenditure of vast sums after the armistice. They said the contract with the Air Nitrates Corporation was not "unjust and unfair" and that the officer who made it was a "faithful officer of the Regular Army, denied the opportunity—dear to every soldier's heart—of serving with the colors on the battle field." They said about the contract with the Alabama Power Co. which now has been held to be invalid in part:

We think the authorities were justified in turning to the Alabama Power Co. and making the best terms possible, which we believe they did.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; my time is limited and I will not yield.

Mr. GARRETT of Tennessee. It is very well that the gentleman refuses to yield on the statement that he is making now.

Mr. GRAHAM of Illinois. I am quoting the exact language from the official report.

I most respectfully suggest that these minority views be not used by my Democratic friends as campaign documents in the southern country just now.

On February 8, 1921, the committee filed a report on surplus leather goods and condemned the contract with the United States Harness Co., a contract which has since been canceled for fraud and where indictments shall probably soon be returned. The Democratic report said that they did not think the principals in this infamous contract "have in any respect injured the Government or violated the ethics of good citizenship. Their conduct throughout all the different activities in which they have been engaged has been such as to cause the minority to believe them entitled to entire confidence and respect."

On February 28, 1921, a report was presented on various war contracts, among others mentioned and criticized being that of the sale of lumber to J. L. Philips and John Stephens. This is the same matter in which an arrest has just been made of one of the principals. The Democratic report said that they "must express their strong and earnest dissent from practically all of the conclusions which have been reached and the criticisms made by the majority."

On March 2, 1921, a report was filed calling attention to the sale, by certain packers, of large quantities of rotten and poisonous salmon for food for our soldiers, and recommended prosecutions and civil suits. The Democratic Members disagreed with the majority and praised in the most extravagant terms the War Department for not having permitted the soldiers to eat the rotten fish. That is one of the matters Mr. Reavis has in hand now, and I believe before he finishes we shall find there is a God in Israel. [Applause on the Republican side.]

Many more cases might be cited, but they are all the same. That is the record, and it will stand for all time. A record of defense of every war crook who stole from and plundered his country while men died for it with weapons in their hands. That record I submit to the candid and thoughtful consideration of this House and of the country.

It is therefore obvious that our Democratic associates here are now clamoring for an investigation of frauds and criminals which for two years they have said did not exist. Any reasonable man knows that the only effect a congressional investigation will have now will be to embarrass and impede the Attorney General in the prosecutions he now has under way. Anyone who advocates such a proceeding now is, intentionally or unintentionally, only playing into the hands of those who are to be investigated or prosecuted.

It is also apparent that the effect of Democratic policy as to war profiteers and grafters has been:

First. To permit them to practice their frauds unchecked and unimpeded during the war.

Second. To defend them when investigated and accused.

Third. To aid and assist them by interfering with and attempting to create public sentiment against the officials charged by law with their prosecution.

Very few people appreciate the nature of the task the Department of Justice has in these cases. In the first place, every crime committed prior to March 4, 1918, was barred by the statute of limitations when President Harding took his office. This outlawing of crime was permitted by Attorney General Palmer. Before Congress passed the necessary act extending the statute of limitations prosecutions for all crimes occurring before November 18, 1918, were barred. So it will be seen that no crimes committed before the armistice can now be prosecuted. Again, in almost every case of suspected settlements of war contracts, every effort was made by the agents of the last administration to effect a binding and complete settlement so that there could be no further proceeding. The most binding releases have been given, and boards of officers with full authority have done all they can to estop the Government from further proceedings. Men who made the contracts or settlements in question are out of the departments and scattered to the four winds of heaven. In many cases the files are scattered and sometimes lost. Audits in most cases are not available. In thousands of cases there are no contracts at all. Among the officers now in the War Department who had to do with these matters during the war period there is indifference, if not positive hostility to these proceedings by the Department of Justice. The Attorney General has had to build his organization from the ground up. In addition to the many other burdens imposed on the Department of Justice there was a vast additional task of thousands of law and criminal cases arising out of the national prohibition law and the business of the Alien Property Custodian. Out of this mass of chaotic, misplaced, and fragmentary information he must build his cases which will stand the test of the courts. Hearsay and rumor will not do in this forum, but there must be stern, unyielding, verified facts. These facts he is getting, and I think I may safely say that the Attorney General will not be stampeded into precipitate action by unjust and ill-timed criticism, but will prepare his cases before he proceeds. I have entire confidence in the belief that every war criminal who can be prosecuted will receive the vigorous and unrelenting attention of the Department of Justice. To that end let us keep our hands off and attend to our own legislative affairs. [Applause.]

Mr. CRAMTON. Mr. Chairman, I yield all the time there is remaining to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. This afternoon an attack was made on me by the gentleman from Massachusetts [Mr. TINKHAM]. Some of the remarks made by him I think ought to be answered. They reflected not only upon Mr. Wheeler, but directly upon me, and it seems to me in view of that fact that I ought to have an opportunity to answer him.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. VOIGT. Mr. Chairman, I was under a misapprehension when the gentleman first made his request, and I objected. I shall not object if the gentleman will say that he will confine his remarks to a reply to the attack made on him this afternoon. I do not think he ought to be allowed to go into the general subject of prohibition at length.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. VOIGT. I reserve the right to object until I hear from the gentleman from Minnesota.

Mr. VOLSTEAD. I answered the gentleman that I intended to answer the speech made by the gentleman from Massachusetts this afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I desire to make just a brief statement in answer to the speech made this afternoon by the gentleman from Massachusetts [Mr. TINKHAM]. So far as this House is concerned, an answer is superfluous. The gentleman has spoken so often in opposition to prohibition that no one takes him very seriously. He has mulled over the great evil that he claims Mr. Wheeler, the Anti-Saloon League, and I have done until he dreams and dreams about it both while asleep and awake. He sees the grand structure of constitutional government reel like one overfull of the liquid refreshment the loss of which he so greatly and constantly bemoans. To him the destruction of the saloon has created an awful void, into which as a bottomless pit all that he considers worth while is being swallowed up.

He appears to be greatly disturbed over the baneful influence that he pretends to think the Anti-Saloon League must have had upon me. He insinuated—and, if I did not mistake his utterances, directly charged—that it would be illegal and corrupt for Mr. Wheeler to make any suggestion to me as to what kind of legislation ought to be passed in the interest of prohibition, and that I was corruptly influenced by such suggestions because the league which Mr. Wheeler represents supported me in the last election and might do so again.

This false and cowardly attack can earn no one anything but contempt. No one that has any regard for what is fair and decent would make it. Mr. TINKHAM has never had any reason to believe that my interest in the cause of prohibition was less sincere than that of Mr. Wheeler, or that it would be anything less than idiotic to talk about corruptly influencing me to support the cause of prohibition.

I might ask, in answer, whose influence is it that speaks through the gentleman from Massachusetts in making this attack? I might with as much show of reason charge Mr. TINKHAM with being corruptly influenced by distillers, brewers, bootleggers, and organizations opposed to prohibition, but I am not going to demean myself by insisting that he has to be bought or otherwise corruptly influenced to vote against prohibition. I grant you that it is not necessary to promise him any support in his campaign to induce him to enthusiastically shout for booze. Still, he will have that support, because they know he will remain faithful to their cause.

I do not expect that kind of support. I would much rather have the Anti-Saloon League, the Woman's Christian Temperance Union, the Salvation Army, the churches, and that host of earnest and unselfish men and women whose devotion to the prohibition cause has made possible a saloonless Nation. I am proud of the class of support that I have been able to command, and I have no hesitation in comparing it with the class of people belonging to organizations against prohibition whose votes I presume he is courting.

The reason why this attack is made at this time is apparent. Wet organizations are at work to-day in my congressional district, and have been for months. They have made all sorts of threats of what they are going to do to me. I have had to face all sorts of abuse, and I expect to face a great deal more of it. I am willing to meet all fair criticism, but when a person falsely impugns my motives I resent it, and I intend to resent it as vigorously as I can. I did not believe that the gentleman from Massachusetts would stoop to the methods he is employing.

The efforts to discredit the Anti-Saloon League by charging that it has violated the corrupt practices act because the national organization has not filed statements of what each State organization has received and spent in campaigns is so ridiculous that I admire the gentleman for having the nerve to make it with a straight face. No national or State organization is required under the law to file any such statement. The receipts and expenditures of the State organizations are not reported by the Republican, the Democratic, or any other party. There are hundreds of these organizations, none of which file such reports.

It takes a good deal of gall for a person opposed to prohibition to even suggest that this failure is an offense when not one of the dozens of organizations opposed to prohibition has even filed one. But it is perhaps the thing that may be expected from one who has so little regard for what is fair and decent as the gentleman from Massachusetts has shown in this case.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT of Tennessee. Are you not going to read the bill? I would like to answer some things that have been stated by the gentleman from Illinois.

Mr. MADDEN. I agreed to quit when we got through with the general debate. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12090 and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. WYANT, for two days, on account of official business.

Mr. PATTERSON of Missouri, for two weeks, on account of serious sickness of his father.

Mr. OVERSTREET, for one week, on account of sickness in family.

Mr. JONES of Texas (at the request of Mr. LANHAM), for to-day, on account of important business.

Mr. COLTON, for 10 days, on account of important business.

Mr. TUCKER, indefinitely, on account of sickness in family.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 213. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. John Paul de Baat Doelman, a subject of the Netherlands; to the Committee on Naval Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 313. Joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

S. 426. An act to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat. p. 866);

S. 3156. An act to amend section 70 of the Judicial Code; and

S. 494. An act for the relief of Benjamin O. Kerlee.

MILITARY APPROPRIATIONS—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I present a conference report upon the bill H. R. 10871, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, for printing under the rules.

EXTENSION OF REMARKS.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LAYTON. Mr. Speaker, yesterday Representative WOODRUFF, of Michigan, made an attack upon the Alien Property Custodian, Thomas W. Miller.

Inasmuch as Mr. Miller is a citizen of the State of Delaware, which State I have the honor to represent, it is not so much a duty as a pleasure for me to make some reply to the attack made upon him. I am in accord with what I think is the purpose of Mr. WOODRUFF in the prosecution of the perpetrators of frauds against the Government during the war. I do not think, however, that it is fair or commendable to attempt by innuendo, implication, covert insinuation, or misleading allusion to asperse the character of a high public official in an

indirect way and without the most positive proof. Too often the immunity of a Congressman leads to gross defamation of personal character which the perpetrator would not be willing to make in private life, where he could be held responsible for the loss sustained thereby.

Col. Thomas W. Miller is a young man standing within the threshold of a promising life. He has been a Member of this body; he was in actual service in Europe during the late war; he was in charge of the eastern division of the Speaker's bureau of the Republican Party during the last campaign; he is strong and forceful and possesses great executive ability which those who know him best appreciate the most. It is not possible that such a man would mar the prospects of an exceedingly promising career by deliberate maladministration of his office. It is impossible to understand the animus of the gentleman from Michigan, seeing that by no rule of justice could Col. Thomas W. Miller, the Alien Property Custodian, be held responsible for the acts of his predecessor, or for the prosecution of any fraud which his predecessor may have committed, such prosecution being clearly and solely within the sphere of authority of the Department of Justice. Moreover, no delay or disinclination on the part of the Department of Justice—assuming that such exists—can in fairness be laid at the door of the Alien Property Custodian. The duties of his office are purely administrative and defined by the law which imposes no duty upon him of usurping the functions of the Department of Justice. The immunity of a Congressman is a rare power and should be used with the utmost carefulness. It was granted for the public good; it should not be used against the public good and for the destruction of individual character and reputation. Inasmuch as the charges of the gentleman from Michigan were made from the floor of the House, and will, therefore, appear in the RECORD for public dissemination, I am including in this short address for the purposes of equal publicity certain statements made in answer thereto by the Alien Property Custodian, Mr. Miller, which are as follows:

FAILURE TO TAKE ACTION IN PROSECUTION.

Col. Thomas W. Miller, Alien Property Custodian, with reference to Congressman WOODRUFF's speech, said to-day:

It was stated that this office has not taken action to reopen and prosecute certain alleged transactions carried on by this office under the previous administration. The entire personnel of this office, which is considerably less in number than before March 4, 1921, is fully engaged in handling current and daily problems that are presented to us in the administration of the 31,000 active trusts now handled by this office. The office is not equipped either with appropriation of money by Congress or in personnel to turn itself into a district attorney's or prosecuting attorney's office. These functions are delegated to the Department of Justice and to Congress, if it so desires, through select or other committees of that body, and we have always complied with any request for information or cooperation from either of these Government agencies in this particular.

If any mistakes have been made by this office under the present incumbent, we will be only too glad to correct such errors should they come to our attention by public notice or as a result of our own investigation.

STATEMENT IN RESPECT TO CHARACTER OF PROPERTY HELD.

Thomas W. Miller, Alien Property Custodian, in reference to Congressman WOODRUFF's speech, to-day said:

An incomplete and rough estimate of the total amount of property held by this office to-day is criticized in Congressman WOODRUFF's speech, especially the figures which show approximately $29,000,000 belonging to "Americans," and "others" amounting to a like sum. These figures are, of course, an estimate, for the reason that the determination of enemy character is made principally on a decision of residence, and until a claim is filed for the return of property it is absolutely impossible to determine the nationality of the enemy in whose name the property is held. The other nationalities referred to are Czecho-Slovaks, Poles, Yugoslavs, Rumanians, Bulgarians, Turks, and Russians, so many nationalities being involved, due to the partition of the old Austro-Hungarian Empire and the shifting of boundary lines as the result of the war. Property of Americans, neutrals, etc., was taken under the authority of Congress when such persons were resident in enemy territory, or in territory occupied by the enemy.

We are criticized for canceling or "nixing" reports. This is a method of overcoming the customary governmental red tape which should receive approbation of a critic rather than his condemnation. There are thousands of reports of enemy property on the records of this office, which, upon investigation, showed that the property should not be demanded or reduced to possession, and therefore, in order to give the parties interested a clear title, this office, under the present administration, has voluntarily "nixed" hundreds of records on our own initiative and at no expense to the people involved. In fact, we have always returned property whenever claimant comes within the law.

We hold no brief for our predecessors in office and do not know why they placed certain values on property that they had seized, but it is proper to say in reply to Congressman WOODRUFF's criticism that the seeming depreciation in the values of property is due to the depreciation in the market value of the stocks, bonds, and other securities held by this office, which is not estimated on their face value.

ANSWER TO CHARGES IN CONNECTION WITH THE SALE OF ALIEN PROPERTY.

Thomas W. Miller, Alien Property Custodian, replying to Congressman WOODRUFF's speech in the House to-day, said:

No properties have been sold by the present Alien Property Custodian with the exception of small pieces of real estate, and only then when the income from the property was not sufficient to pay taxes and improvements required by municipal authorities, and the assent of the late enemies has been obtained in every instance where it was possible. No lawyers are employed by this administration who on one side represent the custodian and on the other side represent alien interests.

It is not true that the present administration of this office with respect to lawyers' fees, as well as the ethics of the profession, is a scandal under the present administration of this office. In the report of this office to the Senate on April 10 of this year we showed that a total of approximately $117,000 had been paid in lawyers' fees since March 4, 1921, as compared to over $2,000,000 paid under the previous administration. We are operating approximately 33,000 active trusts in this office, scattered from the Philippines to New England, which includes every class of business imaginable, and our actions with regard to these lawyers' fees do not warrant such an accusation. Evidently the Congressman making the charge believes the false figures which have appeared in the public press of late without any foundation of fact. We stand on the report that we made to the Senate on April 10, 1922, covering this question, and we have acted honestly and fearlessly as a trustee for the alien interests in the property administered by this office under the trading with the enemy act.

ANSWER TO CHARGES IN CONNECTION WITH THE PEACE RESOLUTION.

Thomas W. Miller, Alien Property Custodian, with reference to Congressman WOODRUFF's speech, said to-day:

Last June when the peace resolution was pending before the Houses of Congress this office was requested to discuss the then pending resolution with the members of the respective committees in the House and Senate, for the purpose of suggesting certain amendments to the resolution vitally affecting the administration of the trading with the enemy act. A number of amendments were suggested. The ones in which this office was interested were those that would continue the authority of the Alien Property Custodian in following up demands for property not then reduced to possession, but which under the statutes and precedents were in the same category as property that had been surrendered in response to previous demands. If such an amendment had not been inserted, those who had obeyed the provisions of the alien property act by reporting and surrendering enemy property would have been penalized, while those who had disobeyed the law or evaded its provisions by refusing to comply with just and proper demands of the Government would have been immune. It was therefore essential to this office that the language in the peace resolution protect and guarantee compliance with demands served before July 2, 1921, for the surrender of property. The fact remains that we have obtained the amendments that we wanted. The inference drawn with regard to the other amendments, which were not finally incorporated in the peace resolution, is untrue.

ANSWER TO THE MATTER OF THE BOSCH MAGNETO CASE.

Thomas W. Miller, Alien Property Custodian, with reference to Congressman WOODRUFF's speech, said to-day:

Congressman WOODRUFF, in his speech, infers that this office intentionally misrepresented facts in its recent report to Congress concerning the sale of the Bosch Magneto Co. under the Wilson administration.

The only records in the Bosch Magneto case are those that were handed to this office by my predecessor. These official records show that the bill of sale ran to Martin E. Kern, who, according to these records, was purchasing this property for himself and certain other participants. The fact that this office, as a part of the official records of the Bosch Magneto Co., listed the names of these participants, does not mean that we are endeavoring to protect anyone. Surely no one would expect this office to alter official records even though they may be at variance with what may be proven as the result of court or other legal proceedings.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Illinois inform us whether it is his purpose to call up the conference report which he just presented to-morrow or to go ahead with this bill?

Mr. MADDEN. Mr. Speaker, the intention is to go ahead with this bill, and when we complete that then to call up the conference report.

Mr. GARRETT of Tennessee. Very well.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, June 23, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO: Committee on Military Affairs. S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes; with amendments (Rept. No. 1131). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11603. A bill to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command; without amendment (Rept. No. 1132). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8011) granting an increase of pension to William B. Yeater; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12100) granting a pension to Louis Toupin, alias Beaudette; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12103) granting an increase of pension to Orville H. Mills; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELLIS: A bill (H. R. 12119) to amend an act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Missouri: A bill (H. R. 12120) granting the consent of Congress to the county court of Lafayette County, in the State of Missouri, to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12121) granting the consent of Congress to the county court of Saline County, in the State of Missouri, to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: A bill (H. R. 12122) granting relief to soldiers and sailors of the World War who have died or were killed in action and were not covered by the provisions of the war risk insurance, to parents, next of kin, widows, and former widows of such soldiers and sailors, and to certain Army nurses; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 12123) for the establishment of an industrial reformatory at Camp Grant, Ill.; to the Committee on the Judiciary.

By Mr. TINKHAM: A bill (H. R. 12124) relative to contributions for the election of Representatives in Congress and Members of the United States Senate; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CABLE: A bill (H. R. 12125) providing for the erection of a public building at St. Marys, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. WOODRUFF: Resolution (H. Res. 378) authorizing an investigation of the Alien Property Custodian; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXI, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 12126) granting an increase of pension to Robert F. Drew; to the Committee on Pensions.

By Mr. CHINDBLOM: A bill (H. R. 12127) for the relief of Donald H. Jeffris; to the Committee on Claims.

Also, a bill (H. R. 12128) granting a pension to Mary Mason; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 12129) granting a pension to Adaline Harris; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 12130) granting a pension to Harriet A. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12131) granting a pension to Addie J. Green; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 12132) for the relief of C. D. Pautler; to the Committee on Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 12133) granting an increase of pension to Rebecca J. Dunn; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12134) granting an increase of pension to Charles Von Eiff; to the Committee on Pensions.

By Mr. KENNEDY: A bill (H. R. 12135) granting an increase of pension to Angie O. Allen; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12136) granting an increase of pension to Minerva J. Gardner; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 12137) granting an increase of pension to Henry Langley; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 12138) for the relief of Frank A. Jahn; to the Committee on Naval Affairs.

By Mr. TREADWAY: A bill (H. R. 12139) granting an increase of pension to Adaline Walker; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 12140) to correct the military record of James Burke; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6046. By the SPEAKER (by request): Resolutions unanimously adopted at a regular meeting of the Central Trades and Labor Council of Richmond, Va., June 14, 1922, against the decisions to reduce wages now being issued by the United States Railroad Labor Board; to the Committee on Interstate and Foreign Commerce.

6047. Also (by request), resolution adopted at the annual Congress of the Sons of the American Revolution held at Springfield, Mass., relative to immigration conditions; to the Committee on Immigration and Naturalization.

6048. Also (by request), resolution adopted at the annual Congress of the Sons of the American Revolution held at Springfield, Mass., favoring the erection by the Federal Government on Lexington Common, of a suitable memorial to be unveiled and dedicated on the one hundred and fiftieth anniversary of the battle; to the Committee on the Library.

6049. By Mr. BARBOUR: Petition of convention of delegates of the disabled veterans of the World War, San Diego, Calif., indorsing Senate bill 3463; to the Committee on Interstate and Foreign Commerce.

6050. Also, petition of convention of disabled veterans of the World War, San Diego, Calif., urging that transportation be furnished to family as well as soldier who has been ordered to different climate or institution by proper authority; to the Committee on Interstate and Foreign Commerce.

6051. Also, petition of convention of disabled veterans of the World War, San Diego, Calif., relative to insurance of ex-service men; to the Committee on Interstate and Foreign Commerce.

6052. Also, petition of convention of disabled veterans of the World War, San Diego, Calif., favoring amendment to the existing rehabilitation act, providing for medical attention for families of veterans; to the Committee on Interstate and Foreign Commerce.

6053. By Mr. KELLY of Pennsylvania: Petition of members of the Second Presbyterian Church, of Wilkinsburg, Pa., praying for relief for persecuted Armenians; to the Committee on Foreign Affairs.

6054. By Mr. KISSEL: Petition of the American Publishers' Conference, Washington, D. C., relative to House bill 11965; to the Committee on the Post Office and Post Roads.

6055. By Mr. McPHERSON: Petitions of sundry citizens of Michigan, California, Oklahoma, Arkansas, and Missouri praying for the immediate passage of House bill No. 7, a bill to create a department of education and to furnish appropriation to conduct such department, to authorize an appropriation of money to encourage the States in the promotion and support of education, and for other purposes; to the Committee on Education.

6056. By Mr. SCHALL: Resolution of Minnesota Retail Dry Goods Associations, by Arch E. Ray, O. J. Nelson J. E. Brett, relative to the proposed tariff duty on kid gloves; to the Committee on Ways and Means.

6057. By Mr. STINESS: Memorial of Providence Post, No. 1, American Legion, Department of Rhode Island, urging that the appropriation for the War Department be made sufficient to form a firm foundation for an efficient citizen army in future wars and to provide instruction and training for National Guard and Reserve Corps organizations in time of peace; to the Committee on Appropriations.

6058. By Mr. WYANT: Resolutions adopted at a meeting of the Synod of the Reformed Presbyterian Church at Olathe, Kans., relative to House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

6059. Also, resolutions adopted by the Synod of the Reformed Presbyterian Church at Olathe, Kans., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 23, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Shortridge
Borah	Harreld	Moses	Simmons
Bursum	Harris	Myers	Smith
Calder	Heflin	Nelson	Smoot
Capper	Hitchcock	Newberry	Spencer
Caraway	Johnson	Nicholson	Stanley
Culberson	Jones, N. Mex.	Norbeck	Sterling
Cummins	Kellogg	Oddie	Townsend
Curtis	Ladd	Overman	Underwood
Dial	La Follette	Pepper	Wadsworth
Dillingham	Lodge	Phipps	Walsh, Mass.
du Pont	McCormick	Poindexter	Warren
Edge	McCumber	Pomerene	Watson, Ga.
Ernst	McKellar	Rawson	Watson, Ind.
Fernald	McKinley	Robinson	Willis
Gooding	McLean	Sheppard	

Mr. UNDERWOOD. I was requested to announce that the senior Senator from Florida [Mr. FLETCHER] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. LADD. I wish to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from New Hampshire [Mr. KEYES] are engaged in a hearing before the Committee on Agriculture and Forestry.

Mr. CURTIS. I wish to announce that the Senator from Washington [Mr. JONES] and the Senator from Wyoming [Mr. KENDRICK] are absent on official business. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

AMENDMENT OF FEDERAL RESERVE ACT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, which were on page 1, line 4, after "by," to insert "section 3 of"; on page 1, line 5, after "amended," to insert "to read"; on page 1, to strike out lines 6 to 11, inclusive; and on page 2, line 4, after "association," to insert ", but the discount of bills of exchange drawn against actually existing value and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section."

Mr. McLEAN. Mr. President, I move that the Senate concur in the amendments of the House.

Mr. UNDERWOOD. May I ask the Senator what the bill is?

Mr. McLEAN. It is a bill which passed the Senate nearly a year ago and has been returned from the House with slight amendments. It merely places the State banks, which may become members of the Federal reserve system, upon the same plane as the national banks with regard to single lines of credit; that is, credit to single individuals. It is recommended by the Federal Reserve Board and the Secretary of the Treasury.

Mr. UNDERWOOD. Do the amendments meet with the approval of the Senate Committee on Banking and Currency?

Mr. McLEAN. They do.

Mr. OVERMAN. This has nothing to do with the bill which we passed lately amending the Federal reserve act?

Mr. McLEAN. Nothing whatever. This bill passed the Senate nearly a year ago.

The PRESIDENT pro tempore. The question is on concurring in the amendments of the House.

The amendments were concurred in.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on June 23, 1922, they presented to the President of the United States the following enrolled bills:

S. 154. An act for the relief of Arthur E. Rump;

S. 156. An act for the relief of the heirs of Julio Carrazco, deceased;

S. 426. An act to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat. p. 866);

S. 494. An act for the relief of Benjamin O. Kerlee;

S. 777. An act for the relief of John M. Green;

S. 1087. An act for the relief of H. L. McFarlin;

S. 1730. An act for the relief of Philip S. Everest;

S. 1784. An act for the relief of John B. Elliott;

S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army;

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

S. 3156. An act to amend section 70 of the Judicial Code; and

S. 3291. An act for the relief of Henry Cordes.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. HITCHCOCK. Mr. President, the particular schedule before the Senate at this time is the proposed tariff on chains. This is just as good a place as any to call attention to the preposterous character of some of the proposed tariffs and to kill the bugaboo of future German competition. That bugaboo is held before the American people and before Senators to induce them to approve of great increases in the tariff for the benefit of favored manufacturers. Let me devote a few moments to the matter of chains. Chains constitute a fair sample.

The present tariff on chains is 20 per cent on one class of chains and 25 per cent on another class. It is proposed by the committee to raise those rates to approximately 45 per cent. The first question I ask is, Why?

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. I ask the Senator not to interrupt me just yet.

We might assume naturally that the market was being flooded with foreign-made chains which were destroying an American industry. It has been asserted, particularly by the Senator from Ohio [Mr. WILLIS] and others that this is true of German-made chains. It is not true of German-made chains nor of any other foreign-made chains. I challenged the other side to produce any evidence whatever that it is true, and they have utterly failed.

Now, what are the facts? Going back to 1913 we find that the production of American-made chains was approximately $6,000,000 a year, and by such evidence as the Tariff Commission has been able to develop and by such testimony as has been given before the committee it is shown that the present production of chains in the United States approximates $10,000,000. Now, what are the imports of chains? Let us see what evidence there is that chains from other countries are coming into our country in such quantities as to justify nearly doubling the tariff.

Mr. SMOOT. Mr. President, if the Senator will yield, I wish to advise him, if he is not already aware of it, that the provision on page 65—

> but no chain or chains of any description, except anchor and stud-link chains, shall pay a duty of less than 45 per cent ad valorem—

has been disagreed to by the committee, and it was so announced by the chairman of the committee. So the rates the Senator should discuss are the specific rates provided for, and they have been cut, I will say to the Senator, also by the amendment which has been offered.

Mr. HITCHCOCK. I am glad to hear it.

Mr. SMOOT. Another thing I wish to say to the Senator is that the specific rates proposed by the pending bill are in many cases less than the rates imposed by the existing law. For instance, take the first bracket in the chain paragraph, and it provides:

> PAR. 329. Chain and chains of all kinds, made of iron or steel, not less than three-fourths of 1 inch in diameter, 1 cent per pound.

One cent has been cut to seven-eighths of a cent, and that amounts to only 12½ per cent instead of 20 per cent.

Mr. HITCHCOCK. When the chairman of the Committee on Finance, the Senator from North Dakota [Mr. MCCUMBER], was on his feet I asked him what was the difference between the tariff on chains, proposed by the committee, and the existing law, and he replied that the proposed tariff approximated the Payne-Aldrich tariff, which was 45 per cent.

Mr. SMOOT. The Payne-Aldrich tariff contained the provision:

But no chain or chains of any description shall pay a lower rate of duty than 45 per cent ad valorem.

If the Senator from Nebraska will turn to the statistics as to imports and exports, which have been furnished by the department, he will find that after the passage of that law, I think beginning a few months after it went into effect, instead of a specific duty equivalent to 17.41 per cent ad valorem, chains came in under the 45 per cent rate.

Mr. HITCHCOCK. I do not ask the Senator to go into details. Suffice it to say that it is proposed to increase the tariff on chains. As the committee reported the bill it provided that the tariff should be 45 per cent, as against the existing tariff of 20 and 25 per cent. If the committee has receded, as it has been forced to recede in a number of other cases because of the fight which Senators on this side of the Chamber have made, I am glad of it, but I still denounce any increase of this rate as an outrage.

What have been the imports? I have stated the amount of production and given figures which must have been before the Committee on Finance. The imports between 1907 and 1913 averaged $45,000 a year; the imports between 1913 and 1919 averaged $89,000 a year; in 1920 they were $113,000; in 1921 they were $40,000. I will give the imports, so far as the figures are available, for 1922. I am now talking about the present year; and I call the attention of the Senator from Ohio [Mr. WILLIS] to that fact. He said I was talking about the past, but I have the figures from the Tariff Commission for the first three months of the present year. What do they show? The imports of chains during the first three months of this year were only $14,759 worth, while we are manufacturing in this country millions of dollars' worth of chains. Practically speaking, no chains are coming into the country; the import of chains is negligible; and yet, just as in other cases, the Committee on Finance take an article in which the American manufacturers are practically controlling the market and they come before the Senate and propose to double the tariff on that article.

The committee have also done the same thing in the case of wood alcohol. They proposed to take wood alcohol, which is now on the free list, off the free list and subject it to a tariff of 10 cents a pound, notwithstanding the fact that Senators on this side of the Chamber showed the fact to be that the United States manufactured one-half of all the wood alcohol in the world and had a great export trade in wood alcohol, exporting it even to Germany. So the Committee on Finance came in here with a proposed tariff on ink of 30 per cent as against the existing tariff of 15 per cent. Senators on this side of the Chamber showed that the American production of ink amounts to $15,000,000 a year, and that the imports are only about $30,000 a year; that they are practically negligible; there is no competition at all; and that, in addition to that, the American ink manufacturers have an export trade amounting to over $2,000,000 a year.

So also the committee came in here in the case of cement and proposed to impose a tariff on cement, although with cement on the free list the United States is the greatest cement manufacturer in the world and manufactures one-half of all the cement made in the world, producing 88,000,000 barrels a year and having practically a monopoly of the market.

So also the Committee on Finance has come here with a tariff upon other articles. Take wire, for instance. I have before me figures as to insulated wire. The Committee on Finance proposed a tariff on insulated wire of 30 per cent, but were compelled to recede to a tariff of 25 per cent, although under the existing law, providing a duty of only 15 per cent, there are practically no imports of that article, the imports amounting to less than $40,000 a year, whereas the manufacture of that wire in this country amounts to $69,000,000 a year and although the United States has an export trade in insulated wire running up into millions of dollars a year. Yet the committee propose a great increase in the tariff on insulated wire. Many other schedules have been raised under similar facts.

Now we come to chains, and the committee propose to do the same thing. They propose a great increase in the tariff on chains, although I have just read the figures which prove that the United States practically manufactures all the chains that are consumed in the United States, and that the imports, even under the present tariff, are negligible.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I yield.

Mr. McLEAN. The Senator from Nebraska will find that the rate as recommended by the committee on the cheaper chains is less than the 20 per cent rate of the present Underwood-Simmons law.

Mr. HITCHCOCK. What is that rate?

Mr. McLEAN. The rate is 20 per cent.

Mr. HITCHCOCK. I will take that figure. Let me show the Senator how excessive that is. What is the cost of manufacturing these chains? The total labor cost of manufacturing chains in the United States is only 27 per cent; and yet the Committee on Finance propose, according to the statement of the Senator from Connecticut, to impose a tariff of 20 per cent on the cheaper chains. Why impose a tariff of 20 per cent? Is it to compensate for the difference in the cost of labor, when the whole cost of labor in the manufacture of chains, as shown by the census report, is only 27 per cent?

Mr. McLEAN. I do not know where the Senator gets his figures as to the percentage of labor cost.

Mr. HITCHCOCK. I get them from the statistics furnished by the Bureau of Census of the United States on all manufactures for 1919.

Mr. McLEAN. On the cheaper chains we have reduced the rate to seven-eighths of a cent a pound, and if the labor cost is not more than 27 per cent, the Senator will find that that rate will no more than equal the difference in the price of the cheaper chains, which runs from 4 to 5 cents a pound.

Mr. HITCHCOCK. The Senator might as well abandon that argument. If he is right in his assumption, chains would be coming into this country in great quantities and would have been coming in for a long time; but the imports of chains of all kinds for the first three months of this year have only amounted to $14,000, and the manufacture of chains amounted to millions of dollars. So the Senator must be wrong.

Mr. McLEAN. I am not wrong, because, as I will undertake to show, when the Senator concludes his argument, chains are coming in now. I shall submit to the Senate statements, which I think are reliable, showing very recent importations at prices which are so low that the rate which we recommend does not begin to cover the difference in the production costs.

Mr. HITCHCOCK. Mr. President, I hold in my hand a statement from the Tariff Commission, made a few days ago, giving the very latest figures as to the importations of chains. The Senator from Ohio [Mr. WILLIS] and others, when I brought this matter up recently, declared that in the past it may have been true that Germany could not export chains to the United States, and did not do it; but he declared that at the present time Germany was doing it. I have here figures which relate to trade during January, February, and March; they are the latest figures which can be procured, and they show that the total quantity of chains imported into the United States during the first quarter of the present year amounted to only 190,198 pounds, and that the value of those chains was $14,759. Those figures might as well all be ciphers, so far as competition with the American chain manufacturers is concerned.

Mr. SMITH. Mr. President, doubtless the Senator will do so, but he has not as yet given the figures as to the export of chains from this country. If he will turn to the Summary of Tariff Information furnished by the Tariff Commission he will find that the export of chains from this country runs into the millions.

Mr. HITCHCOCK. I can give the figures; I have them before me, and they show that in 1918 we exported $1,940,000 worth of chains; in 1914 we exported $3,318,000 worth of chains; in 1920 we exported $2,335,000 worth of chains; in other words, we are selling chains in competition with every nation in the world in the markets of the world.

Mr. McLEAN. How large were the exports in 1921?

Mr. HITCHCOCK. I have not the figures for 1921 before me. Perhaps the Senator from South Carolina has them.

Mr. McLEAN. They have fallen off.

Mr. SMITH. For the nine months of 1921 they were $1,950,797.

Mr. HITCHCOCK. In nine months of 1921 they were almost as much as they were for the entire year 1920.

Mr. McLEAN. My understanding is that they have almost entirely fallen off since January 1 of the present year.

Mr. HITCHCOCK. The Senator always has information somewhere in the air. I challenge him to produce it. I am giving official figures.

Mr. McLEAN. I am waiting for an opportunity to do so.

Mr. HITCHCOCK. I am meeting the Senator's argument here that we are in danger of an inundation of cheaply made goods from Germany.

Mr. President, this whole bill is made upon the theory of entering upon a commercial war with Germany, of shutting out

German imports. We have heard here repeatedly from the Senator from North Dakota [Mr. McCUMBER], the chairman of the committee, the Senator from Connecticut [Mr. McLEAN], and the Senator from Indiana [Mr. WATSON] that this country was in danger of having its industries ruined by German imports, made by cheap German labor; and this bill is aimed directly at Germany. It is an attempt to shut out German imports from this country. Germany is our second largest customer in the world, she is buying from us four times as much as we are buying from her at the present time; and this bill is aimed to shut out those German imports.

Mr. President, I want to divide my subject into two parts. First, I want to show that we are not now having any disastrous German competition; and, secondly, that we are not likely to have any in the future.

Now, as to the present. The fact is that at the present time Germany is buying from us four times as much as we are selling to Germany. The fact is at the present time that our imports from Germany amount to $77,000,000 a year, and that our exports to Germany amount to over $350,000,000 a year. The fact is that we are importing from Germany at the present time less than half of what we imported from Germany before the war. The fact is that before the war one-seventh of all our exports went to Germany and we imported from Germany one-ninth of all our imports. That was a prosperous trade both for Germany and the United States, and it ought to be restored. This bill is an effort to make restoration impossible.

Since the war, however, while our exports to Germany have grown rapidly, until they now amount to over $350,000,000 a year, our imports from Germany amount to only $77,000,000 a year. That is pretty good evidence that there does not exist at the present time any disastrous or extraordinary importation of German goods.

That is not all. What is the German situation? The fact is that after the German Government has strained every nerve to stimulate her exports during the four years that have succeeded the war she has only succeeded in getting them to a point where her total exports are only one-third of what they were before the war. This bugaboo of German production destroying the industries of all other nations is utterly fallacious. The figures do not bear it out.

Before the war Germany exported an average of 6,000,000 tons a month. Now Germany exports an average of 2,000,000 tons a month. In other words, her exports to all the world are only a third of what they were before the war, and notwithstanding Germany's great desire to buy our goods, and her great need for our raw materials, after all the stimulation that she has been able to give her export trade she has only been able to sell to the United States one-half of what she sold us before the war. This is pretty good evidence that there is not any danger of injury coming to this country from German imports.

Now, I want to take up this bugaboo. I want to discuss the future. Certainly no one can claim that the present imports from Germany are injuring us when they are only half of what they were before the war. Certainly no one can claim that Germany is likely to overwhelm the world with her exports when she has only been able to get her exports to one-third of what they were before the war. What, then, of the future?

We are told here in a vague way that in the future we are going to suffer enormously. Senators have to admit that there are no present figures to show great German imports, but they say that the cost of labor is so cheap, that wages in Germany are so low, that the cost of production is so reduced by reason of the fall of the mark, that we will be in danger of it in the future.

Anybody making that assertion makes it without any understanding of what is going on in Germany to-day. The fact is that the German Government has practically bankrupted itself in paying subsidies to keep down the cost of production and to keep down the cost of living for labor. Now the Government has reached a point where it has to withdraw those subsidies, and where wages in Germany are bound to rise. Germany has already begun to withdraw those subsidies. German wages are already rising, as the official reports of the United States show, and the cost of production is steadily increasing.

Let me now take up the matter of German wages.

I have here, from the Frankfurter Zeitung, a table based on the index cost of articles, or, as they express it, the indexzahlen, making a comparative showing of wages in Germany between 1914, or before the war, and 1921. It relates to a number of different trades; and I call this particularly to the attention of the Senator from Indiana [Mr. WATSON], who seems to labor under the delusion that German wages are likely to remain low.

Mr. WATSON of Indiana. Mr. President, on the contrary, I stated very distinctly two or three times yesterday that wages were rising and that there were changes.

Mr. HITCHCOCK. I am glad to hear that. I did not happen to catch that remark.

Mr. WATSON of Indiana. Oh, yes; and that there were changes.

Mr. McLEAN. Mr. President, they are not as high as they were a year ago.

Mr. HITCHCOCK. The Senator admits that wages are rising in Germany and falling in the United States.

Mr. WATSON of Indiana. Oh, yes; I stated that, and that on account of those conditions, which were shifting from time to time, we were making changes to meet the new conditions.

Mr. HITCHCOCK. So that reduces the danger of this terrible competition from Germany that Republicans fear.

Mr. WATSON of Indiana. No; but wages in Germany are not as high as they were a year ago.

Mr. HITCHCOCK. Oh, yes, they are. I have the figures to show it.

Mr. WATSON of Indiana. No; that is where the Senator is mistaken, according to my figures. Wages in the United States are somewhat lower, on the whole, than they were a year ago.

Mr. HITCHCOCK. I hold in my hand an official publication in the United States, the Commerce Reports, by the Department of Commerce, giving the internal value of the German mark, written by Mr. C. E. Herring, commercial attaché at our embassy in Berlin, so that I think the Senator will be required to accept as dependable these United States official figures, quoting German figures:

In 1914, wages in the building trades in Germany averaged 65 pfennigs per hour. In July, 1921, nearly a year ago, they were 700 pfennigs an hour—that is, they had multiplied ten times.

In the chemical industry in 1914 they were 48 pfennigs per hour. In 1921, in July, they were 640 pfennigs an hour, an increase of more than ten times.

In the foodstuffs industry they were 44 pfennigs an hour in 1914, and 708 pfennigs an hour in July, 1921, which is, of course, much more than ten times.

Mr. WATSON of Indiana. What was the value of 708 pfennigs, measured in gold?

Mr. HITCHCOCK. Mr. President, I am talking about the increase in the currency payment to the German laborer. I will come to the other matter later, if the Senator will permit me to take one thing at a time. I am showing that in German money German wages have enormously increased and are still increasing.

In the metal industry German wages were 62 pfennigs an hour in 1914, and in July, 1921, they were 660 pfennigs an hour, or ten times as much.

Mr. LODGE. Mr. President, those figures show nothing whatever in regard to the rate of wages. One is the gold pfennig, and the Senator is giving the paper mark.

Mr. HITCHCOCK. I realize that. I do not need a statesman from Massachusetts to tell me that. Of course they are.

Mr. LODGE. Then, why is the Senator reading them?

Mr. HITCHCOCK. I am reading them to show, if the Senator will do me the honor to listen——

Mr. LODGE. I was listening.

Mr. HITCHCOCK. That the wages of the German laborer, instead of being at the rate that they were before the war, had increased ten times by last July, and by December, 1921, they had increased to twenty times, and by May of this year they had increased to twenty-eight times what they were before the war.

Mr. LODGE. That is precisely what I supposed the Senator was showing; and he is comparing a mark worth 24 cents with a mark worth one-half of 1 cent.

Mr. HITCHCOCK. I will get to the other soon enough, if the Senator will listen. I know what he means, and I have the figures here on that proposition.

Mr. LODGE. I know; but the Senator now says that wages have increased ten times or twenty times. We can not tell how much they have increased until we get a common standard, which the Senator is not quoting.

Mr. HITCHCOCK. If the Senator will give me time, I will come to that proposition. What I am saying is that the German producer has been compelled to concede one increase in wages after another, almost a monthly increase, so that in July, 1921, the German laborer in these skilled trades received ten times as much as he did before the war in German marks, and by December of last year he received twenty times as much as he did before the war, and by the 1st of June of this year he received twenty-eight times as much as he did before the war.

What the Senator from Massachusetts is trying to get at is that the multiplication of German wages twenty-eight times did not equal the fall of the mark, which came down from 24 cents to one-third of a cent. I know that, and I propose to meet that. If the wages of German labor had gone up in proportion to the fall of the German mark, instead of going up twenty-eight times they would have gone up sixty times. I will admit that proposition, but I am coming to that.

German wages are still advancing. Every strike in Germany has been to advance wages, just as every strike in this country is to prevent a reduction in wages at the present time. Wages in Germany are steadily rising, almost month by month, and while they have not kept pace with the fall of the German mark the German mark has ceased to fall and wages are still rising, so that in the future German labor is going to cost the manufacturer much more than it has cost him in the past. That is my proposition, and I challenge anybody to deny it.

Mr. WATSON of Indiana. Mr. President, I want to deny it.

Mr. HITCHCOCK. I hope the Senator will.

Mr. WATSON of Indiana. I will say to the Senator that his statement as to 65 pfennigs being the wage in 1914 is correct. That amounted to 16 cents at that time on the gold basis. The Senator's statement is correct that in July, 1921, German labor received 700 pfennigs. Seven hundred pfennigs is the equivalent of 7 marks, which meant 11 cents at that time. The last figure the Tariff Commission had on this question for June, 1922, the present month, was 28 to 30 marks, which is equivalent to 10 cents American money; so that the statement I made that the wages were less than a year ago is correct if these figures furnished me by the Tariff Commission are correct.

Mr. HITCHCOCK. Mr. President, I quote here the following official figures published in the Frankfurter Zeitung and adopted by our representative in Berlin as authoritative:

TABLE II.—*Comparative wages in several industries in the Frankfurt district in 1914 and July, 1921.*

Industries.	Wages in 1914.	Actual wages in July, 1921.
	Pfennigs per hour.	*Pfennigs per hour.*
Building	65	700
Chemical	48	640
Foodstuffs	44	708
Metal	62	660
Rubber	50	640
Shoe and leather	63	600
Soap	45	630
Woodworking	63	675

Those figures prove that German wages in German money were over ten times as great in July last year as before the war.

During the next six months they continued to rise, and by the end of last year, as shown by official reports, they were as follows:

TABLE III.—*Comparative wages in several industries in the Frankfurter district in July and December, 1921.*

Industries.	Wages in July, 1921.	Actual wages in December, 1921.
	Pfennigs per hour.	*Pfennigs per hour.*
Building	700	1,300
Chemical	640	935
Foodstuffs	708	1,188
Metal	660	1,180
Rubber	640	935
Shoe and leather	600	900
Soap	630	940
Woodworking	675	1,085

On an average at the end of 1921 therefore they were nearly 20 times greater than before the war. They had nearly doubled in six months. I am not able to get official figures at this date, but a cablegram from Berlin, published in the papers early this month, showed that the wages of labor had in six months further advanced until they are 28 times what they were before the war.

Mr. McLEAN. Mr. President, the Senator ought to call our attention to Russia and Austria.

Mr. HITCHCOCK. I decline to yield for an interruption of that sort.

Mr. McLEAN. According to the Senator's theory, the Russians are the highest-paid workmen in the world at this time.

Mr. HITCHCOCK. So that, as paid in German marks, the producers are compelled to pay 28 times as many marks every month to their labor as they paid before the war.

The Senator from Massachusetts says that that increase of 28 times does not equal the decline in the value of the mark. That is true.

Yet, in spite of that fact, German imports have not come into this country. German labor has been nominally cheaper than American labor, but the imports have not come in, and what is going to happen from now on? From now on those wages are going up, while the mark remains stationary. The German mark can not fall to any great extent without creating a cataclysm which will ruin Germany and make it impossible for her to compete with anybody.

Mr. WATSON of Indiana. What the Senator had to say about importing chains from Germany is quite correct, but the Senator must remember that Germany has not been exporting chains to the United States and has rather contented herself with trying to capture and occupy South American markets, and our market for chains in South American countries has practically gone. German exports have gone to South America, and to-day Germany has possession of the South American market in chains.

Mr. HITCHCOCK. That is a beautiful fiction to introduce at this time. I have already shown the Senator that German exports are only a third at this time of what they were before the war.

Mr. WATSON of Indiana. Nevertheless, they are far underselling us in any chains we are sending down there.

Mr. HITCHCOCK. I do not know anything about that. I know that we sell to South America a great deal more than we buy from South America.

Mr. WATSON of Indiana. Not of chains. I am talking about chains.

Mr. HITCHCOCK. I am talking about imports. The Senator yesterday was talking about all kinds of imports, and I am charging that this bill is aimed directly against Germany on the foolish idea that we are in danger of disastrous competition from Germany, and I have shown that German imports to us are only half what they were before the war, and I have shown that German exports to all the world are only a third what they were before the war. I have shown that German wages are steadily on the rise, while American wages are being cut down.

I want to show the Senator another thing. Germany has been spending billions of marks a year giving subsidies to manufacturers and to labor. Germany has been doing that with the idea of promoting her export trade.

Now, Germany has to stop that, because the paying of those enormous subsidies is bankrupting the Government, and Germany has already begun the work of retracing her steps and is withdrawing those subsidies. By purchasing wheat and selling it at a loss Germany has been paying a bread subsidy equal to 50 per cent of the consumption of bread by the industrial classes, in order to cheapen their cost of living and keep them content with wages, but in February Germany was forced to reduce that subsidy one-half.

Germany has been paying a subsidy amounting to thousands of millions of marks a year to her railroads to carry freight cheap for the manufacturers to the ports of export. The deficit on the German railroads has amounted to 36,000,000,000 marks a year, but in December of last year Germany began the work of abandoning that subsidy. Germany increased her freight rates 50 per cent in December, and on top of that she increased them 33 per cent more in February of this year. In December Germany increased her passenger fares 30 per cent, and in February she increased them 75 per cent. That means that Germany is abandoning the subsidy which she has been giving to the railroads to carry freight below cost for the benefit of the producers so as to enable the producers to compete with us.

Not only that, but in order to keep labor satisfied and enable producers to get their labor at a low price, Germany enacted a law that rents should not be increased over pre-war figures except as the various municipalities should consent, and no municipality in Germany has permitted an increase of rents of more than 100 per cent. In other words, instead of rents being raised to thirty times what they formerly were to correspond to the purchasing power of the depreciated currency, they have not even been doubled. So it happens that the German laborer pays out only 2 per cent of his wages for rent, whereas before the war he paid out 20 per cent of his wages for rent. These are official figures I am quoting. They are in the American commerce reports, sent over by our commercial representatives, and they are authoritative.

In doing that thing Germany has been compelling the property owners, the landlords of the cities, who rent to the laborers, to bankrupt themselves in order that German wages can be

kept down and German manufacture can be promoted. But that has to be abandoned. Many landlords are in the poorhouses to-day in Germany or are being supported by public charity. The buildings are falling into decay, because no landlord can live on rents which amount to less than one-tenth what they were before the war. That has to be abandoned. Rents must soon rise in Germany, and as they rise there will be another increase of wages to meet the increase in rents.

Mr. WATSON of Indiana. Will the Senator permit me to ask him a question?

Mr. HITCHCOCK. Certainly.

Mr. WATSON of Indiana. Does the Senator deny that every mill in Germany is running, that everybody is at work, and that that fine organization of which the German people are capable, probably more than any other people in the world, is being worked right at this time?

Mr. HITCHCOCK. I deny that emphatically. I have the figures showing that the productiveness of Germany to-day is only about 60 per cent of what it was before the war, and those are figures from the Department of Commerce.

Mr. WATSON of Indiana. What branch of industry is idle in Germany?

Mr. HITCHCOCK. I can not state what branch is idle, but Germany unfortunately has not been able to get her raw materials to keep her factories running at capacity, and labor has insisted on reducing the hours of labor from 8½ to 8 hours. Labor has insisted that the employers shall pay for annual leave, which they never did before. Labor in Germany has insisted that employers shall pay for extra sick allowances, which they never did before, and one demand after another that has been made upon the German producers finds them in a sort of a strait-jacket, with constantly rising wages and cost of production. Now, on top of that comes a withdrawal of the subsidies which the German Government has been paying. So that I say that for the future German competition, instead of increasing, is going to decrease, and Germany is confronted, as the result of abandoning these subsidies, with one of the most terrible possibilities that can be foreseen.

All people in Germany are worried about what is going to happen this fall. There is a constant increase in the cost of living in Germany. There is a constant increase in the rate of wages to German labor and a steady increase in the cost of production. To make matters worse, taxes must be increased, forced loans must be levied, and subsidies must be withdrawn to get rid of deficits in the Government budget. Among other subsidies the Government must withdraw are the subsidies paid to the cities and industrial centers called municipal subsidy.

I almost forgot to mention that latter subsidy. That is another great subsidy which the German Government has been paying to keep labor content with the wages of the past. The German Government enacted a law that a municipality should not permit an increase in the price of gas, electricity, street car fare, water, and all of the other supplies to the people of those cities beyond a certain point, and the result of that act on the part of the German Government was that the municipalities have demanded and received from the German Government enormous sums of money to make good their losses.

The act of the German Government in keeping down the price of gas, keeping down the price of electricity, keeping down the price of street car fare, keeping down the price of water, to where they had been substantially before the war, has kept the cost of living low, and it has kept the German laborer quiet. But see what a penalty the German Government has had to pay for doing that thing.

The deficit of the free city of Hamburg, for instance, for the present year is estimated at 400,000,000 marks. The German Government contributes 330,000,000 of that 400,000,000 marks.

The free city of Bremen is to receive 100,000,000 marks from the German Government. The city of Berlin has a deficit of 340,000,000 marks, which has to come out of the German Govment, and there are many others.

So these municipal budgets run enormous deficits, which the German Government has had to pay in order to keep the cost of living low to the German people; and now the time has come when, under the demand of the allied governments, Germany has to balance her budget, and she is compelled to withdraw those subsidies to the various municipalities for keeping the cost of living low. The cost of living is rising, and the wages of labor are rising in consequence of that.

Mr. WATSON of Indiana. Will the Senator let me ask him a question? I do not desire to interrupt the Senator.

Mr. HITCHCOCK. I shall be delighted.

Mr. WATSON of Indiana. While the figures are not fresh in my mind, my recollection is that before the Great War Germany constantly had an adverse trade balance, but that within the last little while her trade balance turned the other way, and she now has a favorable trade balance for the first time in a very great many years, and her exports are exceeding her imports. In this connection, is it not a fact that these things, internal and domestic, which the Senator mentions are not the great burden on the back of Germany to-day, but that the reparation she is compelled to pay is the great burden, and is she not paying the reparation she is compelled to pay by means of exporting goods?

Mr. HITCHCOCK. Mr. President, I looked into that matter, and I give the Senator some figures. It is true that before the war there was always a slight balance of trade against Germany, which Germany was able to meet because she had foreign investments, because she had a great merchant marine, so that her business was prosperous. As I have said, Germany imported from us during pre-war days something like three hundred and fifty or three hundred and sixty million dollars' worth of goods a year and exported to us only about one hundred and fifty or one hundred and sixty million dollars' worth of goods a year. Germany at that time could exist with an adverse trade balance. Now, however, Germany's whole life depends on securing an excess of exports over imports. She can not hope to pay any of her reparations unless she can by some means stimulate her exports so that they will exceed her imports. Germany has to pay her debts in gold, and there are in Germany at this time only about a billion gold marks. She has no gold mines, she has no colonies, and if she pays her reparations in gold she can only do it by stimulating her exports so that they will exceed her imports. It is for that reason that Germany has strained every nerve to get her exports up to a point where there will be a margin with which she can buy the gold exchange to pay her reparation, and she has not been able to do it. The Senator knows the fact to be that the demand made upon Germany on the 1st of May of last year required her to raise about 3,000,000,000 gold marks a year, and by a gigantic effort she only succeeded by September in raising a billion gold marks, one-third, and since that time she has been utterly unable to pay the remaining amount, in proportion, and she is now paying only 50,000,000 gold marks a month, and to do that she is straining every nerve.

Now, then, let us see about the German trade. I think it is better, perhaps, to name this in tons than in marks, on account of the difficulty in the value of money. In the year 1921, in the month of July, Germany's imports were 1,925,000 tons. I hope the Senator from Indiana will listen to these figures.

Mr. WATSON of Indiana. I shall be glad to do so.

Mr. HITCHCOCK. Her exports were 1,558,000 tons. The exports were less than the imports. In August her imports were more than her exports. In September her imports were more than her exports. In the next month, October, imports were more than her exports, and so on down to December, 1921, when they were almost balanced, but the imports were a little more than the exports. When we come to the first three months of this year, which are the only months available so far as this year's statistics are concerned, in January the imports were 2,309,000 tons and the exports were only 2,000,000 tons. In February the imports were 1,475,000 tons and the exports 1,700,000 tons. There was a slight margin in her favor. In March the imports were 2,600,000 tons and the exports were 2,153,000 tons, a balance against Germany.

Mr. WATSON of Indiana. The Senator is giving the tonnage?

Mr. HITCHCOCK. Yes.

Mr. WATSON of Indiana. Has he converted it into value?

Mr. HITCHCOCK. I will see if I have it here.

Mr. WATSON of Indiana. I think in perhaps a few of those months there would be a difference shown in value compared with tonnage.

Mr. HITCHCOCK. I can give it in millions of marks for the three months of this year. The imports in January were 12,000,000 marks and the exports were 14,000,000 marks. In February the imports were 12,000,000 marks and the exports 14,000,000 marks. In March the imports were practically 23,000,000 marks and the exports only 21,000,000 marks. That makes at best an even balance for Germany. There is not any considerable balance in her favor. As far as the United States is concerned, we are exporting to Germany four times as much as Germany is sending to us, and those are the figures in which we are interested. They certainly do not show that we are importing too much from Germany.

I say, in view of these facts, that the talk about German exports threatening this country is a bugaboo. Our wages are falling and Germany's wages are rising month by month, and they have got to continue to rise because Germany has only

just entered upon her new policy of withdrawing the subsidies which she has given to the manufacturers and to labor in order to keep the cost of labor down.

German labor is not in such a plight as some people seem to think it is, because while the value of the German mark expressed in gold in foreign commerce has fallen from 20 cents to one-third of 1 cent, the purchasing power of the German mark in Germany for the things the laborer has to buy is twice as much as its exchange value.

I have in my hand a statement showing the domestic purchasing power of the mark as compared with its gold value starting with January, 1920. At that time the mark had an exchange value of only a little over 2 cents in gold, but to the German laborer in Germany its purchasing power was 5 cents, and so on down to the present time. The foreign value of the mark is only one-third of a cent at this time, but to the German laborer, as shown by these official figures, it is two-thirds of a cent. So that heretofore, by the action of the German Government in keeping prices down, in keeping rents down, in keeping freights down, in keeping the prices of food down, in keeping down the prices of all articles the German laborer uses, the German Government has been able to make the German laborer reasonably content. It is true that the exchange value of the mark in foreign trade has fallen from 24 cents to one-third of 1 cent, but its purchasing power in Germany is twice that, while the wages of the German laborer have increased till they are twenty-eight times what they were before the war.

Mr. McLEAN. That is to the advantage of the German producer.

Mr. HITCHCOCK. I have just shown to the Senator that the German Government has abandoned the giving of these subsidies——

Mr. McLEAN. The Senator can speculate on that proposition as long as he wants to.

Mr. HITCHCOCK. There is no speculation at all. It is in the official report.

Mr. McLEAN. The value of the German mark in Germany is greater than its exchange value and that is to the advantage of the German producer.

Mr. HITCHCOCK. But that value in Germany is now changing. Take away the subsidies to the railroad and multiply the fares that the laborer has to pay on the street cars when he goes to work; take away the subsidies from the gas companies and the water companies and the electric-light companies and increase what the laborer has to pay for heat and light; take away the subsidies paid in rents, which are bankrupting the German landlords and which can not be continued, and compel the German laborer to pay ten times the rent he is paying now; and the German laborer will have an absolutely unanswerable argument in favor of an increase in wages. The German laborer rules Germany to-day. The German Government has been compelled to do those things to satisfy the German laborer. The German Government will be compelled, as it has been in the case of almost every strike over there for increased wages, to induce the employers to grant the increase. Every strike in Germany has been for increased wages, just as every strike in the United States is to prevent a reduction in wages. German wages are rising faster than in any other country in the world. They are rising faster than they ever have in history.

Mr. McLEAN. Until the Allies reduce the reparation penalties, can the Senator tell me how Germany can increase wages in gold?

Mr. HITCHCOCK. I do not know that the two are interdependent. The German Government is between two fires. The German Government will be overthrown if labor becomes discontented, and there will be a riot of Bolshevism in Germany, and then nobody will have German exports to be afraid of. German labor has to be kept content, and the German Government will have to keep it content. The German Government will continue to say to France, to Great Britain, and to Italy, as it has in the past, "We can not pay your reparations"; and I am here to say that they can not pay them. They can not pay them except they can make their exports exceed their imports, and they can not do that to any great extent.

Mr. McLEAN. Is that the fault of the United States?

Mr. HITCHCOCK. Oh, no; not at all; except as this bill proposes to shut out German trade.

Mr. McLEAN. Are we to risk our industrial life because of that fact?

Mr. HITCHCOCK. The Senator from Connecticut knows that the argument I am making is that the figures show we have not had disastrous competition from Germany in the past, although Germany has been paying these enormous subsidies to stimulate exports. Now I am showing on top of that that Germany has to stop paying those subsidies, because she has to make her budget balance. I say if Germany adopts that policy, instead of there being more danger from German competition, there is less danger.

Mr. McLEAN. That is for the Senator to say; but his statement that we are at the present time suffering no inconvenience by reason of German importations I deny.

Mr. HITCHCOCK. There may be some certain manufacturers suffering inconvenience, but when German imports into this country are less than one-fourth of what we are selling to Germany, and when German imports into this country are less than one-half of what they were before the war and what they normally should be, certainly there is no danger to this country. All the evidence that has been introduced here by the Senator from North Dakota [Mr. MCCUMBER] and the Senator from Indiana [Mr. WATSON]—that bird cages and shotguns and hair curlers and electric hair driers and amber chains and other knickknacks have come into the country and have been sold at the level of American prices—completely disproves the argument that our industries are in any danger from the pauper labor of Europe. These statesmen have disproven their own case by all this fantastic display of ridiculous importations. There has not been a single month in which the imports from Germany can be pointed to as being excessive. There has not been a single article as to which the American producer has been injured. It is all guesswork as to the future, and I am trying to show the Senator that in the future Germany is going to be less able to export to us than she has been during the last few years.

Mr. McLEAN. The Senator may attempt to show that, but I shall be interested to observe how he is going to do it. He will have to be a good deal of a prophet, and, in my opinion, his prophecy will fail.

But to return to the Senator's statement that the exhibitions which were made yesterday and previously, indicating an enormous spread between the import price and the retail price, show nothing, I would say that if the Senator were a manufacturer in this country he would very soon realize that his market is to the jobber or the retailer, and as long as the large importing houses and wholesalers in this country can purchase German goods for one-fourth what it costs to manufacture those goods in this country, the American manufacturer is in a pocket, because he can not sell his goods and he will not be able to sell his goods as long as the importers can get the foreign goods at a price so much under the cost of production of the American product. He is simply in a pocket. He has no customers and he will not have any customers until we give him protection sufficient to bring the foreign price up to the level of the cost of American production. The Senator must see that. He certainly would if he were a manufacturer and his orders fell off and he inquired as to the cause and was immediately told that his former customers were buying these goods abroad at prices far below his cost of manufacture.

Mr. HITCHCOCK. Mr. President, if what the Senator is pointing to were dependable, it would be shown in our imports, but I repeat to the Senator that our imports from Germany are only one-fourth of what we sell to Germany. Our imports from Germany are only one-half of what they were during the prosperous years of Woodrow Wilson's administration.

Mr. McLEAN. The Senator knows that our exports to Germany are not competitive, of course. They consist largely of foodstuffs and raw materials.

Mr. HITCHCOCK. But they are as great as they were before the war while our imports are only one-half.

Mr. McLEAN. I know; but let us look at this matter in as fair a light as possible. The imports into this country are confined to goods a very large percentage of the cost of which is represented by labor, and in that respect Germany has a tremendous advantage. If the Senator were making knives or razors or chains or any other article where the labor costs ran from 50 to 80 per cent, he would soon realize that an importation of 2 per cent only would demoralize his trade and that he would be at the mercy of the price quotations of the foreign goods if they did not exceed 2 per cent, or even 1 per cent, of his manufacture.

Mr. HITCHCOCK. That is a very beautiful argument, but the exhibit which has been made by the colleagues of the Senator from Connecticut on the committee, the Senator from North Dakota [Mr. MCCUMBER] and the Senator from Indiana [Mr. WATSON], completely disproves what the Senator from Connecticut states. That exhibit which was made here shows that the importers sell the foreign goods at the American prices because the American producers are holding an umbrella over them and they can do so.

Mr. McLEAN. In my previous statement I completely answered that point. So long as the importers can buy a knife

in Germany for 10 cents which it costs 30 cents in this country to make, the American manufacturer is in a pocket; he can find no market for his goods, because he can not retail them.

I was somewhat gratified to hear the Senator from North Carolina [Mr. SIMMONS] on yesterday come to the conclusion that the profiteering was confined to the retailer. I had understood from the declamations to which I had listened from the other side of the Chamber during the past six weeks that the profiteering was confined to the manufacturers in this country and that we were building up this tariff wall in order to enable the manufacturers to establish extortionate prices.

Mr. HITCHCOCK. I want to confine the Senator from Connecticut to the proposition.

Mr. SIMMONS. Will the Senator from Nebraska yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HITCHCOCK. I yield to the Senator.

Mr. SIMMONS. I did not say on yesterday and I have not said at any time that the profiteering was confined to retailers, but I did say yesterday that if the importers who are also retailers were profiteering in the retail prices charged by them the American merchant who deals in American products as a retailer is also profiteering, and profiteering to the same extent. I have not said that profiteering was confined altogether to the retailers; I do believe that they are the biggest profiteers, but I am absolutely sure that at this time there is a great deal of profiteering on the part of the manufacturers and wholesalers, as well as on the part of the retailers.

Mr. HITCHCOCK. Mr. President, the Senator from Connecticut may have his fears that German competition in the goods which he has in mind is going to injure the industries of the United States. If they were injuring them, however, it would be shown in the volume of imports, and I repeat, I do not know for how many times, that the imports do not show it. Imports from Germany at the present time are only half what they were before the World War, and are only a quarter of what we are selling to Germany. They would be larger if the Senator's theory were correct.

Mr. McLEAN. The Senator from Nebraska is quoting totals?

Mr. HITCHCOCK. Yes; I am quoting totals.

Mr. McLEAN. But I happen to know that in special lines the imports have increased tremendously.

Mr. HITCHCOCK. I am talking about totals. The pending bill deals with totals.

Mr. McLEAN. No. The bill deals with schedules and items.

Mr. HITCHCOCK. There may be some factories in the State of the Senator from Connecticut whose business is depressed. I will tell the Senator one reason why it is depressed. It is because the whole country is depressed. There is an enormous reduction in our consumption over here. We have got nearly a bankrupt South as the result of that section not being able to sell its cotton. We have had the copper mines in the West closed for a year; we have had our agricultural products in the West for two years selling at less than it cost to produce them. We may not expect those people to buy manufactured goods, either American or imported, in any great quantities. The business in the East is depressed, and so is the business in the West; but it is not because of German importations, for German importations, I again repeat, are only half what they were before the World War.

Mr. President, in another publication——

Mr. McLEAN. If the Senator from Nebraska refers to importations coming in under the Underwood Act, I agree with him. They are very serious.

Mr. HITCHCOCK. They are not. This country never had such an era of prosperity as it had during the eight years of Woodrow Wilson's administration under the Underwood Act. The existing depression only began two years ago, after the Republicans got control of the House and the Senate, and it has been intensified since the Republicans have had control of the whole Government. The Republicans have practically been two years trying to frame a tariff bill; they have been trying to do the ridiculous thing of building an obstruction to international commerce when the country is suffering because of the decline of international commerce. The reason we have the present depression in the United States is practically admitted by every economist. It is because our international commerce has collapsed. We are selling every month to the other nations of the world less than we sold the month before. Our commerce has been going down. Our exports have shrunk from eight billion to five billion dollars, then to $4,000,000,000, and this year they are going to be less than $4,000,000,000. That is what is the trouble with us. Our depression is due to the collapse of our international commerce. It is for that reason that we have three-fourths of our great merchant marine swinging at anchor, idle in our harbors—a merchant marine which cost $4,000,000,000. The Republican administration has a conception of setting our merchant marine to work under subsidies when there is nothing for it to carry. Instead of doing something to impede international commerce, instead of doing something to bar out business from the remainder of the world, this Congress ought to be at work to stimulate it; and yet this bill is directed with its overwhelming purpose to shut out imports from Germany, on the foolish theory that Germany is going to be able to provide a disastrous competition when Germany has reached her limit. Germany is now abandoning the very policy with which she has stimulated her export trade during the last two years, and, as she abandons it, the cost of living, the cost of wages, and the cost of production in Germany are bound to increase. They are increasing at the present time. So I say that, considering past business, there is no warrant for these great increases in tariff duties, and for future business there is certainly no justification for increased rates, because the competition is bound to be less in future years than it has been during the past two years.

If Germany could keep up these subsidies, if she could hold down the price of living, if she could continue her bread subsidies to the laborer, and keep his wages down, if she could continue subsidies to the cities so as to keep down the price of gas and electricity and street car fare and other things, if she could compel the landlords to keep the price of rents down to one-tenth of what they ought to be, Germany might be able to stimulate her export trade; but Germany has got to abandon that policy or go into bankruptcy and have a cataclysm of government. So I say that, so far as the future is concerned, there is not only not much danger from German competition for any of these favored industries which the Republican Party cherishes so dearly, but there is not even as much danger as there has been in the past.

Mr. McLEAN. Mr. President, the Senator from Nebraska, in my opinion, is grievously mistaken in his foreshadowing of future events. I do not think he will find an economist of standing anywhere who will agree with him in the statement he has just made. Our trade in competitive articles in the future will grow less and less dependable. The automatic labor-saving machine that is invented in this country is immediately copied by other countries, and the machine that is invented in other countries is immediately copied by us. There is only one way by which we can expect to maintain our foreign commerce in competitive articles, and that is by reducing the labor costs, and that is a proposition to which I do not subscribe. The real question of interest to the laboring man of this country is the purchasing power of his day's work and the Senator knows——

Mr. HITCHCOCK. I will ask the Senator to defer his speech. I am quite willing to yield to questions, of course.

Mr. McLEAN. The Senator knows that a day's work in this country to-day will purchase from three to four times what a day's work in other countries will purchase.

Mr. HITCHCOCK. Mr. President, if that is true, so be it and God be praised; but I am directing my thought to an attack on this bill because it is framed with the idea of starting a commercial war on Germany, to prevent Germany from selling us her goods, when the very thing we ought to do is to encourage Germany to sell her goods in order that we may sell our products to Germany. Germany has not gold with which to pay; Germany can only pay in products, and we ought not to erect a barrier to German commerce as is proposed by this bill. I am directing my attention now to showing that even from the Senator's standpoint there is no danger of German competition because it is bound to diminish in the future as Germany withdraws her subsidies and German wages rise, as they are rising.

Mr. McLEAN. Oh, no; I do not admit that.

Mr. HITCHCOCK. I did not say the Senator admitted it.

Mr. McLEAN. I thought the Senator did. I said that our commerce in competitive articles will grow less and less dependable in the future, because the competition will be fiercer and the labor cost will be the controlling item.

Mr. HITCHCOCK. Mr. President, I hold in my hand an official pamphlet entitled "Price Regulation and Production Costs in Germany." I think, Mr. President, I shall ask leave to incorporate in my remarks certain paragraphs from this report instead of reading them at the present time, although I shall read the concluding summary.

The PRESIDENT pro tempore. Without objection, the matter referred to by the Senator from Nebraska will be printed in the RECORD.

Mr. HITCHCOCK. I read from this report, published by authority of the United States Government. The information comes from Mr. C. E. Herring, American Commercial Attaché in Berlin, so that it can be taken as reasonably authoritative and disinterested:

It seems apparent that the present competitive prices of German manufacturers rest upon a much less secure basis than the costs of their competitors in the United States. The German manufacturer has been directly subsidized, and this condition still exists to a less extent through national and local public utilities deficits borne by the Government and the municipalities and through partly controlled bread prices, all of which the Government has covered by means of new inflation. He is being indirectly subsidized by the entire landlord class, except the agrarians, and this exploitation of one class for the benefit of the nation as a whole is more important than the Government subsidies. Furthermore, the German manufacturer is in a sense indirectly subsidized by the Government in so far as present and future budget deficits may in the end imply heavier additional taxation, which would bear heavily upon industry and would eventually be reflected in a higher level of production costs.

It has been clear from the outset that the cost of living, and consequently wage and production costs, could not be kept down indefinitely by the uneconomic measures of the German Government, justifiable as they may have been during the critical transition period following the armistice. Such expedients, necessitating continuous resort to the printing press, must eventually defeat their purpose, and it seems probable that German economic life is now approaching the saturation point where cost can not longer be reduced by the temporary panacea of inflation and unfunded borrowing. Price levels and wage schedules have continued to rise during the past two months—

I ask the Senator to note that during the past two months, just as they have through all the other months, in spite of the subsidies, prices and wages in Germany have risen—

despite the recovery from the extreme mark depreciation of November, and it is likely that this upward tendency will continue as the artificial measures discussed in this report are further modified or abandoned.

Mr. President, that is about all I care to say. I have shown that as far as the pending tariff schedule is concerned the American chain manufacturers control the market and have a great export trade; that there is practically no importation of chains from Germany or from any other place to compete with them. I have shown that the German competition since the armistice was signed up to the present day is negligible, because German imports to the United States are not now more than one-half what they were before the war, and that Germany is incapable of stimulating her exports in the future, as has been shown during the last three years, even by giant subsidies; that in spite of all those subsidies to the producing class, those subsidies to labor, German exports to-day are only a third of what they were before the war. I have shown that the payment of those subsidies has made such enormous deficits in the German budget that Germany has already begun to abandon them, and will be compelled to abandon all of them, and that as these subsidies are abandoned wages inevitably must rise faster than ever, because the cost of living to the German laborer must rise as these artificial subsidies are withdrawn.

So I say that the figures of our imports in the past show that German imports are not even as large as they ought to be, and the production of the future is irresistible that German competition in the future can not even be as effective as it has been in the past, because the cost of producing in Germany must inevitably rise, and is rising at the present day.

Mr. McLEAN. Mr. President, is the Senator in favor of free trade with Germany?

Mr. HITCHCOCK. I am in favor of reducing the tariff so that we can do a big trade with Germany.

Mr. McLEAN. What tariff rate would the Senator advocate?

Mr. HITCHCOCK. At present I would leave it as it is, but I believe many of the schedules ought to be reduced. I believe we ought to tear down every brick in the tariff wall that interferes with trade from Europe, so that we can sell our surpluses to Europe. As the Senator well knows, we have in this country half of the gold of the world. We have a great credit against the rest of the world. They can not pay us in cash. If they buy our stuff, they will have to send their products to pay for it, and by erecting this wall against their products we are erecting a wall against our own exports.

Mr. McLEAN. Would the Senator advocate a rate that would equal the difference?

Mr. HITCHCOCK. Yes; after it had been shown necessary I would support a rate that would raise revenue and establish competition between German manufacturers and American manufacturers in the American market. I believe in competition; but I will say to the Senator that I do not believe that the production cost in Germany is any cheaper than it is in the United States on many articles of common use.

Mr. McLEAN. I know the Senator has stated that, but if he were in the manufacturing business he would not hold to that opinion very long. Then, as I understand, the Senator would advise tariff rates that would equal the difference in the labor costs here and abroad?

Mr. HITCHCOCK. I advise tearing down every schedule of the present tariff that is excessive, and I believe some of them are; and I would favor the rejection of this outrageous bill, which does not pretend to provide more money for the Treasury, but is intended only to exclude trade from other countries, chiefly from Germany, upon a false theory. I am willing to accord to the Senator from Connecticut and others sincerity in the fear of German trade, but I am trying to show him from statistics that that fear can not be based upon imports from Germany in the past, and I am trying to show him by official publications that Germany will be less able to export in the future because of these constantly rising costs of production in Germany. Wages are rising and every cost of living is rising Germany, and wages are falling in the United States. You can not get around those points; and, as these statements by our own commercial attachés show, the inevitable future is that the cost of producing in Germany must rise, and I challenge anybody to show by any economic writer or by any statistics that I am wrong.

Mr. President, I ask leave to insert in my remarks at the proper place certain extracts from the commerce reports on the internal value of the German mark, and certain extracts from price regulation and production costs in Germany.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WILLIS. Mr. President, because I desire an early vote on this bill, I shall take only a moment or two to reply to that portion of the speech of the distinguished Senator from Nebraska [Mr. HITCHCOCK] which relates to the schedule under discussion, and that is chains.

I understood the Senator to make one statement which I think is the gist of his whole argument. I understood him to use substantially this language—that we should tear down every brick that interferes with our trade with Europe. That, I think, is the gist of the Senator's argument. He certainly is entitled to that view. I take the contrary view. I do not believe it is wise to adopt legislation that tends toward ultimate free trade, which is the goal of the party represented on the other side of the aisle. I think there ought to be protection for American industry.

As to the particular schedule under consideration, I desire to take time only to ask unanimous consent to insert in the RECORD certain facts from page 1837 of the hearings relating to the cost of production in England and in this country with reference to the item of chains, and from pages 1838 and 1839 showing the difference in the cost of producing chains in Germany and the United States, and also a telegram which has come to me within the last few minutes, and which I shall read, as follows:

INDIANAPOLIS, IND., *June 21, 1922.*

Senator WILLIS, *Washington, D. C.:*

To confirm your position on need for protection on machined chains, German bicycle chains are offered in this country, duty and freight paid, at less than 10 cents per foot, which is below our production costs. Their quality is vastly inferior but appearance is good enough to deceive the small buyer on this size chain; 65 per cent of its cost is labor.

GUY A. WAINWRIGHT,
Vice President Diamond Chain & Manufacturing Co.

The Senator from Nebraska said that the labor cost was only 25 per cent. The manufacturer of chains has different information.

I ask unanimous consent to place in the RECORD the two excerpts that I referred to from the hearings, as well as the telegram which I have just read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

The English quotations on which chain was purchased by the Emergency Fleet Corporation during 1919 and the comparative manufacturing costs in the plant of the American Chain Co. (Inc.), under practically the same relative conditions of labor and material in the two countries, and using the most improved methods of manufacture which have been developed, were as follows:

Size.	English price at $4.86.	English price at $4.	American factory cost.
1¼-inch	$7.25	$6.12	$8.45 per 100 pounds.
1½-inch	7.02	5.96	$8.01 per 100 pounds.
2-inch	7.72	6.44	$8.92 per 100 pounds.
2½-inch	7.90	6.57	$7.97 per 100 pounds.
2½-inch	8.00	6.66	$8.01 per 100 pounds.

The English quotations given above are f. o. b. English ports. The ocean freight charges on anchor chain have always been and are to-day exceedingly low, the freight from Liverpool to New York at the present time being quoted at approximately 35 cents per hundred pounds, while the carload rate of freight from Columbus, Ohio, to New York is 48 cents per hundred pounds.

Comparison between quoted prices of Boker Cutlery & Hardware Co. and the quoted prices of American Chain (Inc.) then in force.

4½-FOOT ELWEL HALTERS.

Size.	American Chain (Inc.), net per dozen.	Boker, net per dozen, including 5 per cent quantity discount.	Size.	American Chain (Inc.), net per dozen.	Boker, net per dozen, including 5 per cent quantity discount.
6	$2.97	$2.14	1	$3.24	$2.56
5	2.97	2.14	1/0	3.38	2.76
4	2.97	2.14	2/0	3.51	3.14
3	2.97	2.19	3/0	3.78	3.52
2	3.11	2.33	4/0	4.05	3.98

ELWEL MACHINE CHAIN—TWIST LINK.

Size.	American Chain (Inc.), net per 100 feet.	Boker, net per 100 feet.	Size.	American Chain (Inc.), net per 100 feet.	Boker, net per 100 feet.
5	$6.48	$5.70	1	$6.48	$6.51
4	6.48	5.70	1/0	6.75	6.75
3	6.48	6.03	2/0	7.02	7.41
2	6.48	6.22	3/0	7.29	8.03

Mr. HITCHCOCK. Mr. President, I did not say that the labor cost was 27 per cent.

Mr. WILLIS. Then I misunderstood the Senator; I am sorry. I understood him to say that.

Mr. HITCHCOCK. It was the census report which showed that. I did not say it. That is not my authority. I am giving an official figure as against the ex parte statements of an interested manufacturer.

Mr. WILLIS. Mr. President, I do not, of course, question the Senator's reading at all; but I venture to say that the manufacturer of this chain has about as much information about the cost of his labor as either the Senator from Nebraska or whoever wrote the report from which he was reading.

That is the difficulty about the Senator's argument. He undertakes to consider this thing as a whole. He refers constantly to the fact that the importations from Germany are not as great as the exportations to Germany. We are talking about the duty on chains; and incidentally I may add that the pending amendment provides for a reduction of that duty, and I hope we may have a vote on it.

Mr. McLEAN. Mr. President, I feel very much as does the Senator from Ohio [Mr. WILLIS]. We have had this schedule under discussion for four days, I believe, and I want to get a vote, and for that reason my reply to the Senator from Nebraska will be very brief.

The Senator from Nebraska represents an agricultural State. He has a soft spot in his heart for Germany, and he has put into the RECORD some very interesting speculations which may or may not come true. If he lived in one of the great manufacturing States of the Union I think his views on this subject would be modified and very extensively modified.

For instance, the State which I have the honor in part to represent has a pay roll of something like $400,000,000 a year in manufactures. We have about 4,800 shops. Our average wage scale is $3.50 a day, or a little more. These figures are taken from the census report of 1919.

Mr. HITCHCOCK. Will the Senator state what the annual product of the factories of his State amounts to?

Mr. McLEAN. The annual manufactured product of the State of Connecticut is larger than the value of the entire wheat crop of the United States.

Mr. HITCHCOCK. How large is it?

Mr. McLEAN. In answer to the question of the Senator from Nebraska I will say that in 1919 the value of the product of the manufacturing establishments of Connecticut was $1,392,000,000; the cost of the raw material was $685,000,000 and the value added by manufacture $706,000,000. Those figures are the latest I have been able to obtain.

Mr. HITCHCOCK. So that the value is approximately $1,400,000,000?

Mr. McLEAN. One billion and three hundred and ninety-two million dollars, which is greater than the value of the entire wheat crop of the United States in 1921.

Mr. HITCHCOCK. I should like to ask the Senator another question. What per cent of protection does he think is necessary for the factories in his State?

Mr. McLEAN. I think the protection should equalize the difference in the production costs.

Mr. HITCHCOCK. Has the Senator figured out what it ought to be, on an average?

Mr. McLEAN. I have tried to do so, to the best of my ability. That is all I ask. Of course it varies on different articles.

Mr. HITCHCOCK. Yes; but on an average what is it?

Mr. McLEAN. I can not tell the Senator what the average is.

Mr. HITCHCOCK. It would not be over 50 per cent; would it?

Mr. McLEAN. I do not know. I can not tell the Senator. A great many of our products are highly specialized in their process of manufacture.

Mr. HITCHCOCK. Would it be over 40 per cent?

Mr. McLEAN. I can not tell the Senator what the average would be.

Mr. HITCHCOCK. Just the difference in the cost of manufacture?

Mr. McLEAN. Just the difference in the cost of production here and in the competing countries.

Mr. HITCHCOCK. Does the Senator realize that the figures he has given are $400,000,000 for labor and $1,400,000,000 for the product; so that the total cost of labor is less than 30 per cent?

Mr. McLEAN. The Senator refuses to take into consideration the labor costs in the materials that are used. I am merely speaking of the wages that are paid by the manufacturer to his employees.

Mr. HITCHCOCK. Yes; but if the total output of the factories amounts to $1,400,000,000, and the total amount paid for labor is $400,000,000, the factories are only paying out 30 per cent of the value of their product for labor; and yet the Senator is asking in this bill more than enough to compensate them for all their labor.

Mr. McLEAN. A great many of the products that our manufacturers use are highly fabricated when they come to Connecticut. The cost of their raw materials was $685,000,000. The value added by manufacture in Connecticut was $706,000,000. There is no such thing as raw material. The Senator knows that. The rate required would be much higher than the Senator intimates.

This year our mills are running about 60 per cent on the average. That would mean a decrease in the pay roll of 1919 of about $140,000,000, which is an important item; but that is a mere bagatelle when you compare the product of my State with the product of the United States, which exceeded $62,000,000,000 in 1919, I think, with a pay roll of over $10,000,000,000. I have no idea what the reduction is this year—it would be difficult to estimate it—but if there is a reduction throughout the Union as there has been in my State, the Senator must realize that our exports of manufactured products are comparatively a very small item compared with the total, and unless we maintain the purchasing power of the American people we are facing disaster.

On yesterday, in his declamation against the principle of protection against foreign competition, the Senator from Nebraska said that the United States ought not to follow the example of England and France. Both of those countries have within the year, as the Senator knows, established protective tariffs against importations from Germany, and I want to say to the Senator that the Allies to-day are more concerned over the method in which the reparation penalties are paid than they are over the amount, for they know that if they left their doors open to German competition their industrial life would be endangered.

The views of the Senator from Nebraska seem to me to be rather ominous. I know it is an attractive program for France and England and Italy to protect themselves against German importations and for us to leave our doors open, so that Germany can freely export to us and make money enough to pay the reparations; but where will that program lead us? I think our allies owe us something like $10,000,000,000. If Germany is to pay that obligation by exporting goods to us at a 20 per cent profit, we will have to buy about $50,000,000,000 worth of goods from Germany. I do not welcome that proposition.

I am sorry for Germany. I am sorry for the criminal ignorance which led her to her present state, but I do not see how we can help her by destroying ourselves, and I think it is a very serious thing for us to consider at this time, because Germany has concentrated her energies upon certain lines, which is a clever thing to do. She is picking out the things where the major value is labor. She has a surplus of labor and a shortage of raw materials, and she is using that labor as the only resource she has.

The victor forgets, but the vanquished does not forget, and I am inclined to believe that Germany would be glad to destroy our industrial independence if she could. We came to the rescue of our allies at a time when Germany had victory within

her grasp, and I do not think it is advisable for this country now to follow the course we did in 1914, 1915, and 1916, when we faced the greatest war in history, when our political life was in danger, and we were then, as we are now, advised by a large number of the gentlemen on the other side of the Chamber that our political life was not in danger, and we faced that war without a gun or a trained soldier. Now the gentlemen upon the other side of the Chamber are reiterating the same principle which they advocated in 1914, 1915, and 1916, that we are in no danger of these importations from the low-cost countries of Europe.

Mr. HITCHCOCK. In other words, the Senator wants to continue a commercial war on Germany years after the military war has stopped?

Mr. McLEAN. Mr. President, it is not for the Senator from Connecticut to say or for the Senator from Nebraska to say. The commercial wars of the future will be fierce. I hope the wars of the future will be confined to commercial wars; but they will be fierce, and they will be fought to the finish. It would be blind folly to expect the contrary.

Mr. HITCHCOCK. Does the Senator think that the manufactories in Connecticut can sell their products out in the West if a tariff is erected so as to make it impossible for the West to sell its agricultural products to Germany?

Mr. McLEAN. Mr. President, we consumed in this country last year sixty and odd million bushels of wheat less than we did in 1920. The Senator does not seem to realize that our domestic market is more than 90 per cent of our total sales. Shall we sacrifice that for the 8 per cent we may get abroad? In manufactured products our exports are less than 4 per cent of our total manufactures.

Mr. HITCHCOCK. Will the Senator tell what this country is going to do with six or seven hundred million dollars of surplus agricultural products in the West, and an untold amount of agricultural products in the South, if we shut the door to Germany selling goods to us?

Mr. McLEAN. Pass this bill; restore confidence in this country; set your idle men to work; increase the purchasing power of the American workingman, and he will take care of that surplus.

Mr. HITCHCOCK. The American workingman can not eat up two or three hundred million bushels of wheat which we raise every year more than the American people can consume. He never has been able to do it.

Mr. McLEAN. The foreign countries which want our wheat, and have the money to pay for it, will buy it. The Senator knows that.

Mr. HITCHCOCK. They have not the money. They have to pay in products, and the Senator proposes to shut their products out.

Mr. McLEAN. The Senator proposes that that money shall be furnished by our buying goods in Germany of German laboring men, with the result that the laboring men of this country will walk the streets. That is what I object to.

Mr. HITCHCOCK. Mr. President, I would like to ask the Senator this question: Did we not have a prosperous time during the period when we were selling about $380,000,000 worth of goods to Germany and Germany was selling about $180,000,000 worth of goods a year to us?

Mr. McLEAN. Mr. President, the Senator forgets that 50 per cent of our foreign trade is in noncompetitive articles. We should increase that trade. We can do it if we will increase the purchasing power of our own people. Foreign nations can do that if they will pay their laboring men a living wage, and they should follow our example, and we should deny their right to drag our standard of living down to theirs.

Mr. HITCHCOCK. The Senator would not answer my question, then. I asked him whether he objects to restoring the prosperous conditions which existed before the war, when we were selling about $370,000,000 worth of goods to Germany and Germany was selling $150,000,000 or $160,000,000 worth of goods to us? At the present time Germany is buying only half of that.

Mr. McLEAN. To what year does the Senator refer?

Mr. HITCHCOCK. All the years; the average years before the war.

Mr. McLEAN. We have had good protective tariffs for a great many years. The only time we did not have protection was in the few months of the operation of the Underwood Act, when in my State we had serious conditions of unemployment.

Mr. HITCHCOCK. I am asking the Senator whether he objects to restoring that condition of trade under which we sold twice as much to Germany as Germany sold to us; whether he insists on keeping us in the condition in which we now are, when we are buying only half what we formerly did in Germany?

Mr. McLEAN. I am telling the Senator that if we pass this bill and restore confidence in this country, so that our laboring men can have profitable employment, that will be taken care of. That is what we want, and without it we have no future. When we do that, and when Germany follows our example and pays her labor a living wage, there will be no difficulty about a tremendous foreign commerce in noncompetitive articles. Will the Senator tell me what economic benefit there is in carting chains from Germany to this country which can be made in this country just as well as they can in Germany? You have to pay transportation costs, commission cost, and bankers' discount. It is a dead loss to some one.

Mr. HITCHCOCK. Why does the Senator ask me that question? He knows we are not doing that thing. I read the figures of the imports. We practically have no imports of chains from Germany.

Mr. McLEAN. We will come to that.

Mr. HITCHCOCK. We are producing millions of dollars worth of chains a year, and our total imports of chains for the first quarter of this year were only $14,000 from all the countries of the world, yet the Senator talks about carting chains over here.

Mr. McLEAN. The Senator referred to a prosperous year. Let me call his attention to 1914, when the imports of chains from Germany increased from $39,000 to $150,000 in nine months. If it had not been for the war, and if the importations had increased in proportion, we would not now be making a chain in this country. The potential competition is there, the actual competition is here, and if we do not protect them our chain manufacturers will be driven out of business, and the business is exceedingly dull to-day. I know, and I will agree with the Senator, that there are many contributing causes to the present business depression; but the controlling factor in the future will be competition from abroad in the products produced by laboring men who get from 6 to 8 cents an hour, when our laboring men, engaged in producing similar goods, get from 30 to 40 cents an hour.

I did not intend to take so much time discussing this proposition, but I want the Senator to understand that on a very large percentage of these chains the labor cost is 65 per cent, and I want him to understand that there are importations coming in, and serious competition is threatened. I call his attention to the fact that the rates as recommended by the Finance Committee on the cheaper grades are as low as the rates in the Underwood law, if not lower. The seven-eighths cent a pound rate on the heavy chains would not exceed 18 per cent ad valorem at the present prices. We thought that if we fixed the rates on these heavy chains at lower than the Underwood rates under existing conditions we would escape these daily speeches from Senators on the other side of the Chamber, who insist that their law is a tariff-for-revenue-only law; but it seems there is no escape from it. Nothing is satisfactory but absolute free trade.

Mr. HITCHCOCK. Is the Senator referring to the figures which the committee brought in or those which they have modified?

Mr. McLEAN. I am referring to the recommendation of the committee, the amendment proposed by the committee.

Mr. HITCHCOCK. As printed in the bill?

Mr. McLEAN. As submitted by the chairman of the committee.

Mr. HITCHCOCK. The Senator admits that the recommendation which the committee made, as printed in the bill, is higher than the Underwood tariff?

Mr. McLEAN. Yes; and I think it ought to be. I will say frankly to the Senator that I had to subordinate my view with regard to the rate on chains to that of the majority of the committee. I know there are large concerns in my State, and I know that business with them is very dull. I know their orders are not coming in, and I know the reason why is that their former customers have notified them that they can get imported chains from 2 to 3 cents a pound less than the same chains can be made for in my State.

I have here three or four recent importations which I will place in the RECORD: On April 26, 1922, the Imperial Knife Co., of Providence, R. I., purchased 800 gross of knife chains made of No. 19 double-jack chain with sheet-metal button loop from a New York importing house at $1.75 per gross delivered, duty paid. That is much below the bare cost of the American chain.

Mr. HITCHCOCK. What date was that?

Mr. McLEAN. That was April 26, 1922.

On June 5, 1922, H. S. Brouwer, district manager of the American Chain Co., reports that Miller & Stein, of Wheeling, W. Va., had ordered 10 casks of chain from Szel Corporation, 393 Broad Street, New York City, importers. This chain consisted of one-fourth inch BB 5-16 proof, which are types of chain in common use. The price of both sizes of chain was 3 cents per pound under the quoted prices of the American Chain Co.

Mr. HITCHCOCK. What was the total bill?

Mr. McLEAN. It was 10 casks.

Mr. HITCHCOCK. What was the amount of the bill?

Mr. McLEAN. Does the Senator mean the price?

Mr. HITCHCOCK. The total amount.

Mr. McLEAN. Ten casks.

Mr. HITCHCOCK. How much money?

Mr. McLEAN. I can not tell the Senator. I will give him the price per hundredweight. The foreign price per hundredweight was $6.75. The domestic price for precisely the same article was $9.75 per hundredweight.

Mr. HITCHCOCK. That shows the American chain makers are charging too much.

Mr. McLEAN. That is for the Senator to say. I realize the Senator is a newspaper man and has not had any experience in manufacturing, but if he had 1,000 hands to pay every week, and 60 per cent of them were walking the streets, he would realize that the American workingman is entitled to fair consideration when we are discussing a tariff bill, and that is all I want. I have been accused here again and again of asking for exorbitant rates. I have no such purpose. I have no such desire. All I want is to protect the American workingman, in order that the present standard of wage may be maintained in this country. I defy any Senator to indicate anything that I have said or done that seeks for a higher rate of duty.

On another importation of five-sixteenths inch chain, the domestic price was $7.50 per hundred and the foreign price, duty paid, was $4.50 per hundred. These are actual importations, and the Senator will see that the rates recommended by the committee fall far short of equalizing the difference in the price.

I have another example to which I will call attention. I hope the Senator from Nebraska will not leave the Chamber, because he has challenged Senators on this side to present a single importation of these goods. The William H. Whiting Co., ship chandlers, of Baltimore, Md., report under date of June 7, 1922, that Szel Corporation has offered chain in any size, delivered from New York stock at Baltimore, 1 cent per pound less than the quotation of the American manufacturers, and 2 cents per pound less than the American manufacturers on board ship Hamburg.

Here is another instance: S. G. Taylor Co., chain manufacturers, of Chicago, Ill., report that imported chain is being sold in increasing quantities in that district and that customers have been advised of quotations on foreign chain which are less than the American market prices by the following amounts: Three-sixteenths inch, $2.25 per 100 pounds less; one-fourth inch, $2 per 100 pounds less. Those figures show that the rates which are provided in the bill are inadequate.

Mr. HITCHCOCK Mr. President, will the Senator permit an inquiry?

Mr. McLEAN. I will.

Mr. HITCHCOCK. When did this terrible importation of $200 worth of chains occur?

Mr. McLEAN. This was June 7, if the Senator refers to the last example I gave.

Mr. HITCHCOCK. The bill with this tariff rate was made up a long time before that, and the bill was made up a long time before the figures which I have given of imports. I have shown the imports in the first three months of this year were almost nothing at all.

Mr. McLEAN. I am trying to show the Senator that the imports are coming in, and I do not think it is a crime to anticipate this flood of importation, because it is bound to come.

Mr. HITCHCOCK. The Senator has shown only $200 worth of imports.

Mr. McLEAN. Much more than that, and they are increasing rapidly.

Mr. HITCHCOCK. I challenge the Senator to give the amounts.

Mr. McLEAN. I have given the amount. The last item I read offered a delivery of any amount. I have here a letter dated June 7, 1922, written by Mr. W. C. Perkins, sales manager of the William H. Whiting Co., of Baltimore, addressed to the American Chain Co., of New York, and reading as follows:

A number of our customers have complained to us recently that our prices have not been right on chain. Owing to the arrangements we have with your company, we have felt all along that we were in a position to sell your chain to most anyone at the right figure. We have been trying now for some time to find out just what the trouble was, and we think we have reached the solution.

A short time ago we had a representative of the Szel Corporation, located at 393 Broad Street, New York, come into our place and endeavor to sell us some German chain. We stated we were not interested in chain from abroad, and he said he felt sure we did not know the situation when we made the above statement, as he was in position to make us buy his chain, and he then produced a lot of orders which he had taken for chain in various parts of the United States, both from large dealers and consumers, and a number of these we recognize as being from some of our customers. He then stated he was in a position to ship us any size chain desired from New York stock at a price 1 cent lower than the American market, delivered at Baltimore, or 2 cents per pound less than the American market, to be shipped from Hamburg, Germany.

Mr. President, it may be that the importations just now are not large in value, but the offers are here and they are demoralizing the sale of American chains because the offers are general. They will deliver any amount at from 1 to 2 cents per pound less than the American price.

Mr. HITCHCOCK. Mr. President, can the Senator tell me the American price of quarter-inch chain?

Mr. McLEAN. No; I can not say. I would say the average price of chain would be about 12 cents a pound. I think the larger chains are about 4 to 5 cents.

Mr. HITCHCOCK. Does the Senator know that before the war those chains sold for 5.31 cents per pound?

Mr. McLEAN. Yes; and they went up during the war, as the Senator knows. Since that time the price has decreased very rapidly, showing that there is fierce competition in this country.

Mr. HITCHCOCK. I deny that, because my reports show they are selling now for twice what they sold for before the war. It may be that the Senator had better investigate the prices at which these chains are being sold on the American market. Perhaps that is the reason why the imports are coming in.

Mr. McLEAN. I have investigated, and I think my investigation has been more thorough than that of the Senator from Nebraska.

Mr. HITCHCOCK. They are 12 cents, the Senator said.

Mr. McLEAN. No; I did not say so. I said the average price of chains at the present time.

Mr. HITCHCOCK. And before the war it was less than 6 cents.

Mr. McLEAN. Oh, no; I said the very cheap chains I think at that time were between 4 and 5 cents a pound.

Mr. HITCHCOCK. Let me refer the Senator to the figures given in the official report. In 1913 the price of ¼-inch chain was $5.30 a hundred; in 1914, $5.55; in 1915, $5.55; in 1916, $5.80; in 1917, $7; in 1918, $11.55; in 1919, $18.25. The Senator has stated that now it is approximately $12.

Mr. McLEAN. No; I think on that chain it is down to about 6 cents a pound now.

Mr. HITCHCOCK. The Senator said 12 cents.

Mr. McLEAN. No; I said the average price of all the chains was about 12 cents. The price is $5.50 now, the expert advises me.

Mr. HITCHCOCK. On ¼-inch chain?

Mr. McLEAN. Yes.

Mr. HITCHCOCK. The Senator answered my question a while ago that it was 12 cents.

Mr. McLEAN. Oh, no. It is $5.50 on 1-inch chain at this time. The price of 1-inch chain is $5.50. The Senator will see that seven-eighths of a cent per pound is less than the Underwood rate on that chain.

The PRESIDING OFFICER (Mr. LADD in the chair). The question is on agreeing to the amendment of the committee.

Mr. SIMMONS. Mr. President. I shall detain the Senate only a few moments. The paragraph under consideration, as originally reported to the Senate by the Finance Committee, made a very material increase in the rates not only of the present law but of the Payne-Aldrich law. I have not the ad valorem equivalent of the increase, but the specific rates are considerably higher than the Payne-Aldrich law specific rates. The Committee on Finance also proposed to amend the House bill by increasing the rate of the bill on sprocket and machine chains made of iron or steel from 30 to 50 per cent. Then they added to the House bill an amendment which provided:

But no chain or chains of any description, except anchor and stud-link chain, shall pay a duty of less than 45 per cent ad valorem.

The Senator from Connecticut [Mr. McLEAN] claims that one of the specific rates which the committee have provided is lower than the Underwood rates by 2 per cent. That may be true, Mr. President, as to the particular size chains to which the

Senator refers, but under the original amendment as reported by the committee that lesser specific rate would have been of no value whatever to the consumer because of the proviso that none of the specific rates imposed upon chains should be less than 45 per cent. That proviso shows the committee intended to impose specific rates none of which would be less than 45 per cent ad valorem. That is one of the devices by which, when the rate imposed is specific, the high rate is maintained when the price of the article increases to a point where the specific rate is not so effective in excluding imports as was intended. That vice runs all through this bill. Certain specific rates are imposed and then a proviso is inserted that none of the specific rates shall be less than a certain ad valorem. If these rates have been reduced by the committee's modified amendment to a more reasonable level than originally reported, this action has been taken because of the protest that has been made upon the floor of the Senate and by the press and public. I am exceedingly gratified that the committee are yielding to this pressure to reduce the rates originally proposed. It is but another illustration of the fact that they are finally beginning to realize that the rates originally reported by it to the Senate were excessive, and that unless material reductions are made they would have difficulty in passing it through the Senate.

Mr. President, I did not rise for the purpose of going into a detailed discussion of the pending paragraph, because the Senator from Nebraska [Mr. HITCHCOCK] has discussed it pretty thoroughly. I do wish, however, to call attention to some general facts with reference to the particular industry involved, namely, the manufacture of chains. I am going to read from the report of the Tariff Commission with reference to the industry. The Tariff Commission says:

> The investment in the chain industry in 1918 amounted to approximately $5,000,000; the output was valued at about $10,000,000.

Since that time the investment in the industry has very greatly increased.

> The chief raw material is iron or steel in bars or heavy wire.

Of this the American manufacturers have an abundant domestic supply.

Senators seem to fear only German competition. It is a well-known fact that at this particular time Germany is somewhat embarrassed with respect to her supply of both coal and iron. I think it would hardly be claimed that Germany was quite upon a parity with us with respect to the principal raw materials that enter into the manufacture of this product.

Again, Mr. President, the Tariff Commission furnishes information with reference to this particular industry in Germany. It says:

> In the Westphalia chain-making district in Germany and in the Cradley Heath district in England part of the output is produced by hand by outworkers who obtain the iron and coke necessary from their employers, work up the chain in their own little shops, and return the completed article to their employers.

The date of this report of the commission is 1921, and it advises us that at this time in one of the chief chain-producing districts in Germany these chains are made in the little shops at the home of the laborer who produces them, while in America the commission advises us the chains are made by automatic or semiautomatic machinery. So we have this condition: In Germany, to a large extent, in one of the chief chain-manufacturing districts they are still using the old method of making chains with primitive home-run machines, while in this country we make those chains on a large scale with automatic machinery. It is ridiculous to my mind to try, Mr. President, to ascertain the relative labor cost of production by comparing the wages paid to the laborer where the process of conversion is such as employed in Germany, at least in the Westphalia district, with the wages paid labor where the process of conversion is by highly efficient automatic machinery. The wages paid to labor working the German machines may be small, but the amount of labor that is required to turn out a given quantity is large as compared with the labor in the highly organized plants of America with their efficient machinery.

I do not wish now to elaborate that point. I think it is perfectly clear that, in a case of this kind, in ascertaining the difference between the labor cost in Germany and the labor cost in a factory in this country, we should not take the price paid the laborer in the little home plant where he works, but we should take the labor cost of the product turned out by such labor and compare it with the labor cost of the product turned out in an up-to-date factory in America.

I do not know to what extent that method of producing chains exists in Germany and England to-day, but I do know that the Tariff Commission calls especial attention to the fact that that old method is still in vogue in one of the chief chain-manufacturing districts of Germany.

Now, Mr. President, I wish to call attention to the fact that in the early part of the argument something was said with reference to this industry probably not being under the control of a monopoly. I do not know to what extent the business has been monopolized, but I discover from reading the report of the Tariff Commission that there has been a wonderful and a very suspicious absorption of certain plants which were in existence in 1913 and engaged in the manufacture of chains.

The commission says:

> In 1913 John C. Schmidt—

This is from the commission's report—

> of the Standard Chain Co., of Pittsburgh, estimated that $4,000,000 was invested in the chain industry. The output he estimated at $6,500,000. The number of firms was 31.

That was in 1913. The commission says:

> The present tendency in the chain industry is toward combination of firms, larger plants, and greater investment in equipment—manufacture by hand giving way to manufacture by automatic machinery. The total investment in the chain industry in the United States in 1918—

That is, five years afterwards—

> was approximately $5,000,000, divided among some 15 corporations.

So that, Mr. President, in five years, instead of an increase in the number of manufacturers of chains in this country, 16 of the 31 plants had been absorbed by and consolidated into the remaining 15. When you discover that sort of absorption going on in any particular industry, Mr. President, you may be pretty well assured that the foundation of the whole scheme is the creation of a condition that is tantamount to a monopoly in the industry. Especially is that true with reference to the price paid by these associated or combined operators or manufacturers, both for their raw material and for their finished product. It may be that the monopoly has not yet been completed in the chain industry, but these facts, furnished us by the Tariff Commission, constitute cogent testimony that if a monopoly in this industry does not exist now it is rapidly approaching consummation.

But, Mr. President, what is the ground for the alarm now expressed by the Senator from Connecticut? What is the justification for the increase proposed originally by the committee or the modified rates proposed by the committee, in view of the fact that under existing rates none of the evils which they now say they so much deplore and so much fear have been brought about or exist to-day?

I do not want to take the time of the Senate in reading the figures with reference to imports and exports of this particular article, but I do wish to call attention to the fact that now we are told that the chain producers of this country are in imminent danger of being wiped out of existence by heavy foreign imports, thrown upon the American markets at prices with which they can not compete. The actual facts of the situation show that in 1921—which was very nearly a normal year—the total imports of chains of all kinds into this country amounted to only 223,371 pounds, while in 1908 the imports of these very articles amounted to 786,000 pounds, in round numbers, or three times as much as during last year. In 1909 they amounted to 700,000 pounds, or nearly two and one-half times as much, roughly estimating.

In 1910 under the Payne-Aldrich law—and the modified amendment of the Senate committee restores the Payne-Aldrich specific rates—the importations were 797,000 pounds, or more than three times as much as they were in 1921. In 1911, under the Payne-Aldrich law, the imports were 1,146,000 pounds, in round numbers. In 1912 they were 518,000 pounds. In 1913 they were 650,000 pounds; and there has been no year since 1908 when the chains that were imported into this country, not only from Germany but from the whole world, were not more than twice what they were in 1921.

The truth is, Mr. President, that, so far as Germany is concerned, her activity in the manufacture of metals of this character has practically broken down. Her trade is largely confined to producing what the domestic market requires, and until she is able to improve her situation with reference to a supply of iron and coal that condition is likely to exist. So that there is no justification for this duty growing out of the importations, and this is true, as we have shown, with respect to a large number of the articles that we have discussed here upon the floor of the Senate. When, however, we have shown that present importations were negligible, that they were far below those that existed before the war, we have always been met with the suggestion that that may be true, and that it must be admitted that that is true, because the Government records show it is true, with respect to the present time, but it is apprehended that a different condition with respect to the importations of this article will be created in the near future, or, if not in the near future, then in the distant future; and so we are presenting ourselves to the American people in the attitude of passing a

bill here to deal with a situation that is purely a creature of the mind.

The only other reason which has been advanced here why we should increase the present rates, or why we should impose the extravagant rates that the committee has suggested with reference to this and other items, is that the prices at which the importations are offered in this market are so much below the prices at which the domestic products are selling in the market that if importations come in at all they disturb the equilibrium of business in this country.

Mr. President, that argument can not obtain as to this particular item, because I have before me the prices of the foreign importations of chains, beginning with 1908, down to the present time; and I find that in 1908 the unit value of these chains was 7.2 cents; in 1909, 6.5 cents; in 1910, 5.4 cents; in 1911, 6.1 cents; and so on, never going up until the war above 11 cents. They reached 11 cents in 1914 They were 6 cents in 1913. They went to 11 cents in 1914, and then they went up higher during the war; but except during two years they never went above the present price. They were the war years of 1915 and 1916.

The present invoice or landing cost of these chains—that is, the 1921 cost—is given by the official statistics at 12.6 cents a pound, 5 cents a pound higher than in any year during the existence of the Payne-Aldrich law. If we could compete against the prices that obtained during the four years of the Payne-Aldrich law, if the lower prices of that period did not destroy the American manufacturer, how can it be contended that present prices, practically 80 per cent higher than those which obtained before the war, are so low that it is impossible for the American manufacturer to live in competition with such prices? So that we have an answer, and a complete answer, to both of the arguments made in favor of the high rate; first, from 200 to 300 per cent decrease in imports, and, secondly, an 80 per cent increase in the landed cost of the foreign article.

I do not wish to detain the Senate, and did not rise except for the purpose of putting into the RECORD the facts about this matter. I do not wish to elaborate them. I am content to let them go into the RECORD and speak for themselves.

Mr. SMOOT. Mr. President, four days ago the chairman of the Finance Committee offered an amendment to this paragraph, and up to the present time we have had no chance whatever of voting on the pending amendment. What is the pending amendment? I take it for granted that all the criticisms which have been offered have been offered against the pending amendment to the chain paragraph.

Mr. President, it does not make any difference what the committee does, whether they lower the rates of existing law, or whether they increase them; it seems that there must be hours and hours of criticism of the committee. If I have any fear at all in relation to the pending amendment, it is that the rate proposed by the committee is too low. That is my only fear. I want the Senate to understand that the rates now proposed in this paragraph are lower than the rates in existing law for the same articles, outside of sprocket chains and machine chains, on which the rates are increased only 10 per cent; and the cost of making those chains is quite different from that described by the Senator from North Carolina. No matter whether we decrease the existing rates or not, the rates we propose are criticized as extravagant.

I wonder if the Senator from North Carolina has ever visited England and Germany and seen the chain makers and the chain workers in those two countries? He took particular delight in referring to the fact that these chains were made in small plants at the homes of the chain makers. God grant that never in America shall there be conditions such as have existed in those two countries. I have been there. I have seen those poor women, back broken, handling chains, paid a pittance, the children helping the mother make chains, simply to get enough food to eat and to help the husband who was doing something else in some other industry in that country, to get sufficient food and clothing to make it possible for them to exist. I never want to see such a condition in America. I never want to see a girl of mine, or the girl of any man living, or any American mother, or the wife of any man living, be compelled to do such work in America.

These rates are lower than those in the existing law, and I say to the Senator that we have lowered the rates of existing law because of to-day's high prices of the articles. I look to see the prices of chains decrease, and when they do, having a specific duty, of course the equivalent ad valorem will increase; but if chains remain at the same price they bring to-day, every rate we propose now will be lower than those in existing law—this Democratic law referred to so often by the critics of the pending bill. The equivalent ad valorem rate in 1908 was 17.4 per cent. In 1909 it was only 11.6 per cent, and yet existing law carries 20 to 25 per cent, according to the size of the chain.

The average price of the importations for the nine months of 1921 was 12½ cents a pound. Twenty per cent of 12½ is 2½ cents a pound, and in the amendment offered by the chairman of the committee we begin with seven-eighths of a cent a pound. The duty on the highest of the very small chains, which cost from 30 to 35 cents a pound, is only 3 cents a pound.

We have cut out the provision found in the Payne-Aldrich law that no chain shall pay a lower duty than 45 per cent. I think if there is any rate as to which there can be no criticism offered by any Senator it is the rate proposed in this paragraph.

I have the figures here showing the specific rates, and also the equivalent ad valorem rates. I am not going to take the time of the Senate to read them, because I think it is time that we should take a vote upon the pending amendment, and I am perfectly willing to join the Senator from North Carolina and the Senator from Nebraska in asking that a yea-and-nay vote be taken on these rates. I want Senators to vote whether they want to decrease the existing duty or not, and, as far as I am concerned, if there is no one else who wishes to speak, I ask for the yeas and nays.

Mr. SIMMONS. Mr. President, I have listened with a great deal of gratification to a part of the speech of the Senator from Utah [Mr. SMOOT]. He grew very eloquent. The Senator, like myself, is not naturally eloqent, and he never becomes eloquent until he becomes very much aroused and excited. I share his indignation, and I share his expression of a hope that we shall never in the United States have the conditions in this or in any other industry which he described as obtaining in Germany with reference to the production of chains.

Mr. SMOOT. I ought to do justice to the German people and state that I am informed that in Germany of late they have ceased sending chains to the homes of the people of Germany and having the women and children make the same, and they have of late gotten the machinery which makes them in the same way we make them.

Mr. SIMMONS. The Tariff Commission announces the abolition of the old custom of working women and children in the home chain-making plants. That, of course, is an advance which is gratifying to me, as I know it is to the Senator from Utah; but the commission assert, and the Senator, I understand, corroborates them, that to a certain extent the old custom of manufacturing chains in the little home plants obtains—a crude, primitive method. You might pay the laborers engaged in the making of those chains by that crude machinery only 5 cents a day, and yet the labor cost of that article would be very great. So that all this talk about the low prices paid the German laborer in these little home shops gets you nowhere, because the relative cost of production can not be ascertained by comparing the wages paid labor—where there is such difference in methods and efficiency and results the two things are not comparable.

A better illustration, and one which will be understood more readily by the people, is the product of the shoemaker. A shoemaker working on his stool would probably turn out only one pair of shoes a day, and would be doing very good work at that.

How can you, in decency, compare the labor cost of a pair of shoes made by the shoemaker in the old way on the basis of the wage paid the shoemaker with the labor cost of a pair of shoes made on machines on the basis of the wage paid the operator of the machine? One laborer working a machine producing shoes will probably make 150 dozen pairs of shoes a day. The labor cost of that 150 dozen pairs is only the wages paid one man, and it would take 150 men making shoes by the old method at the rate of one pair a day to make as many shoes a day as one man makes in the same time with the up-to-date machinery of shoe factories of America to-day.

The same is true of chain making. The probabilities are that one man laboring on one operating machine in one of the great chain factories in this country will turn out as many feet of chain as 20 men will turn out working with the crude machines which they used in the homes of the Germans to make similar chains.

We can not compare the wage paid to the man who produces so little with the wage paid to the man who produces so much. They bear no relation one to the other in estimating the actual labor cost. I hope that condition will never obtain in this country, but it does obtain in a competing country, and as long as it obtains in a competing country there is no sense in talking about our inability to compete with that country. As long as Germany makes chains with these crude implements, there will be no trouble about America competing with her in the manufacture of those materials. It requires no argument to

convince the man of common sense and intelligence on that proposition, I think.

Now, the Senator from Utah said that the rates in his bill, as modified by his amendment, will be less than the rates of the present law. I do not think so; but the Senator when he made that confession admitted that our criticisms of his bill are justified, because it is as the result of our criticisms and the effect of those criticisms upon the public sentiment of the country and the Senate that the committee voluntarily cut down its rate, according to the Senator, about one-half. He claims now they will not be in excess of 20 per cent; but as he brought his bill in here, and as he asked the Senate to adopt it, he had a provision that the specific rate should never be less than 45 per cent ad valorem. That is rather bunglingly expressed; that is to say, if the specific rate he had imposed upon these articles as the result of the increase in price fell below 45 per cent ad valorem, then the specific rate was not to apply, but the 45 per cent ad valorem rate was to apply. I do not think the Senator ought to criticize us. He ought rather to say that we have served the public well, because our efforts have resulted in inducing him to cut his rate in half.

Mr. SMITH. Mr. President, may I ask the Senator from North Carolina a question?

Mr. SIMMONS. Certainly.

Mr. SMITH. The specific rate on these different chains has been reduced so that there will be an effectual reduction to 20 per cent. As I understood the Senator from Utah, he said they have reduced the ad valorem down to about 20 per cent. Did I understand that correctly?

Mr. SMOOT. I stated that at the value of the chains to-day the specific rate as reported now by the chairman of the committee, wherever it is 20 per cent to-day, will be less than 20 per cent, and wherever the rate is 25 per cent it will be less than 25 per cent.

Mr. SMITH. That is as a result of the modification of the specific and ad valorem rates on this article?

Mr. SMOOT. Yes. I stated to the Senate just why that was done. The Senator was not in the Chamber. I will say to the Senator that I do not believe the price of chains will remain where it is to-day.

Mr. SIMMONS. It is very plain. The Tariff Commission says the average computed ad valorem rate on dutiable imports for the three years 1911, 1912, and 1913, under the act of 1909, was approximately 47.5 per cent.

Mr. SMOOT. Now, the Senator knows——

Mr. SIMMONS. I understood the Senator. If he will wait, I will develop it. I understood his argument about the price.

Mr. SMOOT. That is not what I wanted to say. I want to call the Senator's attention to the fact that the reason for that was because they have the 45 per cent minimum rate applied in the act of 1909.

Mr. SIMMONS. Oh, no, Mr. President; that was not it at all. It said the rate computed was that figure. That provision only said if the specific rate did not reach 45 per cent then the specific rate should be abandoned and 45 per cent ad valorem adopted.

Mr. SMOOT. The Senator has already said they were abandoned.

Mr. SIMMONS. The calculation is not made with reference to the 45 per cent proviso at all in the Payne-Aldrich law.

Mr. SMOOT. Oh, yes, it is.

Mr. SIMMONS. It is made with reference to the rates in the Payne-Aldrich law, and the rates exceed the 45 per cent.

Mr. SMOOT. That is the very reason why, because there was none fell less than 45, and some of the sprocket chains and finer chains were higher, and so the average was 45; but the equivalent ad valorem in 1908 was 17 per cent and the specific rate was exactly the same, so what the Tariff Commission said is true. None of them came in less than 45 per cent, and the sprocket chain and quarter-inch chains brought the average up to 47 per cent.

Mr. SIMMONS. The Senator can not escape the fact, however, that as that law was written it amounted to 47 per cent.

Mr. SMOOT. That is true.

Mr. SIMMONS. Now, the Senator said that 47 per cent would not be 20 per cent, because the foreign price of the chains has increased from an average of a little over 6½ or 7 cents to 12 cents.

Mr. SMOOT. No; the Senator must not misquote me. I said the sprocket chains and machine chains under the amendment offered were 35 per cent.

Mr. SIMMONS. I am not talking about sprocket chains.

Mr. SMOOT. Then the average took the sprocket chains and all kinds of chains. We can not take an average unless we take them all in. As I said, the specific rates which are enumerated in the bill on the average will be less than the rates in the existing law.

Mr. SIMMONS. I think the Senator is mistaken, but if the Senator is basing his calculation upon the present high prices of chains, then I can not see any justification for the argument that the American manufacturer at this time is being damaged by an exceptionally low price charged in the American market for the foreign product. If the price of chains has gone up to the point where it pulls down the rate of the specific duty practically 100 per cent when measured in ad valorem equivalent, then it seems to me that the whole case upon which the proponents of the bill rest their proposition to increase rates falls to the ground. I ask the Senator why in this state of facts his committee reported out a rate twice as high as the rate which he now proposes?

Mr. SMOOT. I did not quite understand what the Senator meant by his last statement. I could have answered the fore part of it, but as I understood the Senator, one part conflicted with the other. If the Senator will repeat his question I shall be glad to answer it.

Mr. SIMMONS. I asked if the rate the Senator originally proposed in the bill would not have been very much higher than the rate which he now proposes.

Mr. SMOOT. Why, certainly; and that is what I have said.

Mr. SIMMONS. Why, then, did the Senator propose the other rate in view of the fact that he admits now that the prices of chains are double what they were before the war?

Mr. SMOOT. I thought I stated that very plainly to the Senate when I said that I expect the price of chains to decline, and I also stated that if I had any fear at all about the rate that has been proposed by the committee it was that under existing conditions, if they were to continue to exist, the rate would be too low.

Mr. SIMMONS. Now, the Senator said he expects the price of foreign chains to decline.

Mr. SMOOT. I expect the price of chains to decline not only in foreign countries but in this country.

Mr. SIMMONS. And as they decline the Senator's specific rate measured in ad valorem will go up, will it not?

Mr. SMOOT. It will, and perhaps it will reach about the existing law.

Mr. SIMMONS. And if they declined to the point at which they sold before the war then the Senator's ad valorem equivalent rate would be 45 per cent.

Mr. SMOOT. Oh, no; the Senator is wrong. If he will take the importations for 1908 or 1909, he will find there was exactly the same rate.

Mr. SIMMONS. Forty-seven per cent?

Mr. SMOOT. Not at all. On these chains the price was 17.4 cents, and to-day the price would not amount to that rate which we have reported here.

Mr. SIMMONS. I am ready for a vote.

Mr. SMOOT. Let us have the yeas and nays. Would the Senator like to have the amendment voted on as a whole or divided?

Mr. SIMMONS. I want it divided.

Mr. SMOOT. Then, I ask that the vote be on the first amendment, on page 64, line 15, before "1," to insert seven-eighths of," so as to read "seven-eighths of 1 cent per pound."

Mr. SIMMONS. If the Senator will pardon me, I do not wish to divide it to that extent. I was going to move to strike out, beginning in line 15, after the word "steel," down to and including the word "pound," in line 20, and insert in lieu thereof:

Not specifically provided for in this section, 20 per cent ad valorem.

On that I ask for the yeas and nays.

Mr. SMOOT. That is the same rate as provided by existing law.

Mr. SIMMONS. That is the rate of the existing law.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from North Carolina to the amendment reported by the committee, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr.

COLT] to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. SWANSON (after having voted in the affirmative). I inquire if the Senator from Washington [Mr. JONES] has voted?

The PRESIDING OFFICER. The senior Senator from Washington has not voted.

Mr. SWANSON. I have a pair with the senior Senator from Washington, which I transfer to the Senator from Massachusetts [Mr. WALSH] and let my vote stand.

Mr. FRELINGHUYSEN. I transfer my general pair with the Senator from Montana [Mr. WALSH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. McCUMBER (after having voted in the negative). I transfer my general pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Pennsylvania [Mr. PEPPER] and allow my vote to stand.

Mr. McKELLAR. I have a general pair with the junior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. HARRISON. I transfer my general pair with the Senator from West Virginia [Mr. ELKINS] to the junior Senator from South Carolina [Mr. DIAL] and vote "yea."

Mr. CALDER. I have a general pair with the senior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. DILLINGHAM. I transfer my general pair with the Senator from Virginia [Mr. GLASS] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH of Montana] is necessarily absent on account of an urgent matter which claimed his attention. He will be absent on the same account for several days. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. ROBINSON (after having voted in the affirmative). I transfer my pair with the senior Senator from West Virginia [Mr. SUTHERLAND] to the junior Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. HARRISON. I wish to announce that the Senator from Massachusetts [Mr. WALSH] is detained from the Senate on official business.

Mr. McKINLEY (after having voted in the negative). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Arizona [Mr. CAMERON] and allow my vote to stand.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 18, nays 39, as follows:

YEAS—18.

Ashurst	Jones, N. Mex.	Pomerene	Trammell
Culberson	La Follette	Robinson	Underwood
Harrison	McKellar	Sheppard	Williams
Heflin	Myers	Simmons	
Hitchcock	Overman	Swanson	

NAYS—39.

Borah	Gooding	McCumber	Phipps
Bursum	Hale	McKinley	Poindexter
Calder	Harreld	McLean	Rawson
Capper	Johnson	McNary	Shortridge
Curtis	Kellogg	Moses	Smoot
Dillingham	Keyes	Nelson	Townsend
Edge	Ladd	Newberry	Wadsworth
Fernald	Lenroot	Nicholson	Watson, Ind.
France	Lodge	Norbeck	Willis
Frelinghuysen	McCormick	Oddie	

NOT VOTING—39.

Ball	Elkins	Norris	Stanfield
Brandegee	Ernst	Owen	Stanley
Broussard	Fletcher	Page	Sterling
Cameron	Gerry	Pepper	Sutherland
Caraway	Glass	Pittman	Walsh, Mass.
Colt	Harris	Ransdell	Walsh, Mont.
Crow	Jones, Wash.	Reed	Warren
Cummins	Kendrick	Shields	Watson, Ga.
Dial	King	Smith	Weller
du Pont	New	Spencer	

So the amendment of Mr. SIMMONS to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER] on behalf of the committee.

HOSPITAL FACILITIES FOR WORLD WAR VETERANS.

Mr. ASHURST. Mr. President, I read from an article in the New York Herald of this morning, June 23, on page 6. Unlike my friend from North Dakota [Mr. McCUMBER] and my friend from Indiana [Mr. WATSON], I have no jeremiads to chant over the metropolitan press; I think the newspapers give us a reasonably fair summary of what takes place. I hope the article I am now going to read is not true, but if it be true, then the committee appointed by Senate Resolution 59 has a duty to perform:

[From the New York Herald, Friday, June 23, 1922.]

VETERANS SAY RICH BAR HOSPITAL SITES—LEGION CHARGES WESTCHESTER RESIDENTS MADE GOVERNMENT ABANDON OPTION—VASSAR ALSO OBJECTS—REPORT CITES OBSTACLES MET IN SEEKING NEW YORK LOCATIONS FOR WAR VICTIMS.

NEW YORK HERALD BUREAU,
Washington, D. C., June 22.

In an article made public to-day as the second of a series by the American Legion giving a history and critical review of the work of the United States Veterans' Bureau, it is charged that wealthy New Yorkers, Vassar College, and other persons and interests have impeded deliberately the selection of hospital sites in New York. The Veterans' Bureau and the White committee of the bureau are excused to a large extent in the statement because of alleged outside and political opposition met on locations at every turn.

The Veterans' Bureau has announced since the article was prepared the location of a million-dollar hospital at Liberty, N. Y. Another is to be in the metropolitan area.

CALLS OPPOSITION VICIOUS.

Congressional authorization for the hospitals has been standing for approximately two years. The legion article says:

"In the populous areas of western Pennsylvania and the metropolitan district of New York, where the suffering among veterans because of a lack of hospital facilities is most severe, the White committee has been defeated absolutely in its efforts to acquire sites. In New York this opposition has been unspeakably vicious and selfish in character.

"The first locations chosen, one on Staten Island and one on Long Island, were discarded when Government officials and experts were unable to agree. Time passed and a third site was found in Westchester County, which adjoins New York City on the north. Climatic conditions were ideal, and there is no more beautiful country anywhere than the landscaped hills of Westchester. In fact it is too beautiful—too beautiful for disabled soldiers. Westchester is a region of magnificent estates where the rich of New York get back to nature de luxe.

"When it was learned that the Government had acquired right of option on a certain acreage the well fixed and influential property owners roundabout went straight up in the air. A hospital for crippled soldiers in these exquisite hills? Preposterous.

"One leader of community sentiment informed members of the White committee that unless efforts to place a hospital there were abandoned immediately he would simply get his friend Secretary Mellon on the long-distance telephone and unpleasantries might ensue. A Congressman, eager to please his wealthy constituents, also intervened and the White committee tossed in the sponge. Time dragged on.

"The White scouts moved up the Hudson, out of the country estate belt, picking a tract near Poughkeepsie. Here Vassar College, though situated more than 3 miles from the proposed hospital location, led the opposition.

"The fight was adroitly conducted.

"The veterans lost, but after a lull of a few weeks the White committee apparently refused to call it quits, for the following is a copy of a letter, bearing the signatures of two high officers of the college, which is being forwarded by the college directors to influential persons:

"'The commission who were to locate hospitals for treatment of disabled ex-service men who are tubercular selected a site in the vicinity of Vassar College, where several hundreds of the men could be placed. President MacCracken strongly objected and the executive committee unanimously indorsed his action. Assurance was given that the hospital would not be located in that place if the college objected.

"'But we learn that a determined effort is now being made by certain interested parties to have this decision reversed and this we are most anxious to defeat.

"'The objection by the college has nothing to do with the fact that the men are tubercular, but because we know that a proportion of these men would be a danger to such a community.'"

Mr. President, Congress has done its full duty on hospitalization so far as the construction of buildings is concerned. To summarize:

On March 4, 1921, $18,600,000 were appropriated to expand existing hospital facilities and to increase hospital facilities. On April 20, 1922, $17,000,000 more were appropriated for the further hospitalization of ex-service men, making in all that Congress has appropriated within the past two years and two months $35,600,000. As soon as the act of March 4, 1921, was passed, the Secretary of the Treasury, Mr. Mellon, appointed what is called the board of consultants. The chairman is Dr. William Charles White, of Pittsburgh, Pa. The other members of the board are Dr. John G. Bowman, of Pittsburgh; Dr. Frank Billings, of Chicago; and Dr. George H. Kirby, of New York City. There are also other physicians, who serve in advisory capacities. This board of consultants took up the question of hospitalization in a serious and intelligent manner with painstaking detail, and they visited site after site and obtained reports as to climatic conditions, water supply, and so forth.

This paper, the New York Herald, sounds an alarm, and it points out that although we have appropriated $35,600,000 for

hospitalization of disabled soldiers, certain persons of opulence and influence have been trying to defeat the White committee in its efforts to select a site on the Hudson River for a soldiers' hospital.

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. WILLIAMS. Mr. President, I submit an amendment intended to be proposed by me to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, which I ask may be held on the desk subject to call when that bill is under consideration.

The amendment was ordered to be printed and to lie on the table, as follows:

On page 6, after line 23, insert the following proviso: "(6) *Provided, however,* That nobody in possession of an income of $2,000 a year or more shall become a beneficiary under the operation of this act or any clause thereof."

TWO LECTURES BY SENATOR WILLIAMS.

Mr. WILLIAMS. In compliance with the request for unanimous consent granted me some days ago, I send to the desk the two lectures to which I referred, which were delivered at Port Gibson, Miss., and Memphis, Tenn., to be printed in the RECORD and in the regular RECORD type.

The lectures were ordered to be printed in the RECORD in 8-point type, as follows:

THE LEAGUE OF NATIONS AFTER THE ELECTION.

LECTURE NO. 1.

(Being a lecture delivered by Mr. JOHN SHARP WILLIAMS, senior Senator from Mississippi, at Port Gibson, Miss., and at Memphis, Tenn., being one of two lectures referred to in his request for unanimous consent to print in the RECORD, as shown by the CONGRESSIONAL RECORD of June 20, 1922.)

"Ladies and gentlemen, I am to deliver two lectures, one about the League of Nations and another on the subject of "International Nagging"—a thing chiefly carried on in this country by certain hyphenates, certain yellow journals, and by certain demagogues who think thereby to find their profit in office getting, regardless of the threat of war involved in the process. I shall deliver the two lectures as though they were one, because they both touch the peace of the world. I shall divide the two lectures rather by the time taken in delivering them than topically.

"Some days ago I cut out of some paper a paragraph containing these words: 'The world is saved from the Prussians but it is not yet saved from itself.' There is great meaning in that sentence, for even if we have made the world safe for democracy, we must 'even go further' and make democracy safe for the world.

"As a result of the World War, 10,000,000 of men have ceased to live, 20,000,000 live maimed, and a debt of $200,000,000,000 of war costs rests on the shoulders of the people of Europe and America. A stupendous price to pay for anything short of a stupendous and permanent benefit! Was the war worth it? That depends in part, indeed in major part, on you. What was it all about? Are you to answer as the old man in the poem, 'How tall was Alexander, pa, that men should call him great,' answered the same question, 'I do not know, my child, but it was a glorious victory.'

"I am intensely interested in the League of Nations, or covenant of civilized nations for the peace of the world, as the President and I prefer to call it, and have been for years before the Great War made it a concrete and present instead of an academic question for future consideration. And yet the very right and wrong of it all has been for so very long a time so very plain in my mind that, as I said in Port Gibson, Miss., the other day, I hardly know where to begin and certainly do not know where to end the discussion of it. I am glad to talk about it after, rather than before, the election, because I can not now be charged with selfish, partisan motives. Majorities decide governmental action for the immediate future, not for the ultimate future, and no majority at any election ever yet settled a moral issue. Such an issue comes to stay until it is settled right. This is a moral issue and differs from any other only because it is international in its scope and involves governments rather than individuals as its instrumentalities and subjects of action.

"Talking about it is for me like making a speech on the text 'Thou shalt not steal' or, more analogously, 'Thou shalt not kill.' Of course, I do not mean by that that opposing the adoption of the covenant is as grave an offense as stealing or murdering—I am getting too old to indulge in that sort of extreme speech or thought. I merely mean that for me the duty of doing all I can to stop killing by wholesale—by the millions, as we have just witnessed, on land, on sea, and from the air—is as sacred as that of doing all I can to stop killing by retail, and that the duty of stopping international taking by the strong arm of territory and its population, which is wholesale stealing or robbery, is as sacred as the duty to do my bit in putting an end to other forms of grand or petty larceny or highway robbery.

"Do you, like me, want, without too minute inquiry into the details of the means adopted to the end, to do all you can; to try every expedient or experiment fraught, however remotely, with the slightest hope of success, to prevent war and filching by the strong of the territory and people of the weak—in a word, using the language of the covenant itself, to prevent 'external aggression' involving the 'independence and territorial integrity of nations'? Always of weak nations, remember, because the weak never wage wars of conquest against the strong. Do you want to try every conceivable means of preventing or minimizing the useless slaughter in wars of offense and conquest and aggression, having in your view the end of thereby preserving civilization, national and international solvency, and human progress in industry and the arts, on which depends the happiness of man and all his intellectual and moral culture and all industrial peace—all of them invariably disturbed by international warfare, with its disintegrating and demoralizing forces? Or will you, on the contrary, sunk in intellectual torpor, moral callousness, or parochial exclusiveness, or in an entire absorption in your own to-day's or to-morrow's personal and private interests, shortsightedly shake the whole problem off your shoulders and 'let the mad world wag as it may'? One or the other of these two things you will and must do, or try to do, by the position you take and hold on this question. The field of the details of past candidates' utterances and of party platforms we need not enter. They have less to do with it 'than the flowers that bloom in the spring.' The parting of the ways in grand outline is before you for future guidance so plain that the wayfaring man, though he run, can not help reading the two signs on the board: On one, 'This way to a new era providing peace and mutual trust and love'; on the other, 'This is the old road of distrust and hate and war.' The fight in America between the would-be travelers of these two roads has just begun.

"You may, for European racial reasons or out of mere moral laziness, attempt to obscure the issue with words; you may thereby for a time deceive others—counting on the heads, or the at first no heads, of the hydra-multitude—but you can not deceive yourselves and you can not fool God. Do you want or do you not want to do everything—anything—promising even approximately cessation of war, with its barbarity, atrocity, death, rape, hatred, widowing of women, orphaning of children, bankrupting of nations, burdening with woe of war suffering and weight of war costs, and the heavier weight of coming pensions, all to an extent beyond power to bear up under it? Are you indifferent whether or not this weight of war and woe of war shall continue from time to time to be placed on the bent backs of farmers and laborers and teachers and preachers—of all the sons and daughters of men—while we 'just go on in the old way'? If so, the trouble is that you will not go on, but will go under, 'in the old way.'

"Our part in the last war, forced on us as it was, unavoidable except at the cost of the loss of national self-respect, was manly and glorious. It proved that even now 'men know how to die' when for country's sake or liberty's or civilization's they must. It proved that women even to-day know how to bid men endure and, if need be, die.

"It proved that many things are worth more to man—even to the so-called common man—than mere continuance of earthly existence; that the average man even now can and does 'so love the world that he lay down his life for it'—for the good and noble in it—for its women and children, its culture, its democracy, its sense of justice, its righteousness of aim, and, above all, its ultimate peace. I say 'above all' because it is only under the shadow of the wings of the Angel of Peace that all these things can be properly born and can thrive, and that civilization, with so much difficulty wrung from the past, can ripen in the future into that beautiful and lovely fruition of enlightenment that those who love God and their fellow men do even now in a demoralized and reactionary present hope that they or their children may live to see.

"The war proved that 'the age of chivalry' has 'not gone,' Burke's lament notwithstanding; that the average man is not ignorant of the truth of Robert E. Lee's injunction to his son: 'Duty is the noblest word in the English language.' These things we found to be true of men from all over the world, but especially true of the men of the English-speaking race. In they came, trooping, these 'sons of English mold,' from Canada, from South Africa, from far-off Australia and New Zealand, from England, from Scotland—'lowland and highland in battle array'—from the stern mountains and sweet valleys of 'never conquered' Wales, from the States of this

glorious American Republic, from all the islands of the sea, 'from Greenland's icy mountains to India's coral strand,' from wherever live the sons of the glorious race that speaks the language Shakespeare spake and thinks the thoughts that Milton thought, and dreams the dreams that Tennyson dreamt—of this race which stands and has so long stood 'in the foremost files of time'—in they came trooping to the rescue of ravished Belgium, of torn Serbia, of bleeding France, of expiring democracy, with 'eyes front' and God's unseen hand on their shoulders driving them forward in high emprize 'to do or to die.' They proved in 'the old land' and in the new lands that those had cruelly slandered them who had said their religion was the idolatrous worship of dollars, pounds, shillings, and pence. They demonstrated, on the contrary, that they had not changed in character, courage, heroism, or endurance from those of their ancestors who demanded liberty at Runnymede, or stood with the Black Prince at Crecy and Poitiers or followed Richard 'of the lion heart' on the deserts of Syria and over the hills of Palestine, or 'summoned up their courage' with heroic Prince Hal at Harfleur and Agincourt, or from those who fought and won religious liberty with Drake and Howard as their ships met the hosts of the Spanish Armada and with the help of God's winds sank it in the North Sea, while their glorious queen, 'Great Elizabeth,' 'hurled proud scorn at Philip and at Spain'; or from those who, under Havelock, 'bearing the white man's burden,' under the heat and glare of an East Indian sun, entered Lucknow to the martial strains of 'The Campbells are coming' and saved its wounded men and famishing women and children; from those who climbed with Wolfe the Heights of Abraham and by his victory at Quebec completed the dedication of this continent to the English language, English literature, and English law, making it to-day the most priceless jewel in the crown of the race's possession. These boys of ours proved themselves worthily descended from those who wrested our coasts and mountains and valleys from savage men and yet more savage nature, and made of this continent the broadest domestic hearth on this earth, around which the sons and daughters of the race can now gather; worthily sprung from those who later at Lexington 'fired the shot which was heard around the world,' or with Washington starved and died and endured and prevailed at Valley Forge, or, finally with him at Yorktown carried to final victory the cause of American and English civil and political liberty, inherited from their ancestors across the sea and reasserted by them here, not only for themselves, but, as is now clearly seen, for Englishmen in England itself and in every English colony; worthy of their fathers who won with Sherman and Grant or lost with Jackson and Lee, 'greatly falling with a falling state,' and leaving fadeless names and unconquered renown for themselves and their cause. Our boys, the descendants of all these—your boys and mine—'proved the metal of their pastures' at Chateau-Thierry, on the Somme, at St. Mihiel, and in the Argonne, and proved that they had in them the blood of all of these, their glorious sires, and like them 'knew no count of self' when duty or country or liberty or justice or civilization called.

"But we did not summons them, nor did they go out of desire for dominion, for love of fighting, or out of hatred of any man or any people. They did not go, nor we summons them, until our great President—brought to the point where even his patience had ceased to be a virtue—had, for us, exhausted every honorable means to prevent the necessity of their going at all, and not until he had made it plain to all the world—friend and foe—that our purpose was to make not only America but all the world 'safe for democracy,' to conquer not for ourselves alone but for all the world a just and enduring peace,' not until he had made it plain amid our unanimous applause that we were, above all things, making war against not only 'war lords' but war itself, and against the whole old system of armed peoples under universal conscription involving the danger and horror of war's constant recurrence—against all this time-dishonored method of settling international controversies and conflicting national interests. On the points of our soldiers' bayonets was carried the meaning of the slogan of a British battalion, 'Going over the top' and driving the enemy; 'Never again, never again.'

"Was there a voice then to blame our martyr President for these his announced purposes? Were not these and our own defense and the world's defense against arrogant and insolent war aggression universally acclaimed? Were they not carried as the very 'testament of his faith' in the heart of each of our sons 'to Flanders and to France'? Did not our great chief announce beforehand that an international covenant of peace was the chief and holiest to-be-expected fruit of all our labors, battles, and expenditures? Was one man in all America then found bold enough, or mean enough, or provincial enough, or partisan enough, or short-sighted enough, or devil-serving and God-defying enough to say him 'nay'? Are you willing to lapse back into the old slough from which you dragged the world by its drowning locks? Glorious as were the deeds of our boys who returned, do they even wish a recurrence of the need of repeating them?

"Of those others who did not return, who are—I say advisedly are, not were—to be consulted; of those who—

> On Fame's eternal camping ground
> Their silent tents now spread;
> While glory guards with solemn round
> The bivouac of the dead.

may we not also ask the question: 'Do you wish a recurrence of it all for your brothers left on earth'?

"It seems to me that I can see and hear the sheeted dead as in solemn chorus they roll back an awful 'No; for what, then, did we die?'

"And pray you, my friends, 'for what'?

"That certain boundaries might be changed in Europe? That certain reparations might be made? That certain indemnities might be paid? Oh, the pathetic impotency of such a reply! Oh, the infinite meanness of him who makes such reply!

"But you may say, for many are saying it, 'We can not provide against such a recurrence. War is a necessity of human nature. It can not be prevented.'

"How do you and they know?

"Have you ever tried it?

"Has anybody ever sufficiently tried it?

"Are you willing with me to try it?

"Is it not worth trying?

"Is the trial not worth keeping up to the end, election or no election, temporary majority with us or against us?

"Does not the memory of the endurances and dangers of the living and of 'the great sacrifice' of the dead counsel you to answer that question 'Yes'? But there will be those who will still say 'war is a biological necessity and unavoidable.' There were those who once, not long ago, thought and said the same thing of dueling, I among them.

"But they say 'the covenant of peace is defective.'

"Of course it is; where were we to find angels or gods to draw it up?

"But they add, 'It needs amending.'

"Very probably; indeed, very certainly; and we shall on trial doubtless find that it needs amending even in some respects that are not now apparent, just as we found on trial with the old Articles of Confederation and with the present Constitution of the United States, that each of them needed amending. What human thing does not? Even you yourself need amending daily, though you 'made not yourselves.' But who is to amend it? We alone? One Nation? That question is arrogant and ought to answer itself. No; not one, but all they who enter into it, just as all the States are consulted to amend our Constitution.

"The league carries in itself a prescribed method of amendment, and the very amendment clause itself may be amended to make amendments easier.

"The old Articles of Confederation were amended by Constitutional Convention, and several times even by the Continental Congress submitting special questions, notably of territory, to the States. The present Constitution has also been amended 18 or 19 times now, we are not yet dead certain which, owing to the somewhat doubtful character of the conduct of you Tennesseeans. But by whom and how?

"Naturally by those who adopted it and as prescribed in the amendment clause, but not by one State. Many patriotic Virginians wanted to withhold Virginia's accession to the Federal Union under the present Constitution until it was amended, among them old George Mason—'noblest Roman of them all,' as Jefferson called him—and Patrick Henry, the very 'voice of the Revolution.' But the wisest two of all Virginians then living—Washington, on the ground, and Jefferson, then in France and writing from Paris—advised that Virginia accede and that the desired amendments be proposed by her to the Congress, to be proposed by it in turn to the States. Jefferson himself suggested amendments embodying a 'Bill of Rights' and regretted the lack of such guaranty of individual inalienable rights against all governments, whether State or Federal, as a defect in the original instrument. This course, advised by Washington, Jefferson, and Madison, and Light Horse Harry Lee and John Marshall, was pursued by Virginia.

"Several other States followed or preceded her in that course. As a result two things ensued: The Constitution was adopted

and the first 10 amendments, involving the suggestions of the State conventions, were immediately proposed by the Congress and almost immediately adopted by the States. Our suggestion of any first amendment to the league would be as impotent now in Europe as Virginia's was then in America, and for much the same reasons.

"In the history of the world the instrument most analogous to the present proposed League of Nations that I can find was our system of union under the old Articles of Confederation among the American Colonies under which we fought and won the Revolution. As a form of government, or supergovernment, among the States it was a failure, for 'the plain, palpable, and obvious' reason that it was not intended for any such purpose, just as the present proposed League of Nations is not intended as a supergovernment, or government, indeed, of any kind at all, but simply for what its name purports—a 'league' or 'alliance' for certain limited purposes of peace and war prevention. But for the purposes of its creation, the old confederation was a sufficient success; those two purposes were, first, union among the Colonies for the fighting and winning of the war, and, second, peace among the Colonies themselves then and thereafter. Under it the war was carried to a successful issue, and during and after the war it justified itself as a league of American States—or nations, as they then were—under which a just and enduring peace among these States was maintained until public opinion, further matured and educated, demanded an American supergovernment, 'a more perfect union,' when, to accomplish this purpose, the new Constitution was framed and adopted. Some of the States never complied with all the demands of the Continental Congress; some of them failed to keep their solemn obligations; some duties to the confederation never have been performed even unto this good day; but as a covenant of peace among the States that were parties to the league or confederacy it worked.

"I doubt not some of the nations entering this league will fail in the performance of their full duty, especially at the first, when all will be more or less experimental. Human institutions, like human beings, must learn to walk by trying to walk. The council and the assembly may in given cases call, and the call may be unheard or unheeded by this or that State.

"But this must be, for the very reason that it is not, as its enemies urge, a supergovernment that we are seeking to effect, but a league—not, indeed, at all a government which acts on the individual nationals but an international congress to advise, council, and guide governments. Like our Articles of Confederation, it will operate not upon individuals, nor even upon governments, by authority over them, but through governments, each controlled by its own nationals, while the independent sovereignty of each nation is left untouched, neither sacrificed nor involved nor menaced. If any government in this league is called upon for embargo or for troops, neither will take form for that particular nation until its governmental agencies by its constitution, 'for such purposes made and provided,' shall take the appropriate action. In our own case, for example, if embargo against the outlaw nation be the course advised by the council of the league, a revenue bill regulating certain exports and imports and 'originating in the House of Representatives,' would have to pass Congress; if war was recommended, Congress would have to declare war. These things in other countries would have to be done by various governmental agencies there provided. Just so, under the Articles of Confederation the Continental Congress called on the States, making 'requisitions,' as they were called, for certain quotas of men or of money; but it required the action of each State to make the call or requisition effective within that State. There was no pretense, even, that the Continental Congress could step into the State and levy the forces or raise the money.

"There is even less of a pretense here in the proposed league of such power, right, or purposes. There are, as under the old Articles of Confederation there were, moral obligations involved, which are, as President Wilson said, 'more sacred than legal obligations'; higher, simply because they are not enforceable but are heard and passed upon by us as though we were a court of honor. When a question is in that court, and is acknowledged by individual or nation to be the kind of question that is rightfully there, it ceases to be debatable even. True, each individual or nation must decide for itself whether, under the circumstances of a given case, honor, and obligation in honor, be involved, whether the prescribed occasion to invoke the obligation has arisen. This is necessary as a check upon abuse of the authority of the league or world congress, though in this case, as with the Continental Congress, the difficulty of overassertion of authority will, I dare predict, not be found; but rather the opposite, hesitation to assert even such authority as might be rightfully invoked. I do not fear that the United States will ever fail to heed the voice of honor when just obligation to act under the league covenant is involved. 'But,' you say, 'the league may involve us in war.' Yes; in war to prevent war, i. e., to punish outlaw nations making offensive wars after failing or refusing to arbitrate differences, as Austria, under Germany's lead, did in the case of Serbia, or walking over the defenseless body of a weak nation in violation of plain treaty obligations, as Germany did in the case of Belgium. In no case can it involve us in aggressive or offensive war on the side of the aggressor, nor will we be involved in many, if any, wars against aggressors, for the simple reason that with the league and with us in it, as we will be, the would-be aggressor will be afraid to resort to war. A community agreement—which is all a municipal law is, even though a sanction be behind it—a community agreement expressed in law against theft or trespass or murder does not prevent every possible theft, trespass, or murder, but you do not refuse for that reason to enact laws against them. Why? Because, first, it does make a criminal of the trespasser, thief, or murderer, and that branding alone prevents more crimes than can or does the fear of punishment or of the police; and secondly, because it makes of the punishment visited on the criminal not a thing of private vengeance but a thing of sacred, solemn, and awful moral and social condemnation—a sentence.

"That is precisely what will happen concerning international crimes under the league—it will point out the criminal nations—those who choose to walk 'outside the pale of the law' of nations—will brand and ostracize them, as a municipal community brands and ostracizes its criminals; and, moreover, the league can and will, when made necessary, summon a criminal nation before it, as before a jury of its peers, there to be fairly tried and acquitted or convicted, and if convicted, to receive the solemn and awful sentence of the civilized world's condemnation, and even the world's ostracism, if sentence of ostracism be necessary to bring the outlaw nation to its senses. What is an outlaw nation thus summonable? One which makes war without first submitting or consenting to submit its quarrel or cause of offense to arbitration or to inquiry. That is the answer to that question, in short meter, when divested of the mouthings of lawyerlings and demagogues.

"The league is also a solemn international jury—not Government nor even a court when vivaciously analyzed—but an international jury of equal sovereigns to sit in judgment when the rights of their peers—other equal sovereigns—are involved, a jury sworn to decide according to the law and evidence and 'the very right' of each controversy, or sometimes, in nonjusticiable cases, merely to inquire and recommend or advise, taking nine months in all for 'cooling time' and for the operation of the moral sense or public opinion of the civilized world on the inflamed or greedy controversialist, giving opportunity for guidance by world reason rather than by tribal hate and passion. The league can not sit in judgment in any case, unless a nation has refused to submit to arbitration or inquiry. Remember that. Also remember that the United States have now more than a dozen arbitrative treaties. If there be any 'surrender of sovereignty' involved in agreeing beforehand to submit to arbitration we have already 'surrendered' it in those treaties, unless we signed without intent to observe. Ex-President Taft in this connection has well said:

> "The very fact that the machinery for settlement of disputes—the international jury—is there, to be appealed to by the weak when threatened with 'external aggression' by the strong, will prevent hundreds of wars—nearly if not all wars—just as the potentiality of a jury, with power to announce the moral condemnation of the community, prevents hundreds and thousands of crimes being undertaken or even seriously thought of to every one actually committed.

"'The league will involve us in war!' God save the mark! First, its very object and aim is to prevent all nations from settling disputes by wars. Will an honest attempt, an earnest try, a serious international entente to prevent a thing cause that very thing to occur? Is that the getting out place of lawless minds? I say lawless minds because every man and every class of men and every nation refusing settlement of controversy by court of arbitration or inquiry, asserting a so-called 'sovereign' right to be sole judge in his or its own quarrel is possessed of a 'lawless mind.' It is an attempted concealment of purposes of arrogance and despotism and will to dominate, of self-sufficiency and unrestrained 'pride in might,' under the thin veil of so-called personal or class or national 'sovereignty.' A free-will limitation set beforehand by yourself on the exercise of your own freedom of action is not a surrender of your independence or sovereignty, but is an assertion of both. If two of you agree never to throw another card or take another drink that is an assertion of your own free will in the form of an agreement and is a free-will limitation in the

court of honor set by you yourself in its exercise, but is not a surrender of it or of your 'independence' to the other fellow.

"'Involve us in a war.' Great Heavens, haven't we always been, without a league, involved by necessity in other people's wars? We want to prevent the recurrence of their wars in order to stop the recurrence of our involvements in them. What were our hostilities with France without any declaration of war in the last years of the eighteenth century, and what was our actual declaration and waging of war against Great Britain in 1812 but our unavoidable involvement in the quarrels between England and France and between Napoleon and the Continent of Europe? What was our Spanish-American War but our natural, necessary, and unavoidable entanglement in the war between Cuba and Spain?

"What is chargeable with our belated participation in the late World War except unavoidable involvement of the neutral rights of our citizens growing out of a quarrel originally far from being ours? Suppose there had been a league of nations to make Austria and Serbia arbitrate, as Serbia and Earl Grey for Great Britain proposed, or if Austria had refused to ostracize her from traffic and travel with the rest of the world. There would have been no war.

"In the present state of the world's intercourse by steam, air, wireless, in commerce and travel, and, above and beyond all, in world thought, no great nation with vast interests can ever again be unaffected by a great war, nor if the war endure long can it remain ultimately undrawn into it. No great nation can or will ever again be and remain neutral, 'blowing neither hot nor cold,' and remaining nonparticipant, in any war long enduring between other great nations.

"The only way to avoid involvement is by preconcert of the free and civilized nations to avoid the wars themselves.

"Now and then a fool says, "Let Europe fight all it pleases; let us stay at home and attend to our own business.' But they won't let us 'attend to our own business,' and we simply can't 'stay at home.' They are in death grapple and can not, if they would let us, unhampered by war conditions, 'attend to our own business.' Their life is at stake and our 'business' must unavoidably be wrested from the even tenor of its way and be bent to conflicting war needs and war measures.

"Will you rather drift into war involvements like a set of unforeseeing and unvisioned asses, 'trusting to luck,' which means 'trusting to the devil,' and forgetting God who gave you a reason wherewith to provide against foreseen calamities? Or will you rather, in love of God and of men, and of man's work as the instrument of God's will on earth, use your reason, your 'common sense and common conscience' in providing beforehand in consensus with the other free peoples of the earth, possessing as much reason and common sense and common conscience as you and an equal love of peace, against the contingencies, which you know, unless you are fools, must again recur and must again bring armaments and wars, and must again involve your treasures and your sons?

"As for me and my household, we have heard the voices of the angels of the advent, announcing with sweet promise, 'Peace on earth to men of good will.' We have chosen. We shall worship rather the dear God 'who loveth us and made and loveth all' than the devils of discord, international suspicion, distrust, pride-swollen arrogance, and so-called 'sovereignty' and 'independence,' meaning by the words only independence of the moral sense of all other men and nations and an assertion of a sovereign right to do wrong.

"As for me and mine we shall worship the God of Justice which 'endureth forever' and is 'mighty' in the end 'to prevail,' and do our little best to discrown and dethrone the so-called 'God of Battles,' who never yet controlled the issue of a battle but cynically left it, as Bismarck once said, not to the forces of justice, liberty, equality, and fraternity, but to those 'of infantry, artillery, and cavalry.' No wonder, because like Baal, such a god is nonexistent. Let others believe as they will, I look to the gradual coming of a 'parliament of man and a federation of the world,' where 'the common sense of most shall hold fretful realms in awe.'

"I do not believe that men individually, or as nations, must always be what men always have been. If this were true, they would all be savages now, because all once were.

"But some one says, 'If we go in we can not get out.'

"Some Republican reminded us southerners in the Senate that we once went into a Union—which many called a 'compact'—and thought we could get out when we chose, but when we tried were coerced to stay. What a dishonest pretense of parallel. In this league the right to withdraw on a two years' notice, at discretion, with good reason or bad reason or none at all, provided only we comply with obligations theretofore incurred by us, is expressly stipulated and not merely thought to be 'reserved,' as was our view under the Federal Constitution. The difference is too plain for argument.

"If any amendment, in our opinion vital to our national life or freedom or sovereignty or independence, is proposed by us to the league and not adopted, we can exercise our express right of withdrawal. Indeed, when we propose the amendment, we may, if we choose, at the same time give the notice that we will withdraw if it be not adopted. I say this only in answer to the captious critic. As for me, I want us to go in and stay in, and lead the league and the world as we well may. If God has on this earth any greater instrumentality to work His will as the Lord of Love and Peace than this Republic, I do not know where to find it. But it must work its will in unison with His will and in love for His other children and with trust in them.

"I do not want us ever to withdraw, but through our membership I want us to shape things. My objection to the league is that it ought to have more teeth in it. But 'the American people care more and are thinking more about their stomachs than they care or are thinking about the heart of the world.' So said a cynic in answer to the President's remark that the failure of the league would 'break the heart of the world.'

"I don't believe it; but if true, then the American people deserve the contempt of all men and the damnation of God. The more you think of that utterance the greater your contempt for its author and the greater your resentment, because it is a vile slander and calumny of a great people of broad and tested humanity. If this slander be deserved, we were hypocrites when we entered the war, hypocrites when we fought it, and fit for hell now. But 'you can not change human nature, and men will fight and make wars.'

"'You can not change human nature,' eh! You can change your own 'human nature.' Every man who has been half educated and has become mentally and morally 'grown up' has changed his.

"Man is 'new born every day' with every sunrise. You Memphians read over again dear Walter Malone's poem 'Opportunity' as an incomparable and eloquent answer to all such stupidity.

"Humanity has been doing little else since it emerged from savagery and cave dwelling, except changing its nature. The 'common sense of most,' if there be instrumentalities for voicing it, can and daily does change what you call 'human nature'; that is, it changes the purposes, the ideals, the habits, the methods of thought, and the ways of living of nearly all men, indeed of all men except brutes and fools. Every step in human progress has been founded on the extinction or modification of something men then called 'human nature,' and has been accompanied or followed by the birth of something new as a part of what men afterwards called 'human nature.'

"If wise and good men had proceeded on the idea that what you call 'human nature,' which here means merely the subjectivity and moral consciousness of man, was a thing unchangeable, as the foolish kings of the Medes and Persians thought their laws were, then every at-any-time prevalent vice would have failed of extinction or even decrease, and no new virtues or ideals or religions or moral purpose would ever have been born into the world. There would have been no 'conversion,' no turning with other men toward better things, which is all conversion means. I am not a Roman Catholic; am on the contrary the furthest possible remove from it, a member of that church which under Edward VI and Queen Elizabeth checked and held it in its threatened reconquest of Europe, but I love sound opinion, whencesoever it come, and here is some of the soundest and best expressed from the present Pope:

"'What especially among other nations calls for such association of nations is the need all recognize of making every effort to abolish or reduce the enormous burden of the military expenditure, which states can no longer bear, in order to prevent these disastrous wars or at least to remove the danger of them as far as possible. So would each nation be assured not only of its independence but also of the integrity of its territory within its just borders.'

"That is his view of the essence of article 10, so berated and misrepresented in the last campaign.

"Now, hear the comment on it by one of the best, sweetest men I ever knew, Cardinal Gibbons, of Baltimore; after hearing these sentences the cardinal exclaimed:

"'Noble words. The holy father was indeed inspired with the spirit of righteousness when he proclaimed them to the everlasting city and to the world that is in such grave danger. I subscribe to them absolutely, and without reserve, as an American citizen and as a son of the church, as well-nigh the eldest son of the church.'

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"Do you recall how it (meaning the war) came? There were a few letters from foreign ministers, half published, or not at all, a few telegrams exchanged between emperors and kings, and then rivers of blood began to flow to the Niagara of suffering, at which we, dumbfounded and almost helpless, still assist.

"What I most like and highly value about the proposed league is first the delay which it imposes upon any and all nations. You must not rush headlong into this thing in which we all run the danger of being involved. We say you must be frank, open and aboveboard, you must place your plans before the world, and they must and shall be carefully weighed. Why, in my judgment, this single, New World regulation will reduce wars to a minimum. Second thought and careful consideration of steps to be undertaken is imposed, and on sober second thought few will draw the sword.

"And then I like and value that phrase and declaration, 'that it is the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstances whatever affecting international relations which threaten to disturb international peace or the good understanding between nations upon which peace depends.'

THE FRIENDLY RIGHT.

"'It shall be the friendly right—I like that immensely,'" continued his eminence. 'In the next decade—better in the next 10 months—I hope it will become the friendly right and the inevitable duty for all nations to combine for the preservation of peace. How often would wars have been avoided if in the past we had acted in this way and under these prescriptions. * * *

"'I like the plan for delay. I like the solemn agreement for the prevention of international war which the covenant stands for, and of which, in the words you have just read, his holiness, the pope, expressed his warm approval. So with the great disaster behind us, although we still sit in its dark shadow, we *should be*, and I believe we are, determined to safeguard the order of human society which is in danger to maintain the independence of the peoples within their just borders, and to reduce if we can not wholly abolish the burden of military expenditure. Sitting as a council of brethren within the shadow of the great catastrophe still upon us, we should, and I have no doubt we will, draw nearer to one another and take up in a fraternal spirit seriatim those vexed questions that still remain and which are a grave menace to the fellowship of the forward-looking, God-fearing, God-loving nations.' * * *

"In conclusion, one thing is certain, you can never bring any good or ideal or great thing into consummation or participate in its bringing about if you just cry out 'non possumus,' and don't try; nor can you without trying be worthy of instrumentality in the consummation of any great thing. If you are that sort of human dry stubble the sooner you are burnt off the earth and cease to cumber it, the better.

"Nothing can be greater than this thing we are now trying to bring about—'Peace on earth to men of good will'—a thing visioned by seers, foretold by prophets, sung by poets, and announced in sweet promise by angels." (The angels of the advent of the "Prince of Peace.")

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LECTURE NO. 2.

(Being a lecture upon "International nagging," unanimous consent to print which was obtained by Senator WILLIAMS upon June 20, 1922, to follow lecture No. 1.)

"You will observe, although I have mentioned neither, that thus far nearly all I have said is pertinent to article 10 and to articles 12, 13, 14, 15, 16, and 17 of the league, the former being the outline guaranteeing the independence and sovereignty and territorial integrity of each member of the league, against 'external aggression,' the others proposing the machinery for arbitration and inquiry to take the place of war, where possible, in the present state of world opinion and formulating the means of invoking and enforcing the operation of the machinery thus provided.

"Ask the librarian for the league and read article 10 and articles 12, 13, 14, 15, 16, and 17. These constitute, with the preamble, the gist of the covenant. There is more of good in this great instrument—good as these are—but not so essential. Skip in reading to A on page 3. Read article 8, constituted for the purposes of disarmament by future actions of the league. Read article 2, pregnant with the promise of finding an adjustment of all controversies not of a domestic character 'which threaten to disturb international peace or the good understanding between nations upon which peace depends.'

"Domestic questions are excluded from the jurisdiction and operation of the league. First, by the description of questions over which jurisdiction is conferred in language guarded by 'the careful pen' of ex-Senator Elihu Root, approved by the President, and adopted at Versailles.

"Read articles 18, 19, and 20, substituting open for secret diplomacy.

"I pass over article 21, because it deals with the Monroe doctrine, to which I will come later.

"Read article 22, substituting government by mandate of the league and through the instrumentality of mandatories for the old species of government of conquered territories by arbitrary will of the conquerors. It applies in the case of countries settled by uncivilized people or people whose hostile environment is such that they must be protected while gathering strength to stand alone and learning to walk.

"Read the clause for the organization, under the league's sanction, of a permanent court of international justice to settle justiciable questions. Remember that Elihu Root represented the United States on the commission which framed the organization of the court and that it has already been framed and accepted except in one particular, where the council thought this stickler for American sovereignty had gone too far the other way and surrendered the sovereignty of all nations to compulsory process by the court, when it was intended only that submission of questions to the court should be a voluntary submission. What, in view of that, do you think of these children in contemporary international lore who say 'the league is scrapped'?

"With this great new international fact already accomplished staring them in the face, they are childish enough to expect you to believe that. The permanent commission on disarmament has begun to work. Remember that, too, and remember that its work will be all the easier because Germany, the great offender, has already been nearly disarmed. The league is what commercial men call 'a going concern.'

"With or without the membership of this great Republic, it is going to go on as a 'going concern.' The question for you and me is not 'shall the league agreed on at Versailles be created.' It is already created, constituted, and is working—though, of course, by no means working as well with us out as it would have worked with us in. It has, however, prevented one war and stopped another after hostilities had begun and blood had been shed—a difficult thing. What might it not have done with our great disinterested, unselfish, moral influence in it and behind it? It is helping, though not with complete efficaciousness, to stabilize Europe and Asia financially and economically, and what might it not have effectuated with our help as an active associate? It has a clause submitting to a commission the formulation of the 'laws of the sea' to protect the 'freedom of the seas' in so far as may be, under modern conditions. That commission has begun work.

"Now, I come to that part of my topic concerning the peace of the world where interracial and international 'nagging' cuts a figure. There is nothing more dangerous to the peace of the world or the welfare of America than permitting our course in foreign affairs, our international policies, to be controlled or even influenced by those of our hyphenates—whether German-Americans, Irish-Americans, or Italian-Americans—who continue to hold with their traditionary and hereditary European patriotisms and hatreds based chiefly, even in Europe, on mutual ignorance of one another. As for those of foreign birth or parentage who do not continue to hold with these things, they are as good Americans as you or I. But in our foreign relations, at any rate, the voice of no man should be heeded, or even heard, or so much as tolerated, unless he speak simply and solely as an American 'unembroidered, unfrilled, and unismed.' If anything else pertaining to anything European motivate him; if trans-Atlantic love or hate, for church or state, transcend or even rival in his affection or purpose the welfare, happiness, progress, culture, or peace of these United States, then, his affection or purpose, much more the voicing of them, is that of an enemy to our welfare and that of a conscious or unconscious traitor to our State. We do not ask him to give up his affection or purpose, his alien tradition or interest, but we do ask and have a right to ask him if he can not sincerely and wholly subordinate them in affection and purpose to the ideals, interests, or policies of this people, to go back to the land he loves and whence he came, there to serve it; or if he wants to fight somebody over there to go back and on his own soil help his own people there manfully to fight the real or fancied enemy nation whom he hates more than he loves us. We want no spies in our household who would use their place here to make us their tools to advance rival or enemy households in satisfaction of a foreign moral allegiance, or who, worse still, would in satisfaction of some alien hatred have us retard, antagonize, and maybe fight other and to us

friendly households. Such a man is for us a traitor and an enemy. What we ask is not asking much. It is only saying what Uncle Toby said when he opened the window to let the imprisoned fly escape: 'Go, poor thing; the world is big enough for you and me.' The fly had sense enough to go; nor is there any record that it was angered by the injunction.

"Men who have come to our shores to advantage themselves, especially if they have succeeded, have no right to use their asylum privileges as a means of disadvantaging us. They have the right to hate or to love whom they please but not to use this Republic in its foreign relations as a base fulcrum for the exercise of the lever of gratification of either passion.

"Shall you allow them to boast that Americans no longer govern America? Above all, are our sacred aspirations toward the peace of the world to be disappointed and the fair structure of the temple of the League of Nations to be laid low by these miserable European wrangles transplanted to America by those to whom we have given liberty, opportunity, and in many cases fortune? Is the temple to be torn down by so-called Italian-Americans because Woodrow Wilson could not see his way in justice clear to give the Italians Fiume, the only spacious Adriatic seaport for ten or twelve millions of Yugo-Slavs—a port so clearly not Italian that the Italians engaged in the secret treaty of London to give it to Croatia, now a part of Yugoslavia? Are these Yugo-Slavs to be nagged into war, into which the world might be drawn, by so-called Americans here cooperating with a crazy poet and a purposely inflamed Italian populace in Europe? Are we to be deflected from a league with our recent war associates to keep the peace of the world, because some, I hope not all—not even many—so-called German-Americans can register by secret ballot a protest of hate against us because we dared to help humble in the dust an arrogant Kaiser and his insolent Junkerthum? Are we to be twisted from a wise and world-loving and world-trusting foreign policy, because a lot of so-called Irish-Americans want us to take part in a brawl in Ireland between the Seinn Fein on the one side and the Dublin police and Irish constabulary and the men of Ulster on the other side, with none of whom have we, as Americans, part or parcel? We had a civil war in America once, and the people of 11 States fought with trained armies a civilized war, valorously, for 'self-determination,' a cause I imagine at least as sacred in America as in Ireland. What southerner expected Ireland to help secure it for us? What northerner would not have resented the intervention of either Ireland or England?

"Yet here are so-called Irish-Americans trying to defeat the covenant for peace because they hate Britain, and simply because Britain, our recent war associate, is a party to it. They say it will prevent the armed intervention of this Republic in behalf of the independence of Ireland. Suppose it did; that is a question to be decided by Americans and not by Irishmen here or abroad, and to be decided solely with the welfare of America in view. As a matter of fact, however, in respect to civil wars, the league leaves us and every other member just where we were before it was formed, just where we are now, with whatever our rights and duties as a member of the society of civilized nations are or may be. The league looks only to the prevention of wars of aggression between nations, and has no word, nor pretense of word, about preventing civil wars, unless, indeed, they grow to proportions such that in the language of article 11 they 'threaten the peace of the world.' If so, then the league, and each nation under it, has certain acknowledged and asserted rights under article 11 never before internationally recognized. It is needless to say that the civil war now going on, less between England and Ireland than between Irishmen of different races and religions in Ireland, has reached no such proportions.

"Even our great war between the States, involving 3,000,000 of soldiers and four years of time, never, in the judgment of European nations, reached the proportion where their intervention was justified on the ground that it 'threatened the peace of the world.' Let genuine Americans of Irish descent read and ponder on Article II. Such Irish-Americans as hold America in their heads and hearts first, above all countries, even Ireland, and above their hatred of Great Britain, which is, I fear, with some of them stronger than their love for Ireland, are near our hearts and beloved and cherished by all. Such German-Americans, or genuine Americans of German descent, as put America above the Kaiser and Germany even, and such genuine Americans of Italian descent as put America first and above Italian conquest of Fiume even, are cherished, respected, trusted, and loved by us here. But we want no ceaseless 'nagging' of other nations and peoples by pretended Americans, thereby endangering the peace of the world and perhaps of America, whether it be German nagging of France or Italian nagging of Yugoslavia or Irish nagging of England, Scotland, and Wales. Genuine Americans—unembroidered, unfrilled, un-ismed, and unhyphenated—regardless of the place of their European derivation, who put America and its peace and its influence for the peace of the world above all petty European squabbles and European traditional and racial hates, will ultimately govern America. Never fear on that score—however strong be open enemies abroad or more or less concealed enemies at home, or however unpromising any recent occurrences, in elections or otherwise, may seem.

"Let us look at world relations as Americans, disinterested—'with charity to all and malice to none'—knowing that within certain broad racial demarcation lines of black and white and red and yellow and brown, human nature is very much the same all over the world, and that we are not much worse nor much better here on the Mississippi than other white men on the Thames, the Rhine, the Danube, the Seine, or the Tiber.

"Let us look at it as the Swiss did, solely from these two standpoints—the welfare of the world and the welfare of Switzerland. I wish you would all read how calmly the Swiss argued it all out without 'nagging' one another, though the Swiss are linguistically and racially German in one part, French in another, and Italian in a third. Contrast their cool, unimpassioned world-spirit way of arguing the pros and cons of entering the league, especially of being bound by article 10, with our partisan, racial, parochial way of discussing the same question. If article 10 threatens our 'sovereignty' or 'independence,' it is an equal threat to Switzerland in this regard. But the Swiss coolly asked 'Is it?' and coolly answered, all of them, whether they answered in German, French, or Italian, 'No.'

"'Independence' and 'sovereignty' are to Switzerland as precious as to us. She has enjoyed them longer. They are not only as precious, but for her they are more easily endangered, first, because she is a little country and has Germany bounding her on the north, France on the west, Austria on the east, and Italy, as well as France, on the south; and, secondly, because, while the Swiss are one nation and an old, patriotic, liberty-loving democratic nation, they are not one people, but are three peoples.

"The Swiss asked themselves not only what would be their condition in the league but what outside of it. Also, they considered the world as well as Switzerland. Listen to this; no parish squabbles here:

"'If it is concern for the welfare of our country which must guide our decision, we must nevertheless not confine ourselves to its immediate interests. We must endeavor to judge the question from a higher point of view than that of narrow and exclusive national interest.'

"How coolly and how tersely they analyzed the peace purpose of the league without prejudice, without exaggeration of its scope. Listen to this, all in a nutshell; to contrast it with our method is to shame us:

"'The fundamental idea of the Paris covenant is that certain kinds of war must be prohibited and that the State which violates this prohibition is the enemy of all members of the League of Nations and must be combated by all. War itself as an extreme method of safeguarding the interests of the State is not prohibited. For the League of Nations, as its founders have deemed it possible to organize it, is not able to assure a complete protection of those interests. The only wars prohibited are those which are regarded as particularly dangerous to the general peace; that is, wars of surprise, or wars of aggression, and wars declared against a State which complies with an arbitral sentence or an opinion given unanimously by the council.

"'In a number of cases it is difficult to settle whether it is for a just or an unjust cause a State desires to go to war. It is not this criterion, therefore, which the covenant of the League of Nations adopts. Its provisions are based upon an objective and very important fact—recourse, before the opening of hostilities, to a procedure of arbitration or mediation and also the observance of the delays of that procedure.

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"'Whether a difference is susceptible of causing a rupture can not be determined in advance. But before entering upon war every State must observe the procedure made obligatory by article 12; it must have recourse to it as soon as a conflict takes a turn likely to lead to a "rupture," by which war is not necessarily meant, but the sudden cessation of negotiations. It is of the utmost importance that differences should be smoothed out as quickly as possible by a pacific procedure, and not only when they attain a degree of acuteness in which the possibility of war must be seriously taken into consideration.

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"'If unanimity is not obtained the parties enjoy complete freedom of action after the expiration of the period of three months; they may therefore go to war.

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"'The clause "the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report" means that in such a case military intervention is excluded against any State; that is, against each of the various parties interested in the dispute and without considering which has originally been the plaintiff.'

"Note the terseness, conciseness, and fairness of their analysis of article 10 in contrast with the ghost-raising methods adopted by its opponents here, and alas sometimes the self-stultifying methods of its advocates here:

ARTICLE 10.

"'Article 10 of the Paris covenant in particular has given rise to fears. It declares that the members of the League of Nations undertake to respect and preserve as against external aggression—that is to say, against any sudden attack—their territorial integrity and their "existing political independence." To determine the meaning of this article it is necessary, in our opinion, to keep the following facts especially in mind:

"'a. The members of the League of Nations engage to protect the territorial integrity of the States only against aggression. They do not guarantee it against any modification. The possibility of modifying the present status quo is foreseen, at least in principle, by article 19. An allusion to this has been made in the declarations of several influential authors of the covenant.

"'b. This article contemplates only external aggression; that is to say, originating in other States, and not civil wars, which involve social troubles or the attempt to establish the political autonomy of certain territories. The League of Nations is distinguished from the Holy Alliance and from the legitimist pentarchy of 1815 in that it contains nothing in the nature of a mutual insurance for governments.

"'c. * * * It is not the degree of independence existing in 1919—full sovereignty, autonomy, etc.—which is protected, but the state of things which shall exist in law at the moment of the unjust aggression.

"'d. The council, according to this article, may only give counsel (advice) and not direct orders. Likewise, general sanctions as prescribed in article 16 are in no wise brought into question here; recourse may be had to them only when articles 12, 13, or 15 are violated. * * *

"'To get the exact sense of this article it must be considered with other provisions intended to assure the maintenance of peace. By the general rules of interpretation it follows from such an examination that the obligations prescribed by article 16 for the case of collective action by the League of Nations exist only in the eventualities expressly enumerated in that article itself. They can not be extended to other measures which might be decreed by the league and in particular not to the case of its intervention to assure the maintenance of the territorial and political status quo. In our opinion the conclusion must be that the league States are bound to abstain from any violent enterprise, but that they can not be compelled in all cases to defend the State attacked in the manner foreseen by article 16.

DIRECTED AGAINST WARS OF CONQUEST.

"'It can, however, be conceived that the League of Nations might wish to protect the territory and independence of its members not only against the aggressions prohibited by articles 12–15 but also against any other attempt against it. Nevertheless, since all war—even a war tolerated by the covenant—implies by definition an attack directed against the enemy territory, an enterprise of this kind could not obviously imply violation of article 10 in all cases. There would be a collision only if a belligerent refused to arbitrate or submit to inquiry, evacuate an occupied territory, or if at the outset it manifested a desire to make a war of conquest. For the consequences of this fact are not at all those which article 16 attaches to wars of surprise. The council will confine itself to making recommendations destined to assure the territorial maintenance of the status quo. The council may formulate obligatory advice unanimously only, and solely for its own members and for the other States invited in the specific instance to be represented on the council (art. 4, par. 5). There is, therefore, no reason for admitting that this provision must involve very heavy obligations for the members of the League of Nations. * * *

"'Finally, the covenant in no respect shows the tendency of perpetuating in all cases the existing international situations upon which territorial frontiers are based. On the contrary, article 19 foresees the possibility of modifications in the existing state of things brought about in the interest of peace. To subscribe to the covenant and thereby to accept article 10 amounts not to giving an implicit approval to the present territorial division but only to admitting the principle that the status quo may not be modified by violence.

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"'Article 16 expressly mentions articles 12, 13, and 15. It is not possible to apply it to violations of other provisions of the covenant.'

"And it certainly can not be invoked in aid of article 10. Remember that. Note the general summary of the expected working result of the covenant:

MORAL PROGRESS MADE.

"Yet great progress must be seen in the fact that all States—and particularly all the great States whose effective aid is indispensable to combat war—engage not only to renounce war except under certain conditions, but to regard any State as an enemy which attacks another or which flouts an opinion given unanimously by the League of Nations. This is also moral progress, because this fact substitutes for the heretofore dominant principle of the egoism of the State—each for itself—the new idea of international solidarity—all for one.

"This solidarity respecting any disturber of the peace implies obligations for the league States infinitely more important than the restriction of their right to make war. The application of sanctions provided by the pact affects all these States, even the most pacific, and does so in a manner which may impose upon them the heaviest sacrifices. * * * If the covenant went further, it would result in restricting the independence of States, a condition before which, mayhap, the very ones who to-day criticize the weakness of the league would recoil most strenuously. To reach any political result it is necessary to take account of what is practically realizable at a given moment.

"In addition to articles 12, 15, 16, and 17, which impose even on States not in the League of Nations very definite restrictions on the right to make war, the covenant contains a series of other provisions destined to assure the maintenance of peace. They concern the limitation and control of armaments, article 9; the mutual guaranty of territorial integrity and political independence, article 10; the right of the League of Nations to consider any fact of a nature to jeopardize peace, articles 11 and 19. But in all these cases the question is one of general guidance in matters of policy and not of determined duties imposed upon the States. The efficiency of these provisions depends essentially upon the authority which the League of Nations may have.

"The requirement of unanimity of the council prevents any exercise of its power which might threaten the independence or safety of any State. Note that fact in immediate connection with the above.

"As I said, the Swiss considered their prospective status if Switzerland stayed out. It behooves us to know how coolly and clearly they reasoned from that standpoint. We must reason from it, too. Our status would be like in kind to theirs, though different in degree, because we are stronger and are further away from Europe, though by no means separated from it; rather united to it—by the sea. Here are some of the things they found:

"Article 17 of the covenant permits the league to impose the observance of articles 12–15 upon the States which are not of the league. The international community must have the right of demanding from all States recourse to the pacific procedure provided for the regulation of disputes.

"In other words, the league will make us arbitrate or submit to inquiry before going to war with any of its members, whether we will or not, even though ourselves not a member. Either that or we must fight the civilized world in defense of a fancied right of ours, which no nation under God really has, or ever had, viz, the right to make war when and how we please—'sovereignty' pleases, if you please. They also found the following consequences of not participating:

"'Finally, it must be asked what would happen to Switzerland if she remained outside the League of Nations—that is, if she wished in principle to maintain economic relations with both the parties at loggerheads? She would find herself on one side faced by covenant-breaking State or States which, being blockaded by the rest of the world, would probably not be in condition to provide her with what is indispensable to her. The League of Nations would in all probability, and economically at least, be the stronger and more apt to be self-supporting. For, by the tenor of article 16, States members of the league would be bound to prevent, especially on their own territory, but also probably in the theater of maritime war, all economic and other relations between the nationals of the covenant-break-

ing State and every other person. States would, therefore, place their relations with a neutral State under rigid conditions, even if—and this has already been attempted in the course of the late war—they did not aim at subordinating the maintenance of these relations to a certain regulation of the relations of the neutral with the covenant-breaking State.

"'The League of Nations would devote all the greater energy to assure through the neutral State the efficiency of the blockade directed against its adversary, because it would believe that by doing this it would safeguard not only the interests of certain specific States but those of humanity at large. It may consequently be forecast that from the economic point of view the league would not show any particular good will toward a State refusing to associate itself for these great world-peace purposes.'

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"Further:

"'But it must be understood that if we stay outside the League of Nations our political isolation will make the establishment of our foreign commerce on stable and advantageous foundations very difficult. Several States to-day, and doubtless for some time yet, are disposed to alter their commercial policy in the direction of protectionism. It is also possible that the States united by the war would mutually favor each other in the field of commercial relations. In any case, a State which after being invited to join the League of Nations preferred not to adhere to it will, as a general rule, find itself in a situation less favorable for the conclusion of treaties of commerce than if, by the mediation of the league, it had entered into closer relations with its members. At a time when questions of sentiment have a very considerable influence on policy, these imponderabilia can no longer be neglected in the solution of economic problems.'

"The Swiss considered the 'regional understanding' clause of the league and found perfectly plain what the Senate coterie pretended to be unable to understand. Note what they say:

"'But, on the other hand, article 21 of the covenant allowed the giving of recognition to the fact that neutrality is an engagement for safeguarding the state of peace. This article declares that such engagements are not incompatible with any provisions of the covenant. It cites as examples "treaties of arbitration and regional understandings like the Monroe doctrine,"'

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"Further:

"'The expression "regional understandings" may be variously understood. It may be conceived that neighbor States form within the League of Nations something like close communities for developing more completely the principles of the League of Nations. The Pan American Union would be an organism of this kind.

"'Treaties of obligatory arbitration are in no wise contrary to the League of Nations, for nothing in it is opposed to States engaging to settle their differences by the judicial method. In this condition it is proper to observe that The Hague convention for the pacific settlement of international disputes is always in force.'

"I wish each of you could and would read 'The Message of the Federal Council of Switzerland' advising accession to the league, and this 'commentary' accompanying the message, from which I have just been quoting and have quoted already enough for an address of this length.

"Suppose we stay out; let us inquire further how it will affect us in our international relations, and especially with regard to the Monroe doctrine. Are we less entangled and is the Monroe doctrine safer with us in the league or with us outside of it?

"First, although the league exists and is working much good and promising still more, it can not work perfectly until not only we but Germany and Russia are members of it. Until then it is not a world league in the broadest sense, and though it has now the strength to secure its will for peace against either Germany or Russia or even against us, and that, too, probably without war but by mere threat of commercial ostracism, it could not secure it against all three of these outside powers, if united in alliance against it. Do we love so-called 'sovereignty' enough to be thrown into that sort of antagonistic alliance, even if Mexico were added to our friends and even though the cause were the 'sacred cause' of making war when 'in our sovereign right' we chose? On the other side would stand an alliance for peace between virtually all the peoples of the earth, except Mexico, which is negligible, Russia, which as yet has no government but only anarchy, and our late enemies, who are knocking at the door of the league for admission but are temporarily denied entry until they can show stability of institutions sufficient to meet their international obligations.

"Germany has been promised admission as soon as she shows bona fide effort for the performance of her obligations under the treaty. She should be admitted as soon as can be, consonantly with the safety of the treaty. We ought to be represented in the council and the assembly when the question of her right to be admitted comes on for a hearing. Sixty millions of the Teutonic race in the heart of Europe can not be permanently debarred from any world institution or world concert without manifest danger of injustice and without constant menace to the new-found peace of the world. We love the French, and owe them much for recent heroic service to civilization and liberty, and for her former services to us at the birth of our great Republic, but we can not permit France, either in hatred or in fear of Germany, or both, to bring the world into this final anachronism. Germany must first, of course, make a bona fide showing, but when she does we want to be there to join Great Britain in admitting her. This reason influenced Switzerland, too. Her Federal Council said:

"'The most important among the States which are not mentioned in the league as original members are, on the one hand, the so-called Central Powers (Germany, German-Austria, Hungary, Bulgaria, and Turkey), and on the other hand Russia. The momentary exclusion of the Central Powers, in particular, is of a nature to give to the league a special political character. With Russia these States comprise more than half of the population of Europe. Their admission into the league is of the greatest importance at least for Europe, since even after the conclusion of peace Europe will remain the principal arena of international differences, on account of the multiplicity of States which it includes and of their great social and economic diversity.'

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"Read further and in your mind substitute United States for Switzerland:

"'By remaining for the time outside Switzerland would not hasten the admission of the States at present excluded, and if she entered the league with them her attitude would be interpreted not as a proof of independence but rather as an evidence of dependence upon those States. To apply tardily for admission under such conditions would manifestly be for Switzerland to renounce in the League of Nations a rôle corresponding to her international mission.'

"France with us out would fear to admit Germany; with us in, to counterbalance any bad faith that Germany might betray after joining—if she showed any—France would feel safer. Without us she thinks she can not always trust England, and knows she can not always trust Italy to stand by her and make her safe against any possible machinations or treachery of her hereditary antagonist, so superlatively her superior in production and wealth and war power even now. We should be there not sharing the hereditary hatred, jealousy, and distrust of either, and discouraging their mutual 'nagging.'

"If we even go in and Germany stays out it will not be a world league in any true sense, though it will be a virtual alliance with our late war associates and all the neutral powers—an alliance strong enough to maintain world peace and impose a reign of justice. But Germany is going in, and can not in ordinary international equity and justice be always or long held out.

"If Germany and we both stay out we shall be thrown nolens volens into alliance with one another against the already declared purpose of the existing league as now constituted, which is certainly not going to dissolve itself and quit its great purpose of enjoying and promoting world peace just to please us, or, rather, our Wilson-hating senatorial coterie, temporarily representing us as a constitutional part of our treaty-making power and temporarily supported by a popular majority.

"If we stay out, Germany may possibly, for that reason alone, stay out with us in order to bring about for her own purposes the very state of things above outlined, and with the hope of yet further dividing her late enemies and giving thereby future opportunity to pounce upon France in a war of revenge.

"Russia will be greedily admitted as soon as she has a stable government recognizing international obligations. Let us suppose another dilemma, to wit: If Russia and Germany both came in and we, being induced thereto by Irish fear and hatred of England and German hatred of Wilson and Italian fear and hatred of Yugoslavia, reenforced here by foreign-language newspapers, the yellow press, and demagogues, who think that the surest way to get and hold office is to remain out,

then what do we face? Complete isolation. All the rest of the civilized world voluntarily within the pale of the international law of the new era, and we, Mexico, and the Sinn Fein Irish alone 'beyond the pale of the law' of nations!

"Substantially, we alone, because we could not look to Mexicans to do anything but fight one another, and could look to the Sinn Fein for no higher or more efficacious service than that which they, during the Great War, rendered to Germany and the Kaiser against us and our late war associates, the burning of a few barracks and British war-supply stores, or the rabbling in Cork of a few of our enemy's sailors, as they rabbled our sailors there, because we were then associates of England in the war against Germany.

"With Germany in and us out, what then becomes of the Monroe doctrine? Remember, the Republics of South America and some of those of Central America are already in. Remember that the Argentine and Brazil are ready, judging by the utterances of their press and public men, if reduced to a choice between our guaranty and the world's guaranty of South American territorial integrity, to accept the latter. Keep in mind, too, that the nations of the world, except in this very league, have never recognized our right to proclaim or enforce the Monroe doctrine, and that we have been able to maintain it in the past only by the fear that any one European nation always entertained of war with us, and their further well-grounded fear that the Monroe doctrine, born of British Canning's suggestion to President Monroe, and in strict accord with England's interests in America then and now, would receive the support of the British fleet and of the British-American colonial powers also allied by geographical propinquity to our views. Even this first world recognition of the doctrine contained in the league goes for naught, if the consideration for it fail, to wit, our membership in the league.

"Suppose us out and a dispute between us and some South or Central American power, a member of the league, should arise? What would be, indeed must be, the action of the league? On what ground of justice could England stand bound as she would then be and is now by the obligations and policy of the league? How could she continue her good offices for the Monroe doctrine? Could she hazard a vetoed action by the council of the league?

"Suppose a dispute between us and some European country—say, Germany, about the rights of Germans in Brazil, or, say, Italy, about the rights of the Italians in the Argentine? It would cease at once to be a controversy between us and any one European power. The intervention of the league and all its members would be invoked, and we would by our non-entry and consequent failure of consideration be powerless to appeal to the principle of the announced exclusion of the Monroe doctrine from the jurisdiction of the league. (Read articles 10, 12, 13, 14, 15, 16, and 17.) The question would go before the council—we without vote or voice there. It is, or might be, decided against us. The result—we either submit to the league's requirement of arbitration, if the question were justiciable, or of inquiry and delay, if not justiciable, and thus surrender our peculiar and independent American attitude toward the Monroe doctrine, no longer resting as heretofore on our ipse dixit and our own and England's interest and sea power and not resting hereafter, as it would rest if we had become members of the league, upon the recognition of it in the league by the civilized world as a thing making for peace, but a thing peculiar to us, a part of our American hegemony, enforcible alone by us and admittedly outside the jurisdiction and functioning of the league. Either in the supposed contingency we must nolens volens submit to the demand for arbitration or inquiry or embrace the alternative of taking up arms against the voice, perhaps the action of the civilized world—Europe and all the balance of America.

"Moreover we would be fighting apparently for the 'right' to be sole judge in our own controversy, and the so-called right to make war at will to enforce our decision in our own favor. Perhaps the council of the Sinn Fein Republic might pass resolutions of sympathy, if they thought that would emphasize the expression of their hatred of England. If England tried to help us, we would not have even that much countenance in the world.

"What I have pictured would be true even if Germany were still out of the league. It would be a fortiori true if she had meantime joined, because there would be with her more power in the league and less hesitation there about defying our Monroe doctrine and us. Germany has always wished the doctrine ill. Bismarck flouted it as 'a piece of international impertinence.' The German people and world merchants have ever so regarded it.

"Now, for another piece of nagging, growing out of the disposition of Shantung. The whole thing from its German incipiency to its Japanese conclusion, like everything else the world, except ourselves, has done in China, was high-handed and objectionable; but most of the criticism has been mere 'nagging,' with a view to votes, especially on the Pacific slope, and some of it, like the talk about 'sovereignty over 36,000 square miles and 38,000,000 souls' being 'at stake,' has been plain lying.

"The zone over which political sovereignty is ceded to Japan under the treaty—not the league—is a little over 100 square miles with a population of about 60,000 Chinese.

"We had made no objection when Germany took and occupied the country and forced a lease of a hundred years from China. This was under McKinley's administration. As one writer puts it, we announced in substance through Mr. Hay, our then Secretary of State, that 'as long as an open door for American merchandise was kept open and we were permitted to do business in the stolen territory, we were willing to let it be stolen.' At Versailles Japan wanted to take over the lease from China to Germany, of the country in China taken from Germany by Japan, the lease having then still 78 years of recognized life. Japan had spent money and men to dispossess Germany. France and England were freely, and China in the usual way, treaty bound to let her take that course. Japan was in possession and her plenipotentiaries ready to go home and arm to hold what she had and what Germany had had. We were not then and are not now willing to undertake to dispossess her by force. The President, after standing out to the verge of breach with England, France, and Japan, secured a compromise, whereby Japan secured the transfer of the German lease, but—mark ye the but—'but' the Japanese delegates agreed for Japan that she was to 'hand back the Shantung Peninsular in full sovereignty to China,' retaining only the economic privileges granted to Germany and the right to establish a settlement or free-trade treaty period under the usual conditions at Tsing-Tau, and not for herself alone but for the world. Japan will have an economic concession about railroads and mines, where Germany ruled as sovereign. Japan is one of the nations which keeps its word—scrupulously.

"But when Japan, after killing or capturing the German force of occupation, secured from China a recognition of the transfer of the lease, there being no Japanese-American voters, as there had been German-American voters to cater to, many found it 'a great outrage' and 'a tragedy.' But why all this so long deferred outcry? Plain 'nagging.' There was 'politics' in 'nagging' Japan, especially on the Pacific slope. Obviously one Democratic and one Republican Senator, besides several others in both Houses of Congress, would profit politically by it. There had been no politics—quite the opposite—in nagging Germany at the time she committed the original wrong. But 'on with the dance, let joy be unconfined'—on with the nagging. 'It will be the making of HIRAM JOHNSON' to paraphrase what Sut Lovingood said to his father about training 'the purp.'

"The treatment of China with regard to Shantung was wrong, but fair men will admit that it was here not a reason, but a mere pretense to oppose the treaty and then the league. These western politicians do not love Chinese any more than Japanese. If we, by the terms of the treaty, had got the German concession they would have defended it by much the same specious reasoning as they used in defending the seizure and retention of the Philippines when we stepped into Spain's shoes there, just as Japan wanted to step into Germany's shoes in Shantung.

"Now, for another piece of nagging. The Swiss Federal Council without passion and without prejudice coolly records that:

"'According to paragraph 2, countries which enjoy complete administrative autonomy without being sovereign may, on their own motion, be admitted as members of the League of Nations. Canada, Australia, New Zealand, South Africa, and India now enter into calculation in this respect.'

"I will add that if Ireland gets complete 'administrative autonomy,' she, too, will be entitled to be represented in the assembly, though, like the others, not in the council of the league. England seems ready to grant her all except independence.

"Switzerland, like France and Italy and Japan and Norway and Holland and Spain, finds in this clause about the British dominions no wrong thing to make it advisable for the non-English speaking peoples to object to it or, on account of it, to stay out of the league. They all might reasonably have voiced objection, because our one vote and Great Britain's one vote in the council gives two votes to the Anglo-Saxon powers, and our one voice and her one voice and the four voices of Canada,

Australia, New Zealand, and South Africa in the assembly gives the Anglo-Saxon powers six voices, and in the few cases where votes are cast in the assembly six votes, there. All of this might have given continental Europe cause to pause for fear of Anglo-Saxon overpower, if not supremacy. They did not either object or pause. But when that information came to the United States Senate, its Members 'fairly howled.' Why? Because it would do us, or the world, or the peace of the world any harm? No. They knew it would not—quite the contrary. But because there was 'politics' in 'nagging' Great Britain. It was thought that the man or party that excelled in loud-mouthing this particular sort of nagging could get the Irish-American vote. They therefore nagged, and they got most of the vote they fished for.

"Is there one of my hearers who does not know that to be the causal fact of their objection, whether he approve or disapprove of the anti-British feeling appealed to?

"Instead of being glad to have the aid of the voices and votes in the assembly of these five administratively independent autonomies—all, except India, our racial kindred—and speaking our language, reading our literature, loving our race-won and race-prized liberties, living under virtually the same law, embracing similar ideals, cherishing even our anti-Japanese and anti-Chinese 'race prejudices,' as other people call it, or, as we call it, our determination to insure white supremacy in our own several countries; instead of being glad, I repeat, and therefore expressing our delight that these profoundly peace-loving peoples had a voice at least in the assembly, where they, with us, could stand for all these things thus held in common—instead of leaving France, Italy, Spain, Japan, and later Germany and Russia, 'to worry' about it if they chose—we, of all men, 'cried aloud' against it! A spectacle comical in every aspect, if it did not, as it does, threaten tragedy of woe of discord and possible fratricidal war in its remote consequence. I, for one, never hoped for a thing so fraught with peace promise, never hoped that the continent of Europe could ever be brought to include, even in the assembly of the league, these English-speaking elements outside of Europe and therefore, like us, disinterested and fair because nonparticipant in the suspicious and racial and religious distrusts and hatreds of the Old World.

"For my part, I wish it were possible for Canada, Australia, New Zealand, and South Africa to have votes in the council, as well as voices in the assembly. They would never vote with Great Britain except when Great Britain was right—certainly never against New World interests.

"Consider Canada and ourselves. Nothing but a map line divides us. We have, with the aid of Great Britain, kept the peace between us for over 100 years without warships on the Great Lakes or fortifications on the land boundary. We are two nations, for Canada is a nation in all but name; two nations, but in all essential things one people, with the same New World spirit. Scores of thousands of Canada's sons and daughters are coming to us, and scores of thousands of our sons and daughters are going to her annually. Both know that they are entering a free country where justice reigns over the heads of all the breed, and where the English-speaking race's characteristic love of justice lives in the hearts of all the breed.

"Shall we permit ourselves to 'be nagged' into antagonism to one another? And yet that is just what is being accomplished toward us in Canada by this hypocritical complaint about Canada having a voice and vote in an assembly where Haiti and Nicaragua and Cuba virtually controlled by us, each has one. Shame on the vote-seeking, hyphenate-fearing, crouching, cowardly politician, or yellow journal, that would sow the seed of unwarranted and unwanted discord and suspicion of them in our hearts, or of us in their hearts, and all to satisfy an European-bred hatred, unjustified, perhaps, even there at this date, and, at any rate, unwarrantably transported hither to vex our peace.

"George Creel truly says in 'The War, the World, and Wilson': 'The draft of the league constitution was denounced even before its contents were known or explained. The bare fact that the document had proved acceptable to the British Empire aroused the instant antagonism of the "professional" Irish-American, the "professional" German-American, and the "professional" Italian-American, and all those whose political fortunes depended upon the persistence and accentuation of racial prejudices' in America. I like his use of the word 'professional' in that connection. Were you ever thrown in contact, in New York, Chicago, or elsewhere, with a 'professional southerner'? One of these 'I'm no damned Yankee, sir, I am a southern gentleman, sir' sort? What a disgusting creature he is to a real southerner, who lives at home and really is a gentleman, without need to loud-mouth his own attestation to the fact. He is in sectional nagging just what these 'professional' hyphenates are in international nagging. By the way, I wish all of you would read 'The War, the World, and Wilson,' although its author, George Creel, proves, at several places in it, that he is himself an anti-British 'nagger'; as, for example, on page 236, where he says: 'For centuries the British Government has made trade its God, annexation its religion, and while there is reason to believe that a new generation is commencing to view hypocrisy and rapacity with disgust, the official class is still the creature of its habit.'

"This statement is 'epigrammatic' and 'Smart Alecky,' but is unfortunate in two respects; first, in the main it is positively untrue; second, in so far as it is true—concerning questionable past annexations—it is applicable to all Governments and peoples of the old era of wars of conquest, which we are trying to displace by a new era. It was true of ourselves in our relations with Indian tribes, Mexicans, Filipinos, Porto Ricans, and everybody else who stood in the way of our so-called manifest destiny. The statement displays a deep-seated, though perhaps even unconscious, hatred of the country of Chaucer, Shakespeare, Milton, Wordsworth, and Tennyson in literature; of Robert Cecil, Chatham, and Gladstone and James Bryce in statesmanship; of Stephenson and Arkwright in invention; of Sir Isaac Newton and Tyndall in science; of Wyckliffe, Tyndale, 'Master Ridley,' Bishop Hooker, and Archbishop French in religion; of Queen Elizabeth and Oliver Cromwell as rulers of men and events. It is a mere repetition of what Napoleon said about a 'nation of shopkeepers and hypocrites' in bulletins scattered broadcast all over the continent of Europe until he was taught better at Torres Vedras and Waterloo; a mere replica of what the Kaiser said—though he added a few remarks about 'the contemptible British Army'—until he, too, was taught better at Ypres and the Somme. It is, moreover, just what is being said right now about us Americans over most of the continent of Europe. In short, it is mere 'nagging,' and like most nagging lacks in its essential elements the rather desirable quality of truth. The book, however, is upon the whole the most valuable American contribution to 'The Wilson and League of Nations controversy,' except because they are more tense and go more into fundamentals and less into nonessentials, the letters and addresses on both subjects of Charles Elliot, president emeritus of Harvard.

"My friends, you can not as an individual live peaceably and usefully in any community, exercising influence for good, if not leadership, by dwelling constantly and publicly on all the faults and none of the virtues of your neighbors, nor by cynically staying in your own house and claiming all the rights and shirking all the obligations of the community. No nation can so live in the community of nations. The earth is small now, just a neighborhood. I suppose you could circumnavigate it in 10 days if your airship could carry water and food and gasoline enough, and if one more man and one more pilot were aboard to give you and your pilot a chance to eat and sleep. Let us not take too seriously ourselves and our claim of 'independence' of the moral consciousness of the balance of the world.

Above all, let the peoples stop nagging one another.

France and England, the two most enlightened and cultured nations of Europe, kept it up over 300 years, with what sad and useless results history attests, until a mere adventurer, Napoleon III, put an end to the foolishness. The English and we kept it up until it resulted in the totally unnecessary war of 1812, that Mr. Jefferson held back while he had power, and about our respective participation in which the schoolbooks of both countries have been teaching their children lies ever since. It would not be so bad but both sets of lies are taught in the grand old language of the King James version of the Bible, of Bunyon's Pilgrim's Progress, and of the English prayer book and the Westminster catechism.

"France nagged Germany until she received her lesson in 1870.

"Germany nagged France and incidentally Europe for forty-odd years after 1870 until she got her quietus in our time at the Marne and at Verdun and in the Argonne.

"When you hear a man nagging Ireland, say: 'My friend, I seem to remember "the ould sod" gave birth and breeding to Edmund Burke, prince of rhetoricians and political philosophers, to Oliver Goldsmith, to Tom Moore, to Richard Brinsley Sheridan, and a few other folks like them, and that Phil Sheridan and Pat Cleburne were transplanted products of Irish loins.' If one is nagging Great Britain, say: 'My friend, it seems to me that the common law and habeas corpus and trial by jury, the great charter and the "Bill of Rights," and all our liberties had their first birth over there, and were imbedded in the tongue which Shakespeare spoke when Jamestown was settled and

which we speak. Am I right in thinking that Simon de Montfort and Hampden and Sidney and Milton and John Bunyan and John Bright and some other folks like them were Englishmen, or that George Washington and Robert E. Lee were English transplanted to America, as Thomas Jefferson and Jefferson Davis were Welsh and James Wilson and Woodrow Wilson were Scotch, and Patrick Henry, Stonewall Jackson, and Andrew Jackson and William McKinley were Scotch-Irish or Ulster men—all transplanted to America and all leaving behind them what they had been transplanted from?' If one nags Italians—dagoes, as he will probably call them—tell him 'they are the descendants of the world-conquering Roman, the Rome-conquering Goth—countrymen of Virgil, Horace, Cato, Rienzi, of Petrarch, Dante, Ariosto, of Cavour and Garibaldi, and of Savonarola, the first reformer—and their country the land of virtually all the popes or bishops of Rome, certainly the ablest and most world-wise of them. They can not all well deserve the hatred or contempt of a fellow as parochial and ignorant as you.'

"If Germany is being nagged, say: 'My friend, they have recently done some awfully wrong things, those Germans, but consider the insane Kaiser and the miserable Junkerthum that ordered them done, and whether you as a private soldier would not have thought twice before you hazarded disobedience in war times to your military superiors, though you might have obeyed bloody orders with tears in your eyes, as captured journals and diaries of some Germans prove they did. Remember their 40 years of damnable and damning miseducation in a faith of national conceit and state worship, and thank your God that you were never molded in that mold. Remember that before that period Goethe and Schiller and Lessing and Heine and Von Avut and Schlegel and Tieck and Emanuel Kant and Martin Luther with his German Bible and hymns had proven that good could come and had come even out of that Nazareth. Remember that Carl Schurz and many like him transplanted to those shores have more than counterbalanced by their nobility of life and loyal Americanism the contemptibility and disloyalty of Viereck and his sort in our day.'

"If one is nagging France—Oh, well—Lafayette, Rochambeau—let them arise from their graves and give fitting rebuke to those who would arouse hatred of the land of St. Louis the King, of Moliere the dramatist, of Mirabeau the orator, Victor Hugo the poet, of Colign the reformer, and last though not least of the heroes of the Marne and of Verdun.

"What means all this pretense of fear that if we go into a covenant to keep the peace of the world all the others will be devils, watching us—the one lone angel—for a chance to do us some wrong? If they can risk trusting us, can not we risk trusting them?

"Are you any stronger physically, superior in native intellect, better in moral purpose, or better trained for war or peace than the average Englishman, Scotchman, Welshman, Canadian, Australian, Frenchman, Italian, Switzer, or man of Prague? If you think so, your egotism is the adviser of your ignorance. One is not poorer as a teacher than the other as a pupil. I know better.

"Oh, but you are 'different,' you are 'an American.' To be an American in tradition, ideal, democratic faith, and New-World hope is to be the greatest thing on this earth to-day.

"But racially speaking, except the Negroes, all of you are Europeans. Such is your origin and your blood. The only American racially is the red man. Can you not trust your own race, the white men of Europe? Do it then; go in with them not merely to help but to lead the cause of 'peace on earth and good will to men.' But let him who has come from his mother country in Europe more recently than you in the loins of your ancestors did do what you and I have done—leave the wrangles of Europe on the other side of the sea, so that each of us as an American nationally, not racially, can give in highest purpose the best service of an impartial soul to America, and through America represented in an amphictyonic council of the civilized world to the whole world and all mankind."

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SIMMONS. Mr. President, I have no amendment to offer to the next amendment, or no objection to make to it. I refer to the amendment which eliminates line 21 and part of line 22.

The VICE PRESIDENT. The question is on the committee amendment in line 15.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The READING CLERK. The next amendment is on page 64, line 17, where it is proposed to strike out "1¼" and insert "1⅛," so as to read:

Less than three-fourths and not less than three-eighths of 1 inch in diameter, 1⅛ cents per pound.

Mr. SIMMONS. Mr. President, I want to say to the Senate that the amendment which I offered proposed to strike out all of these lines in which these three amendments of the committee to the specific rates are offered. My whole amendment was voted down; and now, of course, I do not desire to offer any further amendment to the committee amendments.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The READING CLERK. The next amendment is on line 19, where it is proposed to strike out "2⅛" and insert 1⅝," so as to read:

Less than three-eighths and not less than five-sixteenths of 1 inch in diameter, 1⅛ cents per pound.

The amendment was agreed to.

The READING CLERK. In line 20 it is proposed to strike out "4" and insert "3," so as to read:

Less than five-sixteenths of 1 inch in diamter, 3 cents per pound.

The amendment was agreed to.

The READING CLERK. It is proposed to strike out, on lines 21 and 22, the following words:

Chain and chains of all kinds, of iron or steel, not specially provided for, 25 per cent ad valorem.

The amendment was agreed to.

The READING CLERK. In line 23, in lieu of the sum proposed to be inserted by the committee, "50," it is proposed to insert "35," so as to read: "sprocket and machine chains, of iron or steel, and parts thereof, 35 per cent ad valorem."

Mr. SIMMONS. Mr. President, as a substitute for the committee amendment I move to insert "25" instead of "35."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On line 23, in lieu of the sum proposed by the committee, it is proposed to insert "25," so that it will read:

Sprocket and machine chains, of iron or steel, and parts thereof, 25 per cent ad valorem.

Mr. SIMMONS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McCUMBER (when his name was called). Transferring my pair as on the previous vote, I vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. McKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. OVERMAN (when his name was called). Making the same announceemnt as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. ROBINSON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. SWANSON (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

The roll call was concluded.

Mr. HARRISON. I desire to announce that the junior Senator from Massachusetts [Mr. WALSH] is absent on official business.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

Mr. HALE. Making the same announcement as before, I vote "nay."

Mr. HARRISON. Making the same announcement as before, I vote "yea."

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. DIAL. On this vote I have a pair with the Senator from West Virginia [Mr. ELKINS], which I transfer to the Senator from Montana [Mr. MYERS] and vote "yea."

The result was announced—yeas 21, nays 39, as follows:

YEAS—21.

Ashurst	Hitchcock	Pomerene	Underwood
Borah	Jones, N. Mex.	Robinson	Watson, Ga.
Culberson	La Follette	Sheppard	Williams
Dial	McKellar	Simmons	
Harrison	Norris	Swanson	
Heflin	Overman	Trammell	

NAYS—39.

Bursum	Hale	McKinley	Rawson
Calder	Harreld	McLean	Shortridge
Capper	Johnson	McNary	Smoot
Cummins	Kellogg	Moses	Spencer
Curtis	Keyes	Nelson	Sterling
du Pont	Ladd	Newberry	Townsend
Edge	Lenroot	Nicholson	Wadsworth
Fernald	Lodge	Oddie	Watson, Ind.
France	McCormick	Phipps	Willis
Frelinghuysen	McCumber	Poindexter	

NOT VOTING—36.

Ball	Ernst	Myers	Shields
Brandegee	Fletcher	New	Smith
Broussard	Gerry	Norbeck	Stanfield
Cameron	Glass	Owen	Stanley
Caraway	Gooding	Page	Sutherland
Colt	Harris	Pepper	Walsh, Mass.
Crow	Jones, Wash.	Pittman	Walsh, Mont.
Dillingham	Kendrick	Ransdell	Warren
Elkins	King	Reed	Weller

So Mr. SIMMONS's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question recurs on the modified amendment of the committee.

The amendment as modified was agreed to.

SOLDIERS' BONUS—GEORGE WASHINGTON.

Mr. BORAH. Mr. President, I ask the indulgence of the Senator in charge of the pending bill for a moment.

A day or two since the Senator from Georgia [Mr. WATSON] made historic reference to the attitude of Washington with reference to bonuses, and I expressed a view at the time that, if my memory served me correctly, he was in error. I observe in the RECORD that since that time the Senator from Georgia has called attention to what he regarded as support of his position, and in order that the RECORD may be complete I desire to call his attention to one or two other references.

The matter which I had in mind was a statement which the able Senator from Georgia made upon the 14th of February, 1922, with reference to the Revolutionary War, in which he said:

Washington took his bonus for his service in the Revolutionary War.

In that respect I feel that there is no doubt but that the Senator from Georgia was in error. I read from Sparks's Life of Washington, at page 375, where it is said:

His first care, after establishing himself at Mount Vernon, was to examine minutely into the state of his private affairs, which had become deranged by his long absence and the disorders of the times. His fortune was ample for a republican citizen, and a man who derived neither consequence nor pleasure from display, but it had necessarily suffered a diminution during the war. Adhering rigidly to the resolution he had formed, when he accepted the command of the Army, not to receive any remuneration from the public, either in the shape of pay or other pecuniary reward, he now considered it a duty to repair the losses he had sustained, as well by economy in his style of living, as by all the usual efforts to increase the productiveness of his estates.

Some of his countrymen, estimating his services to the public at their just value, and knowing the injury his private affairs had suffered in consequence of them, hoped to change his purpose of refusing pecuniary compensation. A few days before he resigned his commission the Supreme Executive Council of Pennsylvania sent the following instructions on this subject to the delegates in Congress from that State:

"Though his Excellency General Washington proposes in a short time to retire, yet his illustrious actions and virtues render his character so splendid and venerable that it is highly probable the admiration and esteem of the world may make his life in a very considerable degree public, as numbers will be desirous of seeing the great and good man, who has so eminently contributed to the happiness of a Nation. His very services to his country may, therefore, subject him to expenses, unless he permits her gratitude to interpose.

"We are perfectly acquainted with the disinterestedness and generosity of his soul. He thinks himself amply rewarded for all his labors and cares by the love and prosperity of his fellow citizens. It is true no rewards they can bestow can be equal to his merits. But they ought not to suffer those merits to be burdensome to him. We are convinced that the people of Pennsylvania would regret such a consequence.

"We are aware of the delicacy with which this subject must be treated. But, relying upon the good sense of Congress, we wish it may engage their early attention."

These instructions were received by the delegates, and a copy was forwarded to General Washington after he had arrived at Mount Vernon. It was not thought advisable to lay them before Congress, or take any steps in fulfilling them, without his previous knowledge and approbation. In this case, as in every other, he acted consistently with his character. He promptly declined the intended favor. All proceedings on the subject were accordingly stopped. There can be no doubt that the sentiments of the Executive Council of Pennsylvania would have been responded to by the whole Nation, and that a liberal grant from Congress would everywhere have met with a cordial assent.

On page 382 the subject is continued and specific reference is made to a proposed land grant. Without taking the time of the Senate to read, I ask to have inserted in the RECORD certain matter which appears on pages 382, 383, and 384 of the same volume.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

The hopes of General Washington, in regard to his favorite scheme of internal navigation, were more than realized. The Legislature of Virginia, after duly considering his letter to the governor, not only appointed the commission for surveys, but organized two companies, called the Potomac Co. and the James River Co., for the purpose of carrying the plan into effect. They moreover complimented him without a dissenting voice, by a donation of 50 shares in the former company, and 100 shares in the latter, the 50 shares being estimated at $10,000, and the others at £5,000. Aware of his delicacy on the subject of receiving money from the public, the legislature contrived to frame the preamble of the act in such language, as, it was hoped, would remove his scruples. "It is the desire of the representatives of this Commonwealth to embrace every suitable occasion of testifying their sense of the unexampled merits of George Washington toward his country; and it is their wish in particular, that those great works for its improvement, which, both as springing from the liberty which he has been so instrumental in establishing, and as encouraged by his patronage, will be durable monuments of his glory, may be made monuments also of the gratitude of his country."

If he was highly gratified, as he must have been, with this public testimony of affection and respect, he was scarcely less embarrassed by it. Not that he hesitated as to the course he should pursue, but the grant had been made in so liberal a manner and from motives so pure that he feared a refusal might be regarded in an unfavorable light as evincing either ingratitude to his friends, or a disposition to gain applause by a show of disinterestedness unusual if not unnecessary. He stated his difficulties freely in private letters to the governor, and to some of the principal members of the legislature; declaring at the same time that he could not, consistently with his principles, accept the proffered gift in such a way, that he should derive from it any emolument to himself. A positive decision was not required till the next session of the legislature, when he wrote officially to the governor declining the grant; but, lest the operations of the companies should be retarded by withdrawing the subscriptions for the shares which had been made by the treasurer on his account he suggested that if the assembly should think proper to submit to him the appropriation of them for some object of a public nature he would accept the trust. His proposition was cheerfully acceded to, and by an act of the assembly the shares were assigned to such public objects as he should direct during his life or by his last will and testament.

The purpose which he first had in view was the encouragement of education, and this purpose was ultimately accomplished. Some time before his death he made over the shares in the James River Co. to an institution in Rockbridge County, then called Liberty Hall Academy. The name has since been changed to Washington College. The 50 shares in the Potomac Co. he bequeathed in perpetuity for the endowment of a university in the District of Columbia, under the auspices of the Government; and if such a seminary should not be established by the Government the fund was to increase till it should be adequate, with such other resources as might be obtained, for the accomplishment of the design. The establishing of a national university was always one of his favorite schemes. He recommended it in his messages to Congress, and often in his letters spoke of the advantages which would be derived from it to the Nation.

Mr. BORAH. Referring to the Life of Washington, by John Marshall, volume 2, page 70, we find that Washington said in a letter:

When I was first called to the station with which I was honored during the late conflict for our liberties, to the diffidence which I had so many reasons to feel in accepting it I thought it my duty to join a firm resolution to shut my hand against every pecuniary recompense. To this resolution I have invariably adhered, and from it (if I had the inclination) I do not consider myself at liberty now to depart.

I ask to have inserted three paragraphs from the last will of Washington, beginning on page 546 of Sparks's Life of Washington.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Item: To the trustees (governors, or by whatsoever other name they may be designated) of the academy in the town of Alexandria I give and bequeath, in trust $4,000, or in other words 20 of the shares which I hold in the Bank of Alexandria, toward the supporting of a free school established at and annexed to the said academy, for the purpose of educating such orphan children or the children of such other poor and indigent persons as are unable to accomplish it with their own means, and who, in the judgment of the trustees of the said seminary, are best entitled to the benefit of this donation. The aforesaid 20 shares I give and bequeath in perpetuity, the dividends only of which are to be drawn for and applied by the said trustees for the time being for the uses above mentioned; the stock to remain entire and untouched, unless indications of failure of the said bank should be so apparent, or a discontinuance thereof, should render a removal of this fund necessary. In either of these cases the amount of the stock here devised is to be vested in some other bank or public institution whereby the interest may with regularity and certainty be drawn and applied as above. And to prevent misconception my meaning is, and is hereby declared to be, that these 20 shares are in lieu

of and not in addition to the thousand pounds given by a missive letter some years ago, in consequence whereof an annuity of 50 pounds has since been paid toward the support of this institution.

Item: Whereas by a law of the Commonwealth of Virginia, enacted in the year 1785, the legislature thereof was pleased, as an evidence of its approbation of the services I had rendered the public during the Revolution, and partly, I believe, in consideration of my having suggested the vast advantages which the community would derive from the extension of its inland navigation under legislative patronage, to present me with 100 shares of $100 each in the incorporated company, established for the purpose of extending the navigation of James River from the tidewater to the mountains; and also with 50 shares of £100 sterling each in the corporation of another company, likewise established for the similar purpose of opening the navigation of the River Potomac from the tidewater to Fort Cumberland; the acceptance of which, although the offer was highly honorable and grateful to my feelings, was refused, as inconsistent with a principle which I had adopted and had never departed from, viz, not to receive pecuniary compensation for any services I could render my country in its arduous struggle with Great Britain for its rights, and because I had evaded similar propositions from other States in the Union, adding to this refusal, however, an intimation that if it should be the pleasure of the legislature to permit me to appropriate the said shares to public uses I would receive them on those terms with due sensibility; and this it having consented to, in flattering terms, as will appear by a subsequent law and sundry resolutions in the most ample and honorable manner, I proceed after this recital, for the more correct understanding of the case, to declare that as it has always been a source of serious regret with me to see the youth of these United States sent to foreign countries for the purpose of education, often before their minds were formed or they had imbibed any adequate ideas of the happiness of their own, contracting too frequently not only habits of dissipation and extravagance but principles unfriendly to republican government and to the true and genuine liberties of mankind, which thereafter are rarely overcome; for these reasons it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and State prejudices, as far as the nature of things would, or, indeed, ought to admit, from our national councils. Looking anxiously forward to the accomplishment of so desirable an object as this is, in my estimation, my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a university in a central part of the United States to which the youths of fortune and talents from all parts thereof may be sent for the completion of their education, in all the branches of polite literature, in arts and sciences, in acquiring knowledge in the principles of politics and good government, and, as a matter of infinite importance, in my judgment, by associating with each other and forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies which have just been mentioned, and which, when carried to excess, are never-failing sources of disquietude to the public mind and pregnant of mischievous consequences to this country. Under these impressions so fully dilated—

Item: I give and bequeath, in perpetuity, the 50 shares which I hold in the Potomac Co. (under the aforesaid acts of the Legislature of Virginia) toward the endowment of a university, to be established within the limits of the District of Columbia, under the auspices of the General Government, if that Government should incline to extend a fostering hand toward it; and, until such seminary is established and the funds arising on these shares shall be required for its support, my further will and desire is that the profit accruing therefrom shall, whenever the dividends are made, be laid out in purchasing stock in the Bank of Columbia, or some other bank, at the discretion of my executors, or by the Treasurer of the United States for the time being, under the direction of Congress, provided that honorable body should patronize the measure; and the dividends proceeding from the purchase of such stock are to be vested in more stock, and so on, until a sum adequate to the accomplishment of the object is attained, of which I have not the smallest doubt before many years pass away, even if no aid or encouragement is given by the legislative authority or from any other source.

Item: The hundred shares which I hold in the James River Co. I have given, and now confirm, in perpetuity to and for the use and benefit of Liberty Hall Academy, in the county of Rockbridge, in the Commonwealth of Virginia.

Mr. BORAH. It seems that there was some land granted to Washington with the express understanding at the time it was taken that Washington was to dispose of it for the public interest, or for some public welfare, which he afterwards did by his will, as disclosed by the paragraphs which I have asked to have inserted, which appear upon pages 546, 547, and 548 of Sparks's Life of Washington.

The Senator from Georgia has cited certain instances with reference to the French and Indian war, and the citations which he has made seem to sustain the view which he takes of the matter. I had in view, at the time I expressed the opinion I did, the Revolutionary War and compensations or bonuses from the Revolutionary War, and I feel very certain, after making the examination which I have made, that I was correct in my construction that he received no compensation, no bonus, and no gratuity for his services in that war.

Mr. WATSON of Georgia. Mr. President, when the Senator from Idaho first raised this question I stated distinctly that it was well known that General Washington refused to accept any reward for his services in the Revolutionary War. He asked that he be paid the expenses he had actually incurred, and he would not accept anything further.

The Senator will remember that I made that statement on the first afternoon when he raised the question as to whether or not Washington ever sanctioned the principle of a soldiers' bounty, bonus, or reward; but I stated then, and restate now, that the authorities show that in a previous war, the French and Indian war, he had not only worked for a bonus for his soldiers, for his fellow officers, for his companions in arms, but had accepted a bonus for himself both in cash and in land.

Mr. BORAH. As I said, I think that the statement as made with reference to the Indian war seems to be borne out by the authorities, but the statement to which I had reference at the time I was discussing the matter was the statement upon the part of the Senator, which I think the Senator will agree, was in error:

Washington took his bonus for his services in the Revolutionary War.

I do not believe history will sustain that contention.

Mr. WATSON of Georgia. Whether it will or not, that does not at all effect the principle as to whether Washington gave the weight of his great authority to the propriety of a soldier accepting a reward in money or in land, without incurring the reproach of commercializing his bravery or commercializing his patriotism. That was the point at issue.

In Marshall's Life of Washington, I repeat, on page 11 he states:

Great credit was given to Colonel Washington by his countrymen for the courage displayed on this occasion—

Namely, the occasion of his campaign up the Ohio against the Indians—

and the legislature were so satisfied with the conduct of the party as to vote their thanks to him and the officers under his command. They—

That is, the legislature—

also gave 300 pistoles to be distributed among the soldiers engaged in the action, as a reward for their bravery.

I pointed out that the Spanish pistole was worth $4 in our money; and, therefore, this was a very substantial cash bonus. Whether that much was to be paid to each soldier or the entire amount to be divided among the soldiers, the text does not make clear; but whether the one or the other was the case, the principle was the same. The legislature voted them a bonus as a reward for their bravery in battle with the Indians on the Monongahela, and Washington, in a letter which Marshall puts in the footnote, acknowledges with thanks the action of the Virginia Assembly.

In Sparks's Life of Washington, beside the section which I quoted the other afternoon, at pages 67 and 68, it is said:

Another and more substantial proof soon followed—

That is to say, substantial proof of the gratitude of the people of Virginia for the military services rendered by Washington and his men in fighting the Indians off the frontier.

The Virginia Legislature voted £40,000 for the public service.

This was English money, each pound being worth $4.84, as all men know.

Three hundred pounds—

Or more than $1,400—

were likewise granted to Colonel Washington.

Here was a cash bonus voted in bulk to Washington's men, and a separate sum voted specifically to Colonel Washington—more than $1,400—and, allowing for the difference in the value of money, it would be now anywhere from $7,000 to $10,000. It was a very substantial bonus for a few weeks' service in the Ohio woods against bands of Indians.

The specific ground upon which the Virginia Legislature or Assembly voted that sum and the other sums, to wit, "proportional sums to the other officers and privates," was "for their gallant behavior and losses at the Battle of the Monongahela."

On page 110 of Sparks's Life of Washington we find this:

In the midst of his public engagements another affair, extremely vexatious in its details, employed much of his attention—

That is, the attention of Washington—

The claims of the officers and soldiers to land, granted by Governor Dinwiddie as a reward for their services at the beginning of the French War, met with innumerable obstacles for a long time, first from the ministry in England and next from the authorities in Virginia. By his unwearied exertions, however, and by these alone, and mostly at his own expense, the matter was at last adjusted.

As we would say, he lobbied for it, in an honorable way, of course.

In Lodge's Life of Washington, which I regard as a classic work of biography, in volume 1, page 109, we find the following:

While thus looking after his own estates at home, he went further afield in search of investments, keeping a shrewd eye on the western lands, and buying wisely and judiciously whenever he had the opportunity. He also constituted himself now, as in a later time, the champion of the soldier, for whom he had the truest sympathy and affection, and a large part of the correspondence of this period is devoted to their claims for the land granted them by the assembly. He distinguished carefully among them, however, those who were undeserving, and to the major of the regiment, who had been excluded from the public thanks on account of cowardice at the Great Meadows, he wrote as follows: "Your impertinent letter was delivered to me yesterday. As I am not accustomed to receive such from any man, nor would have taken the same language from you personally without letting you feel some marks of my resentment, I would advise you to be cautious in writing me a second time of the same tenor. But for

your stupidity and sottishness you might have known, by attending to the public gazette, that you had your full quantity of 10,000 acres of land allowed you. But suppose you had really fallen short—

That is, of his full quota of this bonus land—

do you think your superlative merit entitles you to a greater indulgence than others? * * * All my concern is that I ever engaged in behalf of so ungrateful a fellow as you are."

Now, Mr. President, it there appears plainly that although this man had shown cowardice in the face of the enemy, he was to get his full share of 10,000 acres of land as a bonus, and, of course, the others got theirs. Washington himself got 16,000 acres.

Mr. President, some one, evidently from the editorial room of a leading Boston paper, sent me a clipping. I would not say it was from the Globe. I did not notice that particularly, but it was heavily marked with a pencil such as editors ordinarily use. It was sent to me without comment. It is an old letter, dated 1781, as I remember the date. I left the clipping at my room, not supposing this matter would come up again. That letter speaks of how in Massachusetts the legislature voted land and money to the soldiers of the Revolutionary War as a bonus, a bounty, a reward, a recognition of the splendid service which they had rendered in achieving the liberties of their country. I may say that almost, if not quite, without exception every State from Massachusetts to Georgia, inclusive, was generous to the extent of princely liberality in giving land warrants to the soldiers of the Revolutionary War. There was a time in Tennessee when those revolutionary military land warrants formed legal tender currency, and were about the only money which was current in the backwoods.

Mr. President, all I wished to establish was that the great authority, Washington, was on the side of the bonus. Now, reflection would seem to convince me that the loose confederation, the old confederation, had no lands to give. It had little of anything else to give. It was a very loose bond holding together sovereign States until they could accomplish the great purpose of winning independence. But the States composing the confederation all had large domains, so far as I remember, and as soon as the Union was formed it was given magnificent domains by the State of Virginia and perhaps others. The great Northwest Territory was an empire in itself. The States of Alabama and Mississippi were carved out of land that had belonged to the colony of Georgia, as the Senator from Alabama [Mr. HEFLIN], now sitting before me, well knows. It is a mere quibble as to whether or not the old confederation granted the land or whether the sovereign States composing it granted the land. I would not dogmatically say that I was entirely accurate about that. The point, and the sole point, was to enlist on the side of the bonus the splendid authority of so noble a man, so proud a man, so fearless a soldier, so untarnished a patriot, as George Washington.

DEFICIENCY ESTIMATE, WAR DEPARTMENT, 1921 (S. DOC. NO. 214).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation for the War Department, fiscal year 1921, for the acquisition of certain parcels of land contiguous to aviation fields, $22,759, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LANDS AT WALTER REED GENERAL HOSPITAL (S. DOC. NO. 215).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for acquisition of land, Walter Reed General Hospital, District of Columbia, $44,109.22, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR DAMAGES BY NAVAL VESSELS (S. DOC. NO. 216).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a communication from the Acting Secretary of the Navy, submitting an estimate of appropriation, in amount $3,995.06, to pay claims for damages by naval vessels which have been adjusted by the Navy Department, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS.

The VICE PRESIDENT laid before the Senate resolutions adopted by the congress of the National Society of the Sons of the American Revolution, at Springfield, Mass., favoring the erection on Lexington Common by the Federal Government of a suitable memorial to be dedicated on the one hundred and fiftieth anniversary of the battle at Lexington, which were referred to the Committee on the Library.

He also presented a resolution adopted by the congress of the National Society of the Sons of the American Revolution, at Springfield, Mass., favoring the adoption of a selective and restrictive immigration policy so as to safeguard the Nation as to the future quality of its citizenship, which was referred to the Committee on Immigration.

Mr. CURTIS presented petitions numerously signed by sundry citizens of the State of Kansas, praying for the passage of the so-called Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution of Columbiana Council, Veterans of Foreign Wars of the United States, of East Liverpool, Ohio, praying for the enactment of legislation barring from United States citizenship persons who have obtained military exemption by reason of being aliens, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, reported a bill (S. 3740) regulating the recovery of allotments heretofore paid to designated allottees, which was read twice by its title, and he submitted a report (No. 781) thereon.

Mr. LENROOT, from the Committee on Commerce, to which was referred the bill (H. R. 2874) to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis., reported it without amendment and submitted a report (No. 782) thereon.

Mr. WATSON of Georgia, from the Committee on Claims, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 3350. A bill for the relief of Alice M. Gorman (Rept. No. 783); and

S. 3351. A bill for the relief of G. Dare Hopkins (Rept. No. 784).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3738) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger; and

A bill (S. 3739) for the relief of Edwin Greenville Seibels (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 3741) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Patrick H. Bodkin; to the Committee on Claims.

By Mr. NORRIS:

A joint resolution (S. J. Res. 215) providing for reinvestigation of the tri-county irrigation project, Nebraska; to the Committee on Irrigation and Reclamation.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HARRIS submitted an amendment proposing to appropriate $5,000 for the investigation, improvement, encouragement, and determination of the adaptability to different soils and climatic conditions of pecans, almonds, Persian walnuts, black walnuts, hickory nuts, butternuts, chestnuts, filberts, and other nuts, and for methods of growing, harvesting, packing, shipping, storing, and utilizing the same, fiscal years 1922 and 1923, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CALDER submitted an amendment proposing to appropriate $5,000 for temporary maintenance and care of graves in the plot at Ocean View, The Cemetery Beautiful (Inc.), Borough of Richmond, New York, N. Y., in which interments of merchant marines and war veterans have been made, and for the acquisition of additional graves therein for such use, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The next amendment of the committee, as modified, will be stated.

The READING CLERK. In paragraph 329, line 23, before the words "per cent," strike out "30" and insert "35," so as to read:

Sprocket and machine chains, of iron or steel, and parts thereof, 35 per cent ad valorem.

The amendment as modified was agreed to.

The next amendment of the Committee on Finance was, at the top of page 65, after the language "2 cents per," to strike out the word "pound" and insert "pound; but no chain or chains of any description, except anchor and stud link chain, shall pay a duty of less than 45 per cent ad valorem."

Mr. McCUMBER. I ask that the Senate disagree to the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. McCUMBER. I should like now to have the Senate consider paragraph 373, shovels, spades, scoops, and so forth.

Mr. JONES of New Mexico. I will ask the Senator from North Dakota what has become of paragraph 339?

Mr. McCUMBER. The Senator from West Virginia [Mr. SUTHERLAND] being absent has requested that that paragraph go over until he returns on Monday.

Mr. JONES of New Mexico. I had hoped that that paragraph might come up this afternoon. What paragraph does the Senator now desire to consider?

Mr. McCUMBER. Paragraph 373, which is found on page 84.

The VICE PRESIDENT. The committee amendment to paragraph 373 will be stated.

The amendment of the Committee on Finance was, on page 84, paragraph 373, line 11, after the word "scoops," to insert "scythes, sickles, grass hooks, corn knives."

Mr. JONES of New Mexico. Mr. President, I have not here just at the moment the data regarding those items, but in connection with the general cutlery paragraph the articles sought to be inserted in this paragraph were referred to. Senators will observe the significance of this language. I think it important that Senators should understand what it is now proposed to do.

The amendment would insert scythes, sickles, grass hooks, and corn knives in paragraph 373. Those items, if I remember correctly, are at present on the free list as farm implements. Now it is sought to put a duty of 35 per cent on scythes and sickles and grass hooks and corn knives. As I recall, the information furnished to us by the Tariff Commission is that those articles are not only made as cheaply in this country as any other country in the world, but that we have been exporting very large quantities of them. From an examination of the subject I could not discover any reason why those articles should now be put on the dutiable list. I suppose it is proposed upon the general theory that wages in Germany are low, that some commodities are produced in Germany at a cost seemingly lower than they are produced in the United States.

The paragraph which was just passed over, being paragraph 339, covering enameled ware and aluminum ware and aluminum products, provides for vastly increased duties upon those articles. Yesterday there was exhibited to us one article of aluminum ware which is produced very cheaply in Germany and sold in this market at an enormous price. I presume, regarding this paragraph, we shall again have our attention called to low wages in Germany and to low production costs there. We are met with that suggestion wherever we turn. It looks as if this bill were directed especially at Germany.

The episode which occurred on yesterday at least created the impression that there was great confusion in the minds of the proponents of this bill. The articles which were exhibited were displayed for the purpose of arousing interest throughout the country. The intended dramatic incident, to me at least, was decidedly significant.

When this bill first came before the Senate there was no attempt to explain any of its provisions. There seemed to be a fixed determination to come to a vote upon the various paragraphs and the items embraced in them without any discussion and without any intention to make modifications. However, the Senator from Indiana [Mr. WATSON] had occasion to go to Indiana. While he was there he evidently heard at least from some sections of the country, and he came back rather alarmed at the situation. He came before the Senate and said that it would no longer suffice to permit this bill to go undefended and that henceforth the Republicans intended to defend the provisions of the bill. He proceeded to make a speech, but he did not refer to a single paragraph in the bill; he did not mention a single rate. He reviewed the history of tariffs in this country from the foundation of the Government down to the present. He mentioned the names of Washington, Jefferson, and Madison, of Clay, Webster, and Calhoun, of Dingley and McKinley, Payne and Aldrich, and all the others whose names have been connected with tariff legislation in the past; but he said nothing about a single paragraph of this bill. However, he realized that the discussion of the bill had brought about a revulsion of feeling throughout the country regarding the bill, and he felt that it must be defended. So he proceeded to defend it in that singular way by referring to past history. He made no reference to this bill, except to express it as his opinion that it was the best balanced bill which had ever been presented to the country.

Mr. President, if that be true, it is certainly a severe criticism upon past bills, for from that day till this the Finance Committee has been bringing in here amendments to the bill. Prior to that time amendments were hardly suggested or even seriously considered, but from the time that the Republicans were informed that the country was hearing the truth regarding this bill, that the people who would have to pay for the articles purchased by them the increased price caused by the proposed rates were beginning to object, then they became aroused and they have been bringing in here amendments. On the very paragraph which we passed a few moments ago the committee moved to strike out an amendment which it had proposed enormously increasing the duty upon chains. The committee undoubtedly have heard from the country, and so they are bringing in amendments. I have no doubt that, regarding paragraph 339, which involves enamel ware and aluminum ware, the committee itself will bring in amendments before it is disposed of.

The Senator from Indiana was undoubtedly put forward for the purpose of defending the bill. It was felt that it needed defense, and he, as being the one most capable of making a defense, was put forward for that purpose; but, instead of defending the bill, he tried to have the country hark back to pre-war days. He did not realize that conditions had changed, but was still living in the past. So on yesterday the Senator from Indiana was again called to take the lead here and defend this bill. He did it by one of those spectacular incidents which are calculated to lead the mind astray.

It is inconceivable that the Senator should have considered the evidence which he produced yesterday as a defense of the bill. Several different articles were exhibited. A shotgun which the Senator said cost 90 cents in Germany, but which was sold in this country for $15, was exhibited. The Senator referred to a clock that was sold in Germany for two dollars and a few cents, but is sold in this country for $30, and to a number of other articles selling at a difference in price of nearly as much.

I have thought that it might be well enough to analyze that situation, and see to what extent it is a defense of this bill, and see if we can discover the purpose of presenting here statements of that character.

When we come to consider this enormous spread in price, amounting in some instances to more than 2,000 per cent, the inquiring mind will naturally first want to know who the purchaser was, whether or not it was a purchase made in good faith, and whether or not it was one made in the usual course of trade. We must assume, in the absence of evidence upon that subject, that those purchases were made at the usual price, at the price at which they were being generally sold to the trade. With such assumption we must go further, and conclude that such articles were being generally sold at those prices to the American consumer. In the case of some of those articles, similar articles are made in this country; so the price of the American article must have been equally as high, or else the merchant would not have attempted to make a sale at the price at which the sale was made.

If the foreign article is being sold at such prices, then, as a matter of fact, at least at the present time there is no indication that the American market is being demoralized, because the foreign article is selling at these very high prices. So, if we assume that that is what is going on now, it demonstrates that the American producers now are not being injured by the foreign competition, and, therefore, so far as actual conditions are concerned, there is no necessity for a further or higher protective tariff.

Of course I know what will at once be said—that while they are not being sold now at low prices, yet that there is a potential power which would enable the foreign producer to sell at a lower price, and, therefore, that he might at some future time invade the American market and drive out the American producer. That evidently was the purpose which the Senator from Indiana had in mind in producing those articles; and it becomes necessary, therefore, to consider a little further the situation which actually exists.

In the first place, the Senator from Indiana took up the question of wages in Germany. He gave us the amount of wages which an ounce of gold would buy in the United States and in other countries.

I want to read just what he said:

> It repeatedly has been stated on the floor by those who are opposing this measure that wages are as high in Europe as they were in 1914 and that because of that fact some of these rates were excessive. Mr. President, the statistics show that an ounce of gold purchases 17.22

hours of labor in the United States, 50.16 hours of labor in Great Britain, 95.50 hours of labor in Japan, 117.31 hours in France, and 201.66 hours in Germany. These facts are not disputed.

That is the statement of the Senator from Indiana. An examination of that statement, measured by what we all know, would produce a very different view. He says that an ounce of gold in the United States purchases 17.22 hours of labor. An ounce of gold is worth $20.67. The Senator from Indiana would have us believe that the figures which he presented give an honest view of the labor situation. These calculations have been made upon the basis of what he says is the price of labor in the United States. If an ounce of gold is worth $20.67, and it buys only 17.22 hours of labor, how much is that per hour? Roughly figuring, it is about $1.25. That is the statement brought here in all seriousness as the foundation for the whole argument of the Senator from Indiana; and I want to know how many citizens of this Republic there are who are not willing to say that such a representation is misleading and not consistent with the facts? How many laborers in this country are getting $1.25 per hour?

Mr. WALSH of Massachusetts. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I will say to the Senator that the mill operative in New England who gets over $20 a week is an exception.

Mr. JONES of New Mexico. Yes, Mr. President; and there are millions in this country who do not get over $20 a week. So it must be evident that instead of an ounce of gold being the price of 17.22 hours of labor, it is the price of a week of labor. I do not know who furnished the information; I do not care; but the Senator from Indiana is responsible for coming here and putting those figures into the RECORD.

Mr. WALSH of Massachusetts. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. WALSH of Massachusetts. The figures would indicate that a laboring man or woman would get about $10 a day of eight hours. Am I correct?

Mr. JONES of New Mexico. That is just about what it would figure out.

Mr. WALSH of Massachusetts. What class of laboring people, men or women, are there in American who are getting $10 a day?

Mr. JONES of New Mexico. I presume there are a few in the very highly skilled industries of the country; but certainly there are few within the knowledge of any one of us who receive such high wages as that, and yet we are told that that is typical, that that represents the price of labor in the United States.

Mr. WALSH of Massachusetts. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. WALSH of Massachusetts. A few days ago some figures were presented to me giving the average family income in America. That includes all families—families who have incomes of minor children as well as the money that the parents earn—and those figures indicated that the average income per family in America was about $1,200 per annum.

Mr. JONES of New Mexico. I have no doubt that the information which the Senator from Massachusetts now presents may represent the average family income per annum in the United States; but, Mr. President, I know that there are great classes of wage earners in this country who do not receive one-half the figure stated by the Senator from Massachusetts. Take the laborers upon the farms of this country, and in many other vocations, and they do not earn any $1,200 per year; but I have no doubt the Senator is correct in saying that that may be the average.

Mr. WALSH of Massachusetts. Exactly. Including the incomes of the exceedingly rich and the incomes of the poor, averaged, it amounts to about $1,200 per annum.

Mr. JONES of New Mexico. Yes. Now, Mr. President, if that is the foundation of the Senator's argument, when it falls the rest of it necessarily falls.

Mr. McLEAN. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McLEAN. The Senator from Indiana is not present, and I have not had an opportunity to analyze the particular portion of his speech to which the Senator refers; but my impression is that the estimate made by the Senator referred to the highest-class labor in some branches of the steel industry. I think Mr. Schwab made the statement some time ago that in some branches of his industry the wage was $10 a day. I merely state this, in the absence of the Senator from Indiana, because, while he may not have referred to that industry, I think that is the industry from which these estimates were taken.

Mr. JONES of New Mexico. I have his own explanation for it here in his speech. I was interested in that subject yesterday when the Senator was addressing us, and so I asked him to give us the date when those estimates were made, and he said as of the 1st of February. Then I asked him:

> Will the Senator state also as to what line of occupation those figures relate? The Senator doubtless knows that wages vary in the different lines of occupation in every country in the world.
>
> Mr. WATSON of Indiana. My understanding is that these figures were collated from five of the key industries in the various countries.

Of course, it is important to know what the industry is. It is important to know also the position of the worker in the industry, and it was information regarding that which I sought to elicit from the Senator from Indiana, and his reply I have just read.

Mr. McLEAN. The Senator knows that there are thousands of industries in the country, and there may be five in which the employees receive that wage. I hardly think it quite fair for the Senator to assume that the Senator from Indiana claimed that the average wage paid to the average employee in this country was more than a dollar an hour. I do not think anybody would claim that, and I do not think the Senator from Indiana wished to convey any such impression.

Mr. JONES of New Mexico. Then, if the Senator from Indiana did not mean to convey that impression, his statement was of no avail whatsoever; it answered no purpose. The question at issue was as to the cost of labor in the United States and other countries. That was what he was seeking to present to the Senate. He also presented it for the purpose of having an effect upon this bill, defending this bill, and he chose to tell us that that was the price of labor in five of the key industries in the United States, and not only in the United States but in other countries. The impression which he sought to convey—and I am glad to see the Senator from Indiana now entering the Chamber—was that that was the wage which was common, which represented the amount that the laborers of this country were receiving.

I shall be glad to repeat, for the benefit of the Senator from Indiana, who is now in the Chamber, the point which is now under discussion. On yesterday the Senator from Indiana undertook to give the cost of labor in the United States and in other countries. He made the statement that an ounce of gold in the United States would purchase 17.22 hours of labor, and then he gave the number of hours of labor which an ounce of gold would purchase in other countries. I have just called to the attention of the Senate the fact that an ounce of gold is worth $20.67, and I now ask the Senator from Indiana if he believes that 17.22 hours of labor in the five key industries of the United States bring any such sum as $20.67? I observe that the Senator is looking over his remarks of yesterday, and I hope he will have some explanation to offer later on.

Mr. WATSON of Indiana. Mr. President, I had these figures in my mind the other day, but I do not have them in my mind now. The statement I read from was made in the British Parliament, as I then stated, by a member of that body, and afterwards there were some inquiries made here of some people connected with the Tariff Commission. I know it was talked about, as I stated in my speech the other day, among the members of the Finance Committee in a general talk we had about the subject of wages in Germany, and at that time it was given out that these figures were substantially correct and were authenticated and indorsed by the members of the Tariff Commission. I did not go into the details, but I did publish, in a speech I previously made on that subject some two or three weeks ago, a whole page of figures showing what the Tariff Commission expressly did state as to the wages paid in Germany, and while I did not take these figures and compare them with the figures I put in, my information was that they were substantially comparable. In other words, these figures represent highly skilled labor. My understanding is that, so far as Germany is concerned, there is not such a great spread between the wages paid the highly skilled labor and those paid the common labor.

Mr. JONES of New Mexico. Mr. President, the Senator used this other language yesterday in answer to a question which I propounded to him:

> My understanding is that these figures were collated from five of the key industries in the various countries.

Mr. WATSON of Indiana. Yes; the steel and various other industries.

Mr. JONES of New Mexico. Is the Senator still contending that about $1.25 an hour is an average of the cost of labor in any one industry in the United States?

Mr. WATSON of Indiana. I would not say that without an examination——

Mr. JONES of New Mexico. I did not believe the Senator would.

Mr. WATSON of Indiana. Because I do not know. I would not commit myself unreservedly to a proposition of that kind;

but this statement was made, as I understand it, along in January or February, and while there has been some decline in wages since that time in the United States, I would not say whether or not that wage obtains now in any one of the five key industries; I do not know. But for the purposes of the statement I was making the mere cent or penny would not make any difference. The point I was trying to make was the big spread between wages in the United States and wages in Germany in the same industries. These figures are relatively correct, even though they may not be right to the very penny; and as to that I have not any doubt.

Mr. JONES of New Mexico. I would like to know upon what responsibility the Senator makes that statement.

Mr. WATSON of Indiana. I make that statement upon my responsibility as a Senator, after having investigated this subject for a long time and after having collated all these figures. These figures may not represent to the penny the wages paid in the five key industries at this time; I do not pretend to say they do. But I do pretend to say that the wages paid in Germany are one-fifth of what they are in the United States in similar industries, and our information is that in many industries as low as one-tenth what they are in the United States. I am assuming that is correct, after all the investigation we have made.

As to whether or not these figures are exactly right, I do not know, and for the purposes of my argument I do not care. What I am trying to get at is this—a tariff which measures the difference, substantially, between the cost of production at home and the cost of production abroad. We can not take a yardstick and measure to the tenth of an inch on a proposition of that kind, but these figures are substantially accurate for our purposes, because there is that big spread between wages paid in the United States and wages paid in Germany.

Mr. JONES of New Mexico. The Senator has just been stating from his general recollection, of course?

Mr. WATSON of Indiana. Yes.

Mr. JONES of New Mexico. That wages in this country are perhaps five times as high as those in Germany, or, in some instances, ten times as high. He thinks they may reach that figure?

Mr. WATSON of Indiana. Yes.

Mr. JONES of New Mexico. I call the Senator's attention to the fact that in this table which he gave to the Senate on yesterday it appears that the wages paid in the United States are just about fifteen times as high as the wages paid in Germany, and I ask the Senator if he ever heard anybody suggest that the wages in this country were fifteen times as high as the wages in Germany?

Mr. WATSON of Indiana. I think so, in some instances.

Mr. JONES of New Mexico. Does the Senator stand for the proposition that in five key industries in the United States, compared with five key industries in Germany, the wages here are fifteen times as high as those in Germany?

Mr. WATSON of Indiana. No; I do not.

Mr. JONES of New Mexico. Then the statement of the Senator a moment ago was made without further investigation.

Mr. WATSON of Indiana. No——

Mr. JONES of New Mexico. The statement is made here that an ounce of gold will purchase in the United States 17.22 hours of labor only and in Germany 201.66 hours. I have not figured it exactly, but, roughly speaking, it is about fifteen times as much.

Mr. WATSON of Indiana. I have not gone accurately into those comparisons. I took that statement made on the floor of the British Parliament, which was substantially authenticated here. I did not go into the details. Afterwards I had the Tariff Commission supply me with statements of relative wages in various industries, a number of them in the United States and in Germany. I did not take the trouble to take my pencil and figure whether or not the wages as expressed in the columns they gave me and these wages as expressed in gold, the figures I have put in the RECORD, were substantially correct, but I did run over them in my mind enough to know that after all they really expressed pretty nearly the difference in wages paid in this country and in Germany, and I do not care whether they are accurate or not for the purposes of my argument.

Mr. JONES of New Mexico. And the Senator is still of that opinion, is he?

Mr. WATSON of Indiana. I am still of the opinion that that substantially represents at all events the difference in wages, and for the purposes of this argument I do not care whether they measure the difference right down to the penny or not. From my viewpoint it does not make any difference, and for the purpose of the argument I was making the other day that was not a substantial matter. I did show the cheapness of production abroad by exhibiting various articles I had here. I do not care whether the Senator says the wages here are fifteen times as high as those in Germany or not. What I was showing was the cheapness of production abroad and the necessity of a protective tariff to protect our people making those things if the industries of this country are to survive against such ruinous competition.

Mr. JONES of New Mexico. Mr. President, I had rather expected a different reply from the Senator from Indiana, and all that I can do is to submit these figures, because this is something about which everyone has some knowledge and some information; but the only result which could follow the production of such figures was the creation of the impression that there had been an actual investigation, and that the statistics had been collated—he uses the term "collated"; that the calculations had been made; that they had been figured down to the very fraction of a cent—17.22 hours of labor in America for an ounce of gold and 201.66 hours of labor in Germany. Anyone accepting those statements upon the faith and sincerity of the distinguished Senator from Indiana must have gotten the notion that the matter was thoroughly investigated and that those were the facts, but now the Senator from Indiana tells us that it was a statement of some member of the British Parliament.

Mr. WATSON of Indiana. That is what I said when I put it in the RECORD.

Mr. JONES of New Mexico. I did not find that statement in the RECORD.

Mr. WATSON of Indiana. At page 9137.

Mr. HITCHCOCK. Mr. President, will the Senator quote the source of his statistics?

Mr. WATSON of Indiana. Yes; the statistics come from the English Parliament, and have been indorsed, according to my understanding, by our own Tariff Commission. That is my own understanding.

That is what I say now.

Mr. JONES of New Mexico. That it was indorsed by the Tariff Commission? That makes it worse.

Mr. WATSON of Indiana. Oh, no. The Senator is again endeavoring to pin me down to an exactitude to which I did not commit myself originally and do not now. I stated, or I think I stated, in the speech then that the matter was afterwards discussed among the Republican members of the committee; that in the talk among the Republican members of the committee about the difference in wages here and abroad it was stated—or I got the impression—that the Tariff Commission had practically indorsed and authenticated the figures. I did not call up members of the Tariff Commission to find out whether they had or not. We discussed every day among the Republican members for a good while the difference in wages paid in this country and in Germany. I did not take any yardstick to measure them exactly. I did not know and I do not know now, and neither does the Senator know. But I did know, if the figures did not exactly express the difference, that, after all, there was such a wide difference that we were justified in putting on high rates in order to protect American industry. The general statement was all I cared anything about, and that is all I care anything about now.

Mr. JONES of New Mexico. I agree with the Senator from Indiana when he says he does not know what the difference in wages is.

Mr. POMERENE. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Ohio.

Mr. POMERENE. Whether American labor is getting the wage referred to or not, it is quite clear to my mind that if the prices of these various exhibits are to be increased, as they will be increased under the pending bill, it will be necessary that American labor shall get that wage.

Mr. WATSON of Indiana. Oh, no; I disagree with my good friend from Ohio. In other words, if the arguments I used the other day when I put the different articles on exhibition here as Exhibits A, B, C, and so forth, as lawyers do in a lawsuit, are to prove anything it is finally that there is no way to protect Americans engaged in these industries except by the system of the American valuation. That is the legitimate and logical conclusion of that argument. Yet we are not seeking to do that. I was not stating those facts as a basis for that conclusion. That is the legitimate end of the whole thing, I will say; because if those figures are correct, I will state to my friend from New Mexico a fact that he well knows, we would have to put on 1,000 or 1,500 per cent, and it would not make any difference, as the Senator knows, if it took 1,000 per cent to protect an American industry in any branch, the American people simply would not stand for 1,000 per cent. The Senator knows that. My friend from Kentucky [Mr. STANLEY] the other day voiced that sentiment in a most peculiar way—if I am not interrupting the Senator from New Mexico?

Mr. JONES of New Mexico. I will be a little more liberal than the Senator was with me yesterday. I yield further.

Mr. WATSON of Indiana. I gave up about one-half of the time I had to Senators on the other side of the Chamber, so much so that Senators on my side complained of my liberality and generosity. I did not intend to be discourteous, I will say to the Senator from New Mexico.

The Senator from Kentucky, in a little colloquy he and I had, said that he would not stand for 100 per cent on anything, that it would be too high; that he might stand for 25 per cent, or language to that effect, but he could not come down to the exact nickle. My theory is that there is no such thing as high protection and low protection. A protective tariff is one that is protective, that measures the difference adequately between wages here and in a competing country.

That is protection. That is a fixed and definite yardstick, if we can find out what the wages are in the two countries. We have not been able to find that out to any certainty. I said so in my speech yesterday and have said so repeatedly on the floor and elsewhere. We have done the very best we could. To use the old illustration, it is like the fellow trying to build a dam in a flood. That is the situation we are in now. We can not always be sure of the foundation stone, but I will say this to my friend——

Mr. JONES of New Mexico. Now, Mr. President, the Senator——

Mr. WATSON of Indiana. Just this one sentence, and I shall quit. Wherever any element of doubt entered into it, so far as I was personally concerned, I wanted to make the tariff absolutely high enough to resolve the doubt in favor of the American producer and not the foreign competitor.

Mr. JONES of New Mexico. I am not willing to accept in whole the illustration about the building of a dam during a flood as representative of the present situation. I want to suggest for the consideration of the distinguished Senator from Indiana, that if he is going to build the dam he should wait until the flood goes by, when he knows it is going by, and when he can build his dam under better conditions, when he can build a dam that will serve the country after the flood has gone by.

Mr. President, I have heretofore presented a good many facts gathered by the Tariff Commission, by the Department of Commerce, by the Federal Reserve Board, and by official sources, bearing upon the conditions in Germany. My colleague upon the committee, the minority leader on the committee, the Senator from North Carolina [Mr. SIMMONS] has likewise presented much data upon the subject. To-day the Senator from Nebraska [Mr. HITCHCOCK] made a very illuminating contribution to the subject. But it seems that we are always confronted, regardless of the official information, by this ever rising ghost of Germany, speaking in an economic sense. Day after day the figures have been presented here. They ought to be conclusive to any fair and open-minded person. Every evidence is that the so-called flood referred to by the Senator from Indiana is a temporary flood. It is passing by. It will soon be over. If there ever was a time when Germany could produce goods as cheaply as the Senator meant to indicate yesterday and flood this country, the time has already gone by.

The flood is no longer a menace. It was in the first place a flood of the imagination and not of substance. It carried no destitution in its pathway. It has not wrecked a single industry in this country. The imports from Germany are only about one-third of what they were before the war. Germany is struggling to-day as never in her history to regain her own business, to restore her destroyed industries. The Senator must know that. Every informed person in the United States does know it and the business people of the United States are acting on that information, acting on that understanding, but for the purpose of furnishing an excuse—not a reason but an excuse—for imposing these high taxes upon imports we are continually confronted by this German ghost.

Mr. President, I am not going to repeat or ask to have inserted in the RECORD again the information which I have heretofore presented on the subject, but I have some new information, some new calculations, which I do want to get into the RECORD at this time. I have here a comparison of the index numbers of wholesale prices in Germany in gold with the pre-war prices. I think every one will admit that prior to the war the industries of this country were prospering. They were not being destroyed by imports from Germany. We have also learned that conditions in Germany are rapidly changing, that wages have been increasing month by month, by leaps and bounds. The figures have been put into the RECORD. Other statistics as to the cost of various lines of industry in Germany have shown that the prices are gradually meeting the world gold level, and it must be so or else Germany would go bankrupt.

Let me take up the question of the gun which the Senator from Indiana exhibited yesterday to us in the Senate and which cost 90 cents. I would like to have the Senator from Indiana state, with his knowledge of hardware—and undoubtedly as a boy he had a shotgun or some other kind of gun and knows somewhat regarding its mechanism and the material that goes into the gun—how long it would take for any concern manufacturing that shotgun for 90 cents to go broke? How long would it require any country whose citizens manufactured such commodities at such prices to become bankrupt? The situation, if it ever existed in Germany, must have been merely temporary. It was not a thing to frighten anybody. We have no information here as to the number of such guns which were exported to the United States. We have heard of only one such gun. There could not have been many or else the price would have been brought down.

The table which I have here takes 100 marks as the index price of different lines of commodities in Germany in 1913. Allowance is made for the decline in the paper mark, that decline finally reaching 6,886 per cent; so that a little over sixty times as many marks are required to buy a dollar now as in 1913; but measured in that way and after allowing for that enormous discount, we find, for instance, that grain and potatoes in Germany are worth now and sell now for 90 per cent of the pre-war price. We all know that grain and foodstuffs have been controlled by the German Government, and that there is a governmental subsidy upon foodstuffs; but notwithstanding all that, measured in gold, with the German mark worth but one-sixtieth as much as before the war, that line of commodities is now on the basis of 90 per cent of the 1913 price. The price got down as low as 60 per cent. Fats, sugar, meat, and fish and other food products have not increased quite so much. They are only 77 per cent of the 1913 price. Spices and hops are up to 131 per cent; hides and leather to 124 per cent; textiles to 140 per cent; metals and petroleum, combined, to 92 per cent; coal and iron to 86 per cent; food, 18 commodities, 89 per cent; industrial goods, 20 commodities, 98 per cent; domestic goods, 16 commodities, 86 per cent; imported articles, 123 per cent; giving an average of 92 per cent, or within 8 per cent of the pre-war prices.

With that situation confronting us, I should like to know why we should be frightened, particularly when we realize that within the last few months prices have been continuing to rise. The last month for which I have statistics is the month of April, but I have not the slightest doubt those prices are much higher to-day.

Mr. President, I ask that this table may be inserted in the RECORD as a part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Comparison of index numbers of wholesale prices in Germany in gold with pre-war prices.

Period.	Disparity of the paper mark.	Grain and potatoes.	Fat, sugar, meat, and fish.	Spices and hops.	Hides and leather.	Textiles.	Metals and petroleum.	Coal and iron.	Food—18 commodities.	Industrial goods—20 commodities.	Domestic goods—16 commodities.	Imported articles—22 commodities.	Official index all wares—38 commodities.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
1913	100	100	100	100	100	100	100	100	100	100	100	100	100
1921.													
July	1,832	60	69	79	104	108	86	95	68	97	75	94	78
December	4,530	69	69	103	90	136	97	73	71	88	70	112	77
1922.													
February	4,951	76	78	124	116	132	91	74	80	88	76	117	83
April	6,886	90	77	131	124	140	92	86	89	98	86	123	92

Mr. WATSON of Indiana. May I ask the Senator from New Mexico, has he a comparison of the prices of those same articles in this country between 1913 and now?

Mr. JONES of New Mexico. Yes; I have.

Mr. WATSON of Indiana. May I ask the Senator from what authority this statement of facts and figures is secured?

Mr. JONES of New Mexico. An expert from the Tariff Commission secured the information for me. I did not myself secure it independently, and it is made up on its face from the index figures.

Mr. FRELINGHUYSEN. As I understand, these are figures of German wages. Is that true?

Mr. JONES of New Mexico. No; they are figures relative to the prices of commodities in Germany.

Now, if the Senator from New Jersey will pardon me, I wish to reply further to the Senator from Indiana. The Senator from Indiana asked me if I had the same information regarding prices in the United States which I have presented as to prices in Germany. In reply I desire to say that I have here a comparison of index numbers of wholesale prices in gold in leading countries, based on 1913 equal 100, divided by dollar exchange premium. The figures for the United States are from the Bureau of Labor, beginning with January, 1920, down to and including May of this year.

For England the figures we have are those of the English statist. As I have said, the index number is 100, based on prices in 1913. The table shows the variations in England down to and including February of this year; for France, down to February of this year; for Italy, down to February; and for Germany, down to March, by months. For instance, the index number of the Bureau of Labor for the United States in January, 1920, was 233. That meant that general prices, according to that index number, in January, 1920, were 130 per cent higher than in 1913. That was almost the peak, but not quite, for in May of 1920 that index number had reached 247. It has been decreasing almost invariably since that time down to and including January of this year, when the number was 138. Since January of this year it has increased to 148.

Mr. President, I desire to make this observation, although I do not care to be diverted: We are now three and a half years after the war. The present tariff law is the law of 1913. It is what the Senator from Indiana yesterday denominated a free-trade tariff law. I did not agree with him then, and I do not agree with him now; but we are three and a half years after the war, and this country is not being flooded to-day with imports from Germany or anywhere else on earth. The wages in the United States to-day are high in most industries. They are higher than they were before the war. They have been higher than they are now.

That is the situation. That is under existing law. I do not believe that anybody is contending that American labor in the United States is being injured, at least seriously, by any imports that are coming into this country under existing law; and when the Senator from Indiana talks about this flood condition it is evident that the flood has not yet started if he applies it to imports. Nothing serious has happened.

Mr. McLEAN. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Connecticut.

Mr. McLEAN. The Senator's figures simply demonstrate the benefit of a protective tariff. The thing which interests the laboring man is the purchasing power of his day's work. He does not care what he receives nominally; the only thing in which he is interested is the commodities his wage will buy. The man who is getting $3.50 in this country can buy seven times the quantity of tea and coffee and about five times the quantity of sugar and flour that the German workingman can buy.

Mr. JONES of New Mexico. I do not think the first statement of the Senator has any bearing upon his subsequent remarks.

Mr. McLEAN. I will try to make it clear to the Senator. In all noncompetitive articles that are purchased from the outside——

Mr. JONES of New Mexico. In the first place, the Senator admitted awhile ago that he did not know what the American wage earner was getting.

Mr. McLEAN. Oh, the Senator need not get excited about that. If he is afraid to listen to my explanation, I will take my seat.

Mr. JONES of New Mexico. Mr. President, I always listen to the Senator from Connecticut with a great deal of interest.

Mr. McLEAN. I merely want to call the attention of the Senator to the fact that the German laborer when he buys noncompetitive articles from the outside has to pay for them in gold, so that when he buys tea or coffee, which come from distant countries, he has to pay in gold just as much as the laboring man in the United States. That is also practically true of flour and other basic commodities, to the prices of which the Senator has just referred. What I say is that the protective policy of this country which has sustained our scale of wages is of tremendous benefit to the American laboring man, because his day's work will buy from five to seven times what the day's work of the German laborer will buy, and the Senator's own figures have demonstrated it.

Mr. JONES of New Mexico. Mr. President, the figures which I gave I do not interpret to demonstrate what the Senator from Connecticut seems to think they demonstrate; in fact, I do not think I have said anything which shows the amount of American wages, the amount of German wages, or what either one will buy.

Mr. McLEAN. But I have indicated what a day's wages will buy, and what a dollar will buy; and when the German laboring man reduces his wages to gold dollars, which he has got to do when he buys his goods from the outside, he is at a tremendous disadvantage. The Senator's figures show that, even with regard to wheat bread and sugar that he buys in Germany, he has to pay 90 per cent of the gold price outside, and he is getting from 5 to 6 cents an hour when the American laboring man is getting from 35 to 40 cents an hour.

Mr. JONES of New Mexico. The last statement of the Senator is certainly gratuitous, for we do not know what he is getting as yet, so far as any definite statistics are concerned.

Mr. McLEAN. The Senator from New Mexico iterates and reiterates that we do not know what the German laboring man is getting. I take my figures from the latest reports of the Department of Commerce, and I presume that department is as reliable as the source of the information furnished to the Senator from New Mexico. I suppose there is no question about the fact, for it can not be denied that labor in Germany does not get more than one-sixth of the wages in this country, estimated in gold. If the Senator can refute those figures I should like to have him do so. I am taking the Senator's own figures as to the price of goods.

Mr. JONES of New Mexico. What the Senator's argument would lead to is this, that a man with a dollar in Germany could buy more goods than he could buy in the United States.

Mr. McLEAN. Not at all; but he has got to have as many dollars to buy the same basic commodities as he has in the United States, and he gets 10 cents where the American gets a dollar for his day's work. That is why I say the figures of the Senator are a demonstration of the benefit of the protective policy; but the Senator wants us to submit to German importations, when they can result in nothing except the lowering of the wage scale in this country. There is no other way that we can hold our markets here unless we cut wages, and I do not favor that course.

Mr. JONES of New Mexico. Mr. President, I desire to make this observation, although I do not care to be diverted: We are now three and a half years after the war. The present tariff law is the law of 1913. It is what the Senator from Indiana yesterday denominated a free-trade tariff law. I did not agree with him then, and I do not agree with him now; but we are three and a half years after the war, and this country is not being flooded to-day with imports from Germany or anywhere else on earth. The wages in the United States to-day are high in most industries. They are higher than they were before the war. They have been higher than they are now.

Mr. McLEAN rose.

Mr. JONES of New Mexico. I beg the indulgence of the Senator. I can not yield until I conclude what I have to say.

Mr. McLEAN. It is too bad——

Mr. JONES of New Mexico. I decline to yield.

Mr. McLEAN. I do not wonder that the Senator declines to yield.

The VICE PRESIDENT. The Senator from New Mexico has the floor.

Mr. JONES of New Mexico. That is the situation. That is under existing law. I do not believe that anybody is contending that American labor in the United States is being injured, at least seriously, by any imports that are coming into this country under existing law; and when the Senator from Indiana talks about this flood condition it is evident that the flood has not yet started if he applies it to imports. Nothing serious has happened.

I agree with the statement which the Senator made yesterday that the situation is chaotic, that there is confusion, that nobody can tell just what the situation is in these foreign countries; but what I am contending for is that we have not yet felt any heavy hand of competition. All the goods which the Senator yesterday presented to us are selling at these enormous prices. They have not yet weighted down a single American price; at least, the Senator from Indiana yesterday did not know of any. He was asked to state the American price of the comparable article. He said he did not know; and so I have a right to say that the industries of this country are not being injured by any flood of importations, and that this so-called flood, this conjured-up flood, this disturbed state of mind should be allowed time to become normal before we undertake to legislate upon this subject.

Mr. President, I desire now to call attention to the other monthly variations in the index prices of the other countries. For February they show that the index price for England was 140.3; for France, 139.6; for Italy, 145; and for Germany, 82.5. I call attention further to the fact that in October of 1921 the German index price was 71.1, and that has increased since last October up to March of this year to 83.7.

Mr. President, I ask that this table may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Comparison of index numbers of wholesale prices in gold in leading countries.

(Index numbers based on 1913=100, divided by dollar exchange premium.)

Year.	United States Bureau of Labor (new index).	England statist.	France statistique generale.	Italian bacci.	German statistisches reichsamt.
1920.					
January	233	218.3	214.2	157.3	86.3
February	232	212.4	190	157.3	73.6
March	234	235.7	207.1	165.3	100.8
April	245	252.9	189.9	152.2	109.2
May	247	242	139.8	174	138.9
June	243	244.3	201.7	192.7	148
July	241	238	208.7	180.7	143.7
August	231	221.6	185.9	157.5	127.5
September	226	211.3	182.8	146.4	107
October	211	201.5	169.5	132.7	90.5
November	196	185.6	143	124.4	82.7
December	179	174.8	133.2	118.4	82.2
1921.					
January	170	176.2	135.6	118.4	93.4
February	160	170.8	139.9	115.2	94
March	155	167.6	131.5	119	89.4
April	148	161.2	130.1	138.7	87.3
May	145	156	142.7	149.5	88.6
June	142	142.3	135.8	131.6	82.5
July	141	138.8	133.3	123	77.5
August	142	136.7	133.1	120.7	95.7
September	141	134.6	129.5	127.2	83.1
October	142	129.5	124.5	122.7	71.1
November	141	131.4	124.5	126.7	57.4
December	140	134.3	132.9	136.5	78.8
1922					
January	138	135.5	132.8	134	80.6
February	141	140.3	139.6	145	82.5
March	142				83.7
April	143				
May	148				

Mr. JONES of New Mexico. Mr. President, I have another table with special regard to minerals and metals. The paragraphs which we are considering necessarily involve the metal industry, and the prices of the different commodities which enter into metal products are given in dollars. The table gives the average 1913 price in dollars and the average March 1, 1922, price in dollars, and it shows the per cent of increase. It shows that the price of nut coal is now 19 per cent above the 1913 price; foundry coke is 5 per cent above; foundry pig iron is 13 per cent above; bar wrought iron is 45 per cent above; copper is three-tenths of 1 per cent lower than it was in 1913; tin is 7 per cent higher; zinc is 30 per cent higher; lead is 13 per cent higher; aluminum is 28 per cent higher; and nickel is 3 per cent higher.

I ask that this table may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

The movement of German wholesale prices.

Minerals and metals.	Average, 1913.	Mar. 1, 1922.[1]	Increase on Mar. 1, 1922, over average for 1913.
			Per cent.
Coal, nut (gas)	$3.275	$3.894	+19
Coke, foundry	4.1685	4.394	+5
Iron, foundry, pig	17.984	20.254	+13
Iron, wrought, bar	23.344	33.918	+45
Copper	.319	.318	[2] 0.3
Tin	.722	.775	7
Zinc	.100	.130	30
Lead	.095	.107	13
Aluminum	.405	.520	28
Nickel	.774	.799	3

[1] Prices have been increasing since March.
[2] Decrease.

Rate of exchange used for 1913, 0.2382.
Rate of exchange used for March 1, 1922, 0.004811, the average exchange rate for February, 1922, as published in the Federal Reserve Bulletin.

Mr. JONES of New Mexico. Mr. President, in regard to labor, I desire to read some further observations, not as bearing upon the question of labor costs in marks or in dollars, but as bearing upon the general labor situation in Germany.

On the 21st of June of last year a representative of the United States Tariff Commission went to Germany to make an investigation. That was about two years and a half or more after the war; and here is what that report said:

The productive capacity of the large Siemens plant since the armistice has dropped as low as 51 per cent of that of peace times.

In the machine construction industry, the individual production is estimated at about 50 per cent of that of peace times.

That relates to the individual production as compared with peace times—only about 50 per cent.

One cause of the decrease is the change in labor regulations, as is also evident in the textile industry, where one workman is forbidden to handle more than two looms, as against four in times of peace (prewar). Factories are, to a large extent, compelled to employ a much greater number of workmen than they actually need, because of the Government's requirement of them to enroll certain numbers of unemployed or war-crippled persons. The discharge of unsuitable persons is rendered difficult by the demobilization regulations and by the powers vested in the workmen councils; then, again, the manufacturers hesitate to reduce their skilled force, even in the absence of orders, or they consider the retention of their workmen as a moral obligation. As a consequence, it often happens that the work is dragged out by the shortening of the hours of labor or the omission of shifts. All this tends to increase greatly the overhead expenses. In the iron industry (blast furnaces and foundries) only one-half of the possible production has been rendered, in the weaving industry about the same, and in the spinning mills about two-thirds.

Germany, as compared with countries which have been less affected by the war—and this comprises nearly all of them—has suffered great losses in skilled workers and qualified labor forces, and as a consequence their successors and the education of the latter have suffered. During the war many workers from the textile and other industries became coal miners or ammunition workers, and have therefore lost a great deal of their skill and special productive capacity.

Here is a report bearing upon the production cost as compared with the German wage. This article is a report of an interview with Doctor Striemer, the economic adviser of the German National Labor Federation, and is dated April 30, 1921. What I have is the report of that interview by a representative of the Tariff Commission. He says:

I mentioned to Doctor Striemer that the differences in wage rates in similar industries between Germany and the United States were being used as a basis for comparing roughly differences in cost of production of certain articles in the two countries—

That is just what the Senator from Indiana did yesterday—and requested his candid opinion regarding the accuracy of such comparisons. Without hesitancy he answered that these were not comparable figures because of the much greater production per worker—in some industries as high as and even over 100 per cent more—in America than in Germany and most European countries as well, thus increasing overhead charges enormously per unit produced in the latter countries, because the wage rates in Germany represent a minimum which is often far below the actual earnings per worker, and because there are many expenses incurred by the German manufacturers for labor which are not the case or in such degree in America.

Among the latter could be mentioned the three to four week vacation per worker each year with full pay, the innumerable instances where the worker takes off several hours or a half day or more to attend to some private affairs for which the employer can not deduct from the pay of the workman, the Government subsidies of food supplies, and the paying by the employer of workingmen's insurance premiums and labor required to keep account of same. Concerning insurance against old age and invalidism the employer pays one-half of the premium, against sickness one-third, and against accidents the employer must pay all.

These matters have been referred to heretofore in a general way, but seemingly they have not impressed themselves upon Senators who favor this bill. I have here a copy of the commerce report, gotten out by the Department of Commerce.

This article is a very illuminating one, and it is a recent one. It is dated June 19, 1922. This comes from an official source, and I would like for those Senators who heard the Senator from Indiana yesterday to listen to what the Department of Commerce has to say on this subject. The Senator from Indiana undertook to impress us with the fact that goods could be produced in Germany ten or fifteen times cheaper than in the United States. The Department of Commerce reviews the situation in Germany, and I am rather surprised that some one on the other side of the aisle has not been willing to bring to the Senate this recent official information.

Mr. SMOOT. I have the latest statement of the United States Department of Commerce, the Bureau of Foreign and Domestic Commerce——

Mr. JONES of New Mexico. I prefer that the Senator should put that in at the conclusion of my remarks, if he will. I have no objection to his putting it in now, but I do not care to have it appear at this stage in my own remarks.

Mr. SMOOT. I will not put it in the RECORD just now, but I want to say to the Senator in passing that the amount of wages paid in Germany in the chemical industry, as reported by the United States Department of Commerce, is so low that when I first received it I dared not use it until it had been checked up. I have this report now, and at some time, either to-day or at some future time when I am speaking, I shall put it into the RECORD.

Mr. JONES of New Mexico. I hope the Senator will put it in the RECORD, because I am perfectly willing and glad to have all the real information obtainable before the Senate and before the country.

Mr. SMOOT. Would the Senator believe that untrained technical workers, draftsmen, helpers, assistant photographers, and laboratory assistants are receiving $6.19 per month in Germany to-day?

Mr. JONES of New Mexico. Mr. President, I have been discussing that. I do not want to repeat, and I know the Senator from Utah does not want us to consume time unnecessarily, but I have pointed out time and again that, regardless of wages paid in Germany, they are not turning out the goods, and they are not flooding this country with exports. Unfortunately, the Senator from Utah was not here just a moment ago when I read a report of the Tariff Commission, made upon an investigation of some man representing American labor there, after interviewing economists in Germany as to the productiveness of American labor, who said that the question of the amount of money paid for labor was not comparable; in other words, that it was no index to the cost of production in Germany.

Mr. SMOOT. I will say to the Senator that I do know that a German can produce just as many chemicals in Germany as a workman in this country can. I know that if the salary is not one-tenth what it is in this country there must be a difference in the cost of producing goods in Germany and producing goods here.

Mr. JONES of New Mexico. Every time the Senator from Utah rises it is almost like turning a new page of an encyclopedia, and I am always glad to yield to him. He is always good-natured with me, and I am with him.

Mr. HEFLIN. A mutual admiration society.

Mr. JONES of New Mexico. Yes; a mutual admiration society between the Senator from Utah and myself, as suggested by the Senator from Alabama.

We have this direct statement, that the productiveness of labor is not as great as that indicated by the wages. That statement was made, and I am going to make a further statement from official sources regarding it. I have read that statement here, and it is general information that we get from all our reading on the subject.

I want to get before the Senate this latest report of the Department of Commerce. It does not give the wage in dollars, but is does bear upon the effectiveness of German labor at the wage paid. It reads:

German industry is facing a discouraging outlook. Production costs are affected by rising coal prices, wage increases, and by the 25 per cent freight rate increase of June 1, which is doubtless to be followed by an additional advance on July 1; also the prices of necessary raw material show little favorable effect from the slight improvement in exchange. The forced loan will doubtless fall heavily on industry, and any later supplementary taxation will further increase production costs. On the other hand, there is noticed a decrease of foreign orders and many cancellations of contracts, which may be explained by the approach of German export prices to world-market prices.

If commodities can be produced in Germany at any such prices as indicated in the speech of the Senator from Indiana yesterday, why are they canceling orders?

The approach to world-market prices is particularly marked in the textile, steel, hollow glass, enamel ware, agricultural implements, and tool industries.

I make the observation here now, because we are considering a matter involving steel production, that according to this statement, dated the 19th day of this month, the cost of those commodities is approaching world prices, and orders are being canceled.

The impossibility of quoting firm prices for future deliveries is also a handicap.

Heretofore I have stated, and produced evidence to substantiate the statement, that in trade in Germany there is no longer an opportunity to enter into a contract for the future delivery of these commodities at a fixed price. The German Government has interfered, and one dealing with Germany now can not know what his goods are going to cost until they are actually delivered.

The competition of an increasing number of foreign manufactured products in the German market is prevented only by recent increases in import duties and by a tendency toward a stricter enforcement of the import embargo.

Germany is troubled about imports, and is increasing her duties to keep out competition. That must mean competition in various lines of industry, in steel products, in textiles, in leather, and other lines which can be produced and sold in Germany in competition with German products. I read further:

It is increasingly realized in Germany that an improvement in the external value of the mark or even a stabilization at its present level, whether due to an international loan or other causes, may bring an industrial slump. An improvement in the mark would tend to restore the confidence of the German public in the soundness of their currency, but this added stability would be a high price to pay for an industrial depression of unknown duration. The domestic overbuying of goods with intrinsic value would seriously jeopardize export prospects in many instances and end in a subnormal domestic demand.

The illusory nature of the present industrial activity based on half speculative domestic buying and valuta dumping abroad, is becoming increasingly apparent; temporary advantages of fresh currency depreciation are progressively less effective.

Mr. President, we have heard much about the depreciation of the German mark. It has been pointed out to us time and again that, owing to its depreciated currency, Germany can outproduce and outsell the world, and yet not a man has risen in this Chamber to advise us to depreciate our currency. If depreciated currency is a good thing, if it is going to make industry prosperous, if it is going to give us world markets, why does not some one rise and advise us to depreciate our currency?

The reason is, as I have heretofore stated, that a depreciated currency can only be an impetus to trade while it is depreciating. When it gets down to the bottom, under the law of supply and demand, a natural equilibrium is found, and prices are restored to world conditions, as any economist knows.

I mention again that that is only evidence that this situation in Germany is ephemeral, is temporary, and if it is not hurting American industry during this temporary period, during the time the currency is being deflated, what normal mind would fear future competition, when prices in Germany are seeking this great world level?

So the Department of Commerce uses the expression, "The illusory nature of the present industrial activity." Other conditions in Germany are mentioned. I read further from the report:

German foreign trade figures for April show the largest adverse balance in paper marks yet recorded; imports (amounting to 2,888,900 metric tons) were valued at 28,261,000,000 paper marks, while exports (amounting to 2,176,000 tons) were valued at 22,995,000,000 paper marks—making an import surplus of 5,266,000,000 marks.

Now, if Germany was flooding the world with her products, if German industries were active and productive to anything like the extent which Senators would have us believe, why does not Germany have at least a balance of trade in her favor? But in April of this year the balance of trade against Germany was 5,266,000,000 marks.

Exports which showed a decrease by weight in April from the previous month were as follows: Dyes, 10 per cent—

We have heard a great deal here about the world being flooded with dyes from Germany. In April the export of dyes had been decreased 10 per cent—

iron and steel goods, 5 per cent; paper, 16 per cent; pottery, 13 per cent; glass, 29 per cent; musical instruments and toys, 7 per cent; cotton textiles, 11 per cent; rubber goods, 20 per cent; machinery, 2 per cent; electrotechnical goods, 22 per cent.

In that one month those were the decreases in exports from Germany. There were a few increases, and in order to get in the whole article I shall read those:

Increases by weight from March to April were seen in heavy chemicals, 36 per cent; zinc and zinc alloys, 41 per cent; leather and leather goods, etc., 26 per cent.

Imports of agricultural and horticultural products amounted to 474,000 metric tons as against 390,000 in April and 190,000 in February.

Coming now to coal, which is a necessity in the production of steel and iron and of all the commodities made from steel and iron, the article proceeds:

The Ruhr coal production for 19 working days in May amounted to 5,600,000 tons; Ruhr coke came to 1,475,000 tons. Better transportation facilities reduced pithead coke. Upper Silesian coal production was somewhat larger in May than in April. The imports of British coal into Germany are increasing, being estimated at 1,000,000,000 marks in May.

What Senator on the other side of the Chamber has dared to suggest that Germany was an importer of coal, a necessity for every one of her industrial factories? It is known that when Germany imports coal it must be paid for on a gold basis and in these enormously depreciated marks. Instead of being an advantage as to her imports, the depreciation is an enormous disadvantage. But who on the other side of the Chamber has ever thought of suggesting that this depreciated currency had its disadvantages?

The heavy metal industries are still embarrassed by the coal shortage and further reductions in the coke allotments to certain foundries; a shortage of pig iron makes imports necessary. The slowness in steel deliveries to consuming industries, including the agricultural implements industry, is causing long delays in selling contracts; this is making a bad impression on foreign customers. The foreign demand for rolled goods is quieter, but somewhat better in the case of shapes and bars. Belgian and British competition is preventing the export of thin black sheets, and wire rod exports are threatened. The hardware and cutlery industries are embarrassed by a scarcity of material, and the former reports numerous canceled contracts.

That is the hardware industry.

The hardware and metal finishing industries generally report a slackness in new orders and a heavy slump in export demands.

Where is the evidence of this flood?

Cotton spinning is less active, but the slump is not yet affecting weaving mills, which anticipate being able to continue the present rate of production for several months on the basis of old orders. Bremen cotton stocks on the 26th of May amounted to 261,000 bales, as compared with 328,000 on the 5th of May. British competition is increasing in cotton yarns from Nos. 60 to 160. Woolen mills are fully occupied, although new orders are decreasing. The linen industry is facing a consumers' strike on account of prices, with little prospect of export.

Yesterday the Senator from Indiana displayed to us some articles of linen, but the export trade from Germany in linen, according to this report, is threatened with competition from somewhere else. If the exports be threatened, it means that the cost of production in Germany can not be much less than it is somewhere else.

Uncertainty in the textile industry is affecting the domestic dye market and serious competition seems to be increasing abroad. The production of heavy chemicals, cement, and plate glass is limited by the coal shortage. The hollow glass and woodworking industries report a decline in export demand, with similar tendencies in the domestic market. The marketing of lumber from East Prussia is threatened by new freight rates.

An increase in the price of coal is reported to be imminent as a result of the new demand. The maximum inland prices of pig iron, in paper marks per metric ton, effective on June 1, were as follows:

I shall not give them, because I have not the comparative figures for them. I do not know with what they compare for previous months. It gives also the price of copper sheets.

Now, in regard to the rise in the cost of living:

The Frankfurter Zeitung wholesale price index (77 commodities based on 100 for June, 1920) rose from 585 on May 1 to 606 on June 1, the latter being sixty-seven times the pre-war figure for this index.

Senators will recall that during the month of May the German mark was worth just about one sixty-seventh of its parity in gold, and here we have it stated that the cost of living in Germany has risen until, according to this authority, it is sixty-seven times the pre-war figure, measured in marks, almost fully equalizing the difference in parity of exchange.

When I am told that German wages to-day are only one-tenth or one-fifteenth or one-sixth of the wages in the United States, and when I am told that the prices of living in Germany are sixty-seven times as high as they were prior to the war, measured in marks, I do not believe it. They can not live on any such basis.

The Government cost of living index (based on 100 in July, 1914) for May was 3,462, having increased from 3,175 on April 1 and from 1,640 on January 1.

There is a rise from the 1st of January to May from 1,640 marks to 3,462 marks.

Through 1921 the increase had been steady from 944 in January to 1,550 in December. The foodstuffs index for May showed 4,680, having been given a month before as 4,386—

An increase in the one month of about 300 marks in the value of the index number—

and in January of this year as 2,219.

More than doubled since the 1st of January of this year.

Mr. STERLING. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from South Dakota.

Mr. STERLING. Do not the figures given by the Senator simply mean a decline in the gold value of the German mark? The Senator speaks about the rise in the cost of living as measured in marks. What is the increase in the cost of living as measured in gold? Is there any such increase?

Mr. JONES of New Mexico. I am glad the Senator made his inquiry, because it is very pertinent and important to the application of what I have been reading. I will state to the Senator that the German mark last fall reached its lowest period. It was about October, I believe, when the German mark got down to the point where it took about 300 of them to be worth a dollar, or one-third of 1 cent each, speaking in round numbers. That was the value of the mark then. It has remained about that figure since. It has varied a little, not materially. Notwithstanding the mark has remained stationary, prices of these goods have increased the number of marks which I have just read. So that it shows that the mark is no longer declining, but the prices of commodities, measured in marks, are rising.

Necessarily, as I have previously pointed out, there must come a time when the prices must reach the same level or equilibrium with world prices of commodities; and so far as the cost of living is concerned it has just about reached there now. Measured in marks, it is sixty-seven times what it was prior to the war, and the parity of exchange is about 68 at the present time.

On May 1 the number of organized laborers receiving unemployment allowances was 51,417, which shows the remarkable drop from the numbers reported for April 1 (171,000) and March 1 (209,000). The industrial boom indicated by this rapidly decreasing unemployment figure in March, April, and May is coming to an end; the minister of labor recently informed the Reichstag that this was the case and that serious unemployment might soon result. A compromise with which the four months' strike of south German metal workers was ended furnishes an important precedent by establishing a 47-hour week. Strikes seem to have been a trifle more numerous in May than in April, which had shown decreased unrest as compared with March. In the month just ended there was a brief strike in the weaving industry in Saxon Thuringia, a wage strike in the Magdeburg sugar refineries, and a strike in the mines and smelters of the Harz affecting about 5,000 men.

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Postal rates are to be increased on July 1 by 35 to 50 per cent. After the increase in postal and telegraph rates on January 1 a decided falling off was noticed in the use of these services.

Mr. President, what a picture! It seems to me that anyone who will glance at that picture will not be thinking about the flood of imports from Germany; but when it is understood that Germany is one of the best customers the United States has ever had in Europe let us look at another picture and remember that the farmers of the country want to find a market for their surplus products. We can not ignore either one of those pictures. Senators on the other side of the Chamber are continually exhibiting the one picture; they have been misinterpreting that picture; they have not yet seen the full scope of the picture; but the picture which represents the prosperity of the great farming interests of the country has been deliberately and willfully ignored and put into the cellar.

Mr. President, we wonder why it is that there could be such a disparity in the selling price of these German commodities in the United States and the purchase price in Germany. Yesterday when the Senator from Indiana [Mr. WATSON] was addressing the Senate, and some days ago when the Senator from North Dakota [Mr. MCCUMBER], the chairman of the Finance Committee, made a like exhibition, I tried to get information from those Senators regarding the actual cost of those articles in Germany. Yesterday I challenged the Senator from Indiana to corroborate his statement that the gun which was produced here was bought in Germany for 90 cents. He has not yet furnished any information to that effect. As I stated then, the truth of the situation is that those goods are purchased in Germany for so many marks, and when they were exported to the United States the value of the mark as of that day was taken as the basis of the foreign cost for purposes of taxation, for purposes of levying the duty. That is the law. In the emergency tariff law we enacted a provision which required that that be done. If the German mark had depreciated between the time the importer purchased the goods or contracted for the goods, it would show a cost price very much less than the actual cost. That was so regarding many of the items which were exhibited here by the Senator from North Dakota. When we were discussing the question of cutlery we were confronted with just such statements as that. We were then told how cheaply razors were bought abroad and how cheaply knives were bought abroad, and specific instances were given. I wanted to find out whether or not that was the actual situation. So I called upon the people who did the importing, and I have information direct from them regarding it. It presents just that situation.

Here is a letter which I have received from an importer and manufacturer of cutlery. The letter is addressed to me, and the writer says:

Senator McLEAN stated, as is recorded on page 8407 of the CONGRESSIONAL RECORD, volume 62, covering the proceedings of June 8, 1922, that item 665, which we imported, costs, landed in the United States, $1.12 per dozen. These figures that Senator McLEAN gave are taken from the Reynolds report, which is absolutely out of date. The landed price of this imported knife to-day would be very close to $2 per dozen.

The selling price of the comparable domestic article, which, as a matter of fact, is our No. 62963½, made by our own factory—the Camillus Cutlery Co.—is $3.82½, not $4.67, per dozen, as indicated by the Senator; so that the difference between the domestic and imported article is not nearly so great as the Senator would like to have you believe.

On page 8451 of the CONGRESSIONAL RECORD, covering the proceedings of June 9, the writer notices that Senator McLEAN asks the percentage of merchandise handled by the importers that is imported and the percentage manufactured in this country. As far as we are concerned the percentage is about 50–50, but it might interest Senator McLEAN to know that we have over half a million dollars invested in our American pocketknife factory at Camillus, N. Y., which incidentally is operating full time with its full complement of men despite the fact that we have not yet gotten the protection which the McCumber-Fordney bill desires to afford us.

That letter does not contain information which I thought it did, but it comes from a man who is not only an importer but a manufacturer, who carries on just about as much business in one capacity as in the other.

Here is a letter dated June 13, addressed to me by H. Boker & Co., to whom reference was made in the discussion, I believe, on the 12th of June, in a colloquy between the Senator from Connecticut [Mr. McLEAN] and myself. The letter reads:

I have read with a great deal of interest the CONGRESSIONAL RECORD on the cutlery schedules and want to assure you that it was furthest from my mind to deceive you as regards the landed cost of any item. I refer particularly to razors, No. 101.

Senator McLEAN asks why I should deem it worth while to deceive you. The facts, as the Senator states, as to the cost of this razor in August, 1921, are correct. As to the cost of the same razor on an invoice of April 28, 1922, he is also correct, that it was cheaper than in August, 1921, with this difference—that the razor cost us $3.79 in Germany, and not $3.15, as he states. The reason for this is, that we had orders placed at firm prices, and as the value of the mark in August, 1921, was $0.0119 against a mark cost of $0.0035 in April, 1922, this accounts for difference in the cost and is due to the factories having accepted our orders at firm prices, not appreciating at that time that the mark would drop so much.

There is a drop in the price of the mark from nearly a cent and a quarter to one-third of a cent, and according to the law the duty would be paid on the assumption that the mark cost one-third of a cent instead of about a cent and a quarter, a difference of nearly 400 per cent. That explains why and how these great percentages appear in the exhibition which was staged here by the Senator from Indiana and the Senator from North Dakota, the chairman of the committee. It was because of a depreciation in marks; so it becomes necessary in each of those cases to know when the contract was made, the price of the mark in exchange upon that day, and the difference between that time and the day of export. It was that information which I sought from the Senator from Indiana as well as the Senator from North Dakota, and neither one of them had any such information; but it was absolutely essential to give any worth to the side show which was being pulled off here in the Senate Chamber.

We have always contended with our factory in Germany that our goods were placed at firm prices. They, on their part, while shipping some items at firm prices, in some instances have cabled us that they would have to get certain advances on some items, in which case we always consented to their shipping the goods at the advances. This is borne out by the statement later in the letter regarding cost of knife No. 6066, which in March was one price and in April materially higher.

But the important point is not what goods have cost us in the past, but what they will cost us in future, and this razor will cost us on any future order that we may place $11.48, landed in New York, duty paid.

That is, present duty, whereas under the illustration the same razor was landed at $3.79; but on future orders it will be landed at $11.48.

Why is it not important that those facts be known? Why do we not find out what the price of those shotguns is in the United States to-day? Why is not some reason given why this country is not being flooded with those commodities? Is it possible that Senators of the United States will presume upon the ignorance of the people of the United States? If not, why do we have such side shows pulled off here in the Senate Chamber?

The American comparable razor is sold to-day at $11 per dozen, and it is not a cheap article; it is rated in quality as good as any razor made in America. I am sending you a sample, which you can compare with the No. 101 that you have. You will note that this American razor is a full hollow-ground razor, well finished, and any number of wholesale houses who handle this razor can substantiate what I say, i. e., that it is a first-quality razor and rates with any of the high-grade razors made in this country.

Senator FRELINGHUYSEN quotes an American razor of which the wholesale selling price is $17.05. I do not know the razor that he used for comparison, but I do know that the sample that we sent you ranks with any other American razor, and therefore it is more than likely that the price of $17.05 was a quotation during the high war times and not the price to-day.

I will now take up knife No. 6066.

Mr. HITCHCOCK. Mr. President——

Mr. JONES of New Mexico. I yield.

Mr. HITCHCOCK. Before the Senator leaves the item of razors, let me ask him if his correspondent explains why the future invoices of the razors will be at approximately $11?

Mr. JONES of New Mexico. My correspondent had stated that in the letter which I produced and put into the RECORD the day that the Senator from Connecticut and I were discussing the matter. The reason he gave was that under a law of Germany, after the 15th of May, I believe, no goods could be billed out of Germany to this country in marks, but they had to be billed out in dollars, and that the old contracts which had been made, if firm contracts—that is, fixed contracts, with no chance to vary with the increase in price—could be billed up to the 1st of September of this year; but by that measure the price from that time was fixed at 25 per cent above the pre-war price, in most instances, and 40 per cent above the pre-war price in others; so the whole matter was gone into in the discussion at that time.

I will now take up knife No. 6066. Senator McLEAN states that according to the Reynolds report the landed cost for this knife at that time was $5.75 per dozen. I will take for granted that it is correct, though I have not checked up this figure. The Senator goes on and states that in April of this year this same knife costs $2.55 landed cost. Both of the above two figures are, of course, without duty. The facts in the case are, that on our invoice of March 27, 1922, we did receive some of these knives at approximately this landed cost of $2.55 without duty, but on invoice of April 28, 1922, we received some of these same knives on which the landed cost without duty was $4.27. This difference in one month is due to advances that we had to pay and also due to the mark being approximately $0.0033 on the March invoice and $0.0035 on the April invoice.

This only bears out what I mentioned to you that goods keep advancing from Germany, and I want to impress you further with the fact that any orders that we may place will only be filled at the gold value of the mark plus 25 per cent, which would make this knife cost $8.87.

The Senator further stated that a comparable American knife was being sold at $13. We do not know to which American knife he referred, but we make this same knife, equal in finish, etc., in our own American factory, and we sell it to-day at $11.25 per dozen. This comparative figure will show you that even the present rate of duty would only leave us a fair profit if we sell it at the price of the American comparable article. To me it seems that the selling prices which were quoted by the Senators on the Republican side are those that they got for goods some time ago, and I think that they should further investigate the American prices that they have.

The prices that I quote you are absolutely authentic, and our American knives are rated with other first-class American goods.

I will not go into the matters of scissors any further than to say that there is a big difference in the quality and finish of scissors.

Then he proceeds to discuss shears and some other items, and so on, which I will not take up the time at present to read; but I ask that the entire letter may be printed in the RECORD without reading.

The PRESIDING OFFICER [Mr. LADD in the chair]. Without objection, it is so ordered.

The letter referred to is as follows:

H. BOKER & CO. (INC.),
MANUFACTURERS AND IMPORTERS,
CUTLERY, HARDWARE, STEEL,
101–103 Duane Street, New York, N. Y., June 13, 1922.

Senator A. A. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have read with a great deal of interest the CONGRESSIONAL RECORD on the cutlery schedules, and want to assure you that it was furthest from my mind to deceive you as regards the landed cost of any item. I refer particularly to razors, No. 101.

Senator McLEAN asks why I should deem it worth while to deceive you. The facts, as the Senator states, as to the costs of this razor in August, 1921, are correct. As to the cost of the same razor on an invoice of April 28, 1922, he is also correct that it was cheaper than in August, 1921, with this difference, that the razor cost us $3.79 in Germany and not $3.15, as he states. The reason for this is that we had orders placed at firm prices, and as the value of the mark in August, 1921, was $0.0119 against a mark cost of $0.0035 in April, 1922, this accounts for difference in the cost and is due to the factories having accepted our orders at firm prices, not appreciating at that time that the mark would drop so much.

We have always contended with our factory in Germany that our goods were placed at firm prices. They, on their part, while shipping some items at firm prices in some instances, have cabled us that they would have to get certain advances on some items, in which case we always consented to their shipping the goods at the advances. This is borne out by the statement later in the letter regarding cost of knife No. 6066, which in March was one price and in April materially higher.

But the important point is not what goods have cost us in the past but what they will cost us in the future, and this razor will cost us on any future order that we may place $11.48 landed in New York, duty paid.

The American comparable razor is sold to-day at $11 per dozen, and it is not a cheap article; it is rated in quality as good as any razor made in America. I am sending you a sample which you can compare with the No. 101 that you have. You will note that this American razor is a full hollow-ground razor, well finished, and any number of wholesale houses who handle this razor can substantiate what I say, i. e., that it is a first-quality razor and rates with any of the high-grade razors made in this country.

Senator FRELINGHUYSEN quotes an American razor of which the wholesale selling price is $17.05. I do not know the razor that he used for comparison, but I do know that the sample that we sent you ranks with any other American razor, and therefore it is more than likely that the price of $17.05 was a quotation during the high war times and not the price to-day.

I will now take up knife No. 6066. Senator MCLEAN states that according to the Reynolds report the landed cost for this knife at that time was $5.75 per dozen. I will take for granted that it is correct, though I have not checked up this figure. Then the Senator goes on and states that in April of this year this same knife cost $2.55, landed cost. Both of the above two figures are, of course, without duty. The facts in the case are that on our invoice of March 27, 1922, we did receive some of these knives at approximately this landed cost of $2.55 without duty, but on invoice of April 28, 1922, we received some of these same knives on which the landed cost, without duty, was $4.27. This difference in one month is due to advances that we had to pay, and also due to the mark being approximately $0.0033 on the March invoice and $0.0035 on the April invoice.

This only bears out what I mentioned to you, that goods keep advancing from Germany, and I want to impress you further with the fact that any orders that we may place will only be filled at the gold value of the mark plus 25 per cent, which would make this knife cost $8.87.

The Senator further stated that a comparable American knife was being sold at $13. We do not know to which American knife he referred, but we make this same knife equal in finish, etc., in our own American factory and we sell it to-day at $11.25 per dozen. This comparative figure will show you that even the present rate of duty would only leave us a fair profit if we sell it at the price of the American comparable article. To me it seems that the selling prices which were quoted by the Senators on the Republican side are those that they got for goods some time ago, and I think that they should further investigate the American prices that they have.

The prices that I quote you are absolutely authentic, and our American knives are rated with other first-class American goods.

I will not go into the matter of scissors any further than to say that there is a big difference in the quality and finish of scissors.

Shears: When the Senator from Connecticut states that a duty on shears is necessary because the Germans would manufacture them and shut up the American factories the facts are as you stated; the process of manufacturing is totally different, and if the Germans had been able to manufacture them is it not reasonable to suppose that they would have started in pre-war times? Government reports, as you quote, show that shears have been exported in large quantities to Europe for years.

Knives, No. 5611: The Senator from Connecticut calls attention to knives, No. 5611, which is one of our make, and states that the American selling price of a comparable article is $24.50. The selling price to-day of the comparable article which we manufacture is $19 per dozen, and we will be glad to take orders for them at this figure. Here also it might be well for the Senator from Connecticut to investigate the prices of comparable American goods.

In reference to the cost of this knife, No. 5611, he states that the landed cost was $10.20 without duty, which is also not in keeping with the facts; the landed cost in August, 1921, was $11.37 without duty.

In reference to the other numbers that are quoted, Messrs. A. Kastor & Bros., who are large importers of these cheaper grades of goods, will send you further information.

The Senator from Connecticut assumes that we are owners of the German factory. What his basis is for expressing this opinion on the floor of the Senate I do not know, but the facts in the case are that the family of Boker is a large one in Germany, and they are in different lines of manufacturing. The firm of Heinrich Boker & Co., Solingen, has absolutely no interest whatever in our concern, nor have we any interest whatever in their concern. We are the United States agents for them, and we must buy goods at the best prices that we can from them. When the Senator implies that it was to my advantage to deceive you he is making rather a broad assertion, which he can not justify in any way.

The Senator further states that it would be interesting to know what proportion of our business was imports and what proportion was American goods. The percentage of our German importations of our business last year was 15 per cent.

The Senator further states that American factories are running on half time and with only a skeleton force. Both of our factories are running full time, one of them with a larger number of employees than in pre-war times and the other with about two-thirds of our pre-war force.

The Senator from Connecticut further states that these importers control the situation and can make the prices on the foreign goods. That is also rather a broad assertion. When the German Government passes a law that compels the invoicing of goods in dollars at the advances that I have mentioned to you, i. e., ranging from 25 to 40 per cent over the gold mark value, surely no one in any seriousness would state that we here as American importers could compel the German Government to make such prices as suited us.

The statement of the importers as to the conditions and as to what they consider a fair rate of duty is based upon the knowledge of actual conditions and with the thought uppermost in their mind that our American interests must have ample protection. Of the three firms who signed the statement one has $1,500,000 invested in American plants and one of the others well over $500,000, the third has a small capital investment, but they are making American scissors only.

I will be very glad to come down to Washington at any time that you wish to see me to still further clear up any doubt that you may have in your mind as to my intention when I gave you this information, and also to give you any further information that you would want. Mr. Kastor is also prepared to come down at any time that you wish. They are the largest importers of the cheaper grades, while we import almost altogether the higher grades, so that if we both come down we could without doubt give you any additional information that you will want.

Yours very truly,

EDW. GRAFMUELLER.

Mr. JONES of New Mexico. Mr. President, I have put those letters in the RECORD for the purpose of showing just how these matters have operated, why this disparity exists, and so forth, and why there is the necessity of ascertaining the dates and circumstances surrounding each one of these purchases.

I have here an illustration that has been prepared to show in simplified form just how important these matters are which I have been discussing. It was prepared by one of our assistants in the consideration of this bill, and it is entitled:

How an apparent spread between foreign prices and domestic retail prices of merchandise imported from Germany or other low-currency countries may occur.

During February the New York exchange value of the German mark was slightly over 2 cents—

That was in February, 1921.

while during November of the same year it was about one-third of a cent.

It is well-known that it takes from 6 to 12 months after date of order or contract to get deliveries in Germany.

The customs law requires that duty shall be paid on the foreign market value of imported merchandise on the date of exportation.

Invoices for goods ordered in February, 1921, at 2 cents for the mark and exported in November at the one-third cent mark would be converted into American money at the New York customhouse on the basis of one-third cent for each mark, instead of 2 cents, the actual purchase price.

Example: Supposing an importer ordered a bill of goods from Germany in February, 1921, amounting to 1,000 marks, on which the duty is 50 per cent ad valorem, these goods to be manufactured and delivered for export to the United States in November.

This importer would immediately buy exchange from his New York bank to cover this transaction, paying for same 2 cents for each mark or an amount of $20, not including bank charges. All regular importers do this to eliminate chances of loss in a sudden rise in exchange; in other words, they do not gamble on exchange. On the basis of the 2-cent mark the importer makes all his calculations, including duty, to arrive at his selling price in the United States as follows:

Foreign cost, 1,000 marks at 2 cents	$20.00
Freight and insurance, 5 per cent	1.00
Duty, 50 per cent	10.00
Overhead and profit on cost, 50 per cent	15.50
Selling price	46.50

NOTE.—It is doubtful whether or not importations of the class of goods as exhibited by Senator MCCUMBER could be handled with success by a department store on an overhead and profit of only 50 per cent.

That shows how those goods would cost actually $20, but if we take the date of export we find that it would be a third of a cent for each 100 marks, and that would reduce that price by a percentage which I believe appears later, and I will read that so as to have it stated accurately.

Assuming the above goods were delivered and exported from Germany during November, 1921, or thereabouts, when the value of the mark declined to one-third of a cent.

In due time the goods would arrive at the customhouse in New York accompanied by an invoice for 1,000 marks. The United States appraiser would examine and appraise the merchandise, note on the invoice that 1,000 marks was the correct foreign market value on date of exportation, and return said invoice to the collector of customs for liquidation.

The collector of customs would convert the 1,000 marks at the New York rate of exchange as of the date of exportation, viz, one-third of a cent, and the records of the customhouse would show that the goods cost $3.30, notwithstanding that the importer contracted for the goods when the mark was worth 2 cents, and that his actual first cost was $20.

The importer's selling price, as calculated above, of $46.50, was based on actual figures; the customhouse records only show the legal value for duty purposes of $3.30, an apparent but not actual spread of about 1,400 per cent. This probably happened thousands of times during 1921, when the mark took a sudden and sharp decline, and while the importer would enjoy some advantage by reason of having the dutiable value based on the lower rate of exchange it is obvious that the spread would not approach 1,400 per cent.

Senator MCCUMBER in stating the foreign costs of the articles exhibited gave the gold value as converted by the customs, and did not state the value in foreign currency as shown on the invoice or the rate of exchange paid by the importer.

It is evident, therefore, that the majority of his figures as to foreign costs are inaccurate.

Evidently that is just what caused the exhibition here yesterday; but it is apparent to anyone that without further information this side show had no significance whatever; unless we know when the goods were contracted for, when the foreign exchange was bought, when the goods were exported, and the gold value of the currency at the date of the exportation. Unless we know those things, then these figures amount to nothing; they mean nothing. Yet Senators deliberately go about that sort of thing, and we were advised yesterday by the Senator from Indiana that this was only one side show, and that there were others to come. I wonder how long the patience of the country is going to be trifled with with such folly.

Mr. President, it is evident that much confusion exists among the proponents of this bill, and I am going to read an editorial taken from the New York Herald to-day bearing upon the situation. I call to mind that while the New York Herald is generally denominated an independent paper, the country aligns it as a Republican paper. This is the leading editorial. We recall that the other night the Senator from New Jersey [Mr. FRELINGHUYSEN] made an extended speech advocating the extension of the Tariff Commission, and that the tariff be taken out of politics. The Senator from New Jersey at that time expressed the view, notwithstanding the fact that he is a member of the Finance Committee, that no scientific basis underlay

this bill; that it was conceived in uncertainty and was produced in confusion. The comment of the New York Herald seems to me somewhat timely, and I read it:

SELF-CONFESSED IGNORANCE.

Senator FRELINGHUYSEN, of New Jersey, had a good deal to do with making the McCumber tariff duties in the Senate Finance Committee, so he speaks from knowledge and experience when he tells how the measure was put together. And Senator FRELINGHUYSEN is honest enough to declare in effect that the men who made the schedules did not know what they were doing. No other conclusion is to be drawn from his admission that "the schedules were written without adequate knowledge of the facts."

This is exactly what the economists, business men, and newspapers of the country and the clear thinkers in Congress itself object to about the slipshod, bungled thing which the Fordney-McCumber tariff makers have ventured to foist upon the country as a fitting exemplar of the American tariff system.

Senator FRELINGHUYSEN says, however, that this blunderbuss tariff ought to be passed none the less as the best the lawmakers could do in their ignorance. After that, he urges, let men who know something about the business and economic conditions of the country and of the world get on the job at once of trying to take the ignorance and mischief out of the measure, putting in what is reasonable and right.

But American common sense will answer that since a Senator who helped to make the tariff measure admits it is an ignorant and dangerous botch, the thing to do with it is not to turn it loose on the country, with all its capacity for harm, but to modify its excesses until it has been made safe for the country.

If the other tariff makers realize as Senator FRELINGHUYSEN realizes—and they can hardly fail to see what he both sees and acknowledges—that they did not know what they were doing when they patched up their tariff monstrosity, they can cut or postpone every inordinate duty that is a reckless experiment until they get their tariff measure into shape where it looks at least like something sane and safe. After that, the expert work by men who do know what they are about can begin to make a tariff that the public can accept and the country thrive under. But take no perilous chances now.

The language used in that editorial is, I believe, stronger than anything I have said regarding this bill. It comes from a newspaper of the country which is recognized as one of the leading Republican inclined newspapers of the country. The same views have been expressed in practically every Republican newspaper of importance in the country. There are a few exceptions, but the New York Tribune, the New York Journal of Commerce, the Chicago Tribune, the St. Louis Globe-Democrat, the independent press of the country generally, quotations from which have been read into the RECORD at different times, all condemn this measure, and to call it a monstrosity is a mild expression compared with some of those which have been used in these Republican papers. If there is a single Republican paper in all the land which has come out and championed this bill I have no knowledge concerning it.

Mr. HITCHCOCK. The distinguished Senator from Indiana [Mr. WATSON], the great champion of this bill in the Senate aside from the chairman of the Finance Committee, has admitted, in so many words, that the press of the country is against the bill.

Mr. JONES of New Mexico. The Senator virtually did that immediately on his return from Indiana. On the 5th of this month the Senator sounded the alarm, said the country had been heard from, and that they were determined henceforth to defend this bill; that only the criticism had been carried to the country, and that they were going to defend it. What kind of a defense do they make?

What did the distinguished Senator from Indiana, as the star of this performance, do in his first speech, in which he said he was going to defend this bill? Senators who listened to that speech, and those who have read it since, know that he did not mention a single paragraph in the bill, and did not undertake to justify a single rate.

The situation becomes further desperate, and he comes before the Senate again and produces another side show. He does not mention a single rate. He does not defend a rate or a paragraph in the bill. He puts before the Senate a situation which is at least folly, if not to be condemned.

I do not attribute to the distinguished Senator from Indiana other than the best of motives; yet, possessing the little information which he furnished us yesterday, no person of sound reasoning or common understanding can conclude that the object was any other than to deceive the American people.

On the question of wages, which I discussed earlier this afternoon, the Senator told us that the average wage in five key industries of the country is $1.25 an hour and that the wages in Germany are only one-fifteenth of that, and everybody who observes passing events at all knows that the only effect of that would be to deceive.

The Senator yesterday took occasion to refer to the press of the country. He said:

I have as great admiration for the New York Times as a newspaper as anybody else, but it is an international paper. It believes in these importing houses. It is opposed fundamentally to the establishment of American industry.

Mr. President, that is another great independent newspaper of the country. I suppose there is not another paper in all the land which so enjoys the absolute impartial confidence of the people as does the New York Times. That is what the Senator from Indiana has to say, but, mind you, from what follows it does not appear that he was singling out the New York Times alone in condemnation. He was using it as an illustration of a corrupt press, but I do not believe that he can ever convince the American people that the metropolitan and trusted press of this country is corrupt. He said that an advertisement had been offered which the New York Times declined to accept because it violated a rule of the trade. I shall not take the time to discuss that now, but from the bare fact that the New York Times, according to its business rule, a rule which I believe has obtained in every other newspaper of the country, refused to accept an advertisement because it violated one of its rules, the Senator from Indiana chooses to condemn the paper in this language.

I quote that—

Referring to quotations he had read from an advertising agency—

only for the purpose of showing the strangle hold the retail and importing establishments of New York have on some of these very great publications and newspapers.

Previously the Senator had used this language:

Will the great New York Times, one of the ablest and strongest papers published and edited in all the world, publish the truth about these things? No; it will not. Why? Because James McCutcheon & Co. will not permit them to do it. That is precisely the reason.

Mr. President, I am not surprised that Senators who assume the rôle of defending the bill will try to find something beyond its pages to use for that purpose. When the Senator from Indiana returned from Indianapolis, having found that the people of the country were condemning the bill, having found that the press of the country, the Republican press, was condemning the bill, there were just one or two things to do in order to defend it. They had to divert attention from the bill itself, and they had to discredit the American press in order to defend it.

The American press had been condemning the bill. It is still doing it. So, as I have said, it became necessary to divert the attention of the American people from it. Here is how the press of the country views the bill, and it is how the people of the Nation feel about it. I read only from the headlines of an article which appeared yesterday in the Journal of Commerce, published in New York, a great paper, but which the Senator from Indiana would say was controlled by some advertiser. I do not wonder that Senators will resort to these subterfuges. They thus try to divert the attention of the American people. They try to discredit the American press, and, as I think, because it is telling the truth. Just let me read the headlines here regarding the bill:

Beneficiaries very hostile to new tariff.

Those who are supposed to be the beneficiaries are very hostile to the new tariff.

Unprecedented situation is found to exist among protected industries. Manufacturers foresee harm to themselves. Consumers silent but hostile. Farmer realizes he has been sold. Exporter discouraged over home situation.

That is the picture on which the American public gaze. Even those who are supposed to be the beneficiaries of the bill are opposing it. Why? Because they live in the present hour. They realize conditions as they are to-day. They know that there has been painted by the war a new picture. The economic situation to-day is nothing similar to what it was prior to the war. At that time we were a great debtor nation. We had to export our surplus to pay our debts abroad. To-day we are the greatest creditor nation on earth. We are producing the greatest surplus of any nation on earth. We must find a market for it. Our manufacturers are producing vast surpluses of their products. They have been the so-called beneficiaries of a protective tariff in the past, but when it is realized that they are exporters, that almost 50 per cent of the exports of the country are manufactured products, it can then be understood why the so-called beneficiaries of a protective tariff are now disgusted with it and feel that it will injure them and destroy their prosperity in their export trade.

The farmers of the country are supposed to be beneficiaries of the bill. I wish my good friend the Senator from Idaho [Mr. GOODING] were here, who assumes to be the spokesman on the floor for the farmer. According to this headline the farmer feels that he has been sold by the bill, and so he has. We passed an emergency tariff bill putting a duty upon agricultural products, and with the exception of hides the tariff remains upon the statute books to-day. The tariff on hides was put there by the Senate upon my suggestion, but the distinguished Senator from Massachusetts [Mr. LODGE] in the conference succeeded in having it eliminated. Mark you, I doubt if th

Senator from Idaho knows yet that the emergency tariff act is a permanent law of the land and that it will remain in force if it is not repealed by the pending measure.

So far as wool is concerned, the present law gives greater protection to the woolgrowers than does the pending measure. As to wheat, the present law has a duty higher than that proposed in this bill. There is also a duty upon meat. When he considers that the present law, the emergency tariff law, is to be repealed by this measure, and when he further considers that everything which he buys is to be increased by the duties provided in this measure—that the prices of horseshoe nails, horseshoes, harness buckles, wagon tires, barbed wire, the hardware he uses in his house, the textiles that he uses to clothe his family, are all increased by the duties provided in this bill—then does the farmer realize that instead of being benefited by this measure he is being sold.

Mr. President, when we consider the first speech of the Senator from Indiana in alleged defense of the bill, when we consider his last speech upon the subject, we are driven to the conclusion that he is attempting to divert attention from the pending measure and not to defend it upon its merits. As I have said, in his first speech all that he did was to go back prior to the war and give the record of the Republican Party and of the Nation upon the tariff question. He is still living in the past; and the only reason why he wants to condemn the press of the country is because the press of the country is living in the present hour and the Senator from Indiana, in his political dotage, as well as other Senators, is reminiscent in mind and living wholly in the past.

Mr. President, it seems to me that in these circumstances we had better accept the advice of the New York Herald—that we had better leave matters alone unless we know that we can do something to better the situation. We are not being hurt now by a flood of importations from any quarter; our industries are suffering from depression; but when we find that our exports are decreasing—that nothing is being done to remedy the situation with any promise of success—we had better move cautiously or not move at all.

I want to insert in the RECORD a statement from the Department of Commerce regarding the importance of Europe as a customer of the United States. It gives the percentages of the various kinds of manufactured goods which in pre-war years we were exporting to Europe. It shows the decrease in that market for American products. On page 662 is the beginning of the portion of the article which I desire to have inserted in the RECORD. Its headline is "Dependence of the United States on European markets." I should like to have printed in the RECORD the remainder of the page down to the heading "Distribution of exports in 1913," on the next page, as a part of my remarks without reading.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from New Mexico will be printed in the RECORD.

The matter referred to is as follows:

DEPENDENCE OF THE UNITED STATES ON EUROPEAN MARKETS.

The dependence of the United States on Europe as a market has been similar to that of the rest of the world. In the year 1913–14, 62.8 per cent of American exports went to Europe, although there had long been a gradual decrease in the relative importance of the European export market for the United States. In 1880 Europe took over 86 per cent of our exports; in 1890, 80 per cent; in 1900, 74.6 per cent; in 1910, 65.1 per cent. In spite of this decrease in relative importance, the absolute values of our exports to Europe were constantly increasing before the war, and Europe has continued to be by far the most important of our export markets.

After the outbreak of the war, the importance of Europe in our export trade increased, both in value and relatively, being 71.2 per cent of our export trade in 1915, 69.2 per cent in 1916, and 68.7 per cent in 1917. This, of course, was a result of large shipments of war supplies to Europe. Following the armistice, however, the proportion of our exports to Europe rapidly declined. In 1921 only 52.7 per cent of our total export trade found its destination in Europe, as compared with 60 to 65 per cent before the war. Although this was still a very large proportion of our exports, Europe was in 1921 far less important relatively than ever before as a market for American goods.

AMERICAN IMPORTS FROM EUROPE.

In the import trade, Europe, preceding the war, supplied the United States approximately 50 per cent of the total. As in the case of exports, there was before the war a gradual but a steady decrease in the proportion of goods bought from Europe. In 1880 we received 55.5 per cent of our imports from Europe; in 1890, 57.1 per cent; in 1900, 51.8 per cent; and in 1914, 47.3 per cent.

During the war, however, imports from Europe dropped to unprecedentedly low volumes, as well as to low percentages of total trade. In 1918 less than 14 per cent of our total imports were from Europe, and even the actual value of imports in that year was less than half the value of the imports in 1914. With the signing of the armistice, imports from Europe rapidly increased, but in 1921 the proportion was still far below pre-war levels, being only 30.5 per cent. Even the absolute value of imports from Europe in 1921, in spite of inflated prices, was much less than the value of imports in 1914.

ARTICLES IN THE AMERICAN TRADE WITH EUROPE.

The following table shows the average value of the groups of commodities imported from and exported to Europe by the United States between 1910 and 1914, as compared with the total American trade during that period:

[June 12, 1922.]

Trade of the United States with Europe and with all countries by groups of commodities (average 1910–1914).

IMPORTS.

Commodities.	From all countries.	From Europe.	Per cent of group total from Europe.	Per cent of all imports from Europe.
Crude materials	$580,000,000	$217,000,000	37.4	26.4
Foodstuffs	397,000,000	101,000,000	25.4	12.2
Manufactures	696,000,000	506,000,000	72.7	61.4

EXPORTS.

Commodities.	To all countries.	To Europe.	Per cent of group total to Europe.	Per cent of all exports to Europe.
Crude materials	$701,000,000	$593,000,000	84.4	44.2
Foodstuffs	421,000,000	300,000,000	71.4	22.3
Manufactures	995,000,000	438,000,000	44.0	33.5

Contrary to the general impression, the preceding table shows that exports of American manufactured goods to Europe constituted a very large proportion of our trade with that continent. The trade of the United States with Europe differs in one important respect from the trade of most other sections of the world with Europe. Most of the non-European countries are chiefly dependent on Europe as a market for foods and raw materials. The United States, being the largest manufacturing country in the world, depended upon Europe not only as a market for foods and raw materials but for manufactured goods as well, and manufactures were the largest element in United States export trade, and the most rapidly growing group of our exports.

During the five years preceding the war exports of American manufactured goods to Europe amounted to $438,000,000, constituting 33⅓ per cent of our total export trade to Europe and 44 per cent of our total exports of manufactures. During the same period foodstuffs exported amounted to $300,000,000, or 22.3 per cent of our exports to Europe and 71.4 per cent of our total exports of foodstuffs. Crude-material exports were valued at $593,000,000, or 44½ per cent of our exports to Europe and 8.4 per cent of crude-material exports.

When it is recalled that manufactured goods make up by far the largest proportion of American exports, and that Europe absorbs 44 per cent of this important group, the dependence of the United States upon Europe as a market not only for our exports in general but for our manufactures becomes evident. Europe is by far our most important market for foodstuffs and crude materials, and also for fabricated materials. It should be noted in this connection that foodstuff imports include both crude foodstuffs and foodstuffs manufactured. If we should include manufactured foodstuffs with other manufactured goods, we would find that approximately 50 per cent of American manufactured products are exported to Europe.

GROUPS OF ARTICLES EXPORTED TO EUROPE.

The importance of Europe as a market for American manufactured products is even more clearly indicated when we consider the chief groups of articles which make up our export of manufactured goods. In the year 1913–14, 60.3 per cent of American exports of agricultural implements were sent to Europe, 17.1 per cent of electrical machinery and appliances, 72.6 per cent of our cash registers, 62.9 per cent of our adding machines, 46 per cent of our sewing machines, 72.7 per cent of our typewriters, 39.9 per cent of our tools, and 32 per cent of all other machinery, including metal-working, textile, mining, and other types of machinery exported from the United States. Iron and steel manufactures other than machinery also depended upon Europe to a very large degree for markets. Of such highly fabricated articles as pipes and fittings Europe took 20.8 per cent of our exports, 9.3 per cent of our structural iron and steel exported, and 28.6 per cent of our exports of miscellaneous iron and steel manufactures.

Even in such highly specialized goods as scientific instruments and apparatus, Europe took 39.8 per cent of our exports; 41.2 per cent of the musical instruments went to Europe; 58.5 per cent of the motorcycles and 36.9 per cent of the automobiles. It is rather surprising that in the group of chemicals, drugs, dyes, and medicines, 26.7 per cent of our large exports were to Europe. Paint exports to Europe constituted 38.8 per cent of our total trade; glass and glassware, 17.5 per cent; rubber goods, 41.8 per cent; leather manufactures, 25 per cent; paper and paper manufactures, 18 per cent; cutlery, 32.4 per cent; and clocks and watches, 36.2 per cent. In fact, a list of our most important exports of manufactured goods shows, with few exceptions, that Europe was the dominating market.

Mr. JONES of New Mexico. Mr. President, I hope as the discussion of this bill progresses there will be on the part of Senators on the other side of the Chamber a full and complete foundation presented for their statements regarding the bill. We should not legislate with partial facts before us. If the situation is so changed as admitted by the Senator from New Jersey [Mr. FRELINGHUYSEN], as admitted by the Senator from Indiana [Mr. WATSON], and as frequently admitted by the chairman of the Finance Committee [Mr. MCCUMBER], I submit that this is not the time to pass such a bill as this. The bill will affect the welfare of every citizen of this land. It is going to make life much harder for many. It will touch every home. Why should not we follow the well known and well

recognized rule which the ages have shown should be the governing principle in the enactment of all legislation, that legislators should first ascertain the evil which ought to be remedied and then find the remedy to meet the situation. If the exhibitions made by the Senator from Indiana and the Senator from North Dakota mean anything, if they mean what evidently those Senators expected the country to believe them to mean, then the remedy proposed is puerile; it is senile; it does not properly meet the situation. In such a case, is it not far better not to move at all than to move in this unwise fashion?

The PRESIDING OFFICER. The question is on the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 84, line 15, to strike out the numeral "25" and to insert "35," so as to read:

PAR. 373. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, aluminum, or other metal, whether partly or wholly manufactured, 35 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, I wish to put into the RECORD some data regarding both enamel ware and aluminum ware. It will require some little time to do it. I wish to make a short statement regarding those industries, which are supposedly beneficiaries under this bill. I wish to show that they are not entitled to levy a tax upon the American people for their benefit. If the Senator from North Dakota desires me to go ahead at any considerable length to-night, I shall do so, but I prefer not to proceed until to-morrow. I may say that my remarks will not be prolonged.

Mr. McCUMBER. Do I understand that the Senator from New Mexico desires to put something into the RECORD now?

Mr. JONES of New Mexico. I desire to make a statement to the Senate regarding the matter. I desire to have Senators hear it. If the Senator from North Dakota is going to move to take a recess at any time soon, I should prefer that the Senate take a recess now.

Mr. McCUMBER. Do I understand that the Senator wishes to present something upon the aluminum paragraph and to discuss the paragraph before we reach it?

Mr. JONES of New Mexico. I beg the Senator's pardon. I thought we had paragraph 339 under discussion, but I now remember that we passed that over and that the paragraph under discussion now is the one relative to scythes, corn knives, and so forth.

Mr. McCUMBER. I should like to make just a little bit of progress, and if we can get through with the pending paragraph to-night, I shall then move that the Senate take a recess.

Mr. JONES of New Mexico. I have said all I think that I care to say about this paragraph. It is understood, as I stated in the beginning, that we are taking from the free list the farm implements covered by the paragraph and putting them upon the dutiable list, and the question now is as to the rate of duty. The rate provided by the House, I believe, was 20 per cent.

Mr. McCUMBER. Mr. President, will the Senator yield to me for a moment?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its session on this calendar day it shall take a recess until to-morrow at 11 o'clock a. m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of New Mexico. Mr. President, I move, on page 84, line 15, to strike out the numeral "35" and to insert in lieu thereof "20."

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on the amendment proposed by the Senator from New Mexico to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. JONES of New Mexico. I desire to have it noted at this time that on the previous amendment, which was adopted, and on the one just voted upon I will ask for another vote in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess, the recess being until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Saturday, June 24, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 23, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou hast given a voice to this day, and help us to understand that Thou art speaking to us by the birth of the morning and by the shades of evening. We thank Thee that the door of our heavenly Father is always open. We ask Thee to write Thy law in hearts of all men. O may the strong stoop to the weak, the wise to the unwise, the rich to the poor, and by precept and example guide them in the ways which shall be for the moral and the material stability of this great people. Destroy, O Lord, the dominion of vengeance and passion, and bring all men together with mutual respect. Make secure for all the high rights of the blessings of peace, industry, and the pursuit of happiness. To the counsels and deliberations of this day give Thy presence. Bestow Thy great favor upon this Assembly, upon every portion of our land, and upon the President of our Republic. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Nebr.	Evans	Larson, Minn.	Rouse
Anthony	Fairchild	Lawrence	Rucker
Arentz	Fairfield	Lea, Calif.	Ryan
Bacharach	Fenn	Lee, N. Y.	Sabath
Barkley	Fields	Logan	Sanders, Ind.
Beck	Fish	Longworth	Schall
Beedy	Frear	Lyon	Sears
Black	Freeman	McClintic	Shelton
Blanton	French	McCormick	Siegel
Bond	Fuller	McFadden	Sinclair
Brennan	Gahn	McLaughlin, Pa.	Slemp
Britten	Gallivan	McSwain	Snyder
Brooks, Pa.	Garrett, Tex.	MacGregor	Stedman
Brown, Tenn.	Gilbert	Mansfield	Stevenson
Buchanan	Gorman	Merritt	Stiness
Burke	Gould	Montague	Stoll
Burtness	Graham, Pa.	Montoya	Sullivan
Burton	Green, Iowa	Moore, Ill.	Summers, Wash.
Byrnes, S. C.	Greene, Mass.	Morin	Swank
Campbell, Kans.	Griest	Mudd	Sweet
Campbell, Pa.	Henry	Murphy	Tague
Cantrill	Herrick	Nelson, J. M.	Taylor, Ark.
Carter	Hersey	Nolan	Ten Eyck
Chandler, N. Y.	Hicks	Olpp	Thomas
Clark, Fla.	Hooker	Osborne	Tilson
Clarke, N. Y.	Humphreys	Overstreet	Tinkham
Classon	Husted	Padgett	Treadway
Cockran	Hutchinson	Paige	Tucker
Codd	Iceland	Parker, N. J.	Tyson
Colton	Jacoway	Parks, Ark.	Underhill
Connell	Jefferis, Nebr.	Patterson, Mo.	Vare
Connolly, Pa.	Johnson, Miss.	Patterson, N. J.	Vestal
Cooper, Ohio	Kahn	Perkins	Volk
Copley	Kearns	Perlman	Ward, N. Y.
Crowther	Kelley, Mich.	Porter	Ward, N. C.
Curry	Kendall	Pou	Wason
Dallinger	Kennedy	Pringey	Wilson
Darrow	Ketcham	Rainey, Ala.	Winslow
Davis, Minn.	Kiess	Rayburn	Wise
Deal	Kindred	Reber	Woodyard
Dickinson	Kinkaid	Reed, N. Y.	Wurzbach
Drane	Kirkpatrick	Reed, W. Va.	Wyant
Drewry	Kitchin	Roach	Yates
Driver	Kleczka	Robertson	Young
Dunbar	Knight	Robsion	Zihlman
Dunn	Kreider	Rodenberg	
Echols	Langley	Rossdale	

The SPEAKER. On this roll call 244 Members answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes on a matter of procedure and program.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, after conference with a good many Members of the House we have come to the conclusion that it would be wise for the House to arrange, if possible through a concurrent resolution, for an adjournment of the

House for 30 days, possibly 5 weeks, from about next Friday, if it is possible in the meantime to dispose of the business that must be disposed of before the 1st of July, particularly the appropriation bills. If this program is carried out, it will necessitate the presence of not only a quorum but a very considerable majority of the House from now until the time of the recess. It will be utterly impossible for us to arrange for a recess unless Members remain here in the meantime and unless they are present in the House during the sessions as far as it is possible for them to be. This is not a case where gentlemen can absent themselves and leave it to "George" to do the job. If Members are desirous of having a recess, they must each and all assist in maintaining conditions under which a recess is possible. I therefore express the hope that all of the Members who are now in the city shall remain in the city. We have asked those who are away to return as far as it is at all possible for them to do so, and if we can maintain a goodly majority of the Members here I think it will be entirely possible the latter part of next week, perhaps earlier than Friday, to arrange so that Members can go to their homes for at least a month and possibly somewhat longer. [Applause.]

THIRD DEFICIENCY BILL.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12090, the third deficiency bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 190, noes none.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair thinks there is a quorum present, but the Chair will count. [After counting.] Two hundred and eighteen Members are present, a quorum.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12090, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12090, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday general debate had been finished, and the Clerk will now read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, namely:

LEGISLATIVE.

CAPITOL POWER PLANT.

For repair and replacement of existing equipment and for such additional equipment, alterations, and other facilities as may be necessary to provide the Government Printing Office and the Washington City Post Office with heat, light, and power from the Capitol power plant, including labor and materials, and all other expenses necessary in connection therewith, fiscal year 1923, $271,000.

The Government Printing Office and the Washington City Post Office shall reimburse the Capitol power plant for heat, light, and power supplied during the fiscal year 1923, and the amounts so reimbursed shall be credited to the appropriations for the said plant and be available for the purposes named therein.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 15, after the word "therein" insert: "And the appropriation for the Post Office Department for the fiscal year 1923 for payment to the Government Printing Office for heat, light, and power shall also be available for such purpose to reimburse the Capitol Power Plant when the connections herein provided for shall have been made."

Mr. MADDEN. Mr. Chairman, this is simply to make the money available for the power furnished by the central power plant to the city post office. The money for the city post office now is in the general Post Office appropriation bill.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay Mary Steele Brinson, daughter of Samuel M. Brinson, late a Representative from the State of North Carolina, $7,500, to be paid to her legally appointed guardian.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Mr. Chairman, a question has well been called an intellectual plow, ripping up the mental soil and preparing it for seed. So I am going to begin my remarks with a question, one that everyone feels competent to answer off-hand, but which one is sure to answer wrong unless he has looked the matter up. The question is this: How many States participated in the first election of George Washington to the Presidency of the United States? As we always speak of "thirteen original States," the answer that will naturally come to mind is "13." But there were not 13 States participating in that election. There were not 12. There were not 11. There were just 10. The missing members of the "original 13" were New York, North Carolina, and Rhode Island. New York did not ratify the Constitution in time to choose presidential electors; and Washington had been President for months before North Carolina and Rhode Island ratified. In this fact are many important lessons of value to-day. Of these my time will permit calling attention to only a few.

THE NEED OF "A MORE PERFECT UNION."

Ours is a law-abiding people. So when the Continental Congress appointed a committee to draft a declaration of independence, on that same day it appointed another committee to draft a new form of government. This committee reported the Articles of Confederation. It was this instrument that was later superseded by the Constitution.

We became independent in 1776, which independence was formally acknowledged by England in 1781. Washington did not become President until 1789. What were we doing in the intervening years? We were trying experiments, as a young, immature nation might be expected to do.

The experiments resulted disastrously, as in the nature of things similar experiments always will. This period of our history has well been called by John Fiske "the critical period of American history." I commend to all the careful reading of Fiske's book by that title, and I especially commend it to Members of Congress. Such a reading would "frae many an error free us." Why try over again experiments that have already been tried and which have always resulted disastrously?

In our Declaration of Independence were set forth the reasons that "impelled us to the separation" from the mother country. With such experience, no wonder our fathers were fearful of a government superior to our States. So they made the Government of the United States a mere delegate convention to recommend things to the States, but the States retained to themselves the right to follow the recommendations or not, as they saw fit. Were soldiers needed? "The Congress" could decide upon the number required and apportion them among the States respectively, but could not raise a soldier. Was money needed? "The Congress" could determine how much was needed, and apportion it among the several States to be raised by them respectively, but could not raise a dollar. "The Congress" was authorized to "borrow money on the credit of the United States," but it could not raise any funds to meet the obligations when due. It did issue promises to pay, but it could not keep those promises. The result is seen in a phrase still current among us, "not worth a continental," meaning not worth any more than a promise of the Continental Congress, which soon became utterly worthless.

The Articles of Confederation were founded on fear, which all human experience proves is a poor foundation on which to try to build a really worth-while structure. We have seen that the States were afraid of the Nation. The little States were afraid of the big States, as is seen in the provision that, while each State could have from two to seven delegates, "each State shall have one vote" in the Congress.

The people were afraid to trust their own delegates, as is seen in the provision that the term of service was only one year, subject to recall within the year; each State paid its own delegates; and no delegate could serve more than three years in any period of six years. Under this last provision James Madison had to retire from Congress in the midst of valuable service, service that the country greatly needed.

The result? Chaos, devastation, ruin. Foresighted and patriotic men saw the need of "a more perfect union," and a convention was held in Philadelphia in 1787 to amend the Articles of Confederation. This convention soon found that the articles were hopelessly unamendable. After months of patient consideration the immortal convention promulgated for acceptance by the States our time-tried and now universally honored Constitution.

WHY RATIFICATION OF OUR NATIONAL CONSTITUTION WAS DIFFICULT.

The present feeling of everyone toward the American Constitution is one of such reverence that it is hard to believe that there was ever a time when its merits were doubted. Many theories are appealing when first announced, but they will not stand the test of trial. That was the fate of the Articles of Confederation. A century and a third of experience with our National Constitution has only deepened our reverence for it. We are not alone in our respect for its merits. It is honored throughout the world. Gladstone, the famous English statesman, said of it:

The American Constitution is the greatest instrument ever struck off at a given time by the brain and purpose of man.

Why did it not at once command the assent of all able and honorable men?

The Articles of Confederation were based on the theory that if anyone is intrusted with power he will use this power for his own selfish ends. Every element in the articles was based on that idea. That was the fatal element in the articles. The Constitution is based on the exactly opposite theory, that the normal person who is intrusted with power is, by a principle of human nature, stimulated to try to prove worthy of the confidence thus bestowed. How often we have seen a lawyer who has been before the bar the bitterest of partisans, become on the bench the justest of judges? Why? Before the bar he was intrusted with the interests of his client, while on the bench he was intrusted with the interests of the public. In both cases he tried to prove worthy of the trust. Here in this House our Speakers are always before election acknowledged leaders on one side or the other, but on taking the chair they try to be fair to both sides. The articles were based on fear of human frailty; the Constitution is based on faith in human virtue. The first failed, as efforts so founded have always failed and always will. The second succeeded, as institutions so based have almost always succeeded. The lesson is profound but not hard to grasp.

THE STRUGGLE IN VIRGINIA.

The framers of the Constitution were much in doubt as to its reception, so they provided that whenever it was ratified by 9 of the 13 States it should become operative as among the States so ratifying. The required 9 ratified within a few months. But it was deemed wise to await the approval of Virginia, then the leading State of the country, before beginning operations.

The struggle in Virginia was intense. Why? Let us take a brief look at the attitude of some of her leading men. Take Patrick Henry, for instance. Who has not thrilled at his words, recited even yet by school children? Who doubts his ability? Who questions his patriotism? We would naturally expect him to be for the Constitution; but he was against it and fought it with all his wonderful eloquence. Similarly, ratification of the Constitution was opposed by Governor Randolph, by General Lee—"Light Horse Harry," of battle fame—by George Mason, and by others whose names we honor for other things. They were all, no doubt, honest in their opposition, but time has proved that they were absolutely wrong. On the other hand, time has vindicated the judgment of Washington and Hamilton, of Madison and Marshall, and the other men of faith and vision who stood unfalteringly for the Constitution. The great lesson is easily understood: Fear paralyzes human effort; faith brings out all that is best in human nature. Thus was it then; thus will it ever be.

During the War of 1812 some misguided beings, for local and personal reasons, threatened to withdraw from the Union and held the well-remembered Hartford convention with that in view. But the sober, second sense of New England asserted itself and the effort failed. Sixty years ago, for reasons that seemed good at the time, the Union established under the Constitution was again assailed and it took four terrible years of conflict to preserve it. But now even those who tried to disrupt it are glad in their hearts that they failed, and in two wars since then their children and grandchildren have proved that there are none more loyal to the great Republic than they.

BIGNESS MAY BE ESSENTIAL TO GREATEST GOODNESS.

The biggest thing in this country is the United States of America, made up of the union of the smaller units called States; beyond question this biggest thing is the best thing in the secular world. Who believes that the world or our own people would be bettered by the breaking up of the Union into the independent States of which it is composed?

A country is no greater than its people, for it is the people that make the country great or small. Our country is great because we have a great citizenry, who do things on a great scale. To this fact may be attributed our success and the success of our allies in the World War. Who is there among us that will contend for one moment that without the helping hand of our great steel industries our allies would have been vanquished even before we entered that mighty conflict? Like our country, these industries have been built up through a systematic combination of units.

The Bethlehem Steel Corporation ranks in size next to the United States Steel. The Lackawanna Steel Co. is also very large. The two companies have largely different sources of raw material and make largely different products and have different markets. They are complementary to each other rather than competitive with each other. The Bethlehem corporation has bought the Lackawanna. Does the union thus effected promise good or evil to the people of this country? It is important for the country that its legislators have sane opinions on this subject.

A similar merger of the Midvale, the Republic, and the Inland Steel companies is pending. Should we be for it or against it? We can not be true to the confidence shown us by our constituents if we fail to treat these proposed mergers and others like them in the right spirit, having in mind first of all the real and abiding interests of all the people of the Nation.

These proposed mergers are under investigation in New York by the so-called Lockwood committee of the State legislature. In this investigation it has been shown that by reason of its size and equipment the United States Steel Corporation can produce steel at a cost lower by $3 to $5 a ton than any of its competitors. The prosecuting attorney before the Lockwood Commission, the well-known Samuel Untermyer, is reported as saying:

As long as the United States Steel Corporation maintains this dominating situation through its differential of $3 to $5 a ton, so long as these companies are living by the grace of the steel corporation, it does not seem to make much difference whether these smaller concerns merge or do not merge, from the standpoint of competition. After all, such a differential puts the entire steel business of the country right into the hands of the United States Steel Corporation, to do with as it may choose. Heretofore they have pursued an enlightened policy, showing a great deal of vision and a great deal of profit; and the Supreme Court of the United States, much to the surprise of many of our profession, has said that it is not a combination in restraint of trade under the antitrust laws.

Mr. Untermyer, relentless in prosecution, is reported to have asked the head of the great steel corporation, Judge Gary, why it refrained from using its vast power to drive out all competition and make itself a monopoly. To this inquiry Judge Gary is reported to have answered:

For two good reasons: First, it would not be right; second, we dare not do it.

Judge Gary has often said:

Obey the law. Even if you think the law not entirely wise, obey it while it is the law, reserving the right to use all proper means to amend it or end it.

This injunction covers human law; but it was knowledge of law that is more than human that prompted the Judge to say, "We dare not do it." He had in mind the higher law of the only All Wise Lawmaker, under which continued prosperity depends on a square deal for all—competitors, customers, employees, the public generally. He knows that that is the only enduring basis.

At a banquet in New York City some 10 years ago one of the speakers, a man not connected with the steel corporation, said laughingly:

The Attorney General of the United States seems to have lost his sense of humor, for in a recent formal document he actually charges the United States Steel Corporation with having invested over $500,000,000 in improving its plants—in order to restrain trade.

Thus from an unfriendly attorney, on the one hand, and from an apparently friendly speaker on the other, both confirmed by the sober judgment of the United States Supreme Court, we have approval of the great corporation. Recurring, first, to the great Republic, we know that bigness is not only not badness but that bigness is essential to the greatest goodness. Does anyone outside of a madhouse believe that resolving this mighty Nation into its constituent States would be a good thing for any human being on earth? By parity of reasoning, would the division of the United States Steel Corporation into its constituent companies be of enduring benefit to any one of our people?

What is the secret of the ability of the corporation to produce steel at lower cost than any of its competitors? Let us hear from the head of the foremost of those competitors, Charles M. Schwab, chairman of the Bethlehem Steel Corporation. Mr. Schwab was the first president of the United States Steel Corporation and served as such for many years before building up the Bethlehem company, so he is an exceptionally competent witness. Some two years ago, in Collier's, Mr. Schwab said:

Before the organization of the United States Steel Corporation individual concerns owned individual mines. No company was sufficiently large to own groups of mines of different characteristics and qualities.

The best steel results are obtained by scientific mixtures of different sorts of ores. By consolidating the ore interests of all the steel companies, we were able to give each individual company the ideal mixtures for producing the best results most economically. That was an enormous advantage.

The transportation of materials offered equal opportunities to economize. Ships did not have to wait—

Mr. Schwab means the ships bringing ore down the Lakes—

until a particular cargo could be loaded for a particular works, but they could be kept steadily moving, and be assigned in transit to this or that works.

Mills that formerly had to make a great variety of articles were, by reason of the consolidation, enabled to run steadily in one line, thus producing a greater tonnage at very much lower cost. The arrangement made possible equally great economies in distribution. Selling forces were consolidated, and every one of the inevitable wastes of small business was lopped off.

Thus, in brief, we see why the big corporation can produce steel so much cheaper than can its smaller competitors. The new merger, engineered by Schwab and others, knowing wherein the superiority of the United States Steel Corporation's methods of production are inevitably to be found—in size and quality of equipment—are making an effort to get for the component companies of the new combination similar advantages in production and distribution.

Is it for or against the public interest that they are acting? Is it our duty to help or to hinder? They are trying to get into position to produce even more efficiently than now. They are trying to eliminate needless wastes, avoidable by means proposed and not otherwise. Does real human progress lie in helping them in their efforts or in trying to thwart them? The first thought of the people of the Nation may be that their plans should be prevented from being carried through. But there is no doubt that the sober second thought of the people will not be that. It seems to me that we should emulate George Washington rather than Patrick Henry in the trying days long past, and do our plain duty, fully believing that time will vindicate what is right.

As legislators of the Nation we are in duty and honor bound not to trifle with the confidence reposed in us. Our people have, by giving us these positions of honor and trust, practically said to us: "We are kept too busy with earning our daily bread to have time to look into national problems with the care they require to solve wisely. We have placed you on the lookout. We have provided you with ample, though not large, incomes to enable you to give undivided attention to the right solution of these problems. There are others who could do this as well as you can perhaps, but we have intrusted the doing of it to you. Study these problems, not with the idea of telling us what we might be pleased to hear but with the sober intention of telling us what we ought to know. Do not try to play on our prejudices for temporary advantage to yourself, but believe in us and appeal to our sober judgment. We'll overlook an honest mistake, knowing that to err is human. But we will not forgive or forget any trifling with our real interests. We haven't time to make the necessary investigation ourselves. We believe that you have more talent than the average citizen can reasonably be expected to have, and we expect you to tell us the truth, believing that we will approve it when we hear it."

UNITED STATES STEEL—A CORPORATION WITH A SOUL.

It will be interesting and instructive for us to study with some care the operations of the biggest business organization in the world as the best example of efficient operation. We have seen something of the reason why it can produce at lower cost than any of its competitors, of which it has scores. Let us see, briefly, what it does with its profits. Investigation will show that it devotes them fundamentally to four things:

1. To good wages to its employees, with the steadiest practicable employment, under the safest and most sanitary and satisfactory conditions practicable under all the circumstances.

2. To extension and improvement of its plants. On these are expended $50,000,000 to $150,000,000 a year.

3. To reasonable dividends to its owners. These are never exorbitant, running 7 per cent per annum to holders of preferred stock and 5 per cent per annum to holders of common stock.

4. To building up a reserve, laying aside in good times a surplus to enable it to pass through hard times with a minimum of anxiety to its owners and its employees. This reserve is also insurance of due service at all times and at reasonable prices to the public.

Meantime it treats its competitors with every reasonable consideration and acts as a stabilizer to the market. It never encourages a "runaway" market or "profiteers" on its customers. On the other hand, in bad times it does not try to undersell its competitors, though, as we have seen, it could do so by reason of its lower costs.

Who is responsible for building up this giant industry and putting into it this fine spirit? The man more responsible than anyone else is Elbert H. Gary. Let us look at him first through the eyes of an exceptionally clever writer, Horace Wade, author of "In the Shadow of Great Peril," who recently interviewed Judge Gary in his office, from a report of which interview I take this typical extract:

A man of steel—strong, big, and fine—a boy who worked on a farm and got to be head of America's greatest corporation. That's the way Judge Elbert H. Gary looks. And pleasant! I think that the wonderful thing about Judge Gary is his kindness. There is something as gentle as a woman in his manner.

Mr. Chairman, I have recently read a remarkable book entitled "United States Steel: A Corporation with a Soul." Although perhaps the most important plant of the corporation is in my district, and I am somewhat familiar with its operation, I had never had time or opportunity to get into the real philosophy underlying this great organization. This book tells the story of the coming true of the dream of a big man in the general interest. It is the story of Elbert H. Gary and the United States Steel Corporation, written by Arundel Cotter, of New York City, who writes as one having accurate information. I have conferred with former Congressman James T. McCleary, to whom I am indebted for many of the facts stated in these remarks, who was for about 10 years secretary of the American Iron & Steel Institute, and who may therefore be expected to have thorough information on the subject. Mr. McCleary tells me that he has read the book three times carefully and has found only one mistake. It is an unimportant one, being simply the date of the last of the Gary dinners. Mr. Cotter's book is so valuable, as setting forth really important information that should be known to every intelligent person, but especially to men like us who are trusted with the management of national affairs, that I feel it my duty to the country, as well as a real pleasure, to quote briefly from the book, so that my associates may have it brought to their attention and be able to judge somewhat of its merits through such samples. Mr. Cotter begins his book in this way:

Mere size, to the majority of us, presents a certain fascination. Especially is this the case when it is the result of human endeavor. Hence were the United States Steel nothing but the largest business aggregation in the world, its immensity alone might justify placing on record the facts connected with its formation and its subsequent history. The corporation's vast capitalization, a billion and a half of dollars, its yearly turnover exceeding its capital, its pay roll of 275,000 workers, or, with their families, enough to populate a large city, its productive capacity of more than 16,000,000 tons of steel annually—

Exceeding the entire production of any other country than this—

to say nothing of other products, the volume of its fleet of ore boats, several times the tonnage passing through the Suez Canal, its foreign trade of $200,000,000—these alone might make the corporation's history worth the telling.

But size, properly considered, is of minor importance in itself. Its importance lies in the power it bestows to influence its surroundings. The greatest of all industrial enterprises could not fail to affect industrial history generally. And the management of the corporation has recognized its responsibility in this regard and has endeavored to use its strength not selfishly but for the good of all concerned. It is not too much to say that the organization of the United States Steel Corporation marked the beginning of a new and better era in industrial history.

In the book thus begun we have an exceedingly interesting account of the great corporation—its conception, its birth, its early struggles, the men who have made it, the policies that have governed it, the success in every way that has marked its progress—all these things are told in a way to hold one's rapt attention and to leave him or her the wiser and the better for the close contemplation of such a really worth-while achievement.

Early in the book is given this clear insight into the situation in the steel industry before the organization of the corporation:

In the fierce and bitter struggle that faced the early steel trade, only the most daring or the most unscrupulous manufacturer could survive; and under the strain for production that was necessitated, only the strongest workers could live. Under the most favorable conditions, the steel mill, as a well-known steel maker said once, is far from being a drawing room. Under the conditions that prevailed toward the close of the last century, when men were worked to the breaking point in the mad fight for tonnage, it is no wonder that the majority of steel workers collapsed early under the strain and were thrown on the human scrap pile, their vitality sapped and their youth gone.

The one slogan of the industry was "tonnage." Everything was sacrificed by the manufacturer to this single end. Machinery, comparatively new, was scrapped to make room for more modern equipment. Waste of this kind was not considered. Production was everything, and nothing was spared to obtain increased output. And it must be admitted that to this attitude on the part of the producers, as much, perhaps, as to her immense natural advantages, the United States owed her rapid rise to the front rank of steel nations.

Gary's ambition, like Carnegie's, knew no bounds; but where the little Scotch ironmaster worked to make the steel industry an empire over which he should reign supreme, Gary dreamed of an immense republic of steel. Where Carnegie sought to unify the control of the steel trade and bring it into his own hands, Gary sought to make the industry one owned by the people, particularly by the workers. Where Car-

negie stopped at the ocean and gave his attention to world business only at times when overproduction at home compelled him to seek foreign markets temporarily, Gary sought to establish a world-wide and permanent market for the product of the blast furnaces and rolling mills of the United States. And the history of the United States Steel Corporation is the story of how Gary made his dream come true.

THE CORPORATION NOT TRYING TO BE A MONOPOLY.

Beginning on page 37, Cotter gives a statement of the industry outside of the corporation, showing that it has never used its great power to hurt its competitors but, on the other hand, has been to all most generous in its treatment. Mr. Cotter well says:

Since the corporation began its existence a number of new steel companies have sprung into being, grown and expanded, while the older so-called independents have greatly increased their output. Although the corporation has added to its steel-making capacity, its competitors have added a still larger amount, with the result that the big company now controls less than one-half of the steel production of the United States.

Enjoying the confidence of a number of steel manufacturers competing with the steel corporation, the writer has been unable after patient investigation to find any evidence of its having at any time used its immense wealth to undersell a competitor, large or small, with the purpose of driving it out of business; while he has discovered more than one instance where it has actually assisted competitors. A company, especially one whose very size exposes it to envy and attack, could not fail to earn the enmity of its competitors if its methods were not at all times fair and above suspicion. The Steel Trust's competitors have time and again, privately and publicly, and under oath, declared that they have no cause of complaint against it.

But how about its customers? This question Cotter answers thus:

How has the customer, the steel consumer, fared? The corporation has always been slow to advance prices and equally slow to lower them. It has usually endeavored to prevent prices from reaching an abnormally high level in "boom" times, when overwhelming demand had placed the steel seller in control of the market by setting a maximum quotation at a fair level, permitting any manufacturer a fair profit, and has thus protected the consumer whose urgent need of the metal at a particular time made him a prey to profiteering. * * * And whether for quick or deferred delivery, it charges one price.

Now, let us see how the steel worker has fared. In Mr. Cotter's book this subject is deservedly given large space, because it is particularly in its treatment of the workers in mine and mill that the Gary plan is noteworthy. Though strongly tempted to quote at length on this subject, I am hoping that a small sample will prompt in the reader the desire to read the entire book, as I have done twice with great satisfaction, the facts revealed being highly creditable to human nature and therefore good reading for anyone who wishes well the man who is in the hardest part of the struggle for a career of high or low degree. Here is where the corporation shows its fine "soul." Beginning on page 40, Cotter says:

Nor has the steel worker been lost sight of. It is admitted by all familiar with the subject that the Steel Corporation has been responsible for the steady and decided advance in wages in the industry that has been witnessed in the last 19 years. Wages have been increased voluntarily and without demand from the men whenever trade conditions made increases possible. At the same time the corporation has set its face against reducing wages in times of stress. And, what is more important, it has spent immense sums of money on sanitation, education, and other ways of bettering the wage earner's lot, has helped him to save and invest his money by offering special inducements for so doing, and has set an example to industry generally that has done more for the cause of common labor than has been accomplished by labor unions themselves. * * * Among the stockholders of the big enterprise more than one-third are men who work in the furnaces, mines, mills, and offices, and these have become stockholders under the plan that permits employees to acquire stock on the installment plan and offers a premium as an inducement to hold it.

THE STOCK SUBSCRIPTION PLAN.

It may be of interest to know more about this stock subscription plan. Cotter speaks of it thus:

The plan as finally worked out and put into operation was designed to accomplish three main objects: First, to interest the employees in the Steel Corporation as a whole, and not merely in the operations of the subsidiary for which they worked; second, to give them an incentive to do everything possible to reduce expenses and correspondingly increase profits; third, to offer them an inducement to stay with the corporation and identify themselves with it. * * * In effect, the stock subscription plan makes for a capital-labor partnership. It benefits both the worker and the employing company. In a small way it makes the worker a capitalist himself and enables him to see something of both sides in capital and labor disputes.

From information in Cotter's book I have framed the following table showing the recent operations under the stock-subscription plan, giving the number of employees subscribing for stock during the last six years, year by year, and the number of shares taken by them each year:

Year.	Shares taken.	Employees subscribing.	Year.	Shares taken.	Employees subscribing.
1916	49,538	24,631	1919	155,098	59,792
1917	60,519	38,326	1920	161,298	63,792
1918	93,488	41,991	1921	255,308	81,710

From this table we can readily see that the plan is growing year by year in the confidence of the workingmen; they are subscribing in ever-increasing numbers and for ever-increasing numbers of shares. This indicates clearly a very desirable increase in thrift. Every man will be, in consequence, a better neighbor and a better citizen.

SOME OF THE OTHER THINGS DONE FOR EMPLOYEES.

At the meeting of the American Iron and Steel Institute in May, 1920, in compliance with the desire of the members for information, Charles L. Close, manager of the corporation's bureau of safety, sanitation, and welfare, gave a list of welfare facilities installed by the corporation up to January 1, 1920. Some of the principal items are: Dwelling houses and boarding houses constructed and leased to employees at low rentals, 27,553; churches, 25; schools, 45; clubs, 19; restaurants and lunch rooms, 64; rest and waiting rooms, 210; playgrounds, 131; swimming pools, 11; athletic fields, 96; tennis courts, 107; sanitary drinking fountains, 3,077; pipe systems for drinking water, 369; protected wells and springs, 647; comfort stations (complete units, either bath or dry houses, closets, wash and locker rooms), showers, 2,672; clothes lockers, 116,749; base hospitals, 25; emergency stations, 286; company surgeons, physicians, and internes, 167; outside surgeons on salary, 107; nurses, 189; visiting nurses, 68; teachers and instructors, 222; safety inspectors, spending entire time on safety work, 101; employees who have served on safety committees, 25,948; employees now serving on safety committees, 5,500; employees who have been trained in first-aid or rescue work, 16,801; employees now in training, 801.

From 1912 to the end of 1919 expenditures in these lines were: Welfare, $11,751,429; sanitation, $11,732,666; accident prevention, $6,530,706; relief for injured men and families of men killed, $22,652,238; cost of employees' stock subscription plan, $9,160,000; pension fund payments in excess of income provided by permanent fund, $1,824,693; for creation of permanent fund, $8,000,000; total, $71,651,732. A sum of $5,113,570 paid in pensions to employees from a fund originally established by Andrew Carnegie is not included in the above total.

Concerning the success of the stock-subscription plan, Cotter says:

In its application the stock-subscription plan has been an unqualified success. Particularly in recent years employees of all classes, from common labor to executives, have shown eagerness to avail themselves of its terms to acquire a personal financial interest in the big corporation. Subscriptions have for years far exceeded the amounts of stock offered, but all subscriptions have been honored.

Naturally the stock-subscription plan has not been regarded with favor by those whose interests lie in fomenting dissent between capital and labor, and the plan has been attacked in many ways. One of these is the charge that it is a money-making scheme, under which the corporation purchases its own stock cheap and sells to the workers at a profit. As a matter of fact, the operation of the plan is a continuous source of expense to the corporation, which has so far spent on it an aggregate of $9,160,000. It has, however, profited from the plan in one way—increased loyalty, efficiency, and cooperation.

THE MAN AT THE HELM.

In the prologue to his book Mr. Cotter pays this well-deserved tribute to the man in whose heart and brain was born this magnificent enterprise, an achievement of which any man might well feel proud:

Every business enterprise however great, reflects in its dealings with its competitors, its customers, its employees, and the public generally the individuality of some one man. Curious as it may seem at first glance, this personal touch, far from being lost, is particularly evident in the greatest of all business enterprises—the United States Steel Corporation. Many men, including some of the ablest financiers the country has produced, have assisted in a measure in making the corporation what it is to-day. Morgan, Frick, Perkins, and others have helped with their counsel in bringing the corporation to the preeminent place it holds to-day in the industrial world. But one man has stood out among all these—Elbert H. Gary, its chairman and executive officer. Throughout its ramifications the Steel Corporation is everywhere a reflection of Gary's spirit. His influence from the time of its incorporation nearly 20 years ago—

Mr. Cotter's book was published in 1921—

has shaped its policies and, almost from the beginning, has dominated its counsels. For what the corporation is, whether good or bad, Gary must accept full responsibility. Judge Gary himself would probably object to the word "dominated." He would doubtless prefer "guided," for his dominance has never been autocratic. But his colleagues, except perhaps in the earlier days, have confidently accepted his opinion on all matters pertaining to the corporation's welfare. And the events of the last few years have proven that they were right in so doing.

Gary's attitude toward labor was well known. He believed in "leaning over backward" in the matter of giving justice to the worker. And when union organizers and radical agitators attempted to force the closed shop on the industry many of his competitors feared that he would yield to the demand of the labor organizers. But Gary never flinched from responsibility, however great. Here a question of principle was involved concerning not the rights of the employer alone but those of the very large number of unorganized workers. Although pressure was brought to bear upon him from high quarters to compromise and avoid a strike, and later to settle it once begun, the head of the corporation unswervingly stood his ground and led the steel trade to a signal victory. * * *

On October 24, 1919, the annual meeting of the American Iron and Steel Institute was held in New York City at the Hotel Commodore. Some sixteen hundred of its members, including the majority of the leading figures in the steel trade, attended. The steel strike had been

going on for some weeks and the steel men were gathered to hear what Gary had to say. The entrance of the judge into this gathering was the signal for a most remarkable demonstration, for these staid, solid business men, on catching sight of Gary, broke into a spontaneous salvo of cheers, which was enthusiastic and prolonged. It was a tribute to his generalship in the struggle then being waged, an unequivocal admission of his right to supreme command. In that storm of cheers were buried all doubt that may have ever been entertained.

It is impossible to write of the Steel Corporation without writing of its head. His influence on it is too direct, too personal, to be ignored. The corporation, in a sense, is Gary. He has infused it with his spirit, a spirit which, it is hoped, will continue always to dominate it.

I can not better close these quotations from this most interesting and instructive and inspiring book than in Cotter's own words:

Perhaps no better conclusion for this volume can be found than the remark recently made to the writer by one of the leading independent steel makers. He said, "United States Steel is a remarkable organization. Nothing like it exists or ever existed. It is in a class by itself."

MARSHAL FOCH'S TRIBUTE TO AMERICAN STEEL MEN.

The American Iron and Steel Institute, of which Judge Gary was the originator, and from its organization till the present has been its president, holds two general meetings a year, one in May and the other usually in October. These meetings always close with a banquet. In 1921 the fall meeting was postponed until the 18th of November to permit the attendance of Marshal Foch, the great generalissimo of the allied armies in the World War, who was the guest of honor on that occasion. Not being fluent in the use of English, Marshal Foch spoke in his native French.

In his speech the marshal voiced the well-deserved admiration of the world and himself for that great organization, the American Iron and Steel Institute, and the men and the industry for which it stands. It was to this splendid organization that in the hour of need the National Government turned for service that no other body could render. The Government of the United States turned over to this organization the responsibility of providing for the steel needs of the allied armies, and in the carrying out of the heavy duty thus imposed, the great trust thus bestowed, the American Iron and Steel Institute never once fell down, as was so strikingly set forth in the marshal's speech. Translated into English, the marshal's address was as follows:

Three years ago to-day, on November 18, 1918, the allied armies, with shouldered arms, began a march of 200 kilometers, which carried them victoriously to the Rhine. The Germans had requested several days, from November 11 to November 18, of respite to put somewhat of order into their ranks, which had been thrown into disorder during their rapid retreat toward Germany. This result was the consecration of the great effort which led us to victory.

But for the coordination of a battle, the achievement of a victory, one must seek the cause. I find it about me this evening. Victory has been attributed to unity of command. But to attain it, to sustain it, there is necessary unity of sentiment, of ideals, of action, behind the armies; and of first importance were the formidable efforts of our industries which gave us the necessary material.

Battles of the present day are, indeed, won by men, but not solely by force of numbers. They are won, above all, by supply of munitions, of machines. Many cannon are necessary. For the cannon there is need of many shells. This again makes necessary, in the rear of the armies, means of transport so formidable as to defy imagination. Before the war the most advanced nations estimated the daily consumption at 14,000, 20,000, or 30,000 shots per day. In 1918 the allied armies had arrived at 500,000 to 600,000 shots per day. This necessitated a like increase in technical elements, as well as extraordinary means of transportation behind the lines.

Now this formidable consumption which we thus attained would not have been possible without the industrial production which furnished the Army with materials, with machines. It was this extraordinary production which you were capable of attaining that permitted us to carry through the succession of victories that led to the armistice. Permit me, then, to see the principal elements of our victory in the admirable industrial efforts which you put forth at that very moment, making it possible to sustain the advance of our armies, always sure of the necessary support behind the lines. As you never failed to keep your promise, as we never lacked the projectiles which we needed, it was your activity, your energy, your will which procured us victory.

Further, allow me to see behind this production a supreme patriotism which existed everywhere and of which the sole objective was to win the war. Permit me, then, to-day to salute with profound respect this industrial capacity which permitted us to advance without lack of necessary material and thus avoid great losses. It is with this thought, gentlemen, that I greet you now with feelings of profound gratitude.

CHARLES M. SCHWAB'S RESPONSE TO MARSHAL FOCH.

Following this fine and well-deserved tribute to the American steel industry, which, coming from such a high source, was indeed commendation to be proud of, expressed with soldierly brevity and pointedness and with French courtesy, President Gary introduced Mr. Charles M. Schwab, chairman of the Bethlehem Steel Corporation (which is next in size to the United States Steel Corporation), and former Director General of the United States Shipping Board during the war, one of the three vice presidents of the institute, to respond to Marshal Foch. Mr. Schwab, a great favorite with all the members of the institute, said in part:

I highly appreciate the honor which the directors and the chairman gave me in asking me to say a few words this evening. * * *

I like to feel, and in the presence of this gathering the feeling is most intense, that there is something peculiarly fine and honorable and strong in our profession of workers in iron and steel. The painters of word pictures have never been able to describe a great and strong character better than as "a man of iron." The soldiers, bravely facing enemy shot and bayonet, were described as men of iron nerves and will of steel. In our own day, when we seek a symbol for what is enduring, for what is steadfast in character, we find nothing better than steel.

And so, my dear Marshal, may I tell you, in the language of the greatest of poets, that you have been "grappled to our souls with hooks of steel." * * *

Great as he was in all the responsibilities of war leadership, Marshal Foch will stand as the supreme representative in all history of unity of action and command. Have you, my friends, ever thought how frequently this profound principle of action applies in life and industry? Individuals and individual interests can accomplish but little; united effort and cooperation under single leadership can accomplish anything. So it is in industry, our industry, all industry; unity of action, unity of command, is the most effective means to great results.

When a battle is to be fought, when a game is to be won, when a struggle of any kind is to be undertaken, we need first of all the great commander, the man with vision to see what should be done, the man with courage to undertake it, the man with power of leadership to induce other people to follow him. We of the great steel industry have much to learn from this great principle. The greatness of industrial achievement has been realized through the application of it, and America will continue to rise to still greater heights of achievement as she allows the principle to have freedom of action.

We in this country are in the midst of a great business depression, a depression that is affecting the steel industry quite as acutely as any other industry in the country. To escape from this slough of despond, the various factors of the steel business must consider the interests of the whole country rather than merely seek to promote their selfish aims.

In Judge Gary, the president of our Iron and Steel Institute, we have a really great leader. Let us follow him in his optimism and his determination to surmount the many difficulties to be met. By availing ourselves of his farsighted wisdom, of his years of experience and knowledge, and by being guided by his direction in this great business depression that faces us we will see this depression fade away and find such prosperity as has never been known in this country before.

I would be glad to include all of Mr. Schwab's admirable address given in full in the Yearbook of the American Iron and Steel Institute. I have necessarily had to omit all but one reference to Marshal Foch, to whom the address was principally given over. But I have chosen the part of the address that particularly refers to Judge Gary and the United States Steel Corporation. It is well for us to remember that these words of Mr. Schwab are particularly pregnant with meaning, coming as they do from the head of the chief rival of the United States Steel Corporation. Coming thus from a strong competitor the commendation by Mr. Schwab of his business rival, Judge Gary, is "praise indeed." This attitude of Mr. Schwab harmonizes exactly with that of everyone I have ever met who knew Judge Gary well. Mr. Schwab spoke for the whole great steel industry. And those who are only incidentally connected with the steel industry, who know the judge in other relations, are equally eloquent concerning him, all testifying to his uniform fairness and kindness and wisdom.

ETHICS IN BUSINESS.

Last Saturday—June 17, 1922—at Evanston, Ill., Judge Gary delivered an address that is so characteristic of him and his views on business relations, that in closing I quote, as best I can from the Associated Press report, necessarily brief, a few sentences from this inspiring address. Judge Gary is reported as having said:

Business throughout the United States is to-day transacted on a higher plane than ever before. * * * The world is surely growing better. * * * The large majority of business men now conduct their affairs in accordance with the avowed belief that right is superior to might, that morality is at least on a par with legality, and that the observance of both is essential to worthy achievement.

Judge Gary is quoted as saying further:

Business men also recognize that the rights of customers must always be respected; that employees are associates rather than servants, and should be treated accordingly; that stockholders of corporations, as well as partners, are entitled to any information immediately on receipt of the same by an officer or partner; that destructive competition must give way to humane competition; and that full and prompt publicity of all facts involving the public weal is demanded. * * * Ethical management brings profits to business. Any man or concern that firmly establishes a reputation for honesty and fair dealing has a business asset of great pecuniary value.

Concerning workingmen the judge said what he has always practiced:

Conscientious treatment of employees will tend to increase their loyalty and efficiency. * * * In every particular a contented workman is far superior to one who is dissatisfied and disgruntled.

To men in public life there is suggestion well worthy of the careful consideration of all of us. It is reported in the newspapers thus:

As a passing suggestion it may be observed that henceforth the political party which pays the most attention to ethics is likely to secure indorsement by the majority of voters, especially the women.

In accounting for the great change in the attitude of captains of industry the judge very properly gives large credit to the late Theodore Roosevelt, who did so much to place right ahead of might in popular opinion and so mightily stirred up the public conscience. Without immodesty the judge might well have admitted that he was himself a pioneer in preaching and practicing righteousness in business.

SOMETHING OF WHAT IT MEANS.

It is easier for all of us to understand a principle of life when we see it exemplified in human form. "Actions speak louder than words." This has been my thought in presenting on this floor some of the results of my investigations. The greatest plant of the United States Steel Corporation is at Gary, in my district. That enterprise I am somewhat familiar with. The things that I have quoted about it I believe to be true. They reveal beyond question that United States Steel is indeed a "corporation with a soul."

One of the lessons that I gather from this study, to which I have been giving thought for quite a while, is that it is the very bigness of the corporation that enables it to set the pace in good things, in its treatment of its competitors, of its customers, and of its employees, from all groups of which sworn testimony was given in its favor in the suit for the dissolution of its fairness and its kindness. While it is the duty of its managers to remember the reasonable rights of its stockholders, its everyday actions show that fairness to all parties, including the public, is not only consistent with good business principles but that, indeed, it lies at the root of the highest business success, such as has been achieved by this really wonderful business organization.

With this shining example before the eyes of all men, there is no excuse for keeping unenlightened in our dealings in every relation in life. It is coming to be more generally understood that, after all, the best basis on which to build hopes for business success is that given nineteen hundred years ago, "Whatsoever ye would that men should do to you, do ye even so to them."

The Clerk read as follows:

For payment to Robert L. Doughton for expenses incurred as contestee in the contested-election case of Campbell *v.* Doughton, audited and recommended by the Committee on Elections No. 2, $2,000.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, after line 19, insert a new paragraph, as follows:
"For payment to Thomas W. Harrison for expenses incurred as contestee in the contested-election case of Paul *v.* Harrison, audited and recommended by Committee on Elections No. 1, $2,000.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For reimbursement to the official stenographers to committees for the amounts actually expended and necessarily expended by them during the second session of the Sixty-seventh Congress up to and including June 30, 1922, $875 each, $3,500.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 3, line 24, after the sum "$3,500," insert "of which $875 shall be paid to the widow of M. R. Blumenberg, late an official stenographer to committees."

Mr. MANN. Mr. Chairman, a good many Members of the House, and especially the older Members, those who have served on the Committee on Appropriations, knew Mr. Blumenberg, who was the dean of the committee stenographers of the House, very well. He has just died, and I am sure that I express the sympathy of all the Members of the House with his widow, and also express the sentiment of the House by saying that Mr. Blumenberg was one of the most capable men ever connected with the employment of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For maintenance, repair, and for exchange of an automobile for the Speaker of the House of Representatives, fiscal year 1922, $2,500.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 4, after line 3, insert: "For additional compensation during the fiscal year 1923 to the clerk of the Committee on Appropriations, $1,000."

Mr. MADDEN. Mr. Chairman, I wish to say in this connection that the clerk of the Committee on Appropriations gets $4,000 a year, and $1,000 additional while the present man occupies the place. A good many people have been trying to get him away from the service he now renders to the Congress. I have never known a man in all the history of my experience so well qualified, with so comprehensive a knowledge of Government matters, as Mr. Sheild, and while I offer an amendment to increase his compensation for 1923 by $1,000, I wish to say that that will not begin to compensate him for his value. He really is worth anything the Government might be called upon to pay him, and it would be a serious loss to the Government if by any chance he should separate himself from it. Every member of the Committee on Appropriations loves and trusts the man as they love and trust nobody else. He is worthy of the love and the confidence of the country, and particularly of those who come in daily contact with him. If I were to say all that I would like to say about him he would probably blush. So I will not attempt to say anything further as to his qualifications or his worth. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sixty per cent of the foregoing sums for the District of Columbia shall be paid from the revenues of the District of Columbia and 40 per cent from the Treasury of the United States.

Mr. CHINDBLOM. Mr. Chairman, before the District of Columbia appropriations are disposed of in this bill, to go back a little beyond the last paragraph just read, I would like to inquire with reference to the appropriation for temporary employment of additional assistant inspectors in the building inspection division.

Mr. MADDEN. That is already provided for.

Mr. CHINDBLOM. I would like to ask whether you hope the District Committee will bring in permanent legislation so that this item will not have to be carried as a temporary appropriation?

Mr. MADDEN. All the legislation that is enacted for the District in appropriations for any purpose is in order under the act to increase the activities from time to time. The appropriation for temporary inspectors depends on how much building there is. These men will be laid off when the work is through.

Mr. CHINDBLOM. It is not intended to——

Mr. MADDEN. It is to give them an additional number during the rush season.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

UNITED STATES VETERANS' BUREAU.

For settlement of claims arising under article 4 of an act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war," approved March 8, 1918, $25,000, to continue available during the fisca' year 1923.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 8, after line 23, insert as a separate paragraph:
"Allotments of appropriations for medical and hospital services may be made during the fiscal year 1923 by the United States Veterans' Bureau to the United States Public Health Service for the care of beneficiaries of the United States Veterans' Bureau, and incidental expenses, and such allotments shall also be available for expenditure by the United States Public Health Service for the necessary personnel, regular and reserve commissioned officers of the United States Public Health Service, clerical help in the District of Columbia and elsewhere, including all personnel, regular and reserve commissioned officers, and others heretofore or hereafter detailed for duty to the United States Veterans' Bureau."

Mr. MADDEN. The only difference between the language in this amendment and the language in the 1923 appropriation act is found in the second line from the last of my amendment—"or hereafter detailed." And that is made necessary by a ruling of the Comptroller General, which says that they can not make the payment where the assignments are made unless the language is so modified. These assignments from the Public Health Service of the Veterans' Bureau were made as the result of an Executive order of the President of the United States. If this is not adopted, the activities existing between the Public Health Service and the Veterans' Bureau and payment for those activities will cease on the 1st of July.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. VOIGT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 85, noes 15.

So the amendment was agreed to.

The Clerk read as follows:

Miscellaneous expenses: For an additional amount for printing, stationery, and envelopes, and for purchase, repair, and exchange of adding machines, addressing machines, typewriters, check-signing machines, and other labor-saving devices, furniture, filing cabinets, and postage on foreign mail, to enable the Bureau of Pensions to carry out the provisions of the act of May 3, 1922, for the monthly payment of pensions, fiscal year 1923, $45,875.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 11, between lines 13 and 14, add a new paragraph on page 11, between lines 13 and 14, to read as follows:

BUREAU OF INDIAN AFFAIRS—CALIFORNIA.

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $24,000; for general repairs and improvements, $4,000; for reconstruction of school building destroyed by fire on December 17, 1921, to be immediately available, $60,000; in all, $88,000, for the fiscal year ending June 30, 1923.

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment. It is not germane to the bill, and this has already been appropriated for, I wish to say to the gentleman from California, for the next fiscal year, in the Interior Department bill. So there is no necessity for it.

Mr. RAKER. This school burned down on December 17, 1921. There are 100 pupils there without any facilities for going to school. There are 28 buildings. This is a plant already established. The Government has about $250,000 expended on it. These Indian pupils have no place in which to go to school. Now, if this bill is allowed and goes through by the 1st of July this school can be built and be in operation by the 1st of October, and the school can be opened in proper shape.

I trust that the gentleman will let the amendment go through, so that we can establish this school and give these Indians an opportunity to get an education. It shall be my purpose to continue this effort until the poor Indian children are provided for and the school building rebuilt and the school at the Greenville Indian school property fully equipped and running. Give the Indian boy and girl a chance for a little education. It will help them, and by thus helping them we help the country generally. I feel that the chairman of this great committee [Mr. MADDEN] will eventually see that this appropriation is made. I will surely keep at and after him until his committee does make this provision in one of the appropriation bills.

Mr. CRAMTON. Mr. Chairman, this matter was all threshed out in the House when the Interior Department appropriation bill was before the House, and it was threshed out in conference adversely to the position of the gentleman from California [Mr. RAKER]. Appropriations were made for other schools for the accommodation of these same pupils, and what the gentleman proposes would be a duplication of accommodations for the next year. I should be obliged to make the point of order if the chairman of the Committee on Appropriations did not do so.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of order on what ground?

Mr. MADDEN. On the ground that it is not germane.

Mr. CRAMTON. And on the further ground, Mr. Chairman, that it provides for the erection of new buildings not now authorized by law.

Mr. RAKER. Mr. Chairman, I understand under the rule that as to new buildings, per se, the erection and establishment of them, the point of order would be good; but I want to direct the attention of the Chair to the fact that here is an established, going concern. There are some 28 buildings at this plant, some smaller and some larger. There is a farm connected with it and all other equipments. The assembly hall or school building was destroyed by fire.

Now, this is to reconstruct that school building and continue the plant, and therefore it does not fall within the rule that it is a new building. To my mind it is clearly in order under the rule that I call to the attention of the Chair. I think the mere statement of it is sufficient, and I shall not go into further detail in regard to it.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Michigan on the matter.

Mr. CRAMTON. The point of order is made on the item of $60,000, which is to put up a building in the place of one destroyed by fire. The Committee on Appropriations has not the jurisdiction to authorize such a building. That authorization must come from the Committee on Indian Affairs.

Mr. MADDEN. And it is not germane, besides.

The CHAIRMAN. This amendment reads:

BUREAU OF INDIAN AFFAIRS—CALIFORNIA.

For support and education of 100 Indian pupils at the Greenville School, California, including pay of superintendent, $24,000; for general repairs and improvements, $4,000; for reconstruction of school building destroyed by fire on December 18, 1921, to be immediately available, $60,000; in all, $88,000, for the fiscal year ending June 30, 1923.

Manifestly the one item contained in the amendment, namely, for reconstruction of school building destroyed by fire on December 17, 1921, authorizes an appropriation for a building which has not been authorized to be constructed by law, and therefore it seems to me the amendment is subject to a point of order as to that item.

Chairman TILSON, on February 4, 1920—page 2635 of the CONGRESSIONAL RECORD, second session, Sixty-sixth Congress—in ruling on a similar matter, said:

While a committee may report a bill embracing different subjects it is not in order during consideration in the House to introduce a new subject by way of amendment.

To a bill making appropriations for deficiencies in the Government service, an amendment appropriating for a service not mentioned in the bill is not germane.

There are other precedents to the same effect.

I think these rulings are supported by reason, and the point of order is sustained.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, it is not a question of criticism, but a question of facts. I do not know what is the matter; I would like to find out. Here are 100 Indian pupils located in a place a long distance from school anywhere else near to where their parents live, and they are trying to do something to improve themselves with the assistance of the whites. The Government has expended a large sum of money on this plant. It has a farm, has good grounds, and has a splendid location. The Forest Service, under work carried on by myself and others, turned over to this school in the neighborhood of three hundred and some-odd acres of forest land for the use of the school, so that the pupils might learn the conditions in connection with forestry. There are some 28 buildings remaining on this plant.

Now, it is said that because God Almighty or someone destroyed this building by fire on December 17, 1921, it should not be rebuilt. While it is stated that there is provision made for them, I dispute the fact. They will scatter them around from 100 to 500 miles, as they have done already, some at Carson City, Nev., some at Salem, Oreg., some at the Sherman Institute, in southern California, and other places, and a large part of them are not going to school at all for the lack of rebuilding this wooden building that was there, where these Indians were given an opportunity to be educated. Every man, woman, and child in that community, all the public officials, the State Superintendent of Instruction in the State of California, and other officials have written or telegraphed, and said this is necessary and that it ought to be constructed; but for some unforeseen and unknown reason that I can not find out, this school is not permitted to exist, while in the same bill a gymnasium that was destroyed by fire, costing much more than this, can be reconstructed out of the funds of the Government.

I can not get my mind to realize why the Indians located in California in Plumas County near Greenville, where they ought to have an education, where they ought to have this guiding hand to help them along, should be deprived of this right, and the remaining property of the Government stand idle and these Indians be sent away somewhere else to school and the greater part of them not be given schooling. The superintendent of instruction and the board of charities sent people up there within three weeks after the school was destroyed, and I inserted a letter in the RECORD once before which showed that these Indian pupils were not only driven from the school by the fire but that they were practically out of something upon which to subsist. Now, you appropriate for everything else. You take the land from these people right along, and you have not paid them back that which you agreed to pay, and still you are depriving them of the right to have an opportunity for education and general advancement so that they might have a chance to become self-sustaining and to become better people, because that is what will happen under the circumstances.

Mr. VOIGT. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of no quorum present. The Chair will count. [After counting.] Ninety-four Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrews, Nebr.	Black	Brooks, Pa.	Butler
Arentz	Bland, Ind.	Brown, Tenn.	Campbell, Kans.
Bacharach	Blanton	Buchanan	Campbell, Pa.
Beck	Bond	Burke	Cantrill
Beedy	Brennan	Burtness	Carter
Benham	Britten	Burton	Chandler, N. Y.

Clark, Fla.	Harrison	McLaughlin, Nebr.	Sabath
Clarke, N. Y.	Henry	McLaughlin, Pa.	Sanders, Ind.
Classon	Herrick	McSwain	Schall
Cockran	Hersey	MacGregor	Shelton
Codd	Hicks	Mansfield	Siegel
Colton	Hogan	Mead	Sinclair
Connolly, Pa.	Hooker	Merritt	Slemp
Cooper, Ohio	Humphreys	Michaelson	Smithwick
Copley	Husted	Montague	Snyder
Crisp	Hutchinson	Montoya	Stevenson
Dallinger	Ireland	Moore, Ill.	Stiness
Darrow	Jacoway	Morin	Stoll
Davis, Minn.	James	Nelson, J. M.	Sullivan
Deal	Jefferis, Nebr.	Newton, Minn.	Summers, Wash.
Dickinson	Johnson, Miss.	Nolan	Swank
Dominick	Johnson, S. Dak.	O'Connor	Sweet
Drane	Johnson, Wash.	Olpp	Tague
Drewry	Kahn	Osborne	Taylor, Ark.
Driver	Kearns	Overstreet	Taylor, Colo.
Dunbar	Kelley, Mich.	Padgett	Ten Eyck
Dunn	Kelly, Pa.	Paige	Thomas
Evans	Kendall	Parks, Ark.	Tilson
Fairchild	Kennedy	Patterson, Mo.	Treadway
Fairfield	Ketcham	Patterson, N. J.	Tucker
Fenn	Kiess	Perkins	Tyson
Knight	Kindred	Perlman	Underhill
Fields	Kinkaid	Petersen	Vare
Fish	Kirkpatrick	Porter	Vestal
Fitzgerald	Kitchin	Pou	Volk
Frear	Kleczka	Rainey, Ala.	Ward, N. Y.
Free	Kraus	Ransley	Wason
Freeman	Kreider	Rayburn	Wilson
Fuller	Kunz	Reber	Wise
Gahn	Langley	Reed, N. Y.	Wood, Ind.
Gallivan	Larson, Minn.	Reed, W. Va.	Woodruff
Garrett, Tenn.	Lawrence	Roach	Woodyard
Garrett, Tex.	Logan	Robertson	Wright
Gilbert	Longworth	Robsion	Wyant
Gorman	Luce	Rodenberg	Yates
Gould	Lyon	Rossdale	Young
Graham, Pa.	McClintic	Rouse	
Greene, Mass.	McCormick	Rucker	
Griest	McFadden	Ryan	

The committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the third deficiency bill (H. R. 12090), found itself without a quorum, whereupon he caused the roll to be called, when 237 Members answered to their names, and he handed in the list of absentees to be printed in the Journal and RECORD.

The SPEAKER. The committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the third deficiency appropriation bill (H. R. 12090) with Mr. GRAHAM of Illinois in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3345. An act changing the name of Keokuk Street in the county of Washington, D. C., to Military Road.

THIRD DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. HARDY of Texas. Mr. Chairman, I asked leave last night, but in some confusion it was not acted on, and I now ask unanimous consent to revise and extend the remarks which I made yesterday.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent to revise and extend in the RECORD his remarks made yesterday. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER: Add a new paragraph on page 11, between lines 13 and 14, to read as follows:

"BUREAU OF INDIAN AFFAIRS—CALIFORNIA.

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $24,000; for general repairs and improvements, $4,000; for repair of school building on account of and by reason of the fire on December 17, 1921, to be immediately available, $60,000; in all, $88,000," for the fiscal year ending June 30, 1923.

Mr. MADDEN. Mr. Chairman, I make the point of order on the amendment offered by the gentleman from California. It is impossible to repair a building which does not exist.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. RAKER. This is to repair a building on account of and by reason of a fire on December 17, 1921, and in a ruling heretofore made by a chairman of the Committee of the Whole a similar amendment was held in order.

Mr. MADDEN. I make the point of order, Mr. Chairman.

The CHAIRMAN. It seems to the Chair that this is the same amendment which the gentleman has heretofore offered in a different form. It is not a germane amendment. It is also plainly an appropriation of money for a purpose not authorized by law. The Chair sustains the point of order.

Mr. RAKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. There has been a ruling directly by the chairman on this point involved here, the same language the Chair has ruled upon. I know the Chair has already ruled, but I wondered if the Chair had noticed that ruling.

The CHAIRMAN. The Chair has, and the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Not to exceed $5,000 of the appropriation of $500,000 contained in the act entitled "An act making an appropriation to enable the Department of Justice to investigate and prosecute war frauds," approved May 22, 1922, is made available for furniture and repairs, including floor coverings, file holders, and cases.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 19, after the word "for," insert the words "the purchase of," and in the same line, after the word "repairs," insert the word "thereto." And in line 20, after the word "cases" insert the words "in addition to any furniture secured from surplus war stores through the General Supply Committee."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the chairman of the committee if any of this $500,000 fund will be used to enable the prosecuting officer in this District to prosecute other than war-fraud cases?

Mr. MADDEN. That is all.

Mr. COOPER of Wisconsin. Does the gentleman know why there has been no trial of the men indicted for the Knickerbocker disaster?

Mr. MADDEN. I do not know.

Mr. COOPER of Wisconsin. That disaster occurred last winter. It was a clear case of the murder of men and women, the result of incompetency and greed.

Mr. MADDEN. They have a regular appropriation for that purpose under the district attorney.

Mr. COOPER of Wisconsin. Upward of six months have elapsed and all the evidence was in the hands of the authorities a few days after the tragedy. Nothing is being done or has been done up to this time. If there is anything that showed the necessity of reformation in court procedure, and especially in criminal procedure, it is the great delay in this case. Ninety-seven innocent persons were enticed into a place which they thought safe, and there made to suffer an agonizing death. Soldiers who had served across the seas were killed there. Some of my own personal acquaintances were among the victims—one a young woman, mother of two beautiful children. The young, the beautiful, the brave were slaughtered as the result of incompetency and greed. The facts show that it could not have been anything else. Six months have elapsed, nothing has been done, and all the witnesses within a few rods of the courthouse.

Mr. WALSH. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. WALSH. Upon what evidence does the gentleman base the statement that nothing has been done?

Mr. COOPER of Wisconsin. Because there ought to have been trials of those cases.

Mr. WALSH. There has been something done. The gentleman probably has not followed the Washington papers recently. There were demurrers filed in those cases. Arguments have been had, I believe, in all cases except one, and they are awaiting the decision of the court.

Mr. COOPER of Wisconsin. How long ago?

Mr. WALSH. Within the last two weeks.

Mr. COOPER of Wisconsin. Then it took five months before they had any hearing.

Mr. WALSH. The gentleman well knows that they were indicted within 60 days after the accident happened. There were many other cases pending at that time, and the district attorney has to have some order of procedure for cases.

Mr. COOPER of Wisconsin. There could be no other case comparable in importance to the killing of 97 persons in that theater. I know that there are powerful influences which will prevent the trial of these cases as long as it can be prevented. I myself years ago was an officer in charge of prosecutions, and I know how money, guilty money, will do anything to delay prosecutions.

Mr. WALSH. Mr. Chairman, I am sure we are very much gratified to have the intimation conveyed to the people of the District that guilty money is probably being used to delay the trial of cases, when as a matter of fact the indictments were found, I think, within 60 days after the accident happened. I have not talked with any official connected with the district attorney's office in this city, but there is no reason why these cases, when the demurrers have been settled, if the contention of the Government is sustained, should not receive a speedy trial. I do not know of anything that has happened which would furnish the basis of a statement that any undue or improper means is being exerted upon the prosecuting officer to delay the trial in these cases. There are other cases pending in the District where people have lost their lives as a result of willful premeditation on somebody's part. These cases have not been tried. Of course, I can understand that people who have lost friends and relatives and acquaintances in such a catastrophe should want to take the owner, the builder, the architect, and the inspector out and hang them on the nearest telegraph pole. However, this is considerable of a District. It has its full share of crimes, misdemeanors, murders, accidents which involve criminal responsibility, and I believe that the district attorney's office is keeping pace with the work. The cases are filed in court, and the orderly way, as the gentleman well knows, is to take the cases up in the order in which they are filed.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. CLOUSE. There was an investigation, a jury of inquest impaneled, and the district attorney's office took charge of the inquest to fix the responsibility, and that hearing extended over a period of some three or four weeks, did it not?

Mr. WALSH. That is so. That was later followed up by the presentation of the case to the grand jury, and I think it hardly becoming that simply because these cases have not been brought to trial an insinuation should be made that guilty money or improper influence is being used to keep these parties who have been indicted from having a trial, when, as a matter of fact, there have been several questions of law raised which must be determined by the court, and they are under consideration by the court at the present time. From what I have read in the local press a very unique question of law was raised in this particular case. I assume that the court which heard the argument upon the demurrer is giving the matter consideration, and when the question is determined, if the contention of the prosecution is sustained, the cases will be tried in due course and the guilty parties punished.

The Clerk read as follows:

For Aberdeen Proving Ground, Md., $174,591.63; in all, $4,140,105.72.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the chairman of the committee whether the amounts carried in the various items in the paragraphs under "Quartermaster Corps" which have just been read for the purchase of sites are the aggregate amounts authorized in the authorization act?

Mr. MADDEN. Yes; they are.

Mr. STAFFORD. There were no reductions in the amounts from those that were authorized to be expended?

Mr. MADDEN. No. The awards were all made, contracts were entered into, and the obligation exists. The authorization was not made in the act until the amount was ascertained.

Mr. STAFFORD. This is merely carrying out some prior executed agreement as to the purchase of the property.

Mr. MADDEN. That is correct.

Mr. STAFFORD. And when these amounts are appropriated there will be no other appropriations necessary for the acquirement of additional real estate for war activities.

Mr. MADDEN. No.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HILL. In reference to the Quartermaster warehouse in Baltimore and the Aberdeen Proving Ground and these other items to which the gentleman from Wisconsin refers, it is my understanding that they were passed on by the Military Affairs Committee.

Mr. MADDEN. Yes.

Mr. HILL. And the amounts were the claims approved, except where they were necessarily cut down by the committee.

Mr. MADDEN. We did not cut them down. We allowed the amounts which are allotted in the act or obligated by the Government under the contract.

Mr. HILL. And all of these items are as they came from the Committee on Military Affairs.

Mr. MADDEN. Exactly.

The Clerk read as follows:

CORPS OF ENGINEERS.

Readjustment of contracts: For amounts found to be due various contractors under the provisions of section 10, river and harbor act approved March 2, 1919, on certain contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917, for work performed between April 6, 1917, and July 18, 1918, as set forth in detail in reports of the Chief of Engineers forwarded to the Speaker of the House of Representatives by letters of the Secretary of War as published in House Documents Nos. 205 and 219, Sixty-seventh Congress, $210,535.66.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the chairman of the committee the necessity for this appropriation.

Mr. MADDEN. This is the third and last of a group of settlements which were authorized to be made by the Corps of Engineers in connection with the river and harbor work under contracts that were entered into between April 6, 1917, and July 18, 1918.

Mr. DOWELL. I understand that. That is the language of the paragraph, but did the expenditure go beyond the amount appropriated by the Congress for that purpose?

Mr. MADDEN. The Congress did not appropriate. Congress never appropriates until the settlements are made, and there have been three series of settlements and this is the last one.

Mr. DOWELL. This is done on the authorization?

Mr. MADDEN. Under the act of Congress.

Mr. DOWELL. Without any appropriation?

Mr. MADDEN. Without any appropriation. These people have not had their money on this at all. This is the last settlement of all of the contracts under that act.

The Clerk read as follows:

SETTLEMENT OF CLAIMS.

The provision contained in the second deficiency act, fiscal year 1921, approved June 16, 1921, extending until June 30, 1922, the availability of the amounts of unexpended balances of appropriations chargeable with the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department and with the adjustment of claims under the act of Congress approved March 2, 1919, where the contract or obligation was entered into subsequently to April 6, 1917, and prior to November 12, 1918, is hereby extended to June 30, 1923, subject to the restriction that the balances so extended shall be used exclusively to settle the claims of foreign governments and their nationals for supplies or services furnished the American forces abroad: *Provided*, That the balances of appropriations herein extended may also be used to settle the claims of foreign governments and their nationals where the contract or obligation was incurred between November 12, 1918, and June 30, 1919, both dates inclusive: *Provided*, That such amounts of the appropriations of the War Department for the fiscal year 1920 as may be necessary to effect settlements of the claims of foreign governments and their nationals properly payable from said appropriations may be withheld from cover into the surplus funds of the Treasury and remain available until June 30, 1923: *Provided further*, That the total amount of the appropriations herein extended shall not exceed $3,203,000, which amount shall constitute one fund on the books of the Treasury Department: *Provided further*, That in the event any commission or authorized committee is sent abroad to adjust the claims mentioned herein, such expenses (not to exceed $30,000) as are necessary for such commission or committee properly to perform its duties shall be payable from the funds herein extended, including traveling expenses, and such allowances to civilian members of such commission or committee and employees sent therewith, for actual expenses in lieu of subsistence, not to exceed $10 per day, as may be prescribed by the Secretary of War.

Mr. VOIGT. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. MADDEN. Mr. Chairman, I move to amend by striking out the word "the," in line 16, page 17, after the word "settle."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 17, line 16, after the word "settle," strike out the word "the."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. In July, nearly a year ago, the Government requested bids on Muscle Shoals.

Mr. MADDEN. Mr. Chairman, I hope the gentleman will not insist upon talking about Muscle Shoals at the present time. We are going to have that question up a little later this afternoon.

Mr. TINCHER. Mr. Chairman, I make the point of order that the gentleman is not in order. I do so because of important legislation I hope to get. If——

Mr. SEARS. While the entire country is interested in this question, I realize it is not now in order to discuss it if anyone objects, and I shall therefore wait until it is in order.

The Clerk read as follows:

SEC. 3. That this act hereafter may be referred to as the "third deficiency act, fiscal year 1922."

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, in connection with the hearings upon this bill, I made a request of an Army officer representing the War Department that a copy of a certain order be extended in the hearings. Through an oversight, as explained in the accompanying letter to the chairman of the committee, that order was not included, and under the permission that has just been granted I shall place the order in the RECORD in full.

At this time I shall take just a moment to call the attention of the committee to Paragraph VI, General Order 20, from the Chief of Staff, promulgated May 15 by the Secretary of War. The order reads in part:

The Secretary of War authorizes and desires public and private discussions on appropriate occasions by officers of the Army in support of the military policy of the United States as established by law and of the policies of the War Department in furtherance thereof designed to secure the national defense.

Then omitting a large portion—

As the policies involved have been worked out with much care after a very full consideration of all the factors entering into the problem, it is desired, in order to avoid confusion, that they should be discussed from the standpoint of the War Department unless special authority for a different presentation is obtained from The Adjutant General of the Army.

In other words, the Secretary of War makes a special request to the 12,000 officers of the Army to go out and spread propaganda in behalf of the program laid down by the General Staff as long as they will promote that particular proposition, but serves notice on them that if they want to vary in their judgment in any way they must come and get special permission to speak. In other words, that lays down in this country a program making the General Staff of the Army supreme, teaching in this country a doctrine that has been repudiated in other countries of the world as a menace to democracy, and I believe that the order deserves the attentive study of the Members of the House. Nothing led Germany to militarism more than the dominance of the general staff over the thought of the country. We do not want to follow the path that led Germany to ruin and the world to desolation, even though Weeks be the guide.

Mr. DOWELL. Will the gentleman yield for one question?

Mr. CRAMTON. For a brief one.

Mr. DOWELL. Does the gentleman know of any order issued by the General Staff to the other officers that before reporting to any committee of Congress they must report to the staff and give information as to what they are to give to the committee?

Mr. CRAMTON. I might say this: In the same hearing when I made that request, the gentleman from Kansas [Mr. ANTHONY], chairman of the subcommittee in charge of the Army appropriation bill, made the following statement (hearings third deficiency appropriation bill, p. 255):

Mr. ANTHONY. I wish also there was somebody here who could answer a little further, if it is not true that officers of the War Department have been severely reprimanded for expressing, even to congressional committees, an opinion at variance with the policy of the War Department, which is true.

That significant and important statement was ignored by the War Department and the opportunity to deny Mr. ANTHONY'S charge was not availed of. It is my information that the very thing referred to by Mr. ANTHONY has very recently occurred, though it involves a dangerous effort of the military to dominate legislation.

The letter and order referred to are as follows:

WAR DEPARTMENT,
OFFICE OF CHIEF OF FINANCE,
Washington, D. C., June 21, 1922.

Hon. MARTIN B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

SIR: It is noted that on pages 254 and 255 of the hearings before your committee upon the third deficiency appropriation bill, 1922, request was made for a copy of a recent order issued by the War Department in reference to public statements made by officers regarding the military policy of the War Department. From the hearing it appears that it was desired to place such an order in the record, but through inadvertence the stenographer's notes were returned without an inclusion of the order. It is believed that the matter referred to is contained in Section VI of General Orders, No. 20, War Department, May 15, 1922, and I inclose herewith a copy of this order for your information. A copy of this letter and of the order is also being sent to Mr. CRAMTON, who, as shown by the record, made the inquiry regarding the order.

By authority of the Secretary of War.

Respectfully,

KENZIE W. WALKER,
Acting Budget Officer for the War Department.

* * * * * * *

VI. Instructions authorizing discussions of the military policy of the United States and of the War Department policies in furtherance thereof.—The Secretary of War authorizes and desires public and private discussion on appropriate occasions by officers of the Army in support of the military policy of the United States as established by law and of the policies of the War Department in furtherance thereof designed to secure the national defense.

The military policy of the United States is embodied in the national defense act of 1920. This act expresses the views of military men throughout the country, including the great mass of citizen soldiers who fought in the World War. It perpetuates the historic organizations of the American Army that saved Europe and utilizes their traditions and personnel as the foundation upon which to build future organizations of similar character. It provides for their orderly mobilization and training in their respective localities in time of war, and avoids the confusion and expense incident to the hasty assembly of untrained and unrelated personnel at extemporized and widely scattered camps.

This policy is in entire accord with the spirit of our institutions and has met with the approval of all who have given it study and consideration. The sympathetic support of the public is necessary for its maintenance, and it is to be expected that this support will be freely given when the undoubted merits of the policy are understood and when attention is called to the burdensome and dangerous alternative that must be faced unless it is made fully effective.

The national defense is the ultimate mission of the Army, and a proper presentation to the public of the necessities in this regard, since it is essential to the accomplishment of this mission, becomes naturally and logically one of the important duties of the officers of the Army.

As the policies involved have been worked out with much care after a very full consideration of all the factors entering into the problem, it is desired, in order to avoid confusion, that they should be discussed from the standpoint of the War Department unless special authority for a different presentation is obtained from The Adjutant General of the Army.

Existing orders in conflict with the foregoing provisions are modified accordingly.

By order of the Secretary of War:

JOHN J. PERSHING,
General of the Armies, Chief of Staff.

Official:
ROBERT C. DAVIS, *Acting The Adjutant General.*

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker resumed the chair.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that until the Chairman of the Committee of the Whole House on the state of the Union reports, and the Chair will then recognize the gentleman?

Mr. VOIGT. Yes.

Mr. GRAHAM of Illinois. Mr. Speaker, the Committee of the Whole House on the state of the Union has had under consideration the bill H. R. 12090 and has directed me to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The gentleman from Wisconsin makes the point of order there is no quorum present. It is clear there is no quorum present.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Classon	Fish	Humphreys
Andrews, Nebr.	Cockran	Fitzgerald	Husted
Anthony	Codd	Focht	Hutchinson
Arentz	Collins	Frear	Ireland
Bacharach	Colton	Freeman	Jefferis, Nebr.
Beck	Connolly, Pa.	Fuller	Johnson, Miss.
Black	Cooper, Ohio	Funk	Johnson, Wash.
Bland, Ind.	Copley	Gahn	Kahn
Blanton	Crowther	Gallivan	Kearns
Bond	Dallinger	Garrett, Tenn.	Kelly, Pa.
Brand	Darrow	Garrett, Tex.	Kendall
Brennan	Davis, Minn.	Gilbert	Kennedy
Britten	Deal	Goldsborough	Ketcham
Brooks, Pa.	Dempsey	Goodykoontz	Kiess
Brown, Tenn.	Denison	Gorman	Kindred
Browne, Wis.	Dickinson	Gould	Kinkaid
Buchanan	Dominick	Graham, Pa.	Kirkpatrick
Burke	Drane	Greene, Mass.	Kitchin
Burtness	Drewry	Greene, Vt.	Kleczka
Burton	Driver	Griest	Knight
Butler	Dunbar	Hammer	Kreider
Campbell, Kans.	Dunn	Henry	Langley
Campbell, Pa.	Echols	Herrick	Larson, Minn.
Cantrill	Evans	Hersey	Lawrence
Carter	Fairchild	Hicks	Lazaro
Chandler, N. Y.	Fairfield	Hogan	Lee, N. Y.
Clark, Fla.	Fenn	Hooker	Little
Clarke, N. Y.	Fields	Hull	Logan

Longworth	Paige	Ryan	Tilson
Luce	Parker, N. Y.	Sabath	Treadway
Lyon	Parks, Ark.	Sanders, Ind.	Tucker
McArthur	Patterson, Mo.	Schall	Tyson
McClintic	Patterson, N. J.	Shelton	Underhill
McCormick	Perkins	Siegel	Vare
McFadden	Perlman	Sinclair	Vestal
McLaughlin, Pa.	Petersen	Slemp	Vinson
McSwain	Porter	Smithwick	Volk
MacGregor	Pou	Snyder	Ward, N. Y.
Merritt	Rainey, Ala.	Stevenson	Ward, N. C.
Montague	Ransley	Stiness	Wason
Montoya	Rayburn	Stoll	Webster
Moore, Ill.	Reber	Sullivan	Williams, Ill.
Moore, Va.	Reed, N. Y.	Summers, Wash.	Wilson
Morin	Roach	Swank	Wise
Mudd	Robertson	Sweet	Woodruff
Nelson, J. M.	Robsion	Swing	Woodyard
Nolan	Rodenberg	Tague	Yates
Olpp	Rosenbloom	Taylor, Ark.	Young
Osborne	Rossdale	Taylor, Colo.	Zihlman
Overstreet	Rouse	Ten Eyck	
Padgett	Rucker	Thomas	

The SPEAKER. Two hundred and twenty-nine Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The question was taken and the Speaker announced the ayes appeared to have it.

Mr. VOIGT. Division, Mr. Speaker.

The House divided; and there were—ayes 187, noes 22.

Mr. VOIGT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin objects to the vote on the ground that there is no quorum present. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 227, nays none, answered "present" 1, not voting 202, as follows:

YEAS—227.

Ackerman	Dyer	Larsen, Ga.	Riddick
Almon	Edmonds	Layton	Riordan
Anderson	Elliott	Lazaro	Rogers
Andrew, Mass.	Ellis	Lea, Calif.	Rose
Ansorge	Faust	Leatherwood	Sanders, N. Y.
Anthony	Favrot	Lee, Ga.	Sanders, Tex.
Appleby	Fess	Lehlbach	Sandlin
Aswell	Fish	Lineberger	Scott, Mich.
Atkeson	Fisher	Linthicum	Scott, Tenn.
Bankhead	Foster	London	Sears
Barbour	Free	Lowrey	Shaw
Barkley	French	McDuffie	Shreve
Beedy	Frothingham	McKenzie	Sinnott
Begg	Fulmer	McLaughlin, Mich.	Sisson
Bell	Garner	Madden	Smith, Idaho
Benham	Garrett, Tenn.	Magee	Smith, Mich.
Bird	Gensman	Maloney	Snell
Bixler	Gernerd	Mann	Speaks
Blakeney	Glynn	Mansfield	Sproul
Bland, Ind.	Graham, Ill.	Mapes	Stafford
Bland, Va.	Green, Iowa	Martin	Steagall
Boies	Griffin	Mead	Stedman
Bowers	Hadley	Michaelson	Steenerson
Bowling	Hardy, Colo.	Michener	Stephens
Box	Haugen	Miller	Strong, Kans.
Briggs	Hawes	Mills	Strong, Pa.
Brooks, Ill.	Hawley	Millspaugh	Sumners, Tex.
Bhlwinkle	Hays	Mondell	Swing
Burdick	Hickey	Moore, Ill.	Taylor, N. J.
Burroughs	Hill	Moore, Ohio	Taylor, Tenn.
Byrnes, S. C.	Himes	Moores, Ind.	Temple
Byrns, Tenn.	Hoch	Morgan	Thompson
Cable	Hogan	Mott	Tillman
Cannon	Huddleston	Murphy	Timberlake
Carew	Hudspeth	Nelson, Me.	Tincher
Chalmers	Hukriede	Nelson, A. P.	Tinkham
Chandler, Okla.	Jacoway	Newton, Minn.	Towner
Chindblom	James	Newton, Mo.	Upshaw
Christopherson	Jeffers, Ala.	Norton	Valle
Clague	Johnson, Ky.	O'Brien	Vinson
Clouse	Johnson, Wash.	O'Connor	Voigt
Cole, Iowa	Jones, Pa.	Ogden	Walsh
Cole, Ohio	Jones, Tex.	Oldfield	Watson
Connally, Tex.	Keller	Oliver	Weaver
Connell	Kelley, Mich.	Park, Ga.	Wheeler
Cooper, Wis.	Kincheloe	Parker, N. J.	White, Kans.
Coughlin	King	Pringey	White, Me.
Crago	Kissel	Purnell	Williams, Tex.
Crisp	Kline, N. Y.	Quin	Williamson
Cullen	Kline, Pa.	Radcliffe	Wingo
Curry	Knutson	Rainey, Ill.	Winslow
Dale	Kopp	Raker	Wood, Ind.
Davis, Tenn.	Kraus	Ramseyer	Woodruff
Dempsey	Kunz	Rankin	Woods, Va.
Doughton	Lampert	Reece	Wright
Dowell	Lanham	Rhodes	Wurzbach
Dupré	Lankford	Ricketts	

NAYS—None.

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—202.

Andrews, Nebr.	Fenn	Kreider	Rodenberg
Arentz	Fields	Langley	Rosenbloom
Bacharach	Fitzgerald	Larson, Minn.	Rossdale
Beck	Focht	Lawrence	Rouse
Black	Fordney	Lee, N. Y.	Rucker
Blanton	Frear	Little	Ryan
Bond	Freeman	Logan	Sabath
Brand	Fuller	Longworth	Sanders, Ind.
Brennan	Funk	Luce	Schall
Britten	Gahn	Luhring	Shelton
Brooks, Pa.	Gallivan	Lyon	Siegel
Brown, Tenn.	Garrett, Tex.	McArthur	Sinclair
Browne, Wis.	Gilbert	McClintic	Slemp
Buchanan	Goldsborough	McCormick	Smithwick
Burke	Goodykoontz	McFadden	Snyder
Burtness	Gorman	McLaughlin, Nebr.	Stevenson
Burton	Gould	McLaughlin, Pa.	Stiness
Butler	Graham, Pa.	McPherson	Stoll
Campbell, Kans.	Greene, Mass.	McSwain	Sullivan
Campbell, Pa.	Greene, Vt.	MacGregor	Summers, Wash.
Cantrill	Griest	Merritt	Swank
Carter	Hammer	Montague	Sweet
Chandler, N. Y.	Hardy, Tex.	Montoya	Tague
Clark, Fla.	Harrison	Moore, Va.	Taylor, Ark.
Clarke, N. Y.	Hayden	Morin	Taylor, Colo.
Classon	Henry	Mudd	Ten Eyck
Cockran	Herrick	Nelson, J. M.	Thomas
Codd	Hersey	Nolan	Tilson
Collier	Hicks	Olpp	Treadway
Collins	Hooker	Osborne	Tucker
Colton	Hull	Overstreet	Tyson
Connolly, Pa.	Humphreys	Padgett	Underhill
Cooper, Ohio	Husted	Paige	Vare
Copley	Hutchinson	Parker, N. Y.	Vestal
Crowther	Ireland	Parks, Ark.	Volk
Dallinger	Jefferis, Nebr.	Patterson, Mo.	Volstead
Darrow	Johnson, Miss.	Patterson, N. J.	Walters
Davis, Minn.	Johnson, S. Dak.	Perkins	Ward, N. Y.
Deal	Kahn	Perlman	Ward, N. C.
Denison	Kearns	Petersen	Wason
Dickinson	Kelly, Pa.	Porter	Webster
Dominick	Kendall	Pou	Williams, Ill.
Drane	Kennedy	Rainey, Ala.	Wilson
Drewry	Ketcham	Ransley	Wise
Driver	Kiess	Rayburn	Woodyard
Dunbar	Kindred	Reber	Wyant
Dunn	Kinkaid	Reed, N. Y.	Yates
Echols	Kirkpatrick	Reed, W. Va.	Young
Evans	Kitchin	Roach	Zihlman
Fairchild	Kleczka	Robertson	
Fairfield	Knight	Robsion	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Hutchinson with Mr. Kindred.

Mr. Kahn with Mr. Cantrill.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kennedy with Mr. Fields.

Mr. Treadway with Mr. Cockran.

Mr. Langley with Mr. Clark of Florida.

Mr. Stiness with Mr. McClintic.

Mr. Fenn with Mr. Johnson of Mississippi.

Mr. Wyant with Mr. Black.

Mr. Kearns with Mr. Deal.

Mr. Brennan with Mr. Padgett.

Mr. Frear with Mr. Overstreet.

Mr. Clarke of New York with Mr. Drewry.

Mr. Siegel with Mr. Wise.

Mr. Rossdale with Mr. Brand.

Mr. Codd with Mr. Tucker.

Mr. Burke with Mr. Wilson.

Mr. Fuller with Mr. Parks of Arkansas.

Mr. Kreider with Mr. Campbell of Pennsylvania.

Mr. Patterson of New Jersey with Mr. Hardy of Texas.

Mr. Lee of New York with Mr. Tague.

Mr. Graham of Pennsylvania with Mr. Gilbert.

Mr. Cooper of Ohio with Mr. Gallivan.

Mr. Dallinger with Mr. Pou.

Mr. Yates with Mr. Kitchin.

Mr. Snyder with Mr. Taylor of Colorado.

Mr. Ryan with Mr. Logan.

Mr. Volk with Mr. Rainey of Illinois.

Mr. Olpp with Mr. Dominick.

Mr. Sinclair with Mr. Tyson.

Mr. Gould with Mr. Buchanan.

Mr. Schall with Mr. Thomas.

Mr. Webster with Mr. Collier.

Mr. Arentz with Mr. Garrett of Texas.

Mr. Dickinson with Mr. Sabath.

Mr. Davis of Minnesota with Mr. Harrison.

Mr. Luce with Mr. Swank.

Mr. Reed of New York with Mr. Collins.

Mr. Henry with Mr. Ward of North Carolina.

Mr. Petersen with Mr. Lyon.
Mr. Crowther with Mr. Hammer.
Mr. Griest with Mr. Hooker.
Mr. Bacharach with Mr. Taylor of Arkansas.
Mr. Evans with Mr. Rucker.
Mr. Burtness with Mr. McSwain.
Mr. Greene of Massachusetts with Mr. Hayden.
Mr. Larson of Minnesota with Mr. Stevenson.
Mr. Kiess with Mr. Humphreys.
Mr. Colton with Mr. Drane.
Mr. Fairfield with Mr. Sullivan.
Mr. Osborne with Mr. Rayburn.
Mr. Hicks with Mr. Stoll.
Mr. McArthur with Mr. Ten Eyck.
Mr. Beck with Mr. Blanton.
Mr. Fenn with Mr. Goldsborough.
Mr. Campbell of Kansas with Mr. Montague.
Mr. Gahn with Mr. Smithwick.
Mr. Knight with Mr. Rainey of Alabama.

Mr. CRAMTON. Mr. Speaker, I voted "yea," but on account of my general pair with the gentleman from Oklahoma, Mr. CARTER, I wish to to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. Is a separate vote demanded on any amendment?

Mr. VOIGT. Mr. Speaker, I demand a separate vote on every amendment.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 15, after the word "therein," insert: "and the appropriation for the Post Office Department for the fiscal year 1923 for payment to the Government Printing Office for heat, light, and power shall also be available for such purposes to reimburse the Capitol power plant when the connection herein provided for shall have been made.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. VOIGT. Division, Mr. Speaker.

The House divided; and there were—ayes 200, noes 6.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. The Chair will count. [After counting.] One hundred and seventy-four Members are present, not a quorum. The Doorkeeper will close the doors and the Sergeant at Arms will bring in absent Members. Those in favor of agreeing to the amendment will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 232, nays 3, answered "present" 1, not voting 194, as follows:

YEAS—232.

Ackerman	Cole, Ohio.	Hadley	Lineberger
Almon	Collier	Hammer	Linthicum
Anderson	Collins	Hardy, Colo.	Little
Andrew, Mass.	Connally, Tex.	Hardy, Tex.	London
Ansorge	Connell	Harrison	Lowrey
Anthony	Cooper, Wis.	Haugen	McDuffie
Appleby	Coughlin	Hawes	McKenzie
Aswell	Crago	Hawley	McLaughlin, Mich.
Atkeson	Crisp	Hays	McLaughlin, Nebr.
Bankhead	Crowther	Hickey	McPherson
Barbour	Cullen	Hill	Madden
Barkley	Curry	Himes	Magee
Beedy	Dale	Hoch	Maloney
Begg	Davis, Tenn.	Hogan	Mann
Bell	Dempsey	Hudspeth	Mansfield
Benham	Denison	Hukriede	Mapes
Bird	Doughton	Jacoway	Martin
Bixler	Dowell	James	Mead
Blakeney	Dupré	Jeffers, Ala.	Michaelson
Bland, Ind.	Edmonds	Johnson, Ky.	Michener
Bland, Va.	Elliott	Johnson, S. Dak.	Miller
Boies	Ellis	Johnson, Wash.	Mills
Bowers	Faust	Jones, Pa.	Millspaugh
Bowling	Favrot	Jones, Tex.	Mondell
Box	Fess	Keller	Moore, Ill.
Briggs	Fish	Kelley, Mich.	Moore, Ohio
Brooks, Ill.	Fisher	Kincheloe	Moores, Ind.
Bulwinkle	Fordney	King	Morgan
Burdick	Foster	Kissel	Mott
Burroughs	Free	Kline, N. Y.	Murphy
Byrnes, S. C.	French	Kline, Pa.	Nelson, Me.
Byrns, Tenn.	Frothingham	Knutson	Nelson, A. P.
Cable	Fulmer	Kopp	Newton, Minn.
Cannon	Funk	Kraus	Newton, Mo.
Carew	Garner	Lampert	Norton
Chalmers	Garrett, Tenn.	Lanham	O'Brien
Chandler, Okla.	Gensman	Lankford	O'Connor
Chindblom	Gernerd	Layton	Ogden
Christopherson	Glynn	Lazaro	Oldfield
Clague	Graham, Ill.	Lea, Calif.	Oliver
Clouse	Green, Iowa.	Leatherwood	Park, Ga.
Cole, Iowa.	Griffin	Lee, Ga.	Parker, N. J.
Pringey	Sanders, Tex.	Steenerson	Voigt
Purnell	Sandlin	Stephens	Walsh
Radcliffe	Scott, Mich.	Strong, Pa.	Watson
Rainey, Ill.	Scott, Tenn.	Swing	Weaver
Raker	Sears	Taylor, N. J.	Wheeler
Ramseyer	Shaw	Taylor, Tenn.	White, Kans.
Rankin	Shreve	Temple	White, Me.
Reece	Sinnott	Thompson	Williams, Tex.
Reed, W. Va.	Sisson	Tillman	Williamson
Rhodes	Smith, Idaho	Timberlake	Wingo
Ricketts	Smith, Mich.	Tincher	Winslow
Riddick	Snell	Tinkham	Wood, Ind.
Riordan	Speaks	Towner	Woodruff
Rogers	Sproul	Upshaw	Woods, Va.
Rose	Stafford	Vaile	Wright
Sanders, N. Y.	Steagall	Vinson	Wurzbach

NAYS—3.

Huddleston	Quin	Sumners, Tex.

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—194.

Andrews, Nebr.	Fields	Lawrence	Rucker
Arentz	Fitzgerald	Lee, N. Y.	Ryan
Bacharach	Focht	Lehlbach	Sabath
Beck	Frear	Logan	Sanders, Ind.
Black	Freeman	Longworth	Schall
Blanton	Fuller	Luce	Shelton
Bond	Gahn	Luhring	Siegel
Brand	Gallivan	Lyon	Sinclair
Brennan	Garrett, Tex.	McArthur	Slemp
Britten	Gilbert	McClintic	Smithwick
Brooks, Pa.	Goldsborough	McCormick	Snyder
Brown, Tenn.	Goodykoontz	McFadden	Stedman
Browne, Wis.	Gorman	McLaughlin, Pa.	Stevenson
Buchanan	Gould	McSwain	Stiness
Burke	Graham, Pa.	MacGregor	Stoll
Burtness	Greene, Mass.	Merritt	Strong, Kans.
Burton	Greene, Vt.	Montague	Sullivan
Butler	Griest	Montoya	Summers, Wash.
Campbell, Kans.	Hayden	Moore, Va.	Swank
Campbell, Pa.	Henry	Morin	Sweet
Cantrill	Herrick	Mudd	Tague
Carter	Hersey	Nelson, J. M.	Taylor, Ark.
Chandler, N. Y.	Hicks	Nolan	Taylor, Colo.
Clark, Fla.	Hooker	Olpp	Ten Eyck
Clarke, N. Y.	Hull	Osborne	Thomas
Classon	Humphreys	Overstreet	Tilson
Cockran	Husted	Padgett	Treadway
Codd	Hutchinson	Paige	Tucker
Colton	Ireland	Parker, N. Y.	Tyson
Connolly, Pa.	Jefferis, Nebr.	Parks, Ark.	Underhill
Cooper, Ohio	Johnson, Miss.	Patterson, Mo.	Vare
Copley	Kahn	Patterson, N. J.	Vestal
Dallinger	Kearns	Perkins	Volk
Darrow	Kelly, Pa.	Perlman	Volstead
Davis, Minn.	Kendall	Petersen	Walters
Deal	Kennedy	Porter	Ward, N. Y.
Dickinson	Ketcham	Pou	Ward, N. C.
Dominick	Kiess	Rainey, Ala.	Wason
Drane	Kindred	Ransley	Webster
Drewry	Kinkaid	Rayburn	Williams, Ill.
Driver	Kirkpatrick	Reber	Wilson
Dunbar	Kitchin	Reed, N. Y.	Wise
Dunn	Kleczka	Roach	Woodyard
Dyer	Knight	Robertson	Wyant
Echols	Kreider	Robsion	Yates
Evans	Kunz	Rodenberg	Young
Fairchild	Langley	Rosenbloom	Zihlman
Fairfield	Larsen, Ga.	Rossdale	
Fenn	Larson, Minn.	Rouse	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.
Mr. Davis of Minnesota with Mr. Kunz.
Mr. Patterson of New Jersey with Mr. Moore of Virginia.
Mr. Reed of New York with Mr. Stedman.
Mr. Webster with Mr. Larsen of Georgia.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, after line 19, insert a new paragraph, as follows: "For payment to Thomas W. Harrison for expenses incurred as contestee in the contested-election case of Paul v. Harrison, audited and recommended by the Committee on Elections No. 1, $2,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Wisconsin asks for a division.

The House divided; and there were—ayes 170, noes 3.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum on that.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-eight Mem-

bers are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those favoring the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 233, nays none, answered "present" 2, not voting 195, as follows:

YEAS—233.

Ackerman	Dowell	Lanham	Riddick
Almon	Dyer	Lankford	Riordan
Anderson	Edmonds	Larsen, Ga.	Rogers
Andrew, Mass.	Elliott	Layton	Rose
Andrews, Nebr.	Ellis	Lazaro	Rosenbloom
Ansorge	Faust	Lea, Calif.	Sanders, N. Y.
Anthony	Favrot	Leatherwood	Sanders, Tex.
Appleby	Fess	Lineberger	Sandlin
Aswell	Fish	Linthicum	Scott, Mich.
Atkeson	Fisher	Little	Scott, Tenn.
Bankhead	Fordney	London	Sears
Barbour	Foster	Lowrey	Shaw
Barkley	Free	McArthur	Shreve
Beedy	French	McDuffie	Sinnott
Begg	Frothingham	McKenzie	Sisson
Bell	Fulmer	McLaughlin, Mich.	Smith, Idaho
Benham	Funk	McLaughlin, Nebr.	Smith, Mich.
Bird	Garner	McPherson	Smithwick
Bixler	Garrett, Tenn.	Madden	Snell
Blakeney	Gensman	Magee	Speaks
Bland, Va.	Gernerd	Maloney	Sproul
Boies	Glynn	Mann	Stafford
Bowers	Goodykoontz	Mansfield	Steagall
Bowling	Graham, Ill.	Mapes	Steenerson
Box	Green, Iowa	Martin	Stephens
Briggs	Hadley	Mead	Strong, Kans.
Brooks, Ill.	Hardy, Colo.	Michaelson	Strong, Pa.
Bulwinkle	Hardy, Tex.	Michener	Swing
Burdick	Haugen	Miller	Taylor, N. J.
Burroughs	Hawes	Mills	Taylor, Tenn.
Byrnes, S. C.	Hawley	Mondell	Temple
Byrns, Tenn.	Hays	Moore, Ohio	Thompson
Cable	Herrick	Moores, Ind.	Tillman
Cannon	Hickey	Morgan	Timberlake
Carew	Hill	Mott	Tincher
Chalmers	Himes	Murphy	Tinkham
Chandler, Okla.	Hoch	Nelson, Me.	Towner
Chindblom	Hogan	Nelson, A. P.	Upshaw
Christopherson	Huddleston	Newton, Minn.	Vaile
Clague	Hudspeth	Newton, Mo.	Voigt
Clouse	Hukriede	Norton	Volstead
Cole, Iowa	Jacoway	O'Brien	Walsh
Cole, Ohio	James	Ogden	Ward, N. C.
Collier	Johnson, Ky.	Oldfield	Watson
Collins	Johnson, S. Dak.	Oliver	Weaver
Connally, Tex.	Johnson, Wash.	Park, Ga.	Wheeler
Connell	Jones, Pa.	Parker, N. J.	White, Kans.
Cooper, Wis.	Jones, Tex.	Pringey	White, Me.
Coughlin	Keller	Purnell	Williams, Tex.
Crago	Kelley, Mich.	Quin	Williamson
Crisp	Kincheloe	Radcliffe	Wingo
Crowther	King	Rainey, Ill.	Winslow
Cullen	Kissel	Raker	Wood, Ind.
Curry	Kline, N. Y.	Ramseyer	Woodruff
Dale	Kline, Pa.	Rankin	Woods, Va.
Davis, Tenn.	Knutson	Reece	Wright
Dempsey	Kopp	Reed, W. Va.	
Denison	Kraus	Rhodes	
Doughton	Lampert	Ricketts	

NAYS—None.

ANSWERED "PRESENT"—2.

Cramton	Harrison

NOT VOTING—195.

Arentz	Drane	Hutchinson	Millspaugh
Bacharach	Drewry	Ireland	Montague
Beck	Driver	Jefferis, Nebr.	Montoya
Black	Dunbar	Jeffers, Ala.	Moore, Ill.
Bland, Ind.	Dunn	Johnson, Miss.	Moore, Va.
Blanton	Dupré	Kahn	Morin
Bond	Echols	Kearns	Mudd
Brand	Evans	Kelly, Pa.	Nelson, J. M.
Brennan	Fairchild	Kendall	Nolan
Britten	Fairfield	Kennedy	O'Connor
Brooks, Pa.	Fenn	Ketcham	Olpp
Brown, Tenn.	Fields	Kiess	Osborne
Browne, Wis.	Fitzgerald	Kindred	Overstreet
Buchanan	Focht	Kinkaid	Padgett
Burke	Frear	Kirkpatrick	Paige
Burtness	Freeman	Kitchin	Parker, N. Y.
Burton	Fuller	Kleczka	Parks, Ark.
Butler	Gahn	Knight	Patterson, Mo.
Campbell, Kans.	Gallivan	Kreider	Patterson, N. J.
Campbell, Pa.	Garrett, Tex.	Kunz	Perkins
Cantrill	Gilbert	Langley	Perlman
Carter	Goldsborough	Larson, Minn.	Petersen
Chandler, N. Y.	Gorman	Lawrence	Porter
Clark, Fla.	Gould	Lee, Ga.	Pou
Clarke, N. Y.	Graham, Pa.	Lee, N. Y.	Rainey, Ala.
Classon	Greene, Mass.	Lehlbach	Ransley
Cockran	Greene, Vt.	Logan	Rayburn
Codd	Griest	Longworth	Reber
Colton	Griffin	Luce	Reed, N. Y.
Connolly, Pa.	Hammer	Luhring	Roach
Cooper, Ohio	Hayden	Lyon	Robertson
Copley	Henry	McClintic	Robsion
Dallinger	Hersey	McCormick	Rodenberg
Darrow	Hicks	McFadden	Rossdale
Davis, Minn.	Hooker	McLaughlin, Pa.	Rouse
Deal	Hull	McSwain	Rucker
Dickinson	Humphreys	MacGregor	Ryan
Dominick	Husted	Merritt	Sabath
Sanders, Ind.	Sullivan	Treadway	Webster
Schall	Summers, Wash.	Tucker	Williams, Ill.
Shelton	Sumners, Tex.	Tyson	Wilson
Siegel	Swank	Underhill	Wise
Sinclair	Sweet	Vare	Woodyard
Slemp	Tague	Vestal	Wurzbach
Snyder	Taylor, Ark.	Vinson	Wyant
Stedman	Taylor, Colo.	Volk	Yates
Stevenson	Ten Eyck	Walters	Young
Stiness	Thomas	Ward, N. Y.	Zihlman
Stoll	Tilson	Wason	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Kendall with Mr. Sumners of Texas.

Mr. Summers of Washington with Mr. Griffin.

Mr. Vare with Mr. O'Connor.

Mr. Brown of Wisconsin with Mr. Jeffers of Alabama.

Mr. Butler with Mr. Vinson.

Mr. Fitzgerald with Mr. Lee of Georgia.

Mr. Goodykoontz with Mr. Hammer.

Mr. Gorman with Mr. Dupré.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 24, after "$3,500," insert "of which $875 shall be paid to the widow of M. R. Blumenberg, late an official stenographer to committees."

The SPEAKER. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. VOIGT) there were—ayes 180, noes 100.

Mr. VOIGT. Mr. Speaker, I will say to the Chair that evidently——

SEVERAL MEMBERS. Regular order!

The SPEAKER. The gentleman has the right, if he sees fit, to make a point of order.

Mr. VOIGT. I wish to say to the Chair that evidently there are not 280 Members present.

The SPEAKER. The gentleman has the right to make the point of no quorum present if he wishes to.

Mr. VOIGT. I request the Chair to put that vote over again, because I believe there is some mistake.

The SPEAKER. It makes no difference what the vote was. The question is whether a quorum was present or not. The gentleman can make the point of no quorum present.

Mr. VOIGT. I make the point that no quorum is present.

The SPEAKER. The gentleman makes the point of no quorum present. The Chair will count. [After counting.] Two hundred and six Members present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will bring in absent Members. As many as favor the amendment will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 231, nays 1, answered "present" 1, not voting 197, as follows:

YEAS—231.

Ackerman	Christopherson	Fulmer	King
Almon	Clague	Funk	Kissel
Andrew, Mass.	Clouse	Garner	Kline, N. Y.
Andrews, Nebr.	Cole, Iowa	Garrett, Tenn.	Kline, Pa.
Ansorge	Cole, Ohio	Gensman	Knutson
Anthony	Collier	Gernerd	Kopp
Appleby	Collins	Glynn	Kraus
Aswell	Connally, Tex.	Goodykoontz	Lampert
Atkeson	Connell	Graham, Ill.	Lanham
Bankhead	Cooper, Wis.	Green, Iowa	Lankford
Barbour	Coughlin	Hadley	Larsen, Ga.
Barkley	Crago	Hammer	Layton
Begg	Crisp	Hardy, Colo.	Lazaro
Bell	Crowther	Hardy, Tex.	Lea, Calif.
Benham	Cullen	Harrison	Leatherwood
Bird	Curry	Haugen	Lineberger
Bixler	Dale	Hawes	Linthicum
Blakeney	Davis, Tenn.	Hawley	Little
Bland, Ind.	Dempsey	Herrick	London
Bland, Va.	Denison	Hickey	Lowrey
Boies	Doughton	Hill	McArthur
Bowers	Dowell	Himes	McDuffie
Bowling	Dupré	Hoch	McKenzie
Box	Dyer	Hogan	McLaughlin, Mich.
Brand	Edmonds	Huddleston	McLaughlin, Nebr.
Briggs	Elliott	Hudspeth	McPherson
Brooks, Ill.	Ellis	Hukriede	Madden
Bulwinkle	Faust	James	Magee
Burdick	Favrot	Jeffers, Ala.	Maloney
Byrnes, S. C.	Fess	Johnson, Ky.	Mann
Byrns, Tenn.	Fish	Johnson, S. Dak.	Mapes
Cable	Fisher	Johnson, Wash.	Martin
Cannon	Fordney	Jones, Pa.	Mead
Carew	Foster	Jones, Tex.	Michaelson
Chalmers	Free	Keller	Michener
Chandler, Okla.	French	Kelley, Mich.	Miller
Chindblom	Frothingham	Kincheloe	Mills

Millspaugh	Radcliffe	Sinnott	Upshaw
Mondell	Rainey, Ill.	Sisson	Vaile
Moore, Ill.	Raker	Smith, Idaho	Voigt
Moore, Ohio	Ramseyer	Smith, Mich.	Volstead
Moores, Ind.	Rankin	Smithwick	Walsh
Morgan	Reece	Speaks	Ward, N. C.
Murphy	Reed, W. Va.	Sproul	Watson
Nelson, Me.	Rhodes	Stafford	Weaver
Nelson, A. P.	Ricketts	Steagall	Wheeler
Newton, Minn.	Riddick	Steenerson	White, Kans.
Newton, Mo.	Riordan	Stephens	White, Me.
Norton	Rogers	Strong, Kans.	Williams, Tex.
O'Brien	Rose	Strong, Pa.	Williamson
Ogden	Sanders, N. Y.	Swing	Wingo
Oldfield	Sanders, Tex.	Taylor, N. J.	Winslow
Oliver	Sandlin	Thompson	Wood, Ind.
Park, Ga.	Scott, Mich.	Tillman	Woodruff
Parker, N. J.	Scott, Tenn.	Timberlake	Woods, Va.
Pringey	Sears	Tincher	Wright
Purnell	Shaw	Tinkham	Wurzbach
Quin	Shreve	Towner	

NAYS—1.

Sumners, Tex.

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—197.

Anderson	Fitzgerald	Lee, N. Y.	Rucker
Arentz	Focht	Lehlbach	Ryan
Bacharach	Frear	Logan	Sabath
Beck	Freeman	Longworth	Sanders, Ind.
Beedy	Fuller	Luce	Schall
Black	Gahn	Luhring	Shelton
Blanton	Gallivan	Lyon	Siegel
Bond	Garrett, Tex.	McClintic	Sinclair
Brennan	Gilbert	McCormick	Slemp
Britten	Goldsborough	McFadden	Snell
Brooks, Pa.	Gorman	McLaughlin, Pa.	Snyder
Brown, Tenn.	Gould	McSwain	Stedman
Browne, Wis.	Graham, Pa.	MacGregor	Stevenson
Buchanan	Greene, Mass.	Mansfield	Stiness
Burke	Greene, Vt.	Merritt	Stoll
Burroughs	Griest	Montague	Sullivan
Burtness	Griffin	Montoya	Summers, Wash.
Burton	Hayden	Moore, Va.	Swank
Butler	Hays	Morin	Sweet
Campbell, Kans.	Henry	Mott	Tague
Campbell, Pa.	Hersey	Mudd	Taylor, Ark.
Cantrill	Hicks	Nelson, J. M.	Taylor, Colo.
Carter	Hooker	Nolan	Taylor, Tenn.
Chandler, N. Y.	Hull	O'Connor	Temple
Clark, Fla.	Humphreys	Olpp	Ten Eyck
Clarke, N. Y.	Husted	Osborne	Thomas
Classon	Hutchinson	Overstreet	Tilson
Cockran	Ireland	Padgett	Treadway
Codd	Jacoway	Paige	Tucker
Colton	Jefferis, Nebr.	Parker, N. Y.	Tyson
Connolly, Pa.	Johnson, Miss.	Parks, Ark.	Underhill
Cooper, Ohio.	Kahn	Patterson, Mo.	Vare
Copley	Kearns	Patterson, N. J.	Vestal
Dallinger	Kelly, Pa.	Perkins	Vinson
Darrow	Kendall	Perlman	Volk
Davis, Minn.	Kennedy	Petersen	Walters
Deal	Ketcham	Porter	Ward, N. Y.
Dickinson	Kiess	Pou	Wason
Dominick	Kindred	Rainey, Ala.	Webster
Drane	Kinkaid	Ransley	Williams, Ill.
Drewry	Kirkpatrick	Rayburn	Wilson
Driver	Kitchin	Reber	Wise
Dunbar	Kleczka	Reed, N. Y.	Woodyard
Dunn	Knight	Roach	Wyant
Echols	Kreider	Robertson	Yates
Evans	Kunz	Robsion	Young
Fairchild	Langley	Rodenberg	Zihlman
Fairfield	Larson, Minn.	Rosenbloom	
Fenn	Lawrence	Rossdale	
Fields	Lee, Ga.	Rouse	

So the amendment was agreed to.

The following additional pairs were announced:

Mr. Cramton with Mr. Carter.

Mr. Greene of Vermont with Mr. Rankin.

Mr. Paige with Mr. Mansfield.

Mr. Perkins with Mr. Jacoway.

Mr. Lehlbach with Mr. Moore of Virginia.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The Clerk read as follows:

On page 4, line 3, insert "for additional compensation during 1922 to the Committee on Appropriations, $1,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VOIGT) there were 170 ayes and 10 noes.

Mr. VOIGT. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred and eighteen Members present, a quorum. The ayes have it, and the amendment is agreed to. The Clerk will report the next amendment.

The Clerk read as follows:

On page 8, after line 23, insert as a separate paragraph:

"Allotments of appropriations for medical and hospital services may be made during the fiscal year 1923, by the United States Veterans' Bureau to the United States Public Health Service for the care of beneficiaries of the United States Veterans' Bureau, and incidental expenses, and such allotments shall also be available for expenditure by the United States Public Health Service for the necessary personnel, regular and reserve commissioned officers of the United States Public Health Service clerical help in the District of Columbia and elsewhere, including personnel, regular and reserve commissioned officers, and others heretofore or hereafter detailed for duty to the United States Veterans' Bureau."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VOIGT) there were 195 ayes and 10 noes.

Mr. VOIGT. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred and fourteen Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 238, nays none, answered "present" 1, not voting 191, as follows:

YEAS—238.

Ackerman	Doughton	Kopp	Ricketts
Almon	Dowell	Kraus	Riddick
Anderson	Dupré	Lampert	Riordan
Andrew, Mass.	Edmonds	Lanham	Rogers
Ansorge	Elliott	Lankford	Rose
Anthony	Ellis	Larsen, Ga.	Sanders, N. Y.
Appleby	Faust	Layton	Sanders, Tex.
Aswell	Favrot	Lea, Calif.	Sandlin
Atkeson	Fess	Leatherwood	Scott, Mich.
Bankhead	Fish	Lineberger	Scott, Tenn.
Barbour	Fisher	Linthicum	Sears
Barkley	Fordney	London	Shaw
Beedy	Foster	Lowrey	Shreve
Begg	Free	McArthur	Sisson
Bell	French	McDuffie	Smith, Idaho
Benham	Frothingham	McKenzie	Smith, Mich.
Bird	Fulmer	McLaughlin, Mich.	Smithwick
Bixler	Funk	McLaughlin, Nebr.	Snell
Blakeney	Garner	McPherson	Speaks
Bland, Ind.	Garrett, Tenn.	Madden	Sproul
Bland, Va.	Gensman	Magee	Stafford
Boies	Gernerd	Maloney	Steagall
Bowers	Glynn	Mann	Stedman
Bowling	Goodykoontz	Mansfield	Steenerson
Box	Gorman	Mapes	Stephens
Brand	Graham, Ill.	Martin	Strong, Kans.
Briggs	Green, Iowa	Mead	Strong, Pa.
Brooks, Ill.	Hadley	Michener	Swing
Browne, Wis.	Hammer	Miller	Taylor, N. J.
Bulwinkle	Hardy, Colo.	Mills	Temple
Burdick	Hardy, Tex.	Millspaugh	Thompson
Burroughs	Harrison	Mondell	Tillman
Byrnes, S. C.	Haugen	Moore, Ill.	Timberlake
Byrns, Tenn.	Hawes	Moore, Ohio	Tincher
Cable	Hawley	Moore, Va.	Tinkham
Cannon	Hayden	Moores, Ind.	Towner
Carew	Herrick	Morgan	Upshaw
Chalmers	Hickey	Murphy	Vaile
Chandler, Okla.	Hill	Nelson, Me.	Vinson
Chindblom	Himes	Nelson, A. P.	Voigt
Christopherson	Hoch	Newton, Mo.	Volstead
Clague	Hogan	Norton	Walsh
Clouse	Huddleston	O'Brien	Walters
Cole, Iowa	Hudspeth	O'Connor	Ward, N. C.
Cole, Ohio	Hukriede	Ogden	Watson
Collier	Jacoway	Oldfield	Weaver
Collins	James	Oliver	Wheeler
Connally, Tex.	Jeffers, Ala.	Park, Ga.	White, Kans.
Connell	Johnson, S. Dak.	Parker, N. J.	White, Me.
Cooper, Wis.	Johnson, Wash.	Porter	Williams, Tex.
Coughlin	Jones, Pa.	Pringey	Williamson
Crago	Jones, Tex.	Purnell	Winslow
Crisp	Keller	Quin	Wood, Ind.
Crowther	Kelley, Mich.	Radcliffe	Woodruff
Cullen	Kincheloe	Rainey, Ill.	Woods, Va.
Curry	King	Raker	Wright
Dale	Kissel	Ramseyer	Wurzbach
Davis, Tenn.	Kline, N. Y.	Rankin	Zihlman
Dempsey	Kline, Pa.	Reece	
Denison	Knutson	Rhodes	

NAYS—None.

ANSWERED "PRESENT"—1.

Crampton

NOT VOTING—191.

Andrews, Nebr.	Clark, Fla.	Echols	Griffin
Arentz	Clarke, N. Y.	Evans	Hays
Bacharach	Classon	Fairchild	Henry
Beck	Cockran	Fairfield	Hersey
Black	Codd	Fenn	Hicks
Blanton	Colton	Fields	Hooker
Bond	Connolly, Pa.	Fitzgerald	Hull
Brennan	Cooper, Ohio	Focht	Humphreys
Britten	Copley	Frear	Husted
Brooks, Pa.	Dallinger	Freeman	Hutchinson
Brown, Tenn.	Darrow	Fuller	Ireland
Buchanan	Davis, Minn.	Gahn	Jefferis, Nebr.
Burke	Deal	Gallivan	Johnson, Ky.
Burtness	Dickinson	Garrett, Tex.	Johnson, Miss.
Burton	Dominick	Gilbert	Kahn
Butler	Drane	Goldsborough	Kearns
Campbell, Kans.	Drewry	Gould	Kelly, Pa.
Campbell, Pa.	Driver	Graham, Pa.	Kendall
Cantrill	Dunbar	Greene, Mass.	Kennedy
Carter	Dunn	Greene, Vt.	Ketcham
Chandler, N. Y.	Dyer	Griest	Kiess

Kindred	Merritt	Reed, N. Y.	Sweet
Kinkaid	Michaelson	Reed, W. Va.	Tague
Kirkpatrick	Montague	Roach	Taylor, Ark.
Kitchin	Montoya	Robertson	Taylor, Colo.
Kleczka	Morin	Robsion	Taylor, Tenn.
Knight	Mott	Rodenberg	Ten Eyck
Kreider	Mudd	Rosenbloom	Thomas
Kunz	Nelson, J. M.	Rossdale	Tilson
Langley	Newton, Minn.	Rouse	Treadway
Larson, Minn.	Nolan	Rucker	Tucker
Lawrence	Olpp	Ryan	Tyson
Lazaro	Osborne	Sabath	Underhill
Lee, Ga.	Overstreet	Sanders, Ind.	Vare
Lee, N. Y.	Padgett	Schall	Vestal
Lehlbach	Paige	Shelton	Volk
Little	Parker, N. Y.	Siegel	Ward, N. Y.
Logan	Parks, Ark.	Sinclair	Wason
Longworth	Patterson, Mo.	Sinnott	Webster
Luce	Patterson, N. J.	Slemp	Williams, Ill.
Luhring	Perkins	Snyder	Wilson
Lyon	Perlman	Stevenson	Wingo
McClintic	Petersen	Stiness	Wise
McCormick	Pou	Stoll	Woodyard
McFadden	Rainey, Ala.	Sullivan	Wyant
McLaughlin, Pa.	Ransley	Summers, Wash.	Yates
McSwain	Rayburn	Sumners, Tex.	Young
MacGregor	Reber	Swank	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Perlman with Mr. Johnson of Kentucky.

Mr. Williams of Illinois with Mr. Lazaro.

Mr. McFadden with Mr. Wingo.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 11, line 19, after the word "for," insert the words "the purchase of," and in the same line, after the word "repairs," insert "thereto." And in line 20, after the word "cases," insert the words "in addition to any furniture secured from surplus war stores through the General Supply Committee."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 193, noes 20.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GOODYKOONTZ. Mr. Speaker, I make the point of order that the gentleman's point of no quorum is made for the purpose of delay. It seems to me that the time has arrived when this House ought to govern itself without regard to some gentleman who is sore about a post office. [Applause.] A gentleman who would delay the business of this House with trivial objections of that sort, who persists continually, everlastingly, and eternally in delaying, without cause, the public business, ought to be thwarted in his efforts. The constituencies are responsible for the men they send here, but we—collectively—are held responsible for the general result. Within the last few minutes the Chair has determined that a quorum was present.

Mr. Speaker, I submit that the point of no quorum is not well founded. [Applause.]

Mr. VOIGT. Mr. Speaker, I desire to say something on the point of order just made by the gentleman from West Virginia.

Mr. MANN. Mr. Speaker, I demand the regular order.

Mr. VOIGT. Mr. Speaker, I desire to be heard. [Cries of "Regular order!"]

The SPEAKER. The Chair thinks the control of the time is in the discretion of the Chair, but as the Chair is going to rule in favor of the gentleman from Wisconsin, it does not seem necessary to hear argument on that side. The Chair thinks that regardless of what motives a man may have, anyone has at any time the right to make the point of order that there is no quorum present, if it be made in good faith. If a Member should make the point of order of no quorum at a time when it was obvious that a quorum was present, the Chair would not entertain it, but so far to-day whenever the point has been made the Chair has been really in doubt and therefore has entertained the point. The Chair is now in doubt and will count. [After counting.] Two hundred and sixteen Members present, a quorum.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 16, strike out the word "the."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 214, noes none.

So the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 214, noes none.

So the bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up a conference report and asks that the statement be read in lieu of the report. Is there objection?

Mr. VOIGT. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the amendment of the House to Senate amendment No. 1, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment of the House and the amendments of the Senate thereto, insert the following:

"That annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927; and that beginning with July 1, 1922, and annually thereafter, one-half of the tax levied upon taxable real and personal property in the District of Columbia shall become due and payable on the 1st day of November of each year and the other half of such tax shall become due and payable on the 1st day of May of each year; and if either said installment of such tax shall not be paid within 30 days of the date it is due and payable, said installment shall thereupon be in arrears and delinquent; and there shall then be added, to be collected with such tax, a penalty at the rate of 1 per cent per month upon the amount thereof for the period of such delinquency, said delinquency to date from the date such installment was due and payable, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money;

and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion to any rate not in excess of the rate imposed upon real estate) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "Miscellaneous Receipts," but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"A joint select committee, composed of three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein the business of the Government of the United States shall be considered by said committee. And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other, shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all matters hereby referred to it to the Senate and House, respectively, on or before the first Monday in February, 1923. The chairman or acting chairman of said committee hereby is empowered to administer oaths or affirmations. The committee also is empowered to compel witnesses to attend its meetings and to testify, and also to compel the production of such books and papers as it may deem desirable. Any person who has been duly notified to appear before the committee either as witness or witness duces tecum, and fails so to do, shall be deemed guilty of contempt of Congress, and therefor may be punished to such extent as either the Senate or the House may determine; and said committee shall determine whether the proceeding for contempt shall lie with the House or the Senate. The committee may employ such accountants and stenographers to assist in the work as may be necessary, but the same qualifications for such accountants shall be required as was required of accountants by section 6 of the act of June 20, 1874, entitled 'An act for the government of the District of Columbia, and for other purposes,' and no one shall be so employed as accountant who is or has been heretofore an officer or employee of the District of Columbia or the United States. No employee of said committee shall be paid more than $25 a day while actually at work. The Attorney General of the United States hereby is authorized and directed to assign a competent attorney from his regular force of attorneys to represent the United States before said committee; and any Member of Congress shall be permitted to examine any witness and argue any question before the committee. For the payment of salaries of accountants and stenographers, for printing and binding, and other necessary expenses of the committee, there is appropriated 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia, the sum of $20,000, to be paid out upon vouchers approved by the chairman or acting chairman of the committee.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:"

And the Senate agree to the same.

MARTIN B. MADDEN,
LOUIS C. CRAMTON,
BEN JOHNSON,
Managers on the part of the House.

LAWRENCE C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other

activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The action recommended in the accompanying report adopts the amendment of the House adjusting the fiscal relations of the District of Columbia and the Federal Government, modified in the following particulars:

It provides that the authority of the commissioners to increase the rate of taxation on intangible personal property shall not be exercised to increase that rate to a rate in excess of the rate fixed on real property.

It provides for the semiannual payment of real and personal property taxes instead of the annual payment as now provided by law.

It provides for a joint select committee of Congress to investigate and report to Congress not later than the first Monday in February, 1923, on the fiscal transactions and relationships between the Federal Government and the District of Columbia, commencing with July 1, 1874.

MARTIN B. MADDEN,
LOUIS C. CRAMTON,
BEN JOHNSON,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, this conference report——

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and six Members present, not a quorum.

Mr. CRAMTON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper closed the doors and the Sergeant at Arms was notified to bring in absentees.

The Clerk called the roll and the following Members failed to answer to their names:

Andrews, Nebr.	Fitzgerald	Larson, Minn.	Rouse
Arentz	Focht	Lawrence	Rucker
Bacharach	Frear	Lee, Ga.	Ryan
Barkley	Freeman	Lee, N. Y.	Sabath
Beck	Fuller	Linthicum	Sanders, Ind.
Black	Gahn	Logan	Schall
Blanton	Gallivan	Longworth	Shelton
Bond	Garrett, Tex.	Luce	Siegel
Brennan	Gilbert	Luhring	Sinclair
Britten	Goldsborough	Lyon	Slemp
Brooks, Pa.	Gould	McClintic	Snyder
Brown, Tenn.	Graham, Pa.	McCormick	Stevenson
Buchanan	Greene, Mass.	McFadden	Stiness
Burke	Greene, Vt.	McLaughlin, Pa.	Stoll
Burtness	Griest	McSwain	Sullivan
Burton	Griffin	MacGregor	Summers, Wash.
Butler	Hardy, Tex.	Merritt	Sumners, Tex.
Campbell, Kans.	Hayden	Montague	Swank
Campbell, Pa.	Henry	Montoya	Sweet
Cantrill	Herrick	Morin	Tague
Carter	Hersey	Mudd	Taylor, Ark.
Chandler, N. Y.	Hicks	Nelson, J. M.	Taylor, Colo.
Clark, Fla.	Hooker	Nolan	Ten Eyck
Clarke, N. Y.	Hull	Olpp	Thomas
Classon	Humphreys	Osborne	Tilson
Cockran	Husted	Overstreet	Treadway
Codd	Hutchinson	Padgett	Tucker
Colton	Ireland	Paige	Tyson
Connolly, Pa.	Jefferis, Nebr.	Parker, N. Y.	Underhill
Cooper, Ohio	Johnson, Ky.	Parks, Ark.	Vare
Copley	Johnson, Miss.	Patterson, Mo.	Vestal
Dallinger	Kahn	Patterson, N. J.	Volk
Darrow	Kearns	Perkins	Walters
Davis, Minn.	Kelly, Pa.	Perlman	Ward, N. Y.
Deal	Kendall	Petersen	Ward, N. C.
Dickinson	Kennedy	Pou	Wason
Dominick	Ketcham	Rainey, Ala.	Webster
Drane	Kiess	Ransley	Williams, Ill.
Drewry	Kindred	Rayburn	Wilson
Driver	Kinkaid	Reber	Wingo
Dunbar	Kirkpatrick	Reed, N. Y.	Wise
Dunn	Kitchin	Reed, W. Va.	Woodyard
Echols	Kleczka	Roach	Wyant
Evans	Knight	Robertson	Yates
Fairchild	Kreider	Robsion	Young
Fairfield	Kunz	Rodenberg	Zihlman
Fenn	Langley	Rosenbloom	
Fields	Larsen, Ga.	Rossdale	

The SPEAKER. On this call 241 Members answered to their names. A quorum is present. The Doorkeeper will open the doors.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. On the motion of the gentleman from Michigan to dispense with further proceedings under the call will the Chair inform the House as to whether there is any method by which the House can hold this quorum after it gets it? Is it not a fact that almost every fellow runs out of the Hall the moment the roll is concluded, and is it fair to the rest of us, who are here and stay here, to have these interminable roll calls?

The SPEAKER. It is the duty, of course, of each Member to be present and stay present. The Chair knows of no method by which——

Mr. CONNALLY of Texas. If the House refuses to suspend further hearings under the call you will hold them here?

The SPEAKER. Not necessarily. The Chair does not think it is possible by any physical restraint to hold Members here. The Chair thinks the only restraint is the man's sense of duty.

Mr. SMITH of Michigan. If enough Members would sign a paper saying they would remain here during the business of the session they would be here, but they do not do it.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

WAR DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Army appropriation bill.

The SPEAKER. The gentleman from Michigan calls up the conference report on the Army appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I ask that the statement be read in lieu of the report.

Mr. VOIGT. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the report.

The Clerk began reading the report.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. RAMSEYER. The statement is longer.

Mr. JOHNSON of Washington. I withdraw the request.

The Clerk resumed and concluded the reading of the report.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 18½, 40, 43, 58, 66, 67, 68, 72, 73, 84, 91, 92, 98, 110, 113, 121, 128, 137, 138, 142, 143, 144, 181, 194, 195, 201, 210, 213, 215, 233, 237, 238, and 239.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 18, 19, 21, 22, 23, 25, 26, 27, 29, 32, 42, 44, 45, 51, 53, 54, 55, 56, 59, 62, 63, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 90, 93, 95, 97, 99, 100, 104, 105, 107, 108, 114, 115, 116, 117, 118, 123, 125, 126, 130, 132, 133, 134, 135, 136, 139, 140, 141, 145, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 169, 169½, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 183, 184, 185, 186, 187, 188, 192, 193, 202, 206, 207, 209, 211, 212, 217, 219, 223, 226, 227, and 228, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,270"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,100,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "thirty" and insert in lieu thereof "thirty-five"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "For expenses incident to completion of the work of furnishing to adjutants general of States and the District of Columbia statements of service of all persons from those States and the District of Columbia who entered the military service during the war with Germany, including the employment of clerical and other help in the office of The Adjutant General of the Army, $230,000, to be immediately available"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the numbered proposed insert "six"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,020"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pay of officers: For pay of officers of the line and staff $33,890,771: *Provided*, That after January 1, 1923, the sum herein appropriated for the pay of officers shall not be used for the pay of more than 12,000 commissioned officers on the active list of the Regular Army and the emergency officers in service undergoing physical reconstruction: *Provided further*, That on and after January 1, 1923, there shall be officers as now authorized by law except that there shall be 420 colonels, 577 lieutenant colonels, 1,575 majors, 3,150 captains, 2,967 first lieutenants, and 1,771 second lieutenants, and these numbers shall not be exceeded except as hereinafter provided; 983 officers of the Medical Corps, 158 officers of the Dental Corps, 126 officers of the Veterinary Corps, 72 officers of the Medical Administrative Corps, and 125 chaplains; and the numbers herein provided shall include the officers of Philippine Scouts who shall continue to be carried on the promotion list and who shall be promoted to grades from first lieutenant to colonel, inclusive, in the same manner as prescribed by law for other officers on the promotion list: *Provided further*, That prior to January 1, 1923, there shall be no promotions to grades below brigadier general of officers of the Regular Army except of officers of the Medical Department and chaplains, and vacancies now existing in any grade below brigadier general not actually filled by the acceptance of an appointment tendered prior to the date of approval of this act shall not be filled, and beginning January 1, 1923, there shall be no promotions or appointments to any grade or to the branches of the Medical Department or chaplains that would cause the numbers herein authorized for such grade or branch to be exceeded, except that the colonels, exclusive of those in the Medical Department and professors, remaining on the active list on January 1, 1923, and not included in the 420 junior colonels on that date shall be carried as additional numbers so long as they remain in that grade and shall not prevent promotions due to vacancies occurring among the 420 authorized colonels: *Provided further*, That officers in excess of the numbers authorized herein and not removed from the active list by other means shall be disposed of as follows: Those of the Medical Department and chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided; those other than of the Medical Department and chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided except that not more than a total of 800 now in grades from colonel to first lieutenant inclusive shall either be continued as additional officers in their grades until absorbed, or those in grades below lieutenant colonel shall, in inverse order of standing on the promotion list beginning with the lowest on the list in each grade, be discharged and recommissioned in the next lower grade prior to January 1, 1923, and officers accepting recommission in a lower grade shall be carried on the promotion list in the positions they now occupy and shall, while serving in such lower grade, take rank among the officers of the Regular Army in accordance with their length of service notwithstanding the date of their new commission; and any officer shall be eligible for recommission and service in the branch in which now commissioned; officers selected for elimination of less than 10 years' commissioned service may, upon recommendation of the board herein provided for, be discharged with one year's pay; or those of more than 10 years' and less than 20 years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay multiplied by the number of complete years of such commissioned service; or those of more than 20 years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent: *Provided further*, That of the 800 or less officers to be absorbed or recommissioned under the preceding proviso, a suitable number of officers in grades from colonel to first lieutenant, inclusive, shall be continued as additional until absorbed and a suitable number in each grade from major to first lieutenant shall be recommissioned in the next lower grade, such suitable numbers to be determined by the President upon the recommendation of the board of general officers hereinafter provided for: *Provided further*, That commissioned service for the purposes of this act shall include only active commissioned service in the Army performed while under appointment from the United States Government whether in the Regular, provisional, or temporary forces: *Provided further*, That any officer of less than 10 years' commissioned service but of more than 20 years' service accredited toward retirement or for increased pay for length of service may, in lieu of discharge with one year's pay as hereinbefore provided, if he so elects, be appointed a warrant officer and carried as an additional number in that grade; or he may, if he so elects, be retired with the rank of warrant officer with pay at the rate of 2 per cent of the pay of a warrant officer multiplied by the number of years of such accredited service: *Provided further*, That the Secretary of War shall convene a board of five general officers which may include retired officers, whose call to active duty for this purpose is hereby authorized, which board, under regulations prescribed by the Secretary of War, shall recommend to the President the officers to be eliminated from the active list under the provisions of this act, the number of officers in various grades to be recommissioned in the next lower grade as hereinbefore provided, and the number of officers in various grades to be continued as additional until absorbed as hereinbefore provided: *Provided further*, That officers shall be assigned to the several branches of the Army so that the number assigned to any branch, except of the Medical Department and chaplains, shall be 70 per cent of the number prescribed for such branch under the act of June 4, 1920, but the President may increase or diminish the number of officers assigned to any branch by not more than a total of 30 per cent."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For pay of warrant officers, $1,800,000: *Provided*, That no vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to 600, and thereafter the number shall not be increased above 600: *Provided further*, That nothing contained herein shall prevent the appointment of qualified band leaders for authorized bands: *Provided further*, That within 60 days after the approval of this act the number of warrant officers in the Army Mine Planter Service shall be reduced to 40, and thereafter the number shall not be increased above 40"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$950,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,209,784"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, $56,866,399: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 125,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the number proposed insert "32"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the number proposed insert "53"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventy"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ninety-eight"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "418,800"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$710,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "For rental allowances, including quarters for enlisted men on duty where public quarters are not available, $6,097,644"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For subsistence allowances, $5,316,713"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or at Fort Apache, Ariz."; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, strike out "$1,617,000" and insert in lieu thereof "$1,460,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,750,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for payment of transportation costs for dependents of officers and enlisted men as provided by law"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,900,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,350,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 42 of the bill, line 1, after the word "thereof," insert "and rentals for United States troops in China"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except in case of emergency with the approval of the Secretary of War, in which case the total cost, including the heating and plumbing apparatus, wiring, and fixtures, shall not exceed in the case of quarters of a general officer the sum of $8,000; of a colonel or officer above the rank of captain, $6,000; and of an officer of and below the rank of captain, $4,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,825,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$475,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and on page 49 of the bill, in line 13, strike out the word "three" where it occurs the second time and insert in lieu thereof "two"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,700,000"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$213,880"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: " ; for expenses incidental to instruction of citizens of the United States in markmanship, and their participation in international matches, $20,000"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "The mounted, motorized, air, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1923"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In line 75 of the matter inserted by said amendment strike out "$2,500" and insert in lieu thereof "$2,000"; and in line 86 strike out "$107,380" and insert in lieu thereof "$106,880"; and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,680,549"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 93 of the bill, in line 23, strike out "$60,000" and insert in lieu thereof "$65,000"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,059,629"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an average daily wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality"; and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government."

And the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 105 of the bill, after line 12, insert as a separate paragraph the following:

"Such portion of the appropriation of $750,000 for procurement of the exclusive rights of John Hays Hammond, jr., and the Radio Engineering Co. of New York (Inc.) to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives made in the fortification appropriation act approved July 6, 1916, as remains unexpended on January 1, 1923, shall be carried to the surplus fund and covered into the Treasury."

And the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out "$1,143,720" and insert in lieu thereof "$543,320"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$4,000,000"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$75,000"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$465,000"; and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In the matter inserted by said amendment in line 11 strike out "$47,000" and insert in lieu thereof "$40,000"; in line 11 strike out "$105,000" and insert in lieu thereof "$100,000"; in line 13 strike out "$336,500" and insert in lieu thereof "$324,500"; in line 33 strike out "$110,000" and insert in lieu thereof "$100,000"; in line 34 strike out "$90,000" and insert in lieu thereof "$85,000"; in line 34 strike out "$40,000" and insert in lieu thereof "$35,000"; in line 35 strike out "$525,500" and insert in lieu thereof "$505,500"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$4,500,800"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The limitations on the expenditure of appropriations for salaries and wages of civilian employees hereinbefore made

in this act shall not apply to the appropriations for the Panama Canal"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$930,000"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,114,434"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 41, 65, 106, 131, 199, 214, 220, 221, 225, and 230.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
Managers on the part of the House.
J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
G. M. HITCHCOCK,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: Adds the words "and for other purposes" to the enacting clause of the bill, as proposed by the Senate.

On Nos. 2, 3, and 4, relating to salaries in the office of the Secretary of War: Provides for six messengers and four assistant messengers, as proposed by the Senate, instead of seven messengers and five assistant messengers, as proposed by the House.

On No. 5, relating to the appropriation for contingencies of the Army: Substitutes the word "or" for the word "and," as proposed by the Senate, making either the "approval" or "authority" of the Secretary of War necessary for expenditures from this appropriation, instead of both the "approval" and "authority" necessary, as proposed by the House.

On No. 6, relating to the appropriation for contingencies, Military Intelligence Division, General Staff: Appropriates $162,500 instead of $225,000, as proposed by the Senate, and $100,000, as proposed by the House.

On Nos. 7, 8, 9, 10, and 11, relating to salaries, office of the Chief of Staff: Provides for 20 clerks at $1,400, as proposed by the Senate, instead of 18, as proposed by the House; provides for 20 clerks at $1,200, as proposed by the House, instead of 21, as proposed by the Senate; and provides for 2 messengers at $840 and 6 at $720, as proposed by the Senate, instead of 3 at $840 and 9 at $720, as proposed by the House.

On Nos. 13, 14, and 15, relating to military post exchanges: Appropriates $115,000 instead of $200,000, as proposed by the Senate, and $75,000, as proposed by the House, and places limitations on expenditures for libraries and hostess houses of $30,000 and $60,000, respectively, instead of $60,000 and $90,000, respectively, as proposed by the Senate, and $15,000 and $35,000, respectively, as proposed by the House.

On No. 16, relating to supplies, equipment, etc., for the Reserve Officers' Training Corps: Appropriates $3,100,000 instead of $3,600,000, as proposed by the Senate, and $2,750,000, as proposed by the House.

On No. 17, relating to military supplies and equipment for schools and colleges: Appropriates $500, as proposed by the Senate, instead of $804, as proposed by the House.

On Nos. 18, 18½, 19, and 20, relating to civilian military training camps: Provides, as proposed by the Senate, that the appropriation may be used for certain incidental expenses authorized by law in connection with the establishment and maintenance of civilian military training camps, in addition to the purposes covered by the language of the House bill; strikes out a provision inserted by the Senate that no funds other than those pertaining to this appropriation may be used in connection with civilian military training camps; provides that the appropriation shall not be used for the training of any person over the age of 27, as proposed by the Senate, instead of 35, as proposed by the House; and increases from 30, as proposed by the Senate, to 35 the maximum age of veterans of the War with Germany who, in a provision inserted by the Senate, are made an exception to the prohibition against the use of this appropriation for the training of any person over the age of 27.

On Nos. 21, 22, and 23, relating to salaries, office of the Adjutant General: Provides for 18 messengers and 35 assistant messengers, as proposed by the Senate, instead of 21 messengers and 43 assistant messengers, as proposed by the House.

On No. 12, relating to the appropriation for general service schools, Fort Leavenworth, Kans: Adds language proposed by the Senate making this appropriation applicable to payment for clerical services.

On No. 24, relating to the appropriation for furnishing service records to adjutant generals of States and the District of Columbia: Appropriates $230,000 instead of $250,000, as proposed by the Senate, and $202,000, as proposed by the House, and employs the language of the House bill modified so as to add "and the District of Columbia" to the language of the paragraph so as to include the adjutant general of the District of Columbia with the adjutant generals to be furnished service records.

On Nos. 25, 26, and 27, relating to salaries, office of the Inspector General: Provides for two clerks of class 4, as provided by the Senate, instead of one, as proposed by the House, and eliminates one assistant messenger proposed by the House.

On Nos. 28, 29, and 30, relating to salaries, office of the Judge Advocate General: Provides for six clerks of class 2, instead of seven, as proposed by the Senate, and five as proposed by the House; provides for one assistant messenger at $720, as proposed by the Senate, instead of three, as proposed by the House.

On No. 31, relating to commissioned officers of the Regular Army: Provides an appropriation of $33,890,771 for a maximum of 12,000 commissioned officers (including funds for pay for the officers who are to be eliminated), and authorizes a permanent commissioned personnel of 12,000. The Senate provided an appropriation of $35,390,438 for an average number of 12,531 during the fiscal year, with a maximum of 13,000 during the fiscal year and an authorized permanent number of 14,000. The House provided an appropriation of $26,896,200 for 11,000 officers during the fiscal year. The substitute also provides for the elimination, demotion, or absorption of those officers found surplus in their grades or branches.

On Nos. 32 and 33, relating to the appropriation for pay and allowances of the Officers' Reserve Corps: Adds the words "and allowances" to the language of the appropriation, as proposed by the Senate, and appropriates $1,000,000 instead of $2,000,000, as proposed by the Senate, and $250,000, as proposed by the House.

On No. 34, relating to warrant officers: Provides an appropriation of $1,800,000 for pay of warrant officers instead of $1,951,632, as proposed by the Senate, and $1,534,336, as proposed by the House; strikes out a provision, proposed by the Senate, that in effecting the reduction of warrant officers such officers may upon their own application be placed on the unlimited retired list after 30 years' service and may compute for retirement such double time as they may have earned while serving as enlisted men; provides, as proposed by the Senate, that nothing contained in the language of the paragraph shall prevent the appointment of qualified band leaders for authorized bands; and strikes out a provision, proposed by the Senate, that no vacancies in the grade of warrant officer in the Army Mine Planter Service shall be filled until the number in such grade has been reduced to 40, and thereafter the number shall not be increased above 40, and substitutes a provision that the number of warrant officers in the Army Mine Planter Service shall be reduced to 40 within 60 days after the approval of the act, instead of requiring the reduction to 40 at the beginning of the fiscal year, as proposed by the House.

On No. 35, relating to the appropriation for aviation increase to officers of the Army: Appropriates $950,000 instead of $1,021,840, as proposed by the Senate, and $846,000, as proposed by the House.

On No. 36, relating to additional pay to officers for length of service: Appropriates $5,209,784 instead of $5,440,317, as proposed by the Senate, and $4,000,000, as proposed by the House.

On No. 37, relating to enlisted men of the Army: Appropriates $56,866,399 for pay of 125,000 enlisted men, exclusive of the Philippine Scouts, instead of $60,981,795 for 133,000 enlisted men, exclusive of Philippine Scouts, as proposed by the Senate, and $48,863,088 for 115,000 enlisted men, exclusive of Philippine Scouts, as proposed by the House; provides that the total authorized number of enlisted men, exclusive of Philippine

Scouts, shall be 125,000, instead of 140,000, as proposed by the Senate, and 115,000, as proposed by the House; and strikes out a provision proposed by the House directing the Secretary of War to grant applications for discharge of enlisted men serving in continental United States without regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 115,000 exclusive of the Philippine Scouts.

On No. 38, relating to pay of enlisted men of the Enlisted Reserve Corps: Appropriates $5,000 instead of $7,500, as proposed by the Senate, and $100, as proposed by the House.

On Nos. 39 and 40, relating to aviation increase to enlisted men of the Army: Appropriates $200,000 instead of $216,000, as proposed by the Senate, and $150,000, as proposed by the House; and provides, as proposed by the House, that this appropriation shall not be available for increased pay on flying status to more than 500 enlisted men.

On No. 42, relating to pay of officers on the retired list: Appropriates $6,000,000, as proposed by the Senate, instead of $5,000,000, as proposed by the House.

On No. 43, relating to increased pay to retired officers on active duty: Appropriates $207,560, as proposed by the House, instead of $44,533, as proposed by the Senate.

On No. 44, relating to pay of retired enlisted men: Appropriates $6,000,000, as proposed by the Senate, instead of $4,500,000, as proposed by the House.

On No. 45, relating to pay and allowances of retired enlisted men on active duty: Appropriates $13,600 for this purpose, as proposed by the Senate, instead of $2,904, as proposed by the House.

On Nos. 46, 47, 48, 49, 50, 51, and 52, relating to Army field clerks and civil-service messengers at headquarters of territorial department headquarters, etc.: Provides for 7 clerks at $2,000, instead of 9, as proposed by the Senate, and 5, as proposed by the House; 32 clerks at $1,800, instead of 40, as proposed by the Senate, and 25, as proposed by the House; 53 clerks at $1,600, instead of 60, as proposed by the Senate, and 44 as proposed by the House; 70 clerks at $1,400, instead of 80, as proposed by the Senate, and 61, as proposed by the House; 98 clerks at $1,200, instead of 130, as proposed by the Senate, and 95, as proposed by the House; 65 messengers at $720 each, as proposed by the Senate, instead of 80, as proposed by the House.

On Nos. 53, 54, and 55, relating to additional pay of Army field clerks while on foreign service, commutation of quarters and of heat and light for Army field clerks, and commutation of quarters and of heat and light for field clerks, Quartermaster Corps: Strikes out the appropriations carried in the House bill and rendered unnecessary by the enactment of the new pay law which discontinues these items.

On No. 56, relating to pay of contract surgeons: Adds the words "and allowances" to the language of the appropriation.

On No. 57, relating to the pay of nurses: Appropriates $710,000, instead of $799,000, as proposed by the Senate, and $509,280, as proposed by the House.

On No. 58, relating to pay of hospital matrons: Appropriates $3,000, as proposed by the House, instead of $1,000, as proposed by the Senate.

On No. 59, relating to commutation of quarters and heat and light to commissioned officers, etc.: Strikes out the House appropriation, due to enactment of the new pay law which discontinues this item.

On Nos. 60 and 61, relating to rental and subsistence allowances: Provides an appropriation of $6,097,644 for rental allowances, as proposed by the Senate, and appropriates $5,316,713 for subsistence allowances, instead of $5,551,978, as proposed by the Senate; the addition of these appropriations is made necessary by the enactment of the new pay law; amends the language of the appropriation for rental allowances so as to include allowances for quarters for enlisted men on duty where public quarters are not available.

On Nos. 62 and 63, relating to appropriations for increased pay of officers and enlisted men while on foreign service: Strikes out the House appropriations due to the enactment of new pay law which discontinues these items.

On No. 64, relating to payment of exchange: Strikes out the language proposed by the Senate permitting the payment of exchange by officers when serving at remote posts in the United States and inserts in lieu thereof authority for payment of exchange by officers serving at Fort Apache, Ariz.

On Nos. 66, 67, and 68, relating to appropriations for monthly payments to Jennie Carroll, Mabel H. Lazear, and John R. Kissinger: Strikes out the language proposed by the Senate providing permanent annual appropriations for these purposes.

On No. 69, relating to compensation of clerks and other employees of the Finance Department: Appropriates $1,460,000 for this purpose, instead of $1,617,000, as proposed by the Senate, and $1,000,000, as proposed by the House, with the provision that $500,000 of this appropriation shall be available only for the compensation and traveling expenses of employees engaged on work pertaining to the audit of World War contracts, of which amount not to exceed $25,000 shall be available for personal services, at salaries not in excess of $3,000 per annum, in the office of the Chief of Finance.

On Nos. 70 and 71, relating to the appropriation for mileage of the Army: Provides an appropriation of $1,350,000 for this purpose, instead of $1,689,450, as proposed by the Senate, and $1,100,000, as proposed by the House; and provides that the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents a mile.

On Nos. 72 and 73, relating to claims for damages to and loss of private property: Limits to $500, as proposed by the House, instead of $1,000, as proposed by the Senate, the size of claims which may be paid from this appropriation; and appropriates $50,000 for this purpose, as proposed by the House, instead of $80,000, as proposed by the Senate.

On No. 74, relating to claims of officers, enlisted men, and nurses of the Army for destruction of private property: Appropriates $50,000, as proposed by the Senate.

On No. 75, relating to claims of officers, members of the Nurse Corps, and enlisted men for pay and allowances growing out of service during the World War, etc.: Extends until June 30, 1923, the availability of the appropriations for pay, etc., of the Army for the fiscal years 1919 and 1920, so as to permit settlement of these claims.

On No. 76, relating to transportation of wounded and otherwise disabled soldiers, sailors, or marines when traveling on furlough: Strikes out the appropriation of $25,000 for this purpose, as proposed by the House.

On Nos. 77, 78, 79, 80, 81, and 82, relating to salaries, office of the Chief of Finance: Provides for 32 clerks of class 4, 20 clerks of class 3, 44 clerks of class 2, 2 assistant messengers at $720 each, and two auditors for Red Cross accounts at $2,750 each, as proposed by the Senate, instead of 28 clerks of class 4, 24 clerks of class 3, 40 clerks of class 2, 4 assistant messengers at $720 each, and 4 auditors for Red Cross accounts at $2,750 each, as proposed by the House.

On Nos. 83, 84, 85, 86, 87, 88, and 89, relating to subsistence of the Army: Strikes out language proposed by the House prescribing a rate of 75 cents per ration for commutation of rations to cadets of the United States Military Academy in lieu of the regular established ration; strikes out language proposed by the Senate providing for payment of allowances for quarters and subsistence to enlisted men on furlough and restores House language stricken out by the Senate providing for the regulation allowances of commutation in lieu of rations to enlisted men on furlough; strikes out language proposed by the House providing for commutation of rations to male and female nurses when stationed at places where rations in kind can not be economically issued; strikes out language proposed by the House providing for commutation of rations to warrant officers of the Army Mine Planter Service; strikes out language proposed by the House for commutation of rations to male and female nurses on leave of absence; strikes out language proposed by the House providing for commutation of rations to members of the Army Nurse Corps while on duty in hospitals; and appropriates $16,750,000 for subsistence of the Army instead of $17,000,000, as proposed by the Senate, and $16,550,000, as proposed by the House.

On Nos. 90 and 91, relating to the operation of sales commissaries: Excepts Alaska from the prohibition against the use of appropriations for operation of sales commissaries at which the prices to be charged do not include overhead costs; strikes out the amendment proposed by the Senate directing the inclusion of the "estimated" overhead charges, instead of the "actual" overhead charges, as proposed by the House.

On No. 92, relating to the operation of utilities of the War Department selling services or supplies: Strikes out the amendment, proposed by the Senate, directing the inclusion of the "estimated" overhead charges in prices to be charged instead of the "actual" overhead charges, as proposed by the House.

On Nos. 93, 94, 95, 96, 97, and 98, relating to regular supplies of the Army: Excepts establishments under the direct control of the Chief of Ordnance from the activities for which material for cleaning and preserving ordnance and ordnance stores may be purchased from this appropriation; appropriates $11,500,000 for regular supplies, instead of $12,000,000, as proposed by the

Senate, and $10,932,000, as proposed by the House; limits expenditures for fuel to $3,500,000, as proposed by the Senate, instead of $3,000,000, as proposed by the House; limits expenditures for forage to $4,500,000, instead of $5,000,000, as proposed by the Senate, and $4,000,000, as proposed by the House; limits expenditures for ice to $200,000, as proposed by the Senate, instead of $175,000, as proposed by the House; and provides, as proposed by the House, that the Secretary of War shall sell such horses and mules now being held at remount stations and posts or with organizations of the National Guard or units of the Reserve Officers' Training Corps as are not in actual use.

On Nos. 99 and 100, relating to the issues and the sale of clothing and other quartermaster supplies: Strikes out the language proposed by the House requiring the issue of clothing and other quartermaster supplies to be at average current prices including all overhead costs; substitutes the word "plus," as proposed by the Senate, for the word "including," as proposed by the House, in the provision requiring sales of clothing and other quartermaster supplies to be at average current prices plus all overhead costs.

On Nos. 101 and 102, relating to transportation of the Army and its supplies: Adds the language proposed by the Senate making the appropriation applicable to the payment of transportation costs for dependents of officers and enlisted men as provided by law; appropriates $17,000,000 for transportation of the Army and its supplies, instead of $18,000,000, as proposed by the Senate, and $16,000,000, as proposed by the House.

On Nos. 103 and 104, relating to water and sewers at military posts: Appropriates $1,900,000, instead of $2,000,000, as proposed by the Senate, and $1,750,000, as proposed by the House; increases from $10,000, as proposed by the House, to $25,000, as proposed by the Senate, the limitation upon the amount which may be expended for new construction work.

On Nos. 105 and 107, relating to construction and repair of military posts: Changes the designation of "Camp" Benning, Ga., to "Fort" Benning, as proposed by the Senate, and provides funds for general construction at Edgewood Arsenal and Camp Lewis, as proposed by the Senate, instead of at Camps Dix, Meade, and Lewis, as proposed by the House.

On No. 108, relating to military posts, Hawaiian Islands: Appropriates $54,000 for the construction of six standard storehouses, as proposed by the Senate.

On No. 109, relating to construction and repair of barracks and quarters: Appropriates $3,350,000 instead of $4,000,000, as proposed by the Senate, and $2,982,638, as proposed by the House.

On No. 110, relating to the consolidation of certain quartermaster appropriations: Strikes out a provision proposed by the Senate consolidating certain appropriations of the Quartermaster Corps into one fund.

On Nos. 111 and 112, relating to barracks and quarters, Philippine Islands: Makes the appropration applicable to the payment of rentals for United States troops in China, as proposed by the Senate; adds language proposed by the Senate providing that no part of the appropriation shall be used for the construction of quarters for officers of the Army, except in cases of emergency, with approval of the Secretary of War, modified to include limitations upon the cost of quarters, as proposed by the House.

On No. 113, relating to construction and repair of hospitals: Strikes out the language proposed by the Senate, making this appropriation applicable to the enlargement of permanent buildings for use at hospitals.

On No. 114, relating to quarters for hospital stewards: Appropriates $10,000, as proposed by the Senate, instead of $5,000, as proposed by the House.

On Nos. 115, 116, 117, and 118, relating to salaries in the office of the Quartermaster General: Provides for 5 messengers and 10 assistant messengers, as proposed by the Senate, instead of 7 messengers and 15 assistant messengers, as proposed by the House; and increases from $2,000, as proposed by the House, to $3,000, as proposed by the Senate, the limitation upon the maximum salary to be paid to one employee of the Cemeterial Division, office of the Quartermaster General.

On Nos. 119 and 120, relating to the Signal Service of the Army: Appropriates $1,825,000 instead of $1,900,000, as proposed by the Senate, and $1,750,000 as proposed by the House; limits expenditures for commercial and existing Government-owned telephone and telegraph service to $475,000 instead of $525,000, as proposed by the Senate and $375,000 as proposed by the House.

On No. 121: Strikes out an appropriation of $1,500,000 proposed by the Senate for replacing the worn-out portions of the Washington-Alaska submarine cable system.

On Nos. 122 and 123, relating to salaries, office of the Chief Signal Officer: Provides for 2 messengers at $840 each, as proposed by the Senate, instead of 3, as proposed by the House; and limits the amount to be expended for employees on the allotment roll, office of the Chief Signal Officer, to $35,000, instead of $40,000, as proposed by the Senate, and $20,000, as proposed by the House.

On Nos. 125, 126, 127, 128, 129, and 130, relating to the Air Service, Army: Provides that this appropriation may be used for the establishment of landing and take-off runways, and for the marking of military airways where the purchase of land is not involved, as proposed by the Senate; appropriates $12,700,000 instead of $13,000,000, as proposed by the Senate, and $12,431,000, as proposed by the House; limits expenditures for experimentation, conservation, and production of helium to $400,000, as proposed by the House, instead of $300,000, as proposed by the Senate; limits expenditures for experimental and research work to $3,500,000, instead of $3,750,000, as proposed by the Senate, and $3,250,000, as proposed by the House; and extends the availability of the 1920 appropriation for Air Service until June 30, 1923, so as to permit payment of obligations incurred under contracts executed prior to June 30, 1920.

On Nos. 132, 133, 134, 135, and 136, relating to salaries, office of the Chief of Air Service: Provides for one messenger at $720, as proposed by the Senate, instead of two, as proposed by the House; authorizes the payment of technical "and other" services from the allotment roll for the office of the Chief of Air Service, as proposed by the Senate, instead of limiting this roll to "technical services," as proposed by the House; and limits the amount of allotment roll for the office of the Chief of Air Service to $90,000, as proposed by the Senate, instead of $65,000, as proposed by the House.

On Nos. 137, 138, and 139, relating to Medical and Hospital Department: Appropriates $1,000,000, as proposed by the House, instead of $1,200,000, as proposed by the Senate; prohibits expenditures for expenses connected with the Medical and Surgical History of the War with Germany, as proposed by the House, instead of authorizing the expenditure of not to exceed $16,600 for this purpose, as proposed by the Senate; and changes the designation of the "Medical and Surgical History of the War with Germany," as proposed by the Senate.

On No. 140, relating to the library, Surgeon General's office: Appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House.

On Nos. 141, 142, 143, 144, 145, and 146, relating to salaries, office of the Surgeon General: Adds authority for one additional assistant librarian, as proposed by the Senate; provides for 15 clerks of class 4, 34 clerks of class 2, and 55 clerks of class 1, as proposed by the House, instead of 16 clerks of class 4, 36 clerks of class 2, and 59 clerks of class 1, as proposed by the Senate; and provides for 6 assistant messengers at $720, as proposed by the Senate, instead of 8, as proposed by the House.

On Nos. 147, 148, and 149, relating to salaries in the office of the chief of the Bureau of Insular Affairs: Provides for 10 clerks of class 4 and 12 of class 1, as proposed by the Senate, instead of 9 clerks of class 4 and 14 of class 1, as proposed by the House.

On No. 150, relating to engineer operations in the field: Appropriates $95,000, instead of $100,000, as proposed by the Senate, and $85,000, as proposed by the House.

On No. 151, relating to plans for fortifications in the insular possessions: Consolidates in one item, as proposed by the Senate, two items for the Hawaiian and Philippine Islands, carried separately in the bill as it passed the House.

On No. 152, relating to the preservation and repair of fortifications in the insular possessions: Consolidates in one item, as proposed by the Senate, two items for the Hawaiian and Philippine Islands, carried separately in the bill as it passed the House, and reduces the consolidated appropriation from $65,000, as proposed by the House, to $55,000, as proposed by the Senate.

On No. 153, relating to the maintenance and repair of searchlights, etc., in fortifications in the insular possessions: Consolidates in one item, as proposed by the Senate, two items for the Hawaiian and Philippine Islands, carried separately in the bill as it passed the House.

On No. 154, relating to the maintenance and repair of searchlights in the fortifications of the Panama Canal: Appropriates $40,000, as proposed by the Senate, instead of $30,000, as proposed by the House.

On No. 155, relating to the maintenance of clearings and trails, Panama Canal: Strikes out the House appropriation, as proposed by the Senate.

On Nos. 156, 157, and 158, relating to salaries, office of the Chief of Engineers: Provides for three messengers at $840 each, as proposed by the Senate, instead of four, as proposed by the House; and increases the amount of the allotment roll for the office of the Chief of Engineers from $125,000, as proposed by the House, to $150,000, as proposed by the Senate.

On No. 159, relating to the appropriation for ordnance service: Strikes out the provision, proposed by the House, that no funds pertaining to this appropriation shall be expended for maintenance, repair, or operation of any motor-propelled passenger-carrying vehicle employed wholly or in part for personal, social, or other similar use or for any use except for military and official business.

On Nos. 160, 161, and 162, relating to the appropriations for ordnance stores, ammunition, and small arms target practice: Consolidates in one appropriation these two items carried separately in the bill as it passed the House, and reduces the consolidated appropriation from $908,500, as proposed by the House, to $650,000, as proposed by the Senate.

On No. 163, relating to the appropriation for manufacture of arms: Appropriates $375,000, as proposed by the Senate, instead of $400,000, as proposed by the House.

On No. 164, relating to the appropriation for ordnance stores and supplies: Adds the language proposed by the Senate making this appropriation applicable to the purchase of material for cleaning and preserving at establishments under the direct control of the Chief of Ordnance.

On No. 165, relating to the appropriation for tanks: Appropriates $200,000, as proposed by the Senate, instead of $300,000, as proposed by the House.

On No. 166, relating to the appropriation for purchase, manufacture, and test of mountain, field, and siege cannon: Appropriates $500,000, as proposed by the Senate, instead of $750,000, as proposed by the House.

On No. 167, relating to the appropriation for purchase, manufacture, maintenance, and test of ammunition for mountain, field, and siege cannon: Appropriates $300,000, as proposed by the Senate, instead of $400,000, as proposed by the House.

On No. 168, relating to the appropriation for alteration and maintenance of the mobile artillery: Appropriates $450,000, instead of $500,000, as proposed by the Senate, and $400,000, as proposed by the House.

On No. 169, relating to the appropriation for purchase, manufacture, and test of ammunition, subcaliber guns, etc., for artillery practice: Appropriates $65,000, as proposed by the Senate, instead of $75,000, as proposed by the House.

On No. 169½: Appropriates $141,000 for special repairs and strengthening of the Rock Island Bridge, as proposed by the Senate.

On No. 170, relating to the appropriation for repairs of arsenals: Appropriates $600,000, as proposed by the Senate, instead of $805,000, as proposed by the House.

On No. 171: Strikes out, as proposed by the Senate, the appropriation for civilian schools on Ordnance reservations.

On No. 172, relating to the appropriation for purchase, manufacture, and test of seacoast cannon: Appropriates $400,000, as proposed by the Senate, instead of $450,000, as proposed by the House.

On No. 173, relating to the appropriation for purchase, manufacture, and test of ammunition for seacoast cannon: Appropriates $300,000, as proposed by the Senate, instead of $350,000, as proposed by the House.

On No. 174, relating to the appropriation for purchase, manufacture, and test of ammunition, subcaliber guns, etc., for seacoast artillery practice: Appropriates $50,000, as proposed by the Senate, instead of $60,000, as proposed by the House.

On No. 175, relating to the appropriation for purchase, manufacture, and test of seacoast cannon for the insular possessions: Appropriates $125,000, as proposed by the Senate, instead of $150,000, as proposed by the House.

On No. 176, relating to the appropriation for alteration and maintenance of the seacoast artillery in the insular possessions: Appropriates $85,000, as proposed by the Senate, instead of $60,000, as proposed by the House.

On No. 177, relating to the appropriation for alteration, maintenance, and installation of seacoast artillery, Panama Canal: Appropriates $60,000, as proposed by the Senate, instead of $55,000, as proposed by the House.

On Nos. 178 and 179, relating to salaries, office of the Chief of Ordnance: Provides 2 messengers at $840 each and 2 assistant messengers at $720 each, as proposed by the Senate, instead of 2 messengers at $840 each, 2 at $780 each, and 2 at $720 each, as proposed by the House.

On No. 180, relating to the appropriation for Chemical Warfare Service: Appropriates $600,000, instead of $750,000, as proposed by the Senate, and $500,000, as proposed by the House.

On No. 181: Strikes out language proposed by the Senate providing for an allotment roll in the office of the Chief of the Chemical Warfare Service.

On No. 182, relating to the appropriation for supplies and services for rifle ranges for civilian instruction: Of the matter stricken out by the Senate amendment, there is restored that portion which provides for expenses incidental to instruction of citizens of the United States in marksmanship and their participation in international matches; an appropriation of $20,000 is provided instead of $10,000, as proposed by the Senate, and $89,900, as proposed by the House.

On No. 183, relating to national trophy and medals for rifle contests: Appropriates $7,500, as proposed by the Senate, instead of $10,000, as proposed by the House.

On Nos. 184 and 185, relating to the Infantry School, Fort Benning, Ga.: Corrects the designation of Fort Benning, Ga.

On No. 186: Strikes out, as proposed by the Senate, an appropriation of $12,000 for fire-control stations, etc., in the Philippine Islands.

On Nos. 187 and 188, relating to salaries in the office of the Chief of Coast Artillery: Provides one messenger at $720, as proposed by the Senate, instead of two, as proposed by the House.

On Nos. 189, 190, 191, 192, 193, 194, 195, and 196, relating to the National Guard: Appropriates $1,400,000 for forage, bedding, etc., for animals, instead of $1,928,000, as proposed by the Senate, and $1,002,800, as proposed by the House; appropriates $1,200,000 for compensation of help for care of material, animals, and equipment, instead of $1,910,500, as proposed by the Senate, and $750,000, as proposed by the House; appropriates $8,100,000 for expenses of camps of instruction, instead of $9,500,000, as proposed by the Senate, and $6,500,000, as proposed by the House; appropriates $60,000 for pay of property and disbursing officers for the United States, as proposed by the Senate, instead of $55,000, as proposed by the House; appropriates $300,000 for travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard, as proposed by the Senate, instead of $200,000, as proposed by the House; strikes out language proposed by the Senate, providing that 25 per cent of the appropriations for arming, equipping, and training the National Guard shall be interchangeable; restores language stricken out by the Senate, providing that the appropriation for arms, uniforms, equipment, etc., for field service shall not be used for the purchase of signal material; restores language stricken out by the Senate, providing that the mounted, motorized, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1923, and, as proposed by the Senate, adds air units to the organizations covered by this language; strikes out language proposed by the Senate, providing that none of the funds appropriated by this act shall be available for the organization or equipment or field training of new Cavalry, motorized, tank, or air units of the National Guard presented for Federal recognition after the passage of this act.

On Nos. 197 and 198, relating to the appropriation for pay of the United States Military Academy: Strikes out the language proposed by the House for this appropriation and substitutes language proposed by the Senate, modified to provide a salary of $2,000 for the chapel organist and choirmaster instead of $2,500, as proposed by the Senate, and $1,500, as proposed by the House, and modified to provide pay for the military personnel upon the basis of the new pay law.

On Nos. 200, 201, and 202, relating to the appropriation for maintenance, United States Military Academy: Restores House language stricken out by the Senate amendment, amended to provide an appropriation of $65,000 for fuel and apparatus, as proposed by the Senate, instead of $60,000, as proposed by the House.

On No. 203: Corrects total for the Military Academy, making it $2,059,629 instead of $2,060,129, as proposed by the Senate, and $2,060,008, as proposed by the House.

On No. 204, relating to civilian employees paid from appropriations made in this act: Restores the stricken-out House language amended to provide that no part of the funds appropriated in this act shall be used for paying to any civilian employee of the United States Government an "average daily" wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality, the words "average daily" being substituted for the word "hourly," which was carried in the House language.

On No. 205, relating to the purchase of ordnance and ordnance supplies: Restores House language stricken out amended to prohibit the use of appropriations in this act for the purchase

from private manufacturers of "ordnance and ordnance supplies" at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government, the words "ordnance and ordnance supplies" being substituted for the words "any material," which were carried in the House language.

On No. 206: Strikes out language proposed by the House relating to the operation of Government arsenals.

On No. 207: Changes the amount to be carried to the Treasury from the appropriation for proving ground, Sandy Hook, N. J., from $93,538.69, as proposed by the House, to $92,449.23, as proposed by the Senate.

On No. 208: Strike out the provision proposed by the House that $720,000 from the appropriation for radio dynamic torpedoes shall be carried to the Treasury upon the approval of the act and substitutes a provision that such portion of this appropriation as may remain unexpended on January 1, 1923, shall be carried to the Treasury.

On No. 209: Corrects the total of appropriations to be carried to the Treasury, changing it from $3,694,944.95, as proposed by the House, to $2,973,855.49, as proposed by the Senate.

On No. 210, relating to repairs to the Arlington Memorial Amphitheater and Chapel: Strikes out an additional appropriation of $15,000 for this purpose, proposed by the Senate.

On No. 211: Strikes out an appropriation of $20,000 proposed by the House for reconditioning the road from Fort Gibson, Okla., to the Fort Gibson National Cemetery.

On No. 212, relating to the appropriation for furnishing headstones for unmarked graves of soldiers: Strikes out a limitation proposed by the House prohibiting the use of this appropriation for the purchase of headstones of a design different from that heretofore furnished for the graves of Union and Confederate soldiers.

On Nos. 213, 215, 216, 217, and 218, relating to the appropriation for disposition of remains of officers, soldiers, and civilian employees: Strikes out language proposed by the Senate providing for the disposition of remains of contract surgeons in lieu of acting assistant surgeons, as proposed by the House; strikes out language proposed by the Senate providing for reimbursement for expenses of burial of certain civilian employees of the War Department; provides a reappropriation of $543,320, instead of $1,143,720 as proposed by the Senate and $400,000 as proposed by the House; adds language, proposed by the Senate, providing for the care and maintenance of graves of officers, soldiers, and civilian employees of the Army abroad; extends until June 30, 1923, the availability of funds made available in Public Resolution No. 44, Sixty-seventh Congress, for the purchase of real estate and improvement of cemeteries in Europe for American military dead; provides that $4,000,000 of the unobligated balance of the appropriation for disposition of remains of officers, soldiers, and civil employees for the fiscal years 1920, 1921, and 1922 shall be carried to the surplus fund instead of $3,000,000 as proposed by the Senate and $5,600,000 as proposed by the House.

On No. 219, relating to the appropriation for repair and preservation of monuments, etc., constructed by the United States in Cuba and China to mark the places where American soldiers fell: Appropriates $1,000, as proposed by the Senate, instead of $100, as proposed by the House.

On No. 222, relating to the appropriation for completing the construction of a reflecting pool in West Potomac Park: Appropriates $75,000, instead of $100,000, as proposed by the Senate, and $50,000, as proposed by the House.

On No. 223, relating to the survey of northern and northwestern lakes: Appropriates $75,000 for this purpose, as proposed by the Senate, instead of $107,000, as proposed by the House.

On No. 224, relating to the construction and maintenance of military and post roads, bridges, and trails in Alaska: Appropriates $465,000 for this purpose, instead of $500,000, as proposed by the Senate, and $425,000, as proposed by the House.

On Nos. 226, 227, and 228, relating to the appropriation for transportation facilities on inland and coastwise waterways: Appropriates $330,000, as proposed by the Senate, instead of $30,000, as proposed by the House, and inserts language proposed by the Senate providing that not to exceed $30,000 of this appropriation may be used for payment of employees of the War Department, instead of providing an outright appropriation of $30,000 for this purpose, as proposed by the House, and places a limit of $4,000 on one employee who may be paid from this appropriation, as proposed by the Senate, instead of a limit of $4,500, as proposed by the House.

On No. 229, relating to the appropriations for all branches of the National Home for Disabled Volunteer Soldiers except the Central Branch: Substitutes language proposed by the Senate for that proposed by the House, the amounts remaining the same as proposed by the House except in the case of the Eastern Branch, where an appropriation of $40,000 is made for current expenses instead of $47,000, as proposed by the Senate, and $38,000, as proposed by the House; and an appropriation of $100,000 is made for subsistence instead of $105,000, as proposed by the Senate, and $95,000, as proposed by the House; and in the case of the Danville Branch, where an appropriation of $100,000 is made for household, as proposed by the House, instead of $110,000, as proposed by the Senate; an appropriation of $85,000 is made for hospital instead of $90,000, as proposed by the Senate, and $80,000, as proposed by the House; and an appropriation of $35,000 is made for repairs instead of $40,000, as proposed by the Senate, and $30,000, as proposed by the House.

On No. 231: Corrects the total of the appropriations for the National Home for Disabled Volunteer Soldiers, making it $4,500,800 instead of $4,532,800, as proposed by the Senate, and $4,483,800, as proposed by the House.

On Nos. 232, 233, 234, 235, 236, 237, 238, and 239, relating to the Panama Canal: Adds language proposed by the Senate providing that the limitations on the expenditure of appropriations made in the act shall not apply to the appropriations for the Panama Canal, modified so as to apply only to limitations on appropriations for salaries and wages of civilian employees; strikes out language proposed by the Senate authorizing an allowance of not to exceed $4,000 to the Governor of the Panama Canal for expenses of entertainment, to be paid from funds of the Panama Railroad Co.; appropriates $525,000 for sanitation instead of $550,000, as proposed by the Senate, and $500,000, as proposed by the House; appropriates $930,000 for civil government instead of $950,000, as proposed by the Senate, and $915,000, as proposed by the House; corrects the total of appropriations for the Panama Canal, making it $4,114,434 instead of $4,159,434, as proposed by the Senate, and $4,074,434, as proposed by the House; restores language stricken out by the Senate providing that the Governor of the Panama Canal shall purchase needed material, etc., from available reserve stocks of the War Department; restores language stricken out by the Senate providing that no part of the appropriations for the Panama Canal shall be used to pay the salary for any position at a rate in excess of the rate in effect for such position on June 30, 1921; strikes out language proposed by the Senate excepting the permanent operating organization from the prohibition against employment of any greater number of persons than are specified in the notes submitted in connection with the Budget and the payment to any person of any greater rate of compensation than was authorized for the same or like positions on July 1, 1921.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 41, relating to additional pay for length of service to enlisted men.

On No. 65, providing that all sums under the head of "Pay of the Army" shall constitute one fund for disbursement purposes.

On No. 106, relating to the construction of apartment buildings at Fort Benning, Ga.

On No. 131, relating to the making of contracts by the Air Service.

On No. 199, providing that all sums under the head of "Pay of the Military Academy" shall constitute one fund for purposes of disbursement.

On No. 214, relative to the payment of expenses incident to the disposition of remains of members of the Army Nurse Corps.

On Nos. 220 and 221, relating to the medical and surgical history of the World War.

On No. 225, appropriating $7,500,000 for continuing construction work at Muscle Shoals, Ala.

On No. 230, relating to the expenditure of moneys allotted to the National Homes for Disabled Volunteer Soldiers by the United States Veterans' Bureau.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
Managers on the part of the House.

Mr. ANTHONY. Mr. Speaker——

Mr. VOIGT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Wisconsin moves that the House do now adjourn.

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. VOIGT. Division, Mr. Speaker.

The House divided, and there were—ayes 1, noes 165.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It does not require a quorum to adjourn.

Mr. MANN. The point of no quorum does not lie on a motion to adjourn.

The SPEAKER. The Chair so stated.

Mr. VOIGT. I make the point of order that there is no quorum present.

Mr. MANN. The gentleman made a point of no quorum on the vote.

Mr. VOIGT. But I now make the point of no quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-one Members are present, not a quorum.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Nebr.	Frear	Logan	Ryan
Arentz	Free	Longworth	Sabath
Bacharach	Freeman	Luce	Sanders, Ind.
Beck	Fuller	Luhring	Sanders, N. Y.
Black	Gahn	Lyon	Schall
Blanton	Gallivan	McClintic	Shelton
Bond	Garrett, Tex.	McCormick	Shreve
Brand	Gilbert	McFadden	Siegel
Brennan	Goldsborough	McLaughlin, Pa.	Sinclair
Britten	Goodykoontz	McSwain	Slemp
Brooks, Pa.	Gould	MacGregor	Snyder
Brown, Tenn.	Graham, Pa.	Merritt	Steagall
Browne, Wis.	Greene, Mass.	Montague	Stedman
Buchanan	Greene, Vt.	Montoya	Steenerson
Burke	Griest	Morgan	Stevenson
Burtness	Hardy, Tex.	Morin	Stiness
Burton	Harrison	Mott	Stoll
Butler	Hays	Mudd	Sullivan
Campbell, Kans.	Henry	Murphy	Summers, Wash.
Campbell, Pa.	Herrick	Nelson, J. M.	Swank
Cantrill	Hersey	Nolan	Sweet
Carter	Hicks	O'Brien	Tague
Chandler, N. Y.	Hooker	Oldfield	Taylor, Ark.
Clark, Fla.	Huddleston	Olpp	Taylor, Colo.
Clarke, N. Y.	Humphreys	Osborne	Ten Eyck
Classon	Husted	Overstreet	Thomas
Cockran	Hutchinson	Padgett	Tilson
Codd	Ireland	Paige	Treadway
Colton	Jefferis, Nebr.	Parker, N. Y.	Tucker
Connolly, Pa.	Jeffers, Ala.	Parks, Ark.	Tyson
Cooper, Ohio	Johnson, Ky.	Patterson, Mo.	Underhill
Copley	Johnson, Miss.	Patterson, N. J.	Vare
Dallinger	Kahn	Perkins	Vestal
Darrow	Kearns	Perlman	Volk
Davis, Minn.	Kelly, Pa.	Petersen	Volstead
Deal	Kendall	Pou	Walters
Dickinson	Kennedy	Rainey, Ala.	Ward, N. Y.
Dominick	Ketcham	Ransley	Ward, N. C.
Drane	Kiess	Rayburn	Wason
Drewry	Kindred	Reber	Webster
Driver	Kinkaid	Reed, N. Y.	Williams, Ill.
Dunbar	Kirkpatrick	Reed, W. Va.	Wilson
Dunn	Kitchin	Rhodes	Wingo
Echols	Kleczka	Riordan	Wise
Edmonds	Knight	Roach	Woodyard
Evans	Kreider	Robertson	Wyant
Fairchild	Kunz	Robsion	Yates
Fairfield	Langley	Rodenberg	Young
Fenn	Larson, Minn.	Rosenbloom	Zihlman
Fields	Lawrence	Rossdale	
Fitzgerald	Lee, N. Y.	Rouse	
Focht	Linthicum	Rucker	

The SPEAKER. Two hundred and twenty-five Members have answered to their names. A quorum is present.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. ANTHONY. Mr. Speaker, the bill making appropriations for the War Department for the next fiscal year as it comes back to the House as a result of the conference provides for 125,000 enlisted men for the Regular Army and provides for a maximum of 12,000 commissioned officers. As regards the amounts, the bill as it passed the House carried $287,897,731.67. As it passed the Senate it carried $341,377,851.67. There was added by the Senate $53,480,120, and the amount of the bill, assuming concurrence in the items which are offered to the House now, amounts to $325,164,492.67, making a decrease in the Senate bill of $16,213,359.

The bill now represents an increase over the bill as it passed the House of $37,266,761. The Budget estimates covering the items appropriated in this bill amounted to $359,360,917.47, and the cut in the estimates as presented in the bill now before you represents $34,196,424.80. The 1922 appropriations, including deficiencies for these purposes, totaled $388,696,033.22. So that the bill now before you is less than the 1922 appropriation in the amount of $63,531,540.55, representing a substantial saving in the appropriations for these activities for the next fiscal year as compared with the cost of the present. [Applause.]

As divided between the military and nonmilitary activities covered in the bill, the appropriation for the military activities of the Government amount to $256,411,169.67; for the nonmilitary activities, $68,753,323. It is not my purpose at this time to go into any great detail in regard to the different items covered in the bill, except to state that the conferees between the House and the Senate have come to practically a complete agreement, the items remaining and which will be submitted to the House being largely of a technical or of a legislative character and of no great import, with the exception of the item making the appropriation for the completion of Dam No. 2 at Muscle Shoals, which is inserted in the bill by the Senate, providing for $7,500,000. Because of the fact that the House had not considered this item, and of its great importance, it was deemed wise to disagree to the Senate amendment and bring the matter here, so that the House would have an opportunity to express itself.

At the proper time a motion will be made to recede and concur in the amendment, as your representatives felt that the completion of Dam No. 2 at Muscle Shoals was absolutely essential and a business proposition, and stood on its merits, regardless of any propositions that have been made for the purchase of the Government activities there, or whether the Government should operate them itself. After careful investigation and hearings your conferees believe that Dam No. 2 should be completed, and $7,500,000 will carry on the work for the next fiscal year. It will take $28,000,000 to complete the construction, and when finished it will furnish the greatest single supply of hydroelectric power in this country, and we believe that its value to the Government or to whoever may ultimately acquire it will be many millions of dollars more than its cost, large as it will be.

Mr. OLIVER. Mr. Speaker, can the gentleman give some time on this side in reference to the discussion of the Muscle Shoals matter?

Mr. ANTHONY. I will say to the gentleman that when we reach that item it is the purpose to allow a reasonable amount of debate.

Mr. OLIVER. Some parties may differ with the gentleman——

Mr. SISSON. Mr. Speaker, I have an understanding with the chairman of the conference committee that we will dispose of the noncontested items first, and then yield time on the Muscle Shoals item. Will the chairman of the conference committee, if he has finished, yield a few minutes to me?

Mr. ANTHONY. I shall be glad to yield to the gentleman.

Mr. SISSON. Five minutes?

Mr. ANTHONY. I yield five minutes to the gentleman.

Mr. SISSON. Mr. Speaker and gentlemen, I did not sign the conference report. I did all that I could to get the conferees together. I did not do anything to prevent an agreement. I could not have prevented one; but my friends from the House on the conference were more than considerate of me and my views. The conferees on the part of the House and the conferees on the part of the Senate understood my position in reference to the size of the Army. I did not consent to the increase of the Army because I think 115,000 men are more than sufficient. In fact, in my judgment, 100,000 men are sufficient. Nor did I agree to the 12,000 officers. I think that 9,000 officers are enough.

As has been called to your attention by the chairman of the conference committee, the pay of the officers on the active list of the Army was $26,896,200. The Senate fixed the amount at $35,390,438, and the conference agreed to $23,830,771. This increase was, in round figures, about $7,000,000 on the pay of the officers alone. The pay of the reserve officers in the House was $250,000. The Senate fixed the amount at $2,000,000 and the conference at $1,000,000. The pay of the enlisted men as it left the House was $48,863,088; the Senate wanted $60,981,795, and the conference agreed on $56,866,399.

Now, I could not believe at this time that we were warranted in these increases of the Army. For that reason, and that alone, I did not sign the conference report. There is in this bill the rivers and harbors item, the Panama Railroad item, and the Military Academy, Muscle Shoals, and other items that were not objectionable to me. I believe that in a bill made up as this one is that there ought to be some change in the rules, so that these entirely separate and distinct bills might each stand on its own merit, so as not to compel the conferees to sign a conference report except as to related items like all the military appropriation bill. And if you take the Military Establishment itself, the House conferees did, in my judgment, a splendid piece of work. And I think also that the

House conferees are to be congratulated in securing as low an agreement as they did on the Army and on the number of officers, taking into consideration the attitude of the Senate; but I am so utterly opposed to a large standing Army that I could not sign the conference report.

Now, I have taken this time of the committee in order that I might let the House know why I did not sign the conference report.

Mr. RICKETTS. Will the gentleman yield to me?

Mr. SISSON. Yes.

Mr. RICKETTS. Does the gentleman know how many Philippine Scouts there are?

Mr. SISSON. There are about 7,500.

Mr. RICKETTS. Are they included in the Army of 125,000?

Mr. SISSON. No.

Mr. RICKETTS. Does the gentleman remember the number of Army officers provided for in the bill as it passed the House?

Mr. SISSON. Eleven thousand.

Mr. RICKETTS. You increase them by 1,000?

Mr. SISSON. No; I do not; but the conference report does.

Mr. RICKETTS. How much is the appropriation increased by reason of this increase?

Mr. SISSON. I just stated it a moment ago.

Mr. RICKETTS. I did not catch it.

Mr. SISSON. The pay of the officers as the bill left the House was $26,896,200. As it left the Senate it was $35,390,438, and the conference report is $33,890,771; and as to the enlisted men, as it passed the House it was $48,863,088, and as agreed upon in conference it is $56,866,399.

Mr. STAFFORD. I do not know whether the gentleman has called the attention of the gentleman from Ohio to the fact that the pay of officers was based not upon the act of June, 1920, but the old pay scale act.

Mr. SISSON. Yes; I think it is fair to state it, and I am glad that my colleague has called my attention to it, because the House conferees, in my judgment, were warranted by the action of the House in agreeing to a large portion of this increase. I do not mean the conferees were warranted by the action of the House in the increased number of officers, but in the increase of salaries, because the House has passed a pay scale bill which has also been passed by the Senate, and, of course, the House had to agree to the salaries fixed by both the House and Senate in that bill.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. CHINDBLOM. As to the provision for 125,000 men, is it not a fact that practically there will not be that many enlisted men in the Army? Practically there will be not more than 110,000 or 112,000 men on the average.

Mr. SISSON. Of course that is problematical, but they will not have at any time, in my judgment, a full and complete enlistment. The maximum being 125,000 men, in my judgment, there will be a leeway there always of about 5,000 men. It will depend on the amount of campaigning done by officers of the Army in the process of recruiting.

Mr. CHINDBLOM. Well, as to the officers——

Mr. SISSON. In the same way the number of officers will be dropped down to about 11,400, perhaps, by the 1st of January, so that there will be certain vacancies that can be filled by those men who come in at the lower grades as officers. I think it is absolutely essential that that provision should go into the bill.

Mr. KOPP. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KOPP. How much does this bill carry for military activities?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SISSON. May I have two minutes more?

Mr. ANTHONY. I yield to the gentleman two minutes more.

Mr. SISSON. In round figures, I think it is over $226,000,000.

Mr. KOPP. How much was appropriated for military activities for the year 1916?

Mr. SISSON. About $140,000,000, immediately before the war broke out.

Mr. KOPP. Go a little further back, say, in 1913 or in 1914.

Mr. SISSON. It was about $100,000,000 annually for four or five years. Perhaps it will average a little less than $100,000,000 annually.

Mr. KOPP. Then we are practically doubling what it was before the war?

Mr. SISSON. Yes; it is more than doubled.

Mr. KOPP. We are not getting back to normal very fast?

Mr. SISSON. I will state frankly that that was my serious objection to signing the conference report, because I did not believe we were getting back to normal as rapidly as we should. The taxpayers should be relieved of this excessive burden.

Mr. CHINDBLOM. The pay is increased, and the cost of supplies has increased, and there is the same reflection in the Army as elsewhere from the cost of commodities?

Mr. SISSON. Yes.

I did not intend to get into any controversy of any kind. My purpose was solely to explain to my colleagues in the House why I did not sign the conference report. My colleagues on the conference understand it thoroughly. I do not agree with my friend as to his conclusions at all, but this is no time or place to open up that question.

Mr. McARTHUR. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. McARTHUR. Is it not true that this bill also carries the appropriations for rivers and harbors?

Mr. SISSON. Yes; but that is not included in the $226,000,000.

Mr. McKENZIE. Mr. Speaker, I would like to ask the chairman of the committee a question, not to find any fault with what the conferees did: The Senate amendment No. 31 is a very complicated and important amendment, and in order that there may be something in the RECORD to indicate to the board of Army officers who will be appointed hereafter to carry out the provisions of this very important amendment, I think it is well and necessary that the chairman of the conferees should make a brief statement of the purposes of this amendment. When it comes to be carried out, the board that is to exercise the functions and powers under this amendment ought to have some idea as to what it means aside from what they might construe it to mean from their own point of view. I think the gentleman ought to make a brief statement as to the purposes of that amendment.

Mr. ANTHONY. I will say, in answer to the question of the gentleman from Illinois as to what the purpose was, that under the provisions of the bill we delay the reduction to 12,000 in the number of officers in the Regular Army by providing that the reduction shall be accomplished before the 1st day of January next. We give them six months to work it out. The gentleman is familiar, of course, with the different ways of effecting that reduction. We went into detail in regard to that when the bill was before the House heretofore, and that principle has not been changed, except that in reducing the numbers in the various grades it is accomplished partly by elimination and partly by absorption by delaying promotion. But we arbitrarily reduced the number of those officers who are on what we call the "nonsingle list." For instance, we have arbitrarily reduced the number of medical officers from 1,137, I think it is, to 983.

We reduced the number of dental officers from 236 to 158. We reduced the number of veterinary officers from 161 to 126, the number of officers in the Medical Administrative Corps from 138 to 72, the number of chaplains from 177 to 125. That takes up a total of about 400 officers of the 1,000 that we reduced the Army. This leaves a balance of approximately 600 officers to be removed from what we call the single list of the Army, largely in the line of the Army. As the gentleman knows, the various grades from colonel down to captain have been largely out of balance. The Army has been top-heavy with rank. Promotions have been made on the basis of a total officer force of 17,000, until for an officer force of 12,000 or even 13,000, as we have had, the number of officers in the higher ranks has been out of all proportion to what the Army should have. So we provide on the basis of the proper percentage the number of officers of each grade who shall remain in the service and compose this force of eleven thousand and some hundred officers on the single list.

We give them reasonable time to accomplish that, either by demotion, the principle of which is recognized in the conference report, and by elimination, and also by absorption. We provide for the appointment of five general officers for the board which is to determine the 1,000 officers who are to go out of the Army. We endow them with all the powers necessary to accomplish their work, and we leave it to their discretion and their judgment to determine the number of officers who are to be demoted, and the number who are to absorbed, and I express it as my opinion that these methods will be about equally used.

We also provide that there shall be no promotions made in the Army from the period of the passage of this bill until January 1 next. We have been assured by the Senate that the present number of officers whose names are now before the Senate for promotion, numbering about 150, will not be confirmed. That will leave this number of vacancies in these different officers' grades which we can use for the purpose of making these reductions in the numbers in the various grades, and we

intend that this board shall establish some equitable proportion between the forced demotions and the use of this system of absorption in taking up the slack in the Army which we thus create.

Mr. McKENZIE. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. McKENZIE. Was it the intention of the conferees that they should be about 50–50?

Mr. ANTHONY. I will say to the gentleman that that comes as nearly as possible to expressing the idea of your conferees without trying to tie the hands of this board.

Mr. McKENZIE. And the conferees have undertaken to rearrange the grades by elimination and demotion, so that the organizations in the Army will be balanced in all the grades?

Mr. ANTHONY. As nearly as we could provide the percentage which Congress intended in the reorganization act of 1920. But we found in the grade of colonel, for instance, that there were 599 colonels, and when we came up to the question whether there should be demotions in that grade we ran up against a number of instances where the demotion would strike officers who held most distinguished commands during the war, men who had been chiefs of staff of Army corps, who had assisted in some of the essential operations of the Great War. Therefore we have provided for the carrying of a surplus list of colonels in addition to the 421 which would be the proper proportion, to be carried as surplus colonels until absorbed by due process. We have increased the percentage for lieutenant colonels, so that there will be but little surplus to take up there, so that the bulk of demotions will be in the grades of major, captain, and first lieutenant, which, as the gentleman knows, have been swelled entirely out of proportion to what they should be.

Mr. McKENZIE. And the chairman is satisfied that the language of this amendment is so written that there will be no question about the construction of it by the men who are placed on this board to carry it out?

Mr. ANTHONY. We feel that way.

Mr. BYRNES of South Carolina. Does the gentleman intend that this general board shall be immediately convened for the purpose of eliminating the various officers?

Mr. ANTHONY. It is proposed that the work shall be undertaken at once and that they shall be allowed between now and January 1 to complete their work—the sooner the better.

Mr. BYRNES of South Carolina. I have not had a chance to read the amendment. Has the gentleman provided against the *elimination* by the board of a large number of colonels, for instance, making necessary the automatic promotion of lieutenant colonels and thus increasing the retired list?

Mr. ANTHONY. There is a provision in the bill which prevents all promotion in the Army between now and January next.

Mr. BYRNES of South Carolina. One more question as to the action of the general board: You do not provide for any hearing to be given an officer before he is eliminated from the service?

Mr. ANTHONY. We do not.

Mr. BYRNES of South Carolina. You leave that to the department to determine whether or not it will give the officer a hearing or act upon his record?

Mr. ANTHONY. For the most part the eliminations will have to be purely arbitrary. For instance, take the Medical Corps and the nonsingle list men, and it would be impossible to get that number of inefficient men so that there will be a good many efficient men removed.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. HILL. This provision is substantially the same as the bill reported out of the Committee on Military Affairs on which we had hearings.

Mr. ANTHONY. No; it is radically different.

Mr. STAFFORD. It is much better.

Mr. HILL. It brings it under the defense act——

Mr. ANTHONY. As nearly as possible to attain it; but the reduction is accomplished much quicker than under the War Department plan, which was by absorption or death or resignation.

Mr. HILL. It still provides for a board of officers to inquire into the fitness.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER The gentleman from Kansas moves the previous question on the adoption of the conference report.

The question was taken, and Mr. VOIGT called for a division.

Mr. ANTHONY. Mr. Speaker, I withdraw the motion for the previous question.

Mr. VOIGT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. VOIGT. Can the gentleman withdraw the motion if I object?

The SPEAKER. The gentleman from Kansas has the right to withdraw it. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. VOIGT) there were 135 ayes and 14 noes.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Obviously there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 175, nays 40, answered "present" 2, not voting 214, as follows:

YEAS—175.

Ackerman	Dowell	Layton	Ricketts
Anderson	Dyer	Lazaro	Riddick
Andrew, Mass.	Edmonds	Leatherwood	Riordan
Ansorge	Elliott	Lee, Ga.	Rogers
Anthony	Ellis	Lehlbach	Rose
Appleby	Faust	Lineberger	Sanders, N. Y.
Aswell	Fess	Little	Scott, Mich.
Atkeson	Fish	McArthur	Scott, Tenn.
Barbour	Fisher	McKenzie	Shaw
Beedy	Fordney	McLaughlin, Nebr.	Sinnott
Begg	Foster	McLaughlin, Mich.	Smith, Idaho
Benham	Frothingham	McPherson	Smith, Mich.
Bird	Funk	Madden	Smithwick
Bixler	Gensman	Magee	Snell
Blakeney	Gernerd	Maloney	Sproul
Bland, Ind.	Glynn	Mann	Stafford
Bland, Va.	Gorman	Mapes	Steenerson
Boies	Graham, Ill.	Martin	Stephens
Bowers	Green, Iowa	Mead	Strong, Kans.
Briggs	Hadley	Michaelson	Strong, Pa.
Brooks, Ill.	Harrison	Michener	Taylor, N. J.
Burdick	Haugen	Miller	Taylor, Tenn.
Burroughs	Hawes	Mills	Temple
Cable	Hawley	Millspaugh	Thompson
Cannon	Hays	Mondell	Timberlake
Carew	Hickey	Moore, Ill.	Tincher
Chalmers	Hill	Moore, Ohio	Tinkham
Chandler, Okla.	Hoch	Moores, Ind.	Towner
Chindblom	Hogan	Murphy	Vaile
Christopherson	Hukriede	Nelson, Me.	Voigt
Clague	Hull	Nelson, A. P.	Volstead
Clouse	Jeffers, Ala.	Newton, Mo.	Walsh
Cole, Iowa	Johnson, S. Dak.	Norton	Watson
Cole, Ohio	Johnson, Wash.	Ogden	Wheeler
Connell	Jones, Pa.	Parker, N. J.	White, Kans.
Cooper, Wis.	Kelley, Mich.	Porter	White, Me.
Coughlin	Kincheloe	Pringey	Williamson
Crago	King	Purnell	Winslow
Cramton	Kissel	Radcliffe	Wood, Ind.
Crowther	Kline, N. Y.	Rainey, Ill.	Woodruff
Cullen	Kline, Pa.	Raker	Wright
Curry	Knutson	Ramseyer	Wurzbach
Dempsey	Kraus	Reece	The Speaker
Doughton	Lampert	Rhodes	

NAYS—40.

Almon	Crisp	Lankford	Sandlin
Bankhead	Davis, Tenn.	Larsen, Ga.	Sears
Bell	Fulmer	London	Sisson
Bowling	Garner	Lowrey	Steagall
Box	Garrett, Tenn.	McDuffie	Sumners, Tex.
Brand	Hammer	Moore, Va.	Tillman
Byrnes, S. C.	Jacoway	Oliver	Upshaw
Byrns, Tenn.	Jones, Tex.	Quin	Weaver
Collier	Keller	Rankin	Williams, Tex.
Collins	Lanham	Sanders, Tex.	Woods, Va.

ANSWERED "PRESENT"—2.

French	Kopp

NOT VOTING—214.

Andrews, Nebr.	Copley	Goodykoontz	Kindred
Arentz	Dale	Gould	Kinkaid
Bacharach	Dallinger	Graham, Pa.	Kirkpatrick
Barkley	Darrow	Greene, Mass.	Kitchin
Beck	Davis, Minn.	Greene, Vt.	Kleczka
Black	Deal	Griest	Knight
Blanton	Denison	Griffin	Kreider
Bond	Dickinson	Hardy, Colo.	Kunz
Brennan	Dominick	Hardy, Tex.	Langley
Britten	Drane	Hayden	Larson, Minn.
Brooks, Pa.	Drewry	Henry	Lawrence
Brown, Tenn.	Driver	Herrick	Lea, Calif.
Browne, Wis.	Dunbar	Hersey	Lee, N. Y.
Buchanan	Dunn	Hicks	Linthicum
Bulwinkle	Dupré	Himes	Logan
Burke	Echols	Hooker	Longworth
Burtness	Evans	Huddleston	Luce
Burton	Fairchild	Hudspeth	Luhring
Butler	Fairfield	Humphreys	Lyon
Campbell, Kans.	Favrot	Husted	McClintic
Campbell, Pa.	Fenn	Hutchinson	McCormick
Cantrill	Fields	Ireland	McFadden
Carter	Fitzgerald	James	McLaughlin, Pa.
Chandler, N. Y.	Focht	Jefferis, Nebr.	McSwain
Clark, Fla.	Frear	Johnson, Ky.	MacGregor
Clarke, N. Y.	Free	Johnson, Miss.	Mansfield
Classon	Freeman	Kahn	Merritt
Cockran	Fuller	Kearns	Montague
Codd	Gahn	Kelly, Pa.	Montoya
Colton	Gallivan	Kendall	Morgan
Connally, Tex.	Garrett, Tex.	Kennedy	Morin
Connolly, Pa.	Gilbert	Ketcham	Mott
Cooper, Ohio	Goldsborough	Kiess	Mudd

Nelson, J. M.	Rainey, Ala.	Siegel	Treadway
Newton, Minn.	Ransley	Sinclair	Tucker
Nolan	Rayburn	Slemp	Tyson
O'Brien	Reber	Snyder	Underhill
O'Connor	Reed, N. Y.	Speaks	Vare
Oldfield	Reed, W. Va.	Stedman	Vestal
Olpp	Roach	Stevenson	Vinson
Osborne	Robertson	Stiness	Volk
Overstreet	Robsion	Stoll	Walters
Padgett	Rodenberg	Sullivan	Ward, N. Y.
Paige	Rosenbloom	Summers, Wash.	Ward, N. C.
Park, Ga.	Rossdale	Swank	Wason
Parker, N. Y.	Rouse	Sweet	Webster
Parks, Ark.	Rucker	Swing	Williams, Ill.
Patterson, Mo.	Ryan	Tague	Wilson
Patterson, N. J.	Sabath	Taylor, Ark.	Wingo
Perkins	Sanders, Ind.	Taylor, Colo.	Wise
Perlman	Schall	Ten Eyck	Woodyard
Petersen	Shelton	Thomas	Wyant
Pou	Shreve	Tilson	Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. French with Mr. Carter.
Mr. Hutchinson with Mr. Kindred.
Mr. Kahn with Mr. Cantrill.
Mr. Sanders of Indiana with Mr. Driver.
Mr. Kennedy with Mr. Fields.
Mr. Treadway with Mr. Cockran.
Mr. Langley with Mr. Clark of Florida.
Mr. Stiness with Mr. McClintic.
Mr. Fenn with Mr. Johnson of Mississippi.
Mr. Wyant with Mr. Black.
Mr. Kearns with Mr. Deal.
Mr. Brennan with Mr. Padgett.
Mr. Frear with Mr. Overstreet.
Mr. Clarke of New York with Mr. Drewry.
Mr. Seigel with Mr. Wise.
Mr. Rossdale with Mr. Lea of California.
Mr. Codd with Mr. Tucker.
Mr. Burke with Mr. Wilson.
Mr. Fuller with Mr. Parks of Arkansas.
Mr. Kreider with Mr. Campbell of Pennsylvania.
Mr. Lee of New York with Mr. Tague.
Mr. Graham of Pennsylvania with Mr. Gilbert.
Mr. Cooper of Ohio with Mr. Gallivan.
Mr. Dallinger with Mr. Pou.
Mr. Yates with Mr. Kitchin.
Mr. Snyder with Taylor of Colorado.
Mr. Ryan with Mr. Logan.
Mr. Volk with Mr. Kunz.
Mr. Olpp with Mr. Dominick.
Mr. Sinclair with Mr. Tyson.
Mr. Gould with Mr. Buchanan.
Mr. Schall with Mr. Thomas.
Mr. Webster with Mr. Griffin.
Mr. Arentz with Mr. Garrett of Texas.
Mr. Dickinson with Mr. Sabath.
Mr. Luce with Mr. Swank.
Mr. Henry with Mr. Ward of North Carolina.
Mr. Petersen with Mr. Lyon.
Mr. Griest with Mr. Hooker.
Mr. Bacharach with Mr. Taylor of Arkansas.
Mr. Evans with Mr. Rucker.
Mr. Burtness with Mr. McSwain.
Mr. Greene of Massachusetts with Mr. Hayden.
Mr. Larson of Minnesota with Mr. Stevenson.
Mr. Kiess with Mr. Humphreys.
Mr. Colton with Mr. Drane.
Mr. Fairfield with Mr. Sullivan.
Mr. Osborne with Mr. Rayburn.
Mr. Hicks with Mr. Stoll.
Mr. Reed of New York with Mr. Ten Eyck.
Mr. Beck with Mr. Blanton.
Mr. Davis of Minnesota with Mr. Goldsborough.
Mr. Campbell of Kansas with Mr. Montague.
Mr. Knight with Mr. Rainey of Alabama.
Mr. Kendall with Mr. Barkley.
Mr. Summers of Washington with Mr. Hudspeth.
Mr. McFadden with Mr. Stedman.
Mr. Bond with Mr. Bulwinkle.
Mr. Fitzgerald with Mr. Johnson of Kentucky.
Mr. Newton of Minnesota with Mr. Connally of Texas.
Mr. Brown of Wisconsin with Mr. Dupré.
Mr. Morgan with Mr. O'Brien.
Mr. Butler with Mr. Steagall.
Mr. Williams of Illinois with Mr. Wingo.
Mr. Robsion with Mr. Linthicum.
Mr. Shreve with Mr. Mansfield.
Mr. Chandler of New York with Mr. Oldfield.
Mr. Vare with Mr. Park of Georgia.
Mr. Paige with Mr. Huddleston.
Mr. Goodykoontz with Mr. Goldsborough.
Mr. Longworth with Mr. Favrot.
Mr. Patterson of New Jersey with Mr. Dominick.
Mr. Nolan with Mr. O'Connor.
Mr. Volk with Mr. Hardy of Texas.
Mr. Perkins with Mr. Vinson.

The result of the vote was announced, as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 41: Page 27, line 11, strike out "$4,500,000" and insert in lieu thereof "$2,235,043."

Mr. STAFFORD. Mr. Speaker, I move to concur in the Senate amendment with an amendment. In lieu of the sum proposed insert "$2,100,940."

The SPEAKER. The gentleman from Wisconsin moves to concur in the amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STAFFORD moves to concur in the amendment with an amendment. In lieu of the sum "$2,235,043" insert "$2,100,940."

Mr. STAFFORD. Mr. Speaker, the reason why this amendment is brought back to the House is that the amount is lower than the Senate amendment and is not between the amounts in disagreement. Under the rules we are obliged to bring it back to the House for action.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to concur in the amendment with an amendment.

The question was taken; and on a division (demanded by Mr. VOIGT) there were—ayes 160, noes 10.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the motion of the gentleman from Wisconsin to concur in the amendment with an amendment.

The question was taken; and there were—yeas 213, nays 2, answering "present" 1, not voting 214, as follows:

YEAS—213.

Ackerman	Dempsey	Kline, Pa.	Rhodes
Almon	Doughton	Knutson	Ricketts
Anderson	Dowell	Kopp	Riddick
Andrew, Mass.	Dyer	Lampert	Rogers
Ansorge	Edmonds	Lanham	Rose
Anthony	Elliott	Lankford	Sanders, N. Y.
Appleby	Ellis	Larsen, Ga.	Sanders, Tex.
Aswell	Faust	Layton	Sandlin
Atkeson	Fess	Lazaro	Scott, Mich.
Bankhead	Fish	Leatherwood	Scott, Tenn.
Barbour	Fisher	Lee, Ga.	Sears
Barkley	Fordney	Lehlbach	Shaw
Beedy	Foster	Lineberger	Shreve
Begg	French	Little	Sinnott
Bell	Frothingham	London	Sisson
Benham	Fulmer	Lowrey	Smith, Idaho
Bird	Funk	McArthur	Smith, Mich.
Bixler	Garner	McDuffie	Smithwick
Blakeney	Garrett, Tenn.	McKenzie	Snell
Bland, Ind.	Gensman	McLaughlin, Mich	Speaks
Bland, Va.	Gernerd	McPherson	Sproul
Boles	Glynn	Madden	Stafford
Bowers	Gorman	Magee	Steenerson
Bowling	Graham, Ill.	Mann	Strong, Kans.
Box	Green, Iowa	Mapes	Strong, Pa.
Brand	Hadley	Martin	Taylor, N. J.
Briggs	Hammer	Mead	Taylor, Tenn.
Brooks, Ill.	Harrison	Michaelson	Temple
Bulwinkle	Haugen	Michener	Thompson
Burdick	Hawes	Miller	Tillman
Burroughs	Hawley	Mills	Timberlake
Byrns, Tenn.	Hayden	Millspaugh	Tincher
Cable	Hays	Mondell	Tinkham
Carew	Hickey	Moore, Ill.	Towner
Chalmers	Hill	Moore, Ohio	Upshaw
Chandler, Okla.	Himes	Moore, Va.	Vaile
Chindblom	Hoch	Moores, Ind.	Vinson
Christopherson	Hogan	Morgan	Voigt
Clague	Hudspeth	Mott	Volstead
Clouse	Hukriede	Nelson, Me.	Walsh
Cole, Iowa	Hull	Nelson, A. P.	Weaver
Cole, Ohio	Jacoway	Newton, Mo.	Wheeler
Collier	James	Norton	White, Kans.
Collins	Jefferis, Ala.	Ogden	Williams, Tex.
Connally, Tex.	Johnson, S. Dak.	Parker, N. J.	Williamson
Connell	Johnson, Wash.	Pringey	Winslow
Cooper, Wis.	Jones, Pa.	Purnell	Wood, Ind.
Coughlin	Jones, Tex.	Quin	Woodruff
Crago	Keller	Radcliffe	Woods, Va.
Crisp	Kelley, Mich.	Rainey, Ill.	Wright
Crowther	Kincheloe	Raker	Wurzbach
Cullen	King	Ramseyer	
Curry	Kissel	Rankin	
Davis, Tenn.	Kline, N. Y.	Reece	

NAYS—2.

Oliver Sumners, Tex.

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—214.

Andrews, Nebr.	Fitzgerald	Linthicum	Rossdale
Arentz	Focht	Logan	Rouse
Bacharach	Frear	Longworth	Rucker
Beck	Free	Luce	Ryan
Black	Freeman	Luhring	Sabath
Blanton	Fuller	Lyon	Sanders, Ind.
Bond	Gahn	McClintic	Schall
Brennan	Gallivan	McCormick	Shelton
Britten	Garrett, Tex.	McFadden	Siegel
Brooks, Pa.	Gilbert	McLaughlin, Nebr.	Sinclair
Brown, Tenn.	Goldsborough	McLaughlin, Pa.	Slemp
Browne, Wis.	Goodykoontz	McSwain	Snyder
Buchanan	Gould	MacGregor	Steagall
Burke	Graham, Pa.	Maloney	Stedman
Burtness	Greene, Mass.	Mansfield	Stephens
Burton	Greene, Vt.	Merritt	Stevenson
Butler	Griest	Montague	Stiness
Byrnes, S. C.	Griffin	Montoya	Stoll
Campbell, Kans.	Hardy, Colo.	Morin	Sullivan
Campbell, Pa.	Hardy, Tex.	Mudd	Summers, Wash.
Cannon	Henry	Murphy	Swank
Cantrill	Herrick	Nelson, J. M.	Sweet
Carter	Hersey	Newton, Minn.	Swing
Chandler, N. Y.	Hicks	Nolan	Tague
Clark, Fla.	Hooker	O'Brien	Taylor, Ark.
Clarke, N. Y.	Huddleston	O'Connor	Taylor, Colo.
Classon	Humphreys	Oldfield	Ten Eyck
Cockran	Husted	Olpp	Thomas
Codd	Hutchinson	Osborne	Tilson
Colton	Ireland	Overstreet	Treadway
Connolly, Pa.	Jefferis, Nebr.	Padgett	Tucker
Cooper, Ohio	Johnson, Ky.	Paige	Tyson
Copley	Johnson, Miss.	Park, Ga.	Underhill
Dale	Kahn	Parker, N. Y.	Vare
Dallinger	Kearns	Parks, Ark.	Vestal
Darrow	Kelly, Pa.	Patterson, Mo.	Volk
Davis, Minn.	Kendall	Patterson, N. J.	Walters
Deal	Kennedy	Perkins	Ward, N. Y.
Denison	Ketcham	Perlman	Ward, N. C.
Dickinson	Kiess	Petersen	Wason
Dominick	Kindred	Porter	Watson
Drane	Kinkaid	Pou	Webster
Drewry	Kirkpatrick	Rainey, Ala.	White, Me.
Driver	Kitchin	Ransley	Williams, Ill.
Dunbar	Kleczka	Rayburn	Wilson
Dunn	Knight	Reber	Wingo
Dupré	Kraus	Reed, N. Y.	Wise
Echols	Kreider	Reed, W. Va.	Woodyard
Evans	Kunz	Riordan	Wyant
Fairchild	Langley	Roach	Yates
Fairfield	Larson, Minn.	Robertson	Young
Favrot	Lawrence	Robsion	Zihlman
Fenn	Lea, Calif.	Rodenberg	
Fields	Lee, N. Y.	Rosenbloom	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Additional pairs:

Mr. Cramton with Mr. Carter.

Mr. Free with Mr. Riordan.

Mr. Morin with Mr. Byrnes of South Carolina.

Mr. CRAMTON. Mr. Speaker, I voted aye, but I have a general pair with the gentleman from Oklahoma [Mr. CARTER] and I wish to withdraw that vote and answer "present."

The name of Mr. CRAMTON was called and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 30, after line 8, insert a new paragraph, as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund.

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to Senate amendment No. 65 and agree to the same with an amendment as follows:

In lieu of the matter inserted by Senate amendment insert the following: "All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund: *Provided*, That under this provision no amount shall be used for the employment of any additional persons over the number for which the specific appropriation herein provides."

Mr. ANTHONY. Mr. Speaker, this amendment is proposed in order to simplify the bookkeeping for pay of the Army, and the proposed amendment is to prevent the employment of more persons than the amount appropriated in the item will pay for. I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the motion to recede and concur with an amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a division.

The House divided; and there were—ayes 142, noes 12.

Mr. VOIGT. Mr. Speaker, I make the point of order of no quorum on the vote just had.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and sixty Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 216, nays none, answered "present" 1, not voting 214, as follows:

YEAS—216.

Ackerman	Dowell	Kopp	Rogers
Almon	Dyer	Kraus	Rose
Anderson	Edmonds	Lampert	Sanders, N. Y.
Andrew, Mass.	Elliott	Lanham	Sanders, Tex.
Ansorge	Ellis	Lankford	Sandlin
Anthony	Faust	Larsen, Ga.	Scott, Tenn.
Appleby	Fess	Layton	Shaw
Aswell	Fish	Lazaro	Shreve
Atkeson	Fisher	Leatherwood	Sinnott
Bankhead	Focht	Lee, Ga.	Sisson
Barbour	Fordney	Lehlbach	Smith, Idaho
Barkley	Foster	Lineberger	Smith, Mich.
Beedy	French	Little	Smithwick
Begg	Frothingham	London	Snell
Bell	Fulmer	Lowrey	Speaks
Benham	Funk	McArthur	Sproul
Bird	Garner	McKenzie	Stafford
Bixler	Garrett, Tenn.	McPherson	Steagall
Bland, Va.	Gensman	Madden	Steenerson
Boies	Gernerd	Magee	Strong, Kans.
Bowers	Glynn	Mann	Strong, Pa.
Bowling	Gorman	Mapes	Sumners, Tex.
Box	Graham, Ill.	Martin	Taylor, N. J.
Brand	Green, Iowa	Mead	Taylor, Tenn.
Briggs	Hadley	Michaelson	Temple
Brooks, Ill.	Hammer	Michener	Thomas
Bulwinkle	Harrison	Miller	Thompson
Burdick	Haugen	Mills	Tillman
Burroughs	Hawes	Millspaugh	Timberlake
Byrnes, S. C.	Hawley	Mondell	Tincher
Byrns, Tenn.	Hayden	Moore, Ohio	Tinkham
Cable	Hickey	Moores, Ind.	Towner
Carew	Hill	Morgan	Upshaw
Chalmers	Himes	Mott	Vaile
Chandler, Okla.	Hoch	Nelson, Me.	Vinson
Chindblom	Hogan	Nelson, A. P.	Voigt
Christopherson	Hudspeth	Newton, Minn.	Volstead
Clague	Hukriede	Newton, Mo.	Walsh
Clouse	Hull	Norton	Walters
Cole, Iowa	Jacoway	Ogden	Watson
Cole, Ohio	James	Oliver	Weaver
Connally, Tex.	Jeffers, Ala.	Parker, N. J.	Webster
Connell	Johnson, Wash.	Pringey	Wheeler
Cooper, Wis.	Jones, Pa.	Purnell	White, Kans.
Coughlin	Jones, Tex.	Quin	White, Me.
Crago	Keller	Radcliffe	Williams, Tex.
Crisp	Kelley, Mich.	Rainey, Ill.	Williamson
Crowther	Kincheloe	Raker	Winslow
Cullen	King	Ramseyer	Wood, Ind.
Curry	Kinkaid	Rankin	Woodruff
Dale	Kissel	Reece	Woods, Va.
Davis, Tenn.	Kline, N. Y.	Rhodes	Wright
Dempsey	Kline, Pa.	Ricketts	Wurzbach
Doughton	Knutson	Riddick	The Speaker

NAYS—None.

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—214.

Andrews, Nebr.	Colton	Gilbert	Kiess
Arentz	Connolly, Pa.	Goldsborough	Kindred
Bacharach	Cooper, Ohio	Goodykoontz	Kirkpatrick
Beck	Copley	Gould	Kitchin
Black	Dallinger	Graham, Pa.	Kleczka
Blakeney	Darrow	Greene, Mass.	Knight
Bland, Ind.	Davis, Minn.	Greene, Vt.	Kreider
Blanton	Deal	Griest	Kunz
Bond	Denison	Griffin	Langley
Brennan	Dickinson	Hardy, Colo.	Larson, Minn.
Britten	Dominick	Hardy, Tex.	Lawrence
Brooks, Pa.	Drane	Hays	Lea, Calif.
Brown, Tenn.	Drewry	Henry	Lee, N. Y.
Browne, Wis.	Driver	Herrick	Linthicum
Buchanan	Dunbar	Hersey	Logan
Burke	Dunn	Hicks	Longworth
Burtness	Dupré	Hooker	Luce
Burton	Echols	Huddleston	Luhring
Butler	Evans	Humphreys	Lyon
Campbell, Kans.	Fairchild	Husted	McClintic
Campbell, Pa.	Fairfield	Hutchinson	McCormick
Cannon	Favrot	Ireland	McDuffie
Cantrill	Fenn	Jefferis, Nebr.	McFadden
Carter	Fields	Johnson, Ky.	McLaughlin, Mich.
Chandler, N. Y.	Fitzgerald	Johnson, Miss.	McLaughlin, Nebr.
Clark, Fla.	Frear	Johnson, S. Dak.	McLaughlin, Pa.
Clarke, N. Y.	Free	Kahn	McSwain
Classon	Freeman	Kearns	MacGregor
Cockran	Fuller	Kelly, Pa.	Maloney
Codd	Gahn	Kendall	Mansfield
Collier	Gallivan	Kennedy	Merritt
Collins	Garrett, Tex.	Ketcham	Montague

Montoya	Perlman	Schall	Tilson
Moore, Ill.	Petersen	Scott, Mich.	Treadway
Moore, Va.	Porter	Sears	Tucker
Morin	Pou	Shelton	Tyson
Mudd	Rainey, Ala.	Siegel	Underhill
Murphy	Ransley	Sinclair	Vare
Nelson, J. M.	Rayburn	Slemp	Vestal
Nolan	Reber	Snyder	Volk
O'Brien	Reed, N. Y.	Stedman	Ward, N. Y.
O'Connor	Reed, W. Va.	Stephens	Ward, N. C.
Oldfield	Riordan	Stevenson	Wason
Olpp	Roach	Stiness	Williams, Ill.
Osborne	Robertson	Stoll	Wilson
Overstreet	Robsion	Sullivan	Wingo
Padgett	Rodenberg	Summers, Wash.	Wise
Paige	Rosenbloom	Swank	Woodyard
Park, Ga.	Rossdale	Sweet	Wyant
Parker, N. Y.	Rouse	Swing	Yates
Parks, Ark.	Rucker	Tague	Young
Patterson, Mo.	Ryan	Taylor, Ark.	Zihlman
Patterson, N. J.	Sabath	Taylor, Colo.	
Perkins	Sanders, Ind.	Ten Eyck	

So the motion to recede and concur with an amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Hardy of Colorado with Mr. Sears.

Mr. Mudd with Mr. Collins.

Mr. Classon with Mr. McDuffie.

Mr. Husted with Mr. Collier.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 106: Page 49, line 16, insert after the word "Georgia," *Provided*, That apartment buildings may be constructed out of this appropriation at a cost not to exceed $150,000 each, and to provide for not less than 18 families each

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. VOIGT. Division, Mr. Speaker.

The House divided, and there were—ayes 167, noes none.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum on that.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. The Chair will count.

The Speaker proceeded to count.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Wisconsin withhold the point of order for a moment?

Mr. VOIGT. For what purpose?

Mr. GARRETT of Tennessee. I desire to make a statement, if the gentleman will withhold it. The gentleman's rights will not be prejudiced.

Mr. VOIGT. I have no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, may I suggest to the gentleman from Wyoming that the minority side of the House feels that it has performed very good service for the day?

Mr. MONDELL. Well——

Mr. GARRETT of Tennessee. We are not in any way responsible for the points of no quorum being made.

Mr. MONDELL. We realize that, and we have all tried to do our duty. So far as the "gentleman from Wyoming" is concerned, he is perfectly willing to stay in Washington all summer. [Applause.] And as the "gentleman from Wyoming" now feels, he has no disposition whatever to seek to bring about a recess. If gentlemen want to stay all summer long, they can easily accomplish that by leaving here the moment they have answered to their names, so as to make necessary constant roll calls. It will not discommode the "gentleman from Wyoming" a particle for the Congress to remain in session steadily for the next 30 days, and if the gentlemen who are here are not interested enough in having the business closed so that we can take a recess, the "gentleman from Wyoming" is entirely agreeable to that view.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as the minority is concerned, we have done our full duty.

Mr. MONDELL. Well, that depends upon what one considers one's full duty. Many of the roll calls to-day will disclose the fact that the minority was not here in very great numbers.

Mr. UPSHAW. Neither was the majority.

Mr. MONDELL. However, I have no disposition to criticize that.

Mr. GARRETT of Tennessee. The proportion of the minority here throughout the day on every roll call has been greater than the proportion of the majority, and it will be, if the gentleman chooses to go on the rest of the night. [Applause.]

The SPEAKER. Does the gentleman from Wisconsin insist on his point of order?

Mr. VOIGT. I do.

The SPEAKER. One hundred and ninety-five gentlemen are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of the motion will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 220, nays none, answered "present" 2, not voting 209, as follows:

YEAS—220.

Ackerman	Dominick	Knutson	Ricketts
Almon	Doughton	Kopp	Riddick
Anderson	Dowell	Kraus	Rose
Andrew, Mass.	Dyer	Lampert	Sanders, N. Y.
Ansorge	Edmonds	Lanham	Sanders, Tex.
Anthony	Elliott	Lankford	Sandlin
Appleby	Ellis	Larsen, Ga.	Scott, Mich.
Aswell	Faust	Layton	Scott, Tenn.
Atkeson	Fess	Lazaro	Sears
Bankhead	Fish	Leatherwood	Shaw
Barbour	Fisher	Lee, Ga.	Shreve
Barkley	Focht	Lehlbach	Sinnott
Beedy	Fordney	Lineberger	Sisson
Begg	Foster	Little	Smith, Idaho
Bell	French	Lowrey	Smith, Mich.
Benham	Fulmer	McDuffie	Smithwick
Bird	Funk	McKenzie	Snell
Bixler	Garner	McLaughlin, Mich.	Speaks
Bland, Ind.	Garrett, Tenn.	McPherson	Sproul
Bland, Va.	Gensman	Madden	Stafford
Boies	Gernerd	Magee	Steenerson
Bowers	Glynn	Mann	Strong, Kans.
Bowling	Gorman	Mapes	Strong, Pa.
Box	Graham, Ill.	Martin	Sumners, Tex.
Brand	Green, Iowa	Mead	Taylor, N. J.
Briggs	Hadley	Michaelson	Taylor, Tenn.
Brooks, Ill.	Hammer	Michener	Temple
Browne, Wis.	Hardy, Colo.	Miller	Thomas
Bulwinkle	Harrison	Millspaugh	Thompson
Burdick	Haugen	Mondell	Tillman
Burroughs	Hawes	Moore, Ill.	Timberlake
Byrnes, S. C.	Hawley	Moore, Ohio	Tincher
Byrns, Tenn.	Hayden	Moores, Ind.	Tinkham
Cable	Hays	Morgan	Towner
Carew	Hickey	Mott	Upshaw
Chalmers	Himes	Nelson, Me.	Vaile
Chandler, Okla.	Hoch	Nelson, A. P.	Vinson
Chindblom	Hogan	Newton, Minn.	Volstead
Christopherson	Hudspeth	Newton, Mo.	Walsh
Clague	Hukriede	Norton	Walters
Clouse	Hull	O'Connor	Watson
Cole, Iowa	Jacoway	Ogden	Weaver
Cole, Ohio	James	Oliver	Webster
Connally, Tex.	Jeffers, Ala.	Parker, N. J.	Wheeler
Connell	Johnson, S. Dak.	Porter	White, Kans.
Cooper, Wis.	Johnson, Wash.	Pringey	White, Me.
Coughlin	Jones, Pa.	Purnell	Williams, Tex.
Crago	Jones, Tex.	Quin	Williamson
Crisp	Keller	Radcliffe	Winslow
Crowther	Kelley, Mich.	Rainey, Ill.	Wood, Ind.
Cullen	Kincheloe	Raker	Woodruff
Curry	King	Ramseyer	Woods, Va.
Dale	Kissel	Rankin	Wright
Davis, Tenn.	Kline, N. Y.	Reece	Wurzbach
Dempsey	Kline, Pa.	Rhodes	The Speaker

NAYS—None.

ANSWERED "PRESENT"—2.

Cramton	London

NOT VOTING—209.

Andrews, Nebr.	Dickinson	Huddleston	McLaughlin, Pa.
Arentz	Drane	Humphreys	McSwain
Bacharach	Drewry	Husted	MacGregor
Beck	Driver	Hutchinson	Maloney
Black	Dunbar	Ireland	Mansfield
Blakeney	Dunn	Jefferis, Nebr.	Merritt
Blanton	Dupré	Johnson, Ky.	Mills
Bond	Echols	Johnson, Miss.	Montague
Brennan	Evans	Kahn	Montoya
Britten	Fairchild	Kearns	Moore, Va.
Brooks, Pa.	Fairfield	Kelly, Pa.	Morin
Brown, Tenn.	Favrot	Kendall	Mudd
Buchanan	Fenn	Kennedy	Murphy
Burke	Fields	Ketcham	Nelson, J. M.
Burtness	Fitzgerald	Kiess	Nolan
Burton	Frear	Kindred	O'Brien
Butler	Free	Kinkaid	Oldfield
Campbell, Kans.	Freeman	Kirkpatrick	Olpp
Campbell, Pa.	Frothingham	Kitchin	Osborne
Cannon	Fuller	Kleczka	Overstreet
Cantrill	Gahn	Knight	Padgett
Carter	Gallivan	Kreider	Paige
Chandler, N. Y.	Garrett, Tex.	Kunz	Park, Ga.
Clark, Fla.	Gilbert	Langley	Parker, N. Y.
Clarke, N. Y.	Goldsborough	Larson, Minn.	Parks, Ark.
Classon	Goodykoontz	Lawrence	Patterson, Mo.
Cockran	Gould	Lea, Calif.	Patterson, N. J.
Codd	Graham, Pa.	Lee, N. Y.	Perkins
Collier	Greene, Mass.	Linthicum	Perlman
Collins	Greene, Vt.	Logan	Petersen
Colton	Griest	Longworth	Pou
Connolly, Pa.	Griffin	Luce	Rainey, Ala.
Cooper, Ohio	Hardy, Tex.	Luhring	Ransley
Copley	Henry	Lyon	Rayburn
Dallinger	Herrick	McArthur	Reber
Darrow	Hersey	McClintic	Reed, N. Y.
Davis, Minn.	Hicks	McCormick	Reed, W. Va.
Deal	Hill	McFadden	Riordan
Denison	Hooker	McLaughlin, Nebr.	Roach

Robertson	Sinclair	Tague	Ward, N. C.
Robsion	Slemp	Taylor, Ark.	Wason
Rodenberg	Snyder	Taylor, Colo.	Williams, Ill.
Rogers	Steagall	Ten Eyck	Wilson
Rosenbloom	Stedman	Tilson	Wingo
Rossdale	Stephens	Treadway	Wise
Rouse	Stevenson	Tucker	Woodyard
Rucker	Stiness	Tyson	Wyant
Ryan	Stoll	Underhill	Yates
Sabath	Sullivan	Vare	Young
Sanders, Ind.	Summers, Wash.	Vestal	Zihlman
Schall	Swank	Voigt	
Shelton	Sweet	Volk	
Siegel	Swing	Ward, N. Y.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Vestal with Mr. Moore of Virginia.

Mr. Wason with Mr. Steagall.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 131: Page 61, after line 14, insert: "Hereafter whenever contracts which are not to be performed within six months are made on behalf of the Government by the Chief of Air Service or by officers of the Air Service authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief of Air Service."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. VOIGT. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Wisconsin demands a division.

The House divided; and there were—ayes 198, noes none.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count.

Mr. ANTHONY. Mr. Speaker, I make the point of order that the point made by the gentleman from Wisconsin is too late. The Speaker has just announced that there was a quorum present.

Mr. VOIGT. Mr. Speaker, I would like to be heard on that.

The SPEAKER. The Chair does not care to hear the gentleman. The Chair is ready to rule. The Chair thinks that the only time when the point of no quorum could not be given consideration is when the Chair is satisfied in his own mind that a quorum is present. We all know that the fact of calling the roll, particularly when the roll call develops only 220 Members present, as the last did, is not conclusive proof that a quorum is present. The Chair will say that when there is obviously a quorum present the Chair would sustain the point made by the gentleman from Kansas [Mr. ANTHONY]. No Member has the right to continue making the point that there is no quorum present when it is probable that a quorum is present. But the Chair thinks he would not be justified in the present instance in deciding that a quorum is present without counting. The Chair will count.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I make the point that the gentleman who made the point of order is not present. He has left the Hall. I suggest that the Sergeant at Arms bring him in.

The SPEAKER. Every Member is his own judge as to whether it is his duty to be present or not.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I make the point of order that there is no person present who made the point of order.

Mr. WOODRUFF. Mr. Speaker, if there is any question about that, I will make the point of order.

The SPEAKER. The gentleman from Michigan renews the point of order.

Mr. VOIGT. Mr. Speaker, may I ask what the parliamentary situation is?

Mr. JOHNSON of Washington. The regular order, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixteen Members—a quorum—are present. The ayes have it, and the motion is agreed to. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 199, page 109, after line 21, insert:
"All the moneys hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for as pay of the Military Academy, and for that purpose shall constitute one fund."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. VOIGT. Mr. Speaker, I ask for a division.

The SPEAKER. The Chair thinks that there is a quorum present. The Clerk will report the next one.

Mr. VOIGT. Mr. Speaker, I asked for a division.

The SPEAKER. The Chair did not hear the gentleman.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I make the point of order that the gentleman is too late.

The SPEAKER. The gentleman from Wisconsin demands a division. The question is on agreeing to the motion of the gentleman from Kansas [Mr. ANTHONY].

The House divided and there were—ayes 210, noes 11.

Accordingly the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 214: Page 126, line 2, after the word "surgeons" insert the words "members of the Army Nurse Corps."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 220: Page 130, after the word "Germany," strike out the words "including services of an editor and."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate No. 220 and agree to the same with an amendment as follows:
Restore the matter stricken out by said amendment and amend it to read as follows: Including personal services.

The SPEAKER. The question is on the motion to recede and concur with the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 221: Page 130, line 6, strike out "$4,800" and insert "$100."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate numbered 221 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,600."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I move that when the House adjourns to-night it be to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Wyoming moves that when the House adjourns to-day it be to meet at 11 o'clock to-morrow.

The question was taken, and the Speaker announced that "the ayes have it."

Mr. VOIGT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VOIGT. Is that subject to objection? If it is, I wish to object.

The SPEAKER. No; it is a motion made. The Chair thinks if the gentleman had made a point of order when the gen-

tleman from Wyoming made his motion, that might have been in order.

Mr. VOIGT. I objected after the gentleman made his request.

Mr. MONDELL. I made no request. I made a motion.

The SPEAKER. There has been a vote on it, but the Chair will hear the gentleman.

Mr. SMITH of Idaho. Mr. Speaker, it was a motion that was carried and not a unanimous-consent request.

The SPEAKER. It was a motion, but the Chair wishes to hear the gentleman's objection.

Mr. VOIGT. Mr. Speaker, when the gentleman from Wyoming made the motion I said almost instantly that I objected, but I did not get my objection into parliamentary form.

Mr. STRONG of Kansas. That is not our fault.

Mr. VOIGT. I made a point of order to that request, and I made it as rapidly as I could.

Mr. MADDEN. It was not a request, it was a motion.

Mr. SMITH of Idaho. Has a Member a right to object to a motion being made?

The SPEAKER. The gentleman has a right to make a point of order.

Mr. TOWNER. He made no point of order, Mr. Speaker.

The SPEAKER. When the gentleman from Wyoming made his motion, it occurred to the Chair that it was subject to a point of order, and the Chair looked about the House to see if anybody made the point of order, and nobody made it.

Mr. VOIGT. Mr. Speaker, may I be heard?

The SPEAKER. Certainly.

Mr. VOIGT. I believed that under any fair consideration of what occurred the objection I made should be taken by the Chair to be a point of order.

SEVERAL MEMBERS. Oh, no.

Mr. MANN. Mr. Speaker, the motion to fix the hour to meet is not a privileged motion, but such a motion is in order and no point of order can be made against it unless a demand for the regular order is made. The gentleman from Wisconsin never dreamed of making a demand for the regular order. Any motion is in order, whether privileged or not, if nothing else is asked for from the House. A demand for the regular order would have made the motion of the gentleman from Wyoming nonprivileged. But the gentleman from Wisconsin did not ask for the regular order. He did not demand the regular order, and in the absence of such a demand the motion was clearly in order. [Applause.]

The SPEAKER. When the gentleman from Wyoming made the motion the Chair took pains to look and see if there was objection to it, and the Chair certainly looked in the direction of the gentleman from Wisconsin, because it occurred to him that it might possibly come from that direction. [Laughter.] The Chair did not observe any action by the gentleman until after the vote was taken, and then, of course, it was too late.

Mr. VOIGT. Mr. Speaker, I think the Reporter's notes will show that I said immediately after the motion was made that I objected.

The SPEAKER. The Chair thinks that even if that was so it is not sufficient, as stated by the gentleman from Illinois. The Chair has been very considerate to the gentleman from Wisconsin and answered his parliamentary questions, but a Member of the House who wishes to obstruct must be acquainted with the parliamentary law. [Applause.] The gentleman from Wisconsin, by his own statement, did not come within the rule; he did not demand the regular order. The ayes have it, and the motion is agreed to.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 313. Joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3345. An act changing the name of Keokuk Street, in the county of Washington, D. C., to Military Road; to the Committee on the District of Columbia.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, June 24, 1922, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. 3659. An act to create the White House police force, and for other purposes; without amendment (Rept. No. 1134). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 7027. A bill for the relief of Herbert E. Shenton; with an amendment (Rept. No. 1135). Referred to the Committee of the Whole House.

Mr. LITTLE: Committee on Claims. S. 472. An act for the relief of William B. Lancaster; with an amendment (Rept. No. 1136). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12109) granting a pension to Frances A. Harris, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HILL: A bill (H. R. 12141) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 12142) to amend section 6 of the war risk insurance act as approved August 9, 1921; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: A bill (H. R. 12143) to establish an Alaskan game commission, to protect game, land fur-bearing animals, and birds in Alaska, and for other purposes; to the Committee on the Territories.

By Mr. FORDNEY: A bill (H. R. 12144) providing for the extension of the post office and public building at Saginaw, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS of Nebraska: Joint resolution (H. J. Res. 354) authorizing the Secretary of the Interior to make a reinvestigation of the tricounty project in Nebraska, comprising the counties of Gosper, Phelps, and Kearney, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. BARBOUR: Resolution (H. Res. 380) for the immediate consideration of House bill 11363; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 12145) granting a pension to Hattie Ayers; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 12146) granting a pension to Forrest J. Harrington; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 12147) granting a pension to Fannie F. Kennedy; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12148) granting a pension to Joan O'Brien; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 12149) granting a pension to James R. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12150) granting an increase of pension to Mary Powell; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 12151) granting a pension to Taylor Wagers; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 12152) granting a pension to Alice Z. Sherwin; to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 12153) granting a pension to John G. Foll; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12154) for the relief of D. C. Darroch; to the Committee on Military Affairs.

By Mr. LINTHICUM: Resolution (H. Res. 379) providing for six months' salary to be paid to Thomas J. Lindsay, administrator of John McMahon; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6060. By the SPEAKER (by request): Resolution adopted by the third triennial convention of the Brotherhood of Rail-

road Trainmen while in session at Toronto, Ontario, June 7, 1922, urging Congress to permit Henry Ford to take over and develop Muscle Shoals; to the Committee on Military Affairs.

6061. Also (by request), resolutions adopted by the members of Forsyth Relief Corps, No. 1, of Toledo, Ohio, indorsing the Morgan pension bill; to the Committee on Invalid Pensions.

6062. By Mr. ATKESON: Resolutions adopted by the First Baptist Church of Butler, Mo., indorsing the proposed constitutional amendment to prohibit sectarian appropriations, House joint resolution 159, and urging its immediate passage; to the Committee on the Judiciary.

6063. By Mr. CHALMERS: Petition of the Woman's Relief Corps, of Toledo, Ohio, in re Morgan pension bill; to the Committee on Invalid Pensions.

6064. By Mr. KELLY of Pennsylvania: Memorial of Greek women of Asia Minor, praying for protection against oppression; to the Committee on Foreign Affairs.

6065. Also, resolutions of city council of Pittsburgh, Pa., urging complete canalization of the Ohio River; to the Committee on Rivers and Harbors.

6066. By Mr. KISSEL: Petition of Charles Gerard Conn, Esq., Los Angeles, Calif., relative to legislation in behalf of the veterans of the Civil War; to the Committee on Invalid Pensions.

6067. By Mr. WATSON: Petition from residents of Langhorne, Pa., concerning relief for the Armenians; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *June 24, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. CALDER. Mr. President, I ask unanimous consent to report from the Committee on Commerce four bridge bills, which are in the regular form, giving the consent of Congress, and I also shall ask unanimous consent for their present consideration.

First, I report back favorably from the Committee on Commerce, without amendment, the bill (H. R. 11634) granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States, and I submit a report (No. 785) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the section line between sections 24 and 25, township 145 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POKEGAMA LAKE BRIDGE, MINN.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 10770) to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota, and I submit a report (No. 786) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the highway bridge built by the authorities of Itasca County, Minn., across the south arm of Pokegama Lake, in section 17, township 54, range 25 in said county and State, is hereby legalized and the consent of Congress is hereby given to its maintenance by said county for the use of the general public: *Provided*, That any changes in said bridge, which the Secretary of War may deem necessary and order in the interest of navigation, shall be promptly made by the said county.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TCHULA LAKE, MISS.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11362) declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream, and I submit a report (No. 787) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That Tchula Lake, in Holmes County, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIO GRANDE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11128) to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico, and I submit a report (No. 788) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Del Rio and Las Vacas Bridge Co., a copartnership organized and entered into under the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, maintain, and operate a bridge and approaches thereto over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of the proper authorities of the Republic of Mexico shall have been obtained before said bridge shall be built or commenced.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. MYERS. Mr. President, I ask the indulgence of the Senate for a few moments on a matter of some importance.

Mr. McLEAN. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. MYERS. I yield.

Mr. McLEAN. I ask unanimous consent that the vote by which the Senate concurred in the amendments of the House to Senate bill 831 be reconsidered. It is possible that one of the amendments adopted by the House may lead to some confusion, and I want to consider it further before final action by the Senate.

Mr. SMITH. What bill is it?

Mr. McLEAN. It is the bill which put the State banks on the same plane with the national banks in the matter of single-line credits.

Mr. ROBINSON. Mr. President, from the statement made by the Senator yesterday I was impressed with the fact that the amendment of the House to which he refers was a wholesome one, and that no objection could fairly be made to its adoption. Will the Senator allow the amendment to be reported?

Mr. McLEAN. I do not believe the bill is in the possession of the Senate.

Mr. ROBINSON. If it is not the Senator will have to accompany his motion with a request to the House to return the bill.

Mr. McLEAN. The reason why I ask for a reconsideration is because I have received a letter from a member of the Federal Reserve Board this morning calling my attention to the fact that one of the amendments may lead to confusion and that by implication it may deprive the State banks of some of the rights which they now have under another section of the statute. He thought it ought to receive further consideration. That is the reason why I make the request.

Mr. ROBINSON. I shall make no objection to a reconsideration of the vote by which the amendment was concurred in, because I think matters of this character ought to be thoroughly understood by the Senate before they are disposed of. I thought they were understood yesterday, or when the bill was heretofore acted upon. I inquire of the Senator from Connecticut whether the bill is in the possession of the Senate? If not, I suggest to him that it will be necessary to accompany his motion with a request for its return.

Mr. McLEAN. If it is not in the possession of the Senate, I shall ask that it be recalled from the House.

Mr. ROBINSON. I suggest that the Senator ascertain now; otherwise his motion to reconsider can not be entertained.

Mr. SMOOT. I will say to the Senator, as I understand it, the Senate concurred in the amendments made to the bill by the House, and then the bill stood passed, and it has been enrolled. So it seems to me the only way we can now reach it is to ask for a reconsideration of the vote by which it was passed.

Mr. ROBINSON. Yes; I am sure that is correct.

Mr. SMOOT. Then it will again be before the Senate.

Mr. ROBINSON. I have no objection to the Senator's motion.

The VICE PRESIDENT. The motion of the Senator from Connecticut to reconsider will be entered, and the Chair will entertain a motion to request the return of the papers from the House.

Mr. ROBINSON. The papers are not with the House. I believe I was mistaken about that.

Mr. SMOOT. Was the bill sent to the House to be enrolled, or was it enrolled here?

The VICE PRESIDENT. It is a Senate bill.

Mr. McLEAN. I understand the bill is in the possession of the Senate. I move that the message transmitting the action of the Senate on the bill to the House be recalled.

The motion was agreed to.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. MYERS. I yield.

Mr. HEFLIN. I ask unanimous consent for the present consideration of Senate Resolution 308 now on the Vice President's desk.

The VICE PRESIDENT. The resolution is on the table.

Mr. HEFLIN. I ask unanimous consent to take it from the table and consider it.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to take from the table a resolution which the Secretary will state for the information of the Senate.

The READING CLERK. Senate Resolution 308, calling on all the regional Federal reserve banks except the Federal Reserve Bank of Atlanta for information regarding the distribution by said banks of a speech delivered in the Senate of the United States by Senator GLASS.

The VICE PRESIDENT. Is there objection?

Mr. McLEAN. Mr. President, this resolution calls for a list of the names of all the "citizens" to whom Senator GLASS's speech was sent.

Mr. HEFLIN. By the Federal reserve banks.

Mr. McLEAN. If the Senator will confine his request to the expenditure of funds by these banks for the purpose of sending out the speech, I think there will be no objection, because the Government is directly interesed in the profits of these banks. I think his resolution should be directed to the Federal Reserve Board, and if he insists upon securing from the banks their private mailing lists I do not think it is a matter in which the Federal Government is interested. The matter, I will say to the Senator, was considered by the Committee on Banking and Currency yesterday, and it was the unanimous consent of the committee that unless the Senator would modify his request objection to its passage would be made in the Senate.

Mr. WATSON of Georgia. Mr. President, I would like to ask the Senator from Connecticut a question. How can a fiscal agency like the Federal Reserve Board, in circulating a speech like that of Senator GLASS or of any other Senator, have a private mailing list? Why is not the whole thing official and why is it not under the jurisdiction of the Senate and of Congress?

Mr. McLEAN. Whether that is true or not I do not believe the mailing lists of these banks are a matter of interest to the Senate or to the Congress. I do think the expenditures of the banks or the uses of their funds are matters of interest, and that we have a right to inquire whether or not the banks are using their money for the purpose of maintaining a publicity bureau.

Mr. WATSON of Georgia. Will the Senator allow me further? W. P. G. Harding as an individual could have a private mailing list and undoubtedly has one. Governor Strong, of the New York bank, as a private individual, could have a private mailing list, and no doubt has one. With those private mailing lists the Congress has nothing to do. But as I understand the resolution of the Senator from Alabama it is directed to the banks. The banks are public institutions under the jurisdiction of Congress and can not possibly have a private mailing list, in my judgment.

Mr. McLEAN. I do not altogether agree with the Senator from Georgia in regard to that. I think his view is subject to modifications,

Mr. HEFLIN. Mr. President, I want to say to the Senator from Connecticut that the speech which has been circulated referred to me. My name was mentioned in it in a number of places. I want to send my speech to the people who received that speech. Am I asking too much of these banks, which at their expense have had that speech printed and circulated, to permit me, a Member of the Senate who made a speech on the other side of the question, to send my speech to them at my own expense? Why does the Senator from Connecticut want to deny me the right to have that list so that I may know to whom that speech was sent and may send my speech, if I desire to do so, to the same people? Why should I be denied that privilege? This is a free country. Why should this list not be given to me?

Mr. McLEAN. I do not think it is a matter in which the public have any interest whatever or in which the Senate of the United States has any interest whatever.

Mr. HEFLIN. The Senator does not think the public is interested in fair play?

Mr. McLEAN. That is another proposition.

Mr. HEFLIN. This is a vital question, and we have just begun to fight. The American people are just waking up to it, and they are not going to stand for covering up the situation like the Senator from Connecticut would cover it. These banks did wrong in printing and circulating the speech of one Senator attacking another, and since they had printed and circulated the speech in question they ought to be required to furnish to the Senate the list of names to whom that speech was sent, so that the Senator sought to be injured by the banks in circulating that speech could send to the same people the reply that he made in the Senate to that speech. Is there anything unjust or unfair in that request?

Mr. McLEAN. I think the Senator will be able to insist upon having fair play. He has adopted the custom of occupying the floor from 5 to 6 o'clock every afternoon of the sessions of the Senate for some time past in giving to the public his views with regard to the Federal Reserve Board and the official conduct of the officers of the Federal reserve banks.

Mr. HEFLIN. The Senator from Connecticut causes me to consume time by his antagonistic attitude toward this very fair proposition.

Mr. McLEAN. Oh, no; I plead not guilty to that. I am not responsible for the Senator's speeches, I hope.

Mr. HEFLIN. I know the Senator from Connecticut does not like to hear the speeches which I make, because I am speaking in the interest of the American people.

Mr. McLEAN. I do not care to continue this discussion. I am merely reporting to the Senate the view of the Committee on Banking and Currency. The Senator from Alabama says I do not like his discussion. Frankly, I will say that I think that the Senator's views on banking and financial questions are little short of chaotic.

Mr. HEFLIN. I am satisfied the Senator thinks that. That has been the attitude of certain big financiers ever since we had a banking system.

Mr. McLEAN. I am very well satisfied that if the Senator's views were written into the banking laws of the country no sane banker would remain in the business for a longer period than would be necessary to enable him to get out.

Mr. HEFLIN. Mr. President, I am in favor of sound money, and——

Mr. McLEAN. I object to the immediate consideration of the resolution.

Mr. HEFLIN. Mr. President, I am in favor of a sound banking system honestly administered. I am opposed to a crooked banking system; and it does not make any difference with me what high-browed financiers may think of my position; it does not change it in the least. I know what I am doing; I have got the American people's viewpoint, and I propose to assert it here time and time again. I do not intend that a few men shall corner the money supply of the United States and dole it out as they see fit to a hundred million people. I think the banking institutions were created to serve the business needs of the American people and not for the purpose of making millionaires and billionaires to the detriment and injury of the masses of the people. That, in brief, is my position.

Mr. President, the Senator from Connecticut objects to the passage of my resolution, and I must wait until another time to bring it up in the Senate.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. The Senator from Montana has the floor.

Mr. MYERS. Is there objection to the consideration of the resolution?

Mr. McLEAN. Yes; I object.

The VICE PRESIDENT. The Senator from Connecticut [Mr. McLEAN] objects to the present consideration of the resolution.

MOB VIOLENCE AT HERRIN, ILL.

Mr. MYERS. Then, Mr. President, I desire to occupy the floor for a short time. I do not consume much of the time of the Senate in debate, but I desire to take a little time this morning on a matter which I think is one of great public importance and grave concern.

Yesterday morning there appeared in the Washington Post some Associated Press dispatches which I think challenged the attention of all thoughtful people and good citizens. I will read some of them. It will not take very long. Here are two Associated Press dispatches, dated June 22. I read them, as follows:

[By the Associated Press.]

CINCINNATI, June 22.—Forty-four persons, two of whom were union coal miners, were killed in the mine disorders at Herrin, Ill., according to the statement to-night of Frank Farrington, president of the Illinois district organization of the United Mine Workers of America.

Mr. Farrington declared he had received his information from an official of the union at Herrin, but he refused to disclose the identity of his informant.

He also said he had not agreed to permit the mine where the trouble occurred to operate, which it was said would have been possible under the union's general strike policy to permit mining of coal to fuel public utilities.

—

HERRIN, ILL., June 22 (by the Associated Press).—The death toll in the disaster last night and to-day, when 5,000 striking union miners attacked the Lester strip mine being operated under guard by imported workers, may exceed 40, it was said to-night by those in touch with the situation, although thus far only 27 positively are known to be dead.

In the Herrin hospital are eight wounded men, only one a miner, and six of them are believed to be fatally injured. There were nine, but one died.

A check-up at midnight of casualties in the miners' riot showed the following: Dead, in Herrin morgue, 17; in Marion morgue, 1; in private homes here, 3. Six other bodies seen by the Associated Press representative are believed to be still in the woods.

A miner told the Associated Press correspondent that he had seen 15 bodies thrown into a pond to-day with rocks tied around their necks. About 20 imported miners are missing.

Checking the death list has proved almost impossible. The victims, all but three of them imported workers, so far as is known, were found scattered over an area within several miles of the mine. Some were hanged, some were burned when the mine was fired, others were beaten to death, but the majority fell before the score of bullets poured into them after their surrender.

"Bloody Williamson" County, so called because of several riots, to-night was outwardly calm, but there was a noticeable undercurrent which kept everybody on edge and wondering if further trouble might be expected.

The correspondent talked with scores of miners to-day, and about half of them were certain there would be no further disorder if there was no attempt to reopen the mines, while the other half said they were afraid some of the men might not be held back. Officially, the situation was reported to-night by county officials to be quiet.

It is understood there will be no attempt to reopen the mines until the strike is settled.

The scenes of death to-day were gruesome, as in real war. Bodies with limbs shot away lay along the roadside or were strung from trees; men wounded and dying were stretched out on roads and in fields, with none of the hundreds of passers-by able to lend a helping hand. Attempts to assist the wounded in the early part of the day brought rebuffs from the spectators, backed in some cases by drawn guns.

Later the feeling quieted down and some of the wounded were taken to hospitals.

When the attackers "went over the top" into the besieged mine this morning there were some 50 or 60 workers and guards there. What has become of those not in the list of known dead and wounded can not be said. Some of them were seen to-day in fields running, with miner sympathizers pursuing them with guns. How many escaped could not be told. C. E. McDowell, superintendent of the imported workers, was among the dead. It was said he was the first to be selected to be shot after the mine was captured, and that he was given no opportunity to escape.

Young matrons and girls encouraged their men in the slaying of captive mine employees.

"Let's make soup of them," one of the women suggested, as six men, banded together with a rope, were shot down with one volley.

An examination showed that one of the six still breathed. An executioner with a ready knife completed what the bullets had left unfinished.

One of four men found under a tree in Harrison woods, where the body of a fifth was suspended from a branch, offered a gold watch and $25 to his tormentors when he saw all was over for him.

"You're a good scout," taunted one of his tormentors; "make a run for it."

The fellow was shot down by the man who jeered at him.

A few women ventured to take kodak pictures. The cameras were trampled under foot and the women were roughly handled.

Hundreds of men, women, and little children, some as young as four years, surged through the morgues to-day to view the bodies, which lay on the floor, with no attempt to straighten them out. Most of them bore no identification marks. All were mangled.

Officials of Williamson County to-day expressed deep regret over the affair, as did many miners, but several of the latter told the writer that while it was regrettable, "no other course could have been taken."

Most of the bodies of the mine war victims bore no marks of identification, the empty pockets indicating, county officials said, that the bodies had been looted.

On one body was found an honorable discharge from the Army, while on another was a piece of paper which bore the name of a former infantryman.

In the same edition of the Washington Post appeared another Associated Press dispatch, a part of which I will read. This purports to give an account of this awful affair, as related by one of the parties attacked. I quote as follows:

One miner asked who was the machine-gun operator. Some one pointed him out and he was shot in his tracks and his body laid over the gun. They tied five men with me, took us out on the road, and told us to run. We ran and hundreds of bullets followed us. We staggered on, but finally three of our group fell, pulling the others with us tied down, several bullet holes being in me already.

"I laid there while men came up and fired more shots into me from a distance of three or four feet. Then everything went black. I woke up later and begged for water, but there was not any. I remember being dragged along the road, but I don't know what by. Then they brought us to the hospital."

O'Rourke's story was confirmed by S. P. Williams and Ed. Green, of Chicago, two of the men tied with him. The other three were killed. These were the six found by the Associated Press correspondent this morning and whom he tried to take water to, only to be refused permission to help them.

James E. Morris, of Johnston City, Ill., a young miner in the attacking forces, told the correspondent the attack had been spontaneous, and that when the men went to the mine they did not really stop to think of the blooshed that might follow.

He was wounded early in the fight. "I was on my way to Herrin," he said, "when I met a gang of fellows. They said they were on their way to run out those scabs at the mine. I joined them and others kept joining us until there must have been 5,000.

"Most of us were armed, and those who were not soon got their guns. When we got to the mine we spread out around it. We had no real leaders; everyone was working for himself. It was just one big mob out to get the men who were running the mine. I am not sure who fired the first shot, but after that it was real war. The fire kept up for hours, I guess, and several of our men were hit. Late in the evening I was shot in the arm. The wound was not serious, and I walked back to where a group of our men were standing, and they sent me here in a car. I was not there, but I understand most of the killing was done after the mine surrendered.

"I am sure some of those scabs really were innocent men. It's just the old story of a mob getting started."

Other miners confirmed Morris's statements.

O'Rourke is one of the eight men in the hospital. Morris is the only miner, and seven of the imported workers are expected to die, physicians said.

The hospital was guarded, all doors being locked to prevent any possible attack on the wounded men. Only persons who could prove they had business in the hospital were admitted.

In this morning's Washington Post there appear several Associated Press dispatches relating to the same subject. I will read some of them:

[By the Associated Press.]

HERRIN, ILL., July 23.—Herrin's unhonored dead lay pale and stark to-night in the vacant stone building that has been pressed into service as a morgue since yesterday's battle. Past them filed an unending line of men and women, young and old, barefooted boys and little girls bright in their summer clothes.

They lifted muslin cloths and peered at the pale faces and at the wounds left by pistol bullets, rifle balls, and buckshot. They lingered, then reluctantly pressed on to some adjoining body, eager to miss nothing.

Never a word of pity from the crowd. These were the enemy slain in a labor war. These were the men who came to take away their jobs—outsiders, enemies. "Well, it served them right." That was the attitude of the town, as expressed by its men and women and its children. Tears, none. Sympathy, not much. These were the enemy.

The dead of a half dozen nationalities, with sloping foreheads of the Slav, high profiles of the native born, the long mustaches of eastern Europe, lay at peace for all the crowds, the laughter and the sullen looks. Bricks beneath their heads for pillows, pick boxes for their beds, they lay waiting the call of friends and relatives who loved them once and have lost touch with them in the vicissitudes of transient labor. Most of them, it is safe to say, will be forgotten in the potters' field, their meager courses run, their stories finished.

They came here because they wanted a living and because other men wanted to make money. They died hunted across the fields, stoned, shot at, tied and dragged down dusty county roads because other thousands feared these men would take away their living.

The trees are green in Herrin, and the birds are singing and the crops ripening in the midsummer sun. From the morgue the crowds drift to the billboards in front of the picture show, to see what the posters promise, to the drug store for soft drinks, then home for supper. Only the outsiders show surprise and horror. People here say:

"This is our business. Sorry, but it's done. Let us alone. We will handle this all right. We're good people to get along with—good as anybody, if you mind your own business. We'll attend to ours."

With four of the mine war victims positively identified, cards found on the bodies of nine others may lead to identification.

The positively identified are C. K. McDowell, of Marion, superintendent of the mine; Robert Shoemaker, son of the mayor of Charleston, Ill.; George Henderson and Joe Pitcavitz, of Herrin. The latter two were the only union miners killed. Shoemaker, a holder of two college degrees and formerly a student at three universities, was identified by his father.

As the elder Mr. Shoemaker gazed at his son's body, he said: "His death will kill his mother."

It was the first indication that all of the strikebreakers were not of the "ragged stranger" type.

The massacre of nonunion miners in the woods near the mine where they were employed was the act of a mob which got beyond the control of the cooler element, which was attempting to escort the captives to Herrin, to "show them off to the boys," according to information gleaned to-day.

The leaders, it was said, finally were compelled to yield to the clamors of the mob that the prisoners "beat it." The fleeing men thereupon were shot down, beaten to death, or hanged.

Although a number of the miners shuddered at the slaughter, all say "they got just what they deserved."

As soon as the 44 strip employees surrendered yesterday morning a cry went up for the lives of the captives, persons who were witnesses

say. The cooler element, however, advised that the prisoners be marched into town, paraded before the townspeople, and sent out of town.

The cooler element marched just behind the prisoners, who were at the head of the procession, and the disorderly element flocked behind and beside them.

There were cries of "beat it" which grew into a chorus, but the leaders withstood the demand until they arrived at a wooded section about 8 miles from here. There the clamor increased and the mob pressed around the fear-stricken prisoners, some of whom mumbled, evidently in prayer.

Witnesses say the leaders feeling unable longer to resist the crowd's clamor, said to the prisoners:

"Yes; you'd better beat it."

Then followed the massacre.

How many of the prisoners realized that it was to be a fight of death never will be known.

Between the road and the woods on the right side there was a barbed wire fence. Most of the prisoners probably thinking vaguely that it would be something to have the fence between them and the mob, began climbing through the fence. They had difficulty with their suit cases. There were shouts of "Drop your suitcases, you won't need them," which appealed to the humor of the jeering mob. Most of the prisoners dropped their suitcases and scrambled through and hurried into the woods.

The shooting was under way and the killing was on throughout the woods. Men were running and dodging and crowds were following and shooting at them. When one fell, the crowd closed in and fired a volley into the prostrate form. The throats of two were cut.

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[By the Associated Press.]

CHICAGO, June 23.—The remnants of Chicago's labor contingent which invaded Williamson County and was repulsed with heavy casualties, straggled back to-day and told stories of merciless bloodshed and horror.

Joseph Sodter, a detective, described brutality and privation he saw during his brief stay in the war-ridden district, and Fred Bernard, cook of the labor gang that went south to begin work in the mines, told a similar tale of persecution and hardship. Bernard said he knew of only four men who lived through the attack on his gang of 52 men.

Sodter, his back full of buckshot and suffering from the effects of hunger and exposure, lay in bed to-day and sold his story.

"We were driving from Carbondale in a truck when we encountered a car about 8 miles from the mine," he said. "I was suspicious. An occupant of the car fired a gun into the air and immediately a hail of bullets came from the shrubbery along the roadside. Two armed guards riding in a car behind us turned their car around and deserted us.

"We speeded up and reached a river where all but Sidney J. Morrison, who was wounded by the firing, jumped in and swam for life. The shot in my back gave me much pain and the wounds were bleeding freely, but I managed to make the other side and hid in the brush. Walking all day, I finally made the camp, where my pals took me in."

Bernard told of the surrender of his gang yesterday morning, how they were herded together and shot in cold blood, and how he escaped by using a fraternal password.

"We were besieged all night, with the boom of dynamite and the crack of the miners' rifles keeping up a continual racket," said Bernard. "In the morning the union miners came across and the white flag went up. I returned to the camp cookhouse to get some papers and when I came out carried a white sheet to show I would give up.

"The first man I saw fired point-blank at me. The bullet grazed my temple. Then they lined us up and marched us into the country about 4 miles. We came to a barbed-wire fence and they ordered us to climb through, warning us that they were going to shoot as we did so. Just as I saw the guns go up I dived into some bushes.

"Lewis Bert, the second cook, was with me. We saw 14 men shot down and 3 hanged. Then they began looking for the rest of us. When they stumbled over us I thought my time had come, but I gave the password of my lodge of Elks and a brother member stepped forward. I showed him my union card and told him I had just come down the day before. Later he took me to his home, gave me something to eat, and paid my fare back to Chicago.

"Bert was almost miraculously spared from death under the withering rifle fire when he crawled to a safe hiding place beneath a clump of blackberry bushes, where he was prostrate three hours."

The second cook was one of the gang of 52, most of whom met their death at the barbed-wire fence.

Two members of a gang which reached the troublesome mine country the first of the week to-day rode into Chicago on the rods, beating their way back from "Little Egypt." They had hidden for hours in the woods before making their escape.

"There were eight of us riding in a truck to the mine last Tuesday morning," said C. J. Mellon, one of the men. "Suddenly, coming around a curve in the road, we were fired upon, and although the driver was wounded he put on speed and we managed to reach a river. We plunged in and swam for life. I reached the woods on the other side and got away."

According to a book signed by all the men who made the trip, recruited through an employment agency here, all knew they were going for "strike duty," officers of the agency declared to-day. F. W. Wilkie, superintendent of the agency, said when he opened the camp on June 12 there was no trouble, but that apparently the citizens of the town resented his coming.

He said his wires were tapped on long-distance calls, his automobile was stopped in the street, and in several instances men sought to pick quarrels with him. The stores in Herrin, he said, refused to sell him meats and other supplies, so that provisions had to be sent from Chicago.

Wilkie laid the cause of the disturbance to moonshine liquor and radical speeches.

"The damage to the mine," he said, "could scarcely be estimated. A $110,000 steam shovel was blown up and supplies valued at $10,000 were confiscated by the raiders."

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[By the Associated Press.]

HERRIN, ILL., June 23.—Miners on duty at the closed mines in Williamson County, through an agreement between the coal operators and the United Mine Workers of America, are quitting their posts to-night, with the result that unless substitutes are secured millions of dollars' worth of mines will soon become a total loss through flooding. It is understood that they are quitting because of threats they have received from local miners.

Most of the men quitting are not members of the miners' union, it was said by coal operators and State officials who to-night made a hurried tour of the county to confirm the reports previously received from anonymous sources. They have been caring for the mines since the strike began on April 1. Yesterday and to-day there have been many rumors here that further raids on mines, in retaliation for previous labor troubles, were planned and that the pumpers and guards would be told to leave soon.

And yet we call this free America! This is boasted and vaunted free America, where every American citizen and every alien resident who deports himself according to the law is guaranteed by the Constitution of the United States the right to life, liberty, and the pursuit of happiness!

What was the offense for which these men were subjected to these frightful outrages, this terrible torture, for which they were beaten to death, shot, killed, murdered, hanged; shot down like dogs after they had surrendered and had run up a white flag—40 or 50 men in a corral, attacked by 5,000 armed men, who, when they were attacked, immediately surrendered, ran up the white flag, and who were then taken out as prisoners and shot down when they were unarmed, defenseless, powerless? What is the offense for which this fearful, inhuman penalty was visited upon them?

Were they guilty of murder, arson, rape, burglary, treason to their country? Had these men outraged little girls, 10 or 12 years old, in their childish innocence, and then beaten in their skulls with clubs and rocks and thrown their dead bodies in thickets along the roadside? Had they outraged some virtuous matron and then cut her throat and left her to welter in her own lifeblood and await the return of her shocked and horrified husband, sons, and daughters? Had they been guilty of burglary? Had they been guilty of murder or of arson? Had they burned down buildings? Had they dynamited railroads or factories? Had they set a town afire? Had they been guilty of larceny? No; none of those things.

Then of what were they guilty? They were guilty, each of them, of exercising the constitutional right of every American citizen of working for a living, of earning an honest living with which to pay his honest debts and defray the living expenses of himself and family. They had labor which was for hire, of which they wanted to dispose. It was their only way of making a living. They had found men who needed their labor, wanted their labor. They had found men who had work to be done and who wanted to hire labor. The labor was peaceful labor. It was lawful labor. It was not bootlegging. It was not dynamiting. It was not contrary to law. There was nothing unlawful about it. The labor was to be performed in a useful and honorable occupation. A wage price was agreed upon. The employers offered a certain wage which they were willing to pay.

The employees were satisfied with the price and with the terms and conditions, and went to work. They needed to make a living. They were poor men. They had to work to make a living. Most of them doubtless had families. They wanted to do an honest day's work for an honest day's wages. They wanted to perform honest labor, and in return receive honest money, honestly earned, in order that they might take that money and pay the living expenses of themselves and their families, rent houses, buy clothing and food, and obtain medical attendance, if necessary. They wanted to pay for these things. They did not want to be deadbeats or bums. They did not want to beg or steal. They wanted to earn their living, and earn the money with which to pay their honest debts, and pay for the necessities of life. They thought they were guaranteed that right by the Constitution of the United States and by the constitution of the State in which they were employed. They thought they would be protected by the Government, some of them being citizens of this Government, and others peaceful denizens and residents, and entitled to its protection. That is the offense for which this terrible crime was committed, horrible beyond description.

During the progress of the World War, and after the cessation of hostilities, I have stood on this floor and condemned German atrocities perpetrated upon the captive troops and upon the people, men and women, of the Entente Allies during the World War. Others of this country, some far abler men than I, have in severest terms condemned German atrocities of the World War. German atrocities of the World War horrified this country from one end to the other; but I doubt if any German atrocities were perpetrated during the World War that were more horrible, more shocking, more inexcusable, than the atrocities of which I have just read; and yet we call this free America, a land of liberty, a constitutional Government!

There is no free America, and there never will be any free America until an American citizen or an American resident who

wants to work and earn an honest living can seek and obtain honest work and perform that work in peace, without getting the consent of an invisible government, a self-constituted superior power, superior to human rights, superior to the Government.

There can be no free America until an American citizen or denizen can work at his calling or trade without having first to get the consent of an organized minority, a power which is more tyrannical and more domineering than anything else that has ever exercised tyranny and dominating power in this country; without having to get the consent to work of anybody or any organization other than himself and his employer. That is what free America should mean.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with pleasure.

Mr. BORAH. Before the Senator passes from the relation of facts, where did these men who were attacked come from? Were they people who lived in that vicinity?

Mr. MYERS. Not at all; I think most of them came from an employment agency in Chicago.

Mr. BORAH. In order that we may have full information which will enable us to understand the condition there, which must be dealt with not only from the standpoint of punishing those who attack people who want to labor but from the standpoint of curing the evil which brought on this condition, does not the Senator think we ought to know whether those men went there in good faith or whether they went there merely at the suggestion of detectives as strike breakers?

Mr. MYERS. I assume that they went there in good faith. That is a presumption which should be indulged in toward every man under the law. The law presumes that every man acts in good faith. If those men went there for peaceful purposes, for lawful purposes, and were unarmed; if they went there to make a living, I can see no evidence of bad faith in their going there. A man has a right to earn a living in this country. He has a right to go wherever he can find work. Two of those men were ex-service men. Two of them were college graduates. One of them was the son of the mayor of an American city. They were not all imported from Chicago. Some of them, it appears, lived in that part of the State.

Mr. BORAH. I do not disagree with the Senator at all in his assertion that men should be protected and should be guarded in their rights. If those men went there to work, they ought to have been protected, and even if they went there at the suggestion of detectives as strike breakers, they should have been protected against unlawful assaults; but the men who brought them in there—the operators—must have known from experiences of the past that that kind of thing inevitably brings on just such affairs as happened at this place. I quite agree that men have a right to work, and are entitled to the protection of the law, but I am also a believer in the proposition that these conditions can only be avoided by curing the evils which bring on such awful crimes.

Mr. MYERS. I say that the striking miners had an undoubted constitutional right to quit work. Every American citizen has a right to quit work whenever he sees fit, and his employer has an equal constitutional right to hire other men to take the places of those who quit whenever they see fit, and other men have an equal constitutional right to go there and take those places and perform that work, and they ought to be protected by the Government in doing so. The Senator from Idaho [Mr. BORAH] has stepped out of the Chamber, but I do not believe he will dispute any of those assertions.

I can see nothing unlawful in any of the proceedings which gave these men work. I can see nothing unconstitutional in them. I can see nothing contrary to the privileges of an American citizen. It is the right of union coal miners in this country to quite work if they wish. On the other hand, it is the right, yea, not only the right but the duty, of the owners of the coal mines, if they can do so, to get other men to take the places of those quitting, and to keep the mines running, if they can get men with whom they can agree as to terms and conditions of labor and wages.

It is the duty of the mine owners, if they can do so, to keep the mines running with other employees, because coal is a public necessity, and the mine owners owe a duty to the public to supply the public with a public necessity in order to keep the public from freezing and starving to death; and the mere fact that some of these men came from Chicago does not alter the situation one iota, in my opinion, and not all of them were from Chicago, for it seems that some of them came from that community, or from close by. Men from Chicago have just as much right to the constitutional protection of this Government as men in any other part of the United States. Chicago is in the United States. It is not beyond the pale of protection. I make no distinction as to localities or places or men. All have a right to the protection of their Government, and people in Chicago have just as much right to go to southern Illinois and obtain peaceful, lawful employment as have people in that vicinity, or anywhere else, to work.

I assert that the employers were within their rights and were performing their duty to the public, and that the men who went there to work were within their rights as American citizens, or, if not all citizens, as residents of the United States and of the State of Illinois. These men were cruelly killed, brutally murdered, for exercising their simple rights as citizens or residents. Is there any free America about that? No.

So I say there is no free America, and there never will be any so long as an American citizen does not have the free and untrammeled right to work when and where and for whom and upon such terms and at such wages as he may please, without asking leave of any invisible power, any self-constituted superior power, any organized minority, or any organization.

That condition, however, strange as it may seem, does not exist in the United States to-day. To-day an honest workman who does not belong to a labor union is not altogether at liberty to go and hunt work and obtain peaceful, lawful employment at an honest occupation and earn an honest living without getting the consent of somebody else other than himself and his employer. He has to get the consent of a self-constituted superior power, of an invisible government, of an organized minority, which has decreed that no man in the United States has an inherent right to work unharmed at a peaceful occupation without "our consent." That is the condition in the United States to-day to a large extent, at least in many parts of the country, and so long as that condition exists we have no right to boast of vaunted "free America," the "land of liberty," because the freedom is not here. Liberty is not here. To whom are freedom and liberty denied? To the humble workingman, perhaps the most humble, not the most unimportant, because he is one of the most important citizens of our country, but to one of the most humble and unpretentious citizens of our country, the plain workingman. To many thousands, hundreds of thousands of our humblest but most deserving citizens the inestimable right to work when and where and for whom they please, without the consent or approval of anybody else, is denied. So long as that may be the case this will not be free America, the "land of liberty." When such awful things as the horrible crime of which I have been talking can happen it is not free America. These men who were so brutally killed did not enjoy the benefits of free America. They were deprived of their lives, when pursuing their rights, by lawless acts that defy free America and make a farce of it.

Those lawless acts were the result of the dominance of an organized minority, and I say that the domination of an organized minority is the greatest menace that confronts the American people to-day. Those acts were the result of the power of an organized minority, and that organized minority, through higher officials of the organized minority, and in peaceful and more gentle but none the less effective ways, can come to Congress and get nearly anything it wants, from my observation, by peacefully and silently, but nevertheless quite effectively, swinging a club over the head of Congress or shaking a mailed fist in its face. In my opinion, legislation at the behest of organized minorities is seriously threatening the life and stability of this Government. I do not confine that remark to the organized minority of which I started out to speak. I refer to all organized minorities, of which there are many. I have heard it asserted by people who have made a study of the subject that 70 per cent of American legislation enacted by Congress or by State legislatures is enacted at the behest of organized minorities, and I do not doubt it.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. MYERS. I yield with pleasure.

Mr. WALSH of Massachusetts. Does the Senator believe in the initiative and referendum?

Mr. MYERS. I do not believe in them at all in national affairs and I have very little faith in them in State affairs.

Mr. WALSH of Massachusetts. If 70 per cent of our legislation is the result of the propaganda of a minority, is not one of the remedies a direct vote upon legislation by the people?

Mr. MYERS. No; because you can not well have the referendum without the initiative, and when you grant the initiative it places even more power in the hands of an organized minority. It is "more power to you, more strength to your arm."

Mr. WALSH of Massachusetts. Can the Senator suggest a remedy for a condition which exists in this country such as he has described, where 70 per cent of the laws made are only enacted at the request and by the influence of minorities?

Mr. MYERS. Yes.

Mr. WALSH of Massachusetts. What is the remedy?

Mr. MYERS. Backbone in public men. That is the only effective remedy of which I know. I do not think there is much of it in public life to-day, but I hope there may be more in future. I believe that legislation enacted at the behest of organized minorities is a grave menace to this country to-day. It is seriously threatening the life and stability of this Government, and unless it is stopped no man can tell the end or foresee the result, except that I believe it will be disaster of the gravest kind; and unless outrages of the kind to which I have referred this morning are stopped by an aroused public sentiment, as reflected in halls of legislation, the country will go all the more speedily to inevitable disaster. Both legislative and executive officials should take sharp notice of the dangers that beset us.

Mr. BURSUM. Mr. President, does not the Senator believe that the fault for permitting such a horrible catastrophe was rather in a deficiency in the police control by the constituted authorities of the State in preserving the peace, rather than due to any legislation or to any influence exercised by any so-called organized minority?

Mr. MYERS. Undoubtedly there is much in that suggestion.

Mr. BURSUM. If all of the men who attacked the miners had been deprived of arms and ammunition and peace had been kept there, and if the operators had also been deprived of the power of employing armed guards and the State had functioned in preserving the peace, that would have solved this matter and prevented this catastrophe. It is a very simple proposition. It is a matter of maintaining peace.

Mr. MYERS. I do not think the evidence shows that the guards were armed for any purpose except defense, and they did not seem to make very much defense in this case.

Mr. BURSUM. Does not the Senator think it is within the province of, and that it is the duty of, the constituted government, whether it be a city or a State, to furnish protection?

Mr. MYERS. I do.

Mr. BURSUM. And that no man or organization or employee, either organized or otherwise, or employer, organized or otherwise, should be permitted to have anything to do with taking the law into their own hands?

Mr. MYERS. I believe that. It is the primary duty of the Government, but if the Government does not do it, people have a right to arm to defend themselves against lawlessness.

Mr. BURSUM. It is the fault of the State of Illinois in not doing its duty.

Mr. MYERS. Undoubtedly there was grave dereliction in the executive branch of the State government of Illinois.

Mr. OVERMAN. The Senator means the State authorities?

Mr. MYERS. Yes; the State authorities. I said the executive department of the government of Illinois, the State officials. Undoubtedly they were derelict. They will be derelict further, in my opinion. In my opinion, nothing will be done about this matter. I do not expect any punishment of the guilty. I predict that there will be no punishment of any of the perpetrators of this crime. There will doubtless be a grand jury called, but on that grand jury there will doubtless be business men whose business is likely to be disastrously affected if indictments are returned. Their business is liable to be boycotted; and the State's attorney and the sheriff have to be elected in that community and the people who perpetrated this crime evidently, owing to their numbers, constitute quite a considerable proportion of the voters of that community. I do not think anything whatever is likely to come from it in the way of punishment. It will be passed over, in my opinion, and will only tend to encourage and incite others to like crimes, in other instances, when they may feel they have like provocation.

I have seen some statements in the newspapers with reference to possible intervention by the Federal Government with a view to settling the coal strike. I think that would be unwise. I think the executive officers of the various States should do their duty and prevent lawlessness, or punish it after it is committed, and I think this strike should be allowed to run its course, according to natural results. If the Federal Government interferes, it is sure to result in only a patched-up peace, and, in my opinion, a further outbreak a little later would result. In the fall of 1919 the Federal Government interfered and settled a coal strike, and I think it only encouraged the strikers to bide their time and renew their striking activities. It did not afford any effectual settlement of the matter.

If this strike were allowed to run its natural course, and if the people who want to work and earn an honest living were permitted to work in the mines and supply the people with coal, and if the Government would protect them in exercising that right, I believe the strike would work itself out to a wholesome, healthful, and natural settlement that would effectively prevent a renewal of it for a good many years to come. But in order to do that and to uphold the dignity of the law and the rights of the parties concerned, there must be backbone and effective action in all branches of both the Federal and the State Governments. When mine owners and miners may learn that they must settle their own differences, and that the Government will do nothing more than preserve order and uphold the law and prevent or punish crime, but that it will certainly do that, there will be fewer miners' strikes, and those that occur will be sooner ended.

SOLDIERS' BONUS—GEORGE WASHINGTON.

Mr. WATSON of Georgia. Mr. President, I ask unanimous consent that there may be published in the RECORD in 8-point type a letter which General Washington, on June 18, 1783, addressed to the governors of the thirteen States from his headquarters at Newburgh. I am indebted to the Hon. HAMILTON FISH, Jr., of New York, a Member of the other House, for this letter. It bears upon the soldiers' bonus, and seems fully to sustain the position which I took in reference to General Washington's attitude in the matter from the very beginning. I think it will be of value and interest to the country.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Extracts from Washington's letter of congratulation and advice to the governors of the thirteen States, headquarters, Newburgh, June 18, 1783.]

"* * * In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interests of society and insure the protection of government? Who does not remember the frequent declarations at the commencement of the war, that we should be completely satisfied if, at the expense of one-half, we could defend the remainder of our possessions?

"Where is the man to be found who wishes to remain indebted for the defense of his own person and property at the exertions, the bravery, and the blood of others, without making one generous effort to pay the debt of honor and gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up and propose measures purposely calculated to rob the soldier of his stipend and the public creditor of his due? And were it possible that such a flagrant instance of injustice could ever happen, would it not excite the general indignation and tend to bring down upon the authors of such measures the aggravated vengeance of heaven?

"* * * For my own part, conscious of having acted while a servant of the public in the manner I conceived best suited to promote the real interest of my country; having, in consequence of my fixed belief, in some measure, pledged myself to the Army, that their country would finally do them complete and ample justice, and not willing to conceal any instance of my official conduct from the eyes of the world, I have thought proper to transmit to your excellency the inclosed collection of papers relative to the half pay and commutation granted by Congress to the officers of the Army; from these communications my decided sentiment will be clearly comprehended, together with the conclusive reasons which induced me at an early period to recommend the adoption of this measure in the most earnest and serious manner. As the proceedings of Congress, the Army, and myself are open to all, and contain, in my opinion, sufficient information to remove the prejudice and errors which may have been entertained by any, I think it unnecessary to say anything more than just to observe that the resolutions of Congress now alluded to are undoubtedly and absolutely binding upon the United States as the most solemn acts of confederation or legislation.

"As to the idea which, I am informed, has in some instances prevailed that the half pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever; that provision should be reviewed, as it really was, a reasonable compensation offered by Congress at a time they had nothing else to give to officers of the Army for services then to be performed; it was the only means to prevent a total dereliction of the service; it was part of their hire. I may be allowed to say it was the price of their blood and of your independency; it is therefore more than a common debt; it is a debt of honor; it can never be considered as a pension or gratuity nor canceled until it is fairly discharged.

"With regard to the distinction between officers and soldiers, it is sufficient that the uniform experience of every nation of the world combined with our own proves the utility and propriety of the discrimination. Rewards in proportion to the aid the public draws from them are unquestionably due to all its servants. In some lines the soldiers have perhaps generally had as ample compensation for their services by the large bounties which have been paid to them as their officers will receive in the proposed commutation; in others, if besides the donation of land, the payment of arrearages of clothing and wages (in which article all the component parts of the Army must be put upon the same footing) we take into the estimate the bounties many of the soldiers have received and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert no man will enjoy greater satisfaction than myself in an exemption from taxes for a limited time (which has been petitioned for in some instances) or any other adequate immunity or compensation granted to the brave defenders of their country's cause, but neither the adoption or rejection of this proposition will in any manner affect, much less militate, against the act of Congress by which they have offered five years' full pay in lieu of the half pay for life which had been before promised to the officers of the Army."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House to the amendment of the Senate No. 1 to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the House had passed a bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

EXPENSES OF DISTRICT RENT COMMISSION (S. DOC. NO. 220).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate, District of Columbia, fiscal year 1923, for salaries and expenses for the Rent Commission, in amount $72,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY ESTIMATE, TREASURY DEPARTMENT, 1921 (S. DOC. NO. 217).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a deficiency estimate of appropriation, Treasury Department, fiscal year 1921, for contingent expenses, office of Director of the Mint, $15.88, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY ESTIMATE, NAVY DEPARTMENT, 1922 (S. DOC. NO. 218).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a deficiency estimate of appropriation, Navy Department, fiscal year 1922, for reimbursement to the Pittsburgh-Des Moines Steel Co., $2,167.24, and for property compensation for the naval air station site at Cape May, N. J., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAYMENT OF COURT OF CLAIMS JUDGMENTS (S. DOC. NO. 221).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, in total amount $20,699.47, requiring an appropriation for their payment—under the War Department, $1,644.57; under the Post Office Department, $16,502.06; and under the Department of Justice, $2,552.84—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 219).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, schedules of claims amounting to $229,624.19, allowed by the General Accounting Office under appropriations, the balances of which have been exhausted or by operation of law carried to the surplus fund of the Treasury—Department of State, $230.46; Treasury Department, $462.89; independent offices, $15.50; War Department, $46,652.72; Navy Department, $10,299.03; Interior Department, $29.15; Department of Commerce, $0.54; Department of Labor, $17.01; Department of Justice, $5; and Post Office Department, $171,911.89—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 10025) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 789); and

A bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 790).

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2580) for the relief of Michael Sweeney, reported it without amendment and submitted a report (No. 791) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 3742) for the relief of John H. Fesenmeyer, alias John Wills; to the Committee on Military Affairs.

By Mr. FERNALD:

A bill (S. 3743) granting a pension to Edith F. Morrill (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 3744) for the relief of Harry E. Fiske; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 3745) for the creation of the Columbia Basin irrigation commission, and authorizing an appropriation therefor; to the Committee on Irrigation and Reclamation.

By Mr. KING (by request):

A bill (S. 3746) for the promotion of commerce, the provision of revenue, and the reduction of the public debt; to the Committee on Banking and Currency.

TARIFF BILL AMENDMENT.

Mr. KENDRICK submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ASHURST submitted an amendment providing that the $150,000 appropriated by section 2 of the act of February 14, 1920, for completing the construction of a dam with bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian lands on the Gila River Indian Reservation, Ariz., be reappropriated for such purposes, to be immediately available and to remain available until expended, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDING SITE AT PARIS, TEX.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 11298) amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city; and to authorize the erection on said new site, when acquired, of a public building suitable for post-office purposes; and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. TOWNSEND. Mr. President, I shall occupy but briefly the time of the Senate, but it shall be devoted to discussion of the bill before us. You, sir, the Members of this body, and the country are weary of the interminable debate on the pending measure which has dragged its weary length through the days and nights of the past more than eight weeks. A few Democratic Senators have occupied the time of the Senate for an aggregate of many days in discussing a few of the various items of the bill; insignificant items which could not affect the people have received more attention than those of greater consequence. The same argument has been repeated over and over again, and when some item after prolonged debate has been adopted by a record vote, the next one involving the same principle has been the subject of the same debate by the same Senators. Everyone must have noticed that two or three Senators are apparently operating in relays, and when one gets tired another relieves him. And yet we are told there is no filibuster on.

Why, sir, we are informed that these oft-repeated speeches are necessary in order that the people may know just what this bill proposes to do; and then will follow the real reason for this desire to carry information to the people, namely, that it will turn Republicans from power. The object that these Senators have in mind is political. Is it not strange that Senators who are more interested in party success than in passing a good revenue bill should try to delay the enactment of a law which they insist will destroy the Republican Party? Mr. President, what these Senators fear most is the passage of the bill a sufficient time before election to get a practical test of just what effect it will have upon the general prosperity of the country. They doubt the tested logic of their own argument, and under the existing rules of the Senate they can, and probably will, prevent action on the measure until late in the summer or fall.

Mr. President, the history of the debate on the pending bill shows how wise it would have been for the Senate to have amended its rules as I proposed at the last session of this Congress. But failing to do that, how well it would have been if the amendment had been taken up at the beginning of this session and then held here night and day to the exclusion of all other business until the rules had been changed. If this had been done, our work now would have been practically completed. Congress could adjourn and the country could be given a rest from the petty debate which prolongs the enactment of legislation and holds the business of the country in suspense. Sir, I am in favor of proceeding to the business of amending the rules now, even if such action should postpone the tariff and other measures indefinitely. The country has the right to expect that the majority will legislate. It is better that the majority shall make mistakes at times, for which the electorate will hold them responsible, than that matters of legislation shall be delayed until a unanimous-consent agreement to vote can be reached. I realize that legislation is usually a compromise between contending advocates, and many times such compromises are wise; but sometimes, as in this case, the opposition is not for the purpose of making the legislation better, but with the desire to make it appear obnoxious and for political purposes.

Let me say to the members of the Finance Committee, who have worked so long and hard and patiently upon this bill, that unless the Senate amends its rules we will get a vote when the minority consents that it may be taken, and that will be at a time when they think that they will be able to get the greatest political advantage from its passage, or at least when they think they will be least injured by its passage.

I hope the time will come when the tariff will not be the football for party politics. Several years ago I endeavored to convince the Congress that a congressional declaration of tariff principles should be made, and then a strong nonpartisan commission should be created to carry out that declaration. I did not succeed, but some time that or a similar plan will be adopted by law. It is my firm belief that a great majority of the people believe in a tariff for protection. The records will show that some of the loudest and most persistent opponents of the bill evidently believe that protection is a local issue, for they have voted for protection even higher than the rates proposed by the Finance Committee on products of their States; and the old distinction between the tariff for revenue only with incidental protection and a tariff for protection with revenue incidental does not exist in the minds of other than theorists. Practically all now believe in protection for their own industries, and at this time especially all realize that the Government must have $4,000,000,000 annually to meet its expense necessities even under the economical administration in practice.

Common decency and fairness would seem to dictate to Democratic Senators a course of helpfulness instead of obstruction at this time. The great national depression from which our country has suffered, but from which it is slowly emerging, was a legacy from the last administration. The almost overwhelming burdens of financial obligations which the present administration must meet and carry were inherited from its Democratic predecessor. This bill has two objects in view, namely, to restore industry to a normal condition and to raise revenue to help meet the financial needs of the Government. I do not recall a single helpful suggestion that the opposition has made.

The Republican Party took over the Government in March, 1921. General depression as a result of the war and of Democratic incompetency existed everywhere. Bankruptcy knocked at the doors of thousands of our factories. The products of the farm did not bring on the market the cost of producing them; labor was out of employment; railroad credit was destroyed; the banks were sitting in the shadow of fear; industrial and financial paralysis threatened the life of the Nation. With these conditions existing, the new administration was called upon to meet obligations which it did not contract but for which it had to provide. Why, sir, the annual interest charge on the war debt is greater than the entire annual cost of the Government prior to the war. An effort has been made, not altogether without success, to levy taxes so as not to discourage the restoration of industry. This bill will raise directly and indirectly something over $350,000,000. Those duties which are levied upon noncompeting articles are duties which will undoubtedly be paid by the consumer. These are what may properly be termed "Democratic duties"—for revenue only. The protective duties may not be—they usually are not—paid by the consumer, but are paid by the foreign exporter as a contribution out of his profits for the benefit of the Government whose markets he is permitted to enjoy but for the support of which he pays nothing. And this reminds me of the one great fact that must not be overlooked, but which ought to be conclusive of this matter to every patriotic American, and that is that all, or practically all, of the arguments against a protective tariff and especially against this bill are furnished by the importers.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. TOWNSEND. I yield.

Mr. HITCHCOCK. I understood the Senator to say that the pending tariff bill will yield about $350,000,000 in revenue.

Mr. TOWNSEND. That is the estimate.

Mr. HITCHCOCK. Is the Senator aware that the existing law will yield that much for the current fiscal year?

Mr. TOWNSEND. I have not looked into that matter. It is immaterial to my argument.

Mr. HITCHCOCK. I think the Senator ought to investigate that before he condemns the existing law. As a matter of fact, no tariff bill ever passed heretofore has yielded what the existing law will yield for the fiscal year ending with the 30th day of this month. I have said, and I repeat, that the pending bill will not put increased revenues into the Treasury of the United States, because even its champions, of whom the Senator is one, do not claim that it will yield any more than the existing law yields.

Mr. TOWNSEND. Is the Senator sure of that?

Mr. HITCHCOCK. I can give the Senator the figures approximately. For instance, I have here an item which was published in the Washington Post, which, at least, can not be charged with being prejudiced.

Mr. TOWNSEND. I hope the Senator will not read it in my time. If he wants to ask a question, I am glad to have him do so, but I ask him not to read any article in my time.

Mr. HITCHCOCK. If the Senator does not object, I would like to give him the figures. I only quote the Post, an authority which the Senator should accept.

Mr. TOWNSEND. That is gratuitous.

Mr. HITCHCOCK. The Post says:

In that year—

That is, the last year of the Payne-Aldrich law—

the customs receipts were $332,000,000, while on June 19—

That is, of the present month—

they have reached $341,000,000, with still 10 days to go.

So that the receipts of the current fiscal year from the existing Underwood-Simmons law will reach the very figure which the Senator estimates for the proposed bill, which proves that the proposed bill is not to raise revenue. It is merely to shut out imports and put articles on the taxable list which are now free.

Mr. TOWNSEND. It proves absolutely nothing of the kind. In the first place, I mentioned the fact incidentally that a tariff must raise revenue. We have to get revenue and we ought to get as much as we can out of the tariff. A protective tariff regards revenue as incidental to protection. The existing law is denied by its supporters to be protective. Furthermore, the Senator knows, and if he desires to be fair will admit, that because of the prospect of the passage of the bill which is now being considered, and which proposes certain increases in tariff duties, the importers are bringing foreign goods into this country just as rapidly as they can.

Mr. HITCHCOCK. Oh, no; the Senator is mistaken there. If the Senator will permit me, our exports and our imports this year are both less than they were last year.

Mr. TOWNSEND. And the imports would have been still less had it not been for the fact that we are proposing to pass a protective tariff law. That is the history of changes of this kind in our fiscal policy.

Mr. HITCHCOCK. The Senator certainly does not mean that the imports are booming, because they are not. They are not what they were last year. So there again he is entirely mistaken in his facts.

Mr. TOWNSEND. I understand, of course, that no business is booming to any great extent, and has not been booming since the depression began. Nineteen hundred and twenty was a good year; there is not any doubt about that. Since then both imports and exports have decreased; that can not be doubted; but nevertheless the principle which I have stated is true, and it works the world over, as everybody knows. Imports are greatly on the increase now, as the record will show, and largely because of the probability that some time the bill now pending, which increases duties, will become a law.

Mr. SIMMONS. Mr. President——

Mr. TOWNSEND. I will yield to the Senator if he desires to ask me a question, but not for him to make an argument in my time. I have become sick and tired of the custom which Senators have of taking the floor to make a speech and then yielding to some other Senator to make a speech in their time.

Mr. SIMMONS. If the Senator had desired to be courteous, he would have waited to see if I was going to make a speech or to ask a question.

Mr. TOWNSEND. I have no desire to be anything else but courteous, and I gladly yield to the Senator for a question.

Mr. SIMMONS. I was going to ask the Senator if he really meant to say a little while ago that it was the history of tariff legislation that there was a slackening of imports while tariff measures were being considered?

Mr. TOWNSEND. No. What I said was that when Congress is considering a tariff measure which proposes to raise the rates of duty over those contained in existing law it is the disposition and practice of importers to bring into this country all the commodities they can before the increased tariff rates take effect.

Mr. SIMMONS. I understood the Senator to say just the reverse of that, and I thought the Senator could not possibly have meant that.

Mr. TOWNSEND. I am glad the Senator called my attention to the misunderstanding.

Mr. SIMMONS. If the Senator will pardon me further, I should like to say that always when a tariff bill which increases the rates of existing law is being considered imports are greatly increased as a result.

Mr. TOWNSEND. That is what I said; and what we are proposing to do now is to increase certain rates.

Mr. SIMMONS. But there has been no great influx of imports since we began to consider the pending bill.

Mr. TOWNSEND. The Senator has made clear the point which I made, and which I had supposed was understood.

Mr. President, if some of the Senators who are combating duties on imports were the attorneys for these gentlemen they could not work harder or more zealously than they are working now. Think, for instance, of the effort of the senior Senator from New Mexico [Mr. JONES] in resisting the duty on knives for practically one whole day. The evidence was that these importers bring in knives made abroad at a landed cost in the United States of less than $2 a dozen and then sell them either at the same price or a trifle below the selling price of American-made knives, making thereby from 200 to 600 per cent profit. And yet the Senator objects to these importers paying a reasonable per cent of these profits for the support of the Government under which they are permitted to do business. Such a duty would not add a cent to the consumer's cost, but might add a large amount to the revenue of the Government.

There are hundreds of similar items in this bill.

Mr. President, I am in favor of giving American capital and American labor at least an equal opportunity in the American market with their competitors from abroad. Indeed, I would give our own a shade the better of it. I am opposed to bringing American labor to the level of foreign labor.

I repeat that the records disclose that the great mass of evidence submitted to the committees of the House and Senate on this bill was given by importers, and this evidence is the material which is used by the opposition on the floor of the Senate.

If the tariff is a tax added to the cost to the consumer, why should the importer complain? All that would be necessary for him to do would be to mark up his price and the consumer would pay it. But he knows—no one better—that the tariff would come out of his profits unless it is prohibitive, and to such a tariff I am opposed.

This bill is not pleasing to me in every particular. I doubt if I could draw up a bill that would satisfy even myself. I have never known a bill to be drawn up by any party that was satisfactory in every particular to any Member of either party. Every tariff bill comprehends thousands of items, and full and complete information in detail can not be obtained as to every one of them. I understand some of the difficulties surrounding the framing of tariff bills, and I repeat if the duty were assigned to me individually to draw up a tariff bill, with the assurance that it would pass, I could not do it; I would not be qualified to do it, and I doubt if any other Senator would be qualified. Some of the items in the measure I feel sure are too high, and I am voting against them. I can not be sure as to all. I have neither the time nor the ability to study and pass upon them in detail. I have read the bill and I have listened as much as my time and patience would permit to the arguments which are presented for and against, and where I am in doubt I have no hesitation in deciding in favor of the American argument as against the importer's argument presented through a filibuster.

I would like to sit in this Chamber and listen to honest debate on both sides and have the time of the Senate devoted to that purpose. Then I would pay great respect to those who hold opposite views from mine, because I have an open mind all the time; but no information can be obtained from much of the debate that has been going on in the Senate now for more than eight weeks.

I recognize the fact that this is about the most unfavorable time imaginable to revise the tariff. Not only are all world industrial conditions abnormal, all values changing almost daily, exchanges fluctuating with the rising and setting of the sun, reconstruction going on in nearly every country in the world, but since the House passed this bill the total changes in all conditions which affect values have made it almost impossible to use the House bill except as a glossary of titles, and at the rate the Senate is moving this pending measure will become ancient by the time it is allowed to pass. Under the circumstances the provision of the bill authorizing the President to adjust rates is of greatest value. That conditions will continue to change there can be no doubt. I am equally convinced that pre-war conditions will not be exactly restored. An ideally perfect tariff law to-day might not fit the situation next year.

We know, however, that these conditions are not the same in the different countries. We also know, as I have already stated, that practically all of our great competitors have placed duties upon our products shipped to their markets; we also know that every man or woman in this country who engages in labor or business has the hope of some day becoming the employer of labor or the owner of an enlarged business. I contend, sir, that every honest, intelligent, industrious, and wisely economical man in America has a right to expect to succeed. All of our great successful men have passed through all the stages from laborer to proprietor, while in most other countries there is a labor class and an employer class, with no hope of passing from the former to the latter. I want to maintain the American condition in so far as lies within my power, and I want to remove every obstacle from the path which the employee must travel to the position of employer.

I do not believe that pre-war wages for labor will ever obtain again, nor do I believe that the so-called cost of living will reach its former low level; and by cost I mean consumption prices. If my philosophy is correct it is not necessary that wages and prices should be reduced to the prior level. It is the unearned wage, the extortionate price, against which I in-

veigh. The profiteer is the real enemy of his country and countrymen. In this country every honest, industrious man has the right to earn and receive more than enough simply to eke out a bare existence for himself and family; but no man has a right to demand and receive wages or prices for which he does not render a reasonable equivalent.

The farmer who complies with conditions of success is entitled to succeed and the price for his product should be compensatory. The manufacturer who employs labor and whose factory furnished a market for farm products should be able to pay reasonable wages and prices, and then he is entitled to a reasonable return upon his investment of mind and energy and other capital. All of these are corelated and subject to such emergencies as drought and storm and war—and now and then a demoralizing Democratic administration. I am now speaking of the general principle or rule. The American policy of protection is conducive to good and stable prices and wages. It conserves the one great market in the world for both capital and labor. Its legitimate result is good prices for both labor and products. Every rightly constituted American citizen expects to earn and receive more than he pays out. He is therefore more interested in receiving a good price for what he sells, whether it be for his labor or the products of his farm or factory, than in what he pays for the things he buys. I can see no economic advantage to anyone from low prices except it be to the retired capitalist or other idler, in whose welfare I am not interested. I want to legislate where legislation is needed and is practicable for the men and women who do things beneficial to the world.

It might be well for the man who only buys, never sells, to encourage the importation into the United States of cheaper-made foreign products, but it certainly would not be well for the American who has something to sell and upon the sale of which his ability to support himself and family depends.

Mr. President, I have no sympathy with these arguments in the interest of importers. Neither have I patience with these people who insist upon protection for what they and their States sell, but demand that they may go into the foreign market where they can purchase without duty the more cheaply made goods which they buy.

I insist that it is a self-evident proposition that the United States should produce, if economically practicable, the things necessary for its existence and the general welfare in time of peace or war, and this is true notwithstanding the fact that these products might be secured at a less price at the time being from a foreign country than they could be produced in the United States. Sugar and other necessary foodstuffs, nitrates, potash, and fuels are examples in point and are as essential to the life and welfare of the Nation as are naval and military protection.

This proposition is the basis of the Republican doctrine of a protective tariff. Under it the United States has become the most wealthy, the most progressive, and the most independent Nation in the world. The policy of establishing and maintaining American industry has not resulted in increasing the tax or consumption-cost burdens to the people; certainly not out of proportion to their increased ability to pay caused by this policy. It is an indisputable fact that when the importer has control of the domestic market prices have been higher to the consumer than when the American has been given a proper competitive duty which has induced him to enter into production here.

I have heard the opposition frequently refer to the tariff as the "mother of trusts." This is the Democratic stock argument always in order. There can be produced no facts to prove this statement. Quite as many trusts or approximate monopolies exist where absolute free trade in their products exist as in cases of protected industries. This fact, however, must be admitted, namely: The United States can control combinations in restraint of fair trade and competition existing here, but it can not control trusts and combinations in other countries, in some of which they are actually encouraged by their Governments to combine. The National Cash Register Co. sought to destroy its competitors in the United States, and the Federal statutes were invoked successfully to restrain it. This, however, did not prevent it from building factories in foreign countries where, through the employment of cheap labor, it could produce cash registers which not only could compete in foreign markets and avoid the foreign tariff but could also be shipped duty free to the United States and there sold for a time at least at prices which would destroy their American competitors. Thus under an American free-trade policy in cash registers this concern could evade our antitrust laws and at the same time destroy its American competitors.

Has anyone anywhere heard any complaint from those gentlemen who argue that a protective tariff encourages trusts and monopolies in the United States against the trusts and monopolies abroad whose products it is proposed by these gentlemen to admit free of duty into our country?

Why, sir, I can reach but one conclusion from all this, and that is that certain Senators are more interested in our foreign competitors than they are in the success and prosperity of our own people.

In conclusion, Mr. President, I repeat that this is a most unfavorable time to revise the tariff. The world is in disorder. Prices are in a constant state of flux. Exchanges are in perpetual change. Every nation is employing means to benefit its trade and commerce; is imposing tariffs not only for purposes of revenue but for protection to its industries. The United States is the one great Nation which has the money and credit with which to buy, and to it the foreign ships of commerce are destined. Under these circumstances, what is the present duty of Congress? This question must be answered in the light of present conditions. Clearly it is its duty to secure on at least equal terms the American market for American labor and American producers. The pending bill is before us and it is intended for that purpose. Under the existing conditions I have mentioned the exact rate of duty which measures the difference in the cost of production here and abroad can not be determined in all cases, and in case that tariffs in the bill may prove to be either too high or too low it contains a provision whereby the President, acting, as he no doubt will act, upon the informed advice of the Tariff Commission, can lower or raise a duty so as to measure approximately this difference as world affairs become more normal.

Mr. President, we must go through with this revision. The industry and business of the country demand an early determination of this question. The uncertainty of rates is more disturbing than too high or too low tariffs.

As the consideration of the bill progresses and occasion may seem to require, I shall briefly express my views on some of its items. Until then I shall content myself with this general statement.

Mr. McCUMBER. Mr. President, I ask to reconsider the vote by which the amendment on lines 13 and 14 of page 48 was adopted. I ask this for the purpose of offering an amendment.

The VICE PRESIDENT. Is there objection to considering the vote as not having been taken?

Mr. SIMMONS. Mr. President, I do not know now that I shall object; but before that matter is taken up I desire to occupy a few minutes of the time of the Senate to make some general observations with reference to the statements just made by the Senator from Michigan [Mr. TOWNSEND].

The Senator from Michigan sees fit, at a very inopportune time, I think, to renew against the minority side of this Chamber the old charge of filibustering and to rehash with some elaboration those charges that have heretofore been made and conclusively answered by the presentation of the facts of the situation, at least to the satisfaction of a large part of the Republican newspapers of the United States. Those great newspapers have declared that the situation required all the discussion that it has been getting, and that no more time was being given to the consideration of the bill than was justified by the circumstances; but how any Senator in this body who has been in daily attendance upon the sessions of the Senate since Wednesday of last week could have the audacity—if I may use that term without offense—to make this charge against the Democratic side of the Chamber so far as it refers to the action of the Senate during the past 10 days is beyond my comprehension.

Of course, I know that many Senators—in fact, a large majority of the Senators upon the other side of the Chamber—have not attended our sessions during these discussions. I am inclined to think the Senator from Michigan is in that category. They have very frequently absented themselves from the Chamber, leaving nobody here on the other side except the whip and the Senator from Utah [Mr. SMOOT] and the Senator from North Dakota [Mr. McCUMBER], in special charge of the bill. I do not know why they have absented themselves. I have sometimes suspected that they were afraid if they stayed in the Chamber they might be convinced and might find it hard in good conscience to carry out their understanding to vote solidly with the committee for the amendments, no matter whether they were good or bad. Anyhow, they have refused to hear the discussions, which I think the country believes, and those who have heard them I am sure believe, have been very enlightening. I

am sure the majority of the committee have in truth regarded these discussions as very enlightening to themselves.

Mr. President, I am not surprised that Senators who have not attended these discussions should be misled into conceiving the idea that the length of time the bill has been under discussion is due to filibustering tactics and to irrelevant discussion. If they had stayed in the Chamber and listened to the discussions they would have known that they were not of a dilatory character, that they were not of an impertinent or an irrelevant character, but that when this bill has been before the Senate, has not been excluded and pushed aside by some other matter—the sidetracking being very frequently consented to by the chairman of the Finance Committee—our discussions have been confined almost absolutely to the particular schedules under consideration and there has been very little of the debate that was not of a direct and positive character.

During the past 10 days, however, Mr. President, beginning, I think, with last Thursday, the bill has not really been very much before the Senate. I believe for five whole days, or four and a half days—I am not quite certain—we have had up for discussion the naval bill. That bill was brought up by the consent of the chairman of the Finance Committee. Nobody claimed that the discussions upon that bill were unusual. Nobody claimed that this side of the Chamber was engaged in filibustering against the naval bill. We are not responsible for the fact that the naval bill has taken 4 or 5 days of the past 10 days of the session of the Senate. Again, after we disposed of the naval bill on Monday, having had it under consideration for more than four days, on the next day some extraneous matters were injected into the debate. Nobody could hold this side of the Chamber responsible for them. They provoked extended discussion on both sides of the Chamber. A day was consumed.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SIMMONS. Yes.

Mr. KELLOGG. Does the Senator say that all of Tuesday was consumed?

Mr. SIMMONS. I did not specify any particular day.

Mr. KELLOGG. The Senator said a day was consumed, did he not?

Mr. SIMMONS. Oh, practically one day was lost from the discussion of the bill; yes.

Mr. KELLOGG. If the Senator will yield further, three hours were consumed, and yesterday from 11 o'clock until nearly 7 almost all the time was taken up with three speeches. One of them was the twenty-seventh or the twenty-eighth speech on the Federal reserve bank and the other two speeches did not contribute one new thing to this debate. They went over the whole ground that had been gone over before many times.

Mr. SIMMONS. Yes; I remember, Mr. President, that the Senator from Minnesota on one occasion during the period of time that I am discussing injected a speech——

Mr. CARAWAY. A campaign speech.

Mr. SIMMONS. A campaign speech, a political discussion of the tariff, which naturally provoked answer from this side of the Chamber. That took a good part of a day. On the next day the Senator from Indiana [Mr. WATSON] made another speech, exhibiting a great many articles, a repetition of the speech and the exhibit made by the Senator from North Dakota [Mr. MCCUMBER]. That provoked discussion on this side of the Chamber, which was further answered on the other side of the Chamber, and took quite a long time. Then, Mr. President, the soldiers' adjusted compensation matter was brought up here, and that took practically a whole day, or a very large part of a day.

Mr. CARAWAY. Mr. President, may I interrupt the Senator a minute?

Mr. SIMMONS. I yield.

Mr. CARAWAY. I should like to know how much of really intelligent contribution was the cukoo-clock show and the monkey performance that took place over here?

Mr. SIMMONS. Whatever may be said about that, it was the same line of facts, the same line of argument, that had been pursued. It was a repetition, in fact, of the speech of the Senator from North Dakota [Mr. MCCUMBER]. Then, as I say, the soldiers' adjusted compensation bill was taken up, and the other side of the Chamber participated in that discussion, as well as did this side of the Chamber; and as an outcome of that discussion, late in the day, after we had wrangled about it here during the whole day, a proposition was brought in by the other side of the Chamber to fix definitely the time when that bill should be made the unfinished business of the Senate. Then on yesterday it is claimed that there was filibustering on this side of the Chamber.

Mr. President, such a discussion, as is natural and such as always happens as we proceed here with our business, broke out between two Senators, which took time, but nobody and no party is justly to be charged with filibustering on account of those circumstances. I think something over an hour—it may be an hour and a half—was consumed on yesterday in discussing that matter, and after that was out of the way we took up the tariff bill.

We discussed the subject of chains for a considerable length of time. That may or may not be an important item in the estimation of the Senator from Michigan, but there are thousands of people in this country who have to buy those chains who think it is a very important matter. Of articles not produced on the farm there is none used more extensively on the farm than the chain in all forms, and we had a proposition before us to impose a high duty upon those chains, which are actually being imported into this country at this time in the amount of less than one-third of the imports which came in during the life of the Payne-Aldrich law.

Getting back to the charge of filibustering, I do not think anybody except the Senator from Michigan thinks that during the past 10 days the Democrats have consumed any considerable length of time in filibustering, if they have consumed any at all. I do not think the impression of anybody who has heard these discussions during that period of time has been that the Democrats were filibustering against the tariff bill and that the time that was taken in the consideration and discussion of matters other than the tariff was due to filibustering by the Democrats against the tariff. Indeed, Mr. President, a number of newspaper correspondents have asked me the question of whether or not the Republicans were filibustering against their own bill. The impression has been that most of the time during the past 10 days has been taken up by the other side, instead of by this side of the Chamber.

The Senator from Michigan said that not a single helpful suggestion has been made in all these discussions by the opponents of this bill. I do not question that we have been unable to make any suggestion helpful to the Senator from Michigan, because my recollection is that the Senator from Michigan was but very little in the Chamber while we were discussing the bill, and unless the Senator from Michigan confines himself to a very close reading of the RECORD, being absent while we were discussing the bill, he could not, of course, receive any helpful suggestion from this side of the Chamber.

What we in these discussions desired was to reach the majority members of the Finance Committee, because we had discovered that the rank and file of the Republicans on the other side of the Chamber had come to the understanding that these amendments proposed by the committee were to be adopted by a party vote and, with one or two exceptions, had been adhering to that purpose. We knew, therefore, that we could not reach them except through the committee, and that if there was to be any modification of these excessive rates the initiative must come from the committee. We have, therefore, been finding that we could not reach the other side because of misunderstanding, in the first place; and, in the second place, because of their habitual absence from the Chamber. We have had to address ourselves largely to the Senator from North Dakota [Mr. MCCUMBER], the chairman of the committee, and the Senator from Utah [Mr. SMOOT], who is assisting the chairman in the management of the bill upon the floor. Our effort has been to reach them.

Have we reached them? If they have acted upon any of our suggestions, I suppose they have acted upon them because they thought they were helpful suggestions. What have we witnessed here since these discussions began? I need not spend any time in telling the Senate what we have witnessed, because not only the Senate has seen it but the country has seen it, and the press is full of it. We have reached the committee by our suggestions and our facts and argument, and day after day the committee has been sitting over yonder in its room, and day after day as a result of those sittings the committee itself has brought in amendments materially and radically changing and modifying the rates which they had first proposed.

On yesterday we had an instance of this. The committee brought in an amendment upon this chain matter which reduced the rate from at least 45 per cent ad valorem, according to the Senator from Utah, to less than 20 per cent, although I think the Senator was badly mistaken in his arithmetic. So we reached the committee upon that, as we have upon many amendments. In fact, Mr. President, the information was given the Senate on yesterday that there had been material reductions made by the committee in at least a hundred cases; certainly they have brought in over a hundred amendments, and most of them have been amendments reducing the rates in

this bill. So that our suggestions have been regarded by the committee not only as helpful but as sufficiently compelling to bring forth from them this fruit about which I have been telling.

The truth about the business is that this bill has been dragging somewhat during the past 8 or 10 days, but it has been dragging not on account of any filibustering on this side; it has been dragging because the Finance Committee have been rewriting the bill. They have been sending out and getting up additional evidence. They have been making additional investigations, the need for which we have pointed out, and during that time they have been engaged in the process of practically rewriting the bill. Nobody has seen any particular effort on the part of the Finance Committee to press the consideration of the tariff bill during the past 10 days.

Mr. McCUMBER. Mr. President, in all fairness, does the Senator recall a single time when the committee have asked delay in the consideration of a single item in the bill, or evidenced lack of a desire to press the bill as rapidly as possible?

Mr. SIMMONS. I meant to convey this idea—and I think the fact has been observed by all people who have witnessed our proceedings here—that during the past 10 days the committee have not seemed to be as much on the alert or as eager and impatient to press the bill forward as they were prior to that time.

Mr. McCUMBER. Has there been a time I could have pressed the bill when I failed to do it? When Senators were offering resolutions and taking up hours on them, I knew of no way to stop it. I would stop it if I knew how to stop it, and stop it very quickly.

Mr. SIMMONS. Mr. President, I say that it has appeared to me, and it has appeared to others, and has been much remarked upon, that during the past 10 days the committee have not seemed to be pressing the bill to the extent and to the degree that they were pressing it before, and I have been asked the reason why.

Mr. McCUMBER. Mr. President, let me interrupt the Senator again. Of course, the Senator understands that the appropriation bills must be passed before July. He understands that we must yield and lay aside the tariff bill for that purpose. We have not yielded in a single instance, unless for a little bridge bill, or some similar measure, which would take only a moment. Of course, outside matters have been argued. We can not help that. I would like to prevent it, and I wish I could get the Senator to join with me and prevent the discussion of extraneous matters and go ahead with the bill.

Mr. SIMMONS. The Senator knows I have been as anxious as he to have the tariff bill kept before the Senate, and the Senator knows I am no more responsible for any delay than he is. I, as the ranking member of the committee directing the matter on this side of the Chamber, am no more responsible for these matters being injected than is the Senator from North Dakota, the chairman of the committee, on the other side of the Chamber. He is more responsible when he lays the bill aside for the purpose of taking up some other bill than I am because he controls the consideration of the measure, and I do not. But the other interruptions which have taken place I am no more responsible for, and no other Member of the minority is any more responsible for, than is the Senator from North Dakota, or than are the majority members of the committee. I do not wish to attack the committee or the majority members of the committee, but I do defend this side of the Chamber against the absurd charge that during the past 10 days we have taken up time unnecessarily, with the deliberate purpose of trying to delay the passage of this bill.

Mr. SMOOT. Will the Senator join with the members of the committee, and object to every request for the consideration of a bill, resolution, or anything else while this bill is under consideration, with the exception of the appropriation bills?

Mr. SIMMONS. I will say to the Senator from Utah that there is no man in this Chamber who is more anxious to confine the discussion, and every minute of our time, to the consideration of this bill than I am. If ever a man wanted to get through with a thing and be done with it, I want to get through with this mess and be done with it.

Mr. SMOOT. I am mighty glad to hear the Senator say that; but when we have a spectacle such as we had yesterday——

Mr. SIMMONS. Mr. President, I do not yield to the Senator for the purpose of having him assail a minority member of the committee, who, in his own way, and with great ability and effectiveness, saw fit to make a speech against the bill on yesterday.

Mr. SMOOT. I am not assailing what he said or what he believed, but I am saying if you will read the RECORD you will find that what he said yesterday had been put in the RECORD time and time again; and I do not understand how any Senator can do it, unless he wants to delay.

Mr. SIMMONS. Mr. President, I do not think it is quite parliamentary for one Senator to stand here and criticize the speech of another Senator in the way the Senator from Utah has criticized the speech of the Senator from New Mexico. I wish the Senator from New Mexico were in the Chamber; but in his absence I want to say that if the Senator repeated, as probably he inevitably did in some instances, he was not doing more than is the custom of practically every Senator when we are discussing a matter of this sort. I have heard the Senator from North Dakota repeat himself many times during this discussion, and I have heard the Senator from Utah repeat himself many times during this discussion.

In discussing the emergency tariff bill the Senator from North Dakota, who is deeply interested in the subject of wheat, made so many wheat speeches, each so much like the other, that I almost learned the speech by heart. That always happens when a man is deeply interested in a subject; he is likely to repeat himself. I sometimes repeat myself; the Senator from Utah sometimes repeats himself. It is inevitable in discussing a bill containing thousands of items, to many of which the same rule and same principle must be applied.

Mr. SMOOT. If the Senator will find any repetition of any speech I have made here, I shall be very much obliged to him. But I simply call the attention of the Senator to the fact that when a speech is repeated time and time again, and three hours are taken of the time of the Senate with it, there must be some reason for it. The Senator from New Mexico had a perfect right to speak as he did; I do not say he did not.

Mr. SIMMONS. Mr. President, I did not have the good fortune to hear all the speech of the Senator from New Mexico on yesterday. I heard a part of it, and a part of it was matter which was entirely new as coming from this side of the Chamber, and it was in response to something which had been brought out by the Senator from Indiana [Mr. WATSON].

The Senator from Indiana had taken occasion to discuss very extensively the question of German wages, and the Senator from New Mexico on yesterday devoted a large part of his very able speech to an answer to that. It was a very appropriate answer, for the time had come when it was necessary and proper, in the interest of an understanding of the bill and what it does to the people of the country, and the pretext upon which it does it, to have the matter of German wages fully elucidated and explained to the Senate, in order that the Senate and the country might understand how an attempt is being made here to get high rates of duties upon a false and a fake case as to wages here and abroad. It was a very proper discussion, and the whole of the Senator's speech, I know, without having heard all of it, was illuminating. If there was some repetition it is not more than occurs with all able men when day after day they are discussing the same general subject, as we are doing, in connection with the tariff. But I know enough about the Senator from New Mexico and his familiarity with and knowledge of the bill to say that he will not indulge in any discussion in this Chamber that is frivolous or that is unnecessary or that is not pertinent, and when he does discuss the bill he discusses it with a fullness of knowledge not surpassed by any man upon the other side of the Chamber and with a degree of force and logical power and compelling argument which no man on the other side of the Chamber can excel.

Mr. SMOOT. Mr. President, the Senator does not mean to say that that could be inferred from anything I said?

Mr. SIMMONS. Will the Senator let me finish what I am saying?

Mr. SMOOT. Because I never said any such thing.

Mr. SIMMONS. When a Senator representing his constituents, speaking the convictions of his mind and his heart, stands here and consumes some time in an illuminating discussion of the bill, in an exposure of some of its fatal weaknesses, and he is held up the next day in his absence as filibustering, and the very character of his speech is to be criticized, I say it is an unseemly, an unparliamentary performance, unworthy of the Senators who engage in it. I see that the Senator from New Mexico is now here. He can defend himself. I do not need to say anything further.

Mr. McCUMBER. Mr. President, I think the best way to prove that we are not unnecessarily killing time is to take up the schedules, discuss them reasonably, and then vote on them. Now, we are not doing that. I am not complaining because some Senator thinks he has to make a general speech upon the bill for home consumption. I shall not complain if he feels that he ought to deviate and make such a speech upon some other bill. We all have the habit of doing that more or

less. But I do not think merely because we yield for the consideration of an appropriation bill that the Senator from North Carolina can properly charge the committee or anyone connected with it with not pressing the bill as vigorously as possible.

The time that we yield for the consideration and passage of a bridge bill or some similar little matter, or for a conference report, does not amount to anything. No particular time has been taken up in the discussion of those matters to which we have yielded, with the exception possibly of appropriation bills.

Now, Mr. President, I want to get on with the pending bill. We have taken an excessively long time in the discussion of matters which are entirely outside of the tariff bill. I am not going to say that it is on the other side of the Chamber or on this side of the Chamber. It makes no difference where it comes from, it delays. I am not going to charge any filibustering. I simply say that we are not giving the attention we ought to give to the bill. We are not giving the exclusive attention that we should give to this particular measure.

The Senator from North Carolina [Mr. SIMMONS], always a good speaker, merely told us this morning that his side of the Chamber was not filibustering. That could have been told in 3 minutes as well as in 30 minutes. It is the long speeches, the repetition of speeches, of which we have a right to complain.

Mr. SIMMONS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I am glad to yield to the Senator.

Mr. SIMMONS. I think the Senator must admit that a good part of my speech was devoted to defending the Senator from New Mexico [Mr. JONES] from the charge of the Senator from Utah [Mr. SMOOT].

Mr. McCUMBER. Two minutes of it.

Mr. SIMMONS. I was not talking about a filibuster all the time. I was talking about the action of the committee.

Mr. McCUMBER. I will answer the Senator's statement in which he asserts that the majority of the committee at least have received valuable information from the discussions on the other side. I am always glad to receive information from either side, and so is every member of the committee. It is but fair to the committee, however, to repeat what I said in the very beginning of the discussion of the bill—that we were going to meet every morning at 11 o'clock; that we were going over the matters even that we had passed over, and wherever we could see that we could reasonably lower what we had recommended we were going to do it. I also stated that some of the items over which there was no contest had not, even at the time we reported the bill, been given the consideration that we would otherwise have given to them had not so much of our time been taken up with contested matters. Those were the particular things which we expected to have the committee work on morning after morning. That for the main part is what we have been doing.

Our amendments have been made not after discussion on the floor but in every case where we have made amendments, with the exception, I think, of one or two paragraphs, they have been made before the matters were discussed upon the floor of the Senate. But that does not make the discussion less pertinent, and I certainly am glad to have any fair criticism of any paragraph or schedule. We want to try to make the bill as nearly right as we can, but I do hope that we will stop talking about filibustering on either side and get right down to the bill and discuss the items.

I have asked for a reconsideration of the vote by which one item was agreed to in order that I may offer an amendment which will be a reduction, as in most instances we shall recommend reductions, I think. There will be some items as to which we are going to recommend a slight increase, but if we can get down to them, speak a reasonable length of time upon them, and then vote, no one can complain on either side.

Mr. POMERENE. Mr. President, will my good friend the Senator from North Dakota permit me to make a suggestion?

Mr. McCUMBER. Certainly.

Mr. POMERENE. We have been going on here from the 20th day of April recessing from day to day and having one legislative day. I sympathize with the Senator's view that there has been a good deal of discussion of matters which were not pertinent to the bill, but I have been impressed with this thought: If we could perhaps have one morning hour each week, or two morning hours each week, so that matters which Senators feel are of very great importance to them could be discussed and disposed of, my belief is that we would make better time with the pending tariff bill.

Mr. McCUMBER. I think it is a good suggestion, and I wish that we could arrange to have those matters disposed of. If I thought we could bring about a result of that character and then give the balance of the day or the balance of the time to the tariff bill, I certainly would gladly consent to such an arrangement.

Mr. UNDERWOOD. Mr. President, the reason why I rose when the Senator from Michigan [Mr. TOWNSEND] concluded his political speech was not because it was a political speech. It is, of course, perfectly natural that Senators on either side of the Chamber who are facing political battles should make political speeches. I am not rising now because the chairman of the Finance Committee has just lectured us on the time that has been taken up in the consideration of the bill and is insisting on its passage, when he has taken more time in telling the Senate how to pass the bill than most of us have taken in the actual discussion of the merits of the bill.

I rise now to challenge a statement contained in the speech of the Senator from Michigan which I am not willing to allow to pass without challenge. I refer to the statement of the Senator from Michigan, when arguing in favor of a protective tariff, that we have now reached a time when all men are in favor of a protective tariff of some kind or other, when if they are not in favor of a protective tariff on matters which are not of interest to them they do stand for the principle of protection with reference to matters in which they are personally interested or in which their constituents are interested. That is not the exact language of the Senator, because his speech has not yet been reduced to writing and I have not seen it, but that is the substance of the charge which was made.

Mr. President, if that statement were true, the Democratic Party should retire from this floor. If that statement were true, the Democratic Party should no longer contest the items in the bill, because if our position in reference to taxation at the customshouse is not based on principle, we might just as well abandon the fight which has been made for decades in the past.

What difference does it make if a special privilege is granted to some one if it is not wrong in principle? I am not willing to allow any Senator to rise on the floor of the Senate and make that statement without challenge. I have had a record in these two bodies for over a quarter of a century, and during that time I have largely dealt with legislation affecting customs tariff taxation. I know that, for one, no man can put his finger on an item that has ever appeared in any customs tariff bill in the framing of which I have assisted where I have yielded one iota on the principle that tariff taxes should be levied for revenue only and not to build up and put money in the pockets of special interests. That is also true of the great rank and file of the men who maintain the principles of democracy in either Chamber of the Congress. Sometimes there are men who bear the commissions as Democrats, who believe, in the main, in the principles of the Democratic Party in reference to other questions, who are protectionists; and, as I said the other day, I have known a few Republicans who are free traders; but in either case it is an exception to the rule; it is not the rule itself. To try to build up an idea that this bill—the most indefensible tariff taxation that was ever attempted to be levied by a Congress of the United States—is right and to attempt to justify it by the statements that all men have now become indoctrinated with the evils of a protective tariff—I do not think that the Senator from Michigan [Mr. TOWNSEND], whom I regard as a man of high character, a distinguished Member of this body, had carefully considered his language before he made so radical a statement in reference to his colleagues who differ from him in reference to the theory of taxing the people at the customhouse.

Mr. President, when it comes to the theory of the customs taxation, the dividing line is so clearly drawn that men should be able to read as they run. There can be no question as to where the principle involved rests. Men who believe in the theory that is called the tariff for revenue theory, possibly for revenue only, for a lack of a better name, in fact believe that the customhouse is a convenient place to levy taxes; but in levying taxes at the customhouse the primary purpose involved should be the collection of revenue for the Government of the United States, and no ulterior motive should be involved.

The men who believe in the protective-tariff system believe, I have no doubt, that the customhouse is a convenient place to levy revenue, and they believe, in the collection of that revenue, that tariff laws should be so adjusted as to build up the profits of special interests in America; that the wall of taxation should be so builded as to divert the purchasing power of the consuming masses of the American people to the payment of higher prices into the pockets of special interests. That may be expressing the question very broadly, but

it is true; it can not be contested, because, if you stand for protection, by protection you proclaim that you give better profits to the American manufacturer and better wages to the American laborer. Sometimes you do and sometimes you do not; sometimes your theory works, sometimes it does not; but that is your theory, and you can only accomplish the fruition of that theory by raising the prices above what they would be if you had not made a customs law taxing the man outside the wall. Therefore you build a wall to raise the price to the American consumer in order that you may take his money and put it in the pockets of special interests. That is the position that the Republican Party has always occupied. The Republican advocate and the Republican orator do not state it as broadly and as boldly, and possibly it might be said as offensively, as I have just stated it; but that is the fact and that is the theory of protection. The theory is to make one man pay for and build up another man's interests. The Democratic theory—and it is called the Democratic theory because most of the followers of that theory are in the Democratic column, although some of them are not—is that this great power of taxation should not be used to discriminate between American people and to build up some one man's business at the expense of another man. That theory is followed by the rank and file of the Democracy of America, and is followed by most of the Democratic Senators who hold commissions in this Chamber. That being the case, as it goes to the fundamental principle, I was not willing to allow the Senator from Michigan to make the assertion which he did make and let it pass unchallenged.

Mr. HARRISON. Mr. President, I was surprised to hear the senior Senator from Michigan [Mr. TOWNSEND] make the charge that the Democrats are obstructing the passage of the tariff bill, especially in view of what happened day before yesterday, to which the attention of the Senate has been called. On that day we met at 11 o'clock and continued in session until about 6 o'clock. During the whole day Republican Senators occupied the floor making speeches. Shortly after the Senate met the Senator from New Jersey [Mr. EDGE] began the Republican oratory; when he took his seat the Senator from Minnesota [Mr. KELLOGG] addressed the Senate; then the Senator from Wisconsin [Mr. LA FOLLETTE] occupied considerable time; then the Senator from New Jersey [Mr. FRELINGHUYSEN] spoke quite extensively, and he was followed by the Senator from North Dakota [Mr. LADD]. So the whole day was taken up by the filibuster upon the part of the majority party here in the Senate. Yet the Senator from Michigan, in his mad race for reelection in Michigan, when he is pressed hard, charges this side with filibustering against the tariff bill. I omitted to say that the Senator from Indiana [Mr. WATSON], I believe, also used a great deal of time with his side show day before yesterday, exhibiting a monkey and other articles which had been imported from Germany.

On yesterday the Senator from Nebraska [Mr. HITCHCOCK], a member of the minority, undertook to answer some of the fallacious arguments made by Senators on the other side. The argument of the Senator from Nebraska was clear cut; it was forceful and to the point; he dealt not for one moment with irrelevant matters; but in that speech the Senators who charge this side with delaying the tariff bill undertook to inject themselves time after time, taking up uselessly the time of the Senate with their questions. I have just noted in the RECORD the speech of the Senator from Nebraska on yesterday, and I find to my amazement that the Senator from Massachusetts [Mr. LODGE] five different times injected himself into the speech of the Senator from Nebraska, who was doing everything he could to expose the fallacious arguments presented by Senators on the other side, and to do it speedily and briefly and then to conclude his speech in order that the Senate might vote on amendments. Scarcely has the Senate ever listened to such a pointed argument, concisely and logicaly made.

The Senator from Utah [Mr. SMOOT], another leader on the Republican side of the Chamber, also injected himself into the speech of the Senator from Nebraska. The Senator from Utah has been fairly patient; we have not heard so much from him about charges of filibustering upon the part of this side. I presume he has taken a great deal of time filibustering, because he is smart enough and adroit enough and cunning enough and knows politics sufficiently well to try to reform this new tariff bill to some extent and to reduce some of the high rates which have been imposed, so that we do not hear so much from him about this filibuster, because he knows that the filibuster is over there and not here. On yesterday, however, the Senator from Utah injected himself into the speech of the Senator from Nebraska, I believe, 24 times.

The Senator from Indiana [Mr. WATSON], another leader, who directed the side show, the "Punch and Judy" performance, with the monkey and the clock imported from Germany, injected himself 22 times into the speech of the senior Senator from Nebraska.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. I yield.

Mr. SIMMONS. I merely wish to remind the Senator from Mississippi that the Senator from Connecticut [Mr. MCLEAN] did not confine his interruptions to questions. I was present when he made one or two rather extended speeches. At any rate, he indulged in very considerable comment and he did not confine himself merely to questions.

Mr. HARRISON. Yes; they were long speeches; he was trying to kill time while a Democratic Senator was trying to expose the iniquities of this nefarious bill. The Senator from Connecticut [Mr. MCLEAN], a member of the Finance Committee, was trying to distract the Senator from Nebraska and to divert the attention of the country by interrupting the clear and forceful argument of the Senator from Nebraska, and so he injected himself into the speech of the Senator from Nebraska 81 times. Yet the Senators on the Republican side of the Chamber say that a filibuster is being conducted on this side, in the face of the fact that there were 132 interruptions and interjections by leaders on the other side of the aisle in the speech of one Democratic Senator on yesterday.

I have not enumerated the many other interjections, but Senators may consult the RECORD for themselves. They will note in one speech yesterday, however, 132 interruptions by four Republican Senators. Yet we read in the Washington Post of this morning in most glaring headlines:

> Cloture fight may sidetrack tariff.
> Senate Republicans plan to obtain new rule limiting debate by majority vote.

The article quotes distinguished Republican leaders, among them the Senator from Massachusetts [Mr. LODGE], as saying that—

> He believed the cloture move would be made.

In this article we find it stated that Republican leaders are willing to talk about the enactment of a cloture rule and sidetrack the tariff question.

Why, those things are coming to pass that we prophesied some time ago and that we believed would come very soon. You feel the force of public opinion. You know that a reaction is setting in from the country. You are hearing from the people, by letter and other representations, that they will not indorse this bill. You are trying to do everything you can to confuse the situation, to distract attention from the legitimate arguments that are made here. Now, when you see what is being said by the Republican press of the country—from the New York Tribune and the New York Herald to the Journal of Commerce and all the other New York papers—the distinguished Senator from New York [Mr. CALDER] has read them; he feels the contact; he knows that public opinion is aroused against this bill; the Senators from Pennsylvania know that the press of Pennsylvania, Republican, Democratic, and independent, are denouncing it; the Senators from Illinois know that the influential Republican paper of that State, the Chicago Tribune, is denouncing the bill, editorially and otherwise, you want "to get out from under," and you give out to the country in your propaganda the statement that a cloture rule is going to be passed. Why, you would run from a cloture rule. That is not what you want. You want to deceive the American people, as you have always done. You know the presentation of a cloture means the death of this tariff bill, and you want it to die. It now plagues you. It is a nightmare to you.

Mr. BURSUM. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. HARRISON. I yield.

Mr. BURSUM. If such a great sentiment is aroused against this tariff bill all over the country, if it is such a bad bill, does not the Senator think it would be to the best interest of the Democratic Party to adopt cloture and pass this bill immediately?

Mr. HARRISON. Oh, the people will find out what is in this bill in time. They have been aroused merely by a discussion of a part of the schedules. When they hear of your action touching the other schedules and the other amendments—sugar, meat, clothing, those things that the American people must have upon the breakfast table and upon their backs—then these friends who vote for this bill will hear from the folks. An exposé of those provisions must be made, and that is what you do not want. That may be the reason for your advocating a cloture.

Now, you say, there is going to be cloture. You are going to propose it here, and discuss cloture for the rest of the session. If you will stop interjecting 132 times in a Senator's speech, as was done yesterday, and stop taking up the whole day, as was done day before yesterday, in making speeches, many of which are not confined to the subject matter, we can get along with this bill pretty well, and we are going to try and facilitate it by cooperating with you; but we are going to expose your infamy in the preparation of this bill. When we have done it, then, if you have votes enough, the bill can be passed, and in November you will repent in sackcloth and ashes.

Mr. SMOOT. Mr. President, I should like to have the Senator from Mississippi state again how many times the Senator from Utah interrupted the Senator from Nebraska [Mr. HITCHCOCK] in his speech yesterday.

Mr. HARRISON. His name appears in the speech of the Senator from Nebraska yesterday 24 times.

Mr. SMOOT. That is not what the Senator said. The Senator said that the Senator from Utah interrupted the Senator from Nebraska 24 times.

Mr. HARRISON. That is what I say now.

Mr. SMOOT. I say it is not so.

Mr. HARRISON. If the Senator claims that when a Senator gets up and says to the Chair, "Mr. President, will the Senator yield for a question?" and so forth, that is not an interruption, then, of course, he has not counted as I have counted; but his name appears 24 times in the speech of the distinguished Senator from Nebraska. I have counted them.

Mr. SMOOT. I should like to ask the Senator to find them.

Mr. HARRISON. I will read the speech.

Mr. SMOOT. I asked him three questions. If the Senator can find any more than that, let him do so.

Mr. HARRISON. I am going to read them. I am not only going to find them; I have already found them.

Mr. SMOOT. Read where I interrupted the Senator 24 times. I ask the Senator to do it.

Mr. HARRISON. I am going to do it, if the Senator will have a little patience.

Mr. SMOOT. The Senator will have to count again.

Mr. HARRISON. I was reading from the RECORD of Friday, June 23, 1922. I am afraid the Senator gave me the wrong one.

Mr. SMOOT. No; I did not give the Senator the wrong one. I gave him the right one.

Mr. HARRISON. All right. On page 1 of the CONGRESSIONAL RECORD, No. 162, if the Senator will follow me, under "The tariff," where "Mr. HITCHCOCK obtained the floor," the Senator will find his name once, right under that headline. That is one.

Mr. SMOOT. "Mr. President."

Mr. HARRISON. Yes; "Mr. President."

Mr. SMOOT. All right; go on.

Mr. HARRISON. Then turn over the page, and the Senator will find his name again, "Mr. SMOOT."

Mr. SMOOT. Yes; that is two.

Mr. HARRISON. That was quite a long interjection there. Then the Senator from Nebraska answered him, and said, "I am glad to hear it"; and then the Senator from Utah gave a long discourse on chain and chains of all kinds. That is three.

Mr. SMOOT. It is just six lines. That is three.

Mr. HARRISON. Wait a minute; I have not finished. That is three. Then the Senator from Nebraska answered him again; and then, if the Senator will look, he will find that there is another long interruption.

Mr. SMOOT. Where?

Mr. HARRISON. Right there where the Senator said "The Payne-Aldrich tariff contained the provision," and so forth. I do not want to read the speech, because it is bad reading.

Mr. SMOOT. Yes; I know it is to the Senator.

Mr. HARRISON. Now follow that on down. We will go a little further in that.

Mr. SMOOT. Yes; go right along. Now, find another interruption in the speech, please.

Mr. HARRISON. I do not think I got them wrong.

Mr. SMOOT. I think the Senator did.

Mr. HARRISON. If I did, then, the other one spoke twenty-four times.

Mr. SMOOT. But the Senator said "The Senator from Utah." Those are all the interruptions I made, and they are only about 15 lines, in the speech of the Senator from Nebraska. There are no 24 interruptions by me.

Mr. HARRISON. Well, let us see. I counted them.

Mr. SMOOT. If the Senator has not counted the other things that he has stated here any better than he has that——

Mr. HARRISON. Wait a minute. Now, if the Senator will go over on page 9230, just a few pages from the first interruption, at the close of the speech——

Mr. SMOOT. Oh, well.

Mr. HARRISON. Oh, of course. Now, let us go on.

Mr. SMOOT. That is the speech of the Senator from North Carolina [Mr. SIMMONS]. That is not the speech of the Senator from Nebraska [Mr. HITCHCOCK] at all.

Mr. CARAWAY. Mr. President, I hate to see the Senator from Utah engaged in this filibuster with the Senator from Mississippi.

Mr. HARRISON. Wait a minute.

Mr. SMOOT. The Senator will see on page 9227 that the Senator from North Carolina [Mr. SIMMONS] begins in the middle of the first column.

Mr. HARRISON. Yes; that is a continuation of his speech, which starts on page 9227, and the Senator has 12 interruptions in one column on page 9230, and in the next column his interruptions take up practically the whole page. So, Mr. President, that is the way they proceed in these speeches, interjecting and interrupting and filibustering, and now they try to take up my time by prolonging this discussion.

Mr. SMOOT. That is exactly the way in which statements are made upon this floor. I interrupted the Senator from Nebraska only four times. In one case I simply said "Mr. President," and the other times my remarks were very brief, not to exceed 15 or 16 lines altogether; and yet I have been charged here with interrupting the Senator from Nebraska 24 times.

Mr. HARRISON. That was a prolonged discussion. The Senator will find that the Senator from Connecticut [Mr. MCLEAN] interrupted 81 times. I was very conservative in the estimates; and he will find that the Senator from Indiana [Mr. WATSON] interrupted 22 times, and the Senator from Massachusetts [Mr. LODGE] interrupted 5 times, and the Senator is overlooking the fact that I paid him a very great tribute before I referred to him.

Mr. SMOOT. I have nothing to say except just what the facts are, Mr. President; that is all. I have not counted the interruptions that the Senator from Connecticut made.

Mr. HARRISON. Will not the Senator do that?

Mr. SMOOT. I do not know how many there were, but I do know that the Senator from Utah interrupted the Senator from Nebraska only 3 times instead of 24.

Mr. HARRISON. Three times? I read five times in the first column.

Mr. SMOOT. No; the Senator did not read five times.

Mr. HARRISON. The Senator does not think it is an interruption when he says "Mr. President," and takes the time of the Senate? There is an interjection right there.

Mr. SMOOT. Oh, Mr. President, even with "Mr. President" there are only four times.

Mr. HARRISON. I had hoped that the Senator and I could agree on something. We can not agree on the tariff, but I had hoped we could agree on something.

Mr. SMOOT. The Senator from Mississippi and the Senator from Utah can always agree upon facts. That is what we can agree upon, if the Senator will agree to the facts. I say that my name is mentioned in the speech of the Senator from Nebraska only four times, and one time I simply rose and said "Mr. President," and that is all. The other three times I was either answering a question or directing a question to the Senator.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. MCCUMBER] asks a reconsideration of the vote whereby the amendment was agreed to which has been stated by the Secretary. Is there objection to the reconsideration? The Chair hears none. The question is upon agreeing to the amendment.

Mr. JONES of New Mexico. Mr. President, I came into the Chamber just as the Senator from North Carolina [Mr. SIMMONS] was concluding his remarks this morning, and I inferred from what he said that the Senator from Utah [Mr. SMOOT] had accused me of filibustering on this bill.

Mr. SMOOT. Mr. President, will the Senator let me say what I did say, and not what the Senator from North Carolina gave the impression that I said?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. I shall be very glad to have the Senator do so.

Mr. SMOOT. The Senator from North Carolina was claiming that no time was taken in the discussion of this bill on the part of any Member on the Democratic side that was not absolutely necessary to the explanation of the bill, and I asked the Senator from North Carolina how he could make that statement in view of the fact that the Senator from New Mexico had taken nearly three hours on yesterday, and during his speech had repeated time and time again statements that he had made

on the floor of the Senate in relation to the very bill that we had under discussion. That is what I said, and I think the Senator will agree with me in the statement that he repeated a good many things that have been said time and time again. Then I further said that the Senator from New Mexico had a perfect right as a Senator to say what he did say yesterday, but that I could not understand why the repetition was made.

Mr. JONES of New Mexico. Mr. President, I do not believe that on yesterday I repeated anything that I had previously uttered on the floor of the Senate. I stated at that time that the propositions which I was discussing had been discussed before, and testimony had been put into the RECORD. I specifically refrained from repeating what the testimony was, and everything that was put into the RECORD by me on yesterday appears in the RECORD for the first time in these discussions. It was the first time I had attempted to discuss the sideshow of the Senator from North Dakota [Mr. MCCUMBER] and the Senator from Indiana [Mr. WATSON].

So far as filibustering is concerned, the real purpose of my remarks on yesterday was to prevent filibustering, to prevent delay. When the Senator from North Dakota put on his sideshow here, he expressly stated that it had nothing to do with this bill. He said that he put on that show for the purpose of showing the profits that the importers were making, and for the purpose of showing that the press of this country was corrupt, and had been purchased by the advertisers.

The Senator from Indiana on day before yesterday claimed a wider application for the show which he staged and said that it did relate to the bill, and that there were to be a number of other side shows of a similar character staged in this Chamber. I do not believe the Senator from Utah has any notion that the side shows have any bearing on the merits of this bill. That is where the filibustering has come from. As I stated on yesterday, they have not been discussing this bill, but they have been trying to divert the attention of the people of the country from the bill by putting on these spectacular displays; and when we were told by the Senator from Indiana day before yesterday that that procedure was to continue, I felt that it was time that other Senators should at least have sufficient before them to inform them that such proceedings had no bearing upon this bill.

If there is one thing that is continually being pressed from the other side of the Chamber, without limit during the discussion of the bill and in the side plays, it is the menace of Germany, and I thought it was time that that argument should be buried under a shower of facts to such an extent that it would remain buried. Every time any question is raised on the floor about these exorbitant and extortionate rates we are told about something from Germany, and if the Senators on the other side of the Chamber will stop conjuring up this ghost of Germany the argument on this side will follow another course.

Mr. President, I do not wonder that Senators on the other side—and I do not include the Senator from Utah—are trying to divert attention from this bill; but the press of the country is aroused against it, and I can quite understand why they want to divert the attention of the country from the bill. I do not care to take up time in this discussion any further.

Mr. CARAWAY. May I interrupt the Senator from New Mexico to show something in regard to the prices paid in Germany?

Mr. JONES of New Mexico. I am glad to yield.

Mr. CARAWAY. I hold in my hand a package which has not yet been unsealed. It was not addressed to me, but it came to another. I have seen one of them. It is a small magazine, I imagine of the kind published in this country for about a dollar. I wish the Senator would open it and see how much it costs to publish that magazine in Germany, to show whether or not they are doing things as cheaply in Germany. I will ask the Senator to tear it open, and he will find on the first inside page a postal card containing the publisher's notice of the cost. Now, will the Senator state what is the yearly price?

Mr. JONES of New Mexico. Two thousand six hundred marks.

Mr. CARAWAY. If the mark was worth what it ordinarily is, that would be $750. Yet Senators on the other side talk about things being done cheaply in Germany.

Mr. JONES of New Mexico. I find editorials this morning in two of the leading papers of the country which, I think, might very well be transmitted to the people through the CONGRESSIONAL RECORD. I am not going to take up the time of the Senate to read these editorials, but they are not commendatory of this bill. Here is an editorial headed "Tariff Revision Fallacies," in the first column of the editorial page of the New York Tribune, which I ask to have inserted in 8-point type, without reading.

There being no objection, the editorial was ordered to be printed in the RECORD in 8-point type, as follows:

[From the New York Tribune, June 24, 1922.]

TARIFF REVISION FALLACIES.

"The Fordney and McCumber tariff bills were framed with little regard to economic tendencies. They ignore the vast alteration brought about by the war in America's economic relations to the rest of the world. One would imagine from the arguments offered by the defenders of these bills that the United States was incapable of competing with other nations outside its own boundaries and that our manufacturers could compete at home with foreign manufacturers only through the aid of nearly prohibitive tariff duties.

"This is not the case. Our exports far exceed our imports and have been growing enormously. In the fiscal year 1919–20 exports were valued at $8,108,000,000 and imports at $5,239,000,000. In the fiscal year 1920–21 exports were valued at $6,516,000,000 and imports at $3,654,000,000. In 1913–14 our exports were $2,364,000,000 and our imports were $1,893,000,000.

"The American manufacturer has not been prevented from competing in foreign markets since the war by cheap European competition. Our exports for April of this year were 98 per cent larger than those for April, 1914. In the same month our imports were only 25 per cent larger than those for April, 1914. We have steadily become more of an exporting and less of an importing nation. But no one would ever guess that from the stress laid in Congress on the need of further protecting American producers from outside competition.

"Of our imports more than half have come in free since 1910–11 and more than 40 per cent since 1890–91. The percentage of nondutiable exports in 1919–20 was 61.08; in 1918–19 it was 70.84. Hardly a third of our imports of $3,654,000,000 in 1920–21 were taxed. Yet industry at home has expanded and exports have nearly tripled since 1914.

"These facts show that there is no reason to be alarmed over the situation. The latter has not changed to our detriment. The emergency tariff act relieved those producers who felt temporarily the pressure of bothersome foreign competition. We have plenty of time ahead in which to construct a rational, fairly scientific tariff. The leaders in Congress are not in a frame of mind to do anything of that sort now."

Mr. JONES of New Mexico. In the New York Herald there is another editorial, entitled "Mend the Tariff-Making System." I ask that that be printed in the RECORD in 8-point type, without reading.

There being no objection, the editorial was ordered to be printed in the RECORD in 8-point type, as follows:

[From the New York Herald, June 24, 1922.]

MEND THE TARIFF-MAKING SYSTEM.

"Nobody in his economic senses, or, for the matter of that, in his political senses, can question the imperative need of the reform in making tariffs urged by Senator FRELINGHUYSEN with his amendment to the McCumber measure. He says, and says truly, that there never has been a time when any tariff, Republican or Democratic, was made with an exact knowledge of all the facts in the country's situation.

"This was bad enough under normal conditions when great tariff students in Congress, men of natural brain power and broad experience, were intrusted with the responsibility of writing tariff schedules for American industry and the American public. It is a positive menace now, when industrial and financial conditions are in chaos over the greater part of Europe and when the responsibility of meeting the great problem in our Congress has fallen into the hands of economic charlatans, political tricksters, and sordid logrollers.

"If the country does not get the services of the kind of permanent tariff commission Senator FRELINGHUYSEN proposes in his amendment, if that commission is not vested with powers enough to let it master the facts and technicalities of world economic conditions, along with the true situation of American industry and business, and if Congress lawmakers are not willing to construct tariffs on the basis of the fundamental facts and the technical conditions presented by the expert work of such a commission—if this reform does not come and come at once to replace the present unsound and dangerous system of making tariffs, then the country is in a fair way to go on the tariff rocks.

"Aside and apart from the question of whether it is now too late to rid the Fordney-McCumber measure of its tariff excesses and save the country from the perils they threaten, the Frelinghuysen proposal must appeal to Republicans and Democrats alike who are sound in their heads and honest in their public conduct. It is for a party to determine its tariff policy,

whether it is to be a high or a low tariff, a tariff merely on manufactures, a tariff for protection, or a tariff for revenue only. It is for the voters of the United States to accept the party policy they wish to have put into force.

"But whether it is a low-tariff policy, a high-tariff policy, or whatever kind of policy that is to be carried out, no party in control of the Government can ignore the facts and defy the laws of economics without making a wretched botch out of its tariff measure.

"In the United States to-day there are Republicans and protectionists by the hundreds of thousands who are asking one another whether the party leaders in Congress have gone crazy over the tariff. There are Republicans and protectionists by the tens of thousands who believe that the Fordney-McCumber tariff will destroy their party. This is becoming a national sentiment which is immeasurable in its political possibilities.

"In such desperate circumstances it is time for all Republicans in Congress who have not lost their senses over the tariff to try to save the day, not merely with the admirable and necessary principles of the Frelinghuysen amendment but with opposition to the Fordney-McCumber monstrosities to the last ditch."

Mr. CARAWAY. Mr. President, the publication handed the Senator from New Mexico came to a Member of the House and was given to me. This is a little magazine of 16 pages, counting the advertising pages, and the yearly subscription is 2,600 marks. A magazine like that would cost $1 in this country; I do not think more than that. Being a technical magazine it possibly might cost $2. It bears on the question of whether production is cheap in Germany. I do not think that fact settles the question of whether the rates in this proposed measure are just or unjust. It comes as near it, however, as the show which has been conducted from time to time on the other side of the Chamber.

Day before yesterday I called attention to the very appropriateness of the opening of the show, which the Republicans staged, as I suggested, with a cuckoo and closed with a monkey. There is more material in reserve, as I understand, among them that very necessary household utensil, a roulette wheel; a statue of a lady who is minus her clothes, and a bottle of stewed prunes. Which august Senator on the other side will be permitted to put that show on I do not know. I suggested a moment ago to the Senator from Utah [Mr. SMOOT] that that ought to be his part. He has been complaining that other people have had more of the time than he has, and I want him to have that part, because he is always present, and those who have been putting on the other shows only come in to be the ringmaster, and then go away.

I want to lay down this proposition about the shows and the spread of prices they say they prove, that either the Republican majority which puts on the shows know that the spread claimed do not represent the ordinary spread in imported goods, and therefore they are deliberately deceiving the country, or attempting to deceive it, or they do know that the tariff bill which they are writing has no power to protect the American manufacturer, because, taking the cuckoo clock which they said was typical—and I think it was typical of the party—there was a spread of 2,240 per cent. If they intended to say to the manufacturers of cuckoo clocks, "We are going to write a bill that will equalize the cost of production here and abroad; in other words, we are going to give you a tariff rate which will equalize the cost of your product here with that of the manufacturer of cuckoo clocks in Germany," they would have to write a rate of 2,240 per cent.

The average spread of rates, as contended by the Senator from North Dakota when he was performing, is something between 1,600 and 1,800 per cent. If he believed, and honestly believed, that he was representing the ordinary spread between the cost of imported articles and the selling price in America, if he wants to protect the American manufacturer, he will have to write a rate of duty between sixteen and eighteen hundred per cent. In other words, he must serve notice upon the American consuming public that in order to preserve American industry he intends to raise the cost of living 1,600 per cent. If it does not mean that, if your show was not intended to convince the public that that was the ordinary spread, the ordinary difference between the importers' price and the selling price of the articles in America, you were practicing a fraud. If you intended to convey that idea, then, if the public believed you, they will know that your tariff bill does not protect at all.

I believe it is admitted that it is going to raise no more revenue than is raised under the law on the statute books. It will raise the cost of living, but it will bring no more dollars to the Treasury. It will protect no American industry, if your show is a real representation of the difference between the price of the imported article and the price of the American article.

So, without being offensive, you must accept one of two conclusions; either you are intentionally and deliberately undertaking to deceive the American public as to the importers' profits or else you are writing a tariff bill which in your heart you know will do nothing towards protecting American industry and American working people. It makes no difference how zealous a partisan one may be, he knows that if the ordinary spread between the price of the imported article and the cost of that article in America is 1,600 per cent, no tariff bill carrying a rate such as this would protect American industry. Therefore you must admit, and you can not deny it and keep your self-respect, that either the shows you were putting on were deliberate attempts to mislead the public as to the cost abroad, or else you are writing a bill which you know will not protect American manufacture and American workingmen. I know that you know that is true.

On the other hand, it is the severest indictment of this administration that anybody has ever dared make. We have an Attorney General for whose high character the Senator from Indiana [Mr. WATSON] vouched on one occasion. I do not know whether he would do it again or not, since the Attorney General accused the Senator from Indiana of belonging to the Ananias class; but he was his personal and political friend. The Attorney General undertook to make the American consumer believe that he was going to investigate the American retailer and ascertain if they were not guilty of profiteering, with a threat of prosecution.

If he knows the figures you are submitting—although the Senator from North Dakota said he would not betray the people who were profiteering on the people—if he knows about it, and permits people to profiteer to the average extent of sixteen or eighteen hundred per cent and will not act, I say it is the severest indictment against your administration anybody has dared bring.

They, the proponents of this measure, are practicing a fraud upon the American public and deceiving them, or practicing a fraud upon the manufacturing industries of the country and deceiving them by pretending that they were writing a bill to protect them, a bill that would equalize the cost of production here and abroad. Everybody must know that. Everyone must know that unless he looks upon this whole proceeding as a farce. I take for granted, however, and I base that upon comments in the newspapers, that no one believed when "they" put on the show in the Senate that it represented a fair spread between the importation price and the selling price of the foreign manufactured goods. Not anybody, even their own party papers, believed it. Their party organization did not believe it. Nobody believed it. I do not think the Senators who put on the show believed it, because I accredit them with good sense.

But what an indictment it would be against the Senator from North Dakota if he believed it to be true that the average profit of the importer was between 1,600 and 1,800 per cent. What an indictment it would be against him when he said he would not turn over the names of the profiteers to the Department of Justice when he blocked the resolution which was offered by the Senator from Montana [Mr. WALSH] asking for an investigation. What an indictment it would be against him and his party if it were believed that he deliberately, with knowledge that extortion to the extent of 1,600 to 1,800 per cent was being practiced on the farmers of North Dakota, said that he would not move and would not let anybody else move to prosecute the men guilty of that extortion.

Then came the Senator from Indiana [Mr. WATSON] and repeated the show. Both of the very able Senators, and both very partisan Senators—I do not fall out with them for that—seem to have exhibited these wares and pointed to these prices not to bolster up the tariff bill they sponsor but to indict the great newspapers of the country, particularly the Republican newspapers. They say those newspapers have sold out not only their advertising columns but their editorial columns to advertisers. It meant, if it meant anything, that there was not any longer a single honest metropolitan Republican newspaper in America. The Senator from Indiana went so far as to say, speaking of the New York Times, that one single advertising patron of that paper:

> I quote that only for the purpose of showing the strangle hold the retail and importing establishments of New York have on some of these very great publications and newspapers.

He said further:

> I have as great admiration for the New York Times as a newspaper as anybody else, but it is an international paper. It believes in these importing houses. It is opposed fundamentally to the establishment of

American industry if and where such industry interferes with the importing business, and those are the same people who all the time tried to drag us into the League of Nations.

I do not know whether the Senator from North Dakota and the Senator from Indiana really believe that such newspapers as the New York Tribune, the New York Herald, the Chicago Tribune, the Times, the Post, the World, and a number of other reputable papers, were selling their editorial columns as a means of selling their advertising columns. That is what they said.

The Senator from North Dakota grew a little angry with me because I asked him if he thought that because a paper would sell out for an advertisement it would sell out for money; in other words, if one could ask the editor what the price of an editorial would be and whether he would name the price. He said he was not being tried and therefore would not answer, but he did say over and over again that the papers were controlled. For instance, on page 8710 of the RECORD of June 14 he said:

With every metropolitan paper the mouthpiece of the importer who buys its advertising pages, the very foundation of the temple of protection is being undermined by this insidious propaganda.

Again, he said about the papers:

When, then, do the New York and Boston newspapers attack the tariff bill? Why do they print articles and editorials to deceive the American people?

He charges that they print articles to deceive the American people.

Why do those responsible for the propaganda throw upon the moving-picture screens falsehoods, stating that tariff duties are based on the retail prices, which are from 100 per cent to 15,000 per cent greater than the foreign prices upon which the duties are levied?

In the case of the metropolitan press it is because their lifeblood depends upon the revenue from their big advertisers, and their big advertisers depend for their prosperity upon the cheapness with which they can buy abroad and the high prices they can get in the American market from the American consumer.

There are a number of charges that these papers sell their editorial columns, and what seemed so surprising to the Senator from North Dakota was that they were assailing the very party which they had heretofore supported; in other words, they were such traitors that they would not only sell out but would attack their own friends in their editorial columns because it brought advertising profits.

Those were the two reasons for putting on the show it would seem—first, to make American people think the average spread in import prices was 1,600 or 1,800 per cent; and, second, to lay a foundation to indict the metropolitan press for making the charge that it had sold out.

I do not know whether every Republican who opposes this tariff bill has sold out. I presume, in the mind of the Senator from North Dakota and the Senator from Indiana, they have. Every Republican who has sought a nomination, however, so far as I know in any of the Central or Northwestern States—I mean every individual seeking a nomination on a Republican ticket—has denounced this tariff bill.

The gentleman just nominated in Iowa for the United States Senate denounced it before he was nominated. Several people who have been selected as candidates for the House of Representatives have denounced it. Many individual Republicans everywhere have denounced it. I presume my mail is not different from that of other Senators, and I get letters every day from some one saying, "I am a Republican, but I am against these rates. They are outrageous. They mean an increased cost to the American consumer, and the manufacturing industry does not need it."

I presume I should infer, if I should follow the Senator from North Dakota and the Senator from Indiana, that every man of them has been bribed, because they would not concede that the metropolitan papers could be against the bill for any other reason than a corrupt motive; that they had sold out; that the editorial columns had been purchased by the advertisers and were being used to deceive the American public, as the Senator from North Dakota said. If they sold out, then I presume it is fair to presume every individual Republican opposed to the measure has been bought. Every Republican Senator who opposes it has been corrupted. One inference is as fair as the other. The one has not any more common sense in it than the other, and nobody believes either.

But, Mr. President, I merely wish to repeat that if the Republican Party now wants to be candid with the American people, it must admit that the show which has been conducted here—and I understand they are to open in the House next week, because they seem to be playing the circuit—does not represent the legitimate and ordinary spread between the price of imported articles of general consumption and the importers' prices, but if they can affirm that, then they must be consistent and write a tariff bill to protect the American market against such importations and raise their rates to 1,600 per cent. They can not contend, on the one hand, that this is an honest spread of prices, that the importer can make 1,600 to 15,000 per cent; and, on the other hand, that they can keep out the importation of that kind of goods with a tariff duty of 100 per cent. Either the show is intended to deceive the American people and does not represent the correct spread, or else the tariff bill is a farce and will not protect American industry.

Mr. SMOOT. Mr. President, I simply want to put in the RECORD, in order that the Senator from Mississippi [Mr. HARRISON] may see it to-morrow, the statement that during the speech of the Senator from Indiana [Mr. WATSON] day before yesterday there were 114 interruptions by Democratic Senators, and four of them were made by the Senator from Mississippi himself.

I believe the Senator from North Dakota [Mr. MCCUMBER] has asked unanimous consent for a reconsideration of the vote by which the amendment was agreed to, on page 48, lines 12 and 13.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Chair will inform the Senator from Utah that that vote has been reconsidered, and the question now is on agreeing to the amendment.

Mr. POMERENE. Mr. President, if there is to be a vote taken, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Smoot
Brandegee	Johnson	Moses	Stanley
Bursum	Jones, N. Mex.	Newberry	Sterling
Calder	Kellogg	Nicholson	Swanson
Capper	Kendrick	Norris	Townsend
Caraway	Keyes	Oddie	Trammell
Culberson	King	Overman	Underwood
Cummins	Ladd	Phipps	Walsh, Mass.
Curtis	La Follette	Pomerene	Warren
Dial	Lenroot	Rawson	Watson, Ga.
Dillingham	McCormick	Sheppard	Willis
Harris	McCumber	Shortridge	
Harrison	McKellar	Simmons	
Heflin	McKinley	Smith	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER], on account of illness. I request that this announcement may stand for the day.

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present.

LOWE HAYDEN BIBBY.

Mr. SWANSON. Mr. President, out of order, I ask unanimous consent to report without amendment, from the Committee on Naval Affairs, the bill (S. 3690) for the relief of Lowe Hayden Bibby, and I submit a report (No. 792) thereon. I call the attention of the junior Senator from Mississippi [Mr. HARRISON] to the bill.

Mr. HARRISON. I ask the Senator from North Dakota [Mr. MCCUMBER] if he will not permit this bill to be now considered? There will be no discussion of the bill, and it is of such a nature that unless it be passed now I do not think it will do much good.

Mr. MCCUMBER. I shall be glad to yield to the Senator from Mississippi for the consideration of the bill, if there shall be no discussion.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. Let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Lowe Hayden Bibby, who graduated from the United States Naval Academy on June 2, 1922, an ensign in the United States Navy, to rank next after Ensign Robert McCormick Peacher: *Provided*, That such appointment shall be regarded, to all intents and purposes, as having been made upon his graduation from the United States Naval Academy, and as though his resignation which became effective June 2, 1922, had not been accepted.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW YORK JUDICIAL DISTRICTS.

Mr. CALDER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New York.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill (H. R. 6110) amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. This is a bill permitting the United States court to be held once a year in the city of Schenectady, in the northern district of New York.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SIMMONS. The bill may lead to some discussion, and if it does, then there will be a charge of filibustering made against this side of the Chamber.

Mr. McCUMBER. If the bill shall lead to any discussion, I shall certainly object to its consideration.

Mr. CALDER. If the bill leads to discussion, I shall withdraw it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill asked for by the Senator from New York?

Mr. SMOOT. There will be no objection, if it leads to no discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it is, amended so as to read as follows:

"SEC. 97. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Schenectady, Rensselaer, Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin, as he may from time to time appoint: *Provided*, That suitable accommodations for holding court at such appointed place be furnished free of expense to the United States. Such appointment shall be made by notice of at least 20 days, published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of his court; and in such cases such judge shall have the same powers as are vested in the resident judge."

Mr. KING. Mr. President, I am not going to object to the consideration of the bill, and yet, in view of the fact that there is no public building provided for at Schenectady, I venture the prophecy that the next bill will be for a large appropriation for a public building in which the court may be held.

Mr. CALDER. There is a post-office building in that city which is sufficiently commodious to accommodate the court. The bill simply permits the holding of one term of court at Schenectady, at the option of the judge, during each year.

Mr. KING. There will be an appropriation asked for in a few years for a public building.

Mr. CALDER. I shall not ask for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, at this time I ask unanimous consent that when the Senate closes its session on this calendar day it shall take a recess until Monday next at 11 o'clock a. m.

The PRESIDING OFFICER. Is there objection?

Mr. POMERENE. Mr. President——

Mr. McCUMBER. If the Senator will allow me, I desire that the Senate may recess over until next Monday. Then I shall take up the matter and ascertain if we can not have a day next week for the consideration of bills on the calendar.

Mr. POMERENE. That is just what I was going to refer to. I did not intend to raise any objection at all to the request of the Senator from North Dakota, because I recognize the fact that the majority are responsible for the legislative program, but I really believe that we should save time and that there would be less of extraneous discussion if we could have a morning hour once or twice each week instead of recessing from day to day. There are matters of serious importance continually coming up.

Mr. McCUMBER. I will discuss that matter with the Senator at a little later date.

Mr. POMERENE. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. KENDRICK. I present an amendment to the pending tariff bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. McCUMBER. Mr. President, I desire to modify the amendment, on page 48, lines 13 and 14, by striking out the words "including scrap tin plate, $1.25," and inserting in lieu thereof the words "valued at not more than 7 cents per pound," so as to read:

Wrought and cast scrap iron, and scrap steel, valued at not more than 7 cents per pound, $1 per ton.

Mr. SIMMONS. What is the purpose of that?

Mr. McCUMBER. The Tariff Commission state that the provision covering scrap steel might be construed to include alloys of steel, and especially tungsten steel, which is exceedingly valuable. The ordinary scrap steel sells for less than 1 cent a pound, and if the provision were allowed to remain as it now stands it would be possible to bring in tungsten steel valued at very much more than that at the rate provided. It was thought best, therefore, in order to insure that only the cheaper steels and not the higher grades of alloys were covered, that the amendment should be so modified.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, as I understand, this is in the nature of a compensation; that is to say, the Senate, in its wisdom, has concluded to impose a tariff upon certain grades or standards of steel and alloys——

Mr. McCUMBER. Upon certain alloys, I think, would more accurately express it.

Mr. KING. Which, of course, I think ought to come in free. It is now proposed to care for some other alloy which may come in.

Mr. McCUMBER. No; the modification is designed to prevent alloys which might be in the steel and which subsequently might be separated from coming in as scrap steel instead of alloys of steel in their original form.

Mr. KING. What provision does the bill make in the event that the product is worth more than 7 cents a pound?

Mr. McCUMBER. If the value reaches as high as 7 cents a pound or anywhere near that, it will not be the ordinary scrap steel for which there is provided a duty of $1 a ton. As a rule, scrap steel is sold for less than 1 cent a pound, and the amendment is simply for the purpose of keeping high-priced alloys and high-priced steels from coming in as scrap.

Mr. KING. Of course the amendment is designed to protect those who manufacture alloys in the United States.

Mr. McCUMBER. Certainly; if there were no duty on alloys it would make no difference.

Mr. SMOOT. In other words, I will say to my colleague they will fall then in paragraphs 304 and 305.

Mr. McCUMBER. They come in under another paragraph, of course.

Mr. SMOOT. If this amendment should not be adopted then steel or tungsten alloys would be brought in as scrap steel and avoid the payment of the 72 cents on the tungsten content.

Mr. KING. The amendment is in the interest of those domestic producers of alloys.

Mr. SMOOT. I think it is in the interest of our Treasury, I will say to the Senator, because, if the amendment is agreed to, the character of steel referred to when imported will have to pay the regular rate provided.

Mr. KING. Of course I was assuming in the statement which I just made that there was no tariff upon the alloys, but, in view of the fact that in some other paragraph provision has been made for a tariff upon alloys, this amendment is for the purpose of making it impossible for alloys to come in in some other form and escape the imposition of a duty.

Mr. McCUMBER. Certainly; the Senator is right.

Mr. KING. And therefore it is in the interest of the domestic producer of these alloys.

Mr. McCUMBER. It is in the interest of collecting the duties upon the alloys that are brought in, instead of allowing them to come in free as scrap.

Mr. KING. It is a tax upon alloys, which is carried on to steel, and carried on from the steel products to the finished products which are consumed by the people; so ultimately it rests upon the people, and this is a tax increasing the burdens upon the ultimate consumer.

Mr. McCUMBER. This is a tariff upon the tungsten that is in the steel. I shall not admit that it is a tax. I will agree with the Senator that it is a protective tariff.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. Mr. President, I ask for a reconsideration of the vote by which an amendment was adopted, commencing after the words "ad valorem," on line 3, page 84, going down to and including the words "ad valorem," on line 5, page 84; and I move to insert as a substitute the matter which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated for the information of the Senate.

The READING CLERK. On page 84, it is proposed to strike out all of the matter beginning with the word "knitting," in line 3, down to and including the words "ad valorem," in line 5, and to insert in lieu thereof the following:

Knitting, braiding, lace braiding, and insulating machines, and all other similar textile machinery or parts thereof, finished or unfinished, not specially provided for, 50 per cent ad valorem; all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 35 per cent ad valorem.

Mr. SIMMONS. Mr. President, that is entirely a new proposition, or, at least, it embraces much more than the amendment heretofore agreed to; and I shall be very glad to have the Senator from North Dakota give the Senate some reasons why he proposes so radically to change this amendment.

Mr. SMOOT. It is a reduction.

Mr. SIMMONS. If it is a reduction, I shall be glad to have the Senator explain to what extent it is a reduction.

Mr. McCUMBER. Mr. President, the Senate already has approved the rate proposed upon textile machinery. The Tariff Commission suggests that the phraseology relating to textile machinery should be clarified by limiting the 50 per cent rate classification to knitting, braiding, and insulating machines, and similar textile machines. The amendment now proposed will so limit the 50 per cent classification, and will provide a rate of 35 per cent upon all the other textile machines.

That, I think, expresses it in a nutshell.

Mr. SIMMONS. Do I understand the Senator, then, as saying that the class of machinery which he has now subjected to a 35 per cent rate would be, under the present amendment, subject to a 50 per cent rate?

Mr. McCUMBER. Yes; it would be subject to a 50 per cent rate except for this amendment.

Mr. SIMMONS. So the things to which the Senator is now applying the 35 per cent rate are included in the general terms of the present amendment, which applies a 50 per cent rate?

Mr. McCUMBER. Yes.

Mr. SIMMONS. So it is, as to those particular machines, a reduction from 50 to 35 per cent?

Mr. McCUMBER. The Senator is right.

Mr. SMITH. Mr. President, before the vote is taken on this matter, in the italicized part of this amendment the very identical language is used that is used in the part that is proposed to be amended. The amendment printed in the bill reads:

Thirty per cent ad valorem; knitting, braiding, and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 50 per cent ad valorem.

Mr. McCUMBER. The amendment now proposed reads "all other similar textile machinery." The Senator will notice that we have now inserted the word "similar," so that it can not be extended beyond that class of machinery.

Mr. SMITH. The Senator amends the italicized words by inserting the word "similar"?

Mr. McCUMBER. Yes.

Mr. SMOOT. Mr. President, I will say to the Senator that we can not put in the two rates unless we separate them. The way it is now, if the Senator will notice, we say:

And all other textile machinery, or parts thereof, finished or unfinished, not specially provided for.

We take that out because of the fact that we want to make the duty on those things 35 per cent.

Mr. SMITH. I know you do; but the point I am making is, you use the same terminology when you say "other textile machinery or parts thereof." Unless you modify that you have a conflicting duty here in the two clauses. Here you have "knitting, braiding, and insulating machines, and all other textile machinery * * * 50 per cent ad valorem." In the next clause you have "all other machines or parts thereof, * * * 30 per cent ad valorem."

Mr. SMOOT. But if the Senator will follow the amendment closely he will find that it says "and all other similar textile machinery," referring back to the knitting and braiding and lace braiding and insulating machines. On all similar machinery of that kind the duty is 50 per cent, and on all of the other textile machinery the duty is 35 per cent.

Mr. SMITH. Do you put the word "similar" before the word "textile" in the italicized words?

Mr. SMOOT. Yes; in the amendment.

Mr. McCUMBER. Yes; "and all other similar textile machinery," so that we will have the three classes: The machines bearing a duty of 30 per cent ad valorem, and the machines which are limited here, bearing a duty of 50 per cent ad valorem, and the others 35 and 30.

Mr. SMITH. So that the word "similar" classifies it as applying to the knitting and braiding machinery?

Mr. McCUMBER. Yes.

Mr. SMITH. All right.

Mr. KING. Mr. President, may I inquire of the Senator what disposition he intends to make of the ad valorem figure found in line 7 of the same paragraph?

Mr. McCUMBER. We leave that.

Mr. KING. The Senator proposes to leave that?

Mr. McCUMBER. Yes; that is not taken out—

All other machines or parts thereof, finished or unfinished, not specially provided for, 30 per cent ad valorem.

That has already been agreed to by the Senate.

Mr. KING. I move to amend the amendment just offered by the Senator from North Dakota——

The VICE PRESIDENT. The amendment has not yet been offered. A motion has been made to reconsider.

Mr. KING. I supposed it had been reconsidered.

The VICE PRESIDENT. The first question is on the reconsideration of the amendment heretofore adopted. [Putting the question.] The vote is reconsidered.

Mr. McCUMBER. I now offer the amendment which has been read from the desk, and the Senator can offer his amendment to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota.

Mr. KING. Mr. President, the reconsideration having been ordered, I move to amend the amendment offered by the Senator from North Dakota—I can not give the line because I do not know the number in the text—by striking out the numeral "50" after the word "for" and before the words "per centum ad valorem" and inserting in lieu thereof "35."

While I have the floor, if I may offer two amendments simultaneously, I move to strike out the numeral "35" found in the last line of the tendered amendment and to insert in lieu thereof "25."

Now, Mr. President, just a word.

Of course, the purpose of the amendments offered by the committee, and of this entire paragraph relating to machinery, is to increase the opportunity of the domestic manufacturers to increase the prices of the articles embraced within the paragraph. I am sure the distinguished Senator from North Dakota does not anticipate any considerable revenue will be derived from the tax imposed by the amendment which he has just tendered. The object of it is not revenue. The purpose is to intrench more firmly the domestic producers, so that they may charge textile manufacturers greater prices, and the latter in turn will carry the increases into their finished product, and to the ultimate consumer, who will bear all these tariff duties and the intermediate, direct, and collateral advances.

It seems to me, in view of the fact that there ought to be a disposition to bring prices to a reasonably normal condition, that when we deal with what might be denominated the primary and fundamental products the duty ought to be placed as low as possible. If we desire to increase the number of mills and textile factories in the United States, we ought to afford opportunity to secure machinery and building materials as cheaply as possible. If by law prices are increased—prices which must be paid for machinery and plants and equipment—then, of course, the products of mills and factories must carry the burden until it is transferred to the consuming public, who in the last analysis pay the costs.

Mr. President, I perceive no reason for the imposition of a tax upon these articles, unless it be a slight one for revenue—and but little revenue would be derived—upon any of the machinery that is provided for in this amendment. We ought to permit these machines to come in free of duty or with a tariff for revenue purposes only. We ought to aid the textile mills in the United States in all legitimate efforts to increase production and bring prices down.

Why, Mr. President, since this bill has been before the Senate, and the manufacturers and beneficiaries of high protection have perceived the reactionary manifestations here, responding to the natural cupidity and greediness in human nature they have advanced their prices. I saw in last Monday's or Tuesday's papers that the Plate Glass Trust, since we had passed the provisions in the tariff bill relating to their product, had increased prices 20 per cent; and we learn from the press and from organizations that are attempting to measure the rise and fall in prices that there has been an increase of from 3 to 11 per cent in many manufactured products during the past month or six weeks. Why? Because manufacturers and domestic producers perceive that reactionary Republicans are in the saddle, and that they are going to give them the kind of a tariff bill they want, under which, intrenched in power and by the authority of law, they may continue their extortionate rates and their raids upon the pockets of the American people.

I submit that this is an unjust and unwarranted tax; it will of necessity increase the price of textiles, of clothing, and of the various articles produced in the textile mills of the United States.

Mr. McCUMBER. Mr. President, the Senator from Utah asked a very pertinent question. He asked whether we expected to derive any revenue from this item. I call the attention of the Senator to the fact that in the calendar year 1921 we imported about four and a quarter million dollars' worth of the article. If we get an average of 35 to 40 per cent—and it runs from 35 to 50—I think we would get about $1,500,000 in revenue out of it.

So far as the protection is concerned, if it were for protection alone, I have an idea we could stand a lower rate of duty upon some of these articles. In other words, we make standardized machines in this country, and we can make the standardized machine at quite a reasonable rate as compared with what it costs others to make a machine. We have our machinery for the standardized machine and we undoubtedly export a considerable amount; but there are a great many machines of special make imported, and I think they will stand the rate of duty proposed. I believe the present duty is 20 per cent. We bring that up to 35 per cent, and that would give us a little more revenue, if we had the same importations, than we would receive under the present law, and of course the Senator agrees with me that we will need more revenue than we had at the time the old law was passed.

Mr. SIMMONS. Mr. President, I do not want to discuss this item, but my understanding is—and I get that understanding from conversations with cotton folks in my State—that there are a great many of the machines used in the cotton-textile industry which are not produced in this country at all. The kind of machines which are produced in this country are generally purchased in this country. It is largely the machines which are not produced in this country that are imported by the cotton-mill men of my State. So, as affects that class of machinery, it will be a revenue producer, but it will be a mighty high duty, I think.

Mr. KING. If the Senator from North Carolina will permit, of course, if it be true, as the Senator says, that many of the machines used in the United States are manufactured here and that only those which are not manufactured here are imported——

Mr. SIMMONS. I would not say only, but I say that is the rule; that the importations are almost entirely of that class of machines used in the textile industry which are not produced in this country.

Mr. KING. The Senator will see that if the tariff is applied to all grades of machines—to those manufactured in the United States as well as to those which are imported—it affords an opportunity for the domestic producer to increase the price.

Mr. SIMMONS. Undoubtedly it will increase the price of the domestic machine as well as of the foreign machine.

Mr. SMITH. Mr. President——

Mr. SIMMONS. The Senator from South Carolina knows so much more about the subject than I do that I would like to have him enlighten the Senate in reference to that.

Mr. SMITH. My observation of this debate has been that it is not a question of real, scientific, industrial welfare of the country we are looking after, but it seems to me the whole object is to listen to the special pleas of individuals who are engaged in a certain kind of work, without reference to the benefits which may be derived by the general public.

In reference to this particular matter in hand, some years ago, when we had the Payne-Aldrich bill under discussion, I took occasion to discuss the manufacture of textiles in this country and abroad. I have been informed that these relative conditions obtain now.

In this country we have applied improved machinery in textile manufacture to such an extent that in the manufacture of certain kinds of goods we have no danger of competition in the world, I believe I can state without fear of successful contradiction.

Mr. SMOOT. Particularly in cotton machines.

Mr. SMITH. Particularly with reference to cotton machinery, and it would apply in a large degree also to woolen machinery. We have advanced our application of machinery in the manufacture of these goods to where the human element, the costly element, is almost eliminated. Not to speak accurately, but approximately, in the matter of the looms, where the yarns have finally reached the stage of conversion into cloth, where it would take, in previous years, practically a grown, intelligent individual to every loom, a minor now can attend from 10 to 15 looms on account of the electrical automatic devices completed and installed.

As a matter of course, in the development of this machinery, the human element having been largely eliminated, the initial cost is about the only charge, because the upkeep is not nearly so great as the annual wage of an attendant of the loom. I have been informed that the production of this machinery in its applied form is largely under patent, and the only effect your tariff will have at all will be to give those who are operating under the patent monopoly an opportunity to raise the price still higher. I really believe that a scientific investigation of this question by those of us who are attempting to legislate for the best interests of the greatest number would result in our putting all of this machinery, which every year finds a still further development, upon a competitive plane for study by the geniuses of the world, in order that we might be the beneficiaries of the best brain of the country. But when on the water's edge you erect a tariff wall, and restrict the investigation of genius to American enterprise, you will have done what England to-day is the victim of; that is, the operatives of the English cotton mills have refused to accept anything but a wage based upon the pieces turned out, so that the installation of improved machinery in the English mills did not inure to the benefit of the English owner, because if one man could attend 10 times as many looms as he erstwhile did and turn out a hundred pieces more, he got paid per piece, and his wage was the same as that of the 10 men it took to attend the old looms. Therefore anything like the installation of new machinery was discouraged.

You are attempting to do by this bill that identical thing. I guarantee the assertion that in the textile mills of this country there is not a loom or a piece of manufacturing machinery the minutiæ of which have not become obsolete in 24 months. It is very much like the means of communication by electricity. First, there was the crude telephone, then the long distance and the relay telephone, then the wireless, and heaven only knows where the final development of this means of communication will stop. How foolish it would be of us, while the geniuses of the world, not for dollars and cents, but for the perfection of that means of communication, are vieing with each other to give to mankind the best that could be found, to erect a tariff wall, and count the brain of man in dollars and cents, and cause our citizens to be restricted to the peculiar discoveries of America.

It is true that there might be, and doubtless will be, incidental revenue, but can you measure the benefit to the American manufacturing public in the articles to which this special machinery would be applied? Can you measure what benefits

would accrue in the development of our manufacturing industries, by the side of the revenue you would get?

Do you know that in this country our wool clip, being not more than sufficient, if sufficient, for the uses of America, does not enter into consideration, but when you consider that America is the home of the production of cloth textiles for countries the populations of which are 900,000,000, your attention must be challenged. There is not a spot on the habitable globe that can make a pound of cotton in competition with the peculiar quality of that known as the American middling upland. We have a monopoly of it. Nine hundred million people are dependent for adequate clothing on the Southeastern States of North America, and yet we are manufacturing scarcely more than one-half of an average crop.

Liverpool, Bremen, Barcelona, Genoa, Munich, all the markets of the world, buy American cotton and pay the marine insurance and the transcontinental freight. In other words, under the old contract, including cost, insurance, and freight, it would be carried 3,000 miles away, manufactured in the other country, brought back here, and sold in competition with American cotton goods. There is something radically wrong about a situation of that kind.

But I do not care to go into that phase of it now. What I am pleading for is this: America ought to spin every pound of American cotton and sell it in the finished product.

Mr. SIMMONS. Mr. President, I ask the Senator if this 50 per cent duty, or 35 per cent, as the case may be, on the machinery used by the American spinner, does not put a burden upon the operations of our textile manufacturing industry, and does it not incidentally inure, in the last analysis, for the benefit of our competitors, the European manufacturers?

Mr. SMITH. That is a very pertinent question which the Senator from North Carolina asks, and every intelligent business man would know that a 50 per cent duty upon the necessary machinery to be used in the conversion of our raw material into the finished product would be a tremendous burden, if the life of the machine which he gets was 10 or 15 years; but, as I indicated in the beginning of my remarks, these machines are changed radically from year and year, and new devices are installed. So that this competition in the form of replacement goes on from year to year, and there would not be possibly a greater handicap to the further development of the manufacture of American raw material on American soil than this very duty.

Mr. SIMMONS. Therefore, it is not advisable even from the standpoint of protection or the standpoint of revenue.

Mr. SMITH. It is not advisable. Let us take the very argument of our friends on the other side that they want American resources for Americans first. The resources of America are so vast that they constitute almost an inexhaustible supply of raw material. Every man will admit that the finished product is enhanced in commercial value incalculably over the raw material. Therefore it should be the duty of every statesman and every right-thinking American to convert the American product as nearly as possible into the finished article in order to get that accrued value. Yet at the risk of preventing the manufacture of the finished American article it is proposed to place a 50 per cent duty on the things so necessary to convert the raw material into the finished product.

Mr. SIMMONS. Does not the Senator's argument apply not only to the machinery used in our manufacturing industries but also to the implements and machinery used by the agricultural industry.

Mr. SMITH. Oh, I think there is no question at all that when we come to the application of the doctrine of protection to the agricultural implements which the farmer uses they ought, without any dispute by all parties concerned, to be put upon the free list. Everyone knows that the tariff can not affect the man who is not in a position to name the price of the article which he sells, only incidentally where the production is so small and so valuable that articles of similar character but not of the same quality do not compete.

Getting back to the proposition of a tariff of 50 per cent on the very phase of machinery which manufactures in its most delicate form the American finished article, let me say this: I have had occasion to look into the textile schedule; I am studying it now, and I find that of the importations of certain cloths at least 60 per cent are of the finest kind of manufacture. We have driven the world out of the markets of the manufacturing world with certain forms of ordinary manufactured cotton goods. Now, we can manufacture as fine cotton goods as any people in the world. We start out with the handicap in our favor of having the production of the raw material at the door of the mill. Open up and give us the benefit of the world's genius and the world's inventive power in perfecting the machinery which will convert this raw material into the finest finished product, and it will be only a few years until every form, from the coarsest domestic cloth to the finest lace goods, will be made upon the very field and on the ground where the raw material is produced. I can not understand by what process of reasoning it is proposed to put a 50 per cent duty on that which would ultimately make us the masters of the manufactures of our own products.

At some other time I propose to take up the matter and discuss it, not for the purpose of delaying its legislation but my duty impels me as a Senator in this body, representing in part my State and in part the whole United States, to enter my protest against this indiscriminate and senseless placement of duty upon those things so necessary for the production of the raw material and the conversion of the raw material. I do not believe there is a country in the world that even now can compete with us in the cheapness of the production of the staple articles the people use. I wish each Senator had the time to go into our manufacturing plants and see the marvelous supplanting of the human element by the machine element. The cost is cut more than 50 per cent in practically all the leading manufactories of the country by the installation of the wonderful devices of genius. The producing power of a skilled American mechanic is comparable to the producing power of 10 foreigners, and were he to get a wage five times that of his foreign competitor his production per man is so infinitely greater than that of his foreign competitor that his wage sinks into insignificance in comparison. I have sat here from day to day and listened to some Senator compare the volume of production by an American producer with that of a foreigner, but no statistics have been forthcoming.

In the matter of which we were just speaking, cotton manufacturing, a little girl 15 or 16 years of age can turn out in finished bolted cloth what it would have taken from 10 to 12 adult men to turn out a few years ago and what it now takes 10 or 11 foreigners to produce, and yet we would measure the wage of the American laborer by the wage of the foreigner. Do we measure the volume of production of the American laborer by the volume of production of the foreigner? No. Where does the difference go? It goes into the pockets of the manufacturer. He would have you come in here and say that the American wage is high, but God knows I for one do not believe it is high enough. I stand here in my place now and say that the American laborer, under the genius of our Government, with the wonderful capacity for production that has been manifested in the application of mechanical devices, is entitled to divide the wonderful wealth that flows from these machines.

As I started to remark, I believe that we should get the statistics and see just what in America is produced per man of a given article as compared with the foreigner. Then, taking that article and the element of cost as to what the man produces here and the element of cost as to what the man produces abroad, we would find that we could treble the American wage and still meet the competition of the world.

Mr. KING. So that the wage is rather unimportant in that respect?

Mr. SMITH. The wage in the American element is largely unimportant. I am speaking of certain classes of manufacturing. Of course, there are some which do not lend themselves readily, but I do not recall many. The only place where the human element will be the same from time immemorial is in certain forms of our agricultural production, and even there think of what one man can produce to-day in the wheat fields of the West as compared with 50 years ago. The reaper and binder and threshing machine move with a minimum of human effort and maximum of machinery, cutting to-day 500 per cent more than could be cut by one man then.

Who are the beneficiaries of this improved machinery? Does labor get it? Does the man get it who sits upon the tractor and holds the throttle, or the other one who guides the blade as it clips the wheat, or the two or three who are stacking the wheat? Do they get as much in the aggregate as even the farmer who threw the old-fashioned scythe? I suppose the one got $5 or $6 a day and reaped 30 acres, while the other got 50 cents a day and reaped an acre.

Who is the beneficiary of the application of these wonderful devices, the product of the human brain? Need I ask the question who are the beneficiaries? The number of multimillionaires in America to-day is greater than the number of men who possessed thousands 50 years ago. The manner in which the man who gets hold of these forces can multiply his wealth is a matter of geometrical progression. It does not behoove us, sitting here to-day with the freedom of the times, with our wonderful

devices for production, to handicap the development of this country and to cavil at the wage of the laborer who puts into operation this wonderful machinery, by an iniquitous tariff which piles up all the fabulous profits to the man engaged in the business.

Mr. President, I sincerely hope that those who are responsible for this paragraph will not insist upon the 50 per cent rate. I do not know who was responsible for having it put here. Doubtless it was the manufacturer of some machinery approximating some of this and hoping some time to develop it. I hope the chairman of the committee will reduce this tremendous rate. He can not accuse me of having occupied any time in the discussion of the matter. As a representative in part of that section of the country engaged in the use of the machines herein indicated, I appeal to him to give us a tariff which will enable us to manufacture the American raw material by American machinery.

Mr. McCUMBER. Mr. President, I stated in a very brief manner a short time ago that our standardized machines, the kind which have just been discussed by the Senator from South Carolina, are not the machines in which there is serious competition. I do not think a tariff of 50 per cent ad valorem upon a special class of machines, as it is limited here, has the slightest thing on earth to do with the price of those machines which are used by the great cotton establishments in the State of the Senator. There are a number of knitting machines, braid-making machines, and machines of that character which do come in serious competition with like machines in the United States. There is where the competition exists.

I have stated that the standardized machine made in the United States finds little competition. The special kind of machine finds very much competition, as is shown by the more than $4,000,000 worth of those kinds of machines coming into the United States. I have the testimony before me, without going into the detail, of a number of witnesses who testified as to the labor cost of their particular machines. After one of those machines is put up, of course it reduces, and immensely reduces, the labor cost in the production of the thing for which the machine is made, but the machines which come in competition with our machines are machines in which the testimony shows there is about 800 per cent of the cost of the manufacture in the labor.

We are trying to make those machines in the United States, and as to them there is competition. We want the little revenue obtainable, and I think that 35 per cent is a very low duty. Where we have given 35 per cent, we have very considerable testimony showing the necessity for more than 50 per cent. This rate is reasonable and will not affect the cost of the great machines which are used in the weaving of cotton.

Mr. KING. Mr. President, I wish to put into the record a few figures and make a few observations. I feel incompetent to discuss this question in the presence of the distinguished Senator from South Carolina [Mr. SMITH], whose familiarity with textile machinery and with the development of our textile industry in the United States enables him to speak with the authority of a prophet. His eloquent and learned exposition of certain phases of the tariff question, especially as involved in the consideration of the items now before us, was illuminating and impressive. I only regret that there were not more Senators present to hear what the Senator said.

Mr. President, if the position of my friend from North Dakota [Mr. McCUMBER] could be crystallized into legislation or if he would suggest legislation that would crystallize his position into law, some of the arguments employed against this provision would be weakened. The Senator states that we import certain grades of machines; that those machines are not manufactured in the United States or, at least, that the manufacture of them here is inconsiderable; that the great proportion of the textile machinery employed in the United States is made here; and that there is no competition to be expected from the foreigner with respect to that character of machinery.

Unfortunately, however, Mr. President, the amendment offered by the able Senator is not confined to the grades of machinery which are imported but it extends to all kinds, to the domestic production as well as to the imported products. This means that there will be placed in the hands of the domestic manufacturers of textile machinery, under the operation of this amendment, a weapon which he may employ against the domestic purchaser and user of his machinery, by means of which he may raise the price above a reasonable and fair margin of profit to the limit fixed by the duty of 50 per cent or 35 per cent or 30 per cent, dependent upon the character of the machinery, as provided in the amendment offered by the Senator from North Dakota. If the Senator would modify his amendment so that it would tax the imported grades only and not apply to the standardized machinery manufactured in the United States or to the grades of textile machinery manufactured in the United States, then, as I said at the outset, much of the ground of criticism against this article would be removed. But, of course, the Senator from North Dakota will not do that; and his failure in that respect is convincing evidence that the amendment is designed not alone to secure a little revenue but to afford high protection to the domestic manufacturers of textile machinery.

The able Senator from South Carolina has demonstrated how the impediments resulting from unwise and impolitic tariff legislation operate as obstacles to the world conquest in that part of the textile field which we denominate cotton textiles. It must be apparent to every thinking person that if we increase the cost of the machinery to the builders and operators of textile mills they are at a disadvantage with their foreign competitors. Whatever will enable them to produce textiles cheaper will increase their opportunities for world conquest or at least to expand their trade in foreign nations.

The Senator from South Carolina has called attention to the fact that by the adoption of a wise domestic policy we would consume substantially all cotton produced in the United States, and we would be the vendors of cotton textiles in other nations of the world instead of having Great Britain and other nations after coming here for their cotton becoming our competitors in the world. Our policy should be to aid our manufacturers, so that they can enter the world's markets and find an outlet for the great surplus of commodities which the United States can produce. A wise policy, a proper tariff law, will naturally aid America in its foreign commerce. This will react to the advantage of the American people and greatly increase the wealth of the American people.

Mr. President, in the year 1920 we exported $20,919,634 worth of textile machinery, thus demonstrating that there is no fear of foreign competition. During 1913 the exports of textile machinery amounted to nearly $2,000,000, and in 1919 they were of the value of $15,000,000. In 1920 our exports amounted to $21,000,000. The Federal census shows the production of textile machinery in the United States in 1914 to have been of the value of $30,437,689.

Mr. President, I have shown that the exports of textile enterprises in 1920 were nearly $21,000,000. Let us see how pitifully small the imports have been. In 1915 they amounted to $305,892; in 1916, $1,104,087; in 1917, $1,103,647; in 1918, $809,650; in 1919, $1,135,656; and in 1920, $2,842,110. The able Senator from North Dakota indicated a larger importation in 1921, as I understood the Senator, approximately $4,000,000. I would not regard that as an unmixed evil; upon the contrary, if the Senator's statement is accurate—and I have no reason to question it—it would indicate a revival in the United States in certain textile lines of industry which called for that peculiar grade or kind of machinery which the Senator says is imported into the United States.

I do not regard it as an unmixed evil; upon the contrary I regard it as highly beneficial that there should be imports into the United States, not in one line of industry alone but in many lines of industry. I deny the wisdom of the view announced by some of our Republican friends that the height of domestic felicity and prosperity will be reached when we cease to import anything from other nations. Imports secure us exports; they furnish markets for our surplus products; and, aside from that, Mr. President, imports tend to restrain the greed, the cupidity, and the avarice of the American producer, because he knows that if he gets beyond all reasonable or unreasonable limits, then there may be a domestic revolt against his avarice and his greed, the flow of imports from abroad will increase, and he will be forced to sell his products at a lower level. Imports tend to a reduction of prices, that is why so many predatory manufacturers want prohibitive tariff.

Of course, our domestic producers are doing everything they possibly can, exerting all the pressure within their power, to raise this tariff wall, to tax these items which are found in this bill—and they comprise practically everything that enters into the lives of the people—as high as possible, in order that they may bar out any possible competition.

Under the head of "Machines for making lace, net, and braid"—and machines of that character are embraced within the first part of this amendment—it is stated in the Tariff Survey:

> There is no domestic production of lace machines. The demand is somewhat limited; there would be considerable expense necessary to design and develop so complicated a machine, and competition would be met from the large and long-established firms of England and France.

And under the head of "Foreign production" this statement occurs:

The selling price in the United States of a 300-inch lace-curtain machine is given as about $40,000, compared with $28,000 to $30,000 before the war. Warp-lace machines of a certain type are sold in Germany at $1,750.

How apparent it must be to the most superficial observer that if we are compelled to pay $40,000 or $28,000 to $30,000 for a machine of this character, prices that are so high as to be indefensible, it offers an impediment to our competing with the foreigner in the manufacture of the kind of lace made by that particular pattern of machine; so that the imposition of these high rates of duty reacts upon the manufacturer in the long run, limits his production, curtails his foreign market, and to that extent injures the American working people and reduces pro tanto the prosperity of the American people.

Under the acts of 1894 and 1897 lace machines were included as manufactures of metal not specially provided for. * * * By the act of August 5, 1909, lace machines were admitted free of duty until January 1, 1911.

Even the Payne-Aldrich law admitted them free of duty.

After that date the duty reverted to 45 per cent. The act of 1913 reduced the duty to 20 per cent. The temporary removal of the duty in 1909 resulted in a large importation, which greatly stimulated the lace and embroidery industries in the United States.

That statement fortifies the argument of the Senator from South Carolina [Mr. SMITH]. Give to the textile manufacturers cheaper machinery and they will produce larger quantities of textiles, and with increased production there will be increased prosperity.

Mr. President, the amendment which I have suggested allows too high a tax; but it does seem to me that even our Republican friends, wedded to the idol of protectionism, ought to support it.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The amendment offered by the Senator from Utah to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On line 3 of the proposed amendment of the committee as printed, it is proposed to strike out "50" and in lieu thereof to insert "35."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was agreed to.

The ASSISTANT SECRETARY. On the last line of the amendment, as proposed by the committee, it is proposed by the Senator from Utah to strike out "35" and in lieu thereof to insert "25."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee as amended.

Mr. KING. Mr. President, may I inquire in a parliamentary way: That does not involve the amendment found on line 7 of the text?

The PRESIDING OFFICER. It does not. That has already been agreed to.

The question now is on the amendment as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, in view of the amendments which the Senator has just submitted, if he is to preserve any sort of parity should there not be an amendment on line 7?

Mr. McCUMBER. No; because this amendment applies to all above that, and that is a clause by itself. The clause reading "all other machines or parts thereof, finished or unfinished, not specially provided for, 30 per cent ad valorem," still remains.

Mr. KING. Even if you include items in a basket clause there ought to be some sort of relationship between the basket clause and the specific or higher rates which may be found where the items are specifically enumerated.

Mr. McCUMBER. This is the basket clause which is 30 per cent ad valorem.

Mr. KING. I comprehend.

Mr. McCUMBER. That covers all of them.

Mr. KING. But the Senator thinks there is a proper relationship between the rate fixed in the basket clause and the rates fixed for the other items?

Mr. McCUMBER. Yes; I think so, because the others are more of a specialized character, and possibly demand a higher rate.

Mr. President, on the same page, line 5, before the word "all," I move to insert:

Combined adding and typewriting machines, 30 per cent ad valorem.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. Following the amendment already agreed to——

Mr. SIMMONS. What is the line?

Mr. McCUMBER. Line 5, after the words "ad valorem," just before the word "all."

Mr. KING. On what page?

Mr. McCUMBER. Page 84.

The ASSISTANT SECRETARY. After the amendment already agreed to at that place, and before the word "all," it is proposed to insert the following:

Combined adding and typewriting machines, 30 per cent ad valorem—

And a semicolon.

Mr. KING. Mr. President, may I inquire of the Senator whether these commodities have been dealt with in some other section or paragraph?

Mr. McCUMBER. Not this particular commodity. There are certain machines, I think, that are upon the free list, but under paragraph 1541 typewriters are on the free list. Under the basket clause of paragraph 372 adding machines will be dutiable at 30 per cent ad valorem. Since this machine is a typewriter which adds and lists figures—that is, an adding typewriter or bookkeeping machine—the question probably would arise as to where it should be properly classified. To prevent litigation, therefore, and to make the intent of the committee perfectly clear, this separate classification is proposed. This machine, which is neither a typewriter nor an adding machine in the strict sense of the word, but combines the essential features of both of these machines, might by some stretch of the imagination be classed as either, and it is therefore separately classified and given the same rate of duty that is provided in paragraph 372 for machines not specially provided for.

Mr. KING. Mr. President, may I inquire of the Senator why he believes a tax should be imposed upon the machines provided for in this amendment?

Mr. McCUMBER. It is the same duty that is given to other calculating machines. It is really an advanced calculating machine. It is a machine which not only does calculating, but also has a sort of a typewriting attachment in connection with it for making out lists, and so forth, so that it combines all the features of the calculating machine with those of the typewriting machine.

Mr. KING. Is it not manufactured by the Patterson cash register plant, of Dayton, Ohio?

Mr. McCUMBER. No; it is made in Newark, N. J.

Mr. SMOOT. Mr. President, I will say to my colleague that one that I think is a great deal better than this is made in Germany. I saw the advertisement of it some time ago, and it did not seem to me possible that it could accomplish what it claims. I thought it would revolutionize the work of some of the large banks, and I wrote to Germany in relation to it, and I got an answer, and really it does everything but speak.

Mr. KING. Does not my colleague think we ought to have it here if it is so advantageous in business activities?

Mr. SMOOT. Yes; I think so; and I think that any man or any business that can use one of these machines can afford to pay to the Treasury of the United States 30 per cent on it. Really, I hope to see these machines come here, and I hope to see them manufactured in the United States, if possible, because they are wonderful machines.

Mr. KING. I hope the advertisement to which my colleague refers accurately stated the virtues and the merits of this particular mechanical, if not to say human, contrivance.

Mr. SMOOT. I never saw one like it here in my life.

Mr. KING. Mr. President, I am not discussing the principles involved in the imposition of reasonable rates upon articles imported into the United States, particularly where revenue can be derived; but in view of the revelations with respect to typewriter companies and some of these large organizations that produce the cash registers—organizations which are monopolistic in their operations—I am not willing to support a tax that increases their power and puts more teeth into their mouths by which they may tear and rend the American people. It seems to me that the rate prescribed here is for protection, or rather for profit, instead of for revenue, and is intended to enable the manufacturers to charge the

people of the United States for the product a price out of all proportion to its value.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. MCCUMBER].

The amendment was agreed to.

Mr. MCCUMBER. Mr. President, on the same page, page 84, line 22, "metallic magnesium and metallic magnesium scrap," the House gave a duty of $1 per pound. I wish to modify the Senate committee amendment, which was 50 cents, so that it may be 40 cents. That is, I desire to strike out "50 cents," on line 22, and make it read "40 cents."

Mr. SIMMONS. Mr. President, I did not know that the Senator was going to take up that item. It may be on his list, but if it is it had escaped my attention.

Mr. MCCUMBER. Yes; it is on the list.

Mr. SIMMONS. I do not desire to detain the Senate long with reference to that item, but there are some observations that I want to make and some data that I desire to submit. I really have not those data at hand just at this time, however, and I shall be very glad if the Senator from North Dakota will let the amendment go over until Monday morning.

Mr. MCCUMBER. The Senator has no objection to reducing the rate from 50 to 40 cents per pound, has he?

Mr. SIMMONS. None whatever, except——

Mr. MCCUMBER. Suppose we do that, and then the Senator can bring up the matter later. I will reconsider the action for the purpose of any reduction he desires to make.

Mr. SIMMONS. With that understanding, I am perfectly willing that the reduction may be made now; but on Monday I shall probably ask for a reconsideration, and I understand that the Senator will not object to that.

The PRESIDING OFFICER. The Chair will state that the Senator from North Dakota has a right to make the modification.

Mr. MCCUMBER. Yes; I will make the modification, then, at this time, as that is a committee amendment, and allow it to stand.

The PRESIDING OFFICER. It does not preclude any other amendment.

The ASSISTANT SECRETARY. On line 22, page 84, change the numeral "50" to "40."

Mr. MCCUMBER. On page 85, line 1, on behalf of the committee I move to substitute "40" for "50."

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 85, line 1, strike out "50" and insert "40," so as to read:

Magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for, 40 cents per pound on the metallic magnesium content and 20 per cent ad valorem.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. I had intended, when we reached that item, to move, if the parliamentary situation permitted, the striking out of the 20 per cent ad valorem if a specific rate were attached; but if the specific rate were reduced to 25 cents, then I did not intend to move to strike out the ad valorem rate.

Mr. MCCUMBER. This reduces the specific to 40 cents, and the Senator can make his motion either now or at a time more agreeable to him.

Mr. KING. I shall wait until the able Senator from North Carolina is ready to proceed with the matter.

Mr. MCCUMBER. May we adopt both those amendments now, and then if the Senator wishes to have either of them reconsidered at any time in the future I will consent to it.

Mr. SIMMONS. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment as modified was, on page 85, line 1, to strike out "50 cents" and to insert in lieu thereof "40 cents."

The amendment as modified was agreed to.

Mr. MCCUMBER. I desire now to go to paragraph 379 on the same page.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. In paragraph 379, page 85, line 23, the committee proposes to strike out the word "bronze" and to insert:

Aluminum or tin foil less than six one-thousandths of an inch in thickness, 35 per cent ad valorem; bronze.

Mr. KING. Did the committee submit an amendment to the amendment?

The PRESIDING OFFICER. They did not.

Mr. KING. May I inquire of the Senator from North Dakota the reason for the introduction of this amendment? It does not seem to have attracted the attention of the House committee, though they had before them the consideration of the subject of aluminum, with all of its variations. The amendment just offered imposes a duty of 35 per cent ad valorem upon aluminum or tin foil less than six one-thousandths of an inch in thickness. As we know, aluminum is produced in great abundance in the United States by an organization which, so far as I know, by common consent is denominated the "Aluminum Trust." I suppose the contention will be made, if it has not already been made, that the aluminum or tin foil in the item just referred to is not manufactured by the Aluminum Trust. I presume the contention will be made that the trust produces metallic aluminum in blocks or bricks and disposes of the same to the manufacturers of various aluminum products, and that this particular item is manufactured by corporations but not by the trust.

I would like to inquire of the Senator what justification he can find for taxing this commodity. The Senator knows that aluminum in tin foil form is used in great quantities for the wrapping of soap, candies, gum, and many other articles, including some medicines; that aluminum from which the wrapping article is produced is manufactured by a great trust. I can not quite comprehend how the Senator justifies the high rate laid upon the commodity in question. Some of the bronze powders covered by the same paragraph are used for the painting of lacquer work, radiators, and many articles which are found in households, where the owners are men and women of but moderate means. Of course, there are some powders which are exceedingly valuable, and men and women of moderate means can not employ them, but those embraced within this particular paragraph are used by the poor people of the United States or by the people of moderate means.

Mr. MCCUMBER. Mr. President, I am not informed that there is such a thing as a tin foil trust in the United States. I do not know how many companies make this product. While tin foil, which is mostly lead, is made in considerable quantities here and elsewhere, of late years we are making an aluminum foil, which is very much better for some purposes than the lead or tin foil. I think the greatest quantity of it is used in wrapping chewing gum, and things of that character, and I think in that case they probably use more of the aluminum than of the old tin foil that was used in past years.

The reason for setting them out in detail here and giving a specific duty is that we wish to identify the particular articles which are coming in and take them out of the basket clause. Under the basket clause the rate would be 40 per cent ad valorem, while this amendment gives us a duty of 35 per cent. It is a revenue duty, and we hope to get some revenue out of it. It is chiefly a revenue duty.

Mr. KING. I stated a moment ago, and the able Senator has not quite met that point, that we have produced aluminum in great quantities here, and that there is an aluminum trust. I stated, and I presume the Senator has followed the suggestion which I made, that it would be contended that the production of aluminum or tin foil was not by the Aluminum Trust. I am not able to state whether it directly or indirectly produces this ordinary finished product, but I do know that the Aluminum Trust controls the aluminum market in the United States, and, of course, directly or indirectly, it controls this product.

I move to strike out "35" and to insert in lieu thereof "25."

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 85, line 24, strike out "35" and insert in lieu thereof "25."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 85, line 25, to insert the words "aluminum powder, powdered foil," so as to read:

Bronze powder, aluminum powder, powdered foil, etc.

The amendment was agreed to.

The next amendment was, on page 86, line 1, to insert the words "manufactured in whole or in part," so as to read:

Bronze powder, aluminum powder, powdered foil, powdered tin, brocades, flitters, and metallics, manufactured in whole or in part, 16 cents per pound.

Mr. KING. A parliamentary inquiry, and I hope I may have the attention of the Senator from North Dakota. I did not offer an amendment to the committee amendment just referred to, in which the words "aluminum powder, powdered foil," were inserted, because I intended at the appropriate time to move to strike out the numeral "16" and to insert a lower figure.

Mr. McCUMBER. There is a committee amendment to that effect. I intend to move, on behalf of the committee, to strike out "16" and insert "12," and on line 3 to strike out "8" and insert in lieu thereof "6."

Mr. KING. Let us address ourselves to the first one. I understand that the committee has anticipated my amendment, or at least is reducing the rate reported in the bill. I inquire of the Senator if he tenders that amendment now?

Mr. McCUMBER. I was just about to offer it, but, of course, I want to have a vote on the amendment to insert the words "manufactured in whole or in part."

The PRESIDING OFFICER. The question is on the amendment in line 1.

The amendment was agreed to.

Mr. McCUMBER. On behalf of the committee I move to strike out "16" before cents in line 2, and to insert in lieu thereof "12."

Mr. KING. May I inquire of the Senator why he adopts an ad valorem rate in dealing with aluminum, or tin foil, and a specific rate of 12 cents per pound, which, of course, is a very high rate, when he deals with bronze powder, aluminum powder, powdered tin, brocades, flitters, and metallics, manufactured in whole or in part, particularly where the items I have just read constitute commodities which are in common use in the ordinary household in the United States?

Mr. McCUMBER. Paragraph 379 as agreed to by the House reads:

Bronze, powdered tin, brocade, flitters, and metallics, 16 cents per pound.

That was a specific duty. The committee did not desire to change the specific duty without some good cause, but the committee felt that it was rather difficult to get at the value by weight specifically, and that it was better to require an ad valorem duty. You may in some instances find it quite simple to have nothing but a specific rate, and, of course, wherever we can use a specific rate I think it is the better method, because you can get rid of the question of undervaluation and similar questions and you will always know what rate you are to get. There are a great many things as to which it is difficult to get a rate per pound or per yard or by any measure which will be adequate to cover the many forms in which the article will come in, and for that reason we followed the ad valorem rate on that specific item.

Mr. KING. Mr. President, the Senator has submitted an argument which has merit in favor of the specific as against the ad valorem duty, but our experience shows that a specific rate based upon high prices, war prices, prices far above normal, inevitably leads to injustice and oppression and gives a higher rate of protection and, therefore, imposes a higher tax than the ad valorem rate. The ad valorem rate, of course, is flexible. It rises and falls as the price of the commodity rises and falls, but the specific rate rests upon a sure foundation. A specific rate, upon the theory that these high prices are to be maintained, must of necessity operate as a heavy and intolerable burden of taxation upon the people. Why not give to the people the benefit of falling prices and fix wherever it is possible an ad valorem rate? Concede the superiority in many instances of the specific over the ad valorem because of the certitude that may there arise. Where we project into these peace times a tariff bill which is formulated when the high costs of war are still controlling, a great injustice is done, great inequalities are perpetuated, and oppressive burdens are laid upon the shoulders of the consuming masses.

Mr. President, this specific rate, I submit, is approximately between 40 and 50 per cent when reduced to its ad valorem equivalent.

Mr. SMOOT. It is less than 35 per cent.

Mr. KING. The Senator may be right. The last quotation that I saw was 28 cents a pound, which would be approximately 45 to 50 per cent ad valorem.

Mr. SMOOT. I will say to my colleague that the price must have dropped considerably of late, because it was 35 cents in 1921, and 12 cents per pound specific duty on a 35-cent price is equivalent to about 34 per cent.

Mr. KING. Which value is my colleague taking—the foreign or domestic?

Mr. SMOOT. The foreign import price. The Senator will see, on page 522 of the Tariff Summary, that the importations for nine months of 1921 were 545,302 pounds, valued at $185,586. That is virtually 35 cents a pound; and a rate of 12 cents a pound on a 35-cent price is equivalent to 34 per cent ad valorem. It is true that if the price drops the ad valorem rate would likewise decrease.

Mr. KING. Of course, my colleague will admit that if the price should drop and we fix a specific rate the tax to the consumer is higher than if it were an ad valorem rate.

Mr. SMOOT. Looking back in the years 1908 and 1909, I find that the price of bronze powder, powdered tin, brocades, flitters, and metallics was 34.5 cents in 1908 and 31.4 cents in 1909. In 1909 the price was 29 cents, and declined to 27 cents in 1915, and then, of course, immediately rose to 60 cents and above.

Mr. KING. As a result of the war.

Mr. SMOOT. Yes.

Mr. KING. It reached a price as high as $1.44.

Mr. SMOOT. I said 60 cents and above.

Mr. KING. Mr. President, just a word to show the nature of the products or commodities embraced in this amendment and the general use made of them. Some of the powders embraced in the amendment are used for explosive purposes, but the various bronze powders are used chiefly with a size or in oil, as a pigment in finishing brass beds, gilt frames, radiators, and other articles in imitation of gold or silver. Prior to the war about one-half of the domestic supply of bronze powders came from five plants, most of which were situated near New York; the remainder was imported. During the war domestic production increased so as to supply all domestic requirements and leave a small surplus for export. The number of plants increased from five to nine.

It is apparent that the rate of taxation which is imposed will permit the domestic manufacturers to increase the price of their commodities. I said to the Senator from North Dakota a few moments ago that these powders were largely used in the homes of people of moderate means. We know of the large number of gilt frames upon the walls, the radiators, and various metallic articles in the homes which are gilded with the powders or the bronzes here provided for. This means an additional tax.

I move to amend the committee amendment by striking out "12 cents per pound" and inserting in lieu thereof "20 per cent ad valorem."

Mr. McCUMBER. Mr. President, let me say in response to the amendment offered by the Senator from Utah that the prices under normal conditions and the cost of production, which undoubtedly is some index to the price under normal conditions, were relatively the same before the war and for a number of years after, and are of about the same relation to each other at the present time. With a duty of 12 cents per pound prior to 1914 or prior to the 1913 law, which really became effective in 1914, the foreigner imported just about one-half and the American produced about one-half of the American consumption. We have given a rate that is the same as the rate prior to the war, which was 12 cents per pound, and if the conditions remain relatively the same the foreigner undoubtedly can furnish at least one-half the supply of the American market.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING] to the amendment offered on behalf of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 86, line 2, to strike out "16" and insert "12," so as to read:

Powdered tin, brocades, flitters, and metallics, manufactured in whole or in part, 12 cents per pound.

The amendment was agreed to.

The ASSISTANT SECRETARY. The next amendment offered on behalf of the committee is on page 86, line 3, to strike out "8" before the word "cents" and insert "6," so as to read:

Bronze or Dutch metal, or aluminum, in leaf, 6 cents per 100 leaves.

Mr. KING. I move to amend the committee amendment by striking out the numeral "6" and inserting in lieu thereof the numeral "4."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 86, in line 3, in lieu of the amendment proposed to be inserted by the committee, the Senator from Utah proposes to insert "4," so as to read:

Bronze or Dutch metal, or aluminum, in leaf, 4 cents per 100 leaves.

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. McCUMBER. On page 87, after line 7, I move to insert a new paragraph to read as follows:

PAR. 383b. Dynamite and other high explosives, put up in sticks, cartridges, or other forms, suitable for blasting, 1½ cents per pound.

Mr. KING. Mr. President, one of the Senators on this side of the Chamber was going to discuss this matter, but he is absent. I shall not ask that it go over, but may I inquire of the Senator from North Dakota under what paragraph of the bill this item is now found?

Mr. McCUMBER. It is on the free list. I am informed it is in paragraph 1578.

Mr. KING. It was my understanding that it, as well as some other explosives, or some of the compounds used in explosives, were on the free list.

Mr. McCUMBER. At that time nitrate, which is the chief element in the manufacture of these explosives, was also upon the free list. We have now given a duty of 1 per cent per pound on nitrate, and that necessitates some increase upon the products into which nitrate enters. While the briefs of those who are manufacturers show a necessity for over 2 cents per pound compensatory duty, we have given them considerably less than that for reasons which we thought justified us in so doing, and fixed a rate of 1¼ cents per pound.

Mr. KING. Is it not a fact that there is practically no foreign competition in explosives?

Mr. McCUMBER. I understand naturally that some of these explosives it would be rather dangerous to transport anyway, but I think that with a duty upon the nitrate of 1 cent a pound, it would induce a great many to manufacture the explosive and send it over here and take that chance, which they are not now taking. In other words, it should be remembered that the higher explosives are composed of from 80 to 90 per cent nitrate, and this would justify them in doing, with the duty on nitrate, what otherwise they might not attempt to do.

Mr. KING. Mr. President, I am opposed to the amendment. I think it is a tax upon the farmers, upon the road builders, and, therefore, upon the counties, the States, and upon the Government itself, as well as upon the miners, upon those who are engaged in all forms of quarrying and mining operations. There is no possible competition from abroad. This amendment is a sop to the Powder Trust that has so greatly profited and prospered not only before and during the war but ever since.

Under the act of 1913 gunpowder and all explosive substances not specially provided for, used in mining, blasting, and artillery purposes were free. This may be denominated a rather low tax, but it is a tax and an unnecessary tax, and, to the extent that it is a tax, it is a burden upon the consumer.

Mr. President, we export not only gunpowder but all forms of dynamite and other explosives. For instance, the exports of gunpowder, including smokeless powder, prior to 1915 were more than 1,000,000 pounds annually; and for 1918 the exports were 229,000,000 pounds of the value of $179,000,000. There has, of course, been a diminution of our exports with the termination of the World War. With the end of hostilities in Europe, our great foreign market for explosives ceased, but there has been for many years a foreign market; and we have exported, as I have said, up to as high as 229,000,000 pounds of these explosives in one year.

Everybody knows that we produce in very large quantities and perhaps as cheaply or cheaper than any other country in the world all compounds required in the manufacture of explosives. Nitrocellulose or guncotton, which is the basis of smokeless powder, is produced in the United States in abundant quantities and at a very low cost. The cost, of course, would be small because we produce such large quantities of sulphuric acid; indeed, the production of sulphuric acid is far greater than the demand. We could produce enough sulphuric acid to satisfy the demands of the world and then export some to Mars and the other planets and starry orbs around us.

The production of dynamite in 1914 was more than 223,000,000 pounds. In the same year 65,000,000 pounds of nitroglycerin were produced. In 1919 there were manufactured 220 000,000 pounds of dynamite, and the exports of dynamite in 1914 were more than 14,000,000 pounds. In 1916 they were nineteen and a half million pounds.

It is evident, Mr. President, with respect to the items embraced in the amendment, that we produce not only sufficient for consumption but for export. There is no competition; there can be no competition unless, of course, the domestic prices were forced to such heights as to compel the cessation of purchasing here at home or so high as to induce foreign manufacturers to export to the United States.

I repeat that this tax is merely a gratuity to the Powder Trust. We have imposed a tariff upon nitrates, and now we must have the compensatory duty upon what might be denominated the finished product; but, even with the tariff upon one of these products essential in the manufacture of powder, I submit there is no justification for the duty upon the finished product.

I have some figures in my office—I did not know we should reach this item this afternoon, and I did not expect to discuss it or to present it—which show the vast amount of capital which is invested in the Hercules Powder Co. and in other powder corporations, together with the enormous profits which have been made by those organizations. They are not infant industries. There can be no plea made that they need protection or the fostering care of the Government. There can be no plea made as a justification for this tariff that the difference in the price of labor abroad and in the United States warrants the imposition of this tax. It is a mere gift, without rhyme or reason, to the Powder Trust of the United States; and the farmers, the miners, and thousands and millions of Americans who are compelled to buy explosives will be compelled to pay the tax which is thus imposed.

Mr. President, I move to amend the amendment by striking out the numerals "1¼" and to insert in lieu thereof "one-half cent per pound."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment offered on behalf of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota [Mr. McCUMBER] on behalf of the Committee on Finance.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, the next paragraph, I think, which we passed over was paragraph 385.

The VICE PRESIDENT. The Secretary will state the amendment of the Committee on Finance in paragraph 385.

The next amendment of the Committee on Finance was, on page 87, paragraph 385, line 9, after the words "Par. 385," to strike out "Nickel, nickel oxide," and to insert "Nickel oxide, 1 cent per pound; nickel, and nickel," so as to read:

PAR. 385. Nickel oxide, 1 cent per pound; nickel, and nickel alloy of any kind in which nickel is the component material of chief value, etc.

Mr. KING. I should like to inquire of the chairman of the Committee on Finance if there is not some duplication in this paragraph? I invite the Senator's attention to paragraph 377, which reads:

German silver, or nickel silver, unmanufactured, 20 per cent ad valorem.

I may be in error, but it occurs to me that there is some confusion or at least some duplication. Would not nickel and nickel alloy of any kind in which nickel is the component material of chief value be embraced within paragraph 377?

Mr. SMOOT. I will say to my colleague that nickel silver only contains about 18 per cent of nickel oxide.

Mr. KING. Yes.

Mr. SMOOT. The copper, of course, in the nickel silver is its component material of chief value. So there can be no conflict whatever in these two provisions; and the junior Senator from Utah will see that the committee has made the change in this paragraph by only imposing a duty of 1 cent a pound upon nickel oxide, and then the duty on nickel and nickel alloy of any kind in which nickel is the component material of chief value is reduced from 5 cents a pound to 3 cents a pound. Then, on castings, wire, tubes, tubing, and so forth, the committee has reduced the rate from 30 per cent ad valorem on the American valuation to 25 per cent on the foreign valuation.

On nickel and nickel alloy of any kind in which nickel is the component material of chief value, in pigs, and so forth, the duty under the present law is 10 per cent, where based on the value at present prices the amendment now proposed by the Senate committee is just a trifle more than 10 per cent. I am informed, indeed, that it is a little less than the rate provided by the existing law. The question which I had in mind was 28 cents, as I stated the other day, but I am informed now by an expert of the Tariff Commission that 35 cents is the price to-day, and that the very lowest price at which it can be bought in quantity is 30 cents. Ten per cent of that is 3 cents, the exact rate which we provide here on shot, cubes, grains, and so forth.

I will say to my colleague that I asked that this paragraph go over for the very purpose of making a change, because I thought it was out of proportion as it was originally reported. I notice the quotations of June 20, 1922, show the price of shot and ingots to be 36 cents and the electrolytic 39 cents a pound, so that the rate proposed is considerably less than the rate of the Underwood law.

Mr. KING. Mr. President, I shall not delay a vote upon this paragraph, although I want to say to the Senator I shall reserve the right before the bill leaves the Committee of the Whole to offer another amendment. At the present time I desire to move to amend in line 11 by striking out the numeral "3" and inserting in lieu thereof the numeral "2."

Mr. SMOOT. That is in line 12.

The PRESIDING OFFICER. There is a committee amendment previous to that which the Secretary will state.

The ASSISTANT SECRETARY. At the beginning of paragraph 385, on page 87, line 9, it is proposed to strike out "nickel, nickel oxide" and insert "nickel oxide, 1 cent per pound; nickel, and nickel."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 87, line 11, after the word "ingots," to insert "shot, cubes, grains, cathodes."

The amendment was agreed to.

The next amendment was, on page 87, in line 12, before the word "cents," to strike out "5" and insert "3."

Mr. KING. Mr. President, I shall not offer an amendment to that amendment at this time, but I will say to the Senator that later I shall do so.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 87, line 13, after the word "strands," to insert "castings, wire, tubes, tubing."

Mr. KING. May I inquire of the Senator what is the necessity of adding those words to the paragraph?

Mr. SMOOT. Castings, wire, and so forth, have always been in the basket clause heretofore. We have put them in paragraph 385 in order that statistics may be collected showing the amount of the importations of each article and what the cost may be or the foreign value, and so that each and every item named may be classified.

Mr. KING. Of course, taking them out of a basket clause——

Mr. SMOOT. The rate in the basket clause is higher than the rate proposed here; in fact, the rate under the basket clause is 35 per cent, while the rate proposed in this instance is 25 per cent.

Mr. KING. Does the committee intend to maintain the rate of 35 per cent in the basket clause?

Mr. SMOOT. I think the basket clause will have to maintain that rate, because it takes in a number of items and some of the items at least would have to bear a 35 per cent rate or even more. The Senator knows that in a basket clause every item can not be covered with the exact rate which may be proper, nor can there be specified in a tariff bill the items that fall in the basket clause, even though we know what they are. Even a tariff bill is not long enough for that.

Mr. KING. I move to strike out the numerals "25" and to insert in lieu thereof the numerals "20," in line 14, on page 87. Perhaps, however, I have anticipated the committee amendment previous to that point.

The VICE PRESIDENT. The question is on agreeing to the committee amendment beginning in line 13, after the word "strands."

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 87, line 14, before the words "per cent," to strike out "30" and insert "25."

Mr. KING. I move to amend the committee amendment by striking out "25" and inserting in lieu thereof "20."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In lieu of "25" it is proposed to insert "20."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. McCUMBER. I ask now to turn to page 90, lines 1 and 2. This amendment is designed to reinstate the wording of the old law. The House made a change in that by providing that the assay of the sample should be by wet assay without deduction; and we ask to strike out the word "an," in line 1, and insert "a proper," and also to amend in line 2 by striking out "by wet assay without deduction."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 90, line 1, it is proposed to strike out the word "an" and to insert the words "a proper," and in line 2 to strike out the words "by wet assay without deduction."

Mr. KING. Mr. President, may I inquire the purpose of these amendments and to what extent they modify existing law?

Mr. McCUMBER. The amendment restores the language of the existing law. It does not modify it at all. The House bill did modify existing law. The Senate committee, after some discussion, thought we had better retain the old phraseology.

Mr. KING. Is the rate increased?

Mr. McCUMBER. It does not affect the rates at all.

Mr. KING. No; I see that the committee has not made any amendment to the rates.

Mr. McCUMBER. We have made no amendment to the rates.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. McCUMBER. The next amendment is in paragraph 391, and I will ask the Senator from Utah [Mr. SMOOT] to explain it.

The ASSISTANT SECRETARY. Paragraph 391, zinc, page 90.

Mr. SMOOT. Mr. President, I do not know whether my colleague wants to know why the changes have been made or not, for I think he is sufficiently familiar with the zinc industry to know that the differentials we have placed here are the differentials that are required in each process of manufacturing the zinc after the imposition of the duty upon the zinc content of the ore.

On page 90 I move to strike out lines 7 to 19, both inclusive, and to insert in lieu thereof the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 90 it is proposed to strike out lines 7 to 19, both inclusive, and to insert in lieu thereof the following:

PAR. 391. Zinc in blocks, pigs, or slabs, and zinc dust, 1¾ cents per pound; in sheets, 2 cents per pound; in sheets coated or plated with nickel or other metal (except gold, silver, or platinum), or solutions, 2¼ cents per pound; old and worn out, fit only to be remanufactured, 1½ cents per pound.

Mr. KING. Mr. President, I did not expect this paragraph to be reached this afternoon, and a Senator who is not in the Chamber was to submit some observations before a vote was taken.

Mr. SMOOT. I will say to the Senator that the only objection I have heard to this amendment is that they want 1⅝ cents a pound on zinc in blocks, pigs, or slabs, and zinc dust instead of 1¾ cents a pound. The zinc content of the ore we have given a duty of 1½ cents a pound, and the differential between 1½ cents a pound and 1¾ cents a pound is one-fourth of a cent a pound, or $5 a ton.

In my opinion—and I feel positive that I am right, after an investigation—the differential should not be more than $5 a ton for converting the zinc from the ore into blocks and slabs and pigs, or zinc dust; and I will say to my colleague that if he desires at any time to open up this question again I am perfectly willing for him to do it. The only objection to the amendment that I know of comes from the fact that they want a duty of 1⅝ cents a pound instead of 1¾ cents.

Mr. KING. I shall not ask that it go over. I want to make just an observation or two, and then I will offer an amendment to the committee amendment. I was not here when the subject of zinc ore was under consideration, and I ask now, for information, whether that has been disposed of by the committee?

Mr. SMOOT. At 1½ cents per pound.

Mr. KING. That was my understanding.

Mr. SMOOT. That is, 1½ cents a pound on the zinc content of the ore.

Mr. KING. Yes; so I presume that this amendment is for the purpose of accommodating the paragraph to the amendment which was adopted laying a tax of 1½ cents per pound on the zinc ore; that is, the zinc content.

Mr. President, I think that the rate fixed upon zinc ore of 1½ cents a pound, as stated by my colleague, was entirely too high; and, of course, this—what might be called a compensatory duty—I regard as likewise too high.

Mr. SMOOT. The Senator does not object to the differential, does he?

Mr. KING. I am not objecting to the differential.

Mr. SMOOT. Because that is only one-fourth of a cent.

Mr. KING. So, of course, I should logically attack the duty upon the zinc ore; and if I succeeded there, then I should attack the rate here; but if I failed there, obviously there should be some differential, and I am not prepared to say that this is not a just and fair differential.

I desire, however, to call the attention of the Senate briefly to the fact that with respect to the items embraced in this paragraph the annual production is great and the importations are insignificant.

In 1910 the domestic production of zinc in blocks, pigs, or slabs amounted to more than 269,000 tons.

In 1911 it amounted to 286,000 tons.

It continued approximately at that level until 1915, when the production was 489,000 tons.

In 1916 it was 667,000 tons. I am not giving the odd numbers.

In 1918 it was 517,000 tons; in 1919, 465,000 tons; in 1920, 463,000 tons.

During those corresponding years the imports, starting with 1910, were only 1,246 tons.

In 1911, 427 tons; in 1912, 10,000 tons; in 1913, 5,000 tons; in 1914, 583 tons; in 1915, 792 tons; in 1916, 663 tons; in 1917, 277 tons; in 1918, 35 tons; in 1919, 70 tons; in 1920, 15 tons; and in 1921, 6,000 tons.

So, Mr. President, it is apparent that there is no competition. Indeed, during a number of those years there were exports.

For instance, in 1914 we exported 64,000 tons.

In 1915 we exported 113,000 tons, which constituted 25 per cent of our production. That year there were only 792 tons imported, showing that our consumption was not equal to our production, and that we must have a market abroad if domestic production is to be maintained.

In 1916 we exported 193,000 tons; in 1917 we exported 201,000 tons; in 1918, 86,000 tons; in 1919, 121,000 tons; and in 1920, 102,000 tons.

The exports dropped in 1921 to between 2,000 and 3,000 tons.

These figures show that there is no justification for a duty upon this product. The revenue to be derived will scarcely pay for the expense of putting into operation the necessary machinery for that purpose. Then, what is the object of the duty? Why, manifestly it is to enable the producers of this commodity to swell the price. Zinc is an important commodity, and we now propose, when there is no competition, to impose this very heavy duty.

As I understand the amendment which is now tendered, we are to impose a tax of 1¾ cents per pound upon zinc in blocks, pigs, or slabs, and zinc dust. That would be nearly $40 per ton duty. We do not impose a 20 per cent ad valorem or a 25 per cent ad valorem or a 10 per cent ad valorem duty, but we impose here a tax of between $35 and $40 per ton—$39.20, to be accurate. If the zinc is in sheets, then the tax is 2 cents per pound, or $40 a ton. If coated or plated with nickel or other metal except gold, silver, or platinum, or solutions, we impose a tax of 2¼ cents per pound, or $45 per ton.

Mr. President, what is the justification for these rates? They are not for revenue. They are not for protection. They are not imposed because there is an infant industry here, because the zinc mines of the United States have been in operation for more than a century. We are offering a gratuity to the zinc producers of the United States. I protest against these extortionate rates; and while I ought, if I am to be logical, to offer no amendment to this tendered amendment until a final disposition is made of the other paragraph dealing with zinc ores, I beg the indulgence of the Senate while I suggest an amendment.

I move to strike out, in line 1 of the tendered amendment, the fraction "¾," so that it will read:

Zinc in blocks, pigs, or slabs, and zinc dust, 1 cent per pound.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. It is proposed to strike out "1¾ cents" and to insert in lieu thereof "1 cent."

Mr. SMOOT. It would make the bill rather ridiculous to have a duty of 1 cent a pound on pigs, slabs, and zinc dust, when the Senate has already agreed to a duty of 1½ cents on the zinc content in the ore.

Mr. KING. I have admitted to my colleague that the suggestion was rather illogical; that I want to challenge attention to what I consider an oppressive tax and an improper rate. Later I shall attack the zinc ore paragraph and then renew the attack upon this one.

Mr. SMOOT. I think the better way would be to attack the rate on the ore when it gets into the Senate, and if the Senate changes its mind in regard to that rate, necessarily this rate would have to be changed. The committee will be glad to change it if the change is made in the rate on the ore.

Mr. KING. I have no objection to waiving a vote on this amendment. I only want to protest against what I conceive to be these very heavy, not to say oppressive, rates. I agree with my colleague, and I indicated that to be logical we ought to attack the rate upon the ore content first, and, if we fail in that, then I concede that there ought to be a proper differential in what might be denominated the finished product.

I will merely give notice, without pressing my amendment, that after we recur to the other paragraph dealing with zinc ore and have disposed of that I shall offer corresponding amendments to this paragraph with respect to all of the rates herein provided.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, in paragraph 392, page 90, line 24, to strike out "30" and to insert in lieu thereof "45," so as to read:

PAR. 392. Print rollers and print blocks used in printing, stamping, or cutting designs for wall or crêpe paper, linoleum, oilcloth, or other material, not specially provided for, composed wholly or in chief value of iron, steel, copper, brass, or any other metal, 45 per cent ad valorem.

Mr. McCUMBER. On behalf of the committee I move to change "45" to "60" per cent.

Mr. KING. I would like to have an explanation from the Senator with respect to that item. In the first place, the House fixed a duty of 30 per cent ad valorem. The Senate committee, after hearing evidence, doubtless, fixed the rate at 45 per cent, and now it is proposed to increase the rate to 60 per cent ad valorem. The Senator will remember that print rollers and print blocks are quite important, and I would be very glad to know the reason why there have been these progressive advancements in the rate.

Mr. McCUMBER. Mr. President, here are two print rollers [exhibiting]. They are used in the manufacture of wall paper. As many different rollers are used as there are figures and colors to be placed upon the paper. These rollers, when once made, of course will last as long as that pattern is required in the markets.

All the evidence received before us showed that it would require a tariff rate of about 100 per cent to equalize the cost of production in the foreign country competing with us and the cost of production in the United States. The wages which are paid to the experts who make these figures and place them upon these rollers are not excessive. Some of the rolls may run up as high as two or three hundred dollars in price. On rolls such as these before me I think the average will be from eighteen to twenty-two dollars, the kind that were imported, and it costs about $35 in the United States to make the same rollers. I am speaking of the costs and not the profits. It would therefore take nearly a hundred per cent to equalize the difference.

There are not very many men employed in this work, but it requires years of experience for them to become experts. The specialized labor in the United States is paid many times what it is paid in Germany and in central Europe, from which come the importations.

The request for this duty is urgently made by the men who perform the labor in producing these rolls. They ask a duty of 100 per cent. They have given us a full set of figures of exactly what they are paid per week, and what it costs to produce these rolls in comparison with what is paid the German experts for making the same things. Lately they are all, or practically all, coming in from Germany, and the workers in this country are almost all out of employment.

Mr. POMERENE. May I ask the Senator about how many there are engaged in this business?

Mr. McCUMBER. I can not state the number; at least, I do not recall just now if we have the figures. They are made by individual workers, who become expert in making these blocks for just one trade—that is, the manufacture of wall paper.

Mr. POMERENE. What is the technical name for the roll, or instrument?

Mr. McCUMBER. They are called print rolls. Those who manufacture wall paper make their own rolls. It is really a question of protection to the individual workman.

The manufacturers of wall paper had a contract with the union, in which they agreed to use only the union's products in the United States. There was then a strike, and evidently the strikers lost, because they went back to work under a very severe agreement, by which they withdrew their objection to the importations of these rolls and agreed, further, in order to maintain their own wages, that they would repair wherever repair was needed on the imported article. As soon as that agreement was made the manufacturers, who had the right to import, imported the articles at half price and threw nearly all of the workmen out of employment unless they would put their wages down to more nearly equal the German wages. This is one tariff duty, as I view it, which is entirely for the

benefit of the workmen. There are not so many of them, but it means their life work.

Mr. KING. The Senator from North Dakota has made a plausible and perhaps strong argument in support of this amendment, but the facts, if I may amplify them a little, are that some manufacturers of wall paper and various other products which require patterns have been in the habit of manufacturing their own cylinders and pattern devices. As I understand, they found a domestic market for a portion of their products. Some of the employees felt that their wages were inadequate. I express no opinion upon that question. A strike ensued. The facts are that the manufacturers of wall paper and other products requiring patterns of this kind have been making large profits. When the strike occurred there were some importations by those concerns not manufacturing the rolls and patterns. Evidently the manufacturers saw that they might lose their domestic market, so they come to Congress and say, "We demand a tariff to keep out any possible competition."

This amendment is not for the purpose of securing revenue, but, as I conceive it, it is a scheme to permit a few of those who have been engaged in the production of these cylinders to increase the prices to those who are unable to produce them themselves.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as modified.

The amendment as modified was agreed to.

Mr. SMOOT. On page 90, after line 24, I move to insert a new paragraph.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 90, after line 24, insert a new paragraph, as follows:

PAR. 392a. Cylindrical steel rolls, ground and polished, valued at 25 cents per pound or over, 25 per cent ad valorem.

Mr. KING. I would like to have an explanation of that amendment.

Mr. SMOOT. These cylindrical steel rolls come only from Czechoslovakia. The higher grades can not be made in the United States, nor in any other country that I know of. There are a few made in the United States of a cheaper grade, but we have not yet made them in the highest type of cylinders. Therefore it seems to the committee, those conditions existing and there being no chance of making them in this country, that the rate we have proposed is ample rather than to impose a higher rate. I do not think the Senator will object to this rate, on that account.

Mr. KING. If they are not produced in the United States and they are important in some of our factories, and Czechoslovakia is the only country that produces them, why does the Senator propose a tariff at all?

Mr. SMOOT. This is a revenue duty, pure and simple. That is all I have in mind in offering this amendment. They can not come from anywhere else. I think what few may come in of that character ought to bear a 25 per cent duty.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. I now offer a new paragraph to be inserted on page 90, after line 24. I send the paragraph to the desk and ask that it may be read.

The ASSISTANT SECRETARY. On page 90, after the paragraph just agreed to, the Senator from North Dakota proposes to insert:

PAR. 392b. Twist drills, reamers, milling cutters, taps, dies, and metal-cutting tools of all descriptions, not specially provided for, containing more than six-tenths of 1 per cent of tungsten or molybdenum, 60 per cent ad valorem.

Mr. KING. Mr. President, I move to strike out the numeral "60" and insert in lieu thereof the numeral "30."

Mr. LODGE. Mr. President, may I ask the Senator from North Dakota a question? The steel which is used here—the alloys of tungsten and molybdenum—is a very expensive steel, and the bill as the committee originally reported it afforded no compensatory duty on the finished tools?

Mr. McCUMBER. It did not furnish a sufficient compensatory duty.

Mr. LODGE. No; and as these tools have to be made from this very high priced steel it is simply to give a fair compensatory duty to meet that rate?

Mr. McCUMBER. The Senator is right. I understand the junior Senator from Ohio [Mr. WILLIS] desires to be heard on this amendment.

Mr. POMERENE. Mr. President, if I may say just a word before my colleague takes the floor, I am not prepared to state what this duty ought to be, but an investigation which I made some time ago demonstrated that, assuming the duty was to be placed on steel tools, it was perfectly clear in my mind that the committee had failed at that time to provide the necessary compensating duty. I am not prepared to say what that duty should be, but I felt perfectly clear that some injustice had been done.

Mr. LODGE. That is the reason why I asked the question.

Mr. WILLIS. Mr. President, my attention was drawn to this item through correspondence with L. B. Webster, of the Cleveland Twist Drill Co.; William H. Eagn, of the Whitman-Barnes Co., of Akron, Ohio; and E. A. Noll, of the National Tool Co., of Cleveland, Ohio; which brought out the fact that under the bill as it stood there was a higher rate of duty provided on the raw material than there was on the finished product. I brought this to the attention of the committee, and the committee referred the matter to the Tariff Commission. I have a very complete report, which I shall not detain the Senate to read, but which would, I assure the Senator from Utah, in the view of the Tariff Commission justify the rate of 60 per cent. I think if I had the time to present the facts to the Senator he would not offer the amendment which he has proposed. I hope the amendment offered by the junior Senator from Utah will be defeated and that the rate of 60 per cent named by the committee will be agreed to.

Mr. KING. Let me inquire of the Senator from Ohio if, in view of the superior methods of production of steel in the United States and in view of the large profits made by the manufacturers of steel, he sees any reason why, because there is a duty imposed upon tungsten, there should be carried to what might be called the finished products, of which tungsten forms a part, this high compensatory duty?

Mr. WILLIS. Yes; I see that very clearly, because according to the computations made by the Tariff Commission the rate, as it stands in the bill as reported by the committee, on the materials out of which these high-speed tools are made would be very little over 60 per cent. The tools themselves would come under the basket clause in paragraph 393 at 40 per cent. It must be obvious to the Senator that it would not be possible to carry on the industry in this country with a higher rate, namely, 60 per cent, on the raw materials than we have on the finished product, namely, 40 per cent.

The question was presented to the Tariff Commission, and they have made a very carefully wrought out report, which I think fully justifies the rate of 60 per cent. I shall place the report in the RECORD, if I may have permission to do so, and not take the time to read it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, June 1, 1922.

Hon. P. J. McCUMBER,
Chairman Committee on Finance, United States Senate.

MY DEAR SENATOR McCUMBER: Your letter of May 18 inclosing a copy of a letter received by Senator WILLIS from Mr. William H. Eagn, vice president of the Whitman & Barnes Manufacturing Co., Akron, Ohio, relative to proposed tariff duties on tungsten steel and tools made therefrom was referred to the experts of our metals division, and I take pleasure in inclosing herewith a memorandum on this subject prepared by Doctor Berglund.

Sincerely yours,
THOMAS O. MARVIN.

JUNE 1, 1922.

Subject: Duties on high-speed steel and tools containing high-speed steel.

In Mr. W. M. Eagn's letter of May 12, addressed to Hon. FRANK B. WILLIS and transmitted to the chairman of the Tariff Commission, with a letter from Senator McCUMBER dated May 18, it is contended that in the Fordney bill, as amended in the Senate, the rate of duty on high-speed steel containing 18.6 per cent tungsten amounts to $0.3146 on an import value of 50 cents per pound, or what would be equivalent to an ad valorem rate of 62.9 per cent. The calculation is expressed thus:

Under paragraph 304, 25 per cent of 50 cents equals	$0.125
Under paragraph 305, 10 per cent of 50 cents equals	.05
Under paragraph 305, 18 per cent of 72 cents equals	.1390
Total	.3146

Or 62.9 per cent of 50 cents.

Correcting a slight error in this calculation the figure for 18 per cent of 72 cents should be $0.1296 and the total duty $0.3046 instead of $0.3146. The ad valorem rate in consequence is reduced to 60.9 per cent of 50 cents.

It is further asserted that on tools made of high-speed steel the duty is only 40 per cent under the basket clause (par. 393). Mr. Eagn therefore holds that there should be either a reduction in the rate on the raw material (high-speed steel) or an increase in that of the tools containing this steel. In other words, the latter should have a rate equivalent to about 55 or 60 per cent ad valorem.

The ad valorem rate on imported high-speed steel depends upon the tungsten content and the price figure used. In the letter referred to the tungsten content is given as 18.6 per cent and the price 50 cents per pound. High-speed steels are usually made with a tungsten content of either 14 per cent or 18 per cent—very rarely with a

tungsten content in excess of the latter figure. Assuming a price of 50 cents per pound, the rates on these two classes of high-speed steel under the Senate bill would be as follows:

	14 per cent grade.	18 per cent grade.
Under paragraph 304 25 per cent of 50 cents equals	$0.125	$0.125
Under paragraph 305 10 per cent of 50 cents equals	.05	.05
Under paragraph 305 14 per cent grade. .6 per cent allowed.		
13.4 per cent of 72 cents equals	.096	
Under paragraph 305 18 per cent grade. .6 per cent allowed.		
17.4 per cent of 72 cents		.125
Duty on high-speed steel	.271	.300

Or 54.2 per cent on the 14 per cent grade and 60 per cent on the 18 per cent grade.

It will be observed that the ad valorem equivalents of the duties imposed are somewhat lower than that figured out in Mr. Eagn's letter (62.9 per cent).

It should be said in this connection that the price of high-speed steel (containing 18 per cent tungsten) in Great Britain, the country from which we get the greater part of the imported material, is 65 cents per pound rather than 50 cents per pound. Assuming a price of 65 cents per pound, the duty and its ad valorem equivalent may be stated thus:

Under paragraph 304, 25 per cent of 65 cents equals	$0.1625
Under paragraph 305, 10 per cent of 65 cents equals	.065
Under paragraph 305, 17.4 per cent of 72 cents equals	.1252
Duty on high-speed steel, 18 per cent tungsten, or 54.3 per cent of 65 cents	.3527

It will be noted that the ad valorem equivalents of the duties levied on high-speed steel tend to decline as the price increases because of the specific rate on the tungsten content above 0.6 per cent.

Tools made of high-speed steel are dutiable under the proposed act at a lower ad valorem rate than the steel of which they are made. The tools are governed by the rate in paragraph 393, which in the Senate bill is 40 per cent, while the steel is dutiable under paragraphs 304 and 305 at rates which, according to present prices, are equivalent to ad valorem duties ranging from 54 to 60 per cent.

It should be noted in this connection that the value of the high-speed steel used in the manufacture of these tools constitute a widely varying percentage of their total value. Taking the last August prices of well-known sizes of American twist drills made of 18 per cent tungsten steel and comparing them with the contemporaneous price of high-speed steel in the form of bars the results are as follows:

Twist drills made of high-speed steel.

(Morse taper shank or straight shank, taper length.)

Size	Price each.	Price per pound.	American price of high-speed steel.	Ratio of steel value to tool value.
			Per pound	*Per cent.*
¼ inch	$0.88	$5.00	$0.80	16
½ inch	1.60	5.80	.80	13.8
¾ inch	2.80	3.30	.80	24.2
1 inch	5.00	3.19	.80	25.8
1¼ inches	8.60	3.12	.80	25.6

In the case of certain twist drills, short set—jobbers' length—the prices per pound ranged from $6 to $250, and the ratio of raw material value to selling price was consequently much smaller, ranging from about 12 per cent to but a fraction of 1 per cent.

As there is considerable waste of steel in the manufacture of some of these tools the ratios of steel value to tool value are greater than the percentages here stated. Precise figures are difficult to give, because the amount of cutting done on the tool blank varies greatly, and in some drills the shank is made of carbon steel and only the drill itself of high-speed steel. Furthermore, in some mills the scrap or cuttings are remelted for further use without much loss, and in others are sold to steel mills at a considerable loss.

Since last August the prices of twist drills and other small tools into which high-speed steel enters have fallen more than the price of the steel itself. The American price of high-speed steel ranges from about 70 cents to 80 cents per pound, while the tools above tabulated are proportionately much lower in value. According to one dealer, the present—May, 1922—selling price of a 1-inch taper shank high-speed drill is $2.81. The same drill last August sold for $5. The amount of steel consumed in the manufacture of this drill is given as 2.96 pounds. At 70 cents per pound the cost of the steel utilized is $2.072. The scrap or cuttings in the process of manufacture amount approximately to 50 per cent. This scrap is sold at about 15 cents per pound, making about 21.2 cents that can be credited to recovery. The cost of the high-speed steel, therefore, utilized in the manufacture of a 1-inch taper shank high-speed drill amounts to $1.86, or 66.2 per cent of its present selling price.

It should be said in this connection that the present prices of small tools made of high-speed steel are disproportionately low. Ordinarily the value of the steel entering into the manufacture of small tools is much less than at present. Nevertheless, in the case of several important tools, the proportion of steel value to tool cost is large.

The small tool industry in the United States is a large one. While no figures are available regarding the total amount of capital invested in this branch of manufacture a conservative estimate would be from $30,000,000 to $50,000,000. A rough estimate of the number of employees in some 32 companies is 25,000 to 30,000. A considerable part of this extensive industry is intimately affected by the relative rates imposed on high-speed steel and the tools into which the steel enters.

In general, the following statements may be made:

1. At the present foreign prices of high-speed steel—50 to 65 cents per pound—the ad valorem equivalent of the duties imposed by the Senate bill ranges from 55 to 60 per cent.

2. Small tools like twist drills, reamers, and milling cutters are dutiable in the Senate bill under paragraph 393 at 40 per cent ad valorem.

3. The cost of the raw material (high-speed steel), of which some of the more commonly used of these tools are composed, constitutes a considerable percentage of the total expense of manufacture—in some cases under prevailing prices from 50 to nearly 70 per cent. An ad valorem rate of 40 per cent is therefore hardly compensatory in the case of some tools for the relatively heavy duties imposed on the steel.

4. In order to provide a rate on tools made in whole or in part of high-speed steel which would in all cases compensate manufacturers for the duties imposed on their raw material, a paragraph like the following might be inserted in the proposed bill:

"PAR. —. Small tools, including twist drills, taps, dies, reamers, milling cutters, and similar tools used in working on metal and containing more than 10 per cent tungsten, — per cent ad valorem."

The rate to be inserted would depend upon the degree of protection considered necessary for tools. For example, a rate of 45 per cent ad valorem would be at least compensatory in the case of drills whose raw material constituted 65 or 70 per cent of the total expense of manufacture, and would be more than compensatory, and to that extent protective, in the case of drills and other tools whose raw material constituted a smaller percentage of the total cost.

Comparative cost of manufacturing a 1-inch taper shank high-speed drill in England and the United States, under the assumption that high-speed steel will be increased in price in the event of the passage of the Senate bill by an amount equivalent to the tariff rate on high-speed steel, and that labor and other costs are the same in the two countries.

	England.	United States.
Present price of high-speed steel (18 per cent tungsten) per pound	[1] $0.60	[1] $0.70
Assumed price after passage of Senate bill	.60	.9527
Pounds of steel utilized in manufacture	2.96	2.96
Cost of steel in drill	1.776	2.819
Allowance credited to recovery	.212	.212
Net cost of high-speed steel in drill	1.564	2.607
Assumed labor and other costs [2]	.95	.95
Total cost of drill	2.514	3.557

[1] These prices are the lowest quoted.

[2] The difference between quoted price of taper shank drill in the United States at present time is $2.81 and the present net cost of the high-speed steel is $1.86.

Mr. KING. Mr. President, I do not concede that because there is a duty imposed upon what might be called one of the primary products, of necessity there must be some compensatory duty carried to the finished product. The manufacturer of the finished product may have no competition whatever and could pay average prices or large prices because of the duties upon what might be called raw material for the same and still sell at a price that would give a profit, without having a tariff tax imposed upon the finished product.

Steel and many steel products, tools, and articles of that character, are produced in the United States under such favorable conditions that they could be sold at a profit without carrying a compensatory duty resulting from the rate given to tungsten and other alloys. I insist there is no reason for carrying through to the finished product what might be denominated this high compensatory duty. I think there is a good deal of fallacy in the contention that wherever a duty is allowed upon the raw material there must be a compensatory duty carried in all particulars and to the full limit to the finished product.

I ask for a vote upon the amendment which I have offered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING] to the amendment offered on behalf of the committee.

The amendment to the amendment was rejected.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the Senate (at 5 o'clock and 12 minutes p. m.), under the order previously entered, took a recess until Monday, June 26, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 24 (legislative day of April 20), 1922.

SECRETARY OF EMBASSY OR LEGATION.

Gordon Paddock, of New York, now a consul of class 6, on detail at Teheran, to be a secretary of embassy or legation of class 2 of the United States of America.

COAST GUARD.

Boatswain (L) Howard Wilcox to be district superintendent in the Coast Guard of the United States, to take effect from date of oath, to fill an existing vacancy.

This warrant officer has passed successfully the examination required by law.

APPOINTMENTS IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

To be second lieutenants with rank from June 13, 1922.

Cadet Charles Joseph Barrett, jr.
Cadet Otto Spaulding Tinkel.
Cadet Maxwell Davenport Taylor.
Cadet Henry James Woodbury.
Cadet Louis Jacob Ramaggi.
Cadet Francis Jennings Wilson.

To be second lieutenants with rank from June 14, 1922.

Cadet Frank Llewellyn Beadle.
Cadet Francis Eugene Cothran.

SIGNAL CORPS.

To be second lieutenants with rank from June 13, 1922.

Cadet Robert Wayne Raynsford.
Cadet William Field Sadtler.
Cadet Albert Svihra.

To be second lieutenant with rank from June 14, 1922.

Cadet Thomas Herbert Maddocks.

AIR SERVICE.

To be second lieutenants with rank from June 13, 1922.

Cadet Edmund Clayton Lynch.
Cadet Alfred August Kessler, jr.
Cadet Paschal Neilson Strong, jr.
Cadet Mervin Eugene Gross.
Cadet Francis Borgia Kane.
Cadet Daniel Allen Terry.
Cadet William Stevens Lawton.
Cadet Richard Wilson Johnson.
Cadet Benjamin Wiley Chidlaw.
Cadet Howard Gillespie Davidson.
Cadet Fred James Woods.
Cadet Kenneth Francis Pughe.
Cadet Orval Ray Cook.
Cadet James Wrathall Spry.
Cadet Frederick William Hein.

To be second lieutenants with rank from June 14, 1922.

Cadet Landon Carter Catlett, jr.
Cadet Gilbert Hayden.
Cadet Hilbert Milton Wittkop.
Cadet Townsend Griffiss.

INFANTRY.

To be second lieutenants with rank from June 13, 1922.

Cadet Edward Shelley Gibson.
Cadet Francis Martin Greene.
Cadet Edwin Norman Clark.
Cadet Francis Xavier Mulvihill.
Cadet Toy Rhea Gregory.
Cadet DeWitt Liggett McLallen.
Cadet Charles Rufus Smith.
Cadet Harold Alfred Meyer.
Cadet Jerre Land Dowling.
Cadet Robert Earle Blair.
Cadet James Dunne O'Connell.
Cadet Leonard Edwin Stephens.
Cadet Numa Augustin Watson.
Cadet Frederick Stevens Lee.
Cadet Harry Howard Stout, jr.
Cadet Robert Wilkins Douglass, jr.
Cadet Oscar Louis Beal.
Cadet Oliver Wendell Hughes.
Cadet Robert Vincent Murphy.
Cadet Aloysius Eugene O'Flaherty, jr.
Cadet Melville Fuller Grant.
Cadet James Edward Rees.
Cadet James Robinson Pierce.
Cadet Lemuel Mathewson.
Cadet George Harold Carmouche.
Cadet Glenn Castle Wilhide.
Cadet Martin Augustine McDonough.
Cadet Thomas Varon Webb.
Cadet Harry Herman Haas.
Cadet George Edward Mitchell, jr.
Cadet William Henry Schildroth.
Cadet Darius Donald Thorpe.
Cadet Clarence Dean.
Cadet Orlando Augustus Greening.
Cadet James Edward McDavid, jr.
Cadet George Arthur Taylor.
Cadet Paul Sylvanus Graham.
Cadet Alfred Lawrence Price.
Cadet Charles Holt Dobbs, jr.

To be second lieutenants with rank from June 14, 1922.

Cadet David Marion Fowler.
Cadet Charles Mehegan.
Cadet Philip Howard Raymond.
Cadet Oliver Perry Newman.
Cadet Roscoe Gorea MacDonald.
Cadet Phillips Shirley Sears.
Cadet Thomas Edward Lewis.
Cadet Stewart Tiffany Vincent.
Cadet Paul Henry Mahoney.
Cadet James Clyde Fry.
Cadet Austin Folger Gilmartin.

CAVALRY.

To be second lieutenants with rank from June 13, 1922.

Cadet Harry Evans Bodine, jr.
Cadet Earl Foster Thomson.
Cadet Edwin Paul Crandell.
Cadet Charles Hancock Reed.
Cadet Gordon Sherman Armes.
Cadet Raymond Balliet Bosserman.
Cadet William Harvey Kyle.
Cadet Gilman Clifford Mudgett.
Cadet Wesley Woodworth Yale.

To be second lieutenants with rank from June 14, 1922.

Cadet John Lawson Ballantyne.
Cadet Edwin Carlo Greiner.
Cadet John Hughes Stodter.

FIELD ARTILLERY.

To be second lieutenants with rank from June 13, 1922.

Cadet George Hamden Olmsted.
Cadet Harry Albert.
Cadet LeRoy Judson Stewart.
Cadet John Francis Uncles.
Cadet Giles Richard Carpenter.
Cadet David James Crawford.
Cadet Du Pré Rainey Dance.
Cadet John Hughes Wallace.
Cadet William Augustine Burns, jr.
Cadet Theodore Frederick Straub.
Cadet Alfred Eugene Kastner.
Cadet Mark McClure.
Cadet James Kenrick Whetton.
Cadet Robert Landon Taylor.
Cadet Stephen Cecil Lombard.
Cadet Robert Smith McClenaghan.
Cadet Walter Russell Hensey, jr.
Cadet Harold Thomas Molloy.

To be second lieutenants with rank from June 14, 1922.

Cadet Charles Perry Holweger.
Cadet Blackshear Morrison Bryan, jr.
Cadet Donald Quitman Harris.
Cadet John Percy Kennedy, jr.
Cadet William Andrew Wedemeyer.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from June 13, 1922.

Cadet Cortlandt Van Rensselaer Schuyler.
Cadet Lawrence Coy Leonard.
Cadet Arthur William Glass.
Cadet Charles Newsom Branham.
Cadet Arthur Alexander Klein.
Cadet Slator Marcellus Miller.
Cadet Granger Anderson.
Cadet Myron Leedy.
Cadet Alba Carlton Spalding.
Cadet Perry McCoy Smith.
Cadet Henry Edwin Tyler.

To be second lieutenants with rank from June 14, 1922.

Cadet Edward Arthur Kleinman.
Cadet William Beck Goddard, 3d.
Cadet Donald Harold Hayselden.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

First Lieut. Arthur Charles Perrin, Infantry, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Thomas Herbert Chapman, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

Maj. Louis Aleck Craig, Coast Artillery Corps, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY.

To be captains.

First Lieut. Howard Webster Lehr, Infantry, from April 6, 1922.

First Lieut. Versalious Lafayette Knadler, Field Artillery, from April 10, 1922.

First Lieut. Thomas Cleveland Lull, Infantry, from April 12, 1922.

First Lieut. Leonard Sherod Arnold, Field Artillery, from April 17, 1922.

First Lieut. Thomas Simons Garrett, Infantry, from April 17, 1922.

First Lieut. Henry Jay Ward, Ordnance Department, from April 19, 1922.

First Lieut. Frederick Thomas Murphy, Cavalry, from April 20, 1922.

First Lieut. Carl Gilbert Holmes, Field Artillery, from April 26, 1922.

First Lieut. Lewis Morrell Van Gieson, Infantry, from April 27, 1922.

First Lieut. Arthur Edwin King, Field Artillery, from April 28, 1922.

First Lieut. Aubrey Jefferson Bassett, Infantry, from May 1, 1922.

First Lieut. Lewis L. Rupert, Infantry, from May 2, 1922.

First Lieut. Frank Amedee Deroin, Infantry, from May 2, 1922.

First Lieut. Alfred Cooley Croft, jr., Field Artillery, from May 3, 1922.

First Lieut. Edward Albert Kaech, Infantry, from May 8, 1922.

First Lieut. Edwin Uriah Owings Waters, Infantry, from May 9, 1922.

First Lieut. Frederick Harold Gaston, Field Artillery, from May 9, 1922.

First Lieut. John James Gorman, Infantry, from May 10, 1922.

First Lieut. George Milroy Mayer, Quartermaster Corps, from May 11, 1922.

First Lieut. Mortimer Buell Birdseye, Quartermaster Corps, from May 12, 1922.

First Lieut. John Edward Lynch, Air Service, from June 1, 1922.

First Lieut. Carl Henry Starrett, Infantry, from June 6, 1922.

First Lieut. Arthur Richardson Baird, Infantry, from June 8, 1922.

First Lieut. James William Dye, Quartermaster Corps, from June 10, 1922.

First Lieut. John Virgil Lowe, Chemical Warfare Service, from June 14, 1922.

First Lieut. William Reuben Hazelrigg, Infantry, from June 14, 1922.

First Lieut. Harry Arden Dinger, Air Service, from June 14, 1922.

First Lieut. Edwin Forrest Carey, Air Service, from June 18, 1922.

To be first lieutenants with rank from June 13, 1922.

Second Lieut. Charles Joseph Barrett, jr., Corps of Engineers.

Second Lieut. George Hamden Olmsted, Field Artillery.

Second Lieut. Otto Spaulding Tinkel, Corps of Engineers.

Second Lieut. Maxwell Davenport Taylor, Corps of Engineers

Second Lieut. Henry James Woodbury, Corps of Engineers.

Second Lieut. Louis Jacob Rumaggi, Corps of Engineers.

Second Lieut. Edmund Clayton Lynch, Air Service.

Second Lieut. Francis Jennings Wilson, Corps of Engineers.

Second Lieut. Alfred August Kessler, jr., Air Service.

Second Lieut. Paschal Neilson Strong, jr., Air Service.

Second Lieut. Cortlandt Van Rensselaer Schuyler, Coast Artillery Corps.

Second Lieut. Lawrence Coy Leonard, Coast Artillery Corps.

Second Lieut. Mervin Eugene Gross, Air Service.

Second Lieut. Arthur William Glass, Coast Artillery Corps.

Second Lieut. Harry Albert, Field Artillery.

Second Lieut. Robert Wayne Raynsford, Signal Corps.

Second Lieut. Harry Evans Bodine, jr., Cavalry.

Second Lieut. LeRoy Judson Stewart, Field Artillery.

Second Lieut. Edward Shelley Gibson, Infantry.

Second Lieut. John Francis Uncles, Field Artillery.

Second Lieut. Giles Richard Carpenter, Field Artillery.

Second Lieut. David James Crawford, Field Artillery.

Second Lieut. William Field Sadtler, Signal Corps.

Second Lieut. Du Pré Rainey Dance, Field Artillery.

Second Lieut. Earl Foster Thomson, Cavalry.

Second Lieut. Charles Newsom Branham, Coast Artillery Corps.

Second Lieut. John Hughes Wallace, Field Artillery.

Second Lieut. Francis Borgia Kane, Air Service.

Second Lieut. Daniel Allen Terry, Air Service.

Second Lieut. William Stevens Lawton, Air Service.

Second Lieut. Richard Wilson Johnson, Air Service.

Second Lieut. William Augustine Burns, jr., Field Artillery.

Second Lieut. Albert Svihra, Signal Corps.

Second Lieut. Theodore Frederick Straub, Field Artillery.

Second Lieut. Arthur Alexander Klein, Coast Artillery Corps.

Second Lieut. Slator Marcellus Miller, Coast Artillery Corps.

Second Lieut. Granger Anderson, Coast Artillery Corps.

Second Lieut. Alfred Eugene Kastner, Field Artillery.

Second Lieut. Edwin Paul Crandell, Cavalry.

Second Lieut. Francis Martin Greene, Infantry.

Second Lieut. Mark McClure, Field Artillery.

Second Lieut. Benjamin Wiley Chidlaw, Air Service.

Second Lieut. Myron Leedy, Coast Artillery Corps.

Second Lieut. Alba Carlton Spalding, Coast Artillery Corps.

Second Lieut. James Kenrick Whetton, Field Artillery.

Second Lieut. Robert Landon Taylor, Field Artillery.

Second Lieut. Edwin Norman Clark, Infantry.

Second Lieut. Stephen Cecil Lombard, Field Artillery.

Second Lieut. Howard Gillespie Davidson, Air Service.

Second Lieut. Fred James Woods, Air Service.

Second Lieut. Kenneth Francis Pughe, Air Service.

Second Lieut. Robert Smith McClenaghan, Field Artillery.

Second Lieut. Francis Xavier Mulvihill, Infantry.

Second Lieut. Charles Hancock Reed, Cavalry.

Second Lieut. Toy Rhea Gregory, Infantry.

Second Lieut. Walter Russell Hensey, jr., Field Artillery.

Second Lieut. Orval Ray Cook, Air Service.

Second Lieut. Perry McCoy Smith, Coast Artillery Corps.

Second Lieut. James Wrathall Spry, Air Service.

Second Lieut. Gordon Sherman Armes, Cavalry.

Second Lieut. Henry Edwin Tyler, Coast Artillery Corps.

Second Lieut. Frederick William Hein, Air Service.

Second Lieut. Raymond Balliet Bosserman, Cavalry.

Second Lieut. DeWitt Liggett McLallen, Infantry.

Second Lieut. Charles Rufus Smith, Infantry.

Second Lieut. Harold Alfred Meyer, Infantry.

Second Lieut. Jerre Land Dowling, Infantry.

Second Lieut. Robert Earle Blair, Infantry.

Second Lieut. Harold Thomas Malloy, Field Artillery.

Second Lieut. William Harvey Kyle, Cavalry.

Second Lieut. James Dunne O'Connell, Infantry.

Second Lieut. Gilman Clifford Mudgett, Cavalry.

Second Lieut. Leonard Edwin Stephens, Infantry.

Second Lieut. Numa Augustin Watson, Infantry.

Second Lieut. Wesley Woodworth Yale, Cavalry.

Second Lieut. Frederick Stevens Lee, Infantry.

Second Lieut. Harry Howard Stout, jr., Infantry.

Second Lieut. Robert Wilkins Douglass, jr., Infantry.

Second Lieut. Oscar Louis Beal, Infantry.

Second Lieut. Oliver Wendell Hughes, Infantry.

Second Lieut. Robert Vincent Murphy, Infantry.

Second Lieut. Aloysius Eugene O'Flaherty, jr., Infantry.

Second Lieut. Melville Fuller Grant, Infantry.

Second Lieut. James Edward Rees, Infantry.

Second Lieut. James Robinson Pierce, Infantry.

Second Lieut. Lemuel Mathewson, Infantry.

Second Lieut. George Harold Carmouche, Infantry.

Second Lieut. Glenn Castle Wilhide, Infantry.

Second Lieut. Martin Augustine McDonough, Infantry.

Second Lieut. Thomas Varon Webb, Infantry.

Second Lieut. Harry Herman Haas, Infantry.

Second Lieut. George Edward Mitchell, jr., Infantry.

Second Lieut. William Henry Schildroth, Infantry.

Second Lieut. Darius Donald Thorpe, Infantry.

Second Lieut. Clarence Dean, Infantry.

Second Lieut. Orlando Augustus Greening, Infantry.
Second Lieut. James Edward McDavid, jr., Infantry.
Second Lieut. George Arthur Taylor, Infantry.
Second Lieut. Paul Sylvanus Graham, Infantry.
Second Lieut. Alfred Lawrence Price, Infantry.
Second Lieut. Charles Holt Dobbs, jr., Infantry.

To be first lieutenants with rank from June 14, 1922.

Second Lieut. Frank Llewellyn Beadle, Corps of Engineers.
Second Lieut. Landon Carter Catlett, jr., Air Service.
Second Lieut. Gilbert Hayden, Air Service.
Second Lieut. Francis Eugene Cothran, Corps of Engineers.
Second Lieut. Thomas Herbert Maddocks, Signal Corps.
Second Lieut. Charles Parry Holweger, Field Artillery.
Second Lieut. David Marion Fowler, Infantry.
Second Lieut. Edward Arthur Kleinman, Coast Artillery Corps.
Second Lieut. Blackshear Morrison Bryan, jr., Field Artillery.
Second Lieut. John Lawson Ballantyne, Cavalry.
Second Lieut. Hilbert Milton Wittkop, Air Service.
Second Lieut. Donald Quitman Harris, Field Artillery.
Second Lieut. John Percy Kennedy, jr., Field Artillery.
Second Lieut. Charles Mehegan, Infantry.
Second Lieut. Townsend Griffiss, Air Service.
Second Lieut. William Andrew Wedemeyer, Field Artillery.
Second Lieut. Edwin Carlo Greiner, Cavalry.
Second Lieut. William Beck Goddard, 3d, Coast Artillery Corps.
Second Lieut. Donald Harold Hayselden, Coast Artillery Corps.
Second Lieut. Philip Howard Raymond, Infantry.
Second Lieut. Oliver Perry Newman, Infantry.
Second Lieut. Roscoe Gorea MacDonald, Infantry.
Second Lieut. John Hughes Stodter, Cavalry.
Second Lieut. Phillips Shirley Sears, Infantry.
Second Lieut. Thomas Edward Lewis, Infantry.
Second Lieut. Stewart Tiffany Vincent, Infantry.
Second Lieut. Paul Henry Mahoney, Infantry.
Second Lieut. James Clyde Fry, Infantry.
Second Lieut. Austin Folger Gilmartin, Infantry.

MEDICAL CORPS.

To be captain.

First Lieut. Samuel Winchester Reeves, Medical Corps, from June 19, 1922, subject to examination required by law.

CHAPLAINS.

To be chaplain with the rank of captain.

Chaplain Henry Nathan Blanchard, from June 13, 1922.

POSTMASTERS.

ALABAMA.

Noah W. Platt to be postmaster at Headland, Ala., in place of D. W. McLean, deceased.

CONNECTICUT.

Charles W. Birely to be postmaster at New Haven, Conn., in place of Philip Troup, resigned.

ILLINOIS.

John E. Hughes to be postmaster at Toledo, Ill., in place of B. F. Neal. Incumbent's commission expired February 4, 1922.

IOWA.

R. Earl Ferguson to be postmaster at Rolfe, Iowa, in place of B. J. Cuff, resigned.

LOUISIANA.

Thomas W. Shields to be postmaster at Bernice, La., in place of J. M. Talbot, declined.

Alice H. Galbraith to be postmaster at De Quincy, La., in place of T. J. Perkins, resigned.

MAINE.

Byron E. Lindsay to be postmaster at Kingman, Me., in place of C. N. Thompson, deceased.

MASSACHUSETTS.

Edward L. Diamond to be postmaster at Easthampton, Mass., in place of J. E. Barnett. Incumbent's commission expired January 24, 1922.

Edgar T. Brickett to be postmaster at North Cohasset, Mass., in place of F. L. Beal, resigned.

MISSOURI.

Charles H. Herriman to be postmaster at Bucklin, Mo., in place of G. T. Bell. Incumbent's commission expired July 25, 1920.

NEBRASKA.

Leon R. Eastman to be postmaster at Kimball, Nebr., in place of E. W. Roche, resigned.

NEVADA.

Thomas H. Dalton to be postmaster at Austin, Nev., in place of G. A. Myles, resigned.

NEW JERSEY.

Walter L. Stewart to be postmaster at Mount Holly, N. J., in place of F. H. Reed, resigned.

OHIO.

Olive M. Munn to be postmaster at Barton, Ohio, in place of O. M. Munn. Office became third class October 1, 1920.

William W. Reed to be postmaster at Kent, Ohio, in place of E. E. France. Incumbent's commission expired January 31, 1922.

Charles R. White to be postmaster at Millersburg, Ohio, in place of L. G. Barton, resigned.

OKLAHOMA.

Leo B. McWilliams to be postmaster at Miami, Okla., in place of J. M. Dixon. Incumbent's commission expired June 6, 1922.

Porter J. Newman to be postmaster at Welch, Okla., in place of G. H. Hancock. Incumbent's commission expired July 23, 1921.

PENNSYLVANIA.

H. Stanley Drake to be postmaster at Norristown, Pa., in place of A. K. Kneule. Incumbent's commission expired February 5, 1922.

Vincent S. Pownall to be postmaster at Swarthmore, Pa., in place of C. A. Smith. Incumbent's commission expired February 4, 1922.

VIRGINIA.

Randall M. McGhee to be postmaster at Seven Mile Ford, Va., in place of S. O. Pulliam. Office became third class April 1, 1921.

WEST VIRGINIA.

Julius Thompson to be postmaster at Petersburg, W. Va., in place of D. D. McNemar. Incumbent's commission expired April 8, 1922.

WISCONSIN.

Edgar E. Parker to be postmaster at Beaver Dam, Wis., in place of Peter Veling. Incumbent's commission expired February 26, 1919.

George A. Potter to be postmaster at Fort Atkinson, Wis., in place of F. H. Rogers. Incumbent's commission expired August 3, 1920.

Floyd B. Hesler to be postmaster at Glenbeulah, Wis., in place of J. F. Mooney. Office became third class January 1, 1921.

Lewis M. Smith to be postmaster at Jefferson, Wis., in place of Fred Seifert. Incumbent's commission expired January 24, 1922.

William H. Ware to be postmaster at Loganville, Wis., in place of W. H. Ware. Office became third class April 1, 1921.

Orris O. Smith to be postmaster at Pardeeville, Wis., in place of William Hughes, deceased.

Hilary L. Haessly to be postmaster at Theresa, Wis., in place of J. H. Mahoney. Office became third class January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 24 (legislative day of April 20), 1922.

RECEIVER OF PUBLIC MONEYS.

William Harris to be receiver of public moneys, Las Cruces, N. Mex.

COAST AND GEODETIC SURVEY.

Lex B. Clore to be aid, with relative rank of ensign in Navy.

Arthur Watts Skilling to be aid, with relative rank of ensign in Navy.

POSTMASTERS.

INDIANA.

William B. Thornley, Jeffersonville.
Garrett W. Gossard, Kempton.

MICHIGAN.

Claud E. Ford, Caledonia.

PORTO RICO.

Gaspar Ferran, Barceloneta.
Felix P. Hernandez, Quebradillas.

VIRGINIA.

Thomas C. Bunting, Exmore.
Annie Allee, Temperanceville.
James L. Earles, Willis.

WISCONSIN.

William H. Zuehlke, Appleton.
Lloyd A. Hendrickson, Blanchardville.
Charles V. Walker, Bruce.
Clyde C. Ellis, Elkhart Lake.
George S. Eklund, Gillett.
Emil H. Lang, Gleason.
Peter O. Virum, Junction.
Harry V. Holden, Orfordville.
Lewis W. Cattanach, Owen.
Guy G. Nelson, Palmyra.
John A. Haddow, River Falls.
Earl M. Gilbert, Rosholt.
Louis Baumgartner, St. Nazianz.
Richard E. Krause, Sobieski.
Maud E. Johnston, Spencer.
Ellen E. Hamburg, Winegar.
Aaron R. White, Wonewoc.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 24, 1922.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou all merciful God, do Thou hear our word of prayer and praise, for we are all debtors and stand in the compassion and breath of Thy love. Draw near to all. Make larger our conception of Thy glory that every capacity of our being may be made fuller and richer. Bless unto us the things of life that are full of brightness, hope, and promise. So abide with us that our wisest learning, our best possessions, our largest abilities may be given freely and gratefully to the country we delight to call our home. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUKRIEDE, for four days, on account of important business.

To Mr. WISE (at the request of Mr. CRISP), for 10 days, on account of important business.

To Mr. WARD of North Carolina (at the request of Mr. GARNER), indefinitely, on account of sickness in family.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a matter of very great importance to the State of Florida.

Mr. VOIGT. Mr. Speaker, will the gentleman withhold that for just a moment?

Mr. SEARS. Certainly.

Mr. VOIGT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the ship subsidy bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the ship subsidy bill. Is there objection?

Mr. MONDELL. I object.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SEARS. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. VOIGT. Certainly.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a matter that is of vital importance to the State of Florida.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.

CALL OF THE HOUSE.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was notified to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Arentz	Fitzgerald	Lee, N. Y.	Robertson
Bacharach	Focht	Linthicum	Robsion
Beck	Foster	Logan	Rodenberg
Beedy	Frear	Longworth	Rogers
Black	Freeman	Luce	Rossdale
Blanton	Fuller	Luhring	Rouse
Brennan	Gahn	Lyon	Rucker
Britten	Gallivan	McClintic	Ryan
Brooks, Pa.	Garrett, Tex.	McCormick	Sabath
Brown, Tenn.	Gilbert	McFadden	Sanders, Ind.
Browne, Wis.	Goldsborough	McLaughlin, Pa.	Schall
Buchanan	Gould	McSwain	Shelton
Burke	Graham, Pa.	MacGregor	Siegel
Burtness	Greene, Mass.	Maloney	Sinclair
Burton	Greene, Vt.	Merritt	Slemp
Butler	Griest	Michaelson	Snyder
Campbell, Kans.	Harrison	Montague	Sproul
Campbell, Pa.	Henry	Montoya	Stephens
Cantrill	Hersey	Morin	Stevenson
Carter	Hicks	Mudd	Stiness
Chandler N. Y.	Hooker	Nelson, J. M.	Stoll
Clark, Fla.	Hukriede	Newton, Mo.	Sullivan
Clarke, N. Y.	Humphreys	Nolan	Summers, Wash.
Classon	Husted	O'Brien	Swank
Cockran	Hutchinson	Olpp	Sweet
Codd	Ireland	Osborne	Tague
Colton	Jefferis, Nebr.	Overstreet	Taylor, Ark.
Connolly, Pa.	Johnson, Ky.	Padgett	Taylor, Colo.
Cooper, Ohio	Johnson, Miss.	Paige	Ten Eyck
Copley	Johnson, S. Dak.	Parker, N. Y.	Thomas
Dallinger	Jones, Pa.	Parks, Ark.	Tilson
Davis, Minn.	Kahn	Patterson, Mo.	Towner
Deal	Kearns	Patterson, N. J.	Treadway
Denison	Kendall	Perkins	Tucker
Dickinson	Kennedy	Perlman	Underhill
Dominick	Ketcham	Petersen	Vare
Drane	Kiess	Porter	Vestal
Drewry	Kindred	Pou	Volk
Driver	Kinkaid	Radcliffe	Ward, N. Y.
Dunbar	Kirkpatrick	Rainey, Ala.	Wason
Dunn	Kitchin	Ransley	White, Kans.
Edmonds	Kleczka	Rayburn	Wilson
Evans	Knight	Reber	Wingo
Fairchild	Kunz	Reece	Wise
Fairfield	Langley	Reed, N. Y.	Woodyard
Fenn	Larson, Minn.	Riddick	Wyant
Fields	Lawrence	Riordan	Yates
Fish	Lee, Ga.	Roach	Young

The SPEAKER. On this call 238 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

DISABLED VETERANS OF THE WORLD WAR.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting in 8-point type certain resolutions passed by the disabled veterans of the World War pertaining to the Veterans' Bureau and Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolutions referred to are as follows:

DISABLED VETERANS OF THE WORLD WAR,
STATE POST,
Los Angeles, Calif., June 17, 1922.

Hon. WALTER F. LINEBERGER,
House of Representatives, Washington, D. C.

HONORABLE SIR: At our State convention, held in San Diego May 15 to 20, inclusive, the inclosed resolutions were adopted, and we are again calling on your kindness to aid us in getting these resolutions before the proper bodies for execution. Knowing your deep interest in the disabled ex-service men, we feel that we could not place them in better hands.

Thanking you in advance for this favor and the favors that you have extended us in the past, we remain,

Yours respectfully,

ORVILLE O. JONAS, *President.*
H. E. RILEY, *Secretary-Treasurer.*

Resolution No. 1.

Whereas a Senate bill, known as S. 3463, is pending in the Senate and was introduced by Senator WESLEY L. JONES, of Washington, for the benefit of all veterans' organizations; and

Whereas Senate bill 3463 has for its purpose the provisions "That transportation by water or railroad travel for members of organizations consisting of ex-soldiers, sailors, marines, or Nurse Corps, including immediate members if their families travel with them, to all encampments or conventions of their respective organizations, shall not be more than 1 cent per mile: Now, therefore, be it

Resolved, That by the convention of delegates of the Disabled Veterans of the World War in convention assembled in the city

of San Diego, State of California, we indorse said bill; and be it further

Resolved, That copies of this resolution be forwarded to the United States Senators and Congressmen from the State of California, and that they use all their efforts to enact Senate bill 3463.

—

Resolution No. 2.

Whereas great delay has occurred and is occurring in getting disabled soldiers, sailors, and marines started on their course of vocational training; and

Whereas it has been found impossible for such men to accept satisfactory temporary employment while waiting action of the Vocational Training Board; and

Whereas such men are compelled to exist on small amount allowed them, or compensation, with the consequence that many disabled men are compelled to go heavily in debt to maintain themselves and families during this waiting period: Now, be it

Resolved, That steps be taken by the Veterans' Bureau to expedite payment of compensation or award of Vocational Training; and be it further

Resolved, That the Director of the Veterans' Bureau is hereby requested to take all steps necessary to see that the provisions of the rehabilitation act, as provided by Congress, be carried out to their fullest extent, and that decentralization be actually accomplished.

—

Resolution No. 6.

Whereas there has been great inefficiency in the administration of hospitalization in so far as pertains to the psychopathic or mental cases of disabled veterans; and

Whereas great mental suffering is caused to the veteran and his immediate relatives by virtue of being hospitalized in different State institutions known as insane asylums; and

Whereas it is the opinion of all right-thinking people that this class of disabled veterans be taken care of in a Government-controlled institution: Now, therefore, be it

Resolved, That the Disabled Veterans of the World War, in convention assembled, urgently request that immediate steps be taken by the Senate and by Congress and the Veterans' Bureau to provide suitable hospitalization for the aforementioned disabled veteran; and be it further

Resolved, That such hospital be established on the Pacific coast, preferably in California, on account of the climate and environment conditions, and that it be provided at once; and be it further

Resolved, That copies of this resolution be forwarded to Members of the United States Senate and Congress serving from the State of California and the Veterans' Bureau.

—

Resolution No. 8.

Whereas at the last annual convention of the Disabled Veterans of the World War, held at Los Angeles, Calif., May 16 to 22, 1921, this organization went on record as favoring any measure condemning any discrimination toward disabled emergency officers, and approving any method that would place them on the same status relative to the privileges now enjoyed by other officers of the Army, marines, or the Navy; and

Whereas the Senate has passed a bill known as the Bursum bill (S. 1565), providing retirement for disabled emergency officers; and

Whereas this bill is now in the hands of the House Military Affairs Committee for their consideration and presentment to the House of Representatives: Now, therefore, be it

Resolved, That we, the Disabled Veterans of the World War, in our second annual convention assembled in the city of San Diego, State of California, after thorough consideration, do hereby approve and urge that the above-mentioned bill be heartily and speedily acted upon by all concerned for its passage.

—

Resolution No. 10.

Whereas it has come to the attention of the Disabled Veterans of the World War that the Veterans' Bureau trainees have had their compensation canceled or reduced or discontinued without adequate notice of such cancellation or discontinuance; and

Whereas the veteran so affected is unable in a great many instances to adequately care for himself or for those dependent upon him; and

Whereas such time should be allowed as is compatible with his welfare: Now, therefore, be it

Resolved, That the Disabled Veterans of the World War, in convention assembled, hereby request that an extension of time be allowed him for final rehabilitation or for a reduction in compensation or a discontinuance of training pay, and that the time so extended the above disabled ex-service man should be for a period of 90 days.

—

Resolution No. 11.

Whereas it has been brought to the attention of the State convention of the Disabled Veterans of the World War, now assembled in the city of San Diego, in the State of California, that a great hardship is being worked upon tubercular ex-service men on account of the cancellation of contract hospital in and about the city of Los Angeles, county of Los Angeles; and

Whereas there exists at the Soldiers' Home at Sawtelle, Calif., and other Government hospitals crowded conditions that are not beneficial to tubercular ex-service men: Now, therefore, be it

Resolved, That the Disabled Veterans of the World War, in convention assembled, request that the Veterans' Bureau secure by lease or by any other method available a suitable hospital or hospitals in or near Los Angeles, Calif., and maintain same under Government control for the benefit of tubercular patients.

—

Resolution No. 16.

Whereas many disabled veterans of the World War are dying because their disabilities are aggravated by worry and disappointment, due to delays caused by the red tape of the Veterans' Bureau, and many wives and children are being left destitute thereby; and

Whereas Congress has appropriated funds to take care of these cases and has ordered that the Veterans' Bureau be decentralized in order that these funds may be used to the best advantage; and

Whereas the Veterans' Bureau has not been decentralized, and as a result many thousands of sick and disabled have been waiting for several years for proper action on their cases; and

Whereas most of this distress and economic waste of men and money could be avoided if the district and subdistrict office had authority to properly handle disabled persons with whom they come in actual contact; and

Whereas under the present system the district offices are unable to get action of any kind from Washington without delays of many months, because Washington is inefficient and indifferent to the urgency of these mere paper cases; and

Whereas the medical and other employees in the district and subdistrict offices are better qualified to pass judgment on the merits of persons whom they have examined and observed in the flesh than is any clerk in Washington to whom the disabled person is merely a few sheets; and

Whereas these abuses are nation-wide: Be it

Resolved by this convention of the Disabled Veterans of the World War, That pressure be brought to bear on the Veterans' Bureau at Washington to actually decentralize its activities and empower its medical and other boards in the district and subdistrict offices to make final ratings on all persons coming before them, and that the Washington office not interfere with such ratings without a complete and fair examination of the person of the disabled man or woman so rated; and

Be it further resolved, That in case the Veterans' Bureau does not grant the above requests that the President and both Houses of Congress be called upon to abate the present injustices.

—

Resolution No. 17 of the second annual convention of the Disabled Veterans of the World War, May 15 to 21, 1922.

Whereas the Bureau of War Risk Insurance of the United States Government was granted powers and moneys by Congress to carry on the business of insuring ex-service persons; and

Whereas this bureau has issued circulars and bulletins from time to time stating what they would do for such ex-service persons; and

Whereas said bureau has failed to carry out many of its promises and because of this and a general inefficiency and indifference has lost 800 per cent of the business; and

Whereas this bureau is not functioning along the lines outlined by Congress, and men have applied for reinstatement of their insurance under the regulations laid down by Congress and the bureau and have been refused such reinstatement after long delay; and

Whereas a specific case is before this convention of a man complying with all the regulations and paying over $200 for reinstatement, and at the present time, nearly two and one-half months after such application, has not received action on his case; and

Whereas such conditions would not be tolerated in any private business and are a source of much worry to the applicants because their families are not protected and the expense of the insurance goes on without the payer receiving anything in return: Be it

Resolved by this convention of the Disabled Veterans of the World War, That both Houses of Congress be petitioned for relief from such intolerable conditions.

—

Resolution No. 19.

Whereas it has been brought to the attention of the Disabled Veterans of the World War in convention assembled at San Diego, State of California, that there is great dissatisfaction existing in the different institutions throughout the United States maintained by the Government known as the soldiers' homes; and

Whereas the veterans of the different wars of the United States now in the aforementioned homes are compelled to dine and room in the same quarters; and

Whereas this close contact of the above-mentioned veterans of our different wars has created dissension and ill feeling between them: Now, therefore, be it

Resolved, That such war veterans be maintained or segregated in different quarters, according to the period that they have served or according to the war in which participated if so desired by them.

—

Resolution No. 22.

Whereas it is the opinion of the Disabled Veterans of the World War in convention assembled at San Diego, Calif., that owing to the excessive fees in most cases charged by the physicians and surgeons the disabled ex-service man can not secure adequate medical attention for members of his immediate family; and

Whereas this has in many cases brought upon the disabled veteran and his family great suffering and pain that could have been obviated had there been provisions made to care for them: Now, therefore, be it

Resolved, That the Disabled Veterans of the World War go on record as favoring an amendment to the existing rehabilitation act that will provide that any member of a disabled veteran's immediate family secure whatever medical attention that is necessary for them in cases of illness.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

The SPEAKER. The unfinished business is the conference report upon the War Department appropriation bill. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 225: Page 134, after line 5, insert:

MUSCLE SHOALS.

For the continuation of the work on Dam No. 2 on the Tennessee River at Muscle Shoals, Ala., to be immediately available, $7,500,000.

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. WRIGHT. Mr. Speaker, on that I demand a division of the question.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur, and the gentleman from Georgia demands a division of the question. The question is on the motion to recede.

The motion was agreed to.

Mr. WRIGHT. Mr. Speaker, I move to concur with an amendment which I send to the desk.

Mr. SISSON. Mr. Speaker, I would like to have some understanding about time.

Mr. ANTHONY. Mr. Speaker, pending the vote on the motion to concur, the gentleman from Mississippi and other gentlemen have asked for time for debate. As far as I am concerned, I am so disposed. I think the amendment of sufficient importance to be debated for the information of the House. How much time does the gentleman think necessary?

Mr. SISSON. I have been overwhelmed with requests for time. I had an informal talk with the chairman, and I suggested two hours, one hour on a side. That will not supply the demand for time on this side, but I know the value of time, and I would be very glad if we could agree on two hours. I would not want the gentleman from Kansas to lose absolute control of the bill.

And if we can agree on two hours I am willing that the gentleman from Kansas shall control the time, with the understanding that I had that he was to yield the time——

Mr. ANTHONY. I will say to the gentleman that I have been given to understand that there is a good deal of important business to follow this conference report, particularly the grain futures bill, and I suggest that we get along with less than two hours. Would a discussion of an hour and a half satisfy the gentleman?

Mr. SISSON. Of course, the gentleman has control of the time, but this side of the House is so much interested in the matter and so many want to speak and want to discuss it——

Mr. MANN. They can not all speak, anyhow.

Mr. SISSON. I know they can not all speak, but I would like to accommodate as many of these gentlemen as I can. I will say to my friend that during the entire discussion personally I have done everything in the world I could to facilitate the passage of the bill, and I believe every man on this side of the House has. Not only that, but we have tried to keep a quorum for you, and everything of that sort.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the time on this amendment may be extended to one hour and a half total, with the understanding that one-half of the time may be used by such gentlemen as the gentleman from Mississippi [Mr. SISSON] may designate.

Mr. SISSON. May I suggest to the gentlemen on that side of the House to make it 30 minutes more? It would be very much more satisfactory to this side of the House. There are a good many angles of this matter that should be debated. We can not accommodate anything like half of the men that want time. I have told them of the importance of conserving time on account of the bill that is to follow, the bill of the gentleman from Kansas [Mr. TINCHER].

Mr. MANN. After all, there will be more men who will listen to the debate in an hour and a half than in two hours.

Mr. BRYNS of Tennessee. Will the gentleman yield for a statement?

Mr. SISSON. Yes.

Mr. BYRNS of Tennessee. As the gentleman from Mississippi stated, it only means half an hour or more. We stayed here last night until 10 o'clock, and I am sure that on account of a subject of this sort the Members, if necessary, would be willing to stay half an hour later to-night.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to modify the request I made by extending the time to two hours.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment of the gentleman from Georgia [Mr. WRIGHT].

The Clerk read as follows:

Mr. WRIGHT moves to concur in Senate amendment No. 225, with the following amendment:

Strike out in said amendment the words "to become immediately available" and insert in lieu thereof the following, to wit, "but not to become available until the 1st of October, 1922."

Mr. VOIGT. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point that there is no quorum present. The Chair will count. [After counting.] Two hundred and one Members are present, not a quorum.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Arentz	Drane	Ireland	Morin
Bacharach	Drewry	Jefferis, Nebr.	Mudd
Beck	Driver	Johnson, Ky.	Nelson, J. M.
Black	Dunbar	Johnson, Miss.	Nolan
Blanton	Dunn	Johnson, S. Dak.	O'Brien
Bond	Echols	Kahn	Olpp
Brennan	Edmonds	Kearns	Osborne
Britten	Evans	Kendall	Overstreet
Brooks, Pa.	Fairchild	Kennedy	Padgett
Brown, Tenn.	Fairfield	Ketcham	Paige
Buchanan	Fenn	Kiess	Park, Ga.
Burke	Fields	Kindred	Parker, N. Y.
Burtness	Fitzgerald	Kinkaid	Parks, Ark.
Burton	Focht	Kirkpatrick	Patterson, Mo.
Butler	Foster	Kitchin	Patterson, N. J.
Campbell, Kans.	Frear	Kleczka	Perkins
Campbell, Pa.	Freeman	Knight	Periman
Cantrill	Fuller	Kunz	Petersen
Carter	Gahn	Langley	Radcliffe
Chandler, N. Y.	Gallivan	Larson, Minn.	Rainey, Ala.
Clark, Fla.	Garrett, Tex.	Lawrence	Ransley
Clarke, N. Y.	Gilbert	Lee, N. Y.	Rayburn
Classon	Goldsborough	Logan	Reber
Clouse	Gould	Longworth	Reed, N. Y.
Cockran	Graham, Pa.	Luce	Riddick
Codd	Greene, Mass.	Luhring	Riordan
Collier	Greene, Vt.	Lyon	Roach
Colton	Griest	McClintic	Robertson
Connell	Harrison	McCormick	Robsion
Connolly, Pa.	Henry	McFadden	Rodenberg
Cooper, Ohio	Hersey	McLaughlin, Pa.	Rogers
Copley	Hicks	McSwain	Rossdale
Dallinger	Hooker	MacGregor	Rouse
Davis, Minn.	Hukriede	Maloney	Rucker
Deal	Humphreys	Merritt	Ryan
Dickinson	Husted	Montague	Sabath
Dominick	Hutchinson	Montoya	Sanders, Ind.

Schall	Stiness	Towner	Watson
Shelton	Stoll	Treadway	Wilson
Siegel	Sullivan	Tucker	Wingo
Sinclair	Summers, Wash.	Underhill	Wise
Slemp	Swank	Vare	Wyant
Snyder	Sweet	Vestal	Yates
Sproul	Tague	Volk	Young
Steagall	Taylor, Ark.	Walters	
Stephens	Ten Eyck	Ward, N. Y.	
Stevenson	Tilson	Wason	

The SPEAKER. Two hundred and forty-five Members are present—a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. JAMES. Mr. Speaker, I wish to offer an amendment.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

Mr. MONDELL. Mr. Speaker, does the gentleman want to take the responsibility for delaying the construction of Muscle Shoals?

Mr. JAMES. The gentleman from Michigan does not want to take the responsibility for killing the proposition.

Mr. MONDELL. The gentleman from Georgia evidently sees it is not good politics.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Mr. JAMES moves to concur in Senate amendment No. 225 with the following amendment: Strike out in said amendment the words "to become immediately available," and insert in lieu thereof the following, to wit: "but not to become available until the 1st day of October, 1922."

Mr. HUDDLESTON. Mr. Speaker, I have a substitute for the amendment that I desire to offer.

The SPEAKER. The gentleman from Alabama offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. HUDDLESTON offers the following substitute for the amendment of Mr. JAMES: Strike out from said Senate amendment No. 225, in lines 8 and 9, the following: "to be immediately available"; and add, after the figures "$7,500,000," the following: *"Provided, however,* This appropriation shall not become available until such time as the Congress shall have taken final action on H. R. 11903, and not then if the subject matter of said bill is enacted into law in a manner as will result in the consummation of contracts for lease and sale of the Government Muscle Shoals properties to Henry Ford, and in which event said appropriation shall be available in carrying out by the Government the provisions of the contracts as to such lease and sale: *Provided further,* That this provision shall not operate to postpone such availability later than January 1, 1923."

Mr. STAFFORD. Mr. Speaker, I make the point of order that the substitute is not a substitute to the amendment of the gentleman from Michigan [Mr. JAMES], and, further, that it is not in order because not germane to the Senate amendment, and, further, that it is legislation and counter to the rules of the House.

Mr. Speaker, the proposition presented for the attention of the House is Senate amendment No. 225, which reads as follows:

For the continuation of the work on Dam No. 2, on the Tennessee River, at Muscle Shoals, Ala., to be immediately available, $7,500,000.

The SPEAKER. The Chair thinks it will save time to hear the gentleman from Alabama [Mr. HUDDLESTON].

Mr. STAFFORD. Very well.

Mr. HUDDLESTON. Mr. Speaker, I think I grasp the particular point that the Speaker has in his mind, in the feeling that perhaps the amendment may not be proper.

The SPEAKER. The Chair will state that it seems to the Chair very clear that the provision carrying out the purposes of the Government as to contracts for lease or sale is legislation. The Chair will hear the gentleman on that.

Mr. HUDDLESTON. On that point, Mr. Speaker, let me suggest this: For the purposes of this discussion we must assume that the James amendment is germane and proper. No point of order has been reserved against it. For the purposes of this amendment the James amendment should be treated as though it had been written in the report. We should consider the situation as though the report of conferees had been presented to the House with the James amendment incorporated in it.

That is the parliamentary situation. Now, then, the purpose of the James amendment is to postpone the availability of the appropriation to a day certain. My substitute offered for that amendment does not create new law. It merely postpones the availability of the appropriation until the happening of a contingency. If we should adopt the substitute, it will not mean that the House bill referred to will become a law.

Mr. MANN. Mr. Speaker, will the gentleman yield there for a moment?

Mr. HUDDLESTON. It means, however, that unless and until that bill shall become a law this appropriation shall not be available to be expended unless action by Congress should be delayed upon it until January 1.

Now, I maintain, Mr. Speaker, that the parliamentary effect of my substitute is to postpone the day upon which this appropriation may become available until January 1. Undoubtedly, had there been omitted in the substitute any reference to the Ford offer, it would have been entirely legitimate to have named some other or different date from that named in the James amendment, and that is the only effect, it seems to me, that my substitute has. In other words, the availability of this appropriation is postponed by my substitute until January 1, unless in the meantime the Congress has seen proper to pass certain legislation.

I believe there are a multitude of precedents for the postponement of the availability of appropriations until the happening of a certain contingency, and the fact that that contingency is the passage of a bill by Congress does not in any sense affect the principle. For illustration let me suggest, Mr. Speaker, that if the substitute had mentioned as a contingency the washing away so much of the dam at Muscle Shoals as is already constructed that would not affect, it seems to me, the validity of the amendment. I am sure we have a multitude of precedents hinged upon such contingencies. I submit that the fact that the contingency is action by Congress does not affect the principle which may be involved in this. I do not know what else I might say on the point.

The SPEAKER. The gentleman from Alabama has not addressed himself to the point suggested by the Speaker as to the provision carrying out legislation in regard to contracts of lease or sale. The amendment makes the money available subject to the carrying out of the contracts for lease or sale.

Mr. HUDDLESTON. I am sorry that I did not understand the Speaker to call my attention to that before; otherwise I would not have taken up the time. Very clearly that clause is legislation. The amendment was drawn by another Member, and I did not have a chance to note the effect of that clause. I ask unanimous consent to withdraw it and offer it again in changed form.

The SPEAKER. The Chair would suggest that the gentleman had better take his amendment and modify it as he desires.

Mr. ANTHONY rose.

Mr. HUDDLESTON. Mr. Speaker, I am ready to offer my amendment in amended form.

The SPEAKER. The Clerk will report the amendment as modified by the gentleman from Alabama.

The Clerk read as follows:

Mr. HUDDLESTON offers the following amended substitute to the amendment offered by Mr. JAMES: Strike out from said Senate amendment No. 225, in lines 8 and 9, the following: "To be immediately available" and add after the figures "$7,500,000" the following: *"Provided, however,* This appropriation shall not become available until such time as the Congress shall have taken final action on H. R. 11903, and not then if the subject matter of said bill is enacted into law in a manner as will result in the consummation of contracts for lease and sale of the Government Muscle Shoals property to Henry Ford: *Provided further,* That this provision shall not operate to postpone such availability later than January 1, 1923."

Mr. STAFFORD. Mr. Speaker, I make the point of order that the amendment is not germane to the substitute of the amendment of the gentleman from Michigan [Mr. JAMES]. I make the further point of order that it is not germane to the Senate amendment under consideration, and the further point of order that it is legislation. If the Chair has made up his mind I do not care to occupy the time of the House.

The SPEAKER. The Chair will hear the gentleman.

Mr. STAFFORD. The authority under which this work is proposed to be undertaken is found in the war authorizations act of June 3, 1916, which authorized the President—

to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses—

And so forth—

for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

In that law—and I lay emphasis upon that fact—there is this provision, which has not been repealed:

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. MANN. Will the gentleman yield for a question?

Mr. STAFFORD. I will be glad to.

Mr. MANN. Is there anything in the Huddleston amendment except a limitation of time as to when the appropriation shall become available?

Mr. STAFFORD. I think there is.

Mr. MANN. In the amendment as now offered?

Mr. STAFFORD. As now offered; and not then unless Congress prior to that time enacts a law providing for the consummation of contracts for lease or sale of the Government Muscle Shoals properties in Alabama to Henry Ford.

Mr. MANN. That is a limitation of time within which it shall not become available.

Mr. STAFFORD. It is more than a limitation of time. It is a limitation on the authority of the President to-day to continue the work as authorized under existing law.

Mr. MANN. But it is a limitation on the appropriation, as I understand it.

Mr. CRAMTON. If the President had on hand other funds for this purpose it would not limit his use of those other funds. The Huddleston amendment would not limit the President in the use of other funds. It only limits the use of this particular appropriation.

Mr. MANN. If the gentleman will yield, as I understand this pending amendment—and I ask for information—it provides that this appropriation shall not become available unless a particular House bill shall become a law. The enemies of Muscle Shoals could well afford to vote for it.

Mr. MONDELL. I do not think the gentleman from Illinois has carefully read the amendment.

Mr. KELLEY of Michigan. I will bet he has.

Mr. MANN. I read it a week ago.

Mr. MONDELL. As I understand, it provides that this shall not become available if a contract is made with Henry Ford. That is the gist of it.

Mr. MANN. It is a pure limitation, that unless a certain bill of the House becomes a law the appropriation shall not be made available before next January.

Mr. MONDELL. That is not the provision. It is that the appropriation shall not be available unless a certain measure is considered and unless an agreement is reached under which a certain individual shall not be the beneficiary of the contract. Now, that is not a limitation. That provision suggests requiring the officer who would pass upon it the exercise of an opinion as to the character of the legislation, the exercise of judgment as to whether or no the legislation will accomplish certain things in a certain way. That is not a limitation. It is an attempt to make the appropriation available dependent upon certain acts and contingencies which will be difficult for anyone to determine.

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. In just a moment. Mr. Speaker, all that was put up to the House in the Senate amendment was whether we should continue that work under the authorization of law as laid down in the act of 1916. Now, an enemy of further work on the Muscle Shoals proposition is attempting to write into the law something that does not exist. The Senate has merely put before us an authorization to carry out the work under existing law. It did not submit to the House the consideration of a modification of existing authorizations. What is attempted by this amendment is to accomplish by indirection what can not be accomplished by direction. It seeks to make this fund available, not according to the terms of the original act but according to the terms of a proposed offer which is not within the provision of the original enactment. That is the offer made by Mr. Henry Ford.

Mr. MANN. No, no; the gentleman is mistaken.

Mr. MONDELL. On the contrary, if they do accept Ford's offer, this is not available.

Mr. MANN. This amendment provides, first, that the money shall not be available until H. R. 11903 has been enacted, and shall not be then available if a contract is authorized with Henry Ford, but still shall be available after the 1st of January. It contradicts itself in three or four places, but it is only a limitation.

Mr. STAFFORD. The way I construe it, the amendment attempts by indirection to override existing law, in that under existing law the President has the authority to go ahead with constructive work on the Muscle Shoals proposition. That is all that the Senate has put up to us—the fact whether the work shall go ahead under existing law.

Mr. WALSH. Will the gentleman yield for a question?

Mr. MANN. Yes; I yield.

Mr. WALSH. Notwithstanding the existing law, would the gentleman contend that Congress could not put a limitation upon this appropriation that it should not be available until a certain time?

Mr. MANN. Not if it interferes with the discretion of an executive officer, and that is what this does.

Mr. WALSH. The whole question of availability is under discussion.

The SPEAKER. The Chair is ready to rule. It seems to the Chair that this is purely a limitation on the appropriation. It does not make an appropriation available that the present law does not make available. It simply makes it contingent on a future event, and that seems to the Chair is merely a limitation. The Chair overrules the point of order.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count. [After counting.] Ninety-two Members present; not a quorum.

Mr. STAFFORD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Arentz	Fields	Lawrence	Rossdale
Bacharach	Fitzgerald	Lee, N. Y.	Rouse
Beck	Focht	Logan	Rucker
Bell	Foster	Longworth	Ryan
Black	Frear	Luce	Sabath
Blanton	Freeman	Lyon	Sanders, Ind.
Bond	Fuller	McArthur	Schall
Brennan	Gahn	McClintic	Sears
Britten	Gallivan	McCormick	Shelton
Brooks, Pa.	Garrett, Tex.	McFadden	Siegel
Brown, Tenn.	Gilbert	McLaughlin, Pa.	Sinclair
Buchanan	Goldsborough	McSwain	Snyder
Burdick	Goodykoontz	MacGregor	Stedman
Burke	Gould	Maloney	Steenerson
Burtness	Graham, Pa.	Merritt	Stephens
Burton	Greene, Mass.	Montague	Stevenson
Butler	Greene, Vt.	Montoya	Stiness
Campbell, Kans.	Griest	Morin	Stoll
Campbell, Pa.	Harrison	Mudd	Sullivan
Cantrill	Hersey	Nelson, J. M.	Summers, Wash.
Carter	Hicks	Nolan	Sumners, Tex.
Chandler, N. Y.	Hogan	O'Brien	Swank
Clark, Fla.	Hooker	Olpp	Tague
Clarke, N. Y.	Hukriede	Osborne	Taylor, Ark.
Classon	Humphreys	Overstreet	Taylor, Colo.
Cockran	Husted	Padgett	Ten Eyck
Codd	Hutchinson	Paige	Tilson
Collier	Ireland	Park, Ga.	Treadway
Colton	Jefferis, Nebr.	Parker, N. Y.	Tucker
Connolly, Pa.	Johnson, Ky.	Parks, Ark.	Underhill
Cooper, Ohio	Johnson, Miss.	Patterson, Mo.	Vare
Copley	Johnson, S. Dak.	Patterson, N. J.	Vestal
Dallinger	Kahn	Perkins	Volk
Davis, Minn.	Kearns	Perlman	Ward, N. Y.
Deal	Kendall	Petersen	Ward, N. C.
Dickinson	Kennedy	Radcliffe	Wason
Dominick	Ketcham	Rainey, Ala.	Watson
Drane	Kiess	Ransley	Wilson
Drewry	Kindred	Rayburn	Wingo
Driver	Kinkaid	Reber	Wise
Dunbar	Kirkpatrick	Reed, N. Y.	Wood, Ind.
Dunn	Kitchin	Riordan	Wyant
Edmonds	Kleczka	Roach	Yates
Evans	Knight	Robertson	Young
Fairchild	Kunz	Robsion	
Fairfield	Langley	Rodenburg	
Fenn	Larson, Minn.	Rogers	

The SPEAKER. Two hundred and forty-five Members have answered to their names.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. ANTHONY. Mr. Speaker and gentlemen of the House, if the House desires to conserve the interests of the Government in this very valuable water-power proposition at Muscle Shoals, I believe it should agree to the Senate amendment exactly as it is placed before the House. On the other hand, if it desires to place what in my opinion is the most valuable water-power project in the country to-day in the hands of private interests at the earliest opportunity, without having time for the proper consideration of the matter, the House should vote for amendments for delay.

Your conferees held hearings within the last 10 days in order to convince itself of the necessity for action. We came away from those hearings, I think all of us, absolutely convinced that the completion of Dam No. 2 was a necessity from every viewpoint. We came away convinced that Dam No. 2 when completed and the water power developed will be of far greater value than any estimate that has heretofore been placed upon it.

Mr. HAUGEN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HAUGEN. Will seven millions and a half complete it?

Mr. ANTHONY. It will carry on the work this year. It will take $28,000,000 to complete the dam. But when completed it will be capable of developing a greater hydroelectric power than Niagara Falls does to-day.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. KELLEY of Michigan. Last year I remember that we had this question up before us with the proposition to appropriate $10,000,000 to go on with the work. I think on our side we generally came to the conclusion that it was unwise to do it, and voted it down. Will the gentleman state what has happened since then that brings about a reversal of that policy?

Mr. ANTHONY. I know of no change or anything that has happened since that time, except from my standpoint I confess that I have been in ignorance of the real power possibilities at Muscle Shoals. When I first voted for the creation of the nitrate plant I little dreamed that so important a part of the project was this tremendous and extremely valuable water power that we now see ahead of us. We are convinced from these hearings that the financial value of Dam No. 2, the only part of the project we are considering to-day is far more than has heretofore been placed upon it, and that the Government will be derelict if it should abandon the work at this time and dispose of it at a sacrifice to private interests.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SMITH of Michigan. Is the Government work in operation there at the present time, or is construction being allowed to deteriorate?

Mr. ANTHONY. I will say that all construction has ceased. The Government owns the construction plant at Dam No. 2 and has every facility there for a continuation of the work. We are convinced the Government can do this work of completing Dam No. 2 far more economically than any other interest can, because it has the plant already in existence; and if this amendment is passed to-day, on July 2 the Government can go immediately to work. If we do not give this authority to-day, if we adopt amendments which will delay the work of construction until October 1, as proposed, we lose an entire year in the work of finishing this dam.

Mr. SMITH of Michigan. And a large expense in organization. They have an organization now that could be put to work.

Mr. ANTHONY. Yes.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KELLER. Did the War Department have any estimate on the cost of this dam?

Mr. ANTHONY. It has furnished us with an estimate that it will cost $28,000,000 to complete it.

Mr. KELLER. What assurance has the House that the Government is going to complete this dam? We all know of the Ohio River project, which took 25 or 30 years, and if the Government is going to use the same methods on this project it will take 25 years to complete this dam.

Mr. ANTHONY. We can only use the judgment of men whom we consider competent engineers. We have not only the judgment of the Army engineers in this case but we have the judgment of civilian engineers.

Mr. KELLER. It seems to me that we ought to appropriate enough money to complete the dam.

Mr. ANTHONY. Enough money is provided by this $7,500,000 to do all of the work that can be done with advantage this year. If the House does not act now we lose a year's time in the completion of the project and we are liable to suffer a great deal of loss through the delay of a year.

Mr. KELLER. And if the House a year from now reverses its position and does not appropriate any more money, then what?

Mr. ANTHONY. Then, in my opinion, there will be nothing lost and everything gained, because the work we propose to do increases the value of the proposition.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CRAMTON. As I understand the gentleman's position, he not only considers a delay of one year highly undesirable in further construction work but he feels that a delay of three months, from the 1st of July to the 1st of October, would be a very bad policy.

Mr. ANTHONY. It would be bad policy, because that practically means the loss of a year.

Mr. CRAMTON. Would not a vote in accordance with the gentleman's desire against any delay in further expenditure on this dam be virtually an admission by the House that we were in error in our position a year ago when we then postponed all construction work for a year? By taking the action the gentleman suggests do we not repudiate our action of a year ago?

Mr. ANTHONY. I think not. I think the House exercised due caution.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I do not desire to yield extensively; I merely wanted to make a short statement.

Mr. ALMON. Just in respect to the cost of the dam. The gentleman will remember the hearings disclose the fact that they said $20,000,000 would build this with four units, $23,000,000 with eight units, and for the full development of 600,000 horsepower it might take $28,000,000.

Mr. ANTHONY. The gentleman is correct.

Mr. SNELL. How long since any work has been done on this dam?

Mr. ANTHONY. I am unable to state that. It has been considerably over a year, in my opinion.

Mr. KNUTSON. I take it this is merely one of a series of appropriations that we will have to make? If we make this one, we will have to make others.

Mr. ANTHONY. We will have to make two more to complete that dam.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I shall have to decline to yield any further. Mr. Speaker, the House conferees were actuated purely with a desire to protect the interests of the Government in this very valuable property. We have acted with the desire not to interfere in the slightest with the consideration by the House of any of the propositions pending for the acquisition of this property by private parties, but we believe it is of vital necessity in order that the Government save the money it has already invested to complete Dam No. 2. Every dollar we invest toward the completion of that work makes our investment worth that much more, and it means that when we finally dispose of the property, if we do dispose of it, to private interests, the Government will receive more nearly the value of this great property. I want the House to go into the consideration of the proposition knowing that it is dealing with a hydroelectric power proposition which will in a few years be far larger than any other there is in the country to-day. In my opinion, the only danger involved in this whole question is that the Government is liable to part with its interest at a value far lower than it is really worth.

I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. VOIGT. Mr. Speaker, I withdraw it for the present.

Mr. SISSON. Mr. Speaker, I want to congratulate the House upon the fact that the House conferees have discussed the development of Muscle Shoals as a purely business proposition. No sectional matter, no party matter, has been mentioned. This is as it should be. This great governmental asset should be handled by Congress as business men would sit down around a table as directors and discuss a great business proposition. I sincerely trust that that attitude may be maintained at all times with reference to great Government properties.

At the outset let me say that I am unalterably opposed to Government operation of Muscle Shoals. [Applause.] The last two years convince me that if it remains under the management of the Government it will be a political football. The Government will never allow it to develop along commercial lines. I want this great plant to become, first, a blessing to the farmers, and, second, I want it to develop an electric power to be sold at low rates to cities as far as Memphis, Nashville, Birmingham, Montgomery, Jackson, and so forth. This is no dream, but with proper management can be accomplished. What marvels can be wrought within the coming years with the millions of horsepower which are possible at and near Muscle Shoals along the Tennessee River!

Let us look for a moment at Muscle Shoals. What have we there? First, the Tennessee River at Muscle Shoals is said by the engineers to be as large as the Mississippi River at Dubuque, Iowa, the Missouri at any place in Nebraska, or the Ohio at Louisville, Ky. That is to say, taken at its mean or average flow at Muscle Shoals, it will have annually as much as these other rivers at the points indicated. I mention this fact so that the people of the United States who are not familiar with the Tennessee River may have some conception of its size by comparison with these other rivers.

Second. The banks of the Tennessee at Muscle Shoals seem by nature to have been made for this express purpose. The banks at this point are more than 100 feet high. More than 100 feet head of water can be maintained by simply building a dam and a pond formed by the dam will extend about 16 miles upstream and only about 9,000 acres of land will be overflowed. This area has already been paid for by the Government and at a very reasonable price.

Third. The Wilson Dam, or what is known to the engineers as Dam No. 2, is about one-third completed and paid for. When you consider the enormous overhead charges it is more than one-half completed, for the money expended for these enormous preparations will not have to be expended again.

Fourth. Two sections of this dam, one at the north bank and one in the center, are also partially completed. The foundation for a large portion of the rest of the dam is completed and the protecting cofferdams removed. The great excavations for the power plant and south section of the dam have been made under the protection of an immense cofferdam which will permit work to be carried on in that section if the work is not delayed too long.

Fifth. A construction bridge, carrying several railroad tracks to haul supplies, rock, sand, and so forth, has been completed. Several large locomotives are also there and belong to the Government. They are sufficient to do all the local and construction hauling. There are three great mixing plants, with capacity to keep all the other equipment moving at full speed—one on the north shore, one on the south shore, and one on the island.

Sixth. A large construction town or camp has been constructed, with housing facilities for married men, bunk houses and mess halls for single men, and also administrative offices for the official corps.

Seventh. The Wilson Dam is 4,100 feet long, and is sunk into the solid rock about 15 feet below the bed of the river, and is 160 feet wide at the bottom and is 95 feet high from its bottom; 80 feet high from the original river bed to the bottom of the overflow gates and to the roadway on top of the dam 120 feet. This mighty structure when completed will be the largest single piece of monolithic concrete construction in the world. There will also be at this dam two locks for navigation purposes. Each lock will have a lift of 45 feet and will be big enough to allow the biggest river craft to pass through.

Eighth. Nitrate plant No. 2 at Muscle Shoals stands to-day fully equipped, with a completed capacity for 110,000 tons of pure ammonium nitrate per annum. The site on which this, the greatest plant of its kind ever constructed in the world, stands contains 2,000 acres. This one plant, when operations were at the top notch, employed 20,000 men and was completed in one year, and in one day less than the year the first ammonium nitrate was made.

In addition to this, the steam power plant was built so that nitrate plant No. 2 could begin making nitrates for war purposes before the dam was completed, because it would have taken three years to complete the dam. This steam plant produces as much electrical energy as any other steam plant ever built. It contains one steam turbine unit with electrical generators which generate 60,000 kilowatts, or 80,000 horsepower. This is one of the largest, if not the largest, turbines ever constructed.

In addition to this, there is room for another unit, which could be made to produce 40,000 horsepower, making in all for the steam plant 120,000 horsepower. The boiler room of this enormous steam plant contains a battery of 15 boilers of 15,000 horsepower each, or 225,000 in all. If all these boilers were fired to their full capacity they would consume 1,500 tons of coal each day.

Ninth. The kiln room, where the lime rock is burned to lime, contains seven cylindrical kilns which turn slowly. They are heated by blasts from coal ground to a dust. These kilns are lined with fire brick to stand the intense heat, and are so suspended on racks or frames that they travel across the kiln slowly, and when they get across, the rock is burned to lime.

Next to this are the electrical furnaces, but in a different building. Here the lime and coke are electrically fused into carbide and this is the first process toward fixing nitrogen. There are a great many of these electrical furnaces—12 or 15, or even more. To use all the horsepower of Dam No. 2 would take 10, for it requires 10,000 horsepower for each of these furnaces. But these furnaces burn out quickly and have to be repaired, and therefore to run at full capacity all the time you must have more furnaces than you need to run at one time, for some must always be under repair. About 500 tons of carbide are produced each day.

Then next to this is the plant where nitrogen is taken from the air by the liquid-air process. This is the biggest thing of its kind on earth. Five hundred thousand cubic feet of nitrogen are made in this plant every hour and it is 99.9 per cent pure.

Next to this is what is called the oven building, which contains 1,536 ovens in which nitrogen is fixed. Each oven is 8 feet in diameter and 5 feet deep and will hold about 1,600 pounds of carbide. This carbide is heated to a white heat by an electrical process and from the building just mentioned the nitrogen is forced through this carbide and is caught or fixed as it is called. This product from these kilns is called cyanamid. The next step is to get the cyanamid in the form of ammonia gas, and later this is converted into ammonium nitrate for military or agricultural purposes.

This gives you, gentlemen of the House, some slight idea of the magnitude of this plant. There are many smaller units and buildings, each of which is necessary in this manufacture to get nitrate, but I have already gone too much into detail. I want the Members of the House to realize what is at Muscle Shoals, so that they can at once grasp the magnitude of this wonderful enterprise and how far the Government has already gone and how much money is already expended.

The condition above described was approximately the condition when the armistice was signed. If the war had continued this plant would have been completed, for the Government needed nitrates to make ammunition. But the war is over and the farmer needs nitrates for his soil to produce food for all the people. Will Congress now hesitate? Yea; will you now refuse to complete this plant, when to complete it now means life—not death? Will you spend money to kill and not spend money to save? It will take only about $21,000,000 to complete this proposed unit. We have already spent over $67,000,000 on this plant. We must not squander that. Let us appropriate this $7,500,000 now for the next current fiscal year, and the same amount for two years more will complete this, the most valuable water power in the world.

Now the question is: What will be our policy in reference to this great asset? Shall it be run and operated by the Government or shall it be leased upon terms advantageous to the Government?

Mr. Speaker, I believe that this plant should be at once developed so that the Government at all times can instantly take charge of it for war purposes. The first great reason why this great property should be developed is that we may there develop the manufacture of nitrates from the air by the new cyanamid process in order to build up the soil of America, which is the foundation of a nation's greatness and the best preparation for war in time of peace.

Of course, the prime reason for originally undertaking the construction of this dam and building this plant was to get an unfailing supply of nitrates for war purposes. We have no natural supply of our own. We can not fight a war without nitrates. This was and is our only chance for a supply if cut off from Chile. What, then, is more essential to national existence in time of war than this nitrate factory? Every intelligent and informed patriot in America is for Muscle Shoals. This is no sectional question. It is essentially a national one. If this wonderful water power had been located in Ohio or any other Northern State this plant would have been completed long ago, and if any man from the South had objected he would have been called a traitor. Yes, and with good cause. So, for war purposes it is essential.

What is it to be used for in time of peace? It is very expensive to keep this plant ready for war at a moment's notice all during the years of peace. What, then, should you do to avoid this heavy burden? As I said a moment ago, in my opinion it should primarily be made a peaceful enterprise that could instantly be made a part of a war machine. This Nation should be prepared at all times to make its own nitrates. It is silly for us to be dependent upon nitrate fields five or six thousand miles from home. During the World War for three or four months, as gentlemen on the Committee on Appropriations will remember, we had no nitrates, and when we sent the order down to Chile for Chilean nitrate we sent the means necessary to bring it back. Now, it was the idea of the Government when it first took over Muscle Shoals to produce nitrates to make explosives for the war. But the war closed before this plant was completed, and we have spent about $67,000,000 there. We do not want to lose all of this vast sum. But if the Government spends enough to complete this proposition we will have a vast plant lying idle in time of peace and costing millions. So the idea has now developed in the country and in Congress that in time of peace the Government ought not to operate Muscle Shoals but should have absolute control of it. Now, gentlemen, Muscle Shoals is a peculiarly well-fitted place by nature for the location of this plant. In the first place, it is the only known spot on this earth where you have an unlimited supply of lime rock and an unlimited coal supply accessible to the greatest water power in the world, all of which are essential for the manufacture by the cyanamid process of nitrogen from the air into nitrates. For this reason there is no spot on earth that can manufacture nitrates as cheaply as it can be manufactured at Muscle Shoals. Nature has located around this marvelous water power all the things necessary to make

nitrates from the air. No argument can be made against it so far as its economy is concerned. And for the cheapening of fertilizers and the building up of the soil of this country no man can deny that it is a great public necessity.

You can determine the prosperity of a people without seeing them by looking at the soil. There never was a great people developed on this earth unless they were backed up by rich and productive land.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. SISSON. I have not the time.

Mr. LAZARO. A short question.

Mr. SISSON. I have not the time; if I had I would yield, as I never declined in my life to yield when I had time, and especially to my good friend.

Mr. Speaker, it may naturally be asked, since I have declared against the Government operating Muscle Shoals in time of peace, how I would operate it. I want to devote the few minutes that I have remaining to this question.

First, I want Muscle Shoals operated in the interest of the American farmer by manufacturing nitrates to be sold to him at practically what it costs to manufacture it. The Secretary of War has asked for proposals from individuals and corporations for the taking over by them of Muscle Shoals. No one has submitted a full and complete proposal but Henry Ford. I am strongly in favor of the Ford proposition [applause] and I will tell you why.

Mr. Ford was invited by the Engineers of the United States Army to submit an offer for the power to be developed at Muscle Shoals. Mr. Ford did thereafter on July 8, 1921, submit an offer to the proper authorities in accordance with the said invitation for proposals. The details of said offer are not material now to this discussion. Thereafter Mr. Ford was requested to submit another offer, which he did on January 10, 1922, which was a modification of his former proposal. Then again a modified proposal of January 25, 1922, each time trying to satisfy the demands of the Secretary of War. Then again Mr. Ford, on the 31st day of May, 1922, submitted another proposition which was also the same in general terms but modified to meet other objections by the Secretary of War. Now, this last proposition is the one that I favor.

This last proposition in substance is this: Mr. Ford proposes to organize and finance a corporation of $10,000,000 or more, of which at least $10,000,000 shall be in cash. The company shall complete for the United States Government, subject to the approval of the Chief of Engineers of the United States Army, Dam No. 2 and install all the necessary equipment for generating 600,000 horsepower. This company will lease from the United States Government all the plant at Dam No. 2 for 100 years after the completion of structures and equipment of a capacity of 100,000 horsepower, and will pay the United States Government an annual rental and 4 per cent interest on actual costs of land and flowage rights and costs of completion of locks, dam, and power house (not to include expenses incurred by Congress prior to the approval of this contract), the said rents to be as follows: $200,000 one year from the date 100,000 horsepower is developed and $200,000 per annum at the end of each year for five years. Then the company will pay $35,000 annually in quarterly installments in advance for repairs, and so forth, on Dam No. 2. The company also agrees to complete the balance of the project as soon as practicable. The company also agrees to pay to the Government $5,000,000 for the equipment and supplies on hand. In other words, Ford pays $5,000,000 for property which he buys and pays rent on property which is not sold when completed and 4 per cent on money spent in completing the plant, and at the end of 100 years the whole plant is turned back to the Government. That is to say, the Government gets its money back and 4 per cent interest on its money and in the end gets all the plant. In addition to this, Ford agrees to manufacture 110,000 tons of ammonium nitrate each year, and he agrees to sell it direct to the farmers for 8 per cent profit. I do not know how many tons of fertilizer 110,000 tons of pure ammonium nitrate would make, but I know that it would make many more tons than 110,000. Ford also agrees to keep the plant in first-class shape, and at any moment that the Government needs it for war purposes the plant will be turned over to the Government. He also agrees to sell electric power to the people and towns throughout the whole country accessible to Muscle Shoals.

So under the Ford offer the Government gets the plant for war purposes when it needs it. In time of peace the farmer gets cheap fertilizer at at least one-half of what he otherwise would pay. The people of that section get cheap power. The Government is at once relieved of not less than $500,000 annual expense of guarding and protecting the property.

If Mr. Ford's proposition is accepted, Muscle Shoals at once becomes an assured success and a blessing to the people of America. It is a beautiful dream which will become a reality. Men must first dream dreams before they can accomplish great things. The practical man is the man who can make his dream a reality. Mr. Ford can do this. The American people believe in him.

This marvelous water power now going to waste in its race to the sea is, in Ford's mind, a great instrumentality for usefulness to the people of America. Here is a force that can be converted into hundreds of thousands of controlled horsepower which can turn millions of spindles throughout the South, can light our cities and homes, can lighten the burdens of the housewife, and make prosperous millions of farmers. Why longer hesitate, gentlemen of the House? Here is a proposition from a man who is capable of making a success of this enterprise and saving to the Treasury millions of dollars. This is the only proposition that we have that is on the square.

I believe Ford has the right mental attitude toward this matter. I believe that the American people, irrespective of what political opinions they may entertain, believe that his mental attitude is right. I believe Ford has seen a real vision of usefulness in connecting his name with the development of this great property which will not only benefit the soil of America but will benefit every home, however humble; benefit every palace, however great; benefit the hungry by feeding the millions in our cities, and benefit all by making America a land in which there will be plenty in time of peace as well as plenty in time of war. I believe he has that vision, and that vision of his is shared, I believe, by every Member of this House who desires to bless humanity. If you desire to do this, gentlemen of the House, let us stop quibbling and delaying and at once become a part of this scheme which will cheapen food and food products, which will improve the soil of America, relieve people from oppression on the part of men who would oppress mankind by demanding too much for fertilizers. I believe that every man in this House who votes for the acceptance of this offer of Mr. Ford will confer a blessing upon humanity and generations yet unborn.

If you want the indorsement of every farmer in America, vote for his interest. Then, in voting for his interest you vote for the interest of all. The cities will bless you for your vote as well as the people of the country. When all the farms are fertile, prosperous, and productive the farmers and their families are well fed, well clothed, contented, and happy; and the people of the cities also being assured of an ample food supply and raw material for their industries, all find contentment, wealth, and happiness.

If America is to stand at the forefront of the nations and lead the world in usefulness, it will be because we have the greatest food-producing soil in the world. I believe that Ford's proposition will do that. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Arentz	Colton	Freeman	Kahn
Bacharach	Connolly, Pa.	Fuller	Kearns
Beck	Cooper, Ohio	Gahn	Kendall
Black	Copley	Gallivan	Kennedy
Blanton	Dallinger	Garrett, Tex.	Ketcham
Bond	Davis, Minn.	Gilbert	Kiess
Brennan	Deal	Goldsborough	Kindred
Britten	Dempsey	Gould	Kirkpatrick
Brooks, Pa.	Dickinson	Graham, Pa.	Kitchin
Brown, Tenn.	Dominick	Greene, Mass.	Kleczka
Buchanan	Drane	Greene, Vt.	Knight
Bulwinkle	Drewry	Griest	Kunz
Burke	Driver	Harrison	Langley
Burtness	Dunbar	Henry	Larson, Minn.
Burton	Dunn	Hersey	Lawrence
Butler	Edmonds	Hicks	Layton
Campbell, Kans.	Evans	Hogan	Lee, N. Y.
Campbell, Pa.	Fairchild	Hooker	Little
Cantrill	Fairfield	Hukriede	Logan
Carter	Favrot	Humphreys	Longworth
Chandler, N. Y.	Fenn	Husted	Luce
Clark, Fla.	Fields	Hutchinson	Lyon
Clarke, N. Y.	Fish	Ireland	McClintic
Classon	Fitzgerald	Jefferis, Nebr.	McCormick
Cockran	Focht	Johnson, Ky.	McFadden
Codd	Foster	Johnson, Miss.	McLaughlin, Pa.
Collier	Frear	Johnson, S. Dak.	McSwain

MacGregor	Patterson, N. J.	Rucker	Ten Eyck
Maloney	Perkins	Ryan	Thomas
Merritt	Perlman	Sabath	Tilson
Montague	Petersen	Sanders, Ind.	Treadway
Montoya	Radcliffe	Shelton	Tucker
Morin	Rainey, Ala.	Siegel	Underhill
Mudd	Ransley	Sinclair	Vare
Nelson, J. M.	Rayburn	Slemp	Vestal
Nolan	Reber	Snyder	Volk
O'Brien	Reed, N. Y.	Stedman	Walters
O'Connor	Reed, W. Va.	Stephens	Ward, N. Y.
Olpp	Riordan	Stevenson	Ward, N. C.
Osborne	Roach	Stiness	Wason
Overstreet	Robertson	Stoll	Watson
Padgett	Robsion	Sullivan	Wilson
Paige	Rodenberg	Summers, Wash.	Wingo
Park, Ga.	Rogers	Swank	Wise
Parker, N. Y.	Rosenbloom	Sweet	Wyant
Parks, Ark.	Rossdale	Tague	Yates
Patterson, Mo.	Rouse	Taylor, Ark.	Young

The SPEAKER. Two hundred and forty-two Members have answered to their names, a quorum.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. ANTHONY. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, on yesterday the House was in session nearly 10 hours. During that time more than 7 hours were consumed in roll calls. If all of the gentlemen who responded on the first roll call had remained in their seats the House could have adjourned before 3 o'clock. The work that the House has before it to-day could all be done and adjournment had by 4 o'clock if Members will remain.

Mr. VOIGT. Mr. Speaker, I demand the regular order.

Mr. MONDELL. If the gentlemen who just answered to their names——

The SPEAKER. The gentleman from Wisconsin demands the regular order. The gentleman must confine himself to the subject of debate.

Mr. MONDELL. If the gentlemen who had answered to their names had remained here——

Mr. VOIGT. Mr. Speaker, I demand the regular order.

Mr. MONDELL. That is all I have to say, Mr. Speaker.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I am a Republican. [Applause.] In the days gone by I have flattered myself that I had a faint conception of the principles on which our great party is founded. Suffering, perhaps, under that delusion, I was led as a member of the Committee on Military Affairs in 1916 to combat with all the force I had the enactment of section 124 of the national defense act, upon which this Government was embarked, in a way, into business. It was suffering from that same delusion that led me in February, 1921, to vote against the appropriation to carry on the work at Muscle Shoals as a governmental proposition.

It was out here on the front steps of the Capitol that I rejoiced to hear the President of the United States say in March, 1921, "I am in favor of more business in Government and less Government in business." [Applause.] And furthermore, after the defeat of the appropriation by the Congress in 1921 the present Secretary of War took it as a mandate, in my judgment, that the Government of the United States was not going to go on and construct the great plant down there as a governmental proposition, but was going to endeavor to get rid of it so far as the operation of it was concerned. And on that theory he asked men of this great country of ours to come in and submit propositions to him to take this plant over. A number of them came in, among them Mr. Ford, the Alabama Power Co., and several others. In compliance with and after investigating the law he came to Congress and said, "I have not the power to settle this question, and it must be settled by Congress." He submitted the proposals to the Speaker. The Speaker in turn submitted them to the Committee on Military Affairs to try to work out a policy, and we have been working on that for months. There is a bill pending now on the calendar. It may be a majority of this House will not agree with that proposition, but, for one, I say, as a Republican, believing in the ability of the Republican Party to grasp great questions and settle them, I think we have the ability to settle this one if we will only take it up. And so I am here to-day opposing any appropriation to carry on the work at Muscle Shoals or spending one extra dollar down there until the Congress of the United States grapples with this most momentous question and settles it. [Applause.]

Personally, it is immaterial to me as a citizen whether the Government goes on and undertakes to manufacture fertilizer at Muscle Shoals or not. And being a Republican as I am, and opposed to the Government going into business, and believing in the genius and initiative of the American citizen, and believing it will be a failure or a departure from the principles we have stood on from the very inception of our party, I beg you men of the Republican Party to take hold of this question and settle it in a businesslike way.

What do we ask in this amendment offered by the gentleman from Michigan? All we ask is that this appropriation be held up until the 1st day of October, until this Congress, if it has the courage, will take up this question and settle it. If you want the Alabama Power Co. to have it and put in simply a power plant down there, well and good; if you want to have the Government engage in the manufacture of fertilizer, say so. If you want Mr. Ford to take it, let us determine that question. But let us determine some policy, and not appropriate $7,500,000 to be turned over to the Army engineers, who can, on the 2d day of July, obligate every dollar of it, and put men to work down there, and which would cost this Government perhaps $2,000,000 more than it will to have the work done by individual contractors on the outside. [Applause.]

I am pleading, my friends, not for Henry Ford. I do not know the gentleman, but I will say this, that he is the only man among the millionaire class of this country who has come to this Congress or submitted to the Committee on Military Affairs a proposition that is worthy of 15 minutes of consideration so far as the production of fertilizer is concerned. [Applause.] And I want to say this, that I am not bound by that. I do not agree with him. If you will read the report made you will find that he says he will not accept the proposition as I recommend it to this House. But, gentlemen, let us meet this great question and settle it once and for all. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. The Chair will count. [After counting.] One hundred and seventy-three Members are present, not a quorum.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Arentz	Fenn	Kunz	Roach
Aswell	Fields	Langley	Robertson
Bacharach	Fitzgerald	Larson, Minn.	Robsion
Beck	Foster	Lawrence	Rodenberg
Beedy	Frear	Layton	Rogers
Black	Freeman	Lee, N. Y.	Rosenbloom
Bland, Ind.	Fuller	Logan	Rossdale
Blanton	Gahn	Longworth	Rouse
Bond	Gallivan	Luce	Rucker
Brennan	Garrett, Tex.	Lyon	Ryan
Britten	Gilbert	McClintic	Sabath
Brooks, Pa.	Goldsborough	McCormick	Sanders, Ind.
Brown, Tenn.	Gorman	McFadden	Sanders, N. Y.
Buchanan	Gould	McLaughlin, Pa.	Shelton
Burke	Graham, Pa.	McSwain	Siegel
Burtness	Greene, Mass.	MacGregor	Sinclair
Burton	Greene, Vt.	Maloney	Slemp
Butler	Griest	Merritt	Snyder
Campbell, Kans.	Hardy, Tex.	Montague	Stedman
Campbell, Pa.	Harrison	Montoya	Stephens
Cantrill	Henry	Morin	Stevenson
Carter	Herrick	Mudd	Stiness
Chandler, N. Y.	Hersey	Nelson, J. M.	Stoll
Clark, Fla.	Hicks	Nolan	Sullivan
Clarke, N. Y.	Himes	O'Brien	Summers, Wash.
Classon	Hooker	O'Connor	Swank
Cockran	Hukriede	Olpp	Tague
Codd	Humphreys	Osborne	Taylor, Ark.
Colton	Husted	Overstreet	Ten Eyck
Connolly, Pa.	Hutchinson	Padgett	Tilson
Cooper, Ohio	Ireland	Paige	Treadway
Copley	Jefferis, Nebr.	Park, Ga.	Tucker
Dallinger	Johnson, Ky.	Parker, N. Y.	Underhill
Davis, Minn.	Johnson, Miss.	Parks, Ark.	Vare
Deal	Johnson, S. Dak.	Patterson, Mo.	Vestal
Dickinson	Jones, Pa.	Patterson, N. J.	Volk
Dominick	Kahn	Perkins	Ward, N. Y.
Drane	Kearns	Perlman	Wason
Drewry	Kendall	Petersen	Watson
Driver	Kennedy	Radcliffe	Wilson
Dunbar	Ketcham	Rainey, Ala.	Wingo
Dunn	Kiess	Ransley	Wise
Edmonds	Kindred	Rayburn	Wyant
Evans	Kirkpatrick	Reber	Yates
Fairchild	Kitchin	Reed, N. Y.	Young
Fairfield	Kleczka	Reed, W. Va.	Zihlman
Favrot	Knight	Riordan	

The SPEAKER. Two hundred and forty-three Members have answered to their names—a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota; and

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream.

The message also announced that the Senate had requested to return to the Senate the message of the Senate announcing the action of the Senate upon the amendments of the House to the bill (S. 831) entitled "An act to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act."

LEAVE OF ABSENCE.

Mr. KINKAID, by unanimous consent (at the request of Mr. ANDREWS of Nebraska), was granted leave of absence on account of illness.

SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair designates Mr. CURRY as Speaker pro tempore to preside at the memorial exercises on the late Representative ELSTON to-morrow.

WAR DEPARTMENT APPROPRIATIONS.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. As I understand the parliamentary status, the gentleman from Kansas [Mr. ANTHONY] has two hours at his disposal. It is his desire to yield some time to the other side, and therefore I yield half an hour now to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker and gentlemen of the House, I am a Democrat. [Applause.] I believe that the prime objects and purposes of the Government are to govern the citizen and protect him in the enjoyment of his life, liberty, and property. I am opposed to Government operation and ownership, and I am opposed to the Government engaging in business in competition with the citizen.

I shall have great pleasure in supporting the Huddleston substitute, and in the event that is voted down I shall have like pleasure in supporting the James amendment.

The matter under consideration seems to me to be a simple business proposition. In advance of the fixing or settlement of a national public policy in reference to the great properties of the Government at Muscle Shoals would it be proper for this House to vote a further appropriation for the development of Dam No. 2? Would not a wiser plan be to first agree upon a definite policy in reference to these properties and then vote appropriations to carry out such a policy?

More than a year ago there was a proposition before this House which involved an appropriation of $10,000,000 for the identical purpose for which this $7,500,000 is proposed. That ten million dollar proposition came from the Senate, just as this seven and a half million comes from the Senate. This House after a prolonged debate and a thorough consideration voted down the $10,000,000 proposition, and thus the matter stood for more than a year. All activities ceased at Muscle Shoals, and there was not a property in the United States more inactive or dead.

What occurred to breathe life into it? It is the fact that Henry Ford, of Michigan, submitted an offer for the lease and purchase of these properties; and but for that offer you would never have heard of this $7,500,000 appropriation being advocated, or before you for consideration to-day. [Applause.]

The proper development of Muscle Shoals has a fourfold purpose: First, the generation of hydroelectric power; and it is one of the most potential power sites in the United States, and second, perhaps, to none except Niagara Falls. With the completion of Dam No. 2 and the building of Dam No. 3, almost a million horsepower would be developed. Second, the operation of the great nitrate plant which has already been completed, and which, if kept in a state of readiness, would insure this country an ample supply of nitrate for the manufacture of munitions in time of emergency. Third, in peace time for the manufacture of fertilizers.

Mr. GERNERD. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Yes.

Mr. GERNERD. How much fertilizer can that plant produce? That is what I would like to know.

Mr. WRIGHT. That plant can produce fertilizer containing fixed nitrogen of 40,000 tons per annum. As now constructed, it has a capacity for 110,000 tons of nitrate of ammonia, which contains 40,000 tons of fixed nitrogen. The nitrogen production of the plant is of an annual capacity equal to the Chilean nitrate used by the farmers of the United States, and if the nitrogenous compounds which can be annually produced at the plant were mixed into a balanced fertilizer such fertilizer would approximate 2,000,000 tons per annum. Fourth, the development of navigation on the Tennessee River, which is of great importance. There is a stretch of approximately 40 miles on the Tennessee River which is shoaly and not open to navigation, and this stretch obstructs navigation for some 400 miles along that great river, which runs through a section full of coal and iron and other mineral resources, and if these developments are made as contemplated by the Ford offer this stretch will be made navigable. The Ford proposal is the only one before Congress and the only one which has been submitted which makes possible the utilization of this great property for this fourfold purpose.

The question arises, How would an appropriation of $7,500,000 to become immediately available affect the proposed legislation looking to the acceptance of the Ford offer? The answer is a very simple one. If this appropriation is made immediately available, work on Dam No. 2 will be at once resumed by the Government engineers, and methods may be employed and an organization perfected which might be wholly out of keeping with the plans and purposes of Mr. Ford, and a very different status of the property might exist at the time the Ford offer does come up for consideration than the status existing at present. The methods and organization inaugurated and being maintained by the Government engineers might be out of harmony with the plans of Mr. Ford, and characterized by what would occur to him as elements of great extravagance, and besides, if the $7,500,000 should be expended at the time the Ford offer comes up for consideration by the Congress, it would be necessary for the offer to be materially amended and practically resubmitted, and thus result in great delay in its final consideration. Undoubtedly it would be insisted that Mr. Ford should take into account the expenditure of the $7,500,000, and reimburse the Government therefor, or at all events that such expenditure be taken into consideration. Mr. Ford might insist that the same work which cost the $7,500,000 might have been done by him for $5,000,000, or for a much less sum than the appropriation. It must be kept in mind the offer of Mr. Ford is based on the property as it now exists. He estimates that he can complete Dam No. 2 and build Dam No. 3 for some ten or twelve million dollars less than estimated by the Government engineers, and he proposes to complete Dam No. 2 and build Dam No. 3 for the Government at actual cost and pay the Government as rental for such dams 4 per cent per annum on such cost throughout lease period of 100 years, besides, in the meantime, making payments which will reimburse the Government the cost. He does not agree to pay such interest on the cost of construction done by the Army engineers. Thus it will be seen a material change in the situation might seriously embarrass and complicate the consummation of an agreement between Mr. Ford and the Government looking to the lease and sale of these properties. What assurance has this House that 4 per cent interest would ever be returned to the Government on the proposed appropriation, if expended in construction on Dam No. 2? We are in favor of the development at Muscle Shoals, and all we seek by the adoption of either of the proposed amendments is to postpone the availability of the proposed appropriation until the Congress shall have had an opportunity to give consideration to the legislation looking to the lease and sale of the properties.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Yes.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. ROSE. Mr. Speaker, I will ask that the gentleman be given one minute more.

Mr. SISSON. I have not the time; otherwise I would give it to the gentleman.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONFERENCE REPORT ON NAVY DEPARTMENT APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent to have until midnight in which to file a conference report on the naval appropriation bill, H. R. 11228.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the conference report on the bill providing for the Naval Establishment may be filed at any time before midnight. Is there objection?

Mr. GARRETT of Tennessee. It is a complete agreement?

Mr. KELLEY of Michigan. It is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. VOIGT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the ship subsidy bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks on the ship subsidy bill. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum. [Laughter.]

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of no quorum. The Chair will count.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn, and on that I demand tellers.

The SPEAKER pro tempore. The gentleman from Kansas moves that the House do adjourn, and on that motion he demands tellers.

Tellers were ordered, and the Speaker pro tempore appointed Mr. ANTHONY and Mr. SISSON to act as tellers.

The House divided; and the tellers reported—ayes 2, noes 216.

The SPEAKER pro tempore. On this vote the tellers report—ayes 2, noes 216. The "noes" have it. A quorum is present. The motion to adjourn is not agreed to.

ADDRESS OF PRESIDENT HARDING TO THE PHILIPPINE PARLIAMENTARY MISSION.

Mr. TOWNER. Mr. Speaker, I desire to ask unanimous consent to insert in the RECORD the address of the President to the Philippine Commission.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by having printed an address by the President, delivered recently to the Philippine Commission. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Speaker, does the gentleman object to having the statement of the commission also printed?

Mr. TOWNER. That has already been printed in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Speaker, is the majority leader going to object?

Mr. TOWNER. I do not understand the gentleman.

Mr. SEARS. I withdraw that, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Following is the address referred to:

[From the Evening Star, Washington, D. C., June 22, 1922.]

PRESIDENT HARDING TO THE PHILIPPINE PARLIAMENTARY MISSION.

The text of the President's statement to the Philippine Commission is as follows:

"I heard with deep interest and have read with full deliberation the petition which you delivered to me through Mr. Quezon a few days ago. I must express my full and grateful appreciation of your utterances of loyalty and your confidence in the American people. I hope the travels of your mission and your contacts with both officials and private life have persuaded you that the people of the United States believe in that loyalty no less than you avow it. And I trust this mutuality of confidence and esteem will abide for all time, no matter what limitations of governments are attached to our relationship. The Philippine people and those of the United States ventured together upon a great experiment in human progress. Since you yourselves, in your petition have so heartily and officially testified to its success, quite as we have been glad to believe, I am well persuaded that our intimate experience has established our cordial relations and our ties of friendship for all time to come.

"No fixed intent, no thought of conquest, no individual or governmental design to exploit, no desire to colonize, brought us together. It was the revolution of the fates, wherein our assault against oppression at our very doors carried our warfare to yours, far away, and your liberation attended.

"No American statesman had preconceived expansion to the Orient, no American industrial or commercial interests were urging the planting of the flag and our responsibility in distant lands. The fortunes of war revealed us to one another, and held us as your sponsors before the world.

PEOPLE SANCTION POLICY.

"From the day that tranquillity and stability were established in the islands the question of the future of the Philippines has been a matter of political discussion in the United States as well as in the islands, though from a different viewpoint. Here in the States the early opposition was against so-called 'militarism and imperialism.' When the issue was made paramount, the American people gave sanction to the Government policy inaugurated by President McKinley, continued by President Roosevelt, and supported by President Taft.

"The question was not brought to the front in the general elections of 1912, but the party called to power under President Wilson had adhered to its opposition to the then existing Philippine policy. In its platform it condemned our friendly experiment as 'an inexcusable blunder which has involved us in enormous expense and brought us weakness instead of strength.' I refer to the declaration in order to have you better understand the later congressional action, which resulted in the organic act of 1916, known as the Jones law.

"It was my fortune to serve as a Member of the Senate when this act was under consideration, and I recall distinctly the varying constructions of the preamble. The progress made toward self-government in that act is not to be challenged, and I think there is no American authority, in Congress or out, suggesting any backward course. The act is not under consideration. But, since you refer freely to the expressed or implied pledge in that preamble, and call to my attention the passage of a year and a quarter of this administration without a step toward the full bestowal of independence, I remind you that at the time of passage of the act the then senior Senator from Arkansas proposed an amendment which provided for immediate independence. He had been a witness to party declarations and had encountered the conflicting opinion.

FINE FRANKNESS SHOWN.

"With fine frankness this amendment provided that 'the President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof.'

"The moment was at hand for definite, decisive action, and the resulting grant of complete and unconditional independence. Manifestly, the majority in Congress did not believe in Philippine readiness, because the amendment was rejected by the responsible majority, and no steps later were taken to hasten the grant of independence until the closing days of the same administration, when it was about to lay aside its responsibility.

"Without desire to invite contention, I recall these things to your mind, because independence has played a large part in the politics of your country and ours, and in the appraisal of our relationship it is well for your people to know something of our politics, even as we ought fully to know yours.

ASPIRATIONS COMMENDED.

"I can only commend the Philippine aspirations to independence and complete self-sovereignty. None in America would wish you to be without national aspirations. You would be unfitted for the solemn duties of self-government without them. It is fair to assume that our only difference of opinion relates to the time for independence. You crave it now, and I do not believe the time has arrived for the final decision.

"Manifestly, so far as expression has been made, the majority of Philippine citizenship prefers severance and self-sovereignty. There are, however, many among you of differing opinion. There are petitions against independence. Our missions of investigation pay unstinted tribute to your progress and commend your institutions. Nothing apart from our achievement at home is more pleasing to the United States than the splendid advancement of the Philippine people. Your progress is without parallel anywhere in the world. From a people who began with little freedom and none of responsibility, in a little more than half of one generation you have progressed notably toward self-reliance and self-government. And you have done it in spite of that lack of independence concerning which you petition.

"To the United States comes both gratification for your accomplishment and justification for this government's atti-

tude, because you have made this record under our sponsorship and in the very atmosphere of the highest freedom in the world. I know of no parallel relationship. We have given substantially everything we had to bestow and have asked only mutuality and trust in return. We have extended your control in government until little remains but the executive authority, without which we could not assume our responsibility.

DECISION WITH CONGRESS.

"It is not possible for me as Executive definitely to proclaim an American policy, for the decision must ever be that of Congress; but I would be less than candid and fair if I did not tell you we can assume no responsibility without that authority.

"No other instance of bestowing or recognizing independent government offers comparison. There is no other instance comparable to our relationship. Our interests are mutual under existing conditions. There is no complaint of abridged freedom, no suggestion of oppression, no outcry against government by force. We do not tax for our benefit. On the contrary, we aid your treasury, out of which you expend at your own free will. In 1920 we collected in internal revenues in the United States the sum of more than 3,000,000 pesos on Philippine products and turned the money into your treasury.

"We exempt your bonds from taxation in the United States and afford you a favoring market, and ask nothing in exchange. We open our markets to your products, as you open yours to us, in the mutuality of trade under one flag. We have spared you every burden of national defense and the cost of diplomatic representation throughout the world, yet you have been secure in your peace and your representations have been befittingly expressed. If we have been remiss, we do not know it. If mutuality has not been perfect, we choose to make it so.

"I note your appeal founded on changed conditions in the world. The world situation has, indeed, changed, with a higher augury of peace than we have ever known before. But we are only entering the new order. It is not yet fixed. Your international security is fixed under our present relationship, but you would be without guaranty if complete independence were proclaimed.

ADVANTAGES OF ASSOCIATION.

"It will little avail to recite what seems to us to be the obvious advantages of association with the American community. These things do not appeal to those who are bent on the independent establishment. Moreover, accord and concord are essential to the furtherance of community relationship. Frankly, I had hoped—probably I express the hope of many of our people and likely some of yours—that somehow we might develop a relationship which assured to you complete self-control in your domestic affairs, and would enable you to rejoice with us in the economic and political advantages which are the rightful possessions of a great and righteous nation.

"It would ill become me to question your belief in readiness for the full obligations you seek to assume. There is no such thought in my mind. But I am thinking of our large responsibility. Fate cast our relationship, and we assumed a responsibility not only to all the Philippine people but to all the world as well. We have a high respect for your majority, but no less obligation to your minority, and we can not be unmindful of that world responsibility wherein your fortunes are involved in ours.

"No government is or can be perfect, from the viewpoint of everyone. We know ours is not, after nearly a century and a half of experience, but it is not unseemly to assume that our experience is of great value. Long training and universal education are essential to the approach to perfection. We not only provide education, but we compel it. You have made most commendable progress in education. Perhaps the judgment of your people to-day will be confirmed by your better educated people on the morrow, but we ought to be very sure of a highly preponderant and very intelligent public sentiment before taking the step which can not be retraced.

"Your allusion to a reversal of policy on the part of the 'first of the colonial powers' rather argues for delay than commends immediate action. More than a century of a colonial relationship between Great Britain and her more notable colonies has been marked by training for government and the approach to the measure of autonomy which prevails to-day. In the main, the longer training has strengthened the cherishment of freedom under the larger relationship, and the great, free dominions seem more rejoiced in the membership of British peoples than would have been believable 50, or even 25, years ago. They reflect the colonial benefits of larger association under one flag.

"I do not invite the inference that we are working to that relationship. We should not wish it unless it were equally your desire. Whether wisely or not, our disavowal of permanent retention was made in the very beginning, and a reversal of that attitude will come, if ever, only at your request.

"The indefinite expression has ever been as to time for launching you into your own orbit in the world of nations. You have declared your own readiness. No American authority, except as responsibility was passing, ever has been sufficiently assured to give its stamp of approval.

"Mindful of your aspirations, the Wood-Forbes Mission was sent to the Philippines with instructions to investigate conditions, appraise your progress, and make report. The personnel was chosen with the view to have the appraisal made by outstanding and able men who had been familiar with your earlier stages of self-administration.

"This mission reported many manifestations of progress, many things achieved which must have strongly appealed to Philippine pride. I can assure you they enhanced the pride of America in her helpful relationship. It was the recital of a splendid showing in material, intellectual, political, and moral progress. It gave proof that no deprivation had hindered your advancement, that no essential freedom of citizenship which we claimed for ourselves was not possessed by every citizen of the islands. Only national responsibility is lacking, for which there are ample compensations.

"Frankly, then, with every mindfulness for your aspirations, with shared pride in your achievements, with gratitude for your loyalty, with reiterated assurance that we mean to hold no people under the flag who do not rejoice in that relationship, I must say to you that the time is not yet for independence. I can imagine a continued progress which will make our bonds either easy to sever or rivet them more firmly, because you will it to be so. We must await that development. The new order in the world, made secure, with conquest outlawed, and with peace made the covenant of all civilized peoples, may speed the day when you neither need us nor wish our intimate relationship.

"At this time it is not for me to suggest the day, distant or near. Meanwhile, I can only renew the proven assurances of our good intentions, our desire to be helpful without exacting from your private or public purse, or restricting, the freedom under which men and peoples aspire and achieve. No backward step is contemplated, no diminution of your domestic control is to be sought. Our relation to your domestic affairs is that of an unselfish devotion which is born of our fate in opening to you the way of liberty of which you dreamed. Our sponsorship in international affairs is reflected in the common flag which is unfurled for you as it is for us, and security is your seal of American relationship."

WAR DEPARTMENT APPROPRIATION BILL.

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, when some of us were endeavoring, in February, 1921, to secure an appropriation of $10,000,000 for the continuance of the work on the Wilson Dam, there were some gentlemen who contended at that time—and I do not question their sincerity—that it would be money wasted. Some of those who took part in that argument, in the excitement of debate, announced that the effort to secure an appropriation was nothing more or less than an attempted raid on the Treasury. I was glad to hear the gentleman from Kansas [Mr. ANTHONY] say that everyone now realizes the immense importance and the very great value of the Muscle Shoals power development. We all now agree that it ought to be developed, and that appropriations should be made to continue the work upon Dam No. 2.

In all fairness, what individual in this country has brought the doubting Thomases of more than a year ago to a realization of the great value of that power at Muscle Shoals? It was Mr. Henry Ford [applause] by the proposition he submitted to develop and to operate that power. He submitted his proposition last July on invitation of the Secretary of War. Do you not think, in all fairness, that he is entitled to have this Congress say whether or not his proposition shall be accepted? Do you not think, in all fairness, that the farmers of this country, who are unanimously in favor of the acceptance of his proposition, because they know that it means cheaper fertilizer—do you not think, in all fairness, that the laborers and the consumers of this country, who are interested in the productivity of the farms, are entitled to have this Congress pass upon the proposition as to whether or not Mr. Ford's offer shall be accepted?

That is all we who have so earnestly favored this proposition wish Congress to do, and speaking for myself I am opposed to this House taking its contemplated recess before consideration is given to this proposition. The gentleman from Kansas has said that time is needed for consideration. What more time do you

want? Mr. Ford made his proposition nearly a year ago. It was transmitted to Congress by the Secretary of War in July, and since then has been under consideration by the Committee on Military Affairs, which has spent months in hearings upon this and other propositions before the committee, and the reports are now before the House. Why not take it up now and consider it? We can do so in two days if the Committee on Rules will only report a rule to that effect. You gentlemen upon the Republican side will be held responsible for inaction, and in view of the already long delay you are not going to be able to satisfy the farmers, whose interests are so vitally affected and who will derive such great benefits from an acceptance of the Ford offer, by the plea that you want further time for consideration. Why not comply with their unanimous request and at least pass one way or the other upon this proposition before you take a recess?

I am in favor of the Huddleston amendment first, and if that is defeated then I am for the James amendment. They do not bind any Member of this Congress to vote for the Ford proposition, but they do give an opportunity, before this appropriation goes into effect, to have Congress say just how the power shall be operated. And, gentlemen, let me tell you something. It has already been touched upon. I am not in favor of Government operation of that dam. I do not believe the Army officers can operate it successfully or economically. I want to see a proposition, whether it be that of Henry Ford or some one else, accepted to operate that dam, provided it is safeguarded in the public interest.

I am for the Henry Ford proposition, because, as the gentleman from Illinois has said to you, it is the only proposition that the Committee on Military Affairs after months of hearing decided was worthy of consideration. It is the only one that the Committee on Military Affairs has reported to this Congress, and a majority of the members of that committee are in favor of it. But if you do not accept this proposition, gentlemen, I will tell you what you are driving to. Just as certainly as you sit in your seats to-day you are driving to Government operation of that dam, for the people will never permit it to be leased to the Alabama Power Co. or any other monopoly. They want Ford to have it, because they have confidence that he will operate it in such manner that the general public will derive some benefit from it. The author of the Senate amendment has declared that he is opposed to the proposition of Mr. Ford, and he is the author of a bill now in the Senate committee providing for Government operation. The appropriation for immediate work was intended to cut off consideration of the Ford offer, and I for one do not wish to play into the hands of those who are really opposed to this development. We ask you to adopt the Huddleston amendment. If that amendment is not adopted, then I am for the James amendment, because I want to see time given so that Congress may decide upon the plan of operation before the appropriation goes into effect.

Mr. ALMON. The operation of the nitrate plant as well as of the dam.

Mr. BYRNS of Tennessee. Oh, yes. When I said the operation of the dam I meant to include the operation of the nitrate plant, because that is one of the chief things that makes me for that proposition. It means cheaper fertilizer for the farmer, and that is where its greatest merit lies. Adopt one of these amendments, and I believe we will get action on the Ford offer at an early date. Otherwise I fear that those who are opposed to this development may accomplish their purpose and prevent its consideration for a long time to come, if not indefinitely. [Applause.]

Mr. SISSON. I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker and gentlemen of the House, fortunately the friends of the important matter we are now considering have not in the past and will not now divide along political lines. Recently, before the House Military Affairs Committee, the Governor of Tennessee, a distinguished Republican and former Member of this House, made an urgent and eloquent appeal for the acceptance of the Ford offer and took occasion to say to the committee that the people of that great State, irrespective of party, were united in favor of the Ford offer. The same is true of the people of Alabama and of the other States of the South, and it is most gratifying to know that in our efforts to have the Ford offer accepted we are supported by strong friends—not few, but many—from the far West, from the Middle West, from the Middle Central States, and some even from the East.

This widely scattered support emphasizes the fact that the development of hydroelectric power on the Tennessee and the proper utilization of that power, in connection with the valuable property now owned by the Government adjacent thereto, is receiving not only local but nation-wide interest. Every organization of farmers, of laborers, of business men, of scientists—and their number is legion—who have given intelligent study to the Ford offer, have expressed unqualified indorsement of it. Can the House recall any private offer for public property which has ever before awakened such wide interest and received such enthusiastic approval from those whom it is primarily designed to serve?

I refer to these matters, not for the purpose of inviting at this time a detailed discussion of the Ford offer, because I recognize that this is neither the time nor the place for such a discussion, but certainly the recital of the above facts emphasizes the correctness of the majority report of the Military Affairs Committee on the Ford offer, in which they state that it is of transcendent importance that this matter be intelligently considered and finally passed on by this Congress at an early day.

The two pending amendments—one introduced by the gentleman from Alabama [Mr. HUDDLESTON], the other by the gentleman from Michigan [Mr. JAMES]—seek merely to postpone for a reasonable length of time the expenditure of the seven and a half million dollar appropriation recommended by the Senate until the House can be given an opportunity of finally passing on the Ford offer, as recommended by the House Military Affairs Committee. Some policy must be adopted by the Government, not only for the completion of the dam, but also for the operation of the nitrate plant in the interest of the two great public purposes declared in the national defense act, namely, to serve the Government in time of war and our farmers in time of peace. A consideration of the Ford offer should and will lead, in my judgment, to the adoption of a definite policy, insuring the speedy and economical completion of this great undertaking and the early operation of the nitrate plant for the benefit of agriculture.

In the spring of 1921, when an appropriation was sought to further work on the dam at Muscle Shoals, the party now in power refused the appropriation on the ground that it was necessary that some definite policy be first fixed by the Government for the operation and use of this property when completed.

At that time no private offer to finish the work and to operate the plant when completed, so as to conserve the two national purposes declared by Congress in the national defense act, had been made. In response to an invitation from the Secretary of War, Mr. Ford submitted an offer about one year ago. This offer, after a long lapse of time, was transmitted to Congress by the Secretary of War, was referred by Congress early last winter to the Military Affairs Committee of the House; this committee, after many months of careful, patient study, has filed two majority reports, each of which points out the advantages of the Ford offer. One, signed by 11 members of the committee, recommends the acceptance of the offer with one single reservation; the other, signed by 9 members of the committee, recommends the acceptance of the offer without reservation.

The acting chairman of the Military Affairs Committee, the gentleman from Illinois [Mr. MCKENZIE], recognizing the importance of an early and final hearing by the House on these reports, introduced a bill, the provisions of which accord with the majority report of the committee, and a rule was promptly asked for the consideration of such bill. This rule, without any reason being assigned therefor, has been withheld, and Congress now, according to an announcement by the majority leader, will soon take a six weeks' recess, without having given consideration to this important bill and without even giving assurance that it will be considered immediately on the reconvening of Congress after August 15 next.

The friends of the Ford offer feel that the acceptance of the appropriation made by the Senate and the renewal of work on the dam by the Army Engineers, as is contemplated, will furnish an excuse for the majority leader and others opposed to the Ford offer to indefinitely postpone the consideration of the same, and I charge now that this is the deliberate purpose, I believe, of the majority leader if the Senate's action is indorsed by the House. The vote on these amendments, if favorable, will at least serve notice on the majority leader and others in control of legislation that it is the desire of the House that early consideration be given to the Ford offer, as recommended by the Military Affairs Committee, and that some policy for the operation of the plant be declared by the House before any further expenditures are made on the dam at Muscle Shoals.

Those familiar with the expenditure of money by Army engineers in the past will understand that if this dam is to be completed by the Army that it will not only result in long delay

but will involve an expenditure out of the Federal Treasury of many millions, in excess of the amount that a private contractor would undertake the work for. The Secretary of War as well as General Beach, the Chief of Engineers, have both admitted that the work can not be done by the Army engineers as speedily or as cheaply as it could be if let to a private contractor.

The acceptance of the Ford offer will unquestionably result in the completion of the dam or dams at least 18 months earlier than they will be completed by the Army engineers and will redound to the benefit of our farmers in providing cheaper fertilizers within 12 months from the date when the offer is accepted. There are some who undertake to question and doubt these claims but the farmers have given more than passing consideration to the Ford offer and their approval of it has been voiced only after most thorough and intelligent study. They know what it promises, and the fertilizer and power interests are likewise keenly aware of the beneficial results to the great masses of our people that will flow from its acceptance. This is reflected in the persistent and united opposition of the power and fertilizer interests to the Ford offer.

No one is more interested than I in the development of the great hydroelectric power on the Tennessee and in the proper utilization of the nitrate plants built by the Government adjacent thereto, but I recognize that the two great national purposes which Congress had in mind in the national defense act can best be served only when this valuable property is speedily developed along economical, efficient, and proper lines. The turning over of this property to the Army engineers will unquestionably result in long delay, in large added expense, and will serve to postpone indefinitely the adoption of a sane business policy, insuring the operation of the nitrate plants in the interest of agriculture.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. OLIVER. May I have a few minutes more?

Mr. SISSON. I yield to the gentleman five minutes more.

Mr. OLIVER. I am aware that there are some who believe that to indorse the action of the Senate in appropriating seven and a half million dollars to begin this work, under the direction of the Army engineers, will in no way retard or interfere with the early consideration of the Ford offer—and I do not question the motives of the friends of the Ford offer in the Senate, who voted for this appropriation—but with the information that many of us in the House now have it would be a base betrayal of the wishes of the great masses of the people, who have urged early consideration by Congress of the Ford offer, if we should now, without some protest, simply vote an appropriation for the Army engineers to commence work on the incompleted dam at Muscle Shoals.

A vote to postpone this expenditure of seven and a half million dollars will mean only this, that it is the earnest desire of the House that an early opportunity be given by the Rules and Steering Committees of the House for the consideration of bill H. R. 11903, introduced by the chairman of the Military Affairs Committee, a distinguished Republican [Mr. McKENZIE].

If this assurance were even now given by the majority leader, the two pending amendments would be at once withdrawn and no further objection made to the immediate resumption of work on the dam. If the delay results in the acceptance of the Ford offer, or even in letting the work to a private contractor under competitive bids, even though work be thus delayed until November or the spring of 1923, I venture to assert, without fear of contradiction, that the dam will be completed under such a policy at least 12 months sooner than if the work were now turned over to Army engineers—and, further, at a saving of some five to seven million dollars to the Federal Treasury.

Adopt the Senate amendment without registering your protest in some form and, whether you will it or not, the Ford offer will be pigeonholed and forever lulled to sleep by this Congress. It is our duty to protest against such a result, especially since our protest is inspired by a request that is just, fair, and reasonable, because it merely insists that assurance be given that some day in the near future the House be allowed an opportunity to express its judgment as to a policy insuring not only early completion of the work on the dam at Muscle Shoals but the early operation of the nitrate plants so as to wisely and properly conserve the two great national purposes which Congress had in mind when this work was first undertaken. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Under leave to extend my remarks in the RECORD I wish to set out a statement made by me before the Military Affairs Committee of the House on March 8, 1922, and found in volume 1 of the printed hearings on page 994, as follows:

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, March 8, 1922.

STATEMENT OF HON. WILLIAM B. OLIVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA.

Mr. OLIVER. Mr. Chairman, the Alabama delegation has received a letter from Hon. B. M. Allen, of Birmingham, Ala., who presided at a large mass meeting in Montgomery on Wednesday last, at which certain resolutions were adopted, and he has requested that the resolutions be read to the committee, and I desire to now read them. They are very complete and informing and set forth in a forceful, proper, and accurate way the attitude of the people of Alabama on the subject to which the resolutions relate.

MEMORIAL TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES AND THE COMMITTEES OF CONGRESS, ADOPTED BY THE STATE-WIDE MASS MEETING HELD IN THE CITY AUDITORIUM AT MONTGOMERY ON WEDNESDAY, MARCH 1, 1922.

We, citizens of Alabama, 5,000 strong, representing county governments, municipal authorities, women's clubs, labor bodies, chambers of commerce, civic bodies, and farmers' organizations from every quarter of the State, in mass meeting assembled at Montgomery, with full confidence in both the justice and wisdom of the President and Congress, to hereby declare:

That while the entire Muscle Shoals stretch of the Tennessee River lies within the borders of this State, the right to control and regulate the river in the interest of the Nation's commerce has been ceded by the State of Alabama to the Federal Government. We recognize the fact that Muscle Shoals is the property of the Nation, belonging alike to the people of all of the States, and, while we claim no greater right than any other State to say what shall be done with Muscle Shoals, we believe that we but exercise the guaranties of the Federal Constitution when we petition Congress that this great national asset be not employed by the Government as an instrumentality for fastening upon us and upon our children and our children's children the yoke of an oppressive and burdensome monopoly.

We affirm that the Alabama Power Co. now owns and controls a number of splendid power sites on the Coosa River in this State; that it owns and controls all of the available power sites on Little River in Alabama; and that it owns the wonderful power site at Cherokee Bluffs, on the Tallapoosa River in this State; that in the 14 years since its incorporation it has built one power dam in this State and commenced work on one other dam; that at the present rate of development of the power potentialities already under the control of this corporation more than 100 years will go by before all of these dormant water powers are harnessed; that it has been the policy of that corporation to develop only such power as can be sold in small units and at high prices; that controlling as it does all of the great water-power sites in a State blessed by God Almighty with wonderful power possibilities, it, a foreign-controlled corporation, is in position to litigate with any American-owned organization which may seek to develop any one of Alabama's wasting water powers, just as it now threatens to litigate with Henry Ford, or with the Government, if either seeks to build Dam No. 3 at Muscle Shoals, or to control the Government-built steam plant and transmission line at Gorgas; that in spite of the fact that this foreign-owned corporation has long enjoyed exemption from taxation in this State, it has been busy ever since its entrance into Alabama in preempting every great power site within our borders, and in so copper riveting its hold on all of Alabama's great hydroelectric potentialities as to prevent for all time their development by any possible competitor; that it has been its policy to buy these power sites at farm-land prices and to hold them in perpetuity as power sites; that it already controls the utilities in our principal cities and is year by year securing the control of the utilities in our towns and villages; and that if it secures Muscle Shoals it will have perfected its control of all of our great water powers and will hold in its selfish grasp all of these instrumentalities, placed within our borders by a beneficient providence for the promotion of the commercial and industrial welfare of all the people.

We hold that it would be a travesty on legislation if, after many years of congressional consideration of how best to conserve the power in our navigable streams for the benefit of all the people and how most surely to preserve them from being used as instruments of monopoly, the Nation's greatest water power should be handed over to the Alabama Power Co. under the national water power act; and we

Further hold that it would be the quintessence of legislative folly for the Government, after 10 years of investigation as to how best to free the United States from its dependence upon a foreign power for its supply of nitrogen for explosives in the event of war, and after spending millions of dollars in the construction of the greatest nitrogen-fixation plant in the world, to turn over the only power capable of successfully operating the nitrate plant to a corporation owned and controlled by foreigners.

We remind Congress that just as the Alabama Power Co. has returned evil for good to the people of Alabama, so it is the one corporation whose dealings with our country in the grim emergency of war was so shameless, selfish, and conscienceless that when its conduct was investigated by a select committee of Congress the minority members of this committee joined with the majority in denouncing its brazen and sordid betrayal of its duty to a war-beset nation.

Again affirming our utmost confidence in the ability and the desire of the President and the Congress of the United States and the committees of Congress to reach the soundest solution of the pending questions relating to the disposition of Muscle Shoals, we wish to express ourselves with regard to Mr. Henry Ford's proffered contract with the Government. The subject is of such vital interest to the people of Alabama that with greatest enthusiasm they have assembled in this meeting for the purpose of making this memorial:

Upon mature deliberation, we, as citizens, do express our firm conviction that it is to the best interest of the United States and to the interest of the people of Alabama that the offer of Henry Ford be accepted and concluded as a binding contract, and for the following among other reasons:

The acceptance of the Ford offer would insure the operation in Alabama of at least two great organizations engaged in the development and sale of hydroelectric energy, and would further insure competition in the distribution and sale of power throughout the territory which can be reached by transmission lines from the several power sites on the Tennessee River whose development is within the contemplation of the Ford offer.

The Ford offer insures the operation of United States nitrate plant No. 2 for a period of 100 years for the production of fertilizers in time of peace and for the production of nitrates for explosives in the event of war.

It insures to the millions of farmers throughout the United States, whose organizations have with unanimity indorsed the offer of Henry Ford, the continuous operation of this Government-built plant for the production of nitrate fertilizers in competition with the present producers of nitrates, by a company whose profits will be limited to 8 per cent, and in sufficient volume to have a controlling influence in fixing the price of nitrates and nitrate fertilizers for agricultural uses.

The Ford offer insures to the people of the United States the operation of nitrate plant No. 2 and its maintenance in such a constant state of readiness, with a trained force of operatives, as to guarantee to the Government and its citizens an independent, internal supply of nitrates, in exact accord with the announced intention of Congress as expressed in section 124 of the national defense act of 1916.

The Ford offer guarantees the construction of Dam No. 3, and makes provision for use by the people of the United States for purposes of navigation of one of the country's largest and most important rivers which is an integral part of the great Mississippi River waterway system.

In the consideration given to the various offers for Muscle Shoals much has been said about the profit and loss that would accrue to the Government of the United States and to its people from the acceptance or the rejection of the various offers. We respectfully urge that a plan which looks to a constant supply of cheap fertilizers for the farmers of the Nation through a period of 100 years, which insures to American industry during that period the use of nearly 1,000,000 horsepower of electric energy, which provides for the security of the Nation in the event of war, and which guarantees the navigability of one of the country's greatest rivers for all time—these continuing additions to the resources of the Nation, if it were possible to express them in terms of dollars, with interest at 4 per cent, will in the course of 100 years add so vastly to the wealth of the Nation and the prosperity of its people that any difference in the price of the nitrate plant as fixed in the several offers, and any difference between the purchase price offered and the estimated possible scrap value of the property, is dwarfed into insignificance.

With these considerations in view and having in mind the freedom of our own people from a galling and oppressive water-power monopoly, the freedom of the American farmer from a burdensome and grinding fertilizer monopoly, the opening of a great river to navigation, and the security of the country in the event of war, we urge the President and the Congress of the United States to accept the offer of Henry Ford, whom we verily believe seeks through his offer to dedicate to the American people and especially to the farmers of America his genius and his fortune.

We indorse the sentiment "America first" and Muscle Shoals first for Americans, and above all, for American farmers. Henry Ford is a typical American, who by his genius has done more for country people and country life than any other man of his time. A man who has the trust and confidence of the great masses of the common people, as evidenced by the resolutions adopted by every gathering of plain, ordinary Americans, including the representatives of 4,000,000 farmers, who have given voice to their sentiments in regard to his proposal for the development of Muscle Shoals.

We believe the issue in Congress is clearly drawn. It is a contest between the people and the interests which control the people's fertilizer and power resources.

On behalf of the army of the unemployed, in the interest of the great body of plain American citizens, in the name of millions of perplexed and burdened farmers, we beg our President and the Congress of the United States and its committees to promptly accept the offer of Henry Ford.

J. L. ANDREWS. EDW. A. O'NEAL.
FRANCIS PATTERSON WALKER. S. P. MCDONALD.
J. J. BUFFINGTON. CHAS. L. HAROLD.
H. C. RANKIN. EDWARD DOTY.

This resolution was unanimously adopted.

B. M. ALLEN, *Chairman*.
C. E. JOHNSON, *Secretary*.

MARCH 1, 1922.

Gentlemen of the committee, this resolution, I feel, represents the overwhelming sentiment of the people of Alabama. The statement to-day by Governor Taylor before this committee is evidence that it represents the sentiment of the people of Tennessee. The unanimous indorsement of the Ford offer by our colleagues from the sister States of Mississippi, Louisiana, Georgia, the Carolinas, Florida, Arkansas, and Texas show that it represents the sentiment of these States. Allusion has been made to its strong indorsement by every farm organization in the country—South, East, West, and North. You also have before you a most informing statement by the vice president of the Mississippi Water Valley Association, in which, without reservation, he states that it represents the sentiment of the many States included in that great organization.

It is interesting, when we come to consider the proposal before you, to note that this was a project which Congress determined on prior to the war, to be primarily devoted to the Nation's use in war and to the farmer's use in peace; and it is not surprising that the farmers, for whom it was built and constructed to serve in peace time, should now manifest great interest in the offer of one who, being possessed of financial ability and enjoying their confidence, is willing to develop it along the very lines that Congress declared should be its mission in peace.

The President, in recognition of the importance of agriculture, must have had this as well as other projects in mind in that remarkable address which he delivered on January 23 to the gathering of farmers in the city of Washington, and I beg to invite your attention to some striking excerpts from that address showing the present condition of agriculture and the importance, as recognized by the President, of taking definite action along constructive lines at this time:

"If agriculture is to hold its high place, there must be the most liberal policy in extending its opportunity.

"There must be a new conception of the farmer's place in our social and economic scheme.

"I choose to call the vocation of the farmer the most useful, and it ought to be made one of the most attractive, among all lines of human effort.

"Concerning the grim reality of the present crisis in agriculture, there can be no differences of opinion among informed people.

"You men are thoroughly familiar with the distressing details of present conditions in the agricultural community. The whole country has an acute concern with the conditions and the problems which you are met to consider. It is a truly national interest and not entitled to be regarded as primarily the concern of either a class or a section.

"There is every reason for us to consider those permanent modifications of policy which may make relief permanent, may secure agriculture, so far as possible, against the danger that such conditions will arise again and place it as an industry in the firmest and most assured position for the future.

"Up to this time railroad construction, financing, and operation have been unscientific and devoid of proper consideration for the wider concerns of the community. To say this is simply to admit a fact which applies to practically every railroad system in the world. It is equally applicable to the railways of continental Europe, in whose development considerations of political and military availability have too far overweighed economic usefulness. In America we have too long neglected our waterways. We need a practical development of water resources for both transportation and power. Waterway improvement represents not only the possibility of expanding our transportation system but also of producing hydroelectric power for its operation and for the activities of widely diffused industry."

This was a pleasing statement of what Congress in 1916 had the vision to see, and to seek, by the national defense act, to make some helpful provision for.

Is it surprising, then, when the war was over and the proclamation of peace issued, that the farmers should take account of the fact that here at Muscle Shoals is a plant, built with Government money, pursuant to the directions of Congress, as contained in the 1916 act, now practically complete and ready to serve the purpose which Congress intended. It has its power plant at Gorgas, on the Warrior, its transmission line from there to the nitrate plant, all built with Government money. There is now needed only an expenditure of some ten or twelve million dollars which Mr. Ford offers to supply to put nitrate plant No. 2 in condition where it will be prepared, from current supplied by the Gorgas steam plant, to begin the manufacture of fertilizers for the farmers. The farmers look upon it as their property, because Congress dedicated it to their use in the national defense act of 1916, and it is not surprising that they have begun to make an appraisal and survey of its possibilities.

Congress, at its last session, thought it would be unwise for the Government, without a definite policy of operation being first determined on, to expend further money in the completion of the power dams. Since that time there has come an offer, and it stood as the only offer for more than six or seven months, being discussed pro and con in all sections of the country. It was that offer, thus considered, thus dissected, that received the hearty approval of the farmers of the Nation, and of every business interest, except those in some way linked up with power or fertilizer companies, or like projects. So I think the offer is now presented to the committee in an unusually strong way, and that the farmers are asking for nothing more than present assistance from Congress to make a working concern of that plant, which was built with Government funds, pursuant to the direction of Congress, to aid agriculture in peace.

I had not intended consuming so much of the committee's time, and, in conclusion, permit me to say that I know the committee will agree with me that this is a matter of great importance to the Nation. In fact, I question whether any matter presented to Congress since the war measures up to it in importance from the farmers' standpoint. Fortunately it is a question which in no sense concerns alone any particular section. It has never at any time been considered as partisan, and I know that in searching for the rightful solution of the problems presented and in providing for the future operation of the nitrate plant so as to wisely conserve the two great national purposes declared by Congress in the 1916 defense act, this committee will declare for and recommend to Congress the adoption of a policy that will insure the use of this valuable property, so that it will at an early day beneficially serve our farmers to whose interest it was primarily dedicated in times of peace.

Mr. VOIGT. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and seventeen Members present, a quorum.

Mr. SISSON. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BANKHEAD] four minutes.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, the Government of the United States has appropriated and spent on this great Muscle Shoals proposition more than $100,000,000. The great nitrate plant cost approximately $85,000,000, and there has already been expended on the Wilson Dam the sum of $17,000,000. The origin of these expenditures was the deliberate act of the Congress of the United States based primarily upon two considerations: One from the standpoint of national defense, and the other from the standpoint of undertaking to supply the farmers of America with a cheap commercial fertilizer for renewing the soil fertility of our country.

The Secretary of War under this administration has urged the Congress of the United States after careful consideration to arrive at some definite policy for the disposition of this great plant. Offers have been submitted to the Congress of the United States, and it is a very remarkable thing that only one offer has been made by all able to make an offer that involves the manufacture of fertilizer for and on behalf of the farmers of the country, and that is the offer of Henry Ford. If we adopt the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON], which I favor, it would necessarily involve some delay, but, gentlemen, I submit that we are justified in undertaking that delay because we believe that if it is put into execu-

tion it will force—if I may be permitted to use that word—the Congress of the United States, urged by public opinion of the people of this country, to determine some definite policy with reference to the way in which the plant shall be used and for whose benefit.

There is no man in Congress who has a stronger local interest in this matter than myself. The Waco quarry, the transmission line, the Gorgas steam plant are located in my district. There are hundreds of men out of employment in my district who would like to secure employment immediately. I recognize that in taking this position I am subjecting myself, possibly, to some local criticism in my district; but, gentlemen, I am for this as a national proposition, for the benefit of America as I see it, and I am willing to jeopardize my political interests in my own district in order to carry out the great purpose of the Congress of the United States [applause] and put into definite execution a definite policy guaranteed by a man able to carry it out, not only in the maintenance of a nitrate plant for national defense, but who will give the farmers of America $250,000,000 worth of fertilizer that they annually consume at half the price they have been paying for it. The American people have confidence in Henry Ford. I have confidence in him. I believe he will make good and that the guaranty of the faithful execution of his offer will be carried out. We can well afford the delay of three or four or six months at the longest in order to give the Congress of the United States and the Representatives of the millions of people who are so tremendously and earnestly interested in this problem an opportunity to declare a definite and final action upon it. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker and gentlemen, down on the Tennessee River there has been expended by the United States in the development of power and in the improvement of navigation on the dam now under construction seventeen and a half million dollars. When that dam is completed it will have cost the Government altogether about $42,000,000, or $25,000,000 in addition to what has already been spent. It will develop 100,000 primary horsepower and 600,000 secondary horsepower.

The question under consideration is, then, Shall we go on and complete that dam? If so, what happens? We develop an enormous water power for the benefit of the whole country, and it will be developed at such a cost that it will pay a handsome return on the investment from the time it is completed, and until the day it is completed the seventeen and a half million dollars so far expended have been of no value whatever.

Let us take the situation as it is. It is a narrow one; it is not the question that has been discussed in the debate so far—whether we shall have Government operation or private operation, or whether we shall accept the offer of Henry Ford or consider other offers. That is not involved. Suppose we were building a 50-story structure. We now have it completed for 17½ stories. It is open to the weather; it is certain to deteriorate rapidly if left in that condition; we have $17,500,000 involved; and with all of our artisans upon the work, or where their services are required, with the work ready to go forward to completion, with the certainty that the moment the structure is completed it will rent at a fair return on the complete investment, a man comes by and says, "I will give you so much for your structure." Are you going to wait and leave it open to the elements for months and perhaps more than months—for a period of years—without doing one thing to render it a paying investment instead of a loss?

Not only is that the situation but it is worse than that, because you have, beside that, navigation; you have, in addition to that, this enormous expenditure in these two fertilizer plants of upward of $80,000,000. Are you going to abandon the whole thing? You gentlemen of the South are happy in this respect. You had the Congress of the United States in grave doubt as to the entire proposition and you have converted them to this extent, that now they believe that in some way the power should be developed, navigation improved, and the two great plants utilized. Do you want to halt progress until you decide who shall handle the spade, who shall turn each blasting of rock, who shall handle the excavation? Do you want it delayed pending that? Have not you done well when you have converted people, as they are converted here to-day, to the belief that this undertaking should be pushed forward to early completion? Is not that great progress? Do you want to be in the position of saying that you want delay until you find out just how it shall be done and just who shall do it? I quite agree with you in this respect: That ordinarily I favor private operation and not Government operation. I quite agree with you that that is the end to be sought, but you are not going to have that matter before you for many months yet to come. You do not know when you can consider it. Do you want to halt entirely during that time? Are you certain as to what is going to happen meantime? Are you so sure of public sentiment, are you so sure of the sentiment of the House, are you so sure that sentiment never changes? To-day you will add to your $17,500,000 of money already spent seven and one-half million dollars, making it $25,000,000, and you will have done more than one-half of the total work of construction on this dam. Each additional dollar spent makes it more certain that this great public improvement will be completed. It is not of great moment who develops the power, who improves the navigation, who makes it possible to operate the plants, so long as the work is done economically and promptly. What is important is that there be no delay in completing the work. Congress will no doubt decide the questions of policy before another appropriation is made.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, for eight years I have worked hard and consistently for the development of the Muscle Shoals proposition on the Tennessee River. During that time I have seen most of the Members of this House shift from one side to the other. To-day the Democratic side of the House has shifted from where it stood one year ago. I fought with you one year ago for the development of the Muscle Shoals proposition. To-day we have won our point. We have the appropriation within our reach, and, lo and behold, the gentlemen on the Democratic side of the House turn around and want to hamstring it. They want to put a limitation on the appropriation for the development of the Muscle Shoals. Was ever anything so absurd? They talk about accepting Henry Ford's proposition. There is not a word in this appropriation or in the limitations deciding that matter at all. I have fought in the Committee on Military Affairs for six months in favor of the acceptance of the Henry Ford offer. I stand to-day just as I have stood before. I want the Muscle Shoals development carried forward. It is the second greatest national enterprise the country has. The Panama Canal is the first one. Properly developed and conserved, it is possible to make Muscle Shoals the greatest national asset this Government has for national preparedness and the conservation of the soil for future food production. You now have the appropriation, but you want to tie it up with a limitation that means nothing except this. It means that that work is to be delayed for one year. I challenge any gentleman to deny that. Take three months or six months out of that development from the 1st of July and the proposition means that you delay the development one year. That is all you are doing if you adopt either the James amendment or the Huddleston substitute.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. HULL. Certainly.

Mr. OLIVER. The gentleman has asked for a rule—or, rather, the chairman of the committee has—and if that rule were granted this matter could be taken up and disposed of in two days.

Mr. HULL. Yes; but that is in the House only; and I face the parliamentary situation, and I understand it, in the Senate. The Democratic side of the House does not seem to understand the parliamentary situation. There is not any possibility of passing the Henry Ford proposition through both Houses and having it signed by the President in three or in six months.

Mr. SEARS. Why not? You have the majority.

Mr. HULL. Oh, I have not time to discuss that point; but study the matter and you will agree that I am right. Gentlemen, you have to-day in this appropriation the possibility of going forward and completing the Muscle Shoals proposition—now, to-day, not in six months—and I appeal to the House, and I say, "Let's go." [Applause.]

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Speaker, I do not think it is necessary for me to state that I am a Republican because of the fact that I am one of the two Republican members of the Committee on Military Affairs that signed—I was about to say the minority views, but I will amend that and say the plurality report. I refer to the report that was signed by eight members of the Committee on Military Affairs. I am a Republican and I favor the Henry Ford proposal. I do not know anything in Republican policies or principles that is inconsistent with the views that I take on this proposition. I could not, nor could any man, in ten times five minutes allotted to me, discuss the Ford proposal. That is not the issue before this House at this time. The question is not raised by either the Huddleston

amendment or the James amendment of whether this House ought to accept the Ford proposal. The issue involved at this time and presented to the House is whether we ought to give the Ford proposal a fair consideration at some time. It is impossible to do it to-day, and the Huddleston and James amendments mean only that at some time later, under the Huddleston amendment before January 1 and under the James amendment before October 1, this House of Representatives shall have a fair discussion and consideration of the Ford proposal. That is the only issue involved, and I submit in view of the fact that this is the biggest question, according to the statement made not only in the majority report but also in the minority report, that confronts the American people to-day, that kind consideration should be given to it. The farmers of the country and the laboring men of the country, the people generally, are expecting us to give fair consideration to it. What does the majority report of the Committee on Military Affairs say on the importance of the proposition? It reads as follows:

> The committee was further impressed with the fact that the subject is one of such transcendant importance that the whole membership of the House should have an opportunity of passing on the proposition.

The report signed by five of the members of the Military Committee also states its importance at the very beginning of the report, as follows:

> What shall be done with Muscle Shoals is one of the big questions that is confronting Congress.

I do not know the purpose of the Senate amendment. It is not necessary to discuss that, but we know, or we believe we know, what the effect of it will be, namely, to prevent a fair discussion of the main question of whether the Ford proposal should be accepted. If I am mistaken in saying that that will be the effect of the Senate amendment if adopted, then you can not object to voting for either the Huddleston or the James amendment.

It is a plain proposition. I want to call attention further to the fact that 11 members of the committee——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WURZBACH. Can the gentleman give me two minutes more? I just want to develop one feature.

Mr. SISSON. I yield the gentleman one minute.

Mr. WURZBACH. I just want to call attention to the fact that eight members of the Military Affairs Committee, six Democrats and two Republicans, favored the Ford proposal. Three other members of that committee favored the Ford proposal with a slight objection, namely, they favored the exclusion of the Gorgas plant, but outside of that they also favored the whole acceptance of the Ford proposition. Therefore, you have 11 members of the Committee on Military Affairs, a majority thereof, who certainly favored the full and fair consideration of the Ford proposal by this House, because they actually favored the acceptance of the proposition, and, as I stated, three of them objected only to the inclusion of the Gorgas plant.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SISSON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, I do not want any friend of the Ford offer to believe that the amendment of the gentleman from Alabama [Mr. HUDDLESTON] or the gentleman from Michigan [Mr. JAMES] means a delay. I am in favor of the Huddleston amendment. No man on the floor of this House would doubt for one minute my sincerity in the development of that great project at Muscle Shoals. This Senate amendment is a scheme, my friends, of putting across $7,500.000 which this House, through the votes of Congressmen opposed to any kind of development of Muscle Shoals, turned down a year ago, for the purpose of drawing a red herring across the track and fooling the people.

The people who are in favor of Henry Ford getting this property as we, the Military Affairs Committee, have brought it here, including the Gorgas steam plant and the transmission lines, would be wise to support the Huddleston amendment. For my part, I will vote against the $7,500,000 if you kill the Huddleston and the James amendments. We must have one of them. [Applause.] Because I realize without one of those amendments—the Senate amendment offered and sponsored by enemies to the Ford proposal—it is for the special purpose of fooling the folks, and, secondly, not give that great benefit to the Nation that the Henry Ford offer proposes to do. All of the influence of Wall Street is against the Ford offer, and they hope to prevent action on the Ford offer after they get this subterfuge $7,500,000 through to begin work on the dam. I appeal to you for the humble hearthstones of the Nation; I appeal to you for the farmer with his little house on the hillside and for the farmer in the valley; I appeal to you for the farmer on the plantation; I appeal to you for the laboring people in the United States, for the people who work and toil for a living everywhere, to support the Huddleston amendment; for, in my judgment, the enemies who are endeavoring to defeat that are endeavoring to choke off the Ford proposition. Let us put the limitation on the $7,500,000, so that farmers and laboring people and the plain people in every State will keep the fires burning and force the Republican steering committee and Rules Committee to bring the Ford offer for Muscle Shoals on the floor of this House and give the Congressmen of the people a chance to vote on it. All of us friends of the farmer and laboring people will be here to take care of the Ford offer for the Muscle Shoals nitrate plant if you will give us a chance for a vote on the straight proposition just like Ford has agreed to before the House Military Committee. Do not doubt that. [Applause.]

Mr. Speaker, when the Pilgrim Fathers landed at Plymouth they found a virgin country, seemingly boundless in its variety of natural resources, of which there seemed to be an inexhaustible supply. As the years went by and industries were gradually built up the American people continued to use only the best of these resources, for there seemed to be enough and to spare. And now, after these several centuries of profligate waste, we are coming to realize that the resources of this country are not inexhaustible. Already it is predicted that the coming generation will see the end of our supply of commercial timber. Our oil is fast disappearing. We have been shipping abroad the cream of our most available phosphate rock. It is the iron ore of very best quality that is the most depleted and the most desirable grades of coal, most economically mineable, that are being consumed most rapidly. It is a notorious fact that no European nation could adopt American policies in the use of their raw materials and long survive. Among our more valuable resources there are two which can be truly said to be inexhaustible. One of these is water power, which is wasted only when it is not utilized; the other is the nitrogen of the atmosphere, of which the supply is great almost beyond our comprehension.

Realizing this state of affairs, a few years ago the National Conservation Congress was called together at Washington. The congress declared that the American people were squandering their patrimony, not only in these materials for industry but in that greatest of resources—the fertility of the soil. One has only to review the history of the nations which are dead and gone to appreciate the truth so well stated by Theodore Roosevelt in the Outlook of October, 1912, where he said:

> I have always been deeply impressed with Liebig's statement that it was the decrease of soil fertility and not either peace or war which was fundamental in bringing about the decadence of nations. While unquestionably nations have been destroyed by other causes, I have become convinced that it was the destruction of the soil itself which was perhaps the most fatal of all causes.

The history of agriculture in the United States reflects but little credit on the foresight of the American people. We are a nation of soil skimmers. We do not maintain the fertility of our soils, but we deliberately remove it, and when the fertility is gone the practice has been to find a new farm elsewhere and start the mining process over again.

The big volumes of the Bureau of the United States Census are not particularly interesting reading, but to anyone who will study them they show conclusively the direction in which this Nation is rapidly going. The peak of agricultural production per capita in this country was passed in 1898, and it is predicted that we will be a food-importing nation within another generation. Our supply of virgin land has been taken up. The only source to which we can look for increased acreage is the small amount that can be reclaimed by irrigation or drainage, and this small amount is offset many times over by the abandonment of improved farm lands in the Eastern States. For the last 40 years the record shows that while the population of the New England States, including New York, New Jersey, and Pennsylvania, has increased by 15,000,000 people, or 103 per cent, the number of farms has decreased on an average of 2,880 every year and the acreage abandoned averaged nearly 350,000 acres annually, totaling in the 40 years nearly 14,000,000 acres in these nine States, while the total lands placed under irrigation by the Reclamation Service to and including 1921 amount to 1,675,000 acres.

It must be remembered that as far as location is concerned these are the best-located lands in the United States for agricultural purposes. They are the closest to the markets, their freight rates are the least to the great consuming centers of population, and they have had the benefit of the development of agricultural science in the oldest of the American States.

I am not one of those who believe in a medicine that will cure all ills; I do not believe that it was wholly the lack of fertilizer that caused the intelligent farmer to leave his country home in the East and go elsewhere; but it seems evident to me that, if the eastern farmer had been offered a return for labor that compared favorably with the rewards of labor in other farming sections and in the cities, eastern agriculture would not have suffered the decline that it has, and in such an enterprising State as New Hampshire, for instance, 70 per cent of the cultivated acreage would not have been deserted.

Another section of our country in which agriculture has been carried on for many years is the South, and it is a well-known fact that in the South the very existence of the farmer depends upon his ability to secure the necessary fertilizer. I know that personally. I was raised on the farm, and have gone over every Southern State in looking into farm conditions.

Assyria was once a great empire; so were Babylon and Persia; but to-day the lands that were formerly fertile are a desert waste and support but a small fraction of the population that once depended upon them. We of America know little about famine, but the populous countries of the East, where the fertility of the soil is practically exhausted—such great countries as India and China—know what famine is, and it requires but the failure of a single crop to cause these countries to become supplicants for the charity of civilization.

There are some 14 elements which are required to sustain plant life. In general, all of these are available in great abundance in cultivated soils, with three exceptions—nitrogen, phosphoric acid, and potash. It is six years since the National Conservation Congress held its meeting in Washngton, but the statement is as true to-day as it was then, when the water power-nitrate-phosphate-potash committee reported that—

> On the wise development and disposition of these resources depend the Nation's security and defense, the adequate production of food, the cost of living, the efficiency, facility, and comfort of our transportation, our industrial supremacy, our civic welfare, and many other industrial and social advantages and necessities. We believe that all of these factors taken together comprise the major part of the elements that constitute national welfare.
>
> The great necessity for industrial preparedness causes us to emphasize the importance of immediate water-power development on a grand scale as a means of obtaining nitrogen from the atmosphere and phosphorous from low-grade phosphorous rock, and also as a means of cheap reduction from ores and the breaking up of insoluble compounds found in nature. The hydroelectric current is possibly the key that will unlock the doors of the heretofore impenetrable storehouse of potash contained in our feldspars, serecites, mica schists, and other like minerals, and in addition may even liberate valuable by-products from these rocks. (Proceedings of the National Conservation Congress, pt. 2, p. 26.)

We claim no miracles for Muscle Shoals. We do not claim that the operation of the nitrate plant, as proposed by Mr. Ford, will suddenly make fertile these millions of abandoned acres and restore overnight the productive capacity of this country so that we may secure the yields per acre of former days, but we do maintain that the time has come to recognize the national importance of fertilizer in the United States.

I know if we get Ford to operating that nitrate plant at Muscle Shoals, the farmer will get fertilizer at half the price he is paying to-day. It is bound to help the farmers.

It has been testified in the voluminous hearings that have been held on this subject that the fertilizer industry is a scavenger industry, utilizing the waste products of the slaughterhouse and the garbage-disposal plant as a source of nitrogen and combining them with phosphoric acid obtained by a most wasteful process and with potash imported from abroad. Without seeking to belittle the value of this fertilizer industry to the country in the past, the evidence shows beyond all reasonable doubt that this industry conducted along present lines is not meeting the present needs of agriculture and can not be expected to do so in the future.

It is not that there is a scarcity of fertilizer material. The inexhaustible atmosphere can furnish the nitrogen, and there is a phosphate supply for centuries to come in our deposits of phosphate rock. We also have the potash in abundance, although it is not in readily available form. The difficulty is not in lack of supply but in lack of supply at a sufficiently low price. A well-informed witness has pointed out that in 1909 the corn, wheat, and oats, in grain alone, removed from the soil of the United States 3,915,000,000 pounds of nitrogen, 606,000,000 pounds of phosphorus, and 875,000,000 pounds of potash. To replace this nitrogen in the soil would have required 9,912,500 tons of ammonium sulphate a year. (Mr. Bower, House hearings, p. 618.) As a matter of fact, in 1909 the total consumption of ammonium sulphate was 146,642 tons (the American Fertilizer Handbook, 1919, p. 653), and the total nitrogen fertilizer used 10 years later, in 1919, was the equivalent of 883,980 tons of ammonium sulphate.

If American agriculture is to maintain the fertility of our soils there must be a very large increase in the use of fertilizer, but this can come about only by a marked reduction in its cost. So long as valuable stock foods, such as tankage, cottonseed meal, and dried blood are used as fertilizers for the sake of the nitrogen they contain, our fertilizers will not be cheap, for these materials are valuable for feeding purposes and should be used as such. So long as the phosphoric acid in phosphate rock is made available to the plant by treating it with sulphuric acid, thereby diluting it 50 per cent while adding nothing to its fertilizer content, fertilizers will not be cheap, but when this Congress makes it possible to apply low-priced hydroelectric power to take the nitrogen from the atmosphere and to concentrate instead of dilute the phosphoric acid from the phosphate rock and produce for the farmer a concentrated material that is 75 per cent plant food to take the place of the mixtures containing 12 to 14 per cent plant food that are those in common use to-day, then we will have taken the first step toward the conservation of our soil fertility by supplying to agriculture its plant-food requirements at lower cost.

Even in such a State as Vermont, as close as it is to the seaboard, it has been found that the farmers there pay $1 for plant food which has a value at seaboard of 57 cents.

Experts such as Dr. Whitney, Chief of the Bureau of Soils, have shown how these highly concentrated plant foods can be produced at Muscle Shoals, and Mr. Ford has agreed to make them in accordance with the demand of agriculture, and it is agriculture in the person of representatives of the farmers themselves who comprise the majority of the board which, under the Ford plan, exercises supervision over the fertilizer output at Muscle Shoals.

The National Fertilizer Association admitted, through the testimony of its president (House Hearings, p. 523) that it is opposed to the acceptance of the Ford offer, and has circulated propaganda among the Members of this Congress. Why are they opposed to Ford? Because they know, as any reasonable man knows, that if there can be substituted a material 75 per cent plant food to take the place of material only 15 per cent plant food, so that 1 ton of the new material will go as far as 5 tons of the old material, and if this new material is distributed directly to the farmers themselves, cutting out a long string of profit takers, the savings in freight, bags, handling, and distribution will practically cut the cost of fertilizer in half, even if Mr. Ford is unable to show any important reductions in the cost per pound of the plant foods which he produces. Ford has a method which is bound to reduce the cost per pound of all commercial fertilizer.

Muscle Shoals is not the only water power in the United States, and I believe that the statements which have been made regarding the comparison between this power and the powers of the West have been largely exaggerated. It is a well-known fact that the largest deposits of phosphate rock in the world lies in that region where the States of Idaho, Montana, Utah, and Wyoming come together. In that territory are also some of the very largest water powers in the United States, and it is my belief that when Mr. Ford has shown the way at Muscle Shoals there will result on a much larger scale the development of concentrated fertilizers near these western phosphate deposits, and there will be produced fertilizer materials that will stand shipment to practically any point in the United States with economy.

The question has been raised as to what would happen under this contract if Mr. Ford should die, and the question is a pertinent one, for one has only to study the contract to see that the company organized by Mr. Ford, and which will have a large investment in Muscle Shoals, is dependent for its value upon the maintenance of the terms of the contract, and will be unqualifiedly bound to continue to produce fertilizer at 8 per cent, and not above 8 per cent, of the actual annual cost of production. And if, as has been suggested, it should happen that those who now oppose Mr. Ford might secure control of the farm organizations and obtain control of the board which determines the price of fertilizer, it may be safely suggested that the farmers of this country are intelligent enough to protect their own interests and remove disloyal representatives.

As to the Alabama Power Co. contract, I do not believe that any fair-minded man can sit down and wade through that contract, in which an effort is made on the part of the Alabama Power Co. to take advantage of every possible turn of future circumstances, without the feeling that the power company sought to take an unwarranted and unjust advantage of the Government in its extremity of war.

The contention of Mr. Ford that the Gorgas plant is necessary to the economical operation of Muscle Shoals, because of its economical size and location with respect to the coal supply, seems to me to be a fair and reasonable contention; and when I read paragraph 23 of the Alabama Power Co. contract I find

that they themselves realize that if a successor to the United States should undertake the operation of the nitrate plant he would require the full amount of power at the Gorgas plant, and they, therefore, provided that he should procure this power, but at a high price and under conditions of severe restrictions.

I fully agree with the expressed opinions of the Judge Advocate General and the Attorney General that in the eyes of the law this Shylock contract has no standing and is null and void. So far as a moral obligation is concerned, if the contract had been a fair one, bearing unquestionable evidence of good faith and right intention, I would urge that it be carried out in full, however lacking in legality it may be, for I do not agree that the Government of the United States should avoid an obligation on a technicality, if that obligation were entered into with good faith on both sides. But I agree with the Graham investigating committee, when in their final report on the Alabama Power Co. contract they said that "the Alabama Power Co. does not stand in a favorable light in this contract, for it appears to have imposed upon the Government's necessities and unduly forced increases in certain of its facilities," and I do not believe that a company which would unduly force the United States into a one-sided contract in time of war thereby imposes upon this Government a moral obligation. The evidence shows that the Alabama Power Co. is controlled by an alien corporation. It is a mere subsidiary of a corporation domiciled in Canada, and this is a vital matter in case of war. From the standpoint of national defense, I believe that an operating plant maintained in accordance with the most advanced developments in the art of nitrogen fixation is incomparably superior to an obsolete plant maintained for years in idleness. The advantages of modern warfare are admitted to lie with that nation which can prepare in the least time, and in so essential an element of warfare as ammonium nitrate for explosives I believe that we can not overestimate the advantage of an operating plant of large capacity with a trained force utilizing the most efficient process when we consider the value of such a plant in the national emergency. What the cost of this provision will be to Mr. Ford and his company no one knows. The testimony is that within five years the cyanamid plant will be obsolete and he will have to wipe it off the ground, as one witness expressed it, before he can install a process of another kind. To ignore such a financial responsibility as this is to ignore one of the most important advantages of the Ford offer, and, in my opinion, one of the principal elements of expense in connection with the operation of the nitrate plant.

I appeal to every friend of the farmer, to every friend of the laboring people, to every friend of the small business people, to every lover of justice, and to every patriot in the Nation to stand by us and help to get the Henry Ford offer for the Muscle Shoals project adopted by this Congress.

Mr. VOIGT. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order there is no quorum. The Chair will count.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn, and on that motion I ask for tellers.

Tellers were ordered.

The House again divided; and the tellers (Mr. ANTHONY and Mr. SISSON) reported that there were—ayes 5, noes 195.

Mr. VOIGT. Mr. Speaker, I object to the vote on the ground that no quorum is present.

Mr. GARRETT of Tennessee. Mr. Speaker, it does not take a quorum to adjourn, but it does take a quorum present if it is developed——

The SPEAKER pro tempore. The Chair will state the point of order of no quorum, already pending, does not require a quorum to adjourn. The noes have it, and the House refuses to adjourn.

Mr. STAFFORD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Arentz	Burton	Copley	Fenn
Bacharach	Butler	Dallinger	Fields
Beck	Campbell, Kans.	Davis, Minn.	Fitzgerald
Beedy	Campbell, Pa.	Davis, Tenn	Foster
Black	Cantrill	Deal	Frear
Blanton	Carter	Dickinson	Freeman
Bond	Chandler, N. Y.	Drane	Fuller
Brennan	Clark, Fla.	Drewry	Gahn
Britten	Clarke, N. Y.	Driver	Gallivan
Brooks, Pa.	Classon	Dunbar	Garrett, Tex.
Brown, Tenn.	Cockran	Dunn	Gilbert
Browne, Wis.	Codd	Edmonds	Goldsborough
Buchanan	Colton	Evans	Gould
Burke	Connolly, Pa.	Fairchild	Graham, Pa.
Burtness	Cooper, Ohio	Fairfield	Greene, Mass.
Greene, Vt.	Larson, Minn.	Patterson, Mo.	Stoll
Griest	Lawrence	Patterson, N. J.	Sullivan
Griffin	Layton	Perkins	Summers, Wash.
Hays	Lee, N. Y.	Perlman	Sumners, Tex.
Henry	Logan	Petersen	Swank
Hersey	Longworth	Radcliffe	Sweet
Hicks	Luce	Rainey, Ala.	Tague
Himes	Lyon	Rayburn	Taylor, Ark.
Hooker	McClintic	Reber	Ten Eyck
Hukriede	McFadden	Reed, N. Y.	Tilson
Humphreys	McLaughlin, Nebr.	Reed, W. Va.	Treadway
Husted	McLaughlin, Pa.	Riordan	Tucker
Hutchinson	McSwain	Roach	Underhill
Ireland	MacGregor	Robertson	Vare
Jefferis, Nebr.	Maloney	Robsion	Vestal
Johnson, Ky.	Merritt	Rodenberg	Volk
Johnson, Miss.	Montague	Rogers	Volstead
Kahn	Montoya	Rosenbloom	Ward, N. Y.
Kearns	Morin	Rossdale	Ward, N. C.
Kelly, Pa.	Mudd	Rouse	Wason
Kendall	Nelson, J. M.	Rucker	Watson
Kennedy	Nolan	Ryan	Williams, Ill.
Ketcham	O'Brien	Sabath	Wilson
Kiess	O'Connor	Sanders, Ind.	Wingo
Kindred	Olpp	Shelton	Wise
Kinkaid	Osborne	Siegel	Wood, Ind.
Kirkpatrick	Overstreet	Sinclair	Woodruff
Kitchin	Padgett	Snyder	Wright
Kleczka	Paige	Stedman	Wyant
Knight	Park, Ga.	Stephens	Yates
Kunz	Parker, N. Y.	Stevenson	Young
Langley	Parks, Ark.	Stiness	Zihlman

The SPEAKER pro tempore. Two hundred and forty-three Members have answered to their names, a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, it is difficult for me to understand the logic and consistency of the position of gentlemen who claim that they are in favor of the development of Muscle Shoals but wish to postpone the construction of that great power plant. No one will deny that the adoption of the amendment of the gentleman from Alabama means a postponement of the construction for one year and the postponement of the completion of this great power plant for four years instead of three years. It is stated that it will require three years' work to complete this power plant. They wish to delay it—for what? To give Congress an opportunity to act upon the Ford offer. If Congress were composed only of the House there might be some reason in that position, but everyone who has any legislative sense of the conditions existing in the other body knows that the action of this body one way or the other on the Ford offer does not mean its acceptance by this Congress at this session. All know, who are following the conditions of legislation in the other body, that after the consideration of the tariff bill and the bonus measure that body is going to adjourn for the summer until next winter. With the opposition of that body to the Henry Ford offer, led by the chairman of the Committee on Agriculture [Senator NORRIS], who is the author of the Senate amendment, what hope is there for action being taken before January 1 next? It is the most asinine proposal that has ever been presented to the House of Representatives by those who really want the work continued on Dam No. 2.

Now, there is great need for that work being resumed. If that great water-power development is completed it will provide hydroelectric power for 300 miles around, reaching on the north beyond Louisville, on the northwest beyond St. Louis, on the west beyond Little Rock, on the south to New Orleans, on the east beyond Atlanta. There are—and that is the testimony before our committee—private water-power plants that do not want the Government to complete this project. I say to you Republicans, is it easier for the Government to enter into a contract with a private party with a completed project or with one that is only one-third completed? Did you ever hear of a person having any kind of a manufacturing plant only one-third completed who could enter into as favorable terms for its lease as could one who had a full and complete plant? And that is what is proposed here. What harm, I say, to the Democratic friends who are favorable to delay on this work for one year could come? What do you mean by delay, except that you play in the hands of the private water companies in the South, that do not want this Government to have this great water-power plant, so that they can enter into terms favorable, and to whom? Favorable to all the users of hydroelectric power within 300 miles of Florence, Tenn.

Oh, there are some here who say, "Yes; we will postpone it for a year." I think the only one who has spoken in favor of

the amendment of the gentleman from Alabama advocating delay, who adopts a consistent position, is that illustrious gentleman from Tennessee, who says he will vote against any appropriation at all if the substitute amendment is not adopted. That is a consistent position. What is the need of having $7,500,000 dangling in the air without any chance of using it during the next fiscal year? Everybody knows that from January 1 on the weather conditions do not permit of the organization of the work so as to go ahead with this development.

Mr. BANKHEAD. Does the gentleman mean the gentleman from Tennessee or the gentleman from Mississippi?

Mr. STAFFORD. I meant the gentleman from Mississippi. The gentleman from Alabama knows, and there is reason for everybody else to know, that even if this House now before the recess—and it is conceded we are not going to do it—takes action upon the Henry Ford proposition it will not be acted upon by the Senate before January 1. Better nothing at all than to put on the asinine proposal that is suggested by the gentleman from Alabama in his substitute for a delay of six months.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISSON. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I have 21 or 24 minutes remaining.

Mr. ANTHONY. I yielded to the gentleman 22 additional minutes.

The SPEAKER pro tempore. The gentleman was yielded 20 minutes, and it has all been consumed.

Mr. ANTHONY. I yielded seven minutes in order to make it one hour.

Mr. SISSON. Under the agreement I am entitled to 23 minutes. I was to get an hour. How much time have I used?

The SPEAKER pro tempore. The present occupant of the chair was not here when the debate began. The Chair is informed that the gentleman has used 30 minutes.

Mr. SISSON. I have 30 additional minutes, then.

Mr. ANTHONY. Mr. Speaker, my understanding was that there were 23 minutes due to the gentleman from Mississippi.

Mr. SISSON. That is according to my figuring. I have 23 minutes.

The SPEAKER pro tempore. The Chair is advised that the gentleman from Mississippi was yielded 7 minutes and then later yielded 30 minutes, which he could yield to other Members.

Mr. ANTHONY. That makes 23 minutes still due to the gentleman from Mississippi.

The SPEAKER pro tempore. The gentleman from Kansas yields to the gentleman from Mississippi 23 minutes.

Mr. SISSON. That is what my book calls for.

Now, I yield one minute to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, no speech can be made in only one minute's time. Unfortunately I did not apply for time in which to speak until all of the time had been allotted.

The effect of the adoption of the Senate amendment without change will be anti-Ford. The test is being put to you here to-day. If you favor the development and operation of Muscle Shoals under the Henry Ford offer, vote for the substitute which I have presented. If, on the other hand, you want to kill the Ford offer, vote against the substitute. The Senate amendment is merely a piece of hypocrisy. Its real purpose is to make an excuse to the people of this country for 12 months of inaction, to excuse your failure to act on the Ford offer for 12 long months. If you want to pretend to do something without really doing anything, vote against the substitute. If you want to make a pretense that you want the Government to develop and operate Muscle Shoals as a great water power when really in your souls you want to turn that great national asset over to the fertilizer trust, to the aluminum and the power trusts, vote against the substitute. If you want to do the work of the great financial and business interests that are fighting Henry Ford, then vote against the substitute. The choice is yours.

If it were really true that those who advocate the adoption of the Senate amendment without change wanted the Government to actually operate the Muscle Shoals plant for the people, there would be less reason to oppose them. But we know that they have no such genuine purpose. We well know that the powers which are now in control of the Government hold to no such purpose. We know that the present move is only a bluff. We know that the real object in view is to kill the Ford offer and then to turn Muscle Shoals over to the Alabama Power Co. or some other exploiting interest.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISSON. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Speaker and gentlemen of the House, the pending Ford proposal, providing for the completion and advantageous operation of the Muscle Shoals project, may be adversely affected or even defeated for all time by the passage of this proposed appropriation of $7,500,000 for the continuation of work at Muscle Shoals under Government supervision and control.

From the viewpoint of a stanch advocate of the Henry Ford offer, this proposed flat appropriation of $7,500,000, without any reference to pending offers for the Government properties at Muscle Shoals, is not wise and not justifiable. Rather than this procedure, let us have action by Congress on the Henry Ford offer.

My desire is to help all I can on any move or maneuver that will hold out any hope of action by Congress on the Ford proposal. The people all over this country of ours who are interested in the future welfare and progress of the agricultural people of the Nation want to see Henry Ford's proposed contract approved by this Congress, and I am for it. [Applause.]

Our people have said to us in unmistakable terms that they want Congress to "hurry up and approve the contract with Mr. Ford" for the great Muscle Shoals project, and they want us to work constantly to that end with a "never-say-die" spirit. [Applause.] If the leaders of the party in power in this House, and their steering committee and Rules Committee, will heed the urgent demands of the people of the country and give the House a chance to express itself on the Ford proposal, I feel sure that the House will go on record as favoring its approval. All we want is that the House be given that chance. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. COLLINS. Mr. Speaker, it is unquestionably a matter of the greatest importance that Muscle Shoals be developed and that its vast power be used for the benefit of the people of these United States. Henry Ford said of Muscle Shoals:

> Let me have it and I will make it a wonderful development—something that will open the eyes of the world.

He and Thomas A. Edison were at Muscle Shoals when these words were spoken. No two men in the whole country could possibly know better than these two the great possibilities of this project nor foretell the huge benefit to the country that its completion will mean. Just a short distance away there exists an unlimited supply of limestone and of phosphate, also unlimited quantities of bauxite. Let me emphasize that this bauxite is used in the manufacture of aluminum. Beside this, there are also vast deposits there of asphalt and Georgia shale which contains a large per cent of potash. The value of these minerals is enormous and they can and must be used for our country to make it a better place even than now to live in, and they can be used to lessen the cost of living if they are developed into usable shape. And the beauty of the situation is these can be put into such shape, and easily, too, for the very power with which to transform these raw materials is but a few miles away from where they lie, and it will cost very little to gain the use of this power. All that is now necessary is to harness the wonderful rapids that are there ready to be used, and the greater part of the expense of doing this has already been met.

I can to-day briefly point out but a few of the advantages that await our taking immediate hold of and completing the Muscle Shoals project.

MAINTENANCE OF SOIL FERTILITY.

The first of these would be the ability to maintain the precious fertility of our soil. There is no greater obligation upon us than that of keeping up the fertility of the land from which comes our very sustenance. It is an obligation that we owe to our children. We must not allow our lands to become impoverished. For this presages a decrease in production, and this would mean disaster in the end and decay to us as a Nation in view of the fact that our population is steadily on the increase. Out of Muscle Shoals, properly developed, we can produce with comparative ease those essentials necessary to rehabilitate our lands. The lowest estimates, made at the most unfavorable time, is that the power there can easily produce 75,000 tons of fixed

nitrogen. Many experts, among them Major Gillard, of the Army, say that the ultimate installed capacity will greatly exceed this. Their opinion is that the estimate should be from 175,000 tons to an amount many times in excess of this. If these estimates are true ones, and there has been no disputing of them, the farmers of the country, upon the accomplishment of this production of fixed nitrogen, will immediately be able to buy fertilizer at one-half the prices they are now paying for them, which would be a saving of about $200,000,000 yearly. This would mean, naturally, increased crop productions and the general betterment of soil conditions. It further means that our farmers would be made independent of the German Potash Trust and the Chilean Nitrate Trust, to both of which concerns they are now paying heavy tolls.

TENNESSEE RIVER NAVIGABLE TO KNOXVILLE.

Because of these rapids at Muscle Shoals the Tennessee River is unnavigable past Florence, Ala. These rapids extend for about 16 miles. Upon the completion of a dam at both ends of the rapids this part of the river would become a large lake with locks at either dam, and this construction would make it possible for boats to ply the Tennessee River all the way to Knoxville. This would mean untold prosperity for the South and through it for all other sections of the country. Freight could be transported at reasonable rates from Knoxville, Chattanooga, Huntsville, Decatur, all those cities now along that river and those that would quickly spring up along its length. This means water competition for this whole territory and water competition with railroad lines inevitably means low freight rates. Nor is this the extent of the benefit from an opening of the river. Enough surplus power would be developed to operate electric railroads to Memphis, Birmingham, Mobile, Meridian, the Gulf coast, and other sections of the country. It has been outlined also by Mr. Ford and his experts that the Tennessee River could be connected up with the Warrior River, where large barge lines are now operated by the United States Government connecting with Gulf ports.

This but adds to the compelling of lower freight rates and the consequent saving to us all.

FACTORIES WILL SECURE CHEAPER POWER.

Since coal has been the largest element of expense in the production of manufactured articles, it is clear that a cheaper power for manufacturing would result in lower prices in manufactured commodities. There is no telling how much power can ultimately be produced at Muscle Shoals, experts having placed the amount as high as 1,000,000 horsepower. They all admit that it is the greatest water power in the whole country, while some go so far as to say that it is the greatest in the world. The utilization of it, therefore, means a saving in the use of coal amounting to millions of tons, which are now paid for by the consumer. The testimony of one expert is that it will be possible to produce heat units cheaper at Muscle Shoals than anywhere else on earth. It surely does seem as if God himself gave us these rapids to use, and we certainly should be taking the great advantage of them that awaits us. They are not to be matched anywhere.

LESSENING OF UNEMPLOYMENT.

It is going to take a large number of men to furnish the labor necessary to put Muscle Shoals into operation, and this is a blessing, in that many now out of employment will be given work. And upon completion of the plant thousands of men and women will be given new and varied kinds of employment, for in this regard there is no computing the number of kinds of manufacturing that will follow the completion of the Muscle Shoals project. Mr. Edison said, "You ask me the possibilities of Muscle Shoals; I can't tell you, they are so great." Some of the witnesses testifying to the committees of Congress of the potentialities of Muscle Shoals gave as their belief that around them will be built the greatest manufacturing enterprises ever known and that cities rivaling in magnificence and size even our largest ones will spring up there as if by magic.

ASPHALT ROADS AT REASONABLE PRICES.

The rock asphalt that is near by will be converted into road materials, and these will be sold us at reasonable prices, and out of which thousands of miles of asphalt boulevards will be built throughout our country. We have already learned the value of good, hard roads—that they are necessary, and that we can not have too many of them. They have a civilizing effect and the power to increase and better both State and interstate commerce. And now there looms up the possibility of gaining those advantages that accrue to us from the building of good roads by procuring the material for them from nature herself at a very low cost. Heretofore the development of such roads has had to be slow, because their cost has been too heavy for us.

AS A WAR MEASURE.

While I do not look for another war soon, and while all of us shudder to even contemplate such a possibility, at the same time it is necessary for us to realize that there are certain matters of national defense that must have our attention. One of these is a sufficient supply of nitrogen within the borders of our own country, for without this we can not face a foreign foe. Without the means of making gunpowder—and we are very nearly without that means to-day—we might have to accept the dictates of our adversaries. For to-day, much as we hate to admit it, our stock of nitrogen must come almost entirely from foreign countries. Our last war showed us our great need for fixed nitrogen.

The amount which we produced, together with the amount we obtained from Chile, was not more than enough for our war needs, so that our lands were forced to go with too little of this needed fertilizer, and it has been said that if the war had continued another year our lands would have been hungry for it. Had this come to pass, then we ourselves would be soon hungry because of this starving of the lands. We are now using for agricultural purposes about 180,000 tons of fixed nitrogen annually and should be using more than this for our lands. As a war measure, then, as well as a peace measure, Muscle Shoals should be completed.

FORD THE ONE PERSON TO OPERATE IT.

I believe that the one person to take over the Muscle Shoals plant when completed and run it is Henry Ford. The American people have the utmost confidence in his ability to do things. They believe in his integrity and that he has a sincere regard for their best interests and that he could make for their interests the most out of this huge and wonderful project. Those who are now engaged in fighting him are being actuated by sordid selfishness and are devoid of true patriotism.

I am glad that it seems to be the sentiment of this House that these self-centered, money-grabbing interests shall not be successful in their dastardly work. It was Ford who saw the wonderful advantages that could be had for the American people by the completion of the Muscle Shoals project, and it was he who focussed the attention of the people on it so that he is more generally responsible than any other man for the desire of the people of this country that Muscle Shoals be completed and put into operation for their benefit. It is surely to our interest that his reasonable contract be accepted as speedily as possible.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, to paraphrase the gentleman from Alabama but not follow his lame logic, I say if you want to start the Muscle Shoals development, vote to concur in the Senate amendment; if you want to delay the Muscle Shoals development, vote for the amendment offered by the gentleman from Alabama. That is the proposition before the House right now.

A year ago, when this matter was under consideration, there were but few Members of the House who knew enough about the Muscle Shoals development or situation to have a very intelligent opinion as to whether or no we should expend any more money there or make any further effort at development through Federal aid. We have now progressed with consideration and examination of the matter far enough that I think most of us are of the opinion that Dam No. 2 should be completed; that whatever shall be done thereafter as to the use of the power and the development of enterprises there, we should at least go forward and complete the dam. And in view of the conditions at and surrounding the dam, the work of completing it should be undertaken without any further delay. If we should eventually accept Mr. Ford's offer, or any like offer, it would be necessary—at least, we would be urged—to make even a larger appropriation than that carried in this bill. So that nothing is lost by making the appropriation now and much may be gained. Mr. Ford's offer is in no way prejudiced, and we do gain the advantage of putting an end to the deterioration going on down there in the temporary work, the machinery, and other property, and of getting the project under way.

I do not know that many of us are now prepared—I think comparatively few on this side are—to say that we should accept Mr. Ford's offer. It has been asserted by some that if the offer made by Mr. Ford had been made by anyone else, it would have been accepted long ago. My own opinion is that if that offer had been made by anyone except Henry Ford, no one would have given it any serious consideration. [Applause.]

Mr. Ford is considered a sort of miracle man, and therefore a lot of folks expect much of an offer he makes without taking

the trouble to find out what it is. Some one says Henry Ford is going to make fertilizer cheap, and without inquiry that statement is taken as gospel.

In saying that, I do not mean to say that there is no merit at all in the offer. Far from it. But the offer is so very extraordinary—what the Government is asked to do is so tremendous and so stupendous, and what Mr. Ford offers is so trifling—that if anyone else were to have made the offer I am sure it would have been treated with suspicion, if not derision, from one end of the country to the other. And yet it may possibly develop that that is the best we can do. If it does so develop and we accept it, then we shall have lost about $75,000,000 of investment already made, and we shall tax the American people some $50,000,000 more in the hope—and I am a little afraid in the vain hope—that we may secure the manufacture of fertilizer at a low price.

What Mr. Ford asks is that we shall give him some $68,000,000 worth of property for $5,000,000, and that we shall then give him the use of $17,000,000 more in the form of an unfinished dam, and on top of that we shall put $50,000,000 more of the taxpayers' money into that dam and other dams, and shall take all the risk of those dams for 100 years, Mr. Ford promising us to make "payment," as he naively calls it, for our additional expenditure on the dams, the said "payment" being the turning over to the Government at stated times during a period of 100 years of sums aggregating less than $5,000,000, to wipe out the $50,000,000 obligation.

I have said to gentlemen on both sides that if they can find anywhere in all the history of financial operations any case anywhere where anybody wiped out a loan by the payment of a tenth part of the principal, I shall be willing to accept the Ford offer without further discussion. But as I never heard of just that sort of thing before, I want a little time in which to study and digest that novel and extraordinary new development in high finance. This sale of Government property to Mr. Ford at about 5 cents on the dollar of cost and this further vast loan to be wiped out by payment of less than 10 per cent of the principal of the loan are justified, we are told, because Mr. Ford is to make a lot of cheap fertilizer, but Mr. Ford does not promise to make a dollar's worth of fertilizer unless he can make it with an 8 per cent profit. I do not know of anybody anywhere who would not be willing to use property so easily acquired in the manufacture of fertilizer if he could be guaranteed an 8 per cent return.

We are now complaining very greatly about railroad rates, under which the railroads are earning 3 per cent on the value of their property, and we have a law under which, if the railroads earn more than 5½ per cent, they must divide with the Government 50–50. But when we come to do business with Mr. Ford in the manufacture of fertilizer for the farmer, we are to allow him to earn 8 per cent. If under that contract Mr. Ford could not make 8 per cent on the manufacture of fertilizer, he could not be compelled to make a pound of it. There is not a court in the world that would compel him to do it.

I am not saying there is no virtue in the Ford offer. I am calling attention to the fact that the Ford offer is not what it has been advertised to be. It does not guarantee fertilizer to anybody unless Mr. Ford makes an 8 per cent profit. It is true, a lot of folks have been led to believe that this offer to take Government property at one-twentieth of what it cost and to pay back to the taxpayers 10 per cent of this for the vast loans that are proposed is justified on the ground that vast quantities of fertilizer will be made and sold at a low price. That might occur and it might not, for there is no binding guaranty to manufacture a pound of fertilizer unless it can be manufactured at a good round profit.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I can not yield—I have only a moment. It may be that that is the best we can do. But let us not fool ourselves. Least of all, let us not try to fool the farmers and the producers and the consumers of the country. It may be that we will find that this is the best bargain that we can get out of the enormous investment the Government has made down there. I think we can do better. I think Mr. Ford can afford to make a much better offer. There are a lot of folks—some here now—who were enthusiastic over Mr. Ford's first offer. Yet everyone now admits that offer was faulty in many respects. Some are for this offer because they think it good politics to be; some are for it because they are much more interested in having a great industry started at Muscle Shoals than they are in guarding the Treasury or furnishing the farmers fertilizer. We ought to have time to consider these matters, and in the meantime, unlike the gentlemen who have been so insistent heretofore on having this started, but who now preach delay, I want to start Muscle Shoals right away. I am not in favor of waiting until some other action shall be taken later. [Applause.]

Mr. SISSON. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GARRETT] four minutes.

The SPEAKER. The gentleman from Tennessee is recognized for four minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, it was not because of lack of information that the majority party defeated the amendment offered to appropriate $10,000,000 to complete the Wilson Dam two years ago.

Mr. MANN. A year ago.

Mr. GARRETT of Tennessee. They were informed; they are informed now. It is not because of a desire for time to study the Ford proposition that the gentleman from Wyoming [Mr. MONDELL] now reverses the position which he took a year ago and insists upon this appropriation of $7,500,000. The purpose is not to study in order to do, but to study in order not to do. The gentleman from Wyoming insists now that the dam shall be started. What will the gentleman do with the nitrate plant? Since December, 1918, the greatest manufacturing plant for fertilizer in the world has been standing idle. There was introduced into the House, coming upon the recommendation of the War Department, and in conformity with the national defense act, section 124, a bill under which that plant could be operated in peace time for the purposes defined in that act. It was defeated. The action of the party which was then the majority and which is now the majority was to say, "Let us wait; we do not wish the Government to go into this; the Government should not go into private business. Let us see what can be done in the way of private offers by private individuals." We have an offer now.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Can the gentleman from Mississippi give me two minutes more?

Mr. SISSON. I yield to the gentleman one minute more.

The SPEAKER. The gentleman from Tennessee is recognized for one minute more.

Mr. GARRRETT of Tennessee. You have a private offer now. Let me ask the gentleman from Wyoming this: Give us just a chance now, before we adjourn, to vote upon this bill reported from the Committee on Military Affairs, and thrash out the matter, and let us settle this great question.

We are willing for that. Will the gentleman give us an opportunity to vote upon it? We are willing to defer action upon this conference report until that can be decided. Are gentlemen willing to give us that opportunity?

Mr. MONDELL. The gentleman from Tennessee seems to desire to discuss and act upon anything that is not before the House.

Mr. GARRETT of Tennessee. I am wondering if the gentleman will not let that matter come before the House. We will act upon it then. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I was in favor of the Muscle Shoals appropriation a year ago, and voted with the Democratic side of the House and some of the Republicans in favor of it, and most of the Republicans voted against it. What is the proposition now? The Senate offers an amendment to appropriate $7,500,000 to proceed with Dam No. 2. The gentleman from Michigan [Mr. JAMES] proposes that that shall not be available until the 1st of October. The gentleman from Alabama [Mr. HUDDLESTON] proposes in effect by his amendment that it shall not be available until the 1st of January. On what plea? On the plea that meanwhile the Congress may have authorized a contract to be entered into with Henry Ford. I think I am in favor of the Henry Ford proposition. [Applause.] I am in favor of utilizing this power plant down there for the manufacture of nitrates for fertilizer if that be possible, and I think it is. But here is a proposition to spend some money and do some work. Our Democratic friends propose to postpone it. For what? For imagination. No man believes that the bill reported from the Committee on Military Affairs will be a law by January 1 next. The gentleman from Tennessee [Mr. GARRETT] just said he was willing to postpone the disposition of this conference report until the House had voted upon that bill. What good would that do? If you should postpone the conference report on the Army bill until this other bill is a law the Army would be without support for many months.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MANN. Very briefly. I have only five minutes, and I am saying something.

Mr. GARRETT of Tennessee. I did not say until it became a law. I said until the House voted on it.

Mr. MANN. I did not say the gentleman did. I said until the House voted upon it. What good would that do? It would amount to nothing. Supposing you postponed it until the House voted on the proposition.

Mr. GARRETT of Tennessee. It would indicate——

Mr. MANN. Let me take my time. I did not interrupt the gentleman. I have not unfairly stated the gentleman's position. The Henry Ford contract will not be entered into, under the most favorable circumstances, by the 1st of next January; and under the amendment which you propose to vote for this appropriation is available for expenditure on the 1st of January. You have gained nothing except to delay progress upon this work. I can understand how this side of the House might vote for your proposition. I can not understand how men who are in favor of the development of Muscle Shoals, in favor of the manufacture of nitrates, in favor even of the Henry Ford proposition, will vote to delay the work and thereby offer an excuse in the future for further delay. I believe in picking a cherry when it is ripe. It is ripe now to make the appropriation to proceed with the work. All of that can be taken into consideration when the bill is passed or the contract entered into with Mr. Ford, and this is only to delay, and if you delay this you take the responsibility of possibly defeating the whole enterprise for perhaps years to come. [Applause.]

Mr. SISSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GRAHAM] four minutes.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen of the House, for 30 years this Congress has been debating the matter of Muscle Shoals. During the last two or three years no one has taken a more active interest than I in this matter. My stand has usually been opposed to that of the gentlemen on the Democratic side of the aisle. To-day I have come to the conclusion, after the best thought I can give to this subject, that the proposition to appropriate $7,500,000 to be spent on this dam without any policy approved or adopted is the height of folly. [Applause.] What are you to appropriate your $7,500,000 for? What are you going to do with it? You are starting out and engaging upon a program of spending at least $28,000,000, to be spent in three or four years, to get what? To get a dam across the Muscle Shoals in the Tennessee River which will not benefit navigation any without the other two dams. And what are you going to do with it when you get the dam? You will have a dam across the Tennessee River without any policy adopted, and of course only one of two things can be done with it. One is Government operation. Is there anybody on this side of the House who wants that? Was not a vote cast here a year ago in protest against that very thing? When we had our vote on the $10,000,000 appropriation it was a protest against Government operation of this plant; and we said then, as did the committee of which I was chairman, in its report at that time, that we did not favor any more appropriations on this plant until we had some policy.

Let me quote from the recommendations of the Select Committee on Expenditures made to this House by the unanimous vote of the Republican members of that committee May 18, 1920:

> 5. That no further funds should be expended by the War Department on the Muscle Shoals plant, and no further appropriations for alterations, changes, or additions to said plant should be made by Congress for the use of the War Department or any agency of the Government acting under or through said War Department until some policy as to the future of said plant shall be determined upon by Congress.

Now, gentlemen on this side of the House, the burden is upon us to fix a policy here. Our Secretary of War, to whom this matter was referred, has referred it back to us, and we have not done anything, and now in order to avoid responsibility we spend $7,500,000 on something when we do not know what the end of it will be.

Let me tell you something else. I have looked into this proposition, and if we start to build this dam down there we are building it for the Alabama Power Co. and nobody else. There is nobody else in that field that can lease that plant. Are we going to operate it ourselves? Are we going to build transmission lines all over that country and sell this power ourselves? No; we would probably lease or sell the plant after we have finished it, and there is only one corporation in that locality that can take it, and that is the corporation that has the whole field covered with its transmission lines, that to-day has this great steam-power plant under lease, and that has that whole territory covered as a commercial proposition. That is the Alabama Power Co. Who wants that company to get it? Gentlemen, let us fix the policy before we spend any more money. Are you willing to spend $28,000,000 when we do not know what we are spending it for?

I tell you that the evidence taken before the committee shows that this plant will not seriously deteriorate in the next few months or the next year, and therefore it is wise and advisable to know what we are spending the people's money for and who is to spend it. I for one, although I may be in the minority on the Republican side, do not propose to start out and pay $28,000,000 of the people's money that my constituents have to help pay in taxes before I know what I am voting this money for. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Speaker and gentlemen, there is no joker as far as the fertilizer clause is concerned, and the farmers know it. Every single word in the fertilizer clause is satisfactory to the farmers' organizations. This matter is not a political question. I was asked not to introduce it because I am a Republican. I come from a Republican district, with 35,000 or 40,000 majority. This was not a political question before our committee. There was only one man who raised the question of politics, and he was a Republican from Tennessee, Gov. Alfred Taylor. He begged our committee, saying he hoped, the majority of the committee being Republican, it would not turn down the offer because Muscle Shoals was located in the South. As far as the committee was concerned at no time has the word "politics" been mentioned.

This proposition was sent to us by whom? By a Democrat? No; by Secretary of War Weeks. If you are going to criticize the Republicans, criticize Mr. Weeks, because he sent it to a Republican committee. He tried to get men to take it; he peddled it all over the country. Nobody wanted it. Henry Ford was the first man who made any proposition, and the first proposition submitted by Henry Ford was not satisfactory to any of us. We did not believe there was a fertilizer guaranty, but there was not a single word of that proposition drawn up by any attorney representing Mr. Ford. At no time in any proposition made to Congress or our committee has a single word been drafted by the attorney for Mr. Ford. The original proposition was drawn up in the office of the Judge Advocate General, a Republican, and the fertilizer clause was drawn up in our committee room. Some say it was a joker, but the language was agreed to by some who signed the minority report. In fact, some of them helped to draft the language. There is a guaranty in it. It means that the farmer will have 2,000,000 tons of fertilizer per year, and is a positive guaranty.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SISSON. Mr. Speaker, I yield to the gentleman three minutes.

Mr. JAMES. In addition to that we are going to save $100,000 a year that we are now spending for guards at nitrate plant No. 2. It is worth $100,000 per year for 100 years to keep that nitrate concern going. It costs $400,000 a year in the depreciation of the coffer dam, and so forth, and it is costing us for the little locks and dams about $70,000 a year. We will save that and in addition we will save the money we are paying Hugh L. Cooper. They say he is working for a dollar a year, but let me say to you that they, his firm, are getting $10,000 a month out of the Government because of the cost-plus contract, and we will save that. Every man that works for Hugh L. Cooper that he pays $200 a month to, Uncle Sam pays $360. We will save that.

Talk about not having the time to discuss this matter, why they are going to get us back here in a month to pass the ship subsidy bill. We will have time to discuss that and we will have time to discuss this proposition. For four months the Military Affairs Committee met many times twice a day and the rest of the time once a day and discussed the Muscle Shoals proposition. All this amendment means is that when we are called back in August or September, after having spent four months in the committee, we will have a chance to present these views. If it passes, all right, and if it does not pass it will make no difference in the appropriation of the seven and a half million dollars. I beg that every man who favors the proposal and believes in Ford's offer will vote for one of these two amendments. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Speaker and gentlemen, for many months the Military Affairs Committee has been working daily on the subject of Muscle Shoals. As the gentleman who has preceded me said, there has been no politics in the consideration of the matter before the committee. A large number of our committee, with the Senate committee, went to Muscle Shoals. Person-

ally, before I went to Muscle Shoals I was in favor of the Ford project. After I saw the Wilson Dam, the nitrate plants, 1 and 2, and all the rest of this vast project, and realized that under the Ford offer the completion of the property in any possible way meant the ultimate expenditure by the United States of $167,000,000 in what has been spent and what must be spent, I felt that we must retain control of this plant as a nitrate plant for the Nation in time of war and a fertilizer plant in time of peace. The project is too great a project to be disposed of by the Government except under the most careful consideration. Whatever is done ultimately the Wilson Dam must be completed. Under the Ford offer the United States also must put up the money to complete it. I do not believe in the present Ford offer. I do not say that Mr. Ford or some one else could not make an offer that would be acceptable. At the present time the Ford offer is the only offer that has been reported to this House.

I rise to speak against both of these amendments, the purpose of which is to delay work on the Wilson Dam. The visit that we made to Muscle Shoals convinced every Member there that the work on that dam should go forward at once. We are losing $400,000 a year in deterioration. The summer season is approaching. There are dangers of all sorts there. Even if you finally accept Mr. Ford's offer, you have got to put up the money to build that dam, because there can be no cheap fertilizer without water power, and I want to say to the gentlemen on the Democratic side who are opposing the immediate appropriation of $7,500,000 that they do not realize that the people in that neighborhood want to have that project started at once and have 4,000 men started on that work. I am for the Senate appropriation without any change. [Applause.]

Mr. SISSON. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I regret very much to differ with my colleagues from my section of the country on this vote for the appropriation to begin work on the Wilson Dam. The people of my section are more interested in the solution of the Muscle Shoals problem than in any other now before Congress. The delay in the development has been difficult to explain. The work to be done by the Army engineers with this appropriation will not interfere with the final acceptance of the Ford offer. The expenses at the present time of keeping the equipment used in the construction of the dam in a stand-by condition are very heavy. General Taylor and Colonel Barden have stated the expenses were about $35,000 to $40,000 per month, and this does not include the deterioration of the temporary construction and equipment. Nearly $400,000 has been paid out since work stopped on the dam in April, 1921, and none of it added one thing to the completion of the work.

On the Committee on Military Affairs I have voted for the acceptance of the Ford offer as amended and have hoped for its early consideration by Congress. Of the 21 members of the committee only 8 voted to recommend the acceptance of the offer as finally amended. A majority has, however, submitted the offer and urged the early consideration of it by Congress.

In considering whether this appropriation without limitation would be a handicap to the Ford offer it is interesting to see the point of view of that distinguished Democrat, who for so long was the leader of the now minority party in this body and who is now the leader of the minority party in the Senate. When the item was before the Senate he said:

> If Mr. Ford's proposition comes before the Senate I shall vote for it, but that question is not involved here now. I think it would be a waste of money and a waste of time for the Government to wait until we determine what we are going to do with the dam before we finish it. I think it will be a much better asset to dispose of if we proceed to finish it at once.

There are other obstacles to the Ford offer which are more serious than would be an adjustment as to the expenditures made by the engineers under this bill if the offer should be accepted after work had again started. Then there is the legislative situation. We are preparing to take a recess for several weeks, extending to nearly the middle of August. Personally, I would be glad to vote to stay here and dispose of this most important matter instead of taking a recess.

In the Senate the chairman of the committee which has the Ford offer before it said:

> I do not believe that with the business before the Senate and the other branch of Congress that there is a possibility during this session of Congress of settling what the permanent policy toward Muscle Shoals shall be. I have reached that conclusion not because I want to but because it seems to me that the facts before us are so impelling that no man who will consider it can reach any other conclusion.

If work is begun and the amended offer is accepted the adjustment as to the dam could easily be brought about. Mr. Ford wants the Muscle Shoals properties, for he has on several occasions given statements to the press showing his determination to continue to fight for Muscle Shoals notwithstanding the delays in the consideration of his offer. In the New York Times he is quoted as saying:

> That Wall Street will have no part either in financing or operating Muscle Shoals if I can help it. If it is the last thing I do I'll exert every resource and influence at my command to keep the hands of Wall Street off the Shoals project and perpetuate that as a great example to the American people—a living example of what they can do if they will safeguard the country's water power and develop it.

And again,

> If the selfish Wall Street interests which, behind the scenes, have been delaying and misrepresenting our proposition, will come out in the open and make the Government a better offer, than mine, I'll fall right in and cooperate and help them and the Government in any way I can. And if they think they can get over a less worthy private offer I notify them now that the fight for Muscle Shoals so far has been but a skirmish. We will exert every resource at our command to keep Muscle Shoals out of the hands of Wall Street.

An able Army officer, who discussed the offer and plan of development with him, states that:

> He aspires to go down in history as the man who has done the most to develop the agricultural resources of his country and the agricultural possibilities of the world.

Certainly a man inspired as this man appears to be in his desire to render a great service to the farmers of our country would not be thwarted in this great ambition by an adjustment which would mean that the end to which he is striving had been brought nearer by the work on the dam made possible by this appropriation.

It is stated by the Army engineers that the work on the dam could be completed in three low-water seasons, and it is very important that the work start now so that the season which is just beginning will not be lost. General Taylor has stated that the work would begin the day after the money was available.

The people of the country, however, are entitled to an early consideration of the Ford offer. There is a very strong sentiment in favor of the acceptance of this offer. It would remove the question of the Government going into business, for unless some private concern can be induced to take over one or both of the nitrate plants and operate them, it will be the duty of the Government as contemplated under the national defense act of 1916 to operate one of them.

> For the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Everybody agrees that the Government should maintain nitrate plant No. 2 at Muscle Shoals as a war emergency, because it is now well known that at some time during the war our nitrate supply, which we had to get from Chile, was dangerously near exhaustion. At one time we were within four weeks of exhausting our entire nitrate supply. General Williams, the Chief of Ordnance, reported that—

> If the Ford offer means, in the case of the No. 2 plant, that such plant will be operated at its approximate present capacity for the fixation of nitrogen, it is most satisfactory from the standpoint of nitrogen preparedness, for it guarantees the establishment of the nitrogen fixation business on a large, long-enduring, and commercial basis. In other words, it completes the objective which the Ordnance Department believes essential for the making of the United States able to be self-sustaining in its supply of nitrogen compounds.

General Beach stated before the committee that—

> I can not understand anybody who is acquainted with the conditions being willing to put the United States in such a position that in case of hostilities it would have to depend upon securing its nitrates from a foreign source of supply.

Then there is no feature of the Ford offer which has been so popular with the people as the provisions relating to the manufacture of fertilizers. Mr. Ford's representative has stated that it was his belief that with the water power available at Muscle Shoals he will be able to make fertilizer at about half the price it is sold for to-day.

The two other outstanding features of the Ford offer are the navigation and water-power development.

The committee have had most elaborate hearings on both of these matters. The engineers of our Army indorse the navigation features and urge the acceptance of the offer, for this development would be difficult to ever obtain unless combined with a project as presented by Mr. Ford. The possibilities of the water-power development are immense. From the Wilson Dam there will be 100,000 horsepower 97 per cent of the time, and for six months of the year there will be available over 300,000 horsepower. It seems to me that the sooner work is started the better.

Mr. SISSON. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, Muscle Shoals is in the district which I have the honor to represent and within 6 miles of my home. You may recall that I have heretofore made some reference to the wonderful development at Muscle Shoals and the importance of its completion. [Applause.]

About 15 months ago the appropriation to continue the work on the Muscle Shoals Dam No. 2 was defeated in this House by a very close vote. Some of the leaders of the majority party at that time stated that probably the dam should be finished, but thought that it should go over until the new administration could investigate it and report to Congress.

This investigation was made, and it is now the opinion of almost everyone familiar with the subject that the Dam No. 2 should be completed. The question before the House at this time is whether the $7,500,000 appropriated in the Senate amendment to continue the work for the next fiscal year shall be made available October 1 or immediately available, as provided in the Senate amendment.

It seems that most of the supporters of the offer of Henry Ford for Muscle Shoals believe that it would be in the interest of the Ford offer to make it available October 1, in order that Congress may in the meantime have an opportunity to pass upon the Ford offer. If the Ford offer is accepted, the dams will be built by the Ford company under the direction of the Chief of Engineers.

While I realize the importance of the resumption of work as soon as possible, still I am willing to wait until October 1 in order to make the acceptance of the Ford offer more certain. I must attribute some of the criticism of the Ford offer which has been made on the floor of the House to-day to be due to want of information on the subject. I believe that any fair and impartial person who will study the provisions of the Ford offer carefully will come to the conclusion that it will be to the best interest of the Government and the taxpayers to have it accepted by Congress.

Mr. Ford has offered more for the nitrate plants than any other war plants have been sold for heretofore. He offers 4 per cent as an annual rental for the use of the power on whatever amount it may cost to complete the water-power development and at the same time to create a sinking fund which will repay to the Government at the expiration of the lease the amounts advanced by the Government to complete the dams.

There should be no objection to the 100-year lease period. Muscle Shoals is in a class to itself. It will require such a long time to secure a market and use for the immense amount of power that will be developed that no financial interest could afford to undertake the development proposed by Henry Ford for a shorter period of time.

The Military Committee of the House has reported that no other offer for Muscle Shoals, except that of Henry Ford, is worthy of consideration. The Ford bill has been favorably reported to the House by the Military Committee, and I again appeal to the Republican leaders to give us a vote on it without further delay and before there is any recess. In the event the majority forces a recess I trust that the Members will study the Ford offer during the recess and get the views of their constituents on the subject so that it may be disposed of promptly after the recess.

If you will follow me I will explain the Ford offer, and I believe that you will agree with me that it should be accepted. In the first place I call your attention to what has been done and the condition at Muscle Shoals, and then discuss the provisions of the Ford agreement.

During the recent World War the Government constructed at Muscle Shoals on the Tennessee River, in northern Alabama, two nitrate plants, known as Nos. 1 and 2, for the fixation of atmospheric nitrogen to be used for the manufacture of explosives for war purposes and fertilizer in peace times. The war-time cost of these plants amounted to a total of $85,423,078.73, including the Gorgas steam plant and the Waco rock quarry, which is about twice the amount of cost of construction in normal peace times. In addition to this about $17,000,000 has been expended on the Dam No. 2 at Muscle Shoals, known as the Wilson Dam. It was about 30 per cent complete when work was suspended last May, the appropriation of $10,000,000 to continue work on the dam having been defeated by 11 votes in the House on February 25, 1921.

At the small nitrate plant No. 1 the synthetic process of the General Chemical Co., which had not been developed on a commercial basis, was used. The Haber process was not available in this country at that time, but is now and is being used successfully, I am informed, in a small plant at Syracuse, N. Y.

Plant No. 1 was an experimental plant. Certain parts of it were not a success. The War Department has decided not to ask Congress for the large amount of money that would be necessary to make it a success, but has recommended that it be salvaged.

The large plant, No. 2, at Muscle Shoals uses the cyanamid process of the American Cyanamide Co. The cyanamid process for the fixation of atmospheric nitrogen is one of the oldest and best. It is being used extensively and successfully in the European countries and was during and before the World War. Plant No. 2 was built in about eight months, being completed just as the war ended. It is 100 per cent in quantity and quality of production contracted for, viz, 110,000 tons ammonium nitrate annually, as has been demonstrated by a number of Government tests. Both plants are now being kept in a stand-by condition.

The development at Muscle Shoals is not local, it is a great national project and is nation-wide in the uses for which it was intended. This development, as planned in the Ford offer, will be of great benefit to the entire country. Muscle Shoals was selected for this development on account of its natural advantages, namely, within the safety zone prescribed by the military authorities; the greatest water power east of the Mississippi River; in close proximity to the phosphate beds, coal, coke, limestone rock, and all other raw materials in inexhaustible quantities needed in the manufacture of munitions and fertilizer; climatic conditions ideal; central point for the distribution of fertilizer; transportation facilities good, both by rail and water.

PLANTS BUILT TO MAKE FERTILIZER AND MUNITIONS.

At the earnest solicitation of those who were interested in the question of national defense and agriculture, provision was made in section 124 of the national defense act, approved June 6, 1916, for the construction of one or more nitrogen plants to be used for the manufacture of explosives in times of war and fertilizer in peace times, to be operated by steam or water power—one or both. As a result of that legislation the Government, through its authorized representatives, made these improvements at Muscle Shoals. In the consideration of this question it is most important that you bear in mind that these nitrate plants at Muscle Shoals and the water-power development which has been commenced was just as much intended for the production of cheaper and better fertilizer for the farmers in times of peace as for the manufacture of explosives in times of war. This was clearly the expressed intention of Congress when their construction was authorized.

After our experiences during the World War everybody agrees that this country should never again be dependent upon a foreign market for a supply of nitrogen in times of emergency, and all agree that nitrate plant No. 2 at Muscle Shoals should be preserved and maintained as a part of our national defense.

Soon after the beginning of the present administration Secretary of War Weeks announced that he would not recommend to Congress the appropriation of funds with which to complete Muscle Shoals Dam No. 2, known as the Wilson Dam, unless he was first assured that there would be a market for the power developed by its completion that would justify the additional expenditure. In order to secure this information the Secretary of War requested the Chief of Engineers of the War Department to ascertain from water-power companies and others who might be interested in using a large amount of water power if they would be interested in taking the power if the dam was finished.

As a result, the Chief of Engineers received several replies—one from the Southern Power Co., in which it was not only stated that they would not be interested in taking the power but strongly condemned the project, declaring that it was impracticable and worthless, and recommended and advised against the completion of the development. Muscle Shoals has become very valuable in the estimation of the Southern Power Co. and other water-power and fertilizer interests since Mr. Ford made his offer. Why this sudden change of heart?

As a further result of the policy of Secretary of War Weeks, an offer was made by Henry Ford which made provision not only for the completion of the Wilson Dam but for the construction of the other dam, No. 3, thereby developing all the water power at Muscle Shoals and removing all obstruction to navigation, and also providing for the operation of the large nitrate plant, No. 2, for the manufacture of fertilizer.

The Ford offer was made on the 8th day of July, 1921. Negotiations were conducted between Mr. Ford and the Secretary of War for several months, and no other offers were made until after the Ford offer was sent to Congress, February 2, 1922.

The Secretary of War announced that he was without authority to dispose of this property and sent both of the offers to Congress with his comments, but without recommendations, and they were referred to the Agricultural Committee of the Senate and the Military Affairs Committee of the House.

FORD OFFER FOR MUSCLE SHOALS.

Mr. Ford's proposal consists of two parts—one, to lease the dams, and two, to purchase the nitrate plants and accessories.

PART 1.—OFFER TO LEASE THE DAMS.

PROVISIONS OF OFFER.

1. Mr. Ford agrees to pay $55,000 annually for the maintenance of dams, locks, etc., making a total payment in 100 years of	$5,500,000
2. He agrees to pay interest at 4 per cent on whatever the cost may be for completing both dams. If this amounts to $42,000,000 (the estimate of Mr. Ford's engineers), the total in 100 years under Mr. Ford's plan of payments will amount to	161,040,000
3. He agrees to a plan of amortization sufficient to retire $49,000,000 in 100 years	49,000,000
Total payments to the Government under Ford offer during 100-year lease period	215,540,000

Cost of dams (expended and proposed).

There has been expended to date in building Dam No. 2		$17,000,000
Cost of completing Dam No. 2	$23,000,000	
Cost of building Dam No. 3	17,000,000	
		40,000,000
Total Government investment in Muscle Shoals dams and hydroelectric plants will amount to a total of		57,000,000

Charges to navigation: Deducting the $49,000,000 which Mr. Ford repays from the $57,000,000 total cost leaves $8,000,000 unrefunded, which is less than the amount stated by the United States engineers as chargeable to navigation, their pre-war estimates being $8,575,000. (See Rivers and Harbors Committee (H. R.) Doc. 20, 63d Cong., 2d sess., p. 4, par. 6.)

The United States engineers have more than once recommended that $8,575,000 should be charged to the navigation improvement of the Muscle Shoals stretch of the Tennessee River under the very plans for joint navigation and power improvement now proposed.

Earnings from Government peace-time investments compared with Ford offer: To meet the terms of the Ford offer and produce a proportionate return to the Government, the Reclamation Service, representing a Government net investment of $125,870,830, would have to show an annual gross income of $10,180,132, instead of $4,191,844, which it now shows. The Panama Canal, representing an investment of $380,554,949, would have had to earn $32,450,886 gross revenue, whereas last year's total revenues were only $12,040,117. (Based on 1921 report.)

PART 2.—OFFER TO PURCHASE NITRATE PLANTS AND ACCESSORIES.

Provisions of offer: Mr. Ford offers to purchase nitrate plants Nos. 1 and 2, Waco Quarry, and the Gorgas steam plant and its transmission line for $5,000,000. He has offered to maintain nitrate plant No. 2 in a state of readiness to be promptly operated in the manufacture of materials necessary in time of war for the production of explosives, thus securing the benefit of its use for the purpose for which the plant was originally planned. The Government, therefore, retains every advantage of the nitrate plant in time of war, but pays nothing for the maintenance of the nitrate property in times of peace.

Salvage to Government from war-time investments compared with Ford offer.

Government property sold.	Cost of property.	Salvage received.	Per cent of cost salvaged.
Muscle Shoals nitrate plants	$85,423,078.73	$5,000,000	5.85
Old Hickory powder plant	80,000,000.00	3,500,000	4.28
Wooden ships, U. S. S. B., each	800,000.00	5,000	.63

On the basis of the price received for the wooden ships that were sold Mr. Ford would have offered only $567,000, instead of $5,000,000, for the nitrate plants.

Annual cash saving to Government by acceptance of Ford offer: The Ford offer, when accepted, will stop the following annual cash expenditures:

1. Guarding and maintaining nitrate plants and accessories (fiscal year ended June 30, 1921), depreciation omitted	$310,042.44
2. Guarding and maintaining uncompleted work at Dam No. 2, representing a yearly expenditure of	384,000.00
3. Maintaining Muscle Shoals Canal, average annual cost	53,079.00
Total annual cash saving	747,121.44

This is interest at 4 per cent on $18,678,000.

Cost to Government of the delay in accepting Ford offer.

Average annual cash return to the Government under Ford offer	$2,155,400
Annual cash expenditures saved at Muscle Shoals by Ford offer	747,121
Total annual loss to Government by delay	2,902,521
Average monthly loss	241,877
Loss since Ford offer was made, 8 months ago	1,935,016

The cost of the delay in accepting Mr. Ford's offer, as shown above, has already amounted to $1,935,016, and on the cost basis of the last fiscal year the cost is piling up at the rate of $8,062.50 per day.

As shown from the foregoing table of salvage to the Government from war-time investments, the Ford offer for the nitrate plants at Muscle Shoals will give the Government the highest rate of salvage it will have obtained from either of the war-time expenditures included in that list. The military cantonments, constructed during the war, which have thus far been salvaged have brought practically nothing. Many of them have been completely abandoned and their buildings are going to waste, for the reason that they are not even worth the cost of "scrapping."

When the fact is taken into consideration that Mr. Ford's offer for the nitrate plants imposes upon him the obligation to keep the plants in reserve, at his expense, for the use of the Government in time of war for the production of explosives, his bid looms large in comparison with the prices obtained for the other war-time investments, from which no further returns will be secured. So there has not been and can not be any just criticism of the amount offered by Mr. Ford for the nitrate plants.

Mr. Ford not only offers a very fair price for the nitrate plants, but agrees to keep nitrate plant No. 2 at Muscle Shoals in an up-to-date running condition and available to the Government without cost if it should ever be needed for military purposes and the manufacture of munitions. It is now in a stand-by condition, expensive to guard and maintain. The older it grows the more expensive the maintenance charges will be. With the very best care it would rust out and greatly deteriorate in value. The fixation of atmospheric nitrogen is a comparatively new art, and it will be improved from time to time; and in order for this plant to keep pace with the progress of the art and be an up-to-date going concern in the event of a military emergency, it must be operated in peace times.

Besides, the act of Congress making provision for its construction provided that it should be operated in peace times for the manufacture of fertilizer. So the acceptance of the Ford offer preserves this plant as a military plant and at the same time makes provision for its operation by private capital in peace time for the manufacture of fertilizer. The maintenance of the plant by the Ford company, relieving the Government of all expense and keeping it in an up-to-date running condition, is of inestimable value and would save the Government many millions of dollars, besides the advantages to agriculture, the basic industry, on which the success and prosperity of every other business depends.

Mr. Ford further agrees to operate nitrate plant No. 2 during the entire period of the lease to its full capacity in the manufacture of commercial fertilizer and sell direct to the farmers at a price not to exceed 8 per cent over the actual cost of production, through a board nominated by the farmers' organizations and appointed by the President.

The present capacity of the plant would produce about 2,000,000 tons of fertilizer, which is about 30 per cent of the amount of fertilizer consumed in normal times. It has been clearly shown that with cheap water power the Ford company can make fertilizer at about one-half of the present price. The Nation's fertilizer bill is now nearly $250,000,000 annually. Suppose, for the sake of argument, that the operation of the Muscle Shoals plant should only result in a 20 per cent reduction in prices. That would amount to $50,000,000 a year saving to the farmers, and this amount for 100 years out on compound interest—as the opponents of the Ford offer have undertaken to do in claiming what Mr. Ford would make from the Government in compounding interest—would be over $5,000,000,000 saved to the farmers of the country.

FORD'S OFFER TO LEASE THE DAMS.

Mr. Ford's agreement requires his company to be responsible for the upkeep and repair of the power houses and equipment at his own expense; to pay the Government $55,000 annually for the upkeep of the dams and locks, which will save the Government the expense of maintaining the present imperfect facilities for navigation at Muscle Shoals, amounting to from $35,000 to $85,000 per annum; also to pay as an annual rental 4 per cent on the actual cost of the completion of the dams; and, in addition to all this, create a sinking fund by paying to the Government $46,746 annually, which, if invested by the Government at 4 per cent interest, would amount to $49,071,935 at the end of the lease; if invested at 4½ per cent would amount to $58,570,003.

The Secretary of War, in his report to Congress discussing this part of the Ford offer (House Document 167, p. 7), made the following statement:

Should the dams be constructed at a cost of not to exceed $42,000,000, as estimated by Mr. Ford's engineers, there would be left to apply on the investment of the Government heretofore made whatever the amortization payments would produce in excess of the $42,000,000. If the amortization fund should be invested continuously at 4 per cent there would be at least $7,000,000 to be thus applied, but should it be invested at a greater rate of interest the amount would be increased as shown by the table following.

Amount retired by Mr Ford's sinking fund at various rates of interest, compounded semiannually.

Account of—	Semi-annual pay-ments.	Life of fund (years).	Amount retired at following interest rates.				
			4 per cent.	4½ per cent.	4½ per cent.	5 per cent.	6 per cent.
Dam No. 2	$19,868	94	$40,919,798	$48,783,949	$58,319,359	$83,718,097	$176,030,810
Dam No. 3	3,505	97	8,152,137	9,786,054	11,780,690	17,150,545	37,103,880
Total			49,071,935	58,570,003	70,100,049	100,868,642	213,134,690

NOTE.—Payments are to be made into sinking fund semiannually at the beginning of each semiannual interest period. This sinking (or retirement) fund has nothing to do with Mr. Ford's interest payments, but represents a separate fund to be invested at the highest interest rate obtainable for the purpose of returning to the Government within the lease period the largest amount possible, with the above semiannual payments, consistent with safe investment.

The Secretary of War found no fault with this part of the Ford offer, nor do I remember to have heard of any criticism of it by anyone.

A group of powerful interests is flooding Congress and the country with all kinds of propaganda filled with false and misleading statements about Mr. Ford's plans and purposes. One very elaborate publication was issued purporting to tell "The Truth About Muscle Shoals" and a large part of it was an attempt to show that Mr. Ford would devote the Muscle Shoals plant to the manufacture of sulphate of ammonia, and this product would have but little effect upon the cost of fertilizer. Mr. Ford does not intend to produce sulphate of ammonia as a nitrogen fertilizer compound. He will, of course, produce ammonia by the air nitrogen fixation process and mix ammonia with phosphoric acid, produced electrically from phosphate rock obtained near by, thus making ammonia phosphate.

The same publication states the cost of completing Dam No. 2 would be $33,000,000, and of Dam No. 3, $24,000,000, or $57,000,000 for the completion of the dams. The facts are that experienced and responsible contractors have offered to complete Dam No. 2 for $23,000,000, and build Dam No. 3 for $17,000,000, making a total of $40,000,000 for both. The estimate of Mr. Ford's engineers is $42,000,000. The outside estimates of the engineers of the War Department is about $48,000,000, and they admit that it may be considerably less.

Mr. Ford, according to his offer, is to construct the dams under the direction of the Chief of Engineers of the War Department. It will be his interest to do it as cheaply as he can, as he is to pay an annual rental of 4 per cent on what it cost.

Some of those who are opposing the Ford offer have criticized the 4 per cent on what it costs to complete the dams as annual rental for the water power. To show that there is no cause for such criticism I submit the following table of Government loans now outstanding in the shape of bond issues:

		Per cent.
Consuls, 1930	$500,724,050	2
Panamas, 1916–36	48,954,180	2
Panamas, 1918–38	25,947,400	2
Panamas, 1961	50,000,000	3
Postal Savings	11,774,020	2½
Conversion, 1946–47	28,894,500	3
WAR ISSUES.		
Liberty, 1932–47	1,410,074,050	3½
Liberty, 1932–47	15,130,900	4
Liberty, 1927–47	66,362,800	4
Victory, 1923	497,915,100	3¾

From the above table it will be seen that bond issues prior to the recent war issues were on a basis of from 2 to 3 per cent, and the average was under 2½ per cent. It also shows that a number of war issues were at 4 per cent and less. It was only toward the end of the war and in the most serious stress of the war that some bonds were issued at a rate of 4¼ to 4¾ per cent.

In normal times our Government bonds have been issued for much less than 4 per cent, so it is fair to assume that the 4 per cent which Mr. Ford is to pay as annual rental for a 100-year period will be above the average rate that will prevail during that time.

When the Ford offer is accepted, Congress, instead of appropriating money from time to time to complete the dams, could provide for the issuance of 4 per cent bonds, which would be easily negotiated. The interest paid by the Ford Co. as rental for the power would pay the interest on the bonds and the amortization plan would liquidate the bonds, and in this way the completion of the dams would not cost the Government anything.

100-YEAR LEASES.

There has been some criticism of that part of the Ford offer which provides for a lease of the water power for 100 years. Practically all of the water-power developments up to this time provide for a 99-year lease period. The criticism of this feature of the offer seems to be due to a provision in the general water power law, approved June 10, 1920, which provides for 50-year leases with rights of renewal.

There should be no objection to the Ford offer on account of the 100-year-lease period; first, for the reason that the dams at Muscle Shoals were approved by the War Department and work commenced on the construction of one of them before the enactment of the general water power law; second, because the development at Muscle Shoals is in a class to itself. There is nothing else like it. Besides, the dams are being built by the Government and will be the property of the Government and not a lessee.

There is a fall of 134 feet in 36½ miles. The flow of the river is 72,000 second-feet at low water and 499,000 second-feet at high water. The Wilson Dam is to be 100 feet high and 4,425 feet long; Dam No. 3, 14 miles up the river, is to be 40 feet high and 6,725 feet in length; the two together developing about 800,000 horsepower, more than has ever been developed at any one place in the world.

There is a present market for only a small part of this power. It will require a number of years to secure a market for it all. Mr. Ford is not willing to take over this water power under a lease for less than 100 years. He claims that on account of the heavy expenses and the time required to provide a use and market for this power that a lease for less than that length of time would be unreasonable. This power site is in a class to itself. It is the greatest water power east of the Mississippi River.

General Beach, Chief of Engineers of the War Department, says that he thought a 100-year lease in this case was proper and reasonable, and gave his reasons. Many others are of the same opinion. The Government and taxpayers are fully protected during the entire period of the lease, so there is no valid objection to the 100-year lease.

The fact that the general water power law provides for a 50-year lease, with rights of renewal, is no reason why this lease should not be for 100 years for the reasons I have stated.

The general water power law, as we all know, was a compromise measure in many respects, and has been very disappointing in results, as there has been but little water-power development since that time. There were great differences of opinion among the Members of both Houses of Congress as to what the lease period should be. A great many favored a 100-year lease period.

GREAT POSSIBILITIES FOR WATER TRANSPORTATION.

The building of these dams as provided in the Ford offer will not only develop this great water power which has been going to waste for all time but will open up cheap water transportation on the upper Tennessee River, which runs through a vast area rich in great deposits of coal, iron ore, marble, slate, phosphate rock, zinc, and immense forests of hardwood timber, all of which is needed in other parts of the country. With this cheap water transportation all these materials which are now locked up for want of transportation facilities can be transported on the Ohio River, thence onto the Mississippi River, and to all the markets, both domestic and foreign.

GOVERNMENT RECLAMATION SERVICE.

I hope that I have shown that the acceptance of the Ford offer will not cost the Government anything in the end. But even if it should lose some interest during the construction period in making provision for the manufacture of a cheaper and high-grade concentrated fertilizer for the farmers in those sections of the country where fertilizer is absolutely necessary, it would not compare with the amounts which have been appropriated by Congress for the reclamation of arid lands in our Western States.

The Government reclamation of the arid West is both a paternal and an internal improvement which is essentially a cooperative arrangement between the Government and private parties. The summary of appropriations made by Congress for western land irrigation to 1915 amounts to $116,824,894.82, and of that amount there was an authorized Government bond issue

of $20,000,000, and none of these appropriations in aid of irrigation improvements in the West return any interest payment to the Government.

One of the most prominent examples of the reclamation projects of the West is the case of the Roosevelt Dam, 79 miles northwest of Phoenix, Ariz., this dam being 284 feet high and 235 feet long, originally estimated to cost $5,000,000; but the total cost of this reservoir, dam, power system, diversion works, canals, drilling, and so forth, to July 1, 1913, was $11,193,687. The money was loaned to them to aid in irrigating their lands without interest for at least 20 years, and in some places it goes on into a revolving fund year after year without any interest to the Government.

The Government has very properly assisted and encouraged the western farmers to water their arid lands. For the same reason the Government should at least give Mr. Ford an opportunity to aid the farmers who need fertilizer.

Other countries are using their air nitrogen plants successfully for the manufacture of fertilizer and are making most valuable contributions to agriculture in this way. Our country is making progress along all other lines; why not this?

CHILEAN NITRATE AND FERTILIZER TRUSTS AND OTHER SELFISH INTERESTS OPPOSE THE FORD OFFER.

What is the cause of this opposition? It has been conclusively shown during this hearing that the Ford Co. would produce fertilizer by reason of the cheap water power and the Ford Co.'s business methods at from one-third to one-half cheaper than the present prices of fertilizer.

I believe that everyone who has studied the question will agree that Dr. Milton Whitney, Chief of the Bureau of Soils, and an expert on matters pertaining to fertilizer, was right when he said that the present policy pertaining to the manufacture and distribution of fertilizer was wrong and should be remedied.

I have no doubt but that the manufacture of fertilizer by the Ford Co. at Muscle Shoals would revolutionize the fertilizer business in this country by reason of the quality and price of the fertilizer produced.

When the war ended it was costing the Government $1,000,000 an hour. One reason was that those who sold us nitrates and explosives of different kinds charged any price they pleased while our boys were fighting and dying in the trenches in France. We were helpless—had to get our nitrates from Chile.

We are dependent upon Chilean nitrate for nitrogen for war and fertilizer purposes. We have paid out for Chilean nitrate since 1867 the enormous sum of $821,183,624.12. In addition to this large sum the people of the United States, principally the farmers, have paid to Chile an export duty of $11.87 per ton on Chilean nitrates, which has amounted to $163,647,780.63 since 1867.

Why should the farmers of the United States continue to pay tribute to a foreign country to secure nitrogen for fertilizer purposes when there is over 21,000,000 tons of nitrogen in the air over every square mile, when we have one of the largest and best nitrogen plants in the world, equipped and planned to take the nitrogen from the air and convert it into a solid substance by means of the patented process for the fixation of atmospheric nitrogen, and thereby lower the prices and keep our money at home? We not only pay a high price for the Chilean nitrate and an export tax, but high ocean freight rates for four or five thousand miles to the nearest American port, and then high railroad freight rates to the station nearest to the farmer, then usually a long-distance haul over muddy roads to the farm where it is to be used. After all of this expense, it contains only about 16 per cent of nitrogen; the balance is of no value as a plant food and is what is usually called filler. Mr. Ford proposes to make a concentrated fertilizer and sell it to the farmer and let him do the mixing if he desires and save all this expense.

The American representative of the Chilean Nitrate Corporation testified before the Graham Committee on War Expenditures that the price of Chilean nitrate, or nitrate of soda, as it is commonly called, was fixed by the Chilean Nitrate Commission in London. He also stated that the by-product coke-oven companies in the United States placed the same price on their ammonium sulphate in proportion to nitrogen content. He further stated that, in his opinion, if the Muscle Shoals plant should be operated for the manufacture of fertilizer that the Chilean Nitrate Corporation would have to sell Chilean nitrate at the same price that it would be sold for at Muscle Shoals. So it is easy to understand why the Chilean Nitrate Corporation should oppose the Ford offer. It has no competition at this time and is interested in keeping down competition.

The acceptance of the Ford offer will make us independent of this foreign power both for fertilizer and war purposes. The quality of fertilizer we are now using is inferior, and the prices prohibitive in proportion to the present prices of farm products. We have been diligent in our effort to enact legislation in the interest of the farmers; we have secured large amounts of national aid to rural roads; we have provided a system of farm loan banks for the purpose of enabling the farmers to secure long-time loans at a low rate of interest; we have revived the activities of the War Finance Corporation in order to assist the farmers in marketing their crops; we have recently enacted a cooperative marketing bill. We now have an opportunity to do something further by accepting the Ford offer and protecting the American farmer from further imposition by these foreign and domestic monopolies who fix and manipulate the prices of fertilizer at their will without any regard to the price of farm products or the financial ability of the American farmer.

There are 6,500,000 farmers in the United States. Thirty-eight per cent of our population live on farms. The annual value of crops and live stock amount to from eleven to twenty-five billion dollars. Agriculture has an investment of $80,000,000,000, the largest investment by far of any other business. The next largest business is railroads, with an investment of $20,000,000,000.

The shrinkage in value of the crops of 1920 amounted to $8,000,000,000, from which the farmers have not yet recovered. In the face of this condition of the American farmer the price of Chilean nitrate has advanced $17 per ton since January 1. The fertilizer known as 8-3-3 has advanced from $26 a ton to $31 a ton.

The National Fertilizer Association opposes the Ford offer. It has flooded Members of Congress with literature in which it is contended, first, that the Ford Co. can not make fertilizer at Muscle Shoals, and second, that it can not make it cheaper than it is now being sold. If this be true, why should they be so concerned about the Ford offer? It is very apparent that they believe that Ford can make fertilizer cheaper, and that it will materially affect their business. This same representative of the National Fertilizer Association contended before the Military Committee of the House that a monopoly of water-power interests was in the interest of the people.

EARLY ACTION IS NECESSARY IN ORDER TO GIVE EMPLOYMENT TO LABOR ON LARGE SCALE.

Mr. Ford intends, if his offer is accepted, to begin work immediately and give employment to thousands of people who are now unable to secure employment. He claims that the development of his company will eventually result in giving employment to 1,000,000 people. This, with an average of five to the family, would mean 5,000,000 people employed and supported as a direct result of this development.

Can anyone doubt for a moment that Mr. Ford, with his immense capital, organization, and wonderful record of efficiency, will not make a success of this undertaking? Would not the American people regard it as a national calamity to reject the Ford offer and prevent this development, which would be nation-wide in its beneficial effects?

The acceptance of the Ford offer would not only result in giving employment to labor on a large scale, provide for better and cheaper fertilizer, and improvement to navigation, but that part of the country within a radius of 200 miles, and probably more, and all intervening points would be supplied with cheap power for all purposes.

It also means the investment by the Ford Co. of forty or fifty million dollars in equipping the nitrate plant for the manufacture of fertilizer and the establishment of other industrial plants.

THOMAS A. EDISON SAYS THE DETROIT MANUFACTURER WOULD MAKE A GREAT SUCCESS WITH HIS PLANS AT MUSCLE SHOALS.

It is claimed by some that Mr. Ford can not make a success of the fertilizer business at Muscle Shoals. Mr. Thomas A. Edison, after visiting Muscle Shoals and making full investigation, said he considered that it was a practical thing to make fertilizer at Muscle Shoals; that there is nothing complex about it. Is not his opinion worth something?

Many said that Mr. Ford could not make cheap automobiles, trucks, and tractors in competition with those engaged in the business when he commenced, but in this they were mistaken. Last year the Ford Co. turned out 1,013,958 passenger automobiles and trucks, and is now selling an automobile, a tractor, and a truck for $1,150, and claims that he will be able to reduce it to $1,000 if his offer for Muscle Shoals is accepted.

The success of Henry Ford is the marvel of the century when we realize what he has accomplished was in spite of the powerful opposition, fighting a single-handed battle. The great masses of the people of the Nation not only indorse his offer

but have implicit faith in his ability to carry out the big plans he has in view if he gets Muscle Shoals.

One of the chief causes of his success is because he is willing to help his fellow man. No one ever hears of friction between capital and labor in the great manufacturing plants of the Ford Motor Co.

Henry Ford believes in high wages and low price of product. On that basis he has been a wonderful success. In this respect he is very different to many of the leaders of financial power in this country.

FORD OFFER INDORSED BY ALL FARM ORGANIZATIONS AND FARM PAPERS.

The Ford offer has the hearty and unanimous indorsement of every farm organization and farm newspaper in this country. The representatives of these farm organizations have visited Muscle Shoals several times and made a thorough investigation of its possibilities from a fertilizer standpoint and have been unanimous in their report and recommendations in favor of the completion of the development and the operation of the plants. They regard the acceptance of the Ford offer as the only hope of relief from the Chilean nitrate and fertilizer monopolies and trusts. The farmers of this country are watching closely the action of Congress in the matter of the Ford offer and will not be satisfied unless this is done. They are intelligent and fully understand the Ford offer, and are confident that if it is accepted that the Ford company will revolutionize the fertilizer industry, destroy the monopoly, and give them cheaper and better fertilizer.

The Ford offer has the unqualified indorsement of the Mississippi Valley Association, an organization composed of strong and successful business men covering a territory representing 55 per cent of the population of the United States.

INDORSED BY WASHINGTON FARMERS' CONFERENCE.

The Ford offer was unanimously indorsed by the great farmers' conference, which was called by Secretary of Agriculture Wallace, at the request of President Harding, which was in session in the city of Washington for five days the latter part of January of this year. During the discussion of the Ford offer in that conference only one voice was raised against it, and that was by an official of the American Fertilizer Association.

President Harding, in addressing the Washington Conference of Farmers, among other things, made the following significant statement:

> Waterways have been too long neglected in America. We need a practical development of water resources, both for transportation and power. A large share of the railroad tonnage is coal for railway fuel. The experiences of railway electrification demonstrate the possibility of reducing this vast and increasing efficiency. We may begin very soon to consider plans to electrify our railroads.

Soon after this address was delivered by President Harding, Mr. Mapothier, president of the Louisville & Nashville Railroad, one of the great railway systems of the country, announced in a speech in Birmingham, Ala., that he was in favor of the Ford offer for Muscle Shoals, and if it was accepted by Congress his company would like to make a trial of electricity in railroad operation on its branch line from Muscle Shoals to Nashville, Tenn., a distance of about 150 miles.

The 800,000 horsepower developed at Muscle Shoals would conserve 6,500,000 tons of coal annually; that is, the water power would be equal to the power generated by the use of that much coal.

So when the water power is developed in accordance with the Ford offer, it will also mean a conservation of coal on a big scale.

Business, civic, and commercial organizations in all parts of the country have passed resolutions urging Congress to accept the Ford offer. I do not recall anything that has ever heretofore attracted such a nation-wide interest and favorable indorsement. Not only farmers but merchants, bankers, and professional men have made known to Members of Congress their approval of the Ford offer and their desire that it be accepted. This sentiment for the Ford offer has been demonstrated by the people in all parts of the country by means of petitions, resolutions of mass meetings, women's clubs, leagues of women voters, posts of the American Legion, labor organizations, and civic organizations of all kinds urging Congress to adopt the Ford offer.

The Alabama delegation in Congress is as a unit in favor of the Ford offer, and will continue to work together very earnestly to have it accepted by Congress. The delegation is equally as strong and united in its opposition to the offer of the Alabama Power Co. and its efforts to defeat the Ford offer. However, the offer of the Alabama Power Co. has been unanimously rejected by the Military Committee of the House, to which it was referred.

The delegations from a number of other States have also indorsed the Ford offer.

I am heartily in favor of the acceptance of the last and final offer of Henry Ford, made on the 31st day of May, 1922, which includes the Gorgas steam plant.

IF THE FORD OFFER IS NOT APPROVED, WHAT WILL THE COMMITTEE RECOMMEND?

It would seem that there is but one of three courses for Congress to follow, viz:

1. That of scrapping the development, which has cost over $100,000,000, as has been suggested by the big interests opposing the Ford offer; or

2. For the Government to complete the water-power development and go into the business of selling power and manufacturing and selling fertilizer; or

3. Accept the Ford offer and convert a large war-time expenditure into an investment which will result in a great benefit to the entire country.

It would be almost unthinkable to consider the first; the second would be very objectionable to the great majority of people; the third is the only safe and sensible course to pursue and would meet with the approval of the country at large.

EXTENSION OF REMARKS.

Mr. ALMON. I ask unanimous consent to revise and extend my remarks.

Mr. HILL. I make the same request.

Mr. JAMES. I make the same request.

Mr. GRAHAM of Illinois. I make the same request.

Mr. DEMPSEY. I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I ask that all gentlemen who desire to extend their remarks on the subject under debate may have that privilege for five legislative days.

Mr. MANN. Five legislative days—better make it calendar days.

Mr. ANTHONY. Five calendar days.

The SPEAKER. Is there objection?

Mr. MANN. I have no objection to making it 15 calendar days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extensions of remarks referred to are here printed in full as follows:

Mr. LAZARO. Mr. Speaker, I am in favor of the appropriation for Muscle Shoals. It is very pleasing to us who have been the friends of this project from the beginning to see the change of sentiment in favor of it, and let us hope that we will soon have the opportunity of deciding whether or not we shall adopt a comprehensive policy giving the people of the country the benefit that we see in it or whether we shall let it go to waste.

Reduced to its last analysis, the development of Muscle Shoals means cheaper fertilizer for the farmers of the United States in time of peace and a munition plant removed from attack from the sea in case of emergency.

When we asked for this appropriation about a year ago we were told from the floor of the House that it was extravagance. But to-day many who criticized it then have come to understand that the development of this plant will prove to be a great economy and benefit to the people of the United States. After long consideration of the Muscle Shoals development problem, the House committee having charge of this measure have filed several reports. Certainly Congress ought to give us the right of way for the consideration of this measure. The House committee admits that the only pending development program worth consideration is that submitted by Mr. Ford, which already has the popular indorsement in so far as that indorsement can be given by favorable resolutions and mass meetings of commercial bodies. In other words, the people of this country are demanding that Mr. Ford be given the opportunity to develop it. They feel that no measure we could enact could do more to help preserve the fertility of the soil and build up the country than this one. It is a question that we should solve as a great American question without regard to partisanship. I repeat, we are glad to get this appropriation to continue the work, but we hope that we will soon be given an opportunity to decide upon a comprehensive plan, and that when we reach that time that the Ford proposition be accepted.

Mr. TYSON. Mr. Speaker, I shall vote for this amendment (Huddleston amendment); and should it be voted down I shall vote for the James amendment. I prefer the first, for the reason that it makes the appropriation unavailable in the event the Ford offer is accepted by the Congress. I entertain

the belief that the appropriation of $7,500,000, carried by the Senate amendment, to empower the Government to renew the work at Muscle Shoals and the undertaking by the Government of the completion of the dam is simply a covert effort to defeat the Ford offer. It is indeed singularly strange that the opponents of Ford in this House should now be enthusiastic advocates of a resumption by the Government of the work at Muscle Shoals, when less than two years ago they were opposed to the continuation and completion of that enterprise and defeated a bill carrying an appropriation of $10,000,000 for that purpose.

These same gentlemen at that time wanted to junk the whole project. This change of heart and of front on their part indicates very strongly that the scheme of the enemies of Ford is to serve the interests of the Alabama Power Co., the Fertilizer Trust, and other moneyed interests to the detriment of the farmers of the country by placing every obstacle possible in Ford's way, and to delay as long as possible the consideration of the bill carrying his offer, with the hope that he may withdraw it or that a public sentiment may be built up by untruthful propaganda which will, in a measure, excuse or justify the Congress in working out the scheme of having the Government enter upon the manufacture of nitrates to be used for fertilizer purposes.

A no more pleasing plan to the Fertilizer Trust could be devised. To have their friends and the friends of the hydroelectric companies operating, in the name of the Government, a fertilizer and electric plant at Muscle Shoals would be all they could ask for or could wish. Those concerns know that all competition under Government operation would be gone. In fact, it would never have a beginning. They also know that such an operation would result in failure and that ultimately they could acquire the property at their own figures. Furthermore, they know that the Government would be years in completing the dam resulting in the installation of new machinery for the manufacture of nitrates, all conducive of the promotion of the interest of the power companies and the Fertilizer Trust and promotive of the dwarfing and strangling to death of the enterprise, which if operated by Ford will grow and prosper, bringing manifold blessings to the agricultural interests throughout the entire country, giving to the farmers cheaper fertilizers, the industrial enterprises cheaper power, and to the laboring man employment and better living conditions.

All these things are greatly desired. They bring prosperity and contentment to the people of the Nation, and, to some degree, fulfill the purposes for which this Government was organized.

They tend to promote the general welfare and insure domestic tranquillity—one of the purposes sought to be accomplished in the ordination of the Constitution, the supreme law of the land. To permit the appropriation carried by the Senate amendment to this bill to become available immediately upon the passage of the bill means the administration of the funds by a hand unfriendly to Ford; to put in his hands a powerful weapon to be used in the defeat of the efforts of Ford and his friends to create conditions promotive of the building of an industrial city, the stimulation of the production of farm products, and the prosperity of the people of the entire Nation.

It would indeed be a calamity to permit Ford's enemies to prevent him from acquiring Muscle Shoals by an apparently fair proposition, but which is, in truth and in fact, an insidious and underhand attack, having for its purpose the defeat of his plans, which contemplate giving to the people of this country a development promotive of their prosperity never before, in their history, dreamed of. It would be more than unfortunate to permit the Alabama Power Co. and its allies to get control of this, one of the greatest water powers of the Nation; and in my humble judgment the attempt to make the appropriation carried by the Senate amendment is a scheme, subtle and covert, to accomplish that result.

The Alabama Power Co. is entitled to no consideration at the hands of this Congress. It once betrayed the trust committed to it by this Government. It undertook and did construct on a fee basis the Gorgas plant, for which it received the munificent sum of $225,000. It constructed that plant for the Government upon its own land and so connected it with its own plant as to render separation of the two practically impossible without serious injury and damage to both. In doing so it violated one of the plain provisions of the statute enacted by this Congress. It did more than this, if that were possible. It took advantage of the emergency conditions created by the war to incorporate into the contract under which it constructed the Gorgas plant the right to purchase from the Government that plant at a price to be fixed by certain designated persons, again violating the statutes.

It was not until some time after the Ford offer was made known and, indeed, not until the Military Affairs Committee of this House began its investigation of the merits of the Ford offer that the Alabama Power Co. made known that it would insist upon its rights under the illegal and unconscionable contract obtained from a representative of this Government under circumstances of which no just man would take advantage. And this is the situation and attitude of the corporation now seeking to acquire control of the Muscle Shoals property to perpetuate its greedy monopoly of the most valuable asset that the State of Alabama has and to defeat a development that will be of incalculable benefit to the people of this country, especially the farmers. With such a course of dealing, involving the betrayal of the trust and confidence reposed under circumstances produced by war conditions and at a time when loyalty to America and American ideals should prevail, I insist that that concern is entitled only to such consideration as is usually awarded to those who prostitute, to their selfish ends, the functions of a Government established by the people and for the people, and that it has merited the righteous condemnation of the people whom it seeks to oppress.

Whether Ford is successful in the acceptance of his offer by the Congress, his proposal has accomplished the result of giving an impetus and creating a quickening of interest in water-power development throughout this country which will be of incalculable value to the entire Nation. His offer has developed an appreciation of the enormous values of the Tennessee River for transportation and hydroelectric purposes. It has pointed the way for cheaper fertilizers, cheaper transportation, and cheaper power for industrial enterprises.

It has awakened in Congress an appreciation of the illimitable potentialities of the Tennessee River, of other undeveloped water powers, and of their inestimable value to the people of this country. He has brought a realization to the farmers of this country that, in the development of water powers used for the production of nitrates, fertilizers may be manufactured at reasonable cost, and that they may be bought in the markets of the country at a price that will justify their use by landowners in the building up and the making of their lands more productive of crops. His offer has brought a realization to the consumers of farm products that the cost of those products can be lessened with a profit to the farmer who raises them. His offer has brought a realization to the industrial world, that by the use of the water powers of the country hydroelectricity may be made to take the place of coal and other fuel now used to produce power necessary to the operation of industrial plants. His offer has brought to the workingman an appreciation and a realization that the development of water power is capable of productive power for enterprises at a cost which will enable those enterprises to give employment at good wages and to maintain living conditions conducive to contentment and loyalty to American institutions.

CONFERENCE REPORT—NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I desire to present a conference report for printing under the rule on the naval appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11228) making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, how much time remains on this side?

The SPEAKER. Eight minutes.

Mr. ANTHONY. I yield such time as he may desire to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Speaker, I realize that there are many gentlemen here who are desirous of debating this question, and hence I shall not consume but a short time in summing up the facts that lead me to believe that the completion of this project is not only meritorious but an imperative national necessity. The human mind revolts at the thought of war, and especially since we see upon every hand the cold and cruel evidence of its brutality, as indicated by the thousands and tens of thousands of brave and patriotic American boys whose fortunes have been blighted and whose lives have been rendered dark and desolate and despondent as a result of their glorious service in the recent world conflict. Our fervent prayer to God Almighty is that war shall be no more, but as worthy sires of them that are to follow in our footsteps let us not forget that a nation, no less than the individual, which fails to provide for its own

household has renounced the faith of the founding fathers, and its inevitable doom is death.

The pitiful plight in which we found ourselves as a Nation when war was declared against the Imperial Government of Germany, and the consequential loss of human life and the wealth of the Nation as a result of our unpreparedness for war, should be a sufficient warning to us and to our posterity. I have no doubt but that there are in the silent cemeteries of France to-day hundreds, yea, thousands of newly-made sepulchres, in which rests the immortal dust of American men that would not have been there had we been prepared to furnish them the necessary equipment with which to meet the foe.

Millions, yea, billions of dollars, in addition to the lives of our courageous men, was the price and penalty imposed upon America in the mad rush for preparedness after war had been declared. Much of these billions of debt we must, in shame, confess was imposed through lack of the exercise of proper business management, and millions of it was simply stolen through graft made possible by the cost plus 10 per cent plan of construction. The air-nitrogen plant at Muscle Shoals cost in the neighborhood of $70,000,000, and little does it matter now how economically or how extravagantly it was constructed, it is sufficient, and I think proper to say, that this plant is not only the largest but the greatest air-nitrogen plant in all the world. In times of war it is indispensable, and in times of peace can be utilized, in conjunction with the power developed through the completion of the immense dam upon which we have already spent $17,000,000, in the manufacture of nitrates of ammonia for the benefit of the farmers of the United States.

Its completion and usage in the manufacture of fertilizer in times of peace promises not only a benefit to the farmers but the Nation as well. No nation can enjoy the zenith of its prosperity, if indeed it can enjoy a limited degree, without first giving prosperity to that great and important industry known as agriculture. Agriculture can not remain prosperous indefinitely without replenishing the soil with elements essential to productivity, nor can it thrive and prosper unless these elements can be supplied to the farmer at a reasonable cost. The Nation can not long survive unless the soil from which the staff of life must come is replenished and kept in the highest state of productivity. In all the history of the world no Nation has yet fallen except it be as a result of military defeat or the exhaustion of the fertility of the soil. Assyria and Babylon and other great nations of Biblical times, supporting millions of people, raising great armies in Persia that came across into parts of Europe, are to-day desert wastes where crops will not grow, and they were destroyed fundamentally because of the destruction of their soil fertility. This Nation, confronted as it is with an ever-increasing population, with full possession of the facts leading to the downfall of empires in the past, cognizant, as we must be, of the ever-increasing drift of our population away from the farm to the city, must open its eyes and accept the golden opportunities fixed by the hand of Divine Providence in the powerful possibilities that await development on the Tennessee River at Muscle Shoals.

Let us come now to a consideration of what is the best thing to do with this immense project to insure the greatest good to the greatest number of our people. I should never approve the losing control by the Government of the nitrate plants in case of a national emergency, no more than would I approve the operation of this plant by the Government for the purpose of developing power for commercial purposes, for I do not believe in the doctrine of Government ownership and operation of public utilities, and if I had ever been guilty of approving such a doctrine I would want to wash my hands and turn my back upon its memory after seeing the miserable mess coming out of governmental control during the war. I believe in the individual initiative necessary to the successful operation of any business, and therefore I believe in the offer made by Mr. Ford for the lease of this property, and hope that in due time it will be accepted.

We should not, nor do the people expect, that we go blindly into the making of a contract relating to this very valuable property. The Committee on Military Affairs, while not in accord in their views as to the disposition of this property, are, nevertheless, to be congratulated for the intelligent and comprehensive manner in which they have conducted the hearings. By the fruits of their labor, extending over a period of months, we have before us every fact necessary to an intelligent consideration and determination of the question of its disposition. At no time has there been the slightest intimation of partisan politics entering into it. In fact, every member of that committee has sought diligently to reach the merits, and as a result of their painstaking efforts the offer of Mr. Ford has been so modified from time to time as I deem it to be now entirely acceptable to the majority of this House as well as to the millions of farmers throughout the country.

The advantages of the Ford proposal may be briefly summarized in this way:

First. It removes the objection against Government operation.

Second. Protects in full the Government's war-time interest in the nitrate plant, since he agrees to maintain it in its present state of readiness for the manufacture of explosives, thereby relieving the Government of the expense incident to guarding, maintaining, and keeping up the depreciation charges, which, in round numbers, would amount to $400,000 annually.

Third. Provides slack-water navigation when the dams are completed over the entire Muscle Shoals obstruction, which is at present the greatest single obstruction to the complete navigation of the Tennessee River. The expense to which the Government would have to go in order to complete this project for navigation purposes alone is estimated at $8,000,000.

Fourth. Develops one of the greatest water-power projects in the world, producing far more power than the Niagara Falls.

Fifth. Proposes, at his individual expense, to construct dams on the several rivers flowing into the Tennessee above Muscle Shoals in order to develop storage reservoirs sufficient to increase the flow at Muscle Shoals during the dry season of the year and thereby stabilize the power development to the maximum throughout the entire year.

Sixth. The Ford proposal provides the fullest operation of the fertilizer feature; provides for the research into the discovery of new processes, and their commercial use when demonstrated, and it is but reasonable to expect from such a development that the cost of fertilizer to the farmer will be cut in half. In other words, it would save the farmer at present rates of consumption $100,000,000 annually on his fertilizer bill and at the same time provide a lower cost factor in the production of food and clothing.

Seventh. It is further proposed by Mr. Ford that he take over the completion of the Wilson Dam and also complete Dam No. 3, which is 17 miles up the river, at cost and without profit, and will pay to the Government 4 per cent interest on whatever amount thus spent, and also provides an amortization fund which will return the expended amount to the Government, together with the property itself at the end of the lease.

What more could we ask than what he has offered? What more could he do than he has offered to do?

Let us therefore make the appropriation as provided in the Senate amendment of $7,500,000, contingent upon and with the hope that before October 1, 1922, we shall have had the time and opportunity to consider and pass upon the Ford offer, favorably, I trust, with the assurance that, when completed, our safety, our peace, our progress, our prosperity, and our happiness as a Nation have been made secure. [Applause.]

Mr. ANTHONY. I yield one minute to the gentleman from Tennessee [Mr. SCOTT].

Mr. SCOTT of Tennessee. Mr. Speaker, I would not represent the people who honored me with a seat in this Chamber should I fail to exert every honorable means for the early acceptance of the Ford offer for the development of Muscle Shoals. [Applause.]

The people of Tennessee believe, and I think rightly so, that the Ford proposal is the only proposition thus far made that is worthy of the dignity of congressional consideration. They have implicit faith in Henry Ford's initiative and business ability. They believe he possesses the genius and vision to realize those ideals which prompted him to propose such a stupendous industrial undertaking. I have observed his matchless and startling success in the industrial world with no little interest. His unparalleled record as a financier justifies the confidence of the country in his ability to get results. It was Henry Ford who first focused the attention of the public on the great possibilities of Muscle Shoals. He said of Muscle Shoals, "Let me have it, and I will make it a wonderful development, something that will open the eyes of the world." Thomas A. Edison, the greatest inventive genius of all ages, after making a personal visit to Muscle Shoals, said, "You ask me the possibilities of Muscle Shoals. I can not tell you; they are so great." Numerous authorities and experts of both national and international prominence have registered their faith in the possibilities of this gigantic water-power site, one of the world's greatest gifts of nature.

Mr. Speaker, my time is too limited to permit a discussion at length of the detailed significance of the Ford offer, and other gentlemen are anxious to be heard. However, at a later date I expect to have more to say, calling the attention of the Congress and the country to what I believe to be a logical and compelling reason why Congress can not afford to refuse to accept the Ford offer.

To me it is most gratifying to note the interest Congress is manifesting in the continued construction of Dam No. 2 at Muscle Shoals. This is a wise policy and warrants the approval of the country. I was especially delighted to hear the distinguished gentleman from Kansas [Mr. ANTHONY] say that recent investigations of Muscle Shoals by certain Members of Congress have convinced many who have heretofore been opposed to additional expenditures by the Government, and that they now believe that construction should be resumed and that Muscle Shoals is indeed one of the Nation's greatest assets.

Mr. Speaker, Muscle Shoals is a national asset, and the question of its development is a national problem; one in which every citizen, be he farmer, merchant, manufacturer, or engaged in any other vocation, should be vitally and sincerely concerned.

Military experts of the country declare that Muscle Shoals adequately developed and scientifically operated would be the Gibraltar of our national defense in time of hostilities. Despite our hope for an ever-enduring and unending peace between our country and the nations of the world let us not be so foolish as to believe that wars will be no more. The recent World War revolutionized both offensive and defensive military operations. It was from the airplane came the most dangerous and disastrous weapon of the foe. Hereafter the nation which holds the supremacy of air will be most able to defend its shores from the invading enemy. With Muscle Shoals completed and in operation it can be immediately converted from a commercial industrial plant into the most powerful munition plant in the world, especially provided with facilities for the manufacture of chemical processes so essential for high explosives.

Do not misconstrue me; I am not a militarist; I would that war would never be again. I only make mention of these facts hoping to impress Congress and the country with the magnitude of the hidden resources of Muscle Shoals. I am not only concerned in the development of Muscle Shoals as an arsenal in time of war but I am more concerned in Muscle Shoals being made a national asset in time of peace. I fervently hope that it may never become necessary to appropriate the facilities of this great enterprise for the manufacture of munitions of war. Mr. Speaker, the impelling reason that prompts me to urge the acceptance of the Ford offer and the early completion of Muscle Shoals is the probable service that can be rendered the great agricultural interests of the country in time of peace.

Recognized authorities, worthy of the confidence of the public, insist that the cheap water power that can be obtained at Muscle Shoals, surrounded as it is by inexhaustible minerals, will make it possible for fertilizers to be manufactured from 25 to 50 per cent less than it can now be purchased. If this contention is correct, and it must be admitted that it has not been successfully refuted even by the most skillful opponent of the Ford proposal, it is the plain duty of Congress to promptly provide this enormous saving for the farmers of the Nation. Other industries are demanding and receiving legislative protection at the hands of Congress, and it has been my privilege and pleasure to support such legislation in many instances. It has also been my pleasure to support in every instance legislation which had for its purpose the promotion of the interest of the farmer. But, Mr. Speaker, I can not refrain from insisting that one of the greatest blessings to the agricultural interests of the country would, in my judgment, be the early completion and operation of Muscle Shoals.

Mr. Speaker, I shall gladly support this $7,500,000 appropriation for the continued construction of Dam No. 2. However, I expect to support the James amendment, hoping that Congress may take some action on the Ford offer before October 1 of this year. Personally I would prefer that construction begin on Dam No. 2 at once, due to the unemployment situation in that section. But the friends of the Ford offer are anxious for the House to act on the committee's report before construction is resumed, and being an enthusiastic supporter of the Ford offer and anxious to expedite its early acceptance I gladly join with those in the policies they think best to pursue.

Mr. Speaker, the consideration of the merits of this important question should not be tainted with politics or influenced by sectional prejudices. I sincerely hope that an opportunity will be presented for the consideration of the committee's report. I want to indorse what the able ranking member of the Military Affairs Committee, Mr. MCKENZIE, of Illinois, said. This Congress is capable of determining this proposition, and it is both legally and morally obligated to perform this duty.

Government ownership and operation of Muscle Shoals would be a departure from the fundamental principles of our industrial, national, time-honored policies. The huge and horrifying losses incurred by the railroad under Government control during the World War are too recent and appalling for this Congress to be so unwise as to again attempt a similar experiment.

Mr. Speaker, Muscle Shoals' magnificent water power not only can be used for the manufacture of cheap fertilizer, saving millions annually to a splendid and patriotic class of citizens, but it will generate electricity which can be used by the surrounding cities hundreds of miles away, thereby stimulating industry, giving employment to thousands of citizens, making happy and prosperous a great and grateful people. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker and gentlemen, I have been very much amused all day listening to the attitude of gentlemen on that side of the House. Last year the Committee on Appropriations was unfriendly to the appropriation for which you then clamored. This year the Committee on Appropriations is friendly to the appropriation which you then clamored for, but which you now refuse. It is rather singular—I can not understand it—that you now insist on talking about a proposal which is not before the House. You say that if we give you the $7,500,000 to carry on the work to complete the dams at Muscle Shoals we will destroy the opportunity for future development. How inconsistent you are! Here is an opportunity to begin a work which will be carried on to completion in the long run. Does anyone deny that if we have a completed project we will be able to sell it for more money than if we have an uncompleted project? We have nothing to sell to-day except a prospect. We propose to have something to sell. It is the business of the Government to get all it can out of what it owns. There is no reason why we should not do so, but you come here and ask us to vote for a proposal that no one knows anything about. We propose to give $7,500,000 now toward the completion of that great work. Let us assume that Henry Ford gets the contract. Does anyone deny if he does we will still be compelled to appropriate money? Henry Ford does not propose to invest money in the completion of this work. He wants the Government to do that. The Committee on Appropriations comes to you with a proposal to invest this money for the completion of the work under the direction of its own engineers and you decline it.

You say the appropriation must not be made or, if made, it must not be made available. How inconsistent that is. The Secretary of War says that we ought to go forward with the work. He recommends the appropriation of $7,500,000. He says that we can spend $7,500,000 a year economically, and that we can at this rate of expenditure complete the work in a reasonable time. Does anyone deny the ability of the Army engineers to supervise the completion of this work or the expenditure of this money? I want to appeal to the men here to vote the $7,500,000 recommended by the Committee on Appropriations without restrictions, and then later on, if you have any proposal that means a contract with anybody—Ford or anybody else—bring it forward, and let us consider it on its merits and not become compelled to consider a proposition hogtied by conditions placed on appropriations.

Mr. GARRETT of Tennessee. We would be very glad to have the proposition brought forward now for consideration.

Mr. MADDEN. The gentleman knows better than anybody in the House, from his own legislative experience, that it is not possible in the present legislative condition in the House to do so.

Mr. MANN. If the House should pass the bill now, it would not hasten the final completion.

Mr. GARRETT of Tennessee. It would indicate the policy of the House.

Mr. MANN. But it would not hasten the event.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the amendment and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. HUDDLESTON] to concur with a substitute amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GARRETT of Tennessee. Division, Mr. Speaker.

The House proceeded to divide.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 132, not voting 180, as follows:

YEAS—118.

Almon	Bell	Bowling	Bulwinkle
Aswell	Bird	Box	Byrnes, S. C.
Bankhead	Blakeney	Brand	Byrns, Tenn.
Barbour	Bland, Va.	Briggs	Cable
Barkley	Bowers	Browne, Wis.	Carew

Collier	Huddleston	Mapes	Sisson
Collins	Hudspeth	Martin	Smith, Mich.
Connally, Tex.	Jacoway	Mead	Smithwick
Cooper, Wis.	James	Michaelson	Speaks
Cramton	Jeffers, Ala.	Michener	Steagall
Crisp	Jones, Tex.	Moore, Ohio	Sumners, Tex.
Cullen	Keller	Moore, Va.	Taylor, Tenn.
Curry	Kelley, Mich.	Morgan	Thomas
Davis, Tenn.	Kelly, Pa.	Norton	Thompson
Dominick	Kincheloe	O'Connor	Tillman
Doughton	King	Oldfield	Tyson
Dowell	Kissel	Oliver	Upshaw
Dupré	Kopp	Pou	Vinson
Favrot	Lampert	Quin	Voigt
Fulmer	Lanham	Rainey, Ill.	Ward, N. C.
Garner	Lankford	Raker	Wheeler
Garrett, Tenn.	Larsen, Ga.	Rankin	Williams, Ill.
Gernerd	Lazaro	Ricketts	Williams, Tex.
Griffin	Lea, Calif.	Sanders, N. Y.	Wood, Ind.
Hammer	Lee, Ga.	Sanders, Tex.	Woodruff
Hardy, Tex.	Linthicum	Sandlin	Woods, Va.
Harrison	Lowrey	Schall	Wright
Hawes	McDuffie	Scott, Mich.	Wurzbach
Hayden	McKenzie	Sears	
Hogan	Mansfield	Sinnott	

NAYS—132.

Ackerman	Elliott	Knutson	Ramseyer
Anderson	Ellis	Kraus	Reece
Andrew, Mass.	Faust	Kreider	Rhodes
Andrews, Nebr.	Fess	Leatherwood	Riddick
Ansorge	Fish	Lehlbach	Rose
Anthony	Fisher	Lineberger	Scott, Tenn.
Appleby	Focht	Little	Shaw
Atkeson	Fordney	London	Shreve
Begg	Free	Luhring	Slemp
Benham	French	McArthur	Smith, Idaho
Bixler	Frothingham	McLaughlin, Mich.	Snell
Bland, Ind.	Funk	McLaughlin, Nebr.	Sproul
Boies	Gensman	McPherson	Stafford
Brooks, Ill	Glynn	Madden	Steenerson
Burdick	Goodykoontz	Magee	Strong, Kans.
Burroughs	Gorman	Mann	Strong, Pa.
Cannon	Graham, Ill.	Miller	Sweet
Chalmers	Green, Iowa	Mills	Swing
Chandler, Okla.	Hadley	Millspaugh	Taylor, N. J.
Chindblom	Hardy, Colo.	Mondell	Temple
Christopherson	Haugen	Moore, Ill.	Timberlake
Clouse	Hawley	Moores, Ind.	Tincher
Cole, Iowa	Hays	Mott	Tinkham
Cole, Ohio	Herrick	Murphy	Towner
Connell	Hickey	Nelson, Me.	Vaile
Coughlin	Hill	Nelson, A. P.	Volstead
Crago	Hoch	Newton, Minn.	Walsh
Crowther	Hull	Newton, Mo.	Walters
Dale	Johnson, S. Dak.	Ogden	White, Kans.
Darrow	Johnson, Wash.	Parker, N. J.	White, Me.
Dempsey	Jones, Pa.	Porter	Williamson
Denison	Kline, N. Y.	Pringey	Winslow
Dyer	Kline, Pa.	Purnell	Woodyard

NOT VOTING—180.

Arentz	Fenn	Lawrence	Robsion
Bacharach	Fields	Layton	Rodenberg
Beck	Fitzgerald	Lee, N. Y.	Rogers
Beedy	Foster	Logan	Rosenbloom
Black	Frear	Longworth	Rossdale
Blanton	Freeman	Luce	Rouse
Bond	Fuller	Lyon	Rucker
Brennan	Gahn	McClintic	Ryan
Britten	Gallivan	McCormick	Sabath
Brooks, Pa.	Garrett, Tex.	McFadden	Sanders, Ind.
Brown, Tenn.	Gilbert	McLaughlin, Pa.	Shelton
Buchanan	Goldsborough	McSwain	Siegel
Burke	Gould	MacGregor	Sinclair
Burtness	Graham, Pa.	Maloney	Snyder
Burton	Greene, Mass.	Merritt	Stedman
Butler	Greene, Vt.	Montague	Stephens
Campbell, Kans.	Griest	Montoya	Stevenson
Campbell, Pa.	Henry	Morin	Stiness
Cantrill	Hersey	Mudd	Stoll
Carter	Hicks	Nelson, J. M.	Sullivan
Chandler, N. Y.	Himes	Nolan	Summers, Wash.
Clague	Hooker	O'Brien	Swank
Clark, Fla.	Hukriede	Olpp	Tague
Clarke, N. Y.	Humphreys	Osborne	Taylor, Ark.
Classon	Husted	Overstreet	Taylor, Colo.
Cockran	Hutchinson	Padgett	Ten Eyck
Codd	Ireland	Paige	Tilson
Colton	Jefferis, Nebr.	Park, Ga.	Treadway
Connolly, Pa.	Johnson, Ky.	Parker, N. Y.	Tucker
Cooper, Ohio	Johnson, Miss.	Parks, Ark.	Underhill
Copley	Kahn	Patterson, Mo.	Vare
Dallinger	Kearns	Patterson, N. J.	Vestal
Davis, Minn.	Kendall	Perkins	Volk
Deal	Kennedy	Perlman	Ward, N. Y.
Dickinson	Ketcham	Petersen	Wason
Drane	Kiess	Radcliffe	Watson
Drewry	Kindred	Rainey, Ala.	Weaver
Driver	Kinkaid	Ransley	Webster
Dunbar	Kirkpatrick	Rayburn	Wilson
Dunn	Kitchin	Reber	Wingo
Echols	Kleczka	Reed, N. Y.	Wise
Edmonds	Knight	Reed, W. Va.	Wyant
Evans	Kunz	Riordan	Yates
Fairchild	Langley	Roach	Young
Fairfield	Larson, Minn.	Robertson	Zihlman

So the substitute was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. Kinkaid (against) with Mr. Padgett (for).

Until further notice:

Mr. Clarke of New York with Mr. Drewry.

Mr. Stiness with Mr. McClintic.

Mr. Beck with Mr. Drane.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kahn with Mr. Cantrill.

Mr. Langley with Mr. Clark of Florida.

Mr. Kennedy with Mr. Fields.

Mr. Bacharach with Mr. Park of Georgia.

Mr. Osborne with Mr. Wingo.

Mr. Kearns with Mr. Logan.

Mr. Patterson of New Jersey with Mr. Campbell of Pennsylvania.

Mr. Arentz with Mr. Rainey of Alabama.

Mr. Kendall with Mr. Garrett of Texas.

Mr. Burtness with Mr. Stoll.

Mr. Gahn with Mr. Rucker.

Mr. Campbell of Kansas with Mr. Rayburn.

Mr. Brennan with Mr. Goldsborough.

Mr. Robsion with Mr. Johnson of Kentucky.

Mr. Patterson of Missouri with Mr. O'Brien.

Mr. Colton with Mr. Riordan.

Mr. Ryan with Mr. Deal.

Mr. Fenn with Mr. Taylor of Arkansas.

Mr. Griest with Mr. Overstreet.

Mr. Henry with Mr. Kunz.

Mr. Davis of Minnesota with Mr. Sabath.

Mr. Cooper of Ohio with Mr. Taylor of Colorado.

Mr. Maloney with Mr. Kindred.

Mr. Reed of West Virginia with Mr. Larsen of Georgia.

Mr. Luce with Mr. Kitchin.

Mr. Lee of New York with Mr. Sullivan.

Mr. Larson of Minnesota with Mr. Stedman.

Mr. Greene of Massachusetts with Mr. Swank.

Mr. Frear with Mr. Stevenson.

Mr. Paige with Mr. Gallivan.

Mr. Hutchinson with Mr. Parks of Arkansas.

Mr. Codd with Mr. Humphreys.

Mr. Olpp with Mr. Gilbert.

Mr. Reed of New York with Mr. Hooker.

Mr. Hukriede with Mr. Montague.

Mr. Dickinson with Mr. McSwain.

Mr. Hicks with Mr. Weaver.

Mr. Fuller with Mr. Carter.

Mr. Chandler of New York with Mr. Wilson.

Mr. Fairfield with Mr. Black.

Mr. Sinclair with Mr. Blanton.

Mr. Treadway with Mr. Wise.

Mr. Snyder with Mr. Tague.

Mr. Volk with Mr. Ten Eyck.

Mr. Wason with Mr. Tucker.

Mr. Yates with Mr. Johnson of Mississippi.

Mr. Wyant with Mr. Lyon.

Mr. Webster with Mr. Cockran.

Mr. Watson with Mr. Buchanan.

Mr. WEAVER. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. WEAVER. I was in the House and did not hear my name called. I was in the cloakroom when my name was called the second time.

The SPEAKER. The gentleman does not qualify. Was he present when his name was called? The Chair leaves it to the gentleman to answer. Was the gentleman present and listening?

Mr. WEAVER. I do not think I was. I know there was an aye-and-no vote. I came in late.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague from Tennessee [Mr. PADGETT] is ill at his home and has been unable to be here on that account. He was one of those who was largely instrumental in locating the nitrate plant at Muscle Shoals, and he has been very active in bringing about its improvement and also the acceptance of the Ford offer. If he were here, he would have voted for this amendment, and would vote for the James amendment and for the appropriation.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. JAMES].

The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. JAMES. A division, Mr. Speaker.

The SPEAKER. The gentleman from Michigan asks for a division.

The House divided; and there were—ayes 113, noes 86.

Mr. ANTHONY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those who favor the amendment of the gentleman from Michigan [Mr. JAMES] will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 144, nays 107, not voting 179, as follows:

YEAS—144.

Almon	Dupré	Larsen, Ga.	Sanders, N. Y.
Aswell	Dyer	Lazaro	Sanders, Tex.
Bankhead	Favrot	Lea, Calif.	Sandlin
Barbour	Fish	Lee, Ga.	Schall
Barkley	Fulmer	Linthicum	Scott, Mich.
Bell	Garner	Little	Scott, Tenn.
Bird	Garrett, Tenn.	Lowrey	Sears
Blakeney	Gernerd	McDuffie	Sinnott
Bland, Ind.	Glynn	McKenzie	Sisson
Bland, Va.	Gorman	McLaughlin, Mich.	Smith, Mich.
Boies	Graham, Ill.	Mansfield	Smithwick
Bowers	Griffin	Mapes	Speaks
Bowling	Hammer	Martin	Steagall
Box	Hardy, Colo.	Mead	Steenerson
Brand	Hardy, Tex.	Michaelson	Strong, Kans.
Briggs	Harrison	Michener	Sumners, Tex.
Browne, Wis.	Hawes	Miller	Sweet
Bulwinkle	Hayden	Moore, Ohio	Swing
Byrnes, S. C.	Hoch	Moore, Va.	Taylor, Tenn.
Byrns, Tenn.	Hogan	Morgan	Thomas
Cable	Huddleston	Nelson, A. P.	Thompson
Carew	Hudspeth	Newton, Mo.	Tillman
Clague	Jacoway	Norton	Tincher
Clouse	James	O'Connor	Tyson
Collier	Jeffers, Ala.	Ogden	Upshaw
Collins	Jones, Tex.	Oldfield	Vinson
Connally, Tex.	Keller	Oliver	Voigt
Cooper, Wis.	Kelley, Mich.	Park, Ga.	Weaver
Cramton	Kelly, Pa.	Pou	Wheeler
Crisp	Kincheloe	Quin	Williams, Ill.
Cullen	King	Rainey, Ill.	Williams, Tex.
Curry	Knutson	Raker	Wood, Ind.
Davis, Tenn.	Kopp	Rankin	Woodruff
Dominick	Lampert	Reece	Woods, Va.
Doughton	Lanham	Ricketts	Wright
Dowell	Lankford	Rose	Wurzbach

NAYS—107.

Ackerman	Dempsey	Kissel	Pringey
Anderson	Denison	Kline, N. Y.	Purnell
Andrew, Mass.	Echols	Kline, Pa.	Ramseyer
Andrews, Nebr.	Elliott	Kraus	Rhodes
Ansorge	Ellis	Kreider	Riddick
Anthony	Faust	Leatherwood	Shaw
Appleby	Fess	Lehlbach	Shreve
Atkeson	Fisher	Lineberger	Slemp
Begg	Focht	London	Smith, Idaho
Benham	Fordney	Luhring	Snell
Bixler	Free	McArthur	Sproul
Brooks, Ill.	French	McLaughlin, Nebr.	Stafford
Burdick	Frothingham	McPherson	Strong, Pa.
Burroughs	Funk	Madden	Taylor, N. J.
Cannon	Gensman	Magee	Temple
Chalmers	Goodykoontz	Mann	Timberlake
Chandler, Okla.	Green, Iowa	Mills	Tinkham
Chindblom	Hadley	Millspaugh	Towner
Christopherson	Haugen	Mondell	Vaile
Cole, Iowa	Hawley	Moore, Ill.	Volstead
Cole, Ohio	Hays	Moores, Ind.	Walsh
Connell	Hickey	Mott	White, Kans.
Coughlin	Hill	Murphy	White, Me.
Crago	Hull	Nelson, Me.	Williamson
Crowther	Johnson, S. Dak.	Newton, Minn.	Winslow
Dale	Johnson, Wash.	Parker, N. J.	Woodyard
Darrow	Jones, Pa.	Porter	

NOT VOTING—179.

Arentz	Dickinson	Hukriede	McLaughlin, Pa.
Bacharach	Drane	Humphreys	McSwain
Beck	Drewry	Husted	MacGregor
Beedy	Driver	Hutchinson	Maloney
Black	Dunbar	Ireland	Merritt
Blanton	Dunn	Jefferis, Nebr.	Montague
Bond	Edmonds	Johnson, Ky.	Montoya
Brennan	Evans	Johnson, Miss.	Morin
Britten	Fairchild	Kahn	Mudd
Brooks, Pa.	Fairfield	Kearns	Nelson, J. M.
Brown, Tenn.	Fenn	Kendall	Nolan
Buchanan	Fields	Kennedy	O'Brien
Burke	Fitzgerald	Ketcham	Olpp
Burtness	Foster	Kiess	Osborne
Burton	Frear	Kindred	Overstreet
Butler	Freeman	Kinkaid	Padgett
Campbell, Kans.	Fuller	Kirkpatrick	Paige
Campbell, Pa.	Gahn	Kitchin	Parker, N. Y.
Cantrill	Gallivan	Kleczka	Parks, Ark.
Carter	Garrett, Tex.	Knight	Patterson, Mo.
Chandler, N. Y.	Gilbert	Kunz	Patterson, N. J.
Clark, Fla.	Goldsborough	Langley	Perkins
Clarke, N. Y.	Gould	Larson, Minn.	Perlman
Classon	Graham, Pa.	Lawrence	Petersen
Cockran	Greene, Mass.	Layton	Radcliffe
Codd	Greene, Vt.	Lee, N. Y.	Rainey, Ala.
Colton	Griest	Logan	Ransley
Connolly, Pa.	Henry	Longworth	Rayburn
Cooper, Ohio	Herrick	Luce	Reber
Copley	Hersey	Lyon	Reed, N. Y.
Dallinger	Hicks	McClintic	Reed, W. Va.
Davis, Minn.	Himes	McCormick	Riordan
Deal	Hooker	McFadden	Roach
Robertson	Siegel	Taylor, Ark.	Ward, N. C.
Robsion	Sinclair	Taylor, Colo.	Wason
Rodenberg	Snyder	Ten Eyck	Watson
Rogers	Stedman	Tilson	Webster
Rosenbloom	Stephens	Treadway	Wilson
Rossdale	Stevenson	Tucker	Wingo
Rouse	Stiness	Underhill	Wise
Rucker	Stoll	Vare	Wyant
Ryan	Sullivan	Vestal	Yates
Sabath	Summers, Wash.	Volk	Young
Sanders, Ind.	Swank	Walters	Zihlman
Shelton	Tague	Ward, N. Y.	

So the amendment of Mr. JAMES was agreed to.

The Clerk announced the following additional pair:

Until further notice:

Mr. Knight with Mr. Ward of North Carolina.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

Mr. MANN. How about the motion to concur with an amendment?

The SPEAKER. The motion to concur in the Senate amendment with an amendment was included in the gentleman's motion. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 230: Page 147, after the figures "$226,000" in line 16, strike out "*Provided*, That moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment the appropriations made herein under the heads of 'Current expenses,' 'Repairs,' and 'Farm.'"

Mr. ANTHONY. I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate numbered 230 and agree to the same with an amendment as follows:

Restore the matter stricken out of said amendment amended so as to read—

"For the fiscal year 1924, and annually thereafter, moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for the support, maintenance, and care of World War veterans shall not be used to augment the appropriations made for the support of the National Home for Disabled Volunteer Soldiers.

"The provision in this act that 'the Governor of the Panama Canal, so far as the expenditures of appropriations contained in this act may be under his direction, shall, when it is more economical, purchase needed materials, supplies, and equipment from available surplus or reserve stock of the War Department,' shall not apply as to reserve stocks when purchases are made for the Panama Canal proper."

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. GARRETT of Tennessee. There seems to be a provision here for expenses for 1924.

Mr. ANTHONY. The appropriations for soldiers' homes are now considerably augmented by money received from the Veterans' Bureau for the care of veterans, and they can use those moneys for the support of the homes in addition to those that we appropriate in this bill. Congress now has no control whatever over those specific appropriations, augmented as they are by these large amounts from the Veterans' Bureau. So we provide that next year these appropriations for the support of the homes must stand on their own bottom, and that Congress must appropriate the entire amount of money necessary for their conduct.

Mr. GARRETT of Tennessee. There is a provision in the Constitution about not making appropriations for the Army for more than two years.

Mr. ANTHONY. I will say to the gentleman I do not think that will interfere with that; it provides that for the next fiscal year Congress makes the entire appropriation; and it will force an estimate for the entire appropriation.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. VOIGT) there were 200 ayes and 30 noes.

Mr. VOIGT. Mr. Speaker, I make a point of no quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. The Chair will count. [After counting.] Two hundred and seventeen Members are present; the ayes have it, and the motion is agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STEDMAN, for 10 days, on account of important business.

To Mr. REED of West Virginia, for 10 days, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3690. An act for the relief of Lowe Hayden Bibby.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 6110. An act amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3690. An act for the relief of Lowe Hayden Bibby; to the Committee on Naval Affairs.

WITHDRAWAL OF PAPERS.

Mr. RAINEY of Illinois by unanimous consent was given leave to withdraw from the files of the House, without leaving copies, papers in the case of William Knowrek, Sixty-seventh Congress, no adverse report having been made thereon.

Also to withdraw from the files of the House, without leaving copies, the papers in the case of John Marks, alias John Bell, Sixty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Sunday, June 25, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. S. 3580. An act to extend the time for the construction of a bridge across the Red River of the North at or near the city of Pembina, N. Dak.; without amendment (Rept. No. 1137). Referred to the House Calendar.

Mr. ANDREWS of Nebraska: Committee on Election of President, Vice President, and Representatives in Congress. H. R. 11971. A bill providing for publicity of contributions made for the purpose of influencing general or special elections at which Representatives in Congress and Members of the United States Senate are elected; with amendments (Rept. No. 1138). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 12053. A bill to define butter and to provide a standard therefor; with amendments (Rept. No. 1141). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BLAND of Indiana: Committee on Invalid Pensions. H. R. 12157. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1139). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARDY of Texas: A bill (H. R. 12155) to provide for a site and public building at Mexia, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MILLSPAUGH: A bill (H. R. 12156) to amend the War Finance Corporation act by providing for advances to drainage and levee districts; to the Committee on Banking and Currency.

By Mr. BLAND of Indiana: A bill (H. R. 12157) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. VOIGT: Joint resolution (H. J. Res. 355) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 356) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ELLIS: Joint resolution (H. J. Res. 357) granting the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo.; the taxation thereof, and exercise of eminent domain in connection therewith by each State; to the Committee on the Judiciary.

By Mr. A. P. NELSON: Resolution (H. Res. 381) providing for the continuation of the decoration of the House wing of the Capitol; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW of Massachusetts: A bill (H. R. 12158) for the relief of Theodore F. Howe; to the Committee on Naval Affairs.

By Mr. BALDWIN: A bill (H. R. 12159) for the relief of D. H. MacAdam; to the Committee on Claims.

By Mr. BRENNAN: A bill (H. R. 12160) for the relief of Vincent Kolencik; to the Committee on Claims.

By Mr. COOPER of Ohio: A bill (H. R. 12161) granting a pension to Alice Campbell; to the committee on Invalid Pensions.

By Mr. ECHOLS: A bill (H. R. 12162) granting a pension to Georgia Ann Scarbrough; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 12163) for the relief of William M. Pollock; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 12164) granting a pension to Cora Campbell; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 12165) granting an increase of Pension to Charles W. Stigers; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12166) for the relief of A. A. Gates, jr.; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 12167) granting a pension to Charles R. Stephens; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 12168) granting an increase of pension to Rachel Baxter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6068. By Mr. ANSORGE: Petition of the Richard J. McNally Post No. 263, American Legion, New York City, indorsing the provisions contained in House bill 12021, known as the merchant marine act of 1922, to provide Government subsidy for American-owned merchant vessels; to the Committee on the Merchant Marine and Fisheries.

6069. By Mr. KISSEL: Petition of 52 New York City residents, of the lithograph trade, relative to the pending tariff bill and American valuation; to the Committee on Ways and Means.

6070. By Mr. LINTHICUM: Petition of N. T. Tongue, of Standard Accident Insurance Co., Baltimore, favoring Underhill bill (H. R. 9546); to the Committee on the District of Columbia.

6071. Also, petition of Easter Airways, Baltimore, urging prompt passage of Wadsworth bill (H. R. 3076); to the Committee on Interstate and Foreign Commerce.

6072. Also, petition of Gregory Lambert, Baltimore, favoring Bursum-Morgan pension bill; to the Committee on Invalid Pensions.

6073. By Mr. MURPHY: Memorial of Columbiana Council, Veterans of Foreign Wars, East Liverpool, Ohio, relative to aliens being exempt from military service and then obtaining citizenship; to the Committee on Immigration and Naturalization.

6074. By Mr. TEMPLE: Petition of evidence in support of House bill 12117, granting a pension to James A. Moniger, Company B, Fifty-eighth Regiment Pennsylvania Volunteer Infantry; to the Committee on Invalid Pensions.

6075. By Mr. WEBSTER: Four petitions of residents of College Place, Walla Walla, and vicinity, State of Washington, requesting that Congress do not pass House bills 9753 and 4388 or Senate bill 1948, measures now pending providing for changes in the Sunday observance laws of the District of Columbia, or any other such bills; to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 25, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. CURRY as Speaker pro tempore.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

We come to Thy presence, almighty, everlasting, all-knowing, and all-loving God, worshipping Thee with our hearts, our lips, and our lives. We thank Thee for those who laid the foundations of our Government, pledging their lives, their property, and their sacred honor. We thank Thee for those who have built upon those foundations. Some are living to-day, still devoted to the service of country and of people. Some have passed away, leaving their work behind them. In memory of them we meet to-day. May we be as patriotic, as thoroughgoing, as true, as strong, as active as they, and may the days that are to come see the faith and glory of God, and the progress of this Nation in all good things. Bless those who sit in loneliness and sadness to-day. Keep us day by day by Thy grace and power. Help us to be true men, in courage living lives of honor, truth, and purity, and at last in heaven save each and every one of us with an everlasting salvation. Through Jesus Christ our Lord. Amen.

THE JOURNAL.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the reading of the Journal be deferred until to-morrow.

The SPEAKER pro tempore. If there is no objection it will be so ordered. The Clerk will report the special order for to-day.

THE LATE REPRESENTATIVE ELSTON.

The Clerk read as follows:

On motion of Mr. BARBOUR, by unanimous consent,

Ordered, That Sunday June 25, 1922, be set apart for addresses on the life, character, and public services of Hon. JOHN A. ELSTON, late a Representative from the sixth district of the State of California.

Mr. BARBOUR. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from California offers the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 382.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JOHN ARTHUR ELSTON, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BARBOUR. Mr. Speaker, Hon. JULIUS KAHN, of California, who is absent from the city, has prepared and sent to me an address which he would deliver if he were present. I ask unanimous consent that it be read by the Clerk and printed in the RECORD in 8-point type.

The SPEAKER pro tempore. If there is no objection, the Clerk will read the address of Mr. KAHN.

The Clerk read the address of Mr. KAHN, as follows:

"Mr. Speaker, to pay tribute to the memory of JOHN ARTHUR ELSTON is a sad privilege, but not a difficult task. There is so much to be said in praise of him that choice of matter taxes judgment. If I were to search out, however, the outstanding characteristic of our departed friend's nature, I would emphasize his kindliness. This beautiful quality enveloped him as a mantle and was sufficiently ample to embrace mankind. His was always the open heart and the open hand, and both showered lavishly their gifts upon all that stood in need.

"For his bounty,
There was no winter in't;
An autumn 'twas that grew the more by reaping.

"This disposition was an attribute that marked his course not only in the close realm of the family or in the larger circle of friends; it found an outlet also in the wider sphere of public activities. He was a philanthropist in the best sense of that somewhat overworked and much-abused term, for his interest in betterment of every kind extended not merely to individuals but to communities and to the future of his beloved native State. It showed itself, as an outstanding example, in his solicitude for the conservation of national parks. He labored earnestly and unceasingly for the improvement and the maintenance of those wonderful monuments of nature—the Yosemite and Sequoia National Parks. Those great spaces, a never-failing delight to the traveler, owe much to his watchful care and intelligent labor.

"Mr. ELSTON was in his best years when the grim reaper overtook him. He had graduated with honors from the University of California, and almost immediately acquired an extensive and lucrative legal practice. He was an exceptionally fine student, delving deeply in every subject that engaged his attention.

"In his public career we see him as executive secretary to the Governor of California; as a member of the board of trustees of the State institution for the deaf and blind; as a Regent of the Smithsonian Institution; and, finally, as a Representative in Congress. He served on a number of committees during his seven years as a Member of this House, and wherever he was placed his painstaking diligence, excellent judgment, and fine legal mind made him eminently useful.

"The review of his public labors, however, has been performed so fully by others, Mr. Speaker, that I shall content myself with but a few more words touching the pleasing personality of our friend and colleague.

"His heart was one of those which most enamor us—
Wax to receive, and marble to retain.

"His generosity was boundless, limited only by his means. The necessities of others were always set ahead of his own. His striving for the better and higher gradually led him to a contemplative view of the hereafter. He so shaped his life that it bore fruit from the seed he sowed. Encompassing with his life all that stood close to him; brightening with his gentleness the lives of all whom he touched, his epitaph will be written in the loving memory of thousands.

"There is no death—the thing that we call death
Is but another, sadder name for life,
Which is itself an insufficient name,
Faint recognition of that unknown Life—
That Power whose shadow is the Universe."

Mr. LINEBERGER. Mr. Speaker, my colleague, Hon. HENRY Z. OSBORNE, Representative from the tenth district of California, is ill and in the hospital. If he were here to-day he would pay a fitting tribute to our departed friend and colleague.

Mr. BARBOUR. Mr. Speaker, I have been requested to announce that Representative JOHN I. NOLAN, of California, is unable to be present to-day on account of illness.

Mr. RAKER. Mr. Speaker and gentlemen of the House, it was my pleasure to know personally and well our late colleague, JOHN ARTHUR ELSTON. I knew him shortly after he left the University of California, at which great institution he graduated with high honors. He was shortly thereafter admitted to the Supreme Court of the State of California and at once entered upon the active practice of the law. In that practice Mr. ELSTON'S ability, persistency, capability, honesty, reliability, and desire to work in his chosen profession soon evidenced themselves, so that he was in a position to gather around him a large clientele of men and women who depended upon his judgment and ability. A short time afterwards Mr. ELSTON was appointed executive secretary of the then Governor of California, Mr. Pardee, and ELSTON performed the responsible duties of that position with success and credit to himself, and was of great assistance to the governor and consequently to the people of the State of California. Then Mr. ELSTON again took up the practice of the law. He soon became interested in all the matters in the community in which he lived in and about the Bay of San Francisco, particularly in the city of Berkeley, where he afterwards established a wide and honorable reputation. He joined a partnership and became not only in the law but in financial matters interested with one of the largest institutions of that city, the First National Bank of Berkeley, whose attorney he became, and eventually one of its guiding directors. In all of these matters Mr. ELSTON was successful.

At a fairly early age he married the daughter of one of the professors of the university, a most charming and lovable woman, and that union brought forth three children, who, with their mother, mourn his early departure. Mrs. Elston was of great and lasting help to Mr. ELSTON in his career.

I became acquainted with Mr. ELSTON in his congressional work upon his entry into the Sixty-fourth Congress, and from my personal knowledge of his character and work I want to say that the State of California had no better, more loyal and faithful worker than our departed colleague. The people of his State will miss his services. Many of her institutions will miss his sympathetic aid. He had a deep interest in anything that advanced the State of California. He had a deeper

interest in anything that advanced humanity generally and that was of benefit to the country of which he was a native citizen.

Our colleague was an American not only by birth but by spirit, thought and word, and deed, believing in and carrying out the principles of this Government and the things for which it stands. He wanted to see the great historic landmarks of California perpetuated and her early institutions preserved so that they might be familiar to the present and coming generations. He assisted in every way in upbuilding and preserving those relics. He was very conscientious and earnest in his work for conservation, in building up our national parks, conserving our water supply, and preventing the floods of our rivers from destroying property.

There was no better friend in the House of Representatives during our late colleague's activities on behalf of those much abused but neglected Indians of our State who ought to have had and really need care, assistance, and encouragement. JOHN ARTHUR ELSTON was their friend. He gave of his ability and work in assisting them in attempting to secure the rights that honestly, fully, and fairly belonged to them. I have felt, and these people have felt, and their friends have felt, the untimely loss of our colleague and his early leaving them without his aid and assistance. Mr. ELSTON was a loyal friend. He was a conscientious legislator. He was a man of splendid ability. He realized the value of a friend, and fully appreciated the responsibilities of a public official, and, to my estimate and judgment of him, he tried at all times to meet up with what every public official ought to do, looking always forward and never backward, for the purpose of the general development, better conditions, and better opportunities for those who still remain. The family will miss him and his place can not be supplied. The city of Berkeley will mourn his loss and the State of California has lost a true and trusted and tried friend; the Nation has lost one of its best legislators and faithful servants.

Mr. LEA of California. Mr. Speaker, when our friend and colleague, JOHN A. ELSTON, passed from this life he left in the membership of this House a universal feeling of loss. As a friend and associate of Mr. ELSTON from his State, I felt that loss personal. In my acquaintance I knew him as a congenial, sincere, and unselfish friend. I appreciated him as a Representative in Congress. Having a more or less intimate knowledge of his high motives and useful service here, I felt his passing was a loss to our State and country.

Mr. ELSTON was a modest man. Though he had been many years in public life, he had nothing of that cunning insincerity that in popular opinion is associated with the name "politician." He was broad in his conception of duty and opportunity. He had an ideal and standard of public service that far removed him from the career of the mere time server and that made repugnant to him a slavish adherence to merely partisan movements. He brought to the membership of this House a clean mind, keen in its perceptions, a self-relying thoughtfulness, a modest courage, and a progressive purpose that has made his career one of honor to himself and of usefulness and fidelity to his State and country.

As his years of membership increased, so too did his experience, his responsibility, and his usefulness. As the sphere of his action and influence broadened his duties multiplied, and the more he was known and trusted the more increasingly and implicitly he enjoyed the regard, confidence, and the affection of his fellow Members. He assumed positions of responsibility in which he proved his initiative and good judgment.

From the day of his entrance into Congress until the hour when fate removed him, he never lost but steadily gained in the friendship, respect, and affection of our Members. In the hour of his greatest usefulness, while seemingly many years of happiness and opportunity belonged to him, the end came, and the account of his life was closed. The balance sheet has been struck, and none will deny that Mr. ELSTON left behind him a memory of kindness, of service, of fidelity to duty that has earned the affectionate memory of friends, the love of kindred, and the gratitude of the people of his State.

Our common sense and experience, aided by the scientific inventions of man, have enabled us to accurately ascertain the weight, value, and the quality of nearly all things earthly. But the genius of man has been unable to accurately measure the worth, value, and service of a human being. We may know definitely of man's good deeds and his service, but their value can never be defined or limited. A life of service excites our approval and our praise, but who has the temerity to definitely place the limit of its value?

Some one has said that no one knows how far a little light burning in the darkness may cast its rays. No one knows how far and how unending may be the influence of a cheerful word, an encouraging thought, a faithful service, or of an inspiring deed. All are conscious of these things. Where is the man or woman so devoid of susceptibility, appreciation, and inspiration that they can not recount simple inspiring words or deeds of others that have contributed to their own development of character, moral uprightness, happiness, and material success? Happily for civilization the upbuilding influence thus set in motion gains momentum and moves along from year to year, person to person, and from generation to generation. Countless numbers may be unconsciously blessed by the inspiring action, the memory of which has long passed away.

The most humble of men, depressed by the thought of how little he may bring into the world to make it better and happier, may yet find hope and inspiration in the thought that to everyone is given the opportunity to be the author of those kindly ministrations from which others may find renewed hope, inspiration, and useful service of unmeasured and unending value.

The work of Congress to the individual Member is largely without those concrete results that give man a sense of accomplishment and satisfaction that can not be quite equaled otherwise. Our Member of greatest ability and fidelity is only one of 435 Members. His contribution to the work of Congress, to legislation, and to the attainment of the purposes and ideals of the Republic are merged in the aggregate results of our labors.

None are so necessary, so important, or so powerful but that they may pass out of our portals to-day, and to-morrow the great machinery of government moves on, giving little or no indication of the change or of its loss.

It is well that such is true. Ill fortune, indeed, would it be if the passing of an individual should long remain a calamity to our country or mar its progress.

The ambitious may serve here and in the hour of success, I doubt not, even our greatest and most worthy statesmen have been keenly conscious of failing to make that contribution to the welfare of their country to which their industry, their patriotism, and their genius disposed them.

In this great legislative body, composed of representatives of 110,000,000 people, there is yet no better test of service than the Savior applied when He said, "She hath done what she could." For him upon whom that praise can be bestowed there can be no higher reward.

In his service here, in committee room, in his association with our membership, in his votes, and on the floor of this House, Mr. ELSTON earned that commendation.

The humblest of Members sent here to represent the people of the Nation acts in a position of great responsibility and opportunity. His votes contribute to the weal or woe of the Nation. His wisdom or his folly or his fidelity or his faithlessness, his independence or his subservience, his courage or his cowardice, is transmitted into laws of the land and the administration of the Government. When his personal or political welfare is in conflict with the interests of the State, whose interest shall he sacrifice—his own or his country's? Then, who will minimize the Member's task?

Mr. ELSTON met that task. His service was never ostentatious, but always useful, worthy, and intelligent.

Mr. BARBOUR. Mr. Speaker, we have met to-day in honor of the memory of our late colleague, JOHN ARTHUR ELSTON, of California. Congressman ELSTON was truly a high type of American citizen and a splendid specimen of western manhood. Born in California, the son of Allen Mandeville and Florence Elliott Elston, he there reached man's estate, and during his entire lifetime California was his home. He was educated at Hesperian College, of which his father was president, and later at the University of California. Always a lover of nature and the great outdoors, he imbibed the spirit of broad-minded toleration that ever characterized his associations with his fellow men.

He was a student and the search for knowledge held for him a fascination. As a member of the legal profession his power of deduction, his clear analytical thinking, his logic, placed him in the front rank.

JOHN ARTHUR ELSTON occupied a prominent place in the public life of his State. As executive secretary of Gov. George C. Pardee he performed the duties of that responsible office with marked ability. His responsibilities as a citizen and his civic duties were met and performed with courage, efficiency, and generosity.

Four times he was honored by the people of his district by being chosen as their Representative in the Congress of the United States. As a legislator he was honest, courageous, and

independent. In matters of legislation the human element was never overlooked and he was always an advocate of laws which improved the conditions of men and tended to create for humanity higher standards and higher ideals.

I can not forget his generosity to me when I was first elected to Congress. Though we were strangers, he wrote to me offering his assistance and advice. I came to know him as a friend before I had made his acquaintance. I did not hesitate to seek his aid, and to me he was a real colleague. During our service in this House he was ever helpful, and his kindly interest in my problems and his generous cooperation in their solution caused a realization of the fact that he was a true friend in every sense of the word.

In politics JOHN ARTHUR ELSTON always stood for the better things. He deplored conditions which gave power and control to the few at the expense of the many. He believed that the people were fully capable of selecting their own candidates, electing their own officials, and administering their own Government. Always a stanch advocate of clean politics, he knew no political boss and recognized fealty only to the people.

He was a delightful companion. His keen intellect, ready wit, and well-timed humor, his happy manner of expression, insured him a welcome in any company. His companionship was sought by his colleagues and friends, and his fund of information enlightened any conversation. A ready controversialist, an ardent advocate, he bore no animosities, but always entertained the friendliest feelings for an opponent and recognized fully the right of anyone to hold a contrary opinion.

Those who knew Congressman ELSTON realize that in his passing they have lost a true friend, and they wish for him eternal happiness in the world beyond.

Mr. FREE. Mr. Speaker, death is always enshrouded in mystery, but in the death of Mr. ELSTON it is doubly enshrouded in mystery. He attained success in all his undertakings that had come to him. Loved and respected by all, yet by a trick of fate his life was ended. May we therefore ask:

What is life? A sigh, a tear,
A something working dark and drear;
A flash of joy, an hour of woe,
A thought of happiness, when, lo,
The messenger of death draws nigh,
His finger pointed to the sky;
It gently falls, glides over hearts;
The curtain falls, we've played our parts.

And so it was with our late colleague. To the wife and children who were left behind it is hard to bear, but let them remember that those who knew him will always remember him as a dutiful husband, a loving father, a conscientious citizen, a faithful and respected public servant.

Death is always hard to explain. Down through the centuries scholars have written, scientists have endeavored to explain, and religious teachers have tried to ease off the terror of death, and yet out of the darkness, out of our memory simply comes the thought that somehow, some day, we will understand; that out of the grief and sorrow and tragedy of life, out of the pains of the stricken minds and hearts, have arisen great thoughts and great deeds of this world. And I think we may well say that somehow the eyes that have been washed with tears come to have a clearer vision of the beauty of holiness and of service and of God. To those of us who knew JOHN ARTHUR ELSTON well I believe we can feel and say that—

His sun went down in the morning,
While all was fair and bright,
But it was not an eclipse of darkness
That hid him from our sight,
For the valley of death was brighter
Than the hills of the life he trod
And the peace that fell on his spirit
Was the calm, deep peace of God.
His sun went down in the morning
While all was fair and bright,
But it shines to-day on the hills far away
In the land that knows no night.

Mr. SWING. Mr. Speaker, I am unwilling to allow this occasion to pass without saying a few words in memory of him whom I am proud to have called my friend.

JOHN ARTHUR ELSTON commanded the respect and esteem of all who knew him. On first impression his retiring disposition, his quiet and unassuming manner attracted little attention, but on further acquaintance one came to a fuller realization of his many sterling qualities which in any community and in any body of men won him a place among its leaders. He was highly educated, a lover of art and nature, but above all he was a lover of his home and his family, which were always his first concern, and of whom he was justly proud. He was, in every sense of the word, an honorable and refined gentleman. No act in his whole life could be justly made the foundation of any criticism whatsoever. He did no man a wrong, but on the contrary his life was one of labor and effort in behalf of others. He possessed a high sense of duty and gave to the people of his district and of the Nation a loyal and patriotic service. He sought no public honors, but his intrinsic merit and worth marked him as the man who was best capable of representing his district, and so his neighbors drafted him and sent him here, where he served with honor to them and to himself, and where he could have continued to serve as long as he desired.

However, some phases of public life were not to his liking. He was sensitive by nature, and being himself kindly and sympathetic he expected the same of others. Although he saw much of public life, he never became reconciled to that seemingly necessary incident of public service, the ordinary, everyday criticisms that come to all public officials, and which, like the rain, falls on the just and the unjust alike.

He possessed a mind of extraordinary ability. It worked incessantly and at lightning speed, and the regret is that nature did not see fit to endow it with a stronger body, better able to nourish and support it. Notwithstanding his physical frailty, he continued always to give to his work unselfishly of all that he possessed. His life was a life of service and endeavor for others.

No man in this House ever tried more conscientiously to represent his constituents, more worthily to perform his duties, or more faithfully to discharge his trust than JOHN ARTHUR ELSTON. It is fitting that his place has not yet been filled, and among his friends it can never be filled by another.

Mr. LINEBERGER. Mr. Speaker, the fitting tributes which have been paid here to-day to our late colleague and friend are, unfortunately, those which only mere words can utter, but down in the hearts not only of the California delegation but of every Member of this House there is a deeper tribute to which words can never adequately give expression. Upon my arrival in Washington as a Member of the Sixty-seventh Congress, it was my honor and great pleasure to soon form the acquaintance of our friend, JOHN ARTHUR ELSTON. His sympathetic nature, his kindly word, his attitude of tolerance toward all mankind soon endeared him to me. His offers of assistance, his suggestions were of no mean value in those first days which every new Member has to experience, and so it was that in the course of his public career he never lost sight of those human and homely qualities which are not only the essence of good-fellowship but are the marks of highest statesmanship.

Our friend, as has been said here to-day, was taken from us in the prime of life and in the prime of achievement. In leaving us as he did we recognize that that great problem of death, to which my colleague, Mr. FREE, has referred, remains to us an insoluble mystery. We miss him, the country, the State, the community which he served miss him. The wife and the beautiful children whom he left behind will miss him now and will miss him more in years to come. However, Mr. Speaker, our colleague has left behind imperishable memories, to be cherished in the recollection of those who knew him. It may be truly said of him that to know him was to love him, and when he passed from this mortal sphere to life everlasting, his going served to remind those who have remained that the achievements of this world are insignificant, provided we may leave behind us memories and friendships which will live forever hereafter.

The little grain of sand on the ocean beach is small in the universe. So it is that the life of the individual seems to be an infinitesimal part in that great scheme which the Divine hand has devised. But, as our friend ELSTON so fittingly exemplified, each of us should aspire to leave behind us footprints on the sands of time which will remind those who come after that the real achievements of life are not the ones to which the public generally gives credit and consideration during our lifetime. It is only when the proper perspective is gained of man's life and character that his real worth is known. So it is that our friend in passing from life unto death has caused us to reflect back on those worthy qualities which have been so fittingly eulogized here to-day. Mr. Speaker, truly I can say that I feel it was a great honor and a great privilege to have been the friend of JOHN ARTHUR ELSTON.

Mr. DOUGHTON. Mr. Speaker, though my acquaintance with Representative JOHN A. ELSTON of the sixth district of California was somewhat limited, he coming from the extreme southwestern and I from the extreme southeastern part of our country, it is a happy thing that personal friendship is not

confined to any one section of our country, but is often nation-wide.

Mr. ELSTON impressed me as a man of great ability, untiring energy, and high personal character. He had filled many positions of public trust in his home State, and filled them so well that he was called to a wider field of usefulness—that of national lawmaker. In this field of labor he served so acceptably that he was reelected three times in succession. He was devoted to the interest of his district and State and served them faithfully and well. He had the respect and admiration of all who knew him. Well had he earned the rest that awaited him when the end came.

Mr. MICHENER. Mr. Speaker, it was my privilege and my honor to be among the acquaintances and friends of the late lamented Congressman JOHN ARTHUR ELSTON, and I would be doing violence to the memory of that friendship did I not on this occasion pay my tribute of love and respect. Once more death has entered our ranks, found a shining mark, and with relentless stroke quenched the activities of a busy and useful life. In the flower of his manhood his passing was, indeed, untimely. He was a man of true nobility of soul, of fine intellect, character, and ability; a man of strong and true convictions; a man who believed above all in his country. He was a typical native son of the Golden Gate State. He loved his far-off home in the westland, and never tired of telling of the virtues of the State of his birth. His patriotism was unbounded; he believed in America and in American ideals. He was an honor to his family, to his home, to his State, and to his Nation.

There was nothing of the sham about him; he abhorred hypocrisy; he accomplished results without ostentation. He found recreation, entertainment, and pleasure in outdoor life; he loved to get close to nature. The hills, the valleys, the streams, the mountains, all were majestic to him. He was a great reader, a natural student from childhood, and, therefore, acquired and retained a wealth of information; he was truly an educated gentleman of the highest type. He will be missed by all who knew him, and his friends were numbered by his acquaintances.

I first met Mr. ELSTON in the closing days of the Sixty-fifth Congress. I was attracted to him by his splendid personality and his courteous manner. He talked about things worth while—always good company, ever instructive. His word was always cheery, his presence always radiated a warmth of good fellowship; he was an optimist. I saw him last on the Sunday preceding his death. He was in his usual good spirits, talked of his home and his family as usual, and I can not and never will understand why his death.

I was one of the party of Senators and Representatives accompanying the funeral party from the city of Washington to Berkeley, Calif. I read from the editorial columns of Mr. ELSTON'S home newspapers most commendatory mention of his life and character, of his unerring integrity, and of the position he held in the hearts of the home folks. I viewed the gathering of his sorrowing friends and neighbors, I beheld the wealth of floral tributes; I knew that I had not misjudged the man, and realized the more that while the Nation had lost a wise legislator and the State a distinguished son, the community had lost an energetic, patriotic, and respected citizen, and the common folks had lost a real friend.

Mr. BIXLER. Mr. Speaker, it was not my privilege to have personal acquaintance with Mr. ELSTON until the beginning of this Congress. I might say I remember him as being one of the first to greet and welcome me to the House on my arrival here. I shall never forget his warm cordiality and open-heartedness, his ever willingness to aid and assist, his kindly suggestions, and wise counsel. I soon found he was a man of sterling qualities, loyal and devoted in his friendships, faithful and active in his political duties. He despised sham, and on the other hand respected and admired ability and honesty of purpose. He has answered the last roll call. He has been gathered to his fathers. Those with whom he served so faithfully, so honestly, so devotedly will ever cherish his memory. The good-by here is good morning there and the night somewhere else a dawn.

Mr. SUTHERLAND. Mr. Speaker, under the permission granted me to extend remarks on the life and character of Representative ELSTON, I desire to state that my remembrance of him is firmly fixed by reason of his uniform courtesy to all Members. Mr. ELSTON was never preoccupied to the extent of omitting to salute his acquaintances in his dignified, gentlemanly manner.

I often wondered if he knew each and every Member of Congress by name.

I did not have the honor and pleasure of an intimate acquaintance with him; in fact, our social intercourse consisted simply of an informal introduction, but I shall always remember that from my first day in Congress he knew me, and a friendship, such as is understood by those who greet each other from day to day for a period of time, developed.

Mr. ELSTON has passed on, and I shall always think of him as my friend who every day bade me good morning in his kindly, courteous, noneffusive way.

Mr. RAKER took the chair as Speaker pro tempore.

Mr. CURRY. Mr. Speaker, to all earthly things there is a beginning and to all an end save only man; the flesh withers and turns to dust but the soul lives on.

The morning-glory lifts its head from dark sleep at dawn, follows the course of the sun, smiling happily on all of nature, till evening comes to find it drooping to slumber once again. So it is with man, and if it is in another sphere he awakens on the morrow it is a better sphere.

JOHN ARTHUR ELSTON was born February 10, 1874, at Woodland, Calif., and died in the city of Washington, December 15, 1921. He was the son of the Rev. Allen Mandeville and Florence (Elliott) Elston, and lived his youth in the broad valley of the Sacramento under the shadows of the majestic mountains of the Coast Range and the imposing and inspiring snow-capped Sierra Nevadas.

In 1892 he graduated from Hesperian College at Woodland, of which his father was president, and in 1897 graduated from the University of California and started the practice of law in Berkeley, the city of his alma mater.

A student by nature and a friend of his fellow man by inclination, his abilities and charm of manner commanded the attention of that great Californian, Dr. George C. Pardee, and upon his elevation to the governorship of the State in 1903 he prevailed upon the young and brilliant attorney to accompany him to Sacramento as executive secretary to the governor.

During this period of four years he met all of the leaders of thought and action in California, and came to be held in high esteem throughout the State for the diligence and distinguished ability he displayed in the performance of his duties.

Upon completion of this public service he again took up the practice of law, succeeding in his chosen profession far beyond the success that is usual to men of his years in this most distinguished of professions.

From 1911 to 1914 he was a member of the board of trustees of the State Institution for the Deaf and Blind and did splendid humanitarian service for the promotion of the material welfare and practical educational development of the unfortunates in the institution.

Upon the insistence of the people of his district he became a candidate for the office of Representative in Congress from the sixth California district and was elected by a large majority to the Sixty-fourth Congress and reelected to the Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses.

In 1919 he was appointed Regent of the Smithsonian Institution.

As a Member of Congress you, my colleagues, knew him well, and all came to love him as I have known and loved him for years, and now revere his memory.

He served his district, his State, and his Nation honorably and well, considering never personal aggrandizement or advantage, having wholly and solely in mind the happiness, advancement, and welfare of the people. He typified the highest and noblest conception of devotion to the public service.

Sorrowfully we number him with the departed and remember with grief that can never be assuaged ARTHUR ELSTON the gentleman, the manly fellow, the studious scholar, the able patriot, the diligent servant of the people, the erudite lawyer, and the lovable friend whom we may see no more on this earthly sphere.

The reputation of the Congress of the United States as an institution, ennobled by the traditional ability and integrity of the great and noble men now gone who have served here as Members of the House of Representatives, is enriched by the memory of JOHN ARTHUR ELSTON, of California. The empire Commonwealth of California, that has given so many illustrious men to the Nation, engraves his name affectionately on its scroll of honor.

His venerable father, his saintly mother, his bereaved brother and sister, his beloved widowed wife and orphaned children have the affectionate sympathy of the Congress that feels mutually with them a great personal loss.

Mr. CURRY resumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. Without objection, Members will be granted leave to extend their remarks in the RECORD on the life, character, and public services of our deceased Member, JOHN ARTHUR ELSTON. And now, in accordance with the resolution heretofore adopted, the House will stand adjourned until 12 o'clock noon to-morrow.

ADJOURNMENT.

Accordingly (at 12 o'clock and 56 minutes p. m.) the House adjourned until Monday, June 26, 1922, at 12 o'clock noon.

SENATE.

MONDAY, *June 26, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McCUMBER. I ask that the Senate proceed to the consideration of paragraph 408, shingles, page 93, line 12.

Mr. NELSON. I ask unanimous consent to submit a report from the Committee on the Judiciary.

The VICE PRESIDENT. If there be no objection, the report will be received.

PORT OF NEW YORK AUTHORITY.

Mr. NELSON. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (H. J. Res. 337) granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey, by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922. I call the matter to the attention of the Senator from New York [Mr. CALDER].

Mr. CALDER. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution was read, as follows:

Whereas pursuant to the agreement or compact entered into by the States of New York and New Jersey under date of April 30, 1921, and consented to by the Congress of the United States by resolution signed by the President on the 23d day of August, 1921, the two States have agreed upon a comprehensive plan for the development of the port of New York; and

Whereas the carrying out and executing of the said plan will the better promote and facilitate commerce between the States and between the States and foreign nations and provide better and cheaper transportation of property and aid in providing better postal, military, and other services of value to the Nation: Therefore be it

Resolved, etc., That, subject to the approval of the officers and agents of the United States as required by acts of Congress touching the jurisdiction and control of the United States over the matters, or any part thereof, covered by this resolution, the consent of Congress is hereby given to the supplemental agreement between the States of New York and New Jersey evidenced by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922, covering the comprehensive plan for the development of the port of New York embraced in said statutes in form following, that is to say:

"SECTION 1. Principles to govern the development:

"First. That terminal operations within the port district, so far as economically practicable, should be unified.

"Second. That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort, inefficient loading of equipment, and realize reduction in expenses.

"Third. That there should be the most direct routing of all commodities so as to avoid centers of congestion, conflicting currents, and long truck hauls.

"Fourth. That terminal stations established under the comprehensive plan should be union stations, so far as practicable.

"Fifth. That the process of coordinating facilities should, so far as practicable, adopt casting facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce so far as may be possible the requirements for new capital; and endeavor should be made to obtain the consent of local municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

"Sixth. That freight from all railroads must be brought to all parts of the port wherever practicable without cars breaking bulk, and this necessitates tunnel connection between New Jersey and Long Island and tunnel or bridge connections between other parts of the port.

"Seventh. That there should be urged upon the Federal authorities improvement of channels so as to give access for that type of waterborne commerce adapted to the various forms of development which the respective shore fronts and adjacent lands of the port would best lend themselves to.

"Eighth. That highways for motor-truck traffic should be laid out so as to permit the most efficient interrelation between terminals, piers, and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by trucks; these highways to connect with existing or projected bridges, tunnels, and ferries.

"Ninth. That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out.

"SEC. 2. The bridges, tunnels, and belt lines forming the comprehensive plan are generally and in outline indicated on maps filed by the Port of New York Authority in the offices of the secretaries of the States of New York and New Jersey and are hereinafter described in outline.

"SEC. 3. Tunnels and bridges to form part of the plan: (a) A tunnel or tunnels connecting the New Jersey shore and the Brooklyn shore of New York to provide through-line connection between the transcontinental railroads now having their terminals in New Jersey with the Long Island Railroad and the New York connecting railroad on Long Island and with the New York Central & Hudson River Railroad and the New York, New Haven & Hartford Railroad in the Bronx, and to provide continuous transportation of freight between the Queens, Brooklyn, and Bronx sections of the port to and from all parts of the westerly section of the port for all of the transcontinental railroads. (b) A bridge and/or tunnel across or under the Arthur Kill, and/or the existing bridge enlarged to provide direct freight carriage between New Jersey and Staten Island. (c) The location of all such tunnels or bridges to be at the shortest, most accessible, and most economical points practicable, taking account of existing facilities now located within the port district and providing for and taking account of all reasonably foreseeable future growth in all parts of the district.

"SEC. 4. Manhattan service: The island of Manhattan to be connected with New Jersey by bridge or tunnel, or both, and freight destined to and from Manhattan to be carried underground, so far as practicable by such system, automatic electric as hereinafter described or otherwise, as will furnish the most expeditious, economical, and practicable transportation of freight, especially meat, produce, milk, and other commodities comprising the daily needs of the people. Suitable markets, union inland terminal stations, and warehouses to be laid out at points most convenient to the homes and industries upon the island, the said system to be connected with all the transcontinental railroads terminating in New Jersey and by appropriate connection with the New York Central & Hudson River Railroad, the New York, New Haven & Hartford, and the Long Island Railroads.

"SEC. 5. Belt lines: The numbers hereinafter used correspond with the numbers which have been placed on the map of the comprehensive plan to identify the various belt lines and marginal railroads.

"No. 1, middle belt line: Connects New Jersey and Staten Island and the railroads on the westerly side of the port with Brooklyn, Queens, the Bronx, and the railroads on the easterly side of the port. Connects with the New York Central Railroad in the Bronx; with the New York, New Haven & Hartford Railroad in the Bronx; with the Long Island Railroad in Queens and Brooklyn; with the Baltimore & Ohio Railroad near Elizabethport and in Staten Island; with the Central Railroad Co. of New Jersey at Elizabethport and at points in Newark and Jersey City; with the Pennsylvania Railroad in Newark and Jersey City; with the Lehigh Valley Railroad in Newark and Jersey City; with the Delaware, Lackawanna & Western Railroad in Jersey City and the Secaucus meadows; with the Erie Railroad in Jersey City and the Secaucus meadows; with the New York, Susquehanna & Western, the New York, Ontario & Western, and the West Shore Railroads on the westerly side of the Palisades above the Weehawken Tunnel.

"The route of the middle belt line, as shown on said map, is in general as follows: Commencing at the Hudson River at Spuyten Duyvil, running easterly and southerly generally along the easterly side of the Harlem River, utilizing existing lines so far as practicable and improving and adding where necessary, to a connection with Hell Gate Bridge and the New Haven Railroad, a distance of approximately 7 miles; thence continuing in a general southerly direction, utilizing existing lines and improving and adding where necessary, to a point near Bay Ridge, a distance of approximately 18½ miles; thence by a new tunnel under New York Bay in a northwesterly direction to a portal in Jersey City or Bayonne, a distance of approximately 5 miles, to a connection with the tracks of the Pennsylvania and Lehigh Valley Railroads; thence in a generally northerly direction along the easterly side of Newark Bay and the Hackensack River at the westerly foot of the Palisades, utilizing existing tracks and improving and adding where necessary, making connections with the Jersey Central, Pennsylvania, Lehigh Valley, Delaware, Lackawanna & Western, Erie, New York, Susquehanna & Western, New York, Ontario & Western, and West Shore Railroads, a distance of approximately 10 miles. From the westerly portal of the Bay Tunnel and from the line along the easterly side of Newark Bay by the bridges of the Central Railroad of New Jersey (crossing the Hackensack and Passaic Rivers) and of the Pennsylvania and Lehigh Valley Railroads (crossing Newark Bay) to the line of the Central Railroad of New Jersey, running along the westerly side of Newark Bay and thence southerly along this line to a connection with the Baltimore & Ohio Railroad south of Elizabethport, utilizing existing lines so far as practicable and improving and adding where necessary, a distance of approximately 12 miles; thence in an easterly direction crossing the Arthur Kill, utilizing existing lines so far as practicable and improving and adding where necessary, along the northerly and easterly shores of Staten Island to the new city piers and to a connection, if the city of New York consents thereto, with the tunnel under the Narrows to Brooklyn, provided for under chapter 700 of the laws of the State of New York for 1921.

"No. 2: A marginal railroad to The Bronx extending along the shore of the East River and Westchester Creek, connecting with the middle belt line (No. 1) and with the New York, New Haven & Hartford Railroad in the vicinity of Westchester.

"No. 3: A marginal railroad in Queens and Brooklyn extending along Flushing Creek, Flushing Bay, the East River, and the upper New York Bay. Connects with the middle belt line (No. 1) by lines No. 4, No. 5, No. 6, and directly at the southerly end at Bay Ridge. Existing lines to be utilized and improved and added to and new lines built where lines do not now exist.

"No. 4: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) near its northeasterly end.

"No. 5: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in Long Island City.

"No. 6: Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in the Greenpoint section of Brooklyn. The existing portion to be improved and added to where necessary.

"No. 7: A marginal railroad surrounding the northerly and westerly shores of Jamaica Bay. A new line. Connects with the middle belt line (No. 1).

"No. 8: An existing line to be improved and added to where necessary. Extends along the southeasterly shore of Staten Island. Connects with middle belt line (No. 1).

"No. 9: A marginal railroad extending along the westerly shore of Staten Island and a branch connection with No. 8. Connects with

the middle belt line (No. 1) and with a branch from the outer belt line (No. 15).

"No. 10: A line made up mainly of existing lines, to be improved and added to where necessary. Connects with the middle belt line (No. 1) by way of marginal railroad No. 11. Extends along the southerly shore of Raritan Bay and through the territory south of the Raritan River reaching New Brunswick.

"No. 11: A marginal railroad extending from a connection with the proposed outer belt line (No. 15) near New Brunswick along the northerly shore of the Raritan River to Perth Amboy, thence northerly along the westerly side of the Arthur Kill to a connection with the middle belt line (No. 1) south of Elizabethport. The portion of this line which exists to be improved and added to where necessary.

"No. 12: A marginal railroad extending along the easterly shore of Newark Bay and the Hackensack River and connects with the middle belt line (No. 1). A new line.

"No. 13: A marginal railroad extending along the westerly side of the Hudson River and the upper New York Bay. Made up mainly of existing lines—the Erie Terminals, Jersey Junction, Hoboken Shore, and National Docks Railroads. To be improved and added to where necessary. To be connected with middle belt line (No. 1).

"No. 14: A marginal railroad connecting with the middle belt line (No. 1) and extending through the Hackensack and Secaucus meadows.

"No. 15: An outer belt line extending around the westerly limits of the port district beyond the congested section. Northerly terminus on the Hudson River at Piermont. Connects by marginal railroads at the southerly end with the harbor waters below the congested section. By spurs connects with the middle belt line (No. 1) on the westerly shore of Newark Bay and with the marginal railroad on the westerly shore of Staten Island (No. 9).

"No. 16: The automatic electric system for serving Manhattan Island. Its yards to connect with the middle belt line and with all the railroads of the port district. A standard gauge underground railroad deep enough in Manhattan to permit of two levels of rapid-transit subways to pass over it. Standard railroad cars to be brought through to Manhattan terminals for perishables and food products in refrigerator cars. Cars with merchandise freight to be stopped at its yards. Freight from standard cars to be transferred onto wheeled containers, thence to special electrically propelled cars, which will bear it to Manhattan. Freight to be kept on wheels between the door of the standard freight car at the transfer point and the tailboard of the truck at the Manhattan terminal or the store door, as may be elected by the shipper or consignee, eliminating extra handling. Union terminal stations to be located on Manhattan in zones as far as practicable of equal trucking distance, as to pick-ups and deliveries, to be served by this system. Terminals to contain storage space and space for other facilities, the system to bring all the railroads of the port to Manhattan.

"SEC. 6. The determination of the exact location, system, and character of each of the said tunnels, bridges, belt lines, approaches, classification yards, warehouses, terminals, or other improvements shall be made by the port authority after public hearings and further study, but in general the location thereof shall be as indicated upon said map and as herein described.

"SEC. 7. The right to add to, modify, or change any part of the foregoing comprehensive plan is reserved by each State, with the concurrence of the other."

And the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan, and the said Port of New York Authority is authorized and empowered to carry out and effectuate the same: *Provided*, That nothing herein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement: *Provided further*, That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters, until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. ASHURST. Mr. President, will the Senator make a short explanation of the joint resolution?

Mr. CALDER. A joint resolution of similar character, although in slightly different terms, has already passed the Senate. The joint resolution just reported has passed the House. It will be necessary to have a reference of the Senate joint resolution to the Committee on the Judiciary of the House or to have the Senate agree to the House joint resolution. It applies particularly to the port of New York, in which the States of New York and New Jersey join in a comprehensive plan for the development of the port. I repeat, a similar joint resolution has already passed the Senate.

Mr. ASHURST. It carries no appropriation?

Mr. CALDER. It does not.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EDITORIAL ON THE TARIFF FROM THE EVENING MAIL.

Mr. CALDER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Evening Mail entitled "What a tariff really protects."

Mr. HARRISON. Mr. President, may I ask the Senator if the editorial is in favor of the bill?

Mr. CALDER. It is in favor of the bill.

Mr. HARRISON. Then it is the only paper in New York that favors the bill.

Mr. CALDER. No; it is not the only paper. There are a number of such papers.

Mr. HARRISON. What other papers?

Mr. CALDER. The Brooklyn Standard Union and the Brooklyn Times, for instance.

Mr. HARRISON. I mean in New York City.

Mr. CALDER. That is in New York City.

Mr. HARRISON. No; it is in Brooklyn.

Mr. CALDER. Brooklyn has a population of two and a quarter million people. The Senator from Mississippi has visited there, and I am sure he knows that it is a very considerable part of the city of New York.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The editorial is as follows:

WHAT A TARIFF REALLY PROTECTS.

To-day it is the Sugar Trust that, through the new tariff law, is to get $100,000,000 out of the people!

Yesterday it was the Steel Trust; last week it was the Woolen Goods Trust, or the Cotton Goods Trust, or the Zinc Trust—all to receive huge sums out of a protective tariff.

Now, what are the facts?

Why, American labor concededly gets in one form or another 90 per cent of the price paid by the consumer for every article manufactured. Labor in other countries does not receive that large percentage; that is the reason for a protective tariff. There must be a barrier against foreign goods equal to the difference between wages paid here and wages paid abroad.

America is the richest sales market in the world. It is the one place upon which the eyes and hopes of every manufacturer, foreign or domestic, are centered. Here the competition is sharpest, and even a small advantage is eagerly sought. The importer wants a low tariff so that he can sell for less than the domestic manufacturer's cost levels; the domestic manufacturer wants a tariff high enough to permit him to pay American wages and at the same time be at no disadvantage in the American market.

The question, then, is whether it is better to have American manufacturers paying American wages to produce American goods for sale in the American market, or to permit foreign manufacturers paying foreign wages to produce foreign goods for sale in the American market.

The theory of the tariff bill now under debate in the Senate at Washington is that the products of American labor shall have at least an equal opportunity with foreign products in the American market; where there is doubt, the doubt goes to the American wage earner.

In corporate form he is the Steel Trust, the Woolen Goods Trust, the Sugar Trust, the Zinc Trust, and the Cotton Goods Trust; in actual fact he is the man receiving every week a pay envelope whose contents depend largely upon whether the tariff law sufficiently protects them from a foreign pay envelope very slim by comparison.

ELECTROCHEMISTRY AT NIAGARA FALLS.

Mr. LADD. Mr. President, I ask permission to have printed in the RECORD an article from Barron's, of January 30, 1922, entitled "Wealth inexhaustible—Electrochemistry at Niagara Falls."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEALTH INEXHAUSTIBLE—ELECTROCHEMISTRY AT NIAGARA FALLS.

[From Barron's, January 30, 1922.]

"Henry's a little shy on chemistry; that's why he brought me along," said Thomas A. Edison during his recent trip with Henry Ford to the Muscle Shoals hydroelectric superpower plant down in Alabama.

A hydroelectric plant capable of generating 850,000 electric horsepower—and the installed capacity of the Muscle Shoals plant, when completed, is rated at that figure—requires the services of chemists, if it is to become a financial success. The only electric generating plant in the world that can be compared with the proposed Muscle Shoals plant in capacity of output is the Niagara Falls Power Co., and it was chemistry that made a financial success of Niagara Falls power.

THE BIG CENTER.

Niagara Falls is now the world center of the electrochemical industry. More than half of the world's production of ferrosilicon, ferrochrome, caustic, bleach, chlorine, aluminum, calcium carbide, synthetic graphite, air nitrogen and its derivatives, including cyanamide, is produced by Niagara Falls electricity in the city of Niagara Falls, Canada, and Niagara Falls, N. Y. The latter city manufactures more abrasive material, used in the fabrication of sharpening stones and grinding wheels, than is produced elsewhere in the world, and this material comes from the electric furnaces of the electrochemical companies.

The first contract signed by the Niagara Falls Power Co. for utilization of its electricity was with a chemist—Charles M. Hall, inventor of the process for producing aluminum with the aid of electricity.

THE HALL DISCOVERY.

Mr. Hall's father was a professor at Oberlin College. The young man was greatly interested in chemistry and had the run of the college laboratory. He was conducting chemical experiments there when something went wrong. In trying to unravel the tangle in which his experiments were involved he blundered on to the solution of a problem upon which able chemists had been working for years—a practical method for reducing aluminum ores with electricity.

Like most college professors, his father was a poor man. The uncles, cousins, and aunts of the penniless young man came to his assistance and supplied the money to take out patents on his discovery. His claim of prior discovery was disputed, but was successfully defended in the courts.

With no other capital than his patents he went to the most prominent bankers in his native State—Pennsylvania—for capital to build a plant to demonstrate the value of his discovery. These bankers—the Mellons of Pittsburgh—supplied the funds, and a company was organized, known as the Pittsburgh Reduction Co. It was the first of the electrochemical companies to build a plant at Niagara Falls.

In 1895, a quarter of a century ago, this company utilized the first electricity delivered by the Niagara Falls Power Co. To-day this company, now known as the Aluminum Co. of America, is the world's largest producer of aluminum and is the largest single user of electricity in the world.

GROWING POPULARITY OF ALUMINUM.

It was 15 years before aluminum got a real foothold in the metal trades. In 1909, only 13 years ago, began the first use of aluminum in the fabrication of cooking utensils. To-day the larger share of all cooking utensils are made of aluminum. Because of its lightness and strength, manufacturers of high-grade motor cars use large quantities of aluminum. The largest single consumer of aluminum in the world is the Pierce-Arrow Motor Car Co., of Buffalo, N. Y.

Since aluminum began to be used for cooking utensils and the manufacture of motor cars the Aluminum Co. of America has earned handsome profits. The penniless young man who discovered the process for reducing aluminum ores by electricity died a half dozen years ago. The value of his estate was appraised at $23,000,000. The average net earnings of the Aluminum Co. of America have been in excess of $10,000,000 per annum for the last 10 years. In 1901 the total annual world production of aluminum amounted to only 7,150,000 pounds. The Niagara Falls plant of the Aluminum Co. of America now produces approximately 100,000,000 pounds of aluminum per annum.

In 1920 the net operating revenue of the Niagara Falls Power Co. was $6,031,950.91. Its operating expenses, including amortization and operating taxes, amounted to $2,352,023.30, leaving a net operating revenue of $3,679,927.61. A single one of the consumers of its electricity, the Aluminum Co. of America, earned nearly three times the profit from its operations that the power company did.

USING ELECTRICITY IN THE MID-NINETIES AND NOW.

The second contract signed by the Niagara Falls Power Co. was with another chemist, Dr. Edward G. Acheson. He entered into a long-time contract to use 1,000 electric horsepower. At that time 1,000 electric horsepower was a staggering proposition. Previous to 1895 electricity was more or less of a plaything. It was used for telegraphing and telephoning, but its use for lighting and operation of motors and in electric furnaces was feeble, indeed, compared to present use. Up to that time electricity had never been handled in such large chunks as 1,000 horsepower. Apparatus for handling such a large amount had to be invented and specially constructed. To-day Doctor Acheson uses over 100,000 electric horsepower in his several electrochemical enterprises at Niagara Falls.

A few years previous to his coming to Niagara Falls Doctor Acheson had worked for Mr. Edison in his experimental laboratory at East Orange. Then he went out to Monongahela City, Pa., and worked as a chemist for coal miners of that region. It was out in the heart of the bituminous coal fields of Pennsylvania, while carrying on a series of experiments with electricity, that he produced some tiny microscopic crystals. A study of the property of these crystals showed them to be intensely hard and infusible at any known heat.

FINANCING AND MAKING CARBORUNDUM.

With four bricks he constructed a furnace and produced the crystals in considerable quantity. In experimenting to find a use for these crystals he discovered that they made an excellent abrasive. He sold some of the crystals to diamond polishers in New York at the rate of $1,500 per pound. He named his new abrasive carborundum. He, too, took his proposition to the Mellons, and they furnished funds to organize the Carborundum Co.

It took but a short time to flood the diamond-cutting market and the price for carborundum dropped to $400 per pound. Other uses were found for the product as a valve grinder and as grinding material for dentists. The field was limited, and soon the company found that it was steadily losing money. But the financial backers of the Carborundum Co. were not discouraged. They suggested mass production and the manufacture of a general line of abrasives. The power plant at Niagara Falls was nearing completion, and as it was necessary for the success of the enterprise that they have electricity in great quantity and at far cheaper rates than it had heretofore been possible to produce it, they sent Doctor Acheson out there.

A modest plant was built and the first year 1,100,000 pounds of carborundum were produced. To-day the carborundum plant consists of a dozen or more large buildings, covering a score or more acres. Annual production of carborundum runs around 40,000,000 pounds and the product has world-wide use as a grinding and sharpening material.

Five years later Doctor Acheson commenced the manufacture of artificial graphite. This is produced by means of the electric furnace and requires the use of a large and constant supply of electricity. The first year he produced 860,750 pounds of his synthetic graphite. His production now runs around 50,000,000 per annum. This graphite, under the name of Oildag, is largely used for greasing automobile gears.

The history of the many electrochemical companies at Niagara Falls, such as the Union Carbide Co., the Cyanamid Co., Mathieson Alkali Co., the Hooker Electro-Chemical Co., the Oldbury Electro-Chemical Co., and many others, are fascinating stories of financial success made possible by the production of electricity in great quantity and at low costs.

AT NIAGARA FALLS.

The two power companies operating on the American side of Niagara Falls were consolidated in 1918. This consolidation placed under one management all the power plants on the American side and one of the three plants on the Canadian side of the river.

The aggregate installed capacity of the four generating stations on the American side is 561,000 horsepower, while the plant on the Canadian side, owned by this company, generates 112,500 horsepower, which brings the aggregate of this single company up to 673,500 horsepower.

On the Canadian side of the river are three additional generating plants, the Ontario Power Co. and the Toronto Niagara Falls Power Co., with an aggregate capacity now developed of 337,500 horsepower, and the new Chippewa-Queenston Power Canal, with a capacity of 650,000 horsepower. These three generating plants are under the control of the Ontario Power Commission.

The total power now or soon to be available at Niagara Falls is thus as follows:

The Niagara Falls Power Co	673,500
Chippewa-Queenston Power Canal	650,000
Ontario and Toronto Power Cos	337,500
Total electric horsepower	1,661,000

AN AVALANCHE OF WATER.

One hundred million tons of water flow over the brink of Niagara Falls every hour, 15,000,000 cubic feet per minute. The Government did not build this dam. Nature constructed it. It is estimated that this fall of water is capable of producing 3,800,000 electric horsepower. This is for the falls alone and does not take into consideration the additional hydraulic head from the rapids above and below the falls.

Whence the source of this tremendous flow of water? The Niagara River is the outlet of the following lakes:

Lake Superior, 350 miles long, 160 miles wide, 1,030 feet deep.
Lake Huron, 260 miles long, 100 miles wide, 1,000 feet deep.
Lake Michigan, 320 miles long, 70 miles wide, 1,000 feet deep.
Lake St. Clair, 40 miles long, 15 miles wide, 20 feet deep.
Lake Erie, 290 miles long, 65 miles wide, 84 feet deep.

This enormous volume of water finds an outlet toward the sea by way of the Niagara River, which, within a short distance, drops 336 feet as follows:

	Feet.
From Lake Erie to rapids above the Falls	15
In the rapids above the Falls	55
At the Falls	161
From foot of Falls to outlet of gorge, 7 miles	98
From gorge to Lake Ontario	7
Total fall	336

The flow of Niagara is as immutable as the tides, always a stable, reliable quantity. There are no springtime or fall floods, but it is always the same, and the only thing that appears to affect it are the winds. With a strong wind blowing up the river the flow of water is visibly decreased. If the wind blows strongly down the river from Lake Erie the flow of water over the Falls is largely increased.

It is likely that 75,000 years ago when the ice receded from the Great Lakes region Niagara Falls was located at what is now the Niagara escarpment, 7 miles below the present Falls. For thousands of years the falling waters pounded over the brink, gradually carving out the great gorge, several miles long, from half a mile to a mile wide and several hundred feet deep. The ceaseless pounding wore this great chasm out of the solid rock.

A NEW CANAL.

The day before Christmas, 1921, water was turned into the new Chippewa-Queenston Power Canal. This canal cost $65,000,000 to dig, and an additional $15,000,000 is required to complete installation of 10 generating units which will produce 650,000 electric horsepower. The canal starts above the rapids at the beginning of the Falls and for 12½ miles traverses the topmost bank of the river, circling the lower rapids and whirlpool and outlets at Queenston Heights.

The greatest hydraulic head of the plants already built at the Falls is 215 feet. The new Chippewa-Queenston plant will be able to take advantage of a 310-foot hydraulic head. Both Canada and the United States are allowed, under treaty agreement, to take 20,000 cubic feet of water per second from above the Falls. By construction of this power canal the Canadians gain vastly in the power developed.

The Niagara Falls Power Co. has plans drawn for a duplicate of the Chippewa-Queenston Canal on the American side of the river. It will be so constructed that it will be capable of future extension to meet further increases in the demand for power and the possible enlargement of the amount of water to be taken from above the Falls.

Great as are the wonderful things that electricity had accomplished in the past 25 years there is the thought in the minds of thinking men that the next quarter of a century is to see an even greater development.

The superpower plan for the electrification of all railroads and most industries between Boston and Washington is something more than a pipe dream. The United States Geological Survey and eminent engineers declare the plan practical. In a short 10 years it could be got into full operation. In dollars alone it has been figured that it would save $190,000,000 per annum. It would cost $900,000,000.

A PERMANENT FUEL.

In the vivid and critical retrospect of the past, which Mr. Wells has given us in his Outline of History, there is no achievement of man that can compare with the marvelous things that have been accomplished for the benefit of the human race with the aid of electricity. Coal is one of the sources of wealth, so is oil, but coal and oil deposits are exhaustible. Water supply is inexhaustible. A short 25 years ago and our falling waters were for the most part allowed to run to waste. We have learned to harness water falls, and now white coal in the form of invisible, vibrating currents of power are sent out from great power plants on radiating threads of copper and made to yield wealth—wealth from an inexhaustible source.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 106, 131, 199, and 214 to the said bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 41, 65, 220, 221, 225, and 230, and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. POINDEXTER submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making ap-

propriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, which was ordered to lie on the table and to be printed.

JUDGMENTS BY UNITED STATES DISTRICT COURTS (S. DOC. NO. 222).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered against the Government by district courts of the United States requiring an appropriation for their payment, in amount $81,574.56, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a letter in the nature of a memorial from the Hickory Mantle Manufacturing Co. (Inc.), of St. Paul, Minn., remonstrating against any reduction in the tariff duty on gas mantles as proposed by the Senate Finance Committee, which was referred to the Committee on Finance.

Mr. WILLIS presented resolutions of the council of the city of Cincinnati, Ohio, praying the Congress to pass the bill making appropriations for the improvement of the Ohio River, in order that the public may have its use at the earliest possible time, which was referred to the Committee on Commerce.

Mr. EDGE. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Finance resolutions of the National Disabled Soldiers' League, in annual State convention assembled at Long Branch, N. J., protesting against the reduction in training pay and the retention of bonuses paid trainees by employers.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the United States Veterans' Bureau has issued an order whereby the training pay of disabled soldiers in placement training was reduced for the amount of bonuses paid for faithful service by the business men training such disabled soldiers; and

Whereas that order was rescinded on February 17, 1922, and effective that date all those same trainees placed back upon full pay; and

Whereas many disabled soldiers were reduced in accordance with this order; and

Whereas some of those reduced have not had refunded to them these moneys withheld; and

Whereas refunds in a few cases have been made and those not receiving refunds feel that they are treated unjustly and the National Disabled Soldiers' League, in annual State convention assembled at Long Branch, N. J., feel that this injustice should be righted: Therefore be it

Resolved, That the training pay reductions made in accordance with this order be refunded to the disabled soldiers; and be it further

Resolved, That the training pay of disabled soldiers in vocational training be maintained at its present amount, and that the bonuses received by the disabled soldiers be not interfered with by the United States Veterans' Bureau; and be it further

Resolved, That copies of this resolution be sent to Senator WALTER E. EDGE and placed in the CONGRESSIONAL RECORD asking the protection of the United States Congress for our disabled soldiers, and that a copy be sent to Col. R. Forbes, Director of the United States Veterans' Bureau.

Approved by the National Disabled Soldiers' League in annual convention at Long Branch this 18th day of June, 1922.

THOMAS V. FIELDS,
State Commander.

Attested:

FRANK J. COVART,
State Adjutant.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 3632) to amend section 128 of the Judicial Code relating to appeals in admiralty cases, reported it with an amendment and submitted a report (No. 793) thereon.

Mr. ODDIE (for Mr. MCCORMICK), from the Select Committee on Haiti and the Dominican Republic, appointed under authority of Senate Resolution 112, agreed to July 27, 1921, submitted a report (No. 794) upon the occupation of Haitian territory and the relation of the United States to the government of Haiti, which, with the accompanying illustration, was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3747) to amend section 3 of the act approved February 28, 1891 (26 Stat. L., p. 794), pertaining to leasing of Indian lands; to the Committee on Indian Affairs.

By Mr. LODGE:

A bill (S. 3748) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. MCNARY:

A bill (S. 3749) authorizing the United States Shipping Board to reimburse builders of wooden ships for losses sustained as the result of the cancellation of contracts and the abandonment of wooden-ship construction; to the Committee on Commerce.

By Mr. CURTIS:

A joint resolution (S. J. Res. 216) providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo.; the taxation thereof, and exercise of eminent domain in connection therewith by each State; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A joint resolution (S. J. Res. 217) providing for proportionate distribution among the States of surplus war material; to the Committee on Military Affairs.

AMENDMENT TO HOUSE RIVER AND HARBOR BILL.

Mr. EDGE submitted an amendment providing for ascertaining the cost to complete the jetty at Manasquan Inlet, N. J., intended to be proposed by him to House bill 10766, the river and harbor authorization bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HARRIS submitted an amendment proposing to appropriate $280.32 to pay William Howard May and $77.13 to pay William K. Jackson, and to allow credits in the accounts of John H. McLean, former paymaster of the Panama Canal—$470.12 paid to Charles R. Williams, $403.33 paid to Miguel A. Otero, $214.83 paid to Burt New, and $114.68 paid to George A. Connolly, all being in connection with rent of quarters in the Canal Zone, etc., intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KING submitted an amendment providing that to carry out the provisions of the act of May 27, 1902 (32 Stat., p. 263), and other acts relating thereto and amendatory thereof, for the sale of lands in the former Uintah Indian Reservation, in the State of Utah, ceded by the Uintah and White River Tribes of Ute Indians to the United States, and for the reimbursement of the United States out of the proceeds of such sale for any moneys advanced to said Indians and the use of the remainder for their benefit, jurisdiction be conferred upon the Court of Claims to hear, determine, and render final judgment on the claims and rights of said Indians under the acts aforesaid to compensation for all lands in said reservation which have been set apart and reserved for forest reservation and other public uses, as if sold and disposed of under the public land laws of the United States, in accordance with the terms of the said act, and so forth, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HARRISON submitted an amendment proposing to appropriate $7,977.77 to reimburse John G. Sessions for losses incurred by him in performance of contract work in 1917 and 1918 in the construction of a levee on the Mississippi River, in Issaquena County, Miss., known as the Ellesly enlargement, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES.

Mr. CURTIS submitted the following resolution (S. Res. 310), which was referred to the Committee on Appropriations:

Resolved, That the consent of the Senate is hereby given to an adjournment of the House of Representatives to Tuesday, August 8, 1922.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have read and referred to the Committee on Education and Labor the telegram which I send to the desk.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Assistant Secretary read as follows:

LOWELL, MASS., *June 24, 1922.*

Hon. DAVID I. WALSH,
Senator, Washington, D. C.:

Representing the coal trade of Lowell and, we believe, the sentiment of northern New England, we urge upon you the necessity of action that will cause the resumption of anthracite coal mining not later than July 15. There appears to be a deadlock, and some national action is necessary in order to get the men back to work. If the mining of anthracite coal is not resumed by July 15, there will be great mental and physical distress in this north country later in the year.

Stocks in New England coal yards are rapidly decreasing, and within 30 days will be exhausted in so far as domestic coal is concerned.

As citizens of this country, we are shocked beyond expression at the atrocious massacre at Herrin, Ill.

LOWELL COAL MERCHANTS' ASSOCIATION,
E. A. WILSON, *President.*
T. T. HAZEWOOD, *Secretary.*

The VICE PRESIDENT. The telegram will be referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts. Mr. President, I recently received from the Federated Council of Churches of Christ in America a bulletin on the coal controversy, prepared by the research department, commission on the church and social service.

This bulletin discusses many and varied aspects of the coal controversy, including the coal strike. It also contains a discussion of the question, "What is wrong with the coal industry?" The information contained in this bulletin is exceedingly valuable, and the analysis of this important problem very instructive. Some proposals are suggested for the solution of the coal problem which are worthy of study and consideration.

The purpose in preparing the data contained in this bulletin and the issuance of the information contained therein may be best understood by quoting from the foreword:

> The most elementary facts concerning the coal industry, upon which a moral judgment of its problems must rest, have not, up to this time, been made widely available in compact and inexpensive form. Some of what has been published appears to the public mind to be not so much information as propaganda. The present bulletin has been prepared in order to correct misapprehensions as to known facts concerning the coal industry, to give wider currency to the results of valuable studies already made, to show the need of more facts, and to clarify the moral issues of the present controversy.

The representatives of these various religious bureaus and organizations are to be commended for their efforts to emphasize the moral problems in this controversy.

I ask that the bulletin referred to be presented in the nature of a petition and referred to the Committee on Education and Labor.

The VICE PRESIDENT. That order will be made.

THE TARIFF.

Mr. ASHURST. I ask for the regular order.

The VICE PRESIDENT. The regular order is the consideration of the tariff bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The READING CLERK. The committee proposes to strike out line 12, page 93, in the following words:

> PAR. 408. Shingles, 50 cents per thousand.

Mr. POINDEXTER. Mr. President——

Mr. HEFLIN. Mr. President, I think we had better have a quorum.

Mr. POINDEXTER. Will the Senator withhold his request for just a moment? I am going to make the same request, but I would like to make a little preliminary statement.

Mr. HEFLIN. Very well.

Mr. POINDEXTER. My colleague and I are particularly interested in this paragraph, as representatives of the principal shingle-producing State in the Union. The State of Washington produces about 75 per cent of all the shingles made in the United States. There is about $16,000,000 invested in shingle mills in Oregon and Washington. I shall in a moment, for the purpose of giving my colleague an opportunity to be present, accept the suggestion of the Senator from Alabama, but in the meantime, before that is done, I would like to say that what we are asking in regard to shingles is that the rate fixed by the House shall be retained, and that the proposed amendment of the Senate Finance Committee now pending, to put shingles on the free list by striking out section 408 of the bill which places a duty of 50 cents a thousand on shingles, be rejected.

Later on I expect to give some data as to wages respectively in British Columbia and in Washington and Oregon. I expect to call attention to the fact that in British Columbia labor in the shingle mills is oriental. I shall show particularly that the wages paid there are much lower than the wages paid white labor in the shingle mills of Washington and Oregon. I expect to show that the oriental labor, principally Chinamen, working in the shingle mills of British Columbia work 10 hours a day, whereas the white labor working in the shingle mills of Washington and Oregon work 8 hours a day.

We from Washington and Oregon have supported the general policy and plan contained in the bill of a protective tariff, and in return for the support which we are giving to that policy, which we regard as either a national policy or one that is absolutely indefensible, we ask that the great industries of our section of the country shall receive the benefit of it; that we either go upon the basis of a tariff for revenue only and do away with the policy of protection or else that we make it uniform in its application throughout the country.

Now, in order that other Senators who are interested in the question may be present, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lodge	Rawson
Ball	Hale	McCumber	Robinson
Borah	Harris	McLean	Sheppard
Bursum	Harrison	McNary	Simmons
Calder	Heflin	Moses	Smith
Cameron	Johnson	Nelson	Smoot
Capper	Jones, N. Mex.	Newberry	Spencer
Culberson	Jones, Wash.	Nicholson	Sterling
Cummins	Kellogg	Norris	Trammell
Curtis	Kendrick	Oddie	Walsh, Mass.
du Pont	Keyes	Overman	Warren
Edge	Ladd	Phipps	Watson, Ga.
Fernald	La Follette	Poindexter	Willis
France	Lenroot	Pomerene	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. JONES of Washington. Mr. President, I understand the amendment now pending is the amendment of the Committee on Finance to strike out the tariff duty on shingles. I was not able to be present when the Senate met, being engaged at a hearing before the Committee on Appropriations.

Mr. President, the situation with reference to this amendment, so far as the committee hearings are concerned, is rather peculiar. Shingles are on the free list at the present time. In the hearings before the House committee I have not been able to find any testimony opposing the tariff on shingles. I have also been unable to find any testimony in the hearings before the Finance Committee of the Senate opposing a tariff on shingles. I remember that when our delegation appeared before the Committee on Finance with reference to the tariff on shingles we stated that we did not know whether it was necessary for us to appear or not, because we had not heard of any opposition to the tariff. I have copies of the hearings, but I have not had time to get them together this morning, but it was suggested by one of the members of the committee that if there were no opposition to the tariff on shingles it might not be necessary for us to present any testimony. On page 2131 of the hearings before the Senate Committee on Finance, when Mr. Bergstrom was before the committee urging a tariff on shingles, this colloquy occurred:

> Senator SMOOT. What are you asking for on shingles?
> Mr. BERGSTROM. Fifty cents per thousand.
> Senator SMOOT. That is provided for in the bill.
> Mr. BERGSTROM. Yes.
> Senator SMOOT. That is satisfactory to you?
> Mr. BERGSTROM. That is satisfactory.
> Senator WATSON. Is anybody opposing that?
> Mr. BERGSTROM. I do not know. We were told to appear here.
> Senator SMOOT. We have not heard of any opposition.
> Senator WATSON. I am wondering why you are bolstering up a case that nobody was attacking.

Mr. KELLOGG. Mr. President, will the Senator yield to me?

Mr. JONES of Washington. I yield to the Senator from Minnesota.

Mr. KELLOGG. I do not know whether or not the Senator from Washington has seen the statement, but when the matter was pending before the House—I do not know whether or not it is a part of the hearings—letters were presented by the American Farm Bureau giving their reasons for opposing any tariff on shingles. I think all of those letters and communications were presented to the Committee on Finance.

Mr. JONES of Washington. I have been unable to find anything in the House hearings in reference to that matter. At any rate, I am satisfied there were no witnesses before the House committee and no witnesses before the Senate committee in opposition to the tariff on shingles, and we have the statement of one of the members of the committee to that effect. After the statement which I have read was made, however, our delegation appeared before the Finance Committee, and we suggested that we had heard of no opposition and probably it was unnecessary for us to take the time of the committee.

There was no suggestion by any member of the committee at that hearing that anybody had appeared in opposition to the tariff on shingles. So it was a very great surprise to us when the committee reported this amendment.

Of course, Mr. President, I appreciate that this does not affect or go to the merits of the proposition.

Mr. POMERENE. Mr. President, does the Senator from Washington mean to say that because nobody appeared in opposition to a tariff on shingles, therefore there is no opposition to such a tariff?

Mr. JONES of Washington. Apparently there is opposition to it, because the Committee on Finance has reported to strike out the provision.

Mr. POMERENE. If the Senator can find anybody in the Central West who is in favor of a tariff on shingles, I should like to have him pointed out to me, for I have not seen any such person.

Mr. JONES of Washington. I have not been surveying the Central West to find out whether or not there is anybody there who is in favor of a duty on shingles, so far as that goes. I am sure there are many people there in favor of protection, and I hope they want it generally applied.

Mr. President, it seems to me that if there is any justification for a protective tariff upon any product of this country it lies in the case of shingles. I am looking at the matter from a protection standpoint. I believe in protection; I believe in applying it to the different industries of the country where it is deemed necessary.

Mr. POMERENE. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator from Washington has just used an expression which I do not understand. He speaks of this tariff "from a protection standpoint." Does the Senator mean from the standpoint of protection for those who are engaged in the manufacturing of shingles, or does he mean from the standpoint of protection to our forests?

Mr. JONES of Washington. Of course, I had in mind the protective principle, which the Senator from Ohio understands, I think, just about as well as I do, although he takes a different position with reference to it; but I hope the Senator will note that part of my argument when I come to it. I think that from the standpoint of the protection of our forests, the conservation of our forests, that we ought to have a protective tariff on shingles. The Senator smiles at that reference, but I shall point out the reason why I say that in a very few moments.

Mr. POMERENE. Mr. President, that suggestion does interest me, for if a tariff duty on shingles means that more shingles will be made out of our forest trees, of course that implies the cutting down of more trees. I do not quite understand what the Senator means when he says it is going to protect our forests by cutting them down.

Mr. JONES of Washington. I said "conserve our forests."

Mr. POMERENE. Well, use the word "conservation" then in lieu of "protection," and I am equally interested, for when there is such a great demand for house building all over the country, I do not understand how a tariff on shingles is going to protect the workingman in building a little house for himself, particularly if it is to be covered with shingles.

Mr. JONES of Washington. Mr. President, the Senator illustrates how one may obtain erroneous ideas by not being familiar with the local situation and the local conditions and the way things are done. I think I can convince the Senator in a very few moments that a protective tariff on shingles will conserve our forests and not waste them or destroy them.

First, however, let me speak from the protective-tariff standpoint. The shingle industry is confined very largely to the Pacific coast, and, I might say, very largely to the State of Washington. We produce in that State, as I understand, about two-thirds of all the cedar shingles produced in the United States. Out of a production of between 9,000,000,000 and 10,000,000,000 shingles in this country, the State of Washington produces over 6,000,000,000 shingles. There are employed in the industry many thousands of men and many millions of dollars are invested. In the past many shingle mills have been in operation in the production of shingles to supply the demand in this country. Since the present law was enacted we have had a very striking illustration of the effect of free trade on an industry of this kind. Prior to 1913 we were importing into this country comparatively a small number of shingles. I have the figures as to imports here. In 1913 we imported 560,000,000 shingles into the country. Then shingles were put on the free list. There has been much contention with reference to the various amendments of the pending bill on the ground that the imports do not show any reason for protection, and I confess, Mr. President, that in many cases the argument appealed quite strongly to me that there did not seem to be, from the standpoint of imports, need for a protective tariff; but that argument can not be made with reference to this particular item. As I have said, in 1913 we imported about 560,000,000 shingles into the country. Shingles were then put on the free list, and in 1918 we imported into this country 1,797,000,000 shingles, or more than three times the importation of 1913. In 1919 we imported into this country 1,987,000,000 shingles, showing a steady increase over 1918. Then in 1920——

Mr. WATSON of Georgia. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES of Washington. I yield to the Senator.

Mr. WATSON of Georgia. Will the Senator state what kind of shingles those were which were imported? Were any of them cypress or pine shingles?

Mr. JONES of Washington. I think they were largely cedar shingles and came to a great extent from British Columbia. In 1920 we imported 1,962,996,000 shingles, and for the year 1921, the figures for that year being the latest which I have, we imported over 2,163,611,000 shingles, or four times the importations of 1913.

Mr. STERLING. Mr. President, what was the production in this country in 1921?

Mr. JONES of Washington. I thought I had all of those figures here among my papers, but, not knowing that this question was coming up so promptly this morning, I have not had time to arrange them. My recollection is, however, that the production in this country is the same as it was in 1913, or possibly a little less than that. The production in this country is in round numbers, as I understand, nine billion or ten billion shingles annually. Mr. President, that is exactly what we said would occur if shingles were placed on the free list.

Mr. POINDEXTER. Mr. President——

Mr. JONES of Washington. I yield to my colleague.

Mr. POINDEXTER. Answering the question of the Senator from South Dakota, I have not the figures for 1921, but the production in this country altogether had fallen from 14,907,371,000 in 1909 down to 9,453,000,000 in 1919, and in the State of Washington alone the production had fallen from 8,879,000,000 in 1909 down to 6,133,000,000 in 1919.

Mr. JONES of Washington. That was my recollection in a general way with reference to the figures. In other words, what we urged in 1913 when the Simmons-Underwood tariff bill was pending has come to pass.

Mr. POINDEXTER. If I may supplement what I just said by a comparison with British Columbia, operating under free trade in shingles, while the manufacture of shingles was declining in the United States as shown by the figures which I have just stated, it was increasing in British Columbia from 725,000,000 in 1908 to 2,412,000,000 in 1919.

Mr. JONES of Washington. Over 2,100,000,000 of which came into this country. In other words, the increase in the production in British Columbia has simply kept pace with or, rather, measured the imports into this country, and the importations into this country measure very largely the decrease in the production in this country, and that measures the decrease in the employment in the mills of this country, and very largely in the State of Washington.

Mr. President, if a more striking example of the effects of free trade and of protection can be given, I should like to hear it mentioned. We have seen in our State the actual effects of free trade in this article. Many of our shingle mills have been closed. The men in those shingle mills have been thrown out of employment or have gone into some other class of employment.

I had this matter brought to my personal attention a little over a year ago. I was out in the State. I went up to Blaine, a town just on the border. You go on the street there, and you look up the bay, and you see British Columbia. The people took me down to the railroad yard and pointed out a long train of cars headed toward British Columbia. They called my attention to the fact that these were empty cars going to British Columbia. They said, "In a very few days, two or three days, these cars will come back to this country loaded with British Columbia shingles." They took me to the shingle mills in Blaine and they were idle. They were closed down. Their fires were out. Nothing was being done. They called my attention to the smokestacks of similar mills just across the line, up the bay, and they said, "Those are Canadian shingle mills, and they are running day and night."

Mr. SMITH and Mr. KELLOGG addressed the Chair.

The VICE PRESIDENT. Does the Senator yield, and to whom?

Mr. JONES of Washington. I yield to the Senator from South Carolina.

Mr. SMITH. I should like to ask the Senator if he knows the difference in the cost of production on the Canadian side as compared with the cost of production on the American side?

Mr. JONES of Washington. I am going into that in just a little bit. There is a dispute about it.

Mr. SMITH. While I am on my feet, I want to ask the Senator what is the character of the timber used in the production of shingles? Is the timber that they use available for construction purposes other than shingles in case the price is more advantageous for lumber of other kinds?

Mr. JONES of Washington. Yes; the cedar tree makes the shingle, and many other things are made out of the cedar tree.

Mr. SMITH. The reason I ask that question is that from the date the Senator indicated, say from 1914 on up to the latter part of 1920, construction lumber reached phenomenally high prices, and in my section of the country it was not profitable to convert into shingles any kind of timber that was available for construction purposes, and the scarcity of shingles became so great and the price so high, by virtue of its being more profitable to use the timber for other purposes, that for the first time in the history of my State and of the adjoining State of North Carolina, of which I have knowledge, we got tremendous importations from the State of Washington. Shingles were hauled in there by the millions, coming through the canal; and I was informed that in the Senator's State the mills used a kind of refuse that does not lend itself readily to use as construction lumber, but is available for shingle purposes, and that the mills could produce them so cheaply that they could send them all the way down to the South Atlantic States and sell them in competition with the shingles produced in the South to such an extent as practically to drive them out of the market.

Mr. JONES of Washington. I am going just a little bit later on to go into the subject of the timber that we have and the product that is available for the production of shingles. We have used, to some extent, waste material. That is, many years ago lots of our cedar was cut very high above the ground, and as the necessity for shingles grew and the price enhanced these stumps have been blown up and cut up into shingle bolts and converted into shingles; but that is not the whole thing at all. We produce just as good shingles as are produced anywhere else and we use for that purpose a great deal of timber that might under some circumstances be used for other purposes; but we use it in a conservative sort of way, and the peculiar methods that we have of lumbering, because of the scattered character of the cedar trees, result actually in conservation if we will give the proper encouragement to the production of shingles in this country.

Mr. POINDEXTER. Mr. President, I should like to say, for the information of the Senator from South Carolina, that that process of using stumps for the manufacture of shingles has very largely come to an end by reason of the exhaustion of the available material of that kind, and that at the present time, according to figures which I have received this morning from the most reliable sources, the difference between the United States and Canada in the cost of the material out of which the shingles are manufactured makes a differential in the neighborhood of 75 cents a thousand in favor of British Columbia, on account of the cheaper material that they have.

Mr. JONES of Washington. Mr. President, it is contended that the cost of production is lower in this country than it is in British Columbia. Various figures are presented to establish that contention. Figures have been presented on both sides. Our lumber people, our shingle people deny this contention very strenuously and they present their reasons for it.

The Tariff Commission have made a survey of some character, and they seem to take the position that the actual production cost in this country is a little bit lower than in British Columbia; but this conclusion is based upon various assumptions that, it seems to me, are absolutely unwarranted, and there are just one or two facts that, it seems to me, are conclusive against any such contention as that.

In the first place, it is admitted by the Tariff Commission that orientals are very largely employed in the shingle mills in Canada. They are not employed at all in the shingle mills in the State of Washington. Everybody knows that the oriental works cheaper than the white man. It is contended that he is not as efficient; yet there was one mill started in British Columbia where they employed all white men at the start, but in a very short while they changed them to all orientals. It seems to me that is conclusive that it was found more profitable to employ orientals in the production of shingles than it was to employ white people.

Then there is another fact that must not be overlooked, and that is this: During the war the lumber industry in the Northwest was practically forced upon an 8-hour basis. The Government said to our people, "You must produce your lumber of all sorts upon an 8-hour workday basis," and we went on that basis. We are on that basis now. In British Columbia they work on the basis of 9 and 10 hours a day. All the figures that may be brought here can not convince me that they produce cheaper on the basis of an 8-hour workday than they do on the basis of a 9 or 10 hour workday.

Mr. SIMMONS. Mr. President, I do not wish to interfere unnecessarily in the argument of the Senator; but there is one statement made by the Tariff Commission that I wish to call to the attention of the Senator, not with any view of embarrassing his argument at all, but in order that he may, if he is able to do so, answer the statement.

In the survey with reference to shingles, on page 573, under the head of "Competitive conditions," this statement is made by the Tariff Commission:

> There is active competition between shingle producers in Washington and British Columbia. Costs of production are about the same, American producers having an advantage in some respects and Canadian producers in others. In both regions there is great difference in the costs of production among individual mills.

I simply desired to call that to the attention of the Senator in connection with the argument which he is now making.

Mr. JONES of Washington. Yes; I have some suggestions with reference to the Tariff Survey that I am going to refer to in just a moment. That, at any rate, is a very general statement. I can not see that there is anything there that is very conclusive one way or the other. That applies to the general proposition. The general results we know. The general situation we know. We know that oriental labor is very largely employed in the Canadian mills. We know that it is not employed in our mills. We know that the Canadian mills run very largely, if not entirely, upon a 9 and 10 hour a day basis. Our people run upon an 8-hour basis, forced there by the Government. We know that the importations of Canadian shingles into this country since 1913 have increased more than 400 per cent, and we know that as those increases have been made our production has decreased almost identically with the amount of shingles imported into this country. That seems to me to be conclusive proof that the Canadians, by reason of their longer hours per day and their cheaper labor and better conditions, are able to compete in our own markets and drive out our people.

During the last few years many of our shingle mills have gone into the hands of cooperative companies or associations, and I hope Senators will take this into account. Many of the shingle mills have gone into the hands of the former employees, who have taken them over, and they are working them now upon a cooperative basis.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. JONES of Washington. Yes.

Mr. McNARY. Is not this a large factor to be considered: The cedar from which the shingles are made in British Columbia comes from Crown lands, public domain, and the party operating the mill can buy that lumber without any particular capital investment simply by paying royalty, whereas in Washington, Oregon, and other States the lands are privately owned and subject to taxation, and there is a very large interest charge on the capital investment.

Mr. JONES of Washington. That is true. Here is a telegram from Marysville, Wash., and I hope the Senators will pay attention to it. It is very significant to me as a protectionist, and our labor people should give it consideration. It reads:

> When tariff was taken off shingles in 1913 manufacturers cut wages. Said they had to because of British Columbia Chinese competition. Forty-one of us shingle weavers did not believe it, and started a cooperative mill. We believe it now. Except for the war period have operated at a loss.
>
> ROYAL CEDAR COOPERATE SHINGLE CO.

These men took the same position in 1913 which many of our people take to-day, that our people can produce shingles just as cheaply as the manufacturers in British Columbia can. When shingles were put on the free list, and the manufacturers said, "We are going to cut wages; we have to do it in order to compete with British Columbia shingle producers," these laborers said, "That is not the reason for the reduction in wages." They said, "It is not necessary; we can produce them just as cheaply in this country as they can abroad." Finally these men organized their association and took over a shingle mill. They went to producing shingles, and they have had it demonstrated to them that production is more expensive in this country than it is abroad. They say, "We can not produce them so cheaply here." They are absolutely convinced; they know.

I have a letter here from the Duncan Shingle & Lumber Co., which answers many of the objections which are made to the tariff on shingles, and I am going to read it. I personally do not profess to know very much about the shingle industry, so

I have to present what those who are engaged in the business know about it. They say:

We are taking the liberty of addressing you in reference to the proposed tariff of 50 cents per 1,000 on red cedar shingles in the tariff bill which is now under your consideration.

In the first place, we may state for your information that we are among the largest, and possibly the largest, distributers of high-grade red cedar shingles in the United States. We wish to go on record as most emphatically in favor of the proposed duty of at least 50 cents per 1,000 on red cedar shingles.

Our extensive experience in marketing red cedar shingles has shown us clearly the following facts (in referring in this letter to American shingles, we mean red cedar shingles produced in Oregon and Washington):

That there are many more high-grade shingles produced in Oregon and Washington than in British Columbia.

It is contended by some that the British Columbia shingles compete with our shingles in this country because they are a higher grade shingle. Our people deny that most emphatically. There are high-grade shingles produced in British Columbia; and there are high-grade shingles produced in this country, shingles of just as high grade as those produced in British Columbia, and some of our people contend that the highest grade in this country is even better than the highest grade in British Columbia. But this company says that there are more high-grade shingles produced in Oregon and Washington than in British Columbia. I read further:

That the best grades of American shingles are sold in competition with the best grades of British Columbia XXXXX shingles and usually sell for the same price.

They must sell for the same price. The British Columbia shingle comes into this country, and our people must meet the price. This letter further states:

That a number of American shingle manufacturers make shingles that are superior in every way to the very best British Columbia shingles.

That far more complaints are made by the retail trade on XXXXX British Columbia shingles than on similar grades of American shingles, although British Columbia manufacturers have for years claimed that British Columbia shingles, per se, are superior to American shingles.

Mr. POMERENE. Mr. President, I do not think anyone would question the quality of the shingles produced by the State of Washington; I think they are the equal of any shingle produced anywhere. The State of Washington produces not only high-grade shingles but high-grade Senators as well.

Mr. JONES of Washington. That is very kind of the Senator from Ohio, I am sure. I am glad especially to have his commendation of the Washington shingles, because it has been contended on this floor, and I have no doubt will be contended, that one of the main reasons why Canadian shingles have been imported so largely into this country is that they are better shingles than we produce; but, as the Senator from Ohio has said, they can not surpass the shingle produced in Washington. I continue reading:

In this connection we quote from a letter written by one of our representatives in Detroit, Mich., Mr. Eugene R. Chandler, under date of February 10, as follows:

"I used to sell a lot of BC–5X, but since those mills over there have lowered the grade so badly they are now no better than the common clears and not half so good as the Rite-Grade."

Under date of February 20, Mr. Chandler wrote to us as follows:

"I used to sell a great many 5X from several good mills in British Columbia, but of late I have been obliged to cut them off entirely on account of poor grade, so at this time it is very hard to get a decent car of 5X from British Columbia. It is for this very reason of their manhandling my orders and shipping poor stock that I have decided to sell your stock as far as possible, as I really believe the mills you represent are of the very best on the coast."

(We are sending Mr. Chandler's original letters, from which the above quotations are taken, to the Hon. MILES POINDEXTER.)

This is the method pursued:

That when there is an oversupply of shingles the British Columbia manufacturers use this country as a dumping ground, selling their product below American shingles at prices lower than the cost of producing American shingles, thus forcing the American manufacturers to either sell their product below cost or to close their mills, thereby throwing hundreds of Americans out of employment.

That no oriental labor is employed in the American shingle mills, but that a large percentage of the labor used in the British Columbia mills is cheap oriental labor.

Mr. KELLOGG. Mr. President, does the Senator contend that there is no oriental labor employed by the shingle makers of Washington or Oregon?

Mr. JONES of Washington. I do not know and have never heard of any oriental labor being employed in the shingle mills of the State of Washington.

Mr. KELLOGG. Is it not a fact that the percentage is just exactly as great as it is in Canada?

Mr. JONES of Washington. It is not a fact.

Mr. KELLOGG. I insist that it is.

Mr. JONES of Washington. It is not a fact, if I can believe the shingle producers of my State. I have not visited all the mills, but I have visited many and have seen no orientals.

Mr. POINDEXTER. Mr. President, I had information from a very reliable shingle manufacturer of the State of Washington only a few weeks ago, who said he had made special inquiry and examination as to whether there was any oriental labor employed in the shingle mills of Washington, and he could not find a single oriental employed in the shingle mills of that State.

Mr. KELLOGG. The same shingle mills have been representing here that their shingle mills are closed, when to-day they are running at full blast; in fact, many of them with double shifts.

Mr. JONES of Washington. Some of them may be, but all of them are not.

Mr. KELLOGG. The great percentage of them are.

Mr. JONES of Washington. A very large percentage of them are closed. I do not think the Senator from Minnesota knows any more about that than I do. I know many were closed last year. Our action should be determined by the situation of the years and not as to any particular time——

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield.

Mr. POMERENE. I am speaking generally, now, and not because of any special knowledge of the rate of wages paid in the shingle business; but, generally speaking, the wages in Canada in a given industry are substantially the same as the wages in the United States.

Mr. JONES of Washington. I think that is true as to the wages of white people.

Mr. POMERENE. When the Senator speaks of the oriental labor in Canada, he has in mind, of course, the Japanese?

Mr. JONES of Washington. Chinese and Hindoos.

Mr. POMERENE. Japanese particularly, I think, though there may be some Hindoos. I have been informed by Americans who have very large manufacturing interests in Japan that they always estimate, in making their contracts, that the Japanese labor is one-third less efficient than American labor, and I do not believe there is any doubt about it. I think an investigation of the subject will show that the oriental labor employed in the shingle mills in Canada is one-third less efficient than our labor here in the United States.

Mr. JONES of Washington. Mr. President, here is a statement bearing on that very point:

In 1913 the Westminster Mill Co. built what was then claimed to be the best shingle mill in British Columbia. The plant is located at New Westminster. The Westminster Mill Co. hired an entire crew of American sawyers and a filer away from the Case Shingle & Lumber Co., of Raymond, Wash. Within six months every one of these American workmen, except the filer, were replaced by Chinese.

Why were they replaced? There is only one answer, that on the whole they were more beneficial to the employer. In other words, he made more money by employing the Chinese than he did by employing the white people. It does not seem to me there is any answer to that. Of course, I know it has been long contended that the oriental labor is not as efficient as the white labor, and it may be true that it is not as efficient, and yet, taken in the aggregate, considering the amount of money expended in this employment, it is more productive for the employer than white labor. That is the situation in British Columbia.

This company goes on in its letter:

That owing to this cheap labor, the cost of manufacturing British Columbia shingles is considerably below the cost of manufacturing similar grades of American shingles.

Mr. President, figures can be produced to sustain both sides of this contention, I grant. Figures will be sent here by reputable men and reputable firms endeavoring to show that the cost of production in this country is lower than it is in Canada, and so on. But it seems to me that as a Republican, as believing in the principle of protection and its application to the industries of this country, I should resolve any doubt I might have in favor of the American industry, the American laborer, and the American investor. So, granting the doubtful character of the proof submitted on both sides with reference to cost of production, I consider it my duty to favor a duty upon shingles in the interest of the American industry. I think the fact is very clear, as far as that is concerned, that the cost of production is less in Canada than in this country.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. I yield.

Mr. KING. In view of the statement just made by the Senator that figures could be produced on both sides—somewhat like

some preachers, who can interpret a text from the Bible in different ways—permit me to call the Senator's attention to a statement here which seems to me to be the product of extensive investigation, and by a dispassionate body, which therefore can not be challenged, even by the able Senator from Washington.

Mr. JONES of Washington. I challenge it very emphatically.

Mr. KING. May I call the Senator's attention to it and put it in the RECORD?

Mr. JONES of Washington. Certainly.

Mr. KING. On page 54 of the Tariff Survey, speaking of shingles, the Tariff Commission says:

> Average prices for 1920 for the most important grades were obtained from several sources and averaged. The prices finally adopted were as follows, all prices being per 1,000: For the United States, perfection, $8.39.

The corresponding price in British Columbia was $8.82. The cost was higher.

Mr. JONES of Washington. That says "price." It does not say "cost."

Mr. KING. The prices at which they were sold. The perfects were $8.22 in the United States, and the price of the corresponding article in British Columbia was $8.10. In the United States the clears were $6.04, and in Canada they were $6.04. No. 2 Eureka were, in the United States, $6.96, and in Canada, $8.10. So, taking the prices of the various grades, it would appear that they were higher in Canada than they were in the United States. The commission further says:

> As determined by the above process, the total cost per 1,000 was found to be for American mills $4.77 and for British Columbia $5.04.

That includes log cost, manufacture cost, depreciation, and marketing, but not interest on investment. So that taking into account the cost of production, it would appear that the advantage is on this side of the Canadian line.

Mr. JONES of Washington. I would like to ask the Senator, then, why importations have been increasing so largely and why our production has been decreasing, if that is true?

Mr. KING. I ought to say in fairness that these figures were for the year 1920. In 1921 there had been many disturbing factors in the United States as well as in some other parts of the world. So that we can not fairly and justly predicate any rate on conditions of the past year. The Senator knows that many strikes occurred during the past year, and my information is that they invaded the beautiful State from which the Senator comes. They have had labor troubles there, and because of labor troubles and cessation of production there would be manifestly an increased importation.

Mr. JONES of Washington. I think the Senator has answered the tariff survey contention. I shall refer to that just a little bit later.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. Certainly.

Mr. LENROOT. I would like to ask the Senator whether or not there was not a shortage of raw material during 1920 and 1921 owing to lack of demand for fir lumber?

Mr. JONES of Washington. That I do not know. Of course, shingles are not made out of fir.

Mr. LENROOT. No; but, as I understand, in Washington particularly the cedar runs about 20 per cent of the total fir cut, and it is more or less of a by-product. When the fir is being cut there is a free supply of shingle material. When the fir is not cut there is a shortage of shingle material.

Mr. JONES of Washington. That might affect it to some extent. That might be true. But is it fair, is it in accordance with the principles of the Republican policy of protection, that every doubt shall be resolved against us, that every untoward circumstance shall be resolved against the application of the principle of protection? I do not think so. I think it ought to be just the reverse of that.

Furthermore, I have given figures of importations covering four or five years and showing the steady increase of importations and the steady increase of the production in British Columbia and their imports into this country. My colleague put in the record data showing a steady decline of production in this country to correspond with those imports.

Mr. HALE. Mr. President, I would like to ask the Senator from Washington a question, if I may do so.

Mr. JONES of Washington. I yield to the Senator from Maine.

Mr. HALE. More or less has been said about the importation of shingles into this country. Does the Senator know whether we have exported any shingles?

Mr. JONES of Washington. I think we have exported some, but I have not the figures.

Mr. HALE. I have the figures given by the Tariff Commission.

Mr. JONES of Washington. I shall be glad to have the Senator place them in the record.

Mr. KELLOGG. We have exported a good many shingles.

Mr. HALE. We imported during the year 1920 shingles to the value of $11,260,000. We exported during the same time shingles to the value of $35,491. If there is any advantage that we have in this country over Canada, it would seem to me there would have been a greater exportation.

Mr. JONES of Washington. That would seem reasonable.

Mr. HALE. Conditions in my section of the country are possibly not the same as in the West, but in 1909 we produced 559,000,000 shingles in Maine. Since shingles have been put on the free list we now produce about 140,000,000, or only about one-fourth of what we formerly produced.

One of the items involved, which has not been mentioned, I think, is the question of stumpage. I have ascertained from people in my State some facts about the stumpage which they have to pay on cedar. In Canada the ordinary price of stumpage is $2.70 per 1,000 on cedar. During the winter of 1921–22 this price went down to $1.40 for cedar. At the same time in my State we were paying $5, $6, and even as high as $7 for cedar stumpage. That is certainly an advantage that Canada has over us in the cost of production.

Mr. JONES of Washington. Mr. President, when I was interrupted I was about to call attention to this fact. I remember that when the Payne-Aldrich law was under consideration in the Senate there was a great controversy over the lumber schedule. I remember that the leading lumber people from my State, as well as other sections of the West and of the South, were here urging a tariff on lumber, urging it very strenuously.

What is the situation now? The situation now is that the men who were here then most strongly urging a tariff on lumber are not specially interested at the present time. I know one man in particular, a man of the very highest character and standing and integrity, who was one of the leading men here when the Payne-Aldrich law was before the Senate, as well as when the Underwood-Simmons law was up for consideration, who was at that time urging a tariff on lumber. He is not urging it now. He frankly says why. There is no concealment upon his part as to his change of attitude. Why is it? It is because he has invested largely in British Columbia timber. That is true of many of our timber people. They have their investments on the other side of the line, and so they are indifferent as to a tariff. They catch it coming and going.

But the small shingle-mill owner, the cooperative associations to which I have referred, the laboring men who have taken over the shingle mills and, as mutual associations, are trying to run them, do not own shingle timber across the line in British Columbia, and so they are vitally interested with reference to the maintenance of the American industry. I venture to say that many of the American companies, the American people interested in lumber, who are urging free trade in shingles and free trade in lumber are doing it because they are not only interested in timber in this country but they have large holdings across the line in British Columbia.

How do the British Columbia people regard this action of the committee in putting shingles on the free list? I have here a clipping from the Vancouver (B. C.) Sun of March 18, 1922, and this is what they say:

> BRITISH COLUMBIA SHINGLES PUT ON FREE LIST IN UNITED STATES—ALL FINISHED LUMBER TO BE EXEMPT FROM DUTY, SENATE COMMITTEE DECIDES—FIRST ROUND IN BIG FIGHT IS WON—LUMBER INTERESTS SANGUINE SIMILAR ACTION WILL FOLLOW IN NEXT TWO STAGES.
>
> British Columbia shingles are placed on the free list in the new United States tariff bill by the Senate Finance Committee, which is working on the measure, according to advices received here from Washington yesterday by the Shingle Association of British Columbia.

They have had their representatives down here. There is no question about that. They are keeping closely advised as to what is being done.

> The House bill had a duty of 50 cents on shingles. With this exception the provisions of the bill are retained and all finished lumber will go into the United States free.
>
> Although this is only the first round in the big fight against a duty being placed on British Columbia lumber and shingles entering the United States, as the bill must go before the Senate and the House of Representatives, yet the lumber interests of this city were jubilant yesterday. They prophesy that similar action will be taken at the next two crossings the bill has to make.
>
> The fight started about a year and a half ago, and has been continued ever since the first effort was made by the lumber and shingle interests of the Western States to prevent Canadian lumber competing in the United States markets.
>
> The Washington Government has not been very affectionately inclined toward the Western States lumber concerns recently, however,

as was evidenced by the action for investigation of charges against the Western Pine Association and the West Coast Lumber Association of restraint of trade and fixed prices.

To the shingle trade of British Columbia alone the duty of 50 cents a thousand on shingles would have meant 50 cents per thousand on 2,000,000,000 shingles or $1,000,000 a year in duty alone. Last year this Province shipped about 2,000,000,000 shingles to the United States, or 85 per cent of the entire pack.

Now, Mr. President, it does not seem to me, in the face of that situation, that we should require very much argument in favor of the application to this industry of the Republican policy of protection.

I have here an analysis of the Tariff Commission's survey, prepared by the American shingle manufacturers. As the tariff survey, of course, has been referred to, and very naturally and very properly so, I am going to read this analysis, made by men who know the business, who know the situation, who can speak intelligently, and who can point out the errors made in the tariff survey. It reads:

From: American shingle manufacturers.
To: United States Tariff Commission.
Subject: Tariff Information Surveys, FL–37 (shingles).

That is the survey which has been read from here on the floor during the discussion.

GENTLEMEN: During consideration of pending tariff bill by the Finance Committee of the Senate, your commission transmitted a report to said committee on the red-cedar shingle industry, wherein you specifically admit that certain vital conclusions of your survey were predicated on "assumptions" and "not entirely correct," but alleging that the hypothesis is sufficiently near the truth to afford a fairly satisfactory basis of comparison." (See par. 3 of p. 54, Tariff Information Surveys, FL–37.)

Without desiring to be intentionally unkind or discourteous, the American shingle industry—or, to be exact, 72 per cent thereof—after careful analysis of said report, is compelled to go on record to the effect that the only accurate essential information contained therein was footnote at the bottom of page 60, subsequently eliminated in a correction letter from your commission, dated February 20, 1922, in which letter you advise that this footnote "was included by mistake."

The report is too inconceivably inaccurate and misleading to be permitted to go unchallenged by an American industry to which it does a grave injustice. It should not be allowed to become a matter of permanent Government record.

The purpose of this communication is to point out the errors of the report, ask its withdrawal pending further investigation, and to say to you that if you will grant this petition a committee of practical and experienced shingle manufacturers will, if permitted, confer with you or your representatives as to methods of determining costs in accordance with correct accounting practice instead of "assumption," at the same time placing before you definite records of actual sales which will enable you to correctly determine average selling prices.

Specifically, the American shingle industry's petition for the withdrawal and correction of your report is based on the following reasons:

I ask the attention of the junior Senator from Utah [Mr. KING] to this, because I know he wants to be fair:

1. Your hasty and superficial survey was conducted for the year 1920, which period was characterized in all business by chaotic, abnormal conditions wholly adverse to correct or intelligent analysis essential in determining facts as a basis for tariff legislation.

There is exactly the suggestion made by the Senator from Utah himself for the opposite contention.

2. Your report has given certain Senators the erroneous impression that oriental-made shingles of British Columbia sell, grade for grade, at a higher price in American markets than American-made shingles. Your assumption in this respect was not within $1.27 per 1,000 for the correct and actual 1920 sales on Perfections; was not within $2.61 per 1,000 on Perfects; was not within $1.39 per 1,000 on Eurekas; was not within $1.21 per 1,000 of the correct price for Clears. In other grades we find proportionate discrepancies.

3. You say, "The grade of shingle produced in British Columbia averages distinctly higher than that produced in Washington-Oregon."

In reality there are more high-grade shingles produced in Oregon and Washington than in Canada.

4. You say, "It was assumed that a shingle was of a higher grade either because it consumed more material or required logs of better quality, and that a consequent difference in log costs would be reflected in a difference in price. It did not seem probable that the labor and other costs would be greatly different, shingle for shingle."

Difference in log cost reflects in cost of manufacture, but not necessarily in price. It is the history of the red-cedar shingle industry that the selling price of lower grades frequently approaches the price of higher grades, and vice versa, in response to the law of supply and demand.

As to its "not seeming probable that labor and other costs would be greatly different, shingle for shingle," for the very period covered in your survey the labor alone, in sawing and packing Perfection shingles, was 7 cents per 1,000 more than the sawing and packing of Clears. Shingle for shingle, there is a material difference in labor cost.

5. Your report shows that the 5–2 Dimension shingle sold in 1920 for 38 cents less than Clears. This is the one instance where there is a fixed price differential between grades, the Clear grade being the base for 5–2 Dimension, which latter at no time in the past 10 years has sold for less than $1 over the price of Clears, instead of 38 cents under, as you assume.

6. Your report quotes a grade of Stars at an average price of $4.67—

I should like to have the Senator from Utah note this statement. This is a criticism of the survey report, pointing out the errors in it:

There is no such grade; and actual records fail to reveal any such price. There is a grade of "A," to which your report assigns an average price of $4.86, whereas the actual sales as of that year show an average of $3.89.

Which is correct? Somebody, of course, is wrong. These men know the business; they are engaged in it. Of course, it may be said they are interested. That may be true; but I know that some of them are interested not only in this country but in British Columbia.

7. You say: "Oriental labor is employed to a greater extent in the Canadian mills."

There is no oriental labor employed in Oregon and Washington shingle mills. A careful investigation conducted by the shingle grade inspectors of the shingle branch of the West Coast Lumbermen's Association shows that there is not one oriental employed in the shingle mills of Oregon and Washington.

The Senator from Minnesota [Mr. KELLOGG] has information to the contrary. I myself do not know. I know many of these men; I know that they are highly reputable and honorable men, and I do not believe they would make a statement of that character if it were not true. I also know that as a general proposition orientals are not employed in the lumber camps and lumber mills and shingle mills in the State of Washington. This company goes so far as to say they have made an investigation and there is not a single oriental employed in any of the shingle mills of Washington and Oregon.

8. You say: "They (orientals) work for somewhat lower wages, but it has been asserted that what is gained in lower wages is lost in greater wastefulness of material."

If oriental labor is so wasteful, why is it the dominating labor in British Columbia shingle mills, when so much white labor is available?

By whom was it asserted? Does a mere assertion justify the erroneous impression you incorporate in an official report and its influence upon important legislation?

In 1913 the Westminster Mill Co. built what was then claimed to be the best shingle mill in British Columbia. The plant is located at New Westminster. The Westminster Mill Co. hired an entire crew of American sawyers and a filer away from the Case Shingle & Lumber Co., of Raymond, Wash. Within six months every one of these American workmen except the filer were replaced by Chinese.

9. You say: "Certainly, so far as the averages shown above are representative, the Canadians have no advantage in labor costs."

American manufacturers are in possession of facts which show, for American and Canadian mills making identical grades, the Canadian sawing and packing labor is:

Sixteen cents per 1,000 lower than like American labor on Perfections.
Thirteen cents per 1,000 lower than like American labor on Eurekas.
Twelve cents per 1,000 lower than like American labor on Perfects.
Nine cents per 1,000 lower than like American labor on Clears.
Nine cents per 1,000 lower than like American labor on "A."

10. Your report shows Canadian Eurekas sold for a 1920 average of $8.10 and American Eurekas $6.95, thereby conveying the impression that the Canadian make sells higher in American markets than the American make. Aside from the obvious error of your figures in both instances, the grades are not comparable. Both are 18-inch shingles, but one is 100 per cent clear and vertical grain, while the other is 90 per cent clear and may contain up to 50 per cent flat grain, together with defects 14 inches or over from the butt.

11. In your table of costs you show American Perfections at $5.89 and American Perfects $5.83, a difference of 6 cents. One thousand feet log scale produces 7,000 Perfection shingles and 9,000 Perfects. Cedar logs in 1920 averaged $27.83; therefore the average raw material cost of Perfections was $3.97 and the same cost for Perfects was $3.09, a difference in raw material alone of 88 cents. Add to that a sawing and packing cost differential of 7 cents per 1,000 higher on Perfections than Perfects and you will understand why American manufacturers complain.

12. You say: "Leading men of the industry are divided on the question of tariff."

If you mean the leading men of the industry in the United States and Canada, or if you mean a few leading men of the American industry having timber or mills in Canada, then you are correct. But if you refer to the leading American shingle manufacturers, you are mistaken.

Below you will find the names and addresses of some 200 leading men in the American shingle industry. If you will take the trouble to write these gentlemen, you will find that there is no division on the subject of tariff other than that one of these gentlemen favors a 30-cent duty, while the rest are divided between 50 cents and 75 cents. The names follow—

Mr. President, I ask that these names be printed along with the statement.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Washington asks unanimous consent that a certain list of names in the document from which he has been reading may be printed without reading. Is there objection? The Chair hears none, and that order will be made.

The names are as follows:

J. H. Bloedel, Seattle, Wash.; J. J. Donovan, Bellingham, Wash.; R. B. Davis, Bellingham, Wash.; B. J. Wooster, Alcha, Wash.; M. J. Cathcart, Alsea, Oreg.; C. E. Shields, Port Angeles, Wash.; John McMaster, Seattle, Wash.; W. C. McMaster, Marysville, Wash.; E. E. Case, Raymond, Wash.; Ed. R. Hogg, McMurray, Wash.; C. O. Austin, Gig Harbor, Wash.; R. Roggenstroh, Concrete, Wash.; F. Corden, Olympia, Wash.; D. H. Carpenter, Baring, Wash.; J. F. Potter, Kalama, Wash.; H. J. Clough, Everett, Wash.; Harry Mullen, Hamilton, Wash.; R. S. Thomas, Clatskanie, Oreg.; H. J. Pierce, East Stanwood, Wash.; Theo. Burnley, Blaine, Wash.; H. J. Bratlie, Ridgefield, Wash.; M. T. Brohn, Stanwood, Wash.; C. E. Hill, Bucoda, Wash.; W. M. Wasser, Bunker, Wash.; W. C. Miles, Globe, Wash.; Louis Campbell, Seattle, Wash.; Lee Vaughn, Denny, Wash.; William Carlisle, Onalaska, Wash.; D. M. Carpenter, Everett, Wash.; B. F. Bird, Snohomish, Wash.; H. F. Hess, Elbe, Wash.; John Horn, Elbe, Wash.; F. D. Harm, Chehalis, Wash.; L. R. Carpenter, Cherry Grove, Oreg.; Roy W. Comegys, Duvall, Wash.; J. B. Bucholz, Rochester, Wash.; F. H. Jackson, Clear Lake, Wash.; B. F. Hartley, Everett, Wash.; D. M. Clough, Everett, Wash.;

C. E. Putnam, Portland, Oreg.; A. S. Coates, Raymond, Wash.; W. McClelland, Kalama, Wash.; E. A. Cooper, Snohomish, Wash.; William C. Butler, Anacortes, Wash.; H. N. Peabody, Castle Rock, Wash.; J. Schwarz, Kelso, Wash.; R. R. Clark, Big Lake, Wash.; E. L. Day, Port Blakeley, Wash.; H. F. Bergman, Florence, Oreg.; A. G. Hammond, Berkely, Calif.; T. Dodd, Bellingham, Wash.; R. W. Mersereau, Portland, Oreg.; R. Delano, Winton, Wash.; R. F. Hubbard, Centralia, Wash.; W. A. Morrow, Hoquiam, Wash.; T. S. Galbraith, Eatonville, Wash.; H. W. Stuchell, Everett, Wash.; Oscar J. Ek, South Bend, Wash.; J. Erb, Maple Falls, Wash.; Thomas F. B. McLaughlin, Enumclaw, Wash.; Walter Gregg, Hoquiam, Wash.; Walter Mann, Everett, Wash.; C. J. Melby, Everett, Wash.; J. P. Lambert, Skamowaka, Wash.; J. E. Bram, Port Angeles, Wash.; F. W. Fluhrer, Mayger, Oreg.; A. R. Garner, Everett, Wash.; Joseph H. Ditz, Duvall, Wash.; F. M. Roberts, Raymond, Wash.; J. H. Cavanaugh, Anacortes, Wash.; James Pinkey, Lawrence, Wash.; J. P. Smith, Concrete, Wash.; A. H. Kuhn, Hoquiam, Wash.; Theodore Swanson, Rosburg, Wash.; W. S. Green, Seattle, Wash.; H. W. Richardson, Robe, Wash.; J. G. Peterson, Baldi, Wash.; Harry Hammerly, South Bend, Wash.; P. S. Haner, Wickersham, Wash.; Roland Hartley, Everett, Wash.; C. H. Vorhis, Granite Falls, Wash.; B. R. Lewis, Clear Lake, Wash.; B. E. Kenyon, Montesano, Wash.; J. B. Nicholson, Tacoma, Wash.; William Hulbert, Everett, Wash.; George Startup, Index, Wash.; C. Iverson, Custer, Wash.; P. H. Olwell, Everett, Wash.; Neil Jamison, Everett, Wash.; J. J. Johnson, Baconia, Oreg.; N. Jerns, Bellingham, Wash.; J. O. Campbell, Aloha, Wash.; F. Keidel, Kalama, Wash.; E. A. Knight, Kelso, Wash.; George E. Kemp, Port Angeles, Wash.; R. B. Horton, Kerriston, Wash.; Edward McMaster, Kenmore, Wash.; L. G. Horton, Seattle, Wash.; A. G. Magnuson, Raymond, Wash.; M. E. Larson, Sauk, Wash.; J. F. Weber, Inglewood, Wash.; E. J. Matson, Bellingham, Wash.; R. H. Wayland, Seattle, Wash.; W. E. Marshall, Aloha, Wash.; E. A. Foster, McCormick, Wash.; A. W. Mackie, Markham, Wash.; C. F. Tucker, Fairmont, Wash.; S. C. Tevis, Portland, Oreg.; Ralph Emerson, Hoquiam, Wash.; Gerald D. Massie, Seattle, Wash.; C. L. Miller, Sumas, Wash.; A. H. Buck, Eugene, Oreg.; E. E. Campbell, Seattle, Wash.; S. C. Mumby, Bordeaux, Wash.; F. S. Neal, Montborne, Wash.; Charles Boettcher, Alder, Wash.; C. O. Duncan, South Bend, Wash.; Thorpe Babcock, Hoquiam, Wash.; C. G. Wilson, Bethel, Wash.; Ole T. Olson, Comstock, Oreg.; William Rhodes, Oso, Wash.; George Bergstrom, Everett, Wash.; C. J. Webster, Seattle, Wash.; L. G. Humbarger, Markham, Wash.; H. Womacks, Auburn, Wash.; Garfield Taylor, Shelton, Wash.; W. J. Rucker, Lake Stevens, Wash.; Oscar Sather, Carlisle, Wash.; Hubert Schafer, Montesano, Wash.; H. A. La Plant, Lyman, Wash.; Paul R. Smith, Seattle, Wash.; M. R. Smith, Kansas City, Mo.; J. H. Dunlop, Littell, Wash.; D. H. Doe, Stearnsville, Wash.; Henry Kratz, Clatskanie, Oreg.; Potrus Peterson, Seattle, Wash.; C. H. Russell, Marysville, Wash.; W. Leybold, Tacoma, Wash.; W. H. Waples, Lynden, Wash.; E. S. Bellows, Kelso, Wash.; Charles E. Newstad, Elma, Wash.; Frank Sontra, Langley, Wash.; F. A. Martin, Centralia, Wash.; William Menzel, Granite Falls, Wash.; George McCormick, McCormick, Wash.; C. R. Markley, Seattle, Wash.; E. J. Mills, Berkenfield, Oreg.; Robert W. Hallam, Nagrom, Wash.; P. R. Hogan, Aberdeen, Wash.; H. L. Snider, Kerry, Oreg.; H. L. Carey, Everett, Wash.; E. B. Smith, Blaine, Wash.; Thomas Bordeaux, Seattle, Wash.; A. B. Harlid, Edmonds, Wash.; J. N. Ohler, Veronia, Oreg.; I. Hillestad, Joyce, Wash.; J. N. Otto, Carlsborg, Wash.; Claude Beaman, Marysville, Wash.; C. G. Evenson, Edmonds, Wash.; H. A. Woolsey, Mount Vernon, Wash.; W. M. Walker, Robe, Wash.; Andrew Bumgard, Marysville, Wash.; A. M. Morley, Aberdeen, Wash.; G. A. Thompson, Sauk, Wash.; R. S. Shaw, Portland, Oreg.; Fred C. Siemons, Bellingham, Wash.; L. W. Rowley, Boston, Mass.; F. R. Titcomb, Snoqualmie Falls, Wash.; W. C. Yeomans, Pe Ell, Wash.; W. F. Miller, South Bend, Wash.; Fred J. Vance, Portland, Oreg.; Delos Spaulding, Morton, Wash.; Frank L. Hackett, Olympia, Wash.; E. L. Conner, Everett, Wash.; W. A. Thompson, Milwaukie, Oreg.; J. A. Michand, Tacoma, Wash.; G. W. Frazier, Blaine, Wash.; H. B. Dollar, Malone, Wash.; R. E. Wagner, Monroe, Wash.; H. B. Waite, Minneapolis, Minn.; G. S. Gilchrist, Nallpee, Wash.; A. W. Konde, Hoquiam, Wash.; W. W. Wood, Hobart, Wash.; J. A. Loggie, Bellingham, Wash.; I. B. Grungstad, Shamokawa, Wash.; A. C. Young, Tacoma, Wash.; A. E. Case, Raymond, Wash.; M. W. Jackson, Packwood Spur, Wash.; H. E. Sutherland, Big Lake, Wash.; J. F. Taylor, Kapowsin, Wash.; B. W. Maguire, Three Lakes, Wash.; Judd Greenman, Union Mills, Wash.; J. L. Gilfilon, Bellingham, Wash.; A. McLeod, Van Horn, Wash.; E. R. Wait, Port Angeles, Wash.; J. M. Martin, Anacortes, Wash.; J. S. Whitaker, Myrtle Point, Oreg.; E. Hamel, Seattle, Wash.; W. B. Williams, West Sound, Wash.; A. G. Hanson, Enumclaw, Wash.; and J. C. Rheinhart, Elma, Wash.

Mr. JONES of Washington. Mr. President, I am sorry I have taken so much time, but this is an industry of such great importance to my State as well as to other States that I feel I am justified in doing it. As I have said, thousands of men are employed in the shingle industry. These shingle mills are small institutions; they are not great lumber mills like those controlled by associations such as we frequently find in the lumber business and about which so much complaint has been made; but a great percentage of our shingle mills, as I stated a while ago, have gone into the hands of former employees of the mills. They have organized mutual associations to operate and handle these mills among themselves. The testimony given by them shows that they are not able to compete with the Canadian interests across the line. These mills are now being closed; men are being thrown out of employment; we are losing our market and the industry is going down.

It is urged that we should have no tariff on shingles in the interest of the conservation of our forests. The Senator from Ohio (Mr. POMERENE) is not now present; he has been called out of the Chamber. He made the suggestion as to conservation, and seemed to be rather incredulous when I suggested that a tariff on shingles is in the interest of the conservation of our timber resources. I will tell Senators why I say that. The Senator from Wisconsin (Mr. LENROOT) a moment ago suggested the reason. He brought out the fact that throughout our forests only a small percentage of the timber consists of cedar from which shingles are made, and stated that cedar amounted to about 20 per cent of the total timber. I doubt if the percentage is that great. The cedar trees are scattered throughout the forests. When the fir is cut we should also cut or harvest the cedar, for when the fir trees fail they break the cedars, and in many instances practically destroy them. Unless the cedar trees are then worked up into shingles in some way they are practically lost. If the shingle industry is not in such condition as to warrant the manufacture of the cedar trees into shingles, which, as the Senator from Wisconsin has stated are a sort of a by-product incident to the harvesting of the fir forests, then we shall lose that much lumber; we lose that much of our forests which we fail to conserve. In other words, Mr. President, if by a tariff we so encourage the shingle industry in this country that the cedar trees and the cedar logs shall be made use of along with the fir trees as they are cut down, then we conserve our forests just to that extent. If the shingle industry is not prospering, if it is not possible to use the cedar timber, to cut cedar trees and logs up into shingle bolts and manufacture them into shingles, then we shall have failed to conserve our forests just to that extent. This is real conservation.

The Canadian situation is a little different, as I understand. As I am advised, the cedar timber in Canada is largely in a more compact body than in our country; in other words, there is not a forest of fir with a few cedar trees scattered through it, but a cedar forest which may be harvested as a cedar forest. That, of course, is a very great advantage. The result, Mr. President, of encouraging the shingle industry in this country is to make available for the shingle market not only the cedar and shingle timber of British Columbia but the shingle timber of the United States as well. So we serve a double purpose in encouraging the development of the shingle industry. Not only do we employ American labor and American capital, but we conserve the American timber and the American forests.

Mr. President, I have no hesitation in urging a Republican Senate and a Republican Congress to place a tariff upon shingles. It will not increase the price of shingles to the farmer or to the home builder in this country, because there is active competition among the shingle producers of the United States. There is no great organized trust or combination or association that will hold up prices, but there are hundreds of different shingle manufacturing organizations in my State alone actively in competition with each other, and they will keep the price down just as low as competition can keep it. The clipping from the Vancouver Sun, of British Columbia, would indicate that taking the tariff off of shingles simply means a million dollars a year in the pockets of the British Columbia shingle producers and that much out of the revenues of the United States, and that is according to the Republican contention with reference to the application of the principle of protection.

Mr. LENROOT. Mr. President, the Senator does not mean to say that there will be the same amount of imports with a 50-cent duty as there is now, does he?

Mr. JONES of Washington. The duty might reduce the imports, but there would still be imports.

Mr. LENROOT. If the imports were the same the tariff would not do the shingle factories in the Senator's State any good, would it?

Mr. JONES of Washington. Possibly not, but of course I hope the tariff will reduce the importation of shingles into this country. It will not prevent importations entirely. Over 500,000,000 shingles came into this country in 1913 under the duty then provided by law. However, Mr. President, to impose a tariff on shingles does not mean that the home consumer of shingles will pay an increased price any more than it means that when we put a tariff on various other articles throughout this bill. If I thought that was true I would vote against this tariff bill; I would vote against the various proposals that are made here; but it is not true; it is contrary to the practice and experience of our people in the past. The imposition of a tariff duty on an article in this bill does not mean at all that the cost of production of that article is increased in this country, and it does not mean that the cost of the article will be increased to the consumer, except possibly under certain conditions.

If we place a tariff upon an article that is controlled in this country by a combination or by a monopoly, then it may be possible for that controlling monopoly to raise the price; but, Mr. President, I will not knowingly vote for the imposition of a

tariff upon a product in this country that is controlled by a monopoly. I will largely take the judgment of the committee, and I may unwittingly vote for such a tariff, but I will not knowingly do it.

It has been suggested, and the argument with reference to the application of these duties in the consideration of this bill seems to proceed on the theory, or at any rate gives out the impression to the country, that every rate of duty that we impose upon articles in this bill is added to the cost of the article and must be paid by the consumer. That is not true. As I say, it is not added, and it can not be added in any case except possibly where it is controlled by a monopoly. It is the Republican belief and the Republican contention that the competition among home producers will keep down the price, and that it is stabilized and maintained in a better way by reason of import duties than if the foreign producers are allowed to dump their products freely into this country, as it is said here by these manufacturers that the Canadians dump their shingles upon the markets in this country and depress the price, and when our production falls off and the demand increases their prices go up, and they recoup themselves for whatever reductions they have made, which reductions have been made at the expense of the American producer.

Mr. President, I favor this tariff on shingles in the interest of American labor and American industry and in the interest of real, genuine conservation and as a proper application of the Republican doctrine of protection.

Mr. McCUMBER. Mr. President, I wish to take only a moment in indicating to the Senate the reasons that justified the committee in reporting in favor of placing shingles upon the free list.

There are two important reasons. The first and most important of all, and one which reaches into the question of the free importation of all building material, and especially lumber, is that of the cost of producing and marketing in the competing countries. We were supported in our view by the report of the Tariff Commission. This commission made a very exhaustive research into costs and prices, both in Canada and in the United States, and their final conclusion was that taking each one of the grades of shingles produced in the United States and in Canada, the cost was substantially the same. In fact, they found that the Canadian cost was a little in excess of the American cost; but for all purposes of argument we may assume that the costs of producing shingles in the United States and in Canada are substantially the same.

Mr. President, I am going to ask permission to put into the RECORD the marked portions of the report of the Tariff Commission upon the several grades of shingles produced in the United States in this pamphlet from page 54 to page 60, inclusive. This will cover a series of tables showing the cost of production in the two countries, and, in addition thereto, showing exports, imports, and many other items of important consideration. They are epitomized in that statement, and to conserve space I shall ask that it be printed instead of discussing it at any particular length. It shows conclusively that the cost of production is practically the same in the two countries.

That, however, would not affect me to any great extent, provided there were nothing else to be taken into consideration in the matter of the importation of shingles and lumber from Canada. In considering that subject, however, we are led immediately to the question of the conservation of our own forests. Either luckily or unluckily, I am the owner of some very choice timber tracts in Oregon, some of the finest in the world; and as I look at those great trees, some of which started in their course of life before Moses began to write upon the mountains, and as I look at their great trunks, straight as an arrow, kissing the very skies, and think of the acres and acres of that fine timber, and then contemplate the hundreds, aye, the thousands of years that nature has taken to produce those trees, and then glance for a moment on the sides of the hills in Oregon and see where the fire has swept through where there have been brushings and cuttings and where we have denuded the forests, and see nothing but great black stumps pointing skyward, preaching the lesson of exhaustion of these great forests, I can not help but admit that it does influence me to some extent in favor of conservation.

My early life was spent in Minnesota. I knew something about their vast forests; and as we now go through the old stumpage and see nothing but willows and poplars, and very few of the old pine trees, and consider that nothing has been done to reforest, and I doubt if anything could be done, I am inclined to protect our American forests as much as possible.

It is a little different where we are considering an article which can be produced in the year 1922 and harvested and put upon the market, and the same product can be produced again in 1923 and harvested and put upon the market. There is some justification for protection there, and I should be in favor of protection even though possibly we could manufacture or produce as cheaply as in Canada if I found that the industry really needed the assistance; but I find that the Canadian shingles in some qualities are selling for a higher price than the very best American shingles. I do not think they can produce any better shingles than we can produce in the United States; but when you take a splendid American shingle and, in order to save a little or perhaps save considerable in the cost of the freight, you put it through a drying kiln that takes all of the sap out of it in a very few days, you have injured the shingle to some extent—at least, experts so think—and therefore they are willing to pay a higher price for the Canadian product that has not gone through the extensive process of drying that is used so much in the American mills for the purpose of saving freight rates on the excess water in the wood.

Mr. President, I think there is no justification for a tariff on shingles by reason of any difference in the cost of production. It is true that we import a great many more shingles than we export, but our imports are very light compared with our production; and when we take that matter into consideration and further consider the great, important matter of conserving our great timber belts in the United States, I think we are justified in allowing Canada first to denude her country of forests before we entirely destroy all of our own.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent to have printed in the RECORD certain documents which he has described. Is there objection? The Chair hears none, and that order will be made.

The matter referred to is as follows:

COST OF PRODUCTION.

[From tariff information surveys on logs, timber, lumber, and other wood products.]

The commission has collected cost data from mills in British Columbia and in Washington-Oregon. In developing the data collected it was necessary to find some common unit, if the comparison was to be significant.

There are many grades of shingles and the different mills do not produce the same grades in the same proportions. One mill may specialize on a high grade, another on a low grade. This is true of competing mills in the same region, and is especially true between British Columbia as a whole and the Washington-Oregon region as a whole. The grade of shingle produced in British Columbia averages distinctly higher than that produced in Washington-Oregon. To compare the average cost of producing a "shingle," irrespective of grade, would be obviously unfair.

The method adopted in this report was based on the assumption that the log cost of production varied with the grade of shingle as shown by its average market price. It was assumed that a shingle was of a higher grade, either because it consumed more material or required logs of a better quality, and that a consequent difference in log cost would be reflected in a difference in price. It did not seem probable that the labor and other costs would be greatly different shingle for shingle. The assumption is not strictly accurate. Probably the expense both for labor and overhead was somewhat greater in the case of mills producing high-grade shingle. Some mills, indeed, made returns of wage scales showing a higher rate for sawyers of "Perfection," for example, than for other shingles. It is believed, however, that the hypothesis is sufficiently near to the truth to afford a fairly satisfactory basis of comparison.

* * * * * * *

Unit costs of manufacturing the several grades of shingles in Washington-Oregon and in British Columbia.

Grade.	Average cost per 1,000.		Grade.	Average cost per 1,000.	
	American mills.	British Columbia mills.		American mills.	British Columbia mills.
Perfection	$5.89	$6.41	*A*	$4.20	.....
Perfects	5.83	.....	Star	4.11	.....
Eurekas	5.20	6.05	XXXXX	.....	$5.62
Clears	4.77	5.04	XXX	.....	5.04
5/2 dimension	4.65	.....	No. 2 Eurekas	.....	4.61
6/2 dimension	4.36	.....	Culls	3.44	3.91

COMPARISON BY GRAPHICAL METHOD.

The above comparison by averages shows the cost to be slightly greater in British Columbia than in Washington-Oregon—$5.04 per 1,000 as compared with $4.77. Conclusions from this result should, however, be made with caution. In the first place, the mills, while believed to be fairly representative, by no means cover the whole industry. For Washington-Oregon returns were received from 37 mills, with a production of 1,559,669 thousand shingles out of a total production for the whole region of 4,847,105 thousand—about 32 per cent. For British Columbia returns were received from 15 mills, with a production of 1,300,357 thousand out of a total production of 2,412,000 thousand—about 54 per cent. The costs for individual mills vary so widely that the inclusion of all the mills might have affected

the result considerably. Finally, both costs and prices in 1920 were abnormal. While both British Columbia and Washington-Oregon were affected by the abnormal conditions, it is possible that one region was more affected than the other.

The real situation is shown much more accurately by the two accompanying diagrams (Figs. 5 and 6). Here the costs (reduced to clears by the method above described) are shown mill by mill. It will be seen that some mills in Washington manufacture at a much less cost than many mills in British Columbia, and that some mills in British Columbia manufacture at a much less cost than many mills in Washington-Oregon. The condition is similar to that described in connection with the lumber industry on a preceding page.

INCREASE IN COST OF PRODUCTION.

The following table shows the cost of producing shingles in 1914 and 1915 in several typical mills in western Washington:

Costs of production, 1914 and 1915, for typical mills in western Washington.[1]

[Cost per 1,000.]

	Year.	Daily capacity.	Grade produced.	Costs of production.			
				Logs.	Labor.	All other.	Total.
Mill No. 1..	1914	250,000	10 per cent clears, 90 per cent stars.	$1.050	$0.488	$0.245	$1.783
Mill No. 2..	1914	150,000	60 per cent stars, 40 per cent clears.	.80	.64	.31	1.75
Mill No. 3..	[2] 1915	250,000	100 per cent clears..	1.060	.458	.215	1.733
Mill No. 4..	.....	400,000	40 per cent clears, 60 per cent stars.	1.100	.400	.070	1.570

[1] From data collected by the shingle branch of the West Coast Lumber Manufacturers' Association.

[2] 6 months.

Comparing these costs with those shown for 1920—labor $1.15, logs $2.90, other $0.72; total $4.77—it is seen that the total cost was nearly three times as great in 1920 as in 1914. During the present year (1921) there has been a sharp decline in both costs and prices.

LABOR.

Pay rolls were obtained from several mills. So far as these are typical, they indicate that the prevailing opinion is correct—that a larger percentage of oriental labor is employed in British Columbia than in Washington-Oregon and at a lower wage. One mill showed an average rate of 33 cents per 1,000 for white sawyers and 29 cents per 1,000 for Chinese. Another showed 36.7 cents for white and 30.5 cents for Chinese. The difference in wage rate per 1,000 does not, however, necessarily represent the difference in labor cost. It is claimed by some managers that oriental labor is more wasteful of material. Certainly, the average labor costs, from the returns received by the commission, are practically identical for Canada and the United States.

IMPORTS AND EXPORTS.

The following table shows shingle imports and exports by quantity and value:

Exports and imports of shingles.

EXPORTS.

Destination.	1918		1919		1920	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Thousand.		*Thousand.*		*Thousand.*	
Canada	3,417	$11,368	1,729	$6,235	9,915	$35,491
Panama	3,350	19,795	282	3,494	.....	.....
Mexico	6,014	28,993	9,882	54,076	8,389	62,754
Cuba	126	714	454	2,968	236	1,235
Australia	1,500	5,353	563	3,089	5,560	31,882
New Zealand	1,519	4,863	500	1,760	1,529	8,050
Other countries	3,966	24,786	2,733	17,858	8,608	57,226
Total	19,892	95,872	16,143	89,480	34,237	196,633

IMPORTS.

Source.	1918		1919		1920	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Thousand.		*Thousand.*		*Thousand.*	
Canada	1,797,612	$5,626,932	1,987,480	$8,720,032	1,963,567	$11,260,189

From the above table it is seen that the United States both imports and exports shingles, though the imports greatly exceed the exports. The imports constituted in 1919 nearly 25 per cent of the domestic consumption, while the exports were only about 0.2 per cent. The exports, though small, however, are widely distributed, while the imports come almost exclusively from Canada.

TARIFF HISTORY.

Shingles were admitted free in the act of 1894. In 1897 they were made dutiable at the rate of 30 cents per 1,000, which rate was raised to 50 cents in the act of 1909. In 1913 they were returned to the free list.

PRICES.

Prices since the beginning of the century are shown in the following table:

Average selling price per 1,000 f. o. b. mill of red cedar shingles for the years and grades specified.[1]

Year.	Grade.		Year.	Grade.	
	A	Clears.		Extra stars.	Extra clears.
1901	$1.37	$1.61	1914	$1.43	$1.71
1902	1.75	1.99	1915	1.27	1.56
1903	1.59	1.83	1916	1.55	1.92
1904	1.36	1.59	1917	2.19	2.82
1905	1.36	1.62	1918	2.23	2.80
1906	1.78	2.12	1919	3.75	4.51
1907	2.39	2.67	1920	4.67	6.04
1908	1.77	2.20			
1909	1.75	2.10			
1910	1.69	2.14			
1911	1.55	1.98			
1912	.....	.....			
1913	1.65	2.14			

[1] From 1901 to 1913, western red cedar in the Pacific Northwest, reprinted by Forest Service from West Coast Lumbermen, Feb. 1, 1914, and Mar. 1, 1914. From 1914 to 1919, data furnished by Forest Service; 1920 data obtained by the commission.

NOTE.—*A* is practically the same grade as extra stars, and clears as extra clears.

COMPETITIVE CONDITIONS.

The only country from which serious competition is to be apprehended is Canada, and the cost studies made in a previous paragraph show the cost of production as shown by averages is slightly less in Washington-Oregon ($4.77) than in British Columbia ($5.04).

As pointed out, however, averages, where the costs for individual mills differ so widely, are misleading. It gives a false impression to think of Washington-Oregon as a unit competing with British Columbia as a unit. Some producers in each region find no difficulty in meeting competition from the other region. Other producers in each region do find difficulty. British Columbia possesses some advantage in that the red cedar is found growing in pure stands, while across the border it is found chiefly in mixed stands with the Douglas fir. The provincial government imposes the same conditions in regard to the exports of red cedar logs and bolts that it imposes upon other logs. The British Columbia manufacturers, therefore, are not so dependent upon the vicissitudes of the Douglas fir trade as those in the States. Moreover, oriental labor is employed to a greater extent in the Canadian mills. They work for somewhat lower wages, but it has been asserted that what is gained by the lower wage is lost in the greater wastefulness of material. Certainly, so far as the averages shown above are representative of conditions, the Canadians have no advantage in labor costs; $1.15 per 1,000 in Washington-Oregon and $1.16 per 1,000 in British Columbia.

In making use of cost studies, however, to form a judgment as to competitive conditions allowance must be made for the rate of exchange. It is difficult to estimate just how great this allowance must be, for some of the costs in Canada are paid in American money (for example, in some cases laborers leaving the United States to work in Canada have demanded and received payment in American money. Machinery and supplies imported into Canada from the United States may be paid for in American exchange), and some of the sales in America are paid in Canadian exchange. To the extent, however, that Canadian costs are in terms of Canadian money while Canadian sales are in terms of American exchange, the Canadian competitors are placed in an advantageous position. Canadian discount in 1920 averaged about 12 per cent. (From graph prepared by the Royal Bank of Canada.) On this basis average Canadian costs, reduced to terms of American money, would be $4.44 instead of $5.04, thus showing 33 cents lower than American costs. Of course, if in making shipments to the United States payments were made in terms of Canadian exchange, the advantage derived from a lower cost would be neutralized. But to the extent that payments on the same price basis were made in terms of American exchange—and it is known that in 1920 such was quite generally the case—the Canadian producers would have an advantage. However, as stated in a previous paragraph, competition between Washington-Oregon and British Columbia is more a matter of relative efficiency in individual mills than a question of international advantage between the two regions, each taken as a whole.

That some American shingle producers find no difficulty in meeting Canadian competition on equal terms is evidenced by the exports. These, though small compared with the imports, are yet substantial, averaging for the years 1918, 1919, and 1920 over 24,000,000 shingles per year. It is significant that of these exports some 14 per cent were shipped to Canada itself and the remainder to widely extended markets. At present (August, 1921) shingles are admitted free, both in the United States and Canada.

The leading men in the industry are divided on the question of the tariff. Some demand a duty as a means of meeting Canadian competition. Others, holding that the price of shingles will in any event be fixed by the competition with roofing substitutes, are of the opinion that it is more for the advantage of American manufacturers to unite with their Canadian competitors in an aggressive advertising campaign for wood shingles to meet the competition of shingle substitutes than to antagonize them by tariff legislation.

Mr. McCUMBER. Mr. President, I have sent for the report of the Tariff Commission in reply to the criticism of their findings which was just read into the RECORD by the Senator from Washington. When it arrives I shall also ask that it be printed in the RECORD immediately after the statements which I have just made.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

MEMORANDUM RE COMMUNICATION OF AMERICAN SHINGLE MANUFACTURERS TO UNITED STATES TARIFF COMMISSION ON THE SUBJECT OF TARIFF INFORMATION SURVEY FL-37, SHINGLES.

Because of the serious character of the criticisms leveled against the report it is advisable to take them up in detail.

1. The year 1920 was selected as being the last year for which data were available at the time the survey was prepared. The objections to this year were forestalled in the report itself. On page 55 will be found the following words: "The above comparison by averages shows the cost to be slightly greater in British Columbia than in Washington-Oregon—$5.04 per 1,000 as compared with $4.77. Conclusions from this result should, however, be made with caution. * * * Finally, both costs and prices in 1920 were abnormal. While both British Columbia and Washington-Oregon were affected by the abnormal conditions, it is possible that one region was more affected than the other.

As to whether the survey is superficial or not is, of course, for the reader to judge. Extensive data were collected by an agent in the field, accountants were sent out to check the accuracy of the data by inspection of the books of mills both in Canada and the United States, and much painstaking and laborious effort was expended in presenting and interpreting the data. The work was certainly not hasty. The only hasty thing about the report was the insertion of the footnote on page 60, of which more will be said later.

2. The prices referred to were obtained from the following sources: A telegram from the Shingle Branch West Coast Lumbermen's Association, a telegram from the Grays Harbor Shingle Co., quotations from the Timberman, and from sample copies of the Daily Shingle Market Reports issued by the Shingle Branch West Coast Lumbermen's Association, and data taken from records of sales as shown by manufacturers. The telegram from the Shingle Branch of the West Coast Lumbermen's Association was made the basis to which the prices of grades not directly given in the telegram were reduced.

We were led to believe that quotations in the telegram were "per square," and as all other figures in the report were discussed on the basis of the "thousand" as a unit, the prices per square were adjusted to the thousand basis. If, as we assume from the criticism, our assumption was incorrect, the prices on page 54 of the survey are too high. This being the case, our error is greatly to be regretted, but as in using these prices to compute costs ratios only were used, and as the absolute costs would not affect the ratios, the final result in the cost per thousand of producing shingles would not be affected. Any other error that may appear could only result from our attempt to reduce to the same basis prices of grades not given in the telegram. It is not believed that any error which could have arisen in this process could have appreciably affected the result.

3. There are nearly three times as many shingles produced in Washington alone as in British Columbia, and therefore it is quite possible that the statement ("in reality there are more high-grade shingles produced in Oregon and Washington than in Canada") is correct. However, judging by the schedules submitted to the commission by the individual mills on both sides of the line, the relative proportions are such as to warrant the statement on page 54 of the survey, "The grade of shingle produced in British Columbia averages distinctly higher than that produced in Washington-Oregon."

4. From an actual study of the cost account methods employed by the shingle producers of the Northwest, it was evident that no uniform system of segregating shingle costs by grades was in use; in fact, of the mills visited, there were only three that attempted such cost segregation on their books. It is difficult to see how, as the business was generally conducted, it would be possible to make such a segregation with accuracy. Several grades were made in the same mill at a joint cost. The same machines were used for sawing the several grades, some parts of the same log were sawn into our grade and other parts with another. In the face of these conditions it seemed necessary to make some hypothesis. Confessedly, the hypothesis adopted was imperfect, but it seemed to be the best available, and, at least roughly, serve the purpose of reducing costs in Canada and the United States to a common unit. Had it not been made the average Canadian cost would have shown much higher, and the average United States cost much lower than they were made to appear in the survey. In other words, the manner of presenting costs actually worked to the advantage of the interests in the United States asking protection. The commission would certainly welcome data which would enable it more convincingly or accurately to present the facts.

5. We can only state that the price quoted was derived from data submitted by some of the sources mentioned in No. 2 above. We regret the error, if error there was.

6. Referring to our quotation of "stars," which you say are not manufactured, we can only reply that the grade of "stars" is a term which our experts have constantly heard used by shingle manufacturers in the Northwest, and 11 of the mills furnishing cost data mentioned stars among the grades produced, as is shown by their own costs' statements. In fact, your Mr. Case shows costs for this particular grade.

7. Our statement, "Oriental labor is employed to a greater extent in the Canadian mills," was in the exact words of a gentleman prominent in the lumber interests in Seattle. If no oriental labor is employed in Washington-Oregon our statement is certainly within the truth.

8. The statement, "They (orientals) work for somewhat lower wages, but it has been asserted that what is gained in lower wages is lost in greater wastefulness of material," was made by an official of the Shingle Branch West Coast Lumbermen's Association, a man certainly in a position to speak with authority on the subject.

We have before us the pay roll, September 1 to 15, 1920, of a shingle mill located in New Westminster, British Columbia. Judging by the names, 43 per cent of the sawyers are not orientals. The packers appear to be, with one exception, all orientals. The pay roll of another Canadian shingle mill, August 16 to 21, 1920, shows 57 per cent white. It is clear that the advantage of oriental labor at that time was not so pronounced as to exclude white labor. We are unable to give a categorical answer to your question, "If oriental labor is so wasteful, why is it the dominating labor in British Columbia shingle mills, when so much white labor is available?" but we would suggest that there may be other reasons—assuming the fact to be as stated—other than less labor cost; trade-union difficulties, for example.

9. The statement, "so far as averages shown above are representative, the Canadians have no advantage in labor costs," is strictly in conformity with facts. The schedules submitted showed labor cost to average $1.15 per 1,000 for the United States and $1.16 per 1,000 for British Columbia. From the pay rolls above referred to we extract the following statements: From an American mill—"Paid 32 cents for sawing 'Perfections,' 28 cents for sawing all others." From a Canadian mill—"white sawyers, 33 cents per 1,000; chink, 29 cents per 1,000; Perfections, 31 cents per 1,000." The difference is certainly inconsiderable.

10-11. The possible error in prices was explained in (2).

12. The statement in regard to the opinions of leading men was made by the same official of the Shingle Branch West Coast Lumbermen's Association, who made the statement in regard to relative cost of oriental and American labor. His statement in full was as follows: "As to protection there is a difference of opinion among members. Formerly protection was justifiable. Now costs are about the same. The matter of the tariff has been discussed by the trustees. The prevailing opinion was that it was better to keep both Canadians and Americans in the association and have the benefit of larger funds for marketing and salesmanship methods to meet the competition of roofing substitutes. The price will be fixed by these substitutes in any event. But the shingle branch is not officially on record for or against a tariff."

At this point a word should be said about the suppressed footnote on page 60. At the time when the page proof had been returned for final revision the December 17 issue of the American Lumberman had just been received. On the strength of a statement on page 48 of that issue the footnote was prepared and inserted. This was done because it was feared that the statement in the text obtained in 1920 did not represent the present position of the industry. Shortly after the survey came out a telegram was received from one of the associations mentioned in the footnote emphatically denying its truth so far as that association was concerned. A more careful reading of the article in the American Lumberman showed that it was capable of a different interpretation than that given to it in the footnote. In any event the matter was clearly controversial and it seemed best to suppress the footnote.

In regard to your closing protest we may say that it is the customary policy of the commission to welcome criticism and suggestion upon its surveys and reports, before they appear, by persons competent to pass judgment. In conformity with this policy the survey in question was submitted to Dr. Wilson Compton, secretary of the National Lumber Manufacturers' Association; Donald D. Conn, representing Shevlin, Carpenter & Clark; and to E. E. Case, George A. Bergstrom, and W. C. McMaster, representing the shingle interests. Suggestions made by all of these gentlemen were incorporated in the survey. It is much to be regretted that the error in prices, referred to above, escaped the notice of all of these gentlemen as well as the authors of the survey.

Surely the names of the above-mentioned gentlemen are sufficient evidence of the absence of intent to show any such partiality as is implied in your protest.

Inasmuch as matter already printed in the report is now controversial and its conclusions were based upon the experience of an abnormal year, we would welcome your cooperation in preparing a supplement based on the experience of 1921, for which data are now doubtless available.

Mr. KELLOGG obtained the floor.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. KELLOGG. I do.

Mr. McCUMBER. I think we should have a quorum to hear this discussion, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McKinley	Simmons
Ball	Harrison	McLean	Smith
Bursum	Heflin	McNary	Smbot
Calder	Johnson	Moses	Spencer
Cameron	Jones, N. Mex.	Nelson	Stanley
Capper	Jones, Wash.	Newberry	Sterling
Curtis	Kellogg	Nicholson	Townsend
Dillingham	Keyes	Norbeck	Underwood
du Pont	King	Norris	Walsh, Mass.
Edge	Ladd	Oddie	Warren
Fernald	La Follette	Overman	Watson, Ga.
France	Lenroot	Phipps	Watson, Ind.
Frelinghuysen	Lodge	Pittman	Willis
Hale	McCormick	Poindexter	
Harreld	McCumber	Sheppard	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the committee amendment.

Mr. KELLOGG. Mr. President, I contend that there is no ground whatever for a tariff duty on shingles or lumber. The cost of manufacturing shingles in Canada is equal to or greater than that in the United States. In all competing territory east of the Montana-Dakota line the freight rates are the same. In the Pacific Coast States the freight rates are against Canada and in favor of the Washington and Oregon distributers. The exchange rates are the same; the prices of labor are substantially the same. There is a tremendous shortage of shingles and building lumber throughout the United States, the prices are rising, and the operators themselves are advertising to-day to keep the prices down, yet some of the shingle mills are coming here and demanding protection, in order that they may faster and faster destroy American forests.

There never was a case presented where there was less ground, on the facts, for a protective-tariff duty, and it is protection going mad to put a tariff duty on building materials, when to-day there is a shortage of houses in this country of more than 1,300,000. The shingle mills of Oregon are running to capacity,

and many of them running double shifts, making more money than they have made any year, perhaps, except 1920.

There are many principles governing this question. In the first place, they do not need it; in the second place, we ought not to place a duty on lumber, logs, or shingles, or any of the raw material which will induce the more rapid destruction of American forests. That is a principle which ought to govern in the matter of fixing a tariff duty on shingles.

It is estimated by the Forest Service that we have not in existence in this country over 40 or 50 years' supply of timber. The prime forests of Minnesota, Michigan, and Wisconsin are practically exhausted now. They make shingles in Maine, and have a better market than they ever have had before. Yet we are asked to place a duty on shingles, to burden the farmer and the builder who wants a home to-day, in order that we may faster destroy the forests of the United States. I am a reasonable protectionist, but I can not go that far.

Mr. President, 45 per cent of the lumber used in this country is used on the farm, and to-day the reports show a great shortage of lumber for farm building in this country. Furthermore, I will show by the advertisements of the lumbermen in Washington and Oregon that there is a shortage in this country estimated at from five to over twenty billion feet of lumber, and that they are advertising to buy with care, that the prices may not be put too high.

Everyone knows of the shortage of housing in this country. The best authorities estimate that there is a shortage of houses of 1,389,000. That is based upon the experience of a long term of years, and a calculation of the number of houses to be built as our population increases. We all know that during the war the inability to obtain labor and lumber, and the demand for lumber for other purposes, made it difficult, if not impossible, to build houses to keep up with the demands of the people. The building permits for the month of March this year exceed those issued during any other month for many years. There were 121,550 building permits issued for the month of March, 1922, and yet we are asked to put a duty on shingles because the shingle production has decreased below what it was a few years ago. Shingle production, perhaps, has decreased because of the competition of other kinds of roofing material in the large cities required by the building ordinances, but in the country, on the farms, the demand for shingles is as great as ever, and everyone will admit that to-day there is a shortage, and that there is a tremendous demand in this country.

The Chief Forester, in reply to a resolution of the Senate, in his report of June 1, 1920, said:

> Eighty per cent of the county agents report that the extremely high prices of lumber are placing a handicap on farm development and the production of crops and live stock. The most serious effect reported appears to prevail throughout the sparsely timbered regions, where in cases of emergency the farmer is not able to secure supplies from the farm woodland. Live-stock raising and dairying seem to be the hardest hit, because of the large barn equipment and shelter necessary. It is reported that heavy losses of implements and crops are resulting from lack of proper storage facilities. In some of the newer sections it is even reported that farmers who have not yet reached a stable financial basis are leaving the land because of the cost of new construction. It is reported from all parts of the territory covered that present conditions are tending to lower the standards of living and to make it more difficult to hold on the farm the farmer's own children and desirable classes of labor.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. KELLOGG. I yield.

Mr. WATSON of Indiana. For my own information, did the Senator state that the shingle mills in Washington and Oregon are operating full time?

Mr. KELLOGG. I did, and I will prove it.

Mr. WATSON of Indiana. That is, running to full capacity?

Mr. KELLOGG. All the way from 90 to 110 per cent, varying, of course, in the mills.

Mr. WATSON of Indiana. Will the Senator answer two more questions, either now or when he comes to them? First, what is the difference in the cost of production here and in Canada; and, second, what are the importations?

Mr. KELLOGG. The importations are something under 2,000,000,000 shingles out of 9,000,000,000 used in the United States. The cost of production in Canada is stated very carefully by the Tariff Commission after an exhaustive investigation, and I shall give the figures as I proceed. They state that the cost of production is greater in Canada than in the United States. I understand after this elaborate reply to the Tariff Commission report was made by the shingle manufacturers of Washington and Oregon the commission, after reinvestigating the matter, refused to take back their report and stand by their original figures.

Mr. POINDEXTER. Mr. President——

Mr. KELLOGG. I yield to the Senator from Washington.

Mr. POINDEXTER. Does the Senator from Minnesota understand how it is that the Tariff Commission can assert, as he claims they do, that the cost of producing shingles is greater in Canada than it is in the United States in the face of the fact that we have levied a tariff upon hundreds, if not thousands, of articles in the pending tariff bill to protect the American manufacturers against Canadian products in all lines of industry? Why is it there is an exception in the case of shingles?

Mr. KELLOGG. I will state the facts as they appear in the Tariff Commission's report: That the cost is not greater in the United States; that there is no need of protection; that the markets are open to both; that in fact, so far as freight rates are concerned in the territory of the Pacific coast, the American producer has the advantage.

Mr. President, the duty on lumber has received wide consideration. I have not the time to state all of the protests which have been received against the duty on lumber. The Senator from Washington [Mr. JONES] stated he never knew there was any opposition to the tariff. The American Farm Bureau presented resolutions, and I have copies of them, and letters and protests from more than 260 farm bureau organizations in the United States against it. The legislatures of a number of States have passed resolutions against it. Colorado was one, Minnesota was another, and California was another. I do not remember them all. Building associations, farm bureaus, retail lumber associations, boards of trade, and various industrial organizations from 27 States have petitioned against the duty on shingles or lumber, and yet the Senator from Washington said he did not know there was any objection. Let me read some of these protests. Here is one sent to Mr. FORDNEY on May 20, 1921, signed by the American Farm Bureau, and a comment on it by Mr. Silver, of the farm bureau, in a letter to me of May 8:

> I herewith inclose you copies of our letters of May 20 and June 20, 1921, to Mr. FORDNEY, together with resolution passed by the executive committee of the American Farm Bureau Federation, also copy of resolutions passed by the Minnesota Farm Bureau Federation and the Minnesota State Legislature, all in opposition to a duty on lumber, and a list of the States whose farm bureaus have passed resolutions similar to that of Minnesota. We are also sending you a resolution passed by 296 county farm bureaus voicing their opposition to a duty on lumber, and who are vitally interested in this matter, as farmers are the largest consumers of lumber.

Mr. President, I will ask to have inserted at the end of my remarks the resolutions and letters which were sent to Mr. FORDNEY over a year ago, as well as those sent me, to which I have just referred.

Mr. WATSON of Indiana. Do they make any distinction between a tariff on lumber and a tariff on shingles?

Mr. KELLOGG. In the same letter to which I have just referred, and which will be placed in the RECORD, it is stated that they do not make any distinction. I ask that the whole of the letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. LODGE in the chair). Without objection, it is so ordered.

(See Appendix A.)

Mr. KELLOGG. It is stated here that the shingle mills of Oregon and Washington are idle and that they are losing money, while the shingle mills across the line are running full blast, and making money. Does that not strike one as a little peculiar, in view of the fact that the freight rates are the same, the prices of labor substantially the same, the same general country within reach of the same market?

But let me show what some of their own men say about the subject. I have here a telegram signed by A. W. Cooper, secretary of the Western Pine Manufacturing Association of Portland, Oreg., dated May 2, 1922. He said:

> At present 80 to 95 per cent shingle mill capacity operating. Have figures by districts of average between 85 to 90 per cent operating as near as obtainable. These are same as March, 1920. Practically all mills now operating that can operate.
>
> A. W. COOPER.

Mr. POINDEXTER. What was the date of the telegram?

Mr. KELLOGG. May 2, 1922.

When the gentlemen from Oregon were down here urging the Senate Committee on Finance to place a duty on shingles certain statements were made. I would like to read some of the statements which were then being made through the lumber publishers' organization in the United States. I have here the West Coast Lumberman, published on October 1, 1921, at the very time this matter was pending before the committee. Here is a paragraph from one of the articles:

> One of the Northwest leading producers of red-cedar shingles has notified its many customers that it will guarantee them against any further advance in prices until January 1. This move was made in

the hope that it might be able to prevent another spectacular jump in the price of shingles, jumps which have been occurring now and then for years, and which have been harmful to the industry.

Does that look as though they needed very much protection? Again:

Some figures have recently been compiled showing that the country's annual freight bill on lumber is now about $200,000,000 annually. When one considers that at the present time the bulk of the lumber used in the United States moves on a comparatively small freight rate one wonders what toll lumber will be some 10 or 15 years from now.

And yet it is proposed to add a tariff on top of that—at least, some want it.

Here is another article:

Shingles have continued to advance to the point where leading manufacturers hope that there will be no further increase in prices. In fact, one of the largest producers of the Northwest is out with a guaranteed price good until January 1. This manufacturer believes that further advances will be harmful; and if he can induce several other producers to guarantee their prices the general demand for red-cedar shingles will not be checked, as they fear it will be if prices keep on skyrocketing. There has been a legitimate cause for the advance in shingle prices. The contributing causes are limited production all summer; the fact that stocks at storage points and in transit a month or six weeks ago were the lowest that they had been for months; cedar logs are becoming increasingly scarce, due not only to the steady exhaustion of the supply of raw material but more especially at this time to the fact that Japan is purchasing millions of feet of red-cedar logs.

Washington, Oregon, and Canada are exporting red-cedar logs to Japan, which country has prohibited the destruction of her forests.

This was on October 1, 1921. I have obtained the prices on October 1, 1921, and on June 3, 1922, and except as to two of the lower grades of shingles the prices are higher to-day than they were on October 1, 1921. On perfections on October 1, 1921, the price was $3.40, and on June 3, 1922, the price was $3.61. On Eurekas the price on October 1, 1921, was $2.81, and on June 3, 1922, the price was $2.91. On perfects the price on October 1, 1921, was $2.97, and on June 3, 1922, the price was $3.30.

Now, Mr. President, let me read some more of the articles which have been appearing in the Northwest coast lumber journals and statements by some of the manufacturers. I have here an article which was sent from Seattle, dated May 6, 1922, on the lumber industry, headed:

Million homes to rise in 18 months, lumbermen say—Plants use day and night shifts to meet increased demand—Shingle mills alone employ 7,000 in far Northwest—Foreign needs expand.

This is a better argument than I can make, and I would like to read it into the RECORD:

SEATTLE, May 6.—Affording double employment for mill crews and inaugurating a prosperous season for the Northwest lumber industry, plants are using day and night shifts to expand their production to meet increased lumber demand and to clean up accumulated back orders from all sections of the United States.

Northwest lumbermen also announce that both foreign and Atlantic seaboard buyers have increased their orders, strengthening the lumber market. Additional proof that the Nation is proceeding with its greater building program is being furnished by wholesalers in increased inquiries and orders.

A great housing shortage exists. During the war and the period immediately following all classes of people put off building; some for patriotic reasons, others believing lumber prices would tumble.

MILLION NEW HOMES FORECAST.

Northwest lumbermen estimate that in the next 18 months more than a million new homes will be erected in the United States. From one corner to another of the Nation larger demand annually is being made on the Northwest for wooden building materials. This is particularly true of red-cedar shingles. Long trains of shingles are creeping into the yards of big American cities, bearing the housetops from the tree tops of the Pacific coast's big stand of timber.

Mr. POINDEXTER. Mr. President——

Mr. KELLOGG. I yield to the Senator from Washington.

Mr. POINDEXTER. Is there anything stated in the article which shows whether these long trainloads of shingles come from the United States or from British Columbia? The forests are continuous; they are not stopped by the international boundary. One of the very striking and dramatic showings which have been made in regard to this matter is the taking of empty cars through the State of Washington into British Columbia and loading them with shingles and bringing them back through the State of Washington to market. That may not be the case with the shipments to which the Senator from Minnesota has referred, but it may be, so far as I know.

Mr. KELLOGG. Mr. President, I shall show before I am through by the statements of lumbermen from the Northwest themselves that there is a shortage of shingles and a tremendous demand; that prices are going up. It is not reasonable to suppose that long trainloads of shingles are running from Canada to the United States and that at the same time the shingle mills of Washington and Oregon are idle; and it is not true, either. On that point this article says:

There are 280 shingle mills humming in Washington, half as many in Oregon, and many in Idaho. Some of the mills are small but are increasing their equipment as fast as machinery can be installed. More than 1,000 shingle-making machines are turning out the thin cedar boards with the marvelous machine-gun speed by which in 12 months they will provide more than 7,000,000,000 pieces for the country's markets.

Does that look as though the shingle mills needed protection in the States of Oregon and Washington? A telegram which I have states that prices are still advancing and that production is increasing. This article further states:

Seven thousand men are employed in shingle mills alone. As many more are working in the forests getting out the huge logs from which the bolts are cut. Twice that many men are working in the fir, hemlock, and spruce lumber mills cutting and planing the material for the building trades. The sudden leap in demand has sent large crews of loggers into the woods. More than 50 new camps have opened temporarily in the forests adjacent to this city. Several huge tracts of fine standing timber, held intact for a decade, are being cut for the present market.

Coupled with the domestic rush to erect new homes, farm buildings, and business houses is the enormous call for forest products from the Orient. Japan is in the midst of a national building program, China is just beginning a home-building era, while the demand from Australia and the Antipodes is growing with every cable.

GREATEST YEAR FORECAST.

It authoritatively is stated by leading lumbermen here that the production of lumber, shingles, and other forest material during 1922 will exceed any other previous year, including 1918, when war orders kept the mills in perpetual motion.

There is no car shortage in the Northwest, so that lumber is moving as fast as cars can be loaded and switched. Lumberyards throughout the Middle West and Central States are anxious to fill their sheds with lumber for the summer farmer trade. Flat cars, box cars, cattle cars, and coal-dumping cars are utilized for the lumber-carrying business, depending upon the distance of the haul and the character of the timber.

A recent survey of the available forests yet standing in the Northwest would indicate that at the present annual cut there is yet more than a century's supply. In many cutover tracts the second-growth timber will be of commercial size in two years.

I have read the entire article.

Mr. President, does that indicate that the shingle mills of Washington are idle and need protection in order to sell shingles in the United States, particularly in view of the tremendous shortage of buildings which exists? I have here a copy of a magazine which is entitled "Mississippi Valley Lumbermen" which was published at Minneapolis, Minn., May 19, 1922, containing some interviews by Northwest lumbermen. I will read one of those interviews, because they are very pertinent to the inquiry. Here is a statement which is headed "Views of prominent manufacturers and wholesalers," which reads:

PRESENT LUMBER SITUATION AND PROSPECTS FOR THE FUTURE OF TRADE AS SEEN BY LUMBERMEN OF THE PACIFIC NORTHWEST—THE NATIONAL LUMBER & MANUFACTURING CO., HOQUIAM, WASH.

KEEP COOL.

There is a shortage of lumber in the United States of about 5,000,000,000 feet board measure. This is based on every manufacturer, dealer, and consumer carrying old-time normal stock. This is not necessary.

Mills in the West, at least, are running above normal and are turning out a lot of lumber. Any reasonable demand can be cared for. We recommend close and careful buying of just what you need, as you need it. On spurts, lumber will be found scarce, and if you become excited and, wanting one carload, order a car from a dozen different men, figuring on canceling the other 11 when you receive notice that your car has been shipped, you will spill the beans for yourself and others.

Manufacturers are part human and react to the same impulse as other mortals, and if there is a scramble for lumber prices will be advanced beyond reason. You must remember that they are pretty lean, as last year used up a lot of fat accumulated during years of ease. The custom was to book business in the early part of the year to be shipped during the year largely at mill convenience, price being based on this privilege. This practice has been discontinued by most of the better mills, who are only booking business that can be shipped quickly.

Under the existing conditions business offered to-day might not be desirable, but perhaps would be very desirable a week hence as order books are cleaned up.

You must take this into account and work with the men you have confidence in. We, of course, would like to be considered one of such, and would like to work with you for a steady market. It will be no easy task, as a short supply of lumber and a threatened car scarcity generally spell "scares, booms, and disappointments." So keep cool, buy mixed cars, and don't crowd, and if everybody will work on this plan we will all do more business and feel better toward one another than we will if there is a rush and a hurrah. "To ellmitem" is a poor slogan for anybody, but particularly so for the lumber fraternity.

I ask to have inserted in the RECORD at the end of my remarks, without reading, similar articles from the J. E. Morris Lumber Co. (Inc.), of Seattle, Wash.; from the John D. Collins Lumber Co., of Seattle, Wash.; and from the Henry D. Davis Lumber Co., of Portland, Oreg. They are all to the same general effect.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. KELLOGG. Mr. President, I hold in my hand a publication which is called the National Lumber Trade Barometer, which is published once a month. It gives the normal in orders, in production, and in shipments. This information is gathered from the various lumber-producing concerns in the United States. On June 2, 1922, the orders were 118 per cent of nor-

mal, the production was just normal, and the shipments were about 110 per cent of normal, showing orders and shipments to be greater than normal and production at the time to be normal.

I have a similar statement, dated May 5, 1922, which shows substantially the same condition. I will not stop to read it.

Mr. President, it was stated by the Senator from Washington that it costs much more to produce shingles in the State of Washington than it does in British Columbia and that labor worked from 9 to 10 hours in British Columbia and only 8 hours in the State of Washington. To-day, Mr. President, in the State of Washington there are mills—I do not say the practice is universal—where men are working 10 hours and there are mills where there are double shifts. There are oriental laborers employed in Washington and Oregon mills and there are oriental laborers employed in Canadian mills. I can not give the exact statistics, but I was informed that out of the 18,000 men employed in the industry in Canada only 4,680 were orientals, and that there were over 6,000 orientals working in Washington and Oregon in the lumber industry. However, whether that is true or whether it is not true, the Tariff Commission took the whole subject into consideration.

Before coming to that, however, let me suggest some other things as to which the Washington and Oregon lumbermen have at least an equal advantage, and, I think, a greater advantage. East of the Montana-Dakota line the freight rates to the eastern market are the same from British Columbia and from Washington and Oregon. Running south into the southern part of Oregon, into Nevada, and into portions of the Pacific coast, there are no rates by rail that enable the British Columbia manufacturers to reach that territory, and the only way they can reach large portions of that territory is to ship by water down to San Francisco, which method the Washington and Oregon lumbermen can use as well as the British Columbia lumbermen; in other words, the Washington and Oregon manufacturers have an advantage in the States lying west of Utah to the Mexican line and from there to the British Columbia line. Rates of exchange to-day are equal, so that there is no advantage in favor of the Canadian lumbermen in that respect.

Mr. President, as I have said, the Tariff Commission made a very careful study. I have not time to read their report into the record, but the commission sent experts into Washington and Oregon. They examined the reports and books of many Washington and Oregon mills as well as British Columbia mills, and they state in Tariff Information Survey F–L 37, at pages 54, 55, 56, 57, and subsequent pages, their reasons for reporting that the cost of production is greater in Canada than in the United States. They take certain grades of shingles which are comparable, and the result is stated on page 55 of the survey, as follows:

As determined by the above process the total cost per 1,000 was found to be for American mills $4.77 and for British Columbia $5.04.

The labor cost for the two regions was practically the same—$1.15 per 1,000 for the United States and $1.16 per 1,000 for British Columbia, and the log cost $2.90 for the United States and $2.98 for British Columbia.

An application of the above principle was made to determine the cost of manufacturing the several grades. The result is shown in Table XXV.

Then a table is given, which I shall not stop to read, following which the commission says:

Comparing these costs with those shown for 1920—labor $1.15, logs $2.90, other $0.72; total $4.77—it is seen that the total cost was nearly three times as great in 1920 as in 1914. During the present year (1921) there has been a sharp decline in both costs and prices.

Showing that the Tariff Commission made a very careful study of this subject, and that both in 1920, for which year the figures were given, and in 1921, when the report was published, production costs were substantially greater in British Columbia than in the United States.

Mr. President, a significant fact is that that is not confined to shingles either. It applies to all lumber, for on pages 22, 23, and 24 will be found the comparative costs of ordinary lumber as between British Columbia and Washington and Oregon, the west coast, the cost being in British Columbia $36.89 and in Washington and Oregon $33.53. This survey not only demonstrates the cost in British Columbia to be greater as to shingles, but the same evidence applies to other lumber, and no one questions that report as to other lumber.

I am informed—I have not got the report yet, but I understand—that this criticism of the report of the commission was made to the Tariff Commission in order to induce them to change their report, and that they examined the subject over again and refused to do it. I will get the report, if it is extant, and place it in the RECORD.

Mr. President, there has not been a year except 1920 when the lumbermen were making more money than they are making to-day. That is shown by the report of the Tariff Commission. The commission says:

There was considerable difference of opinion as to the wisdom or unwisdom of imposing a duty on lumber, but no single operator was found who was willing to assert that American operators could not compete with Canadian operators on equal terms. Some asserted that labor costs were somewhat higher in Canada, others that they were not—

And so forth.

Again, they give the tables of the profits per 1,000 feet of lumber received on an average throughout the United States from 1905 to 1920, including nine months of 1920. I ask that this table at the top of page 23 be inserted in the RECORD at the end of my remarks, without reading.

(See Appendix C.)

Mr. KELLOGG. This table shows that in 1905 the average profit was $1.99 per 1,000; in 1920 it was $10.72; and I am informed that in 1922 it reached about the highest period, except the year 1920, or somewhere about $4.50 or $5 per 1,000.

Mr. President, in the face of this record, with a shortage in building material in the United States, with prices going up, with dealers in Washington and Oregon advertising to keep the prices down, with a demand greater than they can fill, with our forests being swept away, contrary to the public policy of the Nation, are we going to place a duty on lumber or shingles or logs in this year 1922? Why, Mr. President, it ought to be a national policy to encourage the preservation of our forests and to invite all possible importation of timber. A tariff would mean destruction rather than protection of American industries. Let them ship in their raw materials; let them ship in their logs and their lumber to the manufacturers of this country. Let us listen to the voice of the millions of people to-day who are trying to build homes and not place a tariff on lumber, such a necessity in the construction of homes and in building generally in this country.

APPENDIX A.

WASHINGTON, D. C., *May 8, 1922.*

Hon. FRANK B. KELLOGG,
United States Senate, Washington, D. C.

DEAR SENATOR KELLOGG: I herewith inclose you copies of our letters of May 20 and June 20, 1921, to Mr. FORDNEY, together with resolution passed by the executive committee of the American Farm Bureau Federation, also copy of resolutions passed by the Minnesota Farm Bureau Federation and the Minnesota State Legislature, all in opposition to a duty on lumber, and a list of the States whose farm bureaus have passed resolutions similar to that of Minnesota. We are also sending you a resolution passed by 296 county farm bureaus voicing their opposition to a duty on lumber, and who are vitally interested in this matter, as farmers are the largest consumers of lumber.

Of course, shingles should be classified as lumber, for they are sawed at the mill from the original logs, and should not be classed as manufactured lumber in the usual sense. You understand, of course, that the lumber here referred to includes shingles, and rightly so, for roofing is one of the expensive items on the farm. In fact, so much so that in response to a general demand for a cheaper material I have taken up with the producers of copper, zinc, and other metals the question of some way of finding a better and more durable roofing within reach of the country buyer.

Sincerely yours,

AMERICAN FARM BUREAU FEDERATION.
GRAY SILVER, *Washington Representative.*

—

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., May 20, 1921.

Hon. J. W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR MR. FORDNEY: As you probably know, the American Farm Bureau Federation held a conference of its executive committee and representatives of State federations in Washington during the two weeks following April 11. On April 22 this conference, officially representing the entire American Farm Bureau Federation, passed a resolution, copy of which is attached, protesting against the placing of any import duty upon lumber either in the rough or dressed state.

The total normal annual cut in this country is equivalent to about 24,000,000,000 cubic feet of standing timber (51,000,000,000 feet board measure and 110,000,000 cords of firewood). Of this amount the farmers consume close to 11,000,000,000 cubic feet, or 46 per cent of the entire cut. Agriculture, therefore, may be justly considered the greatest single wood-using industry of the United States.

Of the total saw timber material, agriculture consumes 10,600,000,000 feet board measure, out of which 6,750,000,000 feet board measure is used for construction purposes. Nine hundred million feet board measure is made up of slack cooperage, shingles, and poles, and the balance is lumber in manufactured products purchased by the farmers. In addition to this consumption, the farmers consume 8,600,000,000 cubic feet of timber products in the form of fencing and fuel wood. The 10,600,000,000 feet board measure are equivalent to 2,400,000,000 cubic feet, making a total annual consumption of 11,000,000,000 cubic feet of lumber consumed by American agriculture.

The demand by the farming industry for lumber and timber products is steadily increasing and any curtailment in the supply of such materials will result in very serious injury to agricultural interests of the country. When we realize that the annual growth and reproduction in this country is in the neighborhood of 6,000,000,000 feet and is mostly in the lower grades, we realize how seriously threatened is our future timber supply. With a situation such as this facing the country it would seem to us entirely impracticable to consider the placing of a duty on the importation of lumber. In fact, the conditions existing would point rather to the necessity of adopting a policy which would remove as far as possible the burden of supplying our needs from our

rapidly depleting supply. Every piece of lumber imported from Canada saves just that much from our remaining supply and, therefore, from a conservation angle a tariff on lumber merely serves to more rapidly deplete our own forest reserve.

We have carefully examined the testimony before your committee and note several statements that are practically admissions on the part of the lumber interests that on a basis of cost they have nothing to fear from the importation of Canadian lumber. On the other hand, the fact that Canada imposes a 25 per cent ad valorem duty and has in addition to that an antidumping provision which allows them to further assess a 15 per cent ad valorem duty to protect Canadian lumber from American imports would strengthen our belief that our lumber does not need protection from Canadian lumber. This would leave the tariff on lumber as purely a revenue measure. It is estimated that we might possibly secure $1,500,000 returns from the proposed tariff. The absurdity of appropriating $7,000,000 for reforestation purposes and attempting to secure revenue from a tariff on importation of lumber would seem apparent on the face of it to anyone.

When, in addition to the general situation, we consider the present acute shortage of homes and the high prices still prevailing in construction work in this country, we can see no possible justification for a tariff on lumber at this time.

Therefore, we desire as strongly as possible to present the desires of the American Farm Bureau Federation as expressed in the attached resolution. We wish further to say that this matter has been submitted to our State and county bureaus, and we have official resolutions passed by 15 State farm bureau federations and by hundreds of county farm bureaus protesting against this tariff on lumber.

Very truly yours,

GRAY SILVER,
Washington Representative.

JUNE 20, 1921.

Hon J. W. FORDNEY,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

DEAR MR. FORDNEY: We have carefully considered your letter to us of May 24 in which you explained that the matter of placing a duty on lumber was for protection and not for revenue, and also your statement that the lumber industry needing protection is in the northwest section of the country. This coincides exactly with our studies of the question, namely, that the southern lumber-producing group will not be benefited by a tariff on lumber because of the freight haul.

This leaves the situation as we have seen it with the proposed tariff raising the price of all lumber in the country and further depleting our own lumber supplies in order that the lumber group in the northwest section may get a higher price for their lumber.

In this connection, when we consider the report of the Federal Trade Commission of June 9 with reference to the activities of the lumber-producing group of the Northwest, we must again make a most strenuous protest against any protection of any kind being afforded to such an industry under the present situation. Doubtless you have read the Federal Trade Commission's report of the 9th. We wish to call your particular attention to page 14, on which is pointed out by the commission the fact that the British Columbia loggers' organization had affiliated with the American loggers and representatives of the British district had participated in a meeting of the Pacific Northwest Loggers' Bureau, and since that time prices have been stabilized in both countries at the same figure.

We also wish to call your attention to other points in the report showing the tremendous increase in wholesale quotations on fir lumber and also the charge of collusion as to fixing prices and the existence of artificial methods of controlling both price and production of Douglas fir.

We are in entire sympathy with the protection of American industries that are seriously handicapped by competition with foreign countries where lower labor costs and lower standards of living allow of a much cheaper cost of production than is possible in our country, but with the effort to place in this class the Northwest Lumber Producers' Association with their complete organization and the activities they have engaged in to increase their profits at the expense of the American public we have no sympathy whatever. We wish to insist upon the statement contained in our letter of May 20 that, with the present situation of home building, and especially in view of the threatened depletion of our own forest supply, there can be no justice whatever in imposing a tariff on Canadian lumber, either in the rough or finished form, because you must realize, knowing the lumber industry as you do, that the freight rate alone is a bar to the importation of rough lumber, and that it is practically all imported dressed and would be under tariff. We think our letter of May 20 is a complete justification of our position as being a most seriously interested party in your decision.

Yours very truly,

AMERICAN FARM BUREAU FEDERATION,
GRAY SILVER,
Washington Representative.

Resolution unanimously adopted by the American Farm Bureau Federation in conference April 22, 1921, Washington, D. C.:

Whereas the serious depletion of the Nation's timber resources constitutes a serious menace to our prosperity; and

Whereas a maintained high price of lumber will stimulate the cutting of native timber and seriously interfere with the needed building program of the country; Therefore be it

Resolved by the American Farm Bureau Federation, That, believing it to be contrary to the public interest, we are opposed to the placing of a tariff on lumber either in the rough or dressed; and be it further

Resolved, That a definite constructive policy toward forest preservation and for reforestation should be inaugurated.

Resolution offered by the Minnesota Farm Bureau Federation.

Whereas it appears that the Ways and Means Committee of the National House of Representatives held hearings on January 15 and 17, 1921, relative to establishing a tariff on lumber imported from Canada; and

Whereas it is the belief of the Minnesota Farm Bureau Federation that imposing a tariff on lumber imported from Canada is contrary to the best interests of the American farmers and home makers; and

Whereas with prices of building material almost prohibitive to small home builders and a further added cost due to the imposition of the tariff schedule would work a great burden on farmers and home builders of America: Therefore be it

Resolved by the Minnesota Farm Bureau Federation, That the Members in Congress representing Minnesota do all in their power to prevent the imposing of a duty or tariff on lumber and lumber products shipped into the United States.

L. E. POTTER, *President.*
F. L. FRENCH, *Secretary.*

Resolution opposing tariff on lumber adopted February 1, 1921, by the Legislature of the State of Minnesota.

To our Representatives in Congress and Washington Officials of the American Farm Bureau Federation:

Mr. Neumann introduced the following concurrent resolution:

"Whereas the present housing shortage is a matter of deep national concern, the stimulation of home construction being a vital need of the Nation, and anything that would add to the already high cost of building should fail of legislative sanction; and

"Whereas the cost of lumber production in the United States is lower than in any other country in the world, the American mill therefore needing no tariff to protect it; and

"Whereas a duty placed on lumber imported from Canada would operate to increase the cost to the ultimate consumer and thereby permit the increased financial burden to thousands of farmers and home builders of this country for the benefit of a selected few; and

"Whereas such a tariff is economically unsound, is against the best interests and general welfare of the public, would compel excessive depletion of our own timber resources, and would invite retaliatory measures on the part of Canada, to the extreme detriment of all lines of manufacture: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Minnesota (the Senate concurring)*, That the Senate and the House of Representatives of the United States be, and they hereby are, urged to refrain from placing a duty on lumber imported from the Dominion of Canada; and be it further

"*Resolved*, That the chief clerk be, and he hereby is, instructed to mail a copy of these resolutions to each Member of the United States Senate and House of Representatives from Minnesota."

Which resolution was adopted.

APPENDIX B.

J. E. MORRIS LUMBER CO. (INC.), SEATTLE, WASH.

Since January 1, 1922, the total orders received in the various lumber-producing sections of the United States have exceeded production more than 10 per cent, and during the past week the proportion of orders has been much larger, e. g., southern pine, 44 per cent; west coast, 17 per cent; island empire, 66 per cent.

During the past few years the different lumber associations have directed their efforts toward a prompt dissemination of information to their members of the conditions, not only in their immediate district but throughout the different sections. This has tended to give us violent actions and reactions in price, especially since 1919—history-making year in price advances. And to these conditions can be attributed the extremely strong market that is being experienced at present. The actual volume of business offered on the Pacific coast can hardly justify the recent advances of several dollars per thousand. But whatever the cause, the facts are indisputable—prices have increased and orders are being placed at these advanced figures. In our letter No. 66 it was suggested that we had experienced the lowest prices for 1922, and we still adhere firmly to this view. At present the orders are largely for export and California, although there has been a real improvement in business from the granger States.

Stocks are very light, and it is noticeable that drop siding, usually one of the most plentiful of yard stock items, is to-day the most difficult to furnish and strongest in price. Dimension accumulations have been largely exhausted, especially 2 by 4 stocks, and in this size 16 and 18 foot lengths are almost unobtainable and bringing a strong price premium. Orders for common cutting have not been great in volume, but prices are following the upward trend in dimension and other items.

We believe the following represents to-day's market prices:

Spruce.

1-inch dry shop	mill base	$33.00
1¼-inch dry shop	do	39.00
1½-inch dry shop	do	41.00
2-inch dry shop	do	43.00
Spruce finish, 4 to 12 inch widths, special	over rail "B"	25.00
Spruce finish, 4 inches and wider, random	mill base	57.00
B. and Btr. Ro. green spruce	do	49.00
2-inch and 3-inch Ro. common spruce	do	20.00
1-inch, No. 1 and No. 2, dry-spruce box	do	15.00
1¼-inch and 1½-inch dry-spruce box	do	17.00
Spruce lath	do	6.00
8 and 10 inch spruce bungalow siding	do	60.00
12-inch spruce bungalow siding	do	62.00
6-inch clear and A spruce bevel siding	do	36.00
4-inch clear and A spruce bevel siding	do	35.00

Other grades spruce siding at proportionate prices.

JOHN D. COLLINS LUMBER CO., SEATTLE, WASH.

The demand continues to increase from all sections, and the stocks on hand at the mills are decreasing, especially the more popular items of yard stock, and manufacturers are becoming very indifferent about booking further orders, unless it happens to be something they are very anxious to move.

Dimensions in 16 and 18 foot lengths is very short, and long dimension is a cutting proposition and mills demand as much or more for this stock than they can get for timbers, so we have been compelled to advance our prices on this item this week. It's getting so that price does not cut much figure, as buyers are offering to place orders leaving the price entirely to the mill.

We have hopes that this condition will soon correct itself as mills begin to put on a night shift, which several of them are now doing, and which should soon enable them to get caught up, and, we hope, accumulate some stock so shipments will move forward more promptly.

With conditions as they are at present, don't be surprised to see further advances, especially on dimension and other items of common, as service and low prices do not go together at the present time.

HENRY D. DAVIS LUMBER CO., PORTLAND, OREG.

There is a strong demand for practically all items of west coast woods and prices are advancing. Shed stocks are low and badly broken on all items except No. 1 and No. 2 vertical grain fir flooring. There is a considerable supply of these items on hand. New business coming in strong from all markets. There is an especially gratifying demand

from the Middle West. Dimension prices are climbing rapidly; there is very little on hand with mills.

All tidewater mills and mills within shipping reach of tidewater are sending their dimension to California and to the Atlantic coast. These markets require dimension stock to be surfaced one-fourth scant, and consequently such mills are not dressing and do not furnish any considerable portion of their stock surfaced three-eighths scant.

Good building weather conditions again prevail in California. Stocks which accumulated on the receiving docks and in the yards during the bad winter weather period are being rapidly worked off. New business is coming in from that direction in increasing volume. The California market at all times uses a large quantity of No. 3 and No. 4 uppers, and all grades in short uppers, which has absorbed everything of that kind to be had, so there is none left on hand at the mills. That market is also taking a lot of rough green clear finish and large quantities of No. 1, No. 2, and No. 3 common boards and dimension.

There has been no cessation noticeable in the demand for car material. Last week the mills took on the business for another large order for box cars. At present figures are being called for from distributors on two additional inquiries for car material which requires approximately 50,000,000 feet. Mills at present have booked all of this class of material they can manufacture for the next 60 to 90 days. Present orders and prospective business in immediate sight will hold prices of car material on at least the present level for several months to come.

Spruce remains very scarce. Logging camps having spruce timber have mostly again resumed operations, but the demand for spruce of all grades has kept ahead of the supply, and evidently will continue to do so. Within the last two weeks California has cleaned up all items of spruce box on hand at the mills. The Atlantic coast is buying heavily of 2-inch, 3-inch, 4-inch No. 1 common spruce. Prices on these items show advances. Shop grades continue in big demand and are exceedingly short.

Following the demand for spruce is an active call for western hemlock. Bevel siding made of this wood is finding increasing favor with consumers. The Atlantic is buying more and more hemlock dimension, and in many instances prices paid are the same as for fir. There is, however, a large quantity of hemlock box lumber on hand with mills in shipping dry condition.

Production is increasing. All mills are running, and many of them have put on a second shift. This has only been done recently, and it is too soon to say whether the increased production will have any effect on prices. At present the demand exceeds supply and ability of mills to make shipments, and it is safe to forecast this condition will exist for at least 60 days, or until such time as mills can catch up on and complete old orders which are delinquent. This delinquency was brought about by very bad weather conditions which prevailed during the winter and early spring. Buyers can not figure on having their orders filled immediately upon receipt, as many of them seem to expect.

For the week ending May 3 sales were 38 per cent greater than production, and shipments 9 per cent below new business booked. This covers the output of 103 association mills which manufactured 87,000,000 feet.

There has been a heavy increase in the demand for western white pine yard stock, and this, together with weather conditions which have been most unfavorable for the air-drying of lumber at this season of the year, has resulted in a rapid depletion of surplus stocks in the common grades until the manufacturers find it difficult to supply the demand, and in a great many instances are compelled to turn down new business offered, or at least ask for change in specifications to make orders fit in with stocks on hand that are in shipping condition, so as to enable them to handle. Prices on all common grades are firm, and further advances may be looked for.

Factory stocks also continue in heavy demand, but are exceptionally scarce because there is no supply of air-dried shop lumber available, and mills with kiln-drying facilities are unable to meet the demand existing at the present.

No. 3 and better shop in western white pine is being quoted at $45 for No. 3 shop, $65 for the No. 2, and $75 for the No. 1 shop. These prices apply on 5/4 and 6/4 inch thickness, and are for delivery on Chicago rate of freight.

Report issued by the Western Pine Manufacturers' Association for the week ending April 29 gives volume of new orders booked during that week as 32,000,000 feet, shipments as 28,000,000 feet, and production as 23,750,000 feet. Normal production for the week is given as 31,650,000 feet. These figures result in the following percentages:

	Per cent.
Shipments above production for the week	18.75
Orders above production for the week	35.24
Orders above shipments for the week	13.89

APPENDIX C.

Showing f. o. b. selling price, cost of logs, cost of lumber, and profits in the Douglas fir region for the years 1905 to 1920, inclusive.[1]

Year.	Average f. o. b. mill price, lumber tally.	Cost of logs, log scale.	Cost of lumber, lumber tally.	Profit per 1,000 feet, lumber tally.
	Per 1,000 feet.	*Per 1,000 feet.*	*Per 1,000 feet.*	
1905	$12.94	$7.67	$10.95	$1.99
1906	17.50	9.54	12.61	4.89
1907	19.78	11.40	15.27	4.51
1908	14.45	9.52	12.55	1.90
1909	16.10	9.83	13.37	2.73
1910	16.17	10.08	13.91	2.26
1911	15.00	10.10	13.45	1.55
1912	15.98	9.83	12.38	3.60
1913	16.09	10.60	13.52	2.57
1914	13.46	9.16	12.71	.75
1915	12.78	8.55	11.52	1.26
1916	15.55	9.26	13.05	2.50
1917	19.88	11.67	16.14	3.74
1918	28.22	17.73	23.98	4.24
1919	31.42	19.27	26.07	5.35
1920 (9 months)	41.21	18.05	30.49	10.72

[1] Derived from data furnished by the Forest Service.

Mr. POINDEXTER obtained the floor.

Mr. JONES of Washington. Mr. President——

Mr. POINDEXTER. I yield.

Mr. JONES of Washington. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McLean	Sheppard
Borah	Harreld	McNary	Shortridge
Calder	Harris	Nelson	Smith
Cameron	Heflin	Newberry	Smoot
Capper	Hitchcock	Nicholson	Spencer
Caraway	Johnson	Norris	Sterling
Curtis	Jones, Wash.	Oddie	Swanson
Dillingham	Kellogg	Overman	Townsend
Edge	Ladd	Phipps	Underwood
Fernald	La Follette	Poindexter	Walsh, Mass.
France	Lodge	Pomerene	Warren
Frelinghuysen	McCumber	Rawson	Watson, Ga.
Glass	McKinley	Robinson	Willis

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

Mr. POINDEXTER. Mr. President, I listened very attentively and with great interest to the remarks of the Senator from Minnesota [Mr. KELLOGG], and it occurred to me that his speech was a typical free-trade speech, which might as well be applied to almost any other important article listed in the tariff bill as to shingles. He alleges that at this particular moment the lumber industry in general, and I think he insists that the shingle industry in particular, is in a prosperous condition, that there is a great demand for the product. He says that consequently it would be a mistake to put a duty upon the importation of shingles from a foreign country.

If that is the case, every time the steel industry gets into a prosperous condition we ought to repeal the duty on steel. It seems to me that I recollect that not so long ago Judge Gary was cautioning the steel manufacturers that the price of steel was likely to get beyond reasonable control, and that it ought to be held down; but nobody, upon the Republican side at least, suggested that on that account a policy which they claimed to advocate, of protection, should be abandoned, and that because the result which was claimed would follow from that policy had actually been accomplished steel should be put upon the free list.

It is difficult for me to understand—and the Senator from Minnesota fails to explain—why he and others should ask for protective duties against various Canadian commodities, manufactured and otherwise, because of the alleged difference in the cost of production in Canada and in the United States, but when it comes to lumber and shingles say that the same rule does not apply, but insist that while it costs more in every other instance to produce a commodity in Canada than in the United States it costs less to produce shingles. It is an utterly inconsistent proposition, entirely unexplained by the Senator from Minnesota or by anyone else.

I am informed—and the Senator can correct me if I am mistaken—that very large Minnesota lumber interests, having to a considerable extent exhausted the timber supply of Minnesota and that section of the country, have made very large investments in British Columbia timber, and it is asserted that as a natural consequence of that condition of affairs, although they have acquired the ability to make these investments through a policy of protection upon their industry while it was located in the United States, now that they desire to transfer it to a foreign country they want to get the benefit of the cheapened conditions, the greater supply of raw material, and the oriental labor in that country, and abandon the policy of protection to enjoy under a policy of free trade the benefits which come from foreign manufacture.

Mr. KELLOGG. I heard the same statements made in the Committee on Finance, and I inquired, and am informed that there is not a lumberman in my State who manufactures a single shingle in British Columbia. It would not make any difference to me if all the lumbermen of that State wanted a duty on shingles or lumber; I would not be for it. None of the large lumbermen have asked for free shingles, and I would not be for a duty if they all wanted it.

Mr. POINDEXTER. Mr. President, I have no doubt at all of the sincerity of the Senator from Minnesota, but it so happens that he is mistaken about the principal fact which he has just mentioned—that no large lumberman from Minnesota has asked for free shingles. In the hearings to which he has called attention the principal opponent of the duty of 50 cents a thousand on shingles was Mr. Conn, whose testimony in the hearings is at page 4949.

Mr. KELLOGG. Mr. Conn testified, and I will state who Mr. Conn is, if the Senator will permit me.

Mr. POINDEXTER. He is a Minnesota lumberman, is he not?

Mr. KELLOGG. Mr. Conn is secretary of the Retail Lumber Dealers' Association of the Northwest, and I believe every retail lumberman in the United States is opposed to a duty on lumber.

Mr. POINDEXTER. This is the statement of Donald D. Conn, of Minneapolis, Minn., representing the Western Pine Manufacturers' Association.

Mr. KELLOGG. He is the secretary of the Retail Lumber Dealers' Association, and I say, further, that the retailers from 27 States have petitioned against a duty on lumber.

Mr. POINDEXTER. And the importers from about 48 States have petitioned Congress against duties on practically every commodity in the tariff bill. There is quite a difference between the retailers and the importers and the manufacturers. We are urging this on behalf of the manufacturers and upon behalf of the employees of the manufacturing industry in this country.

I am not making this statement in regard to the motives which lie back of the opposition to this duty in order to cast any invidious reflection on these men. The law allows them to take their capital into a foreign country and invest it if they see fit to do so, and if they, on account of their interest, being able to enjoy the American market with the products of the cheap foreign labor which they employ, can bring influence to bear upon the American Congress, I presume they have a right to do so. Nevertheless, Congress ought to take those circumstances into consideration when arriving at its conclusion as to the proper thing to do.

As to the fact in that respect, in a telegram which I have from Robert B. Allen, of Seattle, only this morning, Mr. Allen being the secretary of the West Coast Lumbermen's Association, it is said:

> The British Columbia Drafting & Blue Print Co., of 413 Granville Street, Vancouver, British Columbia, has issued a publication on British Columbia timber which shows that Minnesota people contract leases and licenses in British Columbia amounting to 458,240 acres, and that North Dakota people control 71,040 acres.

So in the statement which was quoted from quite extensively by my colleague, being an answer of some 200 leading business men interested in the shingle manufacturing business in the United States whose names are signed to it, there is an answer to the charge made by the agent of the Tariff Commission who investigated this matter, that leading men of the industry are divided on the question of a duty upon shingles to this effect:

> If you mean the leading men of the industry in the United States and Canada, that is true. If you mean a few leading men of the American industry having timber or mills in Canada, then you are correct; but if you refer to the leading American shingle manufacturers, you are mistaken.
>
> Below you will find the names and addresses of some 200 leading men in the American shingle industry. If you will take the trouble to write these gentlemen, you will find that there is no division on the subject of tariff other than that one of these gentlemen favors a 30-cent duty, while the rest are divided between 50 cents and 75 cents.

It is said that this duty is not needed, because the cost of production in the United States is no greater than it is in Canada. If that is the same, why put a duty of 30 cents a bushel upon wheat, why put a duty of 15 cents a bushel upon corn, why put a duty of $5 a ton upon hay, for the protection of the farmers along the international boundary line, if the labor and the other elements which enter into the cost of production in Canada are no cheaper than they are in the United States?

The trouble with a great deal of the matter which was presented by the Senator from Minnesota, much of which appeared upon a hasty consideration to be convincing, is that it relates to lumber and not to shingles. The question was asked of the Senator from Minnesota by the Senator from Indiana [Mr. WATSON] whether the American Farm Bureau was referring to lumber or referring to shingles in the statement from them which the Senator from Minnesota quoted, and he said there was contained in the statement language to the effect that their objection applied equally to shingles and to lumber. I have examined the statement, which I hold in my hand, and I find no reference whatever to shingles. The objection which they are making is to a duty upon lumber, and the lumbermen of the State of Washington and of Oregon, which are the greatest lumber-producing States in the Union, are not asking for a duty upon lumber, perhaps for the very reasons suggested by the Senator from Minnesota.

The Senator said the forests are being exhausted; that we should adopt a policy of conservation. Why not close down the iron mines of Minnesota? Why exhaust, in this generation, at the rate we are exhausting them, the gas and oil which are being produced from the oil fields of the country? Why not impose an embargo upon the production of oil, and upon the production of iron in the great Mesaba Range in Minnesota, in order that those natural resources might be preserved, as the Senator says should be done in the case of the forests of the country, for some future generation?

Mr. President, my understanding of the doctrine and practice of conservation is very much to the contrary of that, and particularly in the case of a natural resource, such as a growing tree, whether it be a cedar, a fir, or any other variety, which has a capacity of reproducing itself. My idea is not that we should deny ourselves, in this generation, the benefits which come from their use and from their application to the comforts and to the industries of our people, but that we should use them in a wise way. We should so cut our timber that the forests should not be destroyed. While we are using them, they will renew themselves, so that we in our generation, as well as those who come after us, will get the benefit of them.

I fail to see very much force in the argument of the Senator from Minnesota that we ought to put lumber upon the free list in order to stop the destruction of the forests in this country, to the extent to which we will import the products of the forests of British Columbia, or other foreign countries.

To return for a moment to this question of the cost of production of shingles upon the two sides of the international boundary line, I want to ask the Senator from Minnesota if he has any information by which he can contradict the figures which I am about to give, which were received in reply to a special request which I made by telegram last night, in order that I might have up-to-date information from a source which I consider absolutely reliable, both on account of the means of information which my informants have and of the character of the parties from whom it came.

Mr. KELLOGG. I will answer the Senator.

Mr. POINDEXTER. Just a moment; the Senator has not heard what the figures are as yet. This writer says:

> American mills are paying American sawyers 31 cents per thousand shingles in the making of perfections, while oriental sawyers in British Columbia for the same grade are getting but 21 cents.

I would like to ask the Senator from Minnesota if that is not correct? I have no information to the contrary. I believe that to be correct. I have no reason to doubt the accuracy of this statement.

Mr. WATSON of Indiana. Will the Senator state those figures again? My attention was attracted elsewhere for the moment.

Mr. POINDEXTER. Thirty-one cents per thousand shingles is what is paid in the United States in the making of "perfections," while oriental sawyers in British Columbia for the same grade are getting but 21 cents; a difference of 10 cents a thousand.

Mr. WATSON of Indiana. Right in that connection, can the Senator inform me what percentage of oriental labor is used in those shingle mills?

Mr. POINDEXTER. My understanding is that it is used to a great extent, but the exact percentage I am not advised; probably near 50 per cent.

The Senator from Minnesota presented some statements on this subject coming from the same sources, I assume, from which the other figures which he stated came largely, I am inclined to believe, from those who are interested in timber in British Columbia. Those statements are that an equal percentage of orientals were employed in the shingle mills of Oregon and Washington as in the shingle mills of British Columbia. We have information which can not be doubted to the effect that that is absolutely incorrect and that no orientals employed in the American mills can be found by those who have made the investigation. There is just as much reliability, so far as accuracy of figures given on behalf of the British Columbia lumber and shingle interests is concerned as to the cost of logs out of which shingles are made, stated here by the Senator from Minnesota a moment ago to be greater in British Columbia than in Washington and Oregon, as there is in their statement as to oriental labor employed respectively in the mills of British Columbia and of Oregon and Washington. The information which I have as to the cost of logs in British Columbia and in Washington is as follows:

> We are able to keep close tab on their log and labor costs. Since my telegram of June 17 American logs have advanced and British Columbia logs declined. Cedar logs now costing American shingle mills $22.65 per thousand feet and costing British Columbia shingle mills $17.38 per thousand feet. In raw material alone this gives British Columbia mills an advantage of 75 cents per thousand shingles in the grade of perfections.

Now, either that is absolutely misleading, incorrect, and false or else the figures given by the Senator from Minnesota are

entirely wrong. I can not imagine, from the knowledge which I have of the different conditions touching labor and touching the timber supply of British Columbia and of Washington, considering the much greater amount of lumbering that has been done in Washington and Oregon during the last 40 years, that it would be possible that cedar logs or shingle bolts, so-called raw materials out of which the shingles are manufactured, should cost more in British Columbia, as asserted by the Senator from Minnesota, than they cost in Oregon and Washington.

I have here a specific statement, signed by a representative of a great organization, representing an investment of $16,000,000, a reputable man, a high-class man, a good American citizen, giving the specific cost of cedar logs which go into the manufacture of shingles in British Columbia and in Washington and Oregon, and making the assertion that the advantage which the British Columbia mills have, on account of the cheaper material which they get for the manufacture of shingles, amounts to 75 cents per thousand, while we are only asking, on account of the difference both in material and in labor, a duty of 50 cents per thousand.

Mr. President, when this matter was before the Finance Committee Mr. George A. Bergstrom, representing the Pacific Lumber Co., of Everett, Wash., appeared before the committee. He is a well-known man, and there must be thousands of people in Everett, a city of some 30,000 people, where he lives, who know him and know of the shingle mills which he operates, and would know if he went before the Finance Committee of the Senate and stated a palpable falsehood as to existing conditions at the mills. This testimony was given in August, 1921:

> I do not know that I have much to say in addition to my testimony that was given before the Ways and Means Committee of the House last January. I shall be brief. In that connection, however, I will say that the predictions and prophecies that we made at that time have actually come to pass. We can not compete with British Columbia mills under severe competition. Our company operates two mills. It has an investment of about $200,000 and employs 100 men, all Americans, and practically all married, and most of them owning their own homes. On account of our inability to secure the raw material at a satisfactory price, we have been shut down since the first of this month, while our Canadian competitors have been operating continuously, and some of them even operating night and day.

Now, if that was not true, as I said, there would be thousands of people in the city where he lived who would know he was stating a falsehood to the committee. It is incredible that he should have made any such statement if it were not borne out by the facts.

I do not claim that in the shingle industry, any more than in any other industry of the country, there might not be extraordinary conditions as that it might temporarily be prosperous on account of activity in the building trade when, notwithstanding inequality and cost of production by reason of increased demand, the American industry might be able to open up its mills again and temporarily prosper. We can not fix the permanent laws and policies of the Nation, supposed to be tested and proved by the experience of generations, merely upon a temporary condition and set aside the established principle by which the general progress of the people is directed. Even though it might be true, as claimed by the Senator from Minnesota, that for the time being these mills are able to operate, I have shown by the testimony of the operator of two mills that a short time ago, at the time he was giving his testimony before the committee, under free trade in shingles the mills of British Columbia were operating night and day, while one of his mills only was able to operate in competition with them.

All of the testimony submitted by the Senator from Minnesota in regard to the lumber business fails to take into consideration the different conditions under which the two industries operate. A few laboring men may get together, if they have had a good reputation among employers, and may be able to finance themselves so that they can start a little shingle mill. There are scores of small shingle mills operating throughout the Pacific coast country, many of them by such cooperative associations as were described by my colleague, which need protection for the white American labor that they employ, for the American conditions under which those men live, against the cheaper conditions—I will not say lower conditions, but different conditions; the more economical conditions, if I may put it that way—under which the Chinamen, who are employed by the thousands in the mills of British Columbia, may labor. That is what we are asking.

The lumber industry to a very large extent is carried on and can be carried on on the Pacific coast, on account of the size of the trees, which can only be handled by expensive and heavy machinery, which can only be sawed in large mills, only by large companies heavily financed. Many of them, as they admit, have already gone across the line into the forests of British Columbia, as they have a right to do; but when they do it they ought to be willing to accept the settled policies of the United States and the conditions which apply to the manufacture of lumber in a foreign country, and they are willing to do it. The same condition, however, does not apply to the shingle industry, because the small operators can not secure holdings in the forests of British Columbia.

As was said a moment ago, cedar is largely a by-product of the lumber industry. The shingle mill cleans up after the great lumber and logging operations of the big lumbermen, taking the small percentage of cedar trees which are found in the forests which are cut in the process of the larger operations.

The Senator from Minnesota said that because of the activity in the building trades we ought to put shingles on the free list. I do not know but what I would be willing to agree to that, although I do not think I would even under those conditions, if that principle should be applied all along the line, if it should be applied to every industry and to every community. If we put shingles upon the free list because of the demand for building, then we should put brick on the free list; then we should put cement upon the free list——

Mr. KELLOGG. I am in favor of doing that.

Mr. POINDEXTER. Then we should put structural steel, which is used in building operations, on the free list, whose producers have profited so under protective theory. Then we can talk about putting the shingle industry, a comparatively small and yet substantial and important industry, upon the free list. But let us apply the same principle to both. Let us have a uniform system of protection or have none at all, because, as I said, it seems that the only basis upon which the protective theory can be justified at all is as a public benefit, as a general policy, so that every man who can supply the American market by his industry shall get the benefit of it. But if we say that because the Minnesota lumberman has cut out his pine and taken the millions which he has accumulated under the protective theory into British Columbia and employed the cheap labor of that country, that he shall come here now because he is differently situated and have the American market opened up to the products of the cheap foreign labor which he is attempting to exploit, it becomes a matter of influence and favoritism. We can not justify giving him that advantage by sacrificing the principle of protection on the Pacific coast and at the same time give the benefit of a tariff to others who are differently situated merely because individually and locally they may be able to profit by it. If the tariff is a local question, as was said by a distinguished statesman at one time, though they laughed him out of the campaign because of his assertion that it was, we may as well cease to pretend that it is a matter of national principle. Unfortunately, in some of its manifestations in the process of making a tariff bill, it would seem to be a local question and a very sordid question.

But it ought not to be a sordid question; it ought not to be a local question in the eyes of the lawmakers of the Nation who are framing a law to put into effect a great policy for 110,000,000 of people. It ought to be a national question; it ought to be a universal policy extending its benefits and its protection to every man underneath the flag, or else we should wipe it from the statute books.

That is what we are asking for, Mr. President, in behalf of one of the great industries of the Pacific coast, where conditions of living are more expensive, perhaps, even than they are in some of the other States; where American standards prevail; where men are attempting to raise their families under those conditions which develop good citizenship. That is the basis upon which we have heretofore protected the American laboring man.

We are not asking this in the interest of any great trust or of any great capital investment. For the men who work in the shingle mills—and you may see many upon the Pacific coast bearing upon their bodies the marks of the dangerous occupation in which they have been engaged, with their fingers and hands mutilated, and yet who find it necessary that they should engage in that industry in order that they should be able to support themselves and their families—we are asking the benefits of the policy which we are giving to others in this bill.

Mr. KELLOGG. Mr. President——

Mr. BORAH. I wish to make a parliamentary inquiry. As I understand the record, the House placed on shingles a duty of 50 cents and the Senate committee have placed shingles on the free list. Is there any opportunity at this time to vote upon a proposition to reduce the duty from 50 cents? May an amendment proposing to fix the rate at 25 cents be offered?

Mr. POINDEXTER. I should think that such an amendment would be in order.

The VICE PRESIDENT. The Senator from Idaho has the right to move to amend the part of the paragraph which is proposed to be stricken out.

Mr. McCUMBER. A motion may be made to fix the rate at any figure the Senate desires.

Mr. POINDEXTER. Before a vote is taken upon the committee amendment a motion may be made to amend it.

Mr. KELLOGG. Mr. President, I shall detain the Senate but a moment. I am perfectly willing to vote for free building materials, iron, steel, steel rails, and structural iron. I have voted for free brick and free cement. Furthermore, there is not any tariff on iron ore, which is produced in my State. I never would support a tariff on iron ore or coal or lumber.

The insinuation of the Senator from Washington that I am opposing a tariff on shingles because Minnesota lumbermen are producing shingles in Canada is without any foundation whatever. I have always been opposed to a tariff on lumber and shingles, and I so stated in speeches in 1909, though I was not in a position to vote on the question, because I was not then a Member of the Senate. There is not a lumberman in my State, as near as I can ascertain by an inquiry, who is manufacturing any shingles in Canada. Furthermore, if all the lumbermen in Minnesota wanted a protective duty on shingles I would not vote for it.

Let us consider this question on its merits. The Senator from Washington [Mr. POINDEXTER] says that we are asking protection upon farm products. Mr. President, farm products are produced year after year and century after century from the same land, while timber is being cut off, the hillsides are made barren, and the watercourses are dried up. We should not adopt a national policy that forces or encourages the cutting of American timber. Rather we should adopt a policy that invites the importation of lumber. The farmer in our country is producing his products on land that costs several times what land costs in Canada. Labor is no cheaper, I admit, in Canada. I am in favor generally of the introduction free of duty of the great raw materials. It does not tend to aid manufacturers in this country to prevent lumber, a raw material, from coming in free.

Mr. President, one other suggestion. A very strenuous assault has been made upon the report of the Tariff Commission by the West Coast Lumberman, whose statement has been put into the RECORD, and also by the Senator from the State of Washington. The Tariff Commission, at least, tried to make an impartial and careful investigation.

They show the pains they took, set forth how they made their investigations, and state that they procured the statistics from the manufacturers in Washington, Oregon, and British Columbia. They report in detail as to prices, and it is on that report, which certainly is an intelligent and fair report, that I base the statement that it costs as much, if not more, to produce shingles in British Columbia than in Washington and Oregon, and, the freight rate being equal, the lumbermen in this country do not need any tariff to protect them, and they never have needed it.

Why talk about the lumber interests wanting free trade? It is the farmers and the builders, the millions of people in this country who want cheap material for construction, who are petitioning Congress. No petition will be found here from lumbermen except those who want a tariff on lumber. I suggest to Senators that they read the report of the Federal Trade Commission on the Lumber Trust in the Northwestern States.

Mr. President, the Tariff Commission studied and made a reply to the petition which has been read into the RECORD by the Senator from Washington, in which the Pacific coast shingle manufacturers criticize the findings of the Tariff Commission. I have here—

Memorandum re communication of American shingle manufacturers to United States Tariff Commission on the subject of Tariff Information Survey FL-37: Shingles—

And they reply to the various statements and stand by their original report. They say:

As to whether the survey is superficial or not is, of course, for the reader to judge. Extensive data were collected by an agent in the field, accountants were sent out to check the accuracy of the data by inspection of the books of mills both in Canada and the United States, and much painstaking and laborious effort was expended in presenting and interpreting the data. The work was certainly not hasty.

As to costs, they reiterate their statement that the comparative costs are the same in British Columbia and this country, and they state——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. KELLOGG. I yield to the Senator.

Mr. BORAH. Has the Senator any figures as to the comparative cost of production of wheat in Canada and Minnesota?

Mr. KELLOGG. I can not answer as to that. Those figures have been produced in the Senate, I think, by the Senator from North Dakota.

Mr. BORAH. Would the Senator be willing to vote for free wheat?

Mr. KELLOGG. No; I am not willing to vote for free wheat. The farmer is producing the food of the Nation on his little farm by the sweat of his brow, and if there is any man in the United States who is entitled to protection it is he.

Mr. BORAH. I quite agree with the Senator, but unless protection is universal in its application it is a fraud.

Mr. KING. It is a fraud anyway.

Mr. KELLOGG. I do not think that is true. We have never, at least not for many years, had any protection on the production of iron ore or coal, and that is not a fraud. We should not have such protection.

The Tariff Commission say—I shall ask to have this whole report in reply placed in the RECORD.

Mr. McCUMBER. I will state to the Senator that I have already done that.

Mr. KELLOGG. Very well; I withdraw my request. I wish, however, to read one word. The commission say:

9. The statement, "so far as averages shown above are representative, the Canadians have no advantage in labor costs," is strictly in conformity with facts. The schedules submitted showed labor cost to average $1.15 per 1,000 for the United States and $1.16 per 1,000 for British Columbia.

Mr. POINDEXTER. Mr. President, may I interrupt the Senator?

Mr. KELLOGG. I yield.

Mr. POINDEXTER. Does the representative of the commission who made this report deny the fact that the employees in the shingle mills of British Columbia work from 9 to 10 hours a day, while those in the Washington and Oregon mills work only 8 hours for a day's wage?

Mr. KELLOGG. He does not state that, but I am informed that many of the employees in the Washington shingle mills to-day are working 10 hours.

Mr. POINDEXTER. I should like to know who informed the Senator to that effect.

Mr. KELLOGG. The information is exactly as reliable as that contained in the telegram of the lumbermen sent to the Senator from Washington from his State.

Mr. POINDEXTER. I have more confidence in the telegram I received than I have in the Senator's information. Of course, I have no personal knowledge of the subject——

Mr. KELLOGG. Nor have I.

Mr. POINDEXTER. But when the representative of a great organization sends me a public telegram about a fact which must be notorious one way or the other, whichever way it may be, and the whole population practically must know it, I can not imagine that he is misstating the facts.

Mr. KELLOGG. But, Mr. President, this commission took the pay rolls of the mills in Canada and the pay rolls of the mills in Washington. They did not rely on the mere statements in telegrams. Here is their statement:

From the pay rolls above referred to we extract the following statements:

I presume this is a sample.

From an American mill: "Paid 32 cents for sawing 'perfections'; 28 cents for sawing all others." From a Canadian mill, "White sawyers, 33 cents per 1,000; Chink, 29 cents per 1,000; perfections, 31 cents per 1,000."

As the commission say, the difference is not considerable.

Mr. POINDEXTER. That shows quite a difference and bears out to a certain extent——

Mr. KELLOGG. Very little difference.

Mr. POINDEXTER. The difference between 32 cents and 29 cents—that is the difference.

Mr. KELLOGG. Not at all.

Mr. POINDEXTER. There is that much difference between the white labor in the United States and the Chinese labor in Canada, according to the statement presented by the Senator from Minnesota himself.

Mr. KELLOGG. Furthermore, Mr. President, it is not true that the labor in Canada is all Chinese. In fact, this report shows that the larger part of it is white.

Mr. POINDEXTER. What do they mean by "Chink"?

Mr. KELLOGG. It does not say all of them are Chinese. It says:

From a Canadian mill, white sawyers, 33 cents per thousand.

They are reporting on Canadian mills. Furthermore, the report says that the pay roll of another shingle mill from August 16 to 21, 1920, shows that 57 per cent were white, and the examination of the commission shows that the labor in Canada is not all oriental labor by any manner of means.

Mr. POINDEXTER. That would show, according to the statement the Senator has just uttered, that 43 per cent of the labor in that mill was oriental.

Mr. KELLOGG. That is not the average in Canada. Furthermore, I think it will be found that an equal percentage of oriental labor is working in the mills of Washington and Oregon, and that the statement that there is not a single oriental employee in those mills will not be substantiated by the facts.

It was stated here that the Washington and Oregon mills are idle. The statements of their own lumbermen in their own papers and in their own telegrams show that they are working at from 90 per cent to 110 per cent of normal capacity.

Mr. KING. Mr. President——

Mr. KELLOGG. I yield to the Senator.

Mr. KING. If the Senator will pardon me, apropos of the point the Senator is just discussing, the Tariff Commission, after examining the costs in Canada and in the United States and after considering the question of the oriental labor which in part is used in Canada, reach the conclusion that the costs in British Columbia are greater than in the United States, and use this language:

> The above comparison by averages shows the cost to be slightly greater in British Columbia than in Washington-Oregon—$5.04 per 1,000 as compared with $4.77.

Then they discuss the question of the superiority of the white labor over the Japanese or the oriental labor; and, of course, everybody knows that the white man does more work, particularly in the lumber regions, than does the oriental.

Mr. POINDEXTER. Why do they employ the orientals, then?

Mr. KING. There are many reasons which must suggest themselves to the Senator; but obviously the Tariff Commission does not find that they employed the oriental because of the cheapness of the labor, because, as a matter of fact, it costs more in Canada than it does in the United States.

Mr. BORAH. Mr. President, I am not surprised that the Senator from Utah should rely upon the Tariff Commission for his information; but I am greatly astonished that anybody on this side of the Chamber should rely upon it, because it has been utterly rejected on this side from the beginning of the framing of this bill.

Mr. KELLOGG. I have relied on a great deal of information I have gotten from the Tariff Commission, and I still rely on it.

Mr. President, I am not arguing against the general principle of protection. There are many industries in this country, however, that do not need protection, and I am not going to vote for protection for them. I voted against a great many items in this bill because I thought the rates were too high. If there are any other items where I think the rates are too high, or any other items where I think there should not be any protection, I am going to vote against them. I am convinced now, and have been convinced for many years, that it is a wrong policy for us to protect by tariff duties the lumber industry in this country, and force the destruction of our forests. It ought to be our policy to import all the lumber we can, and especially should that policy be adopted to-day.

Mr. McNARY. Mr. President, I want to make a few observations upon two or more factors that I think have been overlooked by the Tariff Commission in their report, and also with regard to a statement as to the transportation of shingles made by the Senator from Minnesota [Mr. KELLOGG].

Mr. President, I know from personal observation and general understanding of the subject that most of the shingles move by water through the Panama Canal. All of the shingles used in the eastern markets go that way. That, standing by itself, means nothing in this argument; but when you consider the other factor in this question—that the cedar timber in British Columbia runs to the sea, while in Oregon and Washington it is found in the mountains, away back a hundred or more miles from the sea—you will understand then that the cedar mills operating in Oregon and Washington must pay a cartage from away back in the mountains to the seashore, whereas in British Columbia the mountains are covered with cedar from the mild hills along the western slope of British Columbia down to the ocean; so the element of transportation is noteworthy in favor of the mills located in Canada. Furthermore, by rail the transportation rate is just as cheap over the Canadian railroads as it is over the northern railroads in this country.

Then there is another fundamental proposition which evidently the Tariff Commission did not take into consideration in this matter, and that is the capital cost. Anyone who is familiar with the Crown lands of British Columbia knows that nearly all the cedar is on the public domain, and those who operate sawmills have a capital investment not only in the mills but in the auxiliaries necessary to their operation, whereas in the United States nearly all the cedar that is milled is taken from private holdings. These holdings are subject to taxation. For many, many years these cedar trees are conserved and preserved before being made into shingles. During that period of time immense sums of money are paid by the owners into the treasuries of the different counties where the timber is located. This item enters into the cost of production. These private owners must pay interest to the institution which carries them, or from which they have borrowed their money, whereas in Canada the timber belongs to the public and is not subject to taxation. There is no investment. The Government owns the property. The operator acquires the timber by lease or through royalties. That item in itself is sufficient to indicate to anyone conversant with the subject that from the standpoint of capital investment and the standpoint of transportation alone it is impossible for the operators in the United States on the Pacific coast and in the New England States to compete with the Canadian situation.

Mr. President, I remember very well a few years ago, in 1915, on a very pleasant trip through the Panama Canal, seeing a great many vessels loaded with shingles going through the Panama Canal, all of the shingles having been manufactured in British Columbia. In the same year, 1915, I made a trip by automobile from Portland, Oreg., to Seattle. In that region there are perhaps a dozen shingle mills, every one of which was closed down and idle. If these lumber mills can compete with those of Canada, why were they not operated when across the line every mill in British Columbia was operating at full capacity? Those are obvious facts that I have seen, as anyone can see who goes upon the ground.

Further, Mr. President, there is no use in quibbling over facts. Anyone who has been into British Columbia knows that the mills operate there with oriental labor, mainly Hindus. There are literally thousands of them, also Japanese and some Chinese, whereas in Oregon and in California—particularly by reason, I might say, of class prejudice—none of those mills are operating with orientals; and I say to the Senator from Minnesota that there is no data extant that will show that the mills of Oregon and Washington are being operated with other than American citizens. That is an obvious proposition that anyone who goes upon the ground can see for himself.

Mr. President, while I concede that the tariff is a local proposition, the people operating those mills in these two States and in Idaho and Maine and in other parts of the country are as much entitled to protection in this industry as any other industry in the country. This talk of conservation is foolish. The cedar that is left is found intermixed with the Douglas fir, constituting a ratio of about 20 to 80, and that will all perish if those mills are not permitted to operate.

Mr. KING. Mr. President, will the Senator yield?

Mr. McNARY. I yield, gladly.

Mr. KING. I should like to ask the Senator how much higher shingles are now than they were in 1914 and 1915?

Mr. McNARY. I am not a statistician. I do not look after figures all the time. The Senator has those figures in mind. I am speaking about the general situation as I know it actually to exist. I do not know what the figures are, and I do not care anything about them.

Mr. KING. If the Senator will pardon me, the Senator says he is not a statistician and he does not carry the figures in his mind, and the inference is that he does not care anything about them. It does seem to me that the Senator would be serving the people of the United States better if he would be interested in determining whether or not he is supporting a measure that increases the burdens and the taxes upon the people. The facts are that the lumbermen have formed organizations and combinations throughout the United States, and their conspiracies have come under the denouncement of the Supreme Court of the United States in one case; and shingles, as the Senator must know, have responded to this advancement which the lumbermen, by reason of their conspiracies, have effectuated.

Mr. McNARY. I do not know whether that is a fact or not. I doubt it very much.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. McNARY. Gladly.

Mr. KELLOGG. I will state to the Senator that the authority I have was collected from the Western Pine Association, of Portland, Oreg. The figures and other data secured as to labor are from the Western Pine Association and the British Columbia Timber Council, which reported 6,000 orientals engaged in the lumber business in Washington and Oregon and 4,680 in British Columbia. Of course, there is a very much larger business in the State of Washington and Oregon than in British Columbia; that is true; but that is the report that I have.

Mr. MCNARY. What is the date, I ask the Senator, of that report?

Mr. KELLOGG. 1921, I think.

Mr. MCNARY. Mr. President, this subject has been very thoroughly covered. I feel certain that when we get down to a condition of normality in this country the shingle mills can not operate without due protection from the competition, which is ruinous, in British Columbia. I think it is fair that the people having their money invested in sawmills and in factories where shingles are made, who have large timber holdings, and who pay taxes upon them, should be protected in this industry as much as in any other industry; and it is not fair to argue that because there are a great many farmers who put shingles on their barns and poor people who put shingles on their dwellings in the cities and villages we should not have protection on shingles. That same argument, if applied locally, would affect every item and every schedule in a tariff bill.

I do hope that a due measure of regard for the interests of the shingle men will be shown by the vote of the Senate.

Mr. POINDEXTER. Mr. President, I stated that the cost of sawing in the United States, according to the most recent information I have, is 31 cents, and that it is 21 cents in British Columbia. I do not want that to create the impression that that is all of the labor involved. That is only one element. In addition to that is the packing, which costs 24 cents in the United States and 12 cents in British Columbia, making a difference of 22 cents a thousand for packing and sawing. In addition to that, of course, there has to be taken into consideration the difference in the cost of the raw material and of the handling in various other ways. I would like to have the privilege of printing at the conclusion of my remarks the telegram from which I have quoted.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *June 25, 1922.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.:

Washington and Oregon investment in shingle mills, exclusive of stumpage, is $16,425,000. Impossible to get British Columbia shingle investment figures. Since tariff has been under consideration they have quit giving us information, although we are able to keep close tab on their log and labor costs. Since my telegram of June 17 American logs have advanced and British Columbia logs declined. Cedar logs now costing American shingle mills $22.65 per thousand feet and costing British Columbia shingle mills $17.38. In raw material alone this gives British Columbia mills an advantage of 75 cents per thousand shingles in the grade of perfections, an advantage of 62 cents in the grade of perfects, 52 cents in the grade of extra clears, and 48 cents in the grade of star aye stars. American mills are paying American sawyers 31 cents per thousand shingles in the making of perfections, while oriental sawyers in British Columbia for the same grade are getting but 21 cents. American packers on perfections are getting 24 cents as against 12 cents in British Columbia. On perfects American mills are paying 28 cents for sawing and 22 cents for packing, as against 19 cents sawing and 12 cents packing in British Columbia. For clears and star aye stars American mills are paying 27 cents for sawing and 21 cents for packing, as against 19 cents for sawing and 12 cents for packing in British Columbia. All labor in American shingle mills is white and working 8 hours a day, while virtually all like labor in British Columbia mills is oriental, working 10 hours a day. For all comparable grades British Columbia manufacturers are now selling in American markets for practically the same prices as American manufacturers, though they occasionally take advantage of their lower raw material and labor costs by unloading surplus at lower than American mill prices. The British Columbia Drafting & Blue Print Co., of 413 Granville Street, Vancouver, British Columbia, has issued a publication on British Columbia timber, which shows that Minnesota people contract leases and licenses in British Columbia amounting to 458,240 acres and that North Dakota people control 71,040 acres.

ROBERT B. ALLEN.

Mr. BORAH. Mr. President, if the principle of tariff duties is to be sustained at all, there is no reason why this particular commodity should go upon the free list. I rose principally to say, however, that I should not want to vote for the rate which was established by the House, and if I am given an opportunity I shall vote for a rate of 30 or 25 cents a thousand. I think it would perhaps meet the exigency as it exists in the Northwest, and I do not believe in placing the duty any higher than is absolutely necessary in order to meet it. I do not want to take the matter out of the hands of the Senator who has it in charge, but when the opportunity comes I shall vote for a duty, but for a lower rate than that adopted by the House.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. POINDEXTER. I ask for the yeas and nays.

Mr. BORAH. I understand if my amendment is not moved at this time, it will not be relevant at all, and I have to make the motion in order to have a vote upon it. I move, therefore, to amend, in line 12, page 93, after the word "shingles," by striking out "50" and inserting "25," so as to read "shingles, 25 cents per thousand"; and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. Mr. President, before a vote is taken I want to call the attention of the Senate very briefly to a communication from the Federal Trade Commission, transmitting a report covering certain activities of trade associations composed of the Douglas fir loggers and lumber manufacturers of the Pacific coast. This report has not been given publicity; at least such publicity as it deserves. It was submitted by the chairman of the Federal Trade Commission and referred to the Interstate Commerce Committee. There it has slumbered, so far as I am advised, since June 9, 1921.

This communication by the Federal Trade Commission shows the pernicious activities, the conspiracies, and combinations of certain lumber dealers and loggers and loggers' associations upon the Pacific coast. For instance, it is stated in the report:

Between 1915 and 1920 wholesale quotations on fir lumber increased from 300 to 500 per cent, and most items doubled in price after the armistice.

The organizations referred to are the loggers, loggers' associations, lumber dealers, and lumber producers of the State of Oregon and the State of Washington. They increased their prices from 300 to 500 per cent, and after the armistice doubled them. I read further:

Notwithstanding substantial reductions since the spring of 1920, on some items quotations still range about as they were in May and June, 1919—

When they were from 300 to 500 per cent above normal.

Mr. BORAH. Mr. President, it must necessarily follow that the Canadian rates also increased at the same ratio, or they would have sent lumber into this country.

Mr. KING. I fancy the inference drawn by the Senator is entirely warranted.

Mr. POINDEXTER. The Senator will bear in mind that Oregon and Washington are not asking for a duty on lumber.

Mr. KING. I understand; but the Senators from Oregon and Washington are asking for a duty on shingles, and they are produced in the same States as the organizations contained in this report are operating.

Mr. POINDEXTER. I understand the statement the Senator is quoting relates to lumber.

Mr. KING. Yes; and the lumber industry of the Northwest, and to the loggers. I read further:

On substantial portions of the production, present quotations are still more than double the October, 1915, prices. Fir logs are quoted as of May, 1921, at prices as the wartime maximum, and which the loggers continued in force as the minimum until June, 1919.

Another finding of the commission is as follows:

The loggers and lumber manufacturers of the Douglas fir region are organized for the purpose of taking concerted action on the prices of logs and lumber, supporting the prices so fixed by means of concerted restriction of production

This report shows a conspiracy in restraint of trade, and a violation of the Sherman antitrust law. Why the Attorney General or some official of the Government has not proceeded against these illegal organizations is something I can not understand. I read further:

They have been engaged in such activities for 20 years or more. As production concentrates in fewer and stronger hands, the control of these organizations over the market becomes more and more effective.

Third. The ownership of standing timber in the Douglas fir region, the chief source of the Nation's reserve supply of lumber, is concentrated in the hands of a comparatively few strong concerns. The organized efforts of lumber producers to control prices are based upon their ability to control production; and control of timber is the key to control of production.

Fourth. The relation between the fir log and lumber markets is such that ordinary manufacturing profits tend to be absorbed in the price of logs and the valuation of timber, particularly on falling wholesale lumber markets. The frequent and present claims of unprofitable mill prices are largely explainable by the collusive action of loggers and timber-owning mills in enhancing the value of logs and standing timber.

Fifth. The success of the Douglas fir loggers and manufacturers' concerted efforts to advance prices in 1919 was threatened by the importation of Canadian logs—

I wish Senators would listen to this—

and led to efforts to prevent such importation. Failing in this, the British Columbia loggers became affiliated with the American associations and adopted the latters' prices.

So, of course, there was no reduction of prices in the lumber products coming from the section of the United States referred to in this report.

Mr. BORAH. Has the Senator the figures showing the increase in wages for the loggers and for the timber workers from 1914 to 1921 or 1922?

Mr. KING. No; I have not.

Mr. BORAH. I do not know what the increase was, but I know it was very large.

Mr. KING. There were great increases during the war. I think the wages were fixed largely by the War Industries Board here in Washington, which seemed to have control over production and wages and everything else all over the United States.

Resuming reading from the report:

Sixth. In addition to a similar exchange between fir and southern pine manufacturers, prompt notice of price action is given each other by the fir manufacturers and those of western pine, for the purpose and with the effect of securing harmonious price action by both groups.

It would seem that there could scarcely be a clearer case of violation of the Sherman antitrust law than that which is furnished in this report. The fir producers and the pine producers furnished notices almost daily, through agencies, in order that they might prevent any competition.

Further on in the report it is shown that whenever there was possibility of competition through overproduction, or production approximating the demand, then production ceased or was diminished in order that the high and extortionate prices might be maintained.

Again reading from the report:

Despite the fact that retail prices on lumber in January, 1921, had not been reduced proportionately to the decline in wholesale prices, the manufacturers joined hands with the retailers in an advertising campaign to revive buying, which, if successful, will tend to prevent such a reduction in retail prices.

Reference is made to the organizations of producers in the Douglas fir region and the price activities of West Coast Lumbermen's Association and the manner in which they maintained prices. Excerpts from minutes and letters, much the same as in the Hardwood Lumber Co. case, which came under the review of the Supreme Court of the United States recently, are presented in this report. I read further from the report:

Between July 8 and July 12, 1919, a number of the leading fir manufacturers issued discount sheets making uniform advances of from $3 to $10 per thousand on fir, and as high as $20 per thousand on cedar siding. It was probably to these advances that H. S. Dewey, sales manager of the Edward Hines Lumber Co., of Chicago, referred in a night letter of July 14 to R. B. Allen, secretary of the West Coast Association.

Mr. WATSON of Indiana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. KING. I yield.

Mr. WATSON of Indiana. The Senator is evidently offering this for the purpose of throwing some light on the duty on shingles, which is the question before us. The duty on all lumber provided in the pending bill is just the same as under the Underwood law.

Mr. KING. I understand that.

Mr. WATSON of Indiana. And, of course, what the Senator is talking about is some sort of a trust or combination. It was not built up under a tariff, because there is no tariff at present. The Senator is familiar with that?

Mr. KING. I am familiar with the law.

Mr. WATSON of Indiana. I am trying to find out what bearing this has upon the duty on shingles.

Mr. KING. I concede that the report does not directly affect the shingle industry, except in so far as manufacturers of shingles cooperated with the organizations referred to in this report. The report does show that those engaged in the lumber industry of the Northwest took advantage of the war, formed combinations and conspiracies to raise prices to unreasonable heights, and that they are still maintaining such high prices. The shingle men, if they did not directly affiliate with those illegal organizations, were in close cooperation and took advantage of the situation and raised their prices to levels very much higher than those existing before the war, and they are still maintaining those high prices.

Mr. WATSON of Indiana. Suppose all that be true; what had the tariff to do with it? There is no tariff duty on shingles.

Mr. KING. I am familiar with that.

Mr. WATSON of Indiana. And there is no tariff on lumber, and the committee is not proposing any. The costs here are comparable to the costs in Canada, and if the trust has operated in the United States, it must also have operated in the same way in Canada.

Mr. KING. I think probably the Senator's deductions are correct.

Mr. WATSON of Indiana. Then I can not understand what the argument of the Senator has to do with the tariff on shingles.

Mr. KING. It has to do with the tariff on shingles only in this respect, that the lumber manufacturers and the loggers' associations of the Northwest—and I include within that general designation those who produce shingles—during the war raised their prices to levels that were unprecedented. Combinations were formed which were violative of the Sherman antitrust law. Their prices were so high and their combinations so oppressive that they came under the cognizance of the Federal Trade Commission, who made an investigation and submitted this report to which I am calling the attention of the Senate. I intended to ask to have it printed and also to have a copy referred to the Attorney General with the hope that he would take the necessary steps to bring before the courts those who, according to the report, have broken the law.

Mr. JONES of Washington. If the Senator will permit me right there, I want to say that the lumber men contest very vigorously the statements and conclusions in that report, and they have asked the Attorney General to investigate and take whatever steps he finds the facts to warrant. I have myself transmitted a telegram from the association—I know nothing as to the facts—asking the Attorney General and inviting the strictest investigation and prosecution if warranted.

Mr. KING. If anyone will read this report I believe he will reach the conclusion that prosecution is not only warranted, but demanded. When prices are increased from 300 to 500 per cent as a result of combination and concerted action, when a central organization determines largely the prices which shall be charged, I think there is ample reason for the invocation of the criminal provisions of the Sherman antitrust law.

Mr. President, I submit a request to the Senate to have printed as a public document this report of the Federal Trade Commission.

Mr. POINDEXTER. I have no objection to the printing of the report, but I think the request of the Senator ought to be referred to the Committee on Printing. That is the ordinary practice.

Mr. KING. I have no objection to that. The report has been before one committee for a year, and was lost in the shuffle, if I may be permitted the language of the street. I have asked several times to have something done with it.

The VICE PRESIDENT. Without objection, the request of the Senator from Utah will be referred to the Committee on Printing.

Mr. KING. I hope the Committee on Printing will promptly make a report.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that we may vote first upon the 50-cent rate, as proposed by the House, and that then we may vote upon the motion of the Senator from Idaho to reduce it to 25 cents.

Mr. McCUMBER. It seems to me that will be a little difficult. This comes in the form of an amendment. The House placed the rate at 50 cents per thousand. The Senate committee amendment proposes to strike out that provision. Therefore a vote upon the committee amendment would be a vote to place the article upon the free list, as I understand the situation.

Mr. POINDEXTER. A vote against the committee amendment would be a vote in favor of the 50-cent rate. My request is that we take that vote first, and then that we be allowed to vote, in case the committee amendment shall be adopted, upon the motion of the Senator from Idaho, if the Chair shall hold that motion is in order.

The VICE PRESIDENT. The Chair understands the Senator from Washington asks unanimous consent that the question be first upon the committee amendment and then upon the amendment offered by the Senator from Idaho.

Mr. McCUMBER. I have no objection to that course.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. On both these questions the yeas and nays have been ordered. Under those circumstances, does the Senator desire to call for a quorum?

Mr. KING. Yes.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	France	Johnson	McCormick
Borah	Frelinghuysen	Jones, Wash.	McCumber
Bursum	Glass	Kellogg	McKinley
Capper	Gooding	Kendrick	McNary
Culberson	Hale	King	Moses
Curtis	Harris	Ladd	Nelson
du Pont	Harrison	La Follette	Newberry
Edge	Heflin	Lenroot	Norris
Fernald	Hitchcock	Lodge	Oddie

Overman	Robinson	Swanson	Watson, Ga.
Phipps	Sheppard	Townsend	Watson, Ind.
Pittman	Simmons	Trammell	Willis
Poindexter	Smoot	Underwood	
Pomerene	Spencer	Walsh, Mass.	
Rawson	Sterling	Warren	

The VICE PRESIDENT. Fifty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee to strike out paragraph 408, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the Senator from Montana [Mr. MYERS] and vote "yea."

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], but I have just been informed that, if present, he would vote as I have voted; and so I will permit my vote to stand.

Mr. GLASS. May I inquire whether the senior Senator from Vermont [Mr. DILLINGHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. GLASS. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Indiana [Mr. NEW] is paired with the Senator from Tennessee [Mr. MCKELLAR].

Mr. ROBINSON (after having voted in the affirmative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

The result was announced—yeas 49, nays 18, as follows:

YEAS—49.

Ashurst	Harrison	McCumber	Spencer
Ball	Heflin	Moses	Stanley
Borah	Hitchcock	Nelson	Sterling
Calder	Jones, N. Mex.	Newberry	Swanson
Capper	Kellogg	Norris	Townsend
Caraway	Kendrick	Overman	Trammell
Cummins	Keyes	Pittman	Underwood
du Pont	King	Pomerene	Walsh, Mass.
Edge	Ladd	Rawson	Watson, Ga.
France	La Follette	Robinson	Willis
Frelinghuysen	Lenroot	Sheppard	
Glass	Lodge	Simmons	
Harris	McCormick	Smith	

NAYS—18.

Broussard	Gooding	McNary	Shortridge
Bursum	Hale	Nicholson	Warren
Cameron	Johnson	Oddie	Watson, Ind.
Curtis	Jones, Wash.	Phipps	
Fernald	McKinley	Poindexter	

NOT VOTING—29.

Brandegee	Fletcher	Owen	Sutherland
Colt	Gerry	Page	Wadsworth
Crow	Harreld	Pepper	Walsh, Mont.
Culberson	McKellar	Ransdell	Weller
Dial	McLean	Reed	Williams
Dillingham	Myers	Shields	
Elkins	New	Smoot	
Ernst	Norbeck	Stanfield	

So the committee amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. BORAH. It is quite evident to my mind that it would be a mere waste of time to propose another rate of duty on this article. I shall not, therefore, press my amendment.

The VICE PRESIDENT. The Chair understands that the Senator from Idaho withdraws his amendment.

Mr. POINDEXTER. On page 93, paragraph 408, line 12, in place of the numeral "50," I move to substitute the numeral "25," so as to make the rate of duty on shingles 25 cents a thousand instead of 50 cents.

Mr. UNDERWOOD. Mr. President, I have no objection to the Senator from Washington offering the amendment, but I should like to have an understanding as to the parliamentary situation. This paragraph has gone out of the bill, and I have understood that we were considering only committee amendments.

Mr. POINDEXTER. I think the Senator from Alabama was not present when the Senator from Idaho [Mr. BORAH] proposed to substitute a 25-cent rate instead of a 50-cent rate on shingles, and unanimous consent was obtained for a vote upon the 50-cent rate, and then for a vote upon the 25-cent rate.

Mr. UNDERWOOD. I understood that there was unanimous consent obtained by the Senator from Idaho to offer an amendment.

Mr. POINDEXTER. That is true.

Mr. UNDERWOOD. If the Senator from Washington wishes to ask unanimous consent for the consideration of his amendment, of course, while I am opposed to it, I shall not object; but I wanted some understanding as to where we enter the domain of individual amendments and where we abandon the consideration of purely committee amendments, because, of course, there are a number of us on this side of the aisle who desire, when the proper time comes, to propose some individual amendments ourselves. I shall not object to the Senator's request if he asks unanimous consent but I do not want it to be understood that when a committee amendment is disposed of a Senator on the other side may offer his own amendment and we on this side be barred from doing so.

Mr. McCUMBER. If the Senator will allow me I desire to explain the situation. The question naturally comes first on the committee amendment to strike out the paragraph proposing a duty of 50 cents and to place the article upon the free list.

Mr. UNDERWOOD. I understand that.

Mr. McCUMBER. The Senator from Washington desired to vote merely upon the question between a 50-cent duty and the free list; and after that was voted upon, then he asked unanimous consent that he might have a vote on the amendment of the Senator from Idaho proposing a 25-cent duty. As I thought it would make but little difference which one we voted upon first, as the Senator would have the right to ask for a 25-cent duty if he so desired, we consented to that. I hope there will be no objection and that Senators will allow the question to be voted on.

Mr. UNDERWOOD. I understand the situation as it is stated by the Senator from North Dakota, but unanimous consent was granted to the Senator from Idaho and he has withdrawn his motion. The paragraph is no longer before the Senate; it is disposed of; it is out of the bill; but if the Senator from Washington desires to ask unanimous consent for the consideration of the amendment I shall not object at this time, but I think in ordinary fairness we ought to consider individual amendments when they are reached.

Mr. BORAH. If by reason of the fact that I asked for unanimous consent to offer the motion I may offer it, I will be very glad to do so. I simply withdrew it because, as I supposed, it was in the interest of time. I will, however, Mr. President, avail myself of the unanimous consent which I obtained, and I move to insert "25 cents" in lieu of "50 cents" in line 12, on page 93. That will give us an opportunity to vote on it.

Mr. POINDEXTER. On that motion I ask for the yeas and nays.

The VICE PRESIDENT. The Chair understands that the Senator from Idaho withdraws his withdrawal.

Mr. BORAH. Yes; I withdraw my withdrawal.

Mr. LENROOT. Mr. President, I suggest, in view of the parliamentary situation, it will be necessary for the Senator to move to restore the entire paragraph, because the Senate has already voted to strike out all of the text as well as the rate of 50 cents. If the Senator will make a motion now to restore the entire paragraph with a rate of 25 cents, that will be the proper course to pursue.

Mr. BORAH. Mr. President, I move to insert on page 93, after line 11, the following amendment:

PAR. 408. Shingles, 25 cents per thousand.

Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). Repeating the announcement made on the last ballot to the effect that the Senator from Florida with whom I am paired would vote as I am about to vote on this question, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "nay."

Mr. GLASS. Making the same announcement as on the last vote with regard to my pair and its transfer, I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement with regard to my pair and its transfer as on the last vote, I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. ROBINSON (after having voted in the negative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Texas [Mr. CULBERSON], and will let my vote stand.

Mr. STANLEY. Making the same announcement as before, I vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Indiana [Mr. NEW] is paired with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 19, nays 45, as follows:

YEAS—19.

Borah	Gooding	McKinley	Shortridge
Bursum	Hale	McNary	Smoot
Cameron	Johnson	Oddie	Warren
Curtis	Jones, Wash.	Phipps	Watson, Ind.
Fernald	Kendrick	Poindexter	

NAYS—45.

Ashurst	Heflin	Nelson	Stanley
Ball	Hitchcock	Newberry	Sterling
Calder	Jones, N. Mex.	Norris	Swanson
Capper	Kellogg	Overman	Townsend
Caraway	King	Pittman	Trammell
Cummins	Ladd	Pomerene	Underwood
du Pont	La Follette	Rawson	Walsh, Mass.
Edge	Lenroot	Robinson	Watson, Ga.
Frelinghuysen	Lodge	Sheppard	Willis
Glass	McCormick	Simmons	
Harris	McCumber	Smith	
Harrison	Moses	Spencer	

NOT VOTING—32.

Brandegee	Ernst	Myers	Reed
Broussard	Fletcher	New	Shields
Colt	France	Nicholson	Stanfield
Crow	Gerry	Norbeck	Sutherland
Culberson	Harreld	Owen	Wadsworth
Dial	Keyes	Page	Walsh, Mont.
Dillingham	McKellar	Pepper	Weller
Elkins	McLean	Ransdell	Williams.

So Mr. BORAH's amendment was rejected.

Mr. MCCUMBER. Mr. President, I ask that the Senate now proceed to the consideration of the tobacco schedule, paragraph 601, page 97.

The VICE PRESIDENT. The Secretary will state the first amendment of the committee.

The ASSISTANT SECRETARY. On page 97, beginning on line 15, Schedule 6, "tobacco and manufactures of," on line 17 the committee proposes to strike out "50" and to insert "35," so as to read: "Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per cent of wrapper tobacco," etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. SIMMONS. Mr. President, that is a very considerable change from the present law, which provides for 15 per cent of wrapper tobacco instead of 50 per cent, as provided in the House bill, and 35 per cent, as provided in the Senate committee amendment; but I am under the impression that the representatives of the tobacco industry have not made any serious complaint with reference to that particular part of the bill.

Mr. McLEAN. Mr. President, I will say to the Senator from North Carolina that that change is recommended by the Tariff Commission.

Mr. SIMMONS. That is, only as to the extent of the mixture?

Mr. McLEAN. Yes.

Mr. SIMMONS. I am ready for a vote on that.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 20 it is proposed to strike out "$2.10" and to insert in lieu thereof "$2.35," so as to read—

and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.35 per pound.

Mr. MCCUMBER. Mr. President, on behalf of the committee I ask that the Senate disagree to the two amendments on line 20 whereby "$2.10" and "$2.75" are stricken out and "$2.35" and "$3" are inserted in lieu thereof. The matter received a great deal of consideration by the Senate committee, and at this morning's session it was agreed to go back to the lower House rates.

Mr. SIMMONS. Mr. President, I understand that the Senator now proposes to restore the House rates.

Mr. MCCUMBER. That is correct.

Mr. SIMMONS. I will ask the Senator from Connecticut [Mr. MCLEAN], who I know is deeply interested in this subject, if he thinks that in present conditions the industry in his State—and his is the chief State in which this wrapper tobacco is grown—requires that degree of protection?

Mr. McLEAN. Mr. President, this tobacco is grown in Connecticut and in Massachusetts and in Florida and in Georgia. Large quantities of it are grown in Georgia.

Mr. SIMMONS. A little of it is grown in Florida.

Mr. McLEAN. I will say to the Senator that the most careful estimates that the committee could get—and I think they were accurate—indicate that the increase should be at least 50 cents a pound, if not a dollar a pound, in order to equal the difference in the production cost; but I realize that there is very strong opposition to any increase in the tariff on wrapper tobacco, emanating, as it always has, from the importers and the cigar makers of the country. They have many friends in the Senate. The farmers are not supplied with funds or with friends sufficiently strong to combat this combination of the importers and the cigar makers, and I will say to the Senator that the increase in this rate is only half a mill to a cigar. That is all it is. Two pounds of this tobacco wraps a thousand cigars, and the increase of 25 cents a pound is just one-half a mill to a cigar.

Before I asked for any increase in this rate I consulted with the customs officials and experts, and they told me that the $2.35 rate was entirely justified as a revenue rate; and it seemed to me that under the circumstances there could be no objection to this slight increase on the part of the cigar makers because, while I want the cigar maker well paid, he gets to-day much more for wrapping the tobacco around the cigar than the farmer gets for raising it.

Mr. SIMMONS. Mr. President, of course I think the Senator is to be commended for his moderation. We understand that he generally gets all that he wants, and he did get from the committee $3 a pound, I believe, on the stemmed tobacco.

Mr. McLEAN. The Senator is mistaken about that.

Mr. SIMMONS. That was the amendment that the committee originally reported.

Mr. McLEAN. The committee recommended an increase of 50 cents, and now cuts it down to 25 cents. Realizing the necessity of getting all that I can under the circumstances and feeling that this $2.10 will not be protective——

Mr. SIMMONS. This is a little bit lower than the emergency tariff rate, I believe.

Mr. McLEAN. Yes.

Mr. SIMMONS. Again I commend the Senator from Connecticut for his moderation.

Mr. McLEAN. I do not know whether I should be commended or not, but I have learned from experience that it is not worth while to waste his time.

Mr. SIMMONS. I am entirely familiar with the fact that the Senator has generally been able to get on this tobacco whatever he has asked from the committee.

Mr. McLEAN. That is because my requests are always reasonable. The Senator will note that the importations of Sumatra tobacco have increased very rapidly.

Mr. SIMMONS. That, however, was said rather in a jesting spirit. What I want to ask the Senator is, will he not tell

the Senate, if he knows, what is the price of the imported article against which he is asking this rate of protection?

Mr. McLEAN. It comes over in a great many grades and qualities, as the Senator knows, and the quality regulates the price.

Mr. SIMMONS. I am speaking about that quality of wrapper which competes with the Connecticut-grown wrapper.

Mr. McLEAN. The price will run from less than a dollar to a dollar and a half—two dollars—a pound.

Mr. SIMMONS. I was under the impression that it was selling for over $2 a pound.

Mr. McLEAN. I will say to the Senator that at this time of the year, when the importers and the jobbers have bought the 1921 New England crop at their own price, they will raise the price of Sumatra tobacco to $6 or more a pound.

Mr. SIMMONS. The imported article?

Mr. McLEAN. Yes; and next year, when the buying season for the Connecticut crop is on, they will sell the Sumatra at a profit of 25 per cent. Later they will make 100 per cent if the trade will bear it. The Senator knows that this tobacco trade is handled by very few men, and if he were engaged in raising wrapper tobacco, as his people are engaged in raising the other kinds, he would realize that the American grower is practically at the mercy of the importers and the jobbers.

Mr. SIMMONS. When we were dealing, in the conference committee on the emergency tariff bill, with the Sumatra wrapper grown in the Senator's State, the statement was made that this particular grade of tobacco was selling in the American market for $5 a pound. Can the Senator tell me what it is selling for in the American market to-day?

Mr. McLEAN. The Sumatra?

Mr. SIMMONS. That raised in Connecticut.

Mr. McLEAN. As the Senator knows, it depends entirely upon the quality of the leaf. Perhaps 10 or 20 or 25 or 30 per cent of the plant, if it has 18 leaves, will be suitable for these wrappers, and they will bring anywhere from $2 to $2.50, and a few of them sell as high as $4 a pound.

Mr. SIMMONS. At this time?

Mr. McLEAN. At this time, if there is any unsold.

Mr. SIMMONS. Tobacco is selling for somewhat less than it did at the time we were in conference on the emergency tariff bill.

Mr. McLEAN. I do not know of anyone who has received more than $4 or $4.25 for this season's crop. That is a very small percentage of the plant.

Mr. SIMMONS. Mr. President, I am not going to indulge in any discussion of this question, because we have had this question up repeatedly, and the Senator from Connecticut always gets what he wants for it. It does seem to me that this rate is very high, taking the statement of the Senator from Connecticut that the foreign article is selling at $1.50 a pound, which I think is probably a little below market rather than above it, because I have been advised that it is selling for about $2 a pound, and I think the statistics will bear out the statement that the average importations are invoiced at about $2 a pound. To be allowed a duty of $2.75 a pound as a protection against a foreign product which sells for only $2 a pound, or $1.50, as the Senator says, is affording pretty steep protection.

It is true that it is a small article of commerce. I believe the Tariff Commission says it is grown in Connecticut, and in one other place, in the vicinity of Quincy, Fla., and that the annual output ranges from six to eight million pounds, a mere bagatelle, it is true; but it is important in the fact that it enters as an element into the cost of nearly all the higher priced cigars sold in this country and adds tremendously to their price. But whether it be a small article of commerce or a large article of commerce, according to the statement of the Senator from Connecticut that the foreign article sells at $1.50 a pound, his duty of $2.75 is approaching 200 per cent.

Mr. McLEAN. One dollar and eighty cents is the average price. Of course, it sells for anywhere from 50 cents up.

Mr. SIMMONS. Suppose the foreign article should sell for 50 cents. The lowest duty here is upon the unstemmed, and I will assume that the foreign article is unstemmed, and the lowest duty here is $2.10 upon the unstemmed. Then it would be worse. You would have a duty of $2.10 on an article that sells for 50 cents a pound, according to the last statement of the Senator from Connecticut.

Mr. McLEAN. Of course, I could take the time of the Senate and discuss this question at length. I do not think the Senator from North Carolina is very well informed, judging from the statement he has just made.

Mr. SIMMONS. I do not profess to be well informed about this item.

Mr. McLEAN. A very large percentage of the New England crop is not shade grown. We raise in New England 40,000 acres or more. There will be about 10,000 acres of the shade grown, and the rest will be what is called the sun-grown tobacco, which is also used for wrappers. It is called "Havana seed" and "Broadleaf," and a very small percentage of these leaves to the plant are suitable for wrappers. They are so much heavier than the shade grown and the Sumatra that it takes many more pounds of the leaf to wrap a thousand cigars, and it is for these farmers who are engaged in raising the outside or sun-grown tobacco that I appeal to the Senate. I think too much stress has been laid upon this tariff as a protection to the shade-grown tobacco. It is with the farmers who raise the outside tobacco, which is suitable for wrappers, that the cheaper Sumatra tobacco comes in direct competition. The number of pounds of the sun grown required for 1,000 cigars costs perhaps quite as much as the pounds of the shade tobacco required to wrap 1,000 cigars.

Mr. SIMMONS. I think the Senator from Connecticut did not understand me a little while ago. I was not comparing the duty with the price of the domestic product; I was comparing the duty with the price of the foreign product, and of course the duty has to be compared with the price of the foreign product. I may have misunderstood the Senator from Connecticut, but I understood him to say that some of this tobacco which came in from abroad and competed with some of the tobacco grown in his State sold for as low as 50 cents a pound.

Mr. McLEAN. That is the Holland tobacco.

Mr. SIMMONS. Some of the tobacco which would be subject to this duty of $2.10 upon the unstemmed comes from Holland and sells for 50 cents a pound. You would have a duty of $2.10 a pound upon an article that is brought in and invoiced for sale in this country at 50 cents a pound.

Mr. McLEAN. That is because it comes in competition with the American article which costs three or three and a half or four dollars a pound.

Mr. SIMMONS. That may be true; I do not know about that.

Mr. McLEAN. That is true.

Mr. SIMMONS. But according to the usual way of measuring duties, in the case of the unstemmed tobacco from Holland you would have a duty four times the value of the foreign product upon which it is imposed.

Mr. SMOOT. Mr. President, the Senator must recognize that every country in the world uses tobacco as a means of raising revenue.

Mr. SIMMONS. I understand that.

Mr. SMOOT. I call the Senator's attention to the fact that in 1918 the equivalent ad valorem duty on wrapper tobacco, unstemmed, was 132 per cent under the Underwood law.

Mr. SIMMONS. It always has been high.

Mr. SMOOT. It is always high.

Mr. SIMMONS. But I am speaking now of the fact that it has been constantly raised since then, and this is a considerable raise. I think the rate in the Underwood law was a very steep one. It was intended as a revenue rate. This is intended also, I take it, partly as a revenue rate and partly as a protective rate. I think it went far enough in the Underwood law. I think tobacco has been the most highly taxed of all the products.

Mr. SMOOT. It is a raise of only 25 cents a pound from existing law. The rate in existing law is $1.85 on unstemmed and $2.50 a pound on stemmed.

Mr. SIMMONS. I have already congratulated the Senator——

Mr. CALDER. The Senator from Utah means the Underwood law, not the existing law. The rate in this bill is no higher than that in the existing law.

Mr. SMOOT. I had overlooked the emergency tariff law. I mean the Underwood law.

Mr. SIMMONS. This is a little less than the rate in the emergency tariff law, and while I was congratulating the Senator from Connecticut upon his moderation in allowing that to be done by the committee, still I hoped that he might be willing to return to the rate in the Underwood law, which, I think, is enough on this tobacco.

Mr. McLEAN. Does the Senator know that we import wrapper tobacco from Cuba; that they have 20 per cent off; and that Cuba imposes a duty of $5 a pound upon every pound of tobacco which goes into Cuba, which is an embargo?

Mr. SIMMONS. Of course, you might illustrate with the revenue duties of some countries of Europe, especially Great Britain. Great Britain imposes exorbitant duties. She raises the most of her revenue by taxing such things as tobacco. But

Great Britain is not a producer of tobacco, as we are in this country.

Still, I am not going to take the time of the Senate about this matter, and I am willing that the vote should be taken.

Mr POMERENE. Mr. President, before the question is put I want to move, if I can, to reduce this duty from $2.35 to $1.85, and I do that for this reason: The Senator from Connecticut is most insistent upon this high duty, and he urges in behalf of this amendment the fact that the Connecticut farmer can not raise this tobacco unless he has this duty. In Ohio we have a different situation. As I understand it, we do not raise wrapper tobacco. Most of the tobacco that is raised in Ohio is used as filler.

I have here a letter from Hawes Bros., of Cincinnati, Ohio, who are large tobacco packers. I will read a paragraph of that letter, but before I read it I may say that they were protesting very vigorously against the proposed Senate committee duty of $2.35. They would like to have it reduced to $1.85.

They say:

> We are large packers of Ohio leaf tobacco, which is purchased from the farmers. As practically all this is used as filler in cigars and, we believe, an overwhelming majority is used in cigars bearing Sumatra wrappers, you can recognize, we are sure, the additional burdens and hardships that will be placed not only on the cigar manufacturers of this State and the packers of Ohio leaf tobacco but on the thousands of cigar makers in Ohio and the Ohio tobacco farmers should this unfortunate tremendous rate of duty be finally adopted, particularly in view of the public demand for lower and not for increased prices of cigars.

Mr. WILLIS. Mr. President——

Mr. POMERENE. I yield to my colleague.

Mr. WILLIS. My colleague notes the paragraph just before the one which he read?

Mr. POMERENE. I do.

Mr. WILLIS. Does he care to incorporate it in the record?

Mr. POMERENE. It may be incorporated. They say in the previous paragraph that they want $1.85, and add something to the effect that at the very outside the rate should not exceed $2.10, but they are very much opposed to the $2.35 rate.

As I see the situation, it is simply a question as to whether we shall favor the Ohio farmer or the Connecticut farmer in this rate. I recognize the fact further that we have always had a very high duty on tobacco, largely because it was recognized as a legitimate subject for revenue.

Mr. McLEAN. The Senator knows that a large portion of the New England crop is used for filler?

Mr. POMERENE. I was not aware of that fact; but I do not know.

Mr. McLEAN. A large percentage of the crop is used for binders and fillers; not much over 20 per cent is suitable for wrappers. Connecticut does not object to the competition of Ohio in raising filler tobacco. The Ohio grower does not come in competition with the Chinese coolies who raise this wrapper tobacco in the Sumatra Islands. That is what Connecticut is asking protection against, and that is all she asks protection against.

Mr. POMERENE. If the Chinese coolies raise that tobacco, they probably raise the filler tobacco as well.

Mr. McLEAN. The Senator is mistaken about that.

Mr. POMERENE. Perhaps I am. I have not gone into the question very fully.

Mr. McLEAN. Sumatra tobacco is not fit for fillers.

Mr. POMERENE. But in the discussion of this matter it seems to me that the tobacco raisers of Ohio are entitled to at least the same treatment as the tobacco raisers of Connecticut.

It may be that Ohio's Senators are not quite so winsome in securing the relief which is desired.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. POMERENE. I yield.

Mr. STANLEY. The tobacco raised in Ohio is of the burley type of tobacco.

Mr. POMERENE. I think so. I say I think so, but perhaps I ought not to say that.

Mr. STANLEY. I think that is true. The first burley tobacco ever grown was the natural tobacco leaf grown by a farmer raising the old green tobacco, which was a very bright plant, in Brown County, Ohio. He kept the seed and raised a hogshead of it, and had great difficulty in selling it. It was of a different quality from any they had ever grown in that vicinity before. This burley tobacco is not affected by any duty. It is true that there are certain Egyptian tobaccos which are brought into this country which are mixed with burley tobacco in making cigarettes, and the mixture has appealed to the taste of the cigarette smokers to such an extent that practically all of the American cigarettes use that mixed tobacco now. So far as the burley tobacco is concerned, they might put $100 a pound duty on it and it would not make any difference.

Mr. POMERENE. Tobacco is raised very largely in the southern part of the State, in Brown and Clermont Counties.

Mr. STANLEY. I have been all through that country.

Mr. POMERENE. And in Montgomery and perhaps Butler County and other counties. It is also raised in the northern part of the State, in Medina County, and some in the northeasterly part of the State.

Mr. STANLEY. It is something like the tobacco raised in Pennsylvania and Wisconsin, where they raise some cigar tobacco.

Mr. POMERENE. I am not fully advised as to that. In my immediate part of the State it is not raised for merchantable purposes.

I simply present this matter for the consideration of the Senate. The statement is made that this tobacco is made very largely for filler purposes, and of course the higher duty they are obliged to pay for wrapper tobacco the more of a burden it is, not only on the cigar industry but on the tobacco industry of Ohio generally. Therefore, I move to strike out the numerals "$2.10" and insert in lieu thereof the numerals "$1.85."

Mr. STANLEY. Mr. President, the Senator from Utah [Mr. SMOOT] has very pertinently observed that the foreign countries raise a great portion of their revenue from a tax on tobacco, and that is true. At one time, in my opinion, about one-fourth of the French revenues were raised from tobacco. An enormous part of the revenue of the English Government was raised in the Queen's warehouse. There was at one time a duty on tobacco in France of $2 or $3 a pound. The initial tax on tobacco imported to the Queen's warehouse in Great Britain, I think, is about 7 cents a pound now. It is approximately that. The Japanese have a monopoly. Austria had a monopoly until recently. The cases are not parallel. If all the revenue derived from the importation of tobacco went into the Government coffers, if the Government like France and Great Britain, practically—because they really raise no tobacco in Great Britain—and Austria, Spain, and Italy—Italy does the same thing—and Japan had the Regie system, as they call it—that is, the sale of tobacco is prohibited to the citizen, and the Government imports the tobacco and sells it, and the entire revenue from the tobacco goes into the coffers of the Government—we would have a very different situation.

But this is not so in our country. This duty on Sumatra leaf is reflected in the revenues which go into the coffers of the Government only in so far as Sumatra leaf is imported. The summary of tariff information shows that from 6,000,000 to 8,000,000 pounds of the Sumatra leaf is raised in this country. The importations in 1918 were 4,000,000 pounds, and in 1920 were 6,000,000 pounds. The importations from 1918 to 1921, with the exception of the year 1921, have never reached anythink like the amount of the home production. I see no reason for this inordinate protection upon the domestic tobacco.

Mr. McLEAN. Will the Senator note that for the nine months of 1921 we imported 8,500,000 pounds?

Mr. STANLEY. Yes; I called attention to that fact. That is the only time when the importations have anything like approached the domestic production. Now, I fail to see why it does not occur even to the most extreme protectionists that there is an inordinate difference in the cost of production at home and abroad, and that is entirely indicative of the fact that the industry is not indigenous to this country. If it requires 600 or 700 per cent to produce an article at home in competition with the article abroad, that is evidence of the fact that we are no longer equipped for producing that article. We can produce grapes in Connecticut; we can produce bananas in Connecticut by some hothousing process. If this same tobacco can be raised for 30 or 40 cents a pound abroad and it costs $3 a pound to raise it here, it is evidence to my mind that we are not equipped for raising it here.

Until recently we raised in Kentucky one-third practically of all the tobacco raised in the United States by weight. We are not asking for a dollar of protection. They raise the tobacco by cheap labor in Egypt. In South Africa they raise by cheap nigger labor something like the same quality of tobacco that we do. Tobacco, like wheat, is raised by cheap labor wherever it is raised abroad. But we managed, with our superior equipment and the use of machinery and superior intelligence, not only to raise tobacco here at home utterly unconcerned about a duty but in my section of the country we ship 80 per cent of our tobacco abroad, and it comes in competition with the pauper-raised tobacco of the whole world.

This tobacco, as I understand it, in Connecticut is raised under cloth and under artificial conditions, and a reasonable or even an excessive duty is not objectionable, but to put a duty of $3 a pound upon tobacco worth 40 or 50 cents a pound and compel the consumer to pay that unnecessary and excessive tax is, to my mind, unjustified.

Mr. McLEAN. The extra cost occasioned by the use of the shade put over this tobacco is a very small item per cigar, I will say to the Senator. Their use furnishes a market for something like 50,000,000 yards of cotton cloth every year. It takes about an acre of cotton cloth to cover an acre of tobacco. It costs about 2 cents or less per yard. It enables us to cure a very fine quality of wrapper tobacco. The importers admit that our New England and Georgia and Florida wrapper tobacco is the equal of any tobacco grown in the world. It is a matter of fertilization and chemistry, I will say to the Senator. We are improving the quality every year and the acreage has increased every year. I realize that we must have a very high duty to protect us. We are not getting a duty that will really protect us. This duty of $2.10 per pound is a small item when it is realized that two pounds of that tobacco wraps 1,000 cigars.

I will say to the Senator that we have made no money raising the tobacco during the last two years. It seems to me an economic mistake to discourage the industry to the extent of wiping it out, because in New England and in Georgia and Florida we raise the only wrapper tobacco that is grown in the country, and if that industry is suppressed, then the cigar makers of this country will be at the mercy of the Dutch monopoly. They never lose an opportunity to charge all the trade will bear in this country. It is reported that they are now asking $7 or $8 a pound for that tobacco, probably for its effect upon the cigar makers and Senators. Therefore, I think the customs officials were justified when they said this little increase in the rate was legitimate as a revenue duty.

Mr. STANLEY. The Senator does not mean to claim that Sumatra tobacco is sold at one price in one country and at another price in another country by the same concern.

Mr. McLEAN. No; I did not intend to be so understood. I stated as to the price of this tobacco that there are many qualities. As the Senator knows, the lower grade comes in competition with our sun-grown tobacco, and the finer grades come in competition with our shade-grown tobacco, and 8,000,000 pounds at 2 pounds to the thousand represents 4,000,000,000 cigars. It is serious competition. Unless we are protected, the cigar makers will be at the mercy of the importers and they will charge all that the trade will bear. If there were no domestic competition, I think the cigar maker would soon find out his mistake in opposing this little increase of duty.

Mr. STANLEY. As a matter of fact, Sumatra tobacco, as I understand, may be bought anywhere in the world; it is a world commodity; it is sold all over the world.

Mr. McLEAN. No. One may buy this only in the Netherlands, of the Dutch monoply, controlled by the Government, and sold at auction under Government supervision.

Mr. STANLEY. I understand that; I did not say it was raised all over the world, but that the Sumatra leaf is a standard article which is sold all over the world. Sumatra leaf cigars are sold wherever tobacco is used.

Mr. McLEAN. After Sumatra tobacco is wrapped upon the cigar, the cigars are sold everywhere; but the wrapper itself is raised in the island of Sumatra and is sold by the Dutch monoply in the Netherlands.

Mr. STANLEY. It is sold to cigar makers everywhere.

Mr. McLEAN. It is not sold to cigar makers by the Dutch monoply; I wish it were; but is sold to the jobber and the wholesale dealer in leaf tobacco, and they tell the cigar maker that if the tariff duty is raised 25 cents a pound, they will have to raise the price of their tobacco to the cigar maker. It is unreasonable and it is unjust.

If the Senator will pardon me—I do not want to take his time, but this is a good way of arriving at an intelligent understanding of the question. The Senator from Kentucky knows that a few years ago we had what was known as a 5-cent cigar, but those cigars went out of the market. In the hearings before the Committee on Ways and Means, Representative LONGWORTH and others questioned the dealers as to why, when the Government raised the internal revenue tax on tobacco $2 a thousand, which would be 2 mills on a cigar, the cigar dealer raised the price of the 5-cent cigar 3 cents, and made it an 8-cent cigar. It was very difficult for them to give a satisfactory explanation. As the Senator knows, the cigar dealers raised the price of the 10-cent cigar to 15 cents, and of the 20-cent cigar to 30 cents, making enormous profits. I think the United Cigar Co. pays a dividend of something like 2 per cent a month, and the American Tobacco Co. declared a stock dividend in 1920 or 1921 of 75 per cent. The tobacco stocks are the only stocks which in the hard times of 1920 and 1921, when other industries were languishing, went up. They made more money or as much money then as they had previously done. I do not think it is fair.

I want the cigar maker to get good wages, and I am willing that cigar dealers should make good profits, but the farmer is lucky if he comes out even. The Senator from Kentucky knows that the tobacco growers in Kentucky made a little money during the war, but that later on, owing to combinations among the dealers outside, prices went down. I think the Federal Trade Commission reported that there were extortionate and monopolistic prices exacted by the dealers, while the farmers had their prices lowered and lowered to a ruinous level.

Mr. WILLIS. Mr. President, with reference to the argument which the Senator from Connecticut is just making touching the profits made by the cigar manufacturers, I invite his attention to the following statement in a letter which has just come to me from Michael Ibold, manufacturer of cigars in the city of Cincinnati. He says:

> Also since 1914, from a total of 17,155 manufacturers, 5,659 have gone out of business. These people did not give up a prosperous business but were forced to retire. Since these figures were taken quite a number of additional factories have been closed and several rather large factories among them.

So the manufacturers of cigars have not been particularly prosperous. They are very much interested in having as low a rate of duty on wrapper tobacco as is consistent with the needs of the Government.

Mr. McLEAN. The Senator from Ohio is getting back to the little fellow who was crowded out as usual by the few big concerns. It is the same old story.

Let me call the Senator's attention to one or two other concerns. The United Cigar Stores Co. was incorporated on July 25, 1912, with common stock of $32,865,000 and preferred stock of $4,527,000. Of this capital $21,400,000 is represented by trade-mark and good will and it pays dividends, as I recall, of 2 per cent a month.

It paid a stock dividend of 10 per cent in April, 1920; another stock dividend of 10 per cent in November, 1920. In 1921 its total net income was about $5,000,000.

Waitt & Bond (Inc.) have a capital of $250,000 and machine equipment to manufacture 125,000,000 cigars a year. The company was organized in 1917, and reported a surplus on January 1, 1921, of $614,000. Not much money was lost there in the last few years.

Otto Eisenlohr & Bros., a concern which was incorporated in January, 1916, sold 217,716,000 cigars in 1921 at a net profit of $1,137,638.

So it appears that the big concerns are not losing much money, but they are gradually crowding the little fellows out of business; and when the farmer is crowded so that he will not be able to raise wrappers and the entire control of the wrapper market is thrown into the hands of a few Dutch monopolists, the profits of the big concerns will be larger than they are now and cigars will go sky high.

Mr. STANLEY. Mr. President, I am at a loss to see where we are in any very serious danger of a decreased price at the hands of the Dutch monopolists who are now offering this tobacco to us at 50 cents a pound, while we by a duty are proposing arbitrarily to raise it to $3 a pound.

Mr. McLEAN. The Senator takes one statement that I make and argues from that. He misunderstood me. There are some qualities that sell for as low as 50 cents a pound, but very little of it. It ranges all the way from 50 cents a pound up.

Mr. SMOOT. The average is over $1.50 a pound.

Mr. McLEAN. The average, as the Senator from Utah says, is over $1.50 a pound or a little more.

Mr. STANLEY. What does our best Sumatra bring here?

Mr. McLEAN. As I have said several times, it depends entirely upon the character of the leaf—its quality.

Mr. STANLEY. With the most adverse season, what is the highest price the Sumatra tobacco brings in the market?

Mr. McLEAN. It is reported that the dealers have notified their customers since they have bought the 1921 American crop at their own prices—I saw a statement to that effect in the newspapers a week ago—that they will have to charge them from $8 to $9 dollars a pound for Sumatra tobacco. There are over 3,500,000 pounds of it in bond. Anticipating the new tariff, they imported nearly 9,000,000 pounds under the old rate of $1.85 a pound, and it was under that old rate that they started this propaganda that they could not lower the price of cigars because Congress had added 50 cents a pound duty on the wrapper.

Mr. STANLEY. Do the Connecticut farmers get eight or nine dollars a pound for the tobacco which they produce?

Mr. McLEAN. I am talking about Sumatra tobacco.

Mr. STANLEY. Sumatra leaf that comes in competition with the imported article is raised in the Senator's State, is it not?

Mr. McLEAN. No; it is a Habana type. The shade-grown tobacco is called Sumatra, but it is a Habana tobacco developed from the Habana type. The Sumatra type comes in direct competition with it.

Mr. STANLEY. With the Connecticut wrapper?

Mr. McLEAN. With the Connecticut wrapper.

Mr. STANLEY. What do the farmers in Connecticut get for their tobacco?

Mr. McLEAN. As I have stated, that depends entirely upon the quality. There will be a few leaves on a plant of 20 leaves for which they can get $3.50 or $4 a pound. The top leaves and seconds they have got to sell for what they will bring, at anywhere from 10 to 20 cents a pound.

Mr. STANLEY. So the Connecticut growers get $3.50 a pound——

Mr. McLEAN. That will be for perhaps 20 per cent of the crop.

Mr. STANLEY. Or $4 a pound, and then the man who brings tobacco in here in competition with it has got to pay $3 duty to meet that competition?

Mr. McLEAN. He can easily do it under the existing circumstances; for, as the record shows, the imports have increased under the duty of $1.85, and the addition of 25 cents a pound is so negligible and inconsequential that it will not affect the trade at all.

Mr. STANLEY. Mr. President, I do not wish to take up any further time in this discussion. According to the statement of the Senator from Connecticut, whether it be just or unjust, our previous history shows that when the duty on tobacco has been increased the increase has been reflected in an additional cost to the consumer amounting to 200 or 300 per cent of the duty. Whether carried on by the American Tobacco Co.—and I hold no brief for them, for I introduced a resolution which resulted in the so-called dissolution of that company, although the dissolution should have been more thorough than it was—or by any other company, that character of profiteering, that character of violation of the Sherman Act is entirely reprehensible. But whether it is right or wrong, we know that these powerful concerns, when the price of the article is increased by taxation, visit it two hundred fold upon the helpless consumer.

Mr. President, I am at a loss to understand why the Senator from Connecticut says that the duty on this tobacco is a matter of small importance. In this country we raise from 800,000,000 to 1,000,000,000 pounds of tobacco, and it is grown in many different sections, for which the grower asks and receives no protection, for the 35 per cent duty on filler tobacco is a pure fiction. But as to another type of tobacco which is grown in Connecticut and which happens to come in competition with Sumatra leaf it is said that it will go to the bowwows if a duty of 200 per cent or 300 per cent—there is no telling how much—is not imposed upon it. It is time that we had a chance to ascertain what we can do with these Dutch monopolists. The duty as it exists is enormous and almost inordinate, being at least 100 per cent over the value of the tobacco, according to any estimate of the Senator, and to increase it is to add, as he has truly said, to the amount of the duty practically 200 or 300 per cent more, because these monopolists, as he has told us, will not bear this burden, but will visit it with an increase of three or four times over upon the users of tobacco and upon the small manufacturers of cigars.

Mr. McLEAN. Then we should stimulate and protect domestic competition, if it is possible.

Mr. President, the duty on the filler of 35 cents a pound is about in proportion to the duty on the wrapper, because it takes from 15 to 20 pounds of filler to make a thousand cigars. The duty must be figured upon some sort of a unit, and of course that unit is the cigar or multiples of cigars; so that there is no disproportion between the duty on the filler and on the wrapper.

Mr. STANLEY. I was referring to the duty on leaf tobacco.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment.

The amendment was rejected.

The ASSISTANT SECRETARY. On the same line, line 20, after the words "if stemmed," the committee proposes to strike out "$2.75" and in lieu thereof to insert "$3."

Mr. McCUMBER. I ask that the Senate disagree to that committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The ASSISTANT SECRETARY. On lines 21 and 22 the committee proposes to strike out the following words:

Filler tobacco of the kind known as Turkish, $1 per pound.

Mr. SHORTRIDGE. Mr. President, I wish to express my respectful surprise at the action of the committee in striking out the words just read. The proposed rate of $1 per pound on so-called "Turkish" tobacco was placed in this bill by the House after due consideration. The hearings are a matter of record. In due season the bill came to the Senate and found its way before our Finance Committee. The hearings before that committee are matters of record with which I would be glad to believe each and every Member of the Senate is familiar. It may well be, however, that they are not, because of the multiplicity of affairs that engage the attention of Senators.

It is not my present purpose to detain the Senate long in discussing this item. If the result of this vote in committee shall be in favor of sustaining the action of the Finance Committee, I purpose reserving the right to review the matter before the Senate, when, if it shall become necessary, it is my present intention to go into the matter somewhat more fully than I now desire to do.

For present purposes, however, I desire to call the attention of the Senate to some few outstanding admitted or demonstrated facts. It is not my intention to engage in controversies with my Democratic friends as to the theory of protection or that of so-called free trade, and it embarrasses me to engage in controversy with members of my own house in any attempt on my part to show that they have departed from the elementary, and, I think, sound principles of a protective tariff; but the duty is forced upon me to say a few words.

It is perfectly idle, I suppose, to argue with learned Senators upon the other side as to the theory of protection or that of free trade. Perhaps words are wasted—and I say this with respect—but they are wasted in discussing theories here, because Senators who after years of study, reflection, and experience have come to have a firm belief in a given theory or doctrine are not easily driven from their positions, and up to this moment, during the consideration of this tariff measure, I have not seen any conversions. I remind the Senate, however, that as to items or products certain voluble and more or less vehement free-trade Senators have voted in favor of protection, perhaps upon the theory that it was exceptional, and that by so voting they were not in any wise violating their political faith.

I am a protectionist, however. I believe in the theory of protection. I think it is sustained by the logic of facts and justified by the history of this country. Being a protectionist, it seemed to me that, as a matter of course, this Congress would give adequate protection to the so-called "Turkish" tobacco which is raised in California. Applying the A, B, C principles of protection, that type of tobacco called for a special rate of duty if the duty was to afford adequate protection. I say that not, I hope, dogmatically, but I reassert it as a fact, that when the cost of production is compared with the cost of production in the foreign country—speaking broadly, Asia Minor—there is but one conclusion to be reached, and that is that a duty of at least $1 a pound, the amount fixed by the House, is necessary to afford adequate protection to the American producer; and with respect to those for whom I have unfeigned respect, I have never been able to understand why the action of the House in respect to this item was not approved by our Senate committee.

I voted in favor of the rate asked for Connecticut tobacco. I shall vote for a rate asked for any kind of tobacco if it be stated and if it be established that that rate is essential to afford adequate protection. I care not whether the tobacco is raised in Connecticut or California, in Wisconsin or in Kentucky, in Virginia or North Carolina, I am an American, and I propose to uphold any industry in any of the 48 States of this Union if a levying of duties is essential to the encouragement of that industry.

As to Turkish tobacco, it so happens that it is raised exclusively in the State of California. In one sense it may be called an infant industry, comparatively new. It may be of some service to call attention to a few figures showing the growth of this Turkish tobacco industry.

For example, in 1906 there were but 500 pounds of this tobacco raised in that State. We have a very large Armenian population in California, men and women and their children who fled from the brutalities of Europe and Asia Minor to find refuge, liberty, opportunity, happiness in America; and these Armenians, familiar with the cultivation of this tobacco, introduced it into California.

In 1906 there were 500 pounds raised; in 1907, 9,500 pounds; in 1908, 30,000 pounds; in 1909, 37,000 pounds; in 1910, 300,000 pounds; in 1911, 490,000 pounds; in 1912 it fell off a little, 250,000 pounds; in 1913, about the same number of pounds; in 1914, 245,000 pounds.

Then the Great War came on. Then trade, commerce, exchange were stopped. In 1915 the imports, speaking generally, being shut off largely, we increased the production in California to 500,000 pounds, and in 1916 to 800,000 pounds. In 1918 it was 870,000 pounds, and in 1919 it was 1,525,000 pounds. In 1920 it fell off somewhat, due to various causes and the renewed importations from abroad, but in 1920 there were 700,000 pounds produced in this country.

The House bill provided a rate of duty of $1 per pound. The facts seemed to and, I claim, did justify that rate when comparing the cost of production in California with the cost of production abroad.

Mr. President, the term "Turkish tobacco" is a generic term, and is used to differentiate between certain members of the tobacco family. Within that term, "Turkish tobacco," there are included over 20 varieties of tobacco. The term has no geographic significance any more than the term "navy bean," and no country can claim it as its product exclusively. By that I mean it is raised in Bulgaria, in Greece, in Rumania, in some parts of Russia, in Asia Minor, in Macedonia, some in South Africa, and, indeed, some in China; but in the trade it is spoken of as Turkish tobacco, a type essentially different from any other type of tobacco.

As to the other types of tobacco, certain rates have been fixed dependent upon cost of production. Applying the same principle to this item, it has been demonstrated that $1 a pound is necessary to equalize the cost in California and the cost in any other of the countries I have named.

If we apply the doctrine of protection, if we have not become ashamed or afraid of our own doctrine, if we have not been driven away from the fundamental principles of protection, then I submit to Members of my own side of the Chamber that a specific duty of $1 a pound is essential as to this particular American product.

I have a vast amount of facts and figures which I could call to the attention of the Senate. I could consume hours in elaborating upon this proposition. I do not think it necessary to do so, and therefore I refrain from doing so. Perhaps it will be helpful, however, to add a few words.

I remind members of the Finance Committee of this, that the tariff bill before us, as it came from the House, has given for the first time a separate classification for Turkish tobacco, and that for the very simple reason that this is a new industry, or the growing of a new and separate type of tobacco.

In all previous tariff acts each then existing type of tobacco was considered, as it has been here, and a supposedly adequate tariff duty fixed; I mean that a supposedly adequate tariff duty was fixed when the bills were framed by upstanding protective tariff Republicans. The suicidal Democratic theory, which has never failed to wreck this country, of course looks upon any protective rate as excessive; but tariff bills heretofore framed when great protective tariff Republicans assisted in the framing granted what I assume to be adequate duties upon the several different types of tobacco, depending upon the facts applicable. But here is a new type, the Turkish type of tobacco, raised in the one State, but which can be raised in vast quantities, and all it needs is an application of that protection which we have preached now for so many years.

The tariff of 35 cents per pound on filler tobacco antedates the introduction of cigarettes, the importation of the leaf, and the production in the United States. Turkish tobacco is used, as we know, for blending purposes in the manufacture of cigarettes, and we have come to smoke millions, I suppose billions, of cigarettes.

This rate of 35 cents on filler tobacco was imposed when the only forms of smoking were the pipe and cigar, and hence the term "filler tobacco," to fill the pipe or to fill the cigar, inclosed by a "wrapper." A duty of 35 cents was levied for revenue and for the protection of tobacco grown in Kentucky, Virginia, and other Southern States.

Mr. McLEAN. I do not think that duty on filler tobacco was imposed to protect the growers of tobacco in Virginia and other Southern States, because that is not used for cigars. It was to protect, rather, tobacco grown in Iowa, Wisconsin, and some of those States.

Mr. SHORTRIDGE. I should have said Northern States, but since the introduction of the Turkish-type tobacco in California, in 1906, the growers have had to market their product under a tariff, the rate being 35 cents, which was not intended for that industry at all and was wholly inadequate to meet its needs.

I pause here to observe that the great growth of this industry in California may be attributed to the war period, when there was a practical embargo on the importation, which but shows, if it shows anything, that given an opportunity, given a chance, this industry will become vastly important to this country, as other industries will become vastly important.

There can be an embargo de facto caused by war and an embargo de jure—that is to say, caused or brought about by law; but whether by the one or the other cause, given an opportunity, American labor, American brains, and American genius will develop industries, and all I have contended for is that as to this industry a rate be fixed which will enable the producers in California to compete upon somewhat equal terms with the foreign producers yonder in Bulgaria, Rumania, Asia Minor, Turkey, and the other countries named.

But I have said enough. I repeat, however, that according to the facts and the figures submitted, a duty of at least $1 a pound on this type of tobacco is necessary. Practically every chamber of commerce of every city in California, practically every association of farmers or producers, practically every merchant familiar with the facts, so states. The hearing before the committee is a matter of record, and I submit justifies my statement and contention.

Who opposes the rate we ask? The cigarette smokers? The consumers? Not so. We know who opposes this rate.

The opposition came and comes from the cigarette manufacturers in America, the great corporations, the great associations, the great companies engaged in the manufacture of cigarettes. There is no use to disguise it. Of course, I am far from imputing any evil motive to gentlemen of the Senate when I suggest these companies as opposing the rate which we ask; but it is proper to say that the only ones who have opposed this rate of $1 were and are the cigarette manufacturers in the cities of the East. I venture to state that the showing proves this, that this suggested rate of $1 a pound would not add anything whatever to the cost of cigarettes to the consumers of this country, and if it be that this added rate would cost the cigarette manufacturers a little more, if that were conceded, it would not add one-tenth or one one-hundredth of a mill to the cost of cigarettes to the consumer.

I oppose this amendment on the grounds stated, that the 35 cents is entirely inadequate to afford protection to American producers of Turkish tobacco. I favor the rate as fixed by the House, namely, $1 per pound, upon the ground that that rate is absolutely essential to afford adequate protection to the growers of Turkish tobacco.

Somewhat more than that was asked, but those for whom I immediately speak had to be content, and in a sense are content, with the rate fixed by the House, and had hoped that our Senate committee would consider it its duty to stand by that rate; but they not doing so, I have expressed my views and the views of those whom I represent, reserving the right hereafter, however, to make a more adequate presentation of the matter. Indeed, I was not aware that this item in the bill would be reached this afternoon, and when I rose I did not intend to consume as much time as I have taken.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 97, line 21, to strike out the words "filler tobacco of the kind known as Turkish, $1 per pound."

Mr. McLEAN. Mr. President, I shall occupy but a moment in reply to the Senator from California; in fact, I will not call it a reply, but rather an explanation.

First, I think the Senator and I stand in about the same position on the tobacco question. I think I ought to have at least a dollar more per pound on the wrapper; but I could not get it.

I will say to the Senator that I do not think there is any analogy between his desire to secure a dollar a pound on this filler tobacco and the desire of the wrapper people to raise their duty 25 cents a pound. A dollar a pound added to the filler tobacco would be an enormous increase, and I will say to the Senator that the condition of this industry in California was such that the committee did not feel justified in recommending the duty which he desires.

The testimony taken before the committee with regard to this matter shows that the California industry is very small, practically at a standstill, and that the rate which the Senator asks would add enormously to the cost of the imported filler; that is, outside of the question whether the California product is at all comparable to the imported product. It was stated, as the Senator knows, by the men who used this tobacco in the manufacture of cigarettes, that there was no similarity in quality. To be sure, it is called "Turkish" tobacco, but they said it was Turkish tobacco in name only.

The testimony taken before the committee shows that in 1921 there were something like 300 men engaged in raising the California product, and that the maximum production of the tobacco in the peak year was 1,500,000 pounds. The domestic tobacco used only in cigarettes amounts to about 150,000,000 pounds, and the imported tobacco used annually amounts to 40,000,000 pounds. So the additional duty sought to be imposed, at the rate of a dollar a pound, would raise $26,000,000. In other words, according to the statement of Mr. Aram, for instance, who was the witness who appeared before the committee, in a possible industry, with a possible income of $375,000 a year, he seeks to further tax the cigarette industry to the extent of $26,000,000 a year.

The committee had to take these facts into consideration, and while I think I am as good a protectionist as the Senator from California and have consistently voted to recommend adequate rates on California products, it seemed to the committee that the rate of $1 a pound on this tobacco was not warranted.

Mr. SHORTRIDGE. The Senator from Connecticut is, of course, familiar with his subject. I suppose it will be admitted that this is a peculiar type or a type different from other types of tobacco; also that the cost of growing it and maturing it is different and greater than the cost of growing certain other types of tobacco. I suppose it will be admitted that the yield per acre is far less. Thus I suppose the average yield of what we might for the moment call southern tobacco is from 900 to 1,200, 1,400, or even 1,800 pounds per acre.

Mr. SIMMONS. Oh, Mr. President——

Mr. SHORTRIDGE. What would the Senator say would be the average?

Mr. SIMMONS. Six hundred or seven hundred pounds would be a high average.

Mr. SHORTRIDGE. Of Turkish tobacco the average is 250 pounds.

Mr. SIMMONS. That is not what the Agriculture Experiment Station of California says is the average. Mr. Edward C. Voorhis, in response to a wire about the average, said:

California tobacco acreage, 1919, was 700.

He puts the average at 700 pounds to the acre.

Mr. SHORTRIDGE. I think that is an error. I have many letters from those engaged in growing who report their products in totals and as an average per acre.

Mr. SIMMONS. I will read to the Senator, if he will permit me, two telegrams. On August 24 last we wired the College of Agriculture, Agriculture Experiment Station, California, as follows:

May we ask you to furnish us data, information, or statistics which you may have in regard to tobacco growing in your State?

Following is the reply:

California tobacco acreage, 1919, was 700 acres.

I had that wrong a moment ago.

Quantity harvested, 489 to 941 pounds. Value, $2.84 to $1.66.

The 700 that I read first was the acreage. The quantity harvested was estimated at 489 to 941 pounds. The mean between those two would be 658.

Mr. SHORTRIDGE. I do not care very much about that element when I know and when the facts are that the average cost per pound of raising this type of tobacco is such that the industry can not continue in California unless it is protected by a certain tariff duty. Nor am I at all afraid of the word protection. I believe that the industry should be protected, as I believe that quicksilver should be protected, and as I believe that any industry in North Carolina should be protected. I am not thinking of partisanship when I say that, nor am I thinking of geography, North or South. I am only saying that from some reflection and from some, not much, but a little, familiarity with the history of my country.

I believe, I am firmly of the belief, that the Government can aid in the building up of industries which will result in benefits to the people directly interested and indirectly concerned. Therefore, I plant myself on that fundamental rock of protection. I have heard nothing here from party associates, nor have I heard anything from Senators on the other side of the Chamber, to weaken my statement that, conceding protection at all, $1 is the necessary rate. If the facts justify 75 cents or if the facts were such as to justify only 50 cents, I would submit to those facts. I repeat, and have done, that the showing as made by all who appeared before the committee was that they could not go forward and pay the cost of labor, the cost of cultivation, and so forth, without this rate as fixed. If other Senators think otherwise they will, of course, vote accordingly.

Mr. HARRISON. Mr. President, I do not care to take up the time of the Senate, but I desire to present an editorial at this time. Of course, the time has been taken up to-day by Members on the other side of the Chamber, practically all of the time, I might say 99.99 per cent of it. We heard a very splendid speech this morning by the Senator from Minnesota [Mr. KELLOGG], another one by the junior Senator from Washington [Mr. POINDEXTER], another one from the senior Senator from Washington [Mr. JONES], another one from the Senator from Connecticut [Mr. MCLEAN] on tobacco, and the very eloquent speech just made by my good friend the junior Senator from California [Mr. SHORTRIDGE]. So the filibustering to-day has been altogether on the other side of the Chamber, but I suppose to-morrow morning it will be in the papers that they have so many more signers for a cloture rule to put the tariff through.

I merely desire to have incorporated in the RECORD, because I do not want to take up the time of the Senate by having it read, a very splendid editorial from the St. Louis Post-Dispatch of June 22, entitled "A bonus for profiteers."

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

A BONUS FOR PROFITEERS.

[From the St. Louis Post-Dispatch, Thursday evening, June 22, 1922.]

The Senate has voted to take up the Fordney-McCumber tariff bill and will attempt to pass it before the soldiers' bonus is again considered. The mortgaging of the Treasury to win the soldier vote is very important to the Senate majority, but the taxation of the necessaries of life of the American people to fill to overflowing the coffers of already profit-swollen monopolies is even more important.

Facts brought out by the investigation of Elliott Thurston, Washington correspondent of the Post-Dispatch and New York World, inspire wonder at the audacity of the contemplated betrayal of the American people by their elected agents at Washington.

The proposed duty on woolen goods will tax American consumers a possible $310,000,000 a year. The lobbyist of the National Knitted Outerwear Association admitted before the Senate committee that the sales of this branch of the industry had increased in 20 years from $8,000,000 to $287,000,000 and had paid 100 per cent in stock dividends as well as 7 per cent annual cash. Though prices shot up 150 per cent from 1914 to 1919, labor in the former year had a 19 per cent share in the income, but in the latter year only 15 per cent. Superlobbyist for three national associations of wool manufacturers—Col. John P. Wood, of Boston.

The cotton-goods schedules of the Fordney-McCumber bill authorize a raid on the consumer's pocketbook of $750,000,000 a year. They would make possible a 100 per cent increase in the price of cotton handkerchiefs and hose. Superlobbyist—former Senator Henry F. Lippitt, of Rhode Island, manager and director of an enormously prosperous manufacturing business and carefully guards secret of earnings.

Under the silk schedule $274,000,000 could be extorted from the American people over present prices. Women would have to pay 50 per cent more for silk hose, according to experts' estimates, or accept an adulterated article. The industry at present earns 25 per cent on capitalization as increased on swollen war profits. Superlobbyists—Horace B. Cheney, of Manchester, Conn., and Frederick E. Kip, of Montclair, N. J., large manufacturers and spokesmen of the Silk Association of America.

Possible tribute from housewives and automobile buyers under the aluminum schedule would be $50,000,000 a year. The Aluminum Co. of America, a monopoly, increased its capital from $30,000,000 in 1913 to $110,000,000 in 1921. Net earnings, after deducting depreciation, taxes, and other expenses, averaged in excess of $10,000,000 a year. A recent letter to a retailer from the Aluminum Products Co., of La Grange, Ill., said: "Prices will advance approximately 20 per cent on the passage of the bill." Superlobbyist and president of the company—Arthur V. Davis. Original backer of the aluminum company, receiver of profits, and member of heavily interested family—Secretary of the Treasury Andrew W. Mellon.

The glove industry thinks it will be satisfied with a schedule which opponents say will permit prices to be raised on $1.25 gloves to $2.50 and which will bar from our ports the most popular women's gloves now on the market. These gloves are dyed by a brushing-in process that American manufacturers can not imitate. Domestic gloves are dipped and the color soaks through the leather. In 1919 the glove makers reaped a profit of 20 per cent on invested capital. Superlobbyist—Ex-Representative Lucius N. Littauer, a political boss, convicted smuggler and involved in the glove scandal of the Spanish-American War.

The Fordney-McCumber tariff bill, calculated to mulct the American public annually of a sum estimated to be equal to the annual revenue of the Government, is the measure dearest to the senatorial heart. It gets first preference on the Senate's program and will pass unless American public opinion rises en masse and blocks it. The service men have wanted a bonus out of the ill-gotten gains of war profiteers. They will not get it from this source. Their bonus will be extracted from the earnings of the people. Instead of taxing the war profiteers to help the soldiers the Senate plans to vote a bonus to the profiteers themselves. This bonus will ultimately extort from the service men whatever they will have been given by the Government.

The claim that the tariff will help labor is the merest humbug. Investigation has shown that labor gets a smaller proportion of profits from protected interests when dividends are large than when they are reasonable.

The Senate's pet measure to raise a prohibitive tariff wall against imports is a bonus from the pockets of the American people to America's biggest profiteers.

Mr. SIMMONS. Mr. President, I wish to say just a few words with reference to the duty proposed by the committee of 50 per cent on Turkish tobacco, because that is what it would be on a percentage basis. That is the rate the Committee on

Finance has proposed. The Senator from California, however, desires to increase that rate by doubling it for the purpose of further protecting, as he claims, a certain type of tobacco grown in the State of California, which he calls Turkish tobacco. There are many varieties of Turkish tobacco. In California they are using a Turkish tobacco seed, and they think they have raised Turkish tobacco. They have been raising it there now for quite a number of years. I do not know how long, but 10 or 12 years, I think. They have not succeeded in raising it in any very large quantity up to the present time. The peak year, as the Senator from Connecticut [Mr. McLEAN] indicated, according to the testimony of Mr. Aram, who presented the California case, was given at 1,500,000 pounds. That is about three times the amount that seems to have been given in certain official reports which I have examined but have not at hand. Mr. Aram has made two statements about the matter, one before the House committee and one before the Senate committee. The peak year in his statement before the House committee was 1919, when he gave an estimate of 1,000,000 pounds. Before the Senate Committee on Finance he raised it to 1,500,000 pounds.

In 1921 there were only 48,000 pounds raised. The industry has been in existence in California since 1906. I do not know what grade of tobacco they are raising, but I do know that a report made by the Tobacco Merchants' Association of the United States, in a brief which they filed with the committee, made the statement that the tobacco, which they raised from Sumatra seed, does not take the place of Sumatra tobacco, and that, notwithstanding the vigorous efforts to reduce it as a blend tobacco, it has not been successful, but some of the larger dealers or larger manufacturers who have attempted to use it as a blend have found that it was not satisfactory and, in fact, abandoned it because the attempt to use it resulted in deterioration of their brands.

The average production of this tobacco, according to the agricultural experiment station, would seem to be somewhere between 700 and 800 pounds to the acre. It would amount in total figures to something around an average of from 700,000 to 800,000 pounds a year.

The amount of Turkish tobacco that is used in this country on an average is about 40,000,000 pounds. That blends with the American filler tobacco. Since the manufacturers began to use Turkish tobacco as a blend there has been a phenomenal increase in the consumption of cigarettes in this country. The consumption of tobacco in cigarettes has increased from approximately 38,000,000 pounds in 1911 to 198,000,000 pounds in 1919, an increase of 160,000,000 pounds.

There has been an impression among the tobacco growers as well as a fixed conviction among the tobacco manufacturers that the enormous increase in the use of cigarettes in this country, and throughout the world, as far as that is concerned—for we do export our cigarettes abroad to a considerable extent, for their popularity has grown with the years abroad as well as in this country—is due to a very large extent to the blending of our tobacco with the Turkish tobacco. Seventy-one per cent of all the cigarettes produced in this country to-day are blended with Turkish tobacco. A very small percentage of the pure Turkish cigarettes are manufactured in this country, the quantity being only about 7 per cent, and only about 23 per cent of the cigarettes are unblended.

When the Turkish cigarettes first began to be imported into this country the farmers in the tobacco-growing sections of the South—and especially was that true of North Carolina—were bitterly opposed to their coming in; they wanted a prohibitive duty imposed upon them, because, they said, those cigarettes would run their tobacco out, on account of the fact that they had a flavor which seemed to be popular which their tobacco did not possess; but the growers of tobacco in the South have become thoroughly convinced that blending their tobacco with the Turkish tobacco is a benefit instead of an injury; that it has enormously increased the demand for their product. They have, therefore, become reconciled to the importation of Turkish tobacco, and anything that would prevent its importation would be a very bad thing in its effect upon the tobacco industry of the South.

Mr. President, the highest average price which was received in this country for domestic tobacco during the World War was 41 cents a pound. In recent months the landed cost of Turkish tobacco imported into this country is 91 cents a pound. If the 50 cents duty proposed to be imposed by this bill is added to that, it will cost $1.41 a pound. That would be the price of Turkish tobacco in this country plus the duty. So that if the producers of the tobacco in California, if it is Turkish tobacco or approximately Turkish tobacco, can induce the manufacturers to use it, they would have to compete with a foreign tobacco which is sold in our markets for $1.41 a pound; and now it is proposed to increase the rate to $1 a pound.

Mr. President, it seems to me that in the light of the fact that the gentlemen who are engaged in growing this tobacco in California have not been able to induce the American manufacturers of cigarettes, whether the big dealers or the smaller dealers—for there are a few big dealers and a multitude of small dealers making cigarettes—to pay one-half the price—I think Mr. Aram complained that about 45 cents was the best price they could get—that they are willing to pay for the foreign product, is pretty good evidence that they have not yet been able to produce the desired type of so-called Turkish tobacco. If they ever become able to do that, Mr. President, under this bill, should it be passed, they will have 50 per cent protection against the foreign article, which now sells in our market, before the duty is added, at 91 cents a pound.

The PRESIDING OFFICER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, out of abundance of caution, I reserve the right to have another vote on this question when the bill reaches the Senate.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next amendment of the Commtitee on Finance was, on page 97, line 23, before the word "cents," where it occurs the first time, to strike out the figures "45" and to insert "35."

The amendment was agreed to.

The next amendment of the committee was, on page 97, in line 23, after the word "cents," to strike out the numeral "60" and insert the numeral "50."

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 97, at the end of line 23, to strike out the colon and the following proviso:

Provided, That filler tobacco, not specifically provided for, commonly used without removing the stem shall be subject to the same duty as stemmed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMITH. Mr. President, before that amendment is passed upon I desire to ask the chairman of the committee what would be the effect of the amendment?

Mr. McCUMBER. Simply to allow the rate to remain at 35 cents a pound instead of 50 cents a pound, as it would be if the language were not stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 98, line 19, before the word "not," to strike out "including scrap tobacco"; and in line 20, after the words "cents per," to strike out "pound" and to insert "pound; scrap tobacco, 35 cents per pound," so as to make the paragraph read:

PAR. 603. All other tobacco, manufactured or unmanufactured, not specially provided for, 55 cents per pound; scrap tobacco, 35 cents per pound.

The amendment was agreed to.

The READING CLERK. The next amendment is in the agricultural schedule, on page 99——

Mr. McCUMBER. Mr. President, I ask unanimous consent at this time that when the Senate concludes its business on this calendar day it shall take a recess until to-morrow at 11 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. McCUMBER. Mr. President, I do not think we can conveniently take up the agricultural schedule this afternoon. The Senator from Wyoming [Mr. WARREN] informs me that he has a bill ready which he should like to have disposed of this evening. It is one which I understand is necessary to be passed before the 1st day of July.

Mr. WILLIS. Will the Senator state whether or not the agricultural schedule will be proceeded with in the morning?

Mr. McCUMBER. We expect to take up and consider the agricultural schedule in the morning.

COMPENSATION OF CIVILIAN EMPLOYEES.

Mr. WARREN. I ask unanimous consent to report with amendments from the Committee on Appropriations the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Government of the United States and the District of Columbia during the fiscal year ending June 30, 1923. It is in the nature of an appropriation bill and simply

provides for the extra compensation or bonus, so called, for civilian employees of the Government.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the unfinished business be temporarily laid aside and that he may out of order present a report from the Committee on Appropriations. Is there objection?

Mr. POMERENE. Mr. President, just a moment. Is this the bill relating to the employees of the departments in Washington and employees generally of the Government?

Mr. WARREN. It relates to Government employees generally for whom provision has heretofore been made in the way of additional compensation as a bonus.

Mr. POMERENE. The Senator refers to the $240 bonus?

Mr. WARREN. Yes.

Mr. POMERENE. I have no objection to the consideration of the bill.

The PRESIDING OFFICER. In the absence of objection, the unfinished business will be temporarily laid aside and the report will be received.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. POMERENE. Mr. President, I will say to the chairman of the committee that I am very much in favor of this bill, because I believe that, as conditions now are, we ought to continue the bonus for another year in view of the fact that the classification bill has not yet been passed; but this morning I received a letter from some one employed in the Veterans' Bureau stating that the bill does not provide for certain of the employees of that bureau, and that no reason was given for this discrimination. The statement was further made that many of the clerks of that bureau who are denied the bonus are doing identically the same work as other clerks getting the same pay and the bonus in addition. I make this statement preliminary to asking the question whether or not that is correct.

Mr. WARREN. Mr. President, it is not correct exactly as the Senator has stated it. Originally what was called the War Risk Insurance Bureau was provided for by a lump-sum appropriation, out of which salaries were paid. That was also true of the Federal Vocational Board and some other boards, and when the bonus was first granted some years ago it was not allowed in the case of any of the employees of those lump-sum bureaus and boards. Finally a compromise was reached whereby the regular salaries in some of those organizations were lowered so that they might come in with those to which a bonus would be added. The men and women thus employed are still working under that arrangement. Those taken over from the War Risk Bureau by the Veterans' Bureau get the bonus.

The employees of the Public Health Service have been taken over, and they are to receive the bonus. In the Federal Board for Vocational Education salaries were so arranged that the employees were not receiving the bonus, but were actually receiving altogether as large salaries as other employees who received the bonus. Now, these have been taken over, but they do not receive the bonus. Then there is a large number of new clerks who have been employed by the Veteran's Bureau and paid out of a lump sum. If they are not receiving a sufficient compensation, the fault is with the Veteran's Bureau. If we should undertake to pay all of those new employees a bonus in addition to the salary they receive, it would have to come out of the sum appropriated for the maintenance of the bureau, and the bureau would have to employ accordingly a lesser number of clerks, and certain of them would receive more. It would, however, prefer a class and give a bonus to a certain line of employees when employees in other lines would not receive it; in other words, if we desire to be exactly just, we will leave the provision as it came from the House.

I am aware of a letter which the Senator from Ohio says he has received. Similar letters have been scattered very generally among Senators. But in discussing the matter with the representative of that institution before the committee it came down to just this: They think it would be more convenient for them if we would let them put in these bonuses, and then, to prevent two employees sitting side by side and doing the same kind of work receiving different salaries, they could reduce and adjust and thereby bring about an equality.

The committee does not see the matter in that light. We do not think it is necessary to enlarge the payment of certain men so that they and others can be reduced accordingly. If we leave it as it is they will be receiving what all other employees of the Government, so far as we know, are receiving. There are very many employees who do not receive bonuses because their salaries are fixed otherwise, and are fixed higher than or as high as the old-established salaries plus the bonus. The Veterans' Bureau had representatives before the House committee, several pages of testimony were taken, and we have the record here printed before us. All of this the Senate committee has studied. We agree with the House, and we have not changed their figures in this respect.

Mr. POMERENE. Mr. President, I remember that when some bill was up here a short time ago fixing the pay—I think, perhaps, it was in the navy yards—it was contended on the one side that these men were not getting the bonus. On the other side it was contended that when the pay was fixed originally by the department the increased cost of living was taken into consideration, and that the basic salary was fixed so as to include the bonus. I am simply appealing now for equality of treatment among these people.

Mr. WARREN. And if we should do what is asked in that letter we would do an injustice.

As to the matter of the Navy, certain employees referred to in this bill and in every other relating to the subject have their salaries or pay fixed by a salary or wage board. There is a wage board that arranges every three months or six months, as the case may be, the payment of these mechanics, and so forth.

At one time during the war, when everybody was exceedingly anxious to do justice and more, and the matter was not understood in the Senate, perhaps, they voted a bonus for these wage-earners on top of the full pay, and the men received it for a certain number of months; but when it was understood it came up again, and although the provision was put in on the Senate side by suspending the rules—there was a sufficient vote at the time to suspend the rules, and it was put on and sent back to the House—of course it had to go off again. Now the wage boards understand fully that we have not paid and do not propose to pay a bonus to those men who are receiving a per diem, and whose pay is arranged by these wage boards according to the cost of living and according to what the same class of employees get in private employment.

Mr. POMERENE. Mr. President, with the committee's assurance that in fixing the wages they have taken into consideration the fact that the bonus was to be paid, and have included that in the basic pay, if that be true I am content with it.

Mr. WARREN. That is so in many lines.

Mr. SMOOT. Mr. President, I will say to the Senator that this was the policy: After the war started, and after the increase in salaries had taken place, some new agencies were established by law in the Government, such as the agency for the vocational training of the soldiers. They were paid from a lump sum. For instance, we will take messengers. The regular rate for messengers was $840 a year. With the bonus it was $240 more, or $1,080. They immediately started off at $1,080, giving them just exactly the same as the statutory rate plus the $240 bonus, so that they were on exactly the same basis; and that is what we are trying to keep them on now.

Mr. KING. Mr. President, may I inquire of the Senator whether or not the employees of the Shipping Board, who have been a law to themselves and have drawn enormous salaries, come under this bill?

Mr. WARREN. They have nothing to do with the bonus.

Mr. KING. They do not come under this?

Mr. SMOOT. No; they have nothing to do with the bonus. It is only employees whose salaries are $2,500 or under that get the bonus.

Mr. WARREN. There are employees in very many lines that do not receive it that must be paid otherwise.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. WARREN. I yield.

Mr. HARRISON. When this matter was up before, there was a good deal of discussion about this bonus. Certain amendments were offered to the bill, a number of which were adopted. Is this carrying out practically the same scheme that was incorporated in the bill at that time?

Mr. WARREN. This is carrying out precisely what we have had for the last year, except the natural changes that may change the language a little in some places, like the one to which the Senator from Ohio [Mr. POMERENE] alluded. Otherwise it is just the same.

Mr. HARRISON. That was my impression. This is merely a continuation of the present law because the reclassification report has not yet been adopted by the Congress?

Mr. WARREN. It is.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. WARREN. Certainly.

Mr. BURSUM. The complaint which I received about this bill came from the Veterans' Bureau, and it was to the effect

that there was an amendment in the bill which prevented an employee who might be transferred from another department to the Veterans' Bureau from receiving a bonus.

Mr. WARREN. No. It expressly states that those shall receive the bonus who received it during last year.

Mr. BURSUM. I have sent for the paper to which I refer, but that is the substance of it.

Mr. SMOOT. Every Senator got it. There was not a Senator that did not get it.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The first amendment of the Committee on Appropriations was, under the head "Legislative," on page 5, line 7, after the word "Senate," to strike out "$184,440" and to insert "including 17 employees who are authorized to be paid from the contingent fund, $188,520."

The amendment was agreed to.

The next amendment was, on page 5, line 18, before the name "Panama," to insert "National Home for Disabled Volunteer Soldiers, $894,000;".

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the words "Navy Department," to strike out "$444,720" and insert "$458,640"; in line 6, after the words "Naval Establishment," to strike out "$42,000" and insert "$78,480"; and in line 7, before the words "Department of State," to strike out "Post Office Department, $359,280," and to insert "Post Office Department, employees engaged in connection with the distribution, sale, and keeping of accounts of Treasury savings certificates, as provided in the deficiency appropriation act approved November 4, 1918, $12,000."

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert "Post Office Department, payable from the revenues of the Post Office Department, $352,800."

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the words "in all," to strike out "$36,287,012" and to insert "$37,241,012."

The amendment was agreed to.

Mr. CALDER. Mr. President, I should like to inquire of the Senator from Wyoming if, under the terms of this bill, the navy yard employees and those in the naval gun factories and stations are included in the $240 bonus?

Mr. WARREN. Those whose wages are arranged by wage boards are not included, and were not included last year.

Mr. CALDER. I recall last year that that was the case, and that as a result of the failure to provide for the navy yard employees the pay of these men was reduced about 20 cents an hour, on the average.

Mr. WARREN. If the Senator heard what I said when I first responded to the Senator from Ohio he would note his mistake.

Mr. CALDER. I was not in the Chamber at the time.

Mr. WARREN. It was put on erroneously, and over the head and protest of the committee, at one time two years ago. It was added after the pay had been fixed by the wage board at a rate that was intended to be in full. For part of the year, erroneously, they did receive the bonus; but that was settled afterwards, and since then they have not received it. They received their full pay through their wage board committees.

Mr. CALDER. I know that up to July 1 of last year the bonus was paid to these men, and afterwards it was deducted from them, and then there was a readjustment of pay last fall.

Mr. WARREN. Yes.

Mr. CALDER. So that, as I understand, these men are now receiving about 20 cents an hour less than they received before July 1 last.

Mr. SMOOT. That was on account of the adjustment of the pay according to law. As the salaries outside have decreased, so have their salaries decreased. I will say to the Senator that it was not on account of the bonus at all.

Mr. CALDER. This bill, however, provides for these men the same as the bill of last year, and it really in effect reduced their pay.

Mr. WARREN. It has not reduced their pay at all in any manner because of leaving it out last year, because the wage board met at once or soon and arranged their pay accordingly. The pay of employees of the navy yard may have been reduced the same as that of the employees of other departments may have been reduced, to conform to the wages current in private employment in the same line, but they are receiving full pay, and with no expectation of receiving the bonus unless they can beat us out of it, as they did here once before, on misrepresentations or misunderstanding.

Mr. CALDER. I have no desire to misrepresent anything.

Mr. WARREN. No; I know the Senator has not.

Mr. CALDER. I am not going to ask for a roll call on this matter. I am going to offer an amendment to this bill to test this question, and I will ask for a rising vote. The amendment I offer is this:

On page 3, line 1, after the word "included," I move to strike out all down to and including the word "service" on line 4.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

The READING CLERK. On page 3, in lines 1 to 4, both inclusive, it is proposed to strike out the following words:

> Employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service.

Mr. CALDER. Mr. President, if that amendment is agreed to, it will then be necessary to provide additional funds to pay for a bonus for the men employed in the navy yards and gun factories. It will mean, all told, I imagine, about $4,000,000 additional; and it seems to me, in view of the wages these men are getting now, that it would be equitable.

Mr. WARREN. The Senator is mistaken about reducing the pay. He has been misinformed about it, and I desire to say that this amendment should not be adopted. There is no use in putting it on here, at the behest of somebody, to seem more liberal. It never can go through, of course, and I hope it will not be adopted.

Mr. SMOOT. Mr. President, I want to say that those wages have been adjusted, and the bonus bill had nothing whatever to do with it. They were adjusted under existing law, which specifically states that they are not entitled to a $240 bonus.

Mr. WARREN. But I will cut the matter short by making the point of order. This is an appropriation bill. The amendment has not been introduced a day beforehand, it has not been sent down to the committee, and it increases the amount carried by the bill, so that it violates the rule in several respects.

The PRESIDING OFFICER. The Chair understood the Senator from New York to move to strike out a certain portion of the bill.

Mr. WARREN. But that means increasing the amount of money appropriated by the bill.

The PRESIDING OFFICER. The Chair can not see, however, that a point of order would lie against the motion to strike out.

Mr. SMOOT. The part that the Senator from New York asks to strike out is the exception of certain employees; and if that goes out they will get the $240 bonus, and we will have to make an appropriation for it.

The PRESIDING OFFICER. The provision is in the bill, and the Senator from New York can certainly make a motion to strike out any provision in the bill. It will be up to the Senate to say whether or not it will strike it out. The Chair overrules the point of order.

Mr. WARREN. Perhaps the Chair will hear me until I finish what I was about to say. If a point of order is not good against this amendment, then it is not good against any amendment at any time that increases an amount over and above what is recommended by a standing committee, or any amendment that has not under the rule been sent to a committee, because the direct effect of it is to increase the amount of money to be paid to these people under this bill, and the Senator from New York [Mr. CALDER] frankly states that his amendment will increase the amount, and that is his intention.

Mr. SMOOT. By $4,000,000.

Mr. CURTIS. Mr. President, I would like to call the Senator's attention to Rule I, about the middle of the rule, where it reads:

> And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill.

The PRESIDING OFFICER. That does not refer to a motion to strike out a provision in a bill.

Mr. CURTIS. The Senator moving the amendment states that if his motion carries, it means an increase in the appropriation of $4,000,000.

The PRESIDING OFFICER. The Chair can not sustain the point of order on a motion to strike out a provision in a bill. The Chair may be wrong about it, but it seems to me that any Senator has a right to move to strike out any provision in a bill, whatever the effect may be upon it.

Mr. STERLING. Mr. President, I would like to ask for information, for I have just come into the Senate Chamber. What is the amendment proposed by the Senator from New York? Does it relate to the employees in the War Veterans' Bureau?

Mr. CALDER. No; on page 3, line 1, after the word "included," to strike out all down to and including the word "serv-

ice," on line 4. The effect of it is to give the bonus to men employed in the gun factories and the navy yards.

Mr. WARREN. That is what I stated. It might just as well read that the salaries of these men shall be increased by the addition of the bonus of $240.

Mr. STERLING. I would like to ask the Senator from Wyoming if it is his intention to press the bill to a final vote to-night?

Mr. WARREN. That is what I had intended.

Mr. STERLING. I hope that will not be done. If it can go over, it will give us a little time to consider the bill. It has been put before us without any previous notice. It is a very important measure. I wanted to direct attention to another matter to which my attention was called a day or two ago in regard to this bill and the way it affects the employees of the War Veterans' Bureau. As I understand it, there is no reason on earth, if a bonus is given to particular employees of the Government, why it should not be given to the employees in that bureau.

Mr. WARREN. If there is a department for which a lump-sum appropriation is made, and the salary of one man is $1,800 or $2,000, and the salary of the man sitting at the next desk is $1,440 or $1,600, how are you going to correct that inequality if they do the same work? Would you give the $240 to each one, to the $2,000 man, as well as to the other?

Mr. STERLING. How do you apply it elsewhere in the Government service when those who get under $2,500 are entitled to the $240 bonus? It is the same thing, of course.

Mr. SMOOT. They were only entitled to it in cases where the offices were organized before a certain date, when the bonus provision came into effect. The employees in every subdivision of the Government that was organized after the war began, to which we paid a lump sum, received the $240 bonus in the salary they drew, and it was so understood.

Mr. STERLING. Exactly the same reasoning applies to these people who have not as yet received their bonus as applies to the others.

Mr. SMOOT. But they have received their bonus in their compensation. If they got $1,400, they would get $1,640, and if they got $1,800, they would get $2,040.

Mr. STERLING. It is not my understanding that these people receive the bonus in the compensation they are now getting. On the contrary, they receive no bonus and nothing equivalent to the bonus.

Mr. KING. The Senator will recall that during the war we created a number of what might be denominated independent executive agencies, among them the War Risk Bureau, the Shipping Board, and many others not necessary to enumerate, and we appropriated lump sums for them. Immediately those in charge gave the employees much larger salaries than other Government employees received, and my information is that those employees, doing the same grade of work performed by those in statutory positions in the Government, received very much higher salaries. The contention of the Senator from Wyoming, as I understand it, is that if the Senator's position be correct we would be giving to those employees who happened to come into these governmental executive agencies during the war higher salaries than we are paying to other employees who have been in the Government service for many years.

Mr. STERLING. I can not agree with the contention of the Senator from Wyoming in that respect, nor with that of the senior Senator from Utah.

Mr. WARREN. Let me read from the testimony of Mr. Routsong before the committee:

> The CHAIRMAN. When you made your estimate for the 1923 appropriation, did you not make those estimates based upon the idea that those employees would be paid on the present basis of pay without the bonus? I am referring to the rehabilitation division employees.
> Mr. ROUTSONG. Yes, sir; we figured on the basic pay that they were receiving at the time we made the estimate.

Mr. STERLING. That is for what service?

Mr. WARREN. That refers to the men of whom the Senator spoke, those in the Veterans' Bureau. Some employees there are asking that they be given the bonus.

Mr. SMOOT. This refers to the rehabilitation division employees, changed to the War Veterans' Bureau from the vocational training service, where they were paid salaries which included the $240 bonus, because of the fact that those positions were created by act of Congress. It was specifically provided in the bonus law that it should not apply to them. Therefore they were out of the lump sum paid the regular salaries given to other people doing similar work, with the $240 bonus added, just as was the case in the Children's Bureau.

In the Children's Bureau a messenger was paid $1,080. Messengers in all the other bureaus are paid $840, with the $240 bonus, making $1,080.

Mr. STERLING. That is not the understanding I have had from a representative from the bureau—I think the head of a division—who came to see me last Saturday in regard to this matter. Otherwise I would not be here raising the question.

Mr. WARREN. We gave an opportunity to those gentlemen to come before the committee, and the subcommittee has given the matter full attention. If we should undertake to cover every complaint made in various cases by the heads of divisions, we would be paying out several hundred thousand dollars, yes, millions, that we are not paying at this time. This bonus is only to make up the deficiencies to a small number, comparatively, of the employees of the Government. Of course, if we open the door to all who ask, we will do an injustice, where we are trying to do justice.

Mr. STERLING. Of course, the whole matter of the bonus might have been settled definitely before this time if another bill had had reasonably, just reasonably, prompt consideration. I refer to the reclassification bill, which would have covered the bonus.

Mr. SMOOT. And more than covered it.

Mr. WARREN. I think that is probably true. I hardly think the Senator would care to place the fault at anybody's door, however.

Mr. STERLING. I am not just now placing the fault at anybody's door, but there is a fault somewhere. I wonder if the Senator would not be willing that this bill should go over until to-morrow?

Mr. WARREN. For what reason?

Mr. STERLING. For the purpose of allowing us a little further time for a study and consideration of it, and a chance to inquire with regard to the Veterans' Bureau in the matter I suggested a little while ago.

Mr. CURTIS. Mr. President, I suggest to the Senator that the testimony of a gentleman from the Veterans' Bureau was taken, and it is here. It was read before the Senator came in. He was heard this morning before the committee—not before the full committee, but before the subcommittee.

Mr. STERLING. I do not know to what the Senator refers. I did not know of a meeting of the committee at all.

Mr. SMOOT. Let me read further from the testimony from which the Senator from Wyoming has already read, if the Senator from South Dakota will give me his attention:

> The CHAIRMAN. * * * I am referring to the rehabilitation division employees.
> Mr. ROUTSONG. Yes, sir; we figured on the basic pay that they were receiving at the time we made the estimate.
> The CHAIRMAN. So that they would not be entitled to the bonus under that estimate, or under that appropriation, and if we paid them the bonus now, we would be giving them $240, or whatever the amount should happen to be, in excess of what they are being paid, and you would have that much more money than you would be entitled to?
> Mr. ROUTSONG. I believe that is true.

Mr. STERLING. Whose testimony is that?

Mr. SMOOT. Mr. Routsong's.

Mr. STERLING. Who is he?

Mr. WARREN. He was sent here by the Director of the Veterans' Bureau to represent that particular bureau.

Mr. STERLING. I think it but fair to all concerned and interested in this important piece of legislation that the bill should go over until to-morrow. There will be ample time to consider it and have it enacted into law before the 1st of July.

Mr. OVERMAN. Mr. President, does not the Senator understand that the House is about to take a recess. I understand the bill puts everybody in status quo, so that the employees will get the salaries they are receiving now. By the bill we do not increase anybody's salary, and we do not make any new salaries. We just put them back exactly where they are to-day. Why not let the bill pass?

Mr. STERLING. Because of the considerations I have already mentioned I am not willing that it should pass to-night.

Mr. OVERMAN. I never believed the Senator could get the reclassification bill through before the 1st of July.

Mr. STERLING. I know. There are a few Senators who have not so believed——

Mr. OVERMAN. I do not think he could get it through.

Mr. STERLING. And if any considerable number believe that way, or fail to believe it will get through, it will not. If Senators believed or failed to believe that this or that thing would be done, it would be accomplished or not accomplished, according to the faith they had in regard to it and according to their disposition to assist in getting through legislation, instead of throwing obstacles in the way of legislation.

Mr. OVERMAN. I do not know of any obstacles which have been thrown in the way of that bill.

Mr. STERLING. I am not saying that the Senator from North Carolina has thrown any obstacles in its way for a moment, and I do not want him to understand so.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. STERLING. I think I have said all I want to submit. That is my request, that the bill may go over until to-morrow.

Mr. WARREN. I think the Senator must admit that I have always been exceedingly kind to him if complying with requests indicates kindness, but at the present time the circumstances are somewhat different from the ordinary case. I am on the floor now by unanimous consent of this body and by the consent of the Senator who has charge of a very important bill. I do not feel that I can surrender the floor at this time upon the request of a Senator unless, indeed, it may be on the request or permission of the Senator in charge of the tariff bill.

Mr. STERLING. I want to say, in answer to the suggestion of the Senator from North Carolina, that while the House is going to take a recess, I understand it will not be before the 1st of July, anyhow, if then. This is only Monday, and there will be ample time to consider this bill. I shall not do anything to delay its passage after I have had time to look into this question a little further.

Mr. WARREN. The Senator must remember that there are other appropriation bills which it is very necessary to get through, and we can not wait by the way very long. As I said, I am under the embarrassment of having the floor by the consent of another committee and the Senate. If the Senate considers that it is a reasonable request and wants to grant the time, it can do so, but I do not think it is necessary in connection with this bill to have to thrash out differences of opinion about the reclassification bill. I do not think that has anything to do with this particular bill.

Mr. STERLING. Nor have I asked that differences of opinion be thrashed out here; but that measure is in a way related to this bill.

Mr. WARREN. The Senator introduced the subject.

Mr. STERLING. It is in a way related to the reclassification bill. My expectation was at one time, my great hope was, that the reclassification bill would be reported out; that the Senate would consider it and act upon it before the 1st day of July and settle this question of the bonus. I think every Senator who is a member of the Appropriations Committee knows that I had that hope and expectation at one time. It could have been disposed of in that way, and there was no necessity to pass another bonus bill. We all realize how vicious the bonus system is. Of course there is merit in the bonus under the circumstances in that it gives the employees of the Government adequate compensation, which they were not receiving. That is the excuse for it, but we ought to provide for it and could have provided for it in some other way than by another bonus bill this year.

Mr. SMOOT. May I ask the Senator from South Dakota a question?

Mr. WARREN. I yield.

Mr. SMOOT. Do I understand that the Senator from South Dakota desires in this bill to increase the salaries employees are getting to-day?

Mr. STERLING. I will say to the Senator from Utah——

Mr. SMOOT. Does the Senator desire to increase the salaries of any employees?

Mr. STERLING. As I previously stated, I want to consider this matter of the Veterans' Bureau employees with reference to the situation and to ascertain certainly and beyond doubt that they are compensated in the salaries they are now getting, and that their present salaries are now equivalent to the original basic pay of other employees with the bonus added.

Mr. SMOOT. I simply asked the Senator whether he wanted in this bill to increase the salaries of some employees of the Government.

Mr. STERLING. No; not for a moment. I want to see that the salaries are at least equitable as between the employees in the various offices.

Mr. SMOOT. I will say to the Senator that this bill does not increase the salary of any employee of the Government. It places all the employees of the Government in the same identical position they are in to-day.

Mr. STERLING. I can ascertain that fact to my satisfaction before the convening of the Senate to-morrow, and if I do so ascertain it I shall make no objection upon that score.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. CALDER].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DETAIL FROM FIELD FORCE OF CUSTOMS SERVICE.

Mr. McCUMBER. Mr. President, I ask that the tariff bill may be further temporarily laid aside to consider House Joint Resolution 344.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. McCUMBER. I now ask that the Senate proceed to the consideration of the joint resolution (H. J. Res. 344) to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs. In other words, it is a joint resolution to continue the present law.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of the Treasury is authorized to use in the District of Columbia during the fiscal year 1923, for and in connection with the enforcement of the laws relating to customs, not to exceed at any one time four persons detailed from the field force of the Customs Service.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 6 o'clock and 8 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, June 27, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 26 (legislative day of April 20), 1922.

UNITED STATES MARSHAL.

James C. Tyler, of Mississippi, to be United States marshal, southern district of Mississippi, vice Floyd Loper, resigned.

APPOINTMENT IN THE REGULAR ARMY.

To be Chief of Finance for a period of four years from date of acceptance, with rank as brigadier general from July 1, 1922.

Col. Kenzie Wallace Walker, Finance Department, vice Brig. Gen. Herbert M. Lord, Chief of Finance, to be retired from active service June 30, 1922.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of lieutenant (junior grade) from the 23d day of June, 1922.

Richard M. Watt, jr.
Robert K. Wells.
Ralph E. McShane.
Olivér D. Colvin, jr.
Paul E. Pihl.
William C. Powell.
Carleton Shugg.
Mortimer E. Serat, jr.
Charles D. Wheelock.
Robert C. Sprague.
William Webster, jr.
Richmond K. Kelly.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 26 (legislative day of April 20), 1922.

FEDERAL TRADE COMMISSION.

Vernon W. Van Fleet to be a member of the Federal Trade Commission.

RECEIVER OF PUBLIC MONEYS.

Charles S. Merrill to be receiver of public moneys at Glenwood Springs, Colo.

REGISTER OF THE LAND OFFICE.

Miss May G. Angel to be register of the land office at Hailey, Idaho.

POSTMASTERS.

ARKANSAS.

Nan E. De Yampert, Wilmot.
Robert P. Jorden, Womble.

FLORIDA.

Clement C. Ausherman, Fort Lauderdale.

GEORGIA.

Edwin K. Large, Atlanta.

INDIANA.

Ella S. Shesler, Burnettsville.

KANSAS.

Cyrus L. Ward, Narka.

LOUISIANA.

Lillian Causey, Bonita.
Viola M. McMillan, Iota.
Blaise A. Chappuis, Rayne.
Robert E. Loudon, Zachary.

MICHIGAN.

Arthur M. Gilbert, Wakefield.

NEW JERSEY.

Margaret G. Burd, Deal (late Deal Beach).
Charles W. Foster, Grenloch.
Charles R. Stoneall, Ridgewood.

NEW YORK.

John C. Tharp, Campbell.
John C. Shanks, Waterloo.

NORTH CAROLINA.

Sion D. Johnson, Pittsboro.

OHIO.

Glenn I. Shaffer, Bellville.
Robert J. Pollock, Fairpoint.
Harry B. Carver, Troy.

OREGON.

Simeon Bolton, The Dalles.

TENNESSEE.

Charles A. Ogan, Dresden.
William P. Whaley, Liberty.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 26, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

This is the day the Lord hath made, blessed be Thy holy name. Though full of imperfection, we wait for the disclosure of Thy presence. We offer Thee our love and gratitude and do Thou receive them. Continue to unfold our knowledge of justice, of equity, of the rights of men, and of the necessities of the State. Always lead us to give opportunity to our best thoughts and our wisest plans. O keep us from confusing moral principles and hold before us the clear vision of integrity. Dear Lord, bring to all of us those hidden comforts so rich and tender, which human hearts need day by day. Through Christ. Amen.

The Journals of the proceedings of Saturday, June 24, 1922, and Sunday, June 25, 1922, were read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the joint resolution of the following title:

H. J. Res. 337. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey, by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 171. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey, by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922; to the Committee on the Judiciary.

JOINT COMMISSION OF AGRICULTURAL INQUIRY.

Mr. JOHNSON of Washington. Mr. Speaker, I call up House Concurrent Resolution 61, in respect to the Joint Commission of Agricultural Inquiry, a privileged report from the Committee on Printing.

Mr. FOCHT. Mr. Speaker, I assume that is done by unanimous consent.

The SPEAKER. No; it is a priviledged matter.

Mr. FOCHT. I understand it is privileged to call it up, but is it privileged to call it up on District day?

The SPEAKER. The Chair thinks the gentleman is mistaken about that. This is a report from the Committee on Printing, business of the House which is always privileged.

CALL OF THE HOUSE.

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House. The motion was agreed to.

The doors were closed and the Sergeant at Arms was notified to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Driver	Kleczka	Roach
Andrews, Nebr.	Dunn	Kunz	Robertson
Arentz	Edmonds	Langley	Robsion
Bacharach	Evans	Larson, Minn.	Rouse
Bankhead	Fairchild	Lawrence	Rucker
Beck	Fields	Leatherwood	Ryan
Beedy	Foster	Logan	Sabath
Black	Frear	Longworth	Sanders, Ind.
Blanton	Fulmer	Luce	Shelton
Bowers	Garrett, Tex.	Lyon	Sinclair
Brennan	Gensman	McClintic	Snyder
Britten	Gilbert	McLaughlin, Pa.	Sproul
Brooks, Pa.	Goldsborough	McSwain	Stevenson
Brown, Tenn.	Gould	Maloney	Stiness
Buchanan	Graham, Pa.	Mansfield	Stoll
Burtness	Greene, Mass.	Montague	Strong, Pa.
Campbell, Kans.	Greene, Vt.	Montoya	Sullivan
Campbell, Pa.	Hardy, Tex.	Morin	Summers, Wash.
Cantrill	Henry	Mudd	Swank
Carter	Hersey	Nelson, J. M.	Taylor, Ark.
Clark, Fla.	Hicks	Newton, Mo.	Ten Eyck
Classon	Hogan	Nolan	Tilson
Cockran	Hooker	O'Brien	Treadway
Codd	Hukriede	Oliver	Tucker
Colton	Humphreys	Olpp	Tyson
Conolly, Pa.	Hutchinson	Osborne	Volstead
Cooper, Ohio	Ireland	Padgett	Ward, N. C.
Copley	Jefferis, Nebr.	Parks, Ark.	Wason
Coughlin	Johnson, Miss.	Petersen	Watson
Crago	Kahn	Rainey, Ala.	Webster
Davis, Minn.	Kearns	Rayburn	Wilson
Deal	Kelley, Mich.	Reber	Wingo
Dickinson	Kindred	Reed, N. Y.	Wise
Dominick	Kinkaid	Reed, W. Va.	Woods, Va.
Drane	Kirkpatrick	Riddick	Yates
Drewry	Kitchin	Riordan	Young

The SPEAKER. Two hundred and eighty-four members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispose with further proceedings under the call.

The motion was agreed to.

The doors were opened.

TRADING IN GRAIN FUTURES.

Mr. FOCHT and Mr. TINCHER rose.

The SPEAKER. The Chair will recognize the gentleman from Kansas.

Mr. TINCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes, in order under a rule heretofore adopted.

Mr. FOCHT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOCHT. Mr. Speaker, it is well understood that this is District day under the rules and I insist upon the order provided for by the rules. I wish to call up bills relating to the District of Columbia that are ready for consideration.

The SPEAKER. The Chair knows, of course, that this is District day, but by a special rule of the House the bill which the gentleman from Kansas has called up is also entitled to be considered. It is for the House to decide. The Chair has recognized the gentleman from Kansas first. If the House desires to take up District business, it can vote down the motion of the gentleman from Kansas, and then the Chair will recognize the gentleman from Pennsylvania to call up District business.

Mr. FOCHT. Mr. Speaker, I move to substitute a motion for the one made by the gentleman from Kansas, that District business be taken up.

Mr. TINCHER. Mr. Speaker, I make the point of order that the motion I made is not subject to amendment or to debate.

The SPEAKER. That is not in order, but the same result can be obtained by gentlemen who desire to take up District business voting against the motion of the gentleman from Kansas. If that be voted down, the Chair would then recognize the gentleman from Pennsylvania.

Mr. FOCHT. I should think that the motion might be put the other way, so that the question may be decided whether District day is to be continually and forever set aside. I would like to have the House decide that without taking into consideration the merits or the demerits of the bill which the gentleman from Kansas calls up.

The SPEAKER. The House has that opportunity now. The question is on the motion of the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. FOCHT) there were—ayes 151.

Mr. FOCHT (during the division of the House). Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays. As many as are in favor of taking the vote by yeas and nays will rise and stand until counted. [After counting.] Thirty-three Members have risen, not a sufficient number, and the yeas and nays are refused. Those who are opposed to the motion of the gentleman from Kansas will rise. [After counting.] Fifty-eight Members in the negative. On this vote, the ayes are 151 and the noes 58.

Mr. ZIHLMAN. Mr. Speaker, I object to the vote on the ground that it discloses the absence of a quorum.

The SPEAKER. Oh, the Chair thinks there is a quorum present. The Chair will count. [After counting.] Many more than a quorum are present. The Chair will not count any longer. The ayes have it, and the gentleman from Iowa [Mr. TOWNER] will take the chair.

Mr. FOCHT. Mr. Speaker, a parliamentary inquiry. I would like to ask the Chair what the status will be in respect to District business following the disposition of the Tincher bill?

The SPEAKER. It would be in order.

Mr. FOCHT. To-day.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11843, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11843, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Kansas is recognized for one hour.

Mr. KELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KELLER. There was such confusion in the House that when the request was made by the gentleman from Kansas nobody could hear it. I understand that his request was to dispense with the first reading of the bill, but nobody could hear the request, and it seems to me we ought to have a chance to object.

The CHAIRMAN. The gentleman, of course, is too late.

Mr. KELLER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. There is evidently a quorum present, and the point of order is not sustained.

Mr. TINCHER. Mr. Chairman, I desire to be notified at the end of 10 minutes. Mr. Chairman, this is a bill reported by the Committee on Agriculture to correct the grain futures act in its defects wherein it was held unconstitutional by the Supreme Court of the United States on the 15th of May. We attempted to regulate the grain exchanges under the taxing power of the Constitution, and the Supreme Court decided that we could not do that. There were two decisions by the Supreme Court within two weeks, the first on the packers' act defining commerce, and then one on the grain futures act which made the duty of the Committee on Agriculture very clear if we want the regulation. We had the law and the law was functioning, and the department was operating under the law, and I want to say to this House that in no time in the history of our Government was there less manipulation of the grain market or less complaint of manipulation of the trading than during the time that this law was in force. No man ever heard a complaint. I simply want to call attention to that fact. The law was held unconstitutional on the 10th day of May. They were making reports under the old law by the exchanges, and it showed that from the 15th day until the 31st day of May the market was so manipulated that there was the greatest depression known in the history of our country in the price of wheat in this country and that from May up to the present time there has been a depression of about 40 cents a bushel in grain. Some people say there is depression in other things. Well, there have been in some other things, but during the time wheat went down 40 cents a bushel, cotton, which has a fair exchange, went up 5 cents a pound. And I say there is other evidence, call it a corner or what you may, showing there has been the greatest manipulation of the farmer's products during the time we did not have this law of any time in the history of the country. They were evidently ready for manipulation and pulled it off. Now, I never have said that this bill would prevent trading in futures. There is a legitimate trade in the sale of wheat for future delivery, and there is a legitimate trade in hedging, and the legitimate ends of the grain trade are not opposed to having the manipulation put out of the market. It is by an element in the trade as represented entirely by the plaintiff who brought the suit that tested the constitutionality of the law that are not fair and do not want the law of supply and demand to govern. But I am not going to take up time on this bill. This bill was debated for three days in the House before. But I do want to suggest this——

Mr. ELLIS. Will the gentleman yield?

Mr. DENISON. Will the gentleman yield?

Mr. TINCHER. I yield first to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. I have the highest respect for the gentleman's opinion as a lawyer and I would like, while he is discussing this bill, if he will, to define between the provisions of this law and the provisions of the first child labor law which the Supreme Court held unconstitutional. I know in the gentleman's mind there must be enough distinction to justify him in stating this law will be constitutional.

Mr. TINCHER. Absolutely. But in reference to a comparison between the two, the first child labor law did not apply to interstate commerce. We have defined interstate commerce, using the language of the Supreme Court, as applying to grains and this law will not apply to any transaction except interstate transactions as defined by the court. It does not cover any other transaction, and if some exchange in Chicago does not want to operate under this law and wants to say that they are a purely intrastate exchange, they will not come under it. We are not trying to regulate intrastate transactions, but we were simply trying to regulate interstate transactions. Now, the reason we do that and the reason the law will be effective is that practically all the business is interstate business, and no exchange will refuse to become a designated market place and comply with the law because all the business practically is interstate business. Now I want to yield to the gentleman from Missouri [Mr. ELLIS].

Mr. ELLIS. The gentleman will recall his argument of last year that trading in futures is essentially gambling. In fact, I think he will admit he used those two words interchangeably—trading in futures and gambling.

Mr. TINCHER. I never used them interchangeably.

Mr. ELLIS. I will take the trouble a little later to read you the argument and show that you did.

Mr. TINCHER. I yielded to the gentleman for a question.

Mr. ELLIS. What I want to know now is whether you take the position before the House that there is such a thing as legitimate trading in futures that does not work inevitable change in the markets?

Mr. TINCHER. I have never said that the sale of wheat for future delivery should be entirely wiped out or the sale of futures should be wiped out, but have always said, and I still say, that to let a few gamblers manipulate the grain market was not only unfair to the consumer but unfair to the legitimate trade. And there is only one class against this legislation, and that is the gambling class, and the producer and the consumer in the United States will be the beneficiary of this legislation.

Under leave, I desire to print a brief on the legality of the bill.

Mr. Chairman, I reserve the balance of my time. [Applause.]

The future trading act (approved August 24, 1921, 42 Stat. 187) was declared unconstitutional by the Supreme Court in Hill against Wallace upon the ground that it was not a tax but a regulatory measure, and was based wholly upon the taxing power without any suggestion of the commerce clause of the

Constitution or the limitations which would be necessary if that clause were relied upon. The accompanying bill is based upon the commerce clause of the Constitution.

While the court has held in Ware & Leland *v.* Mobile County (209 U. S. 405) that sales for future delivery as conducted on the exchanges are not in and of themselves interstate commerce, since they do not obligate interstate shipments, nevertheless the court has also held that when Congress finds that intrastate transactions are intimately related to and inseparably commingled with interstate commerce such conditions subject them to Federal regulation under the commerce clause of the Constitution. What is the relation between such transactions and interstate commerce in grain? It is a matter of common knowledge that the great bulk of the country's grain supply is neither produced nor consumed in the States in which the several boards of trade are located. On the contrary, it is grown and consumed in other States and merely passes through the terminal markets where the exchanges are located on its route from the farms in the grain-producing States to other States and foreign countries which either do not produce grain at all or do not produce it in sufficient quantities to supply their needs. Therefore, obviously the boards of trade merely provide facilities for the commercial movement of the grain on its interstate route from origin to ultimate destination and the members of properly conducted boards of trade furnish a service necessary for the orderly sale and movement of such grain in interstate commerce. Hence it is evident that what would otherwise appear to be strictly local transactions in grain are as a matter of fact so intimately related to and inseparably commingled with this continuous interstate movement of grain that they can not be separated from the interstate transactions to which they contribute, and, therefore, necessarily take on an interstate character. Hence the intimate connection of the boards of trade and their members with interstate commerce in grain is clear. They and their members occupy the same status with respect to the usual course of grain in interstate commerce that is occupied by the stockyards and commission men and dealers therein with respect to the natural course of live stock in interstate commerce from producer to consumer.

It will be remembered that in Hopkins *v.* United States (171 U. S. 578) and Anderson *v.* United States (171 U. S. 604) the Supreme Court held that the local business of buying and selling live stock for a commission was not interstate commerce, even though the live stock bought or sold was moving in interstate commerce. Nevertheless, the court held that under the conditions set forth in Stafford *v.* Wallace (Advance Sheets, 42 Sup. Ct. 397), upholding the packers and stockyards act of 1921, such business, on account of its close relationship to the great current of interstate commerce flowing through the stockyards, took on an interstate character. In that case the court said, page 402:

> The stockyards are not a place of rest or final destination. Thousands of head of live stock arrive daily by carload and trainload lots and must be promptly sold and disposed of and moved out, to give place to the constantly flowing traffic that presses behind. The stockyards are but a throat through which the current flows, and the transactions which occur therein are only incident to this current from the West to the East and from one State to another. Such transactions can not be separated from the movement to which they contribute and necessarily take on its character. The commission men are essential in making the sales, without which the flow of the current would be obstructed, and this whether they are made to packers or dealers. The dealers are essential to the sales to the stock farmers and feeders. The sales are not in this aspect merely local transactions. They create a local change of title, it is true, but they do not stop the flow; they merely change the private interests in the subject of the current, not interfering with, but, on the contrary, being indispensable to, its continuity. The origin of the live stock is in the West; its ultimate destination, known to and intended by all engaged in the business, is in the Middle West and East, either as meat products or stock for feeding and fattening. This is the definite and well-understood course of business. The stockyards and the sales are necessary factors in the middle of this current of commerce.

Transactions in futures on the boards of trade are resorted to primarily for two purposes, namely, by the public for mere speculation and by the grain trade for the purpose of eliminating or reducing, as far as practicable, the hazards in the purchase and sale of grain and its products and by-products due to price fluctuations. The country elevator man in Nebraska sells futures on the Chicago Board of Trade against purchases which he makes from the Nebraska farmers to protect him, as far as practicable, against losses on the grain so purchased, which he will ship in interstate commerce to Chicago. The miller in Ohio buys futures on the Chicago Board of Trade to protect him, as far as practicable, against losses on wheat which he must purchase later to fill contracts which he has made with the manufacturers of flour. Prices of futures are quoted generally and disseminated throughout the United States and foreign countries and are used extensively as a basis for determining the prices for the producer and consumer alike. The Nebraska elevator man is guided by them in buying the farmers' wheat. The Ohio miller, when making sales of flour for future delivery without having on hand at the time the wheat, resorts to these quotations in order to determine the price at which he can safely sell such flour.

In New York and Chicago Grain and Stock Exchange *v.* Chicago Board of Trade (127 Ill. 153, 2 L. R. A. 411) the Supreme Court of Illinois, speaking of the Chicago Board of Trade, said:

> It has been said, and with much show of reason, that the floors of this exchange hall stand in the gateway of commerce. * * * Four-fifths of the grain and provisions produced in the States and Territories of the Northwest are bought and sold in this market, and the business there done is so vast in its proportions that it fixes the market prices of grains, breadstuffs, and meats for the extensive territory that is tributary to Chicago, and seriously affects, and to a considerable extent controls, the values of the necessaries of life throughout the United States and the civilized world. * * * For many years the board has so used its franchises, and its members have so conducted their business, as that it has become a vast commercial influence and fixes the market values of grain and agricultural products for a large territory, and the fluctuations in prices upon its floors powerfully affect the market prices of the necessaries of life throughout the country and the world. The great power and influence which the board possesses in dictating market values is owing to the vast aggregation of products which are drawn to its portals for a market and are bought and sold upon its floors, and which pay tribute and toll in the shape of commissions to its members.

The foregoing facts and illustrations show very clearly the far-reaching effect which future transactions in grain do and may exert upon the price of the great current of grain which moves in interstate commerce. They may, therefore, be properly treated as great national public utilities, as the stockyards and their facilities were in the packers and stockyards act of 1921. (Stafford against Wallace.)

Transactions in futures on the boards of trade are extremely susceptible to speculation, manipulation, and control. Sudden and unreasonable fluctuations frequently occur as a result of such speculation, manipulation, or control which, although profitable to the manipulator, are detrimental to the producer and consumer and the persons who handle grain and its products and by-products in interstate commerce. These fluctuations make the business of dealing in grain and its products and by-products in interstate commerce hazardous from time to time. Consequently such manipulated fluctuations frequently do and always are capable of constituting an obstruction to or burden upon interstate commerce in grain. Therefore their regulation is necessary for the protection of such commerce.

That sales for future delivery may affect interstate commerce and are subject to Federal control when they do is settled by United States *v.* Patten (226 U. S. 525), in which the Supreme Court sustained an indictment charging the defendants with having conspired to restrain interstate commerce in cotton by cornering the whole cotton market of the country by excessive purchases of cotton for future delivery. If Congress, under the antitrust law, can constitutionally provide for punishing or restraining a conspiracy against interstate commerce after it has been formed, it certainly can provide against its formation. It was so held by the Supreme Court in the Stafford case (Advance sheets, 42 Sup. Ct. 397, 403).

> If Congress could provide for punishment or restraint of such conspiracies after their formation through the antitrust law, as in the Swift case, certainly it may provide regulation to prevent their formation. The reasonable fear by Congress that such acts, usually lawful and affecting only intrastate commerce when considered alone, will probably and more or less constantly be used in conspiracies against interstate commerce or constitute a direct and undue burden on it, expressed in this remedial legislation, serves the same purpose as the intent charged in the Swift indictment to bring acts of a similar character into the current of interstate commerce for Federal restraint.

In the Patten case the court also said:

> Section 1 of the act, upon which the counts are founded, is not confined to voluntary restraints, as where persons engaged in interstate trade or commerce agree to suppress competition among themselves, but includes as well involuntary restraints, as where persons not so engaged conspire to compel action by others or to create artificial conditions which necessarily impede or burden the due course of such trade or commerce or restrict their common liberty to engage therein. (226 U. S. 525, 541.)

It is now well settled by several decisions of the Supreme Court that the regulatory power of Congress over interstate commerce may under certain circumstances extend also to intrastate commerce. In the Minnesota Rate cases (230 U. S. 352, 399) the court said:

> The authority of Congress extends to every part of interstate commerce and to every instrumentality and agency by which it is carried on, and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State as such but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within

its appointed sphere. (See also Houston & Texas Railway *v.* United States, 234 U. S. 342, 351; Illinois Central Railroad Co. *v.* Public Utilities Commission, 245 U. S. 493.)

And in the recent case of Railroad Commission *v.* Chicago Railroad Co. (Advance Sheets, 42 Sup. Ct. 232, 237, Feb. 27, 1922), arising under the transportation act of 1920, the court said:

Commerce is an entity and does not regard State lines, and while under the Constitution interstate and intrastate commerce are ordinarily subject to regulation by different sovereignties, yet when they are so commingled together that the supreme authority, the Nation, can not exercise complete, effective control over interstate commerce without incidental regulation of intrastate commerce such incidental regulation is not an evasion of State authority.

In Stafford against Wallace the Supreme Court held that the commission men and dealers at the stockyards are subject to Federal control under the commerce clause, because their dealings, although not in and of themselves interstate commerce, affect the free and normal flow of interstate commerce through the terminal markets. In that case the court said (Advance Sheets, 42 Sup. Ct. 397, 403):

Whatever amounts to more or less constant practice and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause, and it is primarily for Congress to consider and decide the fact of the danger and meet it. This court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent.

An act of Congress punishing forgery and utterance of bills of lading for fictitious shipments in interstate commerce was upheld in United States *v.* Ferger (250 U. S. 199), where the court, answering the objection that there could be no commerce in a fraudulent and fictitious bill of lading, said:

But this mistakenly assumes that the power of Congress is to be necessarily tested by the intrinsic existence of commerce in the particular subject dealt with instead of by the relation of that subject to commerce and its effect upon it. We say "mistakenly assumes," because we think it clear that if the proposition were sustained it would destroy the power of Congress to regulate, as obviously that power, if it is to exist, must include the authority to deal with obstructions to interstate commerce (In re Debs, 158 U. S. 564) and with a host of other acts which, because of their relation to and influence upon interstate commerce, come within the power of Congress to regulate, although they are not interstate commerce in and of themselves.

Federal regulation of contracts because of their effect upon interstate commerce is not novel. The antitrust law denounces as illegal every contract in restraint of trade. The contract itself is, of course, not a subject of interstate commerce, but it is subject to Federal control because of its effect upon interstate commerce, as will appear from the following quotations from court decisions. What is said in these cases with respect to combinations and conspiracies applies equally to contracts, because the act denounces contracts as well as combinations and conspiracies in restraint of trade.

The act in question does not require that the defendants shall have been engaged in interstate commerce. If they were all engaged exclusively in intrastate commerce and they formed a conspiracy to restrain the trade of the manufacturers and wholesalers who were engaged in interstate commerce, that would make them guilty. Knauer *v.* United States (237 Fed. 8, 12; C. C. A., 8th Circuit).

It (the Sherman Act) broadly condemns all combinations and conspiracies which restrain the free and natural flow of trade in the channels of interstate commerce. Eastern States Retail Lumber Dealers' Association *v.* United States (234 U. S. 600, 609).

Section 3 of the Clayton Act, among other things, makes it unlawful for persons engaged in interstate commerce, in the course of such commerce, to lease, sell, or contract for the sale of machinery, goods, wares, and so forth, for use in the United States, or to fix or discount the price, upon condition that the lessee or purchaser shall not use machinery or supplies of a competitor where the effect of such lease, contract, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly.

In the recent case of United Shoe Machinery Corporation *v.* United States (Advance Sheets, 42 Sup. Ct. 363, 368), arising under the act, the court said:

It is insisted that the leases in controversy were not made in the course of interstate commerce and therefore can not be embraced within the terms of the Clayton Act. It is provided in the decree that it shall apply to all leases covering shoe machinery shipped from one State to the user or factory for use in another State in the course of or as a part of the transaction between the lessor and the lessee resulting in the making of the lease. It is true that the mere making of the lease of the machines is not of itself interstate commerce. But where, connected with the making of such lease, a movement of goods in interstate commerce is required, we have no doubt of the authority and purpose of Congress to control the making of such leases by the enactment of the statute before us.

Section 4 of the bill deals not only with futures which are but also with those which may be used in connection with actual transactions in interstate commerce. Precedent for this is found in section 3 of the Clayton Act, which makes unlawful leases, contracts, or sales of the character above indicated where the effect of such lease, contract, or sale, or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce. The granting of an injunction under this section was affirmed in the recent case of United Shoe Machinery Corporation against United States, above cited.

The definition of interstate commerce is identical with the definition in the packers and stockyards act of 1921, except for such changes as are necessary to make it applicable to grain. This definition is based upon the decision of the court in the case of United States *v.* Swift (196 U. S. 396) and was upheld in Stafford against Wallace.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] is recognized.

Mr. RAINEY of Illinois. Mr. Chairman and gentlemen, the word "manipulation" has become a bugaboo with the author of this bill. That is the thing uppermost in his mind, manipulations and gamblers, and he has a very erroneous idea with reference to the price of wheat, as he suggested, being manipulated from May 15 to May 31, because "the law of supply and demand" governs the wheat exchanges of the world, and it is impossible to control the market. Men have tried to corner the market and few have been successful.

I shall attempt to show in the course of my discussion that the Department of Agriculture itself, from bulletins issued, are responsible for the violent fluctuations that occurred in the May futures. There is one thing I want to call to the mind of you gentlemen particularly, and that is that it is a source of consolation for me to know that the Members of this House will have an opportunity to read this bill, consisting of 16 pages. This bill was never read either in Committee of the Whole or in executive session. Read my report and you will find where I call attention to this, as my minority report states. This bill was introduced in the House on June 1, and it was sent over to our committee the following day, June 2.

The Committee on Agriculture met and, without sending out any notices to the grain producers or members of exchanges or State officers or anyone who would be vitally interested in this legislation, immediately decided the hearings would begin June 7. Keep in mind, gentlemen, that the men interested in this legislation live from 1,000 to 1,500 miles from Washington.

If copies of the bill had been mailed to them immediately it would have taken at least a couple of days before they arrived, and the men interested, if they had desired to come to Washington, would immediately have had to board a train in order to get here on the first day of the hearings. They would have had no opportunity to consult with the directors or the governors of the exchanges or have had an opportunity to discuss with counsel amendments they would care to offer to this new bill, which is far more drastic than the original Capper-Tincher bill.

This is not a bill of supervision; this is a bill of annihilation. It goes considerably further than the other bill which the Supreme Court declared unconstitutional. We started the hearings on June 7, and Mr. Morrill, assistant to the Secretary of Agriculture, came before our committee and discussed the legal phases of the bill as far as the department was concerned. That was on Wednesday and Thursday. Mr. Gates, of Chicago, representing the Chicago Board of Trade, the greatest grain market in the world, had an opportunity to be heard, and on Friday Mr. Wells. We adjourned over Saturday because the Governor of Minnesota had sent a wire to the chairman of the Agricultural Committee asking that the chairman of the commission up there be heard. We were to hear him on Monday, but unfortunately he was ill. However, he sent two of his assistants. In the due course of events they would have arrived in Washington on Monday to appear before our committee, but there was a washout on the line up in Wisconsin. Their train was delayed. They wired the chairman of the committee, and also to the gentleman from Minnesota [Mr. CLAGUE], asking that they might be heard on Tuesday.

I said at that time that they should be heard, and other Members felt as I did, because we did not have sufficient information on this bill. However, without hearing these gentlemen from Minnesota, the committee began to consider the bill in executive session. We read the bill in committee up until about 12.30, and the clerk read up to the top of page 9. The bells of the House announced that a point of no quorum had been made. I moved that we adjourn and meet the following day to finish the remainder of the bill, so that we might have an opportunity to read, study, and analyze it, and give these gentlemen from Minnesota an opportunity to present and state their case to the committee. A motion was made, however, that we report the bill out. It was reported out without having been read or considered by our committee. This bill as it is before the House was never completely read in the Committee

of the Whole or in executive session. This bill, that disturbs and may destroy a great industry in this country, has not received the consideration that it should have received. This bill, the predecessor of which has been declared unconstitutional, surely has not been given the time and consideration it should have received by the Committee on Agriculture. It is hasty legislation and is objectionable to the members of the exchanges, and it will be objectionable to the producers in whose behalf the legislation is attempted. The bill is not an attempt to regulate interstate commerce in grains, but merely an attempt to put future trading in intrastate activity under the control of the Secretary of Agriculture.

Mr. DENISON. Will the gentleman from Illinois yield?

Mr. RAINEY of Illinois. Yes.

Mr. DENISON. Before the gentleman goes any further, I wish he would stop right there and elaborate a little bit. The gentleman from Kansas, the chairman, just made the plain, clear statement that this bill simply undertakes to regulate interstate commerce. Now, a man on the other side makes the plain statement that it does not intend to regulate interstate commerce. What is wrong? I would like to have that point elaborated a little bit, so that we may know what we are to do.

Mr. RAINEY of Illinois. I say it is an attempt to make it intrastate by the adoption of the definition used in the packers' control act.

Sales for future delivery on board of trade are not in and of themselves interstate commerce. They can not come within the regulatory power of Congress as such unless regarded by Congress from the evidence before it as directly interfering with interstate commerce so as to be an obstruction or burden thereon. (United States *v.* Fergen, 250 U. S. 199.)

It is true that in the recent case of Stafford against Wallace, decided on May 1, 1922, the United States Supreme Court held it to be within the power of Congress to regulate business in the stockyards of the country and include therein the regulation of commission men and traders there, although they had to do only with sales completed and ended within the yards, because Congress had concluded that through exorbitant charges and dishonest practices and collusion they were likely, unless regulated, to impose a direct burden upon interstate commerce passing through; but at none of the hearings held on this bill, either the last hearing or the previous hearing, has it been shown that any dealings have been interfered with or been a burden upon interstate commerce in the intrastate transactions that took place on the Chicago Board of Trade and other exchanges that deal in futures.

The majority report submitted by the Committee on Agriculture on H. R. 11843, known as the grain futures act, states that:

> This bill is intended to give the Secretary of Agriculture supervisory powers over the grain exchanges where futures are dealt in.

Here at the beginning of the report we find a statement which tends to conceal the real purpose of the bill. This bill does not rest with the mere giving of supervisory powers to the Secretary of Agriculture. If this were all the bill proposed, there would be no opposition to it. At the recent hearings representatives of the grain exchanges stated repeatedly that they were not averse to supervision, that they would, in fact, accept and welcome a bill giving the Secretary of Agriculture the power of supervision over their business, but to the present bill they were unalterably opposed. And why? Because this bill in its present form gives the Secretary of Agriculture complete and absolute control over the grain exchanges, control of the inspection facilities in the various markets, control of the forms of contracts used, control of the various grades of grain which may be delivered on these contracts, control of the premiums and discounts to be paid and collected on grain delivered on such contracts, control of the news items relating to the markets to such an extent that should a member carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other communication an inaccurate report concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, he shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of the prosecution.

Think of it, gentlemen, should a member's clerk make a slight error in sending out a report the member himself would be held responsible and would be subject to this exorbitant fine and imprisonment. Could anything be more preposterous? Yet here is something even more preposterous than that. Note this inconsistency: That it is a crime to send out an inaccurate report relating to the market, but it is not a crime and no penalty is provided for under this bill for the manipulation of the market. Furthermore, it is a crime to send out an inaccurate report only when such inaccurate report is sent out by a member of one of seven grain exchanges of the country. It is not a crime for a member of any of the other thirty-odd grain exchanges to send out an inaccurate report, nor is it a crime for anyone not a member of any exchange to send out an inaccurate report. It is a crime, for instance, for a member of the Toledo Grain Exchange to send out an inaccurate report, but it is not a crime for a member of the Detroit Grain Exchange to send out the same report. A member of the Kansas City Board of Trade who sends out an inaccurate report, carelessly or otherwise, must be fined and imprisoned; but a member of the Omaha Exchange may send out the same report without molestation. A member of the Chicago Board of Trade who sends out an inaccurate report is a criminal, but a member of the New York Produce Exchange who sends out the same report is strictly virtuous.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. RAINEY of Illinois. Yes.

Mr. LONDON. On what provision of the bill does the gentleman base his statement?

Mr. RAINEY of Illinois. On the sending out of inaccurate reports, because it applies only to the seven exchanges that deal in futures.

This bill would make the transmission even of United States Government crop reports a misdemeanor, for Government crop reports can not be other than inaccurate. They are merely estimates, and these estimates are changed each month in an effort to correct them.

I call these points to your attention and emphasize them for the purpose of impressing upon you just how far this bill really goes in its absurdities. The bill provides that a contract made on boards of trade shall be unlawful unless each board member shall keep a memorandum of such contract for a period of three years, or for a longer period if the Secretary of Agriculture shall so direct.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there for a question?

Mr. RAINEY of Illinois. Yes.

Mr. COOPER of Wisconsin. I understood the gentleman to say that there was a penalty if any person sent out an inaccurate report.

Mr RAINEY of Illinois. That is true.

Mr. COOPER of Wisconsin. Is that statement strictly accurate? I notice on lines 19 and 20 of page 15 the language, "or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false, misleading, or inaccurate reports concerning crop or market information or conditions," and so forth. If he knowingly does it he ought to be punished, and if he carelessly does it in an important transaction there ought to be a penalty for such carelessness. Those two adjectives, "knowingly" and "carelessly," are very important.

Mr. RAINEY of Illinois. I think if he should willfully do it he should be subject to punishment.

Mr. GERNERD. What is the difference between "knowingly" and "willfully" if the effect is the same?

Mr RAINEY of Illinois. The effect is not the same.

Mr. GERNERD. An inaccurate grain report, if willfully made and sent out——

Mr. RAINEY of Illinois. Crop reports are inaccurate and can not be anything else, because they are simply estimates.

Mr. GERNERD. Everybody knows that, and everybody knows the circumstances that enter into the making of a crop report.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr RAINEY of Illinois. Yes.

Mr. NEWTON of Minnesota. A year or two ago there was a report sent out by the Crop Estimate Bureau, in the Department of Agriculture, and it was charged in the House and elsewhere that that formed the basis of a great deal of criticism of the Department of Agriculture and the way they did business, because of their misleading the farmers and grain dealers of the country; so that it happens that Government figures are perhaps the same as any other person's estimate, and abuses have sometimes occurred. I agree with the gentleman as to the construction of section 9, if anybody takes those Government reports and sends them out. I do not think the committee intended that it should be drawn in that precise form. I think, as the gentleman says, the committee did not fully consider it.

Mr. RAINEY of Illinois. I hope we shall be able, by amendments, to correct some of the abuses.

Now, a period of at least three years must pass before a member would know whether or not contracts were lawful,

For, should memoranda be destroyed accidentally or otherwise prior to the termination of the three-year period, contracts might, under the terms of this bill, be declared unlawful. Under this provision members of boards of trade would be held in suspense for three years or longer after each contract was made before it could be known definitely whether or not such a contract was valid.

Mr. TINCHER. Mr. Chairman, will the gentleman yield right there?

Mr. RAINEY of Illinois. Yes.

Mr. TINCHER. I understood you to state that the validity of those contracts would be affected by this bill.

Mr. RAINEY of Illinois. It says the memorandum shall be kept for three years. If the memorandum should be lost, I do not know what other construction you would place upon it.

Mr. TINCHER. You say the validity of those contracts would depend upon keeping those memoranda accessible to the Department of Justice and to the Department of Agriculture for three years.

Mr. RAINEY of Illinois. I think there is an intention here to affect the validity of the contract.

Mr. TINCHER. Is that the purpose?

Mr. RAINEY of Illinois. You hurried it through so rapidly that we must so construe it. If you had taken more time, the committee would probably have perfected it.

And yet the majority of the Committee on Agriculture, in its report to you recommending the passage of this bill, endeavor to satisfy any misgivings you might have concerning the scope and purpose of the bill by stating at the very beginning that "This bill is intended to give the Secretary of Agriculture supervisory powers over the grain exchanges."

Gentlemen, this bill does not mean supervision; it means annihilation.

In its effort to bolster up the theory that future markets are extremely susceptible to manipulation and control and to sudden and unreasonable fluctuations in prices, the majority report recites the action of May wheat from May 15 to May 31, 1922. The report also seems intended to convey the impression that the severe break in May wheat the latter part of May was the result of manipulation, and that certain market operators took advantage of the Supreme Court decision declaring the future trading act unconstitutional to manipulate prices downward. The report states as follows

It is admitted in recent hearings before the committee that on the 15th day of May, 1922, May contracts were selling in Chicago at $1.48. The next day, after the decision of the Supreme Court holding section 4 of the law unconstitutional, Chicago newspapers carried headlines announcing that wheat had advanced 4 cents a bushel as a result of the restrictions being taken off exchanges. It is also admitted that wheat declined from that time on until the 31st day of May, when May contracts had declined to $1.16 a bushel, or a total decline of 32 cents a bushel in 15 days.

In such an atmosphere of misinformation, misrepresentation, and innuendo as this the bill was born and has thrived so far. As a matter of fact, the prices quoted for May wheat at the hearings were not admitted by representatives of grain exchanges. In reality, the official quotations of the Chicago Board of Trade show that on Monday, May 15, the day on which the Supreme Court decision was rendered, the closing price for May wheat was $1.43, not $1.48, while on Tuesday, the day after the decision was rendered, the closing price was $1.45¾. In the big headlines in the Chicago papers, as the majority report called them, reporting this advance of 2¾ cents rise in price, no mention was made of the Supreme Court decision as having caused the rise in price.

We now find one statement in the report which proves correct. May wheat did decline from $1.45¾ on May 16 to $1.16 on May 31. In explanation of this decline, allow me to review the May wheat situation in Chicago. Here, again, the report makes misstatements and draws wrong inferences, and only by a knowledge of conditions reflected by prices for May wheat can an intelligent conception of the situation be obtained.

The facts in the case are, briefly stated, as follows: Beginning with January 2, 1922, the first business day of the year, May futures opened on the Chicago Board of Trade at $1.16. These prices worked upward then during the next two months, reaching $1.46 at the end of February. After some fluctuations at and below this point during March, April, and early May, the price began to work down in May and finally closed on the last day of May at $1.16, the same point, in other words, from which the May future had started 150 days before; or, in other words, there was first a rise and then a drop of 30 cents in May future. These facts are, of course, not subject to dispute. There is some dispute, however, as to the causes of this rise and fall in the May future. The reasons are not far to seek if a careful study be made of actual world wheat-market conditions, for it must never be forgotten that wheat prices are international prices, and therefore Chicago prices moved with world prices.

It is a very simple matter to give a full and complete explanation of these changes in price of the May contracts on the Chicago Board of Trade, for these reasons are clearly set forth in the weekly publication of the United States Department of Agriculture known as Weather, crops, and markets. The market news given out by this publication for the first six or eight weeks of the year was, in trade language, "very bullish." Whatever its purpose may have been, it was worded so as to bull the market, as I shall show, and it did have this effect. This bull campaign, carried on with such vigor by this department of the Government for six or eight weeks, put the price of May wheat up 30 cents. This price was wholly out of line with world conditions of supply and demand, and hence this high price could not be sustained. The Department of Agriculture then began to recognize the factors of big supply, weak demand, and falling exports, and reversed its policy of market news reporting, as I shall show. For the last eight weeks of this period, ending May 31, its weekly reports were bearish. This put the price back to normal, namely, where it had been on January 1. It was, in brief, a clear case of the Department of Agriculture bulling the price of wheat 30 cents a bushel and then turning to the bear side till there was a drop of 30 cents, all in the course of 150 days. I submit the following evidence to substantiate these statements:

Taking the Weather, Crops, and Markets for January 7, 1922, the first issue of the new year, we find the Government advertising an alarming situation in the world wheat supply, with supply and demand factors balanced so evenly that actual scarcity of wheat is likely to develop before the new crop arrives. It reports a surplus for export fifty or sixty millions of bushels below requirements, a condition of winter wheat of 76 per cent against a 10-year average of 89 per cent. The exact quotation follows:

The ending of 1921 had something more than a sentimental significance to the grain trade. First in importance as a market feature, the December future with its possibilities as a bearish influence at the close of the month, is now out of the way. Furthermore, the December Government estimate of the last harvest and of the winter wheat area sown in the fall are important features in December; and, finally, the trade can, by January 1, estimate with some degree of accuracy supplies and requirements for the second six months of the crop year.

If, by January 1 supplies appear ample for domestic needs and a fair surplus for export and carry over at the close of the crop year, and if, in addition, winter wheat crop conditions are favorable, the grain trade inclines to the bear side of the market. In the present instance, however, the opposite of the conditions mentioned obtains. Exports have been so great that the surplus for the remaining six months of the crop year is generally believed to be small, while the average condition of the winter-wheat crop is poor, as reported on December 8 by the Department of Agriculture, and the area sown to wheat last autumn was 554,000 acres less, according to the preliminary estimate, than the revised estimate of the area sown in the autumn of 1920.

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Unofficial estimates based on the revised Government crop figures, issued on December 28, and the average domestic distribution during the last two years, make the amount of wheat in the United States that may be available for export in the next six months and for carry over on July 1 next, 96,000,000 bushels. Exports of wheat and flour in that period in 1921 amounted to 160,000,000 bushels, and in 1920 to 101,000,000 bushels. Allowing a carry over of 40,000,000 bushels on July 1 next, which is a moderate quantity, there remains but 56,000,000 bushels for export during the next six months. In addition to this strong statistical position the condition of winter wheat, as estimated on December 1, was but 76 per cent, against 87.9 per cent on December 1, 1920, and 85.2 per cent on December 1, 1919. The 10-year average of the crop condition on December 1 is 89 per cent. Not only, therefore, does the grain trade face a strong statistical position as regards the supplies from the old crop but a very uncertain position as regards the growing winter wheat crop.—(From Weather, Crops, and Markets, January 7, 1922.)

The effect of this market "tip" was to induce a wave of general speculative buying, which of itself tended to force an advance in price, for values are only opinions, and when the preponderance of opinions is bullish prices advance, and when crop estimates, reports, news items, and expressions of opinion emanate from official Government sources, they tend to make the public believe in a certain movement of prices.

On January 21 we find the "Weather, Crops, and Markets" repeating its reference to shortage of supplies and poor crop conditions, both of which pieces of information later proved to be wrong. The exact quotation follows:

The wheat market was between two influences and was somewhat affected by a third. A big visible supply combined with a very poor flour demand is a glaring reality of the present, and this had a bearish influence. On the other hand, an apparent shortage of supplies a few months hence has been and is a bullish feature of the market. Yet this is somewhat tempered by the fact that the winter-wheat harvest is only five months away. Even the very low condition of the crop in Nebraska, Kansas, and Oklahoma has not had a very great sustaining influence on the July future.—(From Weather, Crops, and Markets, January 21, 1922.)

A week later we find more bull factors repeated, as follows:

BOTH WHEAT AND CORN PRICES GAIN STRENGTH DURING WEEK—BETTER FLOUR DEMAND AND INCREASE IN EXPORT SALES CONSIDERED BULLISH FACTORS BY TRADE.

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The principal factors which were considered bullish by the trade were extensive buying of flour by the Russian Relief and the American Relief Administrations, dry and cold weather in the Southwest without adequate snow covering, and estimates by certain commercial agencies which showed farm reserves of wheat to be less than they had generally been considered to be by the trade. Better milling demand also developed so that the week closed with a strong and healthy undertone to the market.—(From Weather, Crops, and Markets, January 28, 1922.)

The February 4 issue of this official paper continues to bull the market in these words:

WHEAT PRICES SCORE ADVANCE OF 4 CENTS DURING PAST WEEK—STRENGTH IN FOREIGN MARKETS AND GOOD DEMAND FROM MILLS WERE FACTORS—CORN AND OATS STEADY.

May wheat at Chicago closed January 30 at $1.19¾, or 4¼ cents up from the close of January 23. The trend during the whole week was upward, notwithstanding the fact that there was a good deal of profit taking each day. The privately estimated farm reserves of 140,000,000 bushels, or 17.5 per cent of the crop, as compared with 264,000,000 bushels at the corresponding time last year, was an important factor.

The strength which developed at both Liverpool and Buenos Aires, together with a good milling demand, added greatly to the activity of the market, and the continued drought and cold weather in the Southwest were also strengthening factors. The advance at Buenos Aires was about 10 cents for the week, caused in part by the advance in foreign exchange. Corn was up 1 cent from the close of January 23, more in sympathy with wheat than from an improved demand. There was a feeling that corn was too low, compared with other grains.—(From Weather, Crops, and Markets, February 4, 1922.)

The CHAIRMAN (Mr. DALLINGER). The gentleman has consumed 25 minutes.

Mr. RAINEY of Illinois. I will take five minutes more.

The February 11 issue repeats the scare about bad weather and poor crops in the Southwest:

A further advance amounting to 8¢ was made in May wheat at Chicago for the week ending February 6. This advanced May wheat to $1.28¾, which was the highest price reached by the May option at Chicago since September 26, 1921. Higher foreign markets appeared to be the principal cause of the advance, but continued unfavorable weather for the wheat crop in the Southwest and a better milling demand were also important factors.—(From Weather, Crops, and Markets, February 11, 1922.)

By February 25 the bull market is nearing its high point. We find this official publication still repeating its statements about crop damage and small stocks on farms, both of which statements proved inaccurate in the end. The exact quotation follows:

GRAIN PRICES MOUNT TO NEW HIGH LEVELS FOR CROP YEAR—WHEAT RECEIPTS UNUSUALLY HEAVY AT KANSAS CITY—WEEK'S CORN EXPORTS 5,000,000 BUSHELS.

The continued advance during the week ending February 18 carried grain prices to new high levels for the crop year. May wheat advanced 7⅜ cents during the week and closed at $1.40⅜ on February 18. July advanced 5¾ cents, thus increasing the spread between the May and July options and closed the week at $1.23¾. May corn advanced 3½ cents, closing at 62½ cents. The same factors that have been the principal causes of strength during the past few weeks remained in evidence. The probability of heavy damage by drought and cold weather in the Southwest was one of the factors which apparently had considerable influence on the market. Higher foreign markets and reports of higher ocean rates were other factors. A good demand from mills also stimulated the future market, and the week closed with a decidedly strong undertone. There were some slight reactions during the week caused mostly by profit taking, but the market easily absorbed all offerings and buying remained aggressive.

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Although no data are available as to the amounts yet to be marketed in the Southwest, it is reported that at many country points stocks are entirely cleaned up.—(From Weather, Crops, and Markets, February 25, 1922.)

The March 4 issue of this publication continues its bull influence in these words:

GRAIN PRICES CHALK UP NEW HIGH LEVELS FOR CROP YEAR—SHIPPERS IN IOWA AND ILLINOIS RECEIVE 50 CENTS PER BUSHEL FOR CORN DURING PAST WEEK.

The steady advance in grain prices which has been in evidence during the past few weeks continued during the week ending February 25 when May wheat at Chicago closed at $1.47 and July wheat at $1.26. Chicago May corn advanced to 68¾ cents and July to 70¾ cents, all new records for the crop year to date.

The same factors of strength prevailed as during the previous week. Chief among these factors were higher foreign markets, a good export demand, and unfavorable crop reports. It was claimed that the exportable surplus of wheat from Argentina would be less than previously estimated and would not exceed about 110,000,000 bushels, which would greatly decrease the amount available for Europe. Other factors which caused slight reactions during the week were reports of rains and more favorable weather in the Southwest, lighter buying by mills, and profit taking on futures. All offerings on the breaks were readily absorbed, however, and the week closed with a strong undertone in the market for both wheat and corn.—(From Weather, Crops, and Markets, Mar. 4, 1922.)

The reference to Argentina is contradicted two weeks later. The March 11 issue continues to publish bullish news, although the peak of prices had been reached and passed. These are the words used:

The grain market for the week ending March 4 was rather irregular, but at the close both wheat and corn were about 5 cents lower than at the close of the previous week. On March 4 wheat closed $1.42⅜, compared with the close of $1.47 on February 25. May corn closed on March 4 at 63¼ cents, compared with 68¾ cents on February 25.

Improvements in crop conditions in the Southwest caused by rains and heavy snows was given as the principal cause of the decline, together with less active buying by millers. Profit taking, which was quite general during the week, and lower foreign markets were other important factors. Considering the extent and rapidity of the advance some reaction was to be expected. There was generally a firm undertone, however, which absorbed the offerings and prevented further declines. Selling was said to have been by strong commission houses and was regarded as liquidation principally.

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There was practically no export demand, as bids were still 8 to 10 cents below Kansas City cash prices. There was some inquiry at the Gulf ports, however, for wheat of the cheaper grades, which was the first time for some weeks that there had been any demand for grades below No. 2. It is estimated that about 600 cars are still on track at Galveston, compared with 1,400 cars one month ago.—(From Weather, Crops, and Markets, Mar. 11, 1922.)

This continued bull campaign not only put the price up, but it called forth from farms unexpectedly large stocks of wheat. The official report that farm stocks were low proved to be erroneous. From this point on the actual statistical position of the market is recognized in this official publication. A bear market is foreseen and forecast. The change of tone begins in the issue of March 18, in these words:

May wheat futures declined about 5 cents further during the week ending March 11, and closed at $1.37¼ with July at $1.17¾. This decline eliminates all the advance made during the past 30 days, and was caused principally, it is claimed, by the improved crop conditions of the winter wheat in the Southwest. Heavy snows and rain have fallen during the past two weeks in the sections which were suffering from the drought, and prospects for a good winter wheat crop were much improved.

Export inquiry has also fallen off, so that at present the forward export sales of wheat are said to be practically none compared with bookings for three months ahead at the corresponding time last year. There was evidence also of a heavy movement of wheat to European markets from Argentina and Australia.

Mr. Chairman, the department bulled the market from January 7 to March 18, when it reversed its policy and then became bearish.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. RAINEY of Illinois. I will yield for a question.

Mr. HOCH. I understood the gentleman to say a moment ago that the prices are fixed solely by the law of supply and demand. Now, the gentleman says the bulletins of the Department of Agriculture bulled the market and caused a rise of 30 cents.

Mr. RAINEY of Illinois. The law of supply and demand does fix the price in the main, but when bureaus of the Government give misinformation to the American people it causes speculation and for a time it can produce a rise or a fall, up or down, although it can not last very long.

Thus weather, export needs, big exports from Argentina, new estimate of stocks on farms, all proved to be strong bear factors. The price was too high for actual market conditions. Instead of the scarcity predicted in January, the talk now is of "burdensome stocks" in terminal elevators. In the issue of April 1, this periodical reports the receipts of wheat at terminal markets for February, 1922, and shows the abnormal situation of February receipts being greatly in excess of January receipts. At Chicago the February receipts were nearly twice as large as the January receipts, showing that the high price had called out grain from farms and that farmers had got the benefit of the high price.

The April 1 issue of this publication reports the following bear factors:

FOREIGN MARKETS UNSETTLED.

Foreign markets were weak and lower. It was estimated that about one-third of the wheat and flour on ocean passage was on consignment, and the trade is considerably interested in the effect that the arrival and sale of this wheat will have upon European markets. A cargo of Australian wheat sold to India was resold to the United Kingdom during the week.

Weather conditions in the Southwest continue favorable, but it is still too early to determine the extent of damage caused by the drought.—(From Weather, Crops, and Markets, April 1, 1922.)

In this quotation the almost unheard-of situation exists of one-third of the wheat on ocean passage being on consignment. In other words, there was not enough demand over there to buy this grain, so it was being shipped anyhow, to be dumped on a weak market.

Early in April came the Government crop report—a bearish report when contrasted with the reports earlier in the year.

Early in May came the May crop report—still more bearish, since it forecast a crop of winter wheat 9 per cent above the 10-year average:

About 584,793,000 bushels of wheat from the winter crop is the May 1 forecast of the crop-reporting board of the United States Department of Agriculture. This figure is 0.4 per cent less than the harvested winter-wheat crop of 1921, 4.2 per cent less than the crop of 1920, 23.1 per

cent less than the crop of 1919, but 9 per cent more than the average crop of the past 10 years.—(From Weather, Crops, and Markets, May 13, 1922.)

About the same time came the revision of the estimates of the India wheat crop. This made the India crop 100,000,000 bushels larger than last year's crop—350,000,000 bushels against 250,000,000 bushels. This surplus would be enough to supply one-fifth of all the needs of all the importing countries. In the face of these facts, how exactly opposite to the truth is the statement in the majority report on this point.

On May 27 this publication printed the following bear news on the market:

CASH WHEAT LOWER.

Cash wheat at Chicago followed closely the decline in the May option, and No. 2 red winter was quoted at $1.35½–$1.36 at the close of the week. Receipts continued heavy, totaling 1,454 cars, compared with 90 for the corresponding week last year. There was only a fair domestic demand, and export demand also was light. Elevator operators were the principal buyers. A good part of the wheat arriving was from Missouri River points, shipped for delivery on May future contracts.

At Minneapolis receipts of wheat were 989 cars, but only a small part was of a desirable quality. At the beginning of the week there was a good milling demand for the better grades, and the lower grades also sold well; but toward the end of the week there was little inquiry, and the mills appeared to be depending upon their earlier accumulations. Mills have been running at only about 40 per cent capacity and mostly on old orders, as buyers apparently are waiting for further development of the new crop before placing new orders. Conflicting estimates of the European needs and of the surplus available from other exporting countries, together with the uncertainty as to the production in this country, tend to hold trading in grain products for deferred shipment to a small volume.—(From Weather, Crops, and Markets, May 27, 1922.)

Finally the whole five-month period is summed up, and correctly so, in the June 10 issue of this periodical. The secret of the 30-cent decline is discovered. It is small export demand, light flour demand, and favorable crop conditions. And these are all world-wide factors.

BOTH CASH AND FUTURE WHEAT PRICES MAKE FURTHER SLUMP—MAY WHEAT CLOSED OUT AT CHICAGO 30 CENTS BELOW HIGH POINT—JULY CORN SLIGHTLY LOWER.

The principal feature of the grain market for the week ending June 3 was the closing out of the May contracts. May wheat at Chicago closed May 31 at $1.16½, about 30 cents below the high point of the range. May corn at Chicago closed at 60¼ cents.

The decline in wheat prices continued during the remainder of the week, and the July wheat future closed the week at $1.14⅝, which was 7⅝ cents lower than at the close of the previous week. A small export demand, a light flour demand, and favorable crop conditions were the principal depressing factors.—(From Weather, Crops, and Markets, June 10, 1922.)

There was no manipulation of May wheat in Chicago. Students of the situation know that the Government's statisticians erred in estimating both the supplies and the demands. There were, in fact, ample supplies of wheat for all purposes not only in the United States but throughout the world. The speculators who bought the wheat early in the year lost money. The sellers, particularly the farmers, made money. In fact, the farmers were the greatest beneficiaries of the rise in prices.

The Chicago market is used by hedgers universally. Thus wheat stocks in Kansas City, Omaha, and other terminal markets were hedged in Chicago during the period under discussion. These stocks were hedged by sales of May wheat in Chicago. When May wheat was sold as a hedge against these stocks at outside points it was not the original intention of the hedgers to ship the wheat to Chicago for delivery on May contracts, but when May wheat rose to the point so far above other markets hedgers had no recourse but to ship the wheat and deliver it. This wheat was delivered to speculators who had no other use for it except to sell it, and as these vast speculative holdings were thrown on the market after the middle of May prices naturally declined, reaching $1.16 on the last day of May, the price which wheat was worth intrinsically, and a price above which May wheat would never have risen had it not been for the vast speculative demand. And the speculative demand was almost entirely due to the bullish news published in official sources.

Mr. MANN. The law of supply and demand is based partly upon the supposed supply and the supposed demand. The Department of Agriculture or boards of trade may give out information respecting the supply or the demand.

Mr. HOCH. If the Department of Agriculture can give out misinformation, why is it impossible for other interests to give out misinformation and thereby manipulate the market?

Mr. MANN. It does not manipulate the market. It affects the market.

Mr. RAINEY of Illinois. The presumption is that Government reports are fairly accurate, and a great many people are influenced by them.

These reports did cause considerable speculation and the market did rise 30 points and went back to where it really belonged, May 31, at $1.16, which was probably what wheat was intrinsically worth at that time. Yet this month of May that has been complained of so vigorously by the gentleman from Kansas was the month that benefited the producer. It helped the farmers instead of hurting them. They got a better price for their wheat than they otherwise would have received.

Mr. TINCHER. Does the gentleman mean after the 15th?

Mr. RAINEY of Illinois. No; I mean from January on.

Mr. CLOUSE. While the law was in effect.

Mr. TINCHER. Is it the gentleman's contention that prior to the decision of the Supreme Court the farmer got more than his wheat was worth and that after the decision of the Supreme Court wheat got down to what it was intrinsically worth? Is that the gentleman's contention?

Mr. RAINEY of Illinois. My contention is that it was the result of information given out by the Department of Agriculture that the speculation occurred, and the price went up, and the farmer got a better price as a result of it.

Mr. TINCHER. The gentleman means more than its intrinsic value.

Mr. MACGREGOR. Will the gentleman yield?

Mr. RAINEY of Illinois. I yield to the gentleman from New York.

Mr. MACGREGOR. I want to ask whether I can gamble if I am a member of a grain exchange while, if I am not a member of a grain exchange, I can not gamble?

Mr. RAINEY of Illinois. This had only to do with the seven exchanges that deal in futures.

Mr. MACGREGOR. It makes them exclusive?

Mr. RAINEY of Illinois. Yes.

Mr. MACGREGOR. And if I am not a member of one of those exchanges I can not gamble?

Mr. RAINEY of Illinois. The gentleman is correct. He can not speculate, except through a member of an exchange.

Mr. MACGREGOR. So it creates a monopoly.

Mr. RAINEY of Illinois. No. It will have a tendency to narrow the market if anything is done to reduce speculations.

Mr. TINCHER. Is the gentleman from New York satisfied with that explanation?

Mr. MACGREGOR. It seems to be all I can get.

Mr. RAINEY of Illinois. Yet the market, which has benefited the farmer in this way, is the market which these so-called friends of the farmer are attempting to destroy, and the operations in May wheat, which proved such a boon to the farmer in his time of stress and trouble, furnish one of the main arguments which they use to destroy the market. Gentlemen, it will be a sad day for the farmer when this great marketing system becomes so hampered and crippled through legislative enactment that its usefulness is destroyed, and it will be a sad day for the political hopes of those promoters of this bill when the farmer discovers what they have done to him and to his market.

The present grain-marketing system was no sudden invention. It did not come into being all at once; it is the product of evolution, of the irresistible economic law. It represents to-day the best elements of all the marketing systems of all the ages.

The Chicago Board of Trade was organized in 1849, receiving its present charter 10 years later, but the Chicago Board of Trade did not originate the present grain-marketing system. The Chicago Board of Trade merely adopted and proceeded to develop this system in the handling of grain. Throughout these 73 years since the board of trade was organized, these years of panic and prosperity, of peace and war, the Chicago Board of Trade has never closed its doors on a single business day. The grain-marketing system has been steadily improved upon until it has reached the point whereby grain is handled through organized grain exchanges with a lower percentage of handling cost between producer and consumer than is any other farm product or commodity. The present marketing system is a better marketing system than it was 73 years ago. Each year during those 73 years it has been developed and improved. It is a better system than it was five years ago to-day. And it will be a better system five years from to-day than it is to-day. The biggest step taken in the last 25 years in grain-exchange practices and toward improvement of relations between farmers and exchanges was the appointment of the Joint Conference Committee on Grain Exchange Practices about a year ago. This committee is made up of representatives of four grain exchanges, the farmers' elevator movement, and the United States Grain Growers (Inc.). This committee only recently has begun to function, and yet its efforts have already resulted in curing one of the most vexing problems existing between grain exchanges and cooperative elevator concerns. This relates to the rule recently passed by all grain exchanges providing that before accepting orders for grain for future delivery from managers of cooperative elevators, authority in writing to accept

such orders must first be obtained from two officials of the cooperative companies, and memoranda of such transactions must be sent, not only to the cooperative companies, but to the individual officers as well.

This rule was passed primarily to protect cooperative companies from losses which might be incurred through dishonest speculation or injudicious trading by employees of cooperative societies and incidentally to protect members of grain exchanges from losses which might be incurred through accepting trades from cooperative associations without first having proper authority. The passage of this rule is illustrative of the present-day movement for a better understanding amongst all branches and factions of the grain trade and to bring about changes and improvements for the mutual benefit of all concerned. Conferences of this kind, with all parties seated with their feet under one table, will do more to solve the problems of the grain trade than any legislation can possibly accomplish.

If it is true, as this bill charges, that crimes are sometimes committed which temporarily disrupt the marketing system, no such regulatory law as this proposed law is needed to correct or prevent the evil. The Government, through the medium of the Sherman Act, already has ample powers to stop market manipulation, as was proven by the prosecution and conviction of Patten in the cotton case. Why pass unsound, uneconomical, unconstitutional laws to cripple a great marketing system and to destroy great business institutions, when laws already on the statute books would, if enforced, stop such abuses as may arise? Gentlemen, what we need in this country to-day is better enforcement of criminal law and less interference with economic law.

We have before us for consideration the most drastic legislation ever proposed for the regulation, or rather the annihilation, of business institutions. This is not the well-known Capper-Tincher bill of last year; it is only partially so; there have been new features added to this bill, which go further in the matter of control than anything ever proposed in the old bill. These new features are understood by few; no adequate time has been given to consider them; as a matter of fact, time for adequate hearings was refused in certain instances. This is hasty legislation, and hasty legislation is invariably ill advised. In attempting to force through this radical bill in its present form and in the present high-handed manner the leaders for the bill lay themselves open to the charge of using the Congress of the United States to promote their personal political ambitions in the coming campaign. More than that, this bill might be said to represent the pique, the chagrin, the venom, the spleen of these leaders, because their former bill was declared unconstitutional. This Congress has just been embarrassed beyond measure through the decision of the Supreme Court declaring unconstitutional the similar bill passed last year. I ask you, gentlemen, do you intend to allow yourselves to be fooled again by these same leaders, to be embarrassed again by the passage of another bill with features more drastic and more unconstitutional than the bill which you passed last year?

May I call your attention to some sections of the bill which in my opinion are unconstitutional?

It is invalid, as it is not a regulation of interstate commerce.

Like its predecessor, the future trading act, it uses a Federal power as a precedent to justify invasion of State jurisdiction.

It does not provide rules under which grain moving in interstate commerce must be handled in all boards of trade, but it does prohibit future trading unless conducted under Federal regulation in contract market, and in such market both cash and future trading are regulated. Thus an intrastate transaction is made the basis of Federal control and regulation.

It violates due-process provision.

Subdivision (a), section 4, arbitrarily exempts from prohibition owners or associations of owners of grain.

Subdivision (a), section 5, places State weighing under control of a Federal Government department at contract markets; leaves any system of weighing in operation in all other markets.

Subdivision (c) requires the impossible in prohibiting the sending out of inaccurate reports.

Subdivision (e) destroys the property right of members in the exchange and violates the charter contract between the State and the board of trade.

Subdivision (f) gives Secretary power to interfere with and destroy right of contract.

The application of this bill is limited to seven exchanges; it leaves unregulated the great majority of exchanges through which grain actually moves in interstate commerce.

It prohibits a lawful intrastate transaction unless boards of trade created and existing under the police power of the States submit to the control and regulation by Federal authority of such intrastate transactions.

Mr. Chairman, if this legislation is enacted, aside from the constitutional objections already urged against it, you will have a law which will not only interfere with the boards of trade throughout the United States but will prevent the farmer from marketing his grain with any degree of certainty. [Applause.]

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, my colleague from Illinois [Mr. RAINEY] complains somewhat about the lack of consideration given to this measure when it was before the Committee on Agriculture. In my opinion very few measures have been presented to this body from that committee that have received the careful consideration and investigation that has been given to the bill now before the House. It is true that in the recent hearings before the committee conducted last week only two or three days were given to the consideration of this measure; but as a matter of fact this bill in all substantial respects is identical with the grain control bill that was passed in the last session of the Congress, the only difference being that in the former bill, known as the Capper-Tincher bill, which has recently been declared by the Supreme Court to be unconstitutional, Congress sought to obtain regulation of the grain exchanges through the taxing power of the Constitution, and section 4 of that bill provided a tax of 20 cents a bushel on all transactions except transactions on regular boards of trade, which were designated as contract markets, and which were regulated, setting up a rather elaborate regulation in the Department of Agriculture that would tend, as the committee and as Congress then thought, to prevent manipulation and to control unreasonable speculation on the grain exchanges.

Mr. ELLIS. Will the gentleman yield right there for a question?

Mr. WILLIAMS of Illinois. I will yield; yes.

Mr. ELLIS. I should like to ask the gentleman if he agrees with the gentleman from Kansas [Mr. TINCHER] that only those who want to gamble on the grain exchanges of this country are opposing this bill?

Mr. WILLIAMS of Illinois. I will say to the gentleman from Missouri that it is my opinion that the opposition to this bill comes mainly from that class, the people who want to manipulate the grain markets of the country and who are engaged in gambling on the boards of trade.

Mr. CHINDBLOM. Of course, the gentleman knows that Mr. Gates, of Chicago, and Mr. Wells, of Minneapolis, appeared before the committee and opposed certain provisions of the bill.

Mr. WILLIAMS of Illinois. Yes.

Mr. CHINDBLOM. And that the opposition is directed against those provisions?

Mr. WILLIAMS of Illinois. That is true. Mr. Gates and Mr. Wells, both of whom I regard as very fair witnesses and both men of very wide and accurate information about these matters, did say that their objection to the bill was limited to one or two of the most drastic features of the bill.

Mr. CHINDBLOM. They are not gamblers, are they?

Mr. WILLIAMS of Illinois. I am not going to say about that. My opinion is that every transaction on a board of trade where the actual delivery of the grain is not contemplated is more or less a gambling transaction.

The farmers of this country have come to the conclusion that the grain exchanges are to a large extent places where wholesale gambling in their products is being conducted.

The Supreme Court, in its decision declaring section 4 of the Capper-Tincher bill unconstitutional, pointed out clearly the way in which Congress can in a constitutional manner undertake to regulate the grain exchanges, and it is under the interstate commerce clause of the Constitution. Judge Taft says in his opinion that the main object of section 4 of the bill declared unconstitutional was to regulate the grain exchanges, and that was sought to be done through taxation, but it could not constitutionally be done. And it was held inferentially by the Supreme Court in various decisions that where Congress after a proper hearing announced a proposition as a legislative proposition and a finding of fact that the court will assume that that fact exists.

Now, this bill was prepared most carefully by the legal department of the Agricultural Department, and it starts out, on page 3, section 3, line 15, as follows:

SEC. 3. Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "options" or "futures" are affected with a national public interest; that such transactions are carried on in a large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices of such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products thereof in interstate commerce as a means of hedging themselves against possible losses through fluctuations in prices; that the transactions on such boards are extremely susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and make such business unsafe and uncertain from time to time; and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

That is a finding of the Congress of the United States on the evidence submitted to the Committee on Agriculture, and it is unquestioned that manipulation does exist on these exchanges. Men engage in transactions on these exchanges involving millions of bushels of grain, either buying or selling, where the actual delivery of a single bushel is never contemplated. It frequently happens that the entire wheat crop of this country is sold from seven to ten times over in the Chicago Board of Trade every year.

Mr. ELLIS. Will the gentleman yield?

Mr. WILLIAMS of Illinois. No; I decline to yield. The farmers of the country, the millers, and producers of grain products for 30 years have been complaining about the manipulation and control of prices by men engaged in wholesale gambling in the products of the farm. That is all it is. This bill does not seek to destroy the exchanges in so far as they may do a legitimate business, because they render a great public service and nobody would destroy them. But it does seek to exercise a legitimate control over them, and the operators on the exchanges are to report the transactions on the grain exchanges to the Secretary of Agriculture, so that the Government may be in possession of the facts and may know about the transactions and whether or not they are legitimate hedging or whether manipulation of the market is attempted.

As the gentleman from Kansas said, the bill that was declared unconstitutional by the Supreme Court was entirely satisfactory to the farmers, the grain producers, and the millers of the country. It was not unsatisfactory to legitimate dealers on the grain exchanges. The Chicago Board of Trade refused to bring suit and it refused to authorize members of the exchange to bring suit testing the constitutionality of the law. There is no special objection to the bill from the great bulk of the grain exchanges and the grain trade—those who do not desire to corner the market or manipulate it to their own gain in transactions purely of a gambling nature. [Applause.]

Mr. Chairman, my colleague [Mr. CHINDBLOM] asked me if I considered Mr. Gates, of Chicago, and Mr. Falls, of Minneapolis, gamblers. I make no such charges against either of these gentlemen. I have no information that either one of them ever speculated for themselves in grain. They are brokers and do act as agent for people who, I have no doubt, gamble on the grain exchanges. They make their money out of commissions received from persons who operate on the grain exchange, either as cash buyers of grain or as speculative traders.

This bill merely seeks to regulate in a proper way speculative trading in farm products on the grain exchanges.

It goes no further than that, although there is a widespread sentiment among farmers, and it is, in my opinion, a growing sentiment, that wholesale trading on the grain exchanges where an actual future delivery of the grain is not contemplated is pure and unadulterated gambling, and should be stopped. I have no hesitation in saying that the Chicago Grain Exchange, as it has been conducted in the past, is the most colossal gambling institution in the world. The farmers of America have made up their minds they will no longer be at the mercy of gambling speculators in their products—men who never handle in fact a bushel of real grain, but who deal in millions of bushels in a purely gambling transaction. This bill is merely to regulate and control. Unless it is passed and unless it cures the admitted evils of the present system of marketing the farmers' products, a bill will be presented here that will go much further and penalize, once for all, a system that makes the farmer and grain grower the victim of board of trade gamblers.

The gentleman from Kansas [Mr. TINCHER] is entitled to great credit for his work in support of this legislation. The bill bears his name, and very properly so. For 30 years the farmers of the country have been urging legislation of this character, but, for one cause and another, it has never been able to get through Congress. The gentleman from Kansas, by his ability and persistence, was instrumental in securing legislation at the last session. The Supreme Court having held one feature of that law unconstitutional, this curative legislation becomes necessary. I do not go beyond the limits of propriety, and merely give utterance to what every member of the Committee on Agriculture knows to be a fact, when I say that to the gentleman from Kansas, more than to any of us or all of us, belongs what credit is due for the enacting of this legislation. The farmers of the country and the great consuming public, whose good we hope to subserve by this legislation, owe him a debt of gratitude for his able championship of this measure.

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CLOUSE. Mr. Chairman, on the 11th day of April, 1921, Congress was convened in extraordinary session, and on that date commenced the stupendous task of rectifying the evils of legislation and administration that were proving so disastrous to the progress and prosperity of the Nation. No one professing to be familiar with the history of the country for the past few years and at the time when this administration came into power will dispute the fact that no Congress in the past and in all probability none in the future will have to deal with so many gigantic and difficult problems of government as confronted and have been dealt with by the Sixty-seventh Congress. The measure of success attending our efforts to bring order out of chaos, hope out of desperation, courage out of despondency, promise out of failure, prosperity out of panic, is entitled to and will go down on the fair pages of to-morrow's history as a glorious achievement in the preservation of the peace, progress, and prosperity of this great Republic.

The sting of death is sin and brings forth an immortal silence, but the sting of political defeat, while due to sin, brings forth calumny and vituperation against the victor.

Smarting as it were under the sting of defeat of yesterday, willing to go to any end to seek and obtain revenge for their overwhelming repudiation by the intelligent electorate of America, our opponents, unwilling to aid in the reconstruction made necessary by their mismanagement of governmental affairs, have sought to prejudice the minds of the people against this administration by their unceasing abuse and groundless criticism of alleged inactivity and incompetency. [Applause.] Political expedience can never justify a false accusation, nor can it long endure the crucial test of public opinion.

It is well for us to remember that when this administration assumed charge of the affairs of this Government there had been in the eight years next preceding heaped upon the shoulders of the tax-paying public a debt of $23,820,073,464.45, the annual interest upon which is $1,001,620,434.62. The interest on this stupendous debt alone amounts to almost as much as it required to bear the entire expense of this Government, including the Army and Navy, before our opponents were elevated to power in 1913. Much of this debt of $23,820,073,464.45 was piled upon the backs of the American taxpayers through mismanagement, inefficiency, and profligate waste. Our children and our children's children will suffer and toil to pay this debt long after the present generation has passed from the scene of action. I wish it were possible to describe in adequate language just what is meant by this huge sum of indebtedness. I wish it were possible for us to conceive its magnitude and appreciate the heritage that has been handed down to the generations yet unborn.

That we may have at least a superficial knowledge of its immensity and what it means to ourselves and our posterity; that our conception of the inimitable waste and extravagance may be made the more clear and lucid, I shall endeavor to visualize this vast sum of money with the hope that it may impress our minds with a stronger determination to salvage the wreck that was brought upon us.

If this tremendous debt were represented in United States currency of the one-dollar denomination, and they were laid end to end, it would make a string of money sufficiently long to encircle the globe at the equator 112 times, with $11,227 left.

The distance from New York to San Francisco is 3,191 miles, yet this amount of money which must be raised to pay the debt imposed upon us in the past eight years would, if represented in United States currency of the five-dollar denomination, make 181 lines between these two points with a 300-mile string left.

If the amount of our debt were represented in United States silver dollars it would require 29,775 freight cars carrying 50,000 pounds each to carry it, with 4,591 pounds left. Supposing the freight cars to be 60 feet in length, and allowing nothing for the space taken by the couplers, it would constitute a solid train-load of silver dollars 338 miles long with a string left five times longer than the Washington Monument is high. The sum of money necessary to pay the debt incurred under eight years maladministration would make a solid train extending almost from Portland, Me., to New York City; it would make a train of solid cars covering the main line of the Pennsylvania Railroad between Washington and New York City, and if that train could continue on its journey until the last loaded car was leaving the Union Station in Washington, D. C., the engine of that train would be 110 miles on its journey across the Atlantic Ocean. It would constitute a solid train of silver dollars extending from the capital of my native State to Knoxville, Tenn., with enough loaded cars left to fill the main line of the Louisville & Nashville Railroad from Knoxville to Chattanooga. The loaded cars required to carry our national debt in silver dollars would fill every foot of railroad trackage there is in my congressional district.

Had the meek and lowly Nazarene started counting at the instant of his birth and continued counting at the rate of $30,000 daily to the present time, there would still remain to be counted $2,773,160,000 of the debt we owe.

The annual interest on this debt, as I have heretofore said, amounts to $1,001,620,434.62. It is easy to read the figures, but it is difficult to perceive its magnitude. It is easy for critics to condemn, but it would have been far better had they preached and practiced economy at the time this huge debt was being piled and heaped upon the backs of the people. Let us look now and see just what this sum of money which must be raised every year to pay the interest on the national debt would look like if represented in United States silver dollars. Why, sirs, it would require 1,252 railway freight cars, with a capacity of 50,000 pounds each, to carry to the bondholders the interest accruing every year. Assuming the cars to be 60 feet in length, they would, if connected together, constitute a solid train 13 miles, 4,680 feet long. Assuming them to be 12 feet in height, they would, if stacked one upon the other, make 45 stacks of railway cars as high as the Washington Monument, with a little insignificant pile 49 feet high left scattered on the ground.

Yet in the face of these astounding facts and figures we hear occasionally upon the floor of this House malignant abuse and criticism, and read of certain assaults being made by the pie brigade of the opposition party, among them the now chairman, not of the Jeffersonian-Jackson Democratic committee but of the Woodrow Wilson international committee, Mr. Hull, who happens to be my predecessor in office and my opponent in the coming campaign, in which he violently assails this administration; criticizes it for undertaking to protect American agriculture, American labor, and American industry from the ruinous competition of foreign markets; blames and maligns it for not going into the League of Nations, and villifies it for not loaning to the bankrupt and militaristic nations of Europe $500,000,000 in addition to the $10,000,000,000 loaned by this Government to them by his own administration and by his own vote.

In one of these articles, which evidently he believed to be worthy a wide distribution among the people, in fact so much so that it was, either at his behest or at the request of his friends, printed in the CONGRESSIONAL RECORD of November 1, 1921, he said, in speaking of the defeat of the Woodrow Wilson peace treaty, which in its true analysis was nothing short of an unholy, unrighteous, and iniquitous plot to surrender the sovereignty of this Republic to an alien-controlled supergovernment, that its defeat was "the blackest of all the black crimes committed in the annals of the human race."

Ah, I wonder if he is not satisfied with the contribution this Nation gave when it sent 2,500,000 of the best blood of the Republic to fight and die on the battle-scarred fields of France; I wonder if he should walk to-day through the silent cemeteries of that devastated land and view the mounds of clay beneath which sleeps the immortal dust of 8,000 American heroes, if he would then say that the defeat of that diabolical pact was a crime against the human race. Let his answer be whatever it may, but for myself, and for the future of America, I thank God there were enough men of courage in the United States Senate to stand up and fight for the preservation of the fought-for freedom of America and defeat that alliance, which would have involved our Nation in every war and in every strife throughout the world.

In the same article he ridicules the Republican Congress, whom, he says, in effect, prevented the Wilson administration from extending a loan of $500,000,000 to European nations in 1920, although that administration had after the signing of the armistice and continuing on up to September 28, 1920, loaned to Belgium, Czechoslovakia, France, Great Britain, Greece, Italy, Liberia, Rumania, and Serbia, out of funds that had been raised by American citizens, American mothers and fathers, out of the sweat of their brows, to maintain their sons upon the fields of battle, the enormous sum of $2,515,853,946.98. Let me read here just what he said in that article upon this subject:

> In vain did Henry P. Davidson and other great financiers as late as the early spring of 1920 fairly shout that the crisis is so acute that the situation does not admit of delay, except with the possibility of consequences one hardly dare contemplate. Mr. Davidson and many other economists and business men were then urging the creation of a revolving fund of $500,000,000 by this Government * * * to be placed in the hands of a strong commission of our ablest business men, to be utilized as temporary credits to the helpless States of Europe. This plea was received with deaf ears by Republican leaders, bent on every sort of pandemonium if it was necessary to enable them later to carry the national election of 1920.

I pity this Nation, with its 107,000,000 citizens, that there was not a pandemonium, such as he refers to, to break out among the leaders of his party on November 11, 1918, and by it saved to the American people the $2,500,000,000 loaned after war, without authority of law, and with little hope of ever collecting any part of it from some of the nations. Ah, I wonder why this critic of the present administration could not hear the cry of American farmers in 1920, when, with bended backs beneath the burdens of taxes and depression, they were crying for loans to bridge the chasm of deflation; when their crops, though produced at exorbitant expense were practically worthless upon the market, his administration, through the Federal Reserve Board, prohibited the further loaning of money on farms and farm products, and demanded of every correspondent bank that this policy be strictly complied with under the penalty of complete withdrawal.

I wonder why it was that Americans were denied relief while their means and money were being broadcast among the bankrupt and warring States of Europe. I wonder if they closed their eyes to the report of the Secretary of Agriculture when, on November 15, 1920, Mr. Meredith, a Democratic Secretary, in his annual report called attention to the deplorable condition of the farmers of the country, and in emphasizing the distress, he said:

> The depressed market situation is due, in part at least, to conditions following the World War and to the lack of buying power and decreased consumption in European countries.

He did not stop with this, but he went further, and said:

> The year's output, produced at an abnormally high cost, is worth, at current prices, $3,000,000,000 less than the smaller crop of 1919. Live stock and its products also declined to such an extent as to cause serious losses to producers * * * There is probably no other industry or business that could suffer a similar experience and avoid insolvency.

But let me follow this argument a little further and show you to what extent the farmers of this country suffered while their money was being loaned to European States, and while we are being criticized for refusing to grant them additional millions in loans.

In 1918 the wheat acreage of the United States was 59,181,000 acres, worth $31.80 per acre. In 1920 the wheat crop was worth on an average of $11.94 per acre, or a decline in value on the same acreage of $706,621,140.

The corn crop of 1918 was 104,469,000 acres, worth on an average of $32.70 per acre, but the crop of 1920 had declined in price to $20.93 per acre, which, on the same acreage, meant a loss to the farmer of the United States of $1,229,587,590.

There was sown to oats in 1918 44,349,000 acres, worth on that year's market $21.59 per acre, which had declined in value to an average of $16.61 per acre in 1920, or a loss to the farmer on the same acreage of $343,905,020.

There was a crop of 6,391,000 acres of rye, worth $21.59 per acre in 1918, which had declined in 1920 to an average value of $17.57 per acre, or on the same area a loss to the farmer on rye of $25,693,820.

The 1918 crop of buckwheat was 1,027,000 acres, worth $27.40, which had declined to an average value of $24.40 in 1920, or on the same acreage a loss of $3,081,000.

The rice crop consisted of 1,118,550 acres in 1918, worth $66.19 per acre, while the 1920 crop had declined to an average of $47.75 per acre, or on the same acreage a loss to the farmer of $9,442,562.

The loss to the stock grower of America on account of the unparalleled deflation was even more marked than that shown

in the figures above. Let me call your attention here to a table which I have prepared showing the number of live stock in 1918 and their aggregate value, and the number in 1920, with the aggregate value, and then the total loss in the aggregate in the value of each class in the two years immediately following the war.

Loss to the farmers and stock growers within two years.

	Number.	Value.	Loss.
HORSES.			
1918	21,555,000	$2,246,970,000	$582,804,000
1920	20,183,000	1,664,166,000	
MULES.			
1918	4,873,000	627,679,000	49,206,000
1920	4,999,000	578,473,000	
MILCH COWS.			
1918	23,310,000	1,664,231,000	152,331,000
1920	23,321,000	1,491,900,000	
OXEN.			
1918	44,112,000	1,803,482,000	556,817,000
1920	42,870,000	1,346,665,000	
SHEEP.			
1918	48,603,000	574,575,000	285,843,000
1920	45,069,000	288,732,000	
HOGS.			
1918	70,978,000	1,387,261,000	521,628,000
1920	66,649,000	865,633,000	
Total depreciation for the 2 years			2,048,629,000

The loss, therefore, to American farmers and stock growers for this two-year period of neglect and deflation amounts to considerably more than $5,000,000,000. No other industry could have undergone such staggering reverses and survived; but this by no means represents the aggregate loss to the farmer as a result of rapid deflation brought about under the former administration. We must remember that prices on farm products continued to decline even to the last hour of the last day that they were in power.

I want to emphasize what I have just said by giving you the market price of certain staple products on the January market, 1920, and the price of the very same article on the market one year later, or in 1921:

January, 1920.

Corn, No. 3, Chicago	$1.47
Cotton, middling, New Orleans	.403
Sugar, granulated, New York	.1537
Wheat, No. 2 red winter, Chicago	2.63
Cattle, steers, Chicago	15.93
Hides, packers' heavy native steers	.40
Hogs, light, Chicago	15.12

Twelve months from that date, or in January, 1921, the market prices of the very same products had undergone an appalling and unprecedented drop, coincident with which the country, from ocean to ocean and from Canada to the Gulf, experienced the most crushing losses and the greatest annihilation of property values in the Nation's history. The market prices in January, 1921, were:

January, 1921.

Corn, No. 3, Chicago	$0.65
Cotton, middling, New Orleans	.145
Wheat, winter, Chicago	1.96
Cattle, steers, Chicago	.09
Hides, heavy	.16
Hogs, heavy, Chicago	.09

Yet, in the face of these indisputable facts and figures, the accuracy of which I challenge any man to deny, we see in the papers an account of where this same critic, Mr. Hull, in an address delivered by him to the women members of his organization recently, said:

> When the Democrats went out in 1920 we left 100 per cent employment at high wages, farmers thriving, with wheat bringing high prices, commerce flourishing, and prosperity on all sides.

If what he intended to convey was that when they went out of power they left 100 per cent employment in Government offices and bureaus at high wages, then I have no dispute with him, but if he intended to convey the idea that there was 100 per cent employment on the farms and in the factories of this country, or that farmers were thriving and prosperous everywhere, then I must, in fairness to myself and to my country, in justice to the truth of the matter, with malice toward none but charity toward all, deny the charge with all the emphasis at my command, and at the proper time and in the proper way respectfully invite the author of this statement to join with me in a joint discussion of these facts before the good people whom I now represent and whom he is seeking to be commissioned to represent in the Halls of this Congress.

WHAT WE HAVE DONE TO RELIEVE THE FARMER.

When this administration came into power, on the 4th of March, 1921, we found the agricultural industry in the worst plight that it had ever been in in the history of the country. It was evident to all that relief must be found and found speedily. Congress therefore begun an investigation of the conditions relating to agriculture, with the result that it was ascertained that foreign countries were dumping into American ports and upon American markets one and one-half millions of bushels of corn every month, which was paying no duty under the provisions of the Underwood tariff bill, and which if continued threatened the complete destruction of the farming industry of the Nation. We found along the Canadian borders millions of bushels of wheat waiting to be unloaded, duty free, onto the American market just as soon as transportation companies could haul it in. We found millions of pounds of frozen meats were being dumped onto our markets from South America, where cattle and sheep and swine can be produced at an infinitesimally low cost to the producer. These were but a few of the conditions confronting us when we went into power, hence to relieve the farmer we passed the emergency tariff act, which no unprejudiced person can study without admitting its beneficent effect upon American farmers and stockmen, and which in its operation has fully met and justified the expectations of everyone.

WAR FINANCE CORPORATION.

In connection with the tariff act referred to we found that the agricultural interests were stranded as a result of the unparalleled deflation and an utter lack of adequate financing facilities. In order to relieve this situation and afford the farmers adequate privileges of obtaining loans necessary in the production and marketing of their products we revived the War Finance Corporation, and through this agency alone millions of dollars have been loaned to the farmers, with the result that they are to-day facing the greatest era of prosperity the industry has ever known.

FEDERAL LAND BANKS.

We found that the Federal land banks and the joint-stock land banks were wholly unable to meet the requirements of the farmers, due to the fact that the interest rate on their bonds was such as to make it extremely difficult to find a market for them. In order to obviate this situation and stimulate the demand for these bonds an amendment to the law was passed permitting the bonds to be sold at a rate of an additional one-half of 1 per cent interest, with the result that these bonds are finding ready buyers on the market and the loans made by them to the farmers approximate $650,000,000 since they began to function.

GRAIN FUTURES ACT.

The grain exchanges and boards of trade dealing in grain futures in Chicago and other large cities have proven themselves to be a menace to agriculture. They have so manipulated the markets as to destroy in its entirety the law of supply and demand in the fixation of prices. Their unrestricted, unregulated operations have cost the farmers of America billions of dollars in the past, hence it was evident that something, and something drastic, must be done in order to save the farmer from the fictitious and fluctuating markets created by this band of gamblers. We have therefore written upon the statute books a law regulating and restricting their operations, which in the years to come will prove itself to be the greatest factor in the prosperity of this, the basic industry of America.

The law has already proven itself a great benefit, notwithstanding the Supreme Court has declared section 4 unconstitutional, but by the enactment of the bill now under consideration we will remove every doubt as to its constitutionality and the future regulations of these exchanges will be certain and effective.

Other important measures affecting the farmers of the Nation have been enacted into law during this Congress, and the plans of those of us who have given our very best thought and attention to the betterment of rural and home life are concrete in character and must inevitably be written upon the statute books. Our financial system in the past has been formulated with the single view of encouraging and promoting commercial and industrial interests, while the agricultural industry has been left to work out its own salvation. This Nation can never enjoy its full measure of prosperity unless and until the farmer himself is surrounded by laws that will protect him from the ruinous competition of foreigners and by legislation that will enable him to finance himself in times of stress and deflation. Only in this way can the farmer expect to enjoy the full fruition

of his labor, and only in this way can the Nation attain the zenith of its progress. Laws of this character are now being formulated with a view to further benefiting the farmer, and will, in the course of orderly procedure, be placed upon the statute books as a part of the permanent law of the land.

THE BURDEN OF THE TAXPAYER MADE LIGHTER.

Turning now to the relief that has been given the taxpayer under the present administration it is but fair to say that, while our critics were desirous of accepting a mandate for Armenia at the cost of keeping at least 59,000, and in all probability 200,000, of the picked soldiery of America upon the war-torn fields of Europe, while they were urging appropriations for an Army of 525,000 to be kept under arms within the continental United States, while they were insisting upon carrying out the 1916 naval program at an expense of billions of dollars, Warren G. Harding, that matchless statesman and patriot, called a conference of the powerful nations of the earth to meet in conference in the city of Washington to discuss disarmaments, and where by frank and open diplomacy on the part of the representatives of this Government treaties were negotiated and ratified by which the peace of the world is made secure.

Millions of dollars taxation which would have been necessary in order to compete in the mad rush for military and naval supremacy has been saved to the already overburdened taxpayer by this one mighty stroke.

We found upon coming into power an army of useless employees in the several departments of Government, many thousands of them duplicating the work of some other department or bureau, while thousands were being carried on the pay rolls for no other purpose than to pay a political debt to a former henchman. No sane business man would have tolerated for one minute the practices indulged in at the expense of the taxpayer, hence we established a Bureau of the Budget, and the director of that bureau is required by law to investigate each and every department and report to the President, and the President in turn to Congress, showing the exact needs and requirements of the several departments. As a result of putting the business of the Government on a business basis, placing the power and responsibility upon a department specially charged with the duty of effecting economy wherever possible, we have saved to the taxpayers for the fiscal year 1922 the sum total of $250,134,835.03.

Ninety-three thousand six hundred and thirty-four Government employees whose services were not needed were dismissed from the service during the year ending June 30, 1921, and in all 320,278 employees have been dropped from the civil pay rolls since the armistice. Suppose that each of this vast army of unnecessary employees were receiving $1,000 per annum—and this is entirely too low for an average salary—there was being paid out of the Public Treasury the immense sum of $320,280,000. This enormous expense has been stopped by this administration and the army of useless employees sent out to engage in productive enterprise.

Had the present Congress been under the control of the opposition and had they heeded the requests of their administrative officials they would have appropriated out of the Public Treasury for the fiscal year ending June 30, 1922, $5,600,000,000. We turned a deaf ear to these outrageous demands and reduceed the appropriations for that year $1,600,000,000 below what they had requested.

Through the revenue act passed by this Congress we reduced the taxes to be gathered from the public $818,000,000, and at the same time removed the thousand and one petty taxes that were collected on everything from a glass of Cherry Cola to a railroad Pullman ticket. Railroads have been forced to reduce freight rates and are in better condition to-day than at any time in the past eight years.

The cash reserve of the Federal reserve banks has increased within the life of this administration 37 per cent, and rediscount rates have fallen off from 7 to 4½ per cent. Liberty bonds, though sometimes difficult to find a purchaser, were selling at around 82 cents on the dollar when this administration came into power; now they are finding an ever-ready market at 100 cents to the dollar, with the result that the 15,000,000 bondholders of the country are approximately $2,000,000,000 better off than when we came into power.

PROSPECTS FOR THE FUTURE PROMISING.

While our critics undertake to belittle our achievements, the eternal truth stands out at every point to deny and refute their every charge. Instead of an army of 5,000,000 idle sons of American toil as existed when we came into power, there is to-day increasing demands for labor on every hand, and in some sections it has reached a point where the shortage of labor is very acute. Instead of a lack of money with which to carry on the business of the country, as was the case when we came into power, there is to-day billions of surplus cash in the banks of the country seeking investors and borrowers at low rates of interest. Instead of pessimism and distrust, as was the case before we came into power, there is shining on the horizon of to-morrow the golden sunbeams of prosperity.

I can not here refrain from reading an article appearing in the Nashville Tennesseean, a newspaper published in the capital of my native State, a paper that has found much joy and comfort in joining the critics of this administration for partisan reasons, but, when driven to the point, they publish an article which in fact and in reality shows their consistency doubtful and their knowledge of true conditions to be entirely different to that expressed on the editorial page of their paper. It says:

FORTY BILLIONS UNUSED CREDIT IN BANK VAULTS—RESERVOIR AT HIGHEST MARK IN HISTORY OF AMERICAN BANKING—BONDS JUMPED UP—FIRST-CLASS SECURITIES QUICKLY OVERSUBSCRIBED.

WASHINGTON, June 3.—Twenty-five billion dollars of unused credit lies in American bank vaults to-day, according to this week's statement of the Federal Reserve Board. Savings and State banks have another huge fund which they are most anxious to lend. While there is no method of measuring that sum, the Nation's banks probably have, all told, an untapped total of forty billions of credit available for business enterprises.

This great reservoir of unused credit has been filling rapidly within the past year and stands to-day at the highest mark ever reached in the history of American banking. It has brought about a situation virtually without parallel in our economic history. The man or firm who wanted to borrow money a year ago had difficulty in obtaining it at high interest rates; to-day he is courted by banks and investment houses. Hungry dollars are strenuously seeking his employment and at low rates of interest. The only thing he need have to get all the money he wants is prime security for his loan.

Every issue of securities, big or little, offered the Nation's investors by reputable houses within the past month or so has been snapped up with an eagerness born of hunger. Foreign and domestic issues alike are oversubscribed again and again. For instance, a $24,000,000 issue of bonds of the Republic of Bolivia was offered investors yesterday. The subscription books were opened at 10.30 o'clock. Five minutes later they were closed. The issue had been heavily oversubscribed.

TREASURY OFFERING OVERSUBSCRIBED.

The Treasury's offering of $200,000,000 in securities, paying 3½ per cent interest, was oversubscribed in every district this week. The Farm Loan Board's offering of $75,000,000 of 4½ per cent tax-free bonds, offered a few weeks back, was so heavily oversubscribed on the day it was offered that the board issued a few days later another $42,000,000 to take up part of the overflow.

The Canadian Government's $100,000,000 bond issue, put on the market about a month ago, disappointed thousands of investors in that they could not get a share in it.

Industrial offerings of prime value meet the same response. During the present week the New England Telephone & Telegraph Co. offered $35,000,000 of first mortgage, 30-year, 5 per cent bonds. The books were opened and closed immediately—with an enormous oversubscription. The Virginia-Carolina Chemical Co.'s $22,500,000 of first mortgage, 25-year, 7 per cent bonds were absorbed within an hour.

The comparatively small concern seeking money likewise is embarrassed by the profusion of offers. The Utah Light & Traction Co. offered a few days an issue of $12,500,000 of 5 per cent bonds. It had to turn away investors from their doors. The Philadelphia Electric Co. put out a $7,500,000 issue of 5½ per cent bonds, and many investors failed to obtain as much of the offering as they wanted.

With the horde of investors, individuals and banks, clamoring for loans, interest rates are dropping fast. Some of the borrowers who had to pay high rates a short time ago are seeking to-day to pay off the old loans and issue securities at lower rates. An instance is the application of the New York Central Railroad Co. this week, made to the Interstate Commerce Commission, for authority to buy back, at a premium of 5 per cent, $25,000,000 of its notes issued in September, 1920, at a 7 per cent interest rate, and issue instead a similar offering which will pay but 5 per cent.

BANK EARNINGS CUT.

The effect of this tremendous pressure of idle funds has been to cut bank earnings materially. The Federal reserve banks, for instance, paid the Government about $60,000,000 in excess earnings as a franchise tax last year. In 1920 the payment to the Government was about the same amount. This year, however, due to lowered interest rates and the great volume of funds seeking investment, the Federal reserve banks will pay something like $5,000,000—a drop of more than 90 per cent.

Notwithstanding the excess of idle money, high rates have to be paid, generally, on second-trust loans on real estate. Bankers explain this by saying that the building trades are experiencing record activity and at price levels which appear to the bankers to be inflated. The bankers profess to believe there is an excellent prospect that houses selling to-day for, say, $10,000, in some localities, will sell in a year or so at lower figures. The high rate is charged on account of the hazard, it is stated. On prime first mortgage normal rates prevail, and demand for this class of security is difficult to satisfy.

Easy money and plenty of it continued to help business further back to normal during the week, according to reports received here. The movement of freight over the railroads continued to gain. The iron and steel industries were running at about 80 per cent capacity. Labor shortages in certain lines became more marked; and in other lines the employment situation continued to improve.

And now, in conclusion, I want to say, that, having an abiding faith in the intelligent judgment of the American electorate, knowing their spirit of fair play in all the adventures of life, their judgment shall be my judgment, their wish my will, this country our country, interminable and indissoluble.

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the House, while there is much uncertainty as to the effect of this grain gambling bill when enacted into law, and while there is

a very great conflict in the sentiment here in the House and elsewhere as to whether it will aid the producer of grain, I am going to support it with the hope that it will accomplish the purpose claimed for it by its author and the committee which has brought it to the House.

I come from a section of the Middle West where the raising of grain is a great industry, and I know that I would misrepresent my agricultural constituents if I failed to do all in my power to strike down the gambler who would rob them of the fruit of their toil.

Some time ago we passed what is known as the grain futures act, which regulated grain exchanges under the taxing power of the Constitution. The Supreme Court held recently that the act was unconstitutional, on the theory that we were not trying to gather taxes but were trying to regulate a business through the method of taxation. This act now under consideration, as I understand it, purports to regulate the stock exchanges under the interstate commerce clause of the Constitution, and in my judgment the main features of the bill will stand the test of the courts. When the other law was functioning, it is a matter of common knowledge that there was less manipulation on the grain market and less complaint about manipulation than during any similar period in recent years. I heard no complaint whatever. The law was held unconstitutional on the 10th day of May. Between the 15th and 31st of May there was the greatest depression in the price of wheat this country has known in recent years. There was a depreciation of 40 cents per bushel in wheat. It is argued that the price of other things went down. Yes; cotton went down 5 cents per pound and other products followed cotton to some extent, but it seems to me clearly apparent that when the restraint of the grain futures act was taken off the manipulators were again set free and gambling in wheat began in earnest.

As I understand it, there is a legitimate trade in the sale of wheat for future delivery, and there is a good faith trade in hedging, but to sit by and see our great agricultural wealth manipulated up and down by a few venturesome speculators, destroying the law of supply and demand, and gouging the poor producer when he is compelled to sell, is an admission that our kind of Government is not able to protect its very best citizenship.

In looking over this House and observing the gentlemen that are for the bill and against it, and in reading over the hearings and the many comments upon it, I have come to the inevitable conclusion that there is something in this law that has the grain gambler wonderfully worked up. I find the men representing the districts where stock gamblers live and where the stock exchanges are located fighting this bill at every step of the road. I believe I am in good company in being with the proponents of this bill, since I come from a splendid agricultural district. And while I am discussing this much-needed legislation for agriculture I want to go somewhat into the question of what Congress in late years has been doing for the farmer.

The meanest kind of lying propaganda has been insidiously drilled into the agricultural people that this Congress has not been their friend, and I am sure that there are many intelligent, fair-minded farmers who have been misled by this systematic falsifying, and who have not taken the pains to inquire into the record of this Congress and the preceding one.

The farmers' organizations have recommended several different modifications of the farm loan law. We have given them everything they have asked for in this regard. They have asked for enormous appropriations for long-term loans. We have made them over the criticism and opposition of the nonagricultural sections of the country. During the war the War Finance Corporation advanced money to promote the production and marketing of agricultural products. This Congress, in peace time, extended its life, broadened its scope and power, and poured into its treasury enormous sums of money—in fact, all that was demanded—with the hope that we could rescue the farmer from the falling markets which were fast bringing him into bankruptcy.

I am glad to say that these measures had a wholesome effect. Everything possible was done to encourage the exportation and purchase of his products. The railroads were forced to especially reduce freight rates on agricultural products. At the request of the farmers' organization we authorized the incorporation and functioning of farmers' cooperative holding and selling combines and exempted them from the provision of the antitrust law. Were it not for these needed pieces of legislation, no one can say what the fate of agriculture in the United States would have been. We know that it is the basis of our national wealth and that it must be encouraged and helped.

Under the Underwood tariff law enormous quantities of agricultural products were being imported into this country free of duty, every pound of which took the place of American products. We hastened to pass the Fordney emergency farm tariff law and placed upon the statute books a law which affords reasonable protection for the products of the American farmer as against the cheaper products of foreign countries.

I venture to say, however, that in the political hustings this fall you will hear it from coast to coast that the emergency farm tariff law was bunk for the farmer; that we export farm products instead of importing them. In a speech I delivered some time ago I showed, in a limited way, the enormous amount of agricultural imports coming into this country under the Underwood tariff law immediately prior to the passage of the emergency tariff act. The fact that importation of agricultural products has been reduced to an indifferent quantity since the going into effect of the emergency tariff law tells its own story. The fact that the prices of the farmers' products have increased under this law speaks more eloquently than all the goods-box political vaporizings that is possible between now and the 7th of November. At any rate, the farmers asked for the protective tariff on their products and we gave it to them to the exclusion of all other products. The New England States and the manufacturing districts of the United States have complained about our singling out the farmer for special favors and have bitterly arraigned the so-called farmer's bloc; and yet in my district in Indiana my farmer friends are being told that this Congress has done nothing for them, and some of them, not knowing the truth about the matter, have, to an extent, believed it.

Before the present tariff law was passed 1,500,000 bushels of corn were dumped into our ports every month from foreign countries. We found millions of bushels of Canadian wheat and millions of pounds of frozen meats from South America piled into our country as fast as transportation facilities could be afforded. That condition does not prevail now, and what imports are coming into this country have to bear a duty that helps to lift the tax burden off the backs of our people. The manufacturing centers complain of this emergency tariff law because they contend that it will make meat, bread, and corn products higher. Most of them voted against the bill, and yet, to my astonishment, I find some who purport to represent the farmer saying that the farmer of the Middle West should not be in favor of this legislation.

We passed the packers' act over the criticism and condemnation of many of you, who have since become its defenders. We believed the time had come when the great packing industry, which almost overshadowed the Government and was seeking to control every kind of food product, should be regulated. We believed they were not giving the farmers and stock raisers a fair deal. They cleverly tried to make the stock raiser believe that they were his only friends, and some of the stock raisers and farmers protested against the passage of the act. Its wholesome effect upon the stock-raising industry is now universally admitted. It remained for this Congress to pass this legislation, although it had been talked of for more than a decade.

We have now in the process of the making other laws which I think are necessary to the farmer, and the committees of the House have either reported them out or are about to do so. I favor a plan to extend Federal aid for intermediate credit to the farmer. It has developed that the short-term loan of 90 days is not suited to the crop grower and the long-term loan is not designed to aid in crop production and marketing of our great staple crops. Our live stock are neither produced nor consumed in 90 days. The need for longer term financing for our agricultural turnover is partially recognized in the Federal reserve system, in which provision is made for rediscounting agricultural paper for six months, but it is not adequate for the present needs. Bank deposits in this country as well as in Europe are in mostly demand deposits and can only be invested in short-term paper. This makes a short-term credit.

In testifying before our Committee on Banking and Currency on the War Finance Corporation bill, Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, stated:

> It is time, however, to draw a sharp distinction between short-time bank paper and the question of the liquidity of the security that underlies bank paper, long or short. I maintain that the six and nine months' loans on wheat and cotton made by the War Finance Corporation to cooperative marketing organizations are as liquid, from the point of view of the security, as the 90-day paper representing advances to merchants and manufacturers. * * * While the modification of our banking conceptions and practices is essential to the more orderly marketing of our agricultural products, the live-stock situation in some respects, at least, presents greater difficulties, because, as I stated in my report to the President, the industry has never been properly financed. It involves a turnover of three or three and a half

years, and there is no "home" to-day for live-stock paper of that duration. * * * As there is now no place in our machinery where loans on live stock can be obtained with the assurance that the money will be available for longer than six months, although the need is for two and a half to three and a half years, I think Congress would be justified in giving the matter prompt consideration. I know that many bills relating to agricultural financing have been introduced, but I would like to suggest that the live-stock situation be given a place of special importance and, perhaps, considered separately.

Another question which I think affects the farmer very much is the question of cheap fertilizer. This is not as important in my district as it is in the districts of many of you gentlemen where the soil has been tilled for a much longer period of time and where the methods of crop rotation and replenishing of soil has not received so much attention.

It is charged openly that the producers of fertilizer are in a trust and that they are extortioning upon the consumer. This may not be susceptible to proof, but I have no doubt that it exists.

The Government has spent $87,000,000 in building a nitrate plant at Muscle Shoals, Ala., and it is in no sense completed yet. We who have seen the failure of governmental operation of ships and railroads dread to see our Government attempt to run this, the second greatest construction problem of the Nation. The Panama Canal being a point of strategical importance, it is necessary for the Government to keep control of it, but I would hesitate to give my consent to the Government engaging in the private enterprise of making fertilizer unless the force of necessity required it.

I do want to see this great power plant completed, not only for the agricultural good it may do but for the preparedness it may afford us in event of war.

This administration has offered to lease it to private concerns. Two proposals have been made to the Government, one by New York capitalists and one by Henry Ford. I doubt if the New York proposal was made in good faith, and if it was I would be fearful that the Fertilizer Trust was behind it. The latter proposal, to me, does not seem to be hardly fair to the Government, and yet I do not know if we will get a better one. I would unhesitatingly agree to the Henry Ford proposal if he would unqualifiedly agree to make fertilizer. The farmer believes that he is agreeing to take the plant over and is unqualifiedly agreeing to make cheap fertilizer. His proposal does not go that far. He agrees to make fertilizer if he can make it at a profit of 8 per cent. He himself says that he will not make it unless he can make it at a profit and that he does not know if he can make it at a profit. He asks us to spend $50,000,000 more in the construction of the plant and to pay for its upkeep during the next hundred years, which may involve us in a tremendous responsibility.

I would rather give Mr. Ford all that we have down there and not take one cent in return if he would agree to make fertilizer and to keep the plant in operation continuously so that we might have it for security, for military safety, in event of war. But unless we have a better proposition I know of nothing to do but to take a chance with Mr. Ford. If it afterwards develops that Mr. Ford can not make nitrate at a profit and he turns this Nation's great investment into a power plant for his own use and profit we may feel that we have been cheated, but we will have the power ready for any use in time of war.

I wish I had the time, Mr. Chairman, to go into detail and discuss, even briefly, what this remarkable Congress has done not only for the farmer but for the country in general.

We have kicked out thousands of unnecessary Federal employees. We have declared peace with Germany. We have revised the tax law so as to make its burden more equitable. We have established the Budget system, after it was vetoed by the last President, and thus insured a businesslike establishment to control all Federal expenses. We have reduced appropriations for one year in the sum of $940,000,000. We have reduced our national debt $425,000,000 and are leaving a surplus in the Treasury of $300,000,000, and all this notwithstanding the fact that we have poured unlimited sums into the coffers of the War Finance Corporation, the Shipping Board, and the Railroad Administration.

We have reorganized the various governmental activities for the benefit of the World War soldier into the Veterans' Bureau. We have appropriated more than $30,000,000 for hospitalization of our late war heroes. We have passed the foreign debt refunding act, and our financiers are now working on this great problem that this Congress inherited.

At the insistent demand of the women of the country we have passed the maternity and infancy act. We have given some $90,000,000 for the building of roads, and $140,000,000 more for the years 1923–24. We have passed laws restricting and regulating immigration. We have readjusted the pay of the Army and Navy. We have passed the naval scrapping act and the general reorganization Army act.

In all we have passed 351 bills. A few of these remain unpassed in the Senate. It is hoped that all of them will pass through the Senate by the 1st day of September.

It would seem to me, gentlemen, that this is a remarkable record for a Congress who met under the most discouraging circumstances that has confronted any legislative body in many years. At the outset we were confronted with President Wilson, who vetoed many of the acts of Congress, including the Budget system bill and our declaration of peace with Germany. We had no power to discharge departmental employees. The great war having ended, 4,000,000 young men whose jobs had been taken by others were turned loose upon the country, and many of them could find no employment. Twenty-four billion dollars of indebtedness weighed heavily upon our shoulders. A burdensome and inequitable revenue law irritated the people. Our enormous overdevelopment in production could find no market on account of the unstabilized, economic conditions throughout the world.

But the last Congress set itself to the task of trying to reconstruct a wounded, restless Nation, and this Congress—a little over a year old—finds the clouds drifting away. Business is assuming its normal proportion. We find that the financial horizon does not look so dark, and those who were pessimists a year ago are beginning to realize that the solid, determined American character, when given a chance, will win; that the marvelous natural resources and the resourcefulness of our people will work wonders when given the opportunity. I am optimistic as to the future of my country. It is true when we see discontent, graft, selfishness, and demagoguery brazenly stalking across the land that we sometimes get discouraged, but somehow, with all the imperfections of our kind of government, and regardless of the temporary missteps and the wanderings of our people, their will triumphs and will eventually work to the good and the glory of this wonderful Republic of ours. Let us all have a little patience and a little forbearance until the great wound made by this most terrible war shall have been healed. All will be well with us eventually. Have faith in our form of government. Believe in the integrity, courage, and resourcefulness of our people. Do not expect legislation to cure everything; time will do much healing. Natural economic laws will help us solve our problems.

Mr. TINCHER. Mr. Chairman, I now yield to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, I am very glad indeed to give my support to this measure. I supported the former measure, known as the Tincher-Capper bill, believing that it would very materially help the producers of farm products in this country. I regretted the action of the Supreme Court in finding it unconstitutional. I believe that the provisions of this bill will cure that defect, and I am looking forward to much advantage that will result therefrom to the grain producers of the country, in consequence of which, in line with all of my actions in this Congress and other Congresses in respect to matters along this line, I am very glad to give it my hearty support.

During the operation of the former act up to the date when the Supreme Court held it unconstitutional, May 10, 1922, the beneficial effects of the law were fully demonstrated. The producers gained materially in the prices received for their products and at the same time the consumer did not pay more for what he consumed, proving to all that such legislation was most wise and beneficial to both the consumer and producer.

The objection of the Supreme Court to its constitutionality, that this regulation through the taxing power of the Constitution could not receive its sanction, made necessary the provisions of this bill seeking to accomplish the same beneficial results by regulation through the interstate commerce act.

The great Committee on Agriculture almost unanimously reported this bill, believing that it cures all defects found by the Supreme Court in the former bill and provides other regulatory features which will prevent manipulation by grain exchanges detrimentally to the interests of the grain producers or to the consumers of their products.

The action by the House to-day, in approving this legislation, will be in full accord with the accomplishments of this Sixty-seventh Congress in respect to the many measures previously enacted into law of vital interest to agriculture, which is becoming more and more to be recognized as the basis upon which rests the prosperity of the whole people that if production is curtailed, which will inevitably result if agriculture can not receive that consideration in legislation that will make it

profitable to pursue it, is becoming more and more to be realized.

I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. ELLIS].

Mr. ELLIS. Mr. Chairman, I want at the outset to say that I agree entirely with the gentleman from Illinois that this bill has been brought before this House without proper consideration by the committee that has reported it. We are taking it up without due opportunity having been afforded those who are interested in it to know about the hearings in the committee. I want now to protest against the bringing a bill of this great importance to the whole country before this House under a rule that provides for only two hours of general debate. I want to say, and I want the gentleman from Kansas [Mr. TINCHER], whose attention has been diverted, to hear me say it, that I understand perfectly the policy that he is pursuing in putting this bill through this House under whip and spur. A year ago, when the old bill was here, he frankly admitted that he did not want to discuss the bill at any length for fear he would stir up opposition to it. To-day he comes in here, after having industriously aided in procuring the rule that allows only two hours of general debate, and in answer to my questions he proceeds to prejudice this House against the grain exchanges by explosive denunciations of opponents of the bill; by declaring with the emphasis that he only can command that every man in these exchanges who opposes this bill opposes it because he wants to gamble upon the exchanges of the country, because, as he puts it, he is a grain gambler. There is no way to return a parliamentary answer to assertions like that.

I want to correct a misapprehension. It has been said that the grain exchanges of this country do not object to supervision. Perhaps that will be true if you will define "supervision." But I want to say to you that the seven grain exchanges that would be affected by the passage of this bill are, every one of them, opposed to every provision in it from beginning to end. If this is what is meant by supervision, they will have none of it. The Kansas City exchange has millions of dollars invested in the facilities and instrumentalities that have made that a great grain market. I heard my friend the gentleman from Kansas [Mr. WHITE] in his remarks just now, but I call him to witness that he has felicitated me many times during this summer upon the high level of prices and the stability of the Kansas City Grain Exchange. Those men who have invested their money and have built up that exchange until it has become one of the foremost grain markets in this country, individually and collectively object to the domination of their private business by a Government bureau. [Applause.]

Mr. Chairman, this is a war of extermination.

The authors of this Capper-Tincher bill are going forth to war against the grain exchanges of the country. It is a joint authorship, a joint sponsorship, that no property right or personal right of anyone who is connected with any exchange be spared; that it come to pass "that him that escapeth the sword of Hazael shall Jehu slay; and him that escapeth the sword of Jehu shall Hazael slay."

The bill of last year was to a degree redeemed by one section of it. It suppressed "puts" and "calls" and so put an end to sheer gambling on price fluctuations. The exchanges wanted that done; are profoundly glad it was done. That should have been done long ago by the States. But, since the States were neglecting to do it under their police powers, there was some justification for doing it under the Federal taxing power. That section has been validated by the Supreme Court.

This bill is to replace the one of last year which the Supreme Court struck down. There is nothing in it to praise; there is everything to condemn. The bad features of the old bill are made distinctly worse; there is nothing contained in it to redeem it. The old bill violated a party promise and an administration pledge to keep the Government out of private business. This bill does all that and more; it seeks to broaden the scope for governmental, bureaucratic domination of private enterprises. More than all, and worse than all, this bill reeks of populism.

These gentlemen from Kansas by this bill stage a renaissance. The agitation which finds expression in this legislative proposal began in the old seventh district at a time when Kansan Populists were drunkest with power. This bill is a hang-over from the populistic spree that painted red the whole State of Kansas. At the height of that economic delirium, in the wildest hour of that political debauch, the Populists of the "old seventh" made the destruction of the grain exchanges of the country a major scheme on their program.

Let me digress to recall another major scheme on that program which my friend did not approve. It gored his ox—his own ox. These same Populists proposed to reform the courts by abolishing lawyers. They made a spectacular start right there in the "old seventh." They elected to be judge of the district court, a court of unlimited jurisdiction, a farmer who neither had been admitted to the bar nor pretended to the slightest knowledge of the law. I recall an experience of my own in that court when that unlearned farmer was on the bench and the lawyers sat around in bewilderment, about as comfortable as a lot of rabbits in a burnt-over briar patch. [Applause.]

That experiment did not get very far, not so much because the gentleman from Kansas did not like it, as because it was put to the test. No populistic proposal lasts very long after it is put to the test. But the point I make is that the spirit of populism survived in the "bloody seventh" and the scheme to destroy the grain exchanges or snatch them from their lawful owners has persisted. The gentleman from Kansas [Mr. TINCHER] himself told us last year during the consideration of his bill how the famous Jerry Simpson was at first commissioned to do the job. He told us that his distinguished predecessor had to go back at the end of some service here and admit to his constituency that he had learned something—something else than that fairly decent people wear socks. Some other Representatives from the seventh Kansas district have in their time learned something during experience in this House. Later came the doughty sponsor of this bill that is to be rushed through to-day under this rule. Last year the gentleman was frank enough to tell us that he was reluctant to discuss the measure, for fear of arousing opposition. The gentleman realized then, he realizes now—for my friend is never a Populist from principle—that not many on either side of this Chamber are hospitable to populistic proposals. But the time limit for debate fixed in the rule under which we are proceeding, and which the gentleman has been so industrious in procuring, indicates that the policy he pursued last year would suit his purposes to-day.

So I am in the first place opposed to this bill because it is a populistic proposal to seize something that belongs to somebody else—to get something for nothing. It is definitely provided—it is the one thing in the bill that is made sure by express provisions—that these boards of trade shall admit to membership the so-called cooperative associations of producers. The promoters of these associations are farmers who farm farmers; howling always of monopoly they would monopolize and appropriate to themselves the entire business in the grain markets of the country. Admitted to membership in these exchanges, these interlopers are to be free to use and enjoy the facilities, the instrumentalities, the reputation, the good will of these markets, which they have done nothing to build up. [Applause.]

They are to be permitted by the unfairest of means to get business away from the men who have risked their fortunes and devoted their energies in the development of these markets. Careful consideration of the provisions of this bill will convince any right-minded man that unfair, unconscionable advantages are accorded and permitted to these associations. If this bill is passed, these populistic associations will, if they can, and just so far as they can, ruin the business of every member who is now competing for trade upon these exchanges.

There is no reason to believe that such a monopoly, when it shall be accomplished, will better subserve the interests of the general public than any other monopoly subserves those interests. And yet, but for the deliberate purpose to create such a monopoly that will in the end confiscate these exchanges, this bill would not be before the Congress.

And, gentlemen, let me say to you in all candor, in all sincerity, that the hope of the proponents to pass this populistic proposal rests absolutely in the fact that you are expected to accept the ipse dixit of the gentleman from Kansas—in the fact that not one in ten among the membership of this House know, or have had time or opportunity to learn from the hearings or otherwise, the real truth about these grain exchanges which by this bill are to be brought under bureaucratic domination.

I am also opposed to this measure because I would keep the Government—and when I say Government I mean Government departments, bureaus, boards, commissions, inspectors, and agents—I would, if I could, keep the Government out of private business enterprises. This bill, if passed, will thrust the Government odiously and disturbingly into the private business of every business man upon every grain exchange in the country. In short, it proposes an absolute domination of the busi-

ness done on grain exchanges. I do not believe, and I doubt that any considerable number of you believe, the experience of recent years, while we have fast multiplied boards, commissions, and like bureaucratic agencies—have been substituting for government by law, government by men—has convinced the American people that Government interference in private enterprises through these instrumentalities has been either wise or salutary.

I wish time would permit inquiry whether a single one of these experiments has been vindicated by trial. I shall not enlarge upon this or give expression to general views, except to declare that in my deliberate opinion, when the proper bounds and rightful operations of a private enterprise, big or little, may not be defined and controlled by law, no useful purpose will be greatly subserved by attempting to dominate or control it by a board, bureau, or commission. Of this at any rate I am sure: The American people are becoming mortally tired of having bureau agents nosing about as veritable snoops in their business affairs. The people realize, even if we do not, that we are becoming about as bureaucratic as Russia ever was. A change has been demanded. It may not be out of place that I have taken occasion to remind my colleagues of the majority that a change has been promised by the Republican Party. I repeat, this bill is an open violation of a party promise and an administration pledge.

Again, I am opposed to this bill because, even if it be conceded that government by law is a lost art; that we have come upon times when we must regard a clamor for government by men—and by men, too, whom the people do not elect, but whom boards and bureaus appoint—still this bill, in my opinion, responds to no business necessity, no economic urge, no real concern or demand of anybody anywhere, except it be a populistic desire and purpose to which I have adverted. Let me account for this new bill and the precipitateness with which it has been brought in here.

The Supreme Court recently held unconstitutional the bill of last year. My friend, the gentleman from Kansas, the author, not only, but as well the bureau of the Agricultural Department which had meantime been created or designated to administer the law—both author benefactor and bureau beneficiary had, during the months intervening from the passage of the bill to its overthrow by the Supreme Court, enjoyed the pleasurable reaction which springs from high hopes and joyful expectations.

The vision of multiplied bureau agents, bureau inspectors, bureau auditors, bureau solicitors, bureau carpetbaggers swarming about the grain exchanges of the country had become almost a reality. What could possibly better insure a triumphal return of a Kansas Congressman to a waiting constituency of populistic leanings—be more likely to evoke plaudits of "well done"—than to be able to proclaim the capture of such objectives, to boast an undisputed control and complete bureaucratic domination of the grain markets of the whole country? Mr. Chairman, we could hardly expect a man of the rugged determination of our friend, the gentleman from Kansas, to suffer a disappointment of such proportions. That engaging vision had, indeed, become too nearly a reality to be allowed to perish.

So we the more readily understand how it is that we are brought so quickly face to face with a new bill, changed from necessity in some details, changed deliberately to serve bureaucratic purposes in others, as we shall see, but unchanged as respects objectives.

The bureaucratic features of the old bill were declared unconstitutional because an improper exercise of taxing power was invoked. There was no pretense in or concerning the old bill that the proposed interference with the purely intrastate business in which grain exchanges are engaged could be justified under the commerce clause of the Constitution. The recent decision points out that interstate commerce was not even mentioned in title or text in that bill. It is true—and I cheerfully accredit the fact for such use as the proponents of this measure may care to make of it—that the writer of the opinion, the distinguished Chief Justice, was prompted to depart somewhat from the direct path to his conclusions to suggest another possible basis for the bureaucratic sway the promoters of this legislation have so ardently craved. Of the gratuitous suggestions promptly seized upon by the bureau solicitor who has framed this new bill, I will say only that there is reflected in that dicta a tolerance of bureaucratic control of private business with which I have neither sympathy nor patience.

The consideration most important to us here, however, is that a bureau solicitor has, as he admits, deliberately proceeded to frame this bill so that it will confer upon his bureau a sweeping control of the grain exchanges of the country and that will, later on, pass muster in the Supreme Court. It is absolutely a bureau bill—of the bureau, by the bureau, and for the bureau. A reading of Mr. Morrill's statement in the hearings makes this plain. Forced, by the opinion handed down, to recognize that grain exchanges are not engaged in interstate commerce—realizing that consequently there is to be found no express provision of the Constitution justifying Federal interference with their operations—the solicitor has sought to invoke certain implied powers, which rest wholly in recent judicial interpretations, to get within the range of fundamental law. The solicitor has sought to frame this bill under the commerce clause and has had to ask the Congress to make some ground for him to proceed upon. He wants findings of facts, and to supply his need has framed and asked the Congress to adopt as a preamble this section 3 of this bill:

SEC. 3. That transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "options" or "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices of such transactions are generally quoted and disseminated throughout the United States and foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products thereof in interstate commerce as a means of hedging themselves against possible losses through fluctuations in prices; that the transactions on such boards are extremely susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control which are detrimental to the producer or the consumer and the persons handling grain and grain products and by-products thereof in interstate commerce and make such business unsafe and uncertain from time to time; and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

Mr. Chairman, the crux of this new proposal is section 3. Here is manifested an entire change of standpoint by the proponents of this legislation while this agitation has been going on. At first the primary trouble that was to be cured by this legislation was defined to be the dealings in futures. Coupled with this for slaughter has been the incidental, if not inseparable, practice of hedging. Dealings in futures and, as well, the practice of hedging against fluctuations in the market have always been by these proponents of bureaucratic control denounced as downright gambling; those engaged in those transactions have always heretofore been characterized and berated as common gamblers.

Mr. Chairman, I want to make my point clear. I want it distinctly understood that the proponents of this bill have performed a complete about-face on this matter of future trading. I want the membership of this House to see that when these proponents were seeking support for a bill which invoked the taxing power of the Constitution they sought to have us believe that dealings in futures were something essentially wicked and abhorrent. I want the membership also to clearly perceive that now when they seek by section 3 of this bill, by a preamble, by an apology for the provisions in the sections which follow it, when they seek by this shrewd method to get in under the commerce clause of the Constitution, they ask us to both believe and expressly find that these very dealings, which they have all along denounced as wholly iniquitous, are in fact ordinarily so wholesome and salutary as to be affected with a national public interest. They now propose to preserve and perpetuate these transactions in the boards of trade of the country, if it shall require every bureau in the Agricultural Department to do it. Even as late as the discussion of the bill of last year the gentleman from Kansas [Mr. TINCHER], in control of that bill, to induce support of it argued that fluctuations in prices were the direct and necessary result of future trading. I want to quote from the gentleman's speech of last year, for I want you to know that when it comes to executing a backward somersault the gentleman from Kansas is some gymnast:

During the war—

Said the gentleman—

the trading in futures in grain was prohibited by law, or by an arm of the Government created by law, and there was a time between the guaranteed price of wheat and the time when the boards of trade resumed trading in futures that has enlightened the American people considerably upon the necessity of gambling in food products.

You see how impossible it has been for the gentleman from Kansas to refer to trading in futures without characterizing it as gambling. The gentleman proceeds:

There was not any trading in grain futures during that time; there was not any gambling in grain—

There you have it again—

and the market, while there were changes in the price, was what might be called a stable one. The very day that the grain exchanges began to gamble in grain, that day the fluctuations were manifest, and from that time on until to-day there probably never was in the

history of our country a time when there was the difference between the price of the farmers' product and the price of the consumers' product.

There was, or could have been, but one interpretation of that argument. It was intended to make the point, and did make the point, that the inevitable result of the resumption of the trading in futures upon these exchanges after the war, which the gentleman characterizes as gambling, was to effect such a manipulation of the markets that never before in the history of the country had there been such a spread between the price to the producer and the price to the consumer. Now, if this argument had been sound, if there had not been something wrong with the premises in the gentleman's logic, or, if the gentleman will pardon me, some lack of candor and daring in advocacy and leadership, he would have done with trading in futures in his bill of last year just what he did with puts and calls; he would have suppressed those dealings by including them in section 3 of the old bill, which has been validated by the Supreme Court. But he proposed nothing of the kind in the old bill. The gentleman from Kansas was last year endeavoring to get a bill passed that would confer upon a bureau an absolute domination of these exchanges. He was, as he confessed in his speech last year, trying to say as little as possible about his bill for fear of arousing opposition to it. So he lambasted the traders as gamblers and inveighed against future trading as gambling.

The end sought in that bill and the end sought in this bill are identical. But, mark you, to support the theory of last year, to get under the taxing power, future trading had to be condemned as hostile to public interests; to support the theory of this bill, to impose bureaucratic domination under the commerce clause, future trading is extolled as something that must be preserved.

To define the issue still more clearly, let me put it another way. The contention heretofore has been that all trading in futures—the normal, ordinary, unmanipulated trading in futures—is iniquitous, is gambling; that it is always detrimental to producer, consumer, millers, dealers, the public generally. Now the contention is, as set out in the first part of this preamble, section 3, that trading in futures, as carried on normally, regularly, by the public generally and in large volume upon these grain exchanges, is wholesome, salutary, and serves useful purposes; that future trading determines the prices which are disseminated throughout the country and abroad for use of producer and consumer, and affords a means of hedging against possible losses by millers, dealers, and others.

All this and precisely this we find contained in the first half of this preamble. The facts about future trading are, moreover, in this first part of section 3, accurately and fairly stated for the first time, so far as I know, by any proponent of this legislation. If the case were to be rested upon these facts as so stated, then, in view of the holding by the Supreme Court in this recent case that these transactions upon these boards of trade are intrastate commerce, and not interstate commerce, Congress could not interpose bureaucratic control under the commerce clause of the Constitution. So, making a virtue of necessity, the bureau solicitor, special pleader, asks us to find as a further fact that these transactions, while normally wholesome and salutary, are susceptible of control and manipulation; that such manipulation and control frequently occur, producing a state of things which amounts to a burden upon interstate commerce and calls imperatively for bureaucratic regulation.

It will be observed, therefore, that the whole of section 3 has been painstakingly—perhaps I should not say cunningly—contrived to serve the one definite purpose. An entirely new theory and state of facts is now advanced to obtain constitutional warrant for this bill. Mr. Morrill, the bureau solicitor, admits in his statement in the hearings that upon this section he must rely for jurisdiction if a bureau is to take charge and dominate the grain markets.

In determining whether we ought to make the findings of fact the bureau solicitor asks us to make for jurisdictional purposes, it will be instructive to see what the only persons who pretended to know anything about the matters contained in this recital have to say. Surely little reliance can now be put upon the bureau solicitor, who confesses that he was trying to make the facts and findings fit and support his theory. Surely we ought to be influenced very little by the gentleman from Kansas or other proponents who had always heretofore insisted that future trading is sheer gambling. Mr. Gates, a member of one of the leading firms on the Chicago Board of Trade, a man of rare intelligence, large experience, a competent witness, who knew just what he was talking about, testified before the committee with respect to these particular recitals in section 3 that I have just adverted to and which you are called upon to verify. He says:

If you will go back over the hearings—

He is referring here to the hearings on the bill that was passed last year—

If you will go back over the hearings, you will find that grain men from all over the country came here to testify that this—future trading—was an essential part of their conducting business safely.

Mr. Gates was here referring to these sales for future delivery—these "options" and "futures" referred to in this section 3. He says these transactions, far from being regarded as inimical to safety, are "essential" to safety. And I remind you again that at that time—at the time of the hearings upon the old bill—these normal transactions on the grain exchanges of the country—common, ordinary trading for future delivery—were being challenged by the author of this bill and other proponents on this floor and elsewhere, and were being denounced as gambling transactions, the inevitable effect of which was to cause wide fluctuations. Mr. Gates proceeds:

There was nothing said about this making it unsafe; there was no testimony anywhere in the record to indicate that there were frequent attempts at manipulation. It was specified when it was mentioned that they (attempts at manipulation) were of infrequent occurrence and that they were very difficult to bring about under the conditions under which the market is controlled. (Hearings, p. 26.)

The only other man who appeared before the committee and testified from personal knowledge—or at all, for that matter—as to the fact and the frequency of manipulation—corners, as they are commonly referred to—was Mr. Frederick B. Wells, of Minneapolis, Minn. Mr. Wells is a man of the same high character as Mr. Gates, whose manifest frankness and candor you will commend, and who spoke out of a large experience and from an ample knowledge of the whole matter. He says:

I fail to find in the record any testimony from men of experience that transactions are extremely susceptible to speculation, manipulation, and control. It has been admitted that at times, under abnormal conditions, there have been evidences of manipulation, possibly there has been manipulation, but it is not a continuing feature of the markets; it is something which happens in all kinds of markets under abnormal conditions. (Hearings, p. 56.)

I want to say for myself I sat through the brief hearings accorded on this bill and I read last year the hearings before the committee on the old bill. These grain men are entirely right in their contentions. The bill, as I have shown you, then proceeded upon an entirely different theory. No one who knew, or who pretended to know, how business is conducted on these exchanges contended, either from the standpoint of a proponent of or an opponent of the bill, that these infrequent manipulations or plunging speculations upon the market made the normal business of these exchanges unsafe or affected them in any way with a national public interest. This question is mooted for the first time in this bill. Proponents are, as I have said, now simply seeking to make virtue of necessity.

If the members of this committee by their votes leave this section 3 in this bill, they will do it upon the ipse dixit of the framer of the bill, without any supporting evidence, without consideration of any primary facts upon which and from which they may be justified in reaching sound conclusions. The primary facts, so far as they are available, all point the other way. If, having adopted this preamble, we, in Committee of the Whole, accept the provisions in the subsequent sections of this bill, empower the Secretary of Agriculture to appoint an indefinite number of bureau agents and inspectors and turn them loose upon these grain exchanges—to revise rules, change methods, prescribe new forms of contract, dictate and interfere at every point, and to supervise every transaction—we will place the burden of an enormous expense upon the taxpayers of this country, while, without doing the least good, we are doing incalculable harm. There has been developed in these hearings no complaint on the part of the producers, consumers, millers, dealers, anybody, of the general methods, the everyday business, the normal operations of these grain exchanges. It is true, Mr. Chairman, that the rules, regulations, methods, forms of contracts—both as regards the making and the performance of contracts—which prevail in these exchanges are not easily understood by the uninitiated; neither are the arguments and reasons for many of them easily comprehended. They have not been made out of hand by experimenters or adventurers in the business of handling grain. They have been evolved out of long experience. They have been a natural growth, responding to many requirements and to protect a variety of interests. They make for simplicity, economy of time, the saving of waste and expense, definiteness in bargains, avoidance of disputes and litigation, certainty of performance, protection of buyer, seller, and all others directly or indirectly concerned in the multiplied transactions of a busy market.

Discussion in these hearings of rules, methods, practices, transactions upon these exchanges has tended to establish that the greater the business of an exchange the greater the number, variety, and volume of transactions—yes, if you please, of speculations, in the ordinary, dictionary meaning of the term—

the less likelihood there is of manipulation, the better the price to the producer, the more stable and satisfactory the market to millers, dealers, and consumers; that the more you restrict transactions by artificial and unnatural hindrances to trade—the more you interfere and impose shackles—the poorer, more unstable, and less satisfactory the market to everybody. Of this Mr. Wells had this to say:

Anything that is done to narrow the trade on the markets facilitates manipulation. There is no question about that. It is a great deal easier to manipulate a narrow market up or down than it is a broad, liquid market, because the manipulator does not meet with the opposition that he would where there was a great volume of trade. I think you should bear that in mind in connection with any restrictions which you place upon future trading which would tend to limit or reduce the volume of trading. (Hearings, p. 64.)

The grain business is *sui generis*. There is, Mr. Chairman, no other business in the world that rests so much upon a constant exercise of individual judgment, or calls for finer exercise of individual judgment and courageous initiative than does the grain business. It is a business that is not only affected by mutable conditions of supply and demand the world over but by uncontrollable accidents of wind and weather the world over. With these men, whose transactions, as this bill recites, determine world-wide prices, a nice balancing of probabilities upon ascertained facts, a quick reasoning with accuracy and daring from cause to effect, are matters of daily, even hourly, necessity. Such business, composed of such men, involving such transactions, will neither function nor prosper half enslaved and half free.

And are not personal rights, property rights, to be given some consideration? Suppose it be true that at remote intervals, by abuse of privileges, a corner is manipulated on some exchange. These things, of course, do happen, but only, as the evidence proves, infrequently, at long intervals. How is it proposed to mend matters? By imposing permanent, bureaucratic domination; by imposing a virtual and wholly irresponsible dictatorship over the business. These iniquities when they occur do not spring from ordinary rules, practices, or conditions. They offend against and transcend, in both letter and spirit, all rules, practices, and conditions—constitute a defiance of rules, an uncontrollable mutiny against the established order on these exchanges. It is as if, because a refractory element in a community breaks out at intervals in crime or riot and defies authority, a permanent régime of martial law were to be substituted for republican government. Men, American citizens, belong to these exchanges, engage in business on these exchanges. American citizens, honored and respected in the communities where they live, invest their money in the grain business, erect warehouses, and provide the other multiplied and expensive facilities of a regional grain market. All is private property, and every bit of it is engaged in and affected by the hazards of private business. These men voluntarily procure memberships on these exchanges; voluntarily enter upon this line of business; voluntarily invest their money; voluntarily put forth hard, concentrated effort, by honesty, diligence, and fidelity to attract a clientelle, win success and prosper as men in other lines of business undertake to earn the confidence of their fellows, win success, and prosper. Are they to be treated as if boards of trade exist under compulsion? As if they have had no beginning and can have no end? As if individuals connected with them have had no choice whether to belong or to refrain from belonging? But that is precisely the reasoning and the attitude of the framers and the proponents of this bill.

But, Mr. Chairman, the aspect of this legislative proposal most disturbing is the utter uncertainty as to how far bureaucratic interference will go or to what arbitrary limits this domination will be exercised if this bill should become law. No limitations whatever are fixed upon the exercise of the arbitrary power that is conferred. "Oh!" they say, "Mr. Wallace, the Secretary of Agriculture, can safely be trusted!" Suppose this be granted, Mr. Wallace will not always be Secretary of Agriculture. Moreover, we know that the Secretary himself will have about as much to do with it as will one of us. We know from experience, from the very necessities of the situation, that not the Secretary himself, but subordinates, will determine what in the way of control is to be exercised and how it is to be exercised. We do know that this bill confers more arbitrary power than did the old bill. Where the proponents took an inch before, they now take an ell; where before they went a mile, they now go a league. We can only judge of what they propose to do, or of what they will likely do, by observing first what has been set out here in this preamble and then by studying the provisions in the subsequent sections of the bill.

In this preamble we are asked to find that—

the transactions on such boards are extremely susceptible to speculation, manipulation, and control.

This is neither good English nor good sense. Probably the intention was to charge that in these transactions there is opportunity for speculation and that the prices of grain are susceptible of manipulation and control. So you are asked to find that the regulation of speculations upon boards of trade is imperative. What are speculations? The dictionary says that, in commerce, speculation means, "To buy or sell with the expectation of profiting by a rise or fall in price." What will the bureau be expected to do about this? Would the gentleman from Kansas have speculations suppressed? Or does he expect the bureau to so regulate speculation, the buying and selling of grain, that his constituents will all the time get more for their wheat and my constituents will all the time pay more for their bread?

But they say prices are susceptible to manipulation and control. Granting that this is true; granting that it is deplorable; deny, if you will, that it is inevitable—how will the bureau interfere to regulate these things? If the Secretary of Agriculture himself were asked to-day how he would prevent it, he would tell you that he does not know how these abuses of privileges may be prevented. He would tell you that such a thing as preventing men who buy and sell grain from crossing the line at times from speculation to manipulation would be absolutely impossible. It is a bold thing to do; it is a hazardous undertaking; it involves a base betrayal of confidence, a gross abuse of privilege; but in spite of all this once in a while a man will do it, once in a while it will happen, and all the rules in the world and all the statutes upon the books will not prevent it. And yet it is proposed in paragraph (d) of section 5 of this bill that the bureau shall require as a condition to the procurement of a permit to do business as a "contract market" that governing boards of these exchanges must provide for the absolute prevention of manipulation of prices or the cornering of any grain by dealers at these "contract markets." If this prerequisite shall be prescribed in the law, no board of trade in this country could qualify. It would strike down and put out of business every one of them. Mr. Wells in his statement to the committee called attention to the universal desire in the membership of these exchanges to eliminate to the utmost of possibility improper manipulation of grain prices, but he told the committee what the committee ought to have recognized without being told, that it is impossible to prevent the misuse of privileges and facilities.

Of course, these boards of governors could make rules and, perhaps, do something else to discountenance corners and manipulations; but, as I have intimated, the manipulators of corners in grain have about as much respect for rules and like impediments as burglars have for safes and combinations. It would be quite as practicable and reasonable to require of a national bank before it could have a charter to do business that its board of directors shall provide in advance for the absolute prevention of robberies from without and larcenies from within. This paragraph (d) is an illuminating sidelight upon the arbitrariness and destructiveness with which the bureaucratic domination provided for in this bill is to be exercised.

I can not in this general debate discuss *seriatim* the objectionable provisions of this bill. I am now objecting to the proposal in its entirety. I am making the point that no interest will be subserved by projecting the Government into the grain business. I go further, and aver that the bureaucratic interference proposed will work injury to every interest concerned. I can illustrate by reference to paragraph (f) of section 5. This paragraph, like the others of the section, defines conditions and requirements to be complied with before a board may be designated a "contract market." The grain exchanges, as well they may, especially object to this paragraph (f). Mr. Gates, before the committee, remarked that the paragraph contained entirely new matter which, as he put it, "is more far-reaching in effect upon future trading than anything that has been proposed."

Mr. Wells presented to the committee the comment upon it of the Secretary of Agriculture himself. This is what the Secretary has to say about it:

Subdivision (f) is a new subdivision, not found in the preceding statute, designed to give the Secretary of Agriculture power to deal with the question of grades that may be delivered on contract, premiums and discounts, inadequate elevator capacity, and any other conditions that may have similar importance in relation to the prices and executions of contracts.

Mr. Wells addressed himself to this interpretation by the Secretary of that paragraph:

In my judgment—

Says Mr. Wells—

it would be absolutely impossible for the Secretary of Agriculture or his technical men in his laboratories to establish grades deliverable on contracts, or to establish premiums and discounts which would not have the

effect of narrowing the markets very, very materially. And, as I pointed out a few minutes ago, anything you do to narrow the markets increases the ease of manipulation, which is the thing you are trying to defeat. The Chicago market, for instance, has a wide variety of wheat deliverable, different grades of different varieties, because of the fact that it has tributary to it a large number of varieties of different wheats. We know from personal experience that we can not rely on technical laboratory men to adjust these matters.

Further on in his statement, Mr. Wells, in colloquy with the gentleman from Kansas [Mr. TINCHER], further refers to this paragraph or subsection and to the Secretary's interpretations of it. Let me give you the colloquy:

Mr. WELLS. To show you how these technical things work out, Mr. TINCHER, let me say this: I was talking with a man from Kansas City the other day, speaking about Federal grading. He said, "Well, they have got it to a point now where a car of wheat will come in, and we will say it was cut with a header and lay on the ground and became stained. We never call that anything but stained, and we would sell that to the mills, and they would never pay any attention to it. But now a technical laboratory man takes that stained wheat and holds it up to a certain kind of light, and then holds it up to another kind of light, and he says that is bran burnt. What does the miller do then? He backs right away from it; and whereas he used to pay a fair price for that to-day he says, 'That is burnt wheat and I won't take it except at considerable discount.'"

Mr. TINCHER. Is that the fellow that works for the Government that does that.

Mr. WELLS. Yes; the technical man.

Mr. TINCHER. Well, he ought to be shot at sunrise.

Yes; I want to interrupt this colloquy to remark right here that my friend the gentleman from Kansas will, if he succeeds in getting this legislation, observe many other instances of bureau "smart alecks" that ought to be shot at sunrise. But to proceed with the colloquy:

Mr. WELLS. But that is the whole tendency of the laboratory determination of these things. Perhaps from a scientific standpoint that wheat is burnt; I don't know; but it never made any trouble until we had these highly trained technical men.

This shows how the interference of technical experts, mere theorists, works out in practical business transactions.

The only answer returned by the proponents of this bill, the answer reflected in questions and comments of the members of the Agricultural Committee in these hearings, is that the Secretary will not be bound to go so far. But does that get anywhere? Do we not all know that when you open the way to any one of these bureaus of Government to exercise bureaucratic power, they go the limit? How this disposition manifests itself in practice is shown by the change in paragraph (a) of section 5. In the former bill only those boards of trade might be declared contract markets which, among other things, had official weighing and inspection service. During the year before the bill was declared unconstitutional the bureau got a taste of blood. The discovery was made that very likely not enough power had been afforded to enable the bureau to absolutely install and operate a Federal weighing and inspection service at each of these markets. So when this bill came from the bureau to the committee, it came with the added requirement that before any official weighing and inspection service could be available to a board of trade, it must be approved by the Secretary of Agriculture. That was considered by the bureau solicitor, and I have no doubt he was right about it, as sufficient to enable the bureau to displace every State-created weighing and inspection service by a Federal weighing and inspection service, and there can be not the slightest doubt that that was the intention and purpose of the bureau when it wrote that added matter into this bill. The iniquity of this will be shown when that part of the bill shall be reached.

Mr. Chairman, this committee ought not to recommend this bill for passage. If a considerable number of the Members of the House study this bill in the light of the hearings upon it, scrutinize these provisions which confer bureaucratic power, this committee will not recommend this bill for passage, but will amend it by striking out all of it after the enacting clause. [Applause.]

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Texas, Mr. HUDSPETH.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I am in favor of this bill regulating grain exchanges because I have never believed that any legitimate business is benefited by gambling. In the old days in western Texas, when the "knights of the green cloth" used to keep open 24 hours a day, it was contended by some that it was essential to the commercial development of the towns that gambling be permitted. While there were some interests there that advocated a continuance of these gentlemen who were nimble with their fingers, consisting mostly of saloon keepers, some livery-stable men, and a few hotel men, eventually law and order asserted themselves and these gentlemen were put out of business, and the towns went right on and developed much more rapidly without them.

In reply to the gentleman from Missouri [Mr. ELLIS] that these exchanges are essential to marketing the grain of this country and conducive to better prices, I would ask him if he believes the cotton exchanges in New York, New Orleans, and other places where they gamble in cotton futures and sell for the Texas crop 8,000,000 bales, while we produce only 4,000,000 annually, and for the whole country twice that amount of its production, have increased the price of cotton? If he does, then I say he had better go back, if he has any farmer constituents in Missouri, and talk to them about that proposition, and I think he will return here in a different frame of mind. Of course his farmer constituents in Kansas City might agree with him.

Mr. Chairman, there has not been a farmers' convention in Texas in 10 years that has not declared for this, or a similar measure. There has not been a farmers' convention in 20 years that has not declared against gambling in cotton futures, and I have a bill to put them out of business, but I can not get consideration of it. There is another measure that I am greatly interested in, but before I get to that I want to say that the same contention was made here when we passed the act putting the packers and stockyards under the supervision and regulation of the Secretary of Agriculture. It was contended that it would not be of any benefit to the producer. But placing the stockyards under the supervision of the Secretary of Agriculture has done this much good: The stockyards people were selling prairie hay to the shipper, for which they paid 40 cents a bale, for $1.25 a bale, holding the shipper up for a profit of 80 cents a bale. Since this law came into effect and the supervision of stockyards has been under the Secretary of Agriculture—and I trust he will be Secretary of Agriculture as long as this administration remains in power—they have not been able to hold up the shipper in any such fashion. I wonder whether the gentleman from Missouri will contend that that law has not benefited anyone in this country.

The bill to which I wish to refer, and in the interest of which I have obtained petitions from the retail merchants' associations and from the wool producers of the country, is a bill that has been sleeping quietly in the Committee on Interstate and Foreign Commerce since March, 1920, known as the truth-in-fabrics bill.

Now, what is that bill and who opposes it? It is a bill to curb profiteering and increase production both in wool and in meat. The hearings on this bill were held in March, 1920, and thus far there has been no other interest here opposing it except the man who wants to manufacture "shoddy clothes" and call them "all wool," which he can truthfully do at the present time, and deceive the consumer and purchaser into believing this shoddy fabric is made from virgin wool fresh from the sheep's back.

Now, let me say to the Republican majority—you are in control of legislation here, and have been for three years—why do you permit this bill to remain in the committee and, it would seem at the present time, "sleep the sleep that knows no waking"? Who is in favor of it? First, the wool producers to a man all over the United States; second, the retail merchants' associations throughout the United States, because they want to deal honestly with their customers and sell them what they think they are buying; third, certain woolen manufacturers of the United States, who desire to manufacture virgin wool fabrics and deal honestly with their customers, and who have for their competitors the "all wool" manufacturer, better known as the manufacturer of "shoddy goods"; and fourth, the plain people, the great mass of American consumers. I dare say, my friends, that four-fifths of the clothes upon the backs of every Congressman here have been converted into cloth from old rags, picked from the streets, and rewoven probably as many as eight times. Ah, you say, on account of the United States and the world producing less wool than we consume it is necessary to reconvert rags and clippings into rewoven wool in order to clothe the human race. I say, yes, that is so; but brand it "shoddy" if it is all shoddy or the per cent the fabric contains of shoddy material. This is just common honesty. Who objects? The lobby of manufacturers of shoddy goods. Why? When this bill passes they will not be permitted to further dupe the public. If they do they will go to jail, where all profiteers, rascals, and crooked people belong.

When you, my colleagues, go to your tailor and want a suit of clothes and he shows you an all-wool piece of cloth, how many of you believe but that you are getting all-virgin wool fabric? I dare say ninety-nine out of every hundred. The tailor is not misrepresenting. It is all wool, but probably rewoven from old clothes and rags a half dozen times. It may have been made from a saddle blanket, but it is all wool. Do you call for all "virgin wool" when you order your suit? No.

Now, you have your pure food and drugs act, compelling the honest labeling of your medicines, and the guaranty of the purity of the food you eat. Why not the same guaranty of honesty in the clothes you wear? Do you know how many pounds of wool last year were made from old rags and reconverted? Eighty-six million pounds, against 440,000,000 pounds of virgin wool—almost one-fourth. The manufacture of shoddy goods has been increasing in the past 50 years at an alarming extent—something like 50 per cent. What did that wool reconverted from rags sell for? Seven cents a pound. What did the virgin wool sell for on an average? Twenty-five cents per pound. Yet when manufactured in clothing each brought the same. The cost of the rewoven, or shoddy, wool in a suit of clothes is $1; of virgin wool, $4; but the purchaser of the suit has to pay as much for the shoddy suit as for the virgin-wool suit. They are both "all wool," yet the virgin-wool suit will wear twice as long as the other. Oh, you say, "A man ought to buy what he wants, and that he is not to be prevented from buying whatever he likes." This bill does not prevent that. He can buy what he wants, but he will get what he thinks he wants. He will not be deceived into buying something that he thinks he wants and getting something that he did not want—old, common, everyday and Sunday, too. Honesty is all the advocates of this bill are clamoring for.

The number of sheep in the last 10 years in the United States has decreased from 56,000,000 to 46,000,000—a 10,000,000 decrease. During that same period wool woven from rags has increased from 60,000,000 pounds in 1910 to 86,000,000 pounds in 1920, but the price of clothing was not reduced, for the shoddy manufacturer sold his "all-wool" clothes that he paid on an average of 7 cents a pound for the wool contained therein for the same price that the manufacturer of virgin-wool cloth received for his that he paid on an average of 25 cents a pound for the wool contained therein. Who is duped? The consumer—the men and women who purchase the clothes—certainly. Oh, you say we need substitutes for wool in order to clothe the people. I agree with you. No quarrel between us there. This truth-in-fabrics bill does not limit the use of substitutes.

The manufacturer may use all the substitutes he desires and any quality he desires. This bill protects the public by giving the people knowledge of the presence of the substitutes, or the ingredients entering into the woolen fabrics. The cotton manufacturer is as much interested in the enactment of this bill as the producer of wool. It will, in my judgment, enhance the price of cotton, for under it all goods must be truthfully labeled and branded. Every bill that has been passed or will be passed declaring for honesty in commercial transactions will be vigorously opposed and has been in the past. The pure food and drugs act, passed by Congress in 1906, was vigorously assailed by a lobby of manufacturers of adulterated drugs and unwholesome and insanitary food. Also the oleomargarine manufacturers vigorously opposed the act that caused all substitutes for butter to be correctly branded. Also the insecticide act, passed a number of years ago; but there is not a man in this Congress that would have the temerity to rise from his seat and ask for the repeal of a single one of these beneficial and salutary laws. If he did his seat would be occupied by another after March 4 next. I say this act will greatly increase the number of sheep in the United States and the amount of wool produced. Why? The answer is plain. The sale of substitutes without making their presence known always destroys the law of supply and demand that usually governs production—that is, it dislocates all economic principles. The unrevealed presence of substitutes works to the disadvantage of the use of the genuine article. If you go to your merchant or tailor to buy a suit of virgin wool and he hands you down a suit of "all wool," woven from rags, and you fail to buy the all-virgin wool fabric, you are deceived in your intentions, and the sale of virgin wool is thereby lessened. The sale of a substitute, where its presence is concealed, deprives the people of their right to choose between the substitute and genuine, forces them to buy substitutes against their will, and, last, permits the seller to obtain the price of the genuine for the substitute and thereby profiteer on the public.

The opposition claim it will raise the price of virgin wool. My answer is that it will probably raise it some, but not materially. It will certainly stimulate production, thereby causing more sheep to be raised and more wool produced in this country. But, say it raises the price of virgin wool 5 cents a pound, this will not mean more than 25 cents additional in the cost of a suit of clothes. Who would not be willing to pay 25 cents more for a suit of clothes when you knew you were getting an all-virgin wool suit? Some would say, "Would you stop the manufacture of shoddy goods?" I would not, and neither does this bill do such a thing. Shoddy goods reclaimed from rags have their place, and a legitimate use, in our economy. The manufacturer can go on manufacturing shoddy goods, and he can call them all wool if they are all wool, but he will have to state the truth, that there is no virgin wool therein and that they are manufactured from rewoven material. Here each class is defined so you will fully understand what is meant by each term as embraced in the bill I advocate.

You see advertisements daily in the newspapers of your town as follows: "All-wool suits and dresses marked down, half of former price." You go and purchase, thinking you are getting a virgin-wool garment. The seller is telling the truth. The garments offered for sale are "all wool," but in ninety-nine cases out of one hundred the fabrics in those garments are rewoven from old cloth and rags. No one will contend that they could be as durable as cloth made from virgin wool. A certain chemical treatment is given these old rags and used clothes in reconverting them into wool again. The fiber being subjected to this chemical treatment is deprived of a great deal of the natural oil the virgin wool has, and also deprived of the oil by the wear they have been subjected to. No one will contend that when that fabric has suffered by wear, by age, by cutting or breaking, by the reclaiming process, the chemicals, the heating, the tearing and shredding and handling, all combined to weaken the process, yet it is wool, "all wool." Still, no one will claim for a moment that it is as strong and durable as wool fresh from the sheep's back.

The argument is made against the bill that it will cost the Government an immense sum to administer this law. Well, it is estimated that it will cost about 1 cent on each garment manufactured, or one-fifth of 1 cent on each running yard. Do you think the public would object to this additional tax when they know they will be getting honestly branded goods—just what they call for and what they pay for? I know they will not. Think of the immense benefits to be derived from such a small cost. It is stated that the administration of the pure food and drugs act costs the Government $600,000 a year. Do you hear a single taxpayer object to the cost of administering this wise and beneficent law? This law has saved the lives of hundreds of thousands of our citizens and protected their health. No one should place money against human life. Will this act be enforced? It certainly will. The penalties are adequate to guarantee an enforcement. If a manufacturer misbrands or misrepresents his goods, his registration certificate is taken away and his goods are not permitted to be shipped in interstate commerce; besides, the officers of the corporation are subject to fine and imprisonment where they knowingly violate this law. The retailer is protected in that he has a guaranty from the manufacturer as to ingredients in the fabrics he sells. There will be no trouble about its enforcement and you will get honest goods when this bill becomes a law, and it will be enacted notwithstanding the lobby of the "shoddy" manufacturers. You will see when the people fully wake up, as they are slowly being aroused.

Now, it is up to this great Republican majority, who promised the people so much in the last election in the way of relief and have done so little, to report this bill out and pass it. Oh, some say they are opposed to it because it infringes on State rights; that it prevents the State from regulating its own affairs. No; it does nothing of the kind. It simply provides for the correctly branding of all goods that enter into interstate commerce.

Congress could not pass a law that would infringe upon the rights of the States without doing violence to the Federal Constitution. It is true that sometimes this is done, but the Supreme Court usually delivers the knockout blow when the law reaches that tribunal. I am as strong a State rights man as ever stood on this floor, and if I believed that this bill in any way interfered with the States or their legislative bodies in regulating commerce or manufacturing within the States, I would oppose it as vehemently as I opposed the Esch-Cummins Act, which destroyed all regulating of railroads by State tribunals within the respective States and lodged the sole power of all rate making with the Interstate Commerce Commission.

Now, why does the majority party refuse to permit this bill to be reported out of the committee? Every farm journal and almost every farm organization in the United States are advocating the passage of this bill. The retail merchants want it, the woolgrowers' associations everywhere are clamoring for it, the Texas Sheep and Wool Growers' Association, one of the largest organizations of its kind in this country, that meet in annual session to-morrow in my district, will resolve strongly in favor of it by a unanimous vote. Leading journals everywhere, like the New York World and the Chicago Tribune, are advocating it in the strongest kind of editorials. This newspaper advocacy reaches as far west as the Los Angeles Herald, in California. The great consuming public are demanding it;

that means the laborer, the professional man, the stockman, and the farmer. The plain folks everywhere want it. Who are opposing it? The manufacturer of shoddy goods. There were 68 manufacturers of "all-shoddy goods" in 1914 and 82 in 1919. Well, where lies their power in preventing this legislation from even emerging from a committee? You Republicans are responsible for legislation or a failure of proposed legislation. These 82 manufacturers, in voting strength, are a mere bagatelle as compared with the rest of the country. Then their strength must lie in the fact that they donate somewhat liberally to Republican campaign funds. Well, you will need all their surplus that they have squeezed from the people and fraudulently wrung from their pockets by selling them a substitute as genuine when the election rolls around this fall.

If you do not pass this bill now, with your 169 majority, the people will send a Congress here, after the 4th of next March, who will listen to the voice of the folks back home, and not the whisper of the interests, who not only want special favors but a dishonest advantage, that will pass it. You can not render one valid excuse why this bill should have lain in committee three long years.

I am going to talk a little plain, but I am going to stay within the facts. Listen: Selling a substitute as the genuine is a lie and a fraud, and the propriety of the act is no more open to debate than would be the act of stealing. Forget about your campaign fund as far as the interest mentioned is concerned—you can get plenty from many other special interests—and commit yourself to an act that will benefit the whole people. Pass this bill and small bunches of sheep will spring up on every farm in this country, greatly increasing our supply of meat and clothing. The farmer will raise more wool and better wool when he knows his virgin wool will not be sold in competition with rags. Oh, the cry of the ragpicker will still resound throughout our streets and alleys, but he will have to remove his mask and come out in the sunlight; so will the man who manufactures his goods. I am so wedded to the virtues of this measure—and I see no defects—that I am going to make it din in your ears from day to day until you will see the words "truth in fabrics" chasing each other up and down the wall in your slumber, and it will not be peaceful slumber as November draws near if you don't respond to the wishes of the people in this matter. The people back home are also becoming aroused and are expressing themselves through their various associations. You have not heard the last of this by any means. And the shoddy manufacturer will find that we are like the great American admiral—"have just begun to fight." [Applause on both sides.]

Mr. RAINEY of Illinois Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. TINCHER. I also yield the gentleman five minutes.

Mr. STEENERSON. While I am in hearty sympathy with the object and purpose of this bill, I fear in its present form it contains some provisions which I regard not only as objectionable, but if not eliminated will destroy it entirely. I refer to the postal provisions of section 4, as follows:

SEC. 4. It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners or growers of grain, or of such owners or renters of land; or

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a memorandum in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery.

These provisions are so drastic as to be indefensible, without regard to the question of constitutionality, that we should hesitate to enact them. The mere depositing in the mail, either by a person innocent of any knowledge of the matter mailed or any intent to violate the law, is made a crime; likewise as to depositing for transmission communications to be carried in interstate commerce by telegraph, and so forth. But there is good reason to believe that these provisions will be held to be unconstitutional, and as a result the whole bill, if enacted, will fail.

In order to appreciate this we should recall that the original "Tincher Act" was declared unconstitutional because it contained nothing to indicate that future trading on the grain exchanges was either interstate commerce "or directly interfering with it so as to be an obstruction or burden thereon," and was consequently a matter wholly under State control, and that the provision taxing the grain involved in the transaction 20 cents a bushel, unless the grain exchanges submitted to control and regulation by the Secretary of Agriculture, was an attempt by means of the taxing power to regulate a matter outside of the power of Congress. For this reason the act was held unconstitutional and void. The court cited several cases in support of the principle involved, among these the last child-labor case, Bailey against The Drexel Furniture Co., decided in October, 1921, where a law taxing a manufacturer 10 per cent of the earnings of his factory where there were children under certain ages employed. The act was held void because it was on its face not a tax but a penalty for failure to comply with regulations of Congress concerning a subject within the police power of the State. It also cited the first child-labor case, Hammer *v.* Dagenhart (247 U. S. 251), where the product of a factory employing child labor contrary to the provisions of the act of Congress, was prohibited from being transported or carried in interstate commerce. This was also held void on the ground that Congress could not by this exclusion of a common article of commerce accomplish the regulation of a matter wholly within the jurisdiction of the State.

The use of the taxing power and the power over transportation in interstate commerce to accomplish this illegal purpose of indirectly controlling State matters having failed, it is now proposed to invoke the postal power for the same purpose. Can this be constitutionally done? Is there any difference in principle between employing the latter power and employing the taxing power or the commerce power? Is the power of Congress any more unlimited over the one subject than over the other? Is there any reason to believe that if control of child labor in the States had been sought by means of denying the use of the mails to the employer unless he complied, or that if the original Tincher bill had invoked the postal power, as is now done in this bill, that the result of the Supreme Court decision would have been different than it was? No; but that is not all. The quoted section goes further and excludes communications as to future trading in grain from interstate commerce, telegraph, telephone, wireless, or other means of communication. It completely isolates such matter from being communicated in any manner.

This is the most drastic legislation that has ever been proposed; this provision was never submitted to the Post Office Department, nor was it discussed at the hearings; it is not mentioned in the report on the bill.

The idea that the postal power of Congress is without limit has no foundation in the language of the decisions of the Supreme Court. In Ex parte Jackson (96 U. S. 727–732), involving the lottery law, the court, among other things, said, "The statute has its sanction in the power of the United States by legislation to designate what may be carried in the mails and what must be excluded therefrom, such designation and exclusion to be, however, consistent with the rights of the people as reserved in the Constitution." In the case of School of Magnetic Healing *v.* McNulty (187 U. S. 94) the court laid down the rule that the right to the use of the mail was a valuable and vested property right of which a man could not be deprived except by due process of law. Another rule laid down by the court is that legislation excluding from the mail must apply directly to things mailed and not to the persons using the mails. To deny the mailing privilege to one and permit it to another arbitrarily would infringe the constitutional right to due process of law and the equal protection of the law. This rule is violated in the present bill, because the exception, on page 5, permits the use of the mail for this kind of communication (a) where he is the owner of the actual physical property or is the grower thereof, (b) or in cases where the contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," and if such contract is evidenced by a memorandum in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery.

Under this, John Doe, who mails a newspaper containing quotations of the price of grain futures, is guilty, but Richard Roe, who does the same thing, is not guilty because he is a member of a board of trade that is a contract market, or the owner of grain to be sold, or a farmer who produces such grain, and so forth. There is hardly a newspaper published that does not contain future grain market quotations, and the publishers who mail them under this law are all guilty and liable to $10,000 fine and a year's imprisonment for each separate mailing, unless such

publisher belonged to the board of trade designated as a contract market. It is unthinkable that such legislation would be held constitutional.

THE FREEDOM OF THE PRESS.

This bill proposes to exclude all communications relative to future trading in grain not only from the mail but from all other means of transportation in interstate commerce. In the case of In re Jackson, above cited, it was contended that the exclusion of printed matter such as newspapers containing lottery advertisements was an infringement of the right to the freedom of the press, but the court held that the newspaper could still be circulated by private conveyances and enjoy constitutional freedom without going into the mail; but it went on to say that Congress had no power to exclude transportation of such matter in other ways than by mail:

Nor can any regulations be enforced against the transportation of printed matter in the mail which is open to examination so as to interfere in any manner with the freedom of the press. Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation the publication would be of little value. If, therefore, printed matter be excluded from the mails, its transportation in any other way can not be forbidden by Congress. (In re Jackson, 96 U. S.)

Section 4 of the act under consideration applies to all communications, including newspapers, and it would be unlawful to deposit a paper containing "any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States." There is hardly a newspaper that does not carry market quotations, and these are all excluded not only from the mail but from every other means of communication and transportation, and if this section is allowed to remain in the bill it is unquestionably unconstitutional.

The bill itself recites sufficient facts to show that the future trading in grain if not in itself interstate commerce so burdens and affects interstate commerce as to be a proper subject for regulation by Congress. Sections 1 and 2 clearly show the facts necessary to confer jurisdiction. The case of Ware & Leland *v.* Mobile County (209 U. S.), which is cited in the opinion of the court, involving the first Tincher Act, uses this language:

That sales for future delivery on the board of trade are not in and of themselves interstate commerce. They can not come within the regulatory power of Congress as such unless they are regarded by Congress from the evidence before it as directly interfering with interstate commerce so as to be an obstruction or a burden thereon.

In view of this, what is the use of burdening this bill with these arbitrary provisions excluding matter from the mail and from interstate transportation and communication? The only object seems to me can be to render the bill unconstitutional. It is, therefore, as a friend of the bill and of the object and purpose thereof that I advocate the elimination of these provisions, and I shall at the proper time offer appropriate amendments to that effect.

Mr. Chairman, as I have already said, I am heartily in favor of the object and purpose of this bill. I voted for the former Capper-Tincher bill, or the Tincher bill, because I thought possibly it might be constitutional, because up to that time the use of the taxing power to get indirect control of matters within the State jurisdiction had not been declared unconstitutional.

Now, there are these three powers by the Constitution: The taxing power, the control of interstate commerce, and the third is the postal power.. The latter grant is contained in these words:

Congress shall have power to establish post offices and post roads.

This law provides that it shall be unlawful, subject to a $10,000 fine, for depositing in the mail any communication giving the price or quotation of a board of trade. Well, there is not a newspaper printed in the United States, hardly, that does not contain market quotations, and if you deposit that paper in the mails you are violating this law. These postal provisions in section 4 were never considered by the committee. I have the hearings here, and the only explanation given by Mr. Morrill was that he inserted the postal provisions in the same place where he formerly had the tax provisions.

There was no discussion. It was never referred to the Post Office Department or to anybody that knew anything about postal affairs. There are a hundred or more millions of people who use the mails every day of their lives, and this makes it a crime to deposit these things with reference to grains and prices, whether the person mailing them knows what they are or not. It says:

It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States.

Why, this law will endanger the people in every part of the country of all ages. Everybody uses the mail. It is the most important element in our civilization. It is the very nerve of social and economic life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. If you eliminate this postal provision, your law may be constitutional, because you declare there that future trading in grain is affected with a public interest, and as conducted is a burden and hindrance on interstate commerce. That declaration, if true, gives jurisdiction to Congress. This was decided in the Stockyards case. Why, then, lug in the postal clause? Is it to render the act void? It would seem so. The enemies of this legislation are against my amendments. They want the bill, if passed, to be again declared void by the Supreme Court.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITE of Kansas. Mr. Chairman, I am giving the same earnest support to this bill that I gave to the former Capper-Tincher bill, now ineffective by reason of the recent Supreme Court decision. I do not favor but strongly oppose governmental interference with the honest conduct of legitimate business. But, on the other hand, I am also strongly opposed to the exercise by anyone, whether an individual, a corporation, or an association, of practices in business and trade which restrict the free operation of the law of supply and demand; of practices which introduce and perpetuate the elements of violent fluctuation and instability into the markets. I do not believe, of course, and therefore do not maintain, that the speculative feature of the market as exercised in dealing in fictitious futures can be or ever has been exercised entirely independently of and without reference to the actual world supply of and world demand for grain. But I have always believed and I here maintain, as I have stated, that the practice referred to of dealing in fictitious futures is a pernicious practice; that it is a species of gambling; that it is detrimental to the interests of both the producer and the consumer; that it is within itself commercial immorality, and it therefore violates the spirit of the law of honesty in business.

It is repugnant to any fair conception of legitimate business ethics that the price of bread, which is the staff of life, an absolute necessity to everyone, should be subjected to the caprice of those who would bull up the price or of those who would bear it down as alternating advantage gave them temporary control over the market.

I believe that the operation of this bill we are now considering, if it shall become a law, will add greatly to the stability of the American grain market and will confer a great benefit upon both the producer and the consumer and will improve the standard of the ethics of American business. [Applause.]

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GERNERD], a member of the committee.

Mr. GERNERD. Mr. Chairman and gentlemen of the committee, I have listened with a great deal of interest to my friend from Illinois [Mr. RAINEY] in his very exhaustive speech on this subject, but I felt the very remarks he was making, the very things he was saying, were strong arguments in favor of this bill. The question of false crop reports that have been given out from time to time have been the means of more losses in the grain market to the producers than any other means that have been used in this country, and that is one of the very things that this bill intends to correct. Where anyone connected with an exchange knowingly—I do not care whether it is done maliciously or willfully—sends out information that he knows is not accurate, but is intended to deceive and mislead and create a false stimulation in the market, it is wrong, and there ought to be somebody for that reason under whose control the stock exchanges should be placed, and there is no other instrumentality in this country that can control that situation better than the Secretary of Agriculture. [Applause.]

Now, when it comes to the regulation of grades and weighing facilities, and all the questions entering into the selling of grain,

why should they not be under the control and regulation of the Secretary of Agriculture? I wish to say that this committee went into this subject most exhaustively when the matter was originally considered, and that this last time it was only intended to meet the objections of the Supreme Court of the United States. I am sure that this bill meets them.

Mr. CHINDBLOM. Was it to avoid and to meet the objections of the Supreme Court of the United States that you put in all the new provisions?

Mr. GERNERD. We put in the other provisions at the recommendation of the Department of Agriculture, which had been giving this matter practical consideration.

Mr. CHINDBLOM. And that is the only reason why you put them in, is it not? You did not consider them, did you?

Mr. GERNERD. What better opinion can you get than that of your Department of Agriculture? They gathered all the information.

Mr. CHINDBLOM. You did not have any independent information?

Mr. GERNERD. The gentleman would not impugn this committee by saying that the members of it are automatons?

Mr. CHINDBLOM. I say that you did not consider them in the committee.

Mr. GERNERD. Yes; we did.

Mr. DOWELL. Was it not to comply with the experience of the department that you put on the amendments?

Mr. GERNERD. That is the very reason. I, for one, though coming from a Middle Eastern State, represent one of the largest States in agriculture in the country. I think we are sixth. And I want to ask you why should the prices in Chicago change three or four or five times a day through misrepresentation and fraudulent dealings and deprive the farmers of my district of that price for their wheat to which they are justly entitled? Let's have square dealing. Fraudulent manipulation in the food products of the country must cease. This bill will help to cure this very evil.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. GERNERD. Mr. Speaker and gentlemen, for more than a quarter of a century the grain exchanges of the country have been subjected to the severest criticism. Many efforts have been made to pass laws to correct the evils complained of, but for some reason or other none were ever passed.

Each time sentiment began crystallizing in favor of legislation it was destroyed by the most vigorous opposition, and every attempt to legislate was frustrated. One can readily appreciate how powerful these influences are when one realizes that practically all of the grain products of the country are sold through five or six grain exchanges. It is in these exchanges that the price of wheat, corn, oats, and rye are made and where the demand is stimulated or depressed.

The farmer's market for his grain products is therefore restricted to these few exchanges, and naturally there arises a great hesitancy to do anything that might hinder or destroy his only markets. He is unorganized and must content himself with the price that is created there; but the many fluctuations in prices have created much distrust and unrest and there has sprung forth a deep-seated suspicion that the farmer is not getting an adequate price for his grain. One can not help but share this belief when the colossal volume of trading that is done upon these exchanges and the manner in which that business is transacted is considered and analyzed. It is stated that on the Chicago Board of Trade alone 90,000,000,000 bushels of grain are sold in a single year, when in reality our total production that year may have been but 900,000,000 bushels. In other words, that grain is sold over and over again, until, as appears, it has been sold and resold a hundred times. This is accomplished by future trading by men who are constantly buying and selling grain, who never intend in reality to purchase a single bushel of grain. They are pure speculators. A few years ago a number of prominent traders on the Chicago Board of Trade testified before a competent judicial tribunal that they never in their transactions expect to have actual deliveries of grain made to them in their purchases. One of them stated that his firm did a business of 600,000 bushels a day and that not more than 1 per cent resulted in actual delivery. Another testified that he had done a business of 100,000,000 annually for 15 years, and that only two or three times in all his experience had he had grain delivered to him during this period, and then not in excess of 200,000 bushels. Many other traders related the same experience.

In recent years the average annual receipts of wheat at Chicago have not exceeded 50,000,000 bushels, and yet the sales of wheat in Chicago on the Board of Trade may have been a hundred times that amount. As the result of such a system there has grown up the most gigantic gambling system that the world has ever known. All over this country there are thousands of persons who daily buy and sell grain upon the grain exchanges who never intend to become the buyers of an actual bushel of grain. The persons who engage in this character of business are shrewd, hazardous, and resourceful individuals who by their cunning devise every possible trick to win in the great game they are playing. They buy or sell grain for future delivery on the chance of a favorable change in the market before the day specified for delivery in their contract. Instead of delivering the actual grain, a dealer makes settlement of his contract in paying the differences in the market price which are called and known as margins. In other words, to use a common expression, he simply bets upon what the future price of grain is going to be. A practice resorted to by the controlling members of the leading grain exchanges is by concerted action to withdraw enormous quantities of wheat from the public warehouses and terminal elevators and by combined bidding in the put on futures depress or raise the price of wheat to suit the purposes of their gambling operations.

Through such combinations and manipulations the prices are depressed during a period when the farmer is compelled to market the greater portion of his crop, and then after they have secured control of the crop within their combine they reverse their tactics and begin to stimulate and tempt the purely speculative buyer. Another familiar trick to break the price in the market is the offering for sale of unusually large quantities of grain and persisting therein until after the price is broken, after which they reverse their attitude by violent buying. One of the most vicious practices indulged in by those who trade in puts and calls is that which permits these speculators after the close of the market to purchase options upon these grain exchanges to sell or buy the next day at the opening of the market a given quantity of grain.

It is surprising what remote factors affect the fluctuations of the price of grain upon these grain exchanges. The death of a foreign sovereign or of the President of the United States, the report of a drought or a flood, a public catastrophe, a threatened strike, or the enactment of legislation, or some decision of the Supreme Court upon a vital public question—all unrelated to the natural supply or demand of grain products—are known to have materially influenced the prices on the market.

In view of these facts it is not surprising that many efforts have been attempted in the past to cure this great national evil, but for more than 50 years this gigantic system of speculating in the food products of the Nation has been persisted in, to the great detriment of the farmer and the consumer. No institution that is based upon pure gambling, however powerful it may be, can successfully endure. During the World War there was no future trading in wheat, for the reason that the price of wheat was fixed and under governmental control. As the result of this experience an irresistible demand developed throughout the country that these great grain exchanges be regulated and placed under governmental supervision. That desire is being met by this bill, which is but the beginning of an evolution that can not fail to reveal the actual practices that are now indulged in by these grain exchanges and which we are confident will bring about such reforms as the circumstances will present, and thereby protect the American Republic against a great unnatural blight. While this bill was being considered by the Committee on Agriculture many of the leading men of the Nation, as well as officials of the grain exchanges, appeared before us and their views and experiences were sought and obtained.

It was but natural that they would defend the great speculative system of the exchanges. They insisted that future trading was absolutely essential, and that to restrict the trading to a cash market would destroy the present marketing system of the Nation and bring about a national crisis. They contended that trading in futures was but a form of insurance which protected the seller of grain for future delivery against fluctuations in price between the time of sale and the actual delivery of the wheat. It appears that a very novel system has developed on the grain exchanges which has become general in practice. It is known as hedging. One of the witnesses before the committee explained it as follows: Having bet on one side he immediately proceeds to bet on the other side, and in this way protects himself against a loss. As a practical illustration daily engaged in, a farmer sells 5,000 bushels of wheat for future delivery at a certain destination at a given time, say 30 days.

In order to avoid the danger of failure to make the delivery, due to railroad congestion, strikes, or other unforeseen causes during which time the price of wheat may drop 15 cents per bushel, he proceeds to protect himself against this possible fluctuation in the market by wiring some commission house that is a member of a grain exchange to sell for him 5,000 bushels of wheat for future delivery. After he has done this he has secured himself against a possible loss during the period between the sale and the delivery of the wheat.

When the time for delivery arrives he pays his margin. By this method he has hedged his wheat against a possible drop in price. It would appear that the difference between hedging and future trading consists in the fact that the hedge is based upon grain actually in existence or contracted for in a legitimate manner, whereas in future trading grain is but a phantom commodity used as a means to further the gambling transaction. Another apt illustration of how a hedge is used to-day in the grain exchanges is the illustration of a Duluth miller who has received an order for 5,000 barrels of flour to be delivered next July at a given price. The price of the flour is based upon the prevailing market price of wheat. The miller, however, does not know what the price will be next July. He finds it impractical to buy wheat and store it until he needs it in July, nor does he care to take the risk of the price of wheat going up or down between the time he accepted the order for the flour and the day of delivery in July. Therefore, in order to protect himself against variations in price, the day he accepts the order for 5,000 barrels of flour he goes into the grain market and buys 25,000 bushels of wheat for delivery in July. By doing this the Duluth miller has hedged his sale of 5,000 barrels of flour, and it matters not to him after that whether the price of wheat goes up or down. He is protected. All the expense to him for this protection is the margin that he is required to pay at the time he closes his contract on the grain exchange.

It is conceded by all practical men in the grain business that hedging to-day is a necessity as terminal marketing of grain products is now conducted, and it is only through these channels that the actual grain is distributed. But it is an absurdity to say in order to insure or protect the hedging system that 100 future contracts must be made in order to insure 1 bushel of wheat, or, in other words, that the entire grain crop of the Nation must be sold a hundred times on the grain exchanges in order to insure the safety of the hedge. It seems incredible that the economic law of supply and demand could have any influence upon a market like this, where grain is but the symbol around which the most fantastic lottery of all time has been built up. This wild, excessive, and unrestricted future trading in the basic necessities of life must be bridled under the firm reins of the Government. A business of such stupendous importance, that fails to record the millions of transactions made upon the market and which in no way discloses the identity of the parties involved in the trading, needs to be reformed and brought within the light of day. Manipulations of the market must be stopped and the character of business upon the grain exchanges made to conform with the highest degree of business ethics.

This bill that we now are considering does not seek to destroy or even to disturb the legitimate methods of trading upon the grain exchanges, but it does hope to purge them of the flagrant practices that have grown to be such a disturbing menace to the farmers of the Nation. The country, as a whole, is vitally interested in this great problem, and I confidently hope that the day may not be far distant when every form of gambling in our food products will disappear, and that the law of supply and demand may have its natural course. The farmer who produces the food for the Nation constantly faces the conflicting elements of nature, but his indomitable spirit finds him content with what Providence has rewarded his labor. But after he has harvested his crop, which the gentle rains and the warmth of the sun have ripened into golden grain, then he most certainly should not be victimized by a great army of gambling parasites who neither produce or wish to permit the producer to live. I believe this bill known as the Tincher-Capper bill marks the beginning of a new era which will introduce into the great grain exchanges of the world the eternal maxim, "Do unto others as you would have them do unto you."

Mr. MOORE of Ohio. Mr. Chairman, everyone should be interested in those who are engaged in agriculture. All of us are consumers, and of necessity we are concerned in those things that affect the producers.

This bill is designed to prevent gambling in grain and is an honest attempt to stabilize the grain market. It seems to me that it is fundamentally and economically unsound to permit gambling in grain futures. This bill seeks to prevent that, but to permit legitimate exchanges.

This is but one of several bills that have been passed by the Congress in an effort to encourage agriculture. Some of those already passed are the emergency tariff, the cooperative marketing bill, legislation to regulate the packing industry, a bill that will permit the appointment by the President of a farmer on the Federal Reserve Board, an act liberalizing the War Finance Corporation, the extension of the farm loan act, and the filled milk bill.

Sheep raising and woolgrowing are carried on extensively in my district and in the country. The woolgrower, and I believe the people in general, are interested in the truth in fabric bill, and I think it ought to be brought before the Congress for consideration and enacted into law. The general tariff bill was passed by the House last July and is now being considered in the Senate. Time will not permit a review of all the legislation that has been enacted by this Congress. It seems to me there is an awakened interest on the part of our citizenship in our Government. The men have been responsible for government, but now that the women have the right of suffrage they are manifesting a lively interest in governmental affairs, and this Congress has enacted much legislation that was favored by the womanhood of the country.

The problem of government to-day is complex and seems to become increasingly difficult. Either directly or indirectly, everyone helps in paying our taxes and is therefore interested in economy and the proper expenditure of our funds.

When we stop to think that the expenditures of the Government were about $1,250,000,000 in 1916 and $19,000,000,000 in 1919, we can somewhat appreciate the burden we are carrying.

In 1920 we spent approximately $6,150,000,000; in 1921, $5,500,000,000; in 1922, $3,947,000,000, and for the fiscal year 1923, we expect to reduce our expenditures to $3,650,000,000.

In the revenue bill that we passed in this Congress, it is estimated we reduced the taxes $818,000,000 for the calendar year 1922, and eliminated some of the obnoxious taxes.

The Budget system authorized by this Congress and installed by this administration will mean a great saving and for the first time put the Government on a business basis.

In the bills for the Army and the Navy lately passed, the size of the Army will be 125,000 and the personnel of the Navy 86,000. We have appropriated for the Army $63,500,000 less than last year and reduced the appropriation for the Navy, as compared with last year, $124,000,000.

The Congress has authorized the "scrapping" of the vessels as provided in the treaty which grew out of the conference which was authorized by Congress, called by President Harding, and presided over by Secretary Hughes. We believe this conference a great step forward and a distinct advancement toward the peace of the world.

Many as are our problems, we can solve them if we bring to their solution patience, intelligence, and a patriotic purpose to master them in a legal and constitutional way. [Applause.]

Mr. TINCHER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. THOMPSON], a member of the committee.

Mr. THOMPSON. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMPSON. Mr. Chairman, I wish to say as a member of the Committee on Agriculture that I helped report this bill out, and that I am very much in favor of it, as I am in favor of the bill in regard to fabrics. [Applause.] This bill (H. R. 11843) is to correct the grain futures act in its defects wherein the United States Supreme Court declared our former act unconstitutional. The former law functioned until May 15, and the Agricultural Department was operating under the law. During the time the law was in force there appeared to be less manipulation of the grain market than at any time in the history of our Government. The present bill is so drawn that it is believed it will stand the acid test of the Supreme Court.

I believe there is only one class arrayed against this legislation, and that is the gambling class. The producer and the consumer will be, in my opinion, the beneficiaries under this bill as now drawn and proposed to be reenacted. Hence I support it.

Mr. TINCHER. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. VOIGT]. [Applause.]

Mr. VOIGT. Mr. Chairman——

Mr. CLARKE of New York. Mr. Chairman, I make the point there is no quorum present.

Mr. CHINDBLOM. Does the gentleman from Wisconsin want a quorum?

Mr. VOIGT. It is immaterial to me.

Mr. CLARKE of New York. I withdraw my point of no quorum, Mr. Chairman.

Mr. VOIGT. Mr. Chairman, I wish to say a few words on this bill, as it comes from the Agricultural Committee, of which I am a member. It is not necessary for me to make a lengthy speech at this time, as I expressed myself quite fully on the subject matter of this bill when it was before us in another form last year. (See RECORD of May 16, 1921, p. 1475.) The law which was passed last year was declared unconstitutional by the Supreme Court in May, 1922. That law was drawn under the taxing power of the Constitution, and the Supreme Court has declared that Congress can not regulate under the guise of the taxing power. Most of that law was swept away by the decision, the only portions remaining being a clause taxing so-called puts and calls 20 cents per bushel and giving the Secretary of Agriculture the right to call for certain information and to investigate. The committee has now brought in a bill which is very similar to the law passed last year, and this time we have endeavored to make it constitutional by invoking the interstate commerce clause of the Constitution.

The bill before us can hardly be called a perfect piece of legislation. It was drawn and considered rather hurriedly, so that it might pass the House at this session. But whatever its defects may prove to be, I feel that the House is justified in passing it now, as we must do something to check manipulation and gambling in the food products of the country. Since the law was declared unconstitutional last month, the price of wheat has dropped over 40 cents a bushel. We do not know what has caused this drop, but the farmer has a right to be suspicious, and he has a right to demand that supervisory power over the grain exchanges be vested somewhere so that the light may be turned on the transactions on grain exchanges, and he be assured of a square deal. This is pioneer legislation, and only time can tell what changes in it will be necessary so that its purpose may be accomplished.

There should be no gambling in the food products of the country. We are all agreed on that. It frequently results in harm to both producer and consumer. Some people go so far as to demand that all grain exchanges be closed. In my judgment such a step would be in the wrong direction. The farmer and consumer need all the marketing facilities we have. What we need are more, and not less, marketing facilities. What we are after is a proper regulation of our markets so that the public will have confidence in them. The greatest economic problem before the American people to-day is this one of marketing. The loss or spread between producer and consumer is appalling. It is estimated that for every dollar the ultimate consumer pays the farmer receives about 35 cents. If this spread can be reduced it will mean billions to the American people every year. My belief is that the first steps must be taken by the farmers themselves. They must form cooperative marketing associations. They must build warehouses, and the States and the Federal Government must assist them, so that they can supply their products to the markets as they are needed. The Government should assist to the fullest extent possible, but, after all, it is a case of God helping those who help themselves.

Until we have a system of cooperative marketing it is an absolute impossibility to stop all gambling in grain. This bill will reduce the gambling, but we can not stop it altogether without hurting both consumer and producer. We have therefore adopted a middle course and have provided for supervision and regulation of the whole grain-selling machinery. Our committee has studied this subject very fully; we have had before us the leading men in the country in the grain business—the Secretary of Agriculture and some of his assistants and men who represent the farmers—and we have all come to the conclusion that in order to stop all gambling we must do away with the so-called "hedge" in the grain trade, which operates for the protection of producer and consumer. If we do this we increase the spread between producer and consumer and injure both. If I knew of a way under our present system to stop the gambling, I should be very glad to help report out such a bill. [Applause.]

This bill, to a man who has not studied it, is quite a complicated affair and quite lengthy. There are two valuable features in it: One is that it will enable the Secretary of Agriculture to demand reports of transactions in grain from grain exchanges and their members. That is a very valuable feature, because it will enable the Secretary to publish facts and figures from time to time and keep the public informed as to the manner in which the business is conducted. The other is that which enables him to stop manipulation. History shows that men with very large means, and combinations of men, can and have influenced grain prices to the detriment of the public. Whenever the Secretary suspects that such manipulation is going on he can call for reports, and if the transactions appear to be unusual he can give the information to the country, and the manipulators will fail, because they can not get people to buy or sell on their terms.

There are other features in the bill, such as supervision over inspection and weighing and provisions against the sending out of false or misleading market news; but the two features I have mentioned are in my judgment the most valuable and fully justify this legislation.

Mr. RAINEY of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NEWTON of Minnesota. This bill from its title is to prevent and remove burdens upon Interstate Commerce by regulating certain transactions on certain grain exchanges.

This is the greatest grain-producing country of the world. This country should always be interested in agriculture and the man who produces the products of the farm. This Congress has repeatedly manifested its interest in agriculture. And where those measures have been wise and in the general interests of the whole country the people in both city and country have expressed their approval of such legislation. The welfare of the country and that of the producer and grower of grain is most closely related. The welfare of the manufacturer in the city is closely wrapped up with the welfare of the grain grower. The success of the one is dependent upon the success of the other.

I come from a city district, and yet, as one representing not only that district but the country as a whole, I say that if there is any practice which obstructs or unduly restricts the flow of grain in interstate commerce it should be prohibited, whether that practice is done by the grain grower or the grain dealer.

For my own part, and from an examination of the hearings, I deny that there is any evidence of such obstruction before the Committee on Agriculture. However, a majority of the members of that committee have thought otherwise, and they have reported this bill to the House for our consideration and deliberation. It is our duty to perfect it in every reasonable way. That shall be my attitude.

There is a difference of opinion as to the function of a grain exchange and whether or not they perform a useful purpose. There is one group in the House who feel that they should be abolished and that all trading in grain futures should be done away with. This group is composed largely if not exclusively of those Members who have given very little thought or consideration to a very technical but yet most important question. There is another group who in large part are graduates from this first group. They have received some light on the subject. They are convinced that their original judgment was wrong. However, they want to satisfy the farmer on the one hand and satisfy their judgment on the other. This group supported the previous bill which has been declared unconstitutional, and it is this group that is back of the present bill.

Then there is the third group who feel that from time to time there may be need of regulation by State or Federal Governments, but who feel that such regulation should be drawn so as to regulate abuses if there are such, but not under guise of regulation prohibit the workings of an intricate marketing and distributing business which is so vitally wrapped up with the welfare of both grain grower and grain consumer. For myself, I belong to this latter group.

Mr. Chairman, we must bear in mind that our present system of distributing and marketing the grain of this country has been years in building. Whatever its faults, under it the producer has a market. He can go to the bank at any time and borrow money on a margin close up to the market price. This is due to the system of insurance called hedging. There can be no hedging without a futures market. Deprive the buyer of grain of his right to hedge, or insure, and he must do business on a much wider margin. To any thinking man this means less money to the grain grower. The system is technical and intricate. Few people can understand it in detail, and therefore it offers a ready opportunity to the politician seeking votes from a farming constituency. Like everyone else who has something to sell, the farmer wants the best possible price for his produce. No one can blame him for it. When the

market goes down he is disappointed. When it goes up he is elated and wonders why it did not go up before. It is not a difficult task, therefore, to advise the farmer that this decrease or increase, as the case may be, is due to manipulation by grain dealers upon the various grain exchanges. Hence the desire upon the part of misinformed producers—and their number is growing less—for the abolishment of the grain exchange and the doing away with grain futures.

In a great world commodity like wheat there are innumerable factors that affect the price. Reports may come in of a drought in a great wheat-producing section. Immediately this is reflected in the market. Then comes another report of conditions which may possibly lead to war and a consequent increased demand for wheat from the countries affected. Immediately the market responds. I could cite dozens of instances where the market would be affected one way or the other.

It has been claimed here by the gentleman from Kansas [Mr. TINCHER] that the price of grain has been manipulated since the 15th day of May, to the detriment of the farmer. Wheat went up 4 cents following the decision of the Supreme Court holding a vital portion of the future trading act unconstitutional. Did the announcement of this decision cause this rise? Certainly not. Wheat has been going down since May 31, when the gentleman from Kansas [Mr. TINCHER] introduced this bill into the House. Did his introduction of this bill depress the market? I can hardly think that it did. The truth is that there are so many factors which affect the market that we can not ascribe its fluctuations to any one cause.

The gentleman from Kansas [Mr. TINCHER] calls attention to the depreciation in the futures market since the annulment of the futures trading act. Let me call attention to the cash market. This bill would in no way directly affect the cash market. The cash market on No. 1 northern on January 3 of this year was $1.33.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I should like about half a minute more.

Mr. RAINEY of Illinois. I ask unanimous consent that the gentleman may proceed for five minutes more.

Mr. TINCHER. The time for debate is fixed by the rule.

Mr. RAINEY of Illinois. I yield to the gentleman two minutes more.

Mr. NEWTON of Minnesota. Cash wheat was $1.334 on the 2d of January. On the 15th of May, when this decision of the Supreme Court was announced, it had gone up to $1.73. In other words, the future market that has been talked about here merely followed the cash market, being above it because of the premium.

From the 15th of May until the 19th of June—the last date for which figures are available—the cash market went down from $1.73 to $1.50. Now, can that be ascribed to this bill or to any bill at all? Certainly not. Other factors entered into it. I challenge anyone to tell which is the controlling factor. Yet the chairman of this subcommittee, the gentleman in charge of this bill [Mr. TINCHER], comes before the House here and tells you that it is manipulation caused by the failure of his other bill which is the cause of this fluctuation and this decline in prices. He seems to be the only one willing to make that statement.

To get back to our marketing system let me say this: That whether we agree or disagree we must agree on this that it is our present system for marketing grain. Whether it has faults or virtues, it has taken years to establish it, and it is our only method of distribution. Gentlemen, we should well hesitate under these circumstances and conditions in the handling of this technical and intricate business before we tinker and tamper with it. It is a means of distributing hundreds of millions of dollars worth of produce every year, and we ought not to rush in blindly to legislate upon it. We ought not to destroy the present system without establishing another. All of this should call for legislation following deliberation, rather than legislation following mere agitation.

How much deliberation, Mr. Chairman, has there been given this bill since its inception?

Some months ago this Congress passed the futures trading act, which taxed grain futures for regulatory purposes. In the case of Hill against Wallace on May 15 the Supreme Court of the United States held a vital portion of the law unconstitutional as an invalid exercise by Congress of the taxing power. The present bill seeking to regulate under the interstate commerce clause was introduced in the House 15 days afterwards. In its essential features this bill is radically different. It was referred to the Committee on Agriculture who spent four days only in considering it.

Mr. CHINDBLOM. Four half days.

Mr. NEWTON of Minnesota. The gentleman from Illinois is correct; it was but four half days. Mind you, as I shall show, this bill involves the consideration of several grave constitutional questions. It was then reported to the House, and judging from the minority report the Committee on Agriculture did not even take the time to read the bill in its entirety. But eight out of sixteen pages were read by the committee. Think of it. A committee not reading its own bill. One can not doubt this statement in the minority report of extreme and undue haste in considering this bill when certain portions are read. Some of its provisions simply can not be understood.

In enacting the future trading act based upon the taxing power of Congress this same committee spent weeks in its deliberation. And yet with this care or apparent care it reported out an unconstitutional bill.

Mr. PURNELL. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. PURNELL. Of course, to be entirely fair it should be understood that the entire act was not declared to be unconstitutional, and the gentleman recognizes the fact that in remedying the defect which appeared to the court in section 4 we have at least attempted to make a bill that will pass the courts.

Mr. NEWTON of Minnesota. I realize that the gentleman from Indiana, for whom I have the highest regard, is perfectly sincere in believing that out of this will come something that will pass the Supreme Court. But the fact remains that for all practical purposes the Supreme Court annulled the original futures trading act. And the action of the committee in drawing up this bill indicates that they understand that this bill if it becomes a law will for all practical purposes displace the original act.

In the brief hearings that were allowed by this committee several perfectly apparent defects were pointed out by witnesses appearing before the committee. All of these suggestions have been disregarded. The work of the draftsman from the Department of Agriculture must go through unchanged. Apparently those in charge of the bill have such little confidence in their own understanding of the subject matter as to be afraid of any and all changes, even those involving grammar. Speed, for some reason or other, seems imperative. Not only was there undue haste in the consideration of this bill in committee, but immediately following its report to the House it is presented to us in the closing days of the session under a special rule limiting general debate to but one hour on a side. It must be borne in mind that some of the States of the Union already have regulatory laws pertaining to the same subject matter. They have proceeded upon the theory that in so doing they were properly exercising jurisdiction over contracts made within the State which are intrastate in character. Yet it is proposed here to annul these State laws and to embark upon this legislation with practically no deliberation in committee and with but three or four hours' deliberation in the House.

Mr. Chairman, there has been some criticism of Congress of late. Some of it has come from sources wholly unexpected. Personally I have joined in a feeling of resentment at the expression of some of that criticism. However, we must bear in mind that if we are to keep Congress free from this criticism we must see to it ourselves that it remains what its founders expected it to remain, and that is a deliberative body. A deliberative body first gets the facts, informs itself on the fundamental law and existing law, and then by wise counsel and deliberation enacts new legislation. This is not being done in this particular case. The entire proceedings negative deliberation.

We should always prevent Congress from being the mouthpiece of a vociferous minority in the country, made so by a campaign of misrepresentation and prejudice by unprincipled agitators. The passing of the legislative "buck" by Congress to the Supreme Court belittles Congress and does an injustice to the court and should not be tolerated.

In brief, the bill before us prohibits a delivery through the mails or in interstate commerce, by wire or wireless, of any offer, confirmation of offer, or quotation of price of any contract for future delivery, except as to the actual owner or grower of the physical property, or where it is made by a member of a grain exchange which has been designated by the Secretary of Agriculture as a contract market.

I want to call the attention of the Members to the wording of section 2 defining interstate commerce. Apparently it has been bodily taken from the packers' control act without regard to its application to the subject matter of this legislation.

Then I want to call attention to the provisions of section 3. The recital of these facts, which, by the way, are not borne out by the testimony, is certainly novel, to say the least. Think of

establishing facts by legislative enactment. Yet that is just what this bill seeks to do in section 3.

It will be observed that section 4 does not make a futures contract or quotation unlawful in itself, but it makes it unlawful for any person, except under conditions, to deliver such for transmission through the mails or in interstate commerce channels. This section, in my judgment, is clearly unconstitutional. Congress has the power to regulate commerce between the States, but not to prohibit it. This has been repeatedly held. The power to prohibit is only as to those transactions which are immoral, or which are in themselves harmful to the public health, and so forth.

The provision in subdivision (a) in section 4 is an arbitrary classification and discriminatory and is of doubtful constitutionality.

Provision is then made authorizing the Secretary to designate certain exchanges as contract markets under certain conditions. I shall have more to say about that when that particular section comes up for discussion under the five-minute rule. At this time let me merely call attention to the crude wording in subdivision (f) of section 5. This is merely another instance of the result of haste and lack of deliberation.

I shall also refer to this later, but call attention to a penal statute with a fine of $10,000 or one year imprisonment, or both, for carelessness in delivering through the channels of interstate commerce misleading or inaccurate reports concerning crop or market information that affect the price of grain. This is certainly an oddity in the drafting of penal legislation.

Mr. Chairman, it may very well be that regulation is needed. If so, there should be no fear or apprehension on the part of those who seek that legislation from a careful and fair consideration of this whole question. I hope that the haste and the hurry with which this bill was considered in committee will not be repeated in the House. This bill should be sent back to the committee with instructions to deliberate upon it and to most carefully consider the constitutionality of some of its provisions. Having passed one piece of unconstitutional legislation regarding this matter, let us not now repeat the performance. [Applause.]

Mr. RAINEY of Illinois. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Eight minutes.

Mr. RAINEY of Illinois. And the gentleman from Kansas [Mr. TINCHER] has how much?

The CHAIRMAN. Eight minutes also.

Mr. RAINEY of Illinois. I yield the remainder of my time to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, it seems unfortunate at times that Congress finds itself limited by the provisions of the Constitution of the United States. Many of us seem to be imbued with the idea that we ought to have complete authority to legislate on any subject in any manner that we see fit. Without intending any offense whatever, I have sometimes thought that is particularly the attitude of the Committee on Agriculture. I appreciate fully the importance of the agricultural interests of the country. I have supported practically all the legislation placed before this House in the last Congress and the present Congress designed to benefit agriculture. But we must not forget the limitations of the fundamental law of the land, which prescribes the areas within which we are permitted to legislate. The gentleman from Minnesota [Mr. STEENERSON] a moment ago called attention to a very important matter in connection with this bill. As he explained it, this bill no doubt runs counter to the limitations upon Congress in the matter of legislating upon postal matters. When this question was last before the House, the Committee on Agriculture thought that they could regulate the exchanges and boards of trade by a system of taxation. Since the decision of the Supreme Court, it would seem that the proper title for that bill would have been "a bill to regulate boards of trade under the pretense of raising revenue." Some of us at that time were of the opinion that the pretense of raising revenue would not bring the legislation within the limitations of the Constitution. If this bill is passed in its present form, when it comes back from its consideration by the Supreme Court it is very likely that some of us will be disposed to give it the title of "a bill to regulate boards of trade under the pretense of regulating interstate commerce."

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. CHINDBLOM. I have not much time. In fact, knowing something about some of the main purposes of those who are supporting this legislation, one might entitle this "a bill to compel boards of trade to admit to their membership representatives of cooperative associations who rebate commissions to their members, or notwithstanding that they rebate commissions to their members;" because one of the main purposes of the legislation apparently is to compel boards of trade to take into their membership the cooperative associations who insist upon rebating their commissions to their members and who would place their members upon an entirely different basis and footing than others who are admitted to membership in the boards of trade. A great deal has been said here about gambling. I think we ought to be sufficiently fair in this discussion not to use that phrase so frequently. That matter was discussed thoroughly when this bill was last considered here. The gentleman who sponsors the bill [Mr. TINCHER] tells you he believes that there must be hedging for those who deal in futures. So far as gambling is concerned, if there has been any, if you will examine the opinion of the Supreme Court in this case of Hill against Wallace, you will find that the Supreme Court distinctly sustained section 3, which is the one that places a prohibitive tax upon all "privileges, bids, offers, puts and calls, indemnities, or ups and downs." In other words, the last act which we passed has, in section 3, a prohibitive tax upon all transactions that might properly be denominated or described as gambling transactions, and those transactions no longer occur upon the boards.

As for the Secretary of Agriculture making investigations, ascertaining facts and reporting them to the country and publishing the results of his investigations, that power remains under section 9 of the old bill, because the Supreme Court states in its opinion that that section is not subject to the objection which was made to section 4.

We are not opposed to legitimate, constitutional legislation upon this subject. We are opposed to some of the provisions of this bill, and if you will read the minority views, signed only by the gentleman from Illinois [Mr. RAINEY], although, as I am informed, other members of the committee sympathize with many of the views therein expressed, you will find in those minority views a statement of the provisions to which we are here objecting, and in the course of the consideration of the bill under the five-minute rule amendments will be offered changing certain provisions of the legislation. Let us approach this thing with deliberative minds. Let us take up the consideration of this important question in a proper spirit, for it is important not only to the grain exchanges and to the boards of trade, but it is important to the producers as well as to the farmers, whose interests all of us should have at heart. Let me ask you gentlemen this question, since you are so anxious to pass legislation to regulate the boards of trade and apparently do not concern yourselves about our fears that you are going to injure the boards of trade, that you are going to drive them out of business, let me ask you this question: Where do you think the agricultural interests would stand—how do you think they would get along—if these exchanges were to close up their doors to-night and not operate for 48 hours? The exchanges could give you a very conclusive demonstration of their value if they were to take so drastic a step.

Mr. GERNERD. Will the gentleman yield?

Mr. CHINDBLOM. Certainly.

Mr. GERNERD. Is there anything in the bill that leads the gentleman to believe that such a drastic move would be undertaken?

Mr. CHINDBLOM. No; fortunately the exchanges are not taking that attitude, but you gentlemen do not seem to be at all concerned about the effect of this legislation upon the exchanges. If you had spent more time than you did in consideration of the bill, you would have stopped one minute before, for instance, you accepted paragraph (f) in section 5. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TINCHER. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, the arguments of the opponents of this bill are strangely contradictory. The undisputed testimony shows that when the preceding bill was declared unconstitutional wheat went down on the Chicago Board of Trade. It also shows that on the Minneapolis exchange it did not go down. It seems to me, therefore, that the argument of the gentleman from Minnesota would be in favor of the bill when properly analyzed. The Minneapolis Board of Trade is operated under a State statute of a supervisory nature, and when the other bill that Congress passed was declared unconstitutional the Minneapolis exchange was still left subject to the State law, and wheat did not go down in price in that market. On the Chicago Board of Trade, when the act was declared unconstitutional, there was no statute left controlling that board and wheat went down 32 cents a bushel within 15 days on that board. The objection that Minneapolis people had to the bill was that it would interfere with their State

regulations. It seems from the above statement that some sort of regulation would be helpful.

The gentleman who last addressed us complained of some of the positions taken by the Committee on Agriculture. I want to remind him that as far as I have been able to observe the only law that the Committee on Agriculture has reported which has been questioned by the Supreme Court, and that only in one section, is the law relating to this subject; and the suggestion was made in the opinion in that case the power might be exercised under the interstate-commerce clause of the Constitution, and that is what this bill undertakes to do. Complaint was made by the gentleman from Illinois that this measure authorized cooperative associations to become members of the board of trade.

Mr. CHINDBLOM. No; the gentleman misstates my position.

Mr. JONES of Texas. I do not yield. I do not misstate it. He complains that one purpose of the bill was to require them to admit cooperative associations to the board of trade.

Mr. CHINDBLOM. To rebate commissions.

Mr. JONES of Texas. If they can operate on less money, I say the cooperative associations of this country have as much right to operate in the market on grain as the members of the Chicago Board of Trade. It seems passing strange that the board of trade that assumes to do so much for agriculture should say that "we do not want these cooperative concerns which handle the products of the farm to have a position on the board of trade."

Mr. CHINDBLOM. The gentleman does not state my position.

Mr. JONES of Texas. Oh, the gentleman lugged it in two or three times, and the House understands it, and I hope the gentleman does; that he referred to associations which rebate commissions, and practically all of them do this, either by dividend or otherwise. The cooperative association, or any other association that can operate and sell grain on a board of trade at a less expense than some other men are willing to do, should have the right; and yet you would forbid them going on the board of trade, and license a supercharge by members of the board of trade. If the cooperative association for a less commission can operate, why can not the individual; and if they can not, why not? Let the cooperative association have the privilege of operating.

Certain gentlemen have complained that the Agricultural Committee has been trying to do too much for the farmer. No such complaint was made by them of the Interstate and Foreign Commerce Committee when it reported a measure paying the railroads hundreds of millions. No such complaint was made by them when the Ways and Means Committee undertook to erect a tariff wall that would almost destroy our foreign trade, nor the many other special interests who have been here. But when something in the way of legislation is offered for the farmer, the anvil chorus starts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Chairman, I hardly think any good purpose can be served by me in rehashing all the facts surrounding the presentation of this bill to the House. I want to take this opportunity, however, to say on behalf of the Agricultural Committee, with, I trust, due modesty, that no committee in this House has been more careful in the consideration of legislation that has come before it than has our committee. I believe there is as little tendency toward radicalism in our committee as will be found in any other committee in the House. I also want to add that any suggestion or innuendo on the floor of the House or elsewhere that this bill was lightly considered or was purposely rushed through in order that it might get before the country before election is entirely preposterous. There is a book of hearings on that table covering 30 or 40 days, which is the best evidence of the fact that our committee carefully considered every single proposition that could be taken into consideration in connection with this matter. In good faith and after careful study we brought before this House and the country the bill, one section of which was recently declared to be unconstitutional by the Supreme Court. We can be excused because it was a new venture, a new proposition, this suggestion of regulating the grain exchanges by taxation.

Now, when we went back into our Agricultural Committee to rewrite the bill, I submit to any fair-minded and honest Member of this House that it was unnecessary for us to cover the entire scope of the hearings which we had thoroughly covered before. We took out section 4, which the Supreme Court declared to be unconstitutional, and substituted another provision in the bill. As a member of the Agricultural Committee I think I can speak for the other members and truthfully say that there has never at any time been a tendency or a desire on the part of any member of the committee, or the committee as a whole, to do anything to destroy this great market system of the country. We want to preserve every good feature of it, because it provides an outlet and a ready market for the products of the farms of our country. But we are anxious to, and I believe we do by this bill, prevent manipulation, a thing which the exchanges themselves want to prevent. We intend by this bill to do away, if possible, with those harmful speculatory features which result in injury not only to the producers but to the consumers. I sincerely trust that with the least possible delay, in the hope that we may yet do something for the crop being harvested throughout this country, we may pass this bill and put it on the statute books.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

Mr. VOIGT. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-seven Members present, a quorum. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of "The grain futures act."

Mr. VAILE. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. VAILE. Mr. Chairman, from time to time I have heard some Democratic expressions which would seem to indicate that the Members of the minority would almost be willing to have another Republican elected from Texas, provided that he should be elected from the seventeenth district of that State. A good many Members of the majority side—in fact, I believe all but one of them would be prepared to endure with considerable fortitude the election of a Democrat from the second district of Wisconsin.

The gentleman from Wisconsin [Mr. VOIGT] seems to enjoy our presence rather more than we enjoy his. [Laughter.]

Friday he caused 14 roll calls of the House, consuming about 40 minutes each. His fellow Members have been very good-natured in helping him to nurse his grouch. I noticed the lovable gentleman from Texas [Mr. MANSFIELD], who has been sick for many months, staying with us in his wheel chair until 10 o'clock Friday night in order to make a quorum, and he has been here all day at each session since. [Applause.]

No great problem of party policy or of the country's welfare was involved in any question upon which the gentleman from Wisconsin [Mr. VOIGT] forced a vote Friday. He was no Horatius at the bridge, defending any great principle against a tyrannical majority. Of the 9 record votes which were taken on that day, following the gentleman's points of no quorum, the largest adverse vote was 39; in no other case were there more than 3; in five cases there were no negative votes at all, and in every single instance the gentleman who insisted on the quorum himself voted with the majority.

The amendments were all on matters in which the sentiment of the House was known to be practically unanimous. At least one of them was a merely formal correction of figures, and another was to insert the word "the."

The gentleman's action is purely personal. He has evidently conceived the idea that by punishing his fellow Members and impeding the transaction of the public business he can force the House to assist him in coercing another department of the Government for the sake of helping him secure certain postmaster appointments to which he considers himself entitled.

About 230 Members have answered each quorum call prior to this day. Considering that the average Congressman works 12 hours a day seven days in the week, the working time of a Congressman is worth approximately $1.67 per hour. Each roll call takes approximately 40 minutes. Approximately 168,800 hours of the time of these Members was, therefore, consumed on Friday alone in roll calls on uncontroverted matters, at a time when every Member is just as busy as he can possibly be with the

work of clearing up his constituents' business in anticipation of recess. The value of this time on that single day was $281,896, or considerably more than the annual salary of all the postmasters in the gentleman's district. Add the time of the House employees and the total will be very considerably increased.

The gentleman is still going strong to-day, and at the present rate he will soon have consumed a million dollars worth of the time of Members of the House.

Since it is impossible to explain the gentleman's conduct by the usual, orderly processes of logic, I have endeavored to put his point of view into halting verse, the only appropriate medium. I submit the following to the charitable judgment of my colleagues, not as an example of literature but as a study in psychology:

Perhaps I am not very sure
What we are voting on,
What laws we make, that may affect
The country when I'm gone;
But this I know, that I'm abused,
My patronage is shorn.

At parliament'ry law I am
A little trifle shy;
The tariff is a mystery,
The bonus all awry;
But this I know, my patronage
Must not be left to die.

The Senator who stole my pie
I can not cause to suffer,
But I can soak my colleagues here,
So let them be the buffer.
I'll treat 'em rough, and rough some more—
And then I'll treat 'em rougher.

George Washington, and Lincoln, too,
Foiled national disaster,
And hardly ever even squawked
That Congress moved no faster;
But, then, they only saved the flag—
I'm saving a postmaster.

There is a place, far, far away,
I need not tell you where,
Where only one thing's lacking,
Besides the chaplain's prayer.
When I arrive 'twill be complete,
There'll be a quorum there.

[Laughter and applause.]

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, strike out the words "That this" and insert in lieu thereof the word "This."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. (a) That for the purposes of this act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. That the word "grain" shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum. The term "future delivery," as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this act (but not in anywise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and by-products thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 5, strike out the words "That for" and insert in lieu thereof the word "For."

Page 1, line 7, strike out the words "That the" and insert the word "The."

Page 1, line 10, strike out the words "That the" and insert the word "The."

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

Mr. VOIGT. Mr. Chairman, reserving the right to object, upon what subject?

Mr. GOODYKOONTZ. Mr. Chairman, I propose to speak upon the subject of the coal-strike controversy and incidents connected therewith.

Mr. VOIGT. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. Mr. Chairman, on last Thursday, in the coal fields of Illinois, there were murdered more than 20 unarmed, defenseless men. The killing of these men was accomplished by overpowering numbers and characterized by acts of extreme cruelty. There were no palliating facts, no mitigating circumstances.

No crime ever committed could have been more inhuman or revolting in its nature.

Condign punishment upon those confessedly guilty of the malicious and premeditated killing of these workingmen should be swift and certain. The so-called coroner's jury verdict, pretending to exculpate those responsible for the destruction of human life, indicates that these felons even have control of the processes of the law. The guilty authors of the atrocious felonies to which I have alluded have been laughing in their sleeves, and, if the public press is to be believed, their women folk, elated and gloating over the bloody work, gave palpable evidence of satisfaction and joy as they passed in review of the more than two score pallid, mangled, silent victims lying before them.

Not long ago 5,000 men, members of the mine workers' organization, undertook to invade Logan County, in my district, but they were successfully resisted. Had they succeeded, the fate of the miners in Logan County and the property of the operators there would have shared the same fate as befell the property and people of Herrin, Ill.

That labor has the right to organize I have never doubted; that necessity—self-defense—requires this to be done seems to me beyond question; that unionism has done much to ameliorate the hardships and improve the physical, ethical, and financial condition of the workingman is no less true.

Coal operators, oil producers, farmers, carriers, manufacturers, merchants, publishers, bankers, professional men—all groups—have their organizations, known as "associations," but these generally recognize the limitations of the law and do not resort to the use of dynamite or the Winchester rifle to accomplish their objects and purposes.

Unless the directing heads of the United Mine Workers of America shall unite with the officials of the State of Illinois in successfully prosecuting and adequately punishing the members who mobbed and brutally killed the nonunion workingmen at Herrin, then that organization will never be able to rise from the low estate to which certain of its own members have caused it to fall.

Many labor unions are conducted by men of brains upon the very highest plane. Members of such unions hate and detest the dynamiters of the Structural Bridge and Iron Workers and the murderers at Herrin, Ill., that have crept into the mine workers' union.

Editorial utterances from almost every printing press in the country are, as one great solemn voice of protest, crying out against the hideousness and the enormity of the crime and calling for the visitation of punishment upon those responsible for its perpetration.

Thoughtful persons are not blind to the fact that lawlessness during recent years has been fast gaining ground. Every crime in the category has been multiplied, the difficulty of securing convictions more accentuated. For lynchings there are no prosecutions, much less convictions. For crimes committed in the name of so-called industrial wars there are but few prosecutions, and these result only rarely in convictions.

I appeal to the strong patriotic men in the unions to take notice of the wrong and injury that violence and crime, where it exists, is doing unto them and their cause as well as to all of us.

The pendulum must swing back before it is forever too late.

We have our grievances. At times we are vexed with circumstances; but let us remember that nowhere on the earth is there a land the equal of ours. Our Government is the best. We should not abuse it or attempt to destroy it. Our opportunity is the greatest. Our standard of living is the highest; our workingmen the best paid. Readjustments are bound to be made in order that society may conform itself to after-war conditions. In spite of all that government can do there will be joltings and friction, and in some cases manifest injury. "They whom

the gods would destroy they first make mad" is a classic; also a truthful phrase.

The legislative, executive, and judicial branches of the Government are being attacked. If you destroy one, you destroy the other two. When one is gone, all are gone. And with these go liberty and the Republic, with the result that free government has been a failure—a democracy being unable to rule itself—and hope, like a bird, has flown away.

My faith in the wisdom of the founding fathers—they who framed the Constitution—remains firm, but I do believe that the people must awaken and assert their rights. [Applause.]

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I shall not object to this request, but I shall to any other request to speak out of order in this situation on this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I had not intended to enter into any discussion of the tragedy that was enacted in my own State and county, but we have just heard a rather vitriolic reference to it by the gentleman from West Virginia [Mr. GOODYKOONTZ], and on Saturday last some gentleman at the other end of the Capitol indulged in a discussion of the situation and inserted in the CONGRESSIONAL RECORD some press reports of the trouble which I think were unfair. In view of the utterances at the other end of the Capitol and of the gentleman from West Virginia, I feel that I ought to say just a word.

Mr. Chairman, I always think it is a mistake for men to try to discuss a subject, especially in a place like this, about which they know very little. I do not have very much information about it myself, although the transaction happened in my own county. The press reports are very inaccurate. Sometimes reporters in their zeal to make what they call a scoop and get off something sensational do a great injustice to individuals and to communities. I venture to say that not one-half of what has been reported in the press reports in respect to that unfortunate situation in Illinois is the truth. I know that a great deal of it that I have read is absolutely unreliable, especially so the reports of those horrifying and repulsive details to which the gentleman from West Virginia has just made reference.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DENISON. In a moment. I was a little surprised that the gentleman from West Virginia would dignify them by putting them in the CONGRESSIONAL RECORD and repeating them in the House of Representatives without further verification. I do not believe that half of it is true. I have been receiving from my home State and from my district local newspapers which I believe give reasonably accurate accounts of it, but there is a great difference between what they say and the accounts carried in the metropolitan papers. I yield to the gentleman from Kansas.

Mr. WHITE of Kansas. Does the gentleman in making that statement with reference to the press reports mean to say that not more than one-half is true in respect to the number stated to have been assassinated in cold blood for exercising their constitutional right to work for wages?

Mr. DENISON. I have not intended to say anything of that kind. I am simply stating that these reports about revolting details, about what the women did, and a great many other things that have been published are not reliable. And even the reports as to the number killed have been greatly exaggerated.

Mr. WHITE of Kansas. I am asking about the number stated to have been assassinated.

Mr. DENISON. I do not yield any further. These revolting details that have been printed in the papers are not reliable and are not true in many instances. It has been a most unfortunate affair, to say the least, for everyone concerned and from every point of view.

It has been unfortunate for those who were directly involved in it, unfortunate for the people of my State, unfortunate for the cause of union labor, and unfortunate because of the effect it may have on the entire country.

There is no one who abhors lawlessness more than I. There is no one who would condemn quicker than I the resort to force. We must all agree that a most serious situation has existed in Illinois under the facts as they were; but it ought not to be made worse by indulging in imagination and exaggeration in describing it.

Mr. MILLS. Mr. Chairman, will the gentleman yield for a question?

Mr. DENISON. I am sorry that I have not the time. I have but a very short time; if I can complete my statement I will then be very glad to yield to the gentleman. The people of southern Illinois are law-abiding. All labor there is organized. For many years no industries there have been operated by nonunion labor. I do not believe there is any section of the country where the people, including those connected with and influential in organized labor, have more respect for the law and less patience with its violation than do the people of southern Illinois.

I am sure they regret this unfortunate tragedy as much as the people in any other part of the country. I do not think that the trouble there has resulted from a merely local condition. A resort to force under the circumstances which existed in Illinois might have happened in like manner in many other parts of the country. I feel I should not let go unchallenged statements which criticize those who were not concerned, as well as those who were concerned in this tragedy which has so shocked the country. There was a combination of circumstances which led up to it and which so aggravated and embittered the coal miners, who felt their interests were involved, that reason gave way to passion and brought about results which I am sure all must deplore.

Now, the gentleman from West Virginia has referred to the verdict of the coroner's jury. The information I have been furnished is that the coroner's jury heard, among other witnesses, some of the employees of the company whose mine was involved. The evidence of these witnesses was to the effect that the first man killed was a union miner, and that he was killed by an employee of the coal company when he was not committing any unlawful act. I am informed that this man was killed when he was seen approaching through the woods, and that testimony as to the manner of his death was clear and positive.

I am further informed that the union miners at Herrin had been deceived by the coal company and that the company had broken a contract which had been made between the company and the miners. The fact that the coal company had broken its contract and was beginning to operate and mine coal contrary to an agreement which was alleged to have been made with the miners; the fact that the miners had been out of employment for some three months; that they were hungry, and that their families were hungry, and that their places were being taken by imported nonunion labor; and the further fact that private guards, armed with machine guns and rifles, were parading about the property of the company challenging and threatening all who approached; and finally the killing of one of their number by one of the men in the mine, all so embittered and enraged the miners that the more conservative ones who were trying to settle the situation in a peaceable way seemed to have lost control and the more radical among them took the law into their own hands.

It is always to be regretted when men take the law into their own hands. The laws of our country must be supreme and must be respected and obeyed if our Government is to survive. But I mention these circumstances, not for the purpose of excusing what was done, but for the purpose of explaining it, and to the end that the Members may not have a distorted view of what did occur by reason of misleading reports and of the statement just made by the gentleman from West Virginia.

As a matter of further information, let me say that this tragedy occurred at what is known as a strip mine. In such a mine the coal is not taken out through a shaft or slope, as is usually done, but it is mined by stripping the dirt from above it and leaving the coal vein exposed, so that it may be easily blasted and shoveled into the cars. The vein of coal lies between 15 and 20 feet below the surface. Large steam shovels are used to scrape the dirt from above the vein of coal, and when the dirt above the coal is removed it is an easy matter to blast the coal and load it into cars for shipment to the market.

Now, all work has been suspended at all the mines in Illinois for about three months. This particular company desired to proceed with its work of stripping the vein of coal, removing the dirt, and getting its tracks laid ready to mine and market the coal just as soon as the strike was ended and work in the mines generally was resumed. My information is that the company entered into some sort of agreement with the union miners to the effect that they would do only the preliminary work of removing the dirt and getting ready to mine the coal, and that they would not undertake to mine and market the coal until after the strike was ended, and that in pursuance of that agreement union labor was employed for doing the work. My information further is that as soon as they had stripped the coal and removed the dirt and completed their other work preliminary to mining and marketing the coal they then discharged their union labor and imported something more than 50 nonunion men from Chicago and immediately began mining and marketing

the coal, contrary to their agreement with the miners. I can not vouch for the absolute accuracy of this information, but it is the information which has come to me from my district.

Those who have not lived in the center of one of the greatest mining districts in the United States, where all work is done by union labor, and where all of the circumstances exist as I have just described them, can appreciate or understand the feelings and passions that would be aroused by unloading non-union strikebreakers, armed with machine guns and rifles, into the midst of such a community. Just as the murder of the Austrian archduke at Sarajevo plunged the whole world into war with all its awful results, so the killing of one of the miners under the circumstances I have thus stated may have ignited the fire which suddenly spread into conflagration and resulted so fatally and so unhappily for all concerned.

There has been some criticism of local officials for not doing their duty. The public is prone to place the blame somewhere as soon as possible. The sheriff of Williamson County may not have had proper prevision; he may not have used good judgment; we can not well judge him unless we know the facts; but I know him personally, and I do not believe a man could be found who is more courageous or less afraid to do his duty if he knew what his duty was.

Mr. Chairman, I regret that exaggerated newspaper reports and intemperate statements have been made in the RECORD here with reference to this affair. I hope that the Members and the public generally may suspend judgment and withhold at least excessive criticism until the facts may be brought to light and the truth known and until an ample opportunity has been given for the law to take its course.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 3. That transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "options" or "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices of such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products thereof in interstate commerce as a means of hedging themselves against possible losses through fluctuations in prices; that the transactions on such boards are extremely susceptible to speculation, manipulation, and control and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and make such business unsafe and uncertain from time to time; and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

The committee amendment was read as follows:

Page 3, line 15, strike out the words "that transactions" and insert in lieu thereof the word "transactions."

Mr. LONDON. Mr. Chairman, I rise in opposition to the committee amendment for the purpose of asking the chairman of the committee this question: What does this proposed bill prohibit? I have been reading it; of course it is probably due to the fact that I am not quite familiar with the subject, and I desire to understand the meaning of the bill. What does this bill prohibit?

Mr. TINCHER. It is an attempt to prohibit the manipulation of the grain market, and the prohibition lies in these provisions, one of which is requiring a certain publicity, requiring exchanges before they can be designated as market places to comply with certain requirements. The Department of Agriculture worked out these requirements, and we think it will have the effect of prohibiting the manipulation of the grain market. We know it did have the effect of prohibiting the manipulation of the grain market during the time the law was in effect.

Mr. LONDON. But what particular manipulation does it prevent?

Mr. TINCHER. Manipulation by which the dealers between the producer and the consumer could, as they have in the last few weeks, reduce the price of wheat 30 per cent and still keep up the price of food products made of wheat to where it was before. This is certainly a manipulation of which no one is in favor, and that has often occurred on the grain market.

Mr. LONDON. Is this bill limited to prohibiting the dissemination of false information?

Mr. TINCHER. No; not limited to that, but that is included.

Mr. LONDON. That is one of the things; what are the others?

Mr. TINCHER. I think the best thing in the bill is the keeping of the records accessible to the Department of Justice and the Department of Agriculture of the actual transactions engaged in.

Mr. LONDON. The bill if enacted into law will not prevent gambling in futures or engaging in future contracts?

Mr. TINCHER. No; I never have said it would prevent it. I do not know just what the gentleman calls gambling.

Mr. LONDON. Speculating.

Mr. TINCHER. It will not prevent speculating in futures. It is an effort to supervise exchanges that engage in that practice.

Mr. LONDON. It is an effort to obtain information as to transactions? Is not that what the bill is intended to accomplish?

Mr. TINCHER. It does accomplish that, I think, among other things.

Mr. ELLIS. I would like to explain to the gentleman from New York that outside of the prohibition of dissemination of inaccurate information there is not a thing done on the grain exchanges to-day anywhere that is prohibited by this bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. ELLIS. One of the requirements, one of the prerequisites, of an exchange becoming a contract market is that the board of directors of that exchange shall prevent manipulation, and that is all the word of prevention or prohibition there is in this.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. MANN. That motion is not in order.

Mr. GRAHAM of Illinois. Mr. Chairman, I am in principle in agreement with this bill, but I do not agree to the desirability of writing section 3 the way it is written in this bill. I do not believe that Congress can by reciting certain facts to be facts make them the law of the land. For instance, this section proceeds and says this in line 18:

Such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof.

And then it goes on with a long recital of what is being done from day to day by certain persons. What difference does that make to the legislation if it is true? As a legal proposition, does it aid the bill any to recite those facts to be true, and by reciting them as facts do you make them facts? How do I know they are the facts? Does anybody in the House know they are the facts now that we are declaring solemnly that they are the facts? Nobody knows that. There may be something in the hearings that has convinced the committee that that is the truth, but what do you Members who are going to vote for the bill know about it? I do not know anything about it. If it is true, what does it add to the legislation? I think it is bad form and bad practice. It tries to make law out of facts that somebody claims are facts, and does not add anything to the legislation. I think the section ought to be stricken out unless somebody on the committee can tell me some reason why it should be there. I yield for that purpose to the chairman of the committee. I am in agreement with the idea of restricting gambling in grain futures, and if the gentleman from Kansas can tell me any good purpose in a legislative way that this serves I will be content if it satisfies my mind. I yield for that purpose.

Mr. TINCHER. I am going to attempt to explain it.

Mr. Chairman, there was no dissension in the committee except on the part of one member, as to whether the statements in section 3 were warranted by the testimony that we heard. The idea of including that language in the law was taken from the Supreme Court decision. I think it would be a serious blow to this bill to strike that language from it, and I do not think anyone will seriously contradict any proposition in that section. Let me say that the court goes to the reports of committees under recent practices for the attitude of Congress toward legislation. In the decision in the packer case the court got the attitude of Congress toward the packer bill from the report of the bill, and it so stated in the opinion.

Now, I believe that section 3 recites the attitude of this Congress in this matter. If not, it will be voted down. If the members of this committee or the Members of the House do not agree that that is the attitude of the Congress, then strike it out. If you do so, you will kill the bill.

Now, I want to say, regardless of any charge of populism by my distinguished friend from Kansas City, regardless of my inability to please either of the distinguished gentlemen

from Chicago, I believe that the whole American people recognize that there is a public interest in the foodstuffs of this Nation that are purchased from the farmers of this Nation and that the public has an interest, whether in the city or in the country, in the matter, and I believe the time has come when a man need not fear being charged with being a Populist simply because the grain exchanges of Kansas City or any other city can not tell him how to vote on any proposition that comes up.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have made it a rule not to speak out of order, but I trust my colleagues will patiently listen to me this afternoon. Those who were here in 1916 recall that the Florida delegation came before our colleagues because the legislature of the State would not meet until the following year, and requested that you give to us some assistance to eradicate citrus canker, which had been brought into this country because of the laxity of our laws at that time. The Florida delegation pledged the Members of Congress that we would meet the appropriation dollar for dollar as soon as the legislature could meet, and we have carried out that pledge. My colleague, the distinguished and able gentleman from Minnesota [Mr. ANDERSON] will bear me out in the assertion that I have not opposed any reduction in the appropriation to stop this disease, or whatever you may call it, and at the last session, when the appropriation was cut down to $30,000, no man on the Florida delegation raised his voice in protest, because we did not want money when we did not need it. I have fought every appropriation for needless expenditure of money. Unfortunately this disease has not been stamped out because the work has been confined to the State and not to the States where the citrus industry is not of any importance. That my colleagues may thoroughly understand and appreciate the situation, I want to present to you just a few facts.

From 1916 to 1922 my State appropriated and expended $714,226.35 for the purpose of assisting the Government dollar for dollar in eradicating this dreadful disease. There was raised by private subscriptions $87,369.91, which was also expended. You will recall, those of you who served with me at that time, that we asked nothing of Congress for the trees that were being destroyed. There is no way to fight citrus canker except by burning the trees to the ground, which means a total loss. Let me call your attention to the fact that from May 1, 1914, to May 30, 1922, in the State of Florida there were grove trees to the number of 235,590 burned and destroyed; there were nursery trees, numbering 2,645,514 destroyed, with a property valuation of something between five and six million dollars and our citizens did not ask Congress for one single dollar to recompense them for the loss of these trees.

Mr. LAYTON. Will the gentleman yield?

Mr. SEARS. I yield.

Mr. LAYTON. We have had hundreds and hundreds of thousands of peach trees destroyed and pulled up in my State, and we never asked a penny from the Federal Treasury.

Mr. SEARS. We did not, and we did not get an appropriation.

Mr. LAYTON. I thought you had, dollar for dollar.

Mr. SEARS. No; only in fighting it. Did you have no assistance in fighting the disease you refer to?

Mr. LAYTON. No; nothing.

Mr. SEARS. The Federal Government has expended $883,000 in cooperating with the different States where this disease exists. Our legislature does not meet until next April, and we have not sufficient funds with which to fight the disease, and unless Congress acts promptly it will perhaps cost the Government hundreds of thousands of dollars. If you act promptly it will cost only a small amount.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS. May I have a little more time?

Mr. TINCHER. I have no more time to yield to gentlemen speaking on a subject other than the bill.

Mr. RAINEY of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Section 3, page 4, line 6, strike out "extremely" and insert "possibly."

Mr. RAINEY of Illinois. I offer that amendment, Mr. Chairman, for the reason that transactions on boards of trade are not extremely susceptible to speculation. The contrary is true. They are possibly susceptible to speculation, and those men who attempt to speculate on the board of trade invariably have lost money as the result of it. Mr. Joseph Leiter speculated and lost more money than ever any man had before or since, and the history of the boards proves conclusively that they are not extremely subject or susceptible to speculation. I ask that the word "extremely" be stricken out and that the word "possibly" be inserted.

The word "extremely" in this connection is a gross exaggeration. Transactions on boards of trade are not "extremely" susceptible to manipulation and control. On the contrary, attempts to manipulate and control the markets are invariably fraught with grave danger to those who make the attempt. So much so, in fact, that there has been no successful manipulation of the markets in the last five years.

On the Chicago Board of Trade buyers and sellers from all over the world meet on common ground. The world's brightest commercial minds are here represented bargaining for grain on the spot. The world's keenest speculative wits here give expression to their combined opinions as to the value of grain for future delivery. The prices so determined may be said to represent the majority judgment of the world regarding values. No better medium for estimating values could possibly be established. In such a market transactions are not extremely susceptible to manipulation and control, and attempts to manipulate and control almost invariably meet with failure. I repeat, Mr. Joseph Leiter manipulated and controlled the wheat market to a greater extent and for a greater length of time than any one speculator ever did before or since, and Mr. Joseph Leiter in so doing lost more money than any other one speculator ever lost before or since. The history of the markets proves conclusively that they are not extremely susceptible to manipulation and control. Therefore the word "extremely" has no place in this section of the bill.

Mr. TINCHER. Mr. Chairman, I do not want to take up much time in passing upon these amendments. I suppose I know what they are. They are the same amendments that were offered in the committee. The amendments that the gentleman from Illinois is offering are not warranted by the testimony adduced before the committee. I do not think anyone who has read the hearings would vote for the amendments. This amendment, and I suppose the other amendments that he offered in committee that are to follow, should be rejected. I hope they will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. RAINEY of Illinois. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 16, noes 43.

So the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, I have another amendment to offer at the same place.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. RAINEY of Illinois. Mr. Chairman, I will withhold my amendment for the time being.

Mr. CHINDBLOM. I move to strike out the word "extremely."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM:
Page 4, line 6, strike out the word "extremely."

Mr. CHINDBLOM. Mr. Chairman, that will leave the sentence to read as follows: "That the transactions on such boards are susceptible of speculation, manipulation, and control."

Now, I dare say the proof does not warrant the use of the word "extremely." Why go to so many extremes in this bill? I want to ask whether the chairman of the committee will not consent to the omission of the word?

Mr. TINCHER. No; I will not consent to the omission of the word. I think the language is absolutely true. Witnesses from the exchange appeared to demonstrate that that was not true, but we proved from other testimony that it was true. I would be very much opposed to the word going out.

Mr. CHINDBLOM. Well, I guess the steam roller is in operation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. CHINDBLOM. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 32, noes 37.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois:
Section 3, page 4, line 8, strike out the word "frequently" and insert the word "might."

Mr. RAINEY of Illinois. Mr. Chairman, in this connection the word "frequently" is undeniably misused. Unreasonable fluctuation in prices of grain never occurs, although sudden changes in prices do occur from time to time. So long as we have sudden changes in the weather and in the supply and demand there will also be extensive changes in prices, and, manifestly, there should be such changes, because no changes in price occur without a valid reason. As a matter of fact the figures show for a number of years a slighter range of prices than any other farm product or commodity. The use of the word "frequently" in this connection is, to my mind, a palpable misstatement, and I ask that it be stricken out.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. RAINEY of Illinois. Yes.

Mr. LONDON. Is not the word "unreasonable" objectionable?

Mr. RAINEY of Illinois. Yes; that should go out, too.

Mr. LONDON. Of course, there is no such thing as a fluctuation being reasonable or unreasonable. It is not the dictate of a particular reason, the working of the law of logic, or the failure to work or operate on the grain.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CHINDBLOM. Of course, the gentleman is correct, but if we are going to undertake to correct all the inconsistencies that you will find in such a recitation as is contained in this section, you will be a long time in doing it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RAINEY] has expired.

Mr. MILLS. Mr. Chairman, I move to strike out the section.

Mr. RAINEY of Illinois. Mr. Chairman, I have other perfecting amendments.

Mr. MILLS. Then I will withdraw that for the time being.

The CHAIRMAN. The perfecting amendments will be passed on first. Does the gentleman from Illinois [Mr. RAINEY] desire to be heard further?

Mr. RAINEY of Illinois. No; not on that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Section 3, page 4, line 10, strike out the word "are" and insert the words "would be."

Mr. RAINEY of Illinois. Mr. Chairman, what I said before on the previous amendment applies to this also. I think this is a misstatement of facts. The bill says:

Which "are" detrimental to the producer or the consumer.

I move to substitute the words "would be." If such statement were true, they would be detrimental, but there were no facts produced before the committee and there is no testimony given that warrants language of this kind. I think it is a misstatement of facts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question being taken, the amendment was rejected.

Mr. RAINEY of Illinois. I have another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Amend section 3, page 4, line 12, after the word "and" insert the words "would tend to."

Mr. RAINEY of Illinois. Mr. Chairman, as the bill reads now it is a positive statement that these things make such business unsafe and uncertain from time to time. The amendment I offer simply suggests that if the facts recited in this declaration were true they would tend to make such business unsafe.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question being taken, the amendment was rejected.

Mr. RAINEY of Illinois. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Amend section 3, page 4, line 14, by striking out the word "are" and inserting the words "might prove."

Mr. RAINEY of Illinois. Mr. Chairman, here is a positive assertion that fluctuations of prices are an obstruction to and burden upon interstate commerce. I can simply repeat that from all the testimony presented to the Committee on Agriculture there is no evidence that would warrant such a declaration as we have in this paragraph. If my amendment is adopted, I think the suggestion that fluctuations in prices "might prove" an obstruction would be a more proper statement of facts. I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question being taken, on a division (demanded by Mr. RAINEY of Illinois) there were—ayes 27, noes 42.

Accordingly the amendment was rejected.

Mr. RAINEY of Illinois. Mr. Chairman, I have a further amendment.

The CHAIRMAN. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAINEY of Illinois: Amend, section 3, page 4, line 16, after the word "and" insert the word "might."

Mr. RAINEY of Illinois. Mr. Chairman, the committee in reporting this bill mistake an assumption for a fact. They say that these things render regulation imperative. I simply ask that the statement be clarified as the facts in the case warrant by inserting the word "might" before the word "render."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. ELLIS. Mr. Chairman, I ask to be recognized in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes in opposition to the amendment.

Mr. ELLIS. Mr. Chairman, I am not much disposed to rush in where angels fear to tread. I have not very much desire to argue a proposition after it is perfectly manifest that the "critter's eyes are sot." I am opposed to this amendment, because it simply, by changing the verbiage, makes a bad matter no better. I want to call attention to section 3. Particularly I would call attention of the gentleman from Illinois [Mr. GRAHAM], who inquired of the gentleman from Kansas about it. The gentleman from Illinois got little information from the manager of the bill.

I was present during all the hearings on this bill. I heard the solicitor from the bureau explain section 3. The solicitor told the committee that the reason section 3 was inserted was to afford jurisdiction; to confer power upon Congress under the commerce clause to dominate the grain exchanges of this country. Subdivision (b) of section 2 and section 3, taken together, furnish the foundation for the determined purpose of this committee, expressed in this bill, that a bureau shall dominate the business of the grain exchanges of this country. Do not be deceived at all about that. The fact will be manifest to any of you if you will read in the hearings what Mr. Morrill, the solicitor of the bureau, said to the committee.

Mr. Chairman and gentlemen, I want to correct one other misapprehension. My friend from Illinois [Mr. CHINDBLOM] spoke a little hastily when he declared that the grain exchanges of this country do not object to supervision. Perhaps that will be true if you will define "supervision." But I want to say to you that the seven grain exchanges that would be affected by the passage of this bill are, every one of them, opposed to every provision in it from beginning to end. If this is what is meant by supervision, they will have none of it. The Kansas City exchange has millions of dollars invested in the facilities and instrumentalities that have made that a great grain market. I heard my friend the gentleman from Kansas [Mr. WHITE] in his remarks just now, but I call him to witness that he has felicitated me many times during this summer upon the high level of prices and the stability of the Kansas City Grain Exchange. Those men who have invested their money and have built up that exchange until it has become one of the foremost grain markets in this country individually and collectively object to the domination of their private business by a Government bureau. [Applause.]

Now, returning to section 3, let there be no misunderstanding. Here are findings of fact that these gentlemen want us to put into this bill. They have no place in the bill. Let us not be deceived about the purposes and desires of the proponents of the legislation. They want us to make findings of fact that will

go to the Supreme Court of the United States when this bill is challenged there. Findings of fact have no place in a legislative enactment. If a practice like this can be tolerated, the Constitution can be twisted and distorted to serve almost any sort of domination of intrastate business.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. ELLIS. Yes; certainly.

Mr. FAIRCHILD. The gentleman says that these are findings of fact.

Mr. ELLIS. Yes.

Mr. FAIRCHILD. Does the gentleman believe that the public generally can engage in futures operations on the exchanges?

Mr. ELLIS. It says so right here, in section 3. It is recited here that the public generally engage in futures trading.

Mr. FAIRCHILD. But is it the truth that the public generally engages in futures?

Mr. ELLIS. Yes, surely. That is the finding that is wanted. Read the section where it says that the public generally engages in these transactions, this trading in futures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I move to strike out section 3.

The CHAIRMAN. The Chair can not recognize the gentleman for that purpose at this point. There is an amendment pending. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 7, strikes out the word "unreasonable."

Mr. CHINDBLOM. Mr. Chairman, I think "unreasonable" is a very good word to select in pausing during this hurried consideration of this bill. I have no quarrel with my friend from Missouri who just made the statement that the exchanges and boards of trade as a matter of fact are not anxious for supervisory legislation. That is no doubt true. I do not think there is any business in the country that is anxious to have the Government or the Congress of the United States go into their business for the purpose of supervising and controlling it. [Applause.]

We have consistently opposed legislation of that kind; but it seems that this Congress is determined to pass something of this sort. It passed the last bill and seems to be determined to pass this one. My complaint at this moment is that you are not giving it the consideration which it should have and you are not trying to perfect the legislation. Every proposition made here is voted down. You simply assume that what the committee has brought here is so perfect that it can not be improved. The gentleman from New York has been patiently waiting to make a motion to strike out the section. I presume the gentleman from Kansas in charge of the bill will object to striking out the word "unreasonable," but I would ask him to define what an unreasonable fluctuation is.

Mr. TINCHER. I will give the gentleman an illustration. The depreciation in the price of wheat between the 15th of May and the 10th of June was a most damnably unreasonable depression and fluctuation.

Mr. CHINDBLOM. But suppose it was.

Mr. TINCHER. It was, and we propose to stop that kind of thing; they have robbed the farmers of this country long enough.

Mr. CHINDBLOM. How does the gentleman know what caused the fluctuations of the market? Only yesterday the New York Times, which does not represent the Chicago exchange, had a dispatch from Chicago reading as follows:

WEAK UNDERTONE IN CHICAGO WHEAT—WEATHER RUMORS, WEEK-END EVENING UP, AND LACK OF EXPORT DEMAND SEND MARKET DOWN.

[Special to the New York Times.]

CHICAGO, June 24.—General week-end evening up and reports of showers in parts of Iowa, Nebraska, and Kansas gave the grain markets a weak undertone early.

That most "unreasonable" report of showers in Kansas brought down the market price and created an undertone in wheat quotations. The dispatch continues:

Lowest prices were made early and short covering toward the last brought about a rally, with wheat closing one-eighth to three-fourths cent and corn one-half to five-eighths cent lower, while oats showed independent strength and finished one-eighth to one-half cent higher.

Commission houses and local traders sold freely early and found support in wheat and corn lacking for a time. The first reports indicated that the rains had been rather extensive, but this was not confirmed later and, as far as wheat and oats are concerned, very little grain outside of the Northwest would be benefited by moisture from now on, as the grain is too far advanced.

Sentiment in wheat has become somewhat more bearish, and cash interests are apparently working to widen the spread between the July and the September, which went to around 1¼ cents at one time with some hedging pressure on the July.

Although purchases to arrive were given at only 100,000 bushels, bids of $1 per bushel at some points in Illinois brought much less grain than expected.

A Missouri State report suggested that the extreme heat of last week cut 8,000,000 bushels off the prospective yield of that State, and the Kansas State report in detail indicated that the Government July report would show a small decrease in the estimate of that State from the 117,000,000 bushels estimated in June.

There is no urgent demand for wheat either from domestic or foreign buyers at the present time, which counts rather heavily against sustained bulges at the present time. Black rust in its early stages is being found at numerous points in the Northwest, and, under average conditions, it reaches the damaging stage around July 1 to 4. The trade, however, paid little attention to the rust claims to-day.

Heavy crop and property losses have resulted from a severe storm in the Canadian Northwest. Export demand was slow.

All of these things caused a fluctuation in prices, and the Congress of the United States solemnly passes legislation under which such fluctuations are described as "unreasonable." [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JONES of Texas. Mr. Chairman, this is an important provision in this bill, and those who are offering these amendments are trying to emasculate it. I doubt whether they want to make the measure effective. The gentleman from New York has been having nervous rigors for the last five minutes trying to get the floor to offer an amendment striking out the paragraph. This paragraph is the foundation for the legislation proposed in this bill. It is the statement of the basis upon which the bill is to be enacted.

The statement has been made that it is something unheard of in legislation. Let me read from the decision of the court in the Packer case.

Chief Justice Taft made a preliminary statement of facts, reciting the evidence before the committee, and said that the evidence found by the Federal Trade Commission was to the effect that a conspiracy existed to control prices. Let me read a portion of that preliminary statement:

It appeared from the data before the committee that for more than two decades it had been charged that the five great packing establishments of Swift, Armour, Cudahy, Wilson, and Morris, called the "Big Five," were engaged in a conspiracy * * * to control the business of the purchase of the live stock, their preparation for use in meat products, and the distribution and sale thereof in this country and abroad.

In the actual opinion the Chief Justice, in commenting on these facts, makes the following statement:

We have framed the statement of the case, not for the purpose of deciding the issues of fact mooted between the packers and their accusers before the Federal Trade Commission or the Committees of Agriculture in Congress, but only to enable us to consider and discuss the act whose validity is here in question in the light of the environment in which Congress passed it. It was for Congress to decide, from its general information and from such special evidence as was brought before it, the nature of the evils actually present or threatening, and to take such steps by legislation within its power as it deemed proper to remedy them. It is helpful for us, in interpreting the effect and scope of the act, in order to determine its validity, to know the conditions under which Congress acted.

The court says it is helpful to the court in interpreting the effect and scope of the act, and in order to determine its validity, to know the conditions under which Congress acted. This section states a conspiracy to control prices just as the finding which Chief Justice Taft recites in the packer case. It was probably unnecessary to recite all of the matters set out, but the substance of the statement should have been included, and I can see no harm in the additional inclusion.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HULL. Is it usual to put in a bill an expression of opinion?

Mr. JONES of Texas. This is not an expression of opinion. It is a declaration which shows the jurisdiction of the Congress in the matter.

Mr. HULL. If it is, will the gentleman cite the precedents for it?

Mr. JONES of Texas. I decline to yield. It is usual, it is absolutely necessary, as you will find in the previous decision in the grain case, for Congress to make a statement of the basis on which it enacts legislation covering interstate commerce. It is altogether proper and may be essential to the validity of this bill that the statement be made of the basis upon which the bill is enacted into law.

Mr. HULL. When was it ever done before?

Mr. JONES of Texas. It has been done frequently. That is what is hurting these fellows who are opposed to this bill. They do not want this finding in the legislation because they know what it means.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. LONDON. I wanted to suggest the substitution of the word "violent" instead of the word "unreasonable."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HULL. Mr. Chairman, I move to strike out the last word.

Mr. TINCHER. Mr. Chairman, I make the point of order that that is not in order. The last word has been disposed of several times. I want to get on with the bill.

The CHAIRMAN. The Chair thinks the gentleman is entitled to be heard on his motion. The Chair will recognize him for that purpose.

Mr. HULL. Mr. Chairman and gentlemen of the committee, I am not opposed to the reasonable regulation of grain exchanges. I am opposed to using a bill for propaganda purposes, as is done in section 3 of this bill. I might say that I have had some experience in the grain business. I followed it for 25 years. I know something of what is necessary in carrying on the grain business, and I know that the grain buyer, the actual buyer of the grain from the farmer, must have an opportunity to hedge his sales, and by that I simply mean what is being done every day. The actual buyer of the grain must be able to sell the grain the day he buys it. He can not go to a bank and borrow money and pay the farmer for the grain that he has bought unless he sells it, and can say to the banker, "I bought this grain for so much and sold it in Chicago for so much, I have protected the deal, I want $10,000, can you give it to me?" The banker, if he has properly carried out that transaction and is protected, will loan him the money, and much of the grain business in this country is conducted on that plan.

I am seriously afraid that gentlemen are ignoring that fact in the consideration of this bill. Your grain exchanges are necessary. You can not eliminate them. You can not eliminate the hedge sale unless you eliminate all possibility of the grain buyer who buys the grain in Iowa of the farmer and sells it to the consumer in New York City. He does not know the consumer in New York City, he only knows the grain buyer in Chicago, but the day that he buys the grain in Iowa he sells it in Chicago, and the Chicago grain buyer sells it to the man in New York City, who at the same time probably sells it to the man in the State of New York or to a foreign exporter.

Mr. FUNK. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. FUNK. Is it the gentleman's contention that that is the only process by which a country grain buyer can hedge, as the gentleman calls the transaction?

Mr. HULL. My contention is that that is one of the ways that the grain buyer conducts his business.

Mr. FUNK. Does not the gentleman know as a matter of fact that most of the grain is bought on postal-card bids rather than on the basis of a hedge?

Mr. HULL. I know that some of it is and I know that a great deal of it is sold for future delivery.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. MILLS. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MILLS: Page 3, line 15, strike out all of section 3.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I take it that it is the duty of the House, sitting in Committee of the Whole, to perfect legislation, if possible, in so far as the actual mechanics of bill drafting are concerned, and while it is a difficult task to perfect this measure, which is one of the worst drawn bills that it has ever been my misfortune to read—and in confirmation of that statement I defy any Member of the House to say what subdivision (f) of section 5 means—yet it is our duty to try to perfect it in the interest of good bill drafting, in the interest of good lawmaking. I submit to you, gentlemen, that a statement of fact contained in the body of a law is something so extraordinary as to cause us to pause and wonder. Search your memories. Have you ever read a law on the statute books which contained a statement of fact in the body of the law? Have you ever read a bill presented to you as Members of this body which contained a statement of fact in the body of the bill? It is preposterous. The gentleman from Texas [Mr. JONES] said that the Supreme Court would take notice of the findings of fact and of the evidence presented to a committee of Congress. Of course they will; but that is evidence presented in the hearings. This statement contained in the report of the committee would be eminently proper as a finding of fact of the committee, and the Supreme Court would pay attention to it; but if this bill passes this House and the Senate and is signed by the President it becomes law; and then, lo and behold, what have you done? You have declared facts by law, if you please. It is futile. The Supreme Court will find what the facts are irrespective of what you allege them to be. They can not take your word as final. Facts are stubborn things. You can not change facts by act of Congress. So that this proposition is not only bad from the standpoint of draftsmanship, novel in character and thoroughly unscientific, but it is perfectly futile in so far as the Supreme Court is concerned.

In the third place, I want to submit to you gentlemen that you are making Congress ridiculous. We have been accused time and time again of trying to accomplish by law what can not be accomplished by law.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I can not yield. However, no Congress, no legislative body in this country until to-day, has been asked to declare facts by law. The gentleman from Kansas [Mr. TINCHER] asks us to pass a law declaring certain facts to be so, irrespective of whether they are or not, and I submit that that is a thing that can not be done. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McPHERSON. Mr. Chairman——

Mr. KINCHELOE. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Kentucky.

Mr. KINCHELOE. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KINCHELOE. Mr. Chairman, I want to say to the friends of this measure that those who are attacking section 3 have method in their madness, because if this section is stricken out you might just as well kill the bill, because the section preceding it, subsection (b) of section 2, which defines interstate commerce, is the thing upon which the section that follows is predicated. If you knock the foundation out from that, you knock the foundation out of the bill. Why? The Supreme Court has decided that the original grain futures bill was unconstitutional because it said that Congress did not have the right to regulate these grain exchanges by taxation, the same as in reference to regulating child labor, and has stated that it is on all fours with the child labor law, and therefore they could not be regulated by the system of taxation.

Now, therefore, in order to get a law that will regulate these grain exchanges the Committee on Agriculture is trying to pass a bill now to regulate them through the interstate commerce clause. This bill was carefully prepared, I understand, by the legal division of the Department of Agriculture. I am frank to say that I had nothing to do with the preparation of it, and when gentlemen make statements on the floor of this House that this bill has not been considered and the Committee on Agriculture did not give it due consideration they do not know what they are talking about. The question of regulating these grain exchanges has been before the Commitee on Agriculture for years, as is evidenced by volumes of evidence that have been taken before that committee. Why my good friend from Illinois [Mr. CHINDBLOM]—and he is my good friend—says that somehow or other the Committee on Agriculture of the House wants to go to further extremes for the farmer than any other committee goes in any other direction. Well, if I remember correctly I do not think the Committee on Agriculture has gone to much further extremes for the benefit of the farmer than the majority of the members of the Committee on Interstate and Foreign Commerce for the railroads when they passed the Esch-Cummins bill which took hundreds of millions of dollars out of the pockets of the people of this country for the railroads.

Mr. LAYTON. And took away all of the power.

Mr. KINCHELOE. I do not think they went much further than I understand the members of the Committee on Merchant Marine and Fisheries now are fixing to go in respect to the ship subsidy bill that is admitted by the department itself will cost over $52,000,000 from the people of this country for the benefit of the Shipping Trust of this country. I do not think they have gone much further than the Ways and Means Committee, the majority members of it, when they passed the protective tariff bill under a gag rule of the House in order to put a practically prohibitive wall around this country for the benefit of the manufacturers of this country. We realize these gentlemen in a spirit of derision, these "farmers' friends"—the "farmer" who preceded me, the gentleman from New York [Mr. MILLS], and my good friend from Chicago [Mr. CHINDBLOM], the gentleman from Kansas City [Mr. ELLIS], and the gentleman from Minne-

apolis [Mr. NEWTON]—have great interest in the farmer in this bill.

The gentleman from Kansas City told the truth when he said these grain-board exchanges did not want to be supervised. That is the truth. The packers of the country did not want to be supervised. Why, take the packers of the country, who can make more profit out of a four-year old steer in a day than a farmer can in four years in raising them. That is all right. The grain exchange can make more speculating in 100,000 bushels of grain than a thousand farmers in a year could in raising it. But, notwithstanding that, they said we do not propose to be regulated, and now when there is this attempt to regulate in behalf of producers and consumers of this country this bill is held up to derision as being a joke—a business joke. If it was a joke, you would not hear these gentlemen here in much opposition to it. The sole purpose of this legislation is to prevent manipulation in grain on the boards of trade in this country and the gambling in grain. Why, the packers, when the agitation first started, came before our committee and they said time and again, with tears in their eyes almost, that if we passed this packers bill it would put them out of business and the farmer in marketing his products. Gentlemen say now if we pass this bill the grain exchanges will be put out of business. We passed the other and we did not put them out of business. The Supreme Court declared the law unconstitutional. I say this bill is for the benefit of the producers of this country, and if you want this bill passed with teeth in it vote down the amendment to strike out this section because it will ruin the bill. I can not understand in this country to-day, with the teeming millions in the cities, all consumers of the products of the farmer, why they would not be as much, if not more, interested in seeing the prosperity of the farmers and that he may produce at a profit and thereby increase the supply as much as the farmer himself, and the time has come in this country when we have got to have legislation for the benefit of the farmer. [Applause.]

Mr. GRIFFIN. Will the gentleman yield?

Mr. KINCHELOE. I will.

Mr. GRIFFIN. I would like to ask the gentleman, if he will tell us, what help this section 3 gives to the bill?

Mr. KINCHELOE. Why, you might just as well strike out subsection (b) of section 2, which defines interstate commerce.

Mr. GRIFFIN. Does the gentleman believe the Supreme Court would follow the findings of facts on this section of the bill?

Mr. KINCHELOE. Is the gentleman for or against the bill?

Mr. GRIFFIN. I do not know yet, and I am anxious to get information from the gentleman.

Mr. KINCHELOE. Well, the gentleman from New York [Mr. MILLS] says that——

Mr. GRIFFIN. I would like to know if the gentleman thinks so.

Mr. KINCHELOE. I will say to you candidly as a lawyer——

Mr. GRIFFIN. That is it; as a lawyer.

Mr. KINCHELOE. After hearing all this legislation discussed, hearing the evidence in the case, that I would not give you a cent for subsection (b) of section 2 if you strike out section 3.

Mr. GRIFFIN. I am asking if the Supreme Court of the United States would follow this section or follow the facts.

Mr. KINCHELOE. I think they would follow both.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

Mr. NEWTON of Minnesota. Reserving the right to object, I would like to have five minutes.

Mr. TINCHER. Mr. Chairman, I move that debate on this section and all amendments thereto close in 10 minutes.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. TINCHER. Division, Mr. Chairman.

The committee divided, and there were—ayes 54, noes 43.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. TINCHER and Mr. NEWTON of Minnesota took their places as tellers.

The committee again divided, and the tellers reported—ayes 74, noes 23.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. MCPHERSON].

Mr. MCPHERSON. Mr. Chairman, the opponents of this bill manifest what appears to me to be gross inconsistency. In the first place, I have sat here and listened to gentlemen charge that all the evils to be avoided by this bill do not exist. The gentleman from New York [Mr. MILLS] admits that the recitals of the section under consideration are an accurate statement of the facts and the recital a true statement of the practices of grain gamblers in the great centers. The gentleman from New York [Mr. MILLS] admits the recitations of section 3 are true facts. His objection to the measure is that it is not artfully drawn. Other gentlemen admit the practices but contend that the Congress is powerless to prevent the evils of grain gambling in interstate commerce on constitutional grounds.

I am glad that this bill is in charge of the gentleman from the agricultural State of Kansas. There was a very great Kansan once who described the practices it is designed by this bill to remove from interstate commerce. The evil practices denounced by this bill are those transactions carried on by the exchanges of the country that were so forcibly described on one occasion by Senator Ingalls.

Senator Ingalls, in an address to the law class of Missouri University on one occasion, said:

> An option deal is a transaction which is carried on over a telegraph wire that reaches from some great city to a small country town, with a damn fool at one end of the line and a damn rascal at the other.

[Laughter.]

This bill does not propose to prevent any legitimate, necessary, or useful transaction in the grain markets of the country. By the bill the committee does not intend that hedging or any other useful or necessary transaction in the purchase and sale of grain shall be prohibited.

By the bill, as the committee has framed it, it is proposed to remove and prevent in interstate commerce, so far as dealing in grain is concerned, the criminal and unlawful transactions described by Senator Ingalls, and which all agree are wrong, immoral, and are denounced by the law of every State as against public policy.

All of us know that the transactions which this bill is designed to prevent are no part of the legitimate commerce of the country. We who are lawyers have often been called upon to defend suits upon notes or other obligations arising out of such transactions, and so far as I know every respectable court refuses to compel performance of any contract or obligation based upon such transactions, so forcibly described by Senator Ingalls and denounced by every provision of this bill.

By the bill it is expected that the illegal transactions in the grain market, through which the grain gamblers by pretended purchases and sales, all fictitious, often in a day pretend to buy and sell more grain than can be grown in all the fields in the United States in the course of the year, for the reason that by such pretended purchases and sales the markets of the country are manipulated by fictitious speculation to the detriment of the producers of grain and food products and to the consumers of the same as well.

The terms used in the act, descriptive of the transactions that are prohibited, unmistakably show what it is designed by the bill to accomplish.

The terms used, to which objection has been made, have a well-defined legal meaning when used in other laws in similar connection.

For instance, objection is made by the opponents of the bill to the word reasonable, used in the act to describe fluctuations that are produced by manipulation of the market.

The word reasonable in this same connection in similar laws has been defined and its meaning established. For instance, contracts in restraint of trade are illegal everywhere, only provided they are unreasonable. So far as I know the courts of every State agree that contracts may be entered into by which one man will agree that he will not engage in a particular business at a particular place or for a fixed number of years. Such a contract it has been held would be in restraint of trade and commerce, but it would be valid because not an unreasonable restraint.

So the Supreme Court of the United States properly held that under the Sherman Antitrust Act it was only contracts that unreasonably restrain trade are invalid.

By the laws of every State in the Union the transactions prohibited by the provisions of this bill are made unlawful. The acts described in this bill can not be prohibited by the States because the Congress is given absolute control over interstate commerce.

We alone, through our control over interstate commerce, have power to relieve that commerce of the criminal practices described by the bill and which have proved so harmful to the grain growers of the United States and to the consumers of the products of our farms.

The facts recited in the bill while denied by some are admitted by others and known to exist by most of us, and by the bill we

are merely applying a remedy to the wrongs that exist in the grain market.

If the practices denounced in the bill are wrong, if they are unlawful and against public policy, why should not Congress forbid their further practice in interstate commerce? That is all there is to it, and it is no excuse in my judgment to strike the heart from the bill, as the pending motion proposes to do, by striking out section 3 of the same.

So far as I am concerned, the evils being admitted and Congress having exclusive power over the subject, no injury being done to any legitimate deal or transaction had in that commerce, and power existing nowhere else to correct the evils, it is up to Congress to act and act at once.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ELLIS. Mr. Chairman, as I said when on my feet before, we are asked to make findings of fact. It is agreed now, all around, that the superstructure of this bill will rest upon these findings. I want to call your attention to some of the evidence upon which, if at all, we shall have to make them. I want, before I go to that, to express my deliberate opinion—with great respect for the members of this Committee on Agriculture, many of whom are my personal friends—of the language contained in section 3. Take the expression that "transactions on these boards are subject to fluctuations." That is neither good English nor good sense. What the solicitor meant to say, no doubt, is that the prices in those transactions are subject to fluctuation. That is true. The dictionary's definition of speculation is, "Selling, with the expectation that prices will go down; buying, with the expectation that prices will go up." Do you want, do you expect, to suppress speculation on these boards? Those are the normal transactions in every market.

Now, let us come to the evidence.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ELLIS. Pardon me; I have not the time.

Mr. GREEN of Iowa. I want to say that I agree with the argument the gentlemen is making, but I do not think the committee is responsible for it. As I understand, the bill was made in the department.

Mr. ELLIS. It was made in the department. It is absolutely a bureau bill—of the bureau, by the bureau, and for the bureau.

There were two men that came before the committee. One of them was Mr. Gates, of Chicago, a man of high character, large experience, unusual intelligence. When he was before the committee they kowtowed to him and told him how they respected him as a first-class business man. They did not intimate he was a gambler or treat him as if he were one. "If you will go back over the hearings," said Mr. Gates, "you will find that grain men from all over the country came here to testify that this (futures trading) was an essential part of their conducting business safely. There was nothing said about this making it unsafe. There was no testimony anywhere in the record to indicate that there were frequent attempts at manipulation. It was specified, when it was mentioned at all, that they were of infrequent occurrence and that they were very difficult to bring about in the conditions under which the markets are controlled."

Either the gentleman from Kansas is wrong or this witness was wrong. The witness was absolutely and wholly right. He had read the hearings and I have read the hearings.

The other gentleman was Mr. Wells, of Minneapolis, and he, too, was complimented by the members of the committee—was recognized and treated as a man of the highest standing. What does he say? I read:

> I fail to find in the record testimony of men of experience that transactions are extremely susceptible to speculation, manipulation, and control. It has been admitted that at times, under abnormal conditions, there have been evidences of manipulation; possibly there has been manipulation, but it is not a continuing feature of the market. It is something that happens in our markets only under abnormal conditions.

That, Mr. Chairman, is the testimony. There is no other evidence upon which to make the finding the solicitor has prepared to help him sustain himself before the court.

Any man who knows anything about these transactions—and there is not, of course, one in ten of us who knows anything about them—any man who is familiar with market operations knows that when these manipulations occur, when a corner is effected on the market, it is in spite of regulations; that when they occur the operation transcends the spirit and letter of all rules, all regulations—is a defiance of rules, an uncontrolled, uncontrollable mutiny against the established order on these exchanges.

Gentlemen, if you make these findings of fact, you do it on the ipse dixit of the man who is managing this bill. You do not do it on any evidence; you do it against all the evidence and all the facts in this case. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. MILLS] to strike out the section.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. NEWTON of Minnesota. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 56.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 4. That it shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—
>
> (a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or
>
> (b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a memorandum in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such memorandum for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. A committee amendment will be considered first. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 4, line 19, strike out the words "That it" and insert in lieu thereof the word "It."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment proposed by Mr. STEENERSON to H. R. 11843:
>
> Strike out lines 19, 20, 21, 22, 23, 24, and 25 on page 4 and the first three words in line 1 on page 5 and insert in lieu thereof the following: "It shall be unlawful for any person to offer to make or execute any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States," so as to make the first subdivision of section 4 read as follows: "It shall be unlawful for any person to offer to make or execute any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except "——

Mr. STEENERSON. Mr. Chairman, the decision of the Supreme Court held that transactions on a board of trade in future dealings in grain were not interstate commerce, as far as it appeared in the recitals of the first Tincher bill. The court held that you could not use the taxing power to accomplish indirectly what you could not do directly, because these transactions were intrastate, and therefore you could not invoke the taxing power or get jurisdiction of them and do indirectly what you could not do directly. In the first child-labor case they held that you could not use the interstate commerce power for the purpose of controlling child labor, because that also was a subject within the jurisdiction of the States, and that therefore that law which prohibited the interstate commerce movement of articles made by child labor in a factory was void.

Now, here comes the proposition to use the postal power to accomplish the same thing. But the reasoning of the court tends to the conclusion that neither of these powers can be invoked for this illegal purpose. You can not confer upon Congress jurisdiction of subjects that Congress has not jurisdiction of by invoking either of these powers.

The only saving clauses to this bill are section 2 and section 3, which you have refused to strike out. While those sections do not assert that these things are interstate commerce, they do declare that these transactions in futures in grain on the boards of trade are affected with a public interest, and that they do

injuriously or otherwise burden and affect interstate commerce, just the same as the Supreme Court has declared that the railroad rates on intrastate traffic, although wholly within the power of the States, may be taken under the jurisdiction of the Interstate Commerce Commission when they burden or hamper the power of that commission over interstate commerce.

Now, these recitals in sections 1 and 2 are intended to confer jurisdiction. That is what Mr. Morrill said. That is what they are written for, and the gentleman from Missouri [Mr. ELLIS] and the gentleman from Minneapolis [Mr. NEWTON of Minnesota] were correct in their statements that this is an attempt to recite facts which will confer jurisdiction, because they say that these transactions on the boards of trade are affected with a public interest and that they burden interstate commerce. If so, Congress has complete power over them, and you can regulate those transactions, but you can not do it by reason of the postal power which is attempted in section 4, which I am here seeking to strike out. This section, which excludes all communication, either through the mails or through any other means between the States, is an attempt by indirection to get jurisdiction of a matter over which Congress has no power. If you leave this section in the bill in the way in which it is written, you make the bill unconstitutional; but if you strike it out your bill, in my opinion, will be valid, because it will then be an attempt to regulate commerce, or at least to regulate a matter that affects and burdens interstate commerce, just the same as intrastate railroad rates affect and burden interstate commerce when they are too burdensome and may be regulated by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken; and on a division (demanded by Mr. STEENERSON) there were—ayes 16, noes 57.

Accordingly the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word of the section.

Mr. TINCHER. Mr. Chairman, will the gentleman yield to me to make a request?

Mr. NEWTON of Minnesota. Yes.

Mr. TINCHER. I ask unanimous consent that debate on this section and all amendments thereto close in five minutes.

Mr. STEENERSON. I want to offer another amendment.

Mr. PARKER of New Jersey. I want to move to strike out the section, and I want to debate that.

Mr. TINCHER. Then I move that all debate on this section and all amendments thereto close in 10 minutes.

Mr. PARKER of New Jersey. Will not the gentleman make that apply to all amendments except the motion to strike out, because we want debate on that?

Mr. TINCHER. Oh, no; that ought not to be debated at all. You might just as well move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Kansas [Mr. TINCHER] moves that debate on the section and all amendments thereto close in 10 minutes.

The question being taken, on a division (demanded by Mr. TINCHER) there were—ayes 69, noes 36.

Accordingly the motion was agreed to.

Mr. ELLIS. Mr. Chairman, I make the point of no quorum, and object to the vote on that ground.

The CHAIRMAN. The vote discloses the presence of a quorum. The gentleman from Minnesota [Mr. NEWTON] is recognized.

Mr. NEWTON of Minnesota. Mr. Chairman, the last word in this section is "justice." It is well that occasionally throughout this bill we can find some provision of which something good can be said. There is not much else. But I want to move to strike it out because, judging from the rest of the bill, the word "justice" does not belong in the bill at all.

With that observation, I want to call attention to two different features of this bill. First there has been a great deal of talk here this afternoon about the evidence submitted to the committee in the hearings about manipulation and fluctuation of prices. Let us look at the table of contents of the hearings. First there is the statement of Mr. Chester Morrill, solicitor of the Department of Agriculture. He is the draftsman. What information could he give this committee upon the running of a grain exchange or the fluctuations of the market? He knows nothing of a practical character about that. If you will look at subdivision (f) in the next section you will certainly agree with me. No one can make any sense out of it. The next gentleman who appeared was Mr. NEWTON of Minnesota. He could not give any information about the operations of the grain exchange and the conditions affecting market manipulations except from hearsay. Mr. Gates and Mr. Wells were the next two witnesses. Did they give any information of that character? Not a word. Then the hearings were closed with the statements of our colleagues Mr. CHINDBLOM and Mr. VOLSTEAD, who made no attempt to give testimony of that character to the committee. With this testimony the committee closed the hearings. Upon this testimony they predicate the recital of facts in section 3. But there were no facts before the committee to substantiate this recital.

Now, as to the question of manipulation: The chairman of the committee, my good friend from Kansas, tells us how the market has been grossly manipulated to the detriment of the farmer. We have a Department of Agriculture charged with the duty and responsibility of guarding against manipulation, and this Committee on Agriculture ought to have considerable influence with this Department of Agriculture. I will read from subsection (b) of section 6 of the futures trading act. It has been stated by one member of the committee that only one feature of the futures trading act was declared unconstitutional.

It says, "That if the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act or is attempting to manipulate the market price of any grain, in violation of section 5 hereof, or any rules or regulations," then the Secretary of Agriculture may proceed against such person or persons.

And yet this committee which comes before this Congress claiming to be such a great friend of the farmer and to have given this matter such careful, minute, and detailed consideration, with knowledge of manipulation costing the farmers millions of dollars, has failed to show those facts to the Secretary of Agriculture and get him to proceed in one single instance. Now, gentlemen, that only demonstrates that we have a bill prepared by Mr. Morrill, in the Department of Agriculture, hurriedly, then sent to the committee, speeded out of the committee for the purpose of getting it through the House so as to go to the country and talk about what we have done for the farmers, never minding if the Supreme Court throws it out again. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 19, after the word "to," insert the word "knowingly."

Mr. STEENERSON. Mr. Chairman and gentlemen, I have had for nearly 20 years considerable to do with the postal legislation and legislation relating to postal offenses. We have closed the mails to all improper matter, and in every instance where there was a prohibition against the use of the mail it is stated in the statute that whoever knowingly uses the mail or deposits in the mail this thing and that thing the party is guilty. Here seems to be rather an inoccuous offense, if it be an offense, and you are going to make a man a criminal who does not know that what he is doing is wrong. If he deposits a letter handed to him by a stranger asking him to deposit it in the mail, he then literally makes himself a criminal. Are you going to make more drastic and extreme the prohibition against mailing matter in relation to business on the board of trade than you are the prohibition against obscene matter being deposited in the mail? Are you so anxious that you are going to condemn an entirely innocent person by saying that whoever deposits for delivery in the mail these letters that they are guilty of an offense and subject to a $10,000 fine and imprisonment for a year, or both?

Mr. WILLIAMSON. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. WILLIAMSON. The gentleman does not contend that a man who deposits in the mail a letter of the character that he describes is guilty, if he does not know what is in it?

Mr. STEENERSON. Certainly, under this bill—under no other law would he be guilty, but this is more drastic and stringent than any law that has ever been passed. I submit that the United States mail being the means of communication and intercourse, social and business, for the 100,000,000 of people, that you ought not to put such an outrageous statute on the books, because you might be doing a very great wrong to countless people who do not know anything about the matter condemned. The exception in regard to mailing and what is legal would take a Philadelphia lawyer to understand. It is lawful if you are a member of a board of trade of a contract market, and it is unlawful if you are not. It is unlawful if you are a farmer and do not raise any grain; if you are a dairy farmer and deposit the letter giving market quotations on a board of trade, you are guilty; but if you are a farmer that raises the grain, or a member of a society of farmers that raise the grain,

you can mail the letter. This law was not written in the Post Office Department. It was written by Mr. Morrill in the Agricultural Department, and all the explanation he gave us was that he inserted these provisions in place of the words of taxation in the former bill. He merely substituted the postal provisions for the taxing provisions of the former bill. Such provisions are tyrannical and an abuse of legislative power.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken, and on a division (demanded by Mr. STEENERSON) there were 45 ayes and 50 noes.

So the amendment was rejected.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the section. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. PARKER of New Jersey moves to strike out section 4.

Mr. PARKER of New Jersey. Mr. Chairman, I do not appear for any grain exchange, and I am not a dealer in futures, but I am going to speak for the farmers of Kansas, for the honest business men who buy their grain, and for the millers who buy of them.

Under this bill if any man goes down to the farmers of Kansas as a grain buyer, goes around among them and makes contracts by which he shall become a buyer in 10 days of 1,000 bushels of wheat here and 1,000 bushels of wheat there up to, say, 15,000 bushels of wheat that is a legal transaction, because he buys of the farmer, but if that same man wants to sell to the miller in Minneapolis and by telephone says to him, "Will you buy 15,000 bushels of grain from me in 15 days, pay me an advance upon it so that I can buy of these farmers," he is then subject to a fine of $10,000, because unless he is the "owner of the actual physical property" in the grain he can not make that contract of sale, unless he goes to a grain exchange and pays a commission there. He is not the "owner of the actual physical property" in grain by simply having made a contract to get it in 10 days. He is not the "owner of the actual physical property" at all until he buys this grain and gets the delivery of it, and much more if he secures his sale to the miller before he agrees with the farmer.

Mr. Chairman, this simply shows the danger of passing a bill which puts the monopoly of the grain business of this country in the hands of the grain exchanges. It is a thing that I should think every grain exchange would favor, because it turns every buyer and independent middleman out of business and forbids him to do any interstate business without going through a grain exchange. It is absolutely clear. It says that the contract shall be void unless the seller at the time of the making of such contract is the owner of the actual physical property covered thereby, or the grower thereof, or in a cooperative association, and he can only make his sale legal by the second clause which provides that it shall be legal where the contract is made by or through a member of a board of trade which has been designated as a contract market. The independent buyer of the grain, such as the gentleman from Iowa [Mr. HULL] said he has been, if he wants to sell without going through a broker, whether to the mill, or to the exporter, or whatever it may be, is turned out of business, and he must go to a grain exchange, which has been approved by the Secretary of Agriculture.

Mr. Chairman, I am not in favor of throwing the monopoly of any business in this country into the hands of a grain exchange. I saw no way to correct this section or I would have tried to do it. I can not provide for the various cases. I have named one. I submit that any bill which seeks to impose a fine of $10,000 or imprisonment in order to do business in this country should not be approved by this House. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey to strike out the section.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman, I simply want to state to the committee that the gentleman from New Jersey is entirely mistaken.

Mr. CHINDBLOM. He is not.

Mr. TINCHER. The gentleman says he is not. There is no prohibition in this bill against the man who is the owner of grain selling it for future delivery to anyone, and in the case which the gentleman from New Jersey described there would be no penalty attached.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. PARKER of New Jersey. Does the gentleman say that when a man has made a contract to buy grain 10 days from now, and to pay for it then, that he is the owner of it?

Mr. TINCHER. Oh, yes.

Mr. PARKER of New Jersey. I do not agree with the gentleman. He is not the owner of the actual physical property.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey to strike out the section.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 36, noes 64.

So the amendment was rejected.

Mr. A. P. NELSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein certain matter relative to the legislative situation.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by inserting certain matter relative to the legislative situation. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would not cast the obloquy upon my colleague of suggesting that he should be more definite as to what he wishes to insert in the RECORD. Will he be kind enough to inform the committee more definitely?

Mr. A. P. NELSON. It is upon the work of Congress.

The CHAIRMAN. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, will this appear in the back of the RECORD?

Mr. A. P. NELSON. Certainly.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements:

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volumes and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official weighing and inspection service approved by the Secretary of Agriculture for the purpose.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, by the board or any member thereof, of false, misleading, or inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof admits to membership in and all privileges on such board of trade, under such terms and conditions as may be imposed lawfully on other members of such board, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business in interstate commerce: *Provided*, That no rule of a contract market against rebating commissions shall apply to the distribution of excess earnings among the bona fide members of any such cooperative association.

(f) When the governing board thereof provides for making such changes from time to time in the terms and conditions of the forms of contracts of sale to be executed on or subject to the rules of such board as may be necessary to remove or overcome any material prejudice or disadvantage to sellers or buyers thereof, found by the Secretary of Agriculture after investigation and public hearing and communicated by him to such board, which substantially affects the price or prices of such contracts so as to render them hazardous or unreliable as hedges or price bases for transactions in interstate commerce in cash grain or the products or by-products thereof.

(g) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this act.

The committee amendment was read, as follows:

Page 6, line 3, strike out the words "That the" and insert in lieu thereof the word "The."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out paragraph (f) commencing with line 15, on page 8.

Mr. CLAGUE. Mr. Chairman, there is another committee amendment at the desk.

The CHAIRMAN. The committee amendment has not been offered by anybody. The Chair has recognized the gentleman from Illinois to offer a motion to amend. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment by Mr. MANN: Page 8, line 15, strike out all of paragraph (f).

Mr. MANN. Mr. Chairman, I hope the committee will agree to this amendment. This paragraph, which relates to the form of contract on exchanges, is not an essential part of this bill at all and is so recognized by the friends of the bill. The matter has not been very well worked out. If it should develop hereafter that it is necessary to have this power it will be time enough to enact this legislation hereafter. Most of the gentlemen who have read this do not agree as to what it means. In my own judgment, expressed with some hesitation, if this paragraph remains in the bill the chances are that it would be held unconstitutional, and perhaps the other provisions of the section. I hope the amendment to strike out this will not be resisted.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. CLAGUE. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 14, after the word "official," strike out the word "weighing," and page 6, line 15, strike out the first word "and."

The question was taken, and the amendment was agreed to.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 22, after the word "misleading," strike out the words "or inaccurate," and before the word "misleading" insert the word "of."

Mr. JONES of Texas. Mr. Chairman, I am in favor of this bill, but the way the bill is written it would forbid the sending out an inaccurate report as to the condition of the market. Now, it is practically impossible to get an absolutely accurate report. Consider the Government reports—there are inaccuracies even in such reports, so that technically construed at least it would be forbidden to send out a Government report if there were any inaccuracies in it, which, of course, there necessarily would be. Of course, I suppose it would be construed that a matter which was not a substantial inaccuracy could not be material, but I do not see why such a provision should remain in the bill. If a statement sent out about the marketing of grain were misleading or false, the bill would still, under my amendment, condemn such a statement, so why put the word "inaccurate" into the bill, as it seems that without such word it would cover the ground sought.

As a matter of fact it is altogether desirable to have full market information distributed. All production is benefited by such distribution. Everyone wants to see the information generally diffused and distributed, and simply because there may be reports here that are inaccurate in some respects it does not seem to me they should be condemned so long as they are not false or misleading; at least the term "false and misleading," it seems to me, would govern in case of any substantial inaccuracy.

Mr. HOCH. Will the gentleman yield?

Mr. JONES of Texas. I do.

Mr. HOCH. It does not seem to me this is a provision for penalizing the sending of an inaccurate report. This is simply one of the conditions which must be met in order to be designated a contract market.

Mr. JONES of Texas. A board could have its license taken away for sending out a Government report, because this is one of the conditions which the Secretary of Agriculture must levy before he designates the board a contract market. If he sent out a Government report therefore which is inaccurate, it seems to me, while he probably would not do it, he would have the authority to take away the designation as a contract market, and I do not believe he ought to have that authority.

Mr. HOCH. Does not this simply say that the governing board shall make provision to prevent dissemination of inaccurate reports?

Mr. JONES of Texas. Yes. If they make the rule which forbids the sending out of any inaccurate reports, sending out any report that is not entirely accurate, the Secretary of Agriculture is authorized to take away the designation. I believe the language should be "false and misleading." I believe the bill would be a better bill if the language were left there that should provide against the sending out of false and misleading information. We want this to be a practical bill. We want it to be an effective bill. I am fully convinced that the adoption of the amendment will be for the best interests of both the producer and the ultimate consumer.

Mr. STEPHENS. Mr. Chairman, I move to strike out the last word.

Mr. LAYTON. What is before the House?

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. JONES].

Mr. STEPHENS. Mr. Chairman, I ask unanimous consent to insert in the RECORD resolutions adopted by the City Council of Cincinnati, Ohio, relative to the further improvement of the Ohio River.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The following are the resolutions referred to:

Whereas the United States Government has already expended more than $60,000,000 in the improvement of the Ohio River; and

Whereas in its present uncompleted condition the actual experience of large shippers has shown a saving over the railroad rates of $2.50 per ton on steel shipments; and

Whereas the chamber of commerce of this city and the Ohio Valley Improvement Association, which has its headquarters in Cincinnati, have long urged the completion of this great project, which will benefit the entire Nation: Therefore be it

Resolved by the council of the city of Cincinnati, That Congress is hereby urged and petitioned to pass the pending appropriations for rivers and harbors and to take such other steps as may be necessary to complete the improvement of the Ohio River in order that the public may have the benefit of its use at the earliest possible time; and be it further

Resolved, That a copy of these resolutions be transmitted to the Senators from Ohio and to the Representatives from this county.

In council of the city of Cincinnati, Tuesday, June 20, A. D. 1922.

Read and adopted.

Mr. TINCHER. Mr. Chairman, I move to close debate on this section and all amendments thereto.

Mr. NEWTON of Minnesota. I have an amendment, striking out lines 11, 12, 13, and 14, that has been sent up to the desk, and I think that I should have the customary five minutes under the rules in which to present it to the House. It is an amendment that is embodied in the minority report, and it seems to me that we ought to be able to have at least time to discuss amendments that were submitted in the minority report to the House. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that debate on the section and all amendments thereto be now closed.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TINCHER. Division, Mr. Chairman.

The committee divided, and there were—ayes 64, noes 64.

So the motion was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman——

Mr. RAINEY of Illinois. Mr. Chairman, a parliamentary inquiry. I want to know whether or not that motion precluded the offering of additional amendments.

The CHAIRMAN. The motion was not agreed to. The gentleman from Minnesota [Mr. NEWTON] is recognized.

Mr. MANN. Will the gentleman permit me to make a unanimous-consent request?

Mr. NEWTON of Minnesota. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the bill be amended on page 9, line 3, by striking out the letter "g" and inserting in lieu thereof the letter "f."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 9, line 3, strike out the letter "g" and insert in lieu thereof the letter "f."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. JONES].

Mr. GRAHAM of Illinois. I think the amendment has not been reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Minnesota [Mr. NEWTON] offers an amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota:
Page 8, line 11, after the word "commerce," strike out the proviso.

Mr. NEWTON of Minnesota. Mr. Chairman, the bill provides for the permission of certain grain exchanges under the regulation of the Secretary to operate a futures market. Now, subdivision (e), on page 8, contains one of those conditions.

I want to call specific attention to it.

When the governing board thereof admits to membership in and all privileges on such board of trade under such terms and conditions as may be imposed lawfully on other members of such board, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business in interstate commerce: *Provided*—

It is this proviso I seek to strike out:

That no rule of a contract market against rebating commission shall apply to the distribution of excess earnings among the bona fide members of any such cooperative association.

Now, the membership upon these exchanges is necessarily subject to rules and regulations of the exchanges, and one of those rules is that there shall be no rebating of commissions by any member, and when any member of any exchange—I am speaking now of the usual course of business which has been prevalent for years—rebates a commission he can be hauled up before the governing board and expelled or otherwise disciplined.

Now, there is a very good reason for that. The members dealing upon the exchange deal with each other's property, and they handle large amounts of money. They must be financially responsible. The business is conducted upon a highly competitive basis, and the rebate of commissions makes for the same trouble that we get on any other proposition in which there is great public interest, and when the margin is small it makes for dishonest and sharp practices, so that universally these exchanges have prevented the rebating of commissions.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield there?

Mr. NEWTON of Minnesota. No; I can not yield, I am sorry to say.

Now, then, since 12 years ago the cooperative concerns of farmers have had representation upon the Minneapolis Chamber of Commerce. They have had it upon the same basis as any other concern. If reliable and honest, they are admitted to membership upon payment of membership fees. That is what this bill seeks to make general.

But, in addition to that, it provides that they can go in and go into this commission-rebating practice. An ordinary business man is prevented from indulging in this rebating practice. He has that law which is founded and based upon experience to prevent him from engaging in that practice, while the cooperative exchanges will be permitted to go ahead and rebate. Without this proviso they could pay their dividends at the end of the year to the members of their cooperative associations.

But the proponents of this bill are not satisfied with that. They want the rebating of commissions, and that makes for dishonesty.

Furthermore, this provision is of doubtful constitutionality. A similar provision met with the disapproval of the Supreme Court in the recent case. It is not a condition that relates directly to the regulation in interstate commerce of the transactions covered by this bill. The transactions themselves, which are regulated, are between persons defined in section 2 of this bill. Under that definition it is immaterial who may compose them. Under the purpose of this act it is not necessary that these various persons be associated or combined in any particular manner for the purpose of carrying out the provisions of this act. Any provision providing for it would be immaterial and not relate to the direct regulation of commerce which this act seeks to do. Under these circumstances any such attempt to define who may compose or the rights of such persons among themselves would be immaterial to the main purpose of regulating interstate commerce, and under these circumstances this relation and the action among themselves would be governed solely by the police power of the States and is not a necessary function of interstate commerce, and so such proviso should not be included in this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Minnesota [Mr. NEWTON].

In my judgment it is the only specific and definite provision in this subdivision. We find on line 6 of page 8 that cooperative associations may be admitted to an exchange under such conditions as may "lawfully" be imposed upon other members. There is no law relating to it. Nobody knows what is lawful in that respect or what is unlawful. There is absolutely no law governing the association or the exchange in this respect, no law governing the admission of members to an association. That word "lawful" has no meaning whatever. There is little, if any, meaning to anything in the subdivision until the proviso is reached, and the proviso gives the only protection a cooperative association or a grain exchange has in the matter of membership. The proviso will not operate as the gentleman from Minnesota [Mr. NEWTON] says. It will not permit the distribution or return of commissions to anyone with whom the cooperative association may do business; such association will be permitted to return excess earnings, and only to its own bona fide members. It provides that the association shall not be refused admission if it distributes its excess earnings only—notice the word "only"—among the bona fide members of such association.

The testimony before the committee was to the effect that the present operations of these cooperative associations were objectionable only when they went out and sought business and took business from others than bona fide members of the association and then remitted or reduced its charges to these outsiders. There was no objection whatever to their existence and no objection to their operation if they operate as this proviso would require. There was no objection whatever to the admission of an association that distributes its profits or earnings among the bona fide members of the corporation, just as is set forth in line 11. That proviso in my judgment ought not to be stricken out.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KINCHELOE. This provision, as the gentleman knows, was in the original act. Did not Mr. Wells testify, when the matter of the farmers' organization was up before, that he thought it would be adjusted and worked out satisfactorily?

Mr. McLAUGHLIN of Michigan. Mr. Wells testified that the objection to the cooperative associations was when they went outside their membership and sought business from anybody whom they could reach, and they had a way of returning the charges and commissions to outsiders. He testified that there was no objection whatever on this score to the admission of cooperative associations if the cooperative associations returned only their profits or excess earnings and only among the bona fide members of the association.

Mr. TINCHER. Mr. Chairman, I move to close debate upon the section and all amendments thereto.

Mr. RAINEY of Illinois. I hope the gentleman will not do that. I want five minutes.

Mr. TINCHER. I do not know what the committee want to do. I move to close debate on the section and all amendments thereto.

The CHAIRMAN. The gentleman from Kansas moves that debate on this section and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. RAINEY of Illinois) there were—ayes 74, noes 22.

Accordingly the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken; and on a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 43, noes 75.

Accordingly the amendment was rejected.

Mr. RAINEY of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Amend section 5, paragraph 3, line 18, page 6, by striking out the words "before or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY of Illinois. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes to explain the purpose of this amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HERRICK. I object.

The CHAIRMAN. The gentleman from Oklahoma objects. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 6. That any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions and with a sufficient assurance that it will continue to comply with the above requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive unless within 15 days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further*, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) That if the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act or is attempting to manipulate the market price of any grain in violation of the provisions of section 5 hereof or of any of the rules or regulations made pursuant to its requirements he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, D. C., or elsewhere, before the said commission or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this act the provisions, including penalties, of section 12 of the interstate commerce act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

With the following committee amendment:

Page 9, line 6, strike out the words "that any" and insert the word "Any."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Also the following committee amendment:

Page 11, line 14, strike out the words "that if" and insert the word "If."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill whether the first word in line 12, on page 13, is correct. I do not know what "bv" stands for.

Mr. SNELL. B. v. d.

Mr. CHINDBLOM. Perhaps it should be b. v. d.

Mr. TINCHER. The word is "by."

Mr. CHINDBLOM. I ask unanimous consent that the spelling of the word "by," in line 12, page 13, be corrected by the Clerk.

The CHAIRMAN. If there be no objection the Clerk will be instructed to correct the spelling of the word.

There was no objection.

Mr. HIMES. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to extend my remarks in the RECORD by printing some correspondence bebtween Mr. Gilbert, Undersecretary of the Treasury, and others relative to H. R. 4576, introduced by the gentleman from Pennsylvania [Mr. BURKE.]

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. STEPHENS. Reserving the right to object, on what subject is that?

Mr. HIMES. The bill is with reference to providing for legal-tender notes secured by noninterest-bearing 25-year bonds of State or subdivisions of States.

Mr. STEPHENS. May I ask the gentleman if he is personally interested in the communications?

Mr. HIMES. I am asking that these be inserted in the RECORD in order to accommodate a constituent.

Mr. STEPHENS. May I ask the length of the communications?

Mr. HIMES. I should say about 20 typewritten pages.

Mr. STEPHENS. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio objects. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 7. That any board of trade that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least 90 days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application.

With the following committee amendment:

Page 13, line 18, strike out the words "that any" and insert the word "any" with a capital A.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. That for the efficient execution of the provisions of this act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this act under the proceedings prescribed in section 6 of this act: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products and by-products, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributers, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices, and other conditions in this and other countries that affect the markets.

With the following committee amendment:

Page 14, line 10, strike out the words "that for" and insert the word "for," with a capital F.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HAYS. Mr. Chairman, the bill under consideration, known as the grain futures act, proposes to lodge with the Secretary of Agriculture a supervisory power over the business methods of the grain exchanges of the Nation. Its provisions will be effective in all terminal markets transacting a sufficient volume of cash grain business to reflect the general values of grain. In order to do interstate business these markets must adopt regulations to be approved by the Secretary of Agriculture, and each of them must obtain designation from the department as a contract market.

Legislation of this kind has been repeatedly suggested in the past. As far back as I can remember there has been complaint among the farmers, the millers, and the consumers about the manipulation of grain prices by questionable methods in the great markets. A steadfast belief has prevailed that grain prices have been artificially stimulated and depressed, with little regard for the law of supply and demand. Evidence before our committee proves that on frequent occasions false information concerning crop conditions and other price elements have been circulated for the purpose of affecting market quotations. The grain trading centers through which the bread supply of the Nation must pass from the farmer to the miller, and then on to the consumer, have a function to perform that is of vital interest to every citizen. They have become public-service institutions, and it is the duty of the Government to see that their powers are not used to the detriment of public welfare.

A bill very similar to this one became a law in August, 1921, and remained in effect until May, 1922, when it was declared unconstitutional for the reason that its regulatory power was based upon a scheme of taxation. The Supreme Court, in annulling the law, denied the right of Congress to accomplish the purpose desired through taxation; but the court suggested, however, that the same result could be obtained by basing the regulatory power upon the commerce clause of the Constitution. This bill, therefore, is substantally intended to reenact a law under which we have 10 months of recent experience. During the 10 months this law was in operation there was less price manipulation than through any other equal period in recent years; but within 30 days after the law ceased to function there was a drop in the market price of wheat of 40 cents a bushel.

Under the pending measure the grain exchanges and their members will be forbidden to disseminate by wire or mail or otherwise any false or misleading reports calculated to produce price fluctuations. On the other hand, it shall be the duty of the Secretary of Agriculture to compile and furnish to producers, consumers, and distributors comprehensive information respecting markets and crop conditions, supply and demand; and such other intelligence as should properly determine price levels.

More actual wheat is bought and sold in Chicago than in any other American market; but the actual cash grain, whether for present or future delivery, is insignificant as compared with the speculative trading in fictitious futures. The average American wheat crop is something less than a billion bushels per year. The amount of future trading in wheat on the Chicago market alone exceeds 10,000,000,000 bushels. In addition to the Chicago market there are a half a dozen other grain exchanges in the country dealing in cash wheat and futures. The fact is that in the great bulk of future trading no delivery is ever contemplated. The seller of the imaginary wheat is simply betting that the price quotations will fall, and the buyer is betting that the price will rise, before the future delivery date. When the time comes to close the transaction the difference, whether up or down, is paid by the loser. Men who never in their lives have had a bushel of actual wheat in their physical possession have dealt in millions of bushels of fictitious wheat. Men who have no wheat sell thousands of bushels of it never intending to make delivery, and men who want no wheat buy thousands of bushels never expecting to receive a single pound.

On the floor of the exchange the real owners of the wheat sell it to good-faith purchasers, and on the same floor market manipulators are buying and selling futures on wheat that never did and never will exist. It is here that dealers fix the prices to be paid the farmer for his grain. Just how far the market is manipulated by speculators more deeply concerned about the price of fictitious futures than about the value of actual wheat no one can tell. Just how far the market is affected by the dissemination of false reports concerning supply and demand and crop conditions is not known. But it would be unreasonable to presume that the various sinister influences surrounding the grain trade are wholly without effect. That the even flow of wheat from the farmer's granary to the miller's elevator is not burdened and obstructed in some measure by operators on the exchange is unbelievable. But the extent of the evil influence is not known, because under the system prevailing for a lifetime no records have been kept by any of the exchanges concerning their transactions.

This bill provides that every contract market shall make a memorandum of every business transaction and retain it for three years, so that the same may be examined or reviewed at any time by the Department of Agriculture or the Department of Justice. By having at hand this information, which has never been available heretofore, it is presumed that the Secretary of Agriculture may be able to determine what class of deals amount to legitimate business and what class of them have the effect of price manipulation. Somewhere in the twilight zone between business investment and gambling manipulation a line should be drawn to determine what class of these wheat deals fall within the realm of legitimate enterprise and what class should bear the odiom of market betting. No Government agency heretofore has been empowered to turn the light on this hazy and uncertain region. The exchanges, preferring the darkness of secrecy rather than the light of publicity, have kept no records, and no Government agency has had authority to require the keeping of records. No means have been available whereby any branch of the Government could inquire or obtain information as to how prices had been manipulated in the bread supply of the Nation. It is intended that the Secretary of Agriculture shall have the power to know in detail just how American grain dealing is carried on. He will be able to know what it is that obstructs and burdens the flow of the grain from the producer to the consumer. He will be able to know whether the economic law of supply and demand is violated, and whether market jugglers are manipulating prices. He will be able to analyze the various elements constituting the spread in price between what the farmer gets for his wheat and what the consumer pays for his flour. With all of this knowledge available to the Secretary of Agriculture we are hopeful that he may be able to remove the present hindrances to grain traffic.

When the governing board of any exchange shall permit its members to disseminate misleading reports calculated to effect grain prices, or when the trading records required by law or by regulation are not kept, or are withheld from the Secretary of Agriculture, or where practices are indulged in with a view to manipulating prices or cornering the market, then such contract market shall be suspended from operation or its designation as a contract market may be revoked, according to the degree of guilt.

If this bill becomes a law, its supervisory effect will extend only to interstate transactions; it will in no wise touch such transactions as are purely intrastate. It will offer no interference to those who buy and sell cash wheat for actual delivery, present or future, because it is not designed to restrain or hinder cash transactions. The sole purpose of the bill is to correct the evils in that class of trading known as futures where grain is bought for presumable delivery at a future date, when in fact no delivery at all is contemplated. If it were a mere matter of betting on the rise or fall of the market between the manipulator on the inside and the sucker on the outside, Congress would not perhaps be concerned about it. But these enormous transactions going on every day are bound to reflect an influence on the price received by the grower of the grain. Likewise the price of wheat to the miller and the price of flour to the consumer are largely determined by the caprice and fluctuations of the price quotations on the floor of the exchange.

The natural demand for wheat is measured by the amount of bread that is consumed from day to day. The artificial demand for wheat is measured by the number of bushels sold on the market in future trading. In every other class of business the cost of production and the consent of the producer are factors in determining the price for which a thing shall be sold. But it is not so with wheat. When the farmer drives to the market with a load of grain he must accept the offer of the buyer or keep the wheat. When he crosses the street to spend his money he must pay the price the merchant proposes. The grower of the grain has had nothing to do with determining the price for which he sold it. Moreover, it is impossible for him to analyze the elements that determine the price of his crop. He knows what it cost him to produce the crop, and he can ascertain with reasonable certainty the available supply of grain and can estimate the probable demand, but his knowledge of the other price factors is too murky for analysis.

The framers of this bill are of the opinion that the price puzzle may be solved by encouraging the growers of the grain

in the practice of cooperative marketing. The bill provides that every exchange designated as a contract market shall admit to membership cooperative associations of producers. Certain boards of trade in the past have admitted these associations to membership, but have imposed a rule upon them which prohibits the rebating or splitting of commissions. They have never permitted such an association to become a member unless that association agreed to distribute its profits upon the basis of the capital invested by its members. The cooperative associations prefer to distribute their profits, not upon the basis of capital invested but upon a patronage or earning basis. In considering the bill in committee we were of the opinion that the exchanges should admit these associations to membership, and that the associations should be permitted to distribute their profits according to their own rules without dictation from the grain exchange. I regard this cooperative marketing provision as one of the most commendable features of the bill.

The framers of the bill have not sought to put any restrictions on legitimate hedging by men who have bought or sold grain in good faith for future delivery and who are merely seeking an insurance protection against adverse market fluctuations. It is conceded that the hedging privilege should not be destroyed. The hedge is an insurance against an unexpected change in price. The hedge affords safety to traders, and by reason of that safety they are usually able to secure a degree of financial backing that no bank would extend without the hedge protection.

Our committee has held extensive hearings on the features of this bill during the last two years. We have heard the views of agricultural associations and the individual farmer; we have listened patiently for days to representatives of grain exchanges; we have counseled with the millers and with representatives of the consuming public; and after the most careful and painstaking consideration we have concluded that this bill will work no injury whatever to the legitimate business of marketing grain. On the other hand, we are of the opinion that many of the disadvantages that now beset the consumer and the producer will be eliminated. We have tried to abolish that system of price gambling and market manipulating that has resulted so frequently in pulling down the price of grain at the season when the farmer sells his wheat and boosting it upward after it has been acquired by the speculator. If this bill results in giving the organized farmers of America a voice in fixing the price of their product, it will be one of the crowning achievements of the present Congress.

Mr. SEARS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, line 3, strike out the word "may" and insert the word "shall."

Mr. SEARS. Mr. Chairman, why should it be left to the discretion of the Secretary of Agriculture to make a report of the actual transactions instead of making it mandatory?

Mr. TINCHER. Because it would make an extraordinary expense to compel the Secretary to publish this in every transaction.

Mr. CHINDBLOM. I think it is in the interest of economy. It would entail an enormous expense if he has to set out the facts in every instance.

Mr. SEARS. I agree with the gentleman; I think we should act in the interest of economy. I have heard the slogan, "Put less Government into business and more business into Government." This was evidently one of the many usual ways of fooling the people, and only for the purpose of getting votes. No one can tell what this is going to cost. The Secretary of Agriculture will become supreme; he can go into a man's business, and he will have a regular army of officers going around over the country. The people are very "enthusiastic" about having Government agents come into their place of business and check them up. I have no complaint to make as to the present Secretary, and no doubt we will always have a high-class man filling said position. But it so often happens that their subordinates are dictatory and do not use judgment or discretion. However, Mr. Chairman, it is now almost impossible to secure a Pullman berth because of the army of employees traveling at the expense of the taxpayer, and perhaps a few more will make it impossible for those not in the Government to travel except in day coaches, and in this may make the measure one of economy.

Mr. LAYTON. Does not the gentleman think that that is all right—that the people have lost all power of self-government?

Mr. SEARS. I agree with the gentleman that apparently the people have lost all idea of self-control and self-government and want the Government to look after them. I think my good friends ought to go carefully before they go far in paternalism, and especially such as provided in this bill. Further, to my mind at least, this bill, like the one the Supreme Court has passed upon, will be declared unconstitutional. Certainly it is a matter which can only be controlled by the State, and as you can not do in law by indirection a thing which you can not do directly, and if I am correct in the above the Supreme Court can only declare the law unconstitutional regardless of their personal desires or wishes. I believe we must have some regulations, but I am not willing, nor will I vote for a proposition, feeling as I do, as stated above.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 9. That any person who shall violate the provisions of section 4 of this act, or who shall fail to evidence any contract mentioned in said section by a memorandum in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false, misleading, or inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

The following committee amendment was read:

Page 15, line 16, strike out the words "that any" and insert the word "any," with a capital A.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HILL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, lines 19 and 20, strike out the words "or carelessly."

[Mr. HILL addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, reserving the right to object, I want to know if we are going to conduct a night school here on law practice.

Mr. KNUTSON. We need some instruction, I think.

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota:

Page 15, line 24, strike out the words "that affect or tend to affect" and insert in lieu thereof the words "with the intent of affecting."

Mr. NEWTON of Minnesota. Mr. Chairman, section 9 is the penalty provision of the bill, and during all of this discussion as to whether a man is guilty of a misdemeanor or a felony I could not help but think of the penalty that is attached here. The penalty provided for is one year's imprisonment or a fine of $10,000, or both. What difference does it make to the poor devil who is in the cell whether we call it a misdemeanor or a felony? Here is what we are doing by this provision: We say that the man who carelessly delivers for transmission in the mails or in interstate commerce, through wire or wireless, any false, misleading, or any inaccurate reports concerning crop or market information shall be guilty, etc. One or two years ago the Department of Agriculture circulated a very inaccurate and erroneous report in reference to crop conditions in this country. That report was printed in all of the newspapers of the country. It was relied upon. It was inaccurate. It was misleading, and grossly so. Yet any person buying one of the papers that carried that report and sending it out through inadvertence could be haled before a United States court and have imposed upon him a fine of $10,000 or one year's imprisonment, or both. It is not necessary to prove that the man intended to do the thing.

If he did it carelessly or otherwise, but with the intention of affecting the price of grain, something might be said for the provision; but in line 24 it will be noted that the intent to affect the price is lacking. The provision is that it will affect or tend to affect the price of grain. My amendment seeks to provide that before a man can be penalized $10,000 or one year's imprisonment, or both, he shall at least be found to have had an intention to affect the price of grain. I am wondering if the committee will not yield to a reasonable amendment of this kind.

Mr. TINCHER. No.

Mr. NEWTON of Minnesota. I thought not. I am not surprised. I did not expect anything of the kind.

Mr. LONDON rose.

Mr. NEWTON of Minnesota. I yield to the gentleman from New York.

Mr. LONDON. If the editor or publisher of an agricultural journal should happen to be mistaken in his opinion or prognostication of the situation he would be liable to a fine?

Mr. NEWTON of Minnesota. The gentleman from New York has stated it accurately. Not only would the publisher be liable but the office boy who put it in the envelope.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I move to strike out the last word for the purpose of asking permission to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Minnesota.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 52, noes 65.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 3, after the word "both," strike out the rest of the line and insert a period after the word "both."

Mr. RAKER. Mr. Chairman——

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I will.

Mr. TINCHER. May we have unanimous consent that debate on this section and all amendments thereto close in five minutes?

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the general purpose of this bill I shall support. I shall vote for the bill. I know that the members of the committee do not consider themselves infallible. Here is a provision that a man, if convicted, may be fined $10,000; that the imprisonment can be for a year; and, third, the court can impose both fine and imprisonment, namely, $10,000 and one year in prison. Then, irrespective of the willfulness of the offense, which will have a tendency of preventing conviction, we add the following: "Together with the costs of prosecution." I want to call the attention of the gentleman to the fact that if on technical evidence a man is brought before the court, it will have a tendency to defeat a conviction because of the very large expense you may have incurred by the prosecution, besides all the other penalties. We want to be reasonable. It is the certainty and not the severity of punishment that counts. Now, it is mandatory in addition to the fine that the court must of necessity impose the costs in regard to the prosecution of the trial of the case.

Mr. TINCHER. Ordinarily the costs follow the prosecution——

Mr. RAKER. No; ordinarily it is the reverse.

Mr. TINCHER. Does the gentleman think if we are going to deal with these exchanges that we ought to take any chances?

Mr. RAKER. I think it makes little difference as to the question of the offense. The legislature, in its judgment, fixes the extent of the punishment. The court then, in its judgment, according to the evidence adduced, after the jury has found the defendant guilty or he had pleaded guilty, determines within the limit fixed by the legislature as to the punishment that should be meted out to the defendant.

Mr. TINCHER. Well, the costs follow in the better States.

Mr. RAKER. It does not follow.

Mr. TINCHER. I said in the better States, where they have the best laws.

Mr. RAKER. No; a greater number do not in the Federal courts, and the same may be said as to most of the States. You fix in the statute what a felony is and what is the punishment and what a misdemeanor is and its punishment. If you can impose a penalty of $10,000 and a year in jail, my goodness, what more do you want? Just simply because there is a sentiment for enforcing the law in this particular matter do not overdo it. You have three penalties, the third being, namely, that of imposing the costs of the prosecution by the court in all cases. Mandatory. There is no reason or justification for this last proviso, which I have moved to strike out.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 10. That if any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

The committee amendment was read, as follows:

Page 16, line 4, strike out the words "That if" and insert in lieu thereof the word "If."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 11. That no fine or imprisonment shall be imposed for any violation of this act occurring before the first day of the second month following its passage.

The committee amendment was read, as follows:

Page 16, line 9, strike out the words "That no" and insert the word "No."

The question was taken, and the amendment was agreed to.

Mr. RAINEY of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois:

Section 11, page 16, line 11, strike out the word "second" and insert in lieu thereof the word "fourth."

Mr. RAINEY of Illinois. Mr. Chairman, if I may have the attention of the gentleman from Kansas [Mr. TINCHER], I wish to state that I ask this to be four months instead of two months, so as to give the exchanges an opportunity——

Mr. TINCHER. They have already had an opportunity, and they are complying to a considerable extent with this law. It does not take them any two months or four months to comply with it.

Mr. CHINDBLOM. Does not my colleague realize that that postpones by two months the imposition of a possible fine of $10,000 and a possible imprisonment for one year for carelessly mailing a letter? That certainly would not do.

Mr. RAINEY of Illinois. I thought possibly that I could get the gentleman from Kansas to look at it more reasonably.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 12. That the Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere; and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

Also, the following committee amendment was read:

Page 16, line 12, strike out the words "That the" and insert the word "The."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TINCHER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11843, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HILL. Mr. Speaker, I demand a separate vote on my amendment to lines 19 and 20, on page 15, by striking out the words "or carelessly."

Mr. CRAMTON. Mr. Speaker, I make the point of order that the amendment called for by the gentleman from Maryland was not adopted by the Committee of the Whole.

Mr. VOIGT. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "That this" and insert in lieu thereof the word "This."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. VOIGT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 177, noes 4.

Mr. VOIGT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees. Those in favor of agreeing to the amendment will as their names are called answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 255, nays 7, not voting 168, as follows:

YEAS—255.

Ackerman	Dupré	Kopp	Ransley
Anderson	Dyer	Kraus	Reece
Ansorge	Echols	Kreider	Rhodes
Anthony	Elliott	Lampert	Ricketts
Appleby	Fairchild	Lanham	Rogers
Aswell	Fairfield	Lankford	Rose
Atkeson	Faust	Larsen, Ga.	Sanders, N. Y.
Barbour	Favrot	Layton	Sanders, Tex.
Barkley	Fenn	Lazaro	Sandlin
Begg	Fess	Lea, Calif.	Scott, Mich.
Bell	Fisher	Lee, Ga.	Scott, Tenn.
Benham	Focht	Lee, N. Y.	Sears
Bird	Free	Lehlbach	Shaw
Bixler	French	Lineberger	Shreve
Bland, Ind.	Frothingham	London	Siegel
Boies	Fuller	Lowrey	Sisson
Bond	Funk	Luhring	Smith, Idaho
Bowers	Gahn	McArthur	Smith, Mich.
Bowling	Gallivan	McCormick	Smithwick
Box	Garner	McFadden	Snell
Brand	Garrett, Tenn.	McKenzie	Speaks
Briggs	Gensman	McLaughlin, Mich.	Stafford
Brooks, Ill.	Gernerd	McLaughlin, Nebr.	Steagall
Browne, Wis.	Glynn	McPherson	Steenerson
Bulwinkle	Graham, Ill.	MacGregor	Stephens
Burke	Green, Iowa	Madden	Strong, Kans.
Burroughs	Griest	Magee	Sumners, Tex.
Burton	Griffin	Mann	Sweet
Butler	Hadley	Mapes	Swing
Byrnes, S. C.	Hammer	Martin	Tague
Byrns, Tenn.	Hardy, Colo.	Mead	Taylor, Colo.
Cable	Haugen	Merritt	Taylor, N. J.
Cannon	Hawley	Michener	Temple
Carew	Hayden	Miller	Thompson
Chalmers	Hays	Mills	Tillman
Chandler, N. Y.	Herrick	Millspaugh	Timberlake
Chandler, Okla.	Hickey	Mondell	Tincher
Chindblom	Himes	Moore, Ill.	Tinkham
Christopherson	Hoch	Moore, Ohio	Towner
Clague	Hogan	Moores, Ind.	Underhill
Clarke, N. Y.	Hooker	Morgan	Upshaw
Clouse	Huddleston	Mott	Vaile
Cole, Iowa	Hudspeth	Murphy	Vare
Cole, Ohio	Hull	Nelson, Me.	Vestal
Collier	Jacoway	Nelson, A. P.	Voigt
Collins	James	Norton	Volk
Connally, Tex.	Jeffers, Ala.	Ogden	Volstead
Connell	Johnson, S. Dak.	Oldfield	Walsh
Cooper, Wis.	Johnson, Wash.	Oliver	Ward, N. Y.
Coughlin	Jones, Pa.	Overstreet	Weaver
Cramton	Jones, Tex.	Paige	Wheeler
Crisp	Keller	Parker, N. J.	White, Kans.
Crowther	Kelley, Mich.	Parker, N. Y.	White, Me.
Cullen	Kennedy	Patterson, N. J.	Williams, Ill.
Curry	Ketcham	Perkins	Williams, Tex.
Dale	Kiess	Perlman	Williamson
Dallinger	Kincheloe	Porter	Winslow
Darrow	King	Pou	Woodruff
Davis, Tenn.	Kirkpatrick	Purnell	Woodyard
Dempsey	Kissel	Quin	Wright
Denison	Kline, N. Y.	Rainey, Ill.	Wurzbach
Doughton	Kline, Pa.	Raker	Wyant
Dowell	Knight	Ramseyer	Zihlman
Dunbar	Knutson	Rankin	

NAYS—7.

Gorman	Michaelson	Radcliffe	Sproul
Hill	Newton, Minn.	Rossdale	

NOT VOTING—168.

Almon	Brooks, Pa.	Connolly, Pa.	Evans
Andrew, Mass.	Brown, Tenn.	Cooper, Ohio	Fields
Andrews, Nebr.	Buchanan	Copley	Fish
Arentz	Burdick	Crago	Fitzgerald
Bacharach	Burtness	Davis, Minn.	Fordney
Bankhead	Campbell, Kans.	Deal	Foster
Beck	Campbell, Pa.	Dickinson	Frear
Beedy	Cantrill	Dominick	Freeman
Black	Carter	Drane	Fulmer
Blakeney	Clark, Fla.	Drewry	Garrett, Tex.
Bland, Va.	Classon	Driver	Gilbert
Blanton	Cockran	Dunn	Goldsborough
Brennan	Codd	Edmonds	Goodykoontz
Britten	Colton	Ellis	Gould
Graham, Pa.	Lawrence	Parks, Ark.	Stevenson
Greene, Mass.	Leatherwood	Patterson, Mo.	Stiness
Greene, Vt.	Linthicum	Petersen	Stoll
Hardy, Tex.	Little	Pringey	Strong, Pa.
Harrison	Logan	Rainey, Ala.	Sullivan
Hawes	Longworth	Rayburn	Summers, Wash.
Henry	Luce	Reber	Swank
Hersey	Lyon	Reed, N. Y.	Taylor, Ark.
Hicks	McClintic	Reed, W. Va.	Taylor, Tenn.
Hukriede	McDuffie	Riddick	Ten Eyck
Humphreys	McLaughlin, Pa.	Riordan	Thomas
Husted	McSwain	Roach	Tilson
Hutchinson	Maloney	Robertson	Treadway
Ireland	Mansfield	Robsion	Tucker
Jefferis, Nebr.	Montague	Rodenberg	Tyson
Johnson, Ky.	Montoya	Rosenbloom	Vinson
Johnson, Miss.	Moore, Va.	Rouse	Walters
Kahn	Morin	Rucker	Ward, N. C.
Kearns	Mudd	Ryan	Wason
Kelly, Pa.	Nelson, J. M.	Sabath	Watson
Kendall	Newton, Mo.	Sanders, Ind.	Webster
Kindred	Nolan	Schall	Wilson
Kinkaid	O'Brien	Shelton	Wingo
Kitchin	O'Connor	Sinclair	Wise
Kleczka	Olpp	Sinnott	Wood, Ind.
Kunz	Osborne	Slemp	Woods, Va.
Langley	Padgett	Snyder	Yates
Larson, Minn.	Park, Ga.	Stedman	Young

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Stiness with Mr. McClintic.

Mr. Langley with Mr. Clark of Florida.

Mr. Kahn with Mr. Cantrill.

Mr. Fitzgerald with Mr. Almon.

Mr. Sinclair with Mr. Johnson of Mississippi.

Mr. Gould with Mr. Sullivan.

Mr. Brennan with Mr. Deal.

Mr. Davis of Minnesota with Mr. Montague.

Mr. Reed of New York with Mr. Wise.

Mr. Watson with Mr. Fields.

Mr. Rosenbloom with Mr. Park of Georgia.

Mr. Strong of Pennsylvania with Mr. Gilbert.

Mr. Luce with Mr. Rayburn.

Mr. Goodykoontz with Mr. Hawes.

Mr. Cooper of Ohio with Mr. Stedman.

Mr. Burtness with Mr. Bankhead.

Mr. Frear with Mr. Kindred.

Mr. Kendall with Mr. Swank.

Mr. Robsion with Mr. Bland of Virginia.

Mr. Webster with Mr. Kunz.

Mr. Henry with Mr. Ten Eyck.

Mr. Beck with Mr. Dominick.

Mr. Arentz with Mr. Moore of Virginia.

Mr. Greene of Massachusetts with Mr. Parks of Arkansas.

Mr. Andrews of Nebraska with Mr. Johnson of Kentucky.

Mr. Beedy with Mr. Kitchin.

Mr. Leatherwood with Mr. Woods of Virginia.

Mr. Brown of Tennessee with Mr. O'Brien.

Mr. Larson of Minnesota with Mr. Black.

Mr. Ryan with Mr. Campbell of Pennsylvania.

Mr. Hicks with Mr. Drane.

Mr. Fish with Mr. Lyon.

Mr. Schall with Mr. McSwain.

Mr. Blakeney with Mr. O'Connor.

Mr. Morin with Mr. Carter.

Mr. Nolan with Mr. Drewry.

Mr. Codd with Mr. Linthicum.

Mr. Olpp with Mr. Padgett.

Mr. Dunn with Mr. Goldsborough.

Mr. Colton with Mr. Buchanan.

Mr. Evans with Mr. Logan.

Mr. Kearns with Mr. Rucker.

Mr. Newton of Missouri with Mr. Harrison.

Mr. Bacharach with Mr. Riordan.

Mr. Longworth with Mr. Stoll.

Mr. Campbell of Kansas with Mr. Humphreys.

Mr. Hutchinson with Mr. Stevenson.

Mr. Classon with Mr. Driver.

Mr. Greene of Vermont with Mr. Hardy of Texas.

Mr. Osborne with Mr. Sabath.

Mr. Hukriede with Mr. Blanton.

Mr. Yates with Mr. Fulmer.

Mr. Freeman with Mr. Garrett of Texas.

Mr. Taylor of Tennessee with Mr. Taylor of Arkansas.

Mr. Wason with Mr. Ward of North Carolina.

Mr. Petersen with Mr. Wingo.

Mr. Brooks of Pennsylvania with Mr. Mansfield.

Mr. Kleczka with Mr. Wilson.

Mr. Jefferis of Nebraska with Mr. Vinson.

Mr. Foster with Mr. Tyson.

Mr. Little with Mr. Tucker.
Mr. Summers of Washington with Mr. McDuffie.
Mr. Maloney with Mr. Rainey of Alabama.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The Doorkeeper will open the doors.
The doors were opened.
Mr. VOIGT. Mr. Speaker, I ask leave to withdraw my request for a separate vote on the other amendments.
The SPEAKER. The gentleman withdraws his request. Is a separate vote demanded on any of the other amendments? If not, the Chair will put them in gross. The question is on agreeing to the other amendments.
The amendments were agreed to.
The SPEAKER. The question is on the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read a third time.
Mr. VOIGT. Mr. Speaker, I demand the reading of the engrossed copy.
The SPEAKER. The gentleman from Wisconsin demands the reading of the engrossed copy.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made this afternoon.
The SPEAKER. Is there objection to the request of the gentleman from Florida?
There was no objection.
Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.
The SPEAKER. Is there objection to the request of the gentleman from Kansas?
There was no objection.
Mr. WURZBACH. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the tariff.
The SPEAKER. Is there objection to the gentleman's request?
There was no objection.
The extension of remarks referred to are here printed in full as follows:

Mr. WURZBACH. Mr. Speaker, the greatest if not the sole issue between the Republican Party and the Democratic Party to-day is the tariff issue. It has been the outstanding issue since the beginning of our Government almost, and has had the best thought and deepest study of America's ablest statesmen. The Republican Party has consistently stood for the protective-tariff policy, and the Democratic Party for the free-trade or tariff-for-revenue-only policy. The Northern and Eastern States have been and are principally manufacturing States, while the South and West have engaged chiefly in agriculture. The former States have always been in competition with the European manufacturer, but until recent years the farmer and the stockman, the producer of raw material, had no foreign competition at all, because there was little, if any, importation of raw material. Before the war the South had its cheap slave labor and the West its cheap and fertile virgin land, limitless in area.

The agriculturist was only concerned in finding an export market for his surplus products, for he had no cause to worry about competition from without. Naturally he was not interested in placing restrictions or prohibitions against the importations of agricultural products that were not being imported anyhow, and it likewise appeared to him natural, fair, and proper, though admittedly selfish, to oppose a protective tariff upon manufactures, which he did not produce and sell, but which he used and had to buy. Had conditions been reversed—the South a manufacturing section, and the North agricultural—undoubtedly the South would have favored the protective policy and the North opposed it; or if in the past, had the manufacturers of the North been free and exempt from foreign competition, and the agricultural products of the South subjected to outside competition, we may be sure that the northern manufacturers would have been the free trader and the farmer of the South the protectionist. Selfish personal interest will probably always control human actions, and where interests vary according to sections of the country, we naturally have sectional policies, and that means sectional politics.

But the conditions of the past are not the conditions of to-day. A great change has taken place in the productive businesses of this Nation. The farmer of the South and West no longer has the American market to himself, but is forced to compete at home with an enormous influx of farm, ranch, and dairy products from South America, Australia, Asia, Africa, Europe, in fact, from all parts and corners of the earth.

The producer of raw material is now in exactly the same position with reference to foreign competition in which the manufacturer has always been in this country. True, neither of these great industries—manufacture and agriculture—at this time may be in the strict sense "infant industries" that need the "wet nurse" of protection. They are, however, due to abnormal world conditions, very "sick industries" and need the care and ministrations of both physician and nurse and safe and sane doses of the helpful and strengthening tonic of Republican protection. A sick adult needs the services of nurse and physician quite as much as does the infant. On account of this changed condition whereby the farmer and the stockman finds himself occupying the same position with regard to foreign competition as the manufacturer, the tariff question has ceased to be sectional and has become a national problem, affecting the South and West in the same degree as the North and East, and the question ought to be, must be, discussed and solved in a broad and comprehensive way, patriotically, and from the broad American standpoint.

If I am correct in the statement that farm, ranch, and dairy products can be supplied to the American market by the foreign producer at prices greatly less than the same products can be placed upon the American market by our own farmers, ranchmen, and dairymen, then clearly the protective tariff policy of the Republican Party applies with as much force to those raw products as to the finished article of the manufacturer.

The Republican Party is recognizing the application of the policy to the products of the South, and the Democratic Party will be forced by its own adherents to meet the issue fairly and squarely, and not evasively as heretofore. It ought to be easy for Americans of every class, of every section, whether farmer or manufacturer, to meet upon the common ground of saving the American market to the American producer, and not to surrender it to the foreign producer and the foreign laborer. With such a surrender goes American prosperity and American commercial independence. It is indeed a pleasing prospect that at this present time the tariff may be discussed from the national point of view, and for the first time in the history of our Republic sectional appeal to sectional selfishness is as inappropriate as it is senseless. We have a common interest, a common cause, and we must stand together or fall together. We are forced to abandon a sectional policy and adopt a national policy of protection. The protective-tariff policy is an American policy, although I admit it is a selfish policy, but being American I am willing to stand charged with a national selfishness that means the preservation of American prosperity, American ideals, American standards of living, and the American scale of wages.

I shall not attempt to burden the RECORD with a mass of statistical information, but briefly to present and discuss the fundamentals of this great and vital question, and their application to current conditions. When I use the term "raw material" I use it in its general sense as including farm and ranch products as distinguished from manufactured products, recognizing that in the strict sense there are no raw materials that are not the result of labor, and that what is raw material to the manufacturer is the finished product of the farmer. It is also true that the capital of to-day is the labor of yesterday. All wealth practically is the product of labor. Labor produces from the ground the raw material and converts that into a more finished product, adding to its usefulness and to its value. Because labor produces nearly all wealth, prime consideration should be given to its protection and its encouragement and reward in devising any legislative plan to bring about commercial prosperity. Wealth being the product of labor, whatever benefits the product benefits its producer, and whatever injures one injures the other. The workman in the factory, field, or mine depends upon the successful and profitable operation of the enterprise for his own success. These truths are axiomatic.

The American workman enjoys a higher wage scale and has become accustomed to a better standard of living than the foreign workman. His wages are in many cases more than twice as high as the European laborer; and his living expenses, due to comforts he enjoys, are greatly in excess of his foreign competitor who turns out the same or similar products. It follows, therefore, that the foreign producer, manufacturer, or farmer employing cheap labor can produce the same article much cheaper abroad than it can be produced in this country. This being true, what is the solution? The Democratic theory is to permit foreign goods to enter American markets without imposing any restriction on their importation by way of tariff levies, with the inevitable result of accomplishing one of two things, as follows: First, either to drive the American producer

out of the particular competitive business, close the factory, field, or ranch, and discharge the labor, and engage in some other productive enterprise; or, second, to reduce the cost of production to the foreign cost of production by reducing wages down to the foreign wage scale. In other words, the Democratic theory is to permit foreign goods an equal opportunity in the American market with the American goods and force the American producer to either quit the particular productive enterprise he is engaged in or force him to reduce wages of his employees to such an extent that he may be able to compete with the foreign producer. Certainly no one should seriously and bluntly advocate the degradation of American labor to the low standards of foreign countries, and neither ought any right-thinking, straight-thinking American statesman favor surrendering American production to foreign production. But the free trade or any other nonprotective tariff policy forces us to either one or the other of the above alternative courses, and I challenge the successful contradiction of the statement.

The foreign competitive field of production covers almost every American productive enterprise, and therefore the free-trade suggestion that if the American producer of a particular product can not meet the lower production costs of his foreign competitor he should quit that business and engage in another holds out no hope or promise, because the foreigner to-day competes with us in every line of manufacture, every class of agriculture. We have arrived at a point where we can retreat no longer, but must now stand our ground or surrender all to foreign industrial invasion. Every partial surrender makes surer our ultimate complete capitulation. The putting into practice of such a political theory would make of us a nation of nonproducers of wealth, our factories would close, our fields lie idle, and our labor without employment.

Free traders hold out the cold comfort to the American consumer that although the American product was not to be had the foreign product would be still available and at a cheaper price, but how would that opportunity profit the American consumer when he is without the financial means to buy? Money is not wealth, but only the measure of wealth, and wealth is the fruit of productive labor, and however cheap foreign goods might be a moneyless consuming public would still go hungry and unclothed. But not only will the surrender of American production to foreign production and the consequent surrender of the American market to the foreigner mean loss of American wealth production and diminished buying capacity, but it will not finally result in cheap foreign goods to the American consumer.

Until, and for the purpose of destroying by underselling the American producer, the foreign goods will be sold cheaper. But when American productive competition is destroyed and the American market is at the mercy of foreigners and American importers, is there anyone so gullible as to believe that the American consumer will not be forced to pay all that can be forced out of him? I know of no good reason that inspires the hope that the American consumer can expect greater consideration at the hands of foreign producers than from American producers. We have at least some legislative governmental control of our own citizens, we can make some effort to control American corporations, trusts, and monopolies, but what preventive or remedial action could we take against foreign machinations designed to fleece the American consumer? Is it not reasonable to assume that after American production is destroyed foreign manufacturers would combine to extort from their American buyers all the commerce would bear? Admitting the difficulties we encounter in curbing the greed of American monopolies, must we not further admit that we would be absolutely helpless as against foreign monopolistic combinations? They would not be subject to our laws. If the comforts and necessities of American life came only from foreign sources we would be subject to foreign power, and even if we had laws, those laws would be safely defied, for how could we enforce a law against foreigners who could withhold from us the very means of existence? I repeat that the operation of the free-trade policy would, in the course of time, mean commercial slavery to the United States. Of course, the American people would not permit the continuance of such a policy long enough to reduce America to such a hopeless and helpless condition, but the logic of the free-trade policy or any tariff-for-revenue-only policy inevitably leads to the conclusion that that very condition of commercial and national servitude will result if continued long enough.

The history of every free-trade tariff law enacted shows clearly the tendency toward that condition. The present Democratic Underwood tariff law, which went into effect late in 1913, is only an apparent, and not a real, exception to the rule. Everyone conversant with business conditions during the latter part of 1913 and the first six months of 1914 knows the paralyzing effect of that law on industry and labor. We know that soup houses were opened to take the place of factories that had been closed; that 3,000,000 men were put out of employment, and conditions growing steadily worse; that the farmer's cotton that cost 15 cents to produce fell to 6 cents per pound, and then suddenly in July, 1914, the World War broke out and imports from foreign countries to America ceased and American exports increased. But for the World War unquestionably conditions would have grown so bad that even a Democratic Congress would have repealed the Underwood tariff law, and the tariff question would have been settled in this country forever. No political party in our lifetime would have again proposed a free trade or other nonprotective tariff laws. The war saved the Democratic Party for a time. The war served the same purpose in checking foreign imports that a protective tariff serves in time of peace. The first eight months of the operation of the Underwood law shows what may be expected of a nonprotective tariff law under normal conditions, and I am confident that American business and American labor is not anxious for another such showing.

From what I have said, it follows that we must look to some other political party than the Democratic and to some other policy than a free-trade or nonprotective policy if we would secure a decent wage to the American workman and a fair price to the American producer in the American market. I have tried to present fairly the fundamentals of the free-trade policy; and for obvious reasons, what can be said by way of criticism of the free-trade policy applies equally but in lesser degree to a tariff for revenue only, so far as the protective feature is concerned. Quite recently in the South a new class of tariff Democrats have appeared. They profess to believe in a tariff that gives "incidental protection" but oppose a protective tariff. It is difficult to understand just what they mean, but we do know that this is a partial confession of the unsoundness of their party's tariff policy, and we further know that this is a complete surrender to an urgent demand of their thinking constituents who are demanding a protective tariff. They might as well now as later fully confess the error of their ways, drop the "incidental," and advocate just plain, everyday American protection, as represented by the Republican Party. The protective-tariff sentiment is growing rapidly in all parts of the South. It does not make a great deal of difference whether the protection is termed "incidental" or whether it arises "incidentally" from the rate of duties fixed, so long as it results in protection. That only is important. It is a hopeful sign that the "incidental protectionists" and the real Republican protectionists are getting so close together. They are seeking the same light and are approaching common ground from which this great problem of governmental policy may be discussed and finally solved, and from a national standpoint.

There is another class of tariff advocates who are even less frank and sincere than the "incidental" protectionists. They are not for a "tariff for revenue only" but for a "tariff for office only." They do not belong to the ranks of those Democrats who honestly oppose a tariff for protection. They are simply politicians without the courage of their convictions, and who consider the winning of an elective office the all-important thing. They boldly (?) proclaim to their voting constituents that if the manufacturer is given a protective tariff, that then the producers of the raw material should also receive the same treatment. In other words, they denounce the tariff as robbery, but claim a part of the booty. If they believe a protective tariff dishonest in principle, they can not honestly support it, and they should have the political courage to take their stand in opposition to it. If their judgment approves the policy, they ought to say so and not deceive the public. The pending Republican tariff bill takes care of the farmer and the stockman as well as the manufacturer. It is nonsectional and fair to all classes. The question is not whether a Congressman would be willing to vote a protective tariff on raw material only if a protective tariff is placed on the manufactured products. That still leaves the main question unanswered and implies opposition to the imposition of protective duties on manufactures and raw material, and opposition to the entire protective-tariff policy.

The real question to be answered is, Do you favor a protective-tariff policy as a national policy, and if a protective tariff is placed on the raw material of our section would you be willing to place a protective tariff on manufactures on a similar basis? If the question is answered affirmatively he proclaims himself in accord with the Republican policy. If in the negative he proclaims himself only an "artful dodger" but a free trader still. Although I disagree altogether with the Democratic free-trade or tariff-for-revenue-only theory, I respect its champions who defend it honestly and courageously,

and I have little respect for those candidates for office who proclaim themselves Democrats for the purpose of gaining general Democratic support and who also appeal to the protective-tariff sentiment of particular communities and particular interests. This is a popular game in Democratic Texas, where the protective-tariff sentiment is growing steadily. The Democratic national platforms for years past, including the last one adopted in 1920, has denounced in unmeasured terms the protective-tariff policy of the Republican Party. Therefore a man can not call himself a Democrat and favor any kind of protective tariff. Were I a Democrat who believed in my party and its policies I would expect the nominee of my party to make the party's fight, not repudiate his party's policies and principles, but defend them, and if he failed I would consider myself as much absolved from his support as he absolves himself from supporting his own party.

My genial friend and colleague, the gentleman from Texas [Mr. CONNALLY], illustrates one other class of Texas tariff Democrats. In a speech delivered by him on July 13, 1921, appearing in the CONGRESSIONAL RECORD of that date, on pages 3730 to 3734, he says:

* * * When the gentleman votes for this bill for the farmer's sake what does the farmer friend of my friend from Texas [Mr. WURZBACH] find out? At 4.30 o'clock in the morning he is aroused by an alarm clock upon which a tax is paid. He rolls back cotton sheets, because that is the only kind the farmer can afford under the Republican administration, and all of the things I shall mention are protected in this bill; and the gentleman from Texas [Mr. WURZBACH] is for it. He is anxious about it. He is enthusiastic about it.

When the farmer gets out of bed he puts on his woolen or cotton underclothes, his socks, his shirt, his collar, and his woolen clothes. Though the cotton and wool in them were produced by his toil or care, he must pay a tax for the privilege of wearing them. He cuts kindling with a pocketknife and builds a fire in the fireplace whose bricks and tile and cement are taxed. He strikes a match and makes a fire in the kitchen and his wife cooks breakfast, and every metal kitchen utensil that she uses while cooking breakfast is taxed, as are the household and kitchen furniture. The breakfast table, the chairs, the knives, forks, dishes, plates, spoons, tablecloth, and napkins must pay their tribute to the tariff. He shaves himself with a razor and goes out and hitches up old Beck and uses trace chains that are taxed, as are the mule's shoes and the buckles on the harness.

Saws, blacksmith tools, grindstones, nails, staples, screws, bolts, files, and hundreds of other articles that he must buy are taxed. Why? My colleague [Mr. WURZBACH] says that it is to help the farmer. I say it is to help the manufacturer. These are things the manufacturer ships to the markets of the world and there competes with the foreigner. But he says that he can not compete here, and my colleague seems to believe him. I have not time to name even half of the articles upon which he must pay toll to the tariff favorite.

If he goes down to the back of the field to shoot squirrels or kill the crows in his corn, he has to pay a tax on the rifle and shotgun. At night, after a hard day's toil, his family gathers around the fireplace. The good wife and mother is making clothes or knitting for the children. Her scissors, needles, buttons, yarn, and clothes can not escape the taxgatherer. The joy of the children must also bear a burden. The dolls and toys with which they play on the floor must contribute to the bulging purse of the manufacturer. Why? Because some Republican is afraid that a few German toys may be shipped to the United States.

Overcome with weariness, he goes to bed and pulls the blankets around shoulders bent by a tariff load levied to "help" him.

And when on Sunday he goes to church in his automobile he has got to pay a tax on his automobile, although American cars are shipped all over the globe and cost less to make than others. And while on his way to church he pays a tax on his oil and gasoline, and if his car goes dead, even the nippers and pliers and the baling wire with which he fixes the car are taxed. And yet the gentleman from Texas [Mr. WURZBACH] believes in these things and votes for them to help the farmer. May some power save the farmer from such friends. * * *

Who has not heard this same threadbare argument a hundred times before? The impression is intended to be conveyed by the gentleman that the articles mentioned and which are used by the farmer are on the protected list in the Republican bill, but that the Democratic Party is the great friend of the farmer and that it is against the policy of his party to tax any of the above-named tools, implements, clothing, and so forth, used by the farmer.

Now, the fact is that of the fifty or more articles named above—alarm clocks, squirrel guns, German dolls, socks, razors, knives, grindstones, and all the rest—yes, all of them with the exception of only four are on the protected list of the Democratic Underwood tariff law, the law under which we are now trying to operate and which will continue to be the law until the present Republican tariff bill is passed during the present session. So that the great solicitude of the Democratic Party for the farmer is not as real as it would appear from the gentleman's remarks. The four articles mentioned as being on the free list are: Mule's shoes, nails, staples, and cement. These four, no more. What a wonderful free list for the farmer! How generous to the farmer! All the other articles—fifty or more manufactured articles, if your please—are protected by ad valorem rates of from 10 per cent to 55 per cent. And this, mark you, in a Democratic tariff law; and if the farmer has been forced to pay higher prices on account of the tariff, he must charge all such high prices on the mentioned articles for the past eight and one-half years to the Democratic Party. But the farmer is not complaining so much about the high prices he must pay for what he has to buy as he is complaining about the low prices he receives for what he has to sell. An increase of 2 cents a pound on one bale of cotton will pay for a lot of mule's shoes, nails, staples, and cement. If a protective tariff increases the prices of manufactures it also would increase the price of his own raw products that he has to sell, and the same Underwood tariff law that protects the manufacturer by placing a tariff on his products fails utterly to provide any protective tariff upon the farmer's products, but forces him to compete with the cheap labor of South America, Manchuria, Egypt, Africa, and the balance of the world.

The Republican Party consistently protects all American producers—the manufacturer, the farmer, and the stockman. The Democratic Party took care of the manufacturer and left the farmer to the care of the Lord.

I realize that I have deviated somewhat from the discussion of the fundamentals of the tariff issue, to a reference to the inconsistencies of certain alleged opponents of the protective tariff sailing under the colors of the Democratic Party. I have attempted to fairly give the position of the Democratic Party on the tariff, what is claimed to be the advantages of its free-trade and tariff-for-revenue-only policy, and I have tried to show why such a policy would not accomplish what is claimed for it by the Democrats and that the policy would bring about national commercial disaster by destroying all productive enterprise, including the farmer, the stockman, and other producers of raw material as well as the manufacturer, and inflicting the greatest injury upon a class least able to bear it—the wage-earning class of America.

I shall now briefly give the Republican position with reference to the tariff. The Republican Party has always stood for the protective-tariff idea. There has been a great deal of misrepresentation with reference to its policy. It considers that the American producer and the American laborer, who bear the burdens of American Government, pay the taxes to keep the wheels of Government in motion, who answer their country's call in time of war, to make, if necessary, the supreme sacrifice, for the Nation's life and Nation's honor, are entitled to at least a fair and equal chance with the foreign producer and foreign laborer in the American market.

Remembering the fact, as before stated, that the American standard of living and scale of wages is much higher than in foreign countries, and that consequently production costs of foreign goods are much lower than our American costs of production, and repudiating the suggestion of degrading American labor to foreign standards, and repelling also any suggestion of surrendering American production and American commercial independence to foreign production and foreign commercial domination, the question presents itself again as it has presented itself since the convening of the First American Congress. The Republican solution is the protective-tariff policy, which provides and declares that foreign producers may import their goods to be sold in the American market, but for that privilege they shall be required to pay into the American Treasury a tax, or duty, or tariff, and that tariff shall be an amount equal to the difference it costs to produce the same article in America and the cost of production in the country from which it is shipped, the cost of transportation of the foreign article being added to the foreign production costs. For instance, if the cost of raising or producing cattle in South America is $30 per head, including transportation to an American port, and it costs $50 to produce the same kind of cattle in this country, the Republican protective-tariff policy would require the South American producer to pay $20 per head for the privilege of competing with the American product. This policy not only supplies revenue to our Government but prevents the destruction of the American cattle industry, for it does not require much argument to convince any intelligent human being that if South American beef is offered for sale in the American market for less than American beef of the same quality can be sold that the American consumer will buy the cheaper beef, and it will naturally and inevitably follow that the American cattle raiser will be forced out of business or into bankruptcy and financial ruin.

When this is accomplished, and the competition of the American cattleman destroyed, no one is so foolish, I hope, as to believe that the South American cattle would not rise in price to at least the former level. The same is true of every American product competing with a foreign product. It is true of wool, hides, long-staple cotton, peanuts, pecans, vegetable oils, and other raw materials as it is also true of manufactures.

I can not understand the statesmanship of men who would surrender the American market which consumes 90 per cent of all American production for the illusory hope of winning a

foreign market for the 10 per cent surplus American production. "A bird in the hand is worth two in the bush," and we ought also to remember the fable of the dog with the bone in his mouth crossing the stream. It would be political folly to give up a 90 per cent substance for a 10 per cent shadow. If we lose the substance we also lose the shadow, for how can we expect to compete with foreign producers in foreign lands, with transportation costs added to the American product, if we make it impossible for ourselves to compete with the foreigner in our own land? But if we hold our own 90 per cent market, the thing of substance, we are in at least as favorable a position to sell our surplus in foreign markets as we would be in the other case. There is little if any sentiment in domestic commerce and less in international. The foreigner will not buy from us because of any love and affection he bears for us, and he will not refuse to buy from us on account of any lack of affectionate regard, but he will be controlled solely by his own selfish interest, limited only by his ability to buy. That is just simple human nature. But free-trade advocates reply that their policy is the only one that gives the foreigner the ability to buy from us. They especially stress this argument at this time when foreign nations are heavily indebted to the United States Government and to the great international bankers of Wall Street.

The contention is made that we should so arrange American business affairs as to give greatest advantage and prosperity to foreign producers. That we should permit the free importation of foreign goods, give them the American market to exploit to their profit and advantage, and surrender the 90 per cent American market so that foreign nations and foreign producers will be enabled to sell the bulk of their cheaply produced goods to the American consumer. Under that plan, according to the Democratic notion, they will be able to pay us the vast sums they now owe us. It is undeniable that such a plan would mean prosperity to the foreign producer, and it is equally true that the holders of foreign bonds and securities would be better able to collect their debts. But at what a cost! I am opposed to canceling the foreign debt in one way or the other, either by straight gift or putting it in the power of foreign producers by means of a free-trade policy to exploit the American producer and the American wage earner and thus to pay their debts with money taken from American pockets, but if I were forced to make a choice, then I should prefer making a clear and straight-out gift and be credited at least with charitable motives. I would also prefer a quick and clean cancellation of the foreign indebtedness to the plans suggested by free-trade Democrats, because the last-mentioned plan would, through the destruction of American living standards and American wage scales, mean the complete destruction of American business.

Let me give a practical illustration of what I mean: If you were a country merchant and had a customer who was unable to pay his account you would probably extend the time for payment, and if convinced that he would never be able to pay you might and probably would cancel the debt; but certainly you would not turn over to your debtor the keys of your store and invite him to help himself from your shelves, take your goods, sell them in competition with yours, so that he might with the proceeds of the sale of your goods settle his debt to you. Such a settlement would be a very unsatisfactory settlement and could not be considered a payment at all; and worse than that, your business would have been seriously injured and perhaps destroyed in the operation.

The Democratic Party has been making a desperate attempt to convince the wage earner of America of the merits of free-trade or nonprotective tariff policy. It is not necessary to repeat that the wage earner is the principal producer and that he is the most important factor in all productive industry. If American production suffers, the American workman suffers, and he suffers at once, and long before capital, the other factor in production, feels the pinch. American labor is the best paid in the world, and the American wage earner enjoys comforts unknown to foreign wage earners, and we hope to continue that condition and improve it if possible. This happy condition is due to the fact that this country is blessed with wonderful natural resources, and we have greater wealth production than any other nation in this or any other age.

If we do not voluntarily surrender the advantages we now have in that respect by opening our markets to the cheap products of foreign pauper labor or permit unlimited immigration of foreign labor, we will always have a happy and contented people. We can not expect general happiness and contentment in America unless the working classes are kept employed in productive labor and are given the opportunity to earn wages commensurate with the wealth they produce and sufficient to furnish them with not only all the necessaries but with many of the comforts and some of the luxuries of life.

I have never been able to understand the inconsistency of Democrats who favor a restricted immigration, but oppose a protective tariff, or, in other words, who favor the exclusion of the pauper laborer from our shores, but who oppose the exclusion of the goods made by the same pauper labor. The same principle of the preservation of the rights and dignity of American labor are involved in both propositions. Certainly, it is true that the more foreign labor immigration we have the greater will be the supply of labor and correspondingly less the demand, and as unemployment increases the price of labor decreases. This is the law of supply and demand. But has it ever occurred to the American wage earner that there is to all intents and purposes a foreign laborer wrapped up in every bundle of foreign-made goods shipped to this country? This is a greater disadvantage to the American laborer than if the foreign laborer himself were admitted.

In the latter event the foreigner would become a bearer of the burdens of our Government, in the course of time a taxpayer, and gradually be forced to a standard of living, a scale of wage similar to ours and later equal to that of the American wage earner. Competition with such an immigrant would be on fairly equal terms. But not so in the case of the bundle of foreign-made goods. There the product of pauper labor competes, but the pauper laborer continues to live in a foreign country under foreign living conditions, low wage scale, and it is utterly impossible for American labor to compete under such circumstances. Strange, indeed, that a comparison so simple as this does not convince all wage earners of America that they must either abandon their ancient but well-grounded opposition to pauper-labor immigration or join with the Republican Party in restricting the importation of foreign-made goods by levying on such goods a duty equal to the difference in foreign and domestic cost of production. Foreign labor conditions may in the distant future level up to American conditions, but a sound American statesmanship will never consent to level our high standards down to theirs. Whenever American production costs can be reduced to foreign production costs, then only would the free-trade policy of the Democratic Party be practicable. As that could only be accomplished by equalizing our wage scale to the foreign scale—that is, by putting American labor on a pauper scale—I am not willing to adopt that remedy. I prefer the policy of the Republican Party, under whose administrations we have enjoyed greatest prosperity.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the nationalization of education, and to include therein a letter from Representative ANDREW of Massachusetts.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks on the subject indicated, including the insertion of a letter from his colleague the gentleman from Massachusetts [Mr. ANDREW] on the subject. Is there objection?

There was no objection.

THE SMITH-TOWNER BILL.

Mr. LAYTON. Mr. Speaker, the Sterling-Towner bill is on the calendars of both Houses and undoubtedly will sooner or later be considered, possibly by the Sixty-seventh Congress. The Smith-Towner bill is what is known as the education bill. Briefly the provisions of the bill are as follows: First, it creates a department of education, of equal authority and position with the other departments of the Government, such as the Department of the Treasury, of the Interior, of the Army, Navy, and so forth. It will have, of course, a secretary of education, who will be entitled to a seat in the Cabinet upon the same plane with the other Secretaries of departments. The salary of this secretary of education will be $12,000 a year, with an assistant secretary of education at a salary to be fixed later by Congress, together with the full complement of employees which of necessity is included in a great department of the Government.

Second, the department will start with an appropriation of $100,000,000, which, following the inevitable expansion attached to all Government functions, will grow into millions more. This fund is to be used as follows: For the instruction of illiterates 14 years of age and over; for the instruction of immigrants 14 years of age and over in the English language and in civics; for the partial payment of teachers' salaries; and for physical education and instruction in the principles of health and sanitation; for the improvement of teachers in service and for the more adequate preparation of prospective teachers.

It is claimed by the proponents of this bill that the rights of communities and of the States will not be interfered with.

Great stress is laid upon this assertion, and to emphasize it those who favor this measure point to the repeated declarations in the bill that the States will not be interfered with by the Department of Education if created. Of course such arguments are silly and scarcely deserve consideration; certainly not by intelligent people. When in the history of human affairs was any function of government content to rest within the bounds of its original limitations? What department or bureau of this Government can be cited as an instance of this contentment? On the contrary, everyone knows, who knows anything about such matters, that every department and every bureau and every commission, in fact, created by Congress has gone far beyond the original purpose of Congress and year by year has assumed more and more authority and control, not only executing the original purposes whereby and wherefore they were created but has reached out even brazenly and created new purposes, if in any way they were correlated therewith. Those who undertake to justify the creation of a department of education on the ground that the secretary of education will be content to occupy his seat in the Cabinet and merely gather statistics and divide up the $100,000,000 among States without going any further are themselves guilty either of lack of natural intelligence or sincerity and truth. This matter might just as well be looked squarely in the face now as later. No man of a commanding intelligence sufficient to warrant his selection as secretary of education will be restrained from having his own ideas as to education and from attempting to put those ideas into effect, no matter if every word in the law was a prohibition against such effort on his part. It must not be forgotten that this secretary of education will have a great department, with hundreds of positions to be filled at the very beginning, from positions of high salary down to remunerative positions for stenographers, clerks, typewriters, and so forth. With this patronage at his disposal, backed by the potential power of a hundred million appropriation, he would find little opposition on the part of a State superintendent of education if he desired to put into effect certain ideas of his own. The matter need not be argued further, because human nature is the same old quality, subject, as all human nature is in all other activities in life, to the influences of ambition and selfish seeking.

When a State superintendent of education was quietly informed by an august secretary of education, clothed with all the prestige and dignity of a Cabinet officer, that a certain history of the United States contained the real truth as to certain historical matters, or that a certain work on political economy or on sociology were the proper textbooks for public-school instruction, how many of such superintendents would shake their heads and disagree, knowing that thereby they would lose the favor of the head of this great function of Government and probably cut themselves off not only from all future national advancement but probably endanger their State positions as well. I have elaborated this one feature of the bill because it is the real purpose of those who are behind it—the nationalization of education—a purpose as full of resolve and determination as Bismarck had after 1870 for the purpose of German conquest. That this is true some of the proponents of the bill unhesitatingly declare that their desire is to have all education in the country placed under the supreme direction and control of this proposed Cabinet officer. As for the rest, whether they admit it or not, if they are fit to be called educators by reason of the possession of a fair intelligence, they know this to be the ultimate purpose. Therefore let us look at this matter fairly, and, stripping off the husks, consider the real issue, which is, Shall education of the children of America be put under the sole control of a Cabinet officer at Washington, or shall education remain under the control of the fathers and the mothers of the various communities of this land? It should not be forgotten, moreover, that if we resolve to place education under the control of the Federal Government we will necessarily resolve to place all taxation for school purposes under the control of Congress, thus robbing the taxpayer of the land of any control over his pocketbook and of any control over the money after it leaves his pocketbook. This is the most momentous question presented for the consideration of the American people since the close of the Civil War. It involves the gravest certainties; it means tyranny and taxation; it means that a majority in Congress can tax the people of Delaware without their consent; it means the practical certainty of transforming national character; it means to mold the minds of the youth of the United States according to the desire of one man, who will possess the power to select and prescribe the truths involved in education; it means to destroy that best feature of our national life, the diversification of thought created by varying conditions of soil and climate, which would be as deadly as the design of some lunatic who would level the mountains and the hills, fill up the valleys and streams, and convert the topography of the country into one monotonous dead level. There are many other arguments against this measure which I will here briefly summarize:

First. The plan is unnecessary, because illiteracy is declining in the United States and not increasing.

Second. The plan is unnecessary also because the people of the various States and communities expend now sufficiently enormous funds for education for all rational purposes.

Third, the plan would destroy local control of education; and the local keen interest in all school matters.

Fourth. The plan would rob the people of their control over the amount of taxation, as well as deprive them of the power to expend it.

Fifth. The appropriation is inadequate. Even a hundred millions of dollars would not be a drop in the bucket for the carrying out of such a scheme if enacted into law, when billions are now spent for this purpose by the various communities and States of the Federal Union.

Sixth. Such legislation would be untimely, even if expedient, under the present conditions of the country with the intolerable burden of taxation already existing.

Seventh. The plan would produce uniformity in education. This would be the destruction of a highly desirable and splendid diversification of American thought and character.

Eighth. The plan would inevitably lead to political involvement. The secretary of education would necessarily be a political appointee, subject to the same political influences in appointment that all other Cabinet appointments are subject to.

Ninth. The plan would invite and invoke a religious controversy, which would be regrettably undesirable from a national standpoint.

Tenth. The plan is undemocratic and un-American, and plainly borrowed from European and especially German sources.

Eleventh. Education in a democracy is essentially a home and a community matter—where the children of the home belong to the parents, and not to the State—as the Socialists and the Bolsheviki teach.

Twelfth. The plan is plainly unconstitutional, and in direct conflict with the reserved rights of the people under our national organic law. If put into effect, it would destroy the liberty of the people, their sense of initiative and personal responsibility, and transform them into dependents upon a paternal government—thus killing the spirit and the purpose of the founders of our great democracy.

Thirteenth. The plan of Federal "contributions" to the States is uneconomical for the State of Delaware. Delaware would not receive an allotment in proportion to the amount of internal revenue collected in the State.

Mr. Speaker, in addition to the foregoing, I ask unanimous consent to include as a part of my remarks a letter written by Mr. A. PIATT ANDREW, a Representative from the State of Massachusetts, expressing his views upon this same subject.

TOWNER-STERLING BILL DESTRUCTIVE OF SELF-GOVERNMENT.

The following letter was addressed on May 24, 1922, by Congressman A. PIATT ANDREW, to Mrs. F. P. Bagley, a member of the national committee for a department of education, in reply to an inquiry from that committee as to whether he would aid in securing the passage of the Towner-Sterling bill.

MY DEAR MRS. BAGLEY: I have you letter asking my "frank opinion" of the Towner-Sterling bill, and inclosing a circular containing arguments in defense of that measure. I have read this circular, as I have many other documents for and against the bill, and am bound to say that I am more than ever convinced of the validity of the position which I took in our discussion at Salem Willows last summer.

Subsequent reading and correspondence has confirmed my belief that the most distinguished educators of the country are almost unanimously opposed to the Towner-Sterling bill, even in its revised form. I refer to such recognized leaders as President Emeritus Eliot, President Lowell, and Dean Briggs, of Harvard, as well as Dr. Alexander Inglis, director of the Harvard Graduate School of Education; President Hibben and Dean West, of Princeton; President Butler, of Columbia; President Goodnow, of Johns Hopkins; former President Hadley, of Yale; President Sills, of Bowdoin; as well as such distinguished heads of State universities as President Kinley, of the University of Illinois; President Jessup, of the University of Iowa; Dean Sutton, of the University of Texas—all of whom, with many others whom I might name, seriously disapprove of the bill. I should be inclined to consult with an oculist before having an operation performed on my eyes, and I should certainly consult with an experienced farmer, if I had it in mind to invest money in farming. Similarly, before espousing a plan to invest a vast amount of Government money in an experiment in education, it would seem wise to weigh carefully the opinions of educational experts, and the fact that such experts in this case are substantially agreed in opposing the Towner-Sterling bill would seem of itself a powerful argument against it.

You state in your circular that the Towner-Sterling bill has two essentials: First, a department of education with a secretary in the President's Cabinet * * *; second, * * * it provides Federal aid in education.

As a general proposition, the multiplication of Cabinet officers is open to question. An essential if not the main purpose of the Cabinet is to serve as an advisory council to the President in framing the broad

lines of policy of his administration. In order to function helpfully and efficiently in this capacity, the Cabinet should be small in number and composed only of men of the first rank in ability and experience. The creation of new departments in the past has not only made the Cabinet somewhat unwieldy in proportions, but it has distinctly lowered the caliber of Cabinet membership. Since men of the first rank can seldom be found for other than departments of the first rank, on this account, if on no other, I should hesitate to indorse any proposal to increase the number of minor Cabinet officials.

A secretary of education would be appointed for only four years. He would have to be of the political party of the President then in power. If we are to believe the advocates of the Towner-Sterling bill, and if we are to accept the revised text of section 13 as literally meaning what it states, the secretary of education would "exercise no authority" over "education within the States," which means that he would have neither power of supervision over, nor authority to raise and enforce, standards of education anywhere in the United States. Certainly such a position would not appeal to any of the great educational leaders of the country. The creation of the position would mean one more Cabinet officer of secondary capacity, who probably would be appointed as the result of political or geographical pressure.

Moreover, if this were the case, if the man appointed was "in politics" and was a politician of the second or third rank, would not the inevitable result, as our Government actually works, be to

PUT EDUCATION INTO POLITICS?

Would it not open another field added to the post offices, internal revenue, and prohibition enforcement services in which Congressmen and Senators alike would seek to find opportunities to reward those who had helped them in their campaigns? Would it not also be natural to expect that books, pamphlets, posters, and circular letters containing information and suggestions with a party bias would be regularly distributed by the department to every public school and State institution of learning in the country. It is because of such deplorable possibilities, bordering in my opinion upon probabilities, that I am seriously distrustful of any and every plan to establish a department of education with a secretary in the Cabinet.

You name as a second essential feature of the Towner-Sterling bill Federal aid in education. Every good American believes it as much a Government's duty to provide schools and to encourage education as it is to provide a police force and to discourage crime, but it is quite another question as to the agency of government which is to perform these duties. Our American tradition is based upon a fairly clear delimitation of the respective functions of the Federal, State, and municipal governments. The Federal Government is charged with matters that are essentially national, and which can not be well looked after by the States, such as the Army and Navy, the monetary system, post offices, the regulation of foreign and domestic trade. The State governments look after activities that are not of an interstate character on the one hand and that can not be properly handled by counties or towns or municipalities on the other. The smaller governmental units look after local matters. The school system seems to me essentially a matter to be handled by the localities, with such cooperation from the States as will provide higher and technical education not possible to small communities. It is in this way that our public-school system has developed. It is through such agencies that it can develop still further in the future, with a flexible and free adaptation to local needs.

Our system of government is very fortunately differentiated from that of European countries with monarchical and military traditions, in that it is not highly centralized but is a Federal or federated Government based essentially upon the principle of home rule. In that fact lies the source and the assurance of the freedom that we cherish, of which we are justly proud and which we are bound to safeguard and transmit to the future. I can see, therefore, no force in the argument that our Federal Government ought to assume such functions as the supervision of education because the central Governments of other nations have done so. Our form of government, our traditions, our political theories are essentially different from theirs.

We are in fact the more bound to pay attention to these differences to-day because under stress of war our National Government has assumed many powers and activities that rightfully belong to the States, and even to private organizations. If the spirit of American institutions and the American principle of home rule in government are to survive, our primary duty to-day is to see that the National Government not only trespasses no further upon the provinces of the States and the rights of individuals but that it actually returns to the States and to private initiative many of those activities which it was forced in war time to assume.

If I have in this very brief statement made myself clear, you will understand why I believe that the whole principle underlying the Towner-Sterling and other similar bills for Federal intervention and aid in State matters is wrong. It seems to me to be based on the war-time theory that the National Government should do those things which it was not originally intended to do. It is based on the confused notion that our American Government should abandon the heritage which has come down to us from the earliest days of our history, and that we should adopt the highly centralized methods of the Old World countries with their military and monarchical traditions.

There are many other reasons, general and particular, why I am opposed to the Towner-Sterling bill; for example, the extravagance involved in the duplication of agencies which it provides, the inequitable burden of taxation which it imposes upon efficient States for the benefit of those which are remiss. But this will perhaps sufficiently answer your question as to whether or not I can be counted upon to aid in the passage of the bill. I trust that it will also convey to you the sincerity of my conviction that the bill is essentially and fundamentally wrong.

Very truly yours,

A. PIATT ANDREW.

P. S.—I notice on page 2 of your circular that you quote President Harding as apparently favoring the bill because he stated that "from every corner of the land, from county, town, and city, comes the same report, that the housing capacity of our public schools is inadequate, that tens of thousands of pupils have no place for their studies." But surely this passage in no way can be construed to argue the adoption of a bill which in section 12 provides, "that no money apportioned to a State in any of the provisions of this act shall be used by any State or local authority, directly or indirectly, for the purchase, rental, erection, preservation, or repair of any building or equipment, or for the purchase or rental of land."

I note also that on page 3 of your circular you state that an argument against the present entry of the Federal Government into education "overlooks the fact that the Federal Government has contributed to education in the States for over 200 years." If my education in history and arithmetic is not in error, this would seem to imply that the Federal Government began to contribute to education in the States more than half a century before the Federal Government existed.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by Representative GRIFFIN on Flag Day in New York City.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks by inserting a speech delivered by the gentleman from New York [Mr. GRIFFIN] on Flag Day in New York City. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

FLAG DAY ADDRESS OF HON. ANTHONY J. GRIFFIN, OF NEW YORK, AT FLAG DAY CELEBRATION UNDER THE AUSPICES OF ROYAL ARCANUM, IN BRONX BOROUGH, CITY OF NEW YORK, WEDNESDAY, JUNE 14, 1922.

Mr. GRIFFIN. I am always glad to address a fraternal body. This is no mere formal compliment or ingratiating salutation. The reasons for my partiality are deeply rooted in a long experience with men. When I was a very young man I had formulated for my guidance the thought that every man should stand on his own resources and fight his way in the world with his own talents and on his own merits. I still most firmly adhere to that maxim. The only limitations on it, in practice, is that it may often lead us into the danger of arrogant isolation. With the greatest talent in the world no man can ultimately succeed without a sympathy for humanity and the practice of good fellowship.

In my own experience I soon found that men were not all alike—that there were crooked as well as straight; that some were virtuous and others base; that some were sychophants, who worshipped power and pelf; and others, cads, who worshipped the fetish of birth and breeding. Others were bigots who measured their fellow men according to their professed creeds, and to whom the church one went to figured higher than personal virtues or qualifications.

It was, therefore, a great satisfaction to me, very early in my career, to find myself, through some whim of fate, enrolled in this splendid order, where virtue, charity, and humanity were the sole tests of a man's worth. For in this fraternity all men have a fair start and the virtues and talents of men are appraised according to their true value.

I am always glad to see a man wear a button of a fraternity. It is a recommendation, as well as a public profession, of the company he keeps. There is not an order which makes this public profession of its convictions by the custom of wearing a pin, a symbol, or a button that does not prescribe the most rigid tests to make sure of the high character of its membership. The process of membership building may be likened to a separation of the sheep from the goats. No man can enter this order who does not withstand the test as to his personal history and integrity. No man enters this order unless he loves his family and has a deep concern for their future happiness. Unselfishness, therefore, may be said to be the corner stone of the fraternity.

As the button or other device of an order may be said to be the symbol of its profession, so our country's flag, which we unite to honor on this occasion, is the symbol of our Nation's purest and highest ideals. This flag of ours, the glorious Stars and Stripes, is not the flag of any race or creed. No one has the right to monopolize its glory or its protection. It is the symbol of America and of all for which America stands. Its message to the world is liberty, equality, and fraternity. It is the symbol of the true, and not the false, American. The true American is not the man whose ancestors came over on the *Mayflower*. His ancestors may have come over years ago on a sailing ship, or, more recently, in the steerage of a modern steamship. When they came, whenever that was, they had in them the making of good Americans, because they hated tyranny and loved liberty.

True Americanism does not depend on lineage or place of birth. It consists of devotion to an idea—an ideal, if you please, and a love of our country and our flag. It does not consist of a selfish or narrow provincialism. It does not consist of hate or of intolerance. The man born abroad may be a better American than he who, boasting of his lineage, repudiates by his life and conduct all of the noble ideals of equity, justice, toleration, and humanity upon which our glorious Republic was founded.

When we were drawn into the recent World War and spellbinders on every street and in every meeting place were eloquently appealing to our boys to enlist to save democracy, they did not call only for those who could trace their ancestry back to colonial times. The only credentials demanded to wear the khaki or the Navy blue were love of country and loyalty to our flag. General O'Ryan, the commander of the Twenty-seventh Division, which made a glorious record in the World War, said shortly after his return from the field of battle that he was amazed at the number of men in his division who bore German names. None will deny that the brave young men who gave up their lives on the fields of Flanders were good Americans. Yet there are narrow-minded folks to-day who would deny to the brothers and sisters of those boys, and foreclose to them, because of their birth and lineage, the civic and political advantages of our Republic. When our lines of khaki at the zero hour stepped promptly out of the trenches and tore across no man's land to meet certain death or mutilation amidst the rain of shot and shell no one would dare venture to make invidious distinctions as to race, creed, or previous condition of servitude—they were all then incontestably good Americans.

What did they fight for? No one in intimate touch with the soldiers as they embarked upon their perilous journey to carry the American flag to its place in the battle line can deny that they fought for an ideal. They may have appeared indifferent to their mission; they may have indulged in drollery; but whether they sang "Hail! Hail! The gang's all here!" or "We won't come back till its over, over there" those who had the opportunity to sound their deeper sentiments are firm in the conviction that they knew that they were fighting for the noblest and highest ideals of our country.

We Americans are self-deprecatory. We do not like sham and humbug. Instead of wearing our emotions on our sleeves we are even a little bit prone to conceal our loftiest sentiments. While other peoples prate of their sentiments we are prone to deprecate ours. Thus we have by our own delicacy given encouragement to the fallacy, current in other countries, that the American people are a drab, commercial

race with no ideals above the almighty dollar; and yet, my friends, if you will whip your memories you will find that our entire history discredits that malicious slander.

Take the American Revolution. That struggle was not fought for dollars. Our forefathers could have saved much money by paying the trifling tax on tea and secured amity and peace. But they were resolved that there would be "no taxation without representation," and upon that principle they threw down the gauntlet to the most powerful nation in the then known world.

Take the war with the Barbary States. We could have secured our peace by paying the slight tribute, which even the greatest nations in Europe had submitted to. But the young Nation refused to stultify its conviction that the sea should be free to all. President Jefferson sent a naval and military force into the Mediterranean, whipped the Barbary pirates into submission, and put an end to the vicious tribute system.

Again, in the war of 1812 we fought for the freedom of the seas; an ideal, if you please, and showed that we were no more indulgent to a great power like Great Britain in an invasion of our rights than we were to the Barbary pirates.

In the Mexican War we fought for the freedom of Texas. In the great Civil War we fought to strike the shackles from the ankles of the slave and to uphold the integrity and permanency of the Federal Union.

In 1898 we fought to give liberty to the Cubans, and having conquered we did not as most allies in such circumstances have done, as recorded in history; we did not assume a sovereignty over the weaker nation we helped to freedom, but after establishing them in their new found independence we hauled down our flag and left them to work out their own salvation.

No, my friends, our entire history as a Nation has been devotion to the highest and noblest ideals for the welfare of humanity. It is for this reason that I insist that our flag is a symbol of something greater than mere sovereignty. It is the symbol of justice and humanity to all the world. We should ever keep this in mind: that lip service to the flag is not enough to constitute an American, nor blind unthinking idolatry of a mere piece of cloth or silk. It is a beautiful flag, but it is not the material or the colors or the symbols which make the flag, but the great and noble concepts of liberty, humanity, and justice which it symbolizes.

We have, unfortunately, in this country to-day many who have not fully grasped the import of our flag or properly appraised the lessons of our history. They think that the flag should only protect those of a certain race or creed. Their spirit is one of medieval intolerance and injustice. They would make of this country what China and Japan were a century ago. They would close our ports to "foreign devils." They would deny the privileges of American citizenship to all except those of a certain race and religion. They would take down from its pedestal in our beautiful harbor of New York the statue of liberty which extends its welcome to the oppressed of all the world. They would exclude Jews and Catholics and negroes from holding public office. They would make of our country a Nation hated and abhorred. It seems incredible that in this day and hour in the world's history such bigotry and intolerance should find a foothold in the country of Washington, Jefferson, and Lincoln.

And who are they who would stultify and debase the traditions of our Nation? They are more numerous than you think. They have formed themselves into an order—a "fraternal" order if you please—in which all Christianity, all humanity, all toleration and charity have been utterly abandoned. To conceal their bigotry, their hate, and their inhumanity they have revived the Civil War Ku-Klux Klan, and, with the highest professions of patriotism, religion, and morality, they have debased our glorious emblem to advance their own selfishness. It is not an open fraternity like yours, with public manifestations of membership, of which every honest man should not be ashamed, but a secret, oath-bound organization whose membership is known only to those who have been initiated into its sham mysteries. They ride masked by night. They indulge in safe and cheap terrorism. They pretend to be organized to enforce law and order, but their only manifestation so far has been to break down law and order. They have organized a shadowy, hidden empire within our Nation and undertake to seize from the recognized and lawful officers of the land the right to try and punish alleged offenders in their own secret tribunals.

What is this but treason? Is it not a secession from our Government? Is it not establishing a new government within our Government in contravention of the Constitution of our fathers? Of what virtue is our Constitution or its Bill of Rights if it is conceded that any group of men may have the liberty to organize an invisible government and usurp the functions of civil government as organized under that Constitution. The question answers itself. No sane man, not blinded by hate and intolerance, will dare avow that such an oath-bound secret organization has the right to exist under our Constitution. And yet, my friends, it seems to be growing. Only last week they had an election in Oregon, and this un-American order came boldly into a political contest for governor, and the most lamentable feature of its intervention is that it came within a few hundred votes of electing its candidate upon its platform of race and religious bigotry.

Let us hope, my friends, that this revival of know-nothingism may meet the fate of its predecessors. It is the greatest menace that has so far appeared in American history to disturb the stability and integrity of American institutions. But, please God, the wisdom that guided our ancestors, and brought them safely through great trials and perils, will come again to our land and make that beautiful flag of freedom, which waves over us to-night, the emblem of a noble, true-hearted, and patriotic people, united in peace and amity, without regard to race, creed, or previous condition of servitude.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting in 8-point type a statement given out by Congressman HARDY of Texas, Congressman DAVIS of Tennessee, and Congressman BANHEAKD of Alabama on the ship subsidy bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks by inserting a statement by the Congressmen mentioned on the shipping bill. Is there objection?

Mr. GARRETT of Tennessee. I put it "ship subsidy bill."

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, are those the minority views?

Mr. GARRETT of Tennessee. No. This is a statement. The minority views the gentleman has already read, I am sure.

Mr. CHINDBLOM. I was asking if it was the same statement as the minority views.

Mr. GARRETT of Tennessee. I imagine it would be nothing different from the minority views.

Mr. FREE. Mr. Speaker, reserving the right to object, both those gentlemen have spoken, and their remarks are inserted in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include a statement given out by Congressman HARDY of Texas, Congressman DAVIS of Tennessee, and Congressman BANKHEAD of Alabama on the ship subsidy bill.

Congressmen HARDY of Texas, DAVIS of Tennessee, and BANKHEAD, members of the Merchant Marine Committee of the House, have issued the following statement:

"Being opposed to the ship subsidy bill, we gladly welcome the injunction of the President that the question be carried to the people. However, we are fully aware of the very great difficulty, if not impossibility, of getting the real facts before the general public, inasmuch as those who are attempting to protect the interests of the whole people are without any pecuniary interest and without resources and facilities for disseminating the facts. We fully realize the very great odds against the opponents of this bill in attempting to combat the widespread propaganda, persistent efforts, and vast resources of the Shipping Board and the Shipping Trust, aided by the influence of the Chief Executive.

"With the hope that same may reach at least some of the people, we wish to state some unvarnished, uncontrovertible facts.

"In the remarkable letter to Leader MONDELL, signed by President Harding, it is stated:

"'There was an expression of the popular mind in 1920. The party now charged with responsibility spoke in no uncertain terms about 'the promotion and maintenance of an American merchant marine.' The question was not made paramount, but the pledge was covenanted.

"The portion of the Republican national platform of 1920, from which the above quotation was taken, is as follows:

"'We indorse the sound legislation recently enacted by the Republican Congress that will insure the promotion and maintenance of the American merchant marine.

"It will be noted that the Republican platform thus boasted of and stood upon the Jones Act, which had just become a law, as a solution of the problem, as legislation 'that will insure the promotion and maintenance of the American merchant marine.' There was no pledge or intimation of ship subsidies or any additional legislation, except that the platform further declared, 'We favor the application of the workmen's compensation act to the merchant marine.' The only pledge in the platform for additional legislation on the subject has not been carried out.

"We challenge anybody to point to a single utterance by President Harding or any other responsible speaker during the last campaign who raised the question of ship subsidies, or even intimated that such was necessary or that a ship subsidy bill would be considered by the Congress. The only specific pledge made by the President with regard to the merchant marine problem, so far as we recall, was that he was reported to have criticized President Wilson for not having complied with the direction contained in section 34 of the Jones Act, and to have stated in substance that one of his first official acts would be to carry into execution the said section. When he became President and investigated the question he reached the same conclusion previously reached by President Wilson—that it was impracticable and unwise, if not impossible, to carry into effect the provisions of said section 34.

"In addition to the fact that the proponents of the Jones bill claimed at the time of its passage that it was a complete and adequate solution of the problem, as reiterated in the Republican national platform, Chairman Lasker at the hearings declared that, in his belief, 'if the Jones law could have been carried out as as a whole it would have given us an American merchant marine without asking for further legislation.'

"Section 273 of the pending bill, allowing a deduction from net Federal income taxes of 5 per cent of the freight paid on goods imported or exported in American-flag vessels, was provided as a substitute for said section 34 of the Jones Act. Both Chairman Lasker and Winthrop L. Marvin, general manager of

the American Steamship Owners' Association, stated at the hearings that this substitute provision is 'far more valuable and effective' than section 34 of the Jones Act; and they are undoubtedly correct, for the very cogent reasons stated by them.

"Yet the pending bill not only provides a substitute 'far more valuable and effective' than section 34 of the Jones Act but also amends said act in several vital respects, and in addition provides enormous direct subsidies as well as numerous other direct and indirect aids to the shipping interests, which will cost the American people at least $75,000,000 per year and which will amount to at least 50 per cent more than the aggregate amount paid by all foreign nations in the form of subsidies, bounties, subventions, ocean-mail pay, and of every other form of direct or indirect aid to the construction and navigation of their merchant marines.

"As a matter of fact, action on the ship subsidy bill was not postponed for the purpose of giving the people an opportunity to become acquainted with the provisions of the bill and to express their views thereon. Every effort has been made to ram the bill through so as to avoid this.

"Aside from such efforts by Chairman Lasker and the shipping interests, when the proponents of the bill had completed the presentation of their witnesses, the President summoned the majority members of the committees holding the hearings to the White House and told them to rush the hearings to a conclusion; that this bill was his pet measure and he wanted it reported out and passed as soon as possible; he made similar appeals to the leaders of the House; he addressed a letter to the chairman of the Rules Committee, in which he expressed his deep interest in the speedy passage of the bill and threatened to call Congress into extraordinary session for the purpose of acting on it if Congress should adjourn without taking such action. According to all reports, he at first impatiently spurned the advice of the leaders of his party in the House that action on the bill be delayed until Members and the country could have time to study the bill and the voluminous hearings, and insisted on immediate action. As to what caused the President to undergo such a change in attitude as to agree to the postponement of action on the bill, we submit an explanation which appeared in the New York Tribune, a stanch supporter of the President and the ship subsidy bill, as follows:

"Reports made to the President * * * indicated that the whole ship subsidy bill was in danger of defeat. Some Members of the House implored the President not to force a vote at this time, fearing that a roll call would result in the killing of the measure, carrying with it a repudiation of the President. Incidentally, they feared the political consequences at the election in November of a split between the House and the President over what he had made such a strong administration (measure).

"In referring to the same matter an editorial in the New York Times stated:

"In acceding to the wishes of the House, President Harding may say that he merely bowed to the inevitable. He speaks now about desiring to ascertain the popular 'reaction' to the ship subsidy bill. It had, however, already been manifested.

"The 'reaction' of the people on ship subsidies has been manifested every time its greedy head has dared raise itself; it was manifested in such a way that the Hanna ship subsidy bill died a borning, although the expense of that bill involved about one twenty-fifth of that involved in the pending bill; and the 'reaction' of the people was again manifested when the Frye bill, calling for about the same expense, passed the Senate but was never brought up in the House because of the tremendous opposition that developed. The 'reaction' of the people was again manifested when the Gallinger bill, involving about one-fifteenth of the cost of the present bill, was defeated. The 'reaction' of the people has been repeatedly manifested in that no political party has ever dared declare in its platform in favor of ship subsidies, even when such was a live issue in Congress. The 'reaction' of the people with respect to the pending bill was manifested by the overwhelming nomination of Smith W. Brookhart for Senator on a platform opposing the ship subsidy bill; it has been manifested by uniform denunciation of it by farm and labor conventions and recently in practically all of the farm and labor journals throughout the country, as well as in numerous other ways. The 'reaction' of the people was made manifest to their Representatives in Congress to such an extent that the champions of the bill reached the conclusion that a majority of the Members would vote against the bill if pressed to a vote at this time in spite of the extraordinary pressure brought to bear upon them from sources other than their constituencies.

"The purpose of this postponement is not to ascertain the present attitude of the people but is to change their attitude—as suggested by the President, to produce a 'favorable reaction' on the part of the people so as to change a sufficient number of Members of the House to permit the passage of the bill. 'Reaction' means a reversal of action, and that is what they want. In his letter to the majority leader the President calls upon the Members to take the matter direct to their constituencies for the purpose of obtaining 'such reaction.' If the Members will discuss this bill freely with the folks back home they will doubtless hear many wholesome truths. We hope that they will explain to their constituencies the following facts:

"1. That the passage of this bill will not 'save hundreds of millions of dollars in liquidation of our shipping assets,' as suggested by the President, but that Chairman Lasker himself does not hope to obtain more than $200,000,000 for the entire fleet; and that if this bill passes, the charge upon the public Treasury for the next 10 years would be at least $750,000,000, not to speak of the fact that the fleet would be sold for several hundred million dollars less than what would have been its pre-war cost—wholly disregarding the actual cost of the fleet.

"2. That this bill provides for a loan to shipowners of a revolving fund of $125,000,000, such to be loaned at 2 per cent interest and for 15 years at a time, and up to two-thirds the cost of the ships upon which the loans are to be made, although the average life of a ship is estimated at 20 years; whereas, even under the Federal farm-loan system farmers are compelled to pay about 6 per cent interest, and are not allowed to borrow more than 50 per cent of the market value of their farms, which constitute permanent security.

"3. That this bill exempts shipowners from the payment of all Federal taxes provided the amount which would otherwise be payable as taxes is invested or set aside for investment in new ship construction.

"4. That it is not even claimed by the proponents of this bill that the people will obtain any cheaper ocean freight rates, and that the bill does not pretend to provide for any sort of regulation of such rates; on the other hand, Chairman Lasker at the hearings called attention to the fact that by reason of the provision authorizing a deduction from net income taxes of 5 per cent of the freight paid on goods imported or exported in American vessels, an importer or exporter could afford to pay 4 per cent more for the carriage of his goods on American vessels than they would be carried for on foreign vessels and still save 1 per cent.

"5. That this bill authorizes the Shipping Board to make contracts for the payment of subsidies for a period of 10 years from the date of making contract, this being admittedly for the purpose of preventing a repeal of the act by subsequent Congresses.

"6. That, instead of the Shipping Board coming to Congress each year for necessary appropriations to carry out the provisions of the bill, as all other departments of the Government are required to do, this bill is so framed as to avoid this, it directing the Secretary of the Treasury to credit to the merchant marine fund certain receipts, and 'all moneys in the fund are hereby permanently appropriated for the purpose of making such payments' of voyage subsidies 'upon vouchers signed by the chairman of the board.'

"7. That this bill confers upon the Shipping Board the most autocratic and unprecedented powers with respect to selling ships, making loans, making subsidy contracts, and handling enormous sums of money ever conferred upon any board, and yet the Shipping Board is feverishly employing every conceivable means to obtain such powers and opportunities.

"8. That this bill does not require the Shipping Board to make any report or accounting to the President, the Congress, or anybody else, at any time.

"9. That when this country was in the midst of the war, the shipping interests who are back of this bill took advantage of the situation and ran ocean rates up on both their Government and the people as high as 1,250 per cent over pre-war rates, as admitted at the hearings by the general manager of the American Steamship Owners Association; and made what was characterized as 'almost fabulous' profits by W. J. Love and as 'enormous' by J. B. Smull, Messrs. Love and Smull being two of the $35,000 a year experts of the Shipping Board and vice presidents of the Emergency Fleet Corporation. For instance, the American-Hawaiian Steamship Co. paid dividends of 200 per cent in 1916 and 405 per cent for 1917; the Luckenbach Steamship Co. made net profits on its capital of 236.2 per cent in 1916 and 666.9 per cent in 1917; the Pacific Mail Steamship Co. made 365.3 per cent net profit on its capital stock in 1915 to 1920; the Atlantic, Gulf & West Indies Co. made net profits greater than its capital in 1915–1920, and during 1921, the very worst time in the history of shipping, according to its own annual report made a net income of $1,781,337, after deducting all expenses, taxes, interest, and losses on sale of Liberty bonds; the United Fruit Co. with a capital stock of

$50,000,000 made net profits of $94,147,500 in 1915–1920, paid dividends of $77,080,277 and increased their surplus to $66,176,490; the Dollar Steamship Lines made net profits on its capital stock of 322.9 per cent in 1916 and 104.9 per cent in 1917; Robert Dollar, the owner of the Dollar Steamship Lines, in a recent article in Nation's Business, frankly states: 'I have always felt that a shipowner who must have "pap" from the Government does not deserve to be in the business. We do not need any advantage over the other fellow; we can take care of ourselves.'

"10. That most of the American steamship lines which are seeking and would receive the subsidies and other aids maintain an unnecessarily large force of high-paid executives, their salaries running as high as $100,000 a year, not only greater than the salary of the President of the United States, but out of all proportion to salaries paid in any other industry, especially considering the size and the amounts invested in the enterprises. The Seager Steamship Co. is a leading American line, organized in 1907 and having operated American flag ships to various European ports in the sharpest competition in the world; John C. Seager, sr., the president of the company, is said to be the oldest and one of the most highly esteemed shipping men in New York. John C. Seager, jr., the vice president and treasurer of the company, in a recent interview published in the Nautical Gazette, declared:

"Steamships purchased at the present time can be operated at a profit; foreign owners are not losing money, and there is no reason why an American owner can not make a profit with his ships. The most potent factor militating against the successful operation of American ships is the large overhead, which is incurred by the payment of large salaries to unnecessary executives. With few exceptions in Britain, there are no large salaries paid to steamship men in Europe, and if this example were followed in this country the balance sheets of the industry would make a better showing.

"11. That this bill authorizes the granting of subsidies and all other aids to the Standard Oil Co., the United States Steel Corporation, and other large concerns which own and operate their own ships in the transportation of their own products and does not require them to operate their ships in whole or in part as common carriers.

"12. That Chairman Lasker demands both subsidies and booze, insisting that even with subsidies and aids granted by the ship subsidy bill American ships can not successfully operate unless they are also permitted to run saloons aboard. If Lasker's statements as to the necessity of subsidies are to be accepted, his statements as to the necessity of the sale of booze must also be accepted. Wherefore, nothing is to be gained merely by assuming the enormous additional burdens entailed by the pending bill. Consequently, in ascertaining the 'reaction' of their constituents, Members should ascertain whether they are not only willing to confer upon the shipping interests the enormous bounties provided by the pending bill but also authorize the sale of intoxicating liquors to those who are able to sail abroad, and at the same time prohibit such sales to those who remain on land. It is not merely a question of prohibition but a question of consistent law enforcement.

"It has just been announced in the press that Chairman Lasker will visit all the States in the Middle West in an effort to sell his ship subsidy bill to the farmers. If Chairman Lasker believes the propaganda which he has persistently been giving out to the effect that the farmers and the Middle West have been converted to his scheme and are actually wanting his bill passed, why does he intend to waste his time in going forth to evangelize them instead of remaining in Washington and performing his duties as chairman of the Shipping Board in an effort to improve the conditions which he delights to describe as deplorable? While we do not believe that he will find the farmers as gullible as some people in Washington, yet we realize that he is a genius in some particulars. He justly prides himself upon being a publicity expert, and we readily bear witness that he is also a promoter and schemer par excellence. He is perhaps the only man in America who could have come to Washington and captivated the President, overawed the Cabinet officers whose jurisdiction he sought to invade, chloroformed the Anti-Saloon League and prohibition commissioner, and otherwise paved the way for even the possibility of the passage of such a vicious measure as the pending ship subsidy bill, which is infinitely worse and more costly than any of the various ship subsidy bills which have been repudiated in the past."

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3316. An act to legalize a bridge across the south arm of Pokegama Lake, in Itasca County, State of Minnesota; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. TINCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 27, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VAILE: Committee on the Public Lands. S. 3195. An act to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11, and to issue patent therefor; without amendment (Rept. No. 1142). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12169) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. KIESS: A bill (H. R. 12170) to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: A bill (H. R. 12171) to grant certain lands to the city of Skagway, Alaska, for a public park; to the Committee on the Public Lands.

By Mr. FOCHT: A bill (H. R. 12172) to regulate pawnbrokers and their business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WOODYARD: A bill (H. R. 12173) to provide for the purchase of a site for a Federal building at St. Marys, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 12174) to authorize the Attorney General to convey certain land of the United States to Fulton County, Ga., to widen McDonough Road in front of the United States penitentiary; to the Committee on Public Buildings and Grounds.

By Mr. LAMPERT: Joint resolution (H. J. Res. 358) conferring jurisdiction upon the Court of Claims for the adjudication of claims against the United States for flowage damages suffered by riparian landowners on the Fox and Wolf Rivers, in the State of Wisconsin; to the Committee on Claims.

By Mr. BROWNE of Wisconsin: Joint resolution (H. J. Res. 359) conferring jurisdiction upon the Court of Claims for the adjudication of claims against the United States for flowage damages suffered by riparian landowners on the Fox and Wolf Rivers, in the State of Wisconsin; to the Committee on Claims.

By Mr. ELLIS: Joint resolution (H. J. Res. 360) providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 12175) for the relief of Elizabeth T. Cloud; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 12176) granting an increase of pension to Celia Oates; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 12177) granting a pension to Rosabelle Wade; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 12178) granting a pension to Sarah Ervin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12179) granting a pension to Mary I. Hidy; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 12180) granting a pension to Lizzie B. Shriner; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 12181) to enroll certain persons with the Osage Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 12182) for the relief of Edward A. Grimes; to the Committee on Naval Affairs.

By Mr. KNUTSON: A bill (H. R. 12183) granting an increase of pension to Melvina Glidden; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 12184) granting a pension to Sarah E. Young; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 12185) granting a pension to Cynthia Earnest; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 12186) granting an increase of pension to Max E. Englehardt; to the Committee on Invalid Pensions.

By Mr. OLIVER: A bill (H. R. 12187) granting an increase of pension to Hugh T. Fairless; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 12188) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River; to the Committee on Claims.

By Mr. RHODES: A bill (H. R. 12189) granting a pension to Annie Eliza Harmon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6076. By Mr. CURRY: Petition of 79 residents of Napa County, Calif., favoring enactment of House bill 5823, the public shooting ground game refuge bill; to the Committee on Agriculture.

6077. Also, resolutions of the board of supervisors of Sacramento County, Calif., opposing the dissolution of the Southern Pacific and Union Pacific Railroads; to the Committee on Interstate and Foreign Commerce.

6078. By Mr. FULLER: Petition of the Rockford (Ill.) Tool Co. relative to proposed tariff on machine tools; to the Committee on Ways and Means.

6079. By Mr. GENSMAN: Petition of 13 citizens of the city of Empire and the city of Comanche, Okla., to the Congress of the United States not to pass House bill 9753 or any other Sunday bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

6080. By Mr. KISSEL: Petition of American Association for Labor Legislation, New York, N. Y., relative to employees' liability insurance; to the Committee on the District of Columbia.

6081. By Mr. KOPP: Petition of the Presbytery of Keokuk of the United Presbyterian Church, at Washington, Iowa, indorsing Senate Joint Resolution 31 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

6082. Also, petition of the Presbytery of Iowa, at Fairfield, Iowa, indorsing House Joint Resolution 131 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

6083. Also, petition of the Presbytery of Iowa, at Fairfield, Iowa, indorsing Senate Joint Resolution 31 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

6084. Also, petition of the Presbytery of Keokuk of the United Presbyterian Church, at Washington, Iowa, indorsing House Joint Resolution 131 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

6085. Also, petition of the Presbytery of Keokuk of the United Presbyterian Church, at Washington, Iowa, indorsing House bill 9753 and urging its early consideration and passage by Congress; to the Committee on the District of Columbia.

6086. Also, petition of Emma Brunken, of Danville, Iowa, and other citizens of that community, protesting against House bill 9753 and all other Sunday bills; to the Committee on the District of Columbia.

6087. Also, petition of the American Association for the Recognition of the Irish Republic, of Burlington, Iowa, protesting against the brutal murders committed in Belfast, Ireland, and asking Congress to protest against these brutal murders; to the Committee on Foreign Affairs.

6088. By Mr. MAPES: Petition of employees of the Michigan Lithographing Co., Grand Rapids, Mich., urging the immediate passage by Congress of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

6089. By Mr. RAKER: Petition of Solon Palmer, of New York City, protesting against certain schedules in the proposed tariff law relating to the perfume industry; to the Committee on Ways and Means.

6090. Also, petition of Dorris Grange, No. 393, of Dorris, Calif., relative to the Federal farm loan act; to the Committee on Banking and Currency.

6091. Also, petition of the Ferryboatmen's Union of California, of San Francisco, Calif., indorsing House bill 9198, introduced by Congressman Chandler of Oklahoma; to the Committee on Pensions.

6092. Also, petition of Workmen's Compensation Publicity Bureau, New York, N. Y., protesting against the Fitzgerald compensation insurance bill (H. R. 10034); the Chamber of Commerce of Turlock, and the Berkeley Chamber of Commerce, Berkeley, Calif., opposing the proposed changes in the transportation act of 1920; and resolution No. 16, Disabled Veterans of the World War, relative to the decentralization of the Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

6093. Also, resolution No. 19, Disabled Veterans of the World War, urging that the veterans of different wars of the United States be maintained or segregated in different quarters in soldiers' homes; resolution No. 17, relative to insurance which should be granted the ex-service men; and resolution No. 11, urging that a hospital for tubercular ex-service men be established at or near Los Angeles, Calif.; to the Committee on Interstate and Foreign Commerce.

6094. Also, resolution No. 1, Disabled Veterans of the World War, indorsing Senate bill 3463; resolution No. 6, urging immediate steps to provide suitable hospitalization for disabled veterans; and resolution No. 10, urging that an extension of time be allowed Veterans' Bureau trainees for final rehabilitation or for a reduction in compensation or a discontinuance of training pay, for a period of 90 days; to the Committee on Interstate and Foreign Commerce.

6095. Also, petition of Business Men and Ranchers of, and in the vicinity of, Wendel, Calif., protesting against the dissolution of the Central and Southern Pacific Railroad; to the Committee on Interstate and Foreign Commerce.

6096. Also, resolution No. 8, the Disabled Veterans of the World War, indorsing Senate bill 1565, known as the Bursum bill; to the Committee on Military Affairs.

6097. Also, petition of the San Francisco Chamber of Commerce, San Francisco, Calif., indorsing and approving the Smith-McNary reclamation bill; to the Committee on Irrigation of Arid Lands.

6098. Also, petition of Woman's Foreign Missionary Society of the Union Avenue Methodist Church, of Los Angeles, urging the application and enforcement of the eighteenth amendment in the Philippine Islands; to the Committee on the Judiciary.

6099. By Mr. SNYDER: Petition of Ida J. Butcher, Elizabeth G. Brown, Mary L. Beechwood, Carrie S. Heron, Ella I. Heffron, Libbie B. Gates, LeElla J. Thomas, Helen B. Marshall, Jean T. Clark, Eva M. Brisson, J. Helen Keator, Stella C. Dempster, Isabella H. W. Jones, members of the New Century Club, of Utica, N. Y., favoring the Towner-Sterling bill (H. R. 7 and S. 1252); to the Committee on Education.

6100. By Mr. TAGUE: Resolutions adopted by the Greater Boston Chapter, Military Order of the World War, concerning the national defense; to the Committee on Appropriations.

6101. Also, petition of 54 employees of United States Veterans' Hospital No. 44, West Roxbury, Mass., protesting against the reduction of the $240 annual bonus paid to Government employees pending enactment of reclassification legislation for such employees; to the Committee on Appropriations.

6102. By Mr. THOMPSON: Memorial of Evans Post No. 149, Department of Ohio, Grand Army of the Republic, urging passage of the Morgan bill or the Bursum bill, granting pension of $72 per month to Civil War veterans and $50 per month to the widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *June 27, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

LIBRARY BUILDING AND GROUNDS.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent for the present consideration of House bill 11393, which I favorably report, without amendment, from the Commitee on the Library. It is a bill to abolish the office of Superintendent of the Library Building and Grounds and transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress.

I will say, before the bill is read for the information of the Senate, that this was a unanimous report from the Committee on the Library of the House, the bill was passed by the House, and there is a unanimous report from the Committee on the

Library of the Senate. There are two letters, which I send to the desk, from the librarian, which I ask may be read to the Senate, and then that the report of the House Committee on the Library may simply be printed in the RECORD, if the bill is acted upon favorably, showing the reasons why the bill should be passed.

I now ask that the bill may be read for the information of the Senate.

The VICE PRESIDENT. The bill will be read.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the office of Superintendent of the Library Building and Grounds is abolished on and after July 1, 1922. Thereafter the Architect of the Capitol shall have charge of all structural work at the Library Building and on the grounds, including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and the purchasing and supplying of all furniture and equipment for the building. The employees required for the performance of the foregoing duties shall be appointed by the Architect of the Capitol. All other duties required to be performed by the Superintendent of the Library Building and Grounds shall be performed thereafter under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor. The position of administrative assistant and disbursing officer is hereby created in the Library of Congress, effective on July 1, 1922. The salary of such position shall be at the rate of $3,000 per annum, and appointments thereto shall be made by the librarian. The administrative assistant and disbursing officer shall disburse the appropriations for the Library of Congress and the Botanic Garden and shall perform such services in connection with the duties hereby imposed upon the librarian as he may direct, and shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties.

SEC. 2. That all books, documents, papers, furniture, and equipment of the office of Superintendent of the Library Building and Grounds shall be divided between and transferred to the Architect of the Capitol and the Library of Congress on the basis of duties transferred.

SEC. 3. That the appropriation of $3,600 for the fiscal year 1923 for the salary of the Superintendent of the Library Building and Grounds is made available for the payment of the salary of the administrative assistant and disbursing officer at the rate of $3,000 per annum during such fiscal year. All appropriations for the fiscal year 1923 for the Library Building and Grounds shall be apportioned between, transferred to, and made available for the Architect of the Capitol and the Library of Congress on the basis of duties transferred. The appropriation for the fiscal year 1923 for printing and binding for the Library of Congress shall be apportioned between the Library of Congress and the Architect of the Capitol and that portion allotted to the building and grounds shall be transferred to and made available for the Architect of the Capitol. The appropriations and portions of appropriations herein transferred to the Architect of the Capitol, and all appropriations hereafter made to him on account of the Library Building and Grounds shall be disbursed for that purpose in the same manner as other appropriations under his control.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE PRESIDENT. Does the Senator desire to have the communications read?

Mr. BRANDEGEE. There are two letters from the Librarian advocating the passage of the bill and explaining it, but unless there is a call to have them read, I shall ask merely to have them printed in the RECORD, with the report of the House Committee on the Library.

The VICE PRESIDENT. Without objection, the letters and the report will be printed in the RECORD.

The matter referred to is as follows:

LIBRARY OF CONGRESS,
OFFICE OF THE LIBRARIAN,
Washington, June 19, 1922.

Hon. FRANK B. BRANDEGEE,
Chairman Committee on the Library, United States Senate.

MY CHAIRMAN: We entirely approve House bill 11393 now pending in the Senate, and especially desire its prompt enactment so that the changes provided for may take effect at the beginning of the fiscal year, July 1, 1922.

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.
HARRIET DE K. WOODS,
Superintendent of Library Building and Grounds.

LIBRARY OF CONGRESS,
OFFICE OF THE LIBRARIAN,
Washington, June 26, 1922.

Hon. FRANK B. BRANDEGEE,
Chairman Committee on the Library, United States Senate.

MY DEAR SENATOR BRANDEGEE: The inclosed report from the House Committee on the Library, which sets forth fully the reasons for the changes in jurisdiction proposed, should have been attached to the note which Mrs. Woods, the superintendent, and I addressed to you on June 19.

Faithfully yours,

HERBERT PUTNAM, *Librarian.*

[House of Representatives, Sixty-seventh Congress, second session, Report No. 995.]

May 9, 1922, Mr. LUCE, from the Committee on the Library, submitted the following report:

The Committee on the Library, to which was referred the bill (H. R. 11393) to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress, having considered the same, report thereon favorably without amendment with the recommendation that the bill do pass.

This bill was introduced and supported before the committee by the chairman of the House Committee on Appropriations. Legislation substantially identical with it was proposed by the Senate Committee on Appropriations in an amendment to the legislative appropriation bill for the coming fiscal year.

Its appropriateness at this time is due to the fact that the office of Superintendent of the Library Building and Grounds is now, in effect, vacant, the present incumbent having resigned. The vacancy raises the question as to whether the structural and mechanical problems of the Library Building are to continue to be handled by an independent authority or that building be associated with the other legislative buildings on Capitol Hill, which as to such problems are in charge of the Architect of the Capitol.

1. The bill transfers to the Architect of the Capitol all such problems, including structural work, repairs, physical equipment, and the operation of the mechanical plant.

2. Abolishes the office of Superintendent of the Library Building and Grounds as an independent office.

3. Makes the Librarian explicitly responsible for the custody of the building and the safegnarding of it and its collections, and the mere "housekeeping"; providing him, however, with an "administrative assistant," who shall serve as his deputy in such matters, and shall also act as disbursing officer. This assistant would be appointed by him.

4. Provides in general terms for an immediate subdivision of the present subordinate staff, and of the appropriations appropriate to the above purposes, leaving the actual resultant subdivision to be expressed in the next appropriaiton act.

The consideration in favor of the changes are these:

When the office of Superintendent of the Library Building and Grounds was established in 1897, the building had just been completed. It had a completely independent plant for light, heating, and power. The engineer who had direct charge of its construction had shown remarkable ability and prudence, which Congress wished to retain in its service and in a suitable way reward. There was no certainty as to what type of man would become the permanent Librarian, and in any case he would probably be too fully absorbed in his duties as Librarian to care properly for the plant. He would certainly not be an engineer.

The office of Architect of the Capitol was then concerned solely with the routine maintenance problems of that building.

Accordingly Congress in 1897 created the office of Superintendent of the Library Building and Grounds, combining with it that of disbursing officer, made the position a presidential appointment, defined independent authority for it, and fixed the salary at $5,000, a sum then likely to secure a competent expert. The expert in view, Bernard Green, who had charge of the construction of the building, was then appointed to the position and held it until his death in 1914.

Since 1897 the situation has changed in these respects:

1. The Library has no longer an independent heat, light, and power plant. It is coupled up to the central power plant, since established. In this respect its technical problems have been reduced.

2. In another respect they have been enlarged, for the building, now a quarter of a century old, requires renewals, repairs, and at least interior additions, problems not for a mere mechanician or engineer but for an architect.

3. The salary of the position of superintendent is now only $3,600. It is not likely that for that sum the place can be filled or kept filled with a competent expert. In the hands of an incompetent the building will be imperiled.

4. In the meantime the office of Architect of the Capitol has developed. The Senate and House Office Buildings and the central power plant have been erected under his superintendency and placed in his charge. He has drafting rooms and testing laboratories, and in connection with these several buildings is contracting constantly for structural work, repairs, and material. He is directing the operation of mechanical plants similar to the plant still remaining in the Library. He is a $6,000 man, not a $3,600. He is, and is likely to be, expert in the technical problems involved and disposed to seek special expert aid when necessary. He has, and is likely to have, the confidence of Congress, so that his recommendations will carry weight.

With its mechanical and structural problems placed in his hands, the Library Building would secure a higher type of judgment, ampler resources, a more continuous responsibility, and a more authoritative presentation of its needs to Congress than through any independent direction likely under the present limitations.

5. Upon general considerations, also, the centralization of the overhead structural and mechanical problems of these four legislative buildings upon Capitol Hill seems theoretically sound and in the interest of both efficiency and economy.

With such problems taken over by the Architect of the Capitol as the bill provides, together with the portion of the superintendent's staff concerned with them, there remain of his present functions only three, viz:

1. The mere custodianship of the building, the safeguarding of it and its contents.
2. The "housekeeping," cleaning, etc.
3. The work of the disbursing office.

The responsibility for these is by the bill transferred to the Librarian, with an "administrative assistant" under him who shall act as his deputy.

This, also, is both logical and reasonable. The problems involved are properly domestic, and the responsibility for them is already generally assumed to be in the Librarian. It is quite just that he should be charged with it.

Regarding, however, as this committee must, the special interest of the Library Building itself, the committee is clear that it should now have the benefit of the larger resources and expert aid of the architect's office.

The committee is also clear that, with the specified functions as to the building transferred to him, the remaining responsibility as to it and its contents belongs properly to the Librarian. The provision for a deputy under him who shall also act as disbursing officer conforms to the general policy of law in the Government establishments. (See Rev. Stat., sec. 176.)

The Librarian, called by the committee, expressed himself definitely in favor of the bill. The Architect of the Capitol, also called, indicated his willingness to accept the additional duties. Both agreed that the relations proposed could be effectively worked out under the bill as drawn.

Your committee regards this legislation as highly desirable and immediately necessary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, returned to the Senate the message of the Senate informing the House that the Senate agreed to the amendments of the House to the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act.

The message also announced that the House had passed a bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 10101. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes; and

H. J. Res. 297. Joint resolution requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented petitions of sundry citizens of Harwood, Yakima, Toppenish, Ellensburg, and Outlook, all in the State of Washington, and of Condon, Oreg., praying that only a moderate rate of duty be imposed in the pending tariff bill on short cotton gloves, which were ordered to lie on the table.

Mr. BALL presented the memorial of Mrs. William H. Beacom, of Wilmington, Del., remonstrating against the proposed food, tableware, and women's wear schedules of the pending tariff bill, which was referred to the Committee on Finance.

Mr. SPENCER presented petitions of sundry citizens of Marble Hill and Luthersville, Mo., praying for the enactment of legislation granting pensions to officers and enlisted men of the State militia and other organizations of the several States of the Union that cooperated or acted in concert with the military or naval forces of the United States during the Civil War, and to their widows, minor children, and dependent parents, substantially as provided for in House bill 211, which were referred to the Committee on Pensions.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of House Joint Resolution 314, proposing to amend the Constitution of the United States to prevent further issuance by the Government, the States, and municipal or local authorities of tax-exempt securities, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 11604, providing that 50 per cent of incoming immigrants shall be transported in American ships, which was referred to the Committee on Immigration.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of House bill 10860, to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship, etc., with certain amendments, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9528) providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 11298) amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and to authorize the erection on said new site, when acquired, of a public building suitable for post-office purposes, and for other purposes, reported it with an amendment.

Mr. ROBINSON. Out of order, I ask leave to submit a report from the Committee on Military Affairs, for the calendar, and two reports which are adverse, from the same committee.

The Senators who introduced the bills adversely reported are not present, and I have no objection to their going upon the calendar, if the Senate consents to that course, in order that the Senators who introduced them may be present when the bills are considered.

The VICE PRESIDENT. The reports will be received.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 478) for the relief of Aaron Kibler, reported it without amendment and submitted a report (No. 796) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. ROBINSON, from the Committee on Military Affairs, to which were referred the following bills, reported them each adversely:

A bill (S. 1040) authorizing the appointment of Anthony John Tittinger as captain of Cavalry; and

A bill (S. 2569) for the relief of Henry M. Williams.

The VICE PRESIDENT The bills will be placed on the calendar.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 3716) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments, and to authorize payment of amounts allowed in the determination of such claims, reported it without amendment and submitted a report (No. 795) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3750) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 3751) granting a pension to Edith Ellis; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3752) to amend section 4132 of the Revised Statutes and to repeal an act approved August 18, 1914, entitled "An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes"; to the Committee on Commerce.

By Mr. LENROOT:

A bill (S. 3753) granting a pension to Sarah Sanderson; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3754) for the relief of Louis Leavitt; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 3755) for the relief of the Underwood Typewriter Co. (with an accompanying paper); and

A bill (S. 3756) for the relief of the Cresmer Manufacturing Co. (with an accompanying paper); to the Committee on Claims.

INVESTIGATION OF CERTAIN OIL COMPANIES.

Mr. KING submitted the following resolution (S. Res. 311), which was referred to the Committee on Commerce:

Resolved, That the Federal Trade Commission investigate and report to the Senate respecting the ownership by persons who are not citizens of the United States of the shares of the Union Oil Co., a corporation of Delaware; the Union Oil Co., a corporation of California; and the Shell Oil Co., a corporation of California; the interrelations between said corporations; the interest of said corporations in other corporations in the United States; whether or not Great Britain, the British Dominions, Holland, Rumania, or other countries having oil lands within their territories, discriminate against American citizens with respect to the ownership of oil lands, or with respect to the ownership of shares in corporations which are organized to exploit and develop oil lands or engage in the production of petroleum; the acreage of oil lands in the United States which is held by lease or otherwise by said Union Oil Co., a corporation of Delaware, the Union Oil Co., a corporation of California, and the Shell Oil Co., a corporation of California and their subsidiary and affiliated companies; the acreage of oil lands which has been acquired by said corporations or any of them within the last year; and what measures are being pursued by said corporations to further extend their holdings of oil lands within the United States.

UNIT COSTS OF PRODUCTION AT HOME AND ABROAD.

Mr. KING submitted the following resolution (S. Res. 312), which was referred to the Committee on Finance:

Whereas the contention is made that the duties imposed upon the importation of commodities by the pending tariff bill have been fixed for the purpose of equalizing the labor costs for the production of said commodities at home and abroad; and

Whereas the hearings which have been had upon the bill by the Ways and Means Committee of the House of Representatives and by the Finance Committee of the Senate have not elicited any specific or dependable data or information as to the difference between the costs of production for said commodities at home and abroad, and particularly have not elicited any specific or dependable data or information with respect to the difference in the labor costs per unit of production of said commodities at home and abroad, or with respect to the price per unit obtained by the sale of such commodities in the home market; and

Whereas it is claimed and generally believed that many corporations, particularly manufacturing corporations, the products of which are given a protected preference in the home market, have realized great and inordinate profits, and that the tariff duties imposed by the pending bill may and will be used for the increase and aggrandizement of such profits; and

Whereas it is claimed that the greater the profits the greater is the demand for protection against competition, and the greater the importunity for imposing prohibitive duties upon imports for this purpose; and

Whereas the corporations which have appeared before the committees of Congress, demanding prohibitive and protective duties, have failed to advise Congress of the profits they have realized, the ratio of profits to capital invested, the ratio of profits to labor costs, or the rate of profits per unit of production; and

Whereas the beneficiaries of the duties imposed by the pending bill fail and refuse to furnish to Congress data and information respecting the matters in the premises set forth: Now, therefore, be it

Resolved, That the Tariff Commission is hereby directed to investigate and report to the Senate the costs of production per unit at home and abroad of the separate commodities upon which duties are imposed by the pending bill, and particularly to report the difference in the labor costs per unit of production of said commodities at home and abroad; the prices obtained per unit of said commodities at home and abroad; the profits realized per unit of production at home and abroad; the ratio of profits to capital invested in the production of such commodities at home and abroad; the ratio of profits to costs per unit of production of such commodities at home and abroad; and the ratio of profits to labor costs per unit of production of such commodities at home and abroad.

HOUSE BILL REFERRED.

The bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. I ask that the Senate proceed to the consideration of Schedule 7, agricultural products and provisions, page 99, beginning with paragraph 701.

The VICE PRESIDENT. The pending amendment will be stated.

The READING CLERK. In paragraph 701, page 99, line 6, after the word "cattle," the committee proposes to strike out "less than 2 years old, 1 cent per pound; 2 years old or over, 1¼ cents per pound," and to insert in lieu thereof:

Weighing less than 1,050 pounds each, 1¼ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound.

Mr. WADSWORTH. Mr. President, may I have the attention of the Senator from North Dakota? The report on the War Department appropriation bill has been returned from the House with action taken by the House on certain amendments which were in technical disagreement, all of which I explained to the Senate on Friday last. I ask the Senator from North Dakota if he would object to the consideration of that report at this time, in order that we may clean the matter up?

Mr. McCUMBER. I ask the Senator if this is one of the bills which it is necessary to pass before the 1st of July?

Mr. WADSWORTH. It is the War Department appropriation bill.

Mr. McCUMBER. Of course, it has to be disposed of before the 1st of July. I ask the Senator if there will be any lengthy discussion on the subject?

Mr. WADSWORTH. There are six or seven amendments to amendments of the Senate, in which the Senate is invited to concur. One of them may give rise to some debate. I do not think it will be lengthy. It is an amendment to the Muscle Shoals amendment.

Mr. McCUMBER. That matter has always involved lengthy discussion. It may be that it has been discussed until the discussion has run out. I can not say.

Mr. WARREN. The merits of the case can not enter into the discussion now, because it is a mere matter of time as to when the money shall be expended.

Mr. McCUMBER. I will ask to have the tariff bill temporarily laid aside, but I want to reserve the right to object if the discussion on the House amendment appears to be too lengthy.

Mr. WADSWORTH. Then, with that understanding, may I ask that the action of the House be laid before the Senate?

Mr. NORRIS. Mr. President, I do not want any misunderstanding on the part of the Senator from North Dakota. I hope there will be no lengthy debate. The Senator from Wyoming [Mr. WARREN] is right when he says the merits of the Muscle Shoals proposition do not enter into the House amendment, but the Senator from North Dakota knows that in debating the question Senators can debate the merits without a violation of the rule. I hope that will not be done, but it can not be guaranteed that it will not be done. I sincerely trust it will not take long, but there is a possibility that it will take quite a while. The amendment by the House will raise a contest.

Mr. McCUMBER. I attempted to guard myself in reserving the right to object to a further consideration of the report if I found it was going to take an unreasonable length of time. The Muscle Shoals proposition has been discussed pro and con for several years. It seems to me that it would be a waste of time to have further prolonged discussion upon the subject. I hope it will be disposed of in a short time. I am yielding simply because this is the 27th of June and, of course, the appropriation bills should be disposed of before the 1st of July.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 10871, which was read, as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 106, 131, 199, and 214 to the bill H. R. 10871, entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 41, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,100,940."

That the House recede from its disagreement to the amendment of the Senate No. 65, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund: *Provided*, That under this provision no amount shall be used for the employment of any additional persons over the number for which the specific appropriations herein provide."

That the House recede from its disagreement to the amendment of the Senate No. 220, and concur therein with an amendment, as follows: Restore the matter stricken out by said amendment, and in lieu thereof insert the following: "including personal services."

That the House recede from its disagreement to the amendment of the Senate No. 221, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,600."

That the House recede from its disagreement to the amendment of the Senate No. 225, and concur therein with an amendment as follows: Strike out of said amendment "to be immediately available," and in lieu thereof insert "but not to become available until the 1st day of October, 1922."

That the House recede from its disagreement to the amendment of the Senate No. 230, and concur therein with an amendment, as follows: Restore the matter stricken out by said amendment, and in lieu thereof insert the following:

"For the fiscal year 1924 and annually thereafter moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment the appropriations made for the support of the National Home for Disabled Volunteer Soldiers.

"The provision in this act that 'the Governor of the Panama Canal, so far as the expenditure of appropriations contained in this act may be under his direction, shall, when it is more economical, purchase needed materials, supplies, and equipment from available surplus or reserve stocks of the War Department' shall not apply as to reserve stock where purchases are made for the Panama Canal proper."

Mr. WADSWORTH. I move that the Senate concur in the House amendments to the amendments of the Senate numbered 41, 65, 220, 221, and 230. That is exclusive of the Muscle Shoals amendment.

The motion was agreed to.

Mr. WADSWORTH. That leaves only Senate amendment 225. Senate amendment numbered 225 has to do with the appropriation of $7,500,000 for continuing construction work on Dam No. 2 at Muscle Shoals. Under the Senate language this sum was to be made immediately available. It was necessary to report this technically in disagreement in order to give the House of Representatives an opportunity to vote separately upon the Muscle Shoals appropriation. That was done, but in doing so the House adopted an amendment to the Senate amendment. It struck out the words "to be immediately available" and in lieu thereof inserted "but not to become available until the 1st day of October, 1922," in other words, postponing the beginning of the construction until next October, thereby letting this summer go by.

My personal view is that that was a mistake. I think it rather a pity that the Government should lose this summer season in recommencing work upon that dam. There seems

to have been a good deal of contention and confusion in the House of Representatives about the question and another amendment was offered, more drastic than this, providing for a further postponement and providing also other conditions. It was defeated, but the amendment which I have just read was adopted by the House.

Mr. NORRIS. Mr. President, may I inquire of the Senator if he is going to make a motion to insist on the amendment of the Senate and ask for a further conference?

Mr. WADSWORTH. No; Mr. President, I had not intended doing that.

Mr. NORRIS. Will the Senator yield to me for the purpose of making such a motion?

Mr. WADSWORTH. I yield.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. With that understanding, I move that the Senate insist on its amendment numbered 225 and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. UNDERWOOD. Mr. President, I presume the Senator from Nebraska wishes to discuss his motion first. I should like to say a word or two in reference to it.

Mr. NORRIS. I am not particular as to when I shall speak. If the Senator from New York or the Senator from Alabama or any other Senator desires to discuss it first, I am not anxious to go ahead with the discussion.

Mr. President, I have never been particularly anxious, when I have attempted to address the Senate, to have Senators all here. I am anxious, however, that the Members of the Senate hear whatever argument I may make on this question, because it is to them that I wish to direct my remarks.

Mr. LODGE. I make the point of no quorum.

The VICE PRESIDENT. The Senator from Massachusetts makes the point of no quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	McCumber	Smoot
Ball	Glass	McLean	Spencer
Borah	Harris	McNary	Sterling
Brandegee	Harrison	Nelson	Sutherland
Calder	Heflin	Nicholson	Trammell
Caraway	Jones, Wash.	Norris	Underwood
Colt	Kendrick	Oddie	Wadsworth
Culberson	Keyes	Overman	Walsh, Mass.
Cummins	Ladd	Pittman	Warren
Curtis	La Follette	Poindexter	Watson, Ind.
Dillingham	Lodge	Rawson	Willis
du Pont	McCormick	Sheppard	

The VICE PRESIDENT. Forty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Gooding	Simmons	Stanley	Watson, Ga.
Pepper			

The following Senators entered the Chamber and answered to their names:

Cameron	Smith	Swanson

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. NORRIS. I hope Senators will give me their attention for a short time. When it had the Army appropriation bill under consideration the Senate adopted an amendment which read:

For the continuance of the work on Dam No. 2 at Muscle Shoals, Ala., to be immediately available, $7,500,000.

The House has agreed to that amendment with an amendment as follows: Strike out the words "to be immediately available" and insert the words "but not to become available until the 1st day of October, 1922." My motion is—and it is the pending motion—that the Senate disagree to the House amendment to the Senate amendment and insist on the Senate amendment and ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

It narrows down to this, which is the contention and what is involved in this motion: The Senate appropriated $7,500,000 to be immediately available. So far as I can see now the words "to be immediately available" amount to nothing and could be stricken out without affecting the question, because the 1st of July is so near at hand. When the amendment was offered, however, it was supposed that the Army appropriation bill would become a law some time before the 1st of July, and the Government would not need to wait until the 1st of July to begin the work on the dam; but the House has added an amendment to the effect that the money shall not be available until the 1st day of next October, which means, of course, if the Senate shall agree to the House amendment, that work shall not commence until the 1st day of October.

Of all the seasons of the year, Mr. President and Senators, when work can be prosecuted to advantage at Muscle Shoals it is between the 1st of July and the 1st of October when the river is low. The House amendment, in effect, says the money is appropriated, but it shall not be used and work shall not be commenced until the water comes up, when the work will be more expensive and more difficult to carry on. That is the effect of it. It says: "You can go ahead with Muscle Shoals, but you shall not work on it when the river is low, from July to October."

The engineers who have had charge of this great work down there have said that it will take three years to complete this dam, and the principal reason why it will take three years is because that will give the officials having charge of its construction an opportunity to work during three seasons of low water. They can not do the work that has to be done on the bed of the river in one season or two seasons. They could complete the work quicker if there were more low water in the river; but remember, Senators, that the weak point in the Muscle Shoals power proposition, the only weak point that it has, is the great variance between the maximum and the minimum flow of the Tennessee River. It goes down during the dry season, so that a part of the year there would be even less than 100,000 horsepower developed, and at maximum flow, during a small part of the year, it goes so high that over a million horsepower could be developed there. I mention that only to show you the difference between the high flow and the low flow of the Tennessee River, so that it is extremely desirable as a matter of economy, if we are going to complete that dam, that we do as much work as possible while the river is low.

The question at once arises, Why should the House make such an amendment? It was supported by Representatives led in the main by those from Alabama, and some from Michigan. It is admittedly done in the interest of Mr. Ford, and the charge was made in the debate on the floor of the House that the Senate amendment was in opposition to Mr. Ford; that really there was a trick placed over here by those who favor this amendment, and that those who favor it were deceived, and induced in that way to vote for this amendment. Their theory is that if they can go back to work down there, if those who are opposing Government operation of it can make it as expensive as possible for the Government to construct, they will get adherents to the Ford propaganda, and that as a last result the Congress will be compelled to surrender to that propaganda.

Mr. President, I have been told to-day, since the Senate has been in session, by a Senator who is now present in the Chamber, that he had a telegram from Gray Silver—who, as you all know, is the legislative representative of the American Farm Bureau—stating that the farmers expected him to support the House proposition. Mr. Silver has been very active in it in the name of the farmers of America. In my judgment, he is misrepresenting them. In my judgment, he can not defend his course I can not understand how any man can defend the action taken by the House in this matter, whether he be for Ford or whether he be for anybody else.

It will be remembered that the amendment I offered, that went into this bill, was offered as a committee amendment. It came from the Committee on Agriculture and Forestry. It was agreed upon unanimously by the members of that committee, and some of the strongest advocates of Mr. Ford's proposition are on that committee, as strong as any in the Senate or in the House. It was agreed upon long before the Army appropriation bill was reported to Congress. It was given publicity. It was announced through all the papers that the Senate Committee on Agriculture and Forestry had agreed on that amendment, and had directed its chairman to offer that amendment when the Army appropriation bill came up. There was nothing covered up about it. Everybody understood it. As far as I knew, everybody that was in favor of the development of Muscle Shoals, whether he was for Ford or whether he was for anybody else, whether he was in favor of leasing it or whether he was in favor of the Government operating it, agreed that that was the proper thing to do. There was no deception; and any insinuation, any claim that there was any trick, that there was any attempted trick, that there was any attempt at coercion, any attempt at secrecy, any attempt at anything unfair, is absolutely and unqualifiedly false and without any foundation, direct or indirect, to sustain it. I make that assertion measuring my words. I make it in the presence of members of the Committee on Agriculture and Forestry of the Senate, Democrats and Republicans alike; and I ask them, if in any particular that statement is wrong, to rise now and make the correction.

It was a fair agreement. It was understood all around that we wanted to develop Muscle Shoals. It was known that there would be a sharp disagreement as to what the policy of the Government should be in regard to it, but nobody objected to that agreement; and there were from the House committee a great many Members—I think as many as there were from the Senate committee—that went down to Muscle Shoals. We were there together. We went over the whole thing; and I have yet to hear from the first Member of the House but that he agreed, no matter whether he was for Ford or for anybody else, that the Government ought at once to go ahead and start that work. As far as I know, that has never been disputed, and any charge now that anybody was trying to take advantage comes, it seems to me, with ill grace and poor grace. No sportsman would ever make such a charge, even in a gambling game, where everything had been so open and aboveboard and everybody understood and everything was known.

Remember, Mr. President, that the Government has down there all the machinery and in a great many respects the material on hand ready to start work to-morrow. It has a railroad track built across the river and false work built around the place where the engineers expect to commence the further building of the dam, in one place covering 13 acres of the bed of that river, surrounded by a watertight cofferdam. When the work was suspended a year ago for lack of appropriation, in order to protect that work and not let it deteriorate unnecessarily they opened up a hole through the cofferdam and let in the water as a matter of preservation, so that the pressure should be equal on both sides. It is ready to be pumped out and the hole filled up and work commenced. That will cost something. That would not have been necessary if we had not suspended operations in the first place.

At other places in the dam other cofferdams are constructed. They build a cofferdam around a portion of the area where they are going to construct a dam and get the water all out of it, down to bedrock, where they commence the construction of the dam. It does not take an engineer or a scientist to see that it is desirable to do that when the water is low. It does not take a seer to understand that if we keep postponing it a few years this work, that never was intended to be permanent, that it is intended to remove out of the river as soon as the dam is constructed, will not last forever. It is liable to go out at any time; and since it will take three years to complete it, it is perfectly apparent that even if it does not go out now, if a delay puts it over another year, it may go out next year or the year after and still do as much damage as though it went out to-morrow.

That is the condition down there at Muscle Shoals. There are two or three million dollars' worth of material and of work, all of which are liable to be lost if we delay work beyond the low-water period of the river, and the House amendment says you must wait until the low-water period is past before you can turn a hand or do a stroke of work.

I want to say just a word now to those who are opposed to the Government doing anything down there, to the Government owning and maintaining this dam to make this great nitrate plant effective. Just a word about that.

Do you want to take this course in order to make the work of the Government expensive? Because you are opposed to this method or that method, are you going to adopt a technical course that will result in adding as much as possible to the cost in order to obstruct the completion of that great dam? That is the effect of this, whether you want to do it or not. That is just exactly what is happening. It means, Mr. President, one year of delay if the House amendment is agreed to. That really means two years. Whether Ford gets it or whether any other bidder gets it who will step into the Government's shoes, if they do get it, they will suffer the same liability to loss. The only difference is, for instance, if Ford gets it, and that work goes out, it will cost $2,000,000 more to put it in, and the Government foots the bill, because it is by appropriation that Ford gets his money to build the dam. So it does not make any difference. The danger is just as great, no matter whether the Government does it or somebody else does it. It is inconceivable that we would stop now, when we are one-third through with that dam, with all this work there, and turn it over to somebody, and that they would not utilize the machinery and take advantage of the work that has already been done. Everybody concedes that whoever gets it, if he is going to be economical, will step into the Government's shoes and continue that work.

So, Mr. President, it reduces itself to this: Shall we wait until the water is high before we commence to do this work, when it will cost more money? Suppose it is a physical possibility for the Government or anybody else to do this work when the river is at its height. It would more than double and treble the expense. The Army engineers were doing work that was low down. They had to have the river bed bared in order to make it solid and complete and avoid any possible mistake. Their idea was to build these cofferdams and bare the bed of the river, and do the work at a time when the water was low. They could make heavier construction; instead of putting it in 12 feet wide they might put it in 24 feet wide, and fill that up to the top and make it water-tight, and pump the water out of it. It is possible to be done, but you can see what a tremendous increase it would make in the expense. The Government's engineers were working on the theory that when they constructed this from the river bed up, then they could work on top of it. They would spend the rest of the year in working on the portion of the dam that was above the high-water flow of the river. They have done that already. They have a portion of the dam practically complete up to the place where they put in the gates and the roadway above it, away above where the river will come at its highest time. They can work on a place of that kind, but they can not go down in the bed of the river and do the work economically or to any advantage at any other time than during the summer months and early fall.

Mr. President, I can not conceive, I can not understand, how anybody can say that he favors the House amendment. I can appreciate the condition of a man's mind who says, "I do not want any appropriation made. I am in favor of blowing out what we have there so as not to obstruct navigation, and let it all go." I do not agree with that man; but he has a definite idea in his mind; he has a definite policy which he wants to follow, and he does not want to deviate from it. But I can not understand a man who says, "I want that power development. I want Muscle Shoals Dam No. 2 constructed. I want this great work continued, and I want to save the money which the Government has in it. I want to save the structure that is built down there for the purpose of making this dam," and he then says, "I do not want anything done when the water is low." I can not see the consistency in those positions.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. I agree with every word that has been said by the Senator from Nebraska; but it is suggested as a reason why the Senate might concur in the House amendment that should the matter go back to the House those who are opposed to any further work on the dam may obstruct this particular amendment placed in the bill by the Senate, so that it may be defeated altogether; and it would be better to wait three months than to have the matter altogether thrown out. What would the Senator from Nebraska say as to the probability of that taking place?

Mr. NORRIS. I will take that up, Mr. President. I do not know how other Senators may feel about it, but I am not in favor of putting the Government in the position of seeing how expensive it can make this work. I would rather not do it. I want to do the work with economy; I want to do it in a scientific way. To agree to the House amendment means either that we are going to work at a time when we can not work economically and to advantage, or it means the postponement of all work for another year.

Personally, I will say frankly to the Senator from Virginia, I would much prefer to take the amendment out of the bill entirely and let it stand for another year where it is now than to put the Government in the awkward position of having to spend two dollars where it ought to spend only one. The risk we run if we do that is what we will run if we accept the amendment; that is all the work which the Government has done in the way of construction of cofferdams, and so forth, may go out any time; we all know it will go out at some time. It is not intended to be permanent, and the question is whether it will stand while Congress is delaying.

Mr. OVERMAN. I would like to know if the Senator can suggest the reason for delaying the work until October. There must have been some reason for the House's action. I would like to know whether the Senator can tell us.

Mr. NORRIS. The arguments made in the House were not all printed; a great many of the speeches were held out. I do not know whether they were printed this morning or not, but the argument seems to have been that the Senate was taking an advantage. I could not see any reason on which that position was based, but it was contended that the amendment was put in by the Senate in a sort of a spirit of deception; that it was taking advantage of the Ford people; and they want to force a vote and force the Government to give this to Mr.

Ford before the present session of Congress ends. The only possible reason back of the arguments I have read was that if we decided to let the Government go on with this construction, Congress would not decide the ultimate policy of the Government as quickly as it would if they awarded it and threw this monkey wrench into the machinery.

Mr. GLASS. Will not the Government be compelled to do this work in any event, whether it accepts the Ford proposition or not?

Mr. NORRIS. No. Under the Ford offer the Government would have to furnish the money.

Mr. GLASS. The Government has to pay for it?

Mr. NORRIS. Oh, yes; but of course the Government could let it out to somebody. There is one bidder who agrees to build the dam at its own expense and take it under the regular water-power act now in force.

Mr. SMITH. Mr. President, is the Senator advised sufficiently in reference to the construction to know whether, in case it is postponed until the 1st of October, there is other work, aside from the work in the cofferdam, which could be carried on if the water were too high at that time to do that work advantageously, and then from time to time, as the river recedes, to work in the cofferdam?

Mr. NORRIS. I will answer the Senator as I understand the situation. That is a very proper question, but I have not looked it up in detail this morning, and I am speaking now from my memory of the situation down there. I think there are places on the dam where the Government could work without first commencing a foundation; they have some partly constructed. But the point I want the Senate to get is that it will take three dry seasons to do the work on the bed of the river. As the Senator from South Dakota [Mr. NORBECK] suggests to me, if it stands for a year beyond that the material is likely to rot out and be carried away by high water. So that it means that we could not systematically carry out the plans of the engineers in the construction of this great dam, because they would have to wait another year. In other words, they have figured it all out; that during one dry season they can cover so much of the river bed, and there is river bed enough there to take up three dry seasons.

There is no way to get away from that, following their plans. Of course, I have followed experts and engineers, because I am not an expert or an engineer myself; but that stands undisputed. In the plan laid out for construction there are required three years of construction on the bed of the river during the dry seasons. During the balance of the time of those three years they can complete the superstructure. So that we will be losing a year if we pass over one of those dry seasons, and we will be utilizing a force then, even if we can go on and work, that later on will be laid off, and the machinery and the whole force disrupted and thrown out of joint. So it simply means millions of extra expense, even though all the cofferdams and every bit of their construction remain there intact, and there is serious doubt of that, because one year has gone now. If we let a year go by, as it takes three years to construct it, it will mean that we will be doing that work for five years.

The high water is likely to wash away the railroad bridge itself. We have a railroad bridge built right along the face of that dam, so that the material we put into that dam is taken there on cars, and the Government owns all the cars and owns the engines. Right there in front of that dam on the island we own one of the greatest mixing plants that has ever been constructed in the history of the world, with a railroad running to it, and another one running over here, farther down the island, for the material that will be stored up there, some of which is there now.

Of course, there is always a risk in that kind of work. To put that risk into five years instead of three is not wise, because deterioration may come, accidents may happen. There are wooden structures to rot out and decay, and high water will come and carry it away. Nobody, it seems to me, who wants to be fair, no matter where he stands on this proposition, would advocate losing this year. I do not want to argue the future policy of the Government now; it is not involved here. The Members of the House who have investigated it and seen it, and the members of the Senate committee, had all agreed that that was the statesmanlike course to pursue, and that that was the economical thing to do.

I was told by a Senator that another man came to him and proposed the same thing I told the Senate a few minutes ago was given to me by another Member of this body, as to what we ought to do. Regardless of propaganda, regardless of false reports that go out, I appeal to Senators in the interest of the taxpayers of the country, I appeal to you even in the interest of Mr. Ford's proposition, not to agree to the House amendment, and postpone this work longer. I am appealing for the taxpayers when I appeal to Mr. Ford's friends, because under Mr. Ford's proposition, whatever may be the cost, the taxpayers pay it. Ford does not put up any money under his proposition. It is all contributed by appropriation from the Public Treasury. We are all interested in seeing that work done, in seeing that the property of the Government down there is not destroyed. If Mr. Ford's proposition is agreed to, all this property I have mentioned becomes his—goes to him. If you are thinking only of Ford, not of the people, of the taxpayers, we are going to preserve his property if he gets this proposition, and there is absolutely nothing in the Senate amendment which takes away any rights, prospective or otherwise, of Mr. Ford or any other bidder.

Mr. POMERENE. Mr. President, I have heard only a part of the Senator's statement, and I gather from the part which I have heard that he feels that this improvement should be completed, and that whether Mr. Ford's proposition is accepted or some other disposition is made of this project, nothing of value can be accomplished, so far as relief is concerned, unless that dam is completed, and the sooner it is completed the more quickly we will get results, no matter who may have it. Is that the Senator's position?

Mr. NORRIS. Yes; that is right.

Mr. UNDERWOOD. Mr. President, when the time comes to vote, I intend to vote to concur in the House amendment; but I want to say that, in my judgment, the House amendment is most unfortunate. I am not here to combat what the Senator from Nebraska has said in reference to this amendment. I shall vote for the House amendment for other reasons.

I read so much of the debate in the House as was published, and I gather from the debate that the opposition as expressed on the floor of the House was that they did not want this money to become available until a vote was taken on the Ford offer, and it was implied that the passage of this appropriation would interfere with the Ford offer. My mind may be very dull, I may lack comprehension, but I fail to see how the passage of this appropriation of seven and a half million dollars to finish Dam No. 2 at Muscle Shoals can affect the Ford offer one way or the other. In the event that Mr. Ford's proposition is accepted, it seems to me clear that it is helpful to Mr. Ford's offer to have some money immediately available to go on and finish the dam.

Mr. Ford's offer proposes to pay interest on the money that is necessary to complete the dam, and then pay the cost of the dam at the end of a hundred years. Therefore all the work that is done on the dam before Mr. Ford's offer is accepted relieves Mr. Ford of paying the interest on that amount. So I can not see how this affects adversely any proposal made by Mr. Ford in the matter. I am sure that a large number of the men in the House who voted for the amendment voted for it in the belief that they were aiding the Ford proposal. I do not question their sincerity about the matter, but the logic and the reasoning they have behind them I can not agree to, because I see nothing in it.

I think we have all about come to the conclusion now that, no matter what happens, Dam No. 2 should be finished, in the interest of the people of America and the Treasury of the United States. We would then make what is now a junk heap, as it stands in the river to-day, an available asset of the Federal Government. I do not combat what the Senator from Nebraska has said in reference to the cost of the delay. I have regretted the delay in the finishing of the dam all the time, and I regret this additional delay.

Mr. President, I do not know how I can express my position in reference to the matter better than by stating what one of my colleagues from a western State said to me yesterday about the appropriation for the Muscle Shoals dam. He said, "UNDERWOOD, I fear you are gun-shy on Muscle Shoals." I fear that I am. Repeatedly I have stood for an appropriation in the Senate to accomplish this great work. Repeatedly the Senate has acted favorably. Repeatedly the matter has gone to the House and been rejected and no result has come. Although I give due credit to the sincerity of purpose of most of the men who voted to put this amendment on the proposition, I can not help feeling that there are some men who favor the House amendment because they desire to defeat the whole appropriation and put the whole thing out of the bill.

I know the practical result of doing that. A year ago last March the Senate put on the sundry civil appropriation bill an appropriation of $10,000,000 to proceed with the work. The House rejected it. The Senate stood firm until 1 o'clock in the morning of the 4th of March in favor of the appropriation and the completion of the work. Then, because we could not afford to destroy a great supply bill, a situation that endangered the

workings of the Government, we were compelled to yield. We are in identically that same position now. Here is one of the greatest appropriation bills of the Government. It is a bill that must go through by the 1st day of July or we will have no money appropriated to feed our soldiers. We can not delay a War Department bill. We have to pass it. I fear that if the Senate rejects the House amendment and we go to conference the House will stand on its position, and in the end the Senate conferees will have to come back here, as the Senate conferees came on the sundry civil appropriation bill, and say "We have to yield on this whole amendment because we can not defeat the supply bill."

We have waited so long for the money to continue the appropriation that I feel it is better to wait three months longer than to endanger the entire appropriation and take the possibility of losing the money that will enable us to go on and complete Dam No. 2 at Muscle Shoals. Therefore I shall vote against the motion of the Senator from Nebraska. I regret to do it because I feel that he has acted with absolute fairness and aboveboard in the matter. I have no criticism of the position he has taken, but I feel that we can not afford to jeopardize the matter longer. I think it puts us in too much danger if we carry the matter back into conference. Therefore I hope that the motion of the Senator from Nebraska may be voted down and that the Senate may concur in the amendment of the House.

Mr. WADSWORTH and Mr. POMERENE addressed the Chair.

The VICE PRESIDENT. The Senator from New York is recognized.

Mr. POMERENE. Mr. President, may I ask the Senator from Alabama a question before he takes his seat?

Mr. WADSWORTH. I yield that the Senator from Ohio may ask the Senator from Alabama a question.

Mr. POMERENE. Did I correctly understand the Senator to the effect that he does not feel that the House amendment should be adopted?

Mr. UNDERWOOD. Oh, no. I said that I feel that we should reject the motion of the Senator from Nebraska, which is to disagree to the House amendment, and that then we should concur in the House amendment, because I fear, although I do not agree to the wisdom of the amendment, that we will jeopardize the whole appropriation if we do not agree to it.

Mr. POMERENE. That is the point I had in mind. I understood the Senator to doubt the wisdom of the House amendment.

Mr. UNDERWOOD. I do.

Mr. POMERENE. I should like to know what the reason is for delaying until October 1 the use of this money which ordinarily would be available July 1?

Mr. UNDERWOOD. I will tell the Senator why. He may not have heard the first part of my remarks, in which I said I saw no justification for the delay. The reason why I am in favor of concurring in the House amendment is because I think we endanger the entire appropriation if we do not concur in the amendment.

Mr. POMERENE. Why would it delay this proposition if the bill is recommitted to conference because the majority of us are of the same mind as the Senator from Alabama? I confess I am in doubt about it, but I do know that we can go along with river improvements very much better in low water than we can in high water. It seems to me that that is a commonsense proposition, and if that is true, I confess I can not see any reason why the use of this money should be delayed until October 1 if we agree that it should be used at all.

Mr. UNDERWOOD. I do not contest that point, and I have not contested it I say that the Senate has been endeavoring for a long time to complete the work. That is the position which has been taken by the Senate as a body. But every time we have proposed to appropriate money to complete the work we have met defeat at the hands of the House. Now the House has agreed to this appropriation with a limitation which will delay it three months. I think it is the part of wisdom for those who want to have the dam finished to accept the delay and make a certainty of the appropriation.

Mr. POMERENE. I do not object to a proper limitation being placed upon expenditures after we have agreed to make them. If there is any reason for this limitation I would like to hear it. I have not heard it thus far.

Mr. WADSWORTH. Mr. President, my innermost sympathies are with the Senator from Nebraska, but the practical situation which confronts us, and it is a very practical one, impels me to follow the advice of the Senator from Alabama. The matter was debated at considerable length in the House of Representatives, and two amendments were offered, the first by Mr. HUDDLESTON, which goes much further than the one which was finally adopted and which, from my standpoint, and I speak only for myself, is infinitely more objectionable than the one finally agreed to. That amendment was defeated by a majority of only 14 in the House.

Mr. POMERENE. May I ask what the amendment was?

Mr. WADSWORTH. I shall read it to the Senate. After striking out the words "providing that the appropriation should be immediately available," it added this language to the Senate proposition:

Provided, however, This appropriation shall not become available until such time as the Congress shall have taken final action on H. R. 11903—

That is the Ford bill—

and not then if the subject matter of said bill is enacted into law in a manner as will result in the consummation of contracts for lease and sale of the Government Muscle Shoals properties to Henry Ford, and in which event said appropriation shall be available in carrying out by the Government the provisions of the contracts as to such lease and sale: *Provided further*, That this provision shall not operate to postpone such availability later than January 1, 1923.

That was defeated by only 14 majority. I repeat, I speak only for myself. That amendment is highly objectionable to me. The amendment which was adopted, which was introduced by Mr. JAMES, and which we are now discussing, was adopted by a majority of 40 in the House. We may protest against it, and I for one do protest against its wisdom, but——

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. WADSWORTH. I yield.

Mr. NORRIS. I think the Senator ought to state that while it is true the majority was 40, there were only about one-half of the Members of the House present.

Mr. WADSWORTH. There were 180 absentees, and there is nothing in the present situation which would lead us to believe that there will be less than 180 absentees to-morrow or the next day or the day following. This must be done in the next two or three days, if we disagree and insist upon our original amendment.

As I said, the amendment which we are now discussing was adopted by the House, after considerable debate, on a record vote by 40 majority. We may discuss the matter and protest against it, as I do myself. I think it an unwise amendment. But as I stand here I believe we will not persuade the House to reverse itself. As the Senator from Alabama indicated, we will simply get the thing into such a snarl that the whole thing will die. Suppose we vote to-day to insist upon our amendment. It goes back to conference. The three House conferees, of course, will be powerless to agree in conference on the original Senate language. They will have to take it back to the House again and have a separate vote.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. LENROOT. Has the House asked for a conference?

Mr. WADSWORTH. No; it has not.

Mr. LENROOT. So the House would have an opportunity to vote directly upon the amendment?

Mr. WADSWORTH. Yes; the House would vote directly, of course, upon the amendment. But personally, and I am speaking only from the practical standpoint, I do not believe we can persuade the House to reverse itself after it has made a record vote of 40 majority in favor of the amendment. I think the amendment is unfortunate. It is going to lose three months' time in the most favorable season of the year for continued work on the dam, but if we concur in the amendment we are taking something that is certain. If we reject the amendment and force a conference, we have nothing in front of us but uncertainty and possible defeat of the entire project for a year to come instead of only three months. That is the practical thing for us to consider. It is upon that ground and that ground alone that I join with the Senator from Alabama in opposition to the motion of the Senator from Nebraska that we disagree and insist upon our original amendment.

Mr. POMERENE. Mr. President, may I ask the Senator a further question?

Mr. WADSWORTH. Certainly.

Mr. POMERENE. Is there any cash already appropriated and available for the work or for such work as may be done between now and October 1 next?

Mr. WADSWORTH. Not one penny. This is the only money that may be made available for continuing the work at any time. As the Senator from Alabama said, it is either three months from now or perhaps not for a year from now. We must choose between the two. If we get this thing into a snarl and finally reach a complete disagreement and the Senate is compelled at midnight of June 30, in the face of another record vote in the House, to recede again, we will have to recede on the whole amendment and lose the $7,500,000 com-

pletely. I think it is not the part of wisdom to do that. I can not agree with the Senator from Nebraska upon that point. The Senator from Nebraska thinks it is wiser to fail entirely in getting the $7,500,000 and to let the matter go over a whole year than to take $7,500,000 to be available three months from now. I can not agree with that. I think the quicker we get the money the better.

Mr. NORRIS. Before the Senator from New York closes I desire to make a suggestion to him. In my judgment the Senator has not fully considered what this amendment means and what the three months' delay means. The Senator says he can not agree with me in the proposition that I had rather see the amendment fail. The reason I say that is because I believe it would be more economical to let it all fail and to commence and carry on the work down there when it may be prosecuted continuously. The engineers think they will have to spend three years on the work in the bed of the river anyway, and they have made their plans so that they could utilize the force and keep everything going for an entire year. But if they are not allowed to proceed in that way, and we make it necessary for them to go on in violation of that plan and not use the money when the river is low, then they will have to wait until they have another season of low water in the river, or they will have to do the work when the river is high and pay a larger sum of money—the taxpayers' money.

Mr. WADSWORTH. I have no doubt that if we agree to the House amendment it will probably cost a little more money than it would had the original Senate amendment been adopted; but let me remind the Senator from Nebraska that even if this sum should become available on July 1 it is going to take the Army engineers quite a while to start the work again. They have got to get their labor gangs together and organize them, and the work is not going to start on July 2.

Mr. NORRIS. I should like to say to the Senator that the engineers assumed even before we passed the amendment, when they knew of this understanding here because of the publicity which was given to it, and there appearing to be no objection to it, while they spent no money, they took such action that the getting together of the working force is merely a question of a few days.

Mr. WADSWORTH. I am not contending that the House amendment is wise; I want the Senator to understand that; my sympathy is with him; but we are facing a practical situation. I imagine that some work may be done after the 1st of October toward the completion of this dam. I should not say that the season of high water occurs as early as that. So it is altogether probable that if we concur in the House amendment and work is begun on October 1 substantial progress may be made before the winter floods come.

In addition to that, the work may be prosecuted next May and June, still inside of the fiscal year, and undoubtedly some work may be done during the winter months on the superstructure. So while we shall lose a portion of it three months, and probably it is uneconomical and not businesslike, yet we are confronted with this practical question: Shall we accept a certainty by concurring in this amendment or go on with an uncertainty for an indefinite period?

Mr. HARRELD. Mr. President, the Senator from New York thinks that the adoption of the House amendment will only delay the work for three months. I was a member of the subcommittee that went down to make an investigation of the Muscle Shoals project. The one thing which we agreed upon was that, unless work could begin there promptly so as to utilize three or four months during this summer, the whole project would be delayed for an entire year. That was one thing that the committee unanimously agreed upon. So it is not a question of delaying the work for three months but it is a question of delaying the work for one entire year if it is provided that the appropriation shall not become available until the 1st of October.

I was one of the few who voted in the House of Representatives two years ago for the proposed appropriation of $10,000,000 to proceed with the construction of Dam No. 2. That was before I went to Muscle Shoals and saw the project. We have already lost two years by not taking the appropriate action at that time, and, in addition, we have lost millions and millions of dollars on the project itself. If Senators would go down there and see the condition of the cofferdams to-day they would realize how fast they are decaying and how soon they will have to be entirely rebuilt from the bottom up and would appreciate how great a loss the Government will sustain by not immediately proceeding with the construction of the dam and bringing it to completion. I make the prophecy now that the one year's delay which will be brought about if the amendment of the House to the amendment of the Senate shall be concurred in, will mean a loss of two or three million dollars because of the deterioration and decay which will ensue if the work on the cofferdams and other works is delayed.

That applies also to the railroad tracks. There is an entire railroad track clear across that river and paralleling the bank which is rotting; it is going to decay, and a year's or two years' delay will necessitate the rebuilding of that railroad. To delay the construction work for a year means, in my judgment, a loss of at least $2,000,000 to the Government on account of the damage which will be caused, and the delay of three months in the time when the appropriation shall become available in reality will mean the delay of a year.

So I am where I was before; in fact, I am where I was two years ago; I am in favor of appropriating this money and letting this work start at once.

Mr. SMITH. Mr. President, in view of the circumstances I feel that I ought to say something. I was a member of the Committee on Agriculture which reported out the proposal of the Senator from Nebraska [Mr. NORRIS] to appropriate $7,500,000 to carry on the work on the dam; and I am the author of the original bill which appropriated the money to provide an adequate supply of explosive materials for the Government during times of war. It developed by investigation that we were completely at the mercy of Chile, and that in case the Chilean nitrate beds should be blockaded we would find ourselves with a tremendous Army and equipment, but without explosives. So I have followed this development with a great deal of interest, and I do not believe there is another Senator here who is any more deeply interested in the project than am I.

There is a disposition in both parties, to a less degree in the Senate and to a greater degree, perhaps, at the other end of the Capitol, to let this matter go; but I wish to reenforce what the Senator from Alabama [Mr. UNDERWOOD] has said and what the Senator from New York [Mr. WADSWORTH] has said. So far as the deterioration of this property is concerned, within three months surely the engineers will address themselves to those things that need immediate attention and will utilize such an amount of the appropriation as is necessary to protect any part of the works that is rapidly decaying. So, in any event, so far as deterioration is concerned, at the end of the three months we will have the appropriation available to take care of that.

So far as the construction of the dam is concerned, of course that would be dependent upon the time when the frost comes, for it is almost impossible to lay cement during the freezing or cold weather period; but as to the other portions of the work which may go to decay and cause a loss, they can be taken care of at the expiration of the 90 days, or the care of them may be begun.

The danger in this whole proposition is that if we do not accept the House amendment we jeopardize not only the time element that is involved but we may lose the entire appropriation, and it may result finally in the abandonment of the entire project. So nothing can be lost by this delay except whatever progress would be made on the construction of the dam.

As to losing a year and endangering the whole project by decay and floods, immediately upon the availability of the money in October the railroad may be repaired, and the cofferdams, wherever there is a weak point, may be strengthened, and all necessary provision can be made to prevent further deterioration. But "to make assurance double sure" I sincerely hope the Senate will accept the House amendment. I do not agree that it was wise. In the committee I asked the engineers if, in their judgment, this would interfere with any proposed contract with Mr. Ford or anybody else. Of course, they said "no," because, whether a contract is given to anybody, this work has got to be completed and payments for the cost must be arranged by the Government.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH. I yield.

Mr. POMERENE. I should like to have some statement which would satisfy my reason in this matter. This is the situation as I conceive it: Both the Senate and the House have agreed that this work ought to go on and ought to be completed. That is also my judgment about it. Therefore the two Houses have agreed to appropriate $7,500,000. Thus far both Houses are in agreement. Senators, including the Senator from South Carolina [Mr. SMITH], have said that they feel the House amendment is a very unwise one and they do not approve it. What is there in the situation that makes the Senator believe that, while the House has approved the appropriation of $7,500,000 for the completion of this project, they are insistent that not one penny shall be expended before

October 1, and that rather than let a penny of it be expended prior to October 1 they will defeat the entire appropriation?

Mr. SMITH. Mr. President, in answer to that question, I will say that I think the Senator ought to turn his proposition around, for the House has agreed that on the 1st day of October this work may go on, and the Senate has agreed that it should start the 1st of July. Why should we insist on our position, when there is no very great loss, when by insistence we shall jeopardize the whole appropriation and maybe lose it?

Mr. POMERENE. If the Senator came from New England, I would expect him to answer my question by asking a question, but, coming from South Carolina, I should like a direct answer.

Mr. SMITH. I will give the Senator a direct answer. I believe that the project is so worthy, that it is such a stupendous piece of constructive work, that we can not afford now, with the history of this legislation fresh in our minds, as it has been reviewed by the Senator from Alabama, to jeopardize the appropriation. The two Houses have come so near to the point, the difference between them being comparatively small, that I think we have everything to gain and nothing to lose by concurring in the House amendment whereby identically the same work which we provided should begin on the 1st day of July will begin on the 1st day of October.

Mr. POMERENE. But, Mr. President, there are a number of days between this time and July 1; and if we were to recommit this bill because of our objection to this particular amendment, it does seem to me that we ought to know in another 24 hours whether or not the House will yield. My belief is that they would not insist upon this amendment if they knew the attitude of the Senate. I do not know. That is merely a guess. I may be wrong about it.

Mr. SMITH. Mr. President, let me state to the Senator from Ohio, knowing the situation as I do, that I can not conceive how there is likely to be any great loss to the Government except the danger of the destruction of certain work that is there. You must remember that that work has been standing there for two or three years. Certainly 90 days can not make any very great difference as to that, except the loss of time involved in not putting in the dam or the foundations of the dam during the summer months. There will be no great amount of risk incurred between now and the 1st of October. As every Senator knows, the month of October is more or less as open as the months of July, August, and September, and if there is any danger that this structure may be jeopardized by floods or decay during those 90 days they might put it in such condition as to prepare against any such danger; so that the difference between the House and the Senate, so far as any loss to the Government is concerned, is almost negligible. The completion of the work will be delayed to some extent, but the risk that we run of losing the entire project is so infinitely greater than any incidental loss that may be incurred by waiting the 90 days that I, for one, am not going to take a chance on it.

Mr. HARRELD. Mr. President, may I ask the Senator a question?

Mr. SMITH. Yes.

Mr. HARRELD. Will not the same matter that is now being thrashed out on the floor of the Senate come up on the question of appointing conferees?

Mr. SMITH. I am not talking about that; but the action of the House is ominous.

Mr. HARRELD. Is it not likely that when the House takes up the question of appointing conferees it will not appoint them, but will simply concur in the action of the Senate?

Mr. SMITH. But the possibility is that the House, in the urgency that is on us right now, may reject the entire amendment. We had that very experience with practically this same amendment on another bill. The whole argument, in a word, is this: Shall we jeopardize the whole project, with the danger of losing out on the entire thing, by refusing to accept the House amendment, or shall we accept the House amendment and insure the completion of the project?

That is what Senators must decide upon: Shall we accept the House amendment and insure this appropriation and the completion of the project, or shall we reject the House amendment and jeopardize the entire thing?

Ninety days is the only difference between us and the House. The reasons that the House had are set forth in the debate. I sincerely hope that we will complete a project fraught with so much of good for the Government and for the agricultural interests of this country, because I firmly believe that the House and the Senate are going to see to it that this great power shall be developed in the interest of the protection of the Government in time of war and for the benefit of agriculture in time of peace. I drafted the original bill upon which this whole project is predicated, and the statute now provides that during times of peace this power shall be used for agricultural purposes and that during times of war it shall be used for the production of the basis of our explosives; and I sincerely hope that the Senate will accept this House provision.

I want to say, because I do not care to be misunderstood about it, that I know that the Senator from Nebraska and the Agricultural Committee, in reporting out the $7,500,000 to be immediately available, did it because we thought that work ought to be carried on to completion, and we ought to begin now. I do not agree with the House as to postponing it. I do not believe that the Government's program of expending $7,500,000 will affect in the slightest degree any contract that the Government may make with anybody, because in any event the Government has to bear that expense no matter who gets the contract, and it is simply a question of whether or not we are going to commit ourselves to the completion of this project.

Mr. CARAWAY. Mr. President——

Mr. SMITH. I yield to the Senator from Arkansas.

Mr. CARAWAY. It seems to me that we have all come to the same conclusion about the action of the House. I do not think anybody has any doubt that it was a mistake. If it had not been for the Agricultural Committee of the Senate, there would have been no appropriation at all for this purpose put on here. The House had had their opportunity, and they did not do so. I think they have listened to some people who were more anxious to show that they can do something than they are to be really helpful, and I think it was a very serious mistake.

Mr. SMITH. I think, Mr. President, that it was a very unreasonable proposition on the part of the House; but we have it. Now, the question is, As sensible men, what shall we do? Shall we jeopardize the entire project, or, by agreeing to the House amendment, shall we guarantee the completion of the entire project? That is the proposition.

Mr. HEFLIN. Mr. President, there is no denying the fact that there is a great deal in the suggestion made by the Senator from Nebraska [Mr. NORRIS] that the months of July, August, and September ought to be utilized in work on the dam at Muscle Shoals. I recall that all of the friends of the Muscle Shoals project expressed the desire to see the appropriation of $7,500,000 provided as soon as possible so that the work could begin at an early date. I supported the proposition to complete that dam under the leadership of my colleague in this body two years ago when we secured the appropriation necessary. We passed it through this body twice, and it was defeated in the House both times. Now we have secured in the Senate another appropriation of $7,500,000, the amount the Government engineers say is necessary to carry on this work for one year at Muscle Shoals. But, Mr. President, the House in its consideration of this provision decided to extend for three months the time when this seven and a half million dollars would be available. The House simply fixes the time when the appropriation can be had on October 1 instead of July 1, and practically all of the Members of Congress from the South, where the Muscle Shoals dam is located, voted for that change in the time. Like my colleague, I can not see that the making of this money available July 1 would in any way injuriously affect the offer of Mr. Ford. That was understood when the amendment was first agreed upon. The question was asked: "Will this affect, one way or the other, the Henry Ford offer?" The reply was: "It will not." The Senator from South Carolina [Mr. SMITH] was one of the Senators who asked that question.

Mr. President, I suggested in the early spring that a committee go down and visit Muscle Shoals and we went. A committee from the House joined us, and every Senator and Member of the House who visited Muscle Shoals, when he saw that great dam, the work that had been done, and that needed to be done, said: "Yes; it ought to be completed as soon as possible." They all expressed a willingness to aid in securing the necessary appropriation for that purpose.

We had favored an appropriation to complete it before and when we came back from Muscle Shoals we provided for the appropriation in the Senate.

Now, it is urged in the House by the friends of the persons who are bidding for Muscle Shoals that they ought to know what disposition is going to be made of those bids, and they claim that they have not had time to settle that question up to this date, and they are asking for a little more time that they may have until the 1st of October so that definite action can be had on the Ford offer, so that he and all parties interested in the Muscle Shoals project will know just exactly what disposition is to be made of it.

There is force in that argument. Mr. Ford and the other people bidding are entitled to know whether or not they are going to get this plant, and it seems to me that a request for

three months' time is not unreasonable. Now, they are asking that the matter may be held up while they are marking time in the House in order to give them time sufficient to get action on the Ford offer and all the offers made. This will give them time to push the Ford offer to the front and decide so far as the House is concerned.

What is to be done with Muscle Shoals? I am heartily for the Ford offer, Mr. President. I agree with some of the things that have been said by my colleague [Mr. UNDERWOOD] and the Senator from South Carolina [Mr. SMITH] and the Senator from New York [Mr. WADSWORTH]. If we fail to concur in the House amendment there is danger of losing this entire appropriation; and I think that in order to remove all doubt and make sure that we will get this money for work on the dam three months from now we ought to concur in the House amendment, and I hope, Mr. President, that that will be done.

Mr. NORRIS. Mr. President, I want to say a few more words in answer to some of the arguments that have been made.

First, the Senator from New York [Mr. WADSWORTH] and the Senator from Alabama [Mr. UNDERWOOD], both of whom concede that the position I have taken is the logical one and the right one, do not agree with me that it is a practical one. They say they are afraid we will lose the whole thing. The men who have put this amendment on in the House pretend to be the men who favor more than anybody else the development of Muscle Shoals. Do you doubt it? Do you think they are deceiving the country and the House when they advocate the development of Muscle Shoals? Maybe there are some of them that are deceiving the country and the House, but I do not know any of them that are making the argument but that I believe are in earnest about it. They want Muscle Shoals developed. They want this great dam completed. Are they going to throw it in the scrap heap? Are the Senator from Alabama and the Senator from New York afraid that Muscle Shoals is going to be killed in the House by its friends? Are we going to back up now, when we say we are right, because we are afraid the other fellows in the other House will scrap this proposition?

There is no danger of that unless you make the charge that the men in the House from Alabama and Michigan—they are the ones who led the fight over there—are not sincere. I do not suppose you mean that. Nobody has charged it, and I do not think anybody believes it. They want Muscle Shoals developed just as badly as we do; and if, by doing what is right in the Senate, we are going to give the opportunity to the friends of Muscle Shoals in the House likewise to do what is right, then, for God's sake, let us do it and not get scared.

The Senator from New York says this bill may be held up. Of course, everybody has to admit that possibility. That has often happened before since I have been in the Senate and while I was in the House. We did that pretty nearly every year for several years last passed, and passed joint resolutions extending the old appropriations to carry them on for a week or 10 days or such a matter until an agreement on a conference report was made, and the country still lived. The same thing happened with the District of Columbia appropriation bill. It happened with nearly all the appropriation bills a couple of years ago, and in 15 minutes' time, when it was known that we were not going to agree on an appropriation bill by the first of the fiscal year, we had a joint resolution passed extending the existing appropriations until the new bill went into effect.

Senators, that ought not to scare anybody; and I myself can not quite appreciate how Senators, one after another, will get up here and say: "Yes; the Senate is right; your amendment ought to be agreed to; we ought not to delay this until the 1st of October, but I am going to vote to delay it just the same because I am afraid we will lose the thing in a conference between the two Houses."

As I said before, I would rather lose it than to have what the House gives us; but there is no danger of losing it. If the representatives from Alabama, where this development is proposed, and the representatives from Michigan, where Mr. Ford lives, who have put this burden upon the taxpayers by their combination, are sincere and want Muscle Shoals developed more than they want to add two or three hundred million dollars to the property of one man, then it will not fail and there will not be any danger of it failing.

Mr. PITTMAN. Mr. President, I am in hearty sympathy with the desire of the Senator from Nebraska to test out some of these controverted questions with the House, and I have been urging that action all session; but, as a matter of fact, the Senate has been defeated by the House in every conference that has come up, to my knowledge, and we have only about two days in which to get defeated on this question. If I were not perfectly confident that the attitude of the Senate has been such that the House knows that they will defeat us—and the vote on the amendment over there shows that they intend to defeat us—I would vote for the motion of the Senator from Nebraska; but I will not vote for an absolutely positive defeat when I am convinced that that is what will happen.

Mr. NORRIS. Mr. President, this is the 27th day of the month. I have never seen Senators so afraid of an appropriation bill not passing when the 1st of July was just ahead of us. Almost every session of Congress I have seen appropriation bills going to conference to the very last minute, and when they were not agreed to we passed a concurrent resolution. Why are we scared now? The Senator from Nevada and every other Senator agrees that we are right, but they say we have been surrendering to the House, the House has been beating us upon appropriation bills, and therefore they are in favor of surrendering in advance on this one. That is the attitude of the Senator from Nevada.

Mr. PITTMAN. Mr. President, I am convinced, from the attitude of the Senate on all their conferences, that we will get licked if we send it back, and so is the House convinced.

Mr. NORRIS. It is worth something to postpone our licking for a few days rather than to take it to-day.

Mr. PITTMAN. We know when we send a coward into a fight that he is going to get licked.

Mr. NORRIS. We will not get licked unless a majority of the Senate stand up, as Senators have been doing to-day, and say, "This is right, but I am going to vote on the wrong side because the House asked me to, and I am afraid they will win out." When our debates are read in the House, it will not have very much of a tendency to cause the House conferees to yield when they find Senators saying, "Of course, the House is wrong, and this is a terrible mistake; but the House is going to have its way, and we may as well give it to them first as last."

Why do we ever adopt an amendment to an appropriation bill? If that argument is good, why waste the time of the Senate by amending appropriation bills which come from the House? Why not say, "The House is going to have it, anyway. Send it back by a formal passage, without any amendment or suggested amendment."

Mr. President, it is not a question of who is going to yield; it is a question of who is right. That is conceded. For the first time in my experience in Congress I have found a question under discussion as to which everybody was agreed that one side was right and yet on which they were going to vote wrong. I point them to the famous American, who once said to a great foreign government, "Millions for defense, but not one cent for tribute."

I am not afraid of sending the Muscle Shoals proposition back to the conference with the statement from the Senator that we will not agree to that amendment. They can take it or let it go out of the bill. They will take it. They want Muscle Shoals, just as we do. They know, just as we do, that we are right.

Mr. President, what is the proposition? They say, "You can have the money to build Muscle Shoals, and we want you to have it. We want to build it; but we want to fix the appropriation in such a way that you can not work at it when the sun shines."

It is like renting a piece of land to a man and putting in the contract that the tenant shall not be allowed to plow any of the land unless it is frozen up. It is like letting a contract to a man to build a house and saying, "You can work on this house only during the rain. When the sun shines you must let it rot." It is the most foolish proposition, it seems to me, ever made, and when I listen to one Senator after another agreeing that the proposition is wrong, that it is going to cost the taxpayers of the United States several million dollars extra, I can not conceive how they can say that they are going to vote to carry out that proposition.

Mr. President, when I had the floor a half an hour or an hour ago I spoke about the propaganda of Mr. Silver. Since I have spoken I have heard from several other Senators in regard to the proposition, and a Senator has handed me a telegram. I will not read the name, but I will read the telegram. It says:

> We are depending on you to see House amendment to Muscle Shoals appropriation is accepted by the Senate.

There is your command, Mr. Senator. There are your orders; take them. There is the captain; there is the fellow who controls the vote. You are depended on to see that this amendment is agreed to by the Senate. There is your boss. It is not the House of Representatives. Take your command from him.

Who is this great general, Gray Silver? A man, Mr. President, who has been on the witness stand, a man who knows what the Muscle Shoals proposition is, a man who a year ago was standing for the Government operation of Muscle Shoals,

who now says that the Government retention of that property down there at Muscle Shoals would be the greatest sin of the age, who is sending his cohorts over the United States, into the States of Senators who are members of the Committee on Agriculture, getting people to write them to demand, without any explanation, that they vote for anything that Mr. Ford's fellows want.

I said in the beginning of my remarks that there is no objection to the man who wants to support Mr. Ford; but we made an agreement with Mr. Ford's own men, and it was understood that we would unite on this one proposition. But when they get it through the Senate and get it into the House, then they put on this kind of an amendment.

Mr. Silver knows better than to make the argument he is making. He knows that he is not representing the farmers of America. I do not mean to criticize him for favoring Mr. Ford. He had a perfect right to do that. But he has not told the truth. I have on my desk now a letter that was sent to all the farm organizations, filled with misrepresentations. Nowhere in it is the real truth told to the farmers, in order that they may understand what the proposition is. Now, he says, "We are looking to you." How many Senators have those telegrams in their pockets now, saying, "We are looking to you to see that the House of Representatives amendment is put into the appropriation bill"?

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Georgia?

Mr. NORRIS. I yield.

Mr. WATSON of Georgia. Can the Senator from Nebraska understand why it is that the Government should spend an enormous amount of money in developing the water power at Muscle Shoals, and then turn it over to the private exploitation of anybody?

Mr. NORRIS. No; I can not. Let me call attention to the position you are putting those in who have been behind Muscle Shoals, who have represented the Senate of the United States in good faith on this proposition. I speak now of the friends of Mr. Ford, the same as of those who are not favorable to Mr. Ford. I want to call Senators' attention to where they are placing us.

For weeks and weeks we have listened patiently to testimony. We have been analyzing the evidence. We have been reading documents by the volume, and by the unanimous consensus of opinion we agree that while Congress may not at once decide what the permanent policy shall be, we want to save that Government property, and complete that Dam No. 2. We can only save the Government's property and the taxpayers' money by immediate work on it; so we agreed on this amendment, which went through the Senate.

What was said in the House debate? One of the Representatives said in that debate, among other things:

The Senate amendment is merely a piece of hypocrisy.

The Committee on Agriculture, composed of Democrats and Republicans, composed of men some of whom wanted Ford to have Muscle Shoals, some of whom were opposed to Ford, and some who were in favor of Government retention of Muscle Shoals, with all those differences of opinion, united on this amendment, reporting it in good faith, and induced the Senate to pass it, and now we are charged by those who have put this amendment on with being hypocrites. Are you going to cast a vote to-day that would say they are right when they charged us with being hypocrites? If your servants faithfully carry out what they believe to be right, and receive your approval, and then are charged with being hypocrites, and their amendment is being referred to as a piece of hypocrisy, how are you going to vote to-day?

Mr. KENDRICK. Did the chairman on that trip to Muscle Shoals, conferring, no doubt, with members of the committee of the House and members of the committee of the Senate, talk with any member of either committee who was not in accord with the plan to go ahead and begin immediate construction on Dam No. 2?

Mr. NORRIS. I did not hear anybody oppose it. They all agreed that the only economical and proper thing to do was to go ahead.

Mr. KENDRICK. Was not that about the only question, of the tremendously involved problems at Muscle Shoals, upon which there was general agreement?

Mr. NORRIS. Yes; that was the thing as to which there was unanimous agreement.

Mr. KENDRICK. To secure an appropriation as early as possible and to begin this construction at the earliest possible date?

Mr. NORRIS. That is correct.

Mr. UNDERWOOD. May I ask the Senator a question?

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. UNDERWOOD. It is not very pertinent to the inquiry, but the Senator has just read a statement which he says was made in the House, which I did not see, some Member of the House saying that the Senate appropriation of this $7,500,000 to complete the dam at Muscle Shoals was hypocrisy. I do not ask the name of the gentleman who made that statement, because that may not be in order, but I would like to know if that gentleman voted for the Senate amendment with this amendment added to it?

Mr. NORRIS. He did.

Mr. UNDERWOOD. Then the gentleman who expressed those opinions evidently thought it was hypocrisy to propose to build this dam in July, but not hypocrisy to propose to build it in October.

Mr. NORRIS. That is the logical conclusion. I did not read this statement at first, until I heard all the Senators saying that they thought I was right, but that they were going to vote against me. I had read it before, but I did not pay much attention to it, because the man who made the statement is a Member of the House for whom I have always maintained the warmest kind of friendship, and I have great admiration for him. He is a very courageous man, and I was surprised at his statement. In my judgment, in this particular case, he is not exhibiting his usual courage. I hardly know how I felt when I read the statement made by that man in regard to something which I as much as any other one man was the author of. I could hardly see how he could have said that, but it is there in the RECORD, just as I have read it. I think in a great sense the rejection of this amendment would be a vote of censure by the Senate of the United States of its Committee on Agriculture.

The Ford fellows do not care so much about that because the Government pays the money anyway. They think it comes out of the taxpayers. The Members of the House who are making the fight admitted they were for Mr. Ford and they were making the fight, they thought, in his interest. I think they are entirely mistaken. I would not, if I had an opportunity, take any advantage of Mr. Ford in his offer because he has made it in good faith, and while I do not agree with him at all, it is entitled to respectful consideration.

Let me say a word in conclusion. I am reminded of it because I see the Senator from Alabama [Mr. UNDERWOOD] is honoring me with his presence and also with his attention. I said the other day in a little colloquy with the Senator from Alabama that I would join with him and try to take up the question of a settlement of the Ford proposition. I told him frankly that I did not believe it could be settled at this session of Congress, but if there was a possibility of doing it I could be counted as one who would try to have it done. I said that I would vote to take it up even if it displaced the tariff bill, that I would unite with him any time where there was any reason to expect that we could get the bill up. Now, I want to modify what I said, and I think I am justified in doing it in view of the action taken by the House, in which it was plainly stated that those who took it did so because they wanted to force Congress to accept Mr. Ford's offer.

I have always stated that those who were in favor of Mr. Ford's offer were conscientious and honest and had a perfect right to advocate it, and while I did not know what the outcome was going to be I was willing to unite with them to get an expeditious result. We had in a friendly way worked together as far as we could and agreed to disagree when we could not agree longer. We agreed on the Senate amendment. We were all acting, I take it, in good faith and we put it through. The charge is now made that we are not acting in an honorable way, that we are practicing deception, and I think all agreements for working in harmony have probably been broken on that account. If the people who want Mr. Ford to have Muscle Shoals can see nothing but dishonor and hypocrisy in those who believe the Governmnt ought to retain the property and, after making, as nearly as gentlemen can, an agreement, if they feel disposed not to keep it any longer, the agreement is off. If Mr. Ford's representatives in Congress or out of Congress are going to take that position, I want to say to them now, while I speak only for myself, that my efforts to obtain harmony and to obtain an agreement for the fair consideration of all the questions involved are at an end. They can resort to their methods if they want to, and while I am not going to resort to anything that I think is wrong or bad, and may do nothing, I do not know; at least I have no agreement that extends beyond the present time. They can take what they get. I will take what I get. They can fight in

any way they want to. I will do the same thing. If the Senate feels that we ought to agree to the House amendment at the expense of the taxpayers of America, who in the end will pay all the bill, and it may be many millions of dollars, let the Senate take the responsibility.

Mr. LODGE. Mr. President, I shall delay the Senate but a moment. The passage that has been quoted from the House debates reflecting upon the motives of the Senate in adopting the amendment to the appropriation bill is, of course, wholly out of order. The Senate is entirely entitled, if it sees fit, to send a message to the House calling attention to the character of that statement. I do not suppose the Senate will do anything about it, because the Senate has fallen in the way of late years of yielding to the House in every contested matter of importance. This I have seen with a great deal of regret, because I think the Senate is entitled under the Constitution to fair consideration in matters in difference between the two Houses.

Now, the same thing that I have seen so much in late years is presented to us again to-day. The amendment by the House of the Senate amendment is indefensible. I have been listening all morning to the debate. I have heard no one defend it on its merits. The sole argument is that the House will not accept the Senate amendment; that if we disagree we are in danger of losing the bill. Why is it any worse for us to lose the bill than for the House to lose the bill? It is no worse for us than it is for them. I have seen many bills go back to conference within four days of the end of a fiscal year. I have seen a great many in the last few years, especially during the war, forced by business to go over the 1st of July and the Government has continued and still continues. It is not going to wreck the Army; it is not going to hurt the Government.

It seems to me that this is a very important matter. The amendment of the House as it stands is economically wrong. It is not right or fair to the taxpayers, and it ought not to be accepted by the Senate. Are we to be told we can not disagree with it once and send it back to conference for fear the House will not like it and will give us something else, assuming that we shall yield, of course, always in the end? Mr. President, I can not vote that way. I shall vote with the Senator from Nebraska for a further conference.

Mr. UNDERWOOD. Mr. President, I ask for a roll call on the motion of the Senator from Nebraska.

Mr. NORRIS. Yes; let us have the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll on the motion made by the Senator from Nebraska [Mr. NORRIS].

Mr. LODGE. Mr. President, there is great confusion in the minds of some Senators, at least, as to what the motion is. May we have it stated?

The VICE PRESIDENT. It will be stated.

The ASSISTANT SECRETARY. The motion of the Senator from Nebraska is that the Senate disagree to the amendment of the House to the amendment of the Senate relative to Muscle Shoals and ask a conference with the House on the disagreeing votes of the two Houses.

The reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Vermont [Mr. PAGE], and vote "yea."

Mr. McCUMBER (when his name was called). I transfer my general pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. STANLEY (when his name was called). I transfer my general pair with the junior Senator from Kentucky [Mr. ERNST] to the junior Senator from Rhode Island [Mr. GERRY], and vote "nay."

The roll call was concluded.

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. On this question I understand he would vote as I intend to vote. I am therefore at liberty to vote. I vote "nay."

Mr. HARRISON. I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. CARAWAY. I wish to ask if the junior Senator from Illinois [Mr. McKINLEY] has voted?

The PRESIDING OFFICER (Mr. LENROOT in the chair). That Senator has not voted.

Mr. CARAWAY. I transfer my general pair with the junior Senator from Illinois [Mr. McKINLEY] to the junior Senator from South Carolina [Mr. DIAL], and vote "nay."

Mr. JONES of New Mexico. I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The senior Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR].

The result was announced—yeas 28, nays 32, as follows:

YEAS—28.

Borah	Kendrick	McCumber	Rawson
Cummins	Keyes	McNary	Spencer
France	Ladd	Norbeck	Sterling
Gooding	La Follette	Norris	Sutherland
Hale	Lenroot	Oddie	Townsend
Harreld	Lodge	Poindexter	Watson, Ga.
Kellogg	McCormick	Pomerene	Willis

NAYS—32.

Ashurst	Curtis	Myers	Simmons
Bursum	Dillingham	Newberry	Smith
Calder	Harris	Nicholson	Stanley
Cameron	Harrison	Overman	Trammell
Capper	Heflin	Phipps	Underwood
Caraway	Jones, N. Mex.	Pittman	Wadsworth
Colt	Jones, Wash.	Robinson	Walsh, Mass.
Culberson	McLean	Sheppard	Warren

NOT VOTING—36.

Ball	Fernald	McKinley	Shields
Brandegee	Fletcher	Moses	Shortridge
Broussard	Frelinghuysen	Nelson	Smoot
Crow	Gerry	New	Stanfield
Dial	Glass	Owen	Swanson
du Pont	Hitchcock	Page	Walsh, Mont.
Edge	Johnson	Pepper	Watson, Ind.
Elkins	King	Ransdell	Weller
Ernst	McKellar	Reed	Williams

So Mr. NORRIS's motion to disagree to the House amendment and request a conference was rejected.

Mr. WADSWORTH. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question now is upon the motion of the Senator from New York to concur in the amendment of the House to Senate amendment No. 225.

The motion was agreed to.

NIAGARA RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river, which were, on page 1, line 4, to strike out "heretofore, under lawful authority then existing"; on page 1, line 6, to strike out all after "Canada," down to and including "States," in line 8; on page 2, to strike out lines 9 to 18, inclusive; and page 2, line 19, to strike out "3" and insert "2."

Mr. CALDER. I ask unanimous consent that the Senate concur in the House amendments to the bill.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Senate concur in the House amendments.

Mr. NORRIS. I think I ought to ask that that go over. I desire to look into it. For the present, I object.

The PRESIDING OFFICER. The Senator from Nebraska objects.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The question is on the pending amendment of the Committee on Finance to the tariff bill.

RETRENCHMENT OF GOVERNMENT EXPENDITURES.

Mr. HARRISON. Mr. President, on yesterday there appeared in the press of the country a statement issued by the senior Senator from Illinois [Mr. McCORMICK], the chairman of the

Republican senatorial campaign committee. This statement was carried on the first page of the Washington Post and was headed:

Says Harding plans saved $7,000,000,000 for Nation.

Naturally it attracts the attention of the country when a statement is placed at the masthead of a reputable newspaper with a large circulation that "Harding plans have saved $7,000,000,000." I suppose that when the people read that statement, not only in this particular newspaper but in other newspapers—and it will, perhaps, be carried in some of the magazines—they wondered why we are proposing to pass a tariff bill; they wondered why it is necessary to lay any additional taxes upon the people when the present administration has saved $7,000,000,000 in so short a time. May I ask what has become of this alleged huge saving?

I should not at this time, Mr. President, occupy the floor of the Senate in the discussion of this remarkable statement if it were not for the source from which the statement comes. Such a statement, coming from a Senator with the reputation and standing and mighty influence of the distinguished senior Senator from Illinois, naturally would carry much weight, but when it comes from him as the chairman of the senatorial Republican campaign committee it is given added emphasis, and naturally will be read by more people and will be quoted by Republican leaders everywhere as the outstanding achievement of this administration.

I read the statement in one respect with a great deal of pleasure, for I am glad to see the Senator from Illinois again come to life politically. The other day when Mr. Adams, the chairman of the Republican National Committee, called together the "purse holders" in order to obtain large contributions for the purpose of running the campaign and to formulate plans for the coming election he ignored the Senator from Illinois. The Senator from Illinois stated that he was not invited to attend that conference. In that confab it was resolved to have very little to do with the Republican senatorial committee, and the newspapers stated that the Senator from Illinois had been demoted. He had been relegated to an insignificant place in the rear of the selected few. So I am glad to see him reexert his authority and employ the power of his high position to which his colleagues have elevated him, namely, chairman of the senatorial Republican campaign committee, and give out some kind of a statement, whether it misrepresents the facts or not. However, thinking people everywhere know that it is an impossibility for the present administration to have saved $7,000,000,000. I do not know where the Senator from Illinois got his information. It is because it may fool an unsuspecting few that I am now discussing it.

Mr. McCORMICK. Does the Senator from Mississippi quote me as having said that the present administration has saved $7,000,000,000?

Mr. HARRISON. Oh yes; but I am going to get to that in a moment.

Mr. McCORMICK. No; I think the Senator can not quote me as saying that.

Mr. HARRISON. Well, we will see in a moment what the Senator said. This interview states:

Contrasting the estimates and appropriations for the fiscal years of 1920, 1921, 1922, and 1923, Senator McCORMICK said a Republican Congress——

Mr. McCORMICK. "A Republican Congress."

Mr. HARRISON. Yes—

had saved the people $7,000,000,000.

I arose to combat that proposition, and when I have finished, if the Senator will listen to me, he will acknowledge his mistake. He will admit that those who prepared the alleged facts for him were wrong; that his figures do not represent any saving from the estimates presented by the Democratic administration; but the newspapers carry his statement with the headline:

Says Harding plans saved $7,000,000,000 for Nation.

The Senator certainly would not impugn the motives of the editor of the Washington Post. I can not believe that he means that Mr. McLean, the head of the great Washington newspaper, would take the facts as given in the Senator's statement and misrepresent those facts to the patrons of the Washington Post by any such headline as that. The Senator says there is nothing in his statement that could be construed to mean that he had said that the Harding administration had saved $7,000,000,000.

Mr. McCORMICK. Now let——

Mr. HARRISON. And yet the Washington Post on the front page, in large type, says, in speaking of the Senator's statement:

Says Harding plans saved $7,000,000,000 for Nation.

If the Senator will just bide his time in patience, I am going to dissect this statement of his not only in that particular but in other particulars. I am going to demonstrate to him that his so-called facts are all wrong, and that he ought to make an apology not only to his colleagues here but to the country as well.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. McCORMICK. Will the Senator let me read my statement?

Mr. HARRISON. No; the Senator may do so when I have finished. I am going to read it for him.

Mr. McCORMICK. No; the Senator is going to read what he has before him.

Mr. HARRISON. Yes; I am going to read what was published in the Washington Post, which is Republican authority enough. If the Senator can bide his time he can put in the full statement after I shall have closed my brief remarks.

Mr. McCORMICK. I thank the Senator for his complacency.

Mr. HARRISON. The Senator is always kind and is always appreciative.

The Senator from Illinois is quoted further as follows:

He characterized America as an oasis of prosperity in the world.

We shall not take issue with the Senator on that. There is not so much prosperity in the country now as there was when the Democratic administration handed over the reins of the Government to the Senator's party, but there is still some prosperity, especially among the monopolies and trusts, to benefit and to foster which the Senator is always voting for legislation. There is every reason why there should be prosperity in America. The foot of no foreign foe during the World War ever touched the soil of America. It was during the war that, under the magnificent and efficient forces of a Democratic administration, the industrial agencies of the country were organized; they were greased, they were oiled, they were enlarged so that they might take care of the great opportunities that would come to America following the war. Things happened in America that did not happen in England, in France, or in Germany. Those countries had war right at their own doors, but over here we were busy making our factories larger or building new ones so that we could accept the opportunities presented to America following the war, when war-torn and devastated nations would need more of our lumber and more of our iron and more or our steel and everything that had been destroyed or hampered during the war in order to set the wheels of industry in those countries moving. So I congratulate the Senator upon his allusion to America as still being an oasis of prosperity, even though if it had continued in force the Underwood tariff law, that really gave the country for eight years a prosperity unrivaled and unequaled in all the previous history of the country we would to-day be assured of more prosperity. Why, sirs, our prosperity and industrial stability to-day is due, too, in large part to the beneficent Federal reserve system, that has given us the strongest and most secure credit system in all the world. That, sirs, was a Democratic accomplishment.

But the Senator says:

The unemployment in England is something like six times per capita the unemployment of the United States.

The unemployment in Great Britain on September 30, 1921, the latest available figures, was 1,485,000, as compared with the lowest estimate of unemployment in the United States, 5,000,000.

I do not know where the Senator got his figures from, but if they have six times more unemployment in England now in proportion to the population than we have in America, then there is certainly some unemployment over there.

Mr. McCORMICK. There certainly is.

Mr. HARRISON. Why, in the report a few months ago of the Secretary of Labor of the Senator's own party, he said there were upward of 5,000,000 men and women out of employment in this country, and the Senator and others criticized the Secretary of Labor and his report; fault was found with it and every kind of influence was brought to bear upon him to change it in some way, so that the indictment that their own Secretary of Labor had made against this administration touching unemployment might be modified to some extent.

Mr. McCORMICK. The Senator does not mean that I criticized the Secretary of Labor for making that statement?

Mr. HARRISON. Oh, not openly, perhaps, but secretly, yes.

Mr. McCORMICK. I am glad to see the Senator smile when he says that.

Mr. HARRISON. I was only smiling at the benign countenance of my good friend. I can not look at him without smiling.

He says:

The unemployment in Scandinavia is increasing at a time when our Department of Labor reports that 2,000,000 idle men in America have gone to work in the last 90 days.

I should like to see the figures of the men who have gone to work in the last 90 days; and why did the Senator pick out little Scandinavia? Why did he not take the Canary Islands or Siam or Iceland to compare the growing unemployment of the United States instead of Scandinavia?

He says:

Last year, in terms of dollars, the exports of England and France amounted to a fraction more than they did during the last year preceding the war. German exports, computed in dollars, amounted to one-third of their value during the last year before the war, while American exports were nearly 75 per cent greater than they were in 1914.

The exports from this country last year, says the chairman of the Republican senatorial campaign committee, were 75 per cent greater than in the year 1914; and in 1914, under the Democratic administration, exports from the United States were higher than at any time in the previous history of the Government. Was there any change in the tariff laws for last year, under which we were exporting goods from America, from the year 1914? We were still operating last year under the Underwood-Simmons law, the wisest and best tariff measure ever placed upon the statute books; and the Senator himself admits that under that law the exports from America last year were 75 per cent more than they were in 1914, when they were higher than ever before in the history of the Government; and he clinches his proposition by saying that while Germany's exports were only about one-third of what they were in 1914, and those of France and England were just a trifle more, American exports were 75 per cent more than they were in 1914.

If that be true, then why the necessity of enacting a tariff law such as you propose here, that will erect tariff walls of protection that will cause other countries to retaliate and compel these exports to drop off to what they were in the bad old panicky Republican days?

But the Senator goes further:

The work of the present Congress, Senator McCORMICK said, is not fairly understood by the American people.

As the Senator from Arkansas [Mr. CARAWAY] suggests, there would be a mob here if they did. Yes, and you will think it a very cruel mob when election day in November rolls around, and the first opportunity comes to the American people to condemn what you say "the American people do not understand." You have enough papers in the country to make them understand. You are working your presses night and day. You have your paid agents around, and your publicity bureau constantly at work. You certainly have carried on enough propaganda of misrepresentation to make them believe that you have done something, and yet the chairman of the senatorial Republican campaign committee says that "the American people do not understand the record of the Republican Party in the Congress!"

And they should realize—

He says—

what steps have been taken by the present administration "to make good the waste of war and the profligate management of the Democratic administration during its anarchic last two years."

Mr. President, mistakes may have been made in the management of the war. Naturally, mistakes were expected; but, sirs, if mistakes were made, they were made by Republicans as well as by Democrats. I am thankful that during the war no partisanship was known; that in the War Department there were three Assistant Secretaries of War allied with the Republican Party; that in the food administration, in the railroad administration, in the Navy Department, and in every other department and bureau of the Government, Republicans were accepted because of their efficiency and qualifications, and partisanship was not allowed to show its head. Mistakes may have been made, but, sirs, what was done hastened the culmination of the war. It brought peace to a dissipated, war-torn, and crying world. "Profligate waste!" What would the Senator's party have done if had been in control? Would it have withheld the appropriations that the departments asked for? Would it have withheld sustenance from the Army and the Navy and the marines? Would it have refused to appropriate money for ordnance and for arms and for ships and cruisers and submarines? If it would have done that, the war would have been prolonged for months, yea, perhaps years; but those who led the party during the war believed that it was best to pour out the money in order to provide the agencies and implements and weapons necessary to bring peace to the world. The American people, without respect to class, section, or party, indorsed that view, and had no patience with those who combated it. So if we made some mistakes, if there was some waste expended at the time, we did it in the interest of hastening peace and bringing victory and glory to our cause.

The Senator says further:

Contrasting the estimates and appropriations for the fiscal years of 1920, 1921, 1922, and 1923, Senator McCORMICK said a Republican Congress had saved the people $7,000,000,000.

Seven billions of dollars! The Senator says now he did not say it. Why did a Republican paper, such as the Washington Post, place it in big letters and say that the Senator said it?

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. HARRISON. I do.

Mr. McCORMICK. The Senator, when he first alluded to my statement, as he will see if he will turn to the stenographic report, quoted me as having said that the administration had saved such a sum.

Mr. HARRISON. Well, Harding is about the only thing in the administration.

Mr. CARAWAY. Daugherty is in it.

Mr. HARRISON. Yes; Daugherty and Harding.

Mr. McCORMICK. I do not think the Senator from Mississippi, even in debate, will want to misquote me.

Mr. HARRISON. I will admit that the Senator from Illinois is a part of the administration. I apologize to him.

Mr. President, this remarkable statement that goes abroad, read by people everywhere, says that—

Contrasting the estimates and appropriations for the fiscal years of 1920, 1921, 1922, and 1923, Senator McCORMICK said a Republican Congress had saved the people $7,000,000,000.

I am wondering, now, if the Senator believes that statement. I am wondering if the Senator still adheres to that language.

Mr. McCORMICK. I have it from the Budget Bureau.

Mr. HARRISON. Oh, the Senator says he has it from the Budget Bureau, which the Senator designates in his statement the "good McCormick Budget system"; and now he goes back and lays the responsibility for this statement upon poor Dawes, who is about to lay down the reins of that great office as Budget Director, and give them over to General Lord. So that is the authority that the Senator has for saying that the Congress saved the people $7,000,000,000 from the estimates of the years 1920, 1921, 1922, and 1923. Why, bless your soul, the Budget system was not in existence at that time. It has only been created in the last year, and yet the Senator says that the Budget system gave him these figures.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. HARRISON. I yield to the Senator.

Mr. McCORMICK. The Book of Estimates was submitted to Congress annually prior to the creation of the Budget system.

Mr. HARRISON. Did the Senator read the Book of Estimates?

Mr. McCORMICK. The Book of Estimates was before the Director of the Budget Bureau and his subordinates when they prepared the statement.

Mr. HARRISON. Yes; but the Senator did not read the estimates. I knew that he did not. I knew that if the Senator had read the Book of Estimates he would not have made that statement. He says "that in the years 1920, 1921, 1922, and 1923, $7,000,000,000 was saved by the Congress over the estimates." Why, here is what he counted. Here is what he did. I want the country to know the hypocrisy that is practiced here, the kind of misrepresentation that goes into the press touching the achievements of this Congress and this administration.

On November 11, 1918, the war closed. The estimates for the fiscal year 1920 were made in the summer of 1918, before the war closed. Those estimates were based on the continuation of the war another year; and so when the war closed, on November 11, 1918, immediately the heads of the departments filed a supplemental estimate, and they reduced their original estimates between three and four billion dollars for that year; and yet the Senator sends word broadcast to the country that Harding's administration or the Congress has reduced the estimates $7,000,000,000! It is a great achievement, is it not, that because the war closed November 11, 1918, and because the estimates were made in August, 1918, and because in December, 1918, they were reduced three or four billion dollars at the instance of a Democratic administration, you say

that $7,000,000,000 was saved by the Congress from the estimates! Why, sirs, the Democratic Party did not lose control of the Congress until March 4, 1919, and the executive departments March 4, 1921.

Mr. McCORMICK. What has the Senator to say for the estimates and appropriations for the two ensuing years?

Mr. HARRISON. Oh, the Senator is trying to get away from something now.

Mr. McCORMICK. No.

Mr. HARRISON. And I take it that that is an admission. He is trying to draw me along another line of argument, away from the issue that I have presented here, because of the statement that he has published broadcast around the country of a saving of $7,000,000,000 by the Congress over the estimates. No; I shall not leave the subject yet. I want to discuss it further. I want to show the fallacy of the statement. I want to demonstrate even to the Senator its ridiculousness—its utter impossibility.

When I have concluded I hope that the Senator—because I have great respect for his fairness—will rise and say, "I made a mistake, because the Budget Bureau advised me incorrectly and wrongly about the proposition." I hope he will say further, "I would not have given this statement out if I had looked at the estimate and considered it for myself."

The estimate for the Army bill in 1918 was revised by the War Department voluntarily from $1,916,000,000 to $1,185,000,000. Immediately following the war the War Department cut its estimate for that one year by $731,000,000. Yet the Senator takes the higher figure, which obtained before the war closed, and claims the reduction as a Republican achievement.

The fact of the matter is that at that time there was not a Republican President in the White House, and the Republicans did not control either branch of Congress. We were in complete control of all the branches of the Government, and voluntarily the Army estimates were reduced $731,000,000. Yet the Senator, accepting the suggestion of the Budget Bureau, took the larger figure, $1,916,000,000.

That is not all. I have the House report here. I want the Senator to rise and speak now if there is the slightest doubt about the statement I have just made. The Senator sits silent. I take his silence as an admission that his figures on that one item for that one year were some $730,000,000 too much.

Mr. McCORMICK. The Senator need not accept my silence as an admission of anything.

Mr. HARRISON. The Senator always speaks when he has something to say, and he knows how to keep his tongue when it would be unwise to speak.

Mr. McCORMICK. That is not always true of the Senator's colleagues.

Mr. HARRISON. I know that is not true of some of his colleagues on the other side. They talk when they should not talk. Of course the Senator was not alluding to me. [Laughter.]

Mr. President, let us take the Navy Department appropriation bill that year. In the Sixty-sixth Congress, third session, when we controlled things, the Secretary of the Navy, before the House Committee on Naval Affairs, voluntarily reduced the naval estimate from $2,644,000,000 to $976,000,000. They reduced it $1,668,000,000, and they did it voluntarily. Yet the Senator claims that that was an achievement of the Republican administration. They were not then in control of the House or the Senate or any branch of the Government. No wonder the people have lost faith in you. It is not surprising that they have no confidence in you, when statements like that are made as claims of achievements, when the cold facts show exactly the contrary.

That is not all. Let us take the appropriations for fortifications in that Congress. The fortification estimates at the same session were revised by the War Department, in hearings before the House Committee on Appropriations, from $574,000,000 to $93,000,000, or a reduction of $481,000,000. Yet the Senator claims all that as a Republican achievement, and the Washington Post carries it in great headlines as a Harding saving of $7,000,000,000.

That is not all. I could take the record of the Congress and show, even to the satisfaction of the Senator, that the large reductions for the Navy and Army and other appropriations were forced on your unwilling majority by the Democratic minority, aided by a few Senators over there. It has been very difficult, with all of our efforts, to force any retrenchments upon you. The statement further says:

Since Warren Harding took office—

Said Mr. McCORMICK—

we have paid off nearly a billion dollars of the national debt.

I will tell you how you paid it off. I have the facts from the Treasury Department. You paid it off by salvaging funds and selling surplus goods which we had purchased to win the war. You did not save it; you salvaged it. You sold all those accumulated goods and wares, which were purchased as necessary to win the war, and that money went into the Treasury of the United States, and it went to pay off some of the indebtedness of a billion dollars. Yet you claim that in this statement as a great Republican achievement.

I have here the report of the comptroller of February 28, 1921, and August 31, 1919. The bonded indebtedness of the United States on August 31, 1919, while Wilson was President of the United States, was $26,594,000,000. Just before he went out, about six days before his administration ended, on February 28, 1921, the debt was $24,000,000,000. It showed a decrease of two billion and a half dollars from the time of the armistice, or near that, to the time the Wilson administration went out of office.

Why did you not give the Democratic administration credit for reducing the indebtedness two and a half times as much as you did at practically the same time that you claim a billion-dollar reduction?

Let us go a little further in this remarkable statement:

Under the McCormick Budget Act—

"Good McCormick Budget Act." I have just transposed a little bit.

Under the "good McCormick" Budget Act we have cut the annual expenditures of the Federal Government $1,000,000,000, or about 25 per cent a year.

I suppose he got those figures from the Budget, too. The Senator has seen, and I have seen, more deficiency bills come to the Senate from the House during this administration than ever before, and they were in larger amounts. One was reported here last week to appropriate a lot of money for deficiencies which the Budget did not provide for. So they go ahead and take the figures of the estimate of the Bureau of the Budget and make the appropriations in the regular supply bills and say, "That is a saving by virtue of the Budget." Then you bring along one, two, three, four deficiency bills, appropriating hundreds of millions of dollars, which they do not count in the expenditures at all.

Let me give the Senator one specific instance: Some time ago, in 1908, the Congress appropriated $7,500 for the widow of a dead Representative or Senator. A lot of you are politically dead and do not know it. This one was actually dead, and $7,500 was appropriated. The widow would not take it; first, because she did not want it; and secondly, after a while she died. So the money has been carried year after year for about 10 or 12 years. Mr. Dawes said, "Let us wipe that off," and it was wiped off, and they claim that as a saving to the Government by virtue of the Budget system.

Mr. President, I hope the Budget system will come to something, but let me remind the Senator that while his name was attached to the bill which created the Budget he will recall that President Wilson, in no less than three messages to Congress, asked the Congress to establish the Budget system, and the Congress passed a bill creating the Budget, it went to him, and he vetoed it because he said that the Congress had exceeded its authority in one little particular. Then it was that the Senator from Illinois said to himself that the President was right, and he wrote his bill so as to incorporate the recommendation of President Wilson, and they followed the instructions of President Wilson in framing the law accordingly. Since then the Attorney General of this administration has said that President Wilson was right in his contention. Yet they claim the Budget as a great achievement of this administration.

Let us go further:

Since Warren Harding took office the present Congress has reduced the annual aggregate of taxation by about a billion dollars. We have helped wipe off the statute books a score or two of nuisance taxes.

Yes; you took the tax off of gin fizz and you put it on bread. You call that saving taxes to the people. The poor fellow who has to pay his taxes does not see any relief by virtue of the removal of any taxes by this Congress.

Taxes! You are at work here every day and you sit up nights planning to put taxes on flour, and wheat, and bread, and meats, and sugar, and boots, and shoes, and everything else that a man has to eat to live or wear to exist.

Mr. WATSON of Georgia. And salt.

Mr. HARRISON. Yes. And the Senator from Illinois is a party to all that nefarious scheme. I read further:

REDUCTION OF INCOME TAXES.

We have been able to reduce all income taxes, so that for everyone they are less, for example, than those paid in the British Isles.

I do not see my friend the distinguished Senator from North Carolina [Mr. SIMMONS] present, but I remember how he led the fight when the revenue bill was before this body to make the wealth of the country bear its just proportion of taxation. I remember how he fought, and was assisted by this side unanimously, to reduce the income taxes of the men who make small incomes. I shall not forget how the chairman of the Republican senatorial campaign committee stood there with his great power, not only as a Senator but as a great political leader, withstanding our assaults and combating the onslaughts we made here day by day to reduce the taxes of the poor man.

I shall not forget how he surrendered to the wiles and the influences of the White House, and tried to reduce the taxes on the wealth of this country—the taxes on the higher incomes. Yet he has the audacity now to parade it to the country, as the chairman of the Republican senatorial campaign committee, that he and his party removed some taxes from the people of the country. That was a miserable bill as you passed it. We tried to cure it as much as we could, and we did help it immeasurably; but if we had followed in the footsteps of the distinguished Senator from Illinois and his colleagues on the other side there would have been no relief to the man of small means in the paying of his income taxes.

So you are trying to undo what you did then by now imposing a tax upon everything that the poor fellow, who can hardly exist now, has to buy on the small wages that he is obtaining, and the smaller wages you and your party are trying to give to him. You are taxing the food which goes upon his breakfast table and the clothing which he wears upon his back.

Oh, if the American people knew what has gone on and what is going on now in the Congress of the United States and up at the White House! You pass special legislation to take care of certain special interests that pour out their contributions to you lavishly, as in the case of the National Cash Register Co. and as in the case of Wrigley, who comes from the Senator's State and city, with his chewing gum.

Mr. WATSON of Georgia. Mr. President——

Mr. HARRISON. If they knew, they would rise up in their might now, and where they could recall you they would do it. They are growing more impatient now because they have to wait a few more months in order to cut off your political head.

I yield to the Senator from Georgia.

Mr. WATSON of Georgia. The Senator from Mississippi will remember that according to the estimate of the Baltimore Sun the removal of wool from the free list to the tax list will cost the people over $300,000,000 a year.

Mr. HARRISON. Yes; and they look upon it complacently over there, and they smile about it and boast of it, and then they will go down to the big shepherds in the West and say, "Come across, boys; give us a fat contribution so we can fill up our purses and try to reelect ourselves." That is to give encouragement to the "gold diggers" and the "purse boys."

Mr. WATSON of Indiana. Mr. President——

Mr. HARRISON. I yield to the Senator from Indiana.

Mr. WATSON of Indiana. Inasmuch as the tariff duty is now 45 cents on wool and we have reduced it to 33 cents, 45 cents being the rate fixed in the emergency tariff law, for which a number of Democrats voted, I do not think there is going to be very much of an increase in taxation because of a reduction of 12 cents in the tariff duty on wool.

Mr. HARRISON. The Senator is a little fairer than his colleague from Illinois, because the Senator, while he does not admit it, knows that the so-called tariff duty of 45 cents, which he just mentioned, was placed there last year by a Republican Congress, and if guilt attaches you are responsible for it, and you should not now try to either appease your conscience or excuse your action by "getting out from under."

Mr. WATSON of Indiana. I will say to my friend that I am very proud of the vote I cast for it.

Mr. HARRISON. I know the Senator is. His conscience never hurts him.

Mr. WATSON of Indiana. But inasmuch as my namesake on the other side of the aisle has seen fit to inveigh against the high tariff duty on wool, I thought I would call his attention to the fact that the present bill proposes a reduction of 12 cents a pound on wool under the existing law, and that for the higher tariff duty a number of his own colleagues voted. I am not seeking to escape responsibility. I do not call it responsibility. I am delighted over the tariff and over its results.

Mr. HARRISON. I know it. The Senator is very consistent in all the wrongs he commits. The Senator injected himself into this discussion. So let me ask the Senator a question. He is now talking about wool. They used to call it Schedule K. Was it not the Senator's smartness, adroitness, and political shrewdness that caused the Senator to say to his friends on the committee—I do not know whether he called them "boys" or not, but I presume he said "fellows"—"It will not do to go to the country with these high rates on wool under the heading 'Schedule K.' Let us change it to a number." And accordingly it was changed, because he knew the thought of the name "Schedule K" was too odious to the people.

Mr. WATSON of Indiana. Does the Senator ask me a question?

Mr. HARRISON. If the Senator can not answer it; no.

Mr. WATSON of Indiana. Oh, I can answer it.

Mr. HARRISON. I do not want to put the Senator in too bad. I withdraw the question.

Mr. WATSON of Indiana. No; I do not want the Senator to withdraw it.

Mr. HARRISON. All right. I will ask the Senator the question, then.

Mr. WATSON of Indiana. Of course, the Senator from Mississippi makes it embarrassing for me to answer the question, because he couples with it certain qualities and attributes which, perhaps, might be considered immodest if I were to accept them without remonstrance. But the bill originated in the House of Representatives in the Ways and Means Committee. They made the numbers; we did not. That was their business and not ours.

Mr. HARRISON. The Senator still has influence on the other side of the Capitol.

Mr. WATSON of Indiana. I thank the Senator very much. I wish I had some here on the other side of the aisle.

Mr. HARRISON. The Senator has. We love him very much personally over here.

Mr. WATSON of Indiana. I thank the Senator. It is mutual. What I want to say to my friend, however, is this: He speaks of the lavish contributions of the great captains of industry.

Mr. HARRISON. That $25,000 which Wrigley gave the other night was a pretty good contribution.

Mr. WATSON of Indiana. It was pretty good. I hope it will be more frequent.

Mr. HARRISON. I know the Senator does.

Mr. WATSON of Indiana. Inasmuch as the last Democratic candidate for President made his campaign largely on the fact that we had $15,000,000 in our treasury, and toward the latter end of the campaign swelled it to $30,000,000, and inasmuch as——

Mr. HARRISON. From the result we can believe that.

Mr. WATSON of Indiana. If we did, we very successfully bought up half the Democratic voters.

Mr. HARRISON. You expended it very well and got very good results.

Mr. WATSON of Indiana. Inasmuch as when the smoke of battle cleared away we found that we had $1,600,000 deficit——

Mr. HARRISON. You spent that much more than you thought you would have to spend.

Mr. WATSON of Indiana. And after all these months of hard work, and with some pretty good collectors trying to make up that deficit, we are still short half a million dollars——

Mr. HARRISON. You will get it.

Mr. WATSON of Indiana. I hope so.

Mr. HARRISON. If the tariff bills stays here long enough you will get it.

Mr. WATSON of Indiana. And inasmuch as the Republican senatorial campaign committee, of which my friend in front of me, the Senator from Illinois [Mr. MCCORMICK], is chairman——

Mr. HARRISON. He is a bad collector, though.

Mr. WATSON of Indiana. And of which I am an humble member—and inasmuch as these tremendous sums, this vast outpouring of the riches of the wealthy into the coffers of the Republican campaign do not seem to materialize——

Mr. HARRISON. They have had some pretty good results in some States where the elections have been held recently.

Mr. WATSON of Indiana. I do not know what the Senator means by that.

Mr. HARRISON. Oh! Michigan and Pennsylvania. Go ahead.

Mr. WATSON of Indiana. I have not anything more to say.

Mr. HARRISON. I did not mean Indiana.

Mr. WATSON of Indiana. Oh, no. We got on very well without any money in Indiana.

Mr. HARRISON. Which side?

Mr. WATSON of Indiana. Both.

Mr. HARRISON. Go ahead.

Mr. WATSON of Indiana. At least both of the candidates out there so asserted, and, being honorable men, I believe them both. This talk about the campaign funds and all that sort of thing makes very interesting reading, and, of course, my friend talks on that as well as he talks on everything else.

Mr. HARRISON. I thank the Senator.

Mr. WATSON of Indiana. I am delighted to hear him, but, after all, his talk is not based on facts, because we did not have the money then, and we have no money now.

Mr. HARRISON. You will get it.

Mr. WATSON of Indiana. We had a hole left out in Indiana, even. My good friend, the State chairman, became national chairman, and unfortunately left a bigger hole there. I will say that my friends and I meet once in a while and wonder where we are going to get the money to run the campaign, and while we are digging around for money, and they are charging us with having it, I think our friends on the other side are actually getting it for campaign purposes.

Mr. HARRISON. We are not passing any special legislation for anybody in order to get it. I think I have said all I care to say. I hope, in view of this revelation, that the chairman of the Republican senatorial campaign committee, the Senator from Illinois [Mr. McCORMICK] will now apologize to the country for having given out the statement.

Mr. McCORMICK. Mr. President, my always generous friend, the monologist from Mississippi, who commiserates with me because modestly when I am thrust aside I do not seek to go forward, by his own energy and capability and volubility has usurped the leadership of the Democratic Party. But even with those qualities I doubt if he wishes to base his criticism upon an incomplete statement. Therefore, Mr. President, I ask unanimous consent to incorporate in the RECORD the complete statement which I offered to the press for publication Monday morning.

Mr. HARRISON. May I ask the Senator if he still adheres to the figures $7,000,000,000?

Mr. McCORMICK. I have nothing to qualify in the statement as I gave it to the press and as it will appear in the RECORD, if consent is given for its publication.

Mr. HARRISON. Then, I have made a miserable failure in trying to convince the Senator of the error of his ways.

Mr. McCORMICK. The Senator has not failed to amuse the Senator from Illinois and the galleries, as usual.

The VICE PRESIDENT. Without objection, the request of the Senator from Illinois is granted.

The matter referred to is as follows:

America is an oasis of order and prosperity in the world. With the resumption of general activity and general employment, the restoration of prosperity can be prevented or postponed only by continued procrastination and delay in the debate of the tariff or by general strikes.

Americans are realizing now as they have not before the great measure in which Congress and the administration have contributed to the recovery of business and agriculture and to the sharp reduction in unemployment. The country has hardly understood the magnitude of the task before Congress and the administration. The news from Genoa and Peking, from Moscow and Paris, and from Dublin and Athens has filled the newspapers almost to the exclusion of any account of the unremitting and unromantic labors of Congress to make good the waste of war and the profligate management of the Democratic administration during its anarchic last two years.

The unemployment in England to-day is something like six times per capita the unemployment of the United States. The unemployment in Scandanavia is increasing rather than decreasing, at the time when the Department of Labor reports that 2,000,000 idle men in America have gone to work during the last 90 days. While our agriculture has rallied under the stimulus of the Kellogg agricultural credits act and the emergency tariff act, the other great agricultural countries of the world remain nearly prostrate. Last year, in the terms of dollars, the exports of France and England amounted to a fraction more than they did during the last year preceding the Great War. German exports, computed in dollars, amounted to about one-third of their value during the last year before the war, while American exports were nearly 70 per cent greater than they were during the year before the outbreak of the conflict of 1914. The figures for the first months of this year show that these ratios still hold good. Thoughtful men and women will not forget that the improvement in agricultural prices restored the buying power of the farmer and so restored the interior market for the American manufacturer and found employment for the American workmen.

The Kellogg agricultural credits act was designed to meet one of the most serious economic emergencies in the history of the country. People must remember that before the machinery of the Finance Corporation, rehabilitated by the act, could be brought to bear upon the crisis, corn had fallen to 20 and 30 cents on the siding, whereas it is selling now from 45 to 50 cents at country elevator points. Cotton which sold on the farm for about 8 cents is now worth approximately 19 cents; wool on the western ranches which sold for as little as 17 cents, has doubled in value. The price of wheat at the country elevators has increased from 30 to 35 cents. The same is true of live stock. The price of hogs has risen from about $6 to about $10. The cattle men have come through, and breeding herds are no longer being sacrificed. Not only have thousands of farmers been carried, but hundreds and hundreds of banks have been saved from bankruptcy.

While the Kellogg credits act has been of inestimable value and importance, the drastic retrenchment of expenditure inaugurateed by the last Congress and carried forward by the present Congress and the economic and effective administration of public affairs under President Harding have contributed no less to the financial recovery of this country. I do not need to dwell upon the expenditure of $11,000,000,000 by the last administration for which we got during the war less than 200 cannon, less than 200 aircraft, one ship, and a nation-wide railroad wreck. But I think it extremely important to bear in mind the following table of demands for expenditure by the Executive, and appropriations made by Congress.

Estimates.

Fiscal year 1920	$11,445,446,051.98
Fiscal year 1921	6,267,453,196.06
Fiscal year 1922 to June 20, 1922	5,386,083,456.95
Fiscal year 1923 to June 20, 1923	3,888,779,720.28

Appropriations.

Fiscal year 1920	$6,454,596,649.56
Fiscal year 1921	4,780,829,510.35
Fiscal year 1922 to June 20, 1922	4,463,151,923.17
Fiscal year 1923 to June 20, 1923	3,710,499,001.97

Let it be clear that as compared with the sums sought to be spent by the Wilson administration during three years, and those appropriated by a Republican Congress, Congress saved the taxpayers $7,000,000,000.

Since Warren Harding took office we have paid off nearly a billion dollars of the national debt.

Since Warren Harding took office, under the McCormick-Good Budget Act, we have cut the annual expenditure of the Federal Government by a billion dollars, or about 25 per cent per annum. No other government in the world has done anything like it. Neither have any of the State or municipal governments, many of which continue to increase expenditure and taxation.

Since Warren Harding took office the present Congress has reduced the annual aggregate of taxation by about a billion dollars—by some eight hundred million dollars for the current calendar year, and by a billion dollars a year thereafter. We have wiped off the statute books a score or two of nuisance taxes which fell upon everything used by father, mother, sister, and sonny. We have been able to reduce all income taxes, so that for everyone they are less, for example, than those paid in the British Isles. The additional income tax exemptions have reduced by about a third the tax of the family man with an income of $5,000 a year or less. We not only have reduced the total sum of Federal taxation by about a billion dollars a year, but we have reduced it to such a point that the Government of the United States collects from its citizens per capita about one-third as much as does the Government of Great Britain.

Since Warren Harding became President the increase in the value of Liberty bonds, which have gone to par, amounts to about $3,000,000,000.

America will appreciate what has been done, and what it is sought to do, to relieve the shipper and the consumer of the tremendous burden placed upon both by the Wilson administration through the increase in the railroad rates and the imposition of transportation taxes. The increase in freight charges under the Democratic administration effected by the Interstate Commerce Commission by taxes or by decree of Doctor Wilson, amounted to about $3,000,000,000 a year. We have made a good beginning to lift this burden from the people. It is estimated that already it has been lightened by over half a billion dollars yearly.

EXTENSION OF NATIONAL BANK CHARTERS—CONFERENCE REPORT.

Mr. CALDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and the amendment of the title so as to read: "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of 99 years or until dissolved, and to apply said section as so amended to all national banking associations," and agree to the same.

WILLIAM M. CALDER,
CARTER GLASS,
Managers on the part of the Senate.
LOUIS T. MCFADDEN,
PORTER H. DALE,
Managers on the part of the House.

Mr. CALDER. I ask for the adoption of the conference report.

Mr. WILLIS. Mr. President, I would like to have some explanation of it. It is rather an important measure.

Mr. CALDER. The House passed a bill extending the charters of national banks in perpetuity. The Senate amended it, extending the charters for 99 years. The House refused to concur in the Senate amendment and asked for a conference, to which we agreed. The House now recedes upon every one of its disagreements, and if the conference report is adopted the bill will go through exactly as the Senate passed it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have inserted in the RECORD a communication from the Public Committee on Coal. This is a committee of New York citizens interested in the coal situation, and they have written a letter to the President which contains some valuable suggestions in reference to the settlement of the existing trouble. I ask that the letter be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the letter was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

PUBLIC COMMITTEE ON COAL,
New York City, June 17, 1922.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SIR: By direction of the Public Committee on Coal I inclose you a copy of a letter addressed to President Harding by the committee. We know of your interest in the subject matter of the letter and count upon you to do whatever it is possible to do to make this first step toward a solution of the grave problem in the coal industry.

Yours faithfully,

MERCER G. JOHNSTON, *Secretary.*

—

PUBLIC COMMITTEE ON COAL,
New York City, June 17, 1922.

His Excellency WARREN G. HARDING,
President of the United States,
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: The public committee on the coal strike, composed of business and professional men, has now held public hearings which have been sufficient to convince them at least of one element in the situation, namely, the necessity of a complete investigation of the whole coal industry by a Federal fact-finding body.

While the committee understands the attitude of the administration in refraining from intervening to settle the strike, it believes that this attitude does not in the least preclude the administration from moving to bring about such an investigation as alone can furnish a sound basis for settlement when the time for settlement comes.

The present anthracite deadlock turns in part on this question of whether there shall be a Federal commission empowered to obtain all the facts and publish them. The miners have assured this committee of their support of a Federal body, the purpose of which was purely that of fact finding, while the operators have not made clear to what extent they would submit to such an investigation.

The committee finds agreement practically universal that the troubles of the coal industry are of a nature that can not be cured by present methods of collective bargaining acting alone.

The metropolitan newspapers as a whole have taken a position illustrated by the following editorial from one of them:

"No commission could decide what constituted a fair wage without knowing something about the profits and costs of the mining companies. * * * A commission appointed to fix wages would have to do it by guess."

It is obvious indeed that when an industry has something about it that is fundamentally wrong, and yet no one can state what is wrong, the facts will have to be obtained and presented before there can possibly be a lasting peace in that industry.

The committee believes that no reasons whatever, of any force with well-informed and impartial minds, can be stated against a cooperation, by both sides of the controversy and by the Government, in immediately setting up through congressional action commissions for the determination of the essential facts in the bituminous and anthracite industries. The longer the delay in deciding upon such necessary investigation the more unfavorable will the situation become for a rational settlement of the present strike.

Yours respectfully,

NORMAN HAPGOOD, *Chairman.*

NAVAL APPROPRIATIONS.

Mr. KING. Mr. President, the other day in discussing the naval appropriation bill I asked permission to put into the RECORD as an appendix to and part of my remarks certain data and statements from Commander Cox, Captain Beach, Captain Knox, and others. The reporter's notes show that the request was made, but there was no response by the Chair. I took it for granted that there was no objection, and I now ask permission—the speech has not yet been printed—that I may put into the RECORD the excerpts and matter referred to in my former remarks.

The PRESIDENT pro tempore. Without objection, it is ordered as requested by the Senator from Utah.

OPERATIONS OF EMERGENCY TARIFF ACT (S. DOC. NO. 224).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the United States Tariff Commission, transmitting, pursuant to Senate Resolution 284, agreed to April 28, 1922, a report on the operations of the rates carried in the emergency tariff act.

Mr. McCUMBER. In the absence of the Senator from Mississippi [Mr. HARRISON], I ask that the report may lie on the table and be printed for the use of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, before proceeding may I correct the committee amendment on line 8, page 99, after the word "each," by inserting a comma. I ask that that correction may be made.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. Mr. President, we come now to a discussion of the most important schedule in the whole bill. Heretofore we have been discussing what tariff duties we should place upon chemicals, metal, and wood products. The schedule which we are now about to consider is of supreme importance to every man, woman, and child in America.

We are now to consider what tariff duties we shall place upon the food that our people consume, the products that are essential to life, the food supply of our country. I can conceive of no section of the pending bill being more important, requiring more careful consideration, because whatever we may say about what tariff duties may be fixed upon chemicals that are used by our industries, whatever we may say about metals that are made by our manufacturers, all of these products are only occasionally used by our people, and usually by only certain groups. But every household, every head of a family, every woman who markets, every person who lives in America, is bound to be interested in this schedule, because its various items are so intimately associated with the daily life of all.

I am not going to take the time of the Senate to call attention to the unusual situation which confronts us at this time in connection with the drafting of the pending tariff bill. That has been already referred to by various Senators who have participated in the debate. I think it is generally believed that this is not the time to fix tariff duties. I think, however, that before we began the discussion of the effect that the duties proposed on agricultural products are likely to have attention ought to be called to the fact that a different condition exists in America to-day than ever before. Heretofore in our tariff discussions all claims for the necessity of protective tariff duties have been based upon the theory that certain articles were capable of being produced in America at a reasonable price and in sufficient quantities to supply the home demand if a reasonable tariff duty were levied to prevent American producers and American manufacturers being required to compete with cheap foreign labor.

The theory upon which the protective tariff duties have been levied, the theory of the Republican Party, as I have understood it, has been that duties should be levied to permit the production and manufacture in America of those commodities which were essential and necessary for our people and which could be produced here at a reasonable cost to our people if a reasonable protective duty were levied. That theory has been abandoned entirely in the pending bill. There has been no attempt whatever to determine whether or not a given commodity could be produced in this country at a reasonable cost under a protective tariff. There has been no attempt whatever in the drafting of this proposed legislation to confine the undemocratic action of bestowing special privileges on a class of our citizens to those commodities which could be produced in America almost as cheaply as they could be produced abroad if foreign competition was restrained through protective tariff duties.

It has been pointed out that we are a creditor nation; as such we must expect some of the goods and services of foreign countries to come here in order to receive pay for what we sell abroad. Whether we like it or not our industries are now dependent in part for our prosperity upon foreign trade. We are in the markets of the world. Twenty per cent of the agricultural products alone of this country are shipped annually to foreign markets; $2,500,000,000 worth of agricultural products raised in this country are sold in the foreign markets of the world. We must, under the present circumstances, be very much concerned about what we do here lest we may enact tariff legislation which will close the foreign markets of the world to us and deprive our manufacturers and agriculturists of the large volume of foreign business upon which they have come to depend. The business of America is no longer confined to the home market, and yet many close students of economics and of the operation of tariff laws honestly and sincerely believe that the effect of this proposed legislation will be to make American business men dependent in the future entirely upon the home market. To a considerable extent the present depression is due to the loss of the foreign market, and we ought to be most cautious and most careful in what we are doing now to prevent the loss of this important adjunct to the business of America, both the manufacturing and the agricultural industries.

One thing is certain from an impartial examination of the agricultural rates in this bill, and that is that a very serious and deliberate attempt has been made to close the door of Canadian trade and of Cuban trade with the American peo-

ple. In fact, the advocates of the high rates of duty proposed to be levied upon agricultural products boldly proclaim that one of the purposes to be accomplished will be the elimination of all agricultural products coming into this country from Canada and the elimination of agricultural products coming from Cuba, these countries being the two principal ones which have competed, if, indeed, any countries have competed, with our own agricultural products.

I referred a moment ago to the fact that we export $2,500,000,000 worth of agricultural products. In the exportation of those agricultural products we compete in the markets of the world with the agricultural products of Argentina and some other South American countries, with the agricultural products of Australia, and with the agricultural products of India. Thus far we have been successful in meeting that competition; thus far we have been able to hold our own in the expansion and development of our foreign agricultural export trade in the markets of Europe; but if this bill shall serve the purpose which its advocates assert it will serve, namely, of shutting out from America the agricultural products of Canada and the agricultural products of Cuba, I ask Senators where are the agricultural products of those countries to go except to Europe, where they will compete in the markets of Europe with the agricultural products which we export in such very large quantities? May not those who claim to be trying to aid the farmers be engaged in defeating their own ends? Surely any move that will destroy one-fifth of the markets of our agriculturists will prove disastrous. The farmers more than any other class should be interested in holding on to our export business. Europe is a customer of the farmer; to the manufacturer she is a competitor. Herein lies a great difference in fixing tariff duties.

There are two theories held in regard to the effect of these duties on agricultural products. One theory is that the tariff duties on agricultural products levied in this bill will have no effect at all; that they are merely paper duties; that the whole scheme and plan is political and intended to deceive the farmers—to make them think they are getting actual protection and that they will thereby receive increased prices, when, in fact, those who vote for them well know they will not be effective. The other theory is that these duties will be effective; that they will be reflected in increased prices to the consumer; that the consumer will have to pay tribute to the farmer; and that a new era of prosperity to the farmer will follow the enactment of these high tariff duties on agricultural products.

Mr. President, Senators may take their choice. If the duties shall not be effective, then this whole movement is pure bunk; then this bill is a camouflage; then this bill is a piece of deception; it is a fraud and a humbug; and the rates are fixed merely for political purposes and with the end in view of leading the farmer into the belief that because tariff duties are levied on agricultural products in a legislative act he is to grow rich and become prosperous like the beneficiaries of high protection in the old days of high protection and big profits.

But if these duties are going to be effective, then the consumers of food supplies are to pay upon the things which they eat an indirect tax higher than ever before in the history of our country. Let us see just what effect these high tariff duties are to have if they become effective.

Mr. President, an attempt was made by the Senator from Idaho [Mr. GOODING], chairman of the agricultural tariff bloc, in a recent speech to show that the total per capita tax burden as a result of the proposed rates on agricultural products and provisions, including sugar, in this tariff bill will be only $1.45 and on all commodities only $3.29.

He asserts that the tax under the Payne-Aldrich bill in 1912 amounted to $3.20 per capita, 36 cents of which was on agricultural products, not including sugar, and 53 cents of which was on sugar. He also asserts that the tax under the Underwood bill was $2.85 per capita, which included a tax of 63 cents per capita on sugar and 25 cents per capita on agricultural products.

He claims that for the year 1920, while the Underwood law was still in effect, the per capita tax was $3.01, which includes a per capita tax of 75 cents on sugar and 23 cents on other agricultural products.

He estimates on the basis of statistics for the first nine months of the emergency tariff law that for one year under the emergency tariff law the per capita tax will be 98 cents on sugar alone and on other agricultural products 43 cents.

The Senator from Idaho [Mr. GOODING] reached these figures by a rather ingenious method. He took only the total revenue collected in a given year at the customhouses and divided that sum by the population for that year. For illustration, he says that in 1914 the United States collected in revenue on agricultural products the sum of $24,817,322, and that our population at that time was estimated at 97,297,515; therefore the per capita tax on agricultural products, not including sugar, was 25 cents.

But this method leaves out of consideration entirely the effect of these duties in increasing domestic prices. Is not this the very purpose for which these high duties on agricultural products are being proposed? Unless these duties do increase domestic prices, how is the farmer to be benefited by them? How is the farmer to increase his profits except by increasing his prices to reach the level of these new duties?

The Senator bases his idea of the tax burden to the consumers only on the tax paid on imports. The figures that I submit are based on the total consumption in this country multiplied by the increased tax levied in the proposed bill over the law of 1913.

If the rates proposed in this bill become effective, as he advocates, in increasing the prices of all agricultural products, we can readily estimate just what increased tax the agricultural schedule in the pending bill will levy upon our people.

Assuming our population to be 100,000,000 people (1914 estimate), the total tax because of increased prices of agricultural products due to the proposed tariff will be $1,316,569,449. (These figures, furnished by the Agricultural Department, only include increased tax on fresh meats, sugar, cereals, beans, potatoes, and apples.)

The same authority estimates the per capita increased tax at $13.15 9/10 over the Underwood Act; and the per capita increased tax over the Payne-Aldrich Act is $3.63 5/10.

The annexed table indicates the great burden that will be fastened upon the backs of the people of the United States by the tax on agricultural products if these duties become effective.

For my own State of Massachusetts the increased cost of living, through the increased prices of agricultural products, will exceed $52,000,000. In the light of these figures, who dares to dispute the tremendous increased cost in living that will follow the enactment of this tariff bill? Add to these stupendous figures the increased cost, because of the high tariff duties in this bill, of shoes, cotton and woolen goods, furniture, building materials, and so forth, and can any other word describe this bill better than iniquitous?

Increased cost in total and per capita consumption as affected by the proposed tariff, 1922.
(Prepared upon request by Department of Agriculture.)

Article.	Total consumption—average 1914–1918.	Increase (+) or decrease (−) of tariff rate, 1922, compared with the law of 1913.	Increase (+) or decrease (−) in cost of commodity, tariff 1922, compared with the law of 1913.	Increase (+) or decrease (−) in per capita cost, tariff 1922, compared with the law of 1913.
Barley.....bushels..	188,516,000	+5 cents per bushel.	+$9,425,800	+$0.094
Buckwheat.....do....	15,042,347	+4.8 cents per bushel.	+722,033	+.007
Corn.....do....	2,719,378,000	+0.15 cent per bushel.	+407,906,700	+4.077
Oats.....do....	1,309,844,000	+9 cents per bushel.	+117,885,960	+1.178
Rice.....pounds..	1,102,844,000	.....do.....	.....	.....
Rye.....bushels..	41,335,000	+15 cents per bushel.	+6,200,250	+.062
Wheat.....do....	597,475,000	+30 cents per bushel.	+179,242,500	+1.792
Sugar.....pounds..	8,387,869,756	+0.584 cent per pound.	+48,985,159	+.490
Meat, fresh:				
Beef.....do....	7,758,876,400	+3½ cents per pound.	+271,560,674	+2.714
Mutton.....do....	637,754,200	+2½ cents per pound.	+15,943,855	+.159
Pork.....do....	9,817,827,200	+¼ cent per pound.	+73,633,704	+.736
Beans.....bushels..	13,678,948	+0.95 cent per bushel.	+12,995,001	+.130
Potatoes.....do....	380,410,535	+0.348 cent per bushel.	+132,382,866	+1.323
Apples.....barrels..	198,424,735	+20 cents per bushel.	+39,684,947	+.397
Total.....	.....	.....	+1,316,569,449	+13.159

NOTE.—The consumption and population of 1914–1918 are used because they are the last complete figures available. Population, based on the average term 1914 to 1918, 100,050,163. Other products upon which tariff duties have been increased, such as milk, butter, cheese, onions, vegetables, fish, and poultry, are not included in these tables.

Mr. President, these figures reveal the terrible consequences of high tariff duties on the bare necessities of life. At the very period when we are attempting to deflate the enormous costs of production and the excessive prices prevailing as a result of war conditions, it is proposed to increase the cost of living to the American people to the extent of $1,316,569,449 per annum.

It is unbelievable. It is inconceivable that any public man would for one instant seriously consider such a proposition. Yet, so great has been the pressure exerted on the majority party in Congress by the agricultural tariff bloc that unless the American people make emphatic protest without delay their living expenses for what they eat are to be increased at the rate of over one and one-quarter billion dollars per year.

As the figures are based upon the consumption and population for the average period from 1914 to 1918 in all probability with our increased population and the consequent increase in consumption, these figures should more definitely be estimated at one and one-half billions—a sum greater than the entire national debt of the United States at the time of our entrance into the World War.

Our people are to be inflicted with an indirect tax burden annually amounting to about one-fifteenth of our entire debt from the World War, excluding foreign loans.

The heavy income tax burdens, the excess profits taxes, and the high surtaxes which corporations and wealthy individuals have had to bear during and since the war sink into insignificance compared with the burden that the advocates of these agricultural tariff duties seek to force upon the great army of American toilers and consumers. Are the people of the United States ready to surrender without vehement protest just because the majority party in Congress have surrendered to the threats and intimations of the agricultural tariff bloc?

Mr. GOODING. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH of Massachusetts. I should prefer to have the Senator ask me whatever questions he desires after I have finished my argument. I should like to develop it in my own way, and I think I can save time if the Senator will wait until a later time.

Mr. GOODING. I thought possibly at this time the Senator might have some figures as to the duties on manufactures, and how much they are reflected on the people.

The VICE PRESIDENT. The Senator has declined to yield.

Mr. WALSH of Massachusetts. I will come to that; and the Senator does not disconcert me by any figures about protection upon manufactures. I will come to discuss the difference between protection to manufacturers and protection to agriculturists. Different principles underlie these industries, and at the proper time in the course of my argument I shall be very glad to discuss that phase of this subject.

Mr. President, can it be seriously denied that this bill attempts to make a raid upon the consumers of this country such as was never before dreamed of?

May I ask my Republican friends what explanation they are going to make to the industrial workers of this country, to the people in the industrial centers of this country, to the bankers, to the professional men, to the teachers, to that great army who are not beneficiaries of protective tariff duties, in the mills, and factories, and on the farms? What explanation is to be made for placing upon them a burden of $1,500,000,000 per annum?

It has been said that this bill was a bill to get the votes of farmers, to get the votes of laborers, and to get the votes of special interests. It may be a bill to get the votes of western farmers—I can not speak for that constituency—but it is not a bill to get the votes of the laboring people, because you can not reduce the wages of the laboring people as they have been reduced—from 30 to 50 per cent in the last year—and then propose legislation to increase materially the cost of the things they must have in order to sustain life itself and expect to get their votes.

Some reasons might be given in favor of laboring people sympathizing with high tariff duties. Something might be said—indeed, I have heard it said, and said with good political results—to the effect that working people should oppose the election of a Democratic Congress because it would mean tariff revision, a lowering of tariff duties, and thereby a lowering of the wages of the working people. I have heard that said, and I have known of its results politically.

Ah, but they can not be fooled now. Their wages have been reduced, their wages have been lowered, their wages have been materially cut, and now, with wages lowered, with wages cut, it is proposed to increase their costs of living. The laboring people have learned to their sorrow there was a good deal of difference between a wage of $5 a day when the cost of living is $4 a day and a wage of $4 a day when the cost of living is $5 a day, yet it is proposed through this legislation to tell the laboring man whose wages have been cut from $5 to $4 a day, and whose cost of living has been increased from $4 to $5 a day, that he ought to enthuse and cheer over this legislation and vote the Republican ticket in the next election.

Mr. President, are protective tariff duties a benefit to the farmer? Let us see. Everybody knows that wages to-day are fixed and determined more than ever upon a basis of cost of living. If this bill results in increasing the cost of living the laboring people will demand higher wages, and higher wages means that the farm workers will leave the farms and go into the cities, where higher wages are paid; as farm labor becomes scarce higher wages will be demanded, and the farmer himself will lose through the effort made to increase the prices of farm products, which must be bought and used by everybody.

But there is another aspect of this question from the farmer's standpoint which must be considered. How much protection is the farmer getting, anyway? How does that protection balance with the protection given to the things the farmer must buy? I have an interesting table on this phase of the issue.

For the first time it is claimed here that the farmer must be put on an equal footing with the manufacturer; that he must be given tariff protection, as the manufacturer has been given tariff protection; that he must be given an opportunity to acquire great wealth; that he must be given an opportunity to make money; that he must be given an opportunity to join the privileged classes of America who have benefited by high tariff duties in the past. Let us consider the difference between a protective tariff duty upon the product of the farm and a protective tariff duty upon the product of the manufactory.

HOW THE FARMER IS BEING FOOLED.

Mr. President, the friends of the farmer should be urging reductions in tariff duties on what he buys instead of trying to equalize the rates between agricultural and manufactured products. Manufacturers, like agriculturalists, get no benefit from tariff duties where there are no imports and where unrestricted competition prevails in the home market.

When the absence of competition permits monopolies to fix prices on trust-made goods not merely at the cost of production but at cost plus the duties, protective duties are indefensible even if there are imports. Such duties are equivalent to the issuance of licenses to the trusts to profiteer upon the public. Enormous profits and swollen fortunes have been the result of such protection in the past. The pending bill continues this nefarious system of levying high protective duties on import commodities likely to compete with trust-made commodities.

The manufacturers who benefit by protective tariff duties that are at all defensible are those engaged in producing commodities that either do not entirely supply the home market and must, therefore, compete with comparable imported commodities, or if they do supply the entire domestic market are threatened with competition through importations from abroad in such volume as to be a factor in reducing domestic prices. In such instances manufacturers may claim protection against cheap foreign labor by tariff duties that equalize the difference in the cost of production here and abroad; such tariff duties serve the purpose of permitting the manufacturer to obtain a price here equal to the price of production abroad plus duties collected at our customhouses upon the foreign-made competitive article.

But the agricultural industry in this country abundantly supplies the demands of the domestic markets—we export large amounts of agricultural products—and competition is so keen and widespread that prices on almost all products are fixed upon the basis of supply and demand at home and not upon the basis of the prices of imports which are negligible, except in the cases of citrus fruits, sugar, and nuts.

The following table shows to what extent various manufactured commodities that the farmer must buy are taxed and incidentally how the protective system penalizes him. Of what benefit is a protective tariff system to the farmer when even if effective he gets an average protection of 20 per cent on what he produces and must pay, on the average, 44 per cent protective tax on what he buys?

Comparison between ad valorem duties on agricultural products and ad valorem duties on articles farmer must buy.

Products.	Per cent.	Articles.	Per cent.
Wheat	20	Tools	40
Corn	12½	Harness	35
Milk	14	Sugar	22
Butter	20	Shoes	9
Cheese	25	Woolen goods [1]	74
Oats	30	Cotton goods [2]	55
Fresh beef	30	Crockery	57
Fresh pork	4½	Glassware	60
Fresh mutton	23	Paints	25
Fresh lamb	29	Furniture	35
Rye	16	Kitchen utensils	60
Barley	21	Chains	50
Eggs	26	Umbrellas	50
Poultry	15	Glass bottles	50
Average	20.5	Average	44.5

[1] Includes woolen cloth, clothing, blankets, gloves, shirts, underwear, hosiery, etc.
[2] Includes cotton cloth, clothing, blankets, gloves, shirts, hosiery, underwear, etc.

Above rates are average to cover all articles in a schedule.

The farmer is engaged in a business which is scattered all over the country, a diversified business, where there is keen competition, where there are millions engaged in the same business competing one with the other.

The table which I hold in my hand will give some idea of the extent of competition between the farmers, and competition is a factor in price fixing. The number of persons engaged in cattle raising in this country, according to the statistics of the Department of Agriculture, is 5,358,243, and the average production per farm is 12 cattle.

Contrast that kind of a business with the manufacturing business, where there are only a handful engaged in manufacturing a product, who can change the style and character of their product, who can indirectly combine with each other to control prices and stifle competition. There tariff duties may be effective; but with competition such as exists between the cattle raisers it is a very serious question if any tariff duties are effective.

Let us take one of the poultry products. Four million eighty-eight thousand one hundred and sixty-nine people who are commercially engaged in that business in this country have made reports, and the average sale of eggs by those people was 247 dozen per annum.

Let us take peanuts. Two hundred and thirty thousand three hundred and eighty people are reported as engaged in the production of peanuts, and the average sale by each per annum are 119 bushels.

Three hundred and seventy-seven thousand two hundred and twenty-two people are producing apples on a commercial basis, and the average sale by each is 261 bushels.

Four million eight hundred and fifty thousand eight hundred and seven persons are engaged in raising swine and selling them commercially, and the average sale annually by each of them is 12 swine.

I will not take the time to discuss the table further. I will read it.

Table showing the number of commercial producers of agricultural products and the average sales per producer. This table shows the vast number of domestic producers who compete among themselves in supplying our markets with agricultural staples. It is this competition, rather than imports, that is the major factor in determining prices of agricultural commodities.

Products.	Farms reporting.	Average production per farm.
Cattle	5,358,243	12.4.
Sheep	538,593	65.
Swine	4,850,807	12.2.
Horses	4,704,235	4.2.
Mules	2,259,746	2.4.
Milk sold	710,694	3,559 gallons.
Cheese	12,054	780 pounds.
Butter sold	1,269,814	164 pounds.
Poultry sold	2,698,211	52 chickens.
Eggs sold	4,088,169	247 dozen.
Honey	312,997	176 pounds.
Apples (sales)	377,222	261 bushels.
Berries	545,823	595 quarts.
Cherries	1,131,355	3.5 bushels.
Grapes	1,074,592	2,342 pounds.
Peanuts	230,380	119 bushels.
Flaxseed	53,058	125 bushels.
Soya beans	31,124	35 bushels.
Mushrooms	52	$6,152.
Peas, green	49,632	$144.

Table showing the number of commercial producers of agricultural products and the average sales per producer, etc.—Continued.

Products.	Farms reporting.	Average production per farm.
Onions:		
Green	459	$248.
Others	76,609	$279.
White or Irish potatoes (sales)	678,562	249.8 bushels.

This information obtained from the Department of Agriculture shows that competition is so extensive and general that tariff duties can not in general affect the prices received by the farmers. Supply and demand will regulate prices regardless of tariff duties, as imports of these products are negligible.

Mr. President, I have been calling attention to the difference in the effect of tariff duties upon the farmer and the manufacturer. Protective duties up to the time of the introduction of this bill, which were a benefit to the manufacturer, were based upon the necessity of encouraging the growing industries of the country. It was claimed that infant industries which only produced 20 or 40 or 50 per cent of the consumption, but which, if given a reasonable protective duty to keep out competitive commodities made by the cheap labor of Europe, could gain a foothold, become prosperous, and be able to supply at reasonable prices the necessities of our people.

Bear in mind that no person until the presentation of this bill ever before asked for protective duties upon any industry that took care of the entire consumption of this country. The farmer's business more than takes care of consumption. He exports 20 per cent of his production. So we have when we consider tariffs on agricultural products an entirely different proposition confronting us. Tariff duties upon products which are produced in such abundance have heretofore been held unnecessary. Tariff duties placed upon products that did not supply wholly our home markets helped such producers. Such producers through protection could charge a price equal to the cost of production plus the tariff duty paid at the customhouses of the country.

The bill completely abandons every Republican theory of protection. Trusts and over-producers of manufactured articles alike share in the benefits of the bill; also the industry that is only producing 3 or 5 per cent of the consumption, as well as the industry that is producing 95 per cent of the consumption. That is one of this bill's fatal defects. Nobody was asked, in levying a duty, "How much is your production? Are you able, if encouraged by tariff duties, to supply the demands of the American people?" That is not all we should ask, but "to supply the demand at a reasonable price and not at an exorbitant price?" Everybody who produces, everybody who manufactures has in this bill been given protection, and the result is that the American people are to be burdened as never before with increased prices as a result of these rates. If the average increase over the Underwood law for eight or ten of these agricultural products is $13, who dares to say what the increase will be when we add on all the other items named in the bill?

Mr. President, I said a moment ago that the farmer ought to be urging a reduction in tariff duties on the things that he buys. He ought to be protesting emphatically against any trust-controlled product in America receiving tariff protection. It is indefensible, it is vicious to permit an industry which absolutely controls prices of a commodity to increase its prices 25 per cent, as may be the case under the duty fixed in the bill on such articles as cash registers and many others that might be named.

Of course what the farmer takes in for the sale of his products he converts into the things that he and his family must use. The money comes in, let us say now, in increased amount by reason of the protection levied in the bill. Ah, but the money goes out, and on practically everything that he buys he is asked to pay 100 per cent increase protective duty over the protection given him. Let us see the figures.

Mr. President, I called attention a moment ago to the fact that it was boastfully claimed that one thing the bill would do anyway would be to shut out the products of Canada and Cuba. Canada is our best customer. Canada takes more of our products than any other country in the world. Tell me the bill is not going to destroy our export business? As the Senator from Ohio [Mr. POMERENE] just suggests, Canada takes twice as many of our goods as she sells to us.

I want to call attention to a table which shows the extent of business that we are doing with Canada, because the bill in many of its particulars is a special drive at Canada. Many of the imports which come into this country come over the line

from Canada, particularly in the northeastern part of the country. My own section of the country buys milk, cream, butter, eggs, and sometimes meats, poultry, and other agricultural products, which are not produced in my section of the country in sufficient quantities to take care of the demand.

I hold in my hand a table or diagram which shows the amount of American products which were exported during the month of May to the different countries in the world. Canada leads off. Canada's per capita purchases from the United States was $6.28. Cuba is next, the country against which another drive is being made to keep its agricultural products out, had a per capita purchase of $3.23. Next was Holland, $1.86; next the United Kingdom, $1.59; next Australia, and so on.

The countries that were the principal buyers of our exports in that one month were as follows: Italy, $7,000,000 worth of products; Japan, $23,000,000; France, $19,000,000; Germany, $36,000,000; Mexico, $11,000,000; Argentina, $7,000,000; Australia, $7,000,000; United Kingdom, $13,000,000; Holland, $13,000,000; Cuba, $10,000,000; Canada, $44,000,000—three times as much as Germany, and more than three times as much as the United Kingdom.

I think there is one thing the bill will do. The bill is to confine the business of America to our home markets. You may succeed in doing that, but when you do that you will destroy and decrease the business of this country 20 per cent. You have shut out and you are shutting out the products of the whole world. You are building a wall around us and you are saying, "We want no business with anybody. We are willing to sell but unwilling to buy." What fools such a policy will make of our business seekers looking for orders for American products in the markets of the world.

Mr. GOODING. If the Senator will yield to me for a moment, I should merely like to say that the emergency tariff law rates in some respects are higher than are the rates in the pending McCumber bill.

Mr. WALSH of Massachusetts. I will not yield now to the Senator from Idaho. I will gladly yield to him when I get through with my argument, but I want to pursue the course of my argument in my own way.

Mr. President, what is going to become of the $2,500,000,000 worth of agricultural products which we export from this country if we build this tariff wall and keep everything from coming in? What is to become of that? Are the people in the world going to come to us on their knees and beg for our agricultural products, when we have closed our gates to their goods?

Senators on the other side of the Chamber will close the door in another way. If the rates on agricultural products shall be effective and their prices are thereby increased, then the foreign markets will be closed, because the nations of the world will not come here for high-priced agricultural products. Whichever position Republican Senators take, they can not justify these high rates of duty.

It is said that this was a bill to stop the American people from eating. I can not understand the political sagacity, I can not understand the policy of the Republican Party, on the eve of a political campaign permitting their opponents to show, as they can show, as they will show, and as they have shown on this floor, that Congress is proposing to pass a law which taxes the poor people of America—the rich always can stand taxation—which taxes the poor people of America, in the midst of the greatest depression ever known in this country, higher than they were ever before taxed. What answer can Senators on the other side of the Chamber make to these figures? What answer can be made to the consuming public of America when attention is called to the excessively high and unreasonable and indefensible duties on agricultural products which have been levied in the pending bill? What is the reason for these duties?

I come now to discuss a very important feature of this proposed legislation. I want to ask the Senate this question: I want to know why the Republican House of Representatives has been so derelict in its duty and so neglectful of the farmer? I want to know why nearly every rate on agricultural products fixed in this bill by the other House has been repudiated and a substantial increase made by the Finance Committee of the Senate? Either the House has been derelict in its duty; it has been indifferent or neglectful of the farmer, or the Committee on Finance has levied duties which even the Republican members of the other House could not in conscience support. Either the House rates are just or the Senate rates are just. If the House rates are just, then the Senate rates are indefensible, as I shall show by a table which I shall submit, proving that in the bill as reported by the Senate Finance Committee the rates of duty upon agricultural products have been increased from 20 per cent to 350 per cent over the House rates. What is the explanation? The explanation is that the Senate has an agricultural tariff bloc while the House of Representatives has none; and the rates in the bill now pending were made largely through the influence of the Senate agricultural bloc.

Mr. President, the influence of the agricultural bloc on the Senate Finance Committee is shown by the following increases in the tariff duties on agricultural products in the Senate bill as compared with the House bill:

Table showing increased tariff rates named in the Senate bill at the request and through the influence of the Republican agricultural tariff bloc.

Articles.	House bill.	Senate bill.	Per cent of increase due to the influence of the agricultural bloc.	
			Senate bill over House bill.	Senate bill over act of 1913.
Cattle	1 cent per pound.	2 cents per pound	100 per cent	Free list.
Fresh beef	2 cents per pound	3½ cents per pound.	75 per cent	Do.
Fresh mutton	1½ cents per pound.	2½ cents per pound.	100 per cent	Do.
Fresh lamb	2 cents per pound	5 cents per pound	150 per cent	Do.
Bacon and hams	1½ cents per pound.	2 cents per pound	60 per cent	Do.
Fresh milk	1 cent per gallon.	2½ cents per gallon.	150 per cent	Do.
Cream	5 cents per gallon	22½ cents per gallon.	350 per cent	Do.
Poultry, live	2 cents per pound	3 cents per pound	50 per cent	200 per cent.
Poultry, dressed	4 cents per pound	6 cents per pound	...do	Do.
Eggs	6 cents per dozen	8 cents per dozen	33⅓ per cent	Free list.
Honey	2½ cents per pound.	3 cents per pound	20 per cent	250 per cent.
Barley	15 cents per bushel.	20 cents per bushel.	33⅓ per cent	33⅓ per cent
Macaroni	1½ cents per pound.	2 cents per pound	...do	100 per cent.
Oats	10 cents per bushel.	15 cents per bushel.	50 per cent	150 per cent.
Rye	...do	...do	...do	Free list.
Rye meal and flour	30 cents per 100 pounds.	45 cents per 100 pounds.	...do	Do.
Wheat	25 cents per bushel.	30 cents per bushel.	20 per cent	200 per cent.[1]
Wheat flour	50 cents per 100 pounds.	78 cents per 100 pounds.	56 per cent	240 per cent.[1]
Cereal, breakfast food	17 per cent ad valorem.	25 per cent ad valorem.	47 per cent	[2]
Apples	25 cents per bushel.	30 cents per bushel.	20 per cent	200 per cent.
Almonds, not shelled	4 cents per pound	5 cents per pound	25 per cent	66⅔ per cent.
Almonds, shelled	12 cents per pound.	15 cents per pound.	...do	275 per cent.
Walnuts, not shelled	2½ cents per pound.	4 cents per pound	60 per cent	100 per cent.
Walnuts, shelled	7½ cents per pound.	12 cents per pound.	...do	200 per cent.
White potatoes	42 cents per 100 pounds.	58 cents per 100 pounds.	38 per cent	Free list.
Vegetables	20 per cent ad valorem.	30 per cent ad valorem.	50 per cent	100 per cent.

[1] Free from countries not imposing a duty on our exports of the commodity.
[2] No corresponding provision.

Table showing that the Senate bill reduces the tariff duty on those products in the agricultural schedule in which the Republican agricultural tariff bloc is not interested.

Articles.	House bill.	Senate bill.
Black or silver foxes	$350 per head	$200 per head.
Bananas	2 cents per bunch	Free list.
Dried fish, salted or unsalted.	4¢ cents per pound	1½ cents per pound.
Herring and mackerel, pickled or salted.	1½ cents per pound	1 cent per pound.
Crab meat	26 per cent ad valorem, American valuation.	25 per cent ad valorem, foreign valuation.
Cider[1]	10 cents per gallon	5 cents per gallon.
Peanuts [2]	3 cents per pound	¾ of 1 cent per pound.
Peanuts, shelled [2]	4 cents per pound	1½ cents per pound.
Tulip and lily bulbs	$4 per 1,000	$2 per 1,000.
Rice, brown [3]	1½ cents per pound	⅝ cent per pound.
Rice, milled [3]	2 cents per pound	1 cent per pound.
Coconuts, preserved [3]	4½ cents per pound	4 cents per pound.
Pineapples, preserved [3]	3½ cents per pound	2 cents per pound.

[1] Produced in the northeastern States.
[2] Produced largely in Southern States (Louisiana, Texas, Arkansas, North Carolina, Virginia, and Georgia), represented in Congress by Democrats.
[3] Produced in Florida in small quantities but just as much entitled to high duties given citrus fruit growers of California, who produce only a trifle of our consumption. Florida also is represented in Congress by Democrats.

Much has been said in Congress and in the press relative to the influence of the agricultural tariff bloc with the Senate Finance Committee in fixing high tariff duties on agricultural products. That such influence and pressure was success-

fully used can not be denied in view of the information contained in the table presented, which demonstrates that the Senate Finance Committee amendments increase the House rates from 20 to 350 per cent.

That the Senate Finance Committee, if left uninfluenced, would in all probability have reduced the House rates is evidenced by their action upon those agricultural products in which the agricultural bloc was not interested. The rates on agricultural products of the States not represented by the agricultural tariff bloc were either left unchanged or reduced.

It is also to be noted that rates were invariably lowered on agricultural products raised in the Democratic States of the South. It is inconceivable that a political party would carry partisanship to such an extent as to discriminate in tariff legislation against the products of those States which are represented in Congress by members of the minority party, yet tables submitted support such a claim.

This action of the majority places all the burdens of protection on the agriculturists of the South, without giving them any of the benefits claimed for protection.

There can be no doubt now of the powerful and effective influence of the agricultural tariff bloc. Whatever we may say in condemnation of their selfish interest and provincialism, the attitude of those who yielded to their influence is more reprehensible, because many of them represent constituencies that will have to pay dearly for the increased costs in living following such unjustifiable and pernicious tariff duties.

Mr. President, I am not going to discuss this schedule as a whole any longer. Let me say that I have no feeling but that of sympathy for the farming interests of this country. I know they have suffered much during the recent depression. I do think that when we come to consider the question of establishing protective tariff duties upon agricultural products we should consider the consumer as well as the producer. I think that when we come to consider placing tariff duties which are taxes imposed upon our countrymen, we ought to be very, very careful to be fair and just and reasonable to all the interests and to all classes in our country.

I wait to see what answer will be made from the other side of the Chamber. I wait to see if the claim is that these duties are not effective and will not be reflected in prices. If that is the claim then this bill is a fraud, because no one can tell me that protective duties upon manufactured products have not been in the past chiefly and largely effective, and that prices have not increased as tariff duties have increased.

I am not unmindful of the difference. The demand for agricultural products in this country is not sufficient to consume what we produce, while the demand for manufactured products in most instances is enough to consume more than we produce, and an altogether different tariff principle applies under those circumstances.

If the answer is that these duties are effective, then I ask for some explanation; I ask for some reason advanced why the people of America must be burdened with this heavy tax; why for the first time we have increased the tariff duties so excessively, to such an extreme extent, so sweepingly and so extensively, upon the things which are necessary for life itself.

Mr. President, as we progress with the discussion of this schedule I hope that the committee may realize the folly and the injustice of levying such high rates upon the agricultural products named in this bill, and I hope that they will follow the course pursued in some of the other schedules, where, after attention has been called to the excessive rates fixed on some of the products named, there has been an occasional effort made to reduce those rates.

I do not know of any schedule in this bill that is so indefensible; that is going to result in such serious consequences to the American people; that is going to upset our economic conditions so much as the agricultural schedule.

Mr. President, I yield the floor. I am prepared now to answer any questions that the Senator from Idaho [Mr. GOODING] or any other Senator desires to ask me.

Mr. GOODING. I do not think I care to ask the Senator any questions

Mr. McCUMBER. Mr. President, I shall answer only a few of the arguments of the Senator from Massachusetts. We have now nearly reached the hour of 4 o'clock, and the only amendment we have acted on in the bill so far is that we have agreed to place a comma after the word "each." I hope to get some action beyond that before the day closes, and therefore I shall abbreviate my remarks very much.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator does not object to my discussing for an hour such an important schedule as this one.

Mr. McCUMBER. Oh, no; not at all. I object neither to the argument nor to some of the things that I can not understand in the argument.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. KING. The Senator will recall that yesterday our good friends upon the other side discussed all day the little item of shingles, and with great learning and with great ability, and in the main I agreed with the arguments of most of the Senators and voted with them; so the Senator from North Dakota can not object to the discussion that has taken place here to-day.

Mr. McCUMBER. Oh, do not think for a single moment that I am objecting to the argument. The argument made by the Senator from Massachusetts was along the lines of this tariff. It was a pertinent argument, and proper from his standpoint.

Mr. KING. As were the arguments of our Republican friends yesterday.

Mr. McCUMBER. Yes. I am simply excusing myself for not going fully into an answer to what the Senator has said this afternoon, because I want to get a vote on one or two of the items if possible.

Mr. President, I agree with the Senator from Massachusetts that every man who labors in the city, that every woman who sews in the city, that every clerk and every other kind of individual who lives in the great cities, is interested in a tariff upon food products; but I want to call the Senator's attention to the fact that every man who labors upon the farm for a wage that is one-tenth of what his neighbor in the city receives for an equal number of hours is also interested in this food schedule and in the tariff.

I want to tell him that every man who gets up at 4 o'clock in the morning to attend to his chores and milk his cows and feed his horses, and gets out at daylight in the field, is also interested in what he is going to get as a result of his labor; and every good wife that gets up at half-past 3 in the morning to get the breakfast for that farmer is also interested in this tariff schedule; and I call his attention to the fact that every little child with tattered skirts and bare feet that is running around under granaries and barns to find a stray egg in order to get a dozen or two dozen or four dozen eggs in order that she may buy stockings for the fall is also interested in this tariff bill and in what she is going to receive for those eggs. I want the Senator, before he dries his eyes after discussing the woes and cares of those who live in the cities, to take just one cursory glance over the country, look at the one-third of the population of the United States that live there, see how meagerly they live, see how economically they dress, go out and see them going to their churches upon a Sunday morning, even in their best array, and then compare it with the appearance of the girls and the boys who are coming out of the churches in the great cities and who dress as well during the week days as they do on Sunday. I am considering that they have an interest in the price of the things which they produce; and I hope the Senator will not refrain from extending his sympathy to those who are most in need of that sympathy and of whatever assistance can be rendered them through a tariff or through any other means that we can devise.

The Senator knows just as well as I know that more or less through a system of protection we have builded up the great cities, we have builded up the price of labor, we have increased the great profits in the cities, until there is one plane of living in the country and another and much higher plane of living in our cities. Does the Senator then condemn those who want to bring the farmer up just as nearly as possible so that his earning capacity may to some extent measure up more nearly to the earning capacity of the millions who live in our great cities? I admit that we can not do that at a single stroke. I admit that we can not pull down the price of labor in the great cities to-day so that it will meet the comparable earning capacity of those who labor upon the farm. To attempt to do it at a single stroke would bring consternation to the whole country.

What is our duty, then? Not to pull down the one, but to raise up the other gradually, step after step, until we secure a condition of greater equality between the residents and the earners of our great cities and those who live upon the farms. I may not live to see the day, but I pray to God the day will arrive when the boy and girl out on the farm will have as many of the comforts of life as the brothers and sisters who live in the great cities, and toward that my effort, though weak, will be directed in the making of this tariff bill.

I agree with the Senator that we have raised the rate on nearly every agricultural product above what the House fixed. I will take my share of the responsibility for so doing. We would have done so, irrespective of farmers' blocs, in my

opinion. I am glad to agree with them. I am for any assistance which they have rendered in securing greater justice for our agricultural class. It is equally true that we cut down practically every rate which the House fixed on the manufacturer's product.

Thus, taking our bill as a whole and comparing it with the bill as it passed the House, we have raised the duties on agricultural products and we have lowered the duties on manufactured products. Some Senators think we have not gone far enough. That may be true; but we aim to give reasonable protection to both the agricultural and to the manufacturing industries of the country.

I have stated before that we have from year to year so raised the standard of cost in the field of production, in the manufacturing industries, that it requires a greater equivalent ad valorem to give them protection, with their higher labor costs, than it does upon the ordinary agricultural products, and we have not been hesitant in giving a higher rate where that higher rate was demanded.

The Senator tells us that unless we buy from a country we can not sell to that country. How often has that false assertion been made and how many years have the facts discredited it? Let the Senator from Massachusetts take the American trade with the United Kingdom for the last 50 years and he will see that under a protective tariff we have sold to the United Kingdom from two to four times as much as we have bought from the United Kingdom. Let me ask the Senator in all good faith how many years is it going to take to demonstrate to him that his theory is not right? One year? Two years? We have demonstrated it for 50 years in our trade with Great Britain.

Mr. President, the people of any country buy where they can buy to the best advantage; they sell where they can sell to the best advantage. If Great Britain can get her wheat any cheaper from India or from Russia or from Australia, she is going to get it there, and if she buys from us she does so because she has to do it. She comes over here and buys our cotton because she can not get it anywhere else. What does she do with it? She manufactures it and sells some of it back to us, but most of it she sells to India, to South Africa, to South America, to Australia, to Canada. She is interested in buying where she can buy best and selling where she can sell to the best advantage; and there is nothing on earth in the proposition that one country has to trade evenly with another country—certainly not in the same things which each produces.

Two boys may trade 50-cent jackknives with each other for years, and neither of them would be any better off at the end of the time. It is only when one sells something that he does produce to another who sells something not of the same kind, but that is not produced by the first, that we get any kind of proper, economical trade.

We have the cotton here, and if we can make the cotton cloths here it is all nonsense for us to say that we will send our cotton over to Great Britain, sell it to Great Britain, and then buy it back from Great Britain. Let us sell what we have, produce what we can, and let Great Britain sell what she has, and sell it where she can, and in that way you will get the best economic and commercial conditions in the world.

I will not say I am entirely surprised at the Senator's argument, because the argument has been made very often in the matter of the rates of duty upon agricultural products. Senators on the other side seem to be afraid of taking one horn or other of the dilemma. They want to say two things; they want to say, first, that the duties on these food products do not increase the prices, and therefore they do not do the farmer any good; and in the next breath they want to say to the city dweller that they do increase the prices, and therefore that they harm him.

So the Senator from Massachusetts says that you can take either one of these propositions. Oh, no, Senator, let us not take either one; let us take the one we believe in and stick to it. Let us make the same argument out on the farm that we make in the city.

Mr. WALSH of Massachusetts. Which is the Senator's argument?

Mr. McCUMBER. I will give mine, and give it right now.

Mr. WALSH of Massachusetts. Does the Senator believe these duties will be effective in raising the prices of agricultural products?

Mr. McCUMBER. Let me give my idea, if the Senator will hold his soul in patience. I do not believe that one man gets a better price for a thing that he has to sell unless somebody pays a better price. I am willing to stand on that proposition. If the farmer sells his bushel of wheat, under a tariff duty, for 20 cents more than he would sell it for without a tariff duty, somebody pays that 20 cents.

I am not prepared to say that in every instance the final consumer who buys the loaf of bread is going to pay that 20 cents in the added cost of that loaf of bread. He may or he may not. In the case of a great many articles there is such a wide spread between the foreign price and the final selling price to the consumer that a duty may be absorbed twenty times over and need not be carried on to the ultimate consumer.

We had before us a short time ago a hat, which cost 96 cents in England, and was sold in New York for $7. The duty on the hat was 50 per cent ad valorem. The duty, therefore, would have been 48 cents.

I do not think that duty was considered at all in selling that 96-cent hat for $7. It was not carried on to the consumer. Every article will sell for what the trade will bear, and I am coming more and more to believe that that is generally the rule of sales, rather than close competition. Often competition is such that it may seriously affect the price. I can take half a hundred articles, in my mind at this moment, and show that the duty is not considered at all; it is a mere bagatelle. The duty is not paid by the consumer, but the consumer pays what the trade will bear.

I found that that $7 hat was sold the other day by the same company for $4.25. They did not lose anything when they sold it for $4.25, having paid 96 cents for it. They simply sold it for what, in their judgment, the trade would bear, and the little 48-cent duty was not considered at all in the matter of fixing the price of that hat.

Now, the Senator knows my position. I think that a duty of 30 cents a bushel on wheat will sometimes give us 30 cents a bushel better than the world's level of price, and sometimes make it not more than half of that, but it will be between those two rates. I believe if we had no grinding in bond whatever, we would measure up very closely one year after another with the full amount of the duty. But I do not see that with a big world crop and a big surplus of our northern spring wheat we would at all times secure the full benefit of that duty. I do say that with a short crop, and the Canadian product kept out entirely, we would get mighty close to the additional amount which would measure the tariff duty, and the statistics running over 20 or 30 years of our tariff and nontariff periods will show that.

The Senator has to take one side or the other in this case. I think, when we take the question of cream, that ordinarily there is not a sufficient spread between the farmer's price and the consumer's price to take up the duty. Therefore the consumer will undoubtedly pay the greater part of that tariff duty. I think that is true with eggs and many other things, probably milk and a number of other things. All my answer on that is that the man who earns $5, $6, and up to $10 a day can afford to pay a few pennies a day extra to help the farmer make a living. I am assuming that it costs more and that it will be borne by the consuming public to a considerable extent.

The Senator asked what answer are you going to make to the industrial workers for their increased tariff upon breadstuffs and upon other agricultural products? Very well, now, Mr. Industrial Worker, you tell me what you receive a day for your labor. Then tell me what the farmer's son, with hoe in hand, is receiving for his labor. He is willing to allow you to still keep up your earnings. He does not want to reduce your earnings. But he does want you to be willing to pay him a little more for the thing which he produces that he may live at least partially as well as you do, and may have as much money to expend during the year as you have. That is all he is asking. Are you willing to grant it to him?

But I can give it upon another theory. The same principle of protection which is to give this farmer boy a little more for the cream and the milk he produces helps you to maintain your job above the British workman's job, above the French workman's job, and many times above the German workman's job. Now, are you willing to go down to their standard of wage? You say no, and I say no. I do not want you to do that. But I want you to be willing to help out the agriculturist, to extend to him the helping hand and assist him to better wages for his labor.

Let us see what it means to you. You consume a barrel of flour a year. Suppose that every penny we place upon wheat and upon flour is carried into the bread which you buy. We have given 78 cents per hundred pounds on flour. A barrel of flour is 196 pounds, and I will give you 4 pounds extra and say you consume 200 pounds of flour a year. Therefore, you consume $1.56 in tariff, as the additional cost, for a whole year of 365 days; and for that which amounts to half a penny a day,

a penny every two days, you are able to keep your job upon a protected market. I say that you can pay for it.

Now, it is true, as the Senator from Massachusetts argues, that the farmer only gets a 25 per cent duty upon his cream. The Senator said in substance—I do not know that I have his figures, but I state what he meant—that the tin pail into which the farmer milks has a protection of 40 per cent. That is true. Let us suppose, at least, that it is true. What happens? He buys a tin pail once in three years. He sells 13 quarts of that cream many times in one day out of that same pail. Is he not a little ahead in having protection upon the cream that enables him to pay the 15 cents extra upon the tin pail once in three years?

Mr. WALSH of Massachusetts rose.

Mr. McCUMBER. Oh, I know what the Senator would say, that he buys a good many things, which he does. He does buy a great many things, but no man can live, or live honestly and properly, who does not lay up a little each year, who does not sell more than he buys. The farmer buys a pitchfork once in five years, if he does not loan it to his neighbor. He buys a monkey wrench that lasts 10 years. He takes his wheat to market in the fall of the year, and he takes 100 bushels. He does not come back with a wagonload of monkey wrenches or pitchforks. If he did, of course, he would not be anything but a loser in the long run.

What the laborer is interested in a thousandfold more than in the price of what he buys is the price at which he can sell his labor. What the farmer is interested in is not so much the price of the pitchfork that he buys once in five years as he is in the price of a bushel of potatoes, a bushel of corn or flax or rye, and the gallon of milk or cream which he sells every day. We are trying to give him a protection that will enable him to continue to sell, and in order to do that we have to give a protection to the two-thirds of the American population who eat and consume his products. We have to give them a job, and a job in the United States. We are trying to do that in this bill, and I think we are doing it.

That, in general, Mr. President, is my view upon the question of protection to the agriculturists and protection to the manufacturers. We are living upon a higher labor plane. We are living upon a higher and more expensive plane of expenses. We can go down to the level of other countries, but I do not think it is for our interest to do so. If the tariff can smooth out inequalities, the greatest inequality that exists to-day is the inequality between the farmer's labor and what he gets for it and what the average citizen in the great cities secures for his labor. Therefore I am in favor of lifting the farmer's product to a plane of equality, just as much as it is possible to do so.

I am not blind to the fact that we are exporting heavily. It often happens that our tariff duties will not amount to a great deal in revenue, but anything that adds to our surplus in the United States, which is the principal field of consumption, and therefore of price making, can not help, by the very law of supply and demand, but drag down the prices. Wherever I think I can loosen that drag chain upon American agriculture, I am going to try to do it.

Mr. WALSH of Massachusetts. Mr. President, before moving an amendment to the committee amendment to the first item in the schedule I want to answer very briefly the Senator's argument. I want to say that I believe these duties will become effective in every instance when the American demand for a given product is greater than the production.

Mr. McCUMBER. Will the Senator allow me to say that is the time we need it most?

Mr. WALSH of Massachusetts. I will say to the Senator that in the case of many of these products there has never been a time when we have needed a tariff duty for protection.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. May I finish my statement, please?

As I have understood the Republican theory of protection, it was that when we were exporting a certain product there was no justification for a tariff duty upon that product; that the only justification for levying a tax upon the people of the country was to develop industries so that the people could have certain commodities at a reasonable price, and never before, until this bill was brought before the Senate, has it been argued that even products which were produced beyond the demands of our people and were being exported ought to bear a tariff duty, and that such a tariff duty should become effective in increasing prices.

I want to say further that the purpose, the intent, the desire is to make this tariff effective. That is why you put on the duties. You are going to tell the farmer that they are effective and you are going to tell the consumer that they are not effective. The Senator, as I gather from his own statement, said in substance——

Mr. McCUMBER. Oh, Mr. President, will not the Senator be fair?

Mr. WALSH of Massachusetts. The Senator said, "I do not think they are effective always, but I do think they will be effective at times." Am I correct in that statement?

Mr. McCUMBER. Will the Senator repeat it?

Mr. WALSH of Massachusetts. The Senator said, "These tariff duties will not always be effective, but they will at times be effective, and in many cases effective."

Mr. McCUMBER. I say upon wheat, for instance, that is true. I am speaking of exports. I think upon most of them, like cream and dairy products, they will be effective during the entire year, and that it will add so much to the final cost of those products. I have tried to be perfectly fair with the Senator.

Mr. WALSH of Massachusetts. If agricultural products are being produced in this country and manufactured products are being made in this country away beyond our demands and are being exported in large quantities to other parts of the world, then a tariff duty can have no effect, a tariff duty can not lift the price; but a tariff duty does lift the price and does increase the price when the production is less than the demand. That is the whole principle upon which the Republican Party has advocated protection in the past, that infant industries, growing industries, if given a protective tariff, could increase their price to the consumer, could charge more, and be able to compete with foreign-made commodities and foreign-made products produced abroad at cheaper prices than here.

Mr. GOODING. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Idaho.

Mr. GOODING. If the Senator's statement is correct, then it seems to me that it will be necessary for him completely to revise the figures which he has given to the Senate this afternoon. If, when there is a surplus, a tariff duty is not effective in increasing prices, then that is true of wheat and is also true of many other things which the Senator has mentioned. Therefore, in that case, there is not any need to be alarmed, so far as the laboring man is concerned. I do not myself agree with the Senator. I think supply and demand in a large measure have something to do with the prices. I call the Senator's attention to the fact that a protective tariff has the effect of limiting the supply.

Mr. WALSH of Massachusetts. Does the Senator think the tariff rates proposed will be effective in increasing prices?

Mr. GOODING. I think supply and demand are a mighty factor.

Mr. WALSH of Massachusetts. Then, why not be honest with the farmer——

Mr. GOODING. Just let me answer the question, if the Senator please.

Mr. WALSH of Massachusetts. I will.

Mr. GOODING. When there is overproduction and a great supply of wheat or of anything else is shipped into an already glutted market the price of the commodity is driven down. There is not any question about that at all. If there is anything to which the American people should be protected, it is in the commodities of which they produce all they consume. It would be nothing less than a crime to permit Canada to ship in 40,000,000 bushels of wheat, as she did a year ago last fall, and break the wheat market. Such things have happened to us and they will happen again. The whole world for some reason or other seems to want to market farm products here in America.

Mr. President, it seems to me that it is peculiarly fitting that the attack on the agricultural schedule should come from New England, and especially from the great State of Massachusetts, and from a Democratic Senator, because if there is any State of the Union which has been protected for a hundred years, particularly as to everything which is manufactured, regardless of whether the Democratic Party or the Republican Party has been in power, it is the State of Massachusetts, and, so far as that is concerned, all the States of New England.

The Senator from Massachusetts is quite correct that there is a material increase in the proposed duties in the present bill over the House rates. I am not going to occupy much time, Mr. President, for the condition of my throat will not permit me to discuss the question as I should like to do; but I desire to say that this is the first time that New England has not framed the entire tariff bill; this is the first time that the West has had a sufficient number of Members on the Finance Committee to insist upon a square deal to agriculturists as well as to manufacturers, who heretofore have framed tariff bills.

That is the reason, if Senators please, that we have a tariff bill before the Senate that is fair, so far as agriculture is concerned.

The Senator from Massachusetts appears to be very much alarmed that increased prices will have to be paid by the consumers because, as he says, there is an increase in the tariff on agricultural products of 20 per cent ad valorem, but the 40 per cent tariff duty on manufactures does not seem to alarm him at all. I can not understand the Senator from Massachusetts. I can not understand a Democrat or anyone else who advocates free trade for the farmer and then is willing to accept a high protective duty for the industries in his State. I can not understand the man who does not know and feel and understand that the manufactured article, the clothing he wears, is just as much a necessity as is the food that he eats. All are essential to civilization; all cost labor to produce, and all cost labor to buy. If it is true that the tariff on agricultural products is a tax, then the duty on manufactured articles is a tax. That the Senator must admit.

Mr. President, the farmers of this country are asking merely for a square deal. The farmers of this country are willing and anxious to give to the manufacturers fair and reasonable protection; I do not know of any exception to that rule on this side of the Chamber; but Senators on the other side of the Chamber are not willing to give the farmers a square deal. They have always been enemies of agriculture, so far as the tariff is concerned, and have considered the product of the labor of the farmers as raw material for the manufacturers.

If the Senator from Massachusetts does not object, I should like to have read into the RECORD an interview with him which appeared in the Washington Post, for I want the farmers who read the CONGRESSIONAL RECORD to understand thoroughly the position of the Senator from Massachusetts. Does the Senator object to having read the interview with him that appeared in the Post in order that it may become a part of the CONGRESSIONAL RECORD?

Mr. WALSH of Massachusetts. I think that I used in my speech most of the interview to which the Senator refers. I have used the table upon which that interview was based.

Mr. GOODING. The Senator used the table, but he did not refer to deflation and how seriously it would be to have inflation at this time.

Mr. WALSH of Massachusetts. I have no objection to the table going into the RECORD.

Mr. GOODING. Very well; then I will ask to have the interview to which I refer read, because my voice will not permit me to say very much this afternoon.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Assistant Secretary read from the Washington Post of Monday, June 26, as follows:

Increases in tariff duties proposed on fresh meats, sugar, cereals, beans, potatoes, and apples, if effective, would advance the cost of those commodities to American consumers by a total of $1,316,569,449 annually, Senator WALSH, Democrat, Massachusetts, said yesterday in a formal statement.

He explained that this estimate had been prepared by the Department of Agriculture at his request and was based on the total consumption in this country, multiplied by the increased tax proposed in the new bill over the law of 1913.

Senator WALSH made public a table prepared by the department showing the increased per capita cost per annum on such items would be as follows:

Barley, $0.094; buckwheat, $0.007; corn, $4.077; oats, $1.309; rye, $0.062; wheat, $1.792; sugar, $0.490; beef, fresh, $2.714; mutton, $0.159; pork, $0.736; beans, $0.130; potatoes, $1.323; apples, $0.397; total, $13.159.

"These figures reveal the terrible consequences of high tariff duties on the bare necessities of life," said Senator WALSH. "At the very period when we are attempting to deflate the enormous costs of production and the excessive prices prevailing as a result of war conditions, it is proposed to increase the cost of living to the American people to the extent of $1,316,569,449 per annum.

BLAMES THE FARM BLOC.

"It is unbelievable. It is inconceivable that any public man would for one instant seriously consider such a proposition. Yet so great has been the pressure exerted on the majority party in Congress by the agricultural tariff bloc that unless the American people make emphatic protest without delay their living expenses for what they eat are to be increased at the rate of over $1,125,000,000 per year.

"The heavy income-tax burdens, the excess-profits taxes, and the high surtaxes which corporations and wealthy individuals have had to bear during and since the war sink into insignificance compared with the burden that the advocates of these agricultural tariff duties seek to force upon the great army of American toilers and consumers. Are the people of the United States ready to surrender without vehement protest just because the majority party in Congress have surrendered to the threats and intimidations of the agricultural bloc?"

Mr. GOODING. Mr. President, that is such a splendid article and so clearly defines the position of the Senator from Massachusetts and the position of the Democratic Party, and indicates so well that there can not be any inflation so far as agricultural products are concerned, that I want it to become a part of the permanent RECORD.

Mr. President, I wish to call the attention of the Senator from Massachusetts to the duties on the manufactured products of his State as provided by the Underwood-Simmons law. The Senator very kindly figured that the duties in the pending bill on farm products average only 20 per cent. I find in Schedule L, paragraph 314, covering silks and silk goods, that the present Democratic Underwood-Simmons law imposes a duty on pile fabrics of 50 per cent ad valorem. That is the rate of duty in the free-trade Underwood law, which is free trade only so far as farm products are concerned.

In the same schedule on handkerchiefs the duty is from 40 to 50 per cent ad valorem; on mufflers, from 40 to 50 per cent ad valorem; on belts and suspenders, 45 per cent ad valorem; on ready-made clothing, 50 per cent ad valorem; on yarns, thread, and so forth, from 35 to 60 per cent ad valorem.

I come now to schedule K, of the Democratic Underwood-Simmons law, concerning which we have heard something to-day. Under that schedule, which covers wool and manufactures of wool, on woven carpets the duty is 50 per cent. Yet, under that law, carpet wools are on the free list, and wool was never so low and carpets were never so high as they are to-day.

In the same schedule of the present law, on woolen-pile fabrics the duty is 45 per cent ad valorem; on cloth, knit fabrics, 35 per cent ad valorem; on ready-made clothing, 35 per cent ad valorem.

Then coming to Schedule I, covering cotton goods, we find that on ready-made clothing the present Democratic Underwood law imposes a duty of 30 per cent ad valorem; on pile fabrics, a duty of 40 per cent ad valorem; on curtains, a duty of 35 per cent ad valorem; while cotton itself is on the free list. On table covers the duty imposed is 35 per cent, and so on down the list. Mr. President, I ask that the table from which I have quoted, showing the rates of duty on certain articles imposed by the present law, may be printed in the RECORD, because all the way through those duties run from 30 to 60 per cent ad valorem. I might say that there are lower duties in the same schedule, but the ones to which I have referred are high duties in the Underwood law. Yet the Senator from Massachusetts objects to a duty on agricultural products of 20 per cent ad valorem.

The PRESIDENT pro tempore. If there is no objection the table referred to by the Senator from Idaho will be printed in the RECORD as part of his remarks.

The table referred to is as follows:

Underwood law.

SCHEDULE L—SILKS AND SILK GOODS.

Paragraph.	Article.	Rate of duty.
		Per cent.
314	Pile fabrics	50
315	Handkerchiefs	40 to 50
	Mufflers	40 to 50
316	Belts, suspenders, etc	45
317	Ready-made clothing	50
318	Woven fabrics	45
319	Yarns, thread, etc	35 to 60

SCHEDULE K—WOOL AND MANUFACTURES OF.

300	Carpets, woven	50
309	Pile fabrics	45
288	Cloth, knit fabrics	35
	Plushes and velvets	40
289	Flannels	25 to 30
290	Women's and children's dress goods	35
291	Ready-made clothing	35

SCHEDULE I—COTTON MANUFACTURES.

256	Ready-made clothing	30
257	Pile fabrics	40
258	Curtains	35
	Table covers	35
260	Stockings, etc	30 to 50
261	Shirts	30
264	Towels, blankets, etc	25
265	Lace curtains	35 to 45

SCHEDULE C—METALS AND MANUFACTURES OF.

124	Card clothing	10 to 35
127	Knives, razors, etc	35 to 55
130	Table knives, etc	25 to 30
133	Shotguns and rifles	35
165	Machine tools	15 to 25
167	Platinum, gold, and silver articles, n. s. p. f	50
164	Bottle caps	30 to 40
119	Automobiles	30 to 45

Underwood law—Continued.

SCHEDULE N—SUNDRIES.

Paragraph.	Article.	Rate of duty.
		Per cent.
356	Jewelry, etc.	60
358	Laces	60
	Embroideries	60
383	Umbrellas, parasols, etc.	35
348	Fur wearing apparel, n. s. p. f.	50
349	Fans	50
360	Bags, satchels, etc.	30 to 35

SCHEDULE J—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

277	Shirt collars	30
278	Bands, belts, etc.	30 to 40
280	Pile fabrics	40
282	Handkerchiefs	35 to 40
283	Woven articles	35

Mr. GOODING. Mr. President, I think every American citizen understands that agriculture can not go on if we carry it back to where it was two years ago. A crisis overtook the agricultural and live-stock industry of this country that practically wrecked and ruined the whole country. In my State 26 banks in the southern part of the State had to close their doors. If it had not been for the emergency tariff act and the War Finance Corporation act, we would have had just five banks left in my State, and the Senator from Utah [Mr. SMOOT] said that if it had not been for those two acts—the War Finance Corporation act and the emergency tariff act—there would not have been a bank left in the State of Utah. That was the condition that confronted the West when the emergency tariff bill was passed. The Senator would carry us back to that condition. He would not have any inflation at all.

I want to read here from the Crop Summaries for 1921, 1920, and 1919, as reported by the Agricultural Department.

For the year 1919 we had—and I will read just the first few sets of figures—97,170,000 acres of corn, and it sold for $3,780,000,000. In 1921 we had 103,850,000 acres of corn, and it sold for $1,302,000,000, or very much less than half, if you please, of what the crop sold for in 1919; and I want to say to you that there was very little difference in the cost of production in 1921 and in 1919 as far as the farmer is concerned. Possibly his labor was a little cheaper, but practicaly everything he bought was still at the top notch at that time; and so it ran all down through the list, Mr. President. The wheat crop, if you please, of 1919, of 75,000,000 acres, sold for $2,080,000,000, while the wheat crop of 1921, with 62,000,000 acres, sold for $737,000,000—a little less than one-third, if you please, of what the crop sold for in 1919.

This report gives the prices of all the principal agricultural crops in America for the years 1919, 1920, and 1921. I shall not read them all. I shall give the summary here and show what happened as far as the total production of farm products was concerned.

In 1919 we had in cultivation 345,759,000 acres. The total value of farm products for that year was $13,820,000,000. In 1921 we had 348,059,000 acres in crops, and the product sold for $5,687,241,000, or a difference, if you please, in two years of $8,133,274,000. That was the loss that the farmer took as between the crop of 1919 and the crop of 1921.

The difference between the crop of 1919 and the crop of 1920 was $4,775,573,000, or in the two years there was a reduction in the price of farm products to the farmer of $12,908,847,000, or nearly enough to buy the railroads of the United States, and with the loss that he will take this year it will practically buy all the railroads in America, or pretty nearly half of all the railroads in the world.

I submit, Mr. President, that agriculture can not go on under those conditions. Everywhere, in every State of the Union, as far as that is concerned, where the soil has lost its fertility, farm abandonment is taking place; and it is perfectly safe to say that last year a million citizens—men, women, and children—left the American farms because under the present conditions they could no longer make a living there.

With these few remarks I am going to send to the desk and ask to have read—my throat will not let me continue—a report from the Michigan department of state, division of agriculture, as to the farm abandonments that are taking place there, and an extract from the Monthly Crop Reporter showing the abandonments that are taking place of Ohio farms, and those that have taken place of New York farms. In the case of the New York farms I have marked what I should like to have read. There are several statements here, but I will not ask to have them all read, but I ask to have them all printed in the RECORD. Some day I shall try to answer the Senator from Massachusetts more at length.

I ask to have these things read because I think there is a condition confronting the country that Senators ought to be well advised about, because the time is coming when we are not going to have any surplus, and we are not going to feed our own people unless we are willing to give the farmers of America a square deal.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

The number of men that have left the farms of Michigan during the past three years is three times as great as the number of Michigan men that died or were killed in the Civil War. It would require the present male population over 15 years of age of Lansing and Flint to replace them. There are enough vacant farmhouses in Michigan to conveniently house the population of Grand Rapids. The number of farmhouses vacated within the past 12 months could easily accommodate all of the people in the city of Jackson with homes.

Eight and seventy-four hundredths per cent of the farms of the State are wholly idle this year, an area of approximately 1,668,000 acres, equal to about five ordinary counties. The total men and boys over 15 years of age on the farms of the State is 230,000, or 82.5 acres to be worked by each man or boy.

These figures are based upon a complete survey made during the past four weeks by the Michigan Crop Reporting Service under the joint supervision of Mr. Coleman C. Vaughan, secretary of state, and Verne H. Church, field agent, United States Bureau of Crop Estimates, and aided by the office of the superintendent of public instruction. A blank was mailed to each rural school director asking for a report upon the farms of his school district. The compilation of these reports shows that 18,230 farms are idle this year, as compared with 11,831 last year, while the abandonment, which in many cases is temporary because of the lack of tenant farmers, is least in the best farming sections, it is found to be a community movement. Many districts show no abandonment, but where families began leaving the act seems to be contagious, until in some cases one-third or one-half of the school district had migrated to the city. In the south central district only 4.7 per cent of the farms are idle, and in some counties only 3 per cent. In the northwest district of the Lower Peninsula 19.4 per cent are idle, and occasional counties report 25 per cent or more.

This abandonment does not tell the whole story. A large percentage of men on farms are past 50 years of age and without help. The average size of farms is 91.5 acres, and there are but 11 men and boys to each 10 farms, or but 1 man or boy to each 82.5 acres, with many of these unable to do a full man's work. There are 30,300 vacant houses on farms, 10,000 of which have been vacated within the last year.

Of the 276,000 men on farms three years ago 46,000 have since left, 20,000 of them during the past year. This unprecedented exodus from farms indicates that city and industrial life have become more profitable and satisfactory than farm life. A recent preliminary survey conducted by the State farm bureau shows similar and comparable results, and that there would be a decrease of 15.8 per cent in the acreage of cultivated crops this year as a result. Its report also shows that the number of dairy cattle has decreased 11.3 per cent during the past year.

As Michigan is only typical of the conditions found in most of the other States, it is evident that the production of farm crops will decline as long as the present situation continues and as long as the cost of producing these crops follows so closely the price the farmer receives. With a steadily decreasing supply and increasing demand, the price of food will continue to advance.

The only remedy is a reversal of present conditions through an increase in the number of food producers and a corresponding decrease in the number of nonproducers of food. This reversal will only come when the remuneration for growing food crops becomes as great in proportion, taking into account investment, risk, and labor, as that of other occupations, and when farm life takes on attractiveness equal to that of city life.

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ABANDONED FARMS AND LABOR MOVEMENT IN OHIO.

There was a net decrease of 60,000 in the number of men and boys over 15 years of age working on Ohio farms for the year ending in June this year, according to a survey made under the direction of Secretary of Agriculture N. E. Shaw, by W. F. Callander, agricultural statistician for the United States Bureau of Crop Estimates and the State bureau of agricultural statistics. The survey covered from 100 to 300 farms in every county in the State, selected at random. The report further shows that for every man who returned to farm life during the year seven left the farm for other employment. Based on the returns received it is estimated that there are now about 410,000 men and boys actually working on farms compared to 470,000 a year ago and approximately 500,000 three years ago. Of this number 70,000 were reported to be hired for wages this year, compared to nearly 100,000 a year ago, showing that about half of those who quit farming during the year were hired men.

The survey also shows an estimated total of 29,000 vacant habitable houses on farms this year compared to 18,000 a year previous. That part of the report covering the number of abandoned farms has not yet been tabulated. The investigation also shows that of the total number of farms in the State which changed hands last year 80 per cent were purchased by actual farmers who are living on them, while only 20 per cent were purchased for speculation or by men who purchased them to rent to others. The bulk of the farms sold were purchased by native Americans, except in the northeast counties, where the purchase of many farms by persons of foreign birth is reported.

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LESS FOOD WILL BE PRODUCED.

POORER LANDS BEING ABANDONED.

The extent and importance of the movement away from the hill farms is shown by some of the letters received by Mr. Shepard. Thus a reporter in the Finger Lake region writes: "One must recall the time a few years ago when the farms on the hills were prosperous, well tilled, and occupied, but to-day all is changed. I counted about 20 unoccupied

houses within a radius of a few miles, and many acres here in Schuyler County have been left untilled the past five years. Every year more people have left. During this past year every younger man who worked land or hired to some farmer has left to work in town. Along the State road conditions are different; there are no vacant places, as far as I see, from Watkins over to Dundee, and very little of the land would be for sale. Most of the people are older and manage in some way to get along, working what they can. There is a lot of the 'skimming' process going on, as when a farmer rents an adjoining farm, puts in just as little grain as possible, and cuts a large acreage of hay, most of which is removed from the farm. Two or three hay cars are being filled here this week."

A well-known Cortland County farmer, who has just gone to Colorado, wrote from there: "There are thousands of acres of hill farms in Cortland County that are practically abandoned. One sheep company rented as many as 2,000 acres in one body and there was as much more which they could have had last year. Some of the buildings on these farms are quite good and some very poor, depending mostly on the length of time without tenants. These farms have no sale, unless to a syndicate for some new deal like sheep or orchards or something which looks good but never pays. Sixty-five or seventy years ago there were 70 children who went to a district school near my farm. There is now not one family in the district and there are only two sets of farm buildings left. One farm which kept 35 cows up to 20 years ago has recently been sold for taxes."

FARMERS DISCOURAGED IN POORER SECTIONS.

The discouragement that exists among farmers in the less prosperous farming districts is well shown by their letters. A farmer in a stony clay section close to the St. Lawrence River was so discouraged that he wrote: "Conditions are getting worse every day on the farms. We can no longer get any good help. Lots of farmers are getting discouraged. One of my neighbors just sold his farm with good buildings, all complete, 210 acres, for $5,000. He is moving off, and no one going on. Unless we can get help on the farms, there will be a famine in this country within three years. I am going to try it just one more year."

Another farmer in a stony section of Jefferson County writes: "We have many new tenants around here this year. There have been 10 auctions within 4½ miles of where I live. There are other farmers that want to sell, and there is one farm still without a tenant. All of these farmers went to the city to get shorter hours and bigger pay. Eight young men from around here, ranging in age from 19 to 22, also have gone to the city. It is impossible for us to pay city wages, so you see what we are up against. We expect to raise what we want for ourselves, but I do not know how the other fellows are coming out. I am on a farm of 150 acres, with 10 cows, and I expect to work it alone. You know it can not be done right."

A discouraged man in a rather unproductive region just south of the Catskills wrote: "There appears to be great discontent among farmers around here. Some who have farmed all their lives want to sell. The grind is too much. There is very little help obtainable. What is available is poor and very high priced and does not seem to pay for itself. Everybody seems overworked and discouraged. There must be a change some way or other. If farmers are to continue they must get enough for their produce to pay the wages which will keep good men here. We like farming, but what in hell is the use?"

Mr. GOODING. I ask permission to have printed in the RECORD as a part of my remarks the crop summary for 1921, published in the Monthly Crop Reporter for December, 1921.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Crop.	Acreage.	Production.			Farm value Dec. 1.	
		Per acre.	Total.	Unit.	Per unit.	Total.
Corn:					*Cents.*	*Dollars.*
1921	103,850,000	29.7	3,080,372,000	Bush.	42.3	1,302,670,000
1920	101,699,000	31.5	3,208,584,000	do.	67.0	2,150,332,000
1919	97,170,000	28.9	2,811,302,000	do.	134.5	3,780,597,000
Winter wheat:						
1921	42,702,000	13.7	587,032,000	do.	95.2	558,725,000
1920	40,016,000	15.3	610,597,000	do.	148.6	907,291,000
1919	50,494,000	15.1	760,377,000	do.	210.5	1,600,805,000
Spring wheat:						
1921	19,706,000	10.5	207,861,000	do.	85.8	178,343,000
1920	21,127,000	10.5	222,430,000	do.	130.4	289,972,000
1919	25,200,000	8.2	207,602,000	do.	230.9	479,251,000
All wheat:						
1921	62,408,000	12.7	794,893,000	do.	92.7	737,068,000
1920	61,143,000	13.6	833,027,000	do.	143.7	1,197,263,000
1919	75,694,000	12.8	967,979,000	do.	214.9	2,080,056,000
Oats:						
1921	44,826,000	23.7	1,060,737,000	do.	30.3	321,540,000
1920	42,491,000	35.2	1,496,281,000	do.	46.0	688,311,000
1919	40,359,000	29.3	1,184,030,000	do.	70.4	833,922,000
Barley:						
1921	7,240,000	20.9	151,181,000	do.	42.2	63,788,000
1920	7,600,000	24.9	189,332,000	do.	71.3	135,083,000
1919	6,720,000	22.0	147,608,000	do.	120.6	178,080,000
Rye:						
1921	4,228,000	13.7	57,918,000	do.	70.2	40,680,000
1920	4,409,000	13.7	60,490,000	do.	126.8	76,693,000
1919	6,307,000	12.0	75,483,000	do.	133.2	100,573,000
Buckwheat:						
1921	671,000	21.0	14,079,000	do.	81.2	11,438,000
1920	701,000	18.7	13,142,000	do.	128.3	16,863,000
1919	700,000	20.6	14,399,000	do.	146.1	21,032,000
Flaxseed:						
1921	1,165,000	7.0	8,112,000	do.	144.6	11,732,000
1920	1,757,000	6.1	10,774,000	do.	176.7	19,039,000
1919	1,503,000	4.8	7,256,000	do.	438.3	31,802,000
Rice:						
1921	896,000	39.2	35,105,000	do.	94.5	33,180,000
1920	1,336,000	39.0	52,066,000	do.	119.1	62,036,000
1919	1,063,000	39.5	41,985,000	do.	266.6	111,913,000
Potatoes:					*Cents.*	*Dollars.*
1921	3,815,000	90.9	346,823,000	Bush.	111.1	385,192,000
1920	3,657,000	110.3	403,296,000	do.	114.5	461,778,000
1919	3,542,000	91.2	322,897,000	do.	159.5	514,855,000
Sweet potatoes:						
1921	1,066,000	92.6	98,660,000	do.	88.1	86,910,000
1920	992,000	104.8	103,925,000	do.	113.4	117,834,000
1919	941,000	103.2	97,126,000	do.	134.4	130,514,000
Hay, tame:						
1921	58,742,000	1.39	81,567,000	Ton.	$12.13	989,693,000
1920	58,101,000	1.51	87,855,000	do.	$17.76	1,560,235,000
1919	56,888,000	1.52	86,359,000	do.	$20.08	1,734,085,000
Hay, wild:						
1921	15,483,000	.98	15,235,000	do.	$6.63	101,083,000
1920	15,787,000	1.11	17,460,000	do.	$11.35	198,115,000
1919	17,150,000	1.07	18,401,000	do.	$16.50	303,639,000
All hay:						
1921	74,225,000	1.30	96,802,000	do.	$11.27	1,090,776,000
1920	73,888,000	1.43	105,315,000	do.	$16.70	1,758,350,000
1919	74,038,000	1.41	104,760,000	do.	$19.45	2,037,724,000
Tobacco:						
1921	1,473,000	758.8	1,117,682,000	Lb.	20.0	223,755,000
1920	1,960,000	807.3	1,582,225,000	do.	21.2	335,675,000
1919	1,951,000	751.1	1,465,481,000	do.	39.0	570,898,000
Cotton:						
1921	31,427,000	[1] 126.9	8,340,000	Bale.	[1] 16.2	674,877,000
1920	35,878,000	[1] 178.4	13,439,803	do.	[1] 13.9	933,658,000
1919	33,566,000	[1] 161.5	11,420,763	do.	[1] 35.6	2,034,658,000
Cotton seed:						
1921	.....	.....	3,704,000	Ton.	$29.15	107,972,000
1920	.....	.....	5,970,000	do.	$26.00	155,220,000
1919	.....	.....	5,074,000	do.	$72.65	368,626,000
Clover seed:						
1921	869,000	1.6	1,411,000	Bush.	$10.27	14,488,000
1920	1,082,000	1.8	1,944,000	do.	$11.95	23,227,000
1919	942,008	1.6	1,484,000	do.	$26.75	39,700,000
Sugar beets:						
1921 [2]	809,428	9.49	7,677,877	Ton.	$6.30	48,403,000
1920	872,376	9.80	8,546,193	do.	$11.63	99,426,000
Beet sugar:						
1921	809,426	2,501	2,024,764,000	Lb.	.....	.....
1920	872,376	2,499	2,180,242,000	do.	.....	.....
Cane sugar (La.):						
1921	209,000	2,555	534,000,000	do.	.....	.....
1920	182,843	1,850	338,254,000	do.	.....	.....
Maple sugar and sirup (as sugar):						
1921	[3] 16,315,100	[4] 1.58	25,761,100	do.	[5] 25.7	6,589,038
1920	[3] 18,982,325	[4] 1.94	36,813,080	do.	[5] 31.6	11,632,933
Sorghum sirup:						
1921	518,000	87.9	45,554,000	Gall.	62.9	28,670,000
1920	536,000	92.4	49,505,000	do.	106.9	52,943,000
1919	487,000	80.9	39,413,000	do.	110.8	43,683,000
Peanuts:						
1921	1,212,000	673.7	816,465,000	Lb.	4.0	32,288,000
1920	1,181,000	712.5	841,474,000	do.	5.3	44,256,000
1919	1,132,000	691.9	783,273,000	do.	9.3	73,094,000
Beans (7 States):						
1921	771,000	11.8	9,118,000	Bush.	$2.66	24,298,000
1920	838,000	10.8	9,077,000	do.	$2.95	26,806,000
1919	1,060,000	12.6	13,349,000	do.	$4.26	56,817,000
Kafirs (10 States):						
1921	4,652,000	24.7	115,110,000	do.	39.3	45,260,000
1920	5,120,000	26.8	137,408,000	do.	92.9	127,629,000
1919	5,060,000	25.8	130,734,000	do.	127.4	166,510,000
Broom corn (7 States):						
1921	207,400	[6] 338.4	35,100	Ton.	$72.76	2,554,000
1920	275,500	[6] 265.0	36,500	do.	$126.16	4,605,000
1919	352,000	[6] 303.4	53,400	do.	$154.57	8,254,000
Onions (22 States):						
1921	55,829	226.6	12,652,000	Bush.	213.1	26,966,000
1920	64,650	362.5	23,435,000	do.	129.6	30,377,000
Cabbage (25 States):						
1921	94,035	6.4	606,274	Ton.	$48.02	29,116,000
1920	115,838	8.9	1,029,662	do.	$33.99	35,001,000
Hops (4 States):						
1921	28,000	1,040.7	29,140,000	Lb.	24.4	7,117,000
1920	28,000	1,224.3	34,280,000	do.	35.7	12,236,000
1919	21,000	1,189.0	24,970,000	do.	77.6	19,376,000
Cranberries (3 States):						
1921	25,000	14.9	373,000	Bbl.	$16.60	6,192,000
1920	25,000	18.0	449,000	do.	$12.28	5,514,000
1919	25,000	22.0	549,000	do.	$8.37	4,597,000
Apples, total:						
1921	.....	.....	96,881,000	Bush.	168.5	163,215,000
1920	.....	.....	223,677,000	do.	114.8	256,699,000
1919	.....	.....	142,086,000	do.	183.6	260,939,000
Apples, commercial:						
1921	.....	.....	20,098,000	Bbl.	$4.63	93,008,000
1920	.....	.....	33,905,000	do.	$3.74	126,800,000
1919	.....	.....	26,159,000	do.	$5.34	139,669,000

[For footnotes see next page.]

Crop.	Acreage.	Production.			Farm value Dec. 1.	
		Per acre.	Total.	Unit.	Per unit.	Total.
Peaches:					*Cents.*	*Dollars.*
1921			32,733,000	Bush...	159.4	52,176,000
1920			45,620,000	...do....	210.4	95,970,000
1919			53,178,000	...do....	189.0	100,485,000
Pears:						
1921			10,705,000	...do....	171.3	18,342,000
1920			16,805,000	...do....	165.8	27,865,000
1919			15,101,000	...do....	184.4	27,852,000
Oranges (2 States):						
1921			30,700,000	Box....	$2.08	63,850,000
1920			29,700,000	...do....	$2.19	64,908,000
1919			22,528,000	...do....	$2.67	60,202,000
Soy beans:						
1921	186,000	15.1	2,815,000	Bush...	216.0	6,080,000
1920	156,000	14.6	2,278,000	...do....	304.0	6,926,000
1919	155,000	13.2	2,045,000	...do....	333.2	6,814,000
Cow peas:						
1921	1,133,000	8.5	9,581,000	...do....	177.0	16,960,000
1920	990,000	9.0	8,904,000	...do....	233.4	20,786,000
1919	959,000	6.3	6,026,000	...do....	274.4	16,533,000
Total:						
1921	348,059,690					5,687,241,000
1920	348,978,207					9,054,942,000
1919	354,759,908					13,820,515,000

[1] Pounds per acre and cents per pound.
[2] Including beets grown in Canada for United States factories.
[3] Trees tapped.
[4] Per tree.
[5] Mar. 15.
[6] Pounds.

Mr. CARAWAY. Mr. President, it is rather difficult to be entirely patient while "farmers" who would not know a horse from a cow if the cow were dehorned tell us what is the matter with the farmer. Personally all of my sympathies are with farmer people, and as far as I know anything about my family for two or three hundred years they have all been farmers. Yet I hear a man like the Senator from Idaho, who speaks with "authority" for the farmer, upbraiding this side of the Chamber for its neglect of the interests of agriculture and commending the other side for its solicitous care of him. The Senator, who claims to be the president, self-elected, of the tariff bloc, whatever that is—nobody ever heard of it until the Senator gave out an interview assuring the country that certain interests were safe because he had taken charge of them—is content to write a tariff bill in which agriculture is to be protected to the extent of 21½ per cent, while the interests from whom the farmers must buy get protection of from 66⅔ per cent up to 300 per cent.

Mr. KING. On some items 600, and on some 1,100.

Mr. CARAWAY. And, according to the Senator from North Dakota and his joint showman from Indiana, the organ grinder, 15,000 per cent, and even when that was being discussed by the Senator from Alabama the Senator from Idaho said this 15,000 per cent—no, I believe it was only 1,300 that was being discussed—was not high enough for the manufacturer. He wanted to vote more profit to the man who sells to the farmer.

I do not know anything about the farmers in North Dakota, and I do not know anything about the farmers in Indiana, and I know nothing about those in Idaho, but if they are the kind of farmers we have in my country, when you say to the farmer "I am your friend; I believe in these duties," and unless you do believe that protection will protect him, then you are practicing a fraud on him when you write duties on his products in a tariff bill, and are content to write a tariff bill that will give the farmer 21½ per cent, but every man from whom he is compelled to buy will get from 66 to 300 per cent, and still call yourself the farmer's friend, out in my country that would bring something other than votes or words of commendation.

It is absolutely absurd. If you believe that a tariff duty will protect the farmer—and in some instances it will, and in some instances it will not—if you believe it will, and you are a friend of the farmer, and you, the president of the tariff bloc, whatever that is, the man who has the fixing of the rates for the farmers of this country, are satisfied to give them 21½ per cent, and complain because the people from whom they must buy get but 66 to 300 per cent only——

Mr. GOODING. Mr. President, the Senator is mistaken. I have not anything to do with fixing the rates. The Finance Committee fixes the rates.

Mr. CARAWAY. I know; but the Senator is too modest to-day——

Mr. GOODING. I will say to the Senator from Arkansas that practically all the farmers' organizations, from nearly all the States of the Union, even in the Senator's own State, approve the rates we are asking. The Finance Committee has not given us a fair rate on rice yet. I think we will be able to give the farmers of your State and the South generally a fair rate on rice—a protective rate—as well as on peanuts.

Mr. CARAWAY. Who is "we"?

Mr. GOODING. I hope——

Mr. CARAWAY. Wait just a moment. Who is "we"?

Mr. GOODING. I hope that with the help of some Democrats on the other side we will be able to give the southern farmers fair rates on their products, as well as the farmers of the West and the East.

Mr. CARAWAY. The Senator is overmodest to-day. Have I not seen his interviews, or the interviews which are credited to him, about what the tariff bloc was going to do?

Mr. GOODING. I have not been boastful at all about what the tariff bloc was going to do.

Mr. CARAWAY. The Senator now is just overmodest. We have all understood about what he was going to do in the interest of agriculture.

Mr. GOODING. Yes; I plead guilty to modesty.

Mr. CARAWAY. It is very observable. Is the Senator the chairman of the tariff bloc?

Mr. GOODING. Yes; I think that is what they call me.

Mr. CARAWAY. I did not know that was what they called the Senator, but I thought that was what he is.

Mr. GOODING. The Republican tariff bloc. I am very proud of some of the help we are going to get from the other side, however, and I want to say for my friend from Wyoming, who has been loyal and true all the way through in the interest of agriculture and live stock, I sincerely hope that when election comes his people in Wyoming will not forget him. That is the kind of a tariff man I am——

Mr. CARAWAY. That ought to do him some good.

Mr. GOODING. Not along party lines, either; I believe thoroughly in protection.

Mr. CARAWAY. That ought to do the Senator from Wyoming lots of good.

Mr. GOODING. I hope it will.

Mr. CARAWAY. But I did not see him smile.

Mr. GOODING. I am in hopes——

Mr. CARAWAY. I know it is the Senator's hope.

Mr. GOODING. That we may find more men from the South like our friend from Louisiana [Mr. BROUSSARD]. He knows a good thing for his people when he sees it.

Mr. CARAWAY. I am sure that anything over which the Senator raises his hand in approbation will thrive from that time on, although I saw neither of the Senators whom the Senator commended smile. One of them did wink at me, but I do not think that ought to go in the RECORD.

I am complaining of this, that there are certain products which you can protect—there is no question about that—and there are certain products you can not. I know—and I have done some farming—that what the farmer needs is a market. The Senator from Idaho does not think so. I know that farm products fell in price from the time we passed the emergency tariff; and I voted for that, because farmers were in a desperate condition, and I was willing to try anything which might bring relief. Farm products fell every month after we passed the emergency tariff until a $20,000,000 appropriation was made to buy grain for starving Russia.

I voted for that. I did it knowing that the real moving spirit of the people back of it was to lift the incubus off the grain producers of this country instead of feeding the starving Russians. I was willing to do it, however, because I thought they needed some help, and I thought the cause was also good, that the Russians needed the grain and ought to be fed. I did it notwithstanding the fact that the very people who proposed this $20,000,000 appropriation to lift the burden off of the grain producers of the Northwest had, led by the Senator from Minnesota [Mr. KELLOGG], killed the Norris bill, which would have given us a foreign market and would have cared for the cotton grower of the South equally with the corn and wheat grower of the Northwest. They killed that, and the cotton grower, of course, went into bankruptcy. I assume they intended that he should.

However, when the wheat and corn grower were going along with him, the very Senators who killed the Norris bill, and thereby destroyed the hope of the cotton grower, asked for an appropriation out of the Federal Treasury of $20,000,000, and I voted for it, because, while I may not be as good a tariff bloc Senator as is the Senator from Idaho, I have not yet reached

that point where I am willing to destroy the farmer in the Northwest simply because his friends have seen fit to destroy those in my section.

We lost everything we had. All farmers lost. The Senator takes 1919 and 1921 as years to compare. In 1919 cotton sold at 40 cents a pound and up, some up to $1.25. Everybody had money. You could not have sold a negro anything but a Cadillac. Everybody had money then, and farm lands were selling at from $200 to $300 and $400 an acre.

In 1920, when our whole foreign trade was destroyed in an effort to elect Harding President of these United States, everybody in my country went into bankruptcy, and is there yet. Farm lands could not now be sold for a third of what they would have sold for in 1919, and in 1920 cotton, which would have sold for 40 cents in 1919, sold for 8 cents, and no kind of tariff could have prevented that. We know it and they know it.

The only thing that would have saved them from bankruptcy was something like the Norris bill, which would have given them a chance to ship and sell their surplus abroad. That relief was denied them, and now, on the products of those who can be protected in my section, the rates that were adopted in the emergency tariff bill have been cut.

I know that a tariff could protect the rice grower. I know there are certain other products it could protect. There are certain products it can not protect. It can not protect any product where any considerable amount of that product must find a market abroad. Everybody knows that except the Senator from Idaho.

You can not protect the wheat grower with a tariff if he must sell his wheat in the markets of the world, and the wheat grower knows it. You can not protect the corn grower of Kansas or Oklahoma or Ohio if he must sell his product abroad. We all know that. It is a market that he needs.

I only rose to express this feeling of—I will not say indignation, because I realize that the Senator from Idaho has been charged with a great trust, has been self-elected president of the tariff bloc, and is to write all the agricultural schedules, which the other Senators over there are to accept, but I feel a little resentful that that great self-elected spokesman for the agricultural interests of this country, who believes in his heart—and I say that because I am always willing to credit anybody with any belief that he professes to have—that by a tariff duty you could raise the prices of agricultural products to whatever level you saw fit, is content to give agriculture less than a third of what he demands for the manufacturer. If by a duty of 21½ cents you can pull up the prices of farm products, by making it 40 you could raise them higher, and you could still raise them by making the duty 50 or 60 or 75 or 100 per cent. He realizes that, because he complained so bitterly that the merchants were not given more than from 66 to 300 per cent, realizing that if they had 500 per cent they could make a bigger profit.

I resent, I say, that this man, who knows that by writing a higher rate he can raise the prices of the products, should be content to let the poor downtrodden farmer have only 21½ per cent while the merchant will possibly get 100 to 300 per cent, and the farmer must sell to the merchant and buy from the merchant. It is so infinitely unfair, it is so outrageously unfair, and yet the only man who has the power to write whatever rate of duty he wants in the bill for the farmer elects to be satisfied with a modest 21½ per cent for the farmer, whose interest he says he represents, while exacting from that farmer from 66 to 300 per cent in the interest of the manufacturers and the merchants and the profiteers of the country.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, which will be stated.

The ASSISTANT SECRETARY. On page 99, schedule 7, agricultural products and provisions, the committee proposes, in lines 6 and 7, after the word "cattle," to strike out "less than 2 years old, 1 cent per pound; 2 years old and over, 1½ cents per pound," and to insert in lieu thereof:

Weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 pounds each or more, 2 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, one statement made by the Senator from Idaho [Mr. GOODING] ought not to go unanswered. He states that there was a serious depreciation in the total valuation of agricultural products in the year 1921. He said that the total value of agricultural products in 1920 was $9,054,000,000 and that in 1921 the value of agricultural products shrunk to $5,687,000,000.

On May 27, 1921, the emergency tariff law became effective. All of the crops of 1921 were harvested after May, 1921. Yet with the passage of the emergency tariff law, supposedly for the purpose of protecting the farmer, the total valuation of agricultural products shrunk nearly 50 per cent between 1920 and 1921. It seems to me that the figures given by the Senator show how inoperative the emergency tariff law was.

Mr. GOODING. If that is true, then there is nothing for the Senator to worry about as to taxing the American people. He should not worry about it if it did not increase prices at all and is not going to increase them. Let us get what revenue we can out of it. The Senator need not worry about the taxes he has been talking about all afternoon.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Idaho has in his previous address referred to the fact that there is nothing to worry about in putting upon products a tariff duty which will not become effective. I consider the levying of tariff duties which do not become effective in increasing prices a sham, a fraud, a camouflage, and the worst kind of deception. In my opinion the whole trouble with the Senator's protective-tariff policy is that he considers protection something in the way of a special favor that a Government can give upon the asking, a kind of political patronage, if you please.

Mr. GOODING. I hope the Senator will quote me correctly. That was not my statement.

Mr. WALSH of Massachusetts. I know it was not the Senator's exact statement, but that was my interpretation of it.

Mr. GOODING. There is nothing about it for the Senator to worry over if it does not increase taxes. I did not say that it does not. I took the Senator at his own word.

Mr. WALSH of Massachusetts. The Senator's theory of protection, as I get it from his whole argument, is that protection is a favor bestowed by government upon certain classes of people, that the manufacturers have had that favor all these years, that they have grown rich, that they have become prosperous, that protection has been a benefit to them, and that the farmer has not had this protection and therefore he has a right to come here and demand that this governmental favor be extended to him.

Mr. GOODING. Mr. President——

Mr. WALSH of Massachusetts. I do not yield to the Senator.

Mr. GOODING. I merely want to say to the Senator——

The VICE PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. WALSH of Massachusetts. The Senator believes, as I said, that protection is a favor, that protection is a gift, that protection is the bestowal of a privilege by the Government upon particular classes of people. Now, let us follow that theory a moment.

The Senator has referred to the fact that I come from Massachusetts, a State which has enjoyed protection, whose industries have been protected. The Senator is evidently not aware of the fact that there is more sentiment in America among manufacturers against the protective tariff than ever before, and that if it were not for the protection lavished upon raw materials the manufacturers of the country in large numbers would be here asking that their products be put upon the free list.

Mr. GOODING. Will the Senator allow me to answer that statement?

Mr. WALSH of Massachusetts. Will the Senator be good enough to wait and allow me to make my argument?

Mr. GOODING. Let us be fair about it. That is an unreasonable statement to make when we put a high ad valorem duty of 35 per cent on wool and then put wool on the free list, and practically everything else the farmer produces on the free list, under the Underwood law.

Mr. WALSH of Massachusetts. Mr. President, the principal industry of New England is the boot and shoe industry. What is the situation there? The boot and shoe manufacturers say, "We want no tariff on boots and shoes. We want no tariff on hides. We want no tariff on leather. But if you put a tariff on hides, if you put a tariff on leather, we must have a tariff on boots and shoes." The Senator from North Carolina [Mr. SIMMONS] knows, and other Senators know, that the strongest indorsers of the Democratic theory of protective tariffs appearing before the Finance Committee were some of the largest manufacturers of the country. The position of the Steel Trust, in substance, was that "We have reached a position where we need no protection except the protection that must be given to us by reason of the fact that you are levying protective duties upon the products which go into the finished products that we manufacture."

That is one of the great changes that has taken place in America. Why has it taken place? Protection was invoked by the Republican Party—and there is something to be said for the theory—upon the theory that American industries were

capable of making products that were needed in America, for which we should not any longer be dependent upon Europe, which could be produced here with a protective duty given to the manufacturer, a tariff duty which would equalize for him the difference in the cheap labor abroad and the high-priced labor here. Upon that principle the Republican Party has stood. Upon that principle you claim industries have grown up in the country. Many have grown beyond the age of infancy, so to speak, have become exporters, and realize now that the tariff protection is of no value and is of no real consequence, but simply leads to just such agitation as has taken place here this afternoon—leads to suspicion, distrust, and demands for protective duties that are not warranted or justified.

The Senator from Idaho evidently forgets fundamental principles when he talks about a protective tariff duty as he does. The protective tariff is a privilege; it is undemocratic. It only ought to be invoked by a government under most unusual circumstances and when it can be defended upon sound reasoning. It is wrong to penalize the people by demanding increased prices for the things they must buy.

A tariff, if it means anything, is a license, a privilege given by the government, sanctioned by the government, to command or to permit manufacturers or producers to exact higher prices for their goods. What has been the policy of this Government in so far as it invoked this unusual power, this undemocratic power, to levy duties and increased prices to the American consumer? It never has been invoked before unless these questions were asked: What is your production? What is the consumption by America of the product upon which you seek protective duties? Is your production less than the consumption? Are you meeting with difficulties in producing sufficient for the American consumption by reason of importations of comparable articles which sell at lower prices?

When those facts have been disclosed, when it was evident that an American industry which could in time take care of the consumption in America, when it was evident that that business was being destroyed or that the progress of that business was being checked by importations from foreign countries of goods made by cheap labor, then it was argued—and there can be something said in favor of such an argument—"We will levy a duty which will give you a chance to produce your commodity in America and sell it at a price equal to the cost of production abroad plus the duty that we will levy upon the imported goods that are comparable, and you no longer will have to compete with the cheap labor of Europe."

Upon that theory, upon that principle industries have grown in this country in many instances, but most of them have already reached the peak, they have already reached out beyond the demands of the home market. They are no longer selling solely and alone in the home market. They are selling abroad. They have gone beyond the need of the application of the protective principle which I have described. Never before, never anywhere, never at any time until the pending bill came into this Chamber did any Republican argue in favor of a tariff duty upon a product made in America which more than supplied the demand and which was being shipped out of the country in large quantities. It is a fraud, it is a fake, it is a sham to say that a tariff duty can affect a product made in this country in such large volume that it supplies the demand and is sold to the world, competing successfully with the cheap labor of all parts of the world. No tariff duties are necessary in such industries.

The one trouble with the Senator's position is that he does not care whether it is a going industry or an industry that does not supply the home market, or one that supplies the world. He said, "Give them a protective duty. It is a gift we have a right to have. It has made the manufacturers of Massachusetts prosperous." I will tell the Senator where I stand as a Senator from the State of Massachusetts. I will tell him that I never shall vote knowingly for a duty upon a manufactured or agricultural product produced in this country in such large volume that it more than supplies our demands and is being exported and sold in London, in Paris, and in the markets of the world as cheaply as it is being sold to the people of America.

I will tell the Senator further——

Mr. GOODING. Does the Senator say that as to the manufactured product also that is sold abroad?

Mr. WALSH of Massachusetts. The Senator misunderstands me. I make no distinction. If the Senator had directed his argument to some of his colleagues who have confined their efforts to giving high protective duties to manufactured articles it might have had some pertinency; but I have never supported and have never believed in a protective tariff duty upon commodities which were not being threatened with foreign competition. I do not believe a policy can be justified which gives protection to products that can be as cheaply produced here as abroad. The trouble with the Senator's position is that he demands this extraordinary privilege, and says, "Never mind about how much you produce or how much you export; put protection on here, put it on there, and put it on there." He wants it on everything. No longer are we asked the fundamental question the correct answer to which alone can justify the application of the burden of tariff taxation upon the American people; for a tariff duty is a burden; it is a tax which is just as burdensome as is the income tax which our people pay or the taxes which are levied upon their property. Mr. President, I do not want the Senator from Idaho to misunderstand my position. I make no distinction between agricultural products and manufactured products.

If manufactured products are being made in this country in such quantities as to more than supply the demand, then they should have no protection. If agricultural products are being produced in this country in quantities more than are necessary to supply the domestic market, then there is no justification for protection for them. Only under those circumstances which I have stated can I conceive of a tariff duty ever being justified. In the framing of this bill all previous protective principles have been abandoned.

The pathetic part of the bill is the benefit which it will confer on the trusts. Never is a trust justified in getting a protective tariff duty. Even when this unusual privilege and power of imposing taxes to accord protection has been exercised in the past, the Republican Party has boasted that undue extortion upon the people would be prevented because the competitive character of our industries in America was such that one would be a check upon the other if prices were increased too high; but with the coming of the trusts, with the consolidation of the big business, with the control of the prices of many of our commodities in the hands of a few, a tariff is nothing more nor less than a license; than a permission granted with the sanction of the Government to increase the price to the high tariff level without competition and without check. Yet in this bill the trusts have been given this privilege.

The concern which produces 10 per cent of the consumption has been given protection; the concern which produces 99 per cent has been given it. No distinction has been made between an industry which is deserving and entitled to protection on the theory that it is a growing industry, the products of which America needs to have made here, and the industry which is not deserving. That is the fundamental mistake which I think the Senator from Idaho, with good intentions, is making, that he interprets protection as a gift that will operate wherever it is provided. He seems to assume that there are no fundamental principles behind the theory of protection; that it is a strong-arm method of raising prices which the agriculturists of the country have as much the right to have exercised in their behalf as have the manufacturers of the country.

The trouble with the agricultural schedule is that product after product is exported in large quantities. Twenty per cent of our agricultural production is exported from this country. What will be the effect of a tariff upon such a product? Either it will increase the price or it will not increase the price to the people at home here. If it does result in increasing prices it will make agricultural products so high that the countries of the world will refuse to buy from us, because they can go to Argentina, Australia, and to other parts of the world where agricultural products are being produced and exported.

Mr. President, if the Senator from Idaho can demonstrate to me that there is an agricultural product that the American people need, that it is essential for our life and happiness, that it is not being produced here in sufficient quantity to take care of our demands, and that our market is being flooded with a comparable foreign product, then I will listen to his argument; then I will consider whether we ought not to apply the principle of protection.

Protection should be limited. You can not protect everything. There must be two guaranties to the people when the protective principle is exercised in behalf of an industry. There must be a guaranty that in the exercise of the protective principle those accorded protection will show themselves capable, in due time, of taking care of the demand; and, secondly, that they will take care of the demand at a reasonable price. The tariff duties that simply protect and permit ultimately extortionate prices never can be justified, never can be defended. I can not conceive of the committee abandoning the policies which they claim have made America great, and increased industry in this country, and protected the workingman. It has all gone; it is all abandoned, for protection is spread around here, there, everywhere. There

is no scientific arrangement made; it is a mere guess as to whether rates shall be 5 per cent ad valorem or 50 per cent ad valorem.

The Republican Party needs no assistance from me; but I think it is making a very serious and a very grave mistake. To go before the farmers of the country and say to them, "These duties will operate to increase your prices, and you are going to benefit accordingly," in face of our experience under the emergency tariff law, is a mistake.

There are some agricultural products which protective duties will benefit. The Senator from California is interested in agricultural products in this bill, and the duty levied upon them is certain in most instances to be effective in increasing the prices, but they are agricultural products which the farmers themselves will have to buy in large quantities. However, when the time comes we will discuss that phase of the bill.

I repeat that the granting of protection to manufacturing industries, agricultural industries, or any other industries which are producing more than sufficient to supply the demand of our people is unjustifiable, indefensible, pernicious, and destructive of the liberties of a free people. It is an abuse of a privilege which ought to be sparingly used, for it is an unusual power; and the carrying of that power to extremes, the taxing of people beyond reasonable limits, has in the past led to the overthrow of many of the governments in the Old World. There is nothing which we should more carefully guard, nothing about which we ought to be more cautious, than the levying of taxation upon our people.

Now, Mr. President, I wish to get back to the particular item to be considered.

Mr. President, I am going to move several amendments to the first paragraph. I will announce them all at this time, and shall ask that they be later taken up for action in their order. Three of the motions are designed to restore to the paragraph the rates fixed by the House. The third motion will explain itself when I read it:

PARAGRAPH 701—FRESH MEATS AND CATTLE.

Mr. President, I move as an amendment to the Senate committee amendment to strike out the numeral "1½," line 8, page 99, and insert in place thereof "eight-tenths of 1 cent."

I move as an amendment to the Senate committee amendment to strike out the numeral "2," line 10, page 99, and insert in place thereof "1⅛ cents."

I move as an amendment to the Senate committee amendment to strike out the numeral "3½," line 10, page 99, and insert in place thereof "2 cents."

I move as an amendment to the Senate committee amendment, on page 99, line 10, after the word "pound," add the following: "*Provided*, That live cattle shall be free of duty when from countries or dependencies which give free entry to live cattle and meat products produced in the United States."

These amendments make cattle and beef rates relative.

The amendment to the paragraph proposed by the Senate committee is an increase in the rate as well as a change in the classification fixed in the House bill.

DIFFERENCE BETWEEN PARAGRAPH 701 OF THE SENATE BILL AND PREVIOUS LAWS.

Under the Underwood Tariff Act cattle and meats were free of duty.

The Payne-Aldrich rates were:

Cattle, if less than 1 year old, $2 per head; all other cattle valued at not more than $14 per head, $3.75 per head; if valued at more than $14 per head, 27 per cent ad valorem. Fresh beef or veal, 1½ cents per pound; tallow, one-half of 1 cent per pound; oleostearin, free.

The emergency act of 1921 fixed the duty on cattle at 30 per cent ad valorem and on fresh beef and veal 2 cents per pound.

It is to be noted that the Payne-Aldrich Act fixing the duty at 27 per cent ad valorem on the more valuable cattle, and the emergency act fixing the duty at 30 per cent ad valorem on all cattle, work out about the same as the specific duty on cattle fixed in this paragraph.

COMPARISON BETWEEN SENATE COMMITTEE AND HOUSE RATES ON CATTLE.

The Senate amendment changes the bracket from an age limit to a weight limit. Cattle weighing less than 1,050 pounds each are dutiable at 1½ cents per pound; cattle weighing 1,050 pounds each, or more, are dutiable at 2 cents per pound.

This amounts to an increase over the rate fixed in the House bill of an average of 1 cent per pound.

Under the Senate amendment a steer weighing 1,051 pounds will be taxed at $21; under the provision of the House bill a similar steer weighing 1,051 pounds would be taxed at about $13. The Senate amendment, therefore, increased the duty about 61½ per cent over the House rates.

FRESH BEEF AND VEAL.

The Senate committee amendment increased the rate fixed by the House bill from 2 cents per pound to 3½ cents per pound, or 75 per cent over the House rates.

RATES ON FRESH BEEF AND VEAL UNDER FORMER TARIFF LAWS.

The emergency tariff act fixed the duty on fresh beef and veal at 2 cents per pound—same as the House bill. Therefore the Senate amendment increases the rate 75 per cent over the rate in the emergency tariff.

The Underwood law placed fresh beef and veal on the free list.

Under the Payne-Aldrich Act fresh beef and veal were taxed at 1½ cents per pound. The rate therefore proposed by the Senate amendment is an increase of 133⅓ per cent over the Payne-Aldrich Act.

WHY THIS HIGH RATE ON FRESH BEEF AND VEAL?

Of course, the real reason is the attempt to placate the agricultural interests by giving them their share of protection. This high duty is of course based upon the theory that it will be reflected in increased prices to producers and the consumers and that the increased prices paid by the consumers will benefit the farmers in an advance in the price of cattle.

DIFFICULTIES WHICH THE STOCKMEN HAVE ENCOUNTERED.

Unquestionably heavy losses have been suffered by the cattle raisers, but their difficulties have been caused not by importations of fresh beef and veal but by acts of God, to wit, weather conditions and war. That the industry had prospered during the war is indicated by the rapid increase in the production and exports of beef. But recent years were marked by severe droughts, which compelled the stockmen to decrease their output and increase their cost of production. They also suffered from a general increase in the cost of feed, labor, and miscellaneous expenses due to war conditions.

Although prices of cattle, as well as other agricultural products, rapidly rose during the war, it is significant that costs rose proportionately, and the net gain questionable.

If the duties provided for agricultural products in this schedule are effective they will merely react upon the farmers in higher costs of labor and of manufactured products. If not effective the farmer is being deceived.

FROM THE FARMER'S STANDPOINT, WHAT WOULD BE THE EFFECT OF THE INCREASED DUTY ON THE PRICE WHICH HE WOULD RECEIVE FOR HIS CATTLE?

The American beef production is just now at a point where it just about supplies the domestic demand. At most the duty only secures to the domestic producers of beef a future monopoly of the home markets. The imports have been almost entirely in the form of live cattle from Canada. These have largely consisted of feeders and stockers, of which there is an increasing shortage because of conditions on the western range. It is the imports of live cattle from Canada which have chiefly permitted of pre-war exports of beef and veal.

Are these duties going to benefit the cattle raisers of the country?

They may benefit the cattle raisers until such time as domestic production overtakes domestic demand. The normal domestic demand is sometimes greater than domestic production.

The United States was on a net export basis in 1916 to 1919. In 1913, 1914, and 1915 the United States was on an import basis. Prior to that time we were on an export basis for 125 years. The fact that we no longer are great exporters of beef is because of the settlement in this country and the curtailment of the chief grazing lands. It is significant that the great decline in our production and exports occurred during 1907–1913, when the Payne-Aldrich rates were in force. While we were on a heavy export basis from 1903 to 1911 American hind quarters on the market sold for an average of 12⅜ cents per pound and Argentine hind quarters at 8¾ cents per pound. In other words, American beef commanded a price premium.

According to the Department of Agriculture (Yearbook, 1914), it was the rapid decline of the American exports which developed the Argentine industry.

During the war, particularly after April, 1917, refrigerator shipping was largely decreased in its effectiveness, and the nearness of North America to Europe enabled the same number of ships to take approximately eight times as much beef from North America to Europe as from Australia to Europe and about four times as much beef from North America to Europe as from Argentina to Europe.

The world demand for beef at the present time is greater than production. In the United States at the present time the domestic demand is almost equal to domestic production.

THE INCREASE OF PRICES OF BEEF AND VEAL TO THE CONSUMERS.

If the tariff duties fixed upon fresh beef and veal become effective, an enormous tax would be levied upon the consumers of these meats. From 1912 to 1916, average normal years, we produced in the United States 6,600,000,000 pounds of fresh beef and veal annually. An increased price of 3½ cents per pound on this production will amount to a tax upon the consumers of $231,000,000 annually. If these rates become effective, as it is the intention of those who urge them, the people of this country will have to pay annually in the future $231,000,000 in addition to the sum otherwise paid for fresh beef and veal.

PER CAPITA TAX BY REASON OF THE DUTY ON FRESH BEEF AND VEAL.

The average per capita consumption during the normal years 1912 to 1916 was 5 pounds of veal and about 60 pounds of beef. An additional tax of 3½ cents per pound upon this consumption means an increase of $2.27 to every person in this country. As the average family consists of five members this increased tariff duty means an increase of $11.35 to every American family.

In Massachusetts the tax on the people would be about $9,000,000.

If effective, the duties proposed in the pending bill will increase the prices of fresh meats and meat products to the consumers of the United States as follows:

Table showing the effect of the proposed tariff duties in increasing the price of beef and veal, mutton and lamb, pork, and pork products to consumers.

Commodity	Annual total price increase.	Annual price increase per capita.	Annual price increase, family of 5.
Beef and veal	$231,000,000	$2.27	$11.35
Mutton and lamb	31,500,000	.30	1.50
Pork (exclusive of lard); as about 50 per cent of pork products are hams, bacon, and shoulders, which bear a 2-cent per pound duty, this is conservatively stated at	105,000,000	1.08	5.40
Lard	12,000,000	.12	.60
Total	379,500,000	3.77	18.85

If duty is effective, Massachusetts consumers must pay increased prices for their fresh meats and meat products amounting to $15,140,000 annually.

The Massachusetts increased prices will be as follows:

Commodity.	Annua total price increase.	Annual price increase per capita.	Annual price increase, family of 5.
Beef and veal	$9,080,000	$2.27	$11.35
Mutton and lamb	1,260,000	.30	1.50
Pork (exclusive of lard)	4,320,000	1.08	5.40
Lard	480,000	.12	.60
Total	15,140,000	3.77	18.85

Mr. President, that is a pretty serious matter; that is a pretty serious bill—a third of a billion dollars for fresh meats. Who is going to get the benefit of it? We know one thing—that the packers are going to get some of the benefit, and we know that they are going to benefit very, very substantially, and you are going to meet the argument that you are taxing the consumers of America this enormous sum to go into the pockets of the packers of this country.

PACKERS FIX MEAT PRICES.

Mr. PITTMAN. Mr. President——

Mr. WALSH of Massachusetts. I am glad to yield to the Senator.

Mr. PITTMAN. I thought the packers were establishing large packing houses in South America and that they would like to get that meat in as cheaply as possible. Does not the Senator think so?

Mr. WALSH of Massachusetts. That is the claim made by many people. The trouble, though, is that the meat produced and shipped to this country from South America is frozen meat, and frozen meat has not been able to get a very strong foothold in America as against the fresh meat or the chilled meat produced here.

Mr. PITTMAN. They are bringing in some of it.

Mr. WALSH of Massachusetts. There has been some of it brought in, yes; in small amounts.

Mr. PITTMAN. And if they had to pay a duty on it, it would be more difficult in the future, would it not?

Mr. WALSH of Massachusetts. Yes; it would.

Mr. PITTMAN. Consequently this duty in that particular can not help the packers, can it? I really would sincerely like to know how the Senator figures out that this duty will help the packers.

Mr. WALSH of Massachusetts. I suppose the Senator will agree with me that the 7,000,000,000 pounds of fresh beef that is sold in America is sold in large amounts through the packers.

Mr. PITTMAN. Undoubtedly.

Mr. WALSH of Massachusetts. I suppose the Senator will agree with me that levying tariff duties increases prices.

Mr. PITTMAN. The packers fix the price of the meat entirely, but if the packer can get his meat from the outside he places that meat in competition with the meat produced on the inside, does he not?

Mr. WALSH of Massachusetts. I suppose that is true.

Mr. PITTMAN. That is what I was getting at.

Mr. WALSH of Massachusetts. I do not think he has found that the competition from the importation of fresh meats from Argentine has been serious. There has been no time, so far as I can gather from statistics here, when the importation has been at all serious. I think the importation one year was about one-half of 1 per cent. At a later time I will give the Senator the exact figures, but it has not been at all heavy. I think everybody must agree, however, that if these duties are effective the packers will get some of the benefit of the increased prices.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. WALSH of Massachusetts. Certainly.

Mr. SIMMONS. The Senator says that the importations of fresh meat from the Argentine have not been serious. I should like to ask him if he has any information as to whether such importations as have come from the Argentine have not been made by the packers, who, as I understand, have plants in that country?

Mr. WALSH of Massachusetts. Yes; I think the Senator's statement is correct, that such importations have come from the packers.

Mr. SIMMONS. The packers have been importing some of their meats from the Argentine.

Mr. WALSH of Massachusetts. Along the Atlantic seaboard, yes; but very little—very little.

Mr. SIMMONS. The packers buy most of the fresh meats of this country that are sold in large quantities?

Mr. WALSH of Massachusetts. Certainly.

Mr. SIMMONS. The packers would probably use the fact that they had to pay a duty upon the imports from the Argentine as an excuse for increasing the price of their products to the American people; would they not?

Mr. WALSH of Massachusetts. Certainly.

Mr. President, I desire now to call attention to a newspaper article published in the New York Times in reference to the extent of the profits made by some of the packers, and to suggest to the Senate that there was not much need of increasing tariff duties that would be reflected in increased prices that the packers could charge the American consumers, or increased profits. The article which I am about to read was published in the New York Times on February 2, 1921, and is as follows:

BENEFIT TO THE PACKERS.

Quoting from a paragraph in the New York Times of February 2, 1921:

1,233 PER CENT DIVIDEND IN PACKERS' STOCK—MORRIS & CO.'S REPORT SHOWS UNANNOUNCED CAPITALIZING OF $37,000,000 SURPLUS.

The declaration of a stock dividend of 1,233 per cent is revealed in the annual report of Morris & Co., packers, made public to-day. The company has increased its capital stock from $3,000,000 to $40,000,000 by capitalizing $37,000,000 of surplus. The new stock consists of $27,000,000 common and $10,000,000 preferred, which is to pay 7 per cent annually and on which an initial dividend is expected to be paid within a few months.

The distribution of the new stock took place some time ago, but no announcement was made. The stockholders received 9 shares of new common and 3⅓ shares of preferred. The company is a closed corporation, all the stock except a few shares held by officers being owned by the heirs of Nelson Morris, founder of the business, and the estate of Edward Morris.

EXPORTS AND IMPORTS OF BEEF AND VEAL.

Imports of beef and veal in 1914 were 200,000,000 pounds, and for the following years there was a very decided decrease. In 1918 we imported 23,000,000 pounds, valued at $4,000,000; in 1920 we imported 50,000,000 pounds, valued at $8,000,000; in 1921 we imported 30,000,000 pounds, valued at $4,000,000; less than one-half of 1 per cent.

We exported in 1914, 95,000,000 pounds, and during the following war years our exports rapidly increased until they

reached the figures of years previous to 1914, when we exported three times as much beef as we imported.

In 1918 we exported 514,000,000 pounds, valued at $109,000,000; and in 1920 our exports again dropped to about the figures of 1914, namely, 90,000,000 or 95,000,000 pounds. In 1921 we exported only 52,000,000 pounds. Our exports in 1921 were about double our imports.

PRODUCTION.

We slaughter about 7,000,000,000 pounds of beef and veal per year, which just about equals our consumption.

Taking, for instance, the year 1921, our production was 7,000,000,000 pounds, our imports 30,000,000 pounds, and our exports 52,000,000 pounds. Imports of beef and veal did not equal one-half of 1 per cent of our production.

HISTORY OF EXPORTATION AND IMPORTATION OF BEEF.

Until 1907 the United States dominated the world trade in beef. It contributed fully one-half of the world's exports. In subsequent years our production rapidly decreased in the face of the increase in population, and despite the substantial tariff rates in force. The effect of the tariff was dwarfed by basic economic developments in the industry. It is noteworthy that prices steadily rose during this period, while the per capita consumption declined. This decline in production was due to many causes. One was the land situation in the West; another the lack of control of public range, homesteading, and the competition of other types of agriculture.

In 1913 this country first showed an import balance, which was greatly increased in 1914. In former years the United States always received some Mexican and Canadian cattle. During the war many more live cattle were imported. These cattle besides affording a market for the American crop of foodstuffs were in a considerable degree responsible for the exports of beef. In 1913 heavy imports of meat occurred for the first time.

During the war, when the shipping situation placed a premium upon American supplies, our production of beef increased and exports of dressed and cured beef rose beyond the levels existing during the period when our foreign trade in beef was heavy, although live cattle were virtually absent from our export trade.

In 1920, however, a reaction developed, and the American export trade in beef had virtually disappeared, while imports again showed an increased tendency. These imports, it should be noted, are largely in the form of live cattle.

So far as concerns actual beef and veal, the American product has a protection entirely apart from the tariff in the higher prices for American corn-fed beef and the prejudice against grass-fed Argentine beef cattle; most of the dressed beef exported has come from South America, as well as a prejudice against frozen beef; most of the beef exported from South American countries is frozen.

Certainly, Mr. President, a corporation which makes such enormous profits as disclosed in the article which I read a few minutes ago is not entitled to and does not need any protection from the American Congress. It is not entitled to any further license to increase the cost of fresh beef to the people of America. This financial record shows how they have profited, how they have expanded their fortunes, how they have enriched themselves through the prices they have demanded from the American consumers, and this chiefly and largely during a period of time when fresh beef was on the free list.

Mr. PITTMAN. Mr. President——

PACKERS HAVE MADE 1,200 PER CENT.

Mr. WALSH of Massachusetts. If this corporation, and similar packers' corporations, can distribute a 1,200 per cent dividend from earnings made when there is no protective tariff duty, in Heaven's name how can we justify the levying of a protective tariff duty now?

Mr. PITTMAN. Mr. President, the Senator has called attention to the exact fact I was about to call attention to, that the product was on the free list, and the tariff had nothing to do with the profits. No concern could make 1,200 per cent unless they had an absolute monopoly of the trade, both in fixing the price of purchase and the price of sale, which we have always contended; that is, those of us who have been trying to control those institutions. But they are also now monopolizing the trade of South America, where they have cheaper labor than they have in this country, and broader ranges; where they pay no taxes; where they have enormous grants; and if they can make 1,200 per cent out of American cattle, they can make 5,000 per cent out of Argentine and other South American cattle. That must be perfectly apparent to the Senator.

The great trouble with the Senator is that he is like a western Republican. The western Republican is trying to bend Republicanism to his local conditions, and an eastern Democrat, where he finds they do not need any tariff on his manufacturing products, as the Senator has just said they do not need on the boots and shoes, ceases to stand even for a competitive tariff. He said awhile ago he favored a competitive tariff in some cases. In what cases? He favors a competitive tariff where the competition is going to run an industry out of business, I take it from what he said. But the raising of cattle and sheep is not the business of his people, and therefore he wants such products on the free list.

It is perfectly apparent what the situation is. If cattle and beef were raised in his State to-day he would find that it required a competitive tariff; they are not, and therefore he is making a strained argument and trying to tie up to this amendment a great monopoly in this country, which this side of the Chamber has been fighting for years, as the Senator knows. It is not fair to his colleagues on this side, no matter how good an argument it might be for him in the face of an election.

I never was a free trader.

Mr. WALSH of Massachusetts. Does the Senator expect me, as a Democrat, to abandon the defense of the position of the Democratic members of the Finance Committee on these agricultural products?

WOULD CURB GREAT TRUSTS.

Mr. PITTMAN. I do not ask the Senator to take this stand or any other stand. He has taken his stand as favoring a competitive tariff, exactly the position the Senator from Alabama [Mr. UNDERWOOD] took when he had charge of the tariff bill in the House. It is a position I take now. The Senator is not arguing, as far as the West is concerned, for a competitive tariff. He is arguing free trade for the West; that is all he is arguing. His whole argument is based on that. The Senator knows, and he has proven by his own argument, that the price of cattle and sheep and meat all through the West is absolutely fixed day by day by this great monopoly he has just described. He knows we have been fighting here to curb that monopoly, and have not been successful.

Mr. WALSH of Massachusetts. Does the Senator say that the increase of the duty upon fresh beef will hurt the monopoly?

Mr. PITTMAN. It will do one thing; it will not allow these great monopolies, which are now organizing their business in cheap countries, to substitute that meat for the meat we are now buying. That is one thing. They can not drive us clear out of business, can they? That is what they are trying to do. Why do you suppose these great concerns have spent a billion dollars in South America to build up packing plants there if they have no market for the meat? Why do you suppose they are trying to introduce it into this country if it is not for the purpose of beating down the producer's price of meat in this country?

Would they not be in a better position to come to a cattle raiser in Montana and say, "I will give you $15 a head for your cattle, and if you do not give them to me for that I will bring beef in from Uruguay or Paraguay or I will bring it from Argentina." It puts a weapon in their hands when they have a supply outside of this country that they can threaten to use instead of the supply of this country, and they are using their intimidation just now. That is the trouble. The Senator is not arguing about his own hypothesis. He started out for a competitive duty; he is for a competitive duty for Massachusetts and he is for free trade in everything they raise outside of Massachusetts. It is a magnificent position in a campaign, but it is hardly consistent with the position he is now trying to maintain as a United States Senator.

Mr. WALSH of Massachusetts. Mr. President, I supposed I was representing not only the views of the Democrats of Massachusetts but also the views of the Democrats of North Carolina, of Missouri, of Rhode Island, and the other Democratic members of the Finance Committee.

I want to say to the Senator that I think he misunderstood my argument if he thought I said I favored compensatory duties for the industries of Massachusetts. I favor tariff protective duties for every industry that is not producing a sufficient volume of the products to meet the American demand and is meeting with foreign competition that threatens the destruction of that industry. The distinction between the condition in the case of manufactured products and that relating to agricultural products is this: That there is more beef produced in America than the demand; and where there is more of the manufactured product produced in America than the demand, I am against a tariff. A tariff can only be justified, I claim and contend, when the production is beneath the demand and the extra demand is being filled with foreign competition which forces down the price of the commodity produced here in America below the cost of production.

It seems to me that the Senator does not make a distinction between the product that is supplied in larger quantity and exceeds our demand and those products that actively compete with foreign products. In the case of fresh beef the demand and the supply are practically the same. When the demand was less than the supply, in the years previous to 1914, we exported beef in very large amounts, and we are now in a situation where the supply is not sufficient for the demand, and where it will be necessary to import some beef if our supply does not increase; and when we begin to import, of course, these duties will certainly become effective.

Mr. PITTMAN. If these great packers, whom the Senator is condemning now, should be shown to own all of the available range meat supply of the world outside of the United States, and it should turn out that it was possible for them, by reason of these free ranges and cheap labor, to bring that meat into the great seaport cities, which are the great consumers of the United States, and absolutely destroy the profit in the raising of beef, would the Senator be in favor of a duty?

Mr. WALSH of Massachusetts. I think under those circumstances I would favor a duty; but I have not yet been able to get any information that there has been any importation in large volume or that there is any threatened importation, and I do not think we ought to legislate upon what might happen in the future and what is not likely to happen in the future, in view of the information furnished us by the Tariff Commission.

Mr. PITTMAN. The Senator does not know that these packers, whom the Senator from North Carolina stated were the chief importers, are increasing their business steadily, and increasing their importations. Does the Senator not know that that is a fact?

Mr. WALSH of Massachusetts. I can not say to the Senator that the information I have available tends to prove that.

Mr. PITTMAN. It is a fact.

Mr. WALSH of Massachusetts. I do say that experts inform me that the frozen beef from South America has been unpopular and has not received the demand that was expected for it; and that there is a very strong prejudice in the United States against beef from grass-fed cattle, because the American taste has been educated to beef from corn-fed cattle.

Mr. PITTMAN. Does not the Senator realize that nearly all of the great meat supply of this country is in the interior, and that the railroad transportation is also a tremendous element in supplying these coast points with it, where it comes in competition with the foreign meat?

Mr. WALSH of Massachusetts. I do.

Mr. PITTMAN. The Senator is on the Finance Committee. How many of the packers came before the Finance Committee asking for a duty on meats?

Mr. WALSH of Massachusetts. I have no evidence that any of them came in the open meetings.

Mr. PITTMAN. Was not that significant in itself? Yet the Senator tries to tie this amendment to the packers. That is what I say is unjust. The people who came before the Finance Committee to beg of them to sustain an industry that was rapidly dying were little stock raisers from all over this country, people who are fighting to the death with the very packers the Senator from Massachusetts is now so ably condemning, in which I join with him heartily.

Mr. WALSH of Massachusetts. I do not think the Senator means to insinuate that I would knowingly defend any monopoly or trust on this floor. If my public service has meant anything, it has meant that I have been free from the taint of advocating the causes of the special interests.

Mr. PITTMAN. I most heartily agree with that. I meant no such thing. The Senator would not knowingly do anything to aid the packers.

Mr. WALSH of Massachusetts. If I am arguing now a proposition which the Senator thinks would benefit the packers, it is through misinformation furnished me. I have no purpose in doing other than presenting the facts and ask that well-known tariff principles be applied to them.

Mr. KELLOGG. Will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. KELLOGG. Does not the Senator know that the information before the Finance Committee showed that in 1920 there were 301,334,000 pounds of beef or beef cattle imported into the United States, a large part of it coming from Argentina?

Mr. WALSH of Massachusetts. If the Senator would wait until I finish my argument I would give him that information. Some of it I have already given.

Mr. KELLOGG. I understood the Senator to say that he had no information of any large amount of beef or cattle being imported into this country.

Mr. WALSH of Massachusetts. I said to the Senator that the amount of beef or cattle imported was trivial, was insignificant, and the figures 300,000,000, which he has just given, are insignificant, when it is reflected that the consumption in this country is 7,000,000,000 pounds. That is less than 5 per cent of the consumption, on the Senator's own figures, in the one year he selected.

The importations are less than 5 per cent, and yet he asks the American people to pay $375,000,000 more a year to keep out 5 per cent of fresh beef and cattle, or less than 5 per cent, that is being imported into this country, and the year the Senator quotes is an exceptional year. His figures include cattle—much of the cattle imported was feeder cattle for Canada, which farmers agree helps the industry as a whole. The facts are, Mr. President, that the importations of fresh beef have been less than 1 per cent in most of the years.

Mr. President, the record of imports and exports shows that up to the year 1912 we were producing in America very much more fresh beef than our consumers demanded. During the 10 or 15 years previous to that time we were doing a very heavy export business in fresh beef, but steadily our consumption was increasing, and in 1912 and 1913 we reached a situation where the consumption was practically the same as the production. The war came on and to meet the demands made for fresh beef by Europe the records show that there were importations from Canada of feeder cattle which enabled the American market to ship large quantities of fresh beef to Europe, and during the war years the exportation of fresh beef increased very materially. The price of beef also increased correspondingly, as we well know. Since the war there has been a gradual resumption of normal conditions. So that to-day the production is about the same as the demand, and there is comparatively little importation and comparatively little exportation though there has been some increase in exportation.

Now, so far as cattle are concerned, whatever importations we have had have been feeder cattle that have come in from Canada, which many of the agriculturists argue is helpful, because the feeder cattle are shipped out on the farms, and the agricultural products which the farmer raises are used in feeding the cattle and getting them ready for the market. That is the way that it has seemed to me, and if an amendment could be offered to the bill which would provide for interchange of Canadian cattle for our meat and beef, we would be serving both the consumers and the farmers of the country and rendering them great benefit. The coming in of a reasonable amount of feeder cattle would help to consume the feedstuffs of the West and the shipping of beef into Canada without a duty would help to create a market in Canada for our fresh beef.

I want to repeat that there has been and there is no serious threatened importation of cattle or fresh beef, and whatever importation we have had has not and can not be of any effect upon fixing the prices.

Mr. President, I do not think there is anything more I care to say upon this item. I believe that if the duty is effective it will exact an unreasonable amount from our people. If it is not effective, then it will serve no purpose, it will be of no benefit to the farmer, and will not bring about the end desired by those who advocate this exceedingly large duty, the largest duty ever levied, an increase of 75 per cent on fresh meats over even the high duties of the Payne-Aldrich and the emergency tariff laws.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH] to the amendment of the committee, which the Secretary will report.

The READING CLERK. On page 99, line 8, strike out "1½ cents" and insert "eight-tenths of 1 cent."

Mr. BURSUM. Mr. President, I hope that the amendment of the Senator from Massachusetts will not prevail. Under the doctrine advocated by the Senator from Massachusetts we would have the American farmer competing with the cheap labor and cheap lands of Argentina and other South American countries. It is difficult to understand the logic of the Senator from Massachusetts. He seems to be alarmed about the tariff. In one breath the statement is made that the tariff will not give the farmer any benefit, and the next moment he is alarmed about the millions of dollars of increase in cost to the consumer on account of the duty which we propose to impose in protection of the cattle industry, the cattle raiser, and the farmer.

Mr. President, as a matter of fact, the farmer, the producer, receives a very small percentage of the price which is obtained for the finished product. For instance, I call the attention of the Senator from Massachusetts to the fact that in 1912 beef was selling on the market at an average of $8.25 per 100 pounds and porterhouse steak was selling at the same time at

an average price of 24 cents per pound. In 1921 beef brought approximately the same price, but the average selling price on the block for porterhouse steak was 50 cents a pound. This simply demonstrates that the price which the consumer is paying is not due to the price which is obtained by the producer, and that the tariff has nothing whatever to do with the exorbitant prices for which meats are being sold at retail over the butcher's block.

Mr. President, this is a very serious proposition. The question of stabilizing the live-stock industry of the country is a serious thing to the farmer. It is the medium through which the farmers are enabled to market their corn. The best market there is for the farmer is through fattened beef. I know of no other way for corn to be marketed. It benefits every farmer in the country. The tariff does not necessarily mean that the consumer will pay more for his beef. The tariff simply means that the industry will be stabilized.

Experience through the years when we had the Dingley tariff law showed that beef sold at lower prices to the consumer than it does to-day. A protective tariff will stabilize the industry. It will protect it from ruinous competition. That is the object of the tariff. It will tend to promote competition within the country. Live stock is produced by hundreds and thousands of farmers and ranchmen. There is no such thing as a trust or a control over the live-stock industry of the country. Live stock is produced by small farmers, small ranchmen, who raise from ten to one hundred or two or three hundred head, and now and then we may find some stock grower who may have two or three thousand head. But stock growing is participated in by the farmers all over the country, and there is no such thing as a trust or a control. Therefore, a protective duty is in aid of stabilizing the industry and protecting the industry against the threatened ruinous competition from other countries, such as New Zealand in the case of sheep, and Argentina in the case of cattle, and Mexico, when it is in a normal condition, which it is not at this time, in the case of both cattle and sheep.

Our experience with the tariff has proven beyond any question that the system not only stabilizes the industry and makes it more prosperous and creates home competition, but it proves beyond any question that it is the system which will permit an adequate supply in this country. For instance, under the Dingley tariff law our exports of beef were the highest we had had for 30 years. In 1900 we exported 606,000,000 pounds; in 1901, 734,000,000 pounds; in 1904, 770,000,000 pounds; in 1906, 764,000,000 pounds; in 1907, 614,000,000 pounds. The exports gradually dwindled after 1912 until our exports were nil or our imports exceeded our exports. Our exports under a protective policy of 27½ per cent, which is practically the same rate as that provided under the present proposed amendment of the committee, gave us net exports to other countries of an average of more than 600,000,000 pounds annually, while after the duty was taken off our exports dwindled until we have imported more beef than we have exported. At the same time the consumer was furnished with cheaper meats for his table than is the case to-day.

The matter is serious from another standpoint. There is great danger that our available supply of cattle in this country will be so depleted that we shall not be in a position to rely upon domestic production to supply domestic demands. The number of cattle since 1910 to the present time has decreased from 50,000,000 to 35,000,000 head. The situation is a very serious one. During the World War prices were unusually high, and labor was also unusually high; but suddenly the market became demoralized and, on account of the curtailment of credits, hundreds of thousands of young breeding stock, young heifers and young cows, were forced upon the market to liquidate existing indebtedness. That very greatly decreased the power of our cattle producers to furnish and fulfill the requirements of our domestic market.

Therefore we are not only threatened with ruinous competition but we are threatened with the destruction of the industry itself. If this industry is permitted to be destroyed, the American people will probably fare the same as people have been faring in other countries which depend entirely upon foreign nations for a supply of meat, and a large portion of our citizenship will probably be able to have meat but a part of the time. We may not only have meatless and wheatless days, as we had during the World War, but we shall have that as a permanent condition so far as meat is concerned. I hope the amendment proposed by the Senator from Massachusetts to the committee amendment may be defeated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. WALSH] to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The next amendment proposed by the Senator from Massachusetts to the committee amendment will be stated.

The READING CLERK. The next amendment proposed by the Senator from Massachusetts to the committee amendment is, on page 99, line 10, to strike out "2" and to insert "1½."

The VICE PRESIDENT. The question is on the amendment to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment as amended.

Mr. WALSH of Massachusetts. There is one other amendment to the committee amendment which I wish to have submitted to the Senate. I move, on page 99, line 10, after the word "pound," to insert the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts to the committee amendment will be stated.

The READING CLERK. On page 99, line 10, after the word "pound," it is proposed to insert the following proviso:

Provided, That live cattle shall be free of duty when from countries or dependencies which give free entry to live cattle and meat products produced in the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment as amended.

Mr. HITCHCOCK. Mr. President, I should like to ask some Senator who is a member of the Committee on Finance what has been the effect of the emergency tariff law imposing a duty of 30 per cent on cattle which has now been in effect for nearly 14 months? That duty was put on for the purpose of aiding the cattle industry just as this is proposed to be.

Mr. McCUMBER. It has had a wonderful effect in sustaining the price of cattle; but a report on the subject has just come up from the Tariff Commission which will be printed to-night—for I have asked that it be printed—and to-morrow the Senator from Nebraska will have the information for which he asks.

Mr. HITCHCOCK. We were told when the emergency tariff bill was presented some 14 months ago that the Committee on Finance was coming to the relief of the cattlemen of the country; that it was going to do something by way of a tariff which was going to increase the price of their cattle.

I wish now to call attention to the fact that cattle were selling in the Chicago market at $8 a 100 pounds at the time the bill was passed, and on the 1st of May of this year, about a year afterwards, they were selling for $8.60 a 100 pounds—a nominal increase of something less than 10 per cent—and that on June 26, yesterday, they were selling for $8.60, less than a 10 per cent advance in the price.

On the other hand, hogs were selling at $8 a 100 pounds, just as cattle were a year ago. No tariff was put on hogs, but the price of hogs has increased almost 30 per cent since that time. How can an advocate of a tariff on live stock of this character, which we export to other countries, look a farmer in the face and claim that a tariff is going to increase his prices when hogs have gone up nearly 30 per cent without any tariff, and cattle have not gone up even 10 per cent with the 30 per cent tariff?

Mr. WADSWORTH. But the Senator from Nebraska knows that we do not import live hogs in any considerable amount.

Mr. HITCHCOCK. I know that the bill now before the Senate has put a tariff on hogs. If we do not import any hogs, why does this bill propose a tariff on hogs?

Mr. WADSWORTH. But the Senator was referring to cattle——

Mr. HITCHCOCK. Now the Senator from New York is hedging.

Mr. WADSWORTH. Not at all.

Mr. HITCHCOCK. The Senator says we do not import hogs. Then, I ask him, why is a tariff proposed on hogs; and I ask him why hogs have advanced from natural causes nearly 30 per cent in a year and cattle, with this artificial assumed stimulus, have advanced less than 10 per cent? Is it not about time to admit that the price of articles which we import can not be advanced by putting a tariff on them?

Mr. WALSH of Massachusetts. Mr. President, I can furnish the Senator from Nebraska the information which he desires. I have a table here which gives the average prices of cattle for nine months previous to the passage of the emergency tariff act and the prices for the following nine months, and they show a constant and steady decline. On fat steers the percentage of decrease during the nine months following the emergency tariff law was 24; the amount of the decrease per 100 pounds was $2.83. On stocker cattle the percentage of decrease was 21 dur-

ing the nine months following the enactment of the emergency tariff law as compared with the previous nine months, and the amount of decrease per 100 pounds was $1.47. On feeder cattle the percentage of decrease was 26, and the amount of the decrease per 100 pounds $2.14. On fresh beef the percentage of decrease in price was 20, and the amount of decrease $3.76 per 100 pounds.

THE EMERGENCY TARIFF AND THE FARMER—HAS IT HELPED HIM?

The emergency tariff law became operative May 28, 1921. The following table (information confirmed by the Agriculture Department) shows the average price of fat steers, stocker cattle, feeder cattle, and fresh beef in Chicago during the nine months previous to the adoption of the emergency act and the nine months following its adoption:

Table showing that farmers of the West received no benefit from emergency tariff on cattle and fresh beef.

(Per 100 pounds.)

Product.	September, 1920.	December, 1920.	March, 1921.	Average for 9 months, September, 1920, to May, 1921.	June, 1921.	September, 1921.	December, 1921.	Average for 9 months, June, 1921, to February, 1922.
Fat steers	$15.97	$11.94	$9.62	$11.55	$8.24	$8.59	$8.58	$8.72
Stocker cattle	8.28	6.23	7.34	6.92	5.80	5.34	5.27	5.45
Feeder cattle	9.81	7.69	8.22	8.24	6.77	6.04	5.72	6.12
Fresh beef	25.25	19.40	17.44	19.39	15.25	16.25	16.50	15.63

The following table shows the amount and percentage of decrease in cattle and fresh-meat prices after the passage of the emergency tariff law, presumed to be for the benefit of the farmers. In view of this table, how can it be argued that the emergency tariff law benefits the farmers?

Product.	Per cent of decrease.[1]	Amount of decrease.[2]
Fat steers[2]	24	$2.83
Stocker cattle[2]	21	1.47
Feeder cattle[2]	26	2.12
Fresh beef[2]	20	3.76

[1] Based on comparison prices for 9 months before and 9 months following emergency tariff law.
[2] Per 100 pounds.

Mr. McCUMBER. Mr. President, may I call attention to the fact that during the months immediately succeeding the emergency tariff meat generally declined 8 per cent? That is true as compared with the six months preceding, from January to June 1. Foreign meats went down 20 per cent during the same period; so that it shows that we upheld our prices within 8 per cent on a falling market while the foreign prices went down 20 per cent on a falling market.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. HARRISON. Mr. President, in view of the fact that, in response to a resolution adopted by the Senate, the Tariff Commission has just made a report, which has not as yet been printed, which deals with all the articles covered by the emergency tariff act, why can not the agricultural schedule lie over until, say, day after to-morrow, so that we may read the report and learn what effect the various rates of the emergency tariff act have had?

Mr. ROBINSON. Mr. President, I will inquire if the report has been printed.

Mr. HARRISON. The report has just come in.

Mr. ROBINSON. It has been ordered printed to-day, but it has not actually been printed and is not now available.

Mr. HARRISON. It is not available, and I am not sure whether the order for printing it has been entered as yet.

Mr. McCUMBER. The moment the report came in I asked that it be printed and the order was then made.

Mr. ROBINSON. But the order for printing was made to-day.

Mr. McCUMBER. Yes, when the report came in this morning.

Mr. ROBINSON. So that it will not be available before tomorrow.

Mr. McCUMBER. Undoubtedly, it will be available to-morrow.

Mr. ROBINSON. I think the suggestion made by the Senator from Mississippi is a very good one. We ought to have some little time to study the report.

Mr. McCUMBER. About all it will contain will be a résumé of the reports which we already have had in printed form from month to month. I do not think the report will be of any great value to us. I never objected to the resolution calling for it, as some one wanted the information; nevertheless, I think about all that report contains, other than, perhaps, some conclusions—the Tariff Commission is very much disinclined even to put their own conclusions to a report—are facts in a little more condensed form showing how the prices have ranged from a time prior to the emergency tariff act to a period subsequent to that time. Those facts we have in the monthly reports.

Mr. President, we have practically done nothing to-day, and it does seem to me as if we ought to complete page 99 and get through with it to-day and then take a recess.

Mr. HARRISON. Mr. President, I may say to the Senator that I have no desire to delay the consideration of this schedule, but the Senate thought it wise to ask for the report, and it has just come in. It will be of no use when we have considered and acted on the agricultural schedule. It would not delay the bill at all if the consideration of that schedule should be deferred until day after to-morrow. We can go on with some other schedule. I am sure that the information might be of benefit to some Senators if not to the chairman of the committee.

Mr. McCUMBER. I think that we can all get the same information contained in the report. We have been delayed, and have fixed upon to-day as the time to begin the consideration of the agricultural schedule. If we break away we will find to-morrow that Senators will ask that different items go over, as they are not prepared, while Senators generally have prepared themselves to go on with the agricultural schedule and dispose of it. I hope the Senator will not ask us to lay it aside.

Mr. HARRISON. Mr. President, does the Senator think that the report of the Tariff Commission will be printed to-night and be available to-morrow morning?

Mr. McCUMBER. I think it ought to be, although I can not say absolutely. I think, however, that it will be.

Mr. HARRISON. It is quite voluminous.

Mr. ROBINSON. Mr. President, I think I ought to say that the suggestion of the Senator from North Dakota appeals to me as a very reasonable one. I do not desire to delay the consideration of this schedule, and I think we ought to make some little progress now. The Senator has indicated his purpose to recess if the page now being considered can be disposed of, and I am in accord with that suggestion.

Mr. SIMMONS. Mr. President, may I interrupt the Senator? I agree with the Senafor from North Dakota that there is no reason why this schedule should be delayed on account of the report of the Tariff Commission. I think we are ready to go on with it, and I hope we will go on with it; but I want to say to the Senator from North Dakota that I have just had a conference with the Senator from Massachusetts [Mr. WALSH], who is dealing with the paragraphs that the Senator wishes considered to-night. The Senator from Massachusetts tells me that he desires to discuss those schedules very briefly. His discussion will be exceedingly brief, but he desires an opportunity to discuss them.

Mr. McCUMBER To what paragraph does the Senator refer?

Mr. SIMMONS. I am talking about the paragraphs that the Senator desires to have acted upon to-night—the two paragraphs, I think, on the same page on which the paragraph we have just voted on is found.

Mr. McCUMBER. Mr. President, one objection that I have to recessing in a case like this is that the next day we go over the same arguments that have already been made, and they are generally repetitions, and there is so much time lost. That was why I was so eager to make a little headway to-night; but if the Senator desires——

Mr. SIMMONS. I fully agree with what the Senator has said. We thought there would be no discussion of the next two paragraphs; but the Senator from Massachusetts desires to make some brief statements with reference to them, and I think we had better let them go over until to-morrow.

Mr. McCUMBER. Very well.

ADDITIONAL DISTRICT JUDGES (S. DOC. NO. 225).

Mr. CUMMINS. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their dis-

tricts, and for other purposes. I send the papers to the desk with the report. The conference report is not long, and I ask that it may be printed in the RECORD, so that Members of the Senate may become familiar with it; for I intend some time to-morrow to ask for its consideration.

The conference report was ordered to lie on the table and to be printed, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, 2; for the eastern district of New York, 1; for the southern district of New York, 2; for the district of New Jersey, 1; for the eastern district of Pennsylvania, 1; for the western district of Pennsylvania, 1; for the northern district of Texas, 1; for the southern district of Florida, 1; for the eastern district of Michigan, 1; for the northern district of Ohio, 1; for the middle district of Tennessee, 1; for the northern district of Illinois, 1; for the eastern district of Illinois, 1; for the district of Minnesota, 1; for the eastern district of Missouri, 1; for the western district of Missouri, 1; for the eastern district of Oklahoma, 1; for the district of Montana, 1; for the northern district of California, 1; for the southern district of California, 1; for the district of New Mexico, 1; and for the district of Arizona, 1.

"A vacancy occurring, more than two years after the passage of this act, in the office of any district judge appointed pursuant to this act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide: *Provided, however*, That in case a vacancy occurs in the district of New Mexico at any time after the passage of this act, there shall thereafter be but one judge for said district until otherwise provided by law: *Provided further*, That from and after the appointment of a district judge for the middle district of Tennessee, the present district judge for the eastern and middle districts of said State shall cease to be a district judge for the middle district of Tennessee.

"SEC. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, D. C., or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any senior circuit judge is unable to attend, the Chief Justice, or, in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

"The Chief Justice, or, in his absence, the senior associate justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice.

"SEC. 3. Section 13 of the Judicial Code is hereby amended to read as follows:

"'SEC. 13. Whenever any district judge, by reason of any disability or necessary absence from his district or the accumulation or urgency of business, is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or in his absence the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided, and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however*, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.'

"SEC. 4. Section 15 of the Judicial Code is hereby amended to read as follows:

"'SEC. 15. Each district judge designated and assigned under the provisions of section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein.'

"SEC. 5. Section 18 of the Judicial Code is hereby amended to read as follows:

"'SEC. 18. The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the Chief Justice of either of said courts.

"'During the period of service of any judge designated and assigned under this act he shall have all the powers and rights and perform all the duties of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"'Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the

time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.'

"SEC. 6. Section 118 of the Judicial Code, as amended, is hereby further amended to read as follows:

"'SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code.'

"SEC. 7. All laws or parts thereof inconsistent or in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows:

In lieu of the matter proposed by the Senate amendment insert the following:

"An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes."

And the Senate agree to the same.

ALBERT B. CUMMINS,
THOMAS STERLING,
Managers on the part of the Senate.

A. J. VOLSTEAD,
JOSEPH WALSH,
Managers on the part of the House.

ADDRESS BY HON. WILLIAM G. M'ADOO.

Mr. ROBINSON. I ask unanimous consent to have printed in the RECORD, in 8-point type, a brief address delivered by the former Secretary of the Treasury, Mr. William G. McAdoo, at Hutchinson, Kans., on May 24, 1922, dealing with general industrial and political conditions.

The VICE PRESIDENT. Without objection, it is so ordered.

[For address see Senate proceedings, Friday, June 2, 1922, pp. 7992–7995.]

CHARACTER OF ABRAHAM LINCOLN.

Mr. SPENCER. I ask unanimous consent to have printed in the RECORD an article entitled "Final Estimate of the Character of Abraham Lincoln," by B. B. Cahoon, sr., of Fredericktown, Mo., who knew President Lincoln personally.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FINAL ESTIMATE OF THE CHARACTER OF ABRAHAM LINCOLN.

(By B. B. Cahoon, sr., of Fredericktown, Mo.)

[From the Farmington (Mo.) News, June 16, 1922.]

EDITOR'S NOTE.

Lincoln grows dearer and interest in what he said and did increases with time. Only a few are left who knew and came in contact with him. Hon. B. B. Cahoon, sr., of Fredericktown, Mo., is of them. Enlisting in 1861 at 15 as a Delaware Union soldier, wounded at Gettysburg battle, shortly after it he met Mr. Lincoln, who seeing his youth and his wound, inquired of him his name, age, parentage, residence, and how he so young had become a volunteer soldier. On being told, Mr. Lincoln asked how old he was when his mother died. "Five years," said the soldier. "Mine died," the President said, "when I was seven. I have missed her all my life. Never forget your mother. Always feel she is your guardian angel. When will you return to duty? Do you expect to outlive the war?" "As soon as I am well; I hope to survive the war," the boy replied. "I hope you will," said the President. "If you do, what do you intend to make of yourself? Where do you intend to live?" "A lawyer," the boy said, "and I want to live in the West." "That is right," replied Lincoln, "you will make a success of life. You have already won your spurs. But stick, study, work, and be true to yourself, and all will be well with you."

From that hour Lincoln became the boy's human and political idol as he still is. No one has read more of Lincoln and studied him closer than has Mr. Cahoon. Now, an old man, he, at 76, is an authority on Lincoln. The incident was characteristic of Abraham Lincoln. He took a sincere and habitually deep personal interest in every person he met and strove to aid them. Therein his deep humanity proclaimed itself. It is no wonder millions worship the great, good man and seek to pattern their lives after Abraham Lincoln's.

BY MR. CAHOON.

As all know of the poverty in which Lincoln was born, of his early hardships, of the death of his mother at 7, of his riding miles to get a preacher to preach her funeral sermon, of his good stepmother, Sarah Johnson, who encouraged the ambitious boy in every way, and said—though she had a son of her own—Abe was the best boy she ever knew, of his great athletic strength, holding firmly a heavy ax at length by its handle, of his peace-living disposition among rowdy Cleary Grove boys, but ready to fight if forced, of his failure and indebtedness as a young storekeeper, of his honesty as postmaster, of his quickly learning to be a successful surveyor, of his youthful captaincy in the Black Hawk war, of his sorrow on the death of his first sweetheart—Ann Rutledge, of his early election to the Legislature of Illinois, of his beginning to practice law at 26 in Springfield, of his obliging capacity, with his unvarying kindness, to always make friends who were always ready to and in fact did succor him; in short, as we all know the outlines of Lincoln's early career, we will not longer dwell thereon, but will seek to disclose his salient characteristics, seek an estimate of what made him the greatest and most beloved man of not alone the history of our country but the history of mankind; for Lincoln to-day stands next to Christ. In spite of his defective education, not over six months in school, and that he never was a great reader or deep book student, Lincoln saw clearer, thought out more concentratively for himself, every problem confronting him, than any man of his time. He sufficiently used books on the special occasions he needed them to strengthen the points he had reached. The fertility and originality of his mind was like John Marshall's. He required less research than other men needed. It is now recognized that for pure intellect Lincoln was the superior of any American of his time; he knew his mental power, knew that he had never met his intellectual master. In the end he thus impressed everybody, as he availed himself of the worth of every man he worked with.

He used selfish men to their capacity to aid the Union cause. He suppressed all egotism, covered it, perhaps cunningly, for he was very secretive, with a show of humility. His homeliness, awkwardness, and angular form were great aids in giving him greater fame and power in this: When aroused in speech his sweet smile was so beautiful and so softened his ordinarily dull and homely face, that its expressions became angelic; more, his smile revealed the tender soul of Lincoln. I saw several times the transformation of Lincoln by his smile. His was a wonderful self-restraint, in that he was without, or he kept concealed, personal resentments; he never lived on his hates or prejudices; he was self-reliant, paddled his own canoe; sought no aid except when running for office; worked out, alone, on his own theory, law cases without consulting his associates; therein he sometimes crossed their views and confounded them; he seized the strongest point in each case and let minor issues take care of themselves.

With justice on his side he was invincible in a lawsuit; in its absence he could not and did not fight, so tender were his convictions of right and wrong. Justly was he called "Honest Abe Lincoln." He never aided any pet or selfish schemes. He was patient in all things; had faith in the plain people and in their honesty and fairness; he strove long to educate them to his view; knew their mind, waited for it to consolidate before putting up to them public questions for final solution.

Though certainly ahead of most politicians, and apparently in advance of the majority, when he issued his proclamation of emancipation, he knew the people and bided his time until he saw they realized slavery was the real impediment to lasting union; that to get it they were ready to destroy slavery.

Reluctantly accepting the challenge of war, time and victory enabled Lincoln to do that. By invoking war, the devotees of slavery hastened a century its complete abolition. No man was more reviled than Lincoln; called meaner names and charged with more crimes, especially by the copperhead press, which favored the South. He refused to suppress it, saying that expression of adverse sentiment was the essence of liberty; that it was a corrective and confirmation of men in office, and exercising power, who erred; and that the best friends public men could have were critical enemies, who compelled them to deliberate carefully before acting and to reverse their error and resume their judgment.

He never hated men who differed from him; never said they "were without vision; were pigmy minded," and "ought to be hung with their heads downward—hellwards." He believed liberty to be the right of every man to enjoy all privileges and to think as freely and talk as candidly on all public questions as he did. In all his speeches and letters personalities are completely absent.

Lincoln sympathized with and helped all men, women, and children he knew, because he was a very kind-hearted, unselfish man. From backwoods to the White House, that trait made him very many unchangeable friends. He was never avaricious for money; only cared to make enough to live on, paying 10 per cent compound interest for years on early accumulated debts. Lincoln was never worth $20,000.

His sound sense, good judgment, patience, and profound interest in every individual he knew, and his tender merciful heart, were his strongest characteristics; the ones which to-day make him the most loved of all the Presidents.

He deeply felt the woes of all humanity; he believed in and lived Pope's "Universal Prayer"—

"Teach me to feel another's woe,
To hide the fault I see;
That mercy I to others show,
That mercy show to me."

His tenderness to Confederate wounded soldier prisoners, as shown in his visit to the hospital at City Point, Va., the last week of his life, wherein he consoled and cheered them, and told them "They should live in peace again in the house of their fathers" was Christlike.

His sense of fairness and justice was never obscured. Witness Lincoln's last prepared message to Congress, advocating the payment by the United States Government for the slaves of the South. That was within a week after the Hampton Roads, Va., conference, six weeks before Lee's surrender, at which the Confederate commissioners, under the order of Jefferson Davis, rejected all terms of peace, except the unconditional recognition of the Confederate States. Lincoln's Cabinet was against that plan. Lincoln died with the fixed purpose of securing its enactment by Congress. Had he lived he would have secured it; he had never failed in securing a law he wished passed. Lincoln's good judgment and sound common sense were next to his humanity and mercy.

His humor and wit relieved his natural melancholy, which twice in his life, especially after the death of Ann Rutledge, drove him to the verge of insanity.

Never was Lincoln a demagogue; he never showed the slightest taint of demagoguery; yet he was at all times profoundly ambitious, always seeking office, never losing sight of his longing for office to publicly distinguish himself. But he relied on ideas and their advocacy to get distinction and to secure office. While always indifferent as to nonessentials, Lincoln was unbending in his devotion to principle; if he believed a thing was right and ought to be expressed, he uttered it though it cost him office. Witness his house divided against itself speech in his campaign against Douglass for the United States Senatorship, which gave the senatorial election to Douglass, but in the end, as did his Cooper Union speech, helped to make Lincoln President. The greater the responsibility imposed on Lincoln the more his reserve power enabled him to meet and surmount it.

The taint of sexual or financial scandal never touched Lincoln. The former is remarkable, because his wife's bad disposition often drove him from home. No man craved sympathy and loved appreciation more than Lincoln.

He believed in prayer, and often resorted to it for help; he believed in and relied on God. He sought the brotherhood of man.

The foregoing are the traits which make Lincoln our greatest national hero; which give to his name and character a prodigious influence for good not alone in our country but throughout the world. Exercising with moderation vast war powers conferred on him, he stands high compared with Alexander, Cæsar, and Napoleon, who were tyrants. It is unnecessary to determine which was the best or greatest man—Lincoln or Washington. It is sufficient to say that while in some respects they were unlike, in others they were alike; that perhaps the composite of their united characters are necessary to make the perfect man and ruler. As it is they will more inspire mankind for good to the most distant age than any other two men who ever lived. Short of Christ, the world has never had, and is not likely in the future to have, their equals. They immortalize our country.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I have here a letter from Chairman Lasker, of the Shipping Board, making a statement with reference to conditions confronting shipping, together with a statement which he made before the Commerce Committee. I ask unanimous consent that these may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SHIPPING BOARD.
Washington, June 26, 1922.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The President in his message to the Congress has covered the need of a merchant marine as a national necessity for peace and for war. He has asked that during the recess of the House Members illumine their constituents on the administration's proposed bill for Government aid to shipping. In the hope that it will be of help to that end I take the liberty of inclosing herein a statement made by the writer before the joint committee of the House and Senate on the proposed bill for aid to shipping which fully covers, from the Shipping Board's point of view and experience, the Government's predicament in its ownership of ships, the status of world competition which America must meet, and the need of a merchant marine under our flag. The bill is also fully explained therein.

In considering the pending legislation it would seem to the writer that final determination need not be dependent on whether one feels that the United States needs a merchant marine, the fact is that the Shipping Board is to-day in possession of the greatest fleet the world has ever known and which by act of Congress it is mandated to operate on essential trade routes until such time as its vessels can be sold to private owners. That is the situation we are faced with.

The Shipping Board admits that it can not operate its fleet remotely as economically as private owners operate their vessels; the history of the prior boards show that they were unable to put the operation of the Government fleet on a proper business basis. The Shipping Board believes that the fleet under its charge can never be profitably or successfully operated under Government control because of the inherent and insurmountable handicaps incident to the Government ownership of ships. The reasons for these conclusions are elaborately covered in the statement inclosed.

Thus the question to be considered is, What shall we now do with this war inheritance? Shall it be sold to private ownership for operation under the American flag; shall it be sold abroad, possibly some day to rise and plague us; or shall it be junked and charged off to war cost as powder and shell were charged off?

The Shipping Board, approaching the problem as a business problem, believes that few Americans would advocate junking a fleet which cost the Nation vast sums of money. That alternative is dismissed as impracticable and impossible—impossible because such a course would admit to the world that the United States, possessed of a great fleet of merchant ships, was forced to concede that it lacked the ingenuity and ability to convert that fleet to a revenue-getting profitable asset comparable to the merchant fleets responsible for the commercial success of other great nations, and that the United States was bankrupt in statesmanship that visualized the need of keeping alive a merchant marine under its flag for peace and war protection.

The Shipping Board does not believe that the desirable units of America's fleet should be sold abroad, not only because such a course would end for decades any hope of establishing the American flag on the seas, but because it would place in the hands of our commercial rivals added tools to control world trade, would strengthen in certain ways the naval powers of other countries and weaken our own, and would allow citizens of other nations to select the cream of our tonnage at their own prices while the United States paid the great cost of upkeep of the inferior ships left on our hands.

The Shipping Board, composed of four Republicans and three Democrats, advised to-day by as competent a staff of experts as possibly any Government organization has ever brought together, averring unanimously that its efforts and the efforts of prior boards have proved that Government operation of ships is an utter impracticability, leaves us as an alternative the attempt to get the Government-owned ships into private hands for operation under private American control.

The administration has a bill now in Congress which the board believes will not only accomplish the establishment of a successfully privately owned American merchant marine but will accomplish it at an actual and substantial saving of money to the taxpayers by substituting profitable private ownership for Government operation that is and has been an unending and almost unmeasured drain on the overburdened taxpayer.

We must face the fact that the Government's fleet is costing $50,000,000 a year, exclusive of depreciation, insurance, and interest, to maintain, and that it can not be sold under existing conditions because in the last year, although the board has met world prices in its tonnage, of the 11,000,000 tons of which it finds itself possessed it has been able to sell only about 150,000 tons, after making every known effort to entice possible purchasers.

Let us have the courage to face the facts, whether the facts are to our liking or not. The fact is that under all sorts of conditions and all sorts of auspices Government operation of ships, by its history, admits its own impossibilities.

Bravely and patiently have we done our utmost to turn under Government control this war asset into a peace-time instrument; always, however, with the thought that through successful Government operation we would so establish lines that we could sell them to private owners. That is what the law under which the Shipping Board operates contemplates. But the very method we have chosen has defeated its purpose, for private operation is withering and dying under the blighting competition of unending drains from the Public Treasury. Wherefore let us proceed as would a merchant, unsuccessfully operating a business and overstocked with goods, to see how at one time he can turn the business over to those who might operate it more successfully and at the same time in liquidation add to the value of his assets.

The Shipping Board believes the great purposes before us can be accomplished through the agency of direct and indirect aids as proposed in the measure now before Congress known as the merchant marine act of 1922.

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The Government came into possession of this vast fleet through war necessity. The fleet was built hurriedly, without regard to the costs of peace-time operation and without regard to the peculiar necessities of peace-time trade. The result is that we have many ships whose design and machinery will never permit of profitable commercial operation; we have far too many ships of some types, in some cases too many even of the right type; we have not nearly enough passenger ships, passenger-and-cargo ships, and refrigerator ships to constitute a balanced merchant marine for peace purposes or for naval uses in time of war.

There can be no thought of naval equality with Great Britain unless we have as many merchant ships of the proper types suitable for naval auxiliary use as has Great Britain. Fast passenger ships for raider and communication purposes, refrigerator ships to supply the combatant fleet, and airplane-carrying ships to scout for the fleet are almost as necessary to the operations of the Navy in time of war as are naval vessels themselves. In the most valuable types of ships for naval operations Great Britain already has approximately 250 to this country's 50, and when type and speed are considered Great Britain's advantage is even more overwhelming.

The war has changed the United States from a debtor to a creditor Nation. Our sea carrying before the war was almost entirely performed by the nations to whom we owed money. Those nations now owe us. They must try to utilize every advantage in the markets of the world in order to increase their prosperity, and we, with greatly increased productive capacity because of the war and facing overproduction in the future, must expand our foreign trade if we are to market our surpluses. Ships are as essential to foreign trade as are goods.

It is not to be supposed that those nations who will be our competitors for the trade of the world will always give us the ships we need when and as we need them. Regularity of sailing and promptness of service is the very life of foreign trade. Inability to market our surplus because of lack of ocean-carrying capacity will inevitably mean depression at home.

The farmer is vitally interested in the merchant marine in many ways. It is probable that the great carrying nations of the world, owing us large sums of money, may attempt, so far as they can, to buy their agricultural needs elsewhere. We must insure under our own flag such speed and prompt delivery to their shores of our agricultural products as will force them to buy from us.

While ocean freight rates were high immediately after the war they would have been higher but for the existence of the American merchant marine. If that merchant marine is permitted to die, a great toll in excessive ocean freight rates may be collected from us by the foreigner.

Unless we have ships of our own to insure our export trade the excess production of farm and mine and factory will constitute a surplus resulting in nonemployment in this country that can not but seriously affect the farmer's ability to market his product at profitable prices in the United States. Furthermore, the farmer's demand for adequate inland waterways, as evidenced in the Great Lakes-St. Lawrence Canal and Mississippi River deep-waterway projects, demonstrates the farmer's recognition of the importance of adequate water-carriage facilities to his needs. If and when these waterways are perfected, the best insurance of their continued use would be a merchant marine under the American flag.

The United States, once one of the proudest Nations on the sea, has had no merchant marine worthy of the name since the Civil War. The present Government-owned fleet offers the nucleus of a merchant marine commensurate with the position of the United States in the firmament of nations. Realizing the inefficiencies and great cost of Government operation; having demonstrated the impossibility of selling the ships to private American owners under existing conditions, and being well aware of the great differentials faced by American steamship operators as against the shipping men of other nations, the Shipping Board, a bipartisan organization, has unanimously and without political difference among its members recommended a policy of aids to shipping that has become the basis of the administration's proposal to Congress.

That proposal contemplates that should America ultimately get the 7,500,000 gross tons necessary to carry half of our overseas commerce the cost to the Treasury, directly and indirectly, would be something like $40,000,000 per annum. The 400 ships the Government is now operating at a cost of $50,000,000 a year would, under the proposed measure, draw but slightly more than $8,000,000 Government aid.

The administration's proposal limits the profits of any fleet receiving the benefits of Government aid to 10 per cent in any one year, each year standing by itself. There is no guaranty of profit. If a ship after receiving aid loses money that loss is the owner's. If it makes money, all over 10 per cent is divided; half going to the Government until all

aid advanced to the vessel has been repaid. There can be no possibility of profiteering.

It is believed that the administration's measure will be a money-making proposition for the Treasury. If the bill is adopted and becomes law there will be more money in the Treasury at the end of a few years than would be in the Treasury if the bill is not adopted.

With sufficient Government aid, direct and indirect, to overcome the advantages which other nations have long enjoyed on the seas, private capital will it is confidently felt be attracted into shipping. The Treasury cost, in direct and indirect aids, the first year, if the bill passes, can not possibly be more than $15,000,000.

If at all successful, gradually (and it is hoped by the end of two and one-half years from the passage of the bill) the Government's $50,000,000 annual loss in operation through the Shipping Board will be wiped out. Under any conditions there would always be a substantial difference in favor of the Treasury between the maximum subsidy cost and the cost under Government operation.

The ships are wearing out and still America is impotent on the seas from a merchant marine point of view as compared with other nations. The fleet is bringing nothing into the Treasury and is costing large sums annually. If the ships are sold the proceeds will go into the Treasury to liquidate in some part their war-time cost. Thus the measure proposed by the administration should accomplish the liquidation of that part of the fleet serviceable under the American flag; it will end the drain on the Treasury resulting from Government operation; it will end the discouragement to private initiative resulting from that operation, and will stimulate Americans to take their proper places in the ocean-carrying competition of the world; it will insure the building of types of ships necessary not only to America's prosperity but to her preservation in time of need, and it will keep alive the art of shipbuilding in America, now threatened with extinction.

Respectfully,

A. D. LASKER.

WHAT ARE WE TO DO WITH OUR GOVERNMENT-OWNED SHIPS?—DO WE NEED A MERCHANT MARINE FOR PEACE AND WAR?

[Statement by Albert D. Lasker, chairman United States Shipping Board, at the joint hearing before the Senate Committee on Commerce and the House Committee on the Merchant Marine and Fisheries on the proposed bill providing aids for American shipping.]

Whether or no America is to be potent on the seas for the next several generations will be decided in the disposition by Congress of the legislation now proposed by the President for the aid and upbuilding of our merchant marine.

THE QUESTION AT ISSUE.

The matter under consideration is not merely one of subsidy or no subsidy; it involves what shall become of the Government's vast war-built merchant fleet; what shall be done to end the large losses of governmental operation of ships through the Emergency Fleet Corporation; what shall be done to insure the overseas carriage of America's surplus products in times of peace; and it involves, in importance possibly beyond all these questions, whether America, through the possession of an adequate merchant marine, shall be self-sustaining and self-sufficient on the seas in times of war.

The question of subsidy to American ships has hardly ever been treated as a partisan one, in spite of the fact that we hear favorable consideration has been a Republican policy and opposition a Democratic one. The fact is that for practically half a century neither party has given life to a policy of direct aid to American ships. The Republican Central West has ever joined with the Democratic South in distaste and revulsion to subsidizing our shipping.

ISSUE NOT A PARTISAN ONE.

Times change; conditions change with changing times; and just as in a nonpartisan way subsidies have hitherto been denied, it is the feeling of the seven members of the Shipping Board that the question of Government aid to American ships, including subsidies, is an all-American one and should consciously be treated no more politically than should the needs of the Army, the Navy, or the Post Office Department.

Prior to the great World War, America was content to have its cargoes carried in foreign bottoms. We were then a debtor nation and we could feel sure that those whom we owed, being the great maritime nations of the world, would furnish us the bottoms with which to carry the goods to liquidate our debts.

CHANGES WROUGHT BY THE WORLD WAR.

The World War has changed practically every phase of human life. America emerges from that war holding first economic place in the world. She finds herself a creditor nation instead of a debtor nation; and whether we will it or no, we are now cast for continuing first place on the stage of world commerce. No nation ever held that proud position unless she was strong in her own rights on the seas. It is for us here and now to determine whether America shall attempt to refuse the place which destiny has carved out for her.

When Europe awoke that summer morning in 1914 to find herself enmeshed in a World War it was the beginning of a demand for American exports such as the wildest dreams of our greatest empire builders never visioned. That part of the world to whom the seas were still free centered its efforts to send its ships to our shores that they might be laden with the products of our factories, farms, and mines. We ourselves could make but a pitiful showing in the exportation of our own goods under our own flag. And were it not that the maximum production we could give did not even approximate the minimum of Europe's needs we should have been in a sorry plight; for had the war been lesser in area, and therefore the demands of combatants not required all the output we could supply, our great production would not have been used. We would not have had the ships to send our surplus wares to neutrals; and if one of the great maritime nations, say Britain, had been solely engaged in a smaller war confined to a narrower but distant area, her ships would have been diverted to her own uses.

COSTLY LESSON OF BOER WAR.

This is exemplified through the Boer War, where the conduct of operations was at a great distance from their base. Britain's ships were needed for the long carriage of men and supplies, though not in quantities remotely comparable to the World War. Thus, while Britain did not have pressing need for our production, she had such need of her own ships for the long haul that we were sorely pressed for carriage in our trade with her and other nations, as was evidenced by depression in many of our important commodities. Had we at that time had the expanded factory capacity we now have, the diversion of England's tonnage from our peace needs to her war needs would have been a calamity indeed. As it was, we all remember the serious effect this diversion of British tonnage had on the marketing of our farm products; it demonstrated that the farmer, even more than the manufacturer, was interested in America's controlling her own tonnage. Unfortunately, these lessons, because only transient, are soon forgotten.

THE MERCHANT MARINE ACT, 1920.

Early in 1917 America entered the World War. Our allies stressed immediately that the winning of that war was impossible unless we could build ships, and more ships, and again more ships. The history of our shipbuilding program and its cost is too well known to Congress to need stressing. With the ending of the war, realizing our world trade needs, Congress passed the very beneficent merchant marine act of 1920, known as the Jones Act. The purpose of this legislation among other things was to provide for the temporary operation by the Government of such ships as were necessary to maintain and develop trade routes not covered by private enterprise and to enable the Government to dispose of its war-built tonnage to private owners. This act, wisely constructed with statesmanlike vision, has not achieved what was expected of it, because immediately after its passage world trading collapsed and has remained in a depressed state ever since.

The act was based on a series of sound indirect aids, the keystone of the structure being preferential tariffs to inure to goods imported in American bottoms. The aid of preferential tariffs has not been realized, for reasons well known to all, because of the declination of Presidents Wilson and Harding to abrogate those portions of numerous commercial treaties with foreign nations which forbade preferential treatment of our ships as against the ships of others, as contemplated by section 34 of the Jones Act.

GOVERNMENT OPERATION FATAL TO PRIVATE INITIATIVE.

Thus, we find ourselves to-day with the Government owning 1,442 steel ships aggregating 7,000,000 gross tons, operating 421 of these ships at an estimated cost to the Treasury the coming year of $50,000,000, with 1,021 ships tied up; we find private operations as well being conducted at startling losses, due not only to depressed world conditions but to the impossibility of the private owner maintaining himself in the face of continued Government competition.

The purpose of Government operation, as defined by law, was to build up trade routes in order that the Government ships might thus be sold with established good will to private owners. The very method chosen has worked to defeat its own purpose, for in the upbuilding of those routes the Government has operated ships, and in the operation of ships has driven its potential customers largely off the seas. Thus, we come to conclusions from which there can be no escape—that since continued Government operation means finally the possible and likely elimination of private operation of American ships a method must be devised whereby the Government shall end its operation and at the same time insure carriage of American goods under the American flag through private ownership as contemplated by the Jones Act.

MUST BE INDEPENDENT ON THE SEAS.

We no longer can be disinterested in whether or no we shall have an established American merchant marine. The transition from debtor nation to creditor nation has settled that; the changing needs of our people in imports and changing demands of others in exports all emphasize that we have no assured future of prosperity if we rely on other than ourselves to carry our overseas trade.

Europe owes us, governmentally and privately, some $15,000,000,000. To pay in gold is impossible; there is not that much gold in the world. The only way Europe can pay (to such extent as she may pay) will be in goods, either raw materials or manufactured or partly manufactured wares. In turn, we must find new markets, not only to absorb the surplus products which Europe formerly took from us, but to provide for the sale of many of the products which Europe shall send to us in settlement of her debt. These products, if in raw or partly manufactured state, will be brought to completed processes by American labor; but if permitted to flood our own market, and if we do not find a foreign sale for them, will so depress the price of wares at home as to threaten the prosperity of all of our workers.

These newer markets lie across the ocean—to the south in the Western Hemisphere, to the east in China and Siberia. It is the very need of trade in these markets that is the inspiration of the policy of the open door in the Far East, which means nothing more or less than free opportunity, based on merit, for exchange of wares.

SHIPS ESSENTIAL TO FOREIGN TRADE EXPANSION.

It is for these very markets that the nations of Europe which owe us vast sums of money will contend with us. And who can be so blind as not to see that Europe will very properly in her own interest find the way and means to refuse us ships when we need them most if that refusal spells her control of markets in which we would compete with her for mastery. It is well enough to say that she will not refuse us the ships if we can pay higher freights, but who supposes that foreign governments will not be sufficiently ingenious to work out plans to control their own ships to benefit their national trade and to our disadvantages even if by so doing they bring into their national treasuries possibly lesser freights than we would pay? If a ship in freight receipts could get only $25,000 in Europe and $35,000 here to carry a cargo to the same trade worth $1,000,000, the wise governments of Europe will find ways to equalize the loss in freight receipts to their own carriers; that their national treasuries may be enriched by the sale of the million-dollar cargoes rather than permit us to get those benefits, even though we would pay $10,000 more for the carriage.

AMERICA ONCE SUPREME ON SEAS.

In our early days we were a seafaring Nation. Our clipper ships excelled the world. With an undeveloped empire to exploit, the spirit of our youth, both from the standpoint of adventure and profit, responded to the inland call. Self-sufficient, self-contained, with abundant natural wealth to the point of waste, we became indifferent to the sea until shortly after the Civil War those nations who had the greatest need of the sea had so manipulated it that America became, other than coastwise, practically a nonmaritime Nation. The great World War brought about an increase in our production capacity that defied all preconceived ideas of expansion.

There can be no return to a pre-war basis. Increased overheads through increased capacities demand increased consumption in many lines beyond that which can be found in our home country. The debts Europe owes us, their enforced economy for decades to come, and consequently finally diminishing purchases from us, all combine to require our search for new markets. These markets will inure to us only

when sureness of delivery, regularity of sailing, and promptness of service from our ports to theirs is guaranteed. Promptness and regularity are the very essence of foreign commerce. The greatest agents of our foreign commerce are ships of our own flag that must fight for cargoes from and to our shores to insure their profitable operation. The semideveloped countries of Europe, the newer countries which are not self-sufficient in their own rights, will be a fighting ground for trade. And here, too, only through control of our own ships can we be insured of steady markets.

FOREIGN TRADE NOW ESSENTIAL TO ENTIRE COUNTRY.

Aside from all this is our own change in domestic needs. Through our great prosperity we have become, compared to the other nations of the world, a luxury-loving Nation. Coffee, almost unknown as a regular beverage in most other countries, is a several times a day necessity at our national table. Three-quarters or more of all the automobiles in the world are run in America. Their tires alone require untold quantities of rubber. All these luxuries which we import must be paid for by exports, and we must insure that these exports shall reach their destination when and as needed.

The freights alone involved in our expanding commerce mount into the hundreds of millions, and it means much to our national wealth whether we retain these freights collectively to ourselves or whether we pay them abroad. If John Smith, the individual, spends $50 abroad and receives therefor wares, he is none the poorer; but if the national John Smith spends $50,000,000 abroad that he could retain at home, the Nation is a great portion of that $50,000,000 poorer.

FARMER VITALLY INTERESTED IN EXPORT TRADE.

The farmer has but recently seen what it means to him, in depression in price of his entire production, when exports fail and the surplus of his production backs up at home. We have but lately seen how our Government's expenditure of $20,000,000, plus twelve millions from the soviet government, for grains to starving Russia marked the beginning of an uprise in price of all our cereal products. From the very time that these purchases began the price of wheat and corn and oats rose. It is not contended that these purchases alone were responsible for the uprise, but they were one of the several factors that resulted in the farmers' depression being alleviated.

Had it not been for the Government's possession of its present steel fleet these export foods could not have been promptly transported, for there was not immediately available in commission adequate private tonnage. No one has a greater interest in an established American merchant marine than the farmer of our country, because it is in the sale of his surpluses abroad that his entire prosperity is involved. Europe, owing us vast sums, will undertake to make its purchases of surplus grains, when it can, in countries other than our own; and it is only through the control of our own deliveries, insuring that they be expeditious and constant, that we can hope to maintain prosperity for our agriculture.

GREAT LAKES-ST. LAWRENCE PROJECT.

The farmers of our 18 chief agricultural States, with a total population of 40,000,000, are making a demand to which an affirmative response seems certain—that the ocean be brought nearer to them by the building of the St. Lawrence waterway, a conception that our Middle States will refuse to surrender until it becomes a reality. There can be no certainty of even a fair trial of that project after it is built unless we can have profitable operation of American ships, because the carriage in that waterway, which it is my ardent hope will soon be constructed, is but seasonable, and other nations might not afford to work out a system of flexibility of tonnage for use in that waterway to our advantage. Assured flexibility for use of that project must come from us and us alone. Therefore, when the farmers' dream of the St. Lawrence waterway comes true, as come true it will, it can have no assured life without an American merchant marine, and that merchant marine should be well established before the canal becomes a reality, that companies of sufficient strength may be alive to take advantage of its opening.

For all these reasons, therefore, in the changed condition of man and time, the economic need of our country demands an American merchant marine if we are to insure the prosperity of future generations on the farm, in the mine, and in the factory, which prosperity can only be insured through world markets for our surpluses—markets protected by American ships carrying American wares.

MERCHANT SHIPS ESSENTIAL AS NAVAL AUXILIARY.

We have lately seen the close of a great conference here in Washington whereby it is proposed to limit the burden of expenditure for naval armament on the sorely taxed peoples of the world. Our own America, the most prosperous of all the nations, is herself groaning under naval expense. It is because of a revulsion from increased naval armaments, as well as a cry for release from taxation, that the nations of the world agreed on a basis of limitation. Coupled with that are the treaties of the Far East involving the open door in China, which means free opportunity for trade in China. Nations build navies to insure that their merchant ships may carry their wares to all portions of the world unmolested. And so the limitations on our Navy and the open door in China, both integrally, are part of our national economic policies. Trade and trade alone are the factors that center world interest in the Far East. The naval needs are to protect that trade.

UNITED STATES NAVY ONCE IMPOTENT WITHOUT FOREIGN SHIP AID.

Having agreed to a naval program of 5–5–3, we can have no thought or hope of actual naval equality unless we can supply and bunker our Navy through our own merchant ships in time of war, should that unhappily come again. When President Roosevelt sent our Navy around the world, it had to be supplied and bunkered by foreign-flag ships. Our naval giant showed the nations of the world its feet of clay. In 1914, when the World War began, be it said to the shame of America, she possessed but 15 passenger ships of such type as to be of use for naval auxiliary, while Great Britain possessed over 200 such ships. To-day we possess 50 to Great Britain's 250. But when age and speed, which are the determining factors in the use of such ships for naval purposes, are considered, Great Britain's margin over us is further increased.

OUR DEFICIENCY IN CASE OF WAR.

Should we unhappily go to war with another country, Great Britain not being a party to the controversy because strict neutrality would be to her interest, we would find it difficult indeed to furnish our Navy with the supply and the fuel ships that it needs, in addition to the convertible type of merchant ship recognized as necessary for the second line of defense. For, while we possess a vast tonnage, that tonnage was built during the war in the best ways immediately possible, in order to get maximum production, but without regard to type or balance; so that while in millions of tons we have a formidable array, in the balancing of our tonnage for either war or peace-time purposes we are sorely deficient. There can be no thought of naval equality with Great Britain until we possess a merchant marine in balance and tonnage equal to hers as a second line of defense to our Navy and as a source of supply and fuel. It is idle to say that the 5–5–3 agreement brings us in proportionate naval equality with the other two nations involved, unless we do that which is necessary to build up a merchant marine of proportionate size and balance to theirs; for all naval authority in the world affirms that the supplemental merchant marine required by a navy is as essential to its operation as capital ships themselves.

FALLING SHORT OF ALLOTTED NAVAL RATIO.

There can be no thought of our maintaining even the naval tonnage allotted to us by the limitations agreement if we are to have no adequate auxiliary merchant marine. Great Britain has to-day that adequate merchant marine necessary for any operation of the naval tonnage that accrues to her in the Washington agreement. To the extent that we fail to supply ourselves with an adequate merchant marine of the type and number to balance the naval strength allotted to us in the Washington conference we should do away with the maintenance of capital naval ships. We can not fool ourselves; we only are on a 5–5–3 naval basis with Great Britain and Japan to the extent that we possess on a 5–5–3 basis merchant marine of the type and kind necessary for naval aid.

As it stands to-day Great Britain will immediately take her place both with naval and auxiliary merchant ships in the 5–5–3 program. We can not take ours to-day, nor for years to come. We still must create many essential types of merchant ships.

When we use Great Britain as an example we do so in the spirit of the greatest friendship, for, happily, no one can ever have a thought of war between the two greatest English-speaking nations; but rather we use her as an example, because Britain, in her attitude in the late conference, showed that she was as desirous as we that America should have naval equality with her, and she knows, better than we, that there can be no naval equality without the proper merchant marine.

PRESENT FLEET COSTLY WAR INHERITANCE.

We came into the possession of the vast fleet we own, built under the hysteria of war, for the carriage of supplies of our Army and the Navy stores. For the carriage of our men we had to rely chiefly on our allies and on seized enemy tonnage. We all realize now that this war-built tonnage, inadequate for peace or war, could have been built to serve a wider and surer purpose at infinitely less expense if created during times of peace. Shall we again be involved in such haste and loss by failing to learn the lesson which has just been taught us? Wherefore, whether we view it from the standpoint of peace or the needs of war, America must develop its merchant marine.

The Jones Act wisely provides, in its preamble, that its purpose is to develop a merchant marine as an aid to the Army and Navy in war and for the development of American trade in times of peace. We are not able to accomplish these purposes at the present time. Startling as it may seem, in spite of the vast tonnage we possess, we are not now positioned to protect our peace-time trade or to properly care for our Army and Navy in times of war.

Let us explore why this is so.

OUR PRESENT SITUATION.

We have touched on the lack of balance in our fleet. We will not speak of the vast number of tons of wooden ships; the sad story of this is known to all—they never should have been built; they were the war's greatest shipping blunder, an error against which we had been warned but which warning we refused to heed. They must be charged off practically as an entire loss, a monument to folly. They can not be used in profitable normal operation, and merely hang over the market as possible pirates in times of better days, depressing thereby the potential value of the steel fleet without offering the slightest hope of continuous operation even for short periods. The high cost of insurance, the uneconomic machinery, the great amount of fuel required in proportion to carrying capacity, make these ships in every way impossible. They should be considered as not existing.

DEFICIENCY IN HIGHER TYPES OF SHIPS.

The Government-owned steel fleet is divided as follows:

	Tons gross.
Passenger ships	500,000
Freighters	6,000,000
Tankers	550,000

Of the passenger ships 300,000 tons are ex-Germans, of which 140,000 tons are so old as to be of no potential continuing value; their life is but short, and they can be, by and large, only academically considered an asset. Of fast cargo ships, we have but 15 ships of a total of 116,000 gross tons.

In fact, in passenger tonnage, both governmental owned and privately owned, and including ships designed for the short runs to the West Indies, we have but 80 good ships, aggregating 600,000 tons, while of fast cargo ships of both classes we have but 53 ships of 390,000 tons.

To have a merchant marine that can effectively meet 50 per cent of all our peace-time carrying needs, we require a million and a quarter gross tons of passenger ships and about the same amount of the faster cargo ships.

SURPLUS OF SLOW FREIGHTERS.

Of our 6,000,000 tons of freighters, about half the steel tonnage is good tonnage, comparable to the best in the world. The other half ranges from fair to not usable for purposes and should be either sold abroad in such trades where we have every assurance it will not find itself in competition with our ships or dismantled. We must not fool ourselves. This tonnage was built during the war days from such means and in such ways as we had quickly at hand. The cry was for maximum tonnage regardless of its cost of construction or subsequent operation—for war knows nothing of economies—and thought was given only to quantity production for war purposes and not to the practicability and economy of operation of the ships in times of peace. Fairness compels the statement that, by and large, it would have been impossible to produce this quantity of tonnage had the measure of production been convertibility for peace-time needs.

HOPE TO GET TONNAGE INTO PRIVATE HANDS.

Of the 6,000,000 tons of freighters the Government possesses, it is the hope of the Shipping Board that ultimately a great measure of the 3,000,000 good tons will find itself in the hands of American owners, should the legislation here proposed be adopted. It is doubt-

ful if, under the happiest conditions, the American flag will need the 3,000,000 good tons in its entirety, and ways and means must be found to dispose of such of the good tonnage as remains, so that American interests will not be hurt. Under no circumstances must the surplus of good tonnage that America can not absorb be disposed of so as to bankrupt those who buy from the Government at current prices.

THE MENACE OF THE SURPLUS.

Automatically the 3,000,000 poor tons must be done away with. Part of it can be used by selling to Americans the hulls at low figures for conversion to types of freighters of which we are not possessed. The balance may either be sold in small quantities in local trades abroad, where, because of shorter runs and cheaper labor, local operation may be possible, or it must largely be dismantled. For, if we permit a potential surplus to remain, with the possibility of its use in only abnormally prosperous times when any tonnage can be profitably operated, the burden of loss will fall on the good tonnage in times of adversity without full enjoyment of profits in time of prosperity, and thus we depress the price of all of our tonnage, and so it will come to pass that we shall liquidate the whole for less than we could liquidate the good part.

It is the unneeded surplus, in ships as in all else, that determines the market, and the same circumstances that forced some farmers to burn their corn last winter demands that, at least in so far as the uneconomical 3,000,000 tons of freighters go, we recognize that one of our problems is to force its disappearance from the market. If we are to induce private investment in American ships, it must be under an assurance as to what will be done with the surplus tonnage, plus an assurance that the Government will retire from operation, for private owners can not live and can not finance themselves with those two swords of Damocles hanging over their heads.

GOVERNMENT OPERATION EXPENSIVE AND UNSUCCESSFUL.

The Shipping Board, under mandate of the Jones Act to maintain necessary trade routes, is operating 421 ships at an annual loss of approximately $50,000,000. This includes the cost of lay-up, but not the cost of all necessary repairs, though the board is doing such repairs as it can within the figure named. There should be no quarrel at this expenditure of $50,000,000, because thereby we are keeping the American flag flying into all ports of the world, and the American manufacturer and producer is assured of carriage for his wares to his markets when his needs demand. For the year 1921, America carried under her own flag 51 per cent of her total foreign trade. This figure seems to indicate a result much more favorable than the real facts warrant.

If we deduct from our foreign water-borne trade that which is carried on the Great Lakes, in vessels which for the present are immured there, and if we subtract the cargoes carried between this country and the countries bordering on the Caribbean which have no merchant marines of their own and whose trade, therefore, is not competitive, there will remain the traffic in general cargo to overseas continents and nations having merchant fleets and competing with us for these particular cargoes.

OUR STANDING IN COMPETITIVE SEA CARRIAGE.

In this figure, which represents our real competitive trade, the American ship makes a poor showing. Our exports in this trade are now three and one-half times our imports. Of these exports, foreign ships carried over the entire year an average of 71 per cent, while the American ship carried but 29 per cent, and only reached this figure by virtue of the large amount of coal exported in American ships during the British coal strike.

For December, which represents a recent normal month, foreign ships carried 76 per cent of our overseas general cargoes and 24 per cent was left to be carried in American ships. This 24 per cent measured our success in competing against foreign nations for the carriage of our products to the markets of the world. Of the 24 per cent 19 per cent was carried in Shipping Board vessels and 5 per cent by private American owners.

MUST CARRY HALF OUR OWN OCEAN TRADE.

It must be the purpose and the aim of America—and the Shipping Board emphasizes its belief that this aim can be accomplished—to carry at least 50 per cent of our foreign trade, other than with contiguous and nearby countries, under the American flag privately operated. The suggestions made to the Congress by the President contemplate within a decade, at the cost estimated by him, that 50 per cent of such trade will be carried under the American flag privately operated. We are to-day carrying 87 per cent of our oil trade with Mexico and 57 per cent of the Caribbean trade in our own ships. But neither the needs of trade with Mexico nor the Caribbean calls for that type of ship which is the very backbone of the second line of defense of our Navy; nor does the trade with Mexico or the Caribbean call for that type of ship which is the forerunner of world trade and world intercourse—the fast passenger and combination passenger and cargo ships.

Of the 24 per cent of world carriage in American bottoms here referred to, it is appalling to think that 19 per cent is carried in Government-owned ships and only 5 per cent in privately owned ships, when it is considered that the Government, through the Shipping Board, admits its inability to operate on an equally efficient basis in competition with the private ships of the world. Fifty million dollars annually it is costing to keep the Shipping Board boats going—$50,000,000, not including, however, interest, full insurance, or depreciation on invested capital. For any private business to say that it was losing $50,000,000, without considering interest on capital investment, full insurance, or depreciation, would mean that the managers of that private business were attempting to deceive their stockholders by understatement. In the same way it is a deception to the American people to represent that the Shipping Board is losing but $50,000,000 per annum, when that $50,000,000 is lost in operations only and does not consider capital invested.

WHERE EMERGENCY FLEET HAS ALREADY PAID FOR ITSELF.

There was, however, good reason why the Government at the end of the war should through the Shipping Board have established governmental operation. Not only should there be no apology for this, the facts warranted it, and the time will come when it will prove to have been an act of courage and vision on the part of our people. But the continuance of this Government operation is now as unforgivable as its establishment was sound.

What do we mean by this seeming contradiction? When the World War was over there was a great scramble on the part of all the maritime nations to use their own tonnage for their own peace-time needs. Had America not possessed the tonnage she built during the war, in the two years of prosperity that followed the war we would have lost largely of markets that were ours, much as their need would have been for our wares, because there would not have been tonnage available to carry our goods. Those who needed them would have sent us their ships to the extent that they needed goods, but even then many would not have had enough ships to carry that which they alone needed, and others would not have furnished us their surplus ships for our trade aggrandizement at their own expense.

GOVERNMENT POSTWAR OPERATION NECESSARY.

The vast sums we saved to ourselves in freights alone, which through faulty governmental bookkeeping, was converted to construction charges, would have shown during that period that handsome freight returns inured to the Public Treasury. Private operation at that time would have been impossible; there had been but little overseas carriage under the American flag by private owners before the war, and private capital therefore would not have been available at the war's conclusion quickly enough to operate successfully the Government-owned ships, even had the Government sold those ships at fair prices to private owners. So that, in order that the war-built fleet might immediately come into America's peace-time needs, the Government was forced into operation—an operation that from that time to this, through the lack of private facilities, has been the greatest insurance we have to our future overseas prosperity, which involves our entire national prosperity.

GOVERNMENT OPERATION INHERENTLY VICIOUS.

We believe that the present operation by the Shipping Board is fast approaching as efficient an operation as government can give. But any free competition with the privately owned shipping of the world, through successful Government operation, the Shipping Board avers is an impossibility. The restrictions of congressional legislation, the demands of varying sections of the country, the limitations on free play, from which private business does not suffer, make it impossible for government-owned shipping to compete with the private ships of the world.

GOVERNMENT TAKES ALL CHANCES OF LOSS.

When the present board took office, June 12, 1921, it found the ships of the fleet being operated by managing agents, to wit, private operators who were paid fees ranging from 2½ per cent to 5 per cent of the gross receipts for supervising the operation of the ships. It must not be supposed that this commission by any means represented gross profits; in fact, practically all managing operators since the present board has been functioning have lost money. The managing operator had to pay out of his commission rent, clerk hire, expense of freight solicitation, superintendence of deck, engine, and victualing departments, and many other sundry expenses.

When the commissions were originally declared, freights were three or four times as high as they are now, so that in effect to-day the operator's commission has been reduced by 66⅔ to 75 per cent, even though his ships carry the same number of tons of cargo. To increase the commission would affect the situation very little, because the system in its very inception is uneconomic and vicious, for the reason that the managing operator, having no direct interest in the operation of the ship, having no direct responsibility, having no sense of building for himself for the future, is in such state of mind that he operates Government-owned ships with vastly different vision and inspiration than he would his own.

DEFECTS OF THE SYSTEM.

The system which we found in vogue when we came into office left itself open to all sorts of vagaries in management, to all kinds of chicane and unreliability. The managing operators had organized private stevedoring companies, private ship-chandlering companies, and similar devices by which to make hidden profits, to increase the meager compensation which the Government allowed them. The very spirit of making hidden profit on the part of an agent to a principal means a strained relationship all along the line. Such attitude and actions on the part of the managers were known to the captains and crews of the ships, who in turn felt neither pride nor proper responsibility in the trusteeship that was theirs. The facts were so notorious that to mention them is but to call attention to that which is obvious to everyone who has given the slightest study to the subject.

Let it not be felt by this seemingly black statement that we wish to reflect on the integrity of the operators as a whole. But few of them we believe have consciously done wrong. The very small commission allowed them made it necessary for them to find other sources of profit out of the responsibility that is theirs. These sources of profit came into life so gradually that they failed to be noticed, and the new board claims no great credit that when it came into office it was able to visualize the whole picture because it saw the picture complete.

AN IMPOSSIBLE PROCEDURE.

Nor can the individual agent be chargeable with the fact that initiative and sense of responsibility are lacking in the transaction. It would be impossible. It is not within human realm to create in such a transaction a sense of initiative and responsibility. The only reason that the managing operator continues in his connection with the board—and I think I speak the view of the managing operator that he believes as little in the system as anyone—is that he hopes by cooperating with the board in the management of the ships to keep alive America's merchant marine until Congress can adopt a national policy that will insure its life. The managing operator, strange as it may seem with the charges that are made against the system, is by and large performining a really helpful service.

PAST ABUSES CORRECTED BY PRESENT BOARD.

The present board when it took office, cognizant in a lay way of the situation, which, indeed, was promptly brought to its attention by the prior chairman, took steps to right the condition in so far as possible. We believe we have built up an organization in the Emergency Fleet Corporation that is measurable to any private organization in the world, but, for reasons which will develop, that organization is discouraged by the impossibility of creating any proper operation through Government ownership. The new board and the trustees of the Emergency Fleet Corporation set to work early last summer to correct the evils which have here been enumerated, and we stand firm in the statement that these evils have been eliminated, in so far as time and knowledge and effort and limited organization, due to needs of keeping within appropriations, have permitted. I feel I can state without fear of contradiction that the improvement made since last June in the operations of the board's fleet command the admiration of shipowners of the world throughout.

LIMITATIONS OF GOVERNMENT OWNERSHIP.

But let us not be deceived. Conditions still are bad and will ever remain so under Government ownership because of the impossibility of competing with private operation. Both the sense of initiative and the responsibility found in private operations are lacking. Initiative is lacking, because neither those employed by the Fleet Corporation nor the managing agents, nor their employees in turn, have the slightest notion that they are building up anything permanent for themselves. At any time Congress may see fit to so reduce salaries that men of ability can no longer afford to stay with the Fleet Corporation. In other departments of the Government it is considered somewhat of an honor to hold office; to be connected with the Shipping Board, in the words of Congress, as often expressed on the floor of both Houses, is a sort of semi-disgrace. Small wonder, then, that it is exceedingly difficult to keep up that inspiration which is necessary for sure and permanent accomplishment.

HANDICAPPED BY GOVERNMENTAL RESTRICTIONS.

There is no privately owned corporation doing an infinite fraction of the volume of work of the Fleet Corporation that does not have more high-salaried men than is permitted to the Fleet Corporation. Men will not serve the Fleet Corporation for honor alone, for there is little or no honor to be found there in public recognition. The few high-salaried men we have are, however, making actual sacrifices in order to aid the situation, as evidenced in testimony given before the House Appropriations Committee but lately. Inspiration is further lacking because necessarily, in a Government-owned fleet, the influences of selfish interests and localities which desire special privileges can not at all times be resisted, and should surrender be made to such situations, inspiration would be compromised with.

GOVERNMENT CAN NOT COMPETE ON SEAS ON EQUAL BASIS.

There are many things necessary to successful ship operation in which the Government can not engage. For instance, often it becomes necessary to buy and sell merchandise in order to insure cargoes. The most successful fleets under the American flag are those of the United Fruit Co., the United States Steel Corporation, the Bethlehem Steel Corporation, and the Standard and other oil companies. The owners of these fleets are engaged in trading and thus insure full tonnage. No Government operation can do this. The Shipping Board at the present time is negotiating for the sale of several ships to a concern which in turn is negotiating with the Chilean Government, whereby the American concern sells the Chilean Government 300,000 to 600,000 tons of coal a year for a term of years, during which time it takes 300,000 to 600,000 tons of nitrates in exchange. Thus those ships are assured of cargo through trading connections.

I do not enter into a discussion of the merit of private ownership against that of public ownership in anything save ships. In the Post Office, in the Army, in the Navy, Government ownership can prevail, because a monopoly is created. Should the Government desire to take over the railroads, it could create a monopoly which would give exclusive privilege to Government operation until such time as efficiency might be brought into life; but shipping is a different thing. The Government must ever be in free competition with privately owned shipping of the world. No monopoly can be created during the existence of which efficiency can be brought to life, and in the competition between Government ownership on the part of our Nation, and the initiative and sense of responsibility concomitant with private ownership in others, failure is foredoomed.

RISK OF GOVERNMENT COMPETITION TOO GREAT FOR CHARTER METHOD.

The new board, recognizing the viciousness of the managing agency system adopted, as one of its earliest policies, that of placing the ships on a bare-boat charter basis, if sale was impossible. Bare-boat charter means to rent the ship for use to private operators, the private operators bearing all expenses of manning, fueling, victualing, stevedoring, and repairs. The owner merely rents the use of the bare ship and supplies hull insurance. The charterer bears all the losses of the operation and to him all the profits accrue; and hence there is, by and large a measure of incentive such as is found in private ownership.

In spite of all efforts on the part of the board to charter ships under such a plan, the net result has been the chartering of but 38 ships at the small compensation of 50 cents per ton per month, an amount just about sufficient to offset insurance, interest, and depreciation, if the ship were privately owned, without leaving any profit to the owners in the transaction. The interest, insurance, and depreciation, here estimated, is based on world prices of merely $30 per ton.

FORCED INTO INCONSISTENT POSITION.

The fact that the board was not able to carry out its policy of going on a bareboat charter basis is due to the fact that it has been impossible to bareboat charter the ships. Under the merchant marine act of 1920, it being obligatory on the Shipping Board to maintain certain routes, the board has been forced to continue in a system of which economically it does not approve; the board has reduced its operations to 421 ships in order to keep within the meaning of its interpretation of the Jones Act. It has, in so far as time has permitted, corrected the abuses in the managing agency system complained of, but the inherent lack of inspiration and lack of responsibility can never be cured under this system.

With world shipping depressed beyond anything ever known, with the fear of competitive Government operation financed out of the depths of the Public Treasury, with the bugaboo of a vast unliquidated Government-owned tonnage hanging over the market, charterer and buyer alike find no incentive for risk. It is a drab picture which I draw, but I aver that we can only look forward to benefiting from the advantages of improved world trade conditions when they may come by now putting our house in order to transfer our operations and our fleet into private hands.

DIRECT GOVERNMENT OPERATION EVEN WORSE.

The only other alternative is worse than the present dire situation; that is, direct operation by the Government instead of through managing agents. If there is one thing worse than Government ownership, as we now have it, it is ownership and operation by the Government. The reason for this is obvious. If we find it difficult to create an organization for the Government merely to supervise the operation of private agents, how difficult and impossible would it be to set up a proper operation for so complex a business as shipping, to be operated throughout every corner of the world.

GOVERNMENT OPERATION MEANS EVENTUAL DISAPPEARANCE OF FLEET.

One of the most formidable objections to continued Government operation to-day—an objection that is insurmountable—is that the ships owned by the Government would in due course wear out, even with proper repairs. No one in Congress suggests, nor have I ever heard it suggested from any source, that the Government should build ships to replace those that are worn out, or that the Government should build new type ships. If there is one unanimous opinion in the country regarding our merchant marine it is that Government construction of merchant ships should cease. Thus the continued operation by the Government of its present fleet would be making no progress toward a permanent policy on the seas or a renewed and enduring merchant marine. This one phase alone calls for legislation along the lines proposed to insure the Government's retirement from ownership and operation.

Permit me to stress that unless the Government rebuilds, even if the Government could stay in operation and give a good operation, which I deny, within less than 20 years the fleet would be worn out and gone. We would be building up no American merchant marine, for, with the Government continuing to operate, private operators would be driven out of business under the American flag. They could not stand the competition. The Government would not be building new ships, and all that would have been accomplished would be declining Governmental operations under the American flag, with the assurance that the ultimate would be America driven from the seas. Thus the Americans who took to the sea as a profession would ultimately find America without ships of its own flag, and would be driven to ship on foreign ships at foreign wages; whereas by insuring private operations, which will be continuing, we insure American seamen on the sea at American wages. Further, if the Government continues in operation without the legislation asked for, and drives the private owner off the sea or prevents his growth and assuredly prevents new capital from coming into existence, there will be no building by the Government, or anyone else under the American flag, of those types of ships so sorely needed to balance our fleet and to aid our Navy in time of war.

Continued Government operation is a solution only from one standpoint. It solves the problem in one way, to wit, that the fleet shall be operated by the Government until it is worn out and thus assure the elimination of the American flag from world commerce.

GOVERNMENT AID ESSENTIAL TO END LOSSES.

I do not desire by compromise for one moment to escape the responsibility of making the assertion that there is no future for the American merchant marine, private and Government, save bankruptcy, unless private ownership is fostered and expanded and the Government retire. No philosophy of sophistry, no economic theories can change the proved facts of experience of the Shipping Board. Those of us who spend our hours in the Shipping Board claim to be as patriotically moved as any men on this subject. Our contact with this thing is closer than that of others, and I am sure the members of the Shipping Board will join with the trustees of the Emergency Fleet Corporation in attesting that I truly record here our experience.

While the seeming loss of Government operation at this time is $4,000,000 a month, let us remember that the fleet is growing no younger. Each day adds age to it, and if these operations be not quickly ended, the ships, through the lack of responsibility felt regarding them on the part of the operators and crew alike, will depreciate largely in worth.

LOSS BY DETERIORATION.

With the way the ships are handled under the present lack of responsibility, as will be proved to you in testimony later to be given by Shipping Board experts, regardless of how world conditions improve and freights increase, the loss of the Shipping Board will be constant and possibly accelerated through the vast repairs to the ships that will be necessary as time goes on.

We are living in a fool's paradise if we think the loss is merely that which we can measure in the monthly balance sheet; and even this loss of $50,000,000 per annum fails to take proper account of interest, depreciation, or full insurance.

How can private enterprise live in such competition? To continue it spells the death of private enterprise and in turn Government operation will wither. We can no longer procrastinate in choosing our course. Congress must now decide whether there shall be opportunity given to turn this thing into a great asset of peace and an essential of war—as we believe it can be turned—or whether the festering sore, through inaction and self-deception, shall be continued and grew worse.

SALE OF SHIPS IMPOSSIBLE WITHOUT AID.

The Shipping Board's loss of $50,000,000 a year, we aver, can be ended by a much lesser expense from the Treasury, through the direct and indirect aids proposed, and only in this way can the Government's good ships find a market by making private operation profitable. As quickly as possible we feel that the good ships should be liquidated, the poor ships disposed of, the Government put out of operation. The proposals made by the President contemplate that at an ultimate maximum expenditure of $32,000,000 per annum in direct aid, and through various forms of indirect aid, we will finally dispose of our ships for private operation, at a total annual cost of something over $40,000,000; and thus shall we end an operating loss of $50,000,000, give our people a better and a more assured service on the seas than America has ever enjoyed heretofore, successfully turning a war-time and war-built enterprise into a great instrument of peace-time profit and peace insurance.

At the present time there is, by and large, no market for our vast tonnage. Much of this tonnage cost over $200 per ton to build. About 1,300,000 dead-weight tons were sold at prices averaging $177 per ton since the end of the war. One hundred and seventy thousand tons have been paid for; on 390,000 tons the purchase has not been completed, and the ships are again in the possession of the board. In the case of 740,000 tons, we either must give vast relief on the amounts owing, or take the ships back. So that, compared to the total tonnage built by the Government, practically no tonnage has been disposed of. After months of deliberation, in January last the board decided to undertake to sell its tonnage at world-market prices; and on its steel freighters, after careful investigation, it found this to be a minimum of $30 per ton for the best tonnage. So depressed is world's shipping at present, and especially so timid are operators under the American flag, that we have even at these prices been able to dispose of but 100,000 dead-weight or 65,000 gross tons. Nor can we see any great hope of disposal of an appreciable part of the total tonnage we have, unless, through Government aid, the difference between our operation and that of the foreigner is provided for, and thereby automatically the competition of wasteful Government operation removed.

AID NEEDED TO OVERCOME HIGHER OPERATING COSTS.

Private ships under the American flag must be governmentally aided, because of the higher standards of living of American labor in the shipyard and on the ship. The man who builds ships on land works in America with a higher wage; the man who mans our ship is paid more and sustained better than the foreigner. Who in America would

have it different? Who in America would question that the prosperity of one should be the common prosperity of all, and that these higher standards should prevail with all the people of our country? It is of prime importance, if we are to have an American merchant marine, that that merchant marine consist of ships built by American workmen in American yards; because, if we are once again engaged in war, unless we control our own yards and our own shipbuilding we will be lacking in the means of instant and sure repair and renewal.

FAST LOSING ART OF SHIPBUILDING.

With the limitations of armament and the holiday in naval shipbuilding the development of the private shipyard becomes more essential than ever, or the art of shipbuilding will be lost to America, and in time of war those nations of the world who kept their shipbuilding alive through overseas carrying will have an unmatchable advantage over us. So, with changed conditions, from the standpoint of our country's security alone, it is essential that we foster a private merchant marine built by American workmen.

Therefore, with higher costs of living and with higher capital charges, if we grant that for war and peace time purposes we need a merchant marine, the Government must, through aid to shipping, direct or indirect, or both, make good the difference between these added charges under the American and other flags. And further, only through aid to private shipping can we hope to end the great loss through governmental operation now existing and liquidate the Government's fleet.

AID PROPOSED IN THE MERCHANT MARINE ACT, 1920.

When the present Shipping Board came into office, one of its major duties was to study and bring into life the provisions of the merchant marine act of 1920. This act provided for a sound system of indirect aids to American ships, chief of which was section 34 heretofore referred to, which called for preferential tariffs on imports when carried in American ships. For reasons before given, President Wilson refused to abrogate the treaties, which made impossible the functioning of section 34. The present Shipping Board unanimously memorialized President Harding to do that which President Wilson had refused to do. After long deliberation and careful investigation, President Harding concurred with President Wilson, and thus we have the will of both a Democratic and a Republican President—the greatest nonpartisan concurrence there could be—that, for the time being at least, the provisions of section 34 can not be carried out.

MUST OVERCOME LOSS OF SECTION 34.

Removing section 34 from the Jones Act, President Harding, whose interest in the establishment of an American merchant marine is second to that of no living man, realized that the very heart and essence of the act was gone, and that without the benefits of section 34 the other benefits would not be sufficient to accomplish the needed purposes. The President coupled his declination to make possible the invoking of section 34 with a request to the Shipping Board that it make a study of such aids as should be substituted to replace the beneficent provisions of the relegated section.

THE PRESIDENT'S PROPOSAL.

With these problems before it, and with this premise unanimously adopted, the Shipping Board approached the study of the legislation which, when completed, the President proposed to the Congress.

The President's own first thought in substitution of section 34 was that the Government step into the breach created by the nonexistence of the benefits of section 34, by offering direct aids in the form of subsidies to American ships. For that purpose the President devised the plan that 10 per cent of all tariffs collected be placed in a fund for the upbuilding of America's privately owned merchant marine. How this very sound idea is to work out is best expressed by the President himself in his special message of February 28 to the Congress, as follows:

"The proposed aid of the Government to its merchant marine is to have its chief source in the duties collected on imports. Instead of applying the discriminating duty to the specific cargo, and thus encouraging only the inbound shipment, I propose that we shall collect all import duties, without discrimination as between American and foreign bottoms, and apply the heretofore proposed reduction to create a fund for the Government's aid to our merchant marine. By such a program we shall encourage not alone the carrying of inbound cargoes subject to our tariffs but we shall strengthen American ships in the carrying of that greater inbound tonnage on which no duties are levied, and, more important than these, we shall equip our merchant marine to serve our outbound commerce, which is the measure of our eminence in foreign trade."

DIRECT AID ALONE NOT ALWAYS A SUCCESS.

The Shipping Board immediately caused a study to be made of the history of direct aids to shipping. This study has been circulated among the Members of the Congress. There can be no doubt that the study shows that direct aids have failed quite as often as they have succeeded. Illuminating and parallel examples can be found in the cases of Japan and France. Similar cash subsidies resulted in Japan building up a most potent merchant marine for its purposes, while France fell far short of that desideratum. Obviously, therefore, there must have been other factors inherent in each of the individual countries that made for the differing results. Thus the Shipping Board soon came to the conclusion that it was problematic whether direct aids alone would accomplish the aims in mind.

DIVISION OF THOUGHT AS TO METHODS OF AID.

There have always been two great schools of thought in connection with Government aid to shipping—that which stands for direct aid in the form of cash subsidies and that which stands for indirect aids, where through favorable legislation preference is given to the home flag.

The opposition to Government aid to an American merchant marine has not always sprung from honest or disinterested purposes. The foreigner who has had the benefit of the profits that inured from carrying America's trade, the American shipowner, banker, and importer who has profited through his connections with foreign carrying companies, have all, consciously or unconsciously, properly or improperly, been opposed at times to the establishment of an American merchant marine. When direct aids have been proposed, the honest proponents of indirect aids have cried that only their methods should be adopted, and those with selfish purpose and dishonest interests have joined them in their cry. When indirect aids have been proposed, the proponents of direct aids have insisted that only their methods should be tried, and those with selfish and dishonest interests have joined on such occasions to the contrary.

SINISTER FORCES AT WORK COVERTLY.

We hold no quarrel with the foreigner, who would do all he can to prevent the establishment of an American merchant marine, that the profit of our carriage might inure to him. But we ask that there at least be a public understanding of the sinister forces that are at work—forces that can not be measured, that can not be detected, that can not be cornered—who use their instruments subtly among honest men. The day has come when we must, in common understanding, approach this subject. Happily, the Shipping Board, after long and careful study, came to the conclusion that a proper measure of Government aid to accomplish the purposes in mind could only come through the use of both direct and indirect aids, throwing the burden onto the indirect aid.

COMBINATION OF BOTH METHODS IN PROPOSED LEGISLATION.

Under the chairmanship of Commissioner Lissner, in conjunction with the chairman of the Shipping Board, and aided by an ample staff of experts, the Shipping Board made a study of all forms of indirect and direct aids ascertainable. A plan has been worked out whereby a very sound system of indirect aids is proposed. It is proposed in addition to give direct aid to a sufficient extent to make possible in good years earnings of 10 per cent or more for ships—surely not a very large earning where capital has to be attracted in competition with other enterprises. Beyond 10 per cent the earnings will be divided equally between the owner and the Government until all of the direct aid shall have been paid back into the merchant-marine fund to be created for the aid of shipping, after which the ships retain all of the surplus earnings, if any. If the indirect aids proposed should be sufficient in any annual period to bring proper returns, there would be no direct aid retained. Thus the burden of the aid is thrown on the indirect.

ALL POSSIBLE INDIRECT AIDS RECOMMENDED.

Thus the proponent of indirect aids can have no occasion to quarrel with the proposals; for, as the Shipping Board recommends every practical indirect aid possible to give, if those indirect aids should not be sufficient, no one can question that the Government should, from its Treasury, if ships are a national necessity, if the Government's loss in operation is to be ended and its fleet sold, help to the extent of making possible earnings of 10 per cent in good years. The proponents of direct aid certainly can raise no objection to indirect aids being first called into being, reliance being placed on direct aids only if the indirect aids are not sufficient. Therefore, in the legislation proposed by the President to the Congress through the Shipping Board's study, there can be no quarrel between the two schools of Government aid.

NO OPPORTUNITY FOR PROFITEERING.

This legislation proposes a very proper profit limitation—10 per cent on the earnings of ships, and after that equal division of earnings between the owner and the merchant-marine fund until the subsidy is returned. Surely such an allowance of earnings can not be called profiteering, because, while the ships are allowed a net profit of 10 per cent before beginning to return the subsidy, and thereafter are allowed half the net profit until the entire amount of the subsidy is returned, nowhere in the Shipping Board study is it proposed that ships be protected against loss. Under the proposal made, including the right of the Shipping Board to make 10-year contracts, there will be many years during which, with all the aids given, ships will lose money; and it is universally conceded that in the shipping business, through the years of plenty and years of famine, the average that any ship can earn through the proposed Government aid during the term of its 10-year contract is a very modest sum.

NEED FOR ADEQUATE AND SUFFICIENT ASSISTANCE.

There is no hope of the establishment of a merchant marine through insufficient aid. Rather than insufficient aid, let us have no aid at all, and leave the question open until such time as we will give sufficient aid to insure our purpose. The achievement of our purpose should be our aim, not to fool ourselves and others and achieve failure by doing too little when we seem to be doing enough. We should take advantage at this time to write on our statute books every possible indirect aid that can be uncovered and which can properly be used. The Shipping Board believes that in its proposed study it has done so. This legislation can be constantly amended, if new forms of indirect aid be found, until finally the need of direct aids disappears. But until the indirect aids have proved what they can do, until American ships have a larger volume of business, we must have some measure of direct aid, however, with proper limitation on profit.

We must do enough or nothing. We seek substance, not shadows. To do less than enough is merely to have sold out to the defeatists who would have no American merchant marine. We must stand firm for no compromise less than that which is sufficient, but we should yield nothing to possible profiteering. The Shipping Board stands boldly in its affirmation that its study and its proposal, unique though it is, would accomplish these purposes.

INDIRECT AIDS.

I shall not undertake now to discuss, save briefly, the various measures of indirect aids proposed. These will be covered in fullest detail, subject to your cross-examination, by those who are expert. I shall, however, briefly sketch what is asked.

SALE OF GOVERNMENT FLEET AT WORLD PRICES.

It is asked that the Shipping Board fleet be sold at world prices, regardless of cost of construction. The cost of construction is a war cost and should be written down to zero. Whatever we get out of the salvage is a profit; and if this fleet, built for war, can be turned to peace-time purposes, we shall verily have performed the miracle of turning the sword into the plowshare. No other of our war-time expenditures will have had such noble salvage.

The sale of the Shipping Board fleet at world prices means that those who buy will not have higher capital charges than others to the extent of the tonnage they thus acquire. Therefore in our study of direct aid we allow a minimum for such type of ships.

MUST SELL AT WORLD PRICES.

Experience has taught that we could not sell the Government-owned fleet at higher than world prices for similar tonnage if we would, and we should not if we could. There is no greater aid to equalize capital charges that can be rendered than to sell the Government-owned fleet at world prices. More we can not get, anyhow. Ships sold at such prices, should they earn, with Government aid, above 10 per cent, will perforce pay back to the Government half of the added earnings until the full direct aid is returned to the merchant marine fund. So that the Government will get the benefit of the low price at which it sells the ship. And if a ship, so sold at such a price, does not have earnings

in any year above 10 per cent, the best proof will have been given that the ship should not have been sold at a higher price.

Did the Government not possess this vast freight fleet which should meet our needs for that type for years to come, the amount of direct aid which we would have to ask from the Congress and the Treasury would most likely be doubled. Thus we make sound use, on the one hand, for indirect aid purposes of our freight tonnage, and at the same time accelerate the possibility of its disposal, on the other hand.

In order to insure that the sale of the Government's tonnage should carry out the spirit of the act of 1920, and should foster the ownership by communities of lines serving their districts, it is provided that local interests in the seaboard communities, and in the inland districts naturally tributary thereto, shall have not less than two years in which to organize steamship companies and to secure the capital necessary to purchase the lines which the board is operating from such communities.

CONSTRUCTION LOAN FUND.

Section 11 of the present Jones Act provides that for a term of five years the Shipping Board may recover into a construction loan fund $25,000,000 annually, or a total of $125,000,000. Thus far the Shipping Board, like the horse that eats its head off, has used all the moneys for operation and construction that have come to it from liquidation, and there is nothing in the loan fund. The board, however, hopes with proposed appropriations soon to be made available, to have its debts liquidated at no late date, and asks that it be permitted out of further liquidation to accrue to the construction loan fund as expeditiously as possible the $125,000,000, and begs permission to loan this at rates as low as 2 per cent.

GREAT CUNARDERS VIRTUALLY GIFT.

Great Britain, feeling a commercial and naval need for the *Mauretania* and *Lusitania*, built these ships for the Cunard line at an interest charge of 2½ per cent. However, Britain furnished all the money, gave them 20 years to pay it off, and gave the company an annual subsidy that equaled the amount of interest and amortization to be paid. So that in effect the British Government made the Cunard Co. a present of the ships. Nothing so drastic is proposed by the Shipping Board.

OWNER MUST DO HIS PART.

We propose at most to loan two-thirds of the value of the ship; the balance must be furnished by the owner. The low interest rate will be given only for special types of ships that will be considered essential for the building of a balanced merchant marine for peace and war time purposes, and will be measured with a view to equalizing capital costs. Again, the limitation of profit comes into play; because, if the lower interest rate results in increased earnings at above 10 per cent, half of those increased earnings come back into the merchant marine fund until the subsidy received is paid back in any one year. If the earnings should not be 10 per cent it will be proved that the Government wisely loaned the money at 2 per cent to insure that these types of ships, which are as needed as warships themselves, be built. It is this construction loan fund that is our greatest insurance for continued operation of private shipyards in America.

INCOME TAX RELIEF.

Another form of indirect aids proposed is in income tax relief. In order to create an incentive for shippers to use American-flag ships and as a stimulus to our foreign trade, a deduction from net Federal income tax payable should be allowed on the basis of 5 per cent of the freight paid on goods imported or exported in American-flag vessels. This deduction in time might amount to eight or ten million dollars per year.

Through cooperation with the Treasury Department and by legislation a greater allowance for depreciation for income tax purposes should be made on ships in order to make the depreciation allowance more accurately represent the actual depreciation of vessels and to give effect to the marked slump in the value of tonnage during the past several years.

Section 23 of the merchant marine act should be amended so that the payment of all income taxes (which would otherwise be payable on net earnings of vessels in foreign trade) shall be waived by the Government when the amount of such taxes is applied to half the cost of new ship construction—increasing same from one-third as at present.

IMPORTANCE OF THIS DEDUCTION.

It is the belief of the Shipping Board that the proposed deduction from net Federal income tax of 5 per cent of the freight paid on goods imported or exported in American-flag vessels may do more to aid in the upbuilding of the American merchant marine than any proposal which is herein submitted to the Congress.

Section 34 provided preferential tariffs for American-flag ships, but this could only be applicable to dutiable imports. The operation of section 34 gave no preference to American ships on exports, and no preference to American ships on nondutiable imports. The proposed 5 per cent deduction from taxes of the freights paid on goods imported or exported in American-flag vessels, now made, should insure a preference to American shippers on every ton of goods sold abroad or bought for consumption at home. This 5 per cent deduction is made in substitution of section 34, but we of the Shipping Board believe it is possible that this section will accomplish at less cost to the Treasury much more than might have been accomplished by section 34.

NEW MERCHANT MARINE PRACTICALLY PIONEER.

The greatest disadvantage, outside of added capital charge and added wage and subsistence cost, which American ships have endured, is the fact that, in overseas carriage, other nations, which have for a century or more successfully operated, control the volume of trade, and American ships must undergo the great expense of building up that volume.

When a man engages in a new business he must suffer the expense of establishing himself in the trade while his established competitor is enjoying the profit of the volume that comes from long operations. Nothing that can be devised, the Shipping Board feels, will so greatly insure volume to American ships as the 5 per cent tax deduction here proposed.

Again the limitations of profit come into play. If the 5 per cent is no inducement, then there will be no tax deduction; if it is an inducement, American ships will secure largely increased volume, many will thereby earn over 10 per cent, and half the excess beyond that modest profit will go into the merchant-marine fund until the subsidy is repaid.

DIVISION OF IMMIGRATION.

It is proposed through cooperation with the Bureau of Immigration of the Department of Labor that regulations should be prescribed and legislation enacted that would insure to American-flag passenger ships at least 50 per cent of the immigration coming to this country.

Such regulations shall not go into effect until existing treaties are modified sufficiently to permit. The President is directed to undertake such negotiations as may be necessary, and upon completing such negotiations to proclaim the taking effect of this provision.

Had such a provision been enacted during that pre-war period when immigration was at its height—1,200,000 per annum—and had half of that number of immigrants come in American-flag ships, the Shipping Board believes that instead of having only 15 passenger ships under the American flag in 1914, in the north Atlantic at least we would have had as many passenger ships of the third-class type as any nation in the world, Great Britain not excepted.

OVERLOOKED INVALUABLE IMMIGRATION AID.

Had we husbanded and used our rights, had we shown the slightest interest in or desire for a merchant marine, without one cent of aid from the Treasury, through the enactment of an immigration proposal such as here put forth, we had in the flood tide of immigration within our grasp the means of establishing a valuable branch of the merchant marine. Should this proposal work out as the Shipping Board believes it will, the limitation of profits will again come into play, and many of the third-class passenger ships—and better classes of passenger ships for that—will earn over 10 per cent as a result of this immigration legislation. The plus beyond the 10 per cent will be equally divided between the owner and the merchant-marine fund until the subsidy is repaid.

REQUIRES GOVERNMENT EMPLOYEES TO USE AMERICAN SHIPS.

It is proposed that all Government agents from whatever department who travel abroad make use of American-flag ships. It would appear unseemly that Congress should have to be petitioned to make such action mandatory by law; but, sad to relate, many if not most of the servants of the Government traveling abroad use the ships of foreign flag, giving ofttimes as their excuse that they do so as a compliment to the country to which they are going. One has never heard of a foreigner using an American-flag ship as a compliment to us!

To increase the revenues of American vessels and to furnish an example for all American citizens to follow in giving preference to American ships, therefore legislation should be enacted that will prohibit hereafter the overseas transportation of passengers or freight at the expense of the Government other than in a vessel flying the American flag, unless suitable and convenient transportation by an American vessel is not obtainable.

ARMY TRANSPORT SERVICE.

Based on current commercial rates and on the volume of passenger and cargo movement for 1921 on trans-Pacific traffic alone, the total charge for transporting Government passengers and cargo by commercial vessels would be, approximately, $7,500,000 per annum. There can be no economic justification for the withholding of this business from Shipping Board ships which are available or from privately owned ships. The withdrawal of the Army and Navy transport services, which the President should be authorized to effect by Executive order in whole or in part, will materially reduce the operating losses of the Shipping Board, and should largely aid in the disposal of many of its vessels. It is estimated that during the first year the diversion of this traffic to the trans-Pacific Shipping Board services or to privately owned lines would result in increased net earnings to the Shipping Board or such privately owned lines of approximately $5,000,000. This business would be an impelling inducement to private owners to purchase at a fair valuation the Shipping Board passenger-cargo vessels adapted for this service.

The volume of business afforded to trans-Pacific lines through the Army and Navy transport service should do much to aid in bringing earnings to 10 per cent, after which half of the earnings will be returned to the merchant-marine fund until the full subsidy is repaid.

EXTENSION OF COASTWISE RESTRICTIONS.

Inasmuch as the trade between the Philippine Islands and the United States has been free since the passage of the tariff act of 1913 it is felt that there can be no valid objection to the extension of our coastwise laws to include our trade with those islands, as provided in section 21 of the merchant marine act. The trade with the Philippines would not suffer in any respect, since there is available an adequate supply of American ships to carry the entire commerce.

INCREASED PROSPERITY OF PORTO RICO AND HAWAII.

There are those who make crying arguments against section 21 being declared operative. These are either poorly informed, or are the tools of foreign shipowners who have profited by past conditions. It is with mixed amusement and indignation that one reads through the cries of warning issued when Hawaii and Porto Rico were about to be declared coastwise. The objectors drew dire pictures of calamity to those two islands if they should be included in the coastwise laws of America, though they enjoy the benefits of free trade with us. The arguments brought to bear against the coastwise inclusion of Porto Rico and Hawaii are almost, sentence for sentence, word for word, syllable for syllable, the arguments made against bringing the Philippines into our coastwise law. But the history of the accelerated prosperity of Porto Rico and Hawaii since their coastwise inclusion gives emphatic contradiction to the objections now being raised by the ignorant and the selfish and the foreign.

PREFERENTIAL THROUGH RATES ON AMERICAN RAILROADS.

It is believed by many that considerable indirect aid will result from the making effective of section 28 of the merchant marine act. The legislation is mandatory and its real worth can only be determined by actual trial. The Shipping Board is making an exhaustive investigation of the practical application of this section as a preliminary to certification to the Interstate Commerce Commission that adequate shipping facilities are afforded by American ships.

There has been a certain amount of fear on the part of various communities as to the local effect of this section. To remove any apprehension, the section is amended so that when both the Interstate Commerce Commission and the Shipping Board are of the opinion that its operation will materially change the channels of transportation within the United States or unduly congest ports of the United States, the commission may suspend the operation of the section.

COORDINATION OF RAIL AND WATER FACILITIES.

The railroad systems of the United States feel the need of definite import and export working agreements with steamships engaged in foreign trade. A number of such agreements have been made in the past, and some are still in force. They have usually been with foreign

steamship lines; such agreements to-day are prejudicial to American shipping. It would seem expedient and wise to permit reasonable working arrangements to exist between railroads and steamships, with special reference to the interchange of traffic between the roads and vessels of the United States.

The problem of fully and completely coordinating our rail and water transportation is acute and important. The solution of this problem will involve extensive research and study of the facts and principles involved. The work, of course, calls for the supervision of the Interstate Commerce Commission, as well as of the United States Shipping Board. The suggestion has been made that a group of experts should be created, to be appointed jointly by these two bodies, whose chief duty would be to make full inquiry and to formulate appropriate rules and regulations providing for such coordination, subject to the approval of the Interstate Commerce Commission and the United States Shipping Board.

ADDED IMPETUS FOR INVESTMENT OF NEW CAPITAL.

At the same time an added impetus can be given the investment of new capital in American shipping and in the possible purchase of vessels from the United States Shipping Board, if railroad interests are permitted to own and develop steamship lines operated exclusively in foreign trade. To do this effectively it would be necessary to modify section 5 of the interstate commerce act to the extent that vessels may be thus owned when exclusively engaged in foreign commerce. The provisions of that act would remain in full force, so far as they prohibit the use of the Canal by vessels owned by railroad interests, if the vessels are engaged in traffic between the Atlantic and Pacific coast of the United States. This would leave intact the main purpose of the original provision, which was to insure the competitive advantages of water-borne intercoastal traffic against the control of transcontinental railroads.

These are the indirect aids which the President asks the Congress to enact into legislation.

DIRECT AID.

In its study the Shipping Board has undertaken to make a proposal that shall put American ships on a basis of equality with Great Britain, which has the next highest cost of operation to ours. At no time did we consider aids, direct or indirect, that should do anything for the American owner but place him on a parity with Great Britain. Others will explain to you how we arrive at the basis of direct aid, which may be necessary to take up the slack between the benefits inuring from the indirect aid proposed and the amount needed to place costs on a parity with those of Great Britain.

The difference in costs will be not alone that existing at present. Recognizing the imperative need of an American merchant marine in the true sense of the word, the bill provides that no vessel shall receive compensation unless two-thirds or more of her entire crew, exclusive of officers, are American citizens. The officers are required to be citizens by law. The remainder of the crew must be eligible for citizenship, which bars from employment on compensated vessels crews drawn from the so-called Asiatic barred zone. Because of the difficulty of training American citizens to be servants and waiters, the steward's department on passenger ships is exempted from this requirement.

The effect of demanding a fixed proportion of American citizens on board ship and the setting of that proportion at a figure much higher than that which obtains to-day will result in an increased wage differential even beyond that which exists to-day.

AMOUNT OF DIRECT AID.

The direct aid is computed on a differential based on a combination of speed, tonnage, and distance covered, starting with a half cent per gross ton per hundred miles steamed in the foreign trade for ships under 13 knots, and increasing to a total of 2.6 cents per gross ton per hundred miles steamed for ships of 23 knots and over. It is estimated that in order to develop a balanced fleet of 7,500,000 gross tons, which should carry 50 per cent at least of all branches of our overseas trade, the cost to the Treasury will ultimately approximate $30,000,000, though for the first year it is estimated at only $15,000,000.

The details of how this will work out require technical and lengthy illumination, which will later be given you by those who are expert.

DIRECT AID PROPOSED MODEST.

I wish only to state that from the investigations made by the Shipping Board we think this sum a very modest one. If it should enable us to soon get the Emergency Fleet Corporation out of operation and save the greater part of the $50,000,000 loss which now burdens the Treasury, the direct aid here proposed should and will more than pay for itself. It is for that reason that we stand firm in the guaranty to Congress that before long the amount paid out in cash subsidy to American ships will be more than equalized by decreased appropriations for the Emergency Fleet Corporation.

It was obviously impossible to compute a basis of Government aid that will be exact. It is no more possible to figure out a system of direct aid for shipping on exact lines than it is possible to enact a tariff bill or a tax bill that will work out with exact justice. When one legislates in the abstract for such vast undertakings, covering differing operations under differing conditions, one can figure at best on the average. But happily in the present proposed legislation, by the limitation on profit the inequalities are equalized in the ultimate.

PROPOSE LESS AID THAN NOW GIVEN IN ONE CASE.

Because of the great value it places on the indirect aids, the Shipping Board figured a very modest sum for direct aids. For instance, there are to-day two subsidized ships of the Oceanic Steamship Co. under the American flag going to Australasia. They now receive in postal subsidies $85,000 per ship per year. It is our understanding that the owners of these ships, at the expiration of their present contract with the Post Office Department, will refuse to renew their contract because they can not operate the ships with profit. Even though these ships can not be profitably operated, it may be essential to our potential trade that they continue on those routes. Under the proposed direct aid these ships would each receive but $60,000 per year, or $25,000 less than they are receiving at present, and the owners now refuse to renew the present arrangement because it does not sufficiently recompense them.

FLEXIBILITY PERMITS AID WHERE AID IS NEEDED.

This instance is cited to illustrate, first, the safe basis on which the direct aids have been proposed by the Shipping Board; and, second, the need of giving elasticity to the Shipping Board in the application of direct aid. Therefore it is proposed in the law that the Shipping Board have the power in the contracts which it makes with subsidized lines to lessen the amount of direct aid, or to increase it up to double the scheduled amount.

PROFIT LIMITATION ALWAYS A SAFEGUARD.

In the case of the Australasian lines, it is obvious that even with the indirect aids, the direct aid proposed may not be sufficient. Under the law as requested the Shipping Board would have the right to give these ships more direct aid than the law provides; but again the limitation of profit feature comes in as an automatic check on mistaken judgment or preference, for if the Shipping Board allowed too much, when the profit reaches 10 per cent in any one year, half of the plus profit returns to the merchant marine fund until the subsidy is repaid. And if the ships do not earn 10 per cent, surely there can be no question of a profiteering subsidy.

In the need for a balanced merchant marine it is conceivable that the Shipping Board would want to induce private capital to build various types of very expensive ships that could not be profitably operated without a large measure of Government aid—passenger ships, refrigerator ships, ships convertible to hospital and airplane purposes.

ELASTICITY CLAUSE EXPLAINED.

It is possible in the development of our peace-time trade with proper vision that the Shipping Board would want to send ships on routes where no cargo movement nearly sufficient to insure profitable operation exists, but where, if for a given length of time we had ships plying regularly, such movement could be created to the great profit of our agriculturists, our manufacturers, our exporters, and our importers. To such ships, in the interests of all our people, the Shipping Board asks the privilege to have elastic right to give up to double of the aid provided for in the proposed legislation. But again the limitations on profit comes into play; should the amount given by the Shipping Board result in accrued earnings of over 10 per cent in any one year, half of the plus earnings would be returned to the merchant marine fund. And if these needed ships or needed routes we aid, in statesman-like vision, to insure our future should not earn 10 per cent, surely there can be no question of a profiteering subsidy.

AID DECREASES AS EARNINGS INCREASE.

On the other hand, there can be no doubt that if the Shipping Board possesses proper wisdom and interest, in some cases it will perceive in advance that the subsidy called for in the proposed legislation might insure earnings greater than 10 per cent, but not enough greater so that the half of the excess would result in all the subsidy being returned to the merchant marine fund. In such cases the Shipping Board asks the right to make contracts for a lesser amount than provided for in the law, because the Shipping Board does not want to knowingly give direct aid which, in addition to the indirect aids, will insure too great a constant profit at the public expense.

It is impossible to apply any direct aid by blanket legislation which, when added to unascertainable benefits from indirect aids for varying types of ships in varying trades under carrying conditions, shall put our ships on a parity with Great Britain and attractive to private capital. Therefore elasticity should be given to the Shipping Board in the application of the direct aid that insured fleets of right types should be encouraged in needed trades. But by limitations on profit, the Treasury is guaranteed against mistakes in judgment, and profiteering can not result.

ELASTICITY BUILDING UP DIVERSIFIED PORTS.

It might be well to point out that the elasticity provision of the proposed law will give potential power to the Shipping Board to build up ports as well as shipping lines—that the whole people of the United States, particularly the farmer and manufacturer of the interior, may be insured facilities geographically diversified to make certain prompt port handling of his shipments.

A further benefit by giving the Shipping Board elasticity in the application of direct aid comes from the fact that thereby the possibility of retaliation is largely averted. If foreign nations know that the Shipping Board can meet retaliatory increases of subsidy immediately, they will be slow to go into such competition, because they know that they can neither force nor frighten us out.

MUST RETURN PART OF EARNINGS TO GOVERNMENT.

In the proposed legislation the possible earnings are not limited to 10 per cent, but may permissibly go to any extent beyond 10 per cent, save that 50 per cent of the excess earnings is returned to the fund until the subsidy is repaid, in order to attract capital into investment in ships, and that too big a premium be not put on the inefficient. If the efficient operator is limited in earnings to 10 per cent and must pay all profits above that earning back to the merchant marine fund, we thereby subsidize the inefficient operator in a continuance of his inefficiency and destroy his initiative, to the hurt of the unbuilding of the American merchant marine. Or, if the earnings of the efficient operator must remain static until the inefficient catch up with him, the encouragement flows to the inefficient at the expense of efficiency.

MUST STIMULATE SHIPPING INVESTMENT.

In America there is neither consciousness nor desire for investment in shipping. Competition with investment opportunity on land in America has made investment in ship securities very unattractive to our people, and those who have invested have had sorry experience. We must, if we are to attract those who put their money in common stocks, allow profits, continuous and increasing, according to merit and condition of the times and permit reserves to be created for losing years. For these reasons it would be a sad mistake to cut the profit off at 10 per cent in its entirety until the subsidy is repaid into the merchant marine fund. The investor must know that there is no point when through efficient operation he can not get an expectancy of some increased return.

The study of the limitation of profit has been made with a view to insuring that every dollar paid out of the Public Treasury brings creative results to the American merchant marine on the one hand, and still minimizes that measure of governmental supervision and interference which might make the private owner timid.

DETAILS OF LIMITATION OF PROFIT FEATURE.

The limitation of profit follows only those ships which qualify as being entitled to the aid. If a company operates several ships, some of them making money and some losing money, the company can take the earnings of the ships jointly to get an average.

It is in the national interest that all ships be aided which helpfully build up trade for the national wealth. There are companies where ship operations are only a minor part of the total operations of the company and incidental thereto. In such companies, therefore, the Shipping Board eliminates any profits or losses made on operations that accrue from any sources save ships.

NO OPPORTUNITY FOR FRAUD.

If a shipping company desires to invest a large sum of money in a building as an advertisement, if it goes into the financing business, that

is an operation and a risk entirely aside from any interest the Government as a whole holds in shipping, and the profit or the loss accrues entirely to the company. One company may operate ships only and have no outside investments. Another company may operate ships and go into vast building and banking enterprises. To put all on a parity, we consider only ships and ship operations in the profit limitations.

TREASURY CHECKS EARNINGS.

That there may not be undue Government interference, the check on profits is made by the Treasury Department and not by the Shipping Board. It is proposed that the return be made by the operator on the same return where he attests to the Treasury for his corporation's income tax, and the Treasury checks up on the ships' operations at the same time that it checks upon the corporation or individual tax, thus doing away with any added Government supervision of operations than that which exists to-day through the work of the Internal Revenue Department. We believe we have worked out a plan in the limitations of profit which, when explained to you in detail, will serve on the one hand to protect the Treasury, and on the other hand to automatically inspire efficient operation and the proper covering of needed routes.

MISUSE OF AID GUARDED AGAINST.

At one time the French Government in its possibly mistaken effort to develop a merchant marine largely of sailing ships—because the country did not lend itself naturally to the construction nor operation of steamers—subsidized heavily on a mileage basis ocean-going sailing craft. The cost of operation of a sailing ship is comparatively low. In normal operation this is balanced by the fact that its revenue is equally low. With the subsidy granted by the French, however, it became possible, owing to the low cost of sailing ship operation, to move sailing ships about the world largely or wholly in ballast and to derive returns entirely from the subsidy.

This circumstance has been brought up many times since as an argument against direct aid to shipping. It is a faulty argument because it does not apply to steamers. A moment's reflection will show the impossibility of operating a steam vessel for subsidy alone. Taking the smallest class allowed, 1,500 gross tons, and giving her the benefit of the aid accruing to a 5,000-ton ship, and further assuming that she covered a distance of 240 miles per day, she would derive for that 240 miles but $60. To steam that 240 miles she must have expended $120 in burning 20 tons of coal, at least, at a probable minimum cost of $6 per ton. Thus it can be seen that her fueling alone will be twice the amount of direct aid collected under the most favorable circumstances. With wages, subsistence, stores, repairs, interest, insurance, and depreciation to meet, there is no fear that the small amount of direct aid recommended will permit inefficient operation when it only meets half of the fuel costs alone.

NO INSURANCE OF PROFITS.

Even with the most efficient operation there is nowhere contained in this proposed legislation a guarantee of profit. In very bad years, when British shipping as a whole loses money, it is conceivable that, with all the aids proposed, direct and indirect, our ships may lose. There is nothing in the proposed legislation that insures profits on the one hand or encourages profiteering on the other. The reason for allowing 10 per cent in good years and half of the plus over 10 per cent until the subsidy is repaid to the merchant marine fund is that companies may build up a reserve to tide them over the losing years, which are not infrequent in the shipping business.

All shipowners getting the benefit of subsidies must pay back into the merchant marine fund the moneys they receive for the carriage of the mails, which is now fast amounting to $5,000,000. The subsidy proposed by this legislation is the only subsidy the carrier would receive. In effect the mails, other than parcel post, would be carried free. Thus we would be insured much better mail service for the development of our trade; for, instead of mails waiting at the dock to be carried by specially subsidized ships, we would send them in unlimited quantities on the first ship available.

STABILITY ESSENTIAL TO CONFIDENCE OF INVESTORS.

The legislation asks the right to make 10-year contracts. Shipping men generally question that this period is long enough. They argue, for reasons which later they will lay before your committee, that 15 years should be the period of the contract. The Shipping Board hopes and feels that within 10 years, through then established trade routes, the freights inuring to American ships under the beneficial provisions of the indirect aids of the proposed law will have sufficiently increased to make direct aid largely unnecessary. It is for that reason that the Shipping Board takes a differing position from the private owner. However, that contracts be made for a period of 10 years is essential, for it is a notorious fact, known to all, that American ships, without the proposed aid, can not, by and large, profitably operate, and investors will refuse to put their moneys into securities of American ships unless they know they are protected by at least 10-year contracts.

NATIONAL POLICY WOULD BRING NEW LIFE.

The Shipping Board wishes to emphasize to your committee and to the Congress that world shipping is now more depressed than it has ever been in proportion to world tonnage. Capital is hard to get; operators are timid, not only because of the lack of cargoes but because of the uncertainty that hangs over shipping all over the world, through the possible continuous competition in operation of the American Government and through the unliquidated tonnage owned by our Government. The greatest stabilizer for world shipping conditions, and particularly for American shipowners and operators, that would come would be the enactment of the legislation proposed by the President, that will give a national policy to American shipping, and in behalf of which the Shipping Board is now appearing before you. Courage would immediately come to the American owner, and new life, we believe, would be given to the American investor.

CONCLUSIONS.

However, so vast an undertaking can not be quickly liquidated. We believe that of the 700 good freight ships we have the Shipping Board would feel very happy if, within 30 months from the time of the passage of this bill, it could dispose of sufficient ships to take care of the routes it is now operating and put the Emergency Fleet Corporation out of business as an operating company. This, however, the Shipping Board believes is within the realm of promisable accomplishment, and this the Shipping Board believes it can in good faith encourage the Congress to believe will be brought about.

In the human body many organs are vital. Without the heart, the lungs, the liver, the brain, life is not possible. No man can say which is the more vital organ. And so in our national life are many organs vital. Which is the most vital no man can say, but without the possession of any one of the vital organs the Nation can no more live than can the individual. In the development of our national being the merchant marine for peace and war purposes has become a vital organ. Government operation makes that organ a diseased one.

NATION FACES ISSUE IT CAN NOT DODGE.

We are now face to face with the solution of this great national problem. The Shipping Board believes the proposal of the President, if adopted by the Congress without major change, will bring to America a healthy organ in a merchant marine, one consonant with our national strength, with our national potentialities, and with our national desires. The salient proposals made are as a mosaic, where each part fits into the other. The Shipping Board stands fast for the general principles covered. But in the application of details, both by law and regulation, the board feels free to say that there may be points that should be further explored and various views that should be considered. Any radical change in the proposals might, however, result in the destruction of the whole.

URGENCY OF THE SITUATION.

For reasons which we have sketched to you, the inefficiencies of the Government operation, the great loss thereby accruing through the continuance of the Emergency Fleet Corporation, the uncertainty in the minds of private owners because of that continued operation, and the need of a policy to insure the disposition of the Government-owned fleet, all testify to the fact that expedition is the essence in the enactment of the legislation for which the President has asked. Delay may be fatal. The Shipping Board would view with alarm inaction by this Congress on the legislation which the President asked in behalf of our merchant marine.

PROPOSAL NONPARTISAN—ALL AMERICAN.

If you accept not our proposal, we join the President in asking that you make a contra one, for, if the status quo remains, we know that as a merchant marine power we shall be bankrupt.

We come before you pleading an all-American question, nonpartisan, with the unanimous recommendation of all the members of our board, Democratic and Republican alike. We come before you to plead that through the enactment of the legislation proposed by the President America may take its place on the seas as it has won its place on the land. We come before you to plead that an instrument of war be turned into a glorious and profitable instrument of peace, and that we thereby insure to coming generations the heritage which should rightly be theirs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate $1,000 for completing the wagon road on the Quinault Indian Reservation between Taholah and Moclips, Wash., intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TRAMMELL submitted an amendment proposing to appropriate $150,000 for conducting such investigations of the nature and means of communication of the disease of citrus canker and for applying such methods of eradication or control of the disease as, in the judgment of the Secretary of Agriculture, may be necessary, and for cooperation with such authorities of the States concerned and organizations of growers or individuals as he may deem necessary to accomplish such purpose, and so forth, intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 34 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 28, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 27, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we pray in the name of Him who has broken the silence of eternity. He has given us the fadeless messages of love and hope. We bless Thee that His throne is in the highest heaven and in the humblest breast. Hold Thou His cross before us, and be gracious to receive and ready to forgive. Kindle in all hearts the light and warmth of Thy presence. May we recognize the government of God in all its fullness. Cleanse, enlighten, and uplift all peoples. Grant that every institution of our land that makes for righteousness, intelligence, equal rights to all, and a larger America may receive the benediction of Thy grace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Government of the United States and the District of Columbia during the fiscal year ending June 30, 1923, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 11393. An act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress; and

H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FAIRFIELD, for to-day, on account of illness.

TRADING IN GRAIN FUTURES.

The SPEAKER. When the House adjourned last night the bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges and for other purposes had been ordered to a third reading, and the reading of the engrossed bill was demanded. The engrossed bill is now here. Does the gentleman from Wisconsin desire the reading of the engrossed bill?

Mr. VOIGT. Mr. Speaker, I withdraw the request for the reading of the engrossed bill.

The bill was read a third time.

The SPEAKER. The question is on the passage.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. TINCHER. Mr. Speaker, I ask for the yeas and nays on that vote.

The SPEAKER. The gentleman from Kansas demands the yeas and nays. Those in favor of having the yeas and nays will rise and stand until they are counted.

Pending the count—

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of the passage of the bill will as their names are called vote yea, those opposed nay, and the Clerk will call the roll.

The question was taken; and there were—yeas 211, nays 76, answered "present" 2, not voting 141, as follows:

YEAS—211.

Almon	Cooper, Wis.	Herrick	McCormick
Anderson	Cramton	Hickey	McDuffie
Ansorge	Crisp	Himes	McKenzie
Anthony	Crowther	Hoch	McLaughlin, Mich.
Aswell	Davis, Tenn.	Hooker	McLaughlin, Nebr.
Atkeson	Dempsey	Huddleston	McPherson
Barbour	Denison	Hudspeth	Magee
Barkley	Dominick	Hull	Mansfield
Begg	Doughton	Jacoway	Mapes
Bell	Dowell	James	Martin
Benham	Dunbar	Jeffers, Ala.	Mead
Bird	Echols	Johnson, Wash.	Michener
Bixler	Elliott	Jones, Tex.	Miller
Blakeney	Fess	Keller	Millspaugh
Bland, Ind.	Fish	Kelley, Mich.	Mondell
Bland, Va.	Fisher	Kelly, Pa.	Moore, Ill.
Boies	Focht	Kendall	Moore, Ohio
Bowers	Fordney	Ketcham	Morgan
Bowling	Free	Kincheloe	Mudd
Box	French	King	Murphy
Brand	Fuller	Kirkpatrick	Norton
Briggs	Funk	Kline, Pa.	Ogden
Brooks, Ill.	Gahn	Knight	Oldfield
Brown, Tenn.	Gallivan	Kopp	Oliver
Browne, Wis.	Garner	Kraus	Overstreet
Bulwinkle	Garrett, Tenn.	Kreider	Park, Ga.
Burke	Gensman	Lampert	Patterson, N. J.
Butler	Gernerd	Lanham	Perkins
Byrnes, S. C.	Goodykoontz	Lankford	Perlman
Byrns, Tenn.	Graham, Ill.	Larsen, Ga.	Petersen
Cable	Green, Iowa	Lazaro	Porter
Chandler, N. Y.	Griest	Lea, Calif.	Pou
Chandler, Okla.	Hadley	Lee, Ga.	Pringey
Clague	Hardy, Colo.	Lehlbach	Purnell
Clouse	Hardy, Tex.	Lineberger	Quin
Cole, Iowa	Harrison	Linthicum	Raker
Cole, Ohio	Haugen	Little	Ramseyer
Collier	Hawley	London	Rankin
Collins	Hayden	Lowrey	Reece
Connally, Tex.	Hays	Luhring	Reed, W. Va.
Rhodes	Sisson	Thomas	Weaver
Ricketts	Smith, Idaho	Thompson	Wheeler
Riddick	Smith, Mich.	Tillman	White, Kans.
Rosenbloom	Smithwick	Timberlake	Williams, Ill.
Sanders, N. Y.	Speaks	Tincher	Williams, Tex.
Sanders, Tex.	Steagall	Towner	Williamson
Sandlin	Stephens	Upshaw	Woodruff
Scott, Mich.	Strong, Kans.	Vestal	Woodyard
Scott, Tenn.	Sumners, Tex.	Vinson	Wright
Shaw	Sweet	Voigt	Wurzbach
Shreve	Swing	Volstead	Wyant
Siegel	Taylor, Colo.	Ward, N. Y.	Zihlman
Sinnott	Temple	Watson	

NAYS—76.

Ackerman	Edmonds	Layton	Parker, N. Y.
Appleby	Ellis	Lee, N. Y.	Radcliffe
Bond	Fairchild	McArthur	Rainey, Ill.
Burdick	Favrot	McFadden	Ransley
Burroughs	Fenn	MacGregor	Rogers
Burton	Freeman	Madden	Rose
Carew	Frothingham	Mann	Rossdale
Chalmers	Glynn	Merritt	Sears
Chindblom	Gorman	Michaelson	Snell
Clarke, N. Y.	Graham, Pa.	Moores, Ind.	Spreul
Connell	Griffin	Morin	Stafford
Connolly, Pa.	Hill	Mott	Tague
Coughlin	Hogan	Nelson, Me.	Underhill
Cullen	Husted	Newton, Minn.	Vaile
Dale	Hutchinson	Newton, Mo.	Vare
Dallinger	Jones, Pa.	O'Connor	Walsh
Darrow	Kennedy	Olpp	Walters
Dupré	Kissel	Paige	White, Me.
Dyer	Kline, N. Y.	Parker, N. J.	Winslow

ANSWERED "PRESENT"—2.

Crago Steenerson

NOT VOTING—141.

Andrew, Mass.	Fairfield	Lawrence	Schall
Andrews, Nebr.	Faust	Leatherwood	Shelton
Arentz	Fields	Logan	Sinclair
Bacharach	Fitzgerald	Longworth	Slemp
Bankhead	Foster	Luce	Snyder
Beck	Frear	Lyon	Stedman
Beedy	Fulmer	McClintic	Stevenson
Black	Garrett, Tex.	McLaughlin, Pa.	Stiness
Blanton	Gilbert	McSwain	Stoll
Brennan	Goldsborough	Maloney	Strong, Pa.
Britten	Gould	Mills	Sullivan
Brooks, Pa.	Greene, Mass.	Montague	Summers, Wash.
Buchanan	Greene, Vt.	Montoya	Swank
Burtness	Hammer	Moore, Va.	Taylor, Ark.
Campbell, Kans.	Hawes	Nelson, A. P.	Taylor, N. J.
Campbell, Pa.	Henry	Nelson, J. M.	Taylor, Tenn.
Cannon	Hersey	Nolan	Ten Eyck
Cantrill	Hicks	O'Brien	Tilson
Carter	Hukriede	Osborne	Tinkham
Christopherson	Humphreys	Padgett	Treadway
Clark, Fla.	Ireland	Parks, Ark.	Tucker
Classon	Jefferis, Nebr.	Patterson, Mo.	Tyson
Cockran	Johnson, Ky.	Rainey, Ala.	Volk
Codd	Johnson, Miss.	Rayburn	Ward, N. C.
Colton	Johnson, S. Dak.	Reber	Wason
Cooper, Ohio	Kahn	Reed, N. Y.	Webster
Copley	Kearns	Riordan	Wilson
Curry	Kiess	Roach	Wingo
Davis, Minn.	Kindred	Robertson	Wise
Deal	Kinkaid	Robsion	Wood, Ind.
Dickinson	Kitchin	Rodenberg	Woods, Va.
Drane	Kleczka	Rouse	Yates
Drewry	Knutson	Rucker	Young
Driver	Kunz	Ryan	
Dunn	Langley	Sabath	
Evans	Larson, Minn.	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Carter (for) with Mr. Sabath (against).

Mr. Henry (for) with Mr. Riordan (against.)

Mr. Hukriede (for) with Mr. Sullivan (against).

Mr. Burtness (for) with Mr. Mills (against).

Mr. Taylor of Tennessee (for) with Mr. Kindred (against).

Mr. Sinclair (for) with Mr. Kunz (against).

Mr. Curry (for) with Mr. Snyder (against).

Mr. Johnson of South Dakota (for) with Mr. Britten (against).

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Rodenberg with Mr. Rucker.

Mr. Langley with Mr. Clark of Florida.

Mr. Reed of New York with Mr. O'Brien.

Mr. Yates with Mr. Woods of Virginia.

Mr. Ryan with Mr. Bankhead.

Mr. Stiness with Mr. McClintic.

Mr. Wason with Mr. Black.

Mr. Larson of Minnesota with Mr. Garrett of Texas.

Mr. Webster with Mr. Stevenson.

Mr. Knutson with Mr. Padgett.

Mr. Codd with Mr. Wingo.

Mr. Greene of Massachusetts with Mr. Hawes.

Mr. Volk with Mr. Rayburn.

Mr. Nelson, A. P., with Mr. Kitchin.

Mr. Robsion with Mr. Tucker.

Mr. Bacharach with Mr. McSwain.
Mr. Colton with Mr. Montague.
Mr. Beck with Mr. Lyon.
Mr. Nolan with Mr. Stedman.
Mr. Sanders of Indiana with Mr. Blanton.
Mr. Taylor, N. J., with Mr. Wilson.
Mr. Luce with Mr. Hawes.
Mr. Evans with Mr. Deal.
Mr. Brennan with Mr. Parks of Arkansas.
Mr. Kahn with Mr. Cantrill.
Mr. Fairfield with Mr. Ward of North Carolina.
Mr. Frear with Mr. Driver.
Mr. Kiess with Mr. Logan.
Mr. Osborne with Mr. Moore of Virginia.
Mr. Strong of Pennsylvania with Mr. Humphreys.
Mr. Hicks with Mr. Johnson of Kentucky.
Mr. Arentz with Mr. Drewry.
Mr. Christopherson with Mr. Goldsborough.
Mr. Kearns with Mr. Wise.
Mr. Cooper of Ohio with Mr. Drane.
Mr. Davis of Minnesota with Mr. Buchanan.
Mr. Brooks of Pennsylvania with Mr. Campbell of Pennsylvania.
Mr. Fitzgerald with Mr. Fulmer.
Mr. Campbell of Kansas with Mr. Ten Eyck.
Mr. Leatherwood with Mr. Swank.
Mr. Beedy with Mr. Tyson.
Mr. Maloney with Mr. Stoll.
Mr. Wood of Indiana with Mr. Taylor of Arkansas.
Mr. Faust with Mr. Johnson of Kentucky.
Mr. Andrews of Nebraska with Mr. Fields.
Mr. Dickinson with Mr. Johnson of Mississippi.
Mr. Schall with Mr. Gilbert
Mr. Dunn with Mr. Rainey of Alabama.

Mr. RAINEY of Illinois. Mr. Speaker, I wish to announce that the gentleman from Illinois, Mr. KUNZ, was called away on important business, but if here he would vote "no." Also, the gentleman from Illinois, Mr. SABATH, has been detained in Chicago on important business, and if he was here he would vote "no."

The result of the vote was announced as above recorded.

On motion of Mr. TINCHER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RETURN OF A BILL TO THE SENATE.

The Speaker laid before the House the following resolution:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
April 20 (calendar day, June 24), 1922.

Resolved, That the House of Representatives be requested to return to the Senate the message of the Senate announcing the action of the Senate upon the amendments of the House to the bill (S. 831) entitled "An act to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act."

The resolution was agreed to.

CORNELIUS COLE.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I ask the Clerk to read the paragraph marked in the book which I send to the desk.

The Clerk read as follows:

Senate Document, volume 56, No. 654, Biographical Congressional Directory, 1774 to 1911, page 559.

Cole, Cornelius, a Representative and a Senator from California; born in Lodi, N. Y., September 17, 1822; was graduated from Wesleyan University, Connecticut, in 1847; studied law and was admitted to the bar in Auburn, N. Y., May 1, 1848; went to California in 1849, and after working a year in the gold mines commenced practice; district attorney of Sacramento City and County in 1859–1862; member of the Republican National Committee 1856–1860, moved to Santa Cruz; elected as a Union Republican to the Thirty-eighth Congress (March 4, 1863–March 3, 1865); elected a United States Senator and served from March 4, 1867, to March 3, 1873; in 1880 moved to Colgrove, Los Angeles County, Calif., and retired from practice.

[Applause.]

Mr. CANNON. Mr. Speaker, I make profert of the oldest man of my acquaintance. If you had seen his family as I have this morning, and had the 10 minutes' conversation that I had with him, you would say, "Is it possible?" I think he breaks the record. His long service in the Republic has been able and honorable. It is a great privilege for me to introduce him to the House in which he served so long ago, and I have no doubt that the membership would be very glad to give him a brief moment to thank you and say what he may desire. [Applause.]

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent that the House take a recess for five minutes for the purpose of permitting Mr. Cole to address the Members.

The SPEAKER. The gentleman from California asks unanimous consent that the House take a recess for five minutes. Is there objection?

There was no objection.

Accordingly, at 12 o'clock and 23 minutes p. m., the House stood in recess until 12 o'clock and 28 minutes p. m.

(During the recess.)

Mr. CORNELIUS COLE. Mr. Speaker and gentlemen of the House of Representatives, I suppose you are fully aware that you are the Representatives of the foremost Nation of the world. [Applause.] You are here as the representatives of the founders of the Government. You will remember that when it was founded by our ancestors it was but a small part of America and a small portion of the New World. Our ancestors made a wonderful discovery at that time, a most wonderful discovery in the history of the world; it was the discovery that all men were created equal [applause] and created with the right of enjoying life, liberty, and the pursuit of happiness. Our ancestors were not discouraged; although few in number, they were violently opposed in their new doctrine, but they persisted, and after a period of war for several years waged to defeat their discovery, they succeeded in establishing it, and the result is this great Republic of the world. [Applause.]

Our destiny no one can forecast. Our hopes are wide awake. From the little colony, as I said, a mere handful, only 3,000,000, we have now become a people of the New World with 110,000,000. It was a long time after the discovery of America before it was occupied by the discoverers—nearly 150 years elapsed before that occurred. Then they continued to grow until 150 years ago they laid down the principle of their Government based upon the new-found doctrine of equal rights. They persisted in their efforts until we became the Nation that we are at the present, the foremost in the land. From a few weak colonists we have become what we are to-day, and I think we all ought to remember, above all things, the wonderful character of those who created the Republic and the Government in America. [Applause.]

AFTER THE RECESS.

The recess having expired, the House resumed its session.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent that the remarks of the Hon. Cornelius Cole, just made, be printed in the RECORD in 8-point type.

The SPEAKER. The gentleman from California asks unanimous consent that the remarks by Mr. Cole be printed in the RECORD. Is there objection?

There was no objection.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LINEBERGER. Mr. Speaker, it is a great honor for me to represent a district which is now a portion of the great district which the Hon. Cornelius Cole so ably represented in this House in the Thirty-eighth Congress some 60 years ago. California has produced many great and honorable citizens whose names are written high on the national scroll of fame. None of them in public or private life have rendered greater service to the Nation or to that great State than has this distinguished citizen who stands before us. We hope in California, and that hope is reflected throughout this body, as has been manifested by the great ovation which he has received here to-day when presented by that venerable Member, Hon. JOSEPH GURNEY CANNON, of Illinois [applause], whom we all love and respect, that he will live for years to come, so that his rich experience and guiding counsels may continue to help the younger generations of Californians to shape their lives along the path of high patriotic ideals and achievements which he has so worthily exemplified. [Applause.] California is proud of the Hon. Cornelius Cole, and points with pride to his record, not only as an outstanding statesman in the House of Representatives and Senate of the United States during an epochal period of our national existence but as a citizen of that great State where silver strands meet shining western sea, where towering mountains frame fertile valleys, and where centenarians, like the distinguished gentleman presented here to-day, round out their lives in physical and mental vigor in a land of wondrous beauty and plentitude—that Nirvana of happiness—where dreams come true. [Prolonged applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 41, 65, 220, 221, 225, and 230 to the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

NAVY DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. KELLEY of Michigan. Mr. Speaker, I call up the conference report upon the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. The gentleman from Michigan calls up a conference report which the Clerk will report.

The Clerk proceeded to read the conference report.

Mr. SEARS (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29, 42, 45, 46, 53, 56, 66, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 10, 11, 22, 26, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 44, 47, 48, 49, 51, 52, 55, 57, 58, 59, 60, 61, 63, 70, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, and 90, and agreed to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,902,478"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Class 1 (Fleet Naval Reserve)"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,745,426"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "at hospitals and on board ship in lieu of subsistence allowance"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,800,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "whenever the number of civilian professors or instructors employed in such duties shall be less than 80: *Provided*, That in reducing the number of civilian professors no existing contract shall be violated: *Provided further*, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$556,400"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,001,261"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,229,461"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for the procurement of gyro compass equipments for destroyers not already supplied; for the completion of armor, armament, ammunition, and torpedoes under manufacture on April 8, 1922; for the supply and complement of vessels which may be proceeded with as hereinbefore mentioned, including not to exceed 400 torpedoes of the destroyer type, and not more than $14,000,000 of the funds herein made available under 'Increase of the Navy' shall be applied to objects of expenditure heretofore under the jurisdiction of the Bureau of Ordnance"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 3, 6, 13, 62, 64, 65, 86, 91, 92, and 93.

PATRICK H. KELLEY,
BURTON L. FRENCH,
MARTIN B. MADDEN,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

MILES POINDEXTER,
FREDERICK HALE,
TRUMAN H. NEWBERRY,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: Apropriates $85,000 on account of "contingent expenses, Navy Department," as proposed by the Senate, instead of $70,000, as proposed by the House.

On No. 2: Continues available during the fiscal year 1923 obligated balances of the Navy Department's allotment of the appropriation "Public printing and binding, 1922," as proposed by the Senate.

On No. 4: Strikes out, as proposed by the Senate, the appropriation of $100,000 proposed by the House on account of the experimental and research laboratory.

On No. 5: Strike out, as proposed by the Senate, the appropriation of $4,000 proposed by the House on account of the Civilian Naval Consulting Board.

On Nos. 7, 8, and 9, relating to the naval training station, Rhode Island: Provides that the appropriation shall not be available for expenditure at Coddington Point, as proposed by the Senate; appropriates $225,000, as proposed by the Senate, instead of $125,000, as proposed by the House; and fixes the limitation on expenditures for pay of classified employees at $15,701.60, as proposed by the House, instead of $20,000, as proposed by the Senate.

On No. 10; Appropriates $200,000 for the naval training station, Great Lakes, as proposed by the Senate, instead of $160,000, as proposed by the House.

On Nos. 11 and 12, relating to the naval training station, naval operating base, Hampton Roads, Va.: Appropriates $260,000, as proposed by the Senate, instead of $360,000, as proposed by the House, and fixes the limitation on expenditures for pay of classified employees at $25,000, as proposed by the House, instead of $20,000, as proposed by the Senate.

On Nos. 14 to 22, both inclusive, relating to the Naval Observatory: Appropriates for statutory employees in the number and at the rates of pay proposed by the House, instead of the reduced number proposed by the Senate; restores the appro-

priation of $5,000 proposed by the House for miscellaneous computations; and appropriates $5,000 for cleaning, repair, and upkeep of grounds and roads, as proposed by the Senate, instead of $6,500, as proposed by the House.

On Nos. 23, 24, and 25, relating to the Nautical Almanac Office: Appropriates for two assistants at $1,400 each and three assistants at $1,200 each, as proposed by the House, instead of one assistant at $1,400 and one assistant at $1,200, as proposed by the Senate, and restores the appropriation of $1,500 proposed by the House for pay of computers on piecework.

On Nos. 26 and 27, relating to the appropriation "Engineering": Appropriates $14,795,000, as proposed by the Senate, instead of $12,100,000, as proposed by the House, and fixes the limitation on expenditures for pay of classified employees at $1,675,000, as proposed by the House, instead of $2,048,000, as proposed by the Senate.

On No. 28: Appropriates $16,000,000 for "Construction and repair of vessels," instead of $14,200,000, as proposed by the House, and $16,200,000, as proposed by the Senate.

On No. 29: Appropriates $9,500,000 for "Ordnance and ordnance stores," as proposed by the House, instead of $10,000,000, as proposed by the Senate.

On No. 30: Strikes out, as proposed by the Senate, the limitation proposed by the House on expenditures at the naval proving ground, Dahlgren, Va.

On Nos. 31 to 43, both inclusive, relating to "Pay of the Navy": Adjusts the phraseology of the appropriation subheads to give effect to the provisions of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; adjusts the appropriation subheads by reason of the transfer to the Fleet Naval Reserve, elsewhere provided for, of excess chief petty officers and petty officers, first class, thereby effecting a net reduction of $2,685,069; reduces the appropriation by $207,278 by reason of striking out the authorization proposed by the Senate elsewhere in the bill to employ on active duty during the fiscal year 1923 not to exceed 50 reserve officers who are qualified as aviators; and appropriates $121,745,426, instead of $107,503,239, as proposed by the House, and $124,637,773, as proposed by the Senate.

On No. 44: Strikes out, as proposed by the Senate, the limitation proposed by the House on the number of graduates of the Naval Academy of the class of 1922 to be commissioned as ensigns in the Navy and making provision for those not commissioned.

On No. 45: Strikes out the authorization proposed by the Senate to employ on active duty during the fiscal year 1923 not to exceed 50 reserve officers who are qualified naval aviators and providing for their appointment in the regular Navy under certain conditions.

On No. 46: Restores the provisions proposed by the House dealing with the reduction of the enlisted personnel of the Navy.

On Nos. 47 to 51, both inclusive, relating to "Provisions, Navy": Alters the text of the appropriation to give effect to the provisions of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, and appropriates $19,499,355, as proposed by the Senate, instead of $19,724,928, as proposed by the House.

On No. 52: Appropriates $7,054,260 under the appropriation "Maintenance, Bureau of Supplies and Accounts," as proposed by the Senate, instead of $7,069,260, as proposed by the House.

On No. 53: Makes a direct appropriation for "Bringing home remains of officers," etc., as proposed by the House, instead of reappropriating an unexpended balance, as proposed by the Senate.

On No. 54: Appropriates $5,800,000 for "Maintenance, Bureau of Yards and Docks," instead of $5,500,000, as proposed by the House, and $6,125,000, as proposed by the Senate.

On Nos. 55 to 61, both inclusive, relating to public works, Bureau of Yards and Docks: Makes the appropriation for rebuilding dikes, etc., at the Mare Island Navy Yard available for maintenance dredging, and appropriates $750,000, as proposed by the House, instead of $500,000, as proposed by the Senate; appropriates $500,000 for extending Pier No. 4 at the Puget Sound Navy Yard, as proposed by the Senate; appropriates $100,000 for addition to machine shops at the naval station, Pearl Harbor, as proposed by the Senate; and appropriates $200,000 for repairs to breakwater, naval operating base, Hampton Roads, Va., as proposed by the Senate.

On No. 63: Appropriates $7,500 for grading and railroad extension at the submarine base, Pearl Harbor, as proposed by the Senate.

On No. 66: Appropriates $65,000 for the pay of technical employees in the Bureau of Aeronautics, as proposed by the House, instead of $74,500, as proposed by the Senate.

On Nos. 67 to 72, both inclusive, relating to the Naval Academy: Appropriates $421,500 for pay of professors and instructors, as proposed by the House, instead of $321,500, as proposed by the Senate; modifies the prohibition proposed by the House on the employment of naval officers as professors and instructors to perform duties which were performed by civilian professors or instructors on January 1, 1922, so as to permit such employment of naval officers whenever there are at least 80 civilian professors or instructors employed; requires that no civilian professor or associate or assistant professor or instructor shall be dismissed except for sufficient cause without six months' notice to him that his services will be no longer needed; and corrects totals.

On Nos. 73 to 85, both inclusive, relating to the Marine Corps: Adjusts the phraseology of the various subheads of appropriations to give effect to the provisions of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; appropriates in the aggregate $865,052 more than was proposed by the House by reason of such act readjusting pay and allowances; and appropriates on account of subsistence on the basis of a 45-cent ration, as proposed by the Senate, instead of a 40-cent ration, as proposed by the House, resulting in a further increase over the amount proposed by the House of $298,174.

On Nos. 87 to 90, both inclusive, relating to "increase of the Navy": Makes the funds made available available for unlimited work on the U. S. S. *Maryland*, as proposed by the Senate, instead of solely for the installation of fire-control instruments aboard such ship, as proposed by the House; specifies, as proposed by the Senate, the two battle cruisers for which funds are made available to convert them into aircraft carriers when such conversion shall have been authorized; provides for the procurement of gyro compass equipments for destroyers not already supplied; increases the number of torpedoes under manufacture that may be completed to include, other than 400 of the destroyer type, such others as may be intended for vessels the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, and limits to $14,000,000 of the whole sum made available for purposes of the Bureau of Ordnance.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 3: Relating to quarantine and passport fees collected in the Virgin Islands.

On No. 6, relating to payment for compiling laws and decisions relating to the Navy, Navy Department, and Marine Corps.

On No. 13, relating to the Naval Reserve Force, other than class 1, and to the Naval Militia.

On No. 62, relating to the naval ammunition depot at Pearl Harbor.

On Nos. 64 and 65, relating to new aircraft and equipment and new construction at air stations.

On No. 86, relating to making funds owing to the Shipping Board or to the Emergency Fleet Corporation or to the United States available for application on an indebtedness of the Navy Department.

On No. 91, relating to the retirement of a former chief of bureau.

On No. 92, relating to orders or contracts for work or material placed with Government-owned establishments.

On No. 93, relating to the transfer to and appointment in the regular Navy of chaplains in the Naval Reserve Force.

PATRICK H. KELLEY,
BURTON L. FRENCH,
MARTIN B. MADDEN,
JAMES F. BYRNES,
W. B. OLIVER.
Managers on the part of the House.

Mr. KELLEY of Michigan. Mr. Speaker, I want to make just a short statement with reference to the report. The bill as it was reported to the House, in round numbers, carried $233,000,000. As passed by the House it carried $251,000,000. As passed by the Senate it carried $295,000,000; and if the recommendations made by the committee of conference are agreed to by the House it will carry when enacted into law $289,000,000. This is $124,000,000 less than the current year. The items which have been allowed by the conferees, subject to the approval of the House, are $5,682,500 for the so-called

navy-yard items; $14,242,187 for increase in pay, almost entirely due to the pay bill recently passed by the House; $6,817,000, due to increase in aviation, which would have been included in the original House bill had the Committee on Appropriations authority to include appropriations for new aircraft; and $7,500,000 for the purpose of increasing the fund out of which ships are to be constructed under the terms of the treaty—that is, ships that are to be permitted to be finished.

Mr. STAFFORD. Mr. Speaker, would it embarrass the gentleman if I asked him a question at this point?

Mr. KELLEY of Michigan. I yield to the gentleman.

Mr. STAFFORD. Are any increases carried, agreed to by the conferees, that have been occasioned by the default of the nations who were parties to the limitation of armaments conference in not approving those treaties?

Mr. KELLEY of Michigan. No.

Mr. STAFFORD. I read in a newspaper that there had been some additional amounts provided in the bill to carry on construction work on some of the battleships.

Mr. KELLEY of Michigan. No.

Mr. STAFFORD. I thought, perhaps, that was due to a default of the other nations in failing to ratify the treaty.

Mr. KELLEY of Michigan. No; the $7,500,000 carried for increasing the construction fund is made necessary very largely because of the conversion of two battle cruisers into airplane carriers. In looking into that situation, as to the material on these ships, it was discovered that the contractors had such quantities of material on hand that it would consume a large proportion of the $44,000,000 allowed in the House bill. The amount required to pay for the material was so great a proportion of the whole that there was not a sufficient amount left to pay for the labor incident to carrying on the work. Therefore, it made it necessary to increase the amount by $7,500,000. It is, however, on the continuing program, and what is paid this year will not have to be paid next. The total amount added to the bill is $38,000,000, made up largely, as I say, of the items that I have enumerated.

The Secretary of the Navy recommended a larger amount for the navy-yard items than the Senate allowed or than is provided in this report.

The Secretary asked an additional $18,000,000 above the amounts carried in the House bill after the personnel was increased to 86,000; but after some 500 pages of hearings conducted by the other body, it was determined that the amounts allowed by the House bill were within five or six million dollars, even in their judgment, of being entirely sufficient.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. KINCHELOE. I noticed in a brief statement from a Senator that no other nation that was represented at this conference here had as yet ratified these treaties. Is that true?

Mr. KELLEY of Michigan. I think that is true. The various nations of the world are taking the matter up at this time. The treaties have been acted upon by the House of Commons in Great Britain and are being considered by the House of Lords. The new premier of Japan, fortunately, is one of the conferees who attended the Washington conference, and the treaties are being considered in the Japanese Parliament. I am advised that within a reasonable time all of the nations that agreed to the treaties will ratify them.

Mr. FESS. There has been no adverse vote anywhere on these treaties?

Mr. KELLEY of Michigan. No.

Mr. RAMSEYER. What is the status of the scrapping bill that passed the House a few weeks ago?

Mr. KELLEY of Michigan. That is in the Senate.

Mr. RAMSEYER. Is there any assurance that that will be taken up soon and passed?

Mr. KELLEY of Michigan. That I do not know.

Mr. RAMSEYER. Is not this bill made up on the supposition that that bill will become a law?

Mr. KELLEY of Michigan. No.

Mr. RAMSEYER. If that bill becomes a law, will we need all of the money provided for in this bill?

Mr. KELLEY of Michigan. Yes; and more.

Mr. RAMSEYER. That is, we will need more money if the scrapping bill is passed?

Mr. KELLEY of Michigan. When the scrapping bill becomes a law, that means that contracts which have been canceled for the construction of all these ships will have to be adjusted.

Mr. RAMSEYER. And that will mean money.

Mr. KELLEY of Michigan. That will require a large sum of money; just how much, of course, is problematical, but it has been estimated as high as $75,000,000.

Mr. RAMSEYER. If the scrapping bill becomes a law, it will not reduce any appropriation in this bill?

Mr. KELLEY of Michigan. I see now what the gentleman means. This bill was drawn with the idea, of course, that the treaty provisions would all be carried out.

Mr. RAMSEYER. And the passage of the scrapping bill will not make less expenditures than are provided for now?

Mr. KELLEY of Michigan. No. That was all anticipated in drafting this bill.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. GRAHAM of Illinois. I want to make an inquiry. I have observed recently newspaper accounts of scrapping that has already been done of big naval guns that have been destroyed by having their muzzles perforated so that they are useless, and where scrapping is being done on certain ships. Now, does the gentleman know whether that is going on now? The thought in my mind is whether it is not a pretty good plan not to do any of this scrapping until we know whether the naval treaty is going to be ratified or not.

Mr. KELLEY of Michigan. The scrapping the gentleman speaks of would likely be of guns upon obsolete ships which would be scrapped in any event.

Mr. GRAHAM of Illinois. I think one was the *Iowa*.

Mr. KELLEY of Michigan. That is one of the very oldest of our ships, and would not be useful much longer in any event.

Mr. GRAHAM of Illinois. Thirteen-inch guns shown with holes burned through them, I suppose, to destroy them. I do not think personally that we ought to do any of this scrapping until we get to the place where we know the treaty is ratified by the nations interested.

Mr. KELLEY of Michigan. I think the gentleman will find ships like the *Iowa* and *Massachusetts* are considered worthless by the Navy Department anyhow.

Mr. OLIVER. Feeling was expressed in the House and also in the Senate as to the retention of civilian instructors at the academy next year, and the House appropriation was retained and a provision inserted which would insure the retention of the civilian instructors, except for sufficient cause being shown for their dismissal.

Mr. KELLEY of Michigan. My colleague on the committee, the gentleman from Alabama, has stated the case perfectly; and I think in that respect your conferees have carried out the wishes of the House almost completely. In other words, as to the civilian professors at the acadamy, we have provided that none shall be discharged except in compliance with the terms of their contract where they have contracts, and those who have no contracts will be dismissed only by giving them six months' notice, unless the dismissal is due to cause. That fixes it so that the civilian professors will not be discharged arbitrarily, but must be given six months' notice, so they will have plenty of time to procure employment elsewhere. School-teachers are, of course, in a little different category from anybody else in reference to securing employment. They can find employment only at certain seasons of the year, and so we thought it proper that they should have reasonable notice if their services are to be discontinued.

Mr. LAYTON. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. LAYTON. Just for a question. Reverting back to the point raised by my friend from Illinois [Mr. GRAHAM], and in order to enlarge the scope of his thought, does not the gentleman think that there should be no scrapping done without due authority from Congress in any case?

Mr. KELLEY of Michigan. There will not be. The House has passed a bill authorizing it——

Mr. LAYTON. But the Senate has not.

Mr. KELLEY of Michigan. The Senate has not passed it, but there will be no scrapping of these vessels provided for under the treaty undoubtedly until the authority is given. The Navy Department has large numbers of old ships which, under existing law, they have authority to break up and dispose of. These, I am sure, are the vessels referred to by the gentleman from Illinois [Mr. GRAHAM].

Mr. LINTHICUM. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. LINTHICUM. If I am not mistaken I saw in the press the other day that 31 civilian instructors had been dropped.

Mr. KELLEY of Michigan. I am inclined to think there must be some mistake about that.

Mr. LINTHICUM. It was in the press and there was a great controversy over it by the press of the Nation.

Mr. KELLEY of Michigan. I am quite sure Admiral Wilson will carry out the wishes of the Congress just as soon as he finds out just what it is.

Mr. BYRNES of South Carolina. If the gentleman will permit, Admiral Wilson advised the Navy Department, and the Navy Department advised me that there was absolutely no truth in the statement that they had dismissed 31 civilians.

Mr. LINTHICUM. How late?

Mr. BYRNES of South Carolina. Four days ago.

Mr. KELLEY of Michigan. A good deal was said about the teaching situation at the academy and of course the civilian instructors were naturally more or less anxious about their positions, and I imagine they were somewhat suspicious that they might be dropped, but from what I have been able to learn I am satisfied Admiral Wilson will handle the situation justly and carry out the provisions of law in the spirit in which it is passed by Congress. These various reports we have heard about his discharging teachers, I think, have not been well founded. Admiral Wilson, I will say, has, to a very great degree, and possibly to a greater degree than any other officer in the Navy, tried to cooperate with Congress in its desire to effect economies.

I consider him an extraordinary man and one of the very best officers that we have in any service of the Government.

Mr. SMITH of Michigan. As I understand there are two airplane carriers to be constructed?

Mr. KELLEY of Michigan. There will be as soon as the bill goes through authorizing it.

Mr. SMITH of Michigan. They will be completed for $7,500,000.

Mr. KELLEY of Michigan. Not completed, but they will have all the money that can be reasonably expended on them during the coming year.

Mr. SMITH of Michigan. How long will it take to complete them?

Mr. KELLEY of Michigan. The two that are to be finished are battle cruisers that are pretty well along, and I am inclined to think that in perhaps two years they will be finished as airplane carriers.

Mr. STAFFORD. Has the gentleman any estimate as to the additional pay that was required in the appropriations occasioned by the passage since this bill went through the House of the so-called officers' pay bill?

Mr. KELLEY of Michigan. The whole amount was about $13,000,000. That was not over the present pay, but over the pay which they received prior to the 1920 act, which gave them a temporary increase.

Mr. STAFFORD. Has the gentleman any figures stating the amount over the pay they received last year under the temporary pay bill?

Mr. KELLEY of Michigan. My impression is it would not be any higher. Perhaps almost in the same notch.

Mr. STAFFORD. There is some additional pay occasioned to the enlisted personnel by reason of the increase of their base pay from $18 to $21. Has the gentleman any estimate as to the amount of increase in that particular?

Mr. KELLEY of Michigan. The present base pay was $31. Perhaps I am not quite accurate in saying the present base pay, but the pay of the lowest rank in the Navy under the old law would be $31, and under the new pay bill the lowest pay will be about $21.

Mr. McARTHUR. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. McARTHUR. The appropriation for pay carried in this conference report in the bill as it now stands is upon the basis of the pay bill recently passed and signed by the President?

Mr. KELLEY of Michigan. That is right.

Now, if there are no other items in the bill which the House would like to have me discuss, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I want to express appreciation of what the conferees on the part of the House have done in adjusting this question of the civilian professors at the Naval Academy. I hope it may turn out that the estimate of the gentleman from Michigan as to Admiral Wilson and his attitude toward the civilian teachers may prove to be correct. To be accurate, the superintendent gave notice of dismissal to 5 civilian professors and 6 instructors—11 altogether—as soon as this provision was inserted in the bill by the Senate committee. It is my understanding that some of those notices were recalled when doubt arose as to what the Congress would finally do. I am hoping that the superintendent will recall all of them and not dismiss any of the civilian professors contrary to the provisions of their contracts.

First, let me say that the superintendent recommended the dismissal of 78 of these civilian professors. Of course the House repudiated that recommendation and put a provision in the bill that no naval officer could be substituted for a civilian professor who was teaching there on the 1st of January last, and increased the appropriation back to the amount appropriated for the current year so as to retain the entire corps of civilian professors. The Senate reduced that amount about $100,000, and the conferees have restored the amount which the House allowed, making the appropriation now $421,500; this is a sufficient amount to retain all the present civilian personnel of the faculty. Now, I am assuming that in view of the fact that the conferees after careful deliberation have restored the amount which the House originally appropriated for the employment of civilian professors, and in view of the fact that they have inserted this provision in the bill providing that in reducing the number of civilian professors, no existing contract shall be violated, and have provided further that no civilian professor, associate, or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be longer needed—I say in view of the fact, Mr. Speaker, that the conferees have put all those provisions in the bill, I draw the conclusion that it was the intention of the conferees that there should be no wholesale dismissal of civilian professors; that there should be no substitution of naval officers for civilian teachers, and that there be no civilian professors dismissed except for sufficient cause.

Now, if my conclusion is not right I should be glad to be corrected.

Mr. FRENCH. Let me say that the committee deliberately changed the Senate provision that read that professors should not be dismissed, excepting on six months' notice, so as to include assistant and associate professors and instructors as well. I think the gentleman ought to bear that in mind in connection with the question. Also, we have restored the House provision touching the appropriation, making it $421,500 instead of $321,500, as provided by the Senate. In other words, the conference committee endeavored to make this provision in such shape that the administration of the Naval Academy would interpret the meaning of the Congress to be that it did not propose to interfere by strong-arm methods with the employment of professors, associate or assistant professors, or instructors, leaving to the naval administration the power of dismissal only wherever there was sufficient cause. I think the gentleman will find that the provisions that the conference committee has recommended will meet that situation.

Mr. DENISON. I assume that by "sufficient cause" that would mean the fact that he is not needed or the fact that he is morally unfit or is incapable of properly teaching. It would not be "sufficient cause," within the meaning of that language as used in the bill, when the superintendent might simply wish to substitute a naval officer for a civilian professor.

Mr. FRENCH. I do not believe the members of the conference committee thought that such a cause would be a sufficient one. I had no such idea.

Mr. DENISON. I am very glad to have that statement.

Mr. FRENCH. It must be a cause that turns upon the worth of the faculty member, in my opinion.

Mr. DENISON. I am very glad to have that assurance.

Mr. MUDD. If a professor was dismissed for cause, do you think the admiral should replace that professor by putting somebody else there, another professor, or another civilian, in his place?

Mr. DENISON. I should think if the admiral should dismiss a civilian professor, under the provisions of this report, it would be his duty to replace him by another civilian professor, if there was need for another civilian professor. At any rate, he would not be justified in displacing him with a naval officer.

Mr. MUDD. I think the intention was very strong and clear to have the admiral reduce the civilian professors at the academy.

Mr. DENISON. If he wanted to reduce them and put naval officers in their place, he would not be permitted to do that under this report.

Mr. LINTHICUM. How many of these notices of dismissal were issued?

Mr. DENISON. As I stated a moment ago, my information is that he gave 11 notices, and they were received by the professors. But as soon as it was ascertained that the provision inserted by the Senate committee was not going to be retained, my information is that since then some of these notices have been recalled.

Mr. LINTHICUM. Have not those notices been issued since this bill passed the Senate?

Mr. DENISON. Yes. They were issued as soon as the bill was reported to the Senate by the Senate committee.

Mr. LINTHICUM. Pending the action of the Senate?

Mr. DENISON. Yes; pending the action of the Senate, and as soon as that provision was put in by the Senate committee; but as I understand, since that time—I will say in the interest of accuracy that those notices have been recalled.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Reading the language agreed to by the conferees, it seems that a professor, after six months' notice, can be removed for cause or without cause.

Mr. DENISON. I will yield to the gentleman from Idaho [Mr. FRENCH], one of the conferees, to answer that.

Mr. FRENCH. It seems to me that that provision must be read in connection with the other—that no contract shall be violated.

Mr. McLAUGHLIN of Michigan. But outside of the contract he can be dismissed in six months' time, with or without cause; and if the superintendent wishes, he can rid the academy of civilian professors; he can do so if he chooses.

Mr. DENISON. I know it is not the intention of Congress that that should be done.

Mr. STAFFORD. What right had you to give them the right to dismiss on six months' notice when there are more than 80 civilian instructors employed?

Mr. DENISON. The superintendent could have done that heretofore under the contract.

Mr. KELLEY of Michigan. The purpose of this provision that we wrote in was to make the contract hold just the same as with any private employer. We wanted to be assured that the professors there had the same notice of the recall of the contract or reasonable notice where there was no contract so that there would be perfect equity. I think we have accomplished it.

Mr. DENISON. I think so.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DENISON. I yield.

Mr. GRAHAM of Illinois. Under the existing law is the superintendent of the academy obliged to hire only civilian help?

Mr. DENISON. Oh, yes.

Mr. GRAHAM of Illinois. What does the law say as to the number he is obliged to employ?

Mr. DENISON. I do not think the law specifies the number that he must employ. But the Boards of Visitors have been making a study of the subject in recent years, and they recommended that a certain number be retained there while the present number of midshipmen continues, and that has been approved by the former Secretary of the Navy.

Mr. GRAHAM of Illinois. That does not have the effect of law? It has simply been discretionary with the superintendent?

Mr. DENISON. It has been heretofore.

Mr. GRAHAM of Illinois. Then this law does not make it any worse?

Mr. DENISON. No; I think it makes it better.

Mr. GRAHAM of Illinois. And it throws an additional safeguard around the civilian teachers so that their contract shall not be abrogated?

Mr. DENISON. Yes. I think it places the professors on a more permanent and secure status. That is in accordance with the recommendation of the Boards of Visitors for the last five or six years.

Mr. FRENCH. Let me refer to the question by the gentleman from Michigan [Mr. McLAUGHLIN]. The contracts, while made for different periods, are not all made at the same time. Therefore some of the professors and associate professors will find their contracts or terms of service expiring in one year and others in two years and still others a year or so later. I think the provision we have put in here to the effect that the contract shall not be violated does not permit the construction that my friend from Wisconsin [Mr. STAFFORD] and my friend from Michigan [Mr. McLAUGHLIN] have suggested, namely, that the contract could be broken at any time with six months' notice. What I believe it to mean and what I intended it to mean was that at the close of the end of a contract term a six months' notice that the services would no longer be needed would terminate the employment; but I do not think a contract can be broken except for sufficient cause.

Mr. DENISON. I am glad the gentleman has made that statement. I am going to insert, with the permission of the House, a copy of these contracts and a copy of the opinion which was sent to the superintendent of the academy by the Secretary of the Navy recently, based upon the opinion of the Judge Advocate General, in which he construed these contracts and held that they were valid and binding contracts on the part of the Government and that the civilian professors were entitled to have the contracts respected and enforced. There has been a disposition to disregard them by certain parties, and the Secretary of the Navy has gotten a legal opinion on the subject. I want to insert that in the RECORD for reference in case the matter comes up hereafter.

Mr. Speaker, I ask unanimous consent to insert in my remarks a copy of these contracts and a copy of the opinion referred to.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert in his remarks copies of the contracts referred to and a copy of the opinion. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I feel that all the Members of the House are deeply interested in keeping up the educational standards of the Naval Academy. These provisions of the bill making the appropriation for the pay of civilian professors and protecting their contracts show that Congress expects the civilian professors to remain at the academy so long as they are qualified and needed; and that they shall not be dropped in order to fill their places with naval officers. If we had intended to permit that, the amount allowed to pay the civilian professors would have been reduced. I hope the superintendent will respect the wishes of Congress and act in harmony with the views of Congress as expressed in this bill.

The contract, references, and opinion referred to are as follows:

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., May 1, 1919.

To: Professor ———.
Subject: Appointment.
References: (a) Superintendent's letter No. 32–2, of April 2, 1919, to Secretary of the Navy. (b) Bureau of Navigation letter No. 927–1014, of April 9, 1919, to Naval Academy. (c) Superintendent's letter No. 32–2, of April 14, 1919, to Secretary of the Navy. (d) Bureau of Navigation letter No. 927–1028, of April 15, 1919, to Naval Academy.

In accordance with references, you are hereby appointed professor as librarian, Naval Academy, at $3,600 per annum for the period from July 1, 1919, by which date you will execute the required oath, to July 1, 1924, inclusive.

(Signed) A. H. SCALES.

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(First indorsement.)
UNITED STATES NAVAL ACADEMY,
Annapolis, Md.

Reported May 5, 1919.

(Signed) A. H. SCALES,
Rear Admiral, United States Navy, Superintendent.

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UNITED STATES NAVAL ACADEMY,
Annapolis, Md., July 3, 1920.

To: Heads of departments.
Subject: Organization of the civilian teaching staff at the Naval Academy.

1. The following letter from the superintendent to the Secretary of the Navy (Bureau of Navigation), No. 75–36, of June 21, 1920, and the reply of the Bureau of Navigation No. N–4 LD–G, of July 1, 1920, are quoted for the information and guidance of all concerned:

"NAVY DEPARTMENT,
"BUREAU OF NAVIGATION,
"Washington, D. C., July 1, 1920.

"From: Bureau of Navigation.
"To: Superintendent United States Naval Academy, Annapolis, Md.
"Subject: Pay of civilian teaching staff at the Naval Academy.
"Reference: (a) Superintendent's letter to Secretary of the Navy (Bureau of Navigation), of May 20, 1920. (b) Navy Department's first indorsement of May 26, 1920, 927–1014 (third paragraph). (c) Superintendent's letter, S–M W, 75–36, of June 21, 1920.

"1. The bureau informs you that the department has approved your recommendation as contained in reference 'c' concerning the appointments, promotions, and discharges of professors, associate professors, assistant professors, and instructors at the Naval Academy.

"THOMAS WASHINGTON,
"Rear Admiral, United States Navy, Chief of Bureau."

—

MAY 20, 1920.

From: The Superintendent.
To: Secretary of the Navy (Bureau of Navigation).
Subject: Pay of civilian teaching staff at the Naval Academy.

Referring to section 7 of the act of Congress of May, 1920, commonly known as the pay bill, it is recommended that the following rules as to appointment and pay of the civilian teaching staff be adopted:

1. The civilian teaching staff of the Naval Academy shall be organized on the basis of merit, in the ascending grades of instructor, assistant professor, associate professor, and professor.

2. Out of every 10 civilian members of the teaching staff or major part thereof the maximum number of those holding the rank of professor shall be one; the maximum number of those holding the rank of associate professor shall be three; the remainder shall have the rank of assistant professor or instructor, no fixed rate being established between the two latter, provided that, having reached a rank above that of instructor, no professor, associate professor, or assistant professor shall be reduced in rank by reason of a reduction in the total number of the civilian teaching staff.

3a. Appointments of instructors shall be annual. Appointments to all higher grades shall be for five years, if service is satisfactory, provided that any professor, associate professor, or assistant professor, whose services are not considered satisfactory, shall be so informed at the beginning of the second term of any year and shall be dropped at the end of that year, and provided further that any professor, associate professor, or assistant professor who intends to sever his connection with the Naval Academy shall so inform the superintendent at the beginning of the second term of that academic year.

3b. That all original appointments shall be in the grade of instructor; that promotion shall be by selection to the next highest grade; that no instructor shall be eligible for promotion to assistant professor until he shall have completed two years' service at the Naval Academy; that no assistant professor shall be eligible for promotion to associate professor until he shall have completed five years' continuous service at the Naval Academy; that no associate professor shall be eligible for promotion to professor until he shall have completed ten years' continuous service at the Naval Academy, provided that an instructor who is not promoted to assistant professor upon completion of his third year of service at the Naval Academy shall automatically be dropped and shall be informed of this contemplated action at the commencement of the second term of his third year. No instructor shall be promoted to assistant professor until he shall have been examined and recommended for such promotion by a board appointed by the Superintendent of the Naval Academy.

3c. Previous experience in teaching in colleges and universities, previous service in industrial and scientific lines related to the subject which he is employed to teach, if approved by the Superintendent of the Naval Academy, may be counted for the purpose of eligibility for selection for promotion of any instructor, assistant professor, or associate professor, on the basis of two years' such service for one year's continuous service at the Naval Academy, provided that this does not apply to the first two years as instructor, which shall be obligatory for all.

4. The Superintendent of the Naval Academy shall submit to the Navy Department each year a report of proposed promotions in the civilian teaching staff, these promotions to be based on merit and not on seniority.

5a. The pay of instructors shall be $2,800 per annum.

5b. The base pay of an assistant professor shall be $3,100 per annum, and $100 shall be added for each year of approved service as assistant professor until a maximum of $3,700 is reached.

5c. The base pay of an associate professor shall be $3,700 per annum, and $100 shall be added for each year of approved service as associate professor subsequent to July 1, 1919, until a maximum of $4,300 is reached.

5d. The base pay of a professor shall be $4,300 per annum, and $100 shall be added for each year of approved service as professor subsequent to July 1, 1919, until a maximum of $5,000 is reached.

A. H. SCALES.

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(First indorsement.)

NAVY DEPARTMENT,
May 26, 1920.

From: Secretary of the Navy.
To: Superintendent, United States Naval Academy.
Subject: Pay of civilian teaching staff at the Naval Academy.

1. Returned approved with the exception of paragraph 3 (a), which is amended to read as follows:

"Appointments of instructors shall be annual and to all higher grades be for five years, if service is satisfactory"; and paragraph 3 (b), which is amended by striking out in the tenth and following lines the following words: "Provided that an instructor who is not promoted to assistant professor upon completion of his third year of service at the Naval Academy shall automatically be dropped and shall be informed of this contemplated action at the commencement of the second term of his third year."

2. The salary of the head of Department of English is, in accordance with the verbal recommendation of the superintendent, increased to $5,850 per annum.

3. The recommendations of the superintendent relative to qualifications as to the appointments, promotions, and discharges of professors, associate and assistant professors, and instructors shall be made a subject of separate correspondence to the department.

JOSEPHUS DANIELS.

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UNITED STATES NAVAL ACADEMY,
Annapolis, Md., June 21, 1920.

From: The Superintendent.
To: The Secretary of the Navy (Bureau of Navigation).
Subject: Pay of civilian teaching staff at the Naval Academy.
References: (a) Superintendent's letter to Secretary of the Navy (Bureau of Navigation), of May 20, 1920.
(b) Navy Department's first indorsement of May 26, 1920, 927–1014 (third paragraph).

1. In accordance with the third paragraph of reference (b), the superintendent makes the following recommendations concerning the appointments, promotions, and discharges of professors, associate professors, assistant professors, and instructors at the Naval Academy:

Appointments of instructors shall be annual. Appointments to all higher grades shall be for five years if service is satisfactory: *Provided*, That any professor, associate professor, or assistant professor whose services are not considered satisfactory by the Academic Board shall be so informed at the beginning of the second term of any year and shall be dropped at the end of that year. *And provided further*, That any professor, associate professor, or assistant professor who intends to sever his connection with the Naval Academy shall so inform the superintendent at the beginning of the second term of that academic year.

2. That all original appointments shall be in the grade of instructor; that promotion shall be by selection to the next higher grade; that no instructor shall be eligible for promotion to assistant professor until he shall have completed two years' service at the Naval Academy; that no assistant professor shall be eligible for promotion to associate professor until he shall have completed five years' continuous service at the Naval Academy; that no associate professor shall be eligible for promotion to professor until he shall have completed 10 years' continuous service at the Naval Academy: *Provided*, That an instructor who is not promoted assistant professor upon completion of his fourth year of service at the Naval Academy shall be automatically dropped, and shall be informed of this contemplated action at the commencement of the second term of his fourth year. *Provided further*, That no instructor now attached to the Naval Academy shall be dropped prior to July 1, 1921. No instructor shall be promoted to assistant professor until he shall have been examined and recommended for such promotion by a board appointed by the Superintendent of the Naval Academy.

A. H. SCALES,
Rear Admiral, United States Navy, Superintendent.

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THE SECRETARY OF THE NAVY,
Washington, April 21, 1922.

_____ _____,
_____ _____,
_____ _____.
_____ _____.

Replying further to your letter relative to the contracts of civilian professors employed at the Naval Academy, I have the honor to inform you that after a most careful consideration of the conditions under which the contracts above referred to were consummated I am of the opinion that they are legal.

The act of August 29, 1916 (39 Stat. 607), provides, relative to this proposition, as follows:

"The Secretary of the Navy is authorized to employ at the Naval Academy such number of professors and instructors, including one professor as librarian, as, in his opinion, may be necessary for the proper instruction of the midshipmen; and that professors and instructors so employed shall receive such compensation for their services as may be prescribed by the Secretary of the Navy: *Provided further*, That the total amount so paid shall not exceed $175,000 annually: *And provided further*, That the Secretary of the Navy shall report to Congress each year the number of professors and instructors so employed and the amount of compensation prescribed for each."

From an examination of the provisions of this act I am of the opinion that the Secretary of the Navy is specially authorized to employ at the Naval Academy such number of professors and instructors, including one professor as librarian, as, in his opinion, may be necessary for the proper instruction of the midshipmen, and he is also specially authorized to prescribe the amount of compensation which they shall be entitled to receive for their services as professors and instructors at the Naval Academy. The only limitation placed upon the power of the Secretary of the Navy to employ professors and instructors at the academy is that the total amount to be paid for said services shall not exceed $175,000 annually. This is obviously permanent legislation, giving the Secretary of the Navy special authority to do certain acts, and is in no wise dependent upon or connected with a particular appropriation. The $175,000 referred to in this proviso is not an appropriation, but a limitation upon the amount which may be expended in any one year for this purpose.

While it is not provided in terms that the Secretary of the Navy may employ said professors and instructors under contracts for services, this is not an unusual method of procedure. It is my opinion that it is inherent in the specific authorization given him to employ said individuals at the Naval Academy and to fix the amount of their compensation. While it has been the general practice prior to 1919 to employ professors and instructors at the academy under annual contracts, yet it was not the universal custom and there were one or more professors who had been employed for a considerable period of years under general contracts. It is believed evident that Congress in enacting the provision of the act of August 29, 1916, above quoted, was aware of the conditions existing at the academy, and that it was intended by this legislation to specially authorize the Secretary of the Navy to employ individuals at the academy as professors and instructors for such period of years as he might deem advantageous to the interests of the Government. It is well understood as a general proposition that it is advantageous to the Government to offer a permanent tenure of service to qualified professors and instructors, thereby avoiding the constant change and dissatisfaction which has been found to exist where such individuals are serving under contracts from year to year.

It has been a recognized proposition of law since 1820 that the executive departments may bind the Government by contract only in two cases, (a) where the contract is expressly authorized by law and (b) where there is an appropriation already made large enough to fulfill it. Under (a) there is an expressed power to contract for services, while under (b) there is an implied power merely to contract for so much work as the appropriation will pay for. (9 Op. Atty. Gen. 18.) This proposition of law was further considered and approved in the case of Shipman *v.* United States (18 Ct. Cls. 146), in which the court stated:

"The liability in this case rests wholly on the appropriation, and is different from those cases which frequently arise wherein Congress passes an act authorizing officers to construct a building or do other specified work without restriction as to cost, and then makes an appropriation inadequate to do the whole of it or makes none at all.

"In such cases the authority to cause the work to be done and to make contracts therefor is complete and unrestricted. All work, therefore, done under the direction of the officers thus charged with the execution of the law creates a liability on the part of the Government to pay for it."

This case was cited with approval by the Attorney General (21 Op. Atty. Gen. 244), and the same proposition of law will be found running through the subsequent decisions of the courts relative to the authority to make contracts on behalf of the Government.

Under section 3732 of the Revised Statutes—

"No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

And section 3 of the act of February 27, 1906 (34 Stat. 48, which amended sec. 3679 R. S.), provides that—

"No executive department or other Government establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law."

It appears from the foregoing that such contracts can only be made to apply to the appropriations under which they are made unless they are specially authorized by law. From an examination of the decisions of the courts on this proposition it is noted that the authorization referred to in provisions above quoted must be specific. (9 Op. Atty. Gen. 18, Op. Atty. Gen. 244, 155 U. S. 489).) While there may be reasonably differences of opinion as to whether or not the provisions of the act of August 29, 1916, above quoted, specially authorize the Secretary of the Navy to make contracts for services for a period exceeding one year,

I am of the opinion that the conditions relative thereto existing at the Naval Academy at that time are sufficient to warrant the holding that it was the intent of Congress to specially authorize the Secretary of the Navy to make such contracts.

If the Secretary of the Navy is authorized to make such contracts, the further question is presented as to whether or not the contract under consideration was made in accordance with the authority granted. The records of the department disclose that on April 2, 1919, the Superintendent of the United States Naval Academy requested the Secretary of the Navy to authorize him to secure the services of certain individuals therein referred to as professors and instructors at the Naval Academy for the period of time and the amount of compensation therein set forth. The name of Prof. Arthur N. Brown is found contained in said list, as well as the other provisions of this contract. On April 9, 1919, the Chief of the Bureau of Navigation informed the Superintendent of the Naval Academy that "the department has approved the recommendation of the Superintendent of the Naval Academy as contained in reference 'd.' Authority is therefore granted the superintendent to issue appointments to the professors, associate professors, assistant professors, and instructors whose names appear in reference 'd.' The appointments to be made at the rate of pay and for the dates indicated in reference 'd.'" Reference "d" is the letter of the Superintendent of the Naval Academy of April 2, 1919, above referred to.

From an investigation of the records of the department it appears that the Superintendent of the Naval Academy was duly authorized, as the agent of the Secretary of the Navy, to enter into contracts with certain individuals looking toward their employment as professors and instructors at the Naval Academy, and that the contract, a copy of which was transmitted with your letter, is one of those entered into by the Superintendent of the Naval Academy by virtue of the authority granted him by the Secretary of the Navy as herein set forth. The evidence of this contract bears the date of May 1, 1919, and was addressed to Prof. Arthur N. Brown, librarian, and is in the following language, to wit:

"In accordance with reference you are hereby appointed professor and librarian, Naval Academy, at $3,600 per annum for the period from July 1, 1919, by which date you will execute the required oath, to July 1, 1924, inclusive."

This document was signed by A. H. Scales, Superintendent of the Naval Academy. The required oath appears to have been executed in due course, and Professor Brown entered upon the performance of his duties under said contract.

It would appear, therefore, that the foregoing is a duly executed and binding unilateral contract between the Government as party of the first part and Prof. Arthur N. Brown, party of the second part, wherein the Government agrees to employ the said Brown as a professor and librarian at the Naval Academy for a period of five years, for which employment he shall receive a compensation of $3,600 per annum.

It has been decided that the Government does not contract to keep its employees in its service if their services are not needed (41 Ct. Cls. 61), and that, in the absence of express statutory provisions, all employments, appointments, or engagements of purely personal services of any kind by the Government, whether under contract or otherwise, for a definite or indefinite period, may be terminated at any time for just cause without subjecting the Government to liability for payment of damages on account thereof (26 Comp. Dec. 840, citing 33 Ct. Cls. 174; 41 Ct. Cls. 61; 177 U. S. 290). In the absence of any statutory provision prohibiting the Government from dispensing with the personal services of civilian professors employed at the Naval Academy at any time for just cause, it would appear that while the contract under consideration is legal and binding, the department may for just cause terminate said contract at any time.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman from Michigan [Mr. KELLEY] yield some time to this side of the House? I should like to have 20 minutes. I have requests for 10 minutes, and I would like to use 10 minutes myself.

Mr. LINTHICUM. I have asked the gentleman for five minutes.

Mr. BYRNES of South Carolina. I will ask the gentleman for 20 minutes.

Mr. KELLEY of Michigan. Mr. Speaker, how much time is left?

The SPEAKER. Thirty-one minutes.

Mr. BYRNES of South Carolina. I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. VOIGT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. KELLEY of Michigan. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Blanton	Christopherson	Davis, Tenn.
Andrews, Mass.	Brennan	Clark, Fla.	Deal
Andrews, Nebr.	Britten	Classon	Dickinson
Arentz	Brooks, Pa.	Cockran	Drane
Bacharach	Browne, Wis.	Codd	Drewry
Bankhead	Buchanan	Colton	Driver
Beck	Burtness	Cooper, Ohio	Dunn
Beedy	Campbell, Kans.	Copley	Evans
Benham	Campbell, Pa.	Crisp	Fairfield
Black	Cantrill	Curry	Favrot
Bland, Ind.	Carter	Davis, Minn.	Fields
Foster	Kitchin	Olpp	Stoll
Frear	Kleczka	Osborne	Sullivan
Fulmer	Kopp	Padgett	Summers, Wash.
Garrett, Tex.	Kunz	Park, Ga.	Sumners, Tex.
Gilbert	Langley	Parks, Ark.	Swank
Goldsborough	Larson, Minn.	Patterson, Mo.	Taylor, Ark.
Gould	Lawrence	Radcliffe	Taylor, N. J.
Greene, Mass.	Leatherwood	Rainey, Ala.	Taylor, Tenn.
Greene, Vt.	Logan	Ramseyer	Ten Eyck
Harrison	Longworth	Rayburn	Tilson
Hawes	Luce	Reber	Treadway
Henry	Lyon	Reed, N. Y.	Tucker
Hersey	McArthur	Riordan	Tyson
Hicks	McClintic	Roach	Volk
Hukriede	McFadden	Robertson	Ward, N. C.
Humphreys	McLaughlin, Nebr.	Robsion	Wason
Husted	McLaughlin, Pa.	Rodenberg	Webster
Hutchinson	McSwain	Rouse	Wilson
Ireland	Maloney	Rucker	Wingo
Jefferis, Nebr.	Mansfield	Ryan	Wise
Johnson, Miss.	Martin	Sabath	Woods, Va.
Johnson, S. Dak.	Mills	Sanders, Ind.	Wright
Kahn	Montague	Shelton	Yates
Kearns	Montoya	Sinclair	Young
Kiess	Morin	Snyder	Zihlman
Kindred	Nelson, J. M.	Stedman	
King	Nolan	Stevenson	
Kinkaid	O'Brien	Stiness	

The SPEAKER pro tempore (Mr. ELLIS). On this roll call 279 Members have answered to their names. A quorum is present.

Mr. KELLEY of Michigan. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. KELLEY of Michigan. I yield 20 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, the gentleman from Michigan [Mr. KELLEY] has stated that this is a unanimous report. That is true, and so far as I am concerned I want to say that I have agreed to the report and shall vote for it, because it represents the smallest amount which it is possible for the Congress to secure an agreement upon for the naval service during the next fiscal year. The Congress must provide for the Navy. If we do not agree to this conference report, then a continuing resolution must be agreed to, and an even larger amount would be provided for naval expenditures. So far as I am concerned, the bill originally reported to the House more nearly represented my views as to the amount that should be appropriated next year for naval expenditures, and that is the view of the other minority conferee—the gentleman from Alabama [Mr. OLIVER]. I want to state, however, so that the Congress and the country may know, the exact amount that is provided for the expenditures of the Navy Department during the next fiscal year.

It is true that the bill as agreed upon makes a direct appropriation of $289,336,577, but this is not the total amount which the bill authorizes the Navy to spend. In addition to this direct appropriation, the bill authorizes the Navy to spend, under the head "Increase of the Navy," unexpended balances amounting to $46,250,000 and an additional $8,000,000, which the Navy Department is authorized to collect on certain notes due to the Government. The bill authorizes no appropriation at all for clothing, but by a bookkeeping transaction it makes available $1,800,000 for clothing for the Navy. By a similar transaction it makes available $450,000 for clothing for the Naval Reserve.

These amounts total $56,500,000, which when added to the direct appropriation made in the bill makes a total amount that the Navy is authorized to spend for current operations during the next fiscal year of $345,836,577. In addition to this amount for the current expenses of the Government during the next fiscal year there is appropriated in another bill an amount to cover the expenses incident to the cancellation of contracts, the most conservative estimate of which is $60,000,000, but which the gentleman from Michigan [Mr. KELLEY] to-day stated might possibly reach $75,000,000.

Mr. LONDON. Are they naval contracts?

Mr. BYRNES of South Carolina. Yes; naval contracts. Taking the conservative figure of $60,000,000 it makes the total amount available for naval expenditures during the next fiscal year $405,836,577.

The total naval appropriations for the current year ending June 30, 1922, amounted to $412,673,289, so that the reduction in naval expenditures for the next year, after the ratification of the treaty for the limitation of armament, will amount to $6,836,712.23.

Even if we disregard the $60,000,000 appropriated for the cancellation of contracts, the amount appropriated for the current expenses of the Navy next year amounts to $345,836,577, and that is only $66,836,712 less than the appropriation for the year ending June 30, 1922. Now, in order to fully appreciate

the importance of these figures let me say that for the year ending June 30, 1914, the year previous to the beginning of the European war, our naval appropriations amounted to only $141,050,643. After the European nations were engaged in hostilities we appropriated for the year ending June 30, 1915, $146,493,177. For the year ending June 30, 1916, we appropriated only $149,763,563. Then, for the year ending June 30, 1917, when there was imminent danger of our becoming engaged in war and the great battleship program had been authorized, our total appropriations amounted to only $315,888,060. And now, after the war, after the holding of a conference for the limitation of armament, which the people believed would result in greatly reduced naval expenditures, this Congress will authorize for current expenses for the Navy for the next year, as against $315,000,000 when we were in danger of entering the war, the sum of $345,836,577, and a total naval expenditure, including the scrapping of the contracts, of $405,836,577.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. BYRNES of South Carolina. In a moment. In addition to this we must take into consideration that as a result of the scrapping of the ships there will be available a considerable amount of material which is not included in this amount, and we must also take into consideration, judging from the past, that added to this $405,000,000 there will be deficiencies; so that the net result, as it now appears, is that the year after the armament conference the amount appropriated for naval expenditures will equal, if it does not exceed, the expenditures of last year, before the armament conference was held.

Mr. CLARKE of New York. Will the gentleman advise the House how many hundred million dollars less the appropriation is now than it would have been had we carried out the program of the Hon. Josephus Daniels?

Mr. BYRNES of South Carolina. The gentleman's question, of course, is an exceedingly intelligent one, as the Hon. Josephus Daniels is not now Secretary of the Navy and submitted no program at all for this year. If we consider the estimates submitted by the Secretary of the Navy, they amounted to $425,000,000. But I am not talking about department estimates. I am talking about the appropriations for which the gentleman has voted, and I must say, too, that if it had not been for him and others who agreed with him, the total of appropriations would have been much less than they are in the bill as finally agreed upon.

Mr. OLIVER. If the recommendations of the House Appropriations Committee had been followed, the amount of this bill would have been much less than it is?

Mr. BYRNES of South Carolina. That is correct, and I so stated in the opening of my remarks—that the Appropriations Committee in the original bill presented their views of what the total appropriation should be for next year. The House in its wisdom decided otherwise, and the conferees, as agents of the House, could only represent the views of the House, which they have attempted in good faith to do, and we have managed to secure a slight reduction of the appropriations as made by the Senate.

I think, however, the country will believe that we have not reduced it to the extent that they would like to have it reduced.

Mr. GARNER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GARNER. And the result of the Senate increase was the insistence of the administration that these matters were necessary?

Mr. BYRNES of South Carolina. I am satisfied that the amount fixed by the Senate is less than the amount requested by the department.

Mr. LONDON. Will the gentleman yield for a nonpartisan question?

Mr. BYRNES of South Carolina. Yes.

Mr. LONDON. To what extent is the expenditure the result of carrying out the naval program laid down in 1916?

Mr. BYRNES of South Carolina. It would be impossible to state, because under the head of increase of the Navy some ships under construction which are authorized to be retained by the treaty were authorized in the program. But that program could have been modified at any time and has now been modified, many ships then authorized not to be completed, but many are, a total of $60,000,000 being appropriated for ship construction under increase of the Navy.

Mr. LONDON. The most of the ships were authorized in 1916.

Mr. BYRNES of South Carolina. Yes; when the World War was on and we were in imminent danger of being drawn into the war and the annual appropriation jumped from $149,000,000 to $315,000,000.

Mr. LONDON. As compared with 1914 the expenditure for the Navy this year is nearly one-quarter of a billion more.

Mr. BYRNES of South Carolina. It was $141,000,000 then, and for current operations next year will be $345,836,577, and for all purposes, including scrapping, $405,836,577.

Mr. STEPHENS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STEPHENS. I am interested in the economy side of the Navy. Can the gentleman suggest how we can make a reduction?

Mr. BYRNES of South Carolina. I did suggest and earnestly advocated when the bill was before the House the way in which it could be done, but the House did not agree. I do not know how the gentleman voted, but that is water that has passed over the wheel and I would not resurrect any old sores now. As the House reported the bill it carried direct appropriations of $232,000,000 and indirect appropriations of $47,000,000 additional, and now it carries $345,000,000 and with the scrapping will carry $405,000,000. The subcommittee earnestly advocated certain economies until the steam roller passed over us. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. WALSH). The gentleman has used 11 minutes.

Mr. LAYTON. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. LAYTON. I am after information which will probably be of advantage to the House and the country. Will the gentleman tell me how much of the $405,000,000 was imposed upon us by law, or the program of Congress for carrying out a program?

Mr. BYRNES of South Carolina. Absolutely none of it, except this $60,000,000 included in the scrapping bill. It is optional with us each year what we will complete. Any program made by a former Congress we can modify just as we have this year modified the 1916 program. Of course, it is all authorized by law. But we can revise the law. In this bill the Senate has added for construction $15,000,000.

Mr. LAYTON. To complete some vessel of the 1916 program?

Mr. BYRNES of South Carolina. For no specific ship, but for increase of the Navy, including the ships of the 1916 program which the department has determined to complete, and the two aircraft carriers authorized by this Congress.

Mr. SEARS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SEARS. On page 67 we have provided for the completion of two cruisers, and no names were given, and it was left to the Navy Department to select the ships. I see that two are named, and I was wondering as an historical matter how that came about.

Mr. BYRNES of South Carolina. I can answer my friend. That amendment is of no real value. The House passed a bill authorizing two cruisers to be converted into aircraft carriers, and provided, as the House ought to have provided, that the two cruisers which were furthest advanced should be converted. The bill went to the Senate, and the Naval Board said that the *Lexington* and *Saratoga* were the furthest advanced.

Assistant Secretary Roosevelt reported to the Senate committee that they were going to complete the *Lexington* and the *Saratoga*, whereupon the senior Senator from Massachusetts, upon the floor of the Senate, being assured of that fact, moved to amend the bill and specify that the *Lexington* and *Saratoga* be completed; one was under construction at the Fore River Shipbuilding Co., which is controlled by the Bethlehem Steel Co., and is located in Massachusetts. Gentlemen may draw their own deductions as to the necessity for it, and in view of this being a political year, should not be harsh in their conclusions. So far as the House conferees were concerned, we had no objection, in view of the facts in the case. And, personally, I wanted to agree to it for the reason that the shipyard is located in the district of the gentleman from Massachusetts [Mr. FROTHINGHAM]. The other ship is being constructed in New Jersey in the district of the very efficient representative from New Jersey [Mr. APPLEBY]. I was anxious to have the conferees agree to it, because if the senior Senator from Massachusetts thought it necessary under the circumstances that the names of the ships be specified, I wanted the House to grant the request of the gentleman from Massachusetts [Mr. FROTHINGHAM], who has been so deeply interested in this matter. If Massachusetts insists upon sending a Republican from that district, they can send no better Representative than the gentleman from Massachusetts, Mr. FROTHINGHAM.

With reference to the discussion of the amendment as to the civilian professors at Annapolis, I simply want to say that during the conference we were informed by two Members of the Senate that Admiral Wilson had served notice upon 35 civilian instructors and professors that their services would be dispensed with. That statement was made in the Senate and has been carried in the press. The fact is that the department advises me that Admiral Wilson officially advises them that the statement is untrue; that he did not dream of doing it, and thought it would be improper for him to do it under the circumstances. But other statements made are equally inaccurate. The gentleman from Illinois [Mr. DENISON] says now that he understands that 13 were given notice and the notice afterwards withdrawn. The Chief of the Bureau of Navigation informs me that Admiral Wilson has advised him that this is not accurate; that he has given notice to no instructor or professor except the five men whose removal has been recommended for cause, which recommendation has been approved by the Secretary of the Navy. For manifest reasons I do not care to state the grounds, but it is sufficient to meet the approval of the Secretary of the Navy. One other civilian instructor, who has left the country and, as I understand, took leave without permission from anyone, will also be removed. These six are the only cases. Unless Congress wants to disorganize and demoralize the academy they can not prevent removals for cause. Admiral Wilson has no desire other than to carry out the directions of the Congress. He made his recommendations in performance of his duty. He now stands ready to administer whatever law is enacted by the Congress.

Mr. SEARS. I notice by the papers that they had agreed to complete these two vessels.

Mr. BYRNES of South Carolina. Yes. Now, I want to ask the gentleman from Michigan if he will not yield me five minutes more?

Mr. KELLEY of Michigan. Mr. Speaker, how much time is left of the hour?

The SPEAKER pro tempore. The gentleman from Michigan has 11 minutes and the gentleman from South Carolina has five minutes.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that the hour be extended 5 minutes and that that time be given to the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the hour be extended five minutes and that that time be given to the gentleman from South Carolina [Mr. BYRNS]. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Speaker, I yield 10 minutes remaining to me to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I ask unanimous consent to speak out of order for the 10 minutes and to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that he may speak out of order and that he may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I believe I speak the sentiment of every Member of the House when I say that we all regret to note in the morning newspapers that our good friend the gentleman from Michigan, Mr. FORDNEY, is retiring from active political life. [Applause.] He is a type unto himself. I believe we will all also agree that if one had to select a stand-pat, dyed-in-the-wool, hell-bent, powder-burnt, and Chinese-wall tariff man in the House of Representatives we would select JOE FORDNEY. He stands out, I repeat, as a character unto himself, but the eulogies for him will come at a more appropriate time.

What I rose for more than anything else was to criticize somewhat the prophecy of the gentleman from Michigan [Mr. FORDNEY]. Gentlemen will probably remember back a year or more ago that we had under consideration at that time even the tariff bill. They will also recall that in the last Congress we had hearings on the tariff bill. A number of you gentlemen who were at that time in the House and some of you on the Committee on Ways and Means will remember that we held some 90 days of hearings on the tariff. January 6, 1921, it was, I recall now, that we began the hearings on the tariff. Mr. Harding came into office on March 4, and he called a special session of Congress on April 11 for the purpose of considering the tariff bill. I am reciting these dates and incidents in order that you gentlemen when you go home may be accurate in stating the reason for this recess, which I understand is to be until August 8. I know that none of you will desire to misrepresent it. Therefore I want to give you some of the history of this proposed tariff legislation in order that you may not say when you go home that this recess is being taken because the Democrats keep you from considering the tariff. Do not say that, because it will not be so, and I do not want you to state anything that is not based on the facts.

Mr. CROWTHER. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. CROWTHER. Does the gentleman in speaking of that delay refer to this House or to the other body?

Mr. GARNER. I am referring to both.

Mr. CROWTHER. I am glad of that.

Mr. GARNER. And I think I can prove that this House is as much to blame as the other body. The hearings began on January 6, 1921. Those hearings were completed before the beginning of this Congress on March 4, 1921. They were completed and you were ready to make up your bill. What happened? You were called into extra session on April 11. How long did it take the Republicans of the Committee on Ways and Means—not the Democratic House, not a filibuster in this House or the Senate, but the Republican membership of the Ways and Means—to make up a bill, where all of the hearings were complete when you began? That bill was reported to this House on June 29. Why did you take from April 11 to June 29 to make up a tariff bill and bring it into the House if you were an efficient organization? You had your information. You had your hearings. The entire business was complete. Why did you delay reporting it? Mr. FORDNEY said on the floor of this House on April 14, 1921, that you would have a completed law in from 30 to 60 days. I can refer you to the page of the RECORD where he made that statement. On April 15 Mr. MONDELL on the floor of this House assured the country—and especially the gentleman from New York [Mr. CROWTHER], who asked the question—that you would have a completed bill with a high-tariff duty on gloves before the session ended. The session ended, and yet there was no bill. How long did it take you to pass it? Not long; of course not. You did not give it any consideration. Twenty-two lines of the tariff bill were all that you considered in this body. Somebody had to consider it; it had to be considered by some legislative body; and I submit to you that if it took you three months to make it up in your committee and if it took the Republicans in the Senate Finance Committee eight months to make it up, then some legislative body ought to consider the different items in the bill, and that is what they are doing in the Senate at this time. I do not want you to go home and say that the reason you can not pass this tariff bill is because of a Democratic filibuster, when every other tariff bill—and I will put the dates in the RECORD—has been passed in much less time. The longest one heretofore took eight months and six days.

Congress met April 11, 1921.

FORDNEY BILL.

Hearings started January 6, 1921; introduced June 29, 1921; reported in House July 6, 1921; passed House July 21, 1921; referred to Finance Committee July 22, 1921; and reported from Finance Committee April 11, 1922.

UNDERWOOD BILL.

(Sixty-third Congress, first session.)

Introduced April 7, 1913; reported in House April 22, 1913; passed House May 8, 1913; referred to Finance Committee May 9, 1913; reported from Finance Committee July 11, 1913; passed Senate September 9, 1913; sent to conference September 9, 1913; conference report adopted October 3, 1913; and became a law October 3, 1913.

PAYNE BILL.

(Sixty-first Congress, first session.)

Introduced March 17, 1909; reported in House March 17, 1909; passed House April 9, 1909; referred to Finance Committee April 10, 1909; reported from Finance Committee April 19, 1909; passed Senate July 8, 1909; sent to conference July 8, 1909; conference report adopted August 5, 1909; and became a law August 5, 1909.

DINGLEY BILL.

(Fifty-fifth Congress, first session.)

Introduced March 18, 1897; reported in House March 19, 1897; passed House March 31, 1897; referred to Finance Committee March 31, 1897; reported from Finance Committee May 4, 1897; passed Senate July 7, 1897; sent to conference July 8, 1897; conference report adopted July 24, 1897; and became a law July 24, 1897.

WILSON BILL.

(Fifty-third Congress, second session.)

Introduced December 19, 1893; reported in House December 19, 1893; passed House February 1, 1894; referred to Finance Committee February 2, 1894; reported from Finance Committee

March 20, 1894; passed Senate July 5, 1894; sent to conference July 7, 1894; conference report adopted August 13, 1894; and became a law—without President's approval—August 27, 1894.

M'KINLEY BILL.

(Fifty-first Congress, first session.)

Introduced April 16, 1890; reported in House April 16, 1890; passed House May 21, 1890; referred to Finance Committee May 23, 1890; reported from Finance Committee June 18, 1890; passed Senate September 10, 1890; sent to conference September 10, 1890; conference report adopted October 1, 1890; and became a law October 1, 1890.

How long have you had this one? Nearly 18 months, and you are still saying it is impossible to pass it and you are going to have a recess until August the 8th. I am afraid your gloves, Mr. CROWTHER, will have to be of the fall variety before you get the duty that you want. You had a majority in the House and a majority in the Senate, and a declaration by the chairman of the Committee on Ways and Means that he intended to pass the bill in from 30 to 60 days, together with a declaration by the leader of the majority, Mr. MONDELL, that it would be passed before the session closed. I am sorry to say that the gentleman from Ohio [Mr. LONGWORTH] was guilty himself of a false prophecy in that connection, because he also declared that this bill would become a law before the Congress adjourned, and it is not often that the gentleman from Ohio makes a false prophecy.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. STEPHENS. Did not the House pass that bill in July, 1921?

Mr. GARNER. It did.

Mr. STEPHENS. And the House is exonerated from any criticism?

Mr. GARNER. It passed the House July 21, 1921.

Mr. STEPHENS. Did not the House then do its duty in passing the bill?

Mr. GARNER. Oh, yes; but it was a little tardy itself.

Mr. STEPHENS. Is it not the Senate that is to blame and not the House?

Mr. GARNER. Who is in control of the Senate?

Mr. STEPHENS. Not the House, surely.

Mr. GARNER. Oh, I admit that. The bill passed the House of Representatives on July 21, 1921, and was referred to the Finance Committee of the Senate on July 22, 1921. No one controlled the Republicans of the Finance Committee of the Senate, nobody filibustered in that body. Could you even conduct a filibuster in that body? When was it reported back from the Committee on Finance to the Senate? The Senate Finance Committee got the bill on July 22, 1921, and reported it back to the Senate on April 11, 1922, just 12 months after the President of the United States called the Congress into special session to consider that legislation. It took 12 months to bring it back into the Senate. I suggest that we Democrats and patriotic Republicans in the Senate have a right to consider that measure item by item, because it has never been considered in any legislative body up to this moment. I do not blame you for delaying. No longer than June 24, last week, the Senator from Michigan, Mr. TOWNSEND, declared that this was no time to pass a tariff law. Here is what he said:

> Mr. President, I repeat that this is an unfavorable time to revise the tariff. * * * Under the existing conditions I have mentioned, the exact rate of duty which measures the difference in the cost of production here and abroad can not be determined in all cases.

Think of it! A Senator—a leading Senator, we will say—from the State of Michigan, from the same State that the chairman of the Committee on Ways and Means comes from, declares in the Senate of the United States that this is no time to pass the legislation which they are considering, and he added most significantly the very thing——

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. GARNER. Have you any more time? I want only five minutes more. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes without taking it out of the hour.

Mr. BYRNES of South Carolina. Mr. Speaker, I will ask the gentleman to withdraw that request.

Mr. GARNER. Very well.

Mr. BYRNES of South Carolina. I ask the gentleman from Michigan if he will not ask unanimous consent to have his time extended for 10 minutes more, because I promised the gentleman from Maryland five minutes?

Mr. KELLEY of Michigan. Well, I do not see any harm in this, and I will ask unanimous consent. Mr. Speaker, I ask unanimous consent that my hour be extended 10 minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that his hour be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. I yield five minutes of that time to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker, I yield that five minutes to the gentleman from Texas [Mr. GARNER].

Mr. CROWTHER. Will the gentleman yield for a short question?

Mr. GARNER. Mr. Speaker, I am very much obliged to the gentleman from Michigan, the gentleman from South Carolina, and the entire membership of the House.

Mr. CROWTHER. Will the gentleman yield for a short question?

Mr. GARNER. I will.

Mr. CROWTHER. I want to ask, under the present rules of the Senate with unlimited debate, is it not a fact that the date of the passage of the tariff bill is absolutely in the hands of the Democratic minority?

Mr. GARNER. It is not.

Mr. CROWTHER. Absolutely, and the gentleman knows it; and he can not explain it in any other way.

Mr. GARNER. If the gentleman will give us Democrats 22 majority, we will attend to business. We have got more business——

Mr. CROWTHER. That side has been attempting repeatedly to sit back and crawl under the fence——

Mr. GARNER. I yielded to the gentleman for a question. If the gentleman will give the Democrats a majority of 22 in the Senate they will do as they always have done—do business. Whether we are more patriotic or more intelligent I do not know, but the fact is that we do business, and that is the difference between the two parties. I will tell you what is the reason you do not pass it. You may know it or not, but they know it in the Senate. You have not got the information upon which to base a tariff bill. Senator TOWNSEND said in his speech, probably to send out to his constituency, that you did not have sufficient data to tell the difference in the cost of production here and abroad. If you have not got that you could not write the rate, and there is no such thing as making a tariff bill except you know the proper rates. You knew you could not draw a scientific bill. The Republican Senators knew it. Mr. FORDNEY and Mr. GREEN knew it when they undertook to make it over here, and they debated in their own minds for six months whether they ought to make a bill or not.

Mr. STEAGALL. The Washington Post this morning says that the time of debate yesterday was consumed by Republicans.

Mr. GARNER. Of course they did, and it shows the silliness of any man who says that you have 22 majority in the Senate and you are unable to legislate. You have had the same rules for 100 years in the Senate, and yet every time they want to the majority has been able to function. You do not want to function, that is what is the matter.

Mr. STEVENS. Will the gentleman yield?

Mr. GARNER. Not just now.

Mr. FOCHT. Will the gentleman yield?

Mr. GARNER. I will.

Mr. FOCHT. The gentleman says that they can not pass the bill in the Senate because of not having information. I would like to inquire what has become of that beneficent institution of Washington called the Tariff Commission, which was to furnish this information?

Mr. GARNER. Yes; but the gentleman from Pennsylvania understands this, that Mr. FORDNEY said he was going to have American valuation, and, God bless him, this is one more prophecy that goes to the winds. I wish you could get a picture around the conference table when this bill goes to conference. When he gets in there the first thing Mr. FORDNEY will do is to back down on the American valuation. That is the first proposition. What are you going to do about it? When they bring it back here and you and you and you who voted for American valuation, and did not know what you were voting for, what are you going to do about it? You are going to tuck your tails and take foreign valuation, the same old dose you have been having all these years. You will have to explain it to your constituents, you who have been boosting American valuation. I do not know how my friend GREEN will explain it to their satisfaction when he becomes ranking Member of the Committee on Ways and Means.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARNER. I will.

Mr. GREEN of Iowa. I will not have as much to explain as my friend who has been talking against American valuation all the time.

Mr. GARNER. Well, I have never voted for it and have been against it all the time, because no man living could explain it or defend it.

Mr. CROWTHER. Is the gentleman going to include in his extension of remarks his former tariff speech which has never been printed?

Mr. GARNER. The gentleman would like to get hold of that. I heard it said that there were two speeches lost, one by Abraham Lincoln and one by myself, so I think that I am in a good class. I am going to put in the RECORD full data in reference to each one of these tariff bills—when it was reported to the House, when passed, when reported to the Senate, everything in connection with the McKinley bill down to the present time—so that you will not be able to say that you took a recess for the reason that you had a Democratic filibuster in the Senate. [Applause.]

Mr. BYRNES of South Carolina. May I ask the gentleman from Michigan [Mr. KELLEY] if he is going to yield to the gentleman from Maryland [Mr. LINTHICUM] five minutes?

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from Maryland.

Mr. LINTHICUM. Mr. Speaker, we have drifted far away from what I wanted to talk about and that which was under discussion when these other questions began to be debated. That was the subject of civilian professors at the Naval Academy. You remember that this House was very strongly in favor of retaining the civilian professors at that academy, and when the two amendments retaining them were offered they were passed by a very large majority; and I can not but feel that in practically eliminating the civilian professors at the Naval Academy this House will make a great mistake. Certainly it will change mightily from what it decided when those two amendments were offered by the gentleman from Michigan. Now it is intended to reduce the civilian professors. If you will bear in mind, it was said on the floor of this House that no commissioned officer could become a professor at the Naval Academy until 12 years after he had graduated. I have no objection to commissioned officers as disciplinarians and for the training of the troops, but I do think it is a great mistake to try to take a commissioned officer and make a professor of him after he has been away from his studies for 12 years, after he has been at sea probably for one-half of that time, after he has been practically away from his books and on sea duty for a large part of the time, with his mind and attention concentrated on his duties and responsibilities.

The Naval Academy has a great reputation, and that reputation has been built up largely because you have had commissioned officers as men for training and disciplining the students. But for teaching the various subjects we want trained teachers, and any man in this House, like the gentleman who is chairman of this committee, who has been a school teacher, knows if you take a man from his studies for 12 years and then have him go back to teach students, he can not do it with the same efficiency and with the same results as men who have been trained and who have steadily worked at it.

Under this Senate amendment you can practically give a man six month's notice, even though he has been engaged for years, and let him out, and there is no provision in the bill to prohibit letting all of them out, except that you can not use the money for the payment of teachers to pay commissioned officers under this appropriation. But you can drop every last one and not use that money for commissioned officers. I contend that we ought to stand by the amendment that we put into this bill and we ought to continue the civilian professors at the academy that will give us the same standard of efficiency, the same great Naval Academy that we have always had. If you take commissioned officers and put them there for two years, and then take them out and put them at sea duty, and put other men in as teachers, changing practically your whole teaching force every two years, it will be a great mistake. I plead with the majority of this House not to make that mistake, because I know it is not in the interest of the Naval Academy nor the country and ought not to be done.

Mr. DENISON. The gentleman does not think that possible under this amendment?

Mr. LINTHICUM. I think this, that while this bill was under discussion the superintendent of the Naval Academy, not waiting for the House to decide this question, gave notice of retirement to 11 professors. I have high regard for the superintendent of the Naval Academy. I know him and like him, but I think he ought to have waited until this House acted before he gave notice to these men to discontinue their duties.

Mr. DENISON. In view of the provisions put in this bill, if the superintendent should persist in that course it would lead to investigation by the Congress.

Mr. LINTHICUM. I do not know what it would lead to, but I know what it will do to the academy if you follow it up.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. STEPHENS].

Mr. STEPHENS. Mr. Speaker and gentlemen, I will take a few minutes to call your attention to the action of the conferees on legislation that was passed by the House. I refer to amendment No. 30 on page 32 in the bill that is now before the House. This amendment was placed in the naval appropriation after "Bureau of Ordnance," and "Ordnance stores," and says:

That no part of this appropriation or any other appropriation contained in this act shall be available for expenditure at the Naval Proving Ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis.

At the time this was presented to the Members of the House the fact was stated that Indianhead, Md., for many years had been the site of the proving ground for the Navy; that in 1918 an appropriation of $1,000,000 was made to establish a lower station. This lower station was to be auxiliary to the Indianhead establishment. Indianhead consists of the powder factory and the proving ground. In 1918 they went over to Dahlgren, Va., and purchased 1,000 acres of land, and an appropriation of $1,000,000 was made upon the request of the Navy Department, and the addition of a lower station proving ground was established. That was a war measure. Instead of spending their $1,000,000, as proposed in the beginning, they went to the Appropriations Committee and had placed upon a deficiency appropriation bill an additional $980,000. Up to date they have spent $2,200,000, and if they still carry out the ideas that were never presented to the Naval Affairs Committee, their expenditure will reach $3,250,000.

Mr. MUDD. Does the gentleman know that the Government also bought, in addition to this plant, the island known as Blackistone Island, which is the terminus of this range? Was that purchased out of the $2,000,000 fund?

Mr. STEPHENS. That was purchased out of the $2,200,000.

Mr. MUDD. Has the gentleman any idea what the amount was that was paid for the island?

Mr. STEPHENS. I do not remember what the amount was that was paid for the island, but it was taken out of that appropriation.

Mr. STAFFORD. Has the gentleman's committee considered the feasibility of the Navy, in the testing of their guns, using the Army testing ground at Aberdeen, where we have such extensive facilities for that purpose?

Mr. STEPHENS. That proposition has been presented to the Bureau of Ordnance and the naval authorities and has been discussed, and it is deemed as feasible, I understand, that their large guns should be proved at Aberdeen, and equally as well as at Dahlgren, Va. It is all a matter of economy, and we are talking economy. I know everyone seems to be interested in economy, and this is one place where you can economize.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. The question is on agreeing to the conference report.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, this is not the first time in the history of Congress where the House so decisively expressed itself upon a proposition that the Senate did not most conspicuously repudiate the action of the House. The majority of the Naval Committee of this House, of which I have the honor to be a member, including our distinguished chairman, Mr. BUTLER, of Pennsylvania, voted to abandon this war-time proving ground, because it approved the recommendations of the special committee of the Naval Committee, of which I was also a member, which thoroughly investigated the outrageous expenditures at this station and concluded that it should cease to exist. Nor am I surprised that an amendment adopted by the House for the purpose of saving money has been rejected by the United States Senate.

When the Navy bill was before the House the all-powerful Appropriations Committee, obsessed with the idea of economy, defied the recommendations of the Secretary of the Navy and his influence, and, in a losing struggle, contended that the personnel of the Navy should be reduced to 67,000 men, and Members of this House who represent navy-yard districts, including myself, were censured because, it was said, they exercised their desperate efforts to save the shore stations and were unwilling to economize on land.

This is an instance where a shore station can be completely abandoned and millions of dollars saved to the Government. Must we believe that it is too late for economy, too late to save money that is recklessly and entirely wasted? I am beginning to wonder if this present administration is an "economy administration."

There must be some exceptional strategical advantages about the State of Virginia, for certainly during the war, for some reason or other, and I can imagine no other, the last administration, which was so ably represented in the United States Senate, constructed many naval and military institutions, including Quantico, Dahlgren, Hampton Roads, a torpedo station at Alexandria, and Camp Humphreys. All of the channels and harbors should be on the Virginia side, therefore, but they are not there, and Congress is called upon and will be called upon in the future, particularly at this place, Dahlgren, which is 3 miles from the channel of the river, to build great channels and docks at most prohibitive costs.

It was never contemplated by Congress, and it was never represented to the Naval Committee that Dahlgren should be a permanent naval station. On the contrary, it was represented to us that it was needed as an auxiliary proving ground for the purpose of testing long-range guns only, and that $1,000,000 was sufficient to purchase the land and install the plant. We were also assured that Indianhead was not to be discontinued as a proving ground. Admiral Earle specifically stated in the record, No. 137, page 690, "We only intend to use it for such guns as can not be tested at the present proving ground." And again he stated, "A million dollars will cover it," but, yet, without the knowledge of the Naval Committee, the Ordnance Bureau obtained an additional $980,000 and constructed luxurious houses and batteries at Dahlgren, taking all guns away from Indianhead.

For 30 years they have been successfully testing guns of every caliber at Indianhead. We did not hear of the long-range testing until the war came on. If we must do "Big Bertha" long-distance testing, it is not necessary to maintain a separate naval station for this purpose, as the few long-range tests can be made once or twice a year, and, if necessary, they could be, as has been stated, tested at Aberdeen. All other tests, velocity, armor plate, and so forth, can be made at Indianhead. In fact such tests could be made over land as well as over water without as great danger to human life, and, though I am no expert, I believe that this station could have been built at the terminus of the Pennsylvania Railroad at Pope's Creek, below Indianhead on the Maryland side, and shells could have been fired for a distance over land and water and recovered at Blackistones Island. Long-distance tests are made entirely over land at Aberdeen.

The Government has no right to disturb the navigation of the Potomac by shooting over this straight 20-mile range of water during peace time. Hundreds of my constituents make their living by oystering and fishing in these productive waters, and their lives are to be continually invaded and ignored by the Government, without little or any precaution to warn them of their constant danger, if this report is adopted.

Mr. Speaker, the rights of the public and particularly the civilian employees should be considered as well as the comforts of naval officers. Dahlgren is one of the most beautiful places on the Potomac, overlooking a wide expanse of water, where there used to be an old colonial home, which has now been replaced, as if by magic, by a most luxurious $60,000 mansion for the commandant and many other magnificent homes for subordinate officers. It is a picturesque spot, where one can contemplate the wonders and marvel at the splendors of nature, but that is all there is to it except extravagance. Every comfort is provided in this delightful community for the officers, who come and go in high-powered automobiles for official use, crossing the river at will from the Maryland side at Popes Creek in fine speedy launches that are provided by congressional appropriations for the Navy. But what about the blessings bestowed upon the employee? His is a lonely and unhappy existence living in a dormitory, because the Government has removed him from Indianhead, where he has a home, partly unpaid for, and a wife and children who await his weekly return, which at all times is doubtful because the Government provides most inadequate facilities for his transportation.

I know that my time has expired and I shall conclude. Perhaps there never will be another gun fired at Indianhead, but nevertheless it is a complete naval station, the batteries are there, and it has been testing your guns for the Navy for 30 years. To continue Dahlgren is an experiment in wasting money; to discontinue it is a realization of economy. I can never be convinced that it is fair to endanger the lives of navigators and fishermen on the Potomac and waste millions of dollars in the future for the purpose of maintaining this useless and remote separate station which is so unnecessary and inaccessible.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. MUDD. Certainly.

Mr. BUTLER. Will the gentleman tell the House how much they will have to spend for railroads before they can use this property?

Mr. MUDD. I will answer that in this way: You have already purchased a railroad at Indianhead for $1,000,000. Dahlgren is 40 miles from a railroad. It would cost many millions.

Mr. BUTLER. Did the gentleman tell the House that this is an absolute waste of money?

Mr. MUDD. Yes; and it is.

Mr. BUTLER. And yet, although it is useless, it will never be dispensed with.

Mr. MUDD. Not if it is left to the Senate and the Navy Department.

I sincerely hope, Mr. Speaker, that the Members of this House are familiar with this extravagance. I have stated facts to you discovered by the special subcommittee which investigated this place, and I urge you to reject the conference report before you.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. MUDD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KELLEY of Michigan. Mr. Speaker, I just want to devote the minute remaining of my hour to this last proposition. I have no doubt in my own mind that there were some irregularities practiced in building up this station at Dahlgren. Perhaps it should not have been built. Now that it is built, it may be that it should be abandoned. I have no doubt but that there are a number of naval stations up and down the coast that might with great profit be abandoned, but I think that should be worked out with some considerable care by the Committee on Naval Affairs. The two gentlemen who have spoken in favor of abandoning Dahlgren are members of the Committee on Naval Affairs, and my distinguished friend from Pennsylvania [Mr. BUTLER] is chairman of the Naval Committee. If they want to abandon some of these places I think they have the machinery in their own hands to bring about that result. The conferees on an appropriation bill are not in a very good position to do so as a rule.

I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore (Mr. WALSH). The time of the gentleman from Michigan has expired. All time has expired. The question is on agreeing to the conference report.

Mr. STEPHENS rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio rise?

Mr. STEPHENS. I rise to move to recommit the conference report, with instructions to the managers on the part of the House to insist on the disagreement of the House to the amendment of the Senate numbered 30.

The SPEAKER pro tempore. The gentleman from Ohio moves to recommit the conference report. The Clerk will report his motion.

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the motion to recommit.

The Clerk read as follows:

Mr. STEPHENS moves to recommit the conference report, with instructions to the managers on the part of the House to insist on the disagreement of the House to the amendment of the Senate numbered 30.

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. STEPHENS. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is asked for.

The House divided; and there were—ayes 14, noes 79.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 30: Page 6, line 11, after the figures insert "*Provided*, That quarantine and passport fees collected in the Virgin Islands shall hereafter be paid into the treasuries of said islands."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House recede and concur. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore (Mr. WALSH). The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 6: Page 9, line 11, insert:

"To pay George Melling for compiling the laws and decisions relating to the Navy, Navy Department, and Marine Corps made prior to July 1, 1922, including an index thereto, and in accordance with Senate resolution of March 30, 1914, $3,000, to be available upon completion of said work."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House recede from its disagreement to amendment No. 6 and agree to the same.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 13: On page 16, line 22, after word "wharfage," strike out "$50,000: *Provided*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent" and insert in lieu thereof the following: "pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, $3,000,000, which amount shall be available, in addition to other appropriations, for fuel and transportation and for all expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve Force: *Provided*, That members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof to be charged against the clothing and small stores fund: *Provided further*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent. That until June 30, 1923, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and until June 30, 1923, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1923, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force, and that with the approval of the Secretary of the Navy duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force: *Provided further*, That all moneys appropriated for the Naval Reserve Force or for the Naval Militia shall constitute one fund and hereby are made available under the direction of the Secretary of the Navy for both."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves that the House recede from its disagreement to Senate amendment 13, and agree to the same with an amendment which the Clerk will report.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "$200,000; for pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class one, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force, and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class one, $2,800,000; in all, $3,000,000, which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve Force: *Provided*, That members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force and to be charged against the clothing and small stores fund: *Provided further*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent; that, until June 30, 1923, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and, until June 30, 1923, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1923, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield for a question?

Mr. KELLEY of Michigan. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I notice that the amount has been increased nearly $3,000,000 by the proposed Senate amendment. I wish to inquire whether this is the item for the pay of the officers of the Naval Reserve Force while they are taking training for 15 days each year? In the War Department appropriation bill we agreed to a Senate amendment providing for an appropriation of $1,000,000 to pay for the training in the Officers' Reserve Corps of some 5,000 men for 15-day periods, something new in the history of the Army. I was wondering whether this $3,000,000 is for similar expenses in the Navy.

Mr. KELLEY of Michigan. I will say to the gentleman from Wisconsin that there are several classes of naval reservists provided for under existing law. The first class is known as the Fleet Naval Reserve. They are men who have served in the Navy from 16 to 20 years and upward. After having served that time they may be transferred into the Fleet Reserve at a certain percentage of the pay received in active service. They are not included in this amendment because they are taken care of in the pay of the Navy, both the officers and the men. This is a provision for $3,000,000 for the training of volunteers in the Naval Reserve. It is the class to which all of the naval reservists were transferred last year by the Secretary of the Navy from other classes where they would have drawn retainer pay of one and two months had the appropriation been sufficient.

Mr. STAFFORD. How many are in that class?

Mr. KELLEY of Michigan. Just a moment. The men in this class do not draw what we call retainer pay, but are paid only for the time they actually train, and this is comparable as nearly as may be with the provision for the National Guard in that respect.

Mr. STAFFORD. I am not referring to the National Guard. I am referring to the Officers' Reserve Corps, men who served in the World War and who volunteered to respond to the call of the Government at any time in the future and who under the law are obliged to give 15 days each year for training. Under the law they receive the pay of their grade during the time that they are in training, and also receive their mileage. This year the War Department appropriation bill merely provided for 5,000 of the 64,000 men in the Officers' Reserve Corps. I wish to inquire how many men does this $3,000,000 provide for in the Navy?

Mr. KELLEY of Michigan. This does not provide for any new legislation on the subject.

Mr. STAFFORD. It was not new legislation, either, that was carried in the War Department appropriation bill. They were merely providing for carrying out the provisions of the Army reorganization act to a limited extent. The War Department asked an appropriation of something like $4,000,000 or more, and the House provided an appropriation of only $250,000. The Senate raised it to $2,000,000. We compromised in conference on $1,000,000, which enables the department to train only 5,000 of the 64,000 or more men in the Officers' Reserve Corps. I am inquiring of the gentleman how many men does this $3,000,000 provide for the training of for a similar class of officers in the Navy?

Mr. KELLEY of Michigan. I am not quite sure as to the similarity of service or class. It provides for those who are in the volunteer reserves to the extent of 10,000 men and 3,000 officers.

Mr. STAFFORD. Further in that particular, these volunteer officers receive 8 cents a mile when traveling to the training camps. The Senate incorporated an amendment providing that so far as the members of the Officers' Reserve Corps are concerned their mileage while going for this 15 days' training should be only 4 cents a mile. Has the gentleman considered the advisability of cutting down the mileage for the comparable branch of the service of the Navy?

Mr. KELLEY of Michigan. No; men get the full amount of travel provided for under existing law.

Mr. STAFFORD. It was strongly represented by the Senate conferees that the members of the Officers' Reserve Corps when summoned for 15 days' training should not receive the maximum of 8 cents a mile but only 4 cents a mile, for the reason that they were not obliged to stay overnight en route, they were not subjected to hotel expenses, and they were visiting camps near their homes, and that 4 cents a mile would be adequate. One reason why the House subcommittee declined to vote any compensation for their services is that if we had provided the full mileage for the complement that the War Department requested it would involve $1,000,000 alone for mileage. A reduction to 4 cents imposed on the Government for 5,000 officers makes something like $250,000, which is quite a saving. Does not the gentleman think that the reserve officers of the Navy should receive only a like mileage that is paid to the Reserve Officers' Corps in the Army?

Mr. KELLEY of Michigan. That is a matter that did not receive any consideration whatever. I imagine that the situation is somewhat different with respect to the Navy than it is in the Army. The fact that the boys are called into camps close by and that they would not have to travel any great distance is a factor in the Army, while in the case of the Navy they would have to travel from home to the seacoast in any event. The reason that the gentleman gives as to the change of the law as to reduction of mileage allowance for the Army would not apply to the Navy.

Mr. STAFFORD. I can see that in some particulars it might not, but $3,000,000 for the Navy for the instruction of 3,000 officers, as compared with $1,000,000 for the Army, is a rather large amount. We have 64,000 reserve officers in the Army, and we are only providing for 5,000, while in the Navy I do not know how many you have in reserve, but you are giving training for 10,000.

Mr. KELLEY of Michigan. The ratio would be about the same—$3,000,000 for 10,000 would not be greatly different per man from that allowed for training 5,000 men in the Army. The last I knew there were 60,000 men in the volunteer reserves.

Mr. McKENZIE. I would like to ask the gentleman if the $3,000,000 does not include the retainer pay for the reserve of the Navy?

Mr. KELLEY of Michigan. My judgment is that it does not. These men have already been transferred from classes where they received retainer pay to the volunteer class. There has been a good deal of complaint about that, because they do not receive retainer pay. This provides for the calling out of 10,000 men and 3,000 officers of the volunteer class and giving them training for a short period of time; and the sum is not sufficient to allow them retainer pay.

Mr. BUTLER. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. This is new—this $3,000,000 more money?

Mr. KELLEY of Michigan. This question of the Naval Reserve was a difficult question to handle, for the reason that there is a good deal of uncertainty as to the future Naval Reserve policy. There is legislation on this matter now pending before the gentleman's own committee.

Mr. BUTLER. Permit me to say that the heavy foot of the military end of the committee has been put on the neck of my bill so that it will never breathe another sigh. I am not criticizing my friend.

Mr. KELLEY of Michigan. There is no new legislation in this provision.

Mr. BUTLER. There is no new legislation, but it is new money. [Laughter.] I can not see wherein we gain anything by this conference if we are going to spend all this money. I do not criticize my friend from Michigan, for what he does I believe is right.

Mr. McKENZIE. The gentleman speaks about the military end of the committee putting its foot on the bill——

Mr. BUTLER. The pay bill for the military arm is going to make it cost the Navy more.

Mr. McKENZIE. I think the gentleman is mistaken.

Mr. BUTLER. Look at the bill and see. I am not mistaken.

Mr. KELLEY of Michigan. Mr. Speaker, I yielded 10 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. MONDELL. Will the gentleman from Iowa withhold a moment, that I may address the House for two minutes?

Mr. GREEN of Iowa. I will.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, a resolution has been introduced in the Senate giving the consent of the Senate to an adjournment of the House until the 8th day of August. We hope that resolution will be favorably considered in the Senate to-morrow. If that is done the House will be prepared to adjourn when we have concluded the business before us. My opinion is that the Senate is not likely to take action on the deficiency bill until late to-morrow, possibly not until the following day, and in view of that fact and the situation with regard to other legislation between the two Houses which must be disposed of, I do not think it will be possible to present the resolution for adjournment until late Friday. I hope to be able to present it then. I hope I may be able to present it earlier than the time I have indicated, but there is no assurance as to that. We shall make every effort to dispose of the necessary business at an earlier hour, but it is absolutely essential that Members remain here until the resolution is presented. If they are not here it may not be possible to get away. It may be necessary to send for gentlemen if they leave prior to that adjournment. It will not be fair to the Members who remain if others go prior to the time of adjournment. I trust that none of the Members will arrange by securing transportation or otherwise to leave the city before late Friday or Saturday. We must have not only a quorum here but a goodly proportion of Members if we are to conclude the work before us and get away as we hope to do, and it is the duty of every Member now here to remain until the motion for adjournment has been made and carried.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 10 minutes.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to speak out of order, in reply to the gentleman from Texas [Mr. GARNER].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREEN of Iowa. The gentleman from Texas [Mr. GARNER] is a very fluent and entertaining speaker, and, without detracting at all from his acknowledged abilities, to which I am as willing as any man in the House to pay tribute, I would say that perhaps the fluency and ease which so often characterize him are somewhat aided by the circumstance that he is not at all hampered by questions of consistency nor troubled by consideration of the actual facts in the case. The gentleman said in the course of his remarks that I knew why the tariff bill had not been passed earlier, and I admit that I do. In fact, I thought everyone in the House knew; but as the gentleman did not seem to know, I will give him some information.

The reasons why the tariff bill has not been passed earlier are two: First, because it was decided in the Senate to lay aside the tariff bill and take up the revenue bill in the Senate instead, although the revenue bill was not passed by the House until after the tariff bill, and the revenue bill occupied the rest of the session; second, because of the constant talk on every item and upon every conceivable subject, whether connected with the tariff or not, that has been everlastingly kept up by the Democrats in the Senate ever since the tariff bill came forth.

But the time actually taken has been nothing like what the gentleman from Texas would lead you to believe. While he gives the date when hearings were begun on the pending bill in the House committee, he gives no dates as to when hearings were commenced on any of the Democratic bills. Possibly it is well that he gave the date when the hearings commenced, from which it appears that the House committee considered the bill carefully for months before it was reported.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GARNER. I was correct, then, when I made the statement that the gentleman knew the reason why the tariff bill has not passed?

Mr. GREEN of Iowa. The gentleman was accurate for once.

As the gentleman seems to be worried about the passage of the bill, let me say to him that we are going to pass the tariff bill at this session. It will not be a tariff bill that will have put upon it the stamp of perfidy and dishonor, as was put upon one Democratic tariff bill by a Democratic President. It will not be a tariff bill that will put 4,000,000 men out of employment, as the last Democratic tariff bill did in the spring and summer of 1914, but, on the contrary, it will be a tariff bill that will light the fires under the machinery, start the wheels whirring, and put business in motion, and give employment to all that need it. That is the kind of tariff bill that we will have.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GARNER. Will it have the American valuation in it?

Mr. GREEN of Iowa. The gentleman is very anxious about the American valuation.

Mr. GARNER. Sure.

Mr. GREEN of Iowa. The rates will be mostly specific, so that it will not be important. Let me say over again that the gentleman is not troubled with consistency. He endeavors to get the Republican side troubled in case the American valuation is not adopted and yet he himself has been foremost in denouncing the American valuation on this floor. The gentleman does not worry about consistency. If he did, he would not have troubled himself about the delay that he said was occurring in the Senate. We passed the tariff bill with speed in the House, and he complains about that. They are taking time in the Senate, and he complains about that.

Mr. McPHERSON. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McPHERSON. The gentleman from Texas said that in the Senate Senator TOWNSEND made the statement that this was no time to pass a tariff bill. I wonder if the gentleman from Texas consulted the RECORD and knows that what Senator TOWNSEND stated was this:

> Mr. President, we must go through with this provision. The industry and the business of the country demand an early determination of this question. The uncertainty in the rates is more disturbing than too high or too low tariffs.

Instead of his making the statement that the gentleman from Texas attributed to him he made a statement to the very opposite, that this was a time when the country demanded the passage of the tariff bill.

Mr. GREEN of Iowa. I would not expect my friend from Texas to be accurate on a matter of that kind.

Mr. GARNER. Will the gentleman permit me to read what the Senator did say?

Mr. GREEN of Iowa. I would like to make a few remarks myself. The gentleman from Missouri has already read from the RECORD what the Senator said.

Mr. GARNER. I shall get the gentleman more time, if he wants it.

Mr. GREEN of Iowa. I will look after that myself. I want to have another matter considered.

Mr. GARNER. I shall put this into the RECORD to show exactly what Senator TOWNSEND did say.

Mr. GREEN of Iowa. We have got it.

Mr. Speaker, the issue with respect to this tariff bill is not going to be what the gentleman talked about. There has been too much delay, but the House is not responsible for it, and the country now is interested in what the bill will contain.

Mr. Speaker, just before the war, when the country had an opportunity to know what the Underwood tariff meant in times of peace, the common expression was that never again would such a bill be adopted. In fact, many thought that the country had become so completely convinced from experience of the benefits of the protective system that the tariff would never again become a party matter. But at the present time our Democratic friends have been at a loss for an issue. The record made by the administration and Congress has been such that, although they have tried to talk about a "do-nothing" Congress, they never have been able to specify anything that Congress has not done which ought to be done, outside of the tariff bill which will soon be finished. This leaves them nothing to make a fight upon in the coming election except the tariff and, in the absence of anything else, they have raised the old cry, which has been repeated on every occasion when a Republican tariff bill was under consideration. They assert that it will raise the cost of living, that it will increase prices, and they base this on the old Democratic theory that the tariff is a tax which is added always to the price to the consumer.

Mr. Speaker, I have been astonished to see that some newspapers, especially those in the city of New York, have been misled by this old worn-out theory that has so often been refuted by the facts in the case and the logic of the situation. Nothing is easier to demonstrate than that the tariff is paid, as a rule, by either the foreigner or the importer, and no one realizes this better than the foreigner when the tariff is put upon his goods, or better than our own manufacturers when a tariff is put upon their goods by a foreign country. There are, of course, exceptions to this rule as to all rules, and one exception in this instance is that of luxuries or other articles which are not manufactured or produced in this country. But with these exceptions we have no concern. Our concern relates to the allegation that the new tariff will greatly raise the cost of living.

Mr. Speaker, I received a circular the other day that was sent out by some association calling itself The Housewives League, but which is evidently an adjunct of the Democratic campaign committee carrying on Democratic propaganda based on the old Democratic doctrine that the tariff is a tax. In this circular it was declared that the new tariff would raise the price of sugar and immensely increase the cost of sugar to the American consumer. It is also asserted that the tariff on wool will raise the price of clothing, and absurd statements were made as to the effect which the tariff on wool would have upon the price of a finished garment. Let us consider the real facts in the case and we will then see how ridiculous some of these statements are.

Whoever got up this circular was so ignorant of the real situation that he or she did not know that the tariff on sugar, as fixed in both the House and the Senate bills at this time, is just the same as it is in the emergency tariff bill that was enacted a year ago last May. While there is some movement in the Senate to make the rates higher, I do not expect to see higher rates adopted than now prevail. Sugar may be higher, but the tariff will have nothing to do with it. We have only to look back to the time when the emergency tariff was enacted and the rate on Cuban sugar, which furnishes practically all of our supply from abroad, was increased from 1 cent per pound to 1.6 cents per pound. Our friends on the other side declared, and even asserted in the minority report which was filed by the Democratic members of the committee at the time the bill was reported, that this increase in the rates would be added to the price of sugar as soon as the bill was passed. Instead of that, sugar went down, down, down for the next nine months, especially going down, as it always does when the beet-sugar supply came on the market. The whole Island of Cuba has been in a ferment ever since, because, as they say, and it must be admitted that it is a fact, we have compelled them to pay this additional charge in order to get their sugar upon our market. If the esteemed lady whose name is attached to the circular to which I have referred could persuade the people of Cuba that they do not pay this tariff and that the people of the United States pay it, she will succeed in reversing the entire course of public opinion on that island, and incidentally promote better feeling on their part, for they insist that it is greatly to their disadvantage. In this connection let me emphasize that every year in normal times when beet sugar comes upon the market the price of sugar goes down from 1 to 2 cents, and when the beet sugar goes off the market the price is raised correspondingly. By means of a protective tariff we have saved the beet-sugar industry of this country, and by means of the beet-sugar production hundreds of millions of dollars have been saved to the people of this country by reason of the lower prices brought about by its competition. Were there no competition in this country, then the foreigner could fix his price on sugar and the people of this country would have to pay the tariff. I repeat that instead of costing the consumer anything, the tariff on sugar has actually lowered the market price, and the foreigner has been compelled to pay the duty. Experience has shown in thousands of cases, as well as that of sugar, that the building up of a home industry has actually decreased prices to the consumer instead of increasing them.

Another absurd statement in this circular is that the tariff on wool will raise the price of clothing. Here again the party who prepared the circular seems to be ignorant of the real facts as to what is in the present bill and in the present tariff. The fact is that, whether the rates used by the House or the rates reported by the Senate committee are taken for the permanent bill, in either event the rate upon wool will be less than that now prevailing under the emergency tariff adopted over a year ago. The rate on scoured wool in the emergency tariff is 45 cents per pound. The rate fixed by the House in the pending bill was 25 cents per pound on scoured wool, and by the Senate 33 cents per pound. The rate can not be higher than that adopted by the Senate, and may be lower, so that in any event the rate on wool will be lower than that now prevailing, and if the price of cloth goes up it will not be by reason of any raise in the tariff.

Wool was on the free list prior to the adoption of the emergency tariff, which also increased the rates on cloth to correspond with the rate on wool. It was predicted that when this tariff went into force the price of clothing would go up. Instead, it has been going down ever since. The fact is that the price of wool has very little to do with the price of a suit of clothes or a dress, as it was shown by the comprehensive report on wool made by the tariff board in 1911. At that time, according to the report, the cost of the finished cloth in an ordinary suit of clothing was only 25 per cent of the retail price. At this time it can not exceed 20 per cent, as wages and general expenses are increased all out of proportion to the cost of materials. The tariff board also found that in women's clothing the cloth was not as much an element of cost as in the

men's, the proportion of labor and manufacturing expense being higher. I think it is fair to say that at the present time in the ordinary suit or dress the cost of the cloth is not 20 per cent of the retail selling price, and of this 20 per cent the tariff forms a small part, as the goods, except when of such a nature that they are not manufactured in this country, are sold on a competitive basis. Ready-made clothing, which is used by the great mass of the people, whether it be for the women or men, was never cheaper than under the Payne bill, which carried a rate of 33 cents per pound on scoured wool. I challenge anyone to refute this statement. According to the report of the Tariff Commission, a standard, high-grade men's suit of all-wool cloth sold at that time at wholesale for $15.39 and retailed from $23 up.

There is much talk about the high rates on wheat and wheat products carried by the emergency tariff and in the proposed permanent bill, but who has found that he paid any more for a loaf of bread by reason thereof? And as for cereal food, the price has been declining and will still continue to decline as the margin of profit will decrease. In the same circular to which I have referred there was a complaint about the tariff on small knives and certain kinds of table cutlery which now, of American make, retail at from 5 cents to 10 cents each at the 5 and 10 cent stores. The situation with reference to these articles is like that with reference to the rates on hosiery under the Payne bill, which were discussed when the Underwood tariff bill was before the House and vigorously attacked by the Democrats. I heard gentlemen on that side at that time get up and say, with tears in their eyes, that 6 cents a pair that the Payne tariff had put on stockings would cause the very poor man to pay 6 cents more for every pair of stockings that he bought. I was moved by that tearful plea and I went to a store in this town to investigate the facts. There was no special sale, but in the ordinary course of business I bought a good, substantial pair of socks for 5 cents. I presented them here on this floor, and for once my Democratic friends were silent. That is the only time I have ever known them to be, but they could not explain how a man could buy a pair of socks for 5 cents and have 6 cents added to the price by the tariff.

Cheap hosiery is made under highly competitive conditions in the United States. It always will be, and is sold at wholesale as low, if not lower, than in any other part of the world, and it is immaterial what rate is put upon them. It is the same way with cheap cutlery. It is not the wholesale cost that will trouble the American people, but the retail price.

It is also urged that the tariff on meats will increase the cost of living. No one knows yet just what rates will be placed on meats, but it is not likely that they will be substantially higher than the present rates imposed by the emergency tariff bill. Yet it can easily be proven that the emergency tariff did not raise the price of meats to the consumer. In fact, a Democratic Senator has recently put in the RECORD (June 27, p. 9496) a table showing that wholesale beef prices decreased after the levying of the emergency tariff was adopted, and therefore, he asserted, the farmer got no benefit from the tariff and was being fooled thereby. Yet a few minutes before he had been arguing that the prices had in fact been raised and the American people compelled to pay an increased price for their beef. Of course, both of these statements could not be true, and the fact is that neither one of them is true.

The American farmer got the benefit of the American market although the prices were not advanced but lowered. The real fact is that wholesale prices of beef were about the same in 1921 as they were under the Payne bill, but the retail price was almost doubled. High wages, high rents, and high expenses, the retailer says, account for it, but it is certainly not the tariff. On the other hand, if the American farmer is driven out of business—and the long list of abandoned farms was enormously increased last year—what will be the effect on the prices of agricultural products? We have recently had an example. Fresh lamb is high and has been so all through this year. Why? Because we permitted the accumulations of frozen mutton in Australia and the great accumulations of wool from all over the world to be dumped on our market until American wool was not salable at any price, and carload after carload of sheep sold in Chicago for less than the freight without any benefit to the consumer. Utterly discouraged, and in many cases also, utterly ruined, the flock growers sold their flocks, or the flocks were sold for them at forced sale, and got out of the business. Naturally lambs are scarce and will be until an opportunity is afforded under a Republican tariff to restore normal conditions. Does anyone believe that it would lower prices to the consumer to drive out of business the American cattle grower and the American sheep grower, giving the control of the prices to the Packers Trust which controls the great foreign slaughtering establishments of South America? Is it not plain, on the other hand, with reference to food and farm products as to other articles, that the American public will buy them at a lower price if the American farmer is permitted to supply the American market and induced to stay on the farm instead of deserting it for the city. The American farmer can go into no trust. He can not fix the price of his products, for it is fixed by the demand for it and the willingness of the purchaser to buy it. He is the great consumer and purchaser of the articles produced in our great manufacturing centers, and when he fails the country as a whole must fail.

But, it is said, if the tariff has not in fact raised the prices what benefit is it to the farmer? The answer is easy. It gives to the farmer the American market, the greatest and best market in the world, and insures an outlet for his products at a price which can not be unreasonable and yet gives him an opportunity to live, and whatever rise there has been in some farm products has not been reflected in retail prices.

Recently in the Senate a long list of imported articles was exhibited which it was shown that the importer had sold at profits varying from 200 per cent to 1,500 per cent. It is said that these cases are exceptions, and perhaps this is true, although they were numerous; but they do show this, that the consumer gets no benefit from a reduction of a tariff which puts the American producer out of the market and the importer never gives the consumer the benefit of the reduced price of the article which he has purchased abroad, but simply sells it enough lower than the American price to drive the American producer out of business, and that this reduction is not enough to affect the retail price. The reductions in the tariff made by the Underwood bill have simply brought enormous fortunes to the importers with no appreciable benefit to the American consumer. The transfer of the market to the American producer will build up all lines of trade in this country and bring us back to a true Republican prosperity such as we have never had in times of peace under a Democratic tariff.

Mr. Speaker, every possible obstacle has been placed in the way of the enactment of the pending tariff bill. The Democratic leaders do not want an opportunity to be given before election for the bill to show its beneficent effects. In the general prosperity which has always resulted from the operation of a Republican protective tariff bill prices of some articles are likely to rise. That goes with prosperity. But they will not rise so much as wages will rise and employment increase. Thus the farmer and the wage earner alike will be enabled to have a higher and not a lower scale of living.

Mr. Speaker, at the time the McKinley bill was enacted the same attack was made upon it that is now being made on the pending bill. The false cry was raised that it would immensely increase the cost of living. McKinley was defeated for Congress, but the actual workings of the bill showed the fallacy of the predictions and made McKinley President. If the American people view the pending bill in the light of experience and not according to the theories and denunciations of Democratic leaders, they will not be frightened by the bogy of high prices that is now being set up. They will realize that it is merely a scarecrow constructed for political purposes, and that the real truth is that Republican tariffs have always brought American prosperity.

The SPEAKER pro tempore. The question is upon the motion to recede and concur with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 62: On page 5, line 8, after the figures insert a semicolon and this language: "additional storage facilities, $80,000; in all, $95,000."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 64: Page 52, after the figures in line 11, insert: "for new construction and procurement of aircraft and equipment, $6,537,000; for new construction, buildings and improvements at air stations, $300,000."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. KELLEY of Michigan moves to recede from the disagreement to Senate amendment No. 64 and concur with the following amendment: In lieu of the matter inserted by said amendment insert the following: "For new construction and procurement of aircraft and equipment,

$6,537,000; for new construction, buildings and improvements at air stations, at a total cost not to exceed $280,000, as follows: Anacostia, D. C., $50,000; Pearl Harbor, Hawaii, $150,000; Quantico, Va., $80,000."

Mr. QUIN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KELLEY of Michigan. I yield to the gentleman from Mississippi.

The SPEAKER pro tempore. How much time does the gentleman yield?

Mr. KELLEY of Michigan. I yield the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Speaker, I have no objections to this amendment, but I desire to tell this House what I have helped to do for the farmers of the United States since I have been a Member of Congress. [Applause.]

Mr. Speaker, during the time I have been a Member of the House of Representatives the following are some of the farm measures that I have advocated and assisted in passing through Congress:

1. Aided in establishing the Federal farm loan system, under which loans are made directly to farmers at low rates of interest.

2. Legislation authorizing the establishment of the great power plants and war development at Muscle Shoals, with a view of manufacturing nitrates for cheaper fertilizers to the farmers in times of peace. I am now endeavoring to get this plant turned over to Henry Ford in order that he may manufacture cheap fertilizer for the farmers. I am a member of the Military Affairs Committee which has held the hearings on Henry Ford's proposal; and I have been an earnest advocate for the Government's acceptance of Ford's offer.

3. To investigate and encourage the adoption of improved methods of farm management and farm practice.

4. For carrying out the provisions of the act authorizing the establishment of a Bureau of Animal Industry.

5. To enable the Secretary of Agriculture to collect and disseminate information concerning live stock, dairy, and other animal products.

6. Authorizing the preparation and distribution of reports on animal industry.

7. Providing for experimentation and investigation in the dairy industry.

8. For inspection as to contagious diseases of animals and their prevention, quarantine when necessary, etc.

9. For investigating animal tuberculosis and its prevention.

10. For investigation and experimentation in animal breeding, husbandry, feeding, etc.; including cooperation with State agricultural experiment stations.

11. Providing for the development of live-stock production in the cotton districts of the United States.

12. For collecting and distributing information as to supply, demand, commercial disposition, quality, and market prices of dairy and poultry products.

13. Providing for investigating the preparation for marketing, handling, grading, packing, pressing, drying, storing, transportation, and preservation of poultry and eggs.

14. Authorizing bulletins on hogs and cattle raising in the South.

15. For investigation of the disease of hog cholera and its control and eradication.

16. For enforcement of the provisions of the meat inspection act.

17. Authorizing the Secretary of Agriculture to secure information as to the number of different classes and grades of marketable live stock and other such information as would prove of value to farmers and live-stock men.

18. For the investigation of plant diseases.

19. For investigation of insects affecting fruits, orchards, vineyards, and nuts; publication of bulletins as to how to rid trees and orchards of same.

20. For collecting and distributing information concerning the market prices and commercial movements of fruits and vegetables.

21. For investigation of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, and sugar cane.

22. Similar legislation in connection with such products as potatoes, sugar, beets, cabbage, onions, tomatoes, peas, etc.

23. For the investigation and improvement of cereals and methods of cereal production and study of cereal diseases.

24. To direct the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act.

25. For the investigation with view to improvement of grades of alfalfa, clover, and other forage crops.

26. To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes.

27. For removing the tariff tax on bagging and ties and agricultural implements; also such other legislation as would lighten the costs of implements used by the farmers.

28. Aided in drafting and also introduced a bill to establish the Bureau of Markets as it now is, giving valuable assistance and information to both producer and consumer. This bureau has rendered invaluable service to the farmers of the country.

29. Investigation and reporting on the utilization of water for farm irrigation.

30. To carry into effect provisions of the act to establish experimental stations in connection with the colleges established in the several States. Such stations have done excellent work, especially the experimental station in Mississippi.

31. Authorizing the Secretary of Agriculture to enforce the provisions of the act providing for cooperative extension work between the agricultural colleges of the several States. This work has also meant much to the farmers of the various States.

32. Authorizing the Secretary of Agriculture to make studies among the farmers of the United States in the matter of rural credits and other forms of cooperation in the various communities and to diffuse among the people useful information growing out of these studies.

33. For exploration and investigation to determine possible sources of supplies of potash, nitrates, and other natural fertilizers.

34. For investigating, demonstrating, and promoting the use of standards of the different grades, qualities, and conditions of cotton and for investigating the ginning, grading, stapling, baling, marketing, compressing, and tare of cotton.

35. For farmers' cooperative demonstration and demonstration of the best methods of meeting the ravages of the cotton boll weevil; for publication of pamphlets instructing farmers as to best methods of destroying the boll weevil.

36. For the Federal farm loan bank system and long-time credits.

37. Aided in passing the Smith-Lever agricultural extension act.

38. Aided in providing for the publication and free distribution of farmers' bulletins.

39. Advocated and aided in passing the cooperative farm marketing act.

40. Aided in passing the extension of the War Finance Corporation act.

41. Favored legislation providing that surplus Army trucks and other machinery left over after the war should be placed in the hands of the State and county authorities for the purposes of building roads, thereby aiding the farmers in expediting shipments.

42. Aided in passing the bill building ships by which farmers' products can be shipped in American boats all over the world.

43. Aided in putting through the amendment on the Federal road act by which farm-to-market roads were provided.

44. Aided legislation authorizing rural free delivery.

45. Aided in extending and developing the parcel post law, which has been a big boom to the farmers in the interior of the country in making small shipments.

46. Favored all legislation tending to promote the general welfare of the farmers of the country.

47. Advocated all laws to help the farmer in the profitable disposition of his products.

48. Have fought for lower railroad freight rates in order that the farmers may realize a reasonable sum on their sales.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 65:
Page 52, line 14, strike out "$7,866,950," and insert "$14,703,950."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Michigan moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House recede from its disagreement to Senate amendment No. 65 and concur therein with the following amendment:
In lieu of the sum proposed insert "$14,683,950."

The SPEAKER pro tempore. The question is on the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 86: Page 66, line 7, after the word "destroyers," insert "together with the sum of $10,000,000, which is hereby appropriated, and in addition thereto such amount, not exceeding $8,000,000, as may be realized by the Navy Department, by application upon the obligations of the Navy Department for 'Increase of the Navy' from any assignment, such assignment being hereby authorized, by the United States Shipping Board or the Emergency Fleet Corporation to the Navy Department of any obligation or debt or of any note or other securities held as security therefor owing to the United States Shipping Board or the Emergency Fleet Corporation or to the United States by any contractor or subcontractor to whom the Navy Department may be obligated on account of supplies furnished or work done on account of 'Increase of the Navy.'"

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Michigan moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House recede from its disagreement to Senate amendment No. 86 and concur therein with the following amendment: In lieu of the matter inserted by said amendment insert the following: "together with the sum of $7,500,000, which is hereby appropriated, and in addition thereto such amount, not exceeding $8,000,000, as may be realized at face value with accrued interest by the Navy Department, for application upon the obligations of the Navy Department for 'Increase of the Navy' from any assignment, such assignment being hereby authorized, by the United States Shipping Board or the Emergency Fleet Corporation to the Navy Department of any obligation or debt or of any note or other securities held as security therefor owing to the United States Shipping Board or the Emergency Fleet Corporation or to the United States by any contractor to whom or to a subsidiary of whom the Navy Department may be obligated on account of supplies furnished or work done on account of 'Increase of the Navy.'"

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to recede and concur with an amendment.

Mr. STAFFORD. What is the effect of the Senate amendment?

Mr. KELLEY of Michigan. The purpose of this amendment is twofold: First, it appropriates an additional $7,500,000 for new construction outright; and, second, it transfers to the Navy Department obligations owing to the Shipping Board by one of the corporations doing business with the Navy. This was done for the purpose of making it possible for this corporation to carry on the Navy contracts without embarrassment and at the same time gradually wipe out its obligations to the Shipping Board; that if the Shipping Board had proceeded to collect this indebtedness in full and at once the chances are that work which that corporation is doing for the Navy could not have been completed. It would have embarrassed the Navy Department in the completion of its contracts and possibly have destroyed the corporation. For that reason these obligations owing the Shipping Board are by this amendment transferred to the Navy Department and can be handled without loss to the Government, on the one hand, and without collecting them so rapidly on the other that the corporation would fail and be unable to complete its naval contracts.

Mr. STAFFORD. If I caught the reading of the suggested amendment of the gentleman, it included the idea of accrued interest, whereas the Senate amendment does not refer to any accrued interest.

Mr. KELLEY of Michigan. The Senate amendment did not provide that these obligations transferred from the Shipping Board to the Navy Department should be realized upon at full face value, and the amendment referred to was included so that there would be no discounting of these obligations, and also that any accrued interest on these notes or obligations would have to be paid also.

Mr. STAFFORD. So the Government is going to receive from this private corporation the full face value of their claims with accrued interest?

Mr. KELLEY of Michigan. That is right.

Mr. STAFFORD. And have the Navy get the benefit of the work under construction in those private yards?

Mr. BYRNES of South Carolina. Will the gentleman from Michigan yield three minutes to me?

Mr. KELLEY of Michigan. I will. I yield the gentleman from South Carolina three minutes.

Mr. BYRNES of South Carolina. I will try to explain the situation. The Submarine Boat Co. owed the Shipping Board $8,000,000. The Submarine Co. offered to pay $5,000,000 to the Shipping Board in settlement of the claim. The Navy Department and the Shipping Board have made some arrangement between them which was reflected in this Senate amendment, whereby the Shipping Board transferred to the Navy Department the notes of the Submarine Boat Co. The Submarine Boat Co. is allied with the Electric Boat Co. Ninety-eight per cent of the stock of the Submarine Boat Co. is owned by the Electric Boat Co. The Electric Boat Co. is now constructing ships for the Navy, and the Navy will owe them $11,000,000. The Navy is going to take these notes of the Shipping Board and set them off against the account due by the Navy Department to the Electric Boat Co. The result of it is that notes representing $8,000,000 that are owned by the Shipping Board are transferred to the Navy Department and the Shipping Board gets nothing. The Shipping Board is going to come to Congress and is going to say, "Congress took away from us claims amounting to $8,000,000 upon which we relied for the transaction of our business, and must therefore give us $8,000,000 in a deficiency bill." I think they will have a very good claim upon us, and that will certainly happen. Instead of a doubtful claim, however, they will get $8,000,000 cash.

Mr. BUTLER. Is not that running around a circle and following your tail? [Laughter.]

Mr. BYRNES of South Carolina. It is about as good an instance of it as I ever knew of. The only thing on earth that induced me to agree to it in the conference report was the fact that they said to us that they were afraid they can not collect more than $5,000,000 unless they do transfer it to the Navy, and they hope the Navy can collect $8,000,000.

Mr. BUTLER. I understand that we take from the Public Treasury so many million dollars and turn them over to the Shipping Board for these notes?

Mr. BYRNES of South Carolina. Oh, no. The Shipping Board simply transfers the notes. But I state that hereafter the Shipping Board will come in and ask for an $8,000,000 deficit, if I am anything of a prophet.

Mr. KELLEY of Michigan. The Navy Department probably owes this concern $11,000,000.

Mr. BUTLER. Which concern?

Mr. KELLEY of Michigan. I had better not mention the name.

Mr. BYRNES of South Carolina. The Electric Boat Co.

Mr. KELLEY of Michigan. I do not know which is the subsidiary company, but the Navy owes that company some $11,000,000. That company, or the parent of it, owes the Shipping Board $8,000,000. Now the notes are transferred from the Shipping Board to the Navy, and will be used as a set-off to what the Navy owes the company.

Mr. BUTLER. Is my friend satisfied that it will not cost the Government anything?

Mr. KELLEY of Michigan. If the Shipping Board could collect this $8,000,000 and use it for its own purposes I think it would be better to keep the whole account in the Shipping Board and pay this contractor what is due for the naval ships. But the trouble is that two agencies of the Government are doing business with this corporation. If one of these agencies proceeds to collect it probably destroys the company, so that the contract with the other agency of the Government could not be carried out. We have these vessels in various stages of construction. If the Shipping Board should collect the $8,000,000 in claims against the company it would break the company and we would have to go on and take charge of the concern and finish up the ships ourselves, and that would involve no end of trouble and expense. On the other hand, if the accounts owing the Shipping Board are transferred to the Navy and we proceed to set off from time to time as much as this corporation can stand, in the end probably the Government will get the $8,000,000 that the submarine company owes the Shipping Board, and it will not cost us any more to finish the ships.

Mr. BUTLER. It will not require any more appropriation?

Mr. KELLEY of Michigan. No; there is no appropriation.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr CHINDBLOM. Will the chairman of the committee agree as to the effect of the remarks of the gentleman from South Carolina [Mr. BYRNES] that as a matter of fact the

Shipping Board gets no quid pro quo for its $8,000,000 at this time?

Mr. KELLEY of Michigan. No; it does not get a thing. That is one reason why I have been a little suspicious about the transaction. [Laughter.] But after careful consideration I am satisfied that it is a good thing to do.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. OLIVER. In order that we may be prepared, however, to refuse a request of the Shipping Board, it is proper to say that the committee had no information that $5,000,000 was in fact offered to the Shipping Board. It was hearsay, and even if $5,000,000 was in fact offered to the Shipping Board, it was probably induced by reason of this proposed transfer. The companies owing it, recognizing that there might be more collected out of them if this transfer were made, offered to make a compromise by offering the $5,000,000. I mention that in order that you may understand that these papers in the hands of the Shipping Board are probably worth nothing in the absence of power on the part of the Navy to collect.

Mr. KELLEY of Michigan. We put into this amendment the proviso that the Navy could not shave the notes.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 91: Page 61, after line 18, insert: "That any officer of the Navy who has served four years as chief of a bureau in the Navy Department and shall be retired subsequent to the completion of such period of service for physical disability due to wounds inflicted by the enemy while in the performance of his duty shall be retired with the rank, pay, and allowances now authorized by law for the retirement of a chief of bureau."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House recede and concur with an amendment. The Clerk will report the motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House recede from its disagreement to the amendment of the Senate No. 91 and agree to the same with the following amendment: In line 1 of the matter inserted by said amendment, insert, after the word "has," the word "heretofore."

Mr. KELLEY of Michigan. Mr. Speaker, I think perhaps I had better make a short explanation of this amendment, and the best explanation I think that can be made is a letter from the Acting Secretary of the Navy, which gives the reason for it. I read:

I have the honor to submit for the consideration of your committee, with the hope that it may be included as a provision of the pending naval appropriation bill, the following draft of legislation.

* * * * * * *

This provision is intended to authorize the retirement in the next higher grade of Capt. Hutch I. Cone, who served as Engineer in Chief with the rank of rear admiral for a period of four years from May 18, 1909, to May 17, 1913, inclusive.

The reason for making this recommendation is because of the fact that Captain Cone is suffering from physical disability due to wounds inflicted by the enemy in the late war, and to permit his retirement as Engineer in Chief would give him only such privileges as are now enjoyed by the same class of officers in the Army pursuant to the provisions of the national defense act as amended June 4, 1920, although the privilege is extended to the Army officers regardless of the cause of their retirement. The facts in the case, briefly stated, are: On October 10, 1918, at 9.30 a. m., the Irish mail ship *Leinster* was sunk by torpedo fire from a German submarine in the Irish Sea about 15 miles from Kingstown. Captain Cone was on the boat deck cutting away the lashings on the ship's life rafts when the second torpedo exploded in the hull directly underneath him. He was rescued after being in the water about two hours, taken to Dublin Castle Hospital suffering from shock and general bruising and multiple compound fracture of right tibia, simple fracture of right and left fibulas, synovitis and hemorrhagic effusions about right knee joint. In hospitals under treatment until January 23, 1919.

The record of Captain Cone since his entry into the service September 5, 1890, has been exceptional and meritorious, and for service rendered during the World War as commander of the United States Naval Aviation Forces on foreign service in France he was awarded decorations by the United States, French, British, and Italian Governments.

This officer was at the head of one of the bureaus here prior to the war. Because of his physical injuries, of course, he can not be promoted, and this makes it possible to give him the rank of rear admiral.

Mr. BUTLER. Why do you change words?

Mr. KELLEY of Michigan. "Heretofore" so as not to include anybody else.

Mr. BUTLER. It is a meritorious case.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan [Mr. KELLEY].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 92: Page 68, line 23, after the word "otherwise," insert: "*Provided*, That all orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House recede and concur in the Senate amendment.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes; I yield five minutes to my colleague from Michigan.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, on what subject?

Mr. CRAMTON. On the question of the development of Muscle Shoals.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAMTON. I yield back the remainder of my time.

I present for the consideration of Congress the following resolutions adopted by the Michigan State Farm Bureau June 13, 1922:

Whereas the Michigan State Farm Bureau believes that the completion and operation of the Muscle Shoals power and nitrates projects are of utmost importance to the Nation and will be of great economic benefit to consumers of fertilizer and electric power as well as an important asset to the Government in time of war; and

Whereas the Government shows no inclination to complete the project itself and has had a competent proposal to complete this important project, namely, the Ford Muscle Shoals offer; and

Whereas the Ford offer has been in the hands of the Government for one year and has been constantly delayed by obstacles raised by what the farmers now consider to be disgruntled special interests, such delays continuing even though the public, particularly in Michigan, has shown itself to be in sympathy with the Ford proposal: Therefore be it

Resolved, That the Michigan State Farm Bureau board of directors, meeting at Lansing, June 13, in behalf of 97,000 Michigan Farm Bureau members, advise Michigan Senators and Congressmen that Michigan Farm Bureau members are strongly in favor of acceptance of the Ford proposal in full and urge them to vote in favor of its acceptance at this session of Congress; also that this resolution be addressed to each Michigan Member in Congress, urging his most earnest support for the Ford measure and assuring him of the support of the Michigan State Farm Bureau membership in that action.

Mr. STAFFORD. Mr. Speaker, will the gentleman from Michigan yield?

Mr. KELLEY of Michigan. Yes.

Mr. STAFFORD. The proposed amendment applies not only to the Navy Department but to all departments and establishments of the Government. I think the House would be interested in some explanation as to the reason for this legislation and what will be its ultimate effect.

Mr. KELLEY of Michigan. Mr. Speaker, this proviso is inserted in the bill to accomplish the following purpose: The continuing appropriations of the Navy, such as for new construction or for public works, are available until expended, and of course they do not enter into this question at all; but the annual appropriations, if they are not obligated, revert to the Treasury at the end of the fiscal year. In the case of an order placed with a navy yard that is not regarded as a contract in the same light as an order placed with a private concern; so that along in the latter part of the year, in May, we will say, if the Navy Department wishes to place an order with a navy yard that work must be entirely completed within the fiscal year, otherwise the navy yard does not have the money available to complete the work. In the coming year and perhaps for years to come the navy yards must of necessity operate on a very limited amount of work, and in view of the circumstances we thought it would be only fair to remove this handicap so as to permit the navy yards to continue work during the last two or three months of the year, by taking work which could not be completed before July 1 and therefore would have to go to private concerns.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CHINDBLOM. Is this for work which is let upon competitive bidding?

Mr. KELLEY of Michigan. Yes; or any other kind.

Mr. CHINDBLOM. But it does not have to be competitive bidding?

Mr. KELLEY of Michigan. I am not sure that the law requires it, but the navy yards, of course, make an estimate. That is as far as they can go. They estimate the cost of doing the work. The outside concerns make absolute bids, and then the navy yard estimate is considered against the outside bid.

Mr. CHINDBLOM. But the navy yard will not be any better fitted or qualified or empowered to make a binding contract than it now is. Is not that so?

Mr. KELLEY of Michigan. That is true.

Mr. CHINDBLOM. So that a navy yard will make an estimate as to the cost of a piece of work against a private concern, and the estimate of the navy yard is adopted, and the navy yard will proceed with the work; and if they have a deficiency and can not finish the work for the money that has been appropriated, they will come back to Congress for an additional appropriation.

Mr. KELLEY of Michigan. What the gentleman says is entirely correct; but I wanted to make it clear what we are seeking to accomplish here, namely, that during the last two or three months of the year a navy yard is not in as good a position to get work from the Government as an outside concern, and at a time when so many thousands of men are being discharged from the navy yards we felt that this might be only a fair thing to do.

Mr. CHINDBLOM. But is not the effect of it that a navy yard toward the close of the year might make an estimate for a piece of work, take that work, and rely upon an appropriation for the next fiscal year to give it sufficient funds and sufficient authority to finish the work?

Mr. KELLEY of Michigan. No; they could not do that. They would not be safe in doing it, because at the end of the year their appropriations would end; and if Congress should withhold new appropriations, the work would be suspended in midair. This is to cure that situation. This is in the direct line of easing off a situation which we all recognize as existing in the navy yards of the country.

Mr. CHINDBLOM. Is it the opinion of the gentleman, as chairman of the subcommittee, that the navy yards would be limited by the amount of the current appropriation?

Mr. KELLEY of Michigan. Oh, yes, indeed.

Mr. CHINDBLOM. So that they could not make estimates and tentative contracts beyond the amount of money appropriated for the current year?

Mr. KELLEY of Michigan. That is absolutely correct.

Mr. McPHERSON. In other words, this provision is necessary in order to allow the navy yards to be considered at all——

Mr. KELLEY of Michigan (interposing). During the latter part of the year.

Mr. McPHERSON. During the latter part of the year.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is upon the motion to recede and concur.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 93: Page 69, after line 5, insert the following:

"That the naval appropriation act approved June 4, 1920, is hereby amended so that any chaplain in the Naval Reserve Force who was more than 50 years of age on the date of said act, and who now holds the confirmed rank of commander, may be transferred to and appointed in the same permanent grade and rank in the regular Navy, not in the line of promotion and not eligible for retirement: *Provided*, That any chaplain transferred to the regular Navy in accordance with this authorization shall be wholly retired without pay upon attaining the age of 64 years or becoming physically incapacitated for active duty: *Provided further*, That nothing contained in this act shall operate to increase the number of chaplains with the rank of commander as now authorized by law."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BUTLER. Will the gentleman yield to me?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. Is not this exactly the same paragraph that we passed in that little omnibus bill, which provides for two chaplains without retirement? The gentleman from Illinois [Mr. MADDEN] will remember that he questioned me about it. This has passed through the House twice.

Mr. KELLEY of Michigan. Yes; this is the same provision upon which the House has acted before.

Mr. BUTLER. Yes. I remember my friend said he hoped to live to see the time when this would be carried out, and I hope it will be.

Mr. STAFFORD. I wish to ask the gentleman from Michigan whether there are any enforced retirements of officers and enlisted personnel by reason of this bill similar to the forced retirement of officers and enlisted men in the Army?

Mr. KELLEY of Michigan. The bill provides for dropping from the service 339 reserve officers, and that is all.

Mr. McARTHUR. Out of how many?

Mr. KELLEY of Michigan. That is all there are.

Mr. STAFFORD. In the active list of the Navy you have not forced the retirement of any officers or enlisted men.

Mr. KELLEY of Michigan. That is true; but the situation is quite different as between the Army and the Navy. I am not as well informed about the Army as the gentleman from Wisconsin; but my understanding is that the Army expanded its officer personnel all that it was permitted to do under the law.

Mr. STAFFORD. It did not go to the full limit; but it went pretty far.

Mr. KELLEY of Michigan. The Navy Department never did that. Under existing law the Navy Department could have 5,500 regular officers of the line and about 2,200 officers of the staff. They have at the present time only 4,100 officers of the line. So that they were under their authorization when this bill was brought into the House by the Appropriations Committee about 1,400 officers of the line.

Mr. STAFFORD. As I understand it, it is the rule of the Navy to have 4 per cent of the enlisted personnel——

Mr. KELLEY of Michigan. Four per cent of the authorized strength, and the authorized strength has never been changed from 137,500. You figure 4 per cent of 137,500 and that will give you the number it is authorized to have in the line of the Navy, or about 5,500.

Mr. STAFFORD. There has been no movement as far as the Navy is concerned to reduce the officer personnel so far as the number of men coming into the officer personnel from the Naval Academy.

Mr. KELLEY of Michigan. No restrictions from that quarter. But we had about 1,500 reserve officers in the Navy a year ago. Perhaps there were more, but through legislation from the committee of the gentleman from Pennsylvania [Mr. BUTLER] that number was reduced until the reserve officers were entirely eliminated except 339, leaving only about 4,100 officers of the line.

Mr. STAFFORD. So far as the legislation of this Congress is concerned, as far as it applies to the Navy, there is no restriction whatever on the number of officers that may go up to the 4 per cent.

Mr. KELLEY of Michigan. The gentleman is right.

Mr. STAFFORD. Is that the policy, that we are going to add to the forces as they graduate, whereas in the Army we are reducing the personnel and cutting down the expenditures? We are making an effort to economize in one branch of the service and no effort in the other.

Mr. KELLEY of Michigan. The House agreed to commission but 200 from the Naval Academy this year, but before the legislation could be enacted into law the graduating class had gone out and were commissioned, and that is water over the dam. With a Navy of 86,000 men we will have but about 6,000 commissioned officers, which is a much better showing than can be made for the Army with 125,000 men.

Mr. BUTLER. There will be more than that; there will be over 7,000. I want to say that the language which you have agreed to will be hereafter known as the authorized strength of the Navy of 86,000. How they are going to get any more officers I do not understand.

Mr. KELLEY of Michigan. If that is true, then my answer to the gentleman from Wisconsin would not be right. If 86,000 is interpreted to be the authorized strength, my answer to the gentleman from Wisconsin is incorrect.

Mr. BUTLER. I think there will be an effort to hold that the authorized strength of the Navy is 86,000.

Mr. STAFFORD. As far as the future is concerned, there can be no additions until that number is reduced.

Mr. KELLEY of Michigan. The only way to get them into the Navy is from the Naval Academy.

Mr. McARTHUR. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. McARTHUR. For the benefit of the gentleman from Wisconsin, I want to say that the Naval Affairs Committee has reported a bill reducing the number of midshipmen that a Member of Congress appoints from five to two. If that bill passes, as I assume it will——

Mr. BUTLER. It will never pass.

Mr. McARTHUR. Also, there is a bill making the enlisted strength 86,000.

Mr. STAFFORD. Has any effort been made to get a rule to make that bill in order?

Mr. BUTLER. I will answer that question, yes; but the heavy foot has been put on the neck of the bill. We gain nothing but a change in the style of deadly weapons.

Mr. STAFFORD. And that is the much vaunted boast of economy of this Congress about which we have heard so much.

Mr. BUTLER. The gentleman need not scold me; he should go to the other end of the Avenue.

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY of Michigan. I will yield.

Mr. OLIVER. Do I understand the gentleman to say that after the passage of this bill the authorized strength of the Navy will be 86,000?

Mr. KELLEY of Michigan. I did not say that; that was not my understanding, but the gentleman from Pennsylvania [Mr. BUTLER] puts that interpretation on it.

Mr. BUTLER. The courts of the United States will have to settle that.

Mr. OLIVER. There is a bill pending that seeks to do that, but this bill does not change the existing law.

Mr. KELLEY of Michigan. I think it is the idea of Mr. BUTLER that when 86,000 men only are provided for, as is the case in the pending bill, that such a provision would be construed by the legal department as a change of authorization from 137,000 to 86,000 men. This would have the effect of reducing the authorized officer personnel from 5,500 officers of the line to 3,440, with corresponding reductions in the staff. I very much doubt the likelihood of such a construction.

Mr. BUTLER. Mr. Speaker, there is another legal department, I would say to my friend from Alabama.

Mr. OLIVER. I do not think that that is even the purpose of the legislation.

Mr. BUTLER. I am not an astute lawyer, but I can read quite well, and I am very much mistaken if that is not a limitation on the number. You can not employ more than that, and therefore that is the authorized strength.

Mr. OLIVER. Mr. Speaker, I wish to say in reply to the gentleman from Pennsylvania that it was certainly not the intention nor the purpose of the committee nor of Congress to fix 86,000 as the number on which the officer personnel would be determined, and that will have to be done, if done at all, by positive legislation such as I understand the gentleman's committee has reported.

Mr. BUTLER. Yes; we have reported it.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. I do not think this proceeding on the conference report ought to pass without expressing what I know is in the minds of almost all if not all of the membership of the House. Certainly we are under a very great debt of obligation to this committee in the first place for the passage of the House bill, and again for the splendid manner in which they have managed the conference so that the conference report only confirms in the main the action taken by the House in the drafting of the bill. [Applause.] I think it is perhaps not to be wondered at when we consider the character of the gentlemen who constitute this committee and the managers on the part of the House. The mention of the names of these gentlemen to the membership alone will carry not only weight but consideration and honor. There is Mr. KELLEY, of Michigan, the chairman. [Applause.] I think there has never been a more splendid fight on the floor of the House than was led by the chairman of this committee on the passage of the House bill. It was contested by vigorous and able Members of the House, and yet when the bill left us I am quite sure that it came more nearly expressing the desire and purpose of the people of the United States than any bill ever reported by any naval committee that ever had to do with the transactions under consideration. [Applause.] We should realize, and I know that the Members realize, that it is something more than a mere transaction when we consider the action of this administration and the membership of the House and the Senate, without regard to party, in the earnest endeavor to secure a fair and reasonable limitation upon the armaments of the world; and in that regard the action of this committee has been in exact accordance with the purposes of the people of the United States.

Mr. Speaker, let me read the names of the other members of this committee of conference, all of them eminent and entitled to high honor and praise for their work. There is Mr. FRENCH, of Idaho, whose speech on the House bill was one of the best delivered. [Applause.] Then there is Mr. MADDEN, of Illinois [applause], who almost daily lays this House under obligation to him for his management of the important affairs committed to him. There is Mr. BYRNES, of South Carolina [applause], who not only does honor to the minority but also to the House itself. Then there is Mr. OLIVER, of Alabama. [Applause.] I think him the peer of any man who has been on the Naval Committee of the House in knowledge and application and devotion to its work.

So I desire only to express what I believe to be the feeling of obligation that this House owes to these gentlemen for the work they have done not only for the House but for the country. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

ADDITIONAL COMPENSATION FOR CERTAIN CIVILIAN EMPLOYEES.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Government of the United States and of the District of Columbia during the fiscal year ending June 30, 1923, with Senate amendments thereto.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the bill H. R. 12073, with Senate amendments thereto. Is there objection?

There was no objection.

The Clerk reported the Senate amendments.

Mr. MADDEN. Mr. Speaker, the Senate has added seven amendments to the $240 additional compensation bill, as follows:

The amount for the Senate has been increased by $4,080, to include 17 employees, paid out of the contingent fund of the Senate, and not included in the original estimate of cost for 1923.

Eight hundred and ninety-four thousand dollars has been included for the national home for disabled soldiers. This item was not included in the House bill, due to a misunderstanding between the committee and the War Department. The committee assumed that the War Department figures cared for the homes and the War Department assumed that the Soldiers' Homes Board had submitted a separate estimate for their employees.

The Navy Department amount is increased from $444,720 to $458,640, due to an error by the Navy Department in submitting its original estimate to the House committee. The estimate of the Navy Department for those who are entitled to the bonus as originally submitted was corrected twice before the House committee acted upon it, and the corrections submitted to the House have been corrected twice since it left the House and went to the Senate, so that the Navy Department has had five different proposals before the House to fix the figures correctly.

The amount for the Naval Establishment is increased from $42,000 to $78,480, due to an error by the Navy Department in submitting its original estimates to the House committee.

The amount for the Post Office Department is reduced from $359,280 to $352,800, due to error of the Post Office Department in including employees added by the Senate to the 1923 post office bill and eliminated in conference. The sum for the Post Office Department is made payable from the postal revenues instead of from the General Treasury.

On account of employees engaged upon work for the Treasury Department in connection with the redemption of war-savings securities, $12,000 is added for the Post Office Department, payable from the General Treasury.

The total of the House bill is increased on account of these additions by $954,000, so that that makes the total of the bill $37,341,012 as against $36,287,012 as the bill passed the House. All of these figures are correct. We have tabulated them, checked them off, and find that the employees to which they refer are entitled to the bonus.

I move to concur in the Senate amendments.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. Are there any employees of the House paid out of the contingent fund of the House who are in a similar position to those now receiving a bonus out of the contingent fund of the Senate?

Mr. MADDEN. They have all been provided for. These were additional employees of the Senate.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

PRINTING AND DISTRIBUTION OF SUPREME COURT REPORTS.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 11450, with Senate amendments, to disagree to the Senate amendment No. 11, and concur in all the other amendments except No. 7, and to concur in that with an amendment striking out the figure "$8,500" and substituting for it "$8,000."

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read, as follows:

Amendment No. 1: Page 1, line 7, after "volumes," insert "as."
Amendment No. 2: Page 8, strike out "he shall" and insert "; and when so directed to."
Amendment No. 3: Page 1, line 9, strike out "preliminary" and insert "advance."

The question was taken, and the amendments were agreed to.

Mr. STAFFORD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. STAFFORD. Will the gentleman favor the House with some general explanation of what is covered by these Senate amendments in which he is asking the House to concur?

Mr. VOLSTEAD. The amendments may be grouped into three different legislative propositions. All except amendments Nos. 7 and 11 simply eliminate from the bill provisions authorizing the reporter to let a contract for the printing of the Supreme Court Reports to parties outside of the Government Printing Office. If these amendments are agreed to the Supreme Court Reports will have to be printed by the Government Printing Office. Amendment No. 7 fixes the salary of the reporter at $8,500 per annum. I am asking that that amendment may be concurred in with an amendment fixing the salary at $8,000 instead of $7,500, as we had it in the House bill, thus offering the Senate a compromise proposition.

Senate amendment No. 11 provides that the salary of the reporter and the expense of his office, amounting to something like $12,000, shall be all charged against the books when they are sold. We have been printing under contracts something like 3,000 of each volume, or about 9,000 for the three volumes printed each year, and I figure that the overhead charge would amount to something like $1.25 a volume. That would be in addition to the cost and expense of printing the volume. It seems to me that is too much; we might not be able to sell the volumes if that charge is made. In the Judicial Code there is a provision that the reports shall be sold at $1.75 a volume. It would not be possible to sell volumes at any such price in the future as they have been sold under the old law if the entire salary and expenses of the reporter is charged against the reports. So I ask that the Senate amendment be disagreed to. This would leave the House provision in, which provides that one-half of this amount shall be charged against the reports.

Mr. DOMINICK. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. DOMINICK. As I understand, the Senate bill has struck out entirely the provision for the letting of a contract for the publishing of the report to any private concern?

Mr. VOLSTEAD. It does.

Mr. DOMINICK. So consequently it is not necessary to retain the provision we had in there prohibiting the reporter from receiving any outside bids?

Mr. VOLSTEAD. No.

Mr. DOMINICK. In addition to his salary.

Mr. VOLSTEAD. He can receive no additional compensation.

Mr. STAFFORD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. STAFFORD. Is there any inhibition on the publication of advance sheets of the decisions of the Supreme Court, or any of the inferior courts, being printed by private printing establishments, such as the West Publishing Co. and the Lawyers' Cooperative Co.?

Mr. VOLSTEAD. There is nothing of that kind in the bill.

Mr. STAFFORD. Each private establishment which has heretofore published Supreme Court reports can continue to publish them?

Mr. VOLSTEAD. Yes.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VOLSTEAD. I do.

Mr. NEWTON of Minnesota. Does the gentleman think the salary fixed in the proposed amendment there is in keeping with governmental salaries as they are generally fixed here in Washington? Is not the salary fixed somewhat over and above that fixed for other positions of similar or greater responsibility?

Mr. VOLSTEAD. Well, I realize there is a wide difference of opinion as to what that salary should be. The Supreme Court fixed the salary of the clerk at $9,000. Now, it is my judgment that it takes a man of considerably greater ability to fill the position of a reporter than it does to fill the position of clerk, and I felt that in view of the situation that it would be better for us to try to compromise with the Senate, which fixed the salary at $8,500, and call it $8,000, which is splitting the difference between the two Houses.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 4: Page 2, line 3, strike out all after "office" down to and including "thereof" in line 21.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amendment No. 5: Page 3, line 2, strike out "furnishing estimates and."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amendment No. 6: Page 3, strike out lines 4 to 8, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amendment No. 7: Page 3, line 11, strike out "$7,500" and insert "$8,500."

The Clerk read as follows:

Mr. VOLSTEAD moves to concur in Senate amendment No. 7, with an amendment striking out "$8,500," inserted by the Senate, and insert in lieu thereof "$8,000."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 8:
Page 3, line 14, strike out all after "law" down to and including "Act," in line 17.

The SPEAKER. The question is on agreeing to the amendment.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. VOLSTEAD. I will.

Mr. STAFFORD. I find that the House bill attempted to restrict the reporter from receiving any additional compensation for services performed other than in the preparation of the reports. What is the idea now in eliminating that?

Mr. VOLSTEAD. He was paid under the contractor under those circumstances. He can be paid by no one now, because the work is to be done by the Government Printing Office.

Mr. STAFFORD. The reporter is to receive no other perquisites in addition to his salary?

Mr. VOLSTEAD. None other.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 9:
Page 5, line 21, strike out the word "General."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 10:
Page 7, line 25, after "installments," insert: "to be sold by the Public Printer."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 11: Page 8, line 2, strike out all after "of," down to and including "one-half," in line 4, and insert "Production, including in such cost."

Mr. VOLSTEAD. Mr. Speaker, I move to disagree in Senate amendment No. 11.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 12: Page 8, line 11, strike out the words "contract or."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 13: Page 8, strike out line 23, and down to and including "porter" in line 24, and insert "miscellaneous receipts."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

LEAVE TO FILE CONFERENCE REPORT ON JUDGES' BILL.

Mr. VOLSTEAD. Mr. Speaker, I would like very much to get the unanimous consent of the House to be permitted to file a conference report on the judges' bill at any time before midnight to-night.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to file a conference report on the judges' bill at any time before midnight to-night. Is there objection?

Mr. GARRETT of Tennessee. I object.

CONFERENCE REPORT—TEMPORARY BUILDINGS FOR RED CROSS, WASHINGTON, D. C.

Mr. FESS. Mr. Speaker, I call up the conference report on Senate Joint Resolution 43.

The SPEAKER. The gentleman from Ohio calls up a conference report, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

SIMEON D. FESS,
ROBERT LUCE,
FRANK PARK,
Managers on the part of the House.
BERT M. FERNALD,
J. S. FRELINGHUYSEN,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendments of the House provide that the preamble be stricken out and in lieu of the Senate provision that the buildings shall be removed within such time as may hereafter be provided by Congress; provided that the buildings shall be removed not later than December 31, 1924.

SIMEON D. FESS.
ROBERT LUCE.
FRANK PARK.

Mr. FESS. Mr. Speaker, the temporary buildings of the American Red Cross in Washington were constructed in 1917, with the privilege of continuing the occupancy of them by the Red Cross for three years. That time has elapsed, but the work of the Red Cross is going on, and they can not abandon the buildings, and yet to continue the use of them without authority would not be in accordance with law. Therefore the Senate joint resolution made it an indefinite occupation, but we limited it by our amendment to December 31 of this coming year. The Senate has agreed to our amendment. Consequently the Senate has receded from its disagreement and there is no point of difference.

I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved and to apply said section as so amended to all national banking associations.

AMENDMENT TO WAR RISK INSURANCE ACT.

Mr. SNELL. Mr. Speaker, I offer a report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 384 (Rept. No. 1150).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 8062) entitled "A bill amending subdivision (5) of section 302 of the war risk insurance act." After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided between those for and against the bill, it shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall report the bill back to the House and the previous question shall be considered ordered on the bill and amendments to final passage.

Mr. SNELL. Mr. Speaker, this rule, as stated, makes in order the immediate consideration of the bill (H. R. 8062) to amend section 302 of the war risk insurance act. Its main purpose is to allow the attendants of totally disabled persons $50 a month instead of $20, as carried in the present act. The bill has the unanimous support of the Committee on Interstate and Foreign Commerce, and is unanimously reported from the Committee on Rules, and I believe it will receive the unanimous support of the Members of the House. It is in accordance with the policy that the House adopted from the very first—that we should do what we could to relieve the sufferings of and to aid and assist the seriously disabled soldiers. I trust the rule, as well as the legislation, will have the unanimous support of the House.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SNELL. I will.

Mr. RAMSEYER. I notice that provision is made for an hour of general debate, one-half to be controlled by those for the bill and one-half by those against. The gentleman stated there was no opposition.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to amend the rule so as to have the time entirely controlled by the gentleman from Massachusetts [Mr. WINSLOW], the chairman of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Speaker, there have been some requests for time over here, but we are quite willing to leave the distribution of the time to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. SNELL. It is understood that he will yield time to the gentleman.

I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Speaker, this is the first time in my years of service in the House that I have spoken for a rule, and I appreciate the kindness of my distinguished friend from New York in giving me this opportunity. On June 10, 1921, I made some remarks in the House on the subject matter of the bill. To-day I want to say a word about our Government, for which these young men made such terrible sacrifices in the World War. If those upon whom rests the responsibility of government will be guided by their example, by their patriotism, and by their fidelity to this Government, even in the face of death, what they will suffer and endure as long as they live will not be in vain. I speak, not in a spirit of criticism, but because I believe that in these troublous times it is well to pause a moment now and then and express our views upon our Government.

This is essentially a Government of parties, not of men. Great and necessary reforms can be instituted and carried to completion only through party solidarity. The formation of "blocs," each insisting that a public official shall comply with its demands as the price of its political support, is, in my judgment, one of the gravest menaces facing the country to-day, and if persisted in and carried to a logical conclusion, will mean the destruction of our form of government.

The public has the right to say to a public servant:

First. You must not violate your oath of office.

Second. You must serve no interest except the public interest.

I stand unreservedly for those two fundamental propositions. I would emulate, so far as lies within my power, the full measure of devotion which these totally disabled heroes, on the threshold of lives full of promise, gave to their country.

I am an American, through and through, who makes no distinction between American born and American naturalized. While we are the melting pot of the world, we have the best Government on earth, a Government that affords ample protection to life and property, a Government that guarantees to all absolute equality before the law, regardless of race, color, or creed. This is our Government, not a democracy, but a Republic, a representative form of government worth fighting for and worth dying for. Let us never forget that "the men who make a nation great are the men who dare to die." I stand for the Republic—indivisible and indissoluble—first, last, and all the time. [Applause.]

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman from New York yield to me half a minute?

Mr. SNELL. I yield to the gentleman.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD my remarks on the conference report on the naval bill that passed the House.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to revise and extend his remarks on the conference report on the naval bill. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution to its final passage.

The SPEAKER. The gentleman from New York moves the previous question on the resolution to its final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8062.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8062. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8062) amending subdivision (5) of section 302 of the war risk insurance act, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8062, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8062) amending subdivision (5) of section 302 of the war risk insurance act.

Be it enacted, etc., That subdivision (5) of section 302 of the war risk insurance act is hereby amended to read as follows:

"(5) If the director considers the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

With a committee amendment, as follows:

Page 1, line 5, strike out the words "the director considers."

Mr. WINSLOW. Mr. Chairman, this bill presents a simple proposition. Under the existing law a disabled person of the late war who is so helpless as to be in constant need of a nurse or attendant is allowed $20 a month for such attendant. The purpose of this bill is to increase the amount from $20 to $50.

So far as I know, no one objects to the increase of this amount. Everybody is satisfied.

I yield five minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH].

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. GOLDSBOROUGH. Mr. Chairman, in previous speeches I have discussed the tariff along general lines, indicating the vicious character of this class of legislation, and now, in a few words, I want to discuss the tax upon the average American consumer concealed in just one of the schedules of the monstrous measure now up for passage through the Senate of the United States.

The schedules on cotton goods are on an average 45 per cent higher than in the present tariff law, and in themselves place an unwarranted and outrageous burden on the American people, but tacked on to the cotton schedules I find the following apparently innocent language in paragraph 905A:

In addition to the duty or duties imposed upon cotton cloth, there shall be paid the following duties, namely: On all cotton cloth woven with eight or more harnesses, or with Jacquard motions, or with drop boxes, or with lappett or swivel attachments, 12 per cent ad valorem for cloths containing yarns the average number of which does not exceed number 80; exceeding number 80, 15 per cent ad valorem.

A careful investigation shows that the language quoted above from paragraph 905A would subject to the additional tax practically every yard of cotton cloth imported into this country; in other words, paragraph 905A is a deliberate attempt to conceal the additional tax on practically all cotton goods.

This paragraph, I find, is the handiwork of ex-United States Senator Lippett, of Rhode Island, now lobbying at the Capitol. I find, also, that Senator Lippett is general manager of the Manville Co., which has extensive plants in the State of Rhode Island.

Section 905A, called in the majority cloakroom a "joker," will be a terrible joke in the average American home if the tariff bill becomes a law. These are some of the things it will do:

On ginghams for aprons and workingmen's shirts—that is, the cheaper ginghams—the rates of duty are increased over the present law 161 per cent.

Cotton imitation flannel is used most generally for women's and children's wear. The present duty is 4 cents a yard; the duty will be 8 cents a yard.

Five to 6 cents a yard duty is now paid on jacquards waisting. The duty will be 13.78 cents a yard, an increase of 136 per cent. This goods is used for women's and children's wear.

On fancy flannelette there is now a duty of 5 cents a yard. The duty will be 200 per cent higher, or 15 cents a yard.

Dotted swisses will be doubled in price.

The duty on cotton handkerchiefs will be increased from 46 cents a dozen to $1.18 a dozen; 153 per cent higher.

Chambray, used for dresses, now pays 2 cents a yard duty, but will pay 4 cents a yard.

Fruit of the loom, used for men's shirts and all sorts of women's garments, would pay an increased duty of 96 per cent; that is, an increase from 3 cents a yard to 5.8 cents a yard.

Colored sateens, a substitute for silk, used, among other things, for women's underclothing and for linings, now pays 11 cents a yard duty. It will be 28 cents a yard, or 146 per cent more.

Fancy dress ginghams will pay 290 per cent more duty. They now pay 2.9 cents a yard and will pay 8.4 cents a yard.

I am going to add here that bleached nainsook, bed sheeting, and pillowcases pay increased duties under the tariff bill of 52 and 36 per cent, respectively, although they do not come under section 905A.

The tariff on laces, 50 per cent more than the present duties, will drive the more inexpensive one practically from the stores.

Cotton hose and half hose will probably be increased in price 50 per cent and the price of cotton gloves doubled. In other words, importations of cotton have always been only a fraction of domestic consumption; section 905A will create an absolute embargo and the cost of gingham, striped-cotton flannel, flannelette, dotted swisses, colored sateens, fruit of the loom, and almost every other kind and grade of cotton cloth can be doubled at retail prices if the tariff bill becomes a law.

Under the present tariff the records of the Department of Commerce show large profits to the cotton manufacturers on an inflated capitalization after paying top-heavy salaries to officers in order to avoid corporate income taxes, wages, costs of production, and income taxes, and no reason has been offered for an increase in the duties, except the selfish greed of a powerful class.

It is estimated that section 905A alone of the tariff, this cynical "joker" inserted at the suggestion of the lobbyist Lippett, will filch from the American people the colossal sum of $750,000,000 annually, an average of $37.50 from every family in the land, and as cotton goods are used by everyone, and as there are more poor people than any other class, the backs of the poor will be bowed under the greater part of this awful burden, and while the golden flood, wrung from the people, is poured into the laps of a handful of rich cotton manufacturers, I say to them that they are depriving the poor of the simplest necessities of life, and I say to them also that their wives and their daughters, when they cover themselves with their gowns of silk, have not been clothed by the worm alone, but their raiment has been spun from the bowels of babes.

Mr. WINSLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, I have heard this Congress referred to as the "do-nothing Congress." I protest against that expression as flattery. A better term for this Congress is "the bunk Congress," the Congress which does nothing, and yet pretends to be doing a great deal.

There are many illustrations that I could point out to show that "the bunk Congress" has earned its name, but I will not take the time for that. We have a shining illustration of it

in the bill now before the House. It is nothing but a concession to the demand of soldier politicians for legislation for political purposes—a concession made for political effect upon the soldier vote and as pure a piece of bunk as was ever put out in any body.

There are very few who can possibly receive any benefits from this measure. The payments which are now being made for nurse hire are of a very trifling aggregate and the number of beneficiaries are said to be only about 100. No hearings have been had on the bill, so that no one has any accurate information. But I know enough to be able to say that its benefits really amount to nothing. The increases which will be given will aggregate practically nothing. There can be no honest pretense that this legislation will reach the great mass of deserving soldiers or that it will reach the great need that disabled soldiers have for legislation.

The war risk act needs many amendments. It is made the instrumentality of gross inefficiency in administering the soldier relief given by a generous Congress. The law ought to be amended in many particulars. Yet our committee have given this subject no consideration. A multitude of amendments are pending before it. Not one of them has been considered. No hearings have been held upon any of them. We are to wind up this session of Congress with this little "spitball" thrown to deceive the disabled soldiers.

There are a multitude of bills pending for the amendment of the war risk act. Numbers of them have merit. They ought to be considered. The Veterans' Bureau is grossly inefficient. Our disabled soldiers are not being well cared for. They are not receiving what they are entitled to. Our committee ought to be devoting itself to seeing to it that they get what they are entitled to. Yet they are doing nothing, and this bill is merely an excuse which they offer for doing nothing.

We find this great committee groaning and rumbling with its many bills, and bringing out this little measure, probably the least important of them all. There ought to be some opportunity for a man who is denied justice by the Veterans' Bureau to take an appeal. There ought to be some board before which he may go and present his case. There should be some record made of the testimony that is offered and some finding of facts upon which he might present his case to the public. There ought to be some machinery whereby those who deal with these important rights of disabled soldiers should be made to go on record. Yet there is not anything of the kind.

We find that when an error is made in the Pension Office the claimant who is injured may take an appeal to the Secretary of the Interior. He may get a remedy from a wrong decision of the Pension Office. The final decision is printed and goes into the archives and is something that people may look to for instruction as to how to proceed. But in the great Veterans' Bureau, dealing with some 1,200,000 or 1,500,000 claims, they are adjudicated by some obscure and inefficient clerk, who rejects them arbitrarily or who renders a grossly unjust decision, and there is no appeal, there is no board which supervises his work, there is no record made, and only God himself knows what inspired or moved the clerk in making the decision.

We find that the grossest abuses to which disabled soldiers are subjected are in the medical ratings which they receive. You gentlemen who have had much experience with the bureau know that many men receive grossly inadequate ratings. It is a very common thing for an applicant to receive a rating of 10 to 20 per cent when really he is totally disabled and ought to have a total rating. Yet what is he going to do about it? There is not a thing that he can do about it except to "cuss the bureau" and blame a generous Government that is really trying to do its part.

A man files a claim for compensation. After long and tedious and unnecessary delay he is directed to appear before an examiner. He goes before that examiner. He is there probably referred to some other examiner. A great many of these examiners have a very small sense of their responsibility. They take a man in and make an examination or a mere pretense of examination, as the case may be—and I want to say to you that I believe in many cases the examination is a mere pretense—then a report is made to a district manager, and then later on the claimant is advised that his rating is 10 per cent. What did the examiner find? It is never disclosed to the claimant what the report was. Did the examiner find that he had tuberculosis, meningitis, a strained finger, or what did he find? The man does not know, and he has no way of finding out.

Gentlemen, it is absolutely incredible that we should have erected a system that makes it impossible for men to have their rights fairly passed on, and that they are never permitted to know what the finding was or what the report was based on, or anything else about it. We must have some changes in the law. We must insure by provisions of the law that these claims of disabled soldiers are justly and honestly decided.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. I yield five minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Chairman and gentlemen, I have the profoundest respect for the honesty and fearlessness of the gentleman from Alabama [Mr. HUDDLESTON] who has just spoken, but I am compelled to say as a result of my experience in dealing with the Veterans' Bureau that I think the gentleman's criticisms are unjust. [Applause.] I do not pretend to say that there have not been many inequalities. I have run up against them many times in dealing with the bureau in behalf of my constituents, but I do say this, that in dealing with the Veterans' Bureau I have never failed to find absolute courtesy on the part of the head of every department, and they always reopen any case at my request and go to the bottom of the thing; and many times I have found that the very types of injustice to which the gentleman from Alabama refers have been straightened out to the delight of the officials who have done the work. Here in Washington we understand that Director Forbes is so tremendously busy that he can not see everybody and look after all individual cases, but his assistants all seem eager to please. I think, therefore, that instead of saying that the Veterans' Bureau is "grossly inefficient," it would be better and fairer to say that it is grossly overworked.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. ALMON. Does the gentleman not think that there ought to be some remedy or provision for an appeal before a board when a soldier feels that he has been outrageously treated by the decision of the bureau?

Mr. UPSHAW. I do.

Mr. ALMON. That is one of the arguments that my colleague from Alabama [Mr. HUDDLESTON] is making.

Mr. UPSHAW. I agree with you thoroughly; but I have never failed to secure an appeal from the decision of the board itself. When I go to the office of the director here in Washington, the courteous reception given me is a positive benediction. I love especially to crown here that uncrowned Mother Queen who directs those who call at the director's office, Mother Busby. With two sons in the Army, this good woman has brought to her work a mother's heart and a mother's patience. It has been wonderfully refreshing to see how motherly and painstaking she has been with every case that I have carried there. I also find Mr. Sweet, the director's secretary, a very courteous and efficient man. I find Mr. Forbes, the director, busy of course, but always courteous and responsive; and as for the director in my home city, Atlanta, Col. M. Bryson, it is a charm and an inspiration to be in his presence. I simply felt constrained to rise in this presence and express my honest conviction that the Veterans' Bureau, laboring under its limitations of insufficient help, is doing magnificent work, and that they are anxious to do their "live level best" for the disabled soldier, as Congress shall grant them the privilege and furnish the equipment with which to work.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. McKENZIE. I certainly join with the gentleman from Georgia in giving my support to this generous bill in aid of the boys who fought in the Great War with Germany, but I want to ask my good friend if he does not feel that we would be doing more than justice if we extended this privilege so that it would take in the soldiers of the Spanish-American War and the veterans of the Civil War who suffer under like affliction?

Mr. UPSHAW. I think so. You will find me always on humanity's side of every piece of legislation. [Applause.]

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. LAYTON. As a matter of fact, does not the gentleman think that Congress has made a very serious mistake, in fact a costly mistake, by not utilizing the fine examining boards established under the Pension Bureau for the determination of all disabilities incurred during their service in the recent World War—examining boards composed of experienced physicians established practically in every county in the United States?

Mr. UPSHAW. My time is up; but I have already expressed my opinion on the general principles involved. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and members of the committee, this is not a partisan matter. I am surprised to hear even one partisan matter interjected into it. The whole spirit of it is to take care of the disabled veterans irrespective of cost, and I feel sure that this very meritorious bill providing adequate care for disabled veterans in the matter of nurse attendance will pass.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, I can not agree with the gentleman from Alabama that the bill before us is of unimportance. I can not characterize it as a "spitball bill." This bill amends the provisions of the war risk insurance act and provides for an increased allowance for several hundred service men who are so badly disabled that they require an attendant. Such a bill, it occurs to me, is a bill that is important not only to the beneficiaries who served so well and so faithfully but to the country at large, that is ever solicitous for the care of its disabled heroes.

The Veterans' Bureau informed the committee that there are 195 ex-service men who are beneficiaries of the bureau and who are blind in both eyes. There are 94 other service men who have been pitifully disabled by the loss of both legs. There are 8 others who have lost both arms. There are some 30 or 40 others who have been so severely disabled in other ways as to be totally and permanently in need of constant care and attendance.

The original war risk insurance act provided a monthly compensation of $30 per month for the man who was totally disabled, and to the man who was totally disabled and so incipacitated by reason thereof that he was in constant need of a nurse or attendant an additional sum of $20 per month was allowed.

The Sixty-sixth Congress, of which I was a Member, amended the compensation provisions of the act so as to allow the totally disabled man $80 per month. No change was made in the allowance for an attendant.

The bill before us amends the provision for an attendant so as to permit the payment of $50 per month under regulations and rules to be prescribed by the Director of the Veterans' Bureau. Obviously any man in the condition of these men whom I have described is in the need of an attendant. Clearly $50 per month comes nearer meeting what the service men would have to pay for an attendant. It is a pleasure to join with my colleagues in reporting this bill to the House for your favorable consideration.

I yield back the remainder of my time and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I feel sure that there can be no serious opposition in the House to this legislation. All Members of the House must have had, as I have had, cases where this higher allowance for a nurse or attendant for a helplessly disabled veteran is sorely needed and where the disabled veteran and his family have suffered on account of the lack of it. I think that the attention of this House should be called very forcibly to one thing at this time in connection with this legislation. It may seem a small matter to those looking at it from the point of view of the whole body of the disabled ex-service people, as it affects only a small number of them, comparatively speaking, but it is surely a very large matter and an important matter to those comparatively few who will be affected by it. So I call your attention to the fact that the bill was introduced on August 3, 1921, and that it is now June 27, 1922, before we have been able to get any action by the committee on this little bill. It would have taken only a little while for this bill to have been acted upon by the committee if it had been called up by the chairman. It has been called to his attention time after time during these months, but all to no avail.

Now, my friends, I do not wish to say anything disparaging about the committee, but the fact remains that from August 3, 1921, to June 27, 1922, this little bill for the increase of allowance for nurses from $20 to $50 per month has not been given enough attention to bring it out of the committee. I doubt if this bill has been given more than one hour's time in committee in all that time.

Mr. Chairman, that brings me to this suggestion that the provisions contained in House Resolution 317, submitted by Mr. CONNALLY of Texas, should be carried out at the earliest possible time by this House; and that is that all matters relating to the Veterans' Bureau and all proposed legislation affecting the veterans of the World War shall be submitted to a new committee, which is needed and which should be created and which should be called the committee on veterans' legislation, or any other suitable name. This resolution has been in since March, and nothing has been done about it.

Mr. WINSLOW. Mr. Chairman, I am sorry to interrupt the gentleman, but the rule provides that debate shall be confined to the bill.

The CHAIRMAN. According to the rule, all debate must be on the bill.

Mr. JEFFERS of Alabama. Very well, Mr. Chairman, this little bill raising the allowance for nurse or attendant from $20 to $50, I am safe in saying, did not get more than one hour's consideration in the 9 or 10 months it has been in the committee. It may be that the committee is overburdened with important work in other lines, so that they could not spare any of their valuable time for a little relief legislation like this for the benefit of helplessly disabled soldiers.

Mr. WINSLOW. Will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. WINSLOW. Is the gentleman in favor of this bill?

Mr. JEFFERS of Alabama. Absolutely.

Mr. WINSLOW. If the committee discovered the merits of it in one hour's consideration, was not that long enough?

Mr. JEFFERS of Alabama. If they had discovered it nine months ago, the hour would have been enough. But you allowed nine months to pass before you even called it up so that the committee could give it the very small amount of time that was necessary for its consideration. The committee may be laboring under a heavy burden of more important legislation, as they see it, and not able to get to these bills, and that is all the more reason for the suggestion that I make at this time, that we should have a new committee. Why should we continue to burden further these already overloaded committees with legislation concerning the veterans of the war? Here we have a little bill for the relief of a small number of helplessly disabled soldiers, and this relief has certainly been very urgently needed all this time, and yet this committee has evidently been so busy with other matters that, during a period of about 10 months or more, the chairman has not seen fit to have his committee devote a few minutes of the valuable time of the committee to even this small bit of legislation of this class. Mr. Chairman and gentlemen, we certainly need a new committee—let us have a new committee—to handle all matters relating to the Veterans' Bureau and all proposed legislation affecting the veterans, so that we can have prompt consideration and action on legislation of this class. And then these overburdened committees that have other important legislation to consider can be relieved of the burden of considering legislation of this class. I hope and believe that everyone here will vote for this bill to-day, now that we have the chance to do so. Mr. Chairman, I yield back the balance of my time.

Mr. WINSLOW. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I want to congratulate the committee on having discovered that $50 is more than $20. It took a little time to discover it, but they have at last done so, and with these few remarks of congratulation I yield back the balance of my time.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Chairman, I shall not consume all of the five minutes. It is gratifying to me that this legislation has at last seen the light of the legislative day in the House. As many members of the committee will recall, my colleague from New York [Mr. FISH] and I voted against the Sweet bill, of which we highly approved in principle, as a protest because this amendment was not included. It was stricken out by the House conferees from the Senate bill. However, I have no criticism to make of the gentlemen of the committee. They were operating at that time, no doubt, under great stress, but have now at last recognized the justice of this legislation. It is important legislation; it is not mere piffle or spitball, as the gentleman from Alabama has insinuated, but it is one of the greatest pieces of constructive legislation in favor of the disabled veterans of the World War that has been had in this House. I think the gentleman from Alabama, who is usually very fair and very courteous to his colleagues, for some reason or other, perhaps on account of some unfortunate experience he has had with the Veterans' Bureau, is laboring under some sort of a misapprehension as to my attitude on this legislation and other matters affecting veterans. I want to

say that the Veterans' Bureau has greatly improved of late. There has been room, and still is, for improvement, and there is no question but there has been and is a stimulating effect from the proper sort of criticism, and that constructive criticism will in the future stimulate them to even greater effort. I again congratulate the committee on reporting out this bill and trust that it will pass by a unanimous vote.

Mr. WINSLOW. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has 25 minutes.

Mr. WINSLOW. Mr. Chairman, I yield eight minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, the original law provided $20 a month for totally disabled soldiers where they needed an attendant. The theory was not that an attendant would be employed in every case, because ordinarily the $20 goes to the soldier himself and that an attendant consists of a member of his family. So $20 was only an increased amount allowed to the soldier by reason of the fact that some of the family had to wait on him.

Now, it is found that there are 336 totally disabled soldiers in need of constant attendance to take care of them, and it is the belief of the committee that this additional attention must be based more upon what it costs really to employ a nurse or attendant. That seems to be the consensus of view of the committee, so that in view of what it does cost to employ a nurse or attendant it is found that the amount has to be increased. Of course, the committee will observe that $50 is not allowed in every case. That is the maximum, but it is such an amount as the director of the bureau may find is reasonable—not to exceed $50. Of course, in practical effect it will mean $50 will be allowed to the disabled soldier in all cases, because it will be found that where a man is in need of a constant attendant it will always require $50. In fact, if we placed the legislation on the basis of what it costs to employ an attendant it ought to be more than $50, because in the average community if the disabled soldier really has to get an attendant it is rare that you can get one for $50.

But the committee thought we ought to go at least this far; and if we are going to place the legislation upon the theory or upon the basis of the actual employment of an attendant, we ought at least to make an additional allowance of something in proportion to what it will cost to pay for that attendant. And now, in this connection, I merely want to advert a moment to the subject brought up by my colleague from Illinois [Mr. MCKENZIE]. We have provided in what is known as the Fuller law for the disabled soldiers of the Civil War now in such condition that they require the attendance of a nurse or of an attendant. We allow $22 in addition to the $50 to which he is entitled as a maximum pension. He is entitled to $50 as a maximum pension, and with the additional amount of $22 it makes $72 in case he is in such a condition physically as to require the constant attendance of a nurse or is helpless. It seems to me that the time has come when, if we are going to allow this additional amount to those who are totally disabled upon the basis of the cost of employing a nurse, we must be more liberal not only to the soldiers of the World War but to the soldiers of the Spanish-American War and the Civil War and allow a larger amount than we have heretofore been allowing. In fact, I think the time will soon come when we will have to increase this amount, and I think the time has already come when an increased amount should be allowed to these old men in their seventies and eighties, decrepit and totally disabled, who have to have some one to wait upon them, and we will have to allow more than $22 additional, and it is my intention to file a bill as soon as I can do so to amend the present pension law so as to increase that allowance. I think it ought to be done. In other words, I think we ought to endeavor to try to be equitable and fair to the soldiers of all our wars where the same principle is involved. Now, when it comes to employing a nurse or an attendant for a soldier it costs as much in one case as in another, without regard to how they are hurt or what the service was. When it comes to the question of employing a person or a nurse as an attendant to wait upon him it costs as much in one case as in another, and I think Congress is going to come to the point soon where we must try to be a little more equitable and deal a little more fairly with the old soldiers of the Civil War and of the other wars as well as the soldiers of this war. [Applause.] I yield back whatever time may remain.

Mr. WINSLOW. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH]. [Applause.]

Mr. FISH. Mr. Chairman and gentlemen of the committee, if this bill providing for an increase from $20 to $50 a month for the nurses and attendants of the blinded, legless, and armless veterans, totaling about 350 men, was good enough for the Committee on Interstate and Foreign Commerce to report out last week, it follows it must have been good enough when introduced on August 3 of last year to have had at that time some slight consideration by that committee. For almost one year—10 months exactly—this bill has been reposing quietly and calmly in the Committee on Interstate and Foreign Commerce without a single bit of consideration except when Members of Congress wasted their time writing to the chairman of the committee asking for a hearing or importuning for consideration of the bill. But what of the 300 or more totally disabled veterans who have had to depend on nurses or attendants at $20 a month? What of the blinded men who had to go around the streets guided by attendants who could not speak English and who could not read the names of the streets or the signs on the stores?

I do not know what the gentleman who preceded me was talking about. This bill provides for nurses and attendants at $50 a month; hitherto and at the present time the totally disabled veterans have been and are receiving only $20, and I challenge any Member of the House to go out and hire a nurse or an attendant for a blinded, legless, or armless man at $20 a month. Have you gentlemen ever talked with any of these blinded men? They know what this bill is meant for. It is meant to hire an attendant or a nurse to show them around and to take constant care of them. It will enable them to live at home and be properly cared for.

Only a few weeks ago a hundred or more blinded veterans came over here from the hospital at Baltimore. I talked to a number of these men about this bill, and they told me that they could not get anybody at $20 who could speak English. Is that proper treatment to accord to our totally disabled soldiers after our pledges and guaranties; is that an act of justice; is that consistent with our national gratitude; is that in consonance with our national and sacred honor? There is not a man here who can say it is, or that we have fulfilled our obligations to these heroes.

If it had not been for a single member of the Committee on Interstate and Foreign Commerce this bill might still be reposing calmly and tranquilly in that committee.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. FISH. I can not yield. Credit is not due to myself as the sponsor of the bill, but to the gentleman from Washington [Judge WEBSTER], who had the courage single-handed to demand last week the consideration of this bill in the committee, and as the result of his fight, his single-handed fight, he got that bill reported out for your consideration. No wonder, gentlemen of the House, that the gentleman from Alabama [Mr. JEFFERS] and all the service men of this House feel that there should be a new committee to consider soldier-relief legislation. It is no reflection on individual members of the Interstate and Foreign Commerce Committee if they can not find time to consider all soldier-relief measures because of the other important legislation before their committee. I want to be corrected if it is not a fact they have not given one single hour of consideration to soldier-relief legislation since the second Sweet bill passed this House over a year ago. That is the reason that we demand that there shall be another committee, that is not weighed down with important legislation on railroads and interstate commerce, to consider soldier relief, to consider the workings of the Veterans' Bureau, and the hospitalization and rehabilitation of the veterans.

Fifteen months ago you passed a bill here providing for $17,500,000 for veterans' hospitals. One million dollars was laid aside for a tubercular hospital for veterans in New York State, and up to the present time the site has not even been selected. If we did our full duty to these tubercular soldiers we would subpœna Chairman White of the consultants on hospitalization and call him before some House committee that had the time to consider these matters. In the meanwhile scores of our tubercular veterans in New York have died for lack of adequate or proper care. This amounts to criminal neglect, yet the proof of the pudding is the eating, and we have done nothing up to date to remove Doctor White or hold him responsible.

Mr. WINSLOW. Mr. Chairman, I contend that the gentleman is not confining his talk to this bill.

The CHAIRMAN. The gentleman should confine his talk to the subject matter of the bill.

Mr. FISH. It is self-evident, on the face of this bill, that it should be passed unanimously, and if it is passed unanimously it carries out what everyone of us who have studied this question believe, that if it is good enough to pass now it was good enough to have had consideration 10 months ago. I hope that this measure will pass unanimously. [Applause.]

Mr. WINSLOW. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. Seven minutes.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, it is quite contrary to my nature to get into a personal altercation with any young man on the floor of this House, but this particular Member, Mr. FISH, has developed into a common scold, and I think it is high time for somebody to call attention to his loose statements. In support of this bill he has told Members assembled here that to one man alone was the committee's consideration of this bill due. His inaccuracy is as great as his height. The man who brought this bill to the attention of the members of our committee, as a committee, was the chairman. The gentleman, Judge WEBSTER, of Washington, referred to, was in the committee meeting, but did not say a word about this bill until it was brought up by the chairman in regular order, and while I would not take anything of credit from Judge WEBSTER in respect of his interest in this legislation, I do not propose to have anybody here, talking flippantly and loosely, suggest that other members of the committee have been borne down by the weighty hand of one man of the committee and so made to recognize their duty. It is not that kind of a committee. [Applause.]

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. WINSLOW. I will.

Mr. NEWTON of Minnesota. I think those of us who are acquainted with Judge WEBSTER, those of us who are members of the committee, as well as other Members of the House, know if he were in his place to-day he would be the first one to rise up here before this committee and disclaim any such thing as has been said here by the gentleman from New York [Mr. FISH].

Mr. FISH. Will the gentleman yield?

Mr. NEWTON of Minnesota. Not now.

Mr. FISH. The gentleman was not present at the meeting?

Mr. NEWTON of Minnesota. No.

Mr. FISH. Then I will not say anything more.

Mr. NEWTON of Minnesota. I was not present, but I know something about my colleague.

Mr. WINSLOW. Will the gentleman ask me the question?

Mr. FISH. Will the gentleman permit me to read his letter concerning this bill?

Mr. WINSLOW. Unless you are going to introduce new evidence I am ready to answer the question you wanted to ask the gentleman from Minnesota [Mr. NEWTON].

Mr. FISH. I will answer it myself. Will you yield time to me? Here is the letter.

Mr. NEWTON of Minnesota. Will the gentleman from Massachusetts yield to me?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Minnesota?

Mr. WINSLOW. Yes; I yield three minutes.

Mr. NEWTON of Minnesota. When I was interrupted by the gentleman from New York [Mr. FISH] I was about to say that the gentleman from Washington [Judge WEBSTER] would be the first to deny that he alone was responsible for the reporting out of this bill, and it seems regrettable to me that when we have before us a measure of this kind of such great importance to these sorely afflicted men who have served their country so well that it should be used here upon the floor of this House by men who have claimed to be such great friends of the measure to make statements about Members of the House and members of the committee that are not in accord with the facts.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. LINEBERGER. The gentleman says "men." I hope that he does not include me in his remarks. I try to be very fair.

Mr. NEWTON of Minnesota. The gentleman from California is always fair.

Mr. LINEBERGER. It was not my intention in any way to cast reflections upon the members of the committee, and I tried to make it clear.

Mr. NEWTON of Minnesota. The gentleman from California is always fair. "The gentleman from Minnesota" takes exception to the statements made by the gentleman from New York [Mr. FISH], from the beginning to the end of his remarks. In fact, one might judge that he was more against the committee than he was in favor of this bill.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. DENISON. Is it not a fact that this very proposition that is involved in this bill came before the House when the second Sweet bill was under consideration in the House, and was voted on, and voted down by the House?

Mr. NEWTON of Minnesota. Yes; voted down.

Mr. DENISON. Is not the committee justified in taking that as an indication of the sentiment of the House?

Mr. NEWTON of Minnesota. Yes, at least for the time being.

Mr. KING. The gentleman from New York understands that he is being lectured here?

Mr. NEWTON of Minnesota. The gentleman from Minnesota would not have asked for the floor at all if the gentleman from New York had yielded to him.

Mr. FISH. Mr. Chairman, will the gentleman from Massachusetts yield to me?

Mr. WINSLOW. No; I propose to take the time myself.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That subdivision (5) of section 302 of the War Risk Insurance Act is hereby amended to read as follows:

"(5) If the director considers the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

With a committee amendment, as follows:

On line 5, strike out the words "the director considers."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. Chairman, in view of certain remarks that have been made here by the chairman of the committee, claiming some interest in the passage of the bill, I am going to read a letter from the chairman of the committee dated May 27, stating that——

Mr. WINSLOW. Mr. Chairman, I make the point of order that the gentleman's remarks——

Mr. FISH. That it was unlikely that the bill would receive consideration in his committee, and the date of that letter is only three weeks ago——

Mr. WINSLOW. I make the point of order that the gentleman's remarks are not germane to the amendment pending before the committee.

The CHAIRMAN. The gentleman from New York has moved to strike out the last word.

Mr. WINSLOW. Then I will make the point of order later.

Mr. FISH. Mr. Chairman, I hope this interruption will not be taken out of my time.

The CHAIRMAN. The point of order is withdrawn.

Mr. FISH. As a matter of fact this bill was considered through the single-handed demand of the gentleman from Washington, Judge WEBSTER, and after conference with Judge WEBSTER he agreed that I should state on the floor of the House that he made the fight, and I purpose to give him the credit which he richly deserves.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FISH. No; I will not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FISH. This is a letter, dated May 27, from Samuel E. Winslow, chairman of the Committee on Interstate and Foreign Commerce. I will save time by reading only one paragraph of it. It reads:

In answer, however, I am obliged, in the face of the circumstances existing, to tell you that I can add nothing to my statements made to you verbally several times, to the effect that as yet the committee has not considered, and now does not seem likely to consider, bills of this character.

That is the point—"bills of this character"—soldier-relief legislation. They have other important legislation to consider, but have not got time for bills of this character, a simple act of justice to the blinded and otherwise totally disabled veterans. No wonder there is a cry resounding throughout the country for intelligent supervision and responsibility on behalf of Congress toward the disabled ex-service man.

I do not intend to deal except with facts. The gentleman said that this amendment was turned down in the House. There were three amendments, one doubling this amount to $100, and they all got so mixed up that they defeated themselves. Whereupon I took this bill over to the Finance Committee of the Senate, and they adopted it unanimously. It went through the Senate unanimously, and what happened? The House conferees turned down this very bill over a year ago, and the gentleman who is chairman of this committee, who is now trying to take some little credit for the passage of this bill, knows how he voted, because every Member of this House does know how he voted in that conference on this particular bill.

Mr. JEFFERS of Alabama. Will the gentleman yield to me for a brief question?

Mr. FISH. I certainly will.

Mr. JEFFERS of Alabama. Was it after the gentleman received this letter from the chairman of the committee stating that he could not take up legislation of this kind that Judge WEBSTER made his statement before the committee?

Mr. FISH. It certainly was.

Mr. JEFFERS of Alabama. And Judge WEBSTER was there?

Mr. FISH. He was; but the gentleman from Minnesota [Mr. NEWTON] was not present.

Mr. JEFFERS of Alabama. The gentleman understands that he has been severely lectured and reprimanded to-day by the gentleman from Massachusetts?

Mr. FISH. I do not consider that it is any reprimand, coming from that source. Condemnation from such a source is commendation, indeed. [Applause and laughter.]

Mr. WINSLOW. Will the gentleman yield for a question?

Mr. FISH. I gladly and willingly yield for a brief question.

Mr. WINSLOW. Do you wish to insist on the fact that you know that Judge WEBSTER brought this matter to the attention of the Interstate and Foreign Commerce Committee?

Mr. FISH. I am not insisting on anything. I am stating that Judge WEBSTER made the fight in the committee for this bill.

Mr. WINSLOW. Are you insisting that Judge WEBSTER made a statement before the committee——

Mr. FISH. Is this to be taken out of my time or the gentleman's own time?

Mr. WINSLOW. Are you insisting——

Mr. LINEBERGER. Mr. Chairman, I make the point of order that the gentleman from Massachusetts in addressing the gentleman from New York should not use the words "are you." He should say "the gentleman from New York." [Applause and laughter.]

Mr. WINSLOW. I addressed my inquiry to the gentleman from New York.

Mr. HOCH. Mr. Chairman, I move to strike out the last two words. I certainly am not going to engage in any wrangle upon this proposition. I do not believe there is a man in this House who is not in favor of the most liberal treatment of the ex-service men, and particularly the men who will be the beneficiaries under this act. I simply rise to say a word. I do not raise any question with reference to the zeal of the gentleman from New York [Mr. FISH]. I admire him for it; but as far as there being any fight in the committee is concerned I want to say that there never was for a minute any fight in the committee upon this proposition. I was present at the meeting of the committee at which this bill was brought up. The first reference to the bill in that meeting was made by the chairman of the committee [Mr. WINSLOW]. The bill was earnestly indorsed by different members of the committee, and the only question whatever in the committee was as to the question of taking up one particular bill that we all agreed was meritorious, or whether we should attempt to take up in the limited time the various amendments that have been proposed to the war risk insurance act. That was the only contest that there was in the committee. I certainly would not detract in any way from any credit to which Judge WEBSTER may be entitled. I am sure if he were here he would be the first one to disclaim exclusive credit for legislation of this sort. The fact is, as we all know, that all of the war risk insurance legislation was sought to be overhauled about a year ago. It was a long task, requiring many weeks' consideration in the committee. A great bill was prepared and reported out of the committee, became a law, and under its provisions hundreds of millions of dollars are being paid to the disabled men and their dependents. It is not perfect, and some provisions must be still further liberalized. Some defects of the law have developed. Various amendments doubtless ought to be made. That is true of any large legislation of this sort. But the Committee on Interstate and Foreign Commerce, as you all know, has a great variety of things within its jurisdiction. For many, many weeks we have been in session practically every day considering proposed amendments to the transportation act. I am sure there was not a member of that committee who was not anxious to take up at the earliest possible moment not only this bill but the many other meritorious bills that various Members have introduced proposing amendments to the war risk insurance act, and I am sure that in good time and in good temper on the part of every Member of this House we are going to do full justice as far as possible to every ex-service man, particularly those who were disabled. I regret exceedingly that there should be any personal animosity or partisan wrangle upon this thing. There should be nothing of that sort, and I am sure this American Congress, at every opportunity, is going to give assurance to the ex-service men and to the people of the country that the Republic is not unmindful of the debt which it owes to these men who offered their lives for its protection. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8062, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The previous question is ordered under the rule. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WINSLOW, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I present a conference report upon the bill (H. R. 9103) for the appointment of additional judges for certain courts in the United States, for printing under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the southern district of Florida, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the middle district of Tennessee, one; for the northern district of Illinois, one; for the eastern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of New Mexico, one; and for the district of Arizona, one.

"A vacancy occurring, more than two years after the passage of this act, in the office of any district judge appointed pursuant to this act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide: *Provided, however,* That in case a vacancy occurs in the district of New Mexico at any time after the passage of this act, there shall thereafter be but one judge for said district until otherwise provided by law: *Provided further,* That from and after the appointment of a district judge for the middle district of Tennessee, the present district judge for the eastern and middle districts of said State shall cease to be a district judge for the middle district of Tennessee.

"SEC. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as

soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, D. C., or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any senior circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided, by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

"The Chief Justice, or, in his absence, the senior associate justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"'The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice.'

"SEC. 3. Section 13 of the Judicial Code is hereby amended to read as follows:

"'SEC. 13. Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however*, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.'

"SEC. 4. Section 15 of the Judicial Code is hereby amended to read as follows:

"'SEC. 15. Each district judge designated and assigned under the provisions of section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein.'

"SEC. 5. Section 18 of the Judicial Code is hereby amended to read as follows:

"'SEC. 18. The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the Chief Justice of either of said courts.

"'During the period of service of any judge designated and assigned under this act he shall have all powers, and rights, and perform all the duties of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded the period of service shall be deemed to be extended until the trial has been concluded.

"'Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.'"

"SEC. 6. Section 118 of the Judicial Code as amended is hereby further amended to read as follows:

"'SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code.'

"SEC. 7. That all laws or parts thereof inconsistent or in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes."

And the Senate agree to the same.

A. J. VOLSTEAD,
JOSEPH WALSH,
Managers on the part of the House.
ALBERT B. CUMMINS,
THOMAS STERLING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9103) for the appointment of additional judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report.

The Senate struck out all after the enacting clause of the House bill (H. R. 9103) and inserted a new bill.

The conferees have written a new bill, embodying the substance of the original House bill and of the Senate amendment.

The effect of the bill as submitted by your conferees is to increase the number of judges from 22, as provided by the House, to 24. Two districts not in the House bill are provided with an additional judge each, namely, New Jersey and New Mexico. The additional judge for the northern and southern districts of Georgia has been eliminated.

The provision for an annual conference of judges to be called by the Chief Justice of the United States has been written, the requirement for a report from the Attorney General to the conference of judges has been eliminated, and certain clarifying changes in phraseology have been adopted, but otherwise the provision remains practically the same.

The amendments to sections of the Judicial Code have also been rewritten with no substantial changes in effect.

The provision for designation and assignment of judges of the Court of Customs Appeals has been retained, but the authorization for designating and assigning a district judge to sit in the Supreme Court of the District of Columbia has been dropped. An additional circuit judge has been provided for the fourth judicial circuit as carried in the Senate amendment.

The title has been amended to conform to the text as agreed upon in conference.

A. J. VOLSTEAD,
JOSEPH WALSH,
Managers on the part of the House.

CHARTERS OF NATIONAL BANKS.

Mr. McFADDEN. Mr. Speaker, I present a conference report upon the bill H. R. 9527, to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, for printing under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER, for 10 days, on account of death of his mother.

To Mr. HERRICK, indefinitely, beginning June 27, for the purpose of returning home to attend to pressing private business.

CORRECTION.

Mr. GERNERD. Mr. Speaker, on February 6 last I am recorded as being present. As a matter of fact, I was absent, being sick at the time. I ask that that correction be made.

The SPEAKER. Without objection, the correction will be made in the Journal and in the RECORD in accordance with the statement of the gentleman from Pennsylvania.

There was no objection.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

The SPEAKER appointed as a committee to investigate the fiscal affairs of the District of Columbia the gentleman from Nebraska, Mr. EVANS; the gentleman from Colorado, Mr. HARDY; and the gentleman from Georgia, Mr. WRIGHT.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 10101. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes;

H. J. Res. 297. Joint resolution requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast;

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream;

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota; and

H. R. 6110. An act amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 28, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROWTHER: Committee on Military Affairs. H. R. 11699. A bill relating to the appointment of the Chief of Staff of the Army; with an amendment (Rept. No. 1143). Referred to the House Calendar.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 12105. A bill providing funds for the erection of additional suitable and necessary buildings for the National Leper Home; with amendments (Rept. No. 1148). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border; without amendment (Rept. No. 1146). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes; without amendment (Rept. No. 1147). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIS: Committee on Claims. S. 158. An act for the relief of certain estates; with an amendment (Rept. No. 1151). Referred to the Committee of the Whole House.

Mr. LITTLE: Committee on Claims. S. 854. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture; without amendment (Rept. No. 1145). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. S. 3690. An act for the relief of Lowe Hayden Bibby; without amendment (Rept. No. 1149). Referred to the Committee of the Whole House.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. (Rept. No. 1144.) A report on the disposition of useless papers in the Government Printing Office. Ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 12190) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. MORGAN: A bill (H. R. 12191) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12192) requiring all public building bills to be submitted to the Secretary of the Treasury for investigation and report as to whether proposed buildings and sites are needed and the expenditure justified, and as to the lowest cost at which buildings found necessary may be erected with economy and efficiency; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 12193) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. BURKE: Joint resolution (H. J. Res. 361) authorizing the Railroad Labor Board to rescind its decision reducing the wages of railroad employees, effective July 1, 1922; to the Committee on Interstate and Foreign Commerce.

Also, joint resolution (H. J. Res. 362) authorizing and directing the President to take over and operate the coal mines for

the period of one year, or so long thereafter as, in his discretion, may be necessary for the public good, and for other purposes; to the Committee on Mines and Mining.

By Mr. TOWNER: Resolution (H. Res. 383) for the immediate consideration of House bill 9270; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 12194) granting a pension to Hannah M. Earhart; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 12195) for the relief of Mary R. Douglas, mother of William D. Douglas, deceased; to the Committee on Claims.

By Mr. CONNELL: A bill (H. R. 12196) granting a pension to Joseph Reif; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12197) granting a pension to Martha Stokes Wolfe; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 12198) granting a pension to Louisa Logan; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 12199) granting a pension to Albert N. Tucker; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 12200) granting an increase of pension to John W. Bond; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 12201) granting a pension to Edward Barr, jr.; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 12202) granting a pension to Myrtle P. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12203) granting a pension to Etta Van Zant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12204) granting an increase of pension to Amanda Baird; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 12205) granting an increase of pension to Catherine Yelle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6103. By Mr. GAHN: Petition of sundry citizens of Cleveland, Ohio, regarding the Johnson bill, H. R. 10860; to the Committee on Immigration and Naturalization.

6104. By Mr. KISSEL: Memorial of the New York Board of Trade and Transportation, New York City, N. Y., favoring the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

SENATE.

WEDNESDAY, *June 28, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

COLLECTION OF ADDITIONAL COTTON STATISTICS.

Mr. HARRIS. Mr. President, a few days ago I introduced a bill (S. 3677) authorizing the Director of the Census to collect additional statistics of cotton, showing the number of bales on hand tenderable under the law. Since that time I have consulted with Secretary Hoover and the experts of the Department of Commerce in the Bureau of the Census and Bureau of Foreign and Domestic Commerce and have prepared a bill covering all matters in line with their suggestions. This bill has the indorsement of Secretary Hoover.

There are no accurate world statistics of cotton tenderable under the law; in fact, we have no reliable statistics for the United States. It is admitted that included in the amount of cotton on hand in this country that much of it is very low-grade cotton and does not come within this class. In order to prevent the speculators from gambling in cotton and influencing the market to suit the speculators it is necessary to know the amount of cotton on hand in the world. The producer and manufacturer of cotton wish a stable market, and they should have the actual facts. Under this bill statistics of tenderable cotton on hand in the world will be published August 1, December 1, and March 1. The last two will enable the farmer to know how much cotton is on hand before he plants his crop, and if there is a large surplus of cotton he will not plant so much, and thus avoid an overproduction of cotton, which always lowers the price below the cost of production. Our manufacturers of cotton, like our producers, compete with the world, and they should know conditions.

The boll weevil is so destructive of the cotton crop at this time that the amount produced this year, even with last year's holdover, will not be sufficient to supply the demand for next year. We must stop gambling in cotton. The farmers are the ones that suffer most, and the best way to accomplish this is to get accurate world statistics of cotton on hand at different seasons of the year and keep the low grades separate from the others.

I ask that this bill may be referred to the Committee on Commerce as a substitute for the other bill.

The bill (S. 3757) authorizing the Department of Commerce to collect and publish additional cotton statistics and information was read twice by its title and referred to the Committee on Commerce.

TRIBUTE TO WILLIAM M'KINLEY.

Mr. HARRIS. I ask unanimous consent to have printed in the RECORD a statement with reference to Confederate bodies honoring William McKinley, a gallant Federal soldier and former President of the United States, who was so much beloved in the South.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

CONFEDERATE BODIES TO HONOR MCKINLEY—BRONZE TABLET TO LAMENTED PRESIDENT TO BE UNVEILED AT ATLANTA.

ATLANTA, June 26.—Time heals deep wounds and sentiment bridges any chasm, and one more link binding the South and the North will be forged here on July 4 when Confederate bodies will meet in Piedmont Park and pay honor to the late President William McKinley.

THE INSCRIPTION.

Following the Spanish-American War President McKinley made a tour through the South, and in a speech delivered in Atlanta in 1898 advocated the Government sharing in the care of the Confederate veterans' graves. Twenty-five years later his words have reaped a harvest of honor and glory in the form of a tree set out in his memory last February by Confederate and Spanish War bodies, and these same bodies will unveil at the tree a bronze tablet which bears the following wording:

"This tree, planted in 1922 under auspices of the Atlanta Writers' Club by the Atlanta Chapter, United Daughters of the Confederacy; John B. Gordon Camp, Sons of Confederate Veterans; and Fitzhugh Lee and Theodore Roosevelt Camps, Spanish War Veterans, in honor of President William McKinley, who in 1898 in Atlanta said: 'Every soldier's grave made during our unfortunate Civil War is a tribute to American valor, and the time has now come in the evolution of sentiment and feeling, under the providence of God, when, in the spirit of fraternity, we should share with you in the care of the graves of the Confederate veterans.'"

ATTRACTIVE PROGRAM.

An attractive program for the tablet unveiling has been arranged, which will include short speeches, a military salute by a squad of soldiers from Fort McPherson, a band concert which will include the rendition of the two "McKinley" songs, "Nearer, My God, to Thee," his last words, and "Lead, Kindly Light," his favorite song.

CALL OF THE ROLL.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Sheppard
Ball	Gerry	Lodge	Simmons
Brandegee	Glass	McCumber	Smith
Cameron	Gooding	McKinley	Smoot
Capper	Hale	McLean	Spencer
Caraway	Harreld	McNary	Sterling
Colt	Harris	Nelson	Sutherland
Culberson	Harrison	Newberry	Trammell
Cummins	Johnson	Norbeck	Underwood
Curtis	Jones, Wash.	Oddie	Walsh, Mass.
Dillingham	Kellogg	Overman	Warren
Edge	Keyes	Pepper	Watson, Ga.
Ernst	King	Poindexter	Willis

The VICE PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 3, 6, 62, 92, and 93 to the said bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 13, 64, 65, 86, and 91 and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 43) to grant authority to con-

tinue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

The message further announced that the House had concurred in the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 13 to the bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code; that the House concurred in the amendment of the Senate numbered 7 to said bill with an amendment, in which it requested the concurrence of the Senate, and that the House disagreed to the amendment of the Senate numbered 11.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12073) to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923.

The message further announced that the House had passed a bill (H. R. 8062) amending subdivision (5) of section 302 of the war risk insurance act, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6110. An act amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 10770. An act to legalize a bridge across the south arm of Pokegama Lake in Itasca County, State of Minnesota;

H. R. 11128. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream; and

H. R. 11634. An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States.

PAYMENT OF COURT OF CLAIMS JUDGMENTS (S. DOC. NO. 226).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims and requiring an appropriation for their payment—under the War Department, $31,853.65; under the Post Office Department, $267.02; and under the United States Housing Corporation, $18,880.55; in total amount, $51,001.22—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SCRAPPING OF NAVAL VESSELS (S. DOC. NO. 227).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department, fiscal year 1923, to meet certain expenses pertaining to ships whose construction has been suspended, $5,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented petitions of sundry citizens of Springfield, Mass., praying for a reduction in the proposed duty on lightweight kid gloves, which were referred to the Committee on Finance.

Mr. WILLIS presented a memorial of sundry citizens of Marietta, Ohio, remonstrating against inclusion in the pending tariff bill of proposed high duties on linens, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3758) to repeal the bankruptcy laws of the United States; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 3759) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

INCREASED PENSIONS TO THE DISABLED.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, which was ordered to lie on the table and to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. WATSON of Indiana submitted an amendment proposing to appropriate $100,000, or so much thereof as may be necessary, to refund legacy taxes illegally collected under the act of June 13, 1898, under the decisions of the Supreme Court of the United States in the case of the United States *v.* Jones, and McCoach *v.* Pratt (236 U. S., etc.), intended to be proposed by him to House bill 12090, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO HOUSE RIVER AND HARBOR BILL.

Mr. SHEPPARD submitted an amendment providing for improvement work on the Sabine-Neches Canal with a view to revetment of the north bank from what is known as Blands Bend Road on the north through the city to the southern limit of said city, intended to be proposed by him to House bill 10766, the river and harbor authorization bill, which was referred to the Committee on Commerce and ordered to be printed.

ORDER FOR THE FOURTH OF JULY.

Mr. POINDEXTER submitted the following order, which was referred to the Committee on Rules:

Ordered, That whenever a session of the Senate shall include the 4th day of July, on that day, or if that day falls on a Sunday, then on the day following, the Senate shall meet, and immediately after the reading of the Journal, the Declaration of Independence shall be read to the Senate by a Senator to be designated for the purpose by the Presiding Officer; at the conclusion of which the Senate shall adjourn.

(The motion follows in general terms the motion submitted by Senator Hoar and adopted in the Fifty-sixth Congress, ordering the reading of Washington's Farewell Address on the 22d of February.)

HOUSE BILL REFERRED.

The bill (H. R. 8062) amending subdivision (5) of section 302 of the war risk insurance act was read twice by its title and referred to the Committee on Finance.

PUBLICATION OF SUPREME COURT REPORTS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives concurring in the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 13 to the bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code; concurring in the amendment of the Senate numbered 7 with an amendment proposing in lieu of the sum provided by said amendment to insert "$8,000," and disagreeing to the amendment of the Senate numbered 11.

Mr. NELSON. I move that the Senate recede from its amendment numbered 7 and agree to the House amendment in lieu thereof. This amendment relates to the salary of the reporter. The Senate increased it from $7,500 to $8,500, and the House reduced it to $8,000, being a reduction of $500.

Mr. NORRIS. I wish to make an inquiry of the Senator. This is a complete agreement?

Mr. NELSON. Yes; a complete agreement.

Mr. NORRIS. It will not have to go back to conference?

Mr. NELSON. It will not have to go back if the Senate agrees to the House amendment and recedes from amendment numbered 11.

Mr. NORRIS. I am opposed to sending anything back to conference, because we decided day before yesterday that we must not do that. Whatever the House says we have got to agree to. That is the settled precedent and established law now. I am glad no one contends that this bill ought to go back to conference. We must not have any more conferences in such cases.

Mr. NELSON. Amendment numbered 11 struck out the words "composition, plating, printing, and binding, and such additional amount as shall equal as nearly as may be one-half," and in lieu thereof inserted "production including in such cost." The House provision provided for one-half the cost of the reporter. We amended the bill so as to provide that it should include all the cost of the reporter. It is that amendment which the House has amended, and I move that the Senate agree to the amendment of the House.

The amendment was agreed to.

The VICE PRESIDENT. Now the Senator from Minnesota moves that the Senate recede from its amendment numbered 11.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The question is on the committee amendment as amended in paragraph 701, page 99.

Mr. WALSH of Massachusetts. We are voting now only on the first bracket in paragraph 701?

The VICE PRESIDENT. The Senator is correct.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. UNDERWOOD. Let the amendment be stated.

The VICE PRESIDENT. The pending amendment will be stated.

The READING CLERK. On page 99, line 6, the committee proposes to strike out "less than 2 years old, 1 cent per pound; 2 years old and over, 1½ cents per pound," and insert in lieu thereof—

weighing less than 1,050 pounds each, 1½ cents per pound; weighing 1,050 each or more, 2 cents per pound.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Iowa [Mr. RAWSON] and vote "yea."

Mr. HALE (when his name was called). I transfer my general pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from New York [Mr. WADSWORTH] and will vote. I vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

The roll call was concluded.

Mr. BALL. Transferring my general pair with the senior Senator from Florida [Mr. FLETCHER] to the senior Senator from Pennsylvania [Mr. CROW], I vote "yea."

Mr. COLT (after having voted in the affirmative). I transfer my general pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand.

Mr. McCUMBER (after having voted in the affirmative). I transfer my pair with the junior Senator from Utah [Mr. KING] to the Senator from Idaho [Mr. BORAH] and allow my vote to stand.

Mr. CURTIS. I desire to announce that the Senator from Idaho [Mr. BORAH] is necessarily detained from the Senate. If present, he would vote "yea."

I wish also to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL].

Mr. JONES of Washington (after having voted in the affirmative). I transfer my pair with the Senator from Virginia [Mr. SWANSON] to the Senator from Colorado [Mr. NICHOLSON] and will let my vote stand.

The result was announced—yeas 48, nays 15, as follows:

YEAS—48.

Ashurst	Ernst	Ladd	Pepper
Ball	Fernald	La Follette	Pittman
Brandegee	France	Lodge	Poindexter
Bursum	Gooding	McCumber	Sheppard
Cameron	Hale	McKinley	Smoot
Capper	Harreld	McLean	Spencer
Colt	Johnson	McNary	Sterling
Cummins	Jones, N. Mex.	Nelson	Sutherland
Curtis	Jones, Wash.	Newberry	Townsend
Dillingham	Kellogg	Norbeck	Warren
du Pont	Kendrick	Norris	Watson, Ind.
Edge	Keyes	Oddie	Willis

NAYS—15.

Caraway	Harris	Pomerene	Underwood
Culberson	Harrison	Simmons	Walsh, Mass.
Gerry	Heflin	Smith	Watson, Ga.
Glass	Overman	Stanley	

NOT VOTING—33.

Borah	King	Page	Swanson
Broussard	Lenroot	Phipps	Trammell
Calder	McCormick	Ransdell	Wadsworth
Crow	McKellar	Rawson	Walsh, Mont.
Dial	Moses	Reed	Weller
Elkins	Myers	Robinson	Williams
Fletcher	New	Shields	
Frelinghuysen	Nicholson	Shortridge	
Hitchcock	Owen	Stanfield	

So the committee amendment as amended was agreed to.

The VICE PRESIDENT. The next amendment of the Committee on Finance will be stated.

The next amendment was, in paragraph 701, page 99, line 10, before the word "cents," to strike out the numeral "2" and to insert the numeral "3½," so as to read:

Fresh beef and veal, 3½ cents per pound.

Mr. PITTMAN. Mr. President, on yesterday the Senator from Massachusetts [Mr. WALSH] offered an amendment to the pending bill which is to be found on page 9491 of the RECORD. That amendment related to paragraph 701 on page 99 of the bill. It was an amendment to a proposed committee amendment and proposed to reduce the duties on cattle. The amendment to the amendment was debated on yesterday afternoon, and my recollection is that there was a yea-and-nay vote upon it, but the RECORD does not disclose that fact. I should like to know whether there was a yea-and-nay vote on the amendment.

Mr. WALSH of Massachusetts. There was no yea-and-nay vote on that amendment or on any of the amendments which I offered on yesterday. There was a viva voce vote.

Mr. PITTMAN. That is the information I sought. The RECORD does not disclose a yea-and-nay vote.

Mr. WALSH of Massachusetts. On page 99, line 10, in the committee amendment, I move to strike out the numeral "3½" and to insert the numeral "2."

The VICE PRESIDENT. The Chair will suggest that the Senator from Massachusetts may accomplish the same result by asking to disagree to the committee amendment.

Mr. WALSH of Massachusetts. Mr. President, the committee amendment proposes to raise the tariff duty upon fresh beef 75 per cent over the emergency tariff law and 133⅓ per cent over the Payne-Aldrich law. As is well known, under the Underwood law fresh beef is admitted free of duty.

The consumption of fresh beef in this country is enormous, the annual per capita consumption being 60 pounds. If this duty becomes effective, it means a tremendous increase in the prices the American consumers who purchase fresh beef must pay. From 1912 to 1916, which were average normal years, we produced in the United States 6,600,000,000 pounds of fresh beef and veal annually. An increased price of 3½ cents per pound upon this production will amount to a tax upon the consumers, if the tariff duty is reflected in increased prices, of $231,000,000 annually. The per capita increased price will be $2.27, and the family increased price, assuming five to the family, will be $11.35. It is by long odds the most excessive increase in the burden upon the consumers of America proposed by any rate of duty on fresh meats in this bill unless it be lamb and mutton. It is a rate never before suggested, never before contemplated, and never before proposed until the agricultural bloc assisted the Senate Finance Committee in rewriting the House bill. As I said a moment ago, the rate is 133⅓ per cent increase over the rate provided in the Payne-Aldrich law.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Yes.

Mr. BURSUM. I desire to call the attention of the Senator to the fact that railroad freight rates have about doubled, while the rates for water transportation have been lowered, and that an increased duty is necessary to equalize conditions between the domestic grower and the foreign producer on account of the low water freight rate on the foreign competing article and the much higher rates which exist on the railroads of this country to-day.

Mr. WALSH of Massachusetts. Mr. President, of course it is some years since freight rates were doubled, and there has been no recent change in the effect of these freight rates. There is probably no industry in this country that has thrived and prospered more than the fresh-meat industry. Yesterday attention was called to some of the enormous profits of the packers engaged in the production of fresh meat. There is no

question that when fresh beef was admitted free of duty during the years from 1913 until 1921 this business prospered as never before. Yet it is proposed now to increase the rate of duty upon fresh beef to the excessive amount of 3½ cents per pound. Add to this the interest and increased costs on large investments and the result will be an increase in all probability of 5 cents per pound.

Mr. President, there is no serious threatened competition from abroad. The records do not support the suggestion that there is danger of large importations of fresh meats. In the first place, as was pointed out yesterday, the meats which at times have been imported into this country are insignificant in quantity and are of a different quality than the American fresh meats. Experts claim Argentine beef and American beef are not competitive. The fresh meats from the Argentine come from cattle fed with grass, while our cattle are fed with corn. The American consumer has a prejudice against frozen beef, and especially beef that comes from cattle which are grass fed; but the records do not show any threatened competition that is likely to destroy this business. The records do not show that there is any danger whatever of the prices of fresh beef being forced down by reason of importations from abroad. It seems to me that the issue here is very clear: Do we want at this time, when everything is being deflated, when wages are being cut, when an attempt is being made to reduce the cost of production by our manufacturers and our producers, to give notice to the country that the most important food used by our people—fresh beef—is to bear from this day on an increased burden—an increased tax—of 3½ cents? That is the issue, and that is the only question before us.

Mr. STANLEY. Mr. President, will the Senator yield just for a moment? Is there anything in this record to show that markets reached by water transportation from the Argentine and Mexico are supplied by the local producers of meat? For instance, I understand that it is sought to impose this duty in order to protect American fresh meats against importations of mutton and lamb from New Zealand, and beef from South America and from Central America. Is there anything in the record to show that the local cattle raisers supply markets reached by these countries?

Mr. WALSH of Massachusetts. There is nothing that I know of in the record to that effect.

Mr. BURSUM. Mr. President, I suggest to the Senator that the chief markets of the country for live stock are Chicago, New York, Buffalo, New Orleans, San Francisco, Seattle, Denver, Kansas City, and Omaha; and cattle are shipped to those markets from all over the United States.

Mr. STANLEY. I am talking about fresh meats. I am not talking about cattle on the hoof.

Mr. BURSUM. Fresh meat is shipped by the refrigerator system all over the country.

Mr. STANLEY. Who supplies those American markets? That is what I want to know.

Mr. BURSUM. The people of the United States, when we have an adequate tariff, supply them.

Mr. STANLEY. Do the people of the United States supply them, or do the meat packers supply them?

Mr. BURSUM. The farmers.

Mr. STANLEY. Do local raisers ship beef into New York and San Francisco?

Mr. BURSUM. The farmers do not engage in the butchering of their own beef; but they sell the beef, for instance, to market, and in turn the beef is butchered mainly by the packers all over the country. They are the chief source that the farmers depend upon for the sale of their cattle.

Mr. STANLEY. Exactly. That is what I want to get at. The farmer raises the beef, whether you have a duty or not. Suppose you impose a duty of 500 per cent; that excludes Mexican and New Zealand and Central American fresh meats. Let us assume that an embargo is put on the importation of fresh beef.

Mr. BURSUM. Oh, it could come into this country if you permitted it to come in free; yes.

Mr. STANLEY. This is merely a hypothetical case to get the facts. We will assume that all meat is excluded from the United States except our own meat. In that event the farmer would ship his meat to Kansas City or to Chicago or to some other point where it could be packed and refrigerated and shipped to these great central consuming markets like San Francisco and New York and Seattle and other such places.

Mr. BURSUM. Yes; that is the only way in which the country could be supplied—by the shipment of the live stock to central markets where they have packing houses.

Mr. STANLEY. Where they have the facilities.

Mr. BURSUM. Yes; where they have the facilities—Denver, Omaha, Kansas City, Chicago, New York, Buffalo, New Orleans, and so on.

Mr. STANLEY. Where the large packing houses are located.

Mr. BURSUM. The Senator from Georgia [Mr. WATSON] calls my attention to the fact that they have a very extensive packing system in Savannah, Ga., also.

Mr. STANLEY. Now, I understand the Senator, and what he says is evidently true. The only way in which these markets are reached is through the packing houses. The able former Senator from Iowa, Mr. Kenyon, and the accomplished Senator from Wyoming [Mr. KENDRICK] introduced a bill here not long ago to regulate the packers; and it was universally conceded, and I am not questioning that statement, that the price of fresh meat was not dependent upon the cost of production; that it was not determined by the market at all, either by the cost to the packer or by the legitimate demand in the country, but that the price of this commodity was absolutely fixed by a lawless monopoly with five heads in the form of the five beef packers of the United States; and both sides of this Chamber, with startling unanimity, voted for a bill that practically provided for the Government regulation and control of the operation of the industry and the prices of these commodities. That bill went to the House, where it is said its teeth were pulled and its claws were trimmed.

If the price of American beef is not fixed by the producer, if it is not fixed by the cost of production, if it is not fixed by the legitimate demand, if it is fixed by a lawless monopoly, that monopoly is going to charge all that the traffic will bear; and any additional price that is placed upon this beef by virtue of an impost upon its importation from abroad will, every dime of it, go out of the pockets of the consumers of beef and into the pockets of the packers.

It is inconceivable to me why you want to give this inordinate bonus to a lawless industry which you but lately denounced and have introduced all character of stringent regulations to control, whose predatory operations have been denounced on this floor as a national scandal by the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Wyoming [Mr. KENDRICK], the Senator from Idaho [Mr. BORAH], and a half dozen other Senators. Your Trade Commission has reported that the price of beef is not fixed by the cost of its production, is not fixed by any natural law, but is in the absolute and ironclad control of a lawless and insatiate monopoly, and that there is absolutely no competition between the sellers of beef in this country. In that event the only competition that exists in the wide world is from abroad, from somebody that will sell a pound of beef that is not prepared by a packer; and you first affirm, and solemnly by your votes confirm the statement, that there is no competition at home, and then in the next breath you deliberately attempt to destroy competition abroad. From the Senator's own statement, it is a crime to put additional millions into the pockets of people that you have already said were robbers.

Mr. BURSUM. Mr. President, I suggest to the distinguished Senator from Kentucky that the Senator from Nevada [Mr. PITTMAN] yesterday called attention to a very pertinent factor which affects the tariff on beef, which is that to open the markets of this country to the trade of the world and have beef on the free list simply means giving the packers additional power with which to crush an industry in this country, for the reason that it is notorious that the Argentine beef, which can be imported into this country, and which has been grazed on cheaper land and produced by cheaper labor and at a lower cost, is controlled by the packers of this country, and can be handled only by them; so that in failing to give adequate protection to the grower of this country against the ruinous competition of other countries we are simply putting into the hands of the packers a club with which to destroy our own industry, and whenever that industry is destroyed we will pay the price.

It is not only for the best interests of this country, but I think it is for the best interests of the world, that America should maintain her live-stock industry. Unless we permit the live-stock industry to thrive and continue to exist and to raise cattle in this country, there will be no market to which the American farmer can sell his grain and sell his corn, and if we destroy that industry we will destroy the American farm, and if we destroy the American farm there will be very little use for the metropolitan cities and industries of this country.

Mr. WALSH of Massachusetts. Mr. President, if I may state a fact which I think will help the discussion which the Senator from Kentucky has opened up, a good deal is said about the destruction of this industry. What are the facts? Can the beef industry be destroyed by foreign importations? What is the record of 1921? The total production in this country is

6,194,000,000 pounds. What was the importation in the year 1921? Twenty-seven million pounds, four-tenths of 1 per cent, imported into this country. If a tariff is justified upon an importation of four-tenths of 1 per cent, then it is justified on every single thing that is produced in America. What are the exports? Fifty-two million pounds, twice the imports.

So here is an industry producing 7,000,000,000 pounds, and exporting twice as much as is imported, asking for a tariff duty which is an increase of 133 per cent over the Payne-Aldrich bill and an increase of 75 per cent over the emergency law and over the House bill. It can not be justified on the facts that are disclosed here, that the importations are one-half the exportations, and that the importations are only four-tenths of 1 per cent of the production.

Mr. STANLEY. Mr. President, I am somewhat puzzled by the ambidextrous mental operations of the protectionists. We are told that if you put this duty on you may make the production of beef more profitable, that is, you raise the price; and then, when you are reminded that it would work an injustice to the consumer, it is said that it will curb monopoly, prevent its extortions. The only way you can do that, of course, is to lower the price of beef.

Protectionism under this new arrangement works a good deal like the mint juleps used to in my country before the Volstead law went into effect. In cold weather you took them to warm you, and in warm weather you took them to cool you. It will raise the price of beef to the man who is selling, and automatically lower it to the man who is buying.

How the beef packer can be hurt by a duty which will insure him the absolute control of the American market, because he happens to have a slaughterhouse in Rio de Janeiro or Buenos Aires, is beyond my ken. How this industry is to be destroyed by a failure to put a duty on a commodity that can only affect one-half of 1 per cent of the total output is beyond my ken. How a duty can affect an industry that is not affected by it is beyond my ken.

The production of beef in this country is the business of the farmer. The packing and selling of beef is the business of the packer. It is admitted by everybody that the packer fixes the price when he buys the beef without regard to a tariff, and fixes the price when he sells it without regard to a tariff. It is admitted by everybody that the only reason the farmer is not out of business now is because the packer is wise enough to see that if he did not pay just enough to keep the other fellow raising beef he would quit raising it, and the farmer lives now by grace not of the generosity but of the astuteness of the packer and the wise limits he places upon his own cupidity and not from any tariff duty whatsoever.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Mexico?

Mr. STANLEY. I yield.

Mr. JONES of New Mexico. The Senator from Kentucky and the Senator from Massachusetts likewise referred to the fact that the importation of beef, compared with the entire consumption in the United States, is very small. Of course, that is a fact, but it seems to me that the effect upon the beef market can not be considered in the same way, for instance, as a small importation of clothing or a small importation of wheat or a small importation of cotton. The fresh-meat market is sui generis.

For instance, if a cargo of beef from Argentina should reach the New York market, you would have in that one cargo not a small percentage of the meat demand of the city of New York but you would have perhaps 100 per cent in that one cargo of the meat requirements of the city of New York. Fresh beef is something which must be consumed within a relatively short time after it is produced. It is a perishable article, in a sense. It is true we can keep it in our abattoirs for a considerable length of time, but, generally speaking, that is not the custom of the trade, and when one cargo comes into New York City it simply gluts the market, and I think it is not susceptible to the general argument which is presented on the floor of the Senate time and again, regarding the very small importations compared with our whole consumption, because when these cargoes come into New Orleans, Baltimore, Philadelphia, New York, or Boston the one cargo destroys that market absolutely, at least for a time. It demoralizes it, to say the least, in my opinion.

Mr. STANLEY. Mr. President, I am very glad to have the Senator from New Mexico call my attention to that phase of the situation. Notwithstanding the fact that I am bitterly opposed to an extension of Federal authority, or Federal usurpation, I have often thought of the propriety of passing certain laws which should govern the District of Columbia alone. We have plenary control here. For instance, we could, without stretching the tether of our constitutional authority, provide that merchants in the District of Columbia should put the purchase price of commodities in the same figures in which they put the selling price, and enable the purchaser to know the difference between the cost of a pair of shoes and the price of a pair of shoes, between the cost of a loin of beef and the price of a loin of beef, between the cost of a suit of clothes and the price of a suit of clothes. That would be of comparatively small importance as far as a few consumers in the District of Columbia are concerned, but it would be hard to measure the moral influence of that sort of thing all over the United States.

In the same way a few markets where actual competition is possible might furnish a graphic exposure of any profiteering by profiteers elsewhere, whether by packer or retailer.

If, for instance, the inordinate demands of the Beef Trust or the butcher should raise the price of chilled meat to such an extent as to overcome the handicap of the cost of transportation and the inferiority of the frozen meat shipped here from New Zealand, or from South America, and it should be shipped into New York, or Charleston, or San Francisco, and you could, in the markets of these cities, where they had the benefit of foreign competition, buy a steak for 25 cents for which you would pay 90 cents in an inland town, it would call the attention of the country graphically to the extortion of this great combination, which you say absolutely controls the very staff of life.

It is bad enough to have a monopoly upon tobacco or upon medicines or upon clothing or upon lumber, but when monopoly fastens its fangs upon the vitals of the American people, upon that which is necessary to their life, and their strength, and their vigor, and their comfort, and their physical and mental development it has committed a still more odious crime; and when we for any reason are tender with monopoly which touches so vital an article as meat there is excuse for every other character of extortion upon steel products, upon barytes, upon graphite, upon chemicals, and upon everything else.

I have precipitated myself into the fight against this iniquitous duty, notwithstanding the fact that I have constituents who may deem themselves affected by it. There is not a man upon this floor who has a constituency more generally engaged in the raising of cattle than I. You have your vast ranges in New Mexico, in Wyoming, and in Texas, but my State is one emerald lawn from the mountains almost to the Mississippi, and the raising of cattle is universal. There is not a farmer who has not a vital interest in it; but because my constituency might possibly be profited by it—though I do not think they would be—or because they believe they would be profited by it, I will never shut my mouth to the iniquity of this thing.

Years ago poor old General Hancock, now of blessed memory, said that the tariff was a local issue, and he was laughed to scorn. There was a time when men consistently believed in protection and defended it and maintained it as a great, sane, and well-founded policy, men of the type of Clay, of Webster, and of Hamilton, who demanded a reasonable duty for a reasonable revenue, economically expended. They are dead and gone, and their sane though mistaken policy is forgotten, and to-day you have not the faith of protectionism; you have the fetish of protectionism, not a wise policy, but a Chinese joss, which they worship without understanding, under the insane and absurd delusion that there is no end to the amount of wealth that may be obtained by the amount of wealth that is taken; that the more you tax a people the richer they are; that the greater the impediment you put upon commerce the freer it is; the higher things are to purchasers the greater their comfort and the wider their prosperity.

On the other side we are against protectionism, we are against this infamous and outrageous fallacy, so long as nobody in my neck of the woods gets the benefit of the unclean and abominable thing. There is no more excuse for a duty on hides than there is for a duty on steel. There is no more excuse for a duty on long-staple cotton than there is for a duty on iron ore. There is no more excuse for a duty on beef than there is for a duty on finished linen, and the quicker we face the music the better. The measure of the iniquity of a duty is the harm that it does the fellow it hits, and this thing hits at the mouth and the table of the people of America; and whether my people raise cattle or not, I will not hesitate, so long as I occupy a seat on this floor—and God gives me the strength and the courage to say it—to declare that it is a naked abomination in the sight of gods and men.

GEORGE WASHINGTON AND THE BONUS QUESTION.

Mr. WATSON of Georgia. Mr. President, I fully agree with the brilliant Senator from Kentucky [Mr. STANLEY] that there never was a tariff that was not dishonest and immoral. The

very essence of it is the robbery of one man to enrich another, the stealing of one man's money to put it in the pocket of another. Disguise it as we may, that is what tariffs are; that is what they have always been. From the time the shoemakers of Lynn, Mass., asked the first Congress to give them a protective duty, the manufacturers have been robbing the farmer, until to-day the farmer is sunk into the depths of despair.

However, Mr. President, that is not the purpose for which I rose. I wanted to call the attention of the Senate and the country to the fact that the Senator from Idaho [Mr. BORAH] appears to have obtained his opinion of George Washington from the biography written by Parson Weems. Some of the biographers do not seem to have read the 14 volumes of George Washington's writings. For instance, I heard read in the Senate the other day a statement by one of these biographers to the effect that Washington never bought or sold negroes. Begging the pardon of the Senate for interrupting the tariff debate for just an interlude, allow me to read, from page 190 of volume 2 of the "Writings of George Washington," the following statement:

> I doubt not but you will be surprised at the badness of their condition unless you will consider under what terrible management and disadvantages I found my estate when I returned from the public service of this colony; and that besides some purchases of land and negroes I was necessitated to make adjoining me—in order to support the expense of a large family—I had provisions of all kinds to buy for the first two years, and my plantation to stock, in short, with everything; buildings to make and other matters which swallowed up, before I well knew where I was, all the money I got by marriage—nay, more—brought me in debt, and I believe I may appeal to your own knowledge of my circumstances before.

On page 211 of the same volume I find a letter to Capt. John Thompson:

> MOUNT VERNON, *July 2, 1776.*
>
> SIR: With this letter comes a negro (Tom), which I beg the favor of you to sell in any of the islands you may go to, for whatever he will fetch, and bring me in return from him—

I hope, Mr. President [Mr. WILLIS in the chair], you will listen to this. I regret that the Senator from South Dakota [Mr. STERLING] is not present.

> One hogshead of best molasses.
> One hogshead of best rum.
> One barrel of limes, if good and cheap.
> One pot of tamarinds, containing about 10 pounds.
> Two small ditto of mixed sweetmeats, about 5 pounds each.
> And the residue, much or little, in good old spirits.

That was in clear violation of the Volstead law and the Willis-Campbell Act. Here was the Father of his Country converting a runaway negro into West Indian fire water!

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. I do not wish to interrupt the Senator, but I was a little surprised at that statement. I was always under the impression that George had his own stillhouse and made his own liquor.

Mr. WATSON of Georgia. I am not prepared to say at present whether the impression of the Senator from Kentucky is correct or not, but in the biographies it is said that the first thing he did on rising in the morning was to take a drink of rum, and that at his dinner table he always had small cider or beer and finished up with two glasses of Maderia wine.

Mr. STANLEY. Does the Senator believe that is one reason why he never told a lie?

Mr. WATSON of Georgia. That is certainly one of the reasons.

Let us see what Washington said about the negro, Tom, whom he wanted to sell:

> That this fellow is both a rogue and a runaway—though he was by no means remarkable for the former, and never practiced the latter till of late—I shall not pretend to deny. But that he is exceedingly healthy, strong, and good at the hoe, the whole neighborhood can testify, and particularly Mr. Johnson and his son, who both had him under them as foreman of the gang; which gives me reason to hope he may with your good judgment sell well, if kept clean and trim'd up a little when offered for sale.

That is what the Father of his Country said. Assuming that Captain Thompson kept this negro, Tom, clean and well trimmed up and got a good price for him, there came back to Mount Vernon at least 1 hogshead of molasses, 1 hogshead of the best rum, and the residue, which must have been considerable if Tom was kept clean and well trimmed up, in good old spirits. Did he anticipate that the time would ever come when we would have the Volstead law and the Willis-Campbell Act?

Mr. President, as I said, this simply shows that we can not trust biographers, because Parson Weems does not tell us a thing about this, and even the scholarly biography of the senior Senator from Massachusetts [Mr. LODGE] does not tell us that George Washington sent off undesirable negroes to the West Indies to have them sold and converted into rum, to drink them up, so to speak.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. With pleasure.

Mr. MYERS. I desire to remind the Senator that the world progresses, that both slavery and rum have been abolished in this country.

Mr. WATSON of Georgia. I wish I could believe that.

Mr. MYERS. They have been abolished by edicts of law. Of course, it takes some little time to put the edicts of law into effect some times.

Mr. WATSON of Georgia. Unfortunately, those things simply change their shape. The same old thing persists, but it takes on a different form. There are three things mankind has never been able to dispense with. I shall not name either one of the three, because if I named one I might be called upon to name the other two.

Now, Mr. President, I have just read in the morning papers that a certain association of disabled veterans have met at Philadelphia and denounced the soldiers' bonus, upon the idea that the disabled soldier has not been provided for. Why, Mr. President, whoever is in charge of that convention was ill informed. This Congress has been most generous to the disabled soldier. So far as I can recall, not a single appeal has been made in his behalf in the Senate that fell upon deaf ears or upon hardened hearts. There has been a prompt response to every appeal made for the disabled veteran, and if he is not now receiving at the Walter Reed Hospital and all other similar hospitals the most generous, attentive, kind, and scientific treatment, then the law which we have passed here has not been faithfully carried out by those to whom it was intrusted. It is not our fault, Mr. President, if the disabled soldier is not being cared for in a manner more liberal than ever was planned before in the history of mankind.

Mr. ASHURST. Mr. President, will the Senator allow me to make the observation that Congress has done its full duty with respect to furnishing funds. Thirty-five million six hundred thousand dollars has been appropriated by Congress for new buildings and extensions of buildings.

Mr. WATSON of Georgia. I gladly bear testimony to the zeal of the Senator from Arizona in behalf of the disabled and diseased veterans. No man on this floor has been more courageous and more insistent upon giving these men the very best that the Government had, and if they are not now getting it it is not his fault, it is not my fault, it is not yours, it is not that of any colleague of mine on the floor of the Senate.

Can we in behalf of the soldiers cite the great authority of George Washington in favor of a bonus? Mr. President, when in the history of the world did any soldiers ever render such service to their country, at their country's command, as was rendered by the soldiers in the World War? Heretofore in every war we have ever had the soldier was within reach of his family, his kindred, his friends, by correspondence and by furlough. The soldier could go home and refresh himself among the associations of his family and his kindred and his friends.

When before was the soldier denied the right to send a letter to his mother, to his wife, to his sister, to his sweetheart, to his friends? Never before. When ever was he compelled to go 3,000 miles from home, put his foot upon foreign soil, and fight for that which he did not fully understand? Never before.

Let us come to what Washington said. I want to read it into the RECORD. I want the country to know it. There is one paper which will carry what we say here. No matter how much the metropolitan press may emasculate what we say, the CONGRESSIONAL RECORD will carry exactly what we say, and it goes to the people sooner or later.

There is no authority higher than that of Washington, and when he has spoken in behalf of rewarding the soldier, over and above his pay, then we will defy the opponents of the bonus to produce a witness who is of the same class as he whom we produce. I do not know what other Senators have resolved, but I have reached this resolution and shall stand by it. While the tariff makers are here from day to day voting bonuses to the profiteers who made money, who made millions, who made billions, off the sacrifices of our soldiers in France—while these bonuses are being voted to the American manufacturers and the American trusts who stand at the headwaters of life and charge the people down below on the stream for that which shall make them live, that which conserves life, that which they must have to eat and to wear and to work with—while these bonuses are being granted by Congress to the profiteers of the war I shall do all in my power, God being my helper, to see that the man who carried the rifle shall have his bonus, too.

Not one additional tax would I put upon the American citizen. He is taxed to death now. If I had my way, I would either adopt the plan of the Senator from North Carolina [Mr. SIMMONS] and make the foreign debt the basis of a soldier's bonus, or, preferable to that plan, in my judgment, would be, to cause the Government to reissue an amount of currency equal to that which has been called in and destroyed by the Federal Reserve Board, ruining our country by contraction of the currency in such colossal proportions as never before were known. If that money were reissued, over two thousand million dollars of it, it would do what it did when it was put in circulation; it would tingle through the veins of business like new blood in the bodily system; it would resurrect those industries that have died and have been buried; it would give employment to every idle hand; it would give hope to every despairing farmer.

Here is a letter from Fairfax City, Va., dated 24th of June, 1771:

SIR: Your letters of the 15th of December from Georgia, and 20th of April from Charlestown, came duly to hand. In answer to them, I have only to inform you that my advertisements which you referred to were issued in consequence of instructions from our late governor and council, and that I have nothing more to do in the affair than to receive and deliver to them the several claims of the respective officers and soldiers who embarked in the service of this colony in the year 1754 (under a proclamation of the then governor offering a reward of 200,000 acres of land to all those who should voluntarily engage in an expedition against the French, who were at that time encroaching on His Majesty's lands on the Ohio).

Some may think that this means that those volunteers were to be paid in land for their services. I wish to show, Mr. President, that this bounty in land was over and above their pay. It was a bounty pure and simple. Here it is:

Letter to Lord Dunmore—

Who was then the Governor of Virginia—

Mount Vernon, 3d April, 1775.

Omitting the first part, which is not important, the general trend of the letter being to urge the governor to redeem the promise made by Governor Dinwiddie in his proclamation of 1754. Washington quotes from that proclamation, at page 467 of the same volume 2 of the Writings of George Washington:

For an encouragement—

This is a quotation from the proclamation of the governor—

For an encouragement to all who shall voluntarily enter into the said service. I do hereby notify and promise, by and with the advice and consent of His Majesty's council of this colony, that *over and above their pay*—

Washington himself underscores those words—

over and above their pay 200,000 acres of His Majesty the King of Great Britain's lands, on the east side of the Ohio River, within this dominion * * * shall be laid off and granted to such persons who by their voluntary engagement and good behavior in the said service shall deserve the same.

There, Mr. President, is a bounty pure and simple. It is "over and above their pay." Here is a bonus, here is a bounty, here is a reward given to the soldiers for fighting whom? For fighting a lot of Indians, who probably had no arms except bows and arrows and tomahawks.

Our soldiers in the World War went abroad and faced the deadliest missiles that ever were hurled in war; they faced the perfected rifle; they faced the perfected cannon; they faced the terrible poisonous gas; they faced everything that the devils in hell could have faced. They were true to the test; and now this country, which promised them so much when they were being enrolled, which said to them as they were mustered under the flag, "Nothing that we can do will be too good for you when you come home"—this country is now treating those soldiers as if they were a lot of merely tolerated nuisances. They are almost begging their bread from door to door and street to street. It is a shame to the Republic to treat these soldiers in this way. Go on from day to day and vote your bonus to the war profiteers; go on and vote your bonus to the Powder Trust and the Steel Trust and the Salt Trust and the Cement Trust, and then wait and see what the people will say to you when they come to the ballot box in November.

On page 356 of volume 2 of the Writings of Washington there is another letter to Lord Dunmore and council, under date of 5th of November, 1772. In that letter General Washington is still urging the governor to keep faith with the soldiers. "Keep your word; do what you said you would do," that is the essence of the letter.

He sets out on page 357 the number of acres that each man should get:

Col. Joshua Fry's heir, being short of his full ninth at the last distribution, 7,232 acres.

George Washington's name comes next, and he is also short of his ninth and should have more land.

Then he goes on and gives a list of those who were short in the distribution and should have more. On page 458 he says that the shortage due to George Washington was 3,500 acres of land. And, mind you, that was over and above his pay.

Let no man contend that these soldiers were paid in land for their services. This is distinctly stated to have been over and above their pay, as a bonus, a bounty, a reward, a gratuity from a generous people grateful to the soldiers who had protected the border from the Indian's tomahawk and his torch.

We in our day, Mr. President, can not realize what it used to be out on the frontier in the West and in the great Northwest, when the English ministry were hiring the Indians to make war upon the scattered settlements, and when the head of a family, going to bed at night after a hard day's work clearing up his farm, did not know what hour of the night would arouse him with the Indians' war whoop or when the flames might enwrap his cabin and his family be slaughtered on the threshold. We have forgotten all that, and yet it does not take much imagination to recall the time when the border was the scene of unspeakable outrages day after day and night after night.

On page 361 of volume 10 of the Writings of George Washington I find a letter to John Witherspoon, dated Mount Vernon, November 10, 1784. That was after the Revolutionary War had ended. The eight years' struggle was over. No longer would northern troops or southern troops march barefooted over the frozen ground, leaving bloodstained footprints where they marched with naked feet; no longer would they shiver and hunger in camp for lack of clothing and lack of food. The great struggle was ended, and 3,000,000 American colonists, who had been aroused by the eloquence of Patrick Henry and of Samuel Adams and Dabney Carr and John Adams, had thrown off the shackles of a tyrannical king, and at last the thirteen American Colonies stood erect in the plenitude of State sovereignty, each one by name recognized by King George as free and independent States.

REVEREND SIR: The recourse which I have had to my papers since I returned home reminds me of a question which you asked me in Philadelphia respecting my lands to the westward of the Alleghany Mountains, to which I was unprepared at that time to give a decided answer, either as to the quantity I had to let or the terms upon which I would lease them.

Upon examination I find that I have patents under the signature of Lord Dunmore (while he administered the government of this State) for about 30,000 acres, and surveys for about 10,000 more, patents for which was suspended by the disputes with Great Britain which soon followed the return of the warrants to the land office.

That is a modest way of stating the Revolutionary War—"disputes with Great Britain"—the attempt of England to keep these American Colonies in subjection and to hold them down in their commerce with tariff laws which did not even allow an American manufacturer to make a horseshoe nail.

He says:

From this description of my lands, with the aid of Evan's or Hutchin's map of that country, a good general knowledge of their situation may be obtained by those who incline to become adventurers in the settlement of them; but it may not be improper to observe further that they were surveyed under the royal proclamation of 1763, granting to each commissioned and noncommissioned officer according to his rank, and to the private soldier certain quantities, and under a yet older proclamation from Mr. Dinwiddie, then lieutenant governor of the Colony, issued by the advice of his council to encourage and benefit the military adventurers of the year 1754, while the land office was shut against all other applicants. It is not reasonable to suppose, therefore, that those who had the first choice, had five years allowed them to make it and a large district to survey in, were inattentive either to the quality of the soil or the advantages of situation.

In a letter to Robert Stobo, dated November 27, 1771, General Washington said that each field officer was allowed a bonus of 15,000 acres; each captain, 9,000; each subaltern, 6,000; each cadet, 2,500; sergeant, 600; each corporal, 500; and each private soldier 400 acres apiece.

Again, writing to Edmund Randolph, then considered one of the ablest lawyers in America, and who was the private attorney of George Washington, under date of the 18th of March, 1784, he writes about his lands as follows:

The land was obtained under a proclamation of Mr. Dinwiddie, issued by the advice of his council February 19, 1754, for encouraging the raising of troops for an expedition to the Ohio. It was surveyed pursuant to warrants granted by Lord Dunmore and patented December 15, 1772.

This is in Virginia, Mr. President. It is not in the wilds of the Ohio. It is not on the banks of the Kanawha. It is in Virginia—10,990 acres in Fincastle County; 4,395, 2,448, and 2,314 in Botetourt County, one of the best counties in Virginia. There were more than 9,000 acres in Botetourt and 10,990 acres in Fincastle, every acre of which was over and above his pay, every acre of which was a bounty, every acre of which was a

reward for his military services; and George Washington, a man of the highest sense of honor, had no scruples whatever about accepting it.

Here is what he said in writing to Israel Putnam—General Putnam—who is said to have galloped down a certain stairway during the Revolutionary War when the British were after him. It just so happened that there was no stairway there. The Daughters of the American Revolution, however, with a nice sense of what should have been, put the stairway there, and it is there now; and no doubt if it had been there at the time that General Putnam galloped down the hill he would have galloped down those very steps. In writing to General Putnam, under date of June 2, 1784, Washington says:

I wish it was in my power to give you a more favorable account of the officers' petition for lands on the Ohio and its waters than I am about to do. After this, and information respecting the establishment for peace, were my inquiries solely directed as I passed through Annapolis on my way to Philadelphia, but I could not learn that anything decisive had been done in either.

He says further:

At Princeton (before Congress left that place) I exerted every power I was master of and dwelt upon the arguments you have used to show the propriety of a speedy decision. Every member with whom I conversed acquiesced in the justice of the petition; all yielded or seemed to yield to the policy of it, but plead the want of cession of the land to act upon. This is made and accepted.

That referred, Mr. President, to the cession of the magnificent tract of land known as the Northwest Territory by the State of Virginia, which then owned it—the magnificent territory out of which several States were subsequently carved. These officers had the backing of Washington in asking for a bonus, a bounty, out of that land, and Congress finally yielded.

Washington was not only speaking collectively to the Congress but, according to his own statement in this letter to Gen. Israel Putnam, he was lobbying with each individual Member of Congress to donate that land to the officers and men, as they afterwards did.

Mr. President, on page 267 of volume 10 of the Writings of Washington will be found another letter to the President of the Congress of these thirteen independent States, dated 1783, urging Congress in the strongest terms to grant bounties to these officers and soldiers; but, not wishing to weary the Senate, I will conclude by reading from a lengthy letter which Washington addressed to the governors of all the States, when he came to disband his army. He issued this letter from his headquarters at Newburgh, on the 8th of June, 1783. The great soldier was about to sheathe his sword. The invincible army was about to disperse. The soldier who had left his plowshare in the field and had met the red line of Great Britain and had crushed it down in defeat was about to return to the peaceful pursuits of civil life; and while Washington himself—then a very wealthy man, partly on account of these bounties he had received in the Indian wars and in the French war, and partly on account of his marriage—would take no salary himself, he was urgent, insistent that the new Republic, independent at last after eight years of arduous struggle, should not prove itself ungrateful to those men who had borne its muskets, had made its marches, and had won its triumphs.

Here is what he said in that circular letter, almost equal if not quite equal to his farewell address, found at page 262 of volume 10 of the Writings of George Washington:

Rewards, in proportion to the aids the public derives from them, are unquestionably due to all its servants. In some lines the soldiers have perhaps generally had as ample a compensation for their services by the large bounties which have been paid to them, as their officers will receive in the proposed commutation; in others, if, besides the donation of lands, the payment of arrearages of clothing and wages (in which articles all the component parts of the army must be put upon the same footing), we take into the estimate the douceurs many of the soldiers have received, and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no one will enjoy greater satisfaction than myself, on seeing an exemption from taxes—

That is, for the soldiers—

for a limited time (which has been petitioned for in some instances), or any other adequate immunity or compensation granted to the brave defenders of their country's cause; but neither the adoption or rejection of this proposition will in any manner affect, much less militate against, the act of Congress, by which they have offered five years' full pay in lieu of the half pay for life, which had been before promised to the officers of the Army.

* * * * * * *

Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery; and nothing could be a more melancholy and distressing sight than to behold those who have shed their blood or lost their limbs in the service of their country without a shelter, without a friend, and without the means of obtaining any of the necessaries or comforts of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description belonging to your State to the warmest patronage of your excellency and your legislature.

As to the idea which, I am informed, has in some instances prevailed that the half pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever.

Let the country listen to this:

Who does not remember the frequent declarations at the commencement of the war that we should be completely satisfied if, at the expense of one half, we could defend the remainder of our possessions?

Washington, the war being over, remembered what was said when the men were being called to the flag. He remembered what had been promised. He remembered how the country felt when it went into that struggle, 3,000,000 colonists against the greatest empire in the world, an empire which had lost battles but had never lost a war until she fought America. Battles she had lost all over the globe, wherever England's drum beat had been heard and wherever her thin line had been thrown out to fight, but she never lost a war until she lost two of them to us; and if she tackles us again, she will lose the third one. But, Mr. President, Washington had a long memory. He did not forget how the country talked to the soldier when it asked the soldier to come out from private life and shoulder a musket. Shall we forget? Have we forgotten?

What has become of all the songs that were sung, of all the speeches that were made, all the music that was heard, all the garlands that were entwined around the necks of those heroes who were about to leave their native soil to fight 3,000 miles from home? Has the country forgotten them? Are these departments treating these men as if they were half enemies? Is every doubt resolved against the soldier? Has the country become ungrateful? Is Congress forgetting the soldier and remembering only the manufacturer, who wants to increase his grapple on the throats of the American consumers? That is the real question here in the Senate, no matter who speaks or what he says.

MOB VIOLENCE AT HERRIN, ILL.

Mr. MYERS. Mr. President, with reference to the horrible Herrin, Ill., massacre, about which I made some remarks in the Senate on Saturday, I have an editorial which appeared in yesterday's Washington Post. It is entitled "From tragedy to travesty." I will read it. It is as follows:

FROM TRAGEDY TO TRAVESTY.

A coroner's jury in the enlightened State of Illinois has declared that responsibility for murder rests on those who arouse the enmity of men performing the act of killing. Miners on strike slaughtered a score or more of defenseless human beings and mutilated the dead bodies. The verdict of a jury, representing "the united sentiment of Williamson County," exonerates the butchers, puts the single direct charge of murder on one of the dead victims, who is said to have killed one of the attacking mob, and ironically recommends that an investigation be held to fix the blame for the massacre personally on individuals owning the mine where the riot was staged.

Comment is superfluous. How long are the mental processes which hold the killing of individuals by unions to be beyond punishment by law to go unchecked and uncorrected? That is the abstract question. The concrete one is whether the State of Illinois will let this case rest as it now stands—whether it will disgrace itself and humiliate the rest of the country by allowing wholesale murder to go without rebuke.

When I made my remarks in connection with this subject on Saturday last, I made the prediction that there would be nothing done about this horrible atrocity; that no punishment would be meted out to the perpetrators of it; and, from the very peculiar action of the coroner's jury which sat upon the bodies of the dead victims, it appears very probable that my prediction will prove to be true.

That massacre was one of the most atrocious assaults that has ever been made in this country on constitutional government, on the constitutional guaranty to every resident of the United States of the right to life, liberty, and the pursuit of happiness; it is one of the worst acts of defiance to all law and government ever committed in this country. If that sort of thing is to continue and to go unpunished, constitutional government can not endure. If the time has come when that sort of thing can exist without punishment, without vindication of the law, constitutional government in this country is nearing its end.

That act was one of the most horrible and reprehensible that has ever disgraced the annals of this country. It is anarchy pure and simple, ruthless defiance of the Federal Government and State government, defiance of the Federal Constitution and the State constitution, defiance of all constituted law and authority. It substitutes for all thereof the lawless individual will and judgment of the perpetrators of the atrocity.

What is worse than the commission of the crime itself is the fact that the united populace of the county where it occurred appears to approve of it. The populace of Williamson County, Ill., appears to be unitedly and 100 per cent disloyal to the United States and its Constitution. There we have an instance of an entire county being in rebellion against the Government of the United States and its Constitution, and against the government of the State in which it is situate and

its constitution as well, disloyal to both Federal and State Governments with no prospect of anything being done about it.

There has been a good deal said of late about the usurpations of the courts on the rights of the people, but there is little room to talk about other usurpations so long as such usurpations as this, upon not only the rights but the lives of people by lawless individuals can exist and go unrebuked and unpunished.

There is little room to talk about lynching in the South on account of heinous crimes so long as this sort of thing can be permitted to occur with impunity in other sections of the country and go unpunished. There is little use for us to talk about the atrocities of the Turks perpetrated upon the Armenians so long as a thing of this kind can happen in this country apparently without any punishment for it.

If this horrible crime and atrocious assault upon Government is to go unpunished, the dereliction of the officers who neglect to do their duty will be worse than the commission of the crime itself, and I see no indication of any intention on the part of the officials of the county in which this atrocity occurred, or of the officials of the State of Illinois, to mete out any punishment to the perpetrators of the shocking crime.

The belief of the perpetrators of this atrocious crime apparently is that men who want to work and do not belong to their union have no right to live, and that the penalty is death. These men constitute themselves the judge, court, jury, and executioner of their own self-made, private law. They will not themselves work and will not permit anybody else to do so. They put themselves above the law, above the Constitution, above society.

If that sort of thing can prevail in the United States, our boasted liberty and freedom of the individual and his constitutional rights amount to nothing. I predicted Saturday that the probability was that there would be no punishment for this offense; I again predict it; and if there be nothing done to remedy this awful wrong and to vindicate the law, either by Federal or State officials, I predict that it is going to create the greatest and most powerful wave of indignation amongst the law-abiding people of this country that the country has ever known. If the officials of the State of Illinois do nothing more than they have done, apparently, to uphold the dignity of the law; if they do nothing to punish this atrocious assault upon constitutional government and upon the lives and persons of peaceful people, the State of Illinois will not be entitled to a place in this Union of States and will be a disgrace to the Union. The public is waiting to see if this is a Government of law and order. The sequel is of tremendous importance.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES.

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back favorably, without amendment, Senate Resolution 310, giving consent to an adjournment of the House, and I ask for its immediate consideration.

This is in a little different form from similar resolutions which have been offered heretofore on occasions of this kind, in that, while it is usual, when one of the Houses is about to adjourn, for the resolution to come from that House and go to the proper committee of the other House, this resolution has been offered in the Senate and referred to the Appropriations Committee, and is reported, to be effective when the business of the Congress has reached a point where it is proper for the House to adjourn.

The House desires to adjourn until the 8th of August, after the completion of certain work that must be done and after the final passage of certain bills which seem very important. That, of course, requires the consent of this body. Hence, after arranging with the floor leaders and managers on both sides, the resolution was offered and referred to the Committee on Appropriations, and it is now reported back with a recommendation that it be agreed to.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 310) submitted by Mr. CURTIS on the 26th instant, as follows:

Resolved, That the consent of the Senate is hereby given to an adjournment of the House of Representatives to Tuesday, August 8, 1922.

Mr. POMERENE. Mr. President, I understand this resolution was presented originally here in the Senate.

Mr. CURTIS. Mr. President——

Mr. POMERENE. Just a moment, please. May I ask the Senator from Wyoming if the House has requested this action?

Mr. CURTIS. I offered the resolution at the request of the floor leader of the House, after consultation at the other end of the Capitol with Members on both sides of the aisle.

Mr. POMERENE. Would it not be a little more regular if the request were to come in the formal way, by a resolution duly passed by the House?

Mr. CURTIS. That matter was discussed with them, and they preferred this course. In fact, they drew the resolution, because they thought if they passed a resolution and sent it to the Senate, we might pass it, and that might cause an adjournment on their part before they were ready to adjourn. There are certain matters in conference and certain bills which they want to get through before they take their adjournment, and they will simply take advantage of this resolution at the proper time, if it is passed in this way.

Mr. POMERENE. I do not know that I am going to object to it, but to give our consent to the House adjourning before there is any formal presentation of that request by the House strikes me as a little out of order.

Mr. CURTIS. They want to have it handled in this way so that when they complete their business they can adjourn without sending a resolution to the Senate. If they should send one here now and we should adopt the resolution fixing their adjournment on a particular day, they might not have their business completed and be ready to adjourn at that time, which would necessitate a reconsideration of the resolution. As I stated a moment ago, this resolution may be passed in this form, as it was drawn by Members of the House and introduced at their request. Members on both the Democratic and Republican sides of the House have talked to me in reference to it.

Mr. POMERENE. It looks to me a little like a repetition of the old story, "Here is your hat; what's your hurry?"

Mr. CURTIS. They ask for it.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator not to push the resolution now. I have not had a chance to consult with members of my own party in the House as to their position on the resolution. Of course, there is a great deal of important legislation now pending in the House of Representatives. Whether they desire to adjourn and leave that legislation to await reassembling after the adjournment is, of course, a question for the House to determine. I would not desire to express an opinion as to what they should do, but I would not be willing to foreclose the proposition, so far as my party colleagues in the House are concerned, without knowing their viewpoint. Therefore I could not consent to the proposition coming up by unanimous consent.

Mr. CURTIS. Very well, Mr. President; let the resolution lie on the table.

Mr. UNDERWOOD. I want to find out what their position is.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. HEFLIN. Mr. President, my understanding was that the House Members who were interested in having the Muscle Shoals matter determined at an early date wanted more time to consider the proposition, and that while they were marking time in the House with not much to do they would have a chance to thresh out all of the bids over there and decide what disposition they would make of the Muscle Shoals project. The very next day we are asked to consent for the House to adjourn. I would like to have a chance to look into the matter, as my colleague has suggested. It strikes me that the House would want to stay here and see if it can not settle upon a policy regarding the great Muscle Shoals project. It is a great national project and this matter ought to be determined as soon as possible. Let the House act now on the Ford offer. Mr. Ford is entitled to know whether his offer is going to be accepted or not. The farmers of the South and West are interested in early action on this matter, and they want favorable action on the Ford offer.

The VICE PRESIDENT. The resolution has been laid on the table.

Mr. WARREN. Mr. President, I wish to say in this connection that I understand the expectation of the House is not to adjourn for two or three weeks, until important matters are completed which are being considered there now. I have no information and no intimation which would lead me to think that the matter of Muscle Shoals is connected with the resolution in any way.

I wish to say with reference to the adjournment of the House that the promise of the managers is that there shall be no adjournment, of course, until all appropriation matters are finished, and a number of important matters which I think they have agreed on both sides of the House shall be taken

up and disposed of, so far as they are concerned, before adjournment.

Mr. POMERENE. Let me ask the Senator a question. As I understood him a moment ago, he stated to the Senate that his understanding was that the House would continue in session for two weeks or thereabouts.

Mr. WARREN. Yes; or for a very considerable time.

Mr. POMERENE. That being so, what special reason is there for action upon the resolution now?

Mr. WARREN. The special reason which seems to exist upon the other side, very important to them, is for this very arrangement of their program and keeping a quorum for the finishing of the necessary legislation.

Mr. HARRISON. Did the Senator mean they are going to stay in session on the other side two or three weeks now, or did he mean when they returned here August 8 they will be in session two or three weeks?

Mr. WARREN. They have to remain in session until certain legislation which they have over there is completed, which, of course, includes the appropriation bills from this side. They may adjourn three days at a time, but they will not adjourn for a lengthy time. I do not know when the adjournment takes place—what period it will cover. It may be for 5 days or 15 days.

Mr. HARRISON. I understood they thought they would get rid of their bills by Friday and adjourn. That is why I thought the Senator was mistaken.

Mr. NORRIS. Mr. President, I do not understand why the resolution does not come from the House as a House resolution. I do not believe there would be any disposition on the part of anybody here to object. I am sure I would be glad to agree to a resolution to permit them to adjourn if they wanted to adjourn, but we are extending an invitation to the House to adjourn before they have said anything about it. I am afraid they would not take it kindly if we should say, "You fellows can quit any time you have a mind to."

Mr. CURTIS. As I stated, the resolution was introduced at the request of Members of the House on both sides, and it was drawn by Members of the House. They prefer that it shall be presented in this way rather than send a resolution here from the House, for fear that we might act on the resolution and thus cause them to adjourn at a day certain when they would not be ready to adjourn.

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I thought the Senator had yielded.

Mr. NORRIS. Of course, I had to yield; there was not any question about it. I give later consent so as to validate the thing that happened before. So I say I yield to the Senator.

I heard what the Senator stated; I heard him before. He has said it twice in my hearing now. He repeated it very accurately the second time, and has done a very good job of it. I am not criticizing him in any respect, but I still assert the House has made no request. There seems to be an idea among some—that means the House—that if somebody—that means the Senate—asks it, they should adjourn. They ought to get over that. "Introduced here at the request," the Senator said first, "of the House, or some Members of the House," and they assume that they are the House, and we assume they are the House, and we put it through, and they are the House when they go back to the rank and file of it again.

But the Constitution says neither House shall adjourn for a longer time than three days without the consent of the other House. If the House of Representatives want to adjourn for more than three days, they have to get our consent. I am not going to assume that the House do want to adjourn because somebody says somebody else at somebody's request introduces a resolution in the Senate giving that permission.

There is nothing wrong about the House adjourning. I should think they ought to adjourn, since the Senate is going to stay in session the balance of the year with tariff legislation and other things like it. It is perfectly proper that they should want to adjourn. I am glad to give my consent to permit them to adjourn. But I want them to ask for it. The Constitution goes on that theory. We have no official notice here that the House want to adjourn. We may send the resolution there and they will say to us, like they said about the amendment on which we had all agreed. We thought we represented the Senate and the House about Muscle Shoals, that we should appropriate enough money to go on with the work; but when it got over to the House we were charged with being hypocrites, and our amendment was said to be a piece of hypocrisy. What will they say now when our messenger goes into the House and says, "The Senate has passed the following resolution: That the House is at liberty to adjourn when it wants to adjourn"? Will not that be considered by the House as an insult? Will they not call it worse than hypocrisy? If it comes back here, will we all plead guilty, like the members of the Committee on Agriculture and Forestry did yesterday to the charge when they voted that "it was hypocrisy, and we agree with the House"?

If the House want to adjourn, there is a constitutional way for them to get the consent of the Senate, and when they present that request I for one would be in favor of granting it to them at once. I think they are justified in wanting to adjourn, but not because some man in the House, whose name even is not here disclosed, comes to see the Senator from Kansas and says the House want to adjourn. If the House want to adjourn, let them say so, and until they do I am not in favor of passing any resolution extending the consent of the Senate. We mix up in somebody else's quarrel in that way. They may have a great fuss over there as to whether they shall adjourn or not when they get the resolution before the House. We would see the charge made in the House by perhaps those who are opposed to an adjournment that "this was all fixed up in advance and pushed through the Senate before we were consulted; we were not considered at all, and the Senate says we can adjourn until a certain day." It may be they will want to adjourn until the day after August 8, or perhaps they will not want to adjourn that long. Let them determine that and make their request of the Senate and I am sure no Senator will object. Until that time comes I am opposed to any resolution originating in the Senate granting a consent that has not been asked.

NIAGARA RIVER BRIDGE.

Mr. CALDER. Mr. President, yesterday the Vice President handed down the amendments of the House of Representatives to Senate bill 3458, a bill providing for the building of a bridge over Niagara River. The Senator from Nebraska [Mr. NORRIS] objected at that time to concurring in the amendments of the House. He has since advised me that he will not now object. I ask unanimous consent that the amendments of the House be again laid before the Senate.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada or to remove its present bridge and construct, maintain, and operate a new bridge across the said river, which were, on page 1, line 4, to strike out "heretofore, under lawful authority then existing"; on page 1, line 6, to strike out all after "Canada" down to and including "States," in line 8; on page 2, to strike out lines 9 to 18, inclusive; and page 2, line 19, to strike out "3" and insert "2."

Mr. CALDER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Wyoming [Mr. KENDRICK], who has stepped out of the Chamber for a moment, desires to address the Senate in favor of the committee amendment now under consideration. While waiting for him to return, I wish to call attention to the fact that the record prepared by the Tariff Commission shows that during a period of 15 years there was only one year when the imports were more than the exports of fresh beef. The record shows that during the last 15 years the exports varied from twice to fifteen times as much as the imports of fresh beef. I ask that the table which contains the facts to which I have referred, as to the exports of beef during the last 15 years, may be inserted in the RECORD.

Mr. POMERENE. Mr. President, may I ask the Senator to give the figures for the past year?

Mr. WALSH of Massachusetts. In reply to the Senator from Ohio I will state that in the year 1921 the total number of pounds of beef produced in this country were 6,194,000,000. The imports were 27,000,000, about four-tenths of 1 per cent of the production. The exports were 52,000,000 pounds. So the Senator will observe that in the last year the exports were almost twice as much as the imports of fresh beef. In one year—1916—the imports were but 19,000,000 and the exports 287,000,000 pounds, but in no year except one did the imports exceed the exports.

Mr. President, may I have permission to have the table to which I have referred inserted in the RECORD?

The VICE PRESIDENT. Without objection permission is granted.

The table referred to is as follows:

BEEF.

Estimated annual production, exports, imports, and consumption of beef in United States.

Calendar year.	Slaughter.			Exports (domestic).	Imports (less reexports).	Consumption.	
	Total.	Federally inspected.	Other.			Total.[1]	Per capita.
	Million pounds.	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Pounds.*
1907	7,320	4,336	2,984	352	.....	6,968	79.7
1908	6,676	3,955	2,721	228	.....	6,448	72.4
1909	7,071	4,189	2,882	163	.....	6,908	76.2
1910	7,323	4,240	3,083	110	.....	7,213	78.1
1911	7,036	4,137	2,899	92	.....	6,944	73.9
1912	6,509	3,938	2,571	56	.....	6,453	67.5
1913	5,913	3,595	2,318	47	38	5,904	60.8
1914	5,639	3,601	2,038	95	260	5,804	58.9
1915	5,816	3,979	1,837	399	109	5,526	55.6
1916	6,118	4,362	1,756	287	19	5,850	58.1
1917	6,686	5,169	1,517	376	28	6,338	62.0
1918	7,320	5,638	1,682	728	111	6,703	64.7
1919	6,283	4,774	1,509	314	35	6,004	57.2
1920	6,463	4,578	1,885	164	45	6,500	61.1
1921	6,194	4,113	2,081	52	27	6,227	57.7

[1] Includes differences between quantities in storage at beginning and end of year.

Since the passing of the big western ranges, cattle raising and beef production suffered a steady decline until the advent of the World War. The totals show that the war greatly stimulated production until the end of 1918. Since that year there has been rapid falling off, the 1921 total being over a billion pounds less than that of 1918.

Exports of beef at one time formed a large and important branch of our foreign trade, but by 1913 they had largely disappeared and foreign beef began to come in. The exports were large from 1915 to 1918 solely because of the war needs and have since fallen to a pre-war basis.

Imports of meat previous to 1913 were so small that they were not enumerated separately in the commerce reports. Imports of beef in 1914, however, were quite considerable. At this period the sources of cheap beef in the Southern Hemisphere, especially Argentina, had developed enormously, and they had in fact supplanted the United States in the overseas trade with Europe.

Consumption of beef, as seen in the table, was at a low point in 1915, having decreased 24 pounds per head of the population during the preceding eight years from 1907. Since the war it has receded 7 pounds per head.

Mr. SIMMONS. Mr. President, a great many of the paragraphs of the agricultural schedule are substantially a renewal of similar provisions of the emergency tariff law, in some instances increasing the rate and in other instances lightly reducing the rate. No measure that has been before Congress in many years has received quite so much discussion in this Chamber as did the emergency tariff law and the items contained therein. At the time of the original enactment of that measure there was a pretty thorough discussion of it; twice, I think, we have extended the time of its operation, and both times there was renewed discussion. So it may be said that the provisions of the agricultural schedule of the pending bill, which embrace substantially the same commodities as does the emergency tariff act, have been pretty thoroughly thrashed out; and I want to say to the Senator in charge of the bill that, so far as I am concerned, and I hope, so far as other Senators on this side of the Chamber are concerned, our discussion of these matters will be as brief as possible because we have so thoroughly considered them heretofore.

I have never approved of the rates provided in the emergency tariff act. I did not do so at the time the bill was before the Senate. I think the rates which the pending bill carries upon agricultural products are less justified and more absurd than the original rates in the emergency tariff law; first, because the time that has intervened since that measure went into effect has demonstrated, in most instances, its ineffectiveness to accomplish the purpose and the professed object of its promoters; and, in the second place, such rates as have been effective have shown themselves to be entirely sufficient without further increase.

Throughout the discussion upon the pending bill, whenever we on this side of the Chamber have been able to show to the Senate a situation such as exists with reference to most of the items in the emergency tariff act, a number of thoughtful Senators on the other side have now and then deemed it proper to warn the majority of the Finance Committee that they could not be expected to support increases in rates in those instances where it was shown that there were large exports and practically no imports. That situation will be found to exist, I am quite sure, as to many of the items in the pending bill which are also covered in the emergency tariff act. There were no imports of consequence of agricultural products at the time of the enactment of the emergency tariff law, and there have been none since. There were considerable quantities of exports at the time of its enactment, and those exports probably have since increased.

Mr. President, some of the rates in the emergency tariff law have been effective. It was well known at the time they were proposed and adopted that they would be effective in increasing prices. Such is true of wool. I think the rates imposed upon wool in the emergency had an effect upon the price of wool. It is utterly impossible that they should not have had, in view of the fact that we import probably not quite half of the wool which we consume. The same thing is true of sugar, and probably of dairy products; I am not quite certain as to that; but, with the exception of a few products that may be counted certainly on the fingers of two hands, and I think on the fingers of one hand, the rates of the emergency tariff have had practically no effect in advancing prices of agricultural products. They will have no effect if they are continued, and they will have no effect if the rates of duty are increased. That is very largely true of the item that we have now under consideration.

It was said by the junior Senator from Idaho [Mr. GOODING] that if these rates were impotent and did not accomplish any good in the way of enhancing prices because there were no imports, they would do no harm. Mr. President, that is true sometimes and sometimes that is not true. It is certainly not true with respect to rates of this character. Represenatives of certain interests upon this floor, who want to placate or satisfy the farmers of their sections and want to have them believe that something is being done here in their behalf, ask for and obtain these rates that are of no value to the farmer, and then, because of the fact that they have secured them for the farmer, are enabled to go back home and claim to have accomplished something of value for the farmer. The representatives of these interests enter into not an agreement but a concert of action by which day after day they vote "yea" on excessive and oppressive rates that will be effective upon the multitude of articles which the farmer must of necessity buy, either in connection with the operation of his business or as a part of his living necessities.

It is for that reason, Mr. President, that I should like to see the rates on agricultural products go out of the bill. They furnish a pretext of helpfulness to the farmer, and they furnish an inducement to him to—not being in possession of accurate information—give his consent and his approval to the action of his Representatives in voting for high duties which he will have to pay on other commodities. I think, as a matter of fact, it will be found that, while a very small percentage of the farmers, as a result of the proposed rates on their products, may in rare instances have the price of certain of their products advanced to a slight extent, on the other hand the additional amount which they will have to pay on other commodities by reason of the action of his Representatives, with his sanction and consent, because he has been led to believe the rates on agricultural products would be helpful to him, will probably be five or six times as much as he profits by the duties on agricultural products. The farmer in gaining $1 will lose $5.

I have had a practical demonstration of how farmers have been misled with reference to this matter. On a recent occasion, Mr. President, a gentleman from my State, engaged in the growing of peanuts, came to see me to urge me to support the emergency tariff rate on peanuts. I asked him what had been the usual selling price of peanuts in years gone by, and he stated what the price had been. I then asked him what the price was at that time—and the interview occurred this year—and he said, "At the barn door from 3 to 3½ cents, probably." Then I said, "The rate upon peanuts in the emergency tariff act is 3 cents a pound, so that manifestly you have not, although the act has been in operation now nearly a year, derived any benefit from it whatever, because, according to your statement, peanuts are selling lower to-day than ever before; the farmer is getting less than ever before, and the total amount he is getting for his peanuts is but a half a cent more than the rate fixed in the emergency tariff act." He went home satisfied that the duty on peanuts meant nothing to him. That happens in a great many instances, Mr. President.

I can take the last report just brought out by the Tariff Commission and, adopting their own figures, I think I can show that there has been practically no increase in the price of the chief agricultural products, leaving out the two or three items which I have mentioned which have been getting some slight benefit from the tariff rates since the adoption of the emergency tariff act. Therefore I say the emergency tariff act has been utterly ineffective. I know it will be continued. No argument that can be made against it will prevail, as has already been demon-

strated. So I was satisfied to let those rates practically be extended again. Although I thought it bad policy, I did not wish to take any time; but, Mr. President, notwithstanding the fact that at the time the emergency tariff act was adopted every Senator in this Chamber thought that we had gone to the very limit of protection; that the rates were exceptionally high and found no parallel in our tariff legislation of the past, the Finance Committee, for some inconceivable reason—for there is no reason resulting from any change in the situation with reference to these items since the emergency tariff act was first adopted—have seen fit in many instances to make a tremendous increase in the rates.

The item which we now have under consideration is an illustration of that. The rate in the emergency tariff act on fresh beef is, I believe, 2 cents a pound. It is proposed now to raise that rate to 3½ cents a pound; that is, it is proposed practically to double the emergency tariff rate upon this particular item.

Where is the justification for that increase—an increase of 75 per cent over the emergency tariff rate which I have just said at the time of its adoption was regarded as an excessive rate, considered by the rule by which we ordinarily measure tariff rates and have heretofore imposed tariff duties? Why has the rate been almost doubled? Has there been any increase in importations since the emergency tariff was adopted? Is there anything in the change in the importations with reference to this article or in the present importations of this article that makes it necessary to raise that rate?

Now let us see how that is.

The Senator from Massachusetts [Mr. WALSH], in his very able and very clear exposition of the lack of justification for this increase, has called the attention of the Senate to the fact that the present importation of fresh beef is less than four-tenths of 1 per cent of the production of fresh beef in the United States, and that contemporaneously with those small, insignificant, and negligible imports there have been exports of more than twice the imports. Now, I want any friend of protection who is advocating that system because he believes it is an honest and fair policy, and one which should be applied to the industries of America, to tell me upon what theory he justifies raising an already high rate, when the facts show that under that existing rate importations into this country have fallen to the low level of four-tenths of 1 per cent of the domestic production? What good will it do to exclude that little, infinitesimal quantity of imports from our markets? Can they possibly affect the price? Can anybody believe that when we are producing in this country practically 7,000,000,000 pounds of fresh beef the importation of 27,000,000 pounds, four-tenths of 1 per cent of the production here, can possibly affect injuriously the price of the domestic product? And can any sensible man believe that by cutting off that 27,000,000 pounds that come in we will thereby increase the price of the 7,000,000,000 pounds that we produce in this country?

If that be so, if the emergency tariff rate has been so effective as to reduce the imports to these insignificant figures, upon what theory can the Committee on Finance ask the Senate practically to double the existing rates? It can not be upon the theory of absolute exclusion, because exclusion under these circumstances would not affect the American price. There must be some other object than that of keeping imports out of this country. What that object is I do not know, but I suspect that the object is to induce the farmers of this country to believe that the Republican Party, especially at this time, is zealous in their behalf.

Therein, I say, is the vice of this whole thing. It is a manifest, a transparent, attempt to deceive the farmer, and to what end, Mr. President? I say to a vicious end; to the end that they may induce him to forego his opposition—and it was the strongest single influence in the country—to forego his opposition and resistance to the excessive rates that they propose to hand out to the manufacturing industries of this country. To this end, Mr. President, a propaganda has been begun in the agricultural districts such as never was carried on before, financed, I have no doubt, largely by certain great high-protective tariff organizations in the North and the East, to delude the farmer into the foolish idea that he can be as much benefited by these high tariff duties as the manufacturer has been shown to have been benefited; that as the manufacturers have accumulated vast fortunes through the tariff, so the farmers may likewise, if they are given protection, accumulate vast fortunes. I think the American farmers have too much sense to believe such bunk.

Mr. President, as I have said, there are rare cases where you can enhance the price of a farm product by placing a duty upon it, but that is the very case where you enhance the value of the manufactured product by putting a duty upon it. It is where there is no trust but an insufficiency of production in this country. Where there is a trust you can also in manufacturing, and you could likewise in agriculture, help them by putting on a duty, although they might be producing the entire amount that this country needs and consumes; because that would enable them, being a trust able to fix their prices, to advance their prices further and still be exempt from any foreign competition. But the cases in which the American farmer is producing less than the American demand for his products are exceedingly rare. They are confined to a very few articles. Upon the whole, the American farmer is producing a great deal more of his product than this market will take, and under those circumstances it becomes a matter of as much importance to him to have a market for his surplus as to have a market for that part which is consumed in the United States.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I do.

Mr. GOODING. I might say to the Senator from North Carolina that if we had had proper protection on farm products, the same as there has been on manufactures for a great many years, we would not have had any surplus of farm products in this country. We would have a balanced condition. We would be producing all the sugar that we consume in America. We would still be growing hemp in America. We would grow more flax in America. We would have about 80,000,000 sheep instead of 35,000,000 sheep. So that if we had had proper protection for these industries instead of having them on the free list and destroyed, we would have had a balanced condition in this country, so that there would not be the great surplus that we have now.

Mr. SIMMONS. Mr. President, I have been hearing that appealing story about sugar and wool for the past 30 years. We have been told: "If you will just give us protection, we will produce all that is necessary." There has been but a very short period of time during that long stretch of the years when sugar has not been tremendously protected, and for the most of that period of time wool has been protected; and neither the production of sugar nor the production of wool and sheep in this country have seemed to prosper and grow any faster under protection than under free trade. But, Mr. President, of course the policy of the Senator, if pursued, would restrict the products of the soil of this great domain of ours—the richest upon the face of the earth when you consider it as a whole, where the climate and the soil and every other condition lend themselves as nowhere else in the world to agricultural production, a country which to-day very largely supplies the demands for food and agricultural raw materials of the rest of the world, especially the European Continent—the Senator's policy would lead to a restriction of the efforts of agriculture in every line of endeavor and enterprise to the particular wants of the American people.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina further yield to the Senator from Idaho?

Mr. SIMMONS. Just a minute further, and I will yield the floor to the Senator.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SIMMONS. Mr. President, in the case of agriculture there is no such thing as restricting the farmer's products to the limited demand of this country. It would be an idiotic policy and would mean stagnation. It would mean that millions of acres of our fertile lands would grow up and become idle and useless and scores of our greatest factories would of necessity close down. We have a great population here in this country. We must have something for them to do. They must labor in the fields or they must labor in the factory. We are now "quantity producers" and must have a foreign market for our surplus. In many, many lines of industrial production we long ago passed the point of a sufficient domestic consumption, and it is imperative that we now reach out in the world for markets for our surplus manufactured products.

If an undue proportion of the people of the United States shall go into manufacturing, then it will be but a short time before we will be producing everything in the shop and the factory in excess of our demands, and we will be entirely dependent upon the world in order to keep the wheels going. If an excessive proportion of the people go into agriculture and we limit the market for our agricultural products to the United States, we will soon find that there will be such a superabundance of products in this country that the prices will fall below starvation prices. We must either have a foreign market for these agricultural products, and a large and ever-

extending foreign market for our surplus agricultural products, or our farm population will have to come to the city and go into the factory, or they will be producing surpluses which will be thrown back upon the domestic market and destroy the prices and values of their products.

I am thinking not only of the American market for the manufacturer and for the farmer; I am thinking equally of the foreign market, because it is as plain as daylight to me that wherever a large surplus is produced and must be sold elsewhere in this country the domestic price is going to be measured by the foreign price. Tariff or no tariff, that is an inexorable rule. When the foreign market fails us, then we always have a glutted market at home and always a reduced price for the farmers' products.

Mr. President, I have indulged in these general observations, of course, not because I do not wish the farmer to have his share, if it will be of benefit to him, along with the manufacturer; but I want to say to my Republican friends that even if you admit that the farmer can be helped by these duties which you have imposed, you have been less friendly to him in measuring them than you have been to the manufacturer.

One Senator has claimed that the farm bounties amount to over 21 per cent. He means that would be the average if all the rates were operative. But when you consider the fact that only a very few of them will be operative, or have been operative since the emergency tariff bill was passed, you will find that the average rate would be very much below that.

One other point, Mr. President, and I shall be through. I want to say that in every case, as I have been able to study the bill and understand it—I may have missed some particular case, because there are a great many items in the bill—in every instance where, in my judgment, the rates upon agricultural products will be effective in the direction of enabling the farmer to advance his price they are rates on products which are not grown generally by the farmers throughout the country. They are products grown or produced only by a relatively small number of farmers in particular localities. That is true of wool. Even if these duties shall help the woolgrower by increasing his price, the number of woolgrowers in this country compared to the number of farmers in this country is small, indeed, and whatever advantage may come to the woolgrower by reason of these duties will be a burden to a much greater extent imposed upon the great majority of farmers in the United States who do not produce wool.

Likewise with reference to sugar. In the State of Louisiana and a few western States, if the rate on sugar is increased to the extent proposed in this bill, certainly to the further extent the Senator from Utah will ask that it be increased, the sugar producers, embracing only a small number of farmers, relatively speaking, will be benefited; but to the extent that they are helped, and to a much greater extent the American farmers generally, who do not participate one particle in those benefits, will be burdened. So that we see, with reference to the few articles, how the tariff will be operative; a small number of the farmers will get a benefit, while the great majority of farmers will suffer much more in consequence of those increases.

We know that the duty on wool is very much more than this 20 per cent referred to, and that the duty on sugar is probably more than that, although I have not calculated it; but if the general farmer, who does not produce wool or sugar, will be burdened by those rates to the very same extent or a much greater extent than the producers of those products will be benefited, what are we to say about the burden which the farmers of the United States are going to be asked to assume by the votes of men in this Chamber who claim to be their friends? What shall we say of the additional burden that is going to be placed upon the farmers by an increase in the duties upon practically every manufactured article which they consume, and must purchase, by an increase in the average rate of duty from 24 to at least 66⅔ per cent? Recent estimates, I think, have placed the duties in this bill as high as 75 per cent on the average.

No man has yet quite adequately estimated, in my judgment, the greatly increased burdens which will be imposed upon the farmers by these rates for which their professed friends here are voting.

I do know that the American farmers consume about one-half of the production of this country, and I do know that it is estimated that the ultimate retail price of these products, which is the price the farmer pays, by virtue of the duties which will be effective on the manufactured products which the farmer buys, will reach at least $3,000,000,000, and a billion and a half of that burden will be flung upon the farmers of the United States, who are engaged in the most depressed industry in the country, the one great occupation which found itself in a state of bankruptcy within a year after the recession of the great tide of prosperity which swept over us during the war. For a little effective duty on sugar and wool, and a few other farm products, which will slightly help a mere handful of farmers in this country, relatively speaking, even the friends of the farmer here, and especially his "professional" friends, are going to vote to cast upon his shoulders, as the purchaser and the consumer of one-half of the manufactured product consumed in this country, a burden of, certainly, more than a billion dollars.

Mr. KENDRICK. Mr. President, before voting on this amendment I desire to offer a few observations.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. GOODING. I would like to suggest the absence of a quorum.

Mr. KENDRICK. I ask the Senator to withhold his request if he will.

The PRESIDING OFFICER. The Senator declines to yield for that purpose.

Mr. KENDRICK. I want to hurry along, and I shall keep the Senate just a few minutes.

It was not my intention to have anything to say upon this particular schedule because of my personal interest in this industry, and for that reason I come to the task of answering a few of the statements made by the Senator from Massachusetts [Mr. WALSH] and others on this particular schedule without anything like satisfactory preparation. As one of those more or less familiar with the needs of this industry it becomes necessary to say a word in behalf of the millions of men engaged in the live-stock business.

In the course of his remarks the Senator from Massachusetts made this statement: "This schedule is entirely indefensible." I have no hesitation in saying that such a statement is based upon either a lack of information or misinformation. If all the facts connected with the process of production in this industry were known, the schedule is not only defensible but it is justified by every economic and business principle.

The Senator asked the question as to how it would be possible to destroy an industry of this kind, involving such an enormous volume of production. I am not going to deal extensively in figures, as I am going to talk only a little time; but I want to give the Senator a suggestion of the decline in the production of cattle between the years 1900 and 1920.

In 1910 we had of beef cattle 50,000,000 head. I give the even figures. In 1920 we had 41,000,000 head.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. KENDRICK. I yield.

Mr. GOODING. Probably among all the Senators in this body there is no man who has had greater experience in the live-stock industry than the Senator from Wyoming. I should like very much to suggest the absence of a quorum, so that Senators may hear a discussion of the live-stock industry by one who has grown up in the industry and has made it a life study and a life business.

Mr. KENDRICK. Mr. President, I again ask the Senator from Idaho to withhold his call of a quorum because of my lack of preparation to deal with the subject properly, and because also of my anxiety to hurry consideration of the bill. We have had one call after another for a quorum and by the time the call has ended there were fewer Senators in the Chamber than there were when the call began. I want to say here that so far as the Senator from Wyoming is concerned he ought to be fairly well informed on the tariff bill, because as a listener he has not infrequently been the sole survivor.

Mr. GOODING. I think we ought to bring more Senators to the Chamber to listen to the Senator discuss the question. However, the modesty of the Senator causes me to withdraw my request.

Mr. KENDRICK. As I said, in 1900 we had 50,000,000 beef cattle. In 1910 we had 41,000,000, and because of the increased activity and encouragement that producers had to redouble their efforts contingent upon the war and after the war there was an increase of about 2,000,000 head, making 43,000,000 in 1921. These figures are better understood when we consider them in connection with the fact that during the intervening time from 1900 to 1920, as I recall the figures, our population had increased about 20,000,000, which suggests a very much smaller per capita supply of beef products. In 20 years we had in-

creased our population 20,000,000 people and we had decreased our number of beef cattle about 7,000,000.

As another illustration of how the industry has been affected by the reconstruction period, I want to give a few figures in reference to the decline in the value of the product. In 1921 the meat animals, as marketed through the central markets of the country, returned to the producers $1,968,000,000 as against $2,913,000,000 in 1920, showing a shrinkage in the income of live-stock producers of nearly $1,000,000,000 that year. The cattle producers contributed about $447,000,000, swine producers $460,000,000, and the sheepmen $37,000,000.

In addition to the losses which the flockmasters were compelled to take in marketing their sheep, they lost millions of dollars on their wool. It will take a decade of high prices under normal conditions for the flockmasters to wipe out the disasters of the last three years which reduced the flocks in Wyoming from 4,000,000 in 1916 to 2,000,000 in 1921. In 1919 it cost the Wyoming flockmaster 48 cents per pound to produce his wool. In 1920, owing to the drought of the year before followed by a winter of unprecedented severity, it cost him 67 cents a pound to grow his wool.

Closely following the physical disasters of 1919 and 1920 came the break in prices in May, 1920. During the early part of that month wool sold as high as 60 cents per pound. Suddenly and without warning eastern buyers were withdrawn from the field and wool remained unsalable for many months; finally the greater part of the 1920 clip was sold at prices which ranged from 11 to 15 cents net to the grower, after he had paid marketing costs.

I quote from a statement made before the Interstate Commerce Commission by Dr. W. S. McClure, of Nampa, Idaho, a widely known authority on the production of mutton and wool:

> In 1918 I sold my wool for 60 cents a pound. In 1919 I consigned it, as was the custom, to a cooperative wool warehouse and storage company. I received an advance of 35 cents a pound on the wool. I, of course, had to pay the freight and handling expenses, so that the charges against that wool—and it is not sold yet—approach 45 cents a pound. I am willing at this time to give the warehouse holding my 1919 wool that clip and my 1920 wool and 1921 wool to make up what I now owe on that one year's clip.

In other words, the losses incurred on the product for the year 1919 were so great that to discharge his debt the producer must surrender not only the product of that year but the product of the two succeeding years as well. Men who were out of debt on January 1, 1920, a year later, could not have sold their flocks for enough to pay off what they owed for running them during that time.

It is not an exaggeration to say that at the beginning of the present year the average maintenance per head on Wyoming sheep was five or six dollars, so that it will take a long time for the sheepman to pay out and begin to make money for himself even if conditions continue to improve under an adequate protective tariff.

Mr. President, Wyoming has for many years been the greatest wool and mutton producing State in the Nation. Woolgrowing is one of the basic industries of the State. The men who are engaged in the industry are home builders and contribute in a noteworthy way to the development of the State. So important is the influence which their industry has upon general business conditions that unless it is prosperous the merchant and business man do not prosper.

It is hard to realize the vicissitudes and hardships incident to the sheep industry. There is scarcely a winter passes that does not have its story of disasters which have cost the owners of flocks the savings of a lifetime.

The amendment offered by the Senator from Massachusetts, I believe, provides for a reduction of 1½ cents per pound on fresh beef.

Mr. WALSH of Massachusetts. It proposes to restore the House rate.

Mr. KENDRICK. Then it proposes to reduce the Senate committee rate 1½ cents per pound. I want to say to the Senate that the differential in freight rates in marketing the products of the country on the Atlantic seaboard in favor of foreign producers as against domestic producers is equivalent, as nearly as I can figure it out, to about 1 cent per pound on the product. I am going to give the exact figures on that particular point as nearly as I have been able to get them. It has been somewhat difficult to secure the actual ocean freight rates, but from points in Argentina to Boston and other Atlantic ports the freight rate during the last week or two has been as low as $1.08 per hundred pounds.

The freight rate from Omaha, which is one of our largest western markets, to New York is $1.34, and the rate per hundred pounds on live stock on the hoof from the Rocky Mountain territory—that is, the eastern part of the cattle-producing territory—to Omaha is about 50 cents per hundred pounds. There would be a still higher rate from points farther west, like points in Idaho. I make this statement to show that there is a protection or an advantage in favor of the foreign producer as against our meat products coming from far western points. The freight rates are that much higher and give him that much of an advantage over the western producer.

There were some statements made here yesterday and perhaps this morning in connection with the quality of beef produced in other countries when delivered in this country, the suggestion being, as I recall the statement, that the beef was of an unsatisfactory kind or one that would not compete with our domestic products.

Of course, I believe it would not compete with our grain-fed beef, because, as I have been informed, there are no imports of grain-fed cattle into the country; but the grass-fed cattle produced in South America and Australia, and the grass-fed sheep and lambs, as I have been informed, are more or less on a par with those which we are producing in this country. They are in every sense as good. The herds and flocks are bred to the point of producing the best quality of beef and mutton. They come from ranges equally as good as ours and in every way they are competitive in quality.

Mr. President, the question of protection on these products is the all-important thing. That is the point around which the whole question hinges. My faith is strong in the economic principle of protection of home industry, and I believe this principle is as logical as any Senator can advance on this floor who argues for free trade or even for a tariff for revenue only. My viewpoint is that protection of our commodities is not necessarily in the interest of the producer. It should be the fundamental policy of the country to insure an adequate supply of its essential products without having to depend on foreign countries to any greater extent than is necessary.

The Senator from Massachusetts a moment ago discussed the question of a tariff on sugar. I would like to ask the Senator, who has had opportunity or occasion to think of the question of a tariff on sugar, if he would be entirely willing to have our domestic sugar production eliminated and in such event to become dependent upon a foreign monopoly or upon foreign production for this most essential product? I believe on that point hinges a good deal of the difference in the views of Senators. We are certainly well enough informed, without having the figures, to know that our producers of sugar in this country, not only the producers of sugar from cane but the producers of sugar from beets in the West, can not compete with foreign countries in the production.

As an illustration of the direct and practical effect of the way the tariff acts on sugar production, let me say this: We have a sugar factory in my town, a small city of 12,000 people. The effect of that factory has been to increase tremendously the population of the community, to employ hundreds of people, and it has had the direct effect of increasing the value of farm land throughout the entire irrigated section to the extent of $20 to $25 per acre. Yet the men who have their money invested in that factory have never up to this time, as I have reason to know, received a penny in dividends upon their investment.

Can anybody doubt whatsoever the wisdom and the practical benefits derived from that kind of an industry in our country as against the plan of sending to a foreign land every dollar involved in the purchase of the product? The same thing is largely true of many other of the commodities of which I have occasion to know.

At the time of the World War the supplies of mutton and lamb and of frozen beef shipped into this country in addition to the surplus of our own supply, which accumulated because there was not a demand for it to feed our troops and the troops of our allies, literally ruined the domestic market for those products for which, according to the figures already given, the value and price were reduced about 50 per cent in one year's time. It is a well-known fact that of our normal production of live stock we export about 8 per cent. The remainder of our meat product is consumed in this country. I say to Senators here and now that it is in the interest of the consumers as well as the producers to grant legitimate protection in order to insure a dependable supply here at home. I believe in legitimate and reasonable protection on these products. We have just as good a right to ask the man who comes into the American market with his products from a foreign country to contribute to the payment of our taxes and to contribute, if necessary, to the protection of the industry, as we should have to tax the peddler who comes into an organized community and contributes nothing to the support of the community in which he temporarily

resides, but merely takes his money when he has concluded trading with the people and leaves the community that much worse off for the experience.

To concede that the cost to the consumer is necessarily in exact proportion to the amount of duty would compel a different conclusion, but we do not concede this point. The real truth of the matter was voiced yesterday by the Senator from North Dakota [Mr. McCUMBER] in his statement, in effect, that the prices charged our consumers for foreign products do not necessarily have any direct relation to the price paid by the importer of the product. In other words, they buy just as cheaply as they can and they sell for all the traffic will bear, as shown by many illustrations during the course of this debate. The tariff, therefore, is only incidental in its influence.

The production of cattle and of other kinds of live stock has since my earliest recollection proceeded in cycles of long or short duration, according to the different classes and the length of time involved in production. It is longer in the case of cattle and is necessarily shorter in the case of sheep and swine, but it has been, as I believe may be readily demonstrated, an unfailing law that when production was profitable it became abundant, and automatically the price was reduced to the consumer. As production became unprofitable it decreased in volume, and the unfailing effect was to increase the burden of cost to the consumer, and thus the business has proceeded from high to low points in cycles of about 10 to 15 years' duration, and this without protection upon these products.

From my viewpoint the most definite effect of reasonable protection upon meat food and farm products of the Nation will be that of fairly well stabilizing values, and this will tend to make uniform the volume of production.

I will go a step further and say to Senators—and I ask them to pay attention to this statement—that I believe it may be shown beyond the shadow of a doubt that both the production of meat and other food products and the production of wool in this country has proceeded for many years, not on a basis of the cost of production but with a real loss to the producer. The production of live stock would not have proceeded so fully and extensively and as evenly as it has except for the fact that to a large extent it is not based upon the cost of production in any sense whatever, but is based on the necessity of keeping live stock on the farm, where they have been used as scavengers. So when we do something here to stabilize the price of this product, we act directly in the interest of the man who has, to my certain knowledge, produced the product and has sold it without sufficient remuneration for the past 20 or 30 years.

I want to say here, too, that the country may just as well make up its mind that the farmers and live-stock producers are going to require and demand a more satisfactory remuneration for their products in the future than they have had in the past.

Everyone who has given any study to the question of foreign competition in the American market will understand the great difference between conditions existing in foreign countries and in the United States. As an illustration, let me cite old Mexico, across the Rio Grande River, where labor costs are next to nothing and where lands and live stock in many instances are without actual taxation.

Information furnished by the Pan American Union indicates that in 1917, when the western live-stock man was paying his men $100 a month or higher, the highest rate of wages on the farms in South America, including all kinds of farm labor, was $20 a month and board. Brazil was paying from 50 to 90 cents a day without board; Argentina, from $10 to $20 a month and board. Wages for sheep and cattle herders in Australia and New Zealand ranges between $25 and $50 a month, according to the best information obtainable. The Bureau of Markets about a year ago placed the annual cost of a running sheep in Australia at $1.96 per head. In comparison with this figure the Tariff Commission, in its report on the wool-growing industry of America, placed the annual cost of running sheep in the United States in the years 1918 and 1919 around $8.50 per head.

Mr. President, in the western section of our country to-day the taxes on grazing lands are equivalent easily to all the lands will earn if rented for grazing live stock.

Those who have given any consideration to the subject understand that in South American countries such as Brazil not only is the value of the land on a basis, perhaps, of one-third of ours, but the land has greater carrying capacity, and as a rule there is an exemption from taxes either on the land or on the live stock, in some countries the exemption being on the live stock and in others on the land. So that the producer in the United States who meets competition coming from those countries is at a tremendous disadvantage.

Furthermore, I wonder if anyone except those who have given great thought and study to this question realize that the man who produces live stock in this country also trades and deals with his neighbor. He buys the products of the factories and looms of the East; in fact, he affords a market for the products of all American industries; he is a part of the great community of things. On the other hand, the foreigner who sends his products into this country for sale and merely takes the cash away contributes practically nothing at all to the country, except in so far as the taxes levied at the customhouse on his products are concerned. My impression is, as well as my belief, that if a man comes into this country and sits in our game he ought to play the game according to our rules, and when we go to foreign countries, as we will go to foreign countries, with any product which we have to export, we will take our chances with any other country, tariff or no tariff. As I view the tariff, particularly in its relation to the theory of protection, I consider it a fundamentally sound economic doctrine so long as the duty levied is legitimate and reasonable.

I think that the majority of Senators in this Chamber agree on the principle that it is unwise and unnecessary to levy a tariff on a commodity the prices of which are controlled, but nobody can charge that the 5,000,000 producers of cattle and the 4,800,000 producers of swine in this country have formed or could possibly form any sort of combination to control prices. I may point out the fact also, Mr. President, that those producers themselves constitute a great portion of the consumers of the country.

Mr. President, there has been a great deal said in reference to the control of prices by the great packing houses. It has been contended that the packers control not only the price of their raw materials but as well the selling price of their products. No Member of the Senate who has listened to any discussion of the subject in which I have ever indulged on this floor has heard me make any charge that the packers were entirely responsible for the conditions in our live-stock market. During the discussion of the bill to regulate the packing industry I insisted that such charges had been made against them; but I stated over and over again that when the day of supervision came the packers were going to be found as little vulnerable and as little in the wrong in their dealings as any market agency. The truth of that statement has already been demonstrated. The packers have been charged here recently, and perhaps justly—I have not been able to examine the figures—with making enormous profits, but I think, in all justice, it may be said that they have also shared tremendously in the losses of the country, the same as producers in every other line. I say this in justice to them. The sole intent and purpose of this law was to insure fair and equitable dealing in our great live-stock markets.

When the law regulating the live-stock markets was passed, the packers accepted it in good faith and have cooperated in a splendid spirit in its enforcement. I should like to believe, and I am inclined to believe, that the voice of criticism of this great industry is to be stilled in the Halls of Congress; and it was one of my plans and purposes in promoting the passage of this legislation to bring about that very situation. We have the law, now let us have peace and an end to controversy.

Mr. President, I hope that everyone voting on this amendment will bear in mind the fact that he is not necessarily imposing a burden on those who consume the product, but that he will be assuring to a great extent a sufficient and satisfactory supply of that product in his own country, and that it will not raise the price of this product to the consumers of the country to the extent of one penny.

Mr. WALSH of Massachusetts. Mr. President, as I understand, the question now is on the adoption of the committee amendment, and a vote against the adoption of the committee amendment is a vote for the restoration of the House rate of 2 cents.

The VICE PRESIDENT. The Senator is correct.

Mr. WALSH of Massachusetts. Mr. President, I want to say very briefly, in answer to the Senator from Wyoming [Mr. KENDRICK]—and I hesitate to question anything he says about the live-stock industry—that so far as I have been able to learn there are only two ways to increase prices to American producers or American manufacturers. One way is to create a trust to control the entire output of a given product, and the other way is to stop competition from foreign countries.

The condition that the Senator has described could be related of almost any industry in this country during the last few years. There is no doubt that the live-stock industry has suffered very, very greatly from conditions which have been prevalent in practically all other lines of trade and business. How can they be benefited unless they have an opportunity to

increase their prices? And how can they increase their prices when we can not remove competition, because the industry is so widespread that prices can not be controlled except by the packers?

There are no imports forcing down prices. Therefore, the imposition of tariff duties for the purpose of preventing foreign competition can not be successfully applied in this case. There is no foreign competition. There are practically no imports. Four-tenths of 1 per cent can not be said to be a factor in fixing prices in this country.

Eighty-one per cent of the fresh beef business of this country is in the hands of the packers. They will be the first persons to get the benefit, if there is any benefit, from increased prices. This amendment increases the price of fresh beef 75 per cent over the emergency law and 75 per cent over the House rate, equaling in ad valorem terms 28 per cent of the present price of beef. Why make it only 3½ cents a pound? Why not make it 5 cents per pound? Why not make it 10 cents per pound? Upon what basis have we determined upon 3½ cents instead of 2 cents, instead of 4 cents, instead of 5 cents?

Mr. KENDRICK. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. KENDRICK. I want to answer the Senator. According to my judgment the difference between the two would be that if the tariff were made excessive it would result in keeping out the products of foreign countries. So far as the producers of live stock in this country are concerned they are perfectly willing to meet the foreign producers on a basis that absorbs the difference between the cost of production here and abroad. If the tariff is made too high they can not meet that tariff and can not come in; and the Senator is entirely mistaken if he has been led to believe that there is not an abundant supply of this product in other countries, that reaches our shores for a less cost of transportation and under just as favorable conditions, to reduce the number of beef cattle in this country a million head a year.

Mr. WALSH of Massachusetts. I think the Senator is consistent. He believes in tariff protection to all industries. He believes that an industry that produces all that is necessary for consumption in this country should be protected as well as an infant industry or as well as an industry that is exporting in large quantities from this country. He is perfectly consistent in asking for tariff rates upon cattle and upon fresh beef.

Mr. President, I want to conclude with this suggestion: This rate, in terms of ad valorem duty, amounts to 28 per cent. The Payne-Aldrich rate, in terms of ad valorem duty, was only about 10 per cent. It seems to me that a case has not been made out here warranting this very large increase in duty by the Senate committee over the House bill.

I ask for the yeas and nays upon the question.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, I think a few errors have been made in some of the remarks concerning the effect of the emergency tariff upon prices in the United States. Of course, the only way to determine whether or not a tarfff has any effect upon prices is to determine what the world's level of prices generally is in the case of the product under consideration, and then to compare it with the level of American prices.

In 1920, after the first half of the year, there was a very heavy decline all over the world. Prices were headed downward on every product. We then, on the 27th of May, I think, passed the emergency tariff bill. No one claimed that that was going to stop the downward tendency of prices. All we claimed was that it would, as far as possible, check the downward tendency in this country, and hold the general level of prices in this country above the world level of prices. That has been accomplished to a great extent, I think, in the case of every article.

I have here an advance sheet from the commission's report. We want to see what effect the duty we gave upon cattle had upon the decline, which was running very rapidly at that time and up to the present time.

We will take the first months of 1921. From January 1 to June 1 the average price of good steer beef in New York was $17 per hundred pounds. From the 1st of June to the 31st of December it was $15.61.

Mr. HARRISON. Mr. President, the Senator is giving now the average price of the first six months of the year 1921?

Mr. McCUMBER. Yes.

Mr. HARRISON. Will the Senator read, if he has it there, the price month by month from January, 1921, down to June, 1921?

Mr. McCUMBER. I have not it in this table. I think I have it in other tables; but I am giving this table, which epitomizes it. From June 1 to December 31 the average price was $15.61. That was a decline of $1.39 a hundred. The percentage of decline was 8.2 per cent.

Now, let us take Toronto. They both sell for about the same price in the foreign markets. The cost of getting them into the foreign markets is the same. In Toronto, the price of this grade of beef was $19.02 in the first months of 1921. It dropped to $14.65 in the last months of 1921, or a decline of $4.37, a percentage of decline of 23 per cent, as compared with the 8 per cent in the United States.

I will not read all of the figures. I will put this table in the RECORD.

The decline in Winnipeg was 20.7 per cent. In London, in the case of English beef, the decline was 29.7 per cent. In Buenos Aires the decline was 15.6 per cent in the case of good beef. In the case of another quality of beef the decline was 24.1 per cent. So it will be seen that while the decline after the emergency tariff bill was enacted was 8.2 per cent in the United States it ranged from 15.6 per cent to 29.7 per cent in these other countries.

I could take the same table upon steers. I will take native beef cattle. This is the Chicago monthly average of prices of 1921:

In January of 1921 light native beef cattle, weighing 750 to 1,050 pounds, brought $7.90 per hundred. By June the price had declined to $7.55. In August it was $6.90. This is 1921. We will see, now, that after we got our emergency tariff, unlike foreign countries, this commodity held its price here. In August the price was $6.90; in September, $6.90; in October, $6.75; in November, $5.90. The average from June to November was $6.90.

Now, if we will turn to the table of Canadian prices, we will find that the price of heavy-finish cattle in January of 1921 was $6.59, and up until the 1st of June it averaged $6.80. It dropped right along. In June it was $5.87; in July, $5.04; in August, $4.65; in September, $4.22; in October, $3.92; in November, $3.83. So Senators will see that while we hold up our prices with practically no decline, or very little decline, after June the Canadian went down from $6.60, in May, to $3.85. If we take the different products, we will find that in Canada they have all declined to about the same extent.

That was in reference to the Winnipeg prices. Let us take Toronto prices. The heavy finish in January was $8.59; up to May and during May it was $8.46. While we held our prices from June on to December about the same, averaging $6.90, the Canadian went down in Toronto, in June, to $7.20; in July, $6.55; in August, $6.81; in September, $6.64; in October, $5.98; in November, $5.84.

There was a steady decline, and, as stated in regard to the figures which I gave from the first table, our decline after we had adopted the emergency tariff, instead of keeping pace with the general world decline, averaged only 8 per cent, while the decline in other countries went from 15 to nearly 30 per cent; and I think that if we follow everything included in the emergency tariff, we will find about the same result.

It is somewhat amusing to read the report made by the Tariff Commission in this connection. It is a bipartisan commission, and their principle is never to express an opinion. They will give you facts, but never in any way give you even their best judgment as to the cause of those facts for fear they will be charged with political activity. When we get an expert from the Tariff Commission to advise us upon any matter, that expert is cautioned before he talks with a member of the committee that he must not under any circumstances express an opinion as to what should or should not be done, or what conclusions or opinions the commission may or may not have reached. He is to give facts and figures and to go not a single step further.

So, in making this report, this commission, composed of both Democrats and Republicans, are extremely anxious not to express any opinion; but I will read just one paragraph relating to wheat, and, of course, this relates entirely to hard spring wheat raised in the Northwest. They say:

> Under conditions of free trade between the United States and Canada, Winnipeg prices of No. 1 Winnipeg wheat normally exceeded the Minnesota prices of No. 1 northern spring by 5 or 6 cents per bushel.

We all understand why that is so. It is because Manitoba No. 1 wheat must weigh 60 pounds to the measured bushel and must have a higher percentage of the hard wheat than is required of the Minnesota No. 1 northern, which must weigh not less than 58 pounds, I think, to the measured bushel, and which may have a greater amount of wheat other than that known as the hard variety. That is why Winnipeg averaged 5 or 6 cents above Minneapolis and Duluth, and in the Liver-

pool markets the Winnipeg was quoted from 5 to 6 cents a bushel above the American wheat of a nearly similar grade. The commission go on to say:

After the passage of the emergency act, however, Minnesota prices gradually came to exceed Winnipeg prices by 25 to 27 cents per bushel.

Keep that in mind:

After the passage of the emergency act, however, Minnesota prices gradually came to exceed Winnipeg prices by 25 to 27 cents per bushel. Therefore, after allowance is made for the higher quality of the Canadian wheat, it appears that the differential between the prices in the two markets is now almost equal to the duty.

Of course, they do not say that is because of the duty, because that would be expressing a political opinion upon the tariff, and that, of course, they are not permitted to do, according to their theory of the whole idea of a Tariff Commission, that it is to collect facts and not express opinions.

I give just these two examples to show that the emergency tariff has had a great, buoyant effect in holding up American prices and preventing them going down in the same ratio the general world prices of agricultural products went down during the same period.

I have never claimed, for one, that the protective tariff upon our wheat would have the same effect upon wheat raised down in the Southern States of an entirely different variety, or of wheat raised in California or Ohio, more, possibly, than through a little reflex action. If we have a better price it would tend at least to buoy up the prices of the same varieties of articles in other sections of the United States.

We will suppose, for example, that in this country there is a big demand for Albemarle pippin apples, and we put a tariff duty upon apples, to protect the Albemarle pippin, we will say. If we are exporting our apples heavily it will not have any particular effect, possibly, upon the other apples which are imported, but it will have a big effect upon that particular kind of an apple for which the demand is greater than the supply or equal to the supply in the United States, assuming, of course, that some other country, like Canada, could produce the same article and could supply the United States demand.

I could take wool, I could take barley, I could take oats, or practically anything that comes under the emergency tariff law, and show a similar gain in price, or the check of the downward tendency of prices of the American articles; and that is all we claim for it.

Mr. HARRISON. Mr. President, in connection with what the Senator has said, he has used some average prices of beef and beef steers, I believe. I desire to have incorporated in the RECORD, in this connection, some figures collected by the Tariff Commission of the prices of beef steers in Chicago and Toronto by months, from January, 1921, down to and including January, 1922.

I also desire to have incorporated the prices of good steers in the New York market, in the London market, and in the Argentine market, during each month of the last year, showing what the price was before the emergency tariff law went into effect, and what effect, if any, that law had on the prices, and also the prices month by month since, showing that there has been a gradual decline not only here but elsewhere, and that the emergency tariff law, according to these figures, had very little effect, if any, upon beef steers.

Mr. McCUMBER. Do not the very figures the Senator is putting in the RECORD show that the decline by percentages in the United States is only about one-third what it was in the other countries?

Mr. HARRISON. I will take some of the figures. I did not want to take up the time of the Senate, because I might be accused of filibustering.

Mr. McCUMBER. I was just asking as a general proposition.

Mr. HARRISON. No; I do not agree to that statement. We will take some figures and see what the decline was. Take good steers. In January, 1921, the price in the New York market was $19 per 100. In Argentina it was $14.72.

In February, the New York price was $16.50, and the Argentine price was $15.92.

In March, the New York price was $16.50, and the Argentine price was $19.46.

In April, the New York price was $16.25, and the Argentine price $19.64.

In May, the New York price was $16.75, and the Argentine price $18.21.

In June, the New York price was $15.75, and the Argentine price $16.29.

All of those figures are for 1921. I shall not read further, but the facts speak for themselves along that line. The Senator took an average, but did not give the figures month by month.

I desire also to incorporate the prices of wheat during those months in 1921, before and after the emergency tariff law went into effect, showing the prices in Minneapolis, Winnipeg, and Buenos Aires. These figures will all speak for themselves, and I ask to have the tables printed in the RECORD as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Comparative prices.

COMMODITY—BEEF.

(Unit of quantity, 100 pounds.)

Period.	New York—good steer.	London—Argentine-chilled hind-quarters.	Buenos Aires—Frigorifico steer, good quality.
1921.			
January	$19.00	[1] $14.72	[1] $9.74
February	16.50	15.92	10.53
March	16.50	19.46	10.25
April	16.25	19.64	9.73
May	16.75	18.21	8.27
June	15.75	16.29	6.60
July	14.75	14.85	7.33
August	16.50	14.77	6.72
September	15.75	17.94	7.32
October	15.00	12.43	7.29
November	15.00	12.66	6.56
December	.....	14.72	.....

[1] Current exchange.

Underwood act free, emergency tariff act, 2 cents per pound.

COMMODITY—MUTTON.

(Unit of quantity, 100 pounds.)

Period.	Chicago—Good dressed.	London—English wethers.	London—New Zealand, frozen.
1921.			
January	$21.50	[1] $27.97	[1] $11.04
February	20.50	34.64	11.94
March	18.00	34.05	14.60
April	18.00	31.91	13.50
May	20.50	26.09	.....
June	22.50	29.33	13.85
July	19.00	31.94	13.37
August	22.00	21.78	12.44
September	17.00	19.90	12.49
October	16.50	18.64	10.87
November	16.50	19.19	10.20
December	18.50	17.24	10.51

[1] Current exchange.

Underwood act, free; emergency tariff act, 2 cents per pound.

COMMODITY—CATTLE.

(Unit of quantity, 100 pounds.)

Period.	Chicago—Beef steers, good.	Toronto—Top price, good steers.
1921		
January	$10.75	[1] $10.32
February	8.75	9.10
March	10.00	9.64
April	9.25	9.75
May	8.45	.....
June	8.52	.....
July	8.00	7.68
August	8.92	7.01
September	9.00	.....
October	8.37	6.36
November	9.12	5.76
December	8.75	6.41

[1] Current exchange.

Underwood act, free; emergency tariff act, 30 per cent.

COMMODITY—PORK.

(Unit of quantity, 100 pounds.)

Period.	Chicago—Loins, 10–12 pounds.	London.
1921..		
January	$22.50	[1] $18.59
February	18.50	26.32
March	20.50	28.37
April	26.50	26.97
May	22.50	21.61
June	17.50	24.37

[1] Current exchange.

Comparative prices—Continued.

COMMODITY—PORK—continued.

Period.	Chicago—Loins, 10-12 pounds.	London
1921.		
July	$17.50	$20.40
August	27.50	22.58
September	26.50	25.92
October	22.00	21.74
November	21.00	19.99
December	17.50	20.19

Underwood act, free, emergency tariff act, 2 cents per pound.

COMMODITY—FLAXSEED.

(Unit, bushel.)

Period.	Minneapolis—No. 1.	Winnipeg, Canada—No. 1.	Buenos Aires, Argentina—Linseed.
1921.			
January	$2.06	[1] $1.80	[1] $1.42
February	1.68	1.49	1.29
March	1.80	1.59	1.34
April	1.60	1.37	1.16
May	1.67	1.41	1.24
June	1.93	1.63	1.39
July	1.90	1.55	1.42
August	2.02	1.78	1.71
September	1.95	1.78	1.70
October	1.89	1.76	1.25
November	1.72	1.57	1.34
December	1.81	1.54	.....

[1] Current exchange.

Underwood Act, 20 cents per bushel; emergency tariff act, 30 cents per bushel.

The VICE PRESIDENT. The question is on agreeing to the committee amendment. The yeas and nays having been ordered, the Secretary will call the roll.

Mr. POMERENE. There is some confusion here as to just what the question is and how it is presented.

The VICE PRESIDENT. The question is on the committee amendment, which the Secretary will state.

The ASSISTANT SECRETARY. On page 99, line 10, after the words "fresh beef and veal," the committee proposes to strike out "2" and to insert in lieu thereof "3½," so as to read:

Fresh beef and veal, 3½ cents per pound.

The reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. BALL. Making the same transfer of my pair as before, I vote "yea."

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. JONES of Washington. The senior Senator from Virginia is necessarily absent, and I promised to pair with him for the day. I find, however, that I can transfer that pair to the junior Senator from Arizona [Mr. CAMERON]. I do so, and allow my vote to stand.

Mr. GLASS. I transfer my general pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. PHIPPS. I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Iowa [Mr. RAWSON] and vote "yea."

Mr. STERLING. I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Colorado [Mr. NICHOLSON] and vote "yea."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The junior Senator from New Jersey [Mr. EDGE] with the senior Senator from Oklahoma [Mr. OWEN]; and

The senior Senator from New Jersey [Mr. FRELINGHUYSEN] with the senior Senator from Montana [Mr. WALSH].

The result was announced—yeas 47, nays 18, as follows:

YEAS—47.

Ashurst	Broussard	Capper	Curtis
Ball	Bursum	Colt	Ernst
Borah	Calder	Cummins	Fernald
France	Ladd	Newberry	Smoot
Gooding	La Follette	Norbeck	Spencer
Hale	Lenroot	Norris	Sterling
Harreld	Lodge	Oddie	Sutherland
Johnson	McCumber	Pepper	Townsend
Jones, N. Mex.	McKinley	Phipps	Wadsworth
Jones, Wash.	McLean	Pittman	Watson, Ind.
Kellogg	McNary	Poindexter	Willis
Kendrick	Nelson	Sheppard	

NAYS—18.

Caraway	Heflin	Pomerene	Underwood
Gerry	Hitchcock	Robinson	Walsh, Mass.
Glass	King	Simmons	Watson, Ga.
Harris	Myers	Stanley	
Harrison	Overman	Trammell	

NOT VOTING—31.

Brandegee	Elkins	Nicholson	Smith
Cameron	Fletcher	Owen	Staufield
Crow	Frelinghuysen	Page	Swanson
Culberson	Keyes	Ransdell	Walsh, Mont.
Dial	McCormick	Rawson	Warren
Dillingham	McKellar	Reed	Weller
du Pont	Moses	Shields	Williams
Edge	New	Shortridge	

So the amendment of the committee was agreed to.

Mr. HARRISON. Mr. President, in running through the list of items carried in the pending schedule, where a higher duty is sought to be imposed than was even carried in the emergency tariff law, my interest was excited this morning by the discovery among my papers of two very interesting documents. They are really curiosities. I am sure they will be of interest to Senators on the other side. Even though they may have been forgotten by some Senators and are now, for all practical purposes, of little use—only relics of antiquity—disregarded and repudiated, they are most interesting in view of your present action in adding these higher rates on certain necessaries of life.

One of them was the Republican campaign textbook of two years ago. Amongst the pages of that textbook I find that the leader on the other side of the aisle, the senior Senator from Massachusetts [Mr. LODGE], made a speech. It was called the keynote speech of the Republican convention at Chicago. The speech was published and circulated broadcast throughout the country. He sounded the keynote and pledged the Republican Party to certain propositions and promised to do certain things should they again be intrusted with power. Mr. LODGE in this speech, among other things, spoke on a question that should be of great interest at this time, because you have just voted to place 3½ cents a pound tax upon beef, and you propose to go down the line and increase the tax on flour, corn, mutton, pork, lard, veal, potatoes, onions, rice, lemons, woolen and cotton goods, sugar, salt, eggs, and other food necessities. Here is what was said by Mr. LODGE, who does not honor me with his presence at this time, but I hope my voice may penetrate the cloakroom, where he may now be reclining, so that it may bring back to his memory this remarkable speech in which he promised to reduce the high cost of living should the Republican Party obtain control of the Government. Here is what he said. Listen, Senators, you on the other side of the aisle who applauded the Senator from Massachusetts when he made this speech in the convention at Chicago, you who sent it out to your respective States and made it a pledge or a promise to your people to redeem should you again be elected. Under the heading, "The high cost of living," he said:

The rise in prices, the high cost of living which reaches daily into every home, is the most pressing as it is the most difficult and most essential problem which confronts us.

Now, do you indorse that statement? "No," some one on the other side of the Chamber just said. Of course, you say "No" now because by your votes you are repudiating it here, and yet here you come and vote to increase the price of beef and sugar and everything that goes upon the breakfast table and upon the backs of the people. Mr. LODGE further said:

Profiteering, the charging of extortionate and unjustified prices, which is stupid as well as unlawful, is subject now to ample punitive laws. Those laws should be enforced, others, if necessary, added, and the offenders, both great and small, should be pursued and punished.

And yet in the face of that statement I heard the distinguished Senator from Indiana [Mr. WATSON] the other day, with his "Punch and Judy show," his cuckoo clock and his monkey, and the Senator from North Dakota [Mr. MCCUMBER], with his circus, parade to the Senate and to the country that importers were making 2,000 per cent profit. Yet that was denounced by the leader of the Republican Party in the Senate, the keynoter at the Chicago convention, who said that if you should be elected you would punish them, you would bring them to trial, you would stop that practice. The gentleman who made this speech was HENRY CABOT LODGE—H. C. L.—High Cost of Living.

But that is not all. I could quote the speech of the standard bearer of the Republican Party and his running mate in that

campaign. I could quote from other distinguished Republicans where they inveighed against the high cost of living and said they would reduce it to the people should they be returned to power.

Now, I have here another remarkable document. This is a good one. This just happened to come to my attention. I remembered that I had seen it somewhere. It is no doubt familiar to all of you. It was published in 1920. It is Speakers' Series No. 1, published by the Republican National Committee, sent out to millions all over the country to elect President Harding and Vice President Coolidge. Here was the promise that was made then to the people in Speakers' Series No. 1, the first and most important pamphlet that was issued by the Republican committee in that campaign. What is it? It will look familiar to you as soon as you see it. There it is on the outside of the book, in big black type, "The High Cost of Living." You thought the issue was so big, you thought it important enough to print and circulate it as the first of all the campaign literature issued by the management of the Republican Party.

The high cost of living and the Democratic administration in Washington helped the profiteers to plunder the people—

is what you said, and you fooled them by virtue of that instrument and the speech of the senior Senator from Massachusetts. Of course I could quote others along the same lines. I am only going to read a few passages from this pamphlet. It is well to call your attention to it at this time when you are trying to increase the cost of beef and sugar and mutton and chops and pork and all the other food articles carried in this tariff bill,

Here is what you said, in part, in this pamphlet on "The High Cost of Living":

Imagine, then, that the emergency passes; that the justification for this huge corner in the necessaries of life suddenly comes to an end; that all this monopoly of crops and packs and meats and clothes and building materials ceases to serve any good purpose, yet the great corporation refuses to act on the facts—seeks to hold back its vast supplies from the people of the country, tries to prolong the scarcity of all things that the people need, attempts to keep up the famine prices which it has established by its policy, lets food rot in storage rather than sell it in America, ships it to Europe to prevent its falling into American hands, sells it to foreigners at half or quarter its value rather than market it in the United States and so reduce prices to the American people.

* * * * * * *

The high cost of living of to-day had its beginning in the waste and extravagance in the great emergency of war. But we are not concerned with its beginning so much as we are with its continuance after this emergency had passed. We want to know why prices since the armistice of November 11, 1918, have continued to go up. We want to know why, with the enormous supplies which the Government then possessed, aggregating billions of dollars, lower prices were not made available to the consumer. We want to know why the President of the United States and his administration, although given full power and adequate money to eliminate profiteering, to eliminate illegal combinations which protected profiteering, have done nothing except those things which have made the situation worse.

* * * * * * *

And while the Wilson administration were marketing the vast supplies of meats and canned goods in Europe at half price or quarter price and on long-time credits, Americans were forced by the scarcity of foodstuffs at home to pay 68 cents a pound for butter, 40 cents for oleomargarine, 57 cents for bacon, 35 cents for roast beef, 18 to 20 cents a can for vegetables, and almost any price for sugar that the dealer might ask when he had any sugar at all to sell.

And yet every item there enumerated in this bill is sought to be taxed further, so that the price to the consumer may be increased.

On August 8, 1919—

Says this pamphlet—

On August 8, 1919, President Wilson sent a special message to Congress on the high cost of living. Attorney General Palmer had become convinced that "under the stimulation and temptation of exceptional circumstances combinations of producers and combinations of traders had been formed for the control of supplies and prices which are clearly in restraint of trade."

To meet this situation the President called for more appropriations with which to prosecute offenders, extension of "the present food control act," and the enactment of a penalty for profiteering, although a penalty up to $5,000 fine or two years' imprisonment had already been provided in the act to which he referred. In no way, however, did the President recognize the plain fact that his administration had been the greatest hoarder of foodstuffs that this country ever saw, the most monopolistic manipulator of prices, the most aggressive promoter of combinations to restrain trade and prevent the people from getting the benefit of a plentiful supply of the necessaries of life. He had nothing to say of Secretary Baker's desperate and successful efforts to keep up the terrific strain of war prices, to ship food and clothes anywhere or everywhere except to places where American citizens could get them, and to let foodstuffs rot in the warehouses rather than let them compete in the market with the products for which the American people were paying famine prices. Not a word, not a word!

Says this remarkable document. Then the Republicans in this pamphlet deal with the price of sugar and condemn the Democratic Party for the high cost of sugar. Then they say:

Thus our Government enters the class of profiteers. The more this silk is sold for the more the companies will make, the more the Government will make.

And yet by this bill you are doing everything possible to increase the cost of silk as well as calico to the women of the country.

It further says:

It seems impossible for Secretary Baker and this Democratic administration to get the point of view that our Government should act to reduce the cost of living. They act only to help the big business concern to enjoy great business prosperity.

The Republicans were talking about the Democrats then.

Then this pamphlet refers to leather and asks why shoes cost $15. We shall see when we reach the hide and leather and boot and shoe items how Senators on the other side of the Chamber will vote. We will ascertain then whether you were honest with yourselves, if you were sincere, when you made those statements as carried in this campaign pamphlet—whether you are still willing to decrease the price of shoes.

If you vote for the recommendations of this committee and lay these tariff duties the committee has incorporated in the bill, then you should be ashamed to face the American people, especially after issuing such campaign literature as this in the last campaign.

Mr. President, I shall not read more than this. There are some other passages in this pamphlet which I should like to incorporate in the RECORD, but the speech of the Senator from Massachusetts [Mr. LODGE], from which I have read, shows the hypocrisy of your action and the deception in you promises. It is the basest betrayal of campaign promises ever recorded, and would, if you had a political conscience, bow your heads in perpetual shame.

The VICE PRESIDENT. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. The next amendment of the Committee on Finance is, in paragraph 702, on page 99, line 13, after the words "Sheep and goats," to strike out "1 cent per pound" and to insert in lieu thereof "$2 per head."

Mr. WALSH of Massachusetts. Mr. President, the same underlying principles apply to the other amendments in this paragraph as apply to the amendments in the paragraph upon which we have just voted. The Senate committee amendment changes the rate on sheep and goats from 1 cent per pound, as provided in the House bill, to $2 per head, an increase of about 150 per cent in the rate.

The rate on fresh mutton and goat meat is increased from 1½ cents per pound, as provided in the House bill, to 2½ cents per pound; the rate on fresh lamb is increased from 2 cents a pound, as provided in the House bill, to 5 cents per pound, or 150 per cent.

Under the Underwood tariff law sheep and goats were on the free list, as were also fresh mutton, fresh lamb, and goat meat. Under the Payne-Aldrich Act sheep 1 year old or over were dutiable at $1.50 per head and less than 1 year old at 75 cents per head. On all other live animals not specially provided for, which included goats, a duty of 20 per cent ad valorem was imposed, and on fresh mutton and lamb a duty of 1½ cents per pound was provided. The emergency tariff law fixed the duty on sheep 1 year old at $2 per head and less than 1 year old at $1 per head; on fresh mutton and lamb, at 2 cents per pound; and on other meats, which would include goat meat, at 25 per cent ad valorem.

The increase in the tariff duties on sheep and fresh lamb is even greater than on fresh beef and cattle. The difference between the emergency tariff law rate on fresh beef and the Senate committee rate is a 75 per cent increase, while in the case of sheep and fresh lamb there is an increase of 150 per cent over the emergency tariff rate and an increase of nearly 250 per cent over the Payne-Aldrich rate.

What is the justification for such an increase? We come back to the old question, Is the sheep-raising industry subject to such competition from abroad that we ought to erect tariff barriers to remove that competition in order that this depressed business may be revived by increased prices? I can not understand how any tariff duty can be of any benefit in increasing prices unless foreign competition exists and can be removed by the imposition of protective-tariff duties. As to lamb there is no serious foreign competition. The figures for the calendar year 1921 show that we produced 650,000,000 pounds of fresh lamb and we imported only 9,000,000 pounds, or about one-half per cent of our consumption, while we exported 20,000,000 pounds, or 3¼ per cent of our production.

If such a record makes out a case for tariff protection, then there is no point at which we can stop in the extension of protective duties, for here is an industry that produces more than we consume and exports twice as much as is imported.

Those are the bald facts regarding this industry at the present time. With this enormous increase from 2 cents a pound to 5 cents a pound, when the increased cost of doing business

with a corresponding advance in prices is considered and the increase in investment is considered, in all probability the rate, if it is effective, will result in an increase of price to the consuming public as high as 6 or 7 cents a pound. As there are nearly 700,000,000 pounds of lamb and mutton consumed in this country in a year, we can very easily estimate, if these duties are reflected in increased prices, as is desired and as is expected by those who urge them—for the only purpose in putting them in this bill is to increase to the farmer the price which he can get for the sheep which he sells to be slaughtered and to increase the price which the packer who sells the lamb will exact—this one item alone means an increased burden of $31,500,000 per year to the consumers of America. I have ascertained that, if this duty is effective and is reflected in increased prices, the increased cost for lamb to the people in the State of Massachusetts alone will be $1,250,000.

The imports of sheep have always been negligible. We are producing in this country sufficient to take care of the consumption—indeed, more than necessary—and are, as the figures show, exporting lamb in much larger quantities than we are importing it.

I have a telegram and a letter from a firm in New York interested in the tariff duty on fresh meat, which I ask to have inserted in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The letter referred to is as follows:

NEW YORK, *June 27, 1922.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: I have taken the liberty of reaching you by telegram to-day regarding the prohibitive measure that is now being discussed before the Senate, and I thought some important facts, such as outlined in the Journal of Commerce on the last page of the issue of Monday, the 26th, would perhaps furnish you with some extra argument in defeating this iniquitous measure, as proposed by the McCumber-Fordney bill.

I have traveled on every ocean and in every country during the last four years where packing-house products are produced, and I believe that it would be disastrous to enforce this bill upon 110,000,000 of people at the present time when we are passing through the reorganization of the economic world, such as we have never seen before in our history. There is not a family, rich or poor, that will not feel this tax very severely in some form or other; and whether the Shipping Board get a subsidy or not they will be, perhaps, one of the biggest losers, by reason of the fact that unless we buy from South American countries and the far-off continent of Australasia we can not hope to maintain an American merchant marine without trading with those countries, and it is not in the interests of the manufacturers to have a bill with such a high tariff wall.

There are, perhaps, a few in the country who are in favor of the bill, but the rank and file of the Nation—and I come in close contact with many of them, owing to the nature of my business—all say that it is a dangerous measure, and one that will cause trouble between employer and employee, owing to the increased cost of living that is bound to be brought about if the bill becomes law.

MEAT SITUATION.

Meat in all producing countries to-day is lower in price than it has been for 20 years; and I have just made a trip taking in the continent of Australia, and meat in those countries is selling at such low values, away below the cost of production; and yet in the United States to-day meat is dearer in the retail as well as the wholesale than pre-war, and this bill would certainly be the means of gouging the American public without bringing any revenue to the Government.

The outcome would be increased taxation all around and higher cost of living for the Nation. This same position exists in the Argentine Republic and Uruguay, two of our greatest customers for all our manufactured products, and unless we maintain and develop our foreign trade in these countries we can not hope to be successful with a merchant marine with no freight offering on the high seas, and I can speak with some authority in view of the fact that we have been and are still constant shippers on the United States Shipping Board vessels on all the seas, and we feel that in placing this situation before you we are rendering a service to the country and to the business interests at the same time, and in conclusion I beg to request that you will protest against any measure that means increased cost of living to the people of this country, as this bill will surely do, and I believe that the bill in its present form should be rewritten entirely, particularly on meats, wool, butter, hides, tallow, etc., as all of these products have been taxed to such an extent that would make it a burden on every home without any compensation to the farmer or the Government.

I would draw your particular attention to the United States Department of Agriculture's reports on the 6th of March, 1922, on wool imports from 1912 to 1921. In the latter year the United States produced 224,564,000 pounds, which is the smallest since 1889, showing conclusively that there is an extreme shortage in domestic wools, and the average imports for these years have exceeded the production, consequently there are certain wools, namely, the finer clothing wools, that this country must import, and if the prohibitive tariff of 33 cents is placed on this commodity it means gouging the people to pay for it.

I beg to remain, respectfully yours,

A. W. BENJAMIN.

P. S.—During my trip in Australia and New Zealand I particularly noticed that 75 per cent of the automobiles operating there, and in fairly large quantities, are of American manufacture, and this equally applies to the South American countries, where our manufactured goods are to be seen everywhere.

Mr. WALSH of Massachusetts. Mr. President, there is not anything further that I desire to say. I might continue the discussion here for an indefinite time, but I would only be debating this question: Do these facts warrant the application of the principle of protection, assuming the principle to be that for which the Republican Party has heretofore stood in the levying of protective duties? I can not see how any argument can be made for protective duties under the circumstances stated in this case, unless we intend to depart from the previous policies and apply protective duties to every industry, regardless of whether they have extended beyond the demands of the local market or not. I therefore shall ask that the committee amendment may be rejected and, at most, the rate fixed in the House bill levied.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. WALSH of Massachusetts. Mr. President, may the committee amendment be stated first? I do not care to ask for a roll call on the first item.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 99, line 13, it is proposed to strike out "1 cent per pound" and insert "$2 per head," so as to read:

Sheep and goats, $2 per head.

Mr. McCUMBER. Mr. President, I think we had better have a roll call on that.

Mr. WALSH of Massachusetts. I was going to ask for one on the next amendment, which covers the main issue in this paragraph. If the Senator wants to have roll calls on both, I am willing, but I was intending to ask for one only on the question of the rate on lamb and mutton.

Mr. McCUMBER. All right; I will not ask for it now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The READING CLERK. On page 99, line 14, it is proposed to strike out "mutton, 1½," and insert "mutton and goat meat, 2½," so as to read:

Mutton and goat meat, 2½ cents per pound.

The amendment was agreed to

The READING CLERK. On page 99, line 15, it is proposed to strike out "2" and insert "5," so as to read:

Fresh lamb, 5 cents per pound.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. WALSH of Massachusetts. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of Washington (when his name was called). I transfer my pair with the Senator from Virginia [Mr. SWANSON] to the Senator from Maryland [Mr. WELLER] and will vote. I vote "yea."

Mr. McKINLEY (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CARAWAY] to the Senator from Iowa [Mr. RAWSON], and will vote. I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON], and will vote. I vote "nay."

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL].

The result was announced—yeas 42, nays 18, as follows:

YEAS—42.

Borah	Hale	McKinley	Shortridge
Broussard	Johnson	McNary	Smoot
Bursum	Jones, N. Mex.	Nelson	Spencer
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Norris	Townsend
Curtis	Ladd	Oddie	Wadsworth
Dillingham	La Follette	Pepper	Watson, Ind.
Ernst	Lenroot	Pittman	Willis
France	Lodge	Poindexter	
Gooding	McCumber	Sheppard	

NAYS—18.

Gerry	Hitchcock	Robinson	Underwood
Glass	King	Simmons	Walsh, Mass.
Harris	Myers	Smith	Watson, Ga.
Harrison	Overman	Stanley	
Heflin	Pomerene	Trammell	

NOT VOTING—36.

Ashurst	du Pont	McKellar	Rawson
Ball	Edge	McLean	Reed
Brandegee	Elkins	Moses	Shields
Calder	Fernald	New	Stanfield
Caraway	Fletcher	Norbeck	Swanson
Crow	Frelinghuysen	Owen	Walsh, Mont.
Culberson	Harreld	Page	Warren
Cummins	Keyes	Phipps	Weller
Dial	McCormick	Ransdell	Williams

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The READING CLERK. The next amendment is in paragraph 703, swine. On page 99, line 18, it is proposed to strike out "of" and insert "and other," so that, if amended, it will read:

Bacon, hams, and shoulders, and other pork—

And so forth.

The amendment was agreed to.

The READING CLERK. On the same page and line, it is proposed to strike out "1½" and insert "2," so as to read:

Bacon, hams, and shoulders, and other pork, prepared or preserved, 2 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, this is a very important amendment.

One of the great industries of this country is the raising of hogs and the exportation of pork products. This amendment proposes to raise the duty upon bacon, hams, shoulders, and other pork products, prepared or preserved, from 1½ cents to 2 cents per pound. If there is any item in this bill upon which a tariff duty should not be levied, it is the particular product now under discussion; and I do not know of any better way to present the views of those who feel that this amendment is not justifiable than to read from the Tariff Commission's report which was submitted yesterday. Let us see what they say about fresh pork, because this industry is so clearly upon an exportation basis that very little can be said in favor of a tariff duty.

I read from the report made by the Tariff Commission upon the operation of the emergency tariff law under the heading of "Fresh pork":

The United States is by far the leading producer and exporter of pork and pork products. Domestic production of pork amounted to 8,933,000,000 pounds in 1919. Of the 1919 production, 2,112,000,000 pounds was marketed as fresh pork. As will be noted in the following table, imports of fresh pork are a small fraction of 1 per cent; exports have averaged several times as large, but rarely over 1 per cent of domestic production marketed in the fresh form.

So far they have been discussing fresh pork only.

Most exports leave the country in the cured forms. Imports are almost entirely of Canadian origin, mainly received at Chicago, the world's largest packing center. Exports go to widely scattered markets throughout the world, though chiefly to Canada and Great Britain. The former country usually imports about ten times as much as she exports to the United States.

Mark that; Canada imports from the United States ten times as much as she exports to us.

Since the United States markets a large part of its enormous corn crop in the form of pork, and during recent years has exported from 750,000,000 to nearly 2,000,000,000 pounds of pork and pork products exclusive of lard, it is probable that no duty can have more than nominal effect on domestic prices. Because of our heavy exports of fresh and cured pork no duty could appreciably affect the domestic market for fresh pork. Statistics of fresh pork are presented in Tables 1 to 3, following.

Mr. President, that statement seems to cover the case admirably, and proves beyond doubt that we are exporting in very, very large volume the pork products which are produced in this country.

For the year 1921 the statistics show that 8,475,000,000 pounds of pork and pork products were produced in this country. Only 1,000,000 pounds were imported, about one one-thousandth of our production. Seven hundred and forty-eight million pounds, over seven hundred times our importations, were exported.

Mr. POMERENE. That means that the imports amounted to about one one-hundredth of 1 per cent per capita for the people of the United States.

Mr. WALSH of Massachusetts. One one-hundredth of 1 per cent of the entire production.

Mr. POMERENE. I am comparing the imports with the population. There are 110,000,000 people in the country and 1,000,000 pounds imported.

Mr. WALSH of Massachusetts. Exactly.

Mr. POMERENE. That would be one one-hundred-and-tenth of 1 pound per capita.

Mr. WALSH of Massachusetts. The Senator's figures are correct. The consumption per capita appears to be about 72 pounds, and if these duties shall become effective, the amount paid by the American people in increased prices for pork and pork products will be about $105,000,000.

We are back again to the old question, is there any state of facts which can be presented which determines when a product should be given protective tariff duties and when a product should not be given protective tariff duties. Evidently we have reached a stage in our legislation when it makes no difference whether we export in large quantities or whether we are in a situation of not producing enough to take care of our consumption and home producers must compete with imports. The same principle applies. Everybody who comes and asks for tariff protective duties is going to get them and is receiving them in this bill. So the amount given in the bill appears to be largely a matter of speculation.

Mr. President, I do not see any justification whatever for this Senate amendment.

Mr. KING. Mr. President, much of the debate upon this bill, as well as some of the votes, reveal that the question of the power of the Federal Government to lay taxes and imposts is entirely ignored. So far have we wandered from the safe paths and from the principles established by the fathers of this Republic that there has developed throughout the country an antipathy to discussion or consideration of constitutional questions, and the suggestion as to the constitutionality of an act or the power of the Federal Government is brushed aside with irritation. I sometimes think that Senators, as well as the people, forget that the question of taxation is involved when tariff bills are being considered.

The tariff, of course, is a tax, a domestic tax, a tax upon consumers. It is as much of a tax as if the tax gatherer were authorized to collect from each individual in the United States a given sum per annum. It has been the purpose of many statesmen to conceal from the people the burdens of taxation, and this has developed a vicious as well as an oppressive system of taxation which, in general terms, is denominated "indirect taxation." Many of the tariff laws which have been enacted in the United States have sought to benefit individuals or corporations or interests rather than to obtain revenue. The power of the Federal Government to tax for legitimate governmental purposes has been perverted, degraded, and prostituted to serve predatory wealth and special interests. To such an extent has this power been employed that many regard it as entirely legitimate and proper for the Federal Government to transfer by means of tariff legislation the property of many to the pockets of the few. This view has become, I was about to say, almost pervasive—that is putting it in the extreme, but it may be said that too many of the people of the United States and too many in this body ignore constitutional limitations, the rights of the Federal Government and its limitations, and support policies which indirectly rob the masses to add to the wealth of the classes or special interests or particular sections.

Men who support the most inequitable tariff schedules would revolt at a proposition to compel by force a section or group or class to make contribution of their money or funds to enable some other group or section or class to increase their profits or to engage in and perpetuate a particular line of industry. When this Government was established the States granted to the Federal Government the power to tax for certain purposes. Congress had the power to tax for the maintenance of the Federal Government within its sphere of action. It could lay taxes to maintain the Army and the Navy and to meet the legitimate expenditures of the various departments of the Government. The States never would have granted nor did they grant the power to the General Government to tax without restriction or for all purposes, or to enable one section or one class to derive advantages at the expense of another section or class. The taxing power is a destructive power. It should never be exercised except when there is an imperative necessity. It should only be exercised in the interest of the Government to protect it, to defend it, and to preserve it.

No one can defend this bill which is before us—a measure which ignores every fundamental principle of taxation, every principle of equality and justice, and which confessedly seeks to swell the profits and fortunes of those who come within its terms and who are generally labeled as its beneficiaries.

Those who advocate these schedules conceive that the bill will add to the profits of the industries or enterprises which are embraced within its terms. They concede that the purpose of the bill is to maintain prices which are unjust and extortionate or to increase them even though such increase adds to the burdens of the people and transfers from their pockets their hard-earned wages to the coffers and the bank accounts of protected manufacturing institutions. And the pity of it all is

that this bill bears most heavily upon the poor, upon the wage earner, upon the clerks, the educator, the professional classes, upon those who work in the factories, in the mills, and in the mines, and that great body of our citizenship who do not produce and whose labor and services and activities are indispensable to the progress and welfare and prosperity of the country.

Mr. President, I express my profound regret that some Democrats have become inoculated with the virus of protectionism and support schedules and provisions in this bill. I regret that there are some within the Democratic Party so inoculated with the poison which manifests itself in unconstitutional taxation, in tariff bills, which rob the many to aid the few, as to support this bill or some of its schedules.

If the Democratic Party has any creed that is worthy of survival it is that the States are sovereign, that power rests with the people, and that the Federal Government has only such powers as are delegated to it and which are enumerated in the Constitution of the United States. The spirit of Democracy means justice, equality, and equal opportunity to all and special privileges to none. The Democratic creed denies that the Federal Government has any authority to tax the people without their consent, and they have only in such a manner and to such an extent as the Constitution permits.

The Democratic Party believes that the Constitution should be strictly construed and that the power to tax must be specifically granted and must only be exercised for the public good and within specific limitations found in the organic law. Never in the history of this Republic has there been so crying a need for a party imbued with the principles of Jefferson and led by men of the courage of Jackson and Cleveland. If political parties trim their sails to every wind that blows, if they seek favor at the sacrifice of principles and are willing to barter their principles, their honor, for temporary gains or victories; in other words, if they are willing to prostitute their creed, their principles, and organization for temporary victory or for power, then they are unworthy the support of the people and should speedily come to an ignoble end. If the Democratic Party becomes an opportunist party and is willing to sacrifice the fundamental principles upon which the party rests, then a new party should arise that will seize the banner of justice and liberty and carry it forward.

I have heard persons inquire as to what was the difference between the Democratic and Republican Parties. There have been many situations which seem to indicate a merging of the parties. Many patriotic Americans are losing faith in both great national parties. Many have said and many daily say that both parties are "time servers"; that they are radical or reactionary and progressive or "stand pat" as the exigency demands or the prospect of obtaining votes points the way. I hope that these statements are unfounded.

The Democrats have denounced the Republicans for their devotion to predatory interests and because of their unconstitutional reactionary and destructive policies. We have declared that they have prostituted the taxing power of the Government to serve special interests and to put money into the pockets of rich corporations and great manufacturing interests.

The tariff laws passed by the Republican Party after the termination of the Civil War were dictated by special interests. They were in the main the redemption of pre-election pledges and promises, and have resulted in building up great fortunes in the hands of certain interests that have been powerful in the political as well as in the industrial life of the Republic. The Democrats have denounced these unholy alliances between wealth and the Republican Party and the injustices which resulted therefrom. These same evil forces which have dominated the Republican Party in the past are driving through this bill. They dictated its schedules. They are all profiting by its provisions and expect to reap greater rewards when it is enacted into law. Yet there are some Democrats who give it support.

Mr. President, the Democratic Party now has the opportunity to serve the country, to rescue the people from plutocratic and menacing forces, to vindicate its glorious record of the past, and to restore the vital and undying principles upon which this Government is founded. We may fritter away the opportunity. We may forget our duty to the illustrious dead who bequeathed to us a great patrimony. We may betray the people who seek justice and emancipation from plutocratic rule. We may strike hands with the predatory interests and join with them in celebrating the victory which they anticipate in placing upon the statute book this cruel, sordid, and inequitable bill which it has become apparent will receive the approval of this body, but if we do an outraged people will visit upon us their wrath and consign us to well-merited obloquy.

Mr. President, the time has come for a separation of the sheep and the goats, for American people to declare whether they are for special privileges, class legislation, predatory interests, and for the degrading of the taxing power of the Federal Government under the guise of tariff legislation, to the enrichment of special favorites or interests. The time has come for Democrats here and elsewhere to avow their fidelity to the principles and creed of the party; there can be no union between the forces that seek to corrupt the Government and pervert it to private ends and those who seek to carry into effect the principles upon which a just, enduring, and free Government rests. This bill can not be defended upon Democratic principles. It can not, therefore, in my opinion, be supported by Democrats.

Mr. POMERENE. Mr. President, on one other occasion I referred to this, and I want to refer to it in this connection again. The late lamented McKinley, in defending the McKinley bill in 1890, referred to the fact that sugar and other articles were placed upon the free list, and boasted that the Republican Party had made the workingman's breakfast table free.

In the pending Republican bill, the McCumber-Fordney bill, all those articles are placed on the high protected list. My question is this, Was McKinley, in the eyes of the present-day Republicans, a Republican or was he a free trader? If we are to judge Republicanism by this bill, what was McKinley? I would like to have him classified.

Mr. KING. Mr. President, Mr. McKinley, if I read his life work aright, was caught after the war by the swirling waters of the protection theory, a doctrine that was being so earnestly advocated by certain interests of the North, and he went to the extreme in his advocacy of protection; his party drifted from the principles and spirit of Lincoln and became too often the pliant tool of special interests. His party magnified the Federal Government, weakened the States, and sought by gratuities and appropriations and contribution to debauch them; it also sought to dazzle the eyes of the people by imperialistic policies and glittering shows put on by rapidly accumulated wealth which found its way into the coffers of predatory forces. In this manner it was hoped that the people would be unaware of the misuse of authority and the abuse of power occurring under Republican administrations.

However, if we are to judge from the last public address of President McKinley, we are justified in concluding that he had reached the point where he regarded the high protection wall as an obstacle to international trade and commerce and as disadvantageous to the American people. While advocating reciprocity this remarkable speech of President McKinley breathed a truly fine international spirit and seemed to recognize the interdependence of nations and the necessity of America enlarging its markets and expanding its commerce.

Mr. President, there have been and are great Republicans who have recognized and who now perceive that the tides which carry forward this country bear on their majestic bosom all other lands, and that whatever ministers to the prosperity of the American people adds wealth to other lands, and whatever brings advantage to the latter brings benefits to the American people. The most provincial and dogmatic Republican is willing to export America's surplus products. He would be glad to find a hundred foreign ports bidding for the products produced in this Republic. And yet such Republicans, and others who claim to be of a more liberal school, driven by the demands of special interests or terrified by the expressions of local interests, give support to this measure, which contravenes sound economic laws, interrupts a return to national and international prosperity, violates the Constitution of the United States, and declares the purpose of the Republican Party to be to permit the taxing power of the Government to be employed to enrich or benefit a part of the American people.

President McKinley in his great address not only advocated reciprocity, which in some instances would result in free trade with respect to many commodities, but he advocated a greater foreign trade, which meant greater imports as well as increased exports. The Senator from Ohio [Mr. POMERENE] has referred to the statement made by President McKinley about the "free breakfast table." Even in the days when Mr. McKinley was vigorously advocating protection he perceived that tariff duties were taxes which were added to the burdens of the people. When he spoke of the "free breakfast table" he appreciated that if the articles consumed by the workmen were subject to

tariff duties they would be taxed and their price to that extent increased. It can not be contended that the tariff does not increase prices and at the same time insist that the tariff lowers prices.

This bill confessedly was the taxing power of the Government to raise prices and thus multiply the burdens of the people. I am not contending that it is unconstitutional to raise revenue from tariff duties, but I do insist that it is immoral, illegal, unconstitutional to use the strong arm of the Federal Government and take the money or the property of one or more through tariff legislation to add to the profit or the wealth of one, or a group, or many.

Mr. President, I believe that there are some Republicans who, like Saul of Tarsus, are beginning to see the truth. The scales are falling from their eyes and the light is dawning upon their minds. It is to be hoped that they will join the forces who are seeking just legislation—that they will cease persecuting as Saul persecuted those who were seeking the truth. There are many Republicans who recognize in this McCumber-Fordney bill not only an impolitic but an unjust measure. Unfortunately, the Republicans, as a party, are still wedded to their idols; and may I say—and I say it with regret—there are some Democrats who, for reasons best known to themselves, indicate a purpose to support this measure.

Mr. BROUSSARD. Mr. President——

Mr. KING. The protection system, as it has been devised and enforced by the Republican Party, and as it finds expression in the bill now before us, is cruel and unjust, and its passage will be fraught with national and international evils. I now yield to the Senator from Louisiana.

Mr. BROUSSARD. With the permission of the Senator from Utah, I would like to ask him a question. I think reference was made by the Senator from Ohio [Mr. POMERENE] and also by the Senator from Utah to the fact that under the McKinley bill it was sought to have a free breakfast table. In 1890 sugar was placed on the free list. Previous to that there was a duty of 3¼ cents per pound, but the sugar producer in the domestic industry was given a bounty of 2 cents. I will now ask the Senator if it is not a fact, notwithstanding that in 1890 sugar was placed on the free list, that the price of sugar went up and remained up during the time sugar was on the free list?

Mr. KING. Mr. President, assuming what the Senator says to be true, it is not pertinent to the point which I am attempting to make, nor does it relate to the question which I am so imperfectly discussing. I rose merely to express my views in a brief way upon what I believe to be the duty and the mission of the Democratic Party, and particularly what I believe was its duty with reference to this or any other measure which proposed to pervert the taxing powers of the Government or to secure benefits and privileges in behalf of the few or in behalf of favorites and special interests. I wanted to say that the Democratic Party was opposed to class legislation, to the granting of special privileges, to usurpations by the Federal Government, to measures which confessedly were not for revenue, though called revenue bills, but were designed to transfer from the pockets of the people to beneficiaries of the law the earnings, the wages, small though they were, which had come as the result of their toil and effort.

I am challenging the protective system as it has been applied by Republicans and as they are seeking to apply it now. I am challenging this bill before us, even though supported by some Democrats, because I believe, as I have stated, that it is an unjust and oppressive measure. I am opposing this bill because it is not only impolitic and unsound as an economic or industrial policy but in its application and in its consequences it will prove harmful to the American people and to others who do not live under our flag.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield.

Mr. POMERENE. If I may be heard for just a moment in reply to my very good friend from Louisiana, I do not know what the price of sugar was after sugar was placed upon the free list, but certainly he will not contend that it would have gone lower if the duty had remained at 3½ cents.

What I was calling attention to was the doctrine of McKinley. I lived in his district. We were neighbors. I thought he was the very personification of high protection. He was perfectly sincere about it. No one who knew McKinley ever questioned his character, his good name, his integrity of purpose. But I was calling attention to his argument which he made during the campaign following the enactment of the McKinley tariff law. I heard him speak. I heard him use that argument. As a young Democrat I did not know how to answer it. It appealed to me. I do not understand this transformation.

Mr. BROUSSARD. Mr. President, I rose merely because reference was made to Democrats. I am voting for the bill right along and expect to vote for the bill when it comes to its final passage. I merely wanted to show that all the arguments made are not sound. For instance, the emergency tariff law increased the duty on sugar from 1 cent to 1.61 cents, and the price of sugar has gone down notwithstanding that fact. These are facts. They do not require argument, except to explain, if anyone may explain, why it was that when we increased the duty on sugar in one instance the price went down, and when we put it on the free list the price went up.

Mr. POMERENE. Do I understand it is the position of my good friend from Louisiana that a tariff on woolens and wool will reduce the price of woolens and wool, or that a tariff on cotton goods will reduce the price of cotton goods?

Mr. BROUSSARD. My statement is very plain and it needs no argument. I am stating facts. I am talking now of sugar because sugar was mentioned, and it is one article which has a world price. My argument is that we are not reducing or increasing the price of sugar by a duty. Whenever sugar is mentioned Senators are selecting one of the articles which disproves the very argument made on this side of the Chamber. They read a list of agricultural products and say that the tariff did not increase the price of agricultural products in the country, and yet turn around and argue that we are now increasing the rate, and therefore will increase the price. Senators can not make both arguments at the same time. When they make the argument that the Republicans at one time stood for a free breakfast table and then mention sugar, I assure them that when we took the duty off of sugar entirely, the only time in the history of the country when sugar was free, the price of sugar went up. I am again calling your attention to the fact that when the emergency tariff law was enacted it increased the duty on sugar by 60 per cent, and the price of sugar to the consumer did not increase. That is not argument. That is merely a statement of facts.

Mr. KING. Mr. President, I am sure the Senator from Louisiana, if he adheres to his position, will vote for free sugar, because if it is placed on the free list the price will be advanced.

Mr. POMERENE. Mr. President, the argument of the Senator from Louisiana reminds me of the clothier who was trying to fit his customer. The customer complained that one suit of clothes was too small. The clothier said it would stretch. Of another one he said it was too large, and the clothier said it would shrink. That seems to be about the situation of the Senator from Louisiana.

Mr. BROUSSARD. I am just calling attention to many of the arguments made on this side of the Chamber. When Senators want to discuss the proposition that they can not help agricultural products they make the emergency tariff law argument that we can not raise prices; but the very next moment a Senator sitting alongside of the one who makes that argument gets up and makes the statement that we are increasing the cost of living because we are increasing duties. I am making no argument except to call attention to sugar. In sugar we have an item which I think will demonstrate that the duty on sugar at least has not affected the price to the consumer. I am merely stating the facts and asking the Senator to make an argument to meet the facts.

Mr. KING. Mr. President, if the able Senator from Louisiana follows the announcement just made, then he will support the proposition when the sugar schedule is before the Senate to transfer it to the free list. He states that when sugar was placed upon the free list the price advanced 2 cents a pound. The Senator from Louisiana is not so unselfish that he does not desire the price of sugar to advance, so I presume he will be the first Senator to move, in order that it may advance, to transfer sugar to the free list. His position, as I understand it, is that the laying of a duty upon imports does not affect prices, or, rather, that if it does affect them, it results often in their reduction. To support this thesis he states that the price of sugar advanced when it was transferred from the dutiable to the free list.

But I did not rise to discuss sugar or any particular commodity in the schedule now under consideration. I intended only to express my view that if the Democratic Party stands for any principle it is that the Federal Government possesses only limited and enumerated powers, that it can not employ the power to tax for governmental purposes in order to transfer to the pockets of the few the money or the property of the many; that now, as never before, it is its high mission to

defend constitutional government, oppose unjust and unconstitutional laws, and fight with undaunted courage against injustice and policies which contravene that immortal democratic battle cry, "Equal rights to all and special privileges to none." If the Democratic Party fails in its mission, forgets the principles of Jefferson and betrays the people, some other party will rise that will seize the falling banner and, inspired by the spirit of justice and liberty, contend against all forces for the rights of the people, the integrity of the State, and the preservation of constitutional government.

But, Mr. President, the Democratic Party, with all its shortcomings and notwithstanding the transgressions of few or even many of its adherents, will continue to be the vital and inspiring political force in this Republic. We may forget its principles, prove recreant to our obligations, but the party will survive and the people will commission those to serve them who will be true to the faith, to the people, and to the cause of justice and liberty.

The Senator from Massachusetts [Mr. WALSH] has been making a gallant fight in the interests of the people. The able Senator from North Carolina [Mr. SIMMONS], with force and eloquence, has pointed out the iniquities of this bill before us. The country have been advised of the sinister and sordid forces which have written this bill and, in my opinion, when the people are aroused, as they will be, unsparing criticism will be leveled against those who supported it.

Mr. President, this bill seems to be fashioned upon the theory that by taxation the wealth of individuals may be increased. This is a pork-barrel bill, and certain interests are getting their share of the plunder. It has been characterized as iniquitous, as violating the principles of justice. I charge that it is a bill written by the few and in the interests of the few. As such I denounce it.

Mr. McCUMBER. Mr. President, not for the purpose of any argument upon the subject but simply for the RECORD and for those who do not always immediately grasp what a specific duty means I desire briefly to say to the Senator from Utah [Mr. KING] that while in this paragraph we have not separated the sheep from the goats we have provided for both the sheep and the goats a duty of $2 per head and we have imposed on mutton and goat meat 2½ cents a pound. We have, however, made a decided difference between the sheep and the goats on one side and the pigs on the other by lowering the duties upon pig meat very materially.

In order that Senators may have an idea of what the change means from the ad valorem standpoint I will say that we have fixed the rate on swine at one-half of 1 cent a pound, which is equivalent to about 5 per cent ad valorem; on fresh pork, at three-fourths of 1 cent per pound, which amounts to about 4 per cent ad valorem; and on bacon and hams and shoulders and other pork, prepared or preserved, 2 cents a pound, which amounts to about 6 per cent ad valorem.

When we come to lard and lard compounds and substitutes there is a duty of 5 cents per pound imposed, which amounts to about 30 per cent ad valorem. It is a protection not only to lard and lard products but it is also a protection to some extent to the cottonseed products which are converted into what are called hydrogenated lard compounds.

It is also proper to say at this time as a mere matter of explanation that the imports of hog products, as has already been stated by the Senator from Utah, are almost negligible; they amount to but very little. The only kind that comes in in any quantity, and that not very great, is a certain variety of bacon and shoulders, mostly coming from Canada, that are prepared in a certain way. Those are very much higher priced in the market than are the ordinary American bacon, shoulders, and hams, the Canadian product being about 33⅓ per cent higher. Those are what are known as the English bacon and the English style of shoulder and ham. There is very much more lean as compared with the fat in the English product than there is in the American product. The duties are paid upon the basis of about 31 cents a pound on the imported bacon, while we are exporting American bacon for about 20 cents per pound. The duty, of course, will not affect the ordinary ham and bacon, and if it affects anything at all it will affect only the higher-priced ham and bacon for those who want a special kind and are willing to pay a specially high price for it.

Mr. WALSH of Massachusetts. Mr. President, before the vote is taken I should like to have included in the RECORD a table showing the estimated annual production, exports, imports, and consumption of pork in the United States from 1907 to 1921.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The table referred to is as follows:

PORK (EXCLUDING LARD).

Estimated annual production, exports, imports, and consumption of pork in United States.

Calendar year.	Slaughter.			Exports (domestic).	Imports (less re-exports).	Consumption.	
	Total.	Federally inspected.	Other.			Total.[1]	Per capita.
	Million pounds.	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Pounds.*
1907	7,491	4,420	3,071	1,014	.....	6,477	74.1
1908	8,226	4,853	3,373	619	.....	7,607	85.4
1909	6,690	3,946	2,744	472	.....	6,218	68.6
1910	5,881	3,470	2,411	313	.....	5,568	60.3
1911	7,511	4,481	3,080	456	.....	7,055	75.1
1912	7,189	4,242	2,947	440	.....	6,749	70.6
1913	7,492	4,420	3,072	456	3	7,039	72.5
1914	7,228	4,264	2,964	377	38	6,889	69.9
1915	8,050	4,749	3,301	906	7	7,151	72.0
1916	8,634	5,196	3,448	1,011	2	7,625	75.7
1917	6,901	4,071	2,830	943	10	5,968	58.4
1918	8,854	5,551	3,303	1,724	97	7,227	69.8
1919	8,933	5,584	3,349	1,897	11	7,047	67.1
1920	8,193	5,133	3,060	925	6	7,338	68.9
1921	8,475	5,351	3,124	748	1	7,851	72.8

[1] Includes differences between quantities in storage at beginning and end of year.

It is well known that the hog industry is subject to rather violent changes due to the economic situation and the character of the corn crop in a given year. This is illustrated in the table, in which it may be seen there are three lean years, viz, 1909, 1910, and 1917. The shortage in 1909 and 1910 was due to the failure of the corn crop, and that of 1917 is attributed to overmarketing, including breeding stock, in the preceding year, due mostly to the attraction of high war prices. The enormous production in 1918 and 1919 evidence a remarkable recovery, which would have been impossible with any other class of live stock than the prolific and quick-maturing hog. The production in 1920 probably suffered somewhat from the heavy marketings of the previous year.

The exports of pork in 1920 and 1921 indicate a return to normal proportions as compared with the large war-time shipments of the previous two years. The reversal was no doubt aided also by the international economic conditions. The comparatively small imports of pork consist mostly of specialties consumed by foreign-born residents.

Mr. WALSH of Massachusetts. On the pending amendment I respectfully ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Let us have the amendment stated, as we can not on this side of the Chamber always hear what Senators on the other side say.

The PRESIDING OFFICER. The pending amendment will be stated.

The READING CLERK. On page 99, line 18, before the word "cents," it is proposed by the committee to strike out the numeral "1¼" and to insert the numeral "2," so as to read:

Bacon, hams, and shoulders, and other pork, prepared or preserved, 2 cents per pound.

The PRESIDING OFFICER. The question is on the committee amendment which has just been stated. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair, but making the transfer to the junior Senator from Maryland [Mr. WELLER], I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. McKINLEY (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to my colleague, the senior Senator from Illinois [Mr. McCORMICK], and vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement concerning the transfer of my pair as on the previous vote, I vote "nay."

Mr. PHIPPS (when his name was called). Transferring my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW], I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as heretofore in regard to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. BALL. Transferring my pair with the senior Senator from Florida [Mr. FLETCHER] to the junior Senator from Iowa [Mr. RAWSON], I vote "yea."

Mr. ROBINSON. I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 43, nays 16, as follows:

YEAS—43.

Ball	Ernst	Lodge	Poindexter
Broussard	Gooding	McCumber	Sheppard
Bursum	Hale	McKinley	Shortridge
Calder	Johnson	McLean	Smoot
Cameron	Jones, N. Mex.	McNary	Spencer
Capper	Jones, Wash.	Nelson	Sterling
Colt	Kellogg	Newberry	Townsend
Cummins	Kendrick	Nicholson	Wadsworth
Curtis	Ladd	Norris	Watson, Ind.
Dillingham	La Follette	Oddie	Willis
du Pont	Lenroot	Phipps	

NAYS—16.

Gerry	Hitchcock	Pomerene	Trammell
Glass	King	Robinson	Walsh, Mass.
Harris	Myers	Simmons	Watson, Ga.
Heflin	Overman	Smith	Stanley

NOT VOTING—37.

Ashurst	Fletcher	Norbeck	Sutherland
Borah	France	Owen	Swanson
Brandegee	Frelinghuysen	Page	Underwood
Caraway	Harreld	Pepper	Walsh, Mont.
Crow	Harrison	Pittman	Warren
Culberson	Keyes	Ransdell	Weller
Dial	McCormick	Rawson	Williams
Edge	McKellar	Reed	
Elkins	Moses	Shields	
Fernald	New	Stanfield	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Finance was, on page 99, line 20, after the words "lard compounds and lard substitutes," to strike out "20 per cent ad valorem" and to insert in lieu thereof "5 cents per pound."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. WALSH of Massachusetts. Mr. President, it will be noted that the rate of 5 cents a pound provided by the Senate committee amendment is a large increase over the 20 per cent ad valorem rate proposed by the House bill. As we are heavy exporters of lard and lard compounds, the rules and principles governing all previous tariff legislation seem to have been abandoned in fixing the duty upon lard compounds and lard substitutes. There was no corresponding provision in the Payne-Aldrich law for lard compounds and lard substitutes, and in the Underwood law lard compounds and lard substitutes were admitted free of duty. A very small quantity of these commodities is imported, the imports, whatever they are, being included in the statistics as to lard; but the imports of lard are insignificant as compared to the exports.

It might be interesting in this connection to call attention to the ridiculousness of a duty upon lard when the imports are so insignificant as to be unrecorded and the exports amount to 43 per cent of the domestic production. In 1921 there were 2,095,000,000 pounds of lard and lard substitutes and lard compounds produced in this country, and 893,000,000 pounds were exported. As I have said, there were no imports at all, and therefore no figures for imports are given. It is one of the products of which we export most in proportion to the production in America. This item illustrates the extreme to which the principle of protection has been carried in this bill in providing for a protective tariff duty upon products that are exported in such very large quantities. There can be no revenue, for there are no imports, and therefore the duty can operate upon nothing at all; and to fix a duty upon a product which is produced in this country without competition in the world is, of course, absurd and ridiculous.

I do not know of anything in this bill that demonstrates better than this paragraph to what extremes the committee has gone in attempting to apply a protective tariff. It seems to me this is the last straw; and when we come to realize that lard and lard substitutes and lard compounds are by-products of the packing business, and that lards are largely handled and sold through the packing houses of this country, we can understand who the beneficiaries of these tariff duties are likely to be.

Mr. POMERENE. Mr. President, as I recall the report of the majority of the committee, nothing was said as to the reason for placing this high duty upon lard and lard compounds. Was any reason urged in the committee which is not a matter of record, and of which the Senator has knowledge, for this high duty?

Mr. WALSH of Massachusetts. Mr. President, I will say to the Senator that I know of no reasons that were urged openly to the committee; and I can not understand why this change was made from the House rate of 20 per cent ad valorem to the rate of 5 cents per pound fixed in the Senate bill. If there were some evidence of even one pound of lard substitutes coming into this country, it might be possible to justify a rate of 5 cents per pound; but there are no statistics and no evidence, and if there is any one product that we are producing and exporting at a profit it is lard.

Mr. STANLEY. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Kentucky.

Mr. STANLEY. Mr. President, it may be that the packers will need it at some time, and it is just as well to have it in case of necessity.

It is a fact known to everybody who lives in the country where hogs are raised to any great extent that the producers of hogs at this time buy their lard in great measure from the packers. The cost of labor and the difficulty of rendering a small amount of lard have induced the farmers who raise hogs in a great many instances first to sell their hogs and to buy their lard and, to a great extent, to buy their green hams, but the producers of the hogs themselves do not produce their own lard in this country. As the Senator has well said, lard is absolutely and exclusively and entirely a packing-house product. You can go into these little country towns, as well as into the cities, and you will not find 10 pounds of domestically made lard for sale. It all comes from the packers.

The Senator has asked for some reason for this duty. I suggest, if he is curious, that he write to Mr. Armour or Mr. Swift. Possibly they can give him some reason. There is nobody on this floor who can do it who will.

Mr. WALSH of Massachusetts. Mr. President, of course, it is very evident that there can be no other reason except an opportunity given to those who produce and sell lard or lard products to charge 1 cent per pound more for lard and 5 cents per pound more for lard substitutes. There are not any imports to shut out. There is not any competition from outside to drive down the domestic price, and the only reason is that an opportunity is possibly given by this tariff to increase the cost to the consumers; and let me tell the Senator that if it operates, if this duty is effective, as there is on the average a production of 1,200,000,000 pounds of lard in this country, the consumers will have to pay tribute to these packers to the extent of $12,000,000 per year just for the one item of lard named in this bill.

Mr. STANLEY. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Kentucky.

Mr. STANLEY. Upon mature consideration another reason occurs to me, though I hesitate very much to express it even in the form of a surmise or a conjecture. It might be useful in the way of buncombe in estimating the things which we have done for the farmer or the consumer, and setting them off against the things we have certainly done to him.

Mr. POMERENE. It fits in with the whole bill.

Mr. STANLEY. We might sort of grease him a little with this lard. For instance, we have certainly increased the cost of linen by every dime and every penny of duty that we have put on linen products. We have certainly increased the price of sugar by every cent we have put upon foreign sugar. We will increase the price of a thousand and one other things that are not produced in this country, or, if they are produced, are produced in part in this country by reason of this fostering tariff; and when you begin to add up the various items that constitute this burden that is now weighing upon the overtaxed citizen in a time of high cost of living, it might be just as well to say to the fellow out in the country: "Well, now, look here: Here is 5 cents a pound on 10 pounds or 20 pounds or 30 pounds of lard. You have sold so many hogs, and if they were made into lard that amounted to so much." Outside of its possible use by the packer, or outside of its immediate availability as buncombe, there is no reason for this duty that I can see.

Mr. WALSH of Massachusetts. Mr. President, I ask that the table giving the estimated annual production, exports, and con-

sumption of lard in the United States be inserted in the RECORD. This table shows that lard is anything but an infant industry.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

LARD.

Estimated annual production, exports, and consumption of lard in the United States.

Calendar year.	Slaughter.			Exports (domestic).	Imports (less reexports).	Consumption.	
	Total.	Federally inspected.	Other.			Total.[1]	Per capita.
	Million pounds.	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Million pounds.*	*Pounds.*
1907	1,693	993	690	589	.....	1,094	12.5
1908	1,834	1,094	760	582	.....	1,272	14.3
1909	1,506	888	618	458	.....	1,048	11.6
1910	1,344	793	551	379	.....	965	10.5
1911	1,717	1,013	704	605	.....	1,112	11.8
1912	1,643	969	674	553	.....	1,090	11.4
1913	1,713	1,011	702	575	.....	1,138	11.7
1914	1,652	975	677	460	.....	1,192	12.1
1915	1,840	1,086	754	487	.....	1,353	13.6
1916	1,973	1,164	809	454	.....	1,519	15.1
1917	1,577	930	647	383	.....	1,194	11.7
1918	2,015	1,263	752	555	.....	1,460	14.1
1919	2,089	1,327	762	784	.....	1,305	12.4
1920	2,022	1,326	696	636	.....	1,390	13.1
1921	2,095	1,384	711	893	.....	1,214	11.3

[1] Includes differences between quantities in storage at beginning and end of year.

The production of lard does not necessarily follow that of other pork products in relation to the number of hogs slaughtered in any given period of time. Certain conditions, as the plentifulness and cheapness of corn, determine whether the feeder shall market his hogs in fat or lean condition, and other economic factors determine whether the packer shall produce more or less lard than usual in the slaughtering process.

Regarding the exports of lard, it may be noted that those of the war period did not exceed pre-war totals as did those of other pork products. Lard exports have been large for a long period of years; in fact, the American lard hog has never had a competitor in the world's markets. It is, nevertheless, rather surprising to note that the lard exports of 1911 to 1913 were larger even than those of the years from 1915 to 1918. This is explained by the fact that the Central Powers, Germany especially, as well as the continental European neutrals, were large consumers of our lard, and the loss of this trade affected the totals until 1919. The lard exports in 1921 were unprecedented, being much the largest in history.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. POMERENE. Mr. President, before a vote is taken I should like to ask the distinguished chairman of the committee what is the reason for this duty on lard, in view of the fact that there is such a tremendous amount of exports—namely, 43 per cent of our production goes abroad—and not a pound of lard comes in? What is the reason for it?

Mr. McCUMBER. We get very little importation, that is true. Very little lard comes in. The duty is only 1 cent per pound, and that is a very moderate duty. I do not think it will have the slightest effect in the world upon the prices in the United States. Those who represent the farming element of the country all feel that it will be beneficial to them, and while I can not agree that it will make much difference, I certainly know that it can not by any possibility be injurious to the trade.

When we come to the substitutes, that raises entirely a different question. There are the cotton seed and the soya bean and half a hundred other things that we make lard substitutes from, and there is a displacement proposition. Even though the Senator might say that it would not come in direct competition, it does come in competition as a displacement article; and in order to maintain a better rate for the American product of the hog, we have given a duty which amounts to about 30 per cent ad valorem.

On this point I want to correct an erroneous statement made by the Senator from Massachusetts [Mr. WALSH]. He continually speaks of our raising the rate. The rate of duty that is fixed in the House bill, of course, is an ad valorem rate based on the American selling price of the product, and there is usually a difference between the American selling price of the product and the foreign selling price, and a rate based upon foreign valuation is much less, as a rule, than the same rate based upon American valuation; so while possibly it would appear upon the face of it to be something of a raise, I do not think the real ad valorem would be more than 3 or 4 per cent higher.

Mr. POMERENE. Mr. President, let us see what this situation is. No lard comes in. The duty is 1 cent a pound. No lard multiplied by 1 cent a pound means no revenue coming into the Treasury. The Senator from Massachusetts has said that no lard substitutes or compounds come in here.

Mr. McCUMBER. Mr. President, will the Senator allow me to correct him there? The Senator repeats that no importations come in. Considerable importations come in, from 1,000,000 to 2,000,000 pounds. It is not a great amount compared with our enormous product, I am willing to admit; but it is not true that no importations come in.

Mr. WALSH of Massachusetts. Mr. President, the figures that I have before me show that the lard substitutes and lard compounds that came in in 1921 were about 4,000 pounds, and I have no figures of lard at all. Will the Senator state where he got his figures of 1,000,000 pounds?

Mr. McCUMBER. The Senator is speaking of substitutes only.

Mr. WALSH of Massachusetts. Exactly.

Mr. McCUMBER. The question was directed to both lard and substitutes, as I understood.

Mr. WALSH of Massachusetts. The table which I have just offered for the RECORD, from the Tariff Commission, gives no imports whatever of lard.

Mr. POMERENE. Mr. President, this exhibit which the Senator from Massachusetts introduced gives the imports and exports for each of the years from 1907 to 1921. In 1907 the exports were 589,000,000 pounds; in 1921 they were 893,000,000 pounds; but under the column of "Imports (less reexports)" there is no report of anything at all.

Mr. WALSH of Massachusetts. Mr. President, may I interrupt the Senator to call attention to another document which I have in my hand, issued by the Department of Commerce, in which a record is made of the imports entered for consumption during the calendar year 1921? That gives the imports of lard, lard compounds, and lard substitutes as 4,795 pounds. Where the Senator gets his 1,000,000 pounds, in view of that document issued by the Department of Commerce, is beyond my understanding.

Mr. POMERENE. That is very interesting, and it would seem as if the Senator from Massachusetts were correct; at least, I shall believe that until I know where the chairman of the committee gets his figures; and when I make that statement, I do not mean to even hint that he would misrepresent the situation; but there are statisticians and statisticians, and figures and figures.

Mr. McCUMBER. In 1918 it was about one and one-third million pounds, I think, and it has been going down, and has gone down very rapidly, until in the nine months of 1921, which is the only record we have for that year, it was something over four or five thousand pounds.

Mr. POMERENE. Billion, or million?

Mr. McCUMBER. I said four or five thousand.

Mr. POMERENE. But I understood the Senator to say it went from a billion pounds.

Mr. McCUMBER. No; from about one million.

Mr. POMERENE. Very well. If that is so, even as a protectionist, you do not need to be alarmed over these imports. I want to defend the work of this Congress if I can, and I would like to know what defense I can make to this particular item.

Mr. McCUMBER. Let me call the Senator's attention to the Summary of Tariff Information, page 640, where it is said that the quantity in pounds in 1919 was 3,845,865. The value was $1,042,989.

I said it had gone down, until in 1921, though I do not think for the whole year, it will run as high as 5,000 pounds; but what it may be in 1922, 1923, or 1924, of course, is entirely conjectural.

Mr. POMERENE. The Senator did not read all of this report. Let me read a part of the same paragraph. The Summary of Tariff Information, on page 640, says:

> Imports of lard are insignificant compared with production or export, having reached the maximum of 1,131,998 pounds, including compounds and substitutes, in the fiscal year 1918, with 230,816 pounds as the average for the four years previous. Under a duty of 1½ cents per pound 4,117 pounds were imported in 1913 and 125,636 pounds came in duty free in 1914. Later imports of lard, lard compounds, and lard substitutes for calendar years are as follows.

Without reading all of them, for 1920 the quantity was 14,456 pounds, and for the nine months of 1921 it was 3,955 pounds, and the value was $741.

Mr. McCUMBER. That is what I gave.

Mr. POMERENE. I thought the first part of it the Senator had not read; but it does seem to me that no reason has been given at all for this duty, unless it is anticipated that there will be future sources of supply. I do not know where they are.

Mr. KING. I would like to ask the Senator from Massachusetts, if we export this product in such large quantities, and the imports, if any, are limited, and come into the United States perhaps by reason of the proximity of some community pro-

ducing a limited quantity, is there any reason for the imposition of this duty unless it is intended that the power shall be given certain interests in the United States to increase the price of lard and other commodities, or if they prefer to maintain existing prices, against all tendencies of proper economic laws, to adjust prices to the law of supply and demand?

Mr. WALSH of Massachusetts. Of course, what the Senator has stated is true, and if the result in the case of lard is an increase in prices, on account of the levying of a duty of 1 cent per pound, the consumers of America will pay a tribute to the packers of between twelve and twenty million dollars per year.

Mr. KING. May I inquire of the Senator whether there is any appreciable quantity of lard sold by any agencies in the United States other than the packers?

Mr. WALSH of Massachusetts. They control practically the entire output of lard.

Mr. KING. Then, of course, this is a gratuity to the packers?

Mr. WALSH of Massachusetts. That is all.

Mr. KING. And it will cost the people of the United States, the consumers, millions of dollars.

Mr. POMERENE. This protects an infant industry!

Mr. SIMMONS. Mr. President, in the Tariff Summary we have figures, first as to lard and then as to lard substitutes. In speaking with reference to imports, under the head of lard they give the imports for the nine months of 1921 as 3,945 pounds. That would amount to about 5,000 pounds a year.

In speaking of the imports of lard substitutes, on the next page the commission says:

> Imports of lard compounds and substitutes are combined in the statistics with the imports of lard.

That means that the imports of lard and of lard substitutes amounted in 1921 to about 5,000 pounds. Add the production of lard, which amounts to 1,373,000,000 pounds, to the production of lard substitutes, which amount to 1,171,000,000 pounds, and you have a combined production of lard and lard substitutes of 2,564,000,000 pounds.

Taking the exports of the two products, you have exports amounting to 742,000,000 pounds, three-fourths of a billion pounds, as against imports of 5,000 pounds. That is the situation, two and a half billion pounds of production, three-quarters of a billion pounds exports, and 5,000 pounds imported. Yet, as I read the RECORD, it is thought necessary by the committee to increase the rate upon lard compounds from 20 per cent ad valorem to 5 cents a pound.

Mr. KING. Mr. President, I would like to ask the Senator from North Carolina if the imposition of the tax of 5 cents a pound will not permit the trust, the packers, those who control the lard products of the United States, to raise the price above the fair market price substantially up to the level of that figure—5 cents per pound—plus the fair market price?

Mr. SIMMONS. If that is not the purpose of this, there can be no purpose to it. Of course, it is absolutely ridiculous to say that for protection purposes you need a duty when you have a production of two and a half billion pounds, export of three-quarters of a billion, and imports of only 5,000 pounds. It is also absurd to say that a duty under those circumstances would increase the price to the farmer; but if this product is controlled by a trust, and the trust desires to further advance their prices, once they have a duty, they might, if they made an advance, incur foreign competition, and if the purpose of this is not to enable the trust who control these products to further advance their prices in case they see fit to do so, without danger of competition from abroad, then there can be no purpose behind it; unless it is to deceive. There may be a purpose to deceive.

Mr. KING. The last sentence of the able Senator from North Carolina, whose knowledge of this bill and its evil effects, and of tariff legislation generally, is not surpassed by that of any man in public office, stated what seems to be a truism that this rate is either to deceive the agricultural interests of the United States, or it is to put it into the hands of the packers to charge the American consumers approximately 5 cents per pound more for lard than current market prices would warrant, without giving any compensation or corresponding benefit to the farmer from who the product was purchased. In other words, Mr. President, the purchasers of the hogs from which the lard is obtained may not avail themselves of the tariff of 5 cents a pound when they make their purchases from the farmers, and may announce that they intend to sell the lard for a certain price, which, for the time being, may be a current price; for the sake of illustration, say, 6 cents a pound; but after having made the purchases or the contracts for purchase upon that basis, later they may aver that world conditions have changed, or that labor costs have been augmented, or some contingency has arisen, as a result of which they will have to avail themselves of the tariff of 5 cents per pound, and raise the price practically 5 cents to the American consumer. It is a deceptive, wicked scheme to rob and plunder the working people of the United States.

Mr. SIMMONS. I think the Senator might say this, that it is either to enable the trust to advance their prices with impunity, so far as foreign competition is concerned, or it is to deceive some class of our people, or it is a silly performance.

Mr. KING. Yes; I think the Senator from North Carolina has properly characterized it, and within that one sentence has described just exactly what this proposition means. Yet able, intelligent, patriotic Senators upon the other side of the aisle, with a placidity upon their faces which seems at times to be a benediction, accept this proposition, and wait with equanimity the vote which will record their triumph.

Mr. President, the cynicism displayed by some in the consideration of a bill fraught with such great consequences to the American people, especially the working classes, is something which I can not comprehend. Here are millions and tens of millions of working people, a large number of them out of employment, with the prospect of reduced wages, with dislocated business, with industrial depression, and we are engaged in the task of passing a bill to add to their burdens, to multiply their woes, and to cast obstacles in the pathway of the resuscitation of American business. Yet some say they are statesmen, and we declare that we are interested in the welfare of the people.

It is my opinion that it will soon be written of this Congress, of this Senate, that no Congress and no Senate was more amenable to the whisperings and to the demands of the special and sinister interests of the United States. The people have been forgotten in the drafting of this bill. The masses who work and toil are to pay tribute to certain interests and to predatory classes in the United States. We are invoking the taxing power to transfer property from the pockets of the many into the pockets of the few, and we do it under the guise of protection and in the "interest of the people." Well, Mr. President, no protests are availing; the bill will be passed; the understandings have been reached; the juggernaut will move on. The Senator from Massachusetts will fall beneath this car that is being driven at the crack of the whip of the Senator from North Dakota. But I want to warn these Republicans and others who join the procession in what they regard as a glorious triumphal march that there will be a to-morrow, and the Senator from Massachusetts and those who are trying to protect the interests of the people will come into their own and be vindicated and be the recipients of the gratitude of millions of the American people.

Mr. McCUMBER. Mr. President, if adjectives were shells, I think the Senator from Utah [Mr. KING] would be the most terrific broadsider on the face of the earth; but inasmuch as they are really innocent and are harmless and never change a vote, I think we can still rely upon the duty which we have placed upon these articles.

The packing houses manufacture very little of these compound products. The great bulk of the compound product, which is made of many different kinds of oils, but mainly of cottonseed oil, is manufactured by a great many independent concerns, and they are strong competitors of the packers, who make their standard pure hog lard. That competition undoubtedly will go on. We are giving, I think, when we give a cent a pound on lard, certainly all the protection that they need. We have given 30 per cent ad valorem upon the compounds which are the competitors of the products of the great packing houses for the most part.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WALSH of Massachusetts. On this question I ask for the yeas and nays.

The yeas and nays were ordered, and the principal legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer to the junior Senator from Maryland [Mr. WELLER], I vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as on the previous vote as to my pair and transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. GLASS. I transfer my general pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the junior Senator from Georgia [Mr. WATSON] and vote "nay."

Mr. CARAWAY (after having voted in the affirmative). I transfer my pair with the junior Senator from Illinois [Mr. MCKINLEY] to the senior Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The junior Senator from New Jersey [Mr. EDGE] with the senior Senator from Oklahoma [Mr. OWEN];

The senior Senator from New Jersey [Mr. FRELINGHUYSEN] with the junior Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 37, nays 16, as follows:

YEAS—37.

Borah	Gooding	McLean	Spencer
Broussard	Hale	McNary	Sterling
Calder	Johnson	Newberry	Sutherland
Cameron	Jones, Wash.	Norbeck	Townsend
Capper	Kellogg	Norris	Wadsworth
Colt	Ladd	Oddie	Watson, Ind.
Curtis	La Follette	Phipps	Willis
du Pont	Lenroot	Sheppard	
Ernst	Lodge	Shortridge	
France	McCumber	Smoot	

NAYS—16.

Ashurst	Harris	Overman	Smith
Caraway	Heflin	Pomerene	Stanley
Gerry	Hitchcock	Robinson	Trammell
Glass	King	Simmons	Walsh, Mass.

NOT VOTING—43.

Ball	Fletcher	Myers	Reed
Brandegee	Frelinghuysen	Nelson	Shields
Bursum	Harreld	New	Stanfield
Crow	Harrison	Nicholson	Swanson
Culberson	Jones, N. Mex.	Owen	Underwood
Cummins	Kendrick	Page	Walsh, Mont.
Dial	Keyes	Pepper	Warren
Dillingham	McCormick	Pittman	Watson, Ga.
Edge	McKellar	Poindexter	Weller
Elkins	McKinley	Ransdell	Williams
Fernald	Moses	Rawson	

So the amendment of the committee was agreed to.

Mr. MCCUMBER. Mr. President, before proceeding further I desire at this time to ask unanimous consent that when the Senate closes its session on this calendar day it shall take a recess until to-morrow at 11 o'clock a. m.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MCCUMBER. I ask that the next amendment be stated.

The ASSISTANT SECRETARY. On page 99, line 21, after the words "reindeer meat," the committee proposes to strike out the words "20 per cent ad valorem."

Mr. WALSH of Massachusetts rose.

Mr. MCCUMBER. If the Senator from Massachusetts will allow me to let the RECORD show what the equivalent ad valorem duty is and what the imports are under paragraph 704, I desire to say that as to reindeer meat in 1920 the imports amounted to 1,600 carcasses, weighing about 250,000 pounds, valued at $60,000, or 24 cents per pound. On the basis of 24 cents per pound the 4 cents per pound duty is equal to 17 per cent ad valorem. During the calendar year 1921 the imports of venison amounted to 176,467 pounds, valued at $41,792, or 24 cents per pound. On the basis of 24 cents per pound the 4 cents per pound rate is equivalent to 17 per cent ad valorem. During the calendar year 1921 the imports of "game not specially provided for," other than birds, amounted to 516,242 pounds, valued at $135,107, or 26 cents per pound. On the basis of 26 cents per pound the rate of 4 cents per pound is equivalent to 15 per cent ad valorem.

I desire to say that these are in the nature of luxury taxes. The prices of the commodities as a rule are above those of beef and other like meats in the United States. They are not nearly so good as beef and other domestic meats, but are imported for those who desire to buy venison and reindeer meat, and so forth. The duty is rather moderate.

Mr. WALSH of Massachusetts. Mr. President, I rose to state that I did not consider the paragraph of sufficient importance to provoke any discussion. I did not have any intention of doing more than asking for a formal vote upon the paragraph. I think the figures the Senator has given, though, refer to the importation of venison rather than to reindeer meat. My information is that there have been no importations of reindeer meat, and that this duty was fixed at the request of Alaskan producers of reindeer meat who desire to control in the future the home market in America.

Mr. MCCUMBER. The most of the reindeer meat comes from Alaska. The Senator is right in that respect.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 99, line 22, after the word "game," to insert "(except birds)"; and in line 23, before the word "cents," to strike out "1½" and to insert "4," so as to make the paragraph read:

PAR. 704. Reindeer meat, venison, and other game (except birds) not specially provided for, 4 cents per pound.

The amendment was agreed to.

The next amendment was, on page 100, after the words "PAR. 706," to strike out "Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for; meats;" and to insert "Meats," so as to read:

PAR. 706. Meats, fresh, prepared, or preserved, not specially provided for—

Mr. MCCUMBER. Mr. President, I will merely say that the "sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for," and here proposed to be stricken out by the committee amendment, have been transferred to paragraph 1644a on the free list.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 100, paragraph 706, line 4, before the words "per centum," to strike out "15" and to insert "20."

Mr. WALSH of Massachusetts. Mr. President, in reference to this amendment all that I care to say is better said than I could say it if I made a lengthy speech in the report of the Tariff Commission on the emergency tariff law. That report, which was presented on yesterday and which has just been put in printed form, says in regard to prepared or preserved meats:

> Imports of prepared and preserved meats into the United States have never been of more than negligible importance. Tables 1 and 2 show this quite clearly. On the other hand, excluding bacon, hams, and other pork products, exports of prepared and preserved meats have far exceeded imports. They increased greatly during the war years, and have since returned nearly to pre-war figures. The pre-war export total not only was far larger than imports, but was shipped to all parts of the world to supply a special trade for these somewhat specialized products. In the case of bacon, hams, and other pork products, imports have come mainly from Canada in the form of English type of meats. Our exports to Canada have far exceeded imports, while the export total is about equal to that of all other countries. Our exports increased greatly during the war years, and in the case of bacon and hams remain far above the pre-war figure. Tables 3 and 4 show this export trade.

Mr. President, the committee amendment increases the House rate. The House provision was for 15 per cent ad valorem, based upon American valuation. The Senate committee amendment is 20 per cent ad valorem. These products are exported in large quantities, and there are practically no importations. The very same principle is involved here which was involved in the other amendments which have been discussed in the paragraphs which have preceded the one now pending.

Mr. MCCUMBER. I understood the Senator to say that a considerable increase has been proposed by the Senate committee over the House rate. Is the 20 per cent ad valorem on the foreign valuation greater than 15 per cent on the American valuation?

Mr. WALSH of Massachusetts. I desire to say that I find myself mistaken. I had in mind the increase over the Underwood law and over the rates in previous tariff legislation.

Mr. MCCUMBER. Yes; under the Underwood law these articles are free.

Mr. WALSH of Massachusetts. The rate named here is about the same as the House rate. Am I correct?

Mr. MCCUMBER. I wish to say that the rate in the law of 1909 was 25 per cent and in the emergency tariff law was 25 per cent, while under the act of 1913 these articles were free. We have imposed a duty at 20 per cent, which is less than that in the law of 1909 and in the emergency tariff law.

Mr. WALSH of Massachusetts. I had for the moment forgotten the distinction between the foreign valuation and the American valuation. The proposed rate is an increase over the Underwood law, which was the law in existence at the passage of the emergency tariff law a year ago last May. Under the Underwood law these products were admitted free. The rate fixed by the Senate committee is substantially the rate which is

fixed in the House bill, although there may be a slight increase or a slight decrease. But even the House rate is excessive. I have nothing further to offer.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I understood that the Senator from Washington [Mr. POINDEXTER] desired at this time to call up the conference report on the naval appropriation bill, and I advised him a short time ago that I would agree to lay aside temporarily the tariff bill after we had concluded the meat schedule. We have just finished that; so, if the Senator from Washington desires to go on, I have no objection.

Mr. WALSH of Massachusetts. If the Senator from Washington proceeds with the consideration of the conference report, does the Senator from North Dakota intend to postpone action on the amendments which we have not yet reached until to-morrow morning?

Mr. McCUMBER. Yes; it was my intention to pass them over.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the naval appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29, 42, 45, 46, 53, 56, 66, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 10, 11, 22, 26, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 44, 47, 48, 49, 51, 52, 55, 57, 58, 59, 60, 61, 63, 70, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, and 90; and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,902,478"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Class 1 (Fleet Naval Reserve)"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,745,426"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "at hospitals and on board ship in lieu of subsistence allowance"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,800,000"; and the Senate agree to the same.

Amendment numbered 68. That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", whenever the number of civilian professors or instructors employed in such duties shall be less than 80: *Provided*, That in reducing the number of civilian professors no existing contract shall be violated: *Provided further*, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$556,400"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,001,261"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,229,461"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for the procurement of gyro compass equipments for destroyers not already supplied; for the completion of armor, armament, ammunition, and torpedoes under manufacture on April 8, 1922, for the supply and complement of vessels which may be proceeded with as hereinbefore mentioned, including not to exceed 400 torpedoes of the destroyer type, and not more than $14,000,000 of the funds herein made available under 'Increase of the Navy' shall be applied to objects of expenditure heretofore under the jurisdiction of the Bureau of Ordnance"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 3, 6, 13, 62, 64, 65, 86, 91, 92, and 93.

MILES POINDEXTER,
FREDERICK HALE,
TRUMAN H. NEWBERRY,
CLAUDE A. SWANSON,
Managers on the part of the Senate.
PATRICK H. KELLEY,
BURTON L. FRENCH,
MARTIN B. MADDEN,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

Mr. KING. Mr. President, I should like to inquire whether any of the conferees are on the floor?

Mr. CURTIS. Mr. President, we have sent for the members of the conference committee, but they have not come in yet. If the Senator wants any explanation, I suggest that the conference report be temporarily laid aside until we can get them here.

Mr. McCUMBER. I will ask the Senator from Utah if there is any objection to adopting the report now, or is he desirous of discussing the matter?

Mr. KING. I want to say to the Senator that I do not know what changes were made. I have had no opportunity to read the report. It has just been handed down, and I do not want to assent to it. I understand that the Senator from Massachusetts [Mr. WALSH] is ready to discuss one aspect of it, and I think, therefore, we may proceed with its consideration.

Mr. WALSH of Massachusetts. Mr. President, I regret exceedingly that I find myself compelled to object very strenuously to the adoption of this report.

Some days ago we had a lengthy discussion in this Chamber in regard to the reserve officers in the naval air service. After extended consideration by the Senate Naval Affairs Committee it was agreed, first, that the examinations given to the reserve officers in the naval aviation service was unfair; that these officers were not given sufficient time to prepare for the examination, which was an exceptionally difficult one; that many of them were kept on active duty until the very day of the examination; and that under all the circumstances the reserve officers should be given another examination. Provision was therefore made in the Senate for keeping 50 of these reserve officers in the service for one year in order that an examination could be held during the next year, and thus a further opportunity given to qualify for appointment in the regular naval service.

It may seem very trivial to stand upon this floor and take the time of the Senate to speak for 50 men, but there is a very

important principle involved here. How can this Congress justify a finding that an injustice has been done to Government employees, to say nothing of men who have served their country in time of war, and permit that finding to go without the application of any remedy?

I do not know of anything more heartless that has happened since I have been in the Senate. I have no personal interest in these young men. I hardly know one of them; but I do not know anything meaner, I do not know anything more reprehensible than the treatment that has been accorded to these young men who in the first week of this war left their homes and their studies, and have consecrated every day of their lives to the service of their country up to this day, only to find themselves thrown out on July 1, like old junk, after an examination was given them which a committee of the Senate says was unfair and unreasonable. More wasted time and effort. For weeks you debated and held hearings, and now you do nothing. When will this inaction and do-nothing policy of Congress end?

May I say a word to you Republicans? May I tell you what I think is your weakness in the next election? It is your soullessness, your heartlessness. You will boast, as you can boast, of having saved money. Ah, but when the record is disclosed of how you have treated the ex-service men, of how you have treated the Government employees, of how you have dismissed the navy yard employees during the most serious depression in this country, of how you have reduced wages, you will find that your boasts about reducing expenses will not make much of an impression upon the masses of the American people; but just such incidents as this, which is only one of many you are responsible for, is making an impression as to the real character of your administration that, if I am any judge of political psychology, will very, very seriously injure you with the American electorate. You ought not to permit it. You ought not let a hundred young men, with friends in every part of this country and in every American legion post and every war veterans' organization, be able to tell the story that they will tell of your indifference, of your heartlessness, of your ingratitude.

I am amazed and astonished that you would permit the conferees of the House not to see what an absurd and ridiculous position you put yourselves in by saying to these brave fighters: "Yes; we have been mean to you. Yes; we have treated you unjustly—the examination was wrong. You have served your country five years faithfully, and we believe you ought not to be thrown out now as discards, but what can we do; what can we do?" The other branch of Congress is Republican, and this branch is Republican, and you are responsible for the legislation that passes through Congress. You are responsible for what Congress fails to do, as well as what you accomplish.

Talk about sympathetic treatment of soldiers! These young men you have seen daily in the sky. Since this amendment has been pending here one of the men who was to benefit by this legislation has gone to his death working for you.

The wife of one of them called me from this Chamber yesterday to ask me what she could do when her husband was to be, on the 1st of July, sent out into the world without a dollar or a job or a position. Another young man has been here who met with an accident last December and is unable to speak above a whisper. His throat has been paralyzed so that he can not taste any difference between one kind of food and another, and he is fighting bravely for his health, with a wife and a child to support; and he, an invalid because he served his country, is being discarded on the 1st of July. Why? Because there is no opportunity in Congress to discuss these questions and have a vote taken, for the House never, never would reject this amendment if a vote and a roll call had been had in that body and if it had not been left to conferees behind closed doors to perpetrate this injustice. What will the mothers of sons say when they hear this story of your forgetfulness, of your indifference?

Ah, you have been losing sight of the things that penetrate, of that sense of fairness and justice that our people demand and the absence of which they resent. Yes; you have been losing sight of the real things by which people judge an administration. It is not alone the cold, mathematical, financial tables that they will consider, but the question, "Is there any heart, is there any soul, is there any sense of justice in small as well as great things; is there any humanitarianism at Washington?" Here you are confessing to the country an injustice done—to whom? To the bravest and noblest young men that ever served a noble cause or a great country.

I am almost inclined to keep this floor until my very strength fails me in protest against this action. It happens that only 86 men are involved, but the principle is just the same as if it were 8,600.

What kind of examination was given them, you ask me? Young aviators, holding on in the service for five years, who left their schoolbooks at the outbreak of the war and became so skilled, such experts, that their superior officers said, "You remain here. We want you permanently in the Navy. Do not go into civilian life, now that the armistice has been signed and the war is over. Remain." And since the armistice and up to this day each of them has been given two promotions upon the recommendation of his superior officer, raised from the rank of ensign to lieutenant, junior grade, and then to lieutenant, senior grade. Then an examination is ordered, not by your administration, but by the previous administration. Ah, that matters not with you; the feeling here is that whatever is ordered by the powers that be must be accepted and approved. You are even unwilling to tell Army and naval policy makers that they are wrong when you know it. The last administration ordered the examination.

I believe that if Secretary Daniels were in that office to-day he would repudiate the examination if he knew its real significance, for he was a man of heart. Of course, it was a formal matter with the Secretary of the Navy, prepared by the Bureau of Navigation. The examination requires these young men to pass on subjects on which men who have been at sea for years are required to pass—men who have been at sea and reach the state where they have to be promoted from line officers as junior lieutenants to senior lieutenants. Aviation was only one of ten subjects, an optional subject with them, given only 10 points; and these young men who never saw the deck of a naval vessel, who never were on a naval vessel in their lives, who never had an opportunity of studying naval subjects, who knew nothing of navigation, were given questions like this: "How would you dock a boat if the wind was blowing a gale of 45 miles and hour, and the space you had to move the boat about in was of certain given dimensions?"

The Army had reserve officers in the Aviation Corps. The Marine Corps had reserve officers in their Aviation Corps. What did the Army do? They said: "Are you qualified as an aviator? What does your record show? Then you are accepted, because we want skilled aviators, and we do not require aviators to qualify as line Army officers." The Marine Corps said the same thing; and these men were accepted in the Army and in the Marine Corps on the strength of their records as aviators in the Army and in the Marine Corps. When it came to the Navy, the old-line officers said: "We must have our aviators qualified to navigate ships at sea. We must have them capable of going down into the engine rooms and acting as engineers. They must know all about naval line officers' duties. With us aviation is not a specialty." Why were they not honorable enough to tell these young men that at the end of the war?

What happened? When the examination papers were first examined, out of 290, only 27 passed. Congress said when it passed the act of 1920: "We want 500 of those naval reserve officers taken over into the regular Navy." It authorized 500. Only 290 took the examination which followed, and on the first examination, when the first markings came, only 27 passed. Of course, they had to re-mark the papers. The very fact that only 27 passed on the first examination is positive proof that the examination was unfair and unsuitable. No more evidence is required to prove what an absurd and ridiculous procedure it was.

Let us briefly discuss this policy. Are our naval aviators to be navigators and navigate sea craft as well as ships in the air? That is what the Navy is requiring. Note, however, the old line officers have not got to be aviators. But I am not going to discuss that so much as the mean manner in which these men were treated. I am not now going to discuss what the consequence of this policy is, except to say it has ruined aviation in the Navy. If they were to be given such an examination, should they not in fairness be given an opportunity to go to sea? Should they not in fairness have been given an opportunity to study? Should they not have been given six months at the academy at Annapolis to prepare for these examinations? But no; they were taken out of their airplanes and in 24 hours subjected to an examination such as graduates of the Naval Academy are given. The shame of it all! It is treatment inconceivable by fair-minded men!

To be sure, they had eight months' notice that this examination was going to be given; they had eight months' notice of what the subjects were going to be. They had no time off duty, however. In some instances a few men came and lectured to them in the evenings after hours, when they were free from their duties, but there was no opportunity given to them to really prepare for the examination.

The first mistake their superiors made was in encouraging these men to remain in the service. If they had been told the

day of the armistice, or a year afterwards, that they would have to qualify as regular line naval officers, not one of them would have remained; they would have gone back to college; but for five years they were kept on not as line officers but only as aviators. They have been treated meanly and they are heartsore, because they have been kept on and on to train other men for their places, and on July 1, without profession or vocation, these 86 young men go out into this country of ours to tell this story of—I will not say contemptible treatment, but of unjust treatment, which is pathetic. The Senate never intended that this should happen, because we sought here to remedy that situation. We did everything possible, and it does seem to me that if the House conferees really understood the circumstances they would not permit this thing to happen.

What explanation did the House conferees give? They say that other reserve officers failed, too, and why should they not be taken care of as well as the aviators? I understand that is the explanaton. Let me explain the difference. All other reserve officers had been at sea, had been in the regular line of the naval service, had been on battleships, on cruisers, and on torpedo boats, and had every opportunity for five years to know, from their own personal experience during those five years, what the duties of line officers were; but not one of these aviators ever even trod the deck of a naval craft, and these young men are now discarded at a time when the country is passing through depression, at a time when there are no positions open for intelligent, bright, capable young men like these, after five years of hazardous labor, after five years of daily risking their lives for their country.

Do you know the record of mortality among these men? Do you appreciate how many of the companions of these men have died? Do you appreciate that between now and July 1, when these men leave the service, we may read the names of some of these young men who have offered up their lives for their country, just as bravely and just as creditably as if they did it upon the battle fields?

Can not something be done? Are we hopeless? Are we to be put in the position of saying, as you must say to these young men, "We did what we could in the Senate. We were for you. We think an injustice has been done; we are helpless." Shame on a Congress that is helpless to right a wrong!

Ah, the morale! Each of us know the feeling with which some of the soldiers came back, the feelings they entertained, justly or unjustly it is not for me now to say, against what they called the old-line officers' treatment of civilian soldiers. Just imagine what the feelings of these young men will be, because this amendment was defeated not by Congress but by the naval officers who are determined that they have their way, for they are responsible. If they stood up in man fashion and asked justice for these men the House conferees would not have taken the action they did. It is their influence which has brought this about, and I suppose they are sitting in triumph over the empty protest I made and that the Senate made here for these young men, who mean nothing to them in the day's work. But a day of reckoning will come; you can not treat honorable, intelligent men like this without a comeback.

Where do these men go? Let us follow them. They are to be ex-service men. They went through the war. They are among the best educated of our war veterans. They are college-bred men. Where do they go? They go into the posts of the American Legion, into the war veterans' posts, and they will become leaders. They will be asked their opinion about the Army and the Navy, and their experiences in the service of their country. What can they say? What must they say? How much enthusiasm can they have for a Government that is so heartless as to treat them in this manner? It is not the Government; it is the servants of the Government, who have not beeen willing to do justice, who have admitted that there is something which ought to be remedied, but who have not been able to find a remedy.

Have we the courage even now to send this bill back and say, "Men of the House, you could not have understood the situation, or you would not have permitted this?" This is not an effort to find positions for men. Congress has asked for 500 of these men. The law of the land asked that 500 of these men be taken over, and only about 150 of them have been accepted. Who are they? At one station in Pensacola practically every man selected by the Navy Department to train new recruits in learning the science and art of flying failed. Understand, the experts, the men whom the Navy Department said knew more about flying than any other men in the Navy, and therefore must train the young men who came from Annapolis—cautious men, careful men, wise men, safe men—every one of them failed, because, as they said themselves, they had not time to study; and not only did they have no time to study, but they said that after being hours in the air training cadets they could not sit down and apply themselves to the mathematical problems involved in subjects in which they had nobody to instruct them.

Time will not permit me to discuss the great economic loss involved. It cost millions of dollars to train these men—$40,000 each is one estimate—and all this is to be thrown away. Cadets from Annapolis are to be trained, I suppose, to take their places, and you will appropriate millions of dollars to replace the destruction of airships and property required in this work. What becomes of your boasted economy in the face of the rejecting of this governmental asset of $4,000,000, the sum it cost to train these eighty-odd aviators, by dismissing these trained men for 80 untrained men?

I shall not discuss the subject any longer. I have no further responsibility. I have tried to make the best fight I could because these young men touched my heart, because I felt my Government was doing an injustice to them, because I believed they should not be treated in this manner. The responsibility is yours. It will be checked up against you. It will come home to you. So far as I know them, practically every one of these young men is destined to be an influential citizen, and they will tell this story, and they will tell it to their comrades, and whomever they tell it to will have to admit, because it is on the records here, that an injustice was done them, and this Congress confessed its incapacity to remove the injustice.

Mr. President, I shall vote against the acceptance of this conference report. I suppose it is useless to ask or to suggest that any further steps be taken at this late hour to try and right this wrong; but the wrong is there, and you must stand the consequences. Another item of failure is to be recorded against you. The debit side of your stewardship is already long. Go on with your dollar-saving policies—but don't forget that most American people place justice above money.

Mr. POINDEXTER. Mr. President, the Senate conferees accepted, in substance, the view of the Senator from Massachusetts in this matter; at least they adopted the same conclusion, upon the action of the Senate, and it was only as a last resort that they yielded upon the amendment. I think it was one of the last points in disagreement between the conferees of the House and Senate, if not the last, and it was a question of accepting the conference report or having a permanent disagreement.

The objection urged by the other House has been stated by the Senator from Massachusetts that if these young men were given a reexamination, or if they were absolved from the penalty of having failed in the examination, the same privilege ought to be accorded to those who fail in the examinations in every other branch of the Navy.

I ask for the adoption of the conference report.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is on agreeing to the conference report.

Mr. POMERENE. Mr. President, there is another item I want to speak of. I very largely share the views expressed by the Senator from Massachusetts [Mr. WALSH] on this subject. It seems to me that at times there is a good deal of autocratic arbitrariness in certain branches of the Navy, with which I have no sympathy.

I wish to ask a question or two with regard to the provisions of the bill respecting the Naval Academy. I am not quite clear that I understand what the effect of this legislation will be.

As I understand it, the appropriation for the academy, for the pay of professors and others, remains at $421,500, as the House originally fixed it. Am I right about that?

Mr. POINDEXTER. That is correct.

Mr. POMERENE. There are 118 civilian professors in the academy, and this seems to leave it in the power of somebody to reduce that number to 80. Is that right?

Mr. POINDEXTER. It is right, subject to certain conditions. It is provided that no existing contract shall be violated, and provided further that no civilian professor, associate professor, assistant professor, or instructor shall be dismissed except for sufficient cause without six months' notice. The conferees were not advised, and there was no way of ascertaining to a certainty, whether any civilian professors would be immediately discharged, or when they would be discharged, under the conditions which I have just stated. Consequently, they left the amount of the appropriation at the maximum amount fixed by the House.

Mr. POMERENE. This means, then, that any professor or instructor who has not been employed for three years can be summarily removed?

Mr. POINDEXTER. No; the three-year provision was stricken out in conference. That was in the amendment as agreed to by the Senate, but the conferees eliminated it, so that no professor or assistant or associate professor or instruc-

tor, whether he has been there for three years or any other length of time, as I interpret the amendment with the amendment as agreed to in conference, can be discharged without six months' notice.

Mr. WILLIS. Mr. President——

Mr. POMERENE. I yield to my colleague.

Mr. WILLIS. I desire to propound an inquiry to the Senator from Washington, though perhaps he has already answered it. What does the conference report provide in the case of certain instructors who have been notified that their services are to be dispensed with? Will the limitation to which the Senator has just referred apply to them? Are they entitled to six months' notice, or may they be summarily dismissed? Does the report make that clear?

Mr. POINDEXTER. There is no express or specific provision with regard to such a case as that stated by the Senator from Ohio.

Mr. WILLIS. What is the opinion of the Senator on that point? If there should be a case of that kind, what does the Senator think would be the law?

Mr. POINDEXTER. I have not considered what would be the situation as to professors who have already been notified that their services would be dispensed with. That matter was discussed to some extent in the Senate at the time the amendment was adopted. I think the junior Senator from Ohio is fully as capable as I am, and probably more so, of construing the effect of the amendment in such a case as he has stated. I think the practical result, leaving out of consideration the technical construction of it, would depend to some extent, as in many instances Congress has to depend where laws are being changed, upon the spirit which the administrative officials at the Naval Academy adopt toward the intention of Congress as exemplified in the amendments.

Of course the provisions here can not have any effect until the bill is enacted into law. I am frank to say to the Senator from Ohio that there is no retroactive clause. My information is, however, that the academic board and superintendent of the academy have made the statement to Congress, a copy of which I think reached some members of the committee, that it is their intention to observe the spirit and letter of this law as far as they were advised in the process of its being framed.

Mr. WILLIS. Does the Senator say the academic board has advised his committee to that effect? I have received no information of that kind, and that is why I am asking the question of the Senator.

Mr. POINDEXTER. That is the advice we received.

Mr. POMERENE. Mr. President, there is a good deal of circumlocution in the bill which I do not like. I have always been in the habit of calling black black and white white, and I do not believe in beating the devil around the bush with this kind of language.

Mr. POINDEXTER. It is my recollection that the Senator from Ohio helped to frame it, or at least took part in the discussion of it in the Senate.

Mr. POMERENE. I beg the Senator's pardon; I had nothing whatsoever to do with the framing of the bill and knew nothing about it.

Mr. POINDEXTER. I think the Senator was present at the time it was debated in the Senate——

Mr. POMERENE. Indeed I was present.

Mr. POINDEXTER. And the Senator took part in the debate.

Mr. POMERENE. When this matter was debated the general statement was made that it would be threshed out in conference. The amendment of the Senator from Maryland [Mr. FRANCE] was accepted, and that was at far as it went.

Mr. POINDEXTER. I want to say to the Senator from Ohio, in perfect frankness, that I am not aware of any change that was made in the amendment offered by the Senator from Maryland [Mr. FRANCE] which in any way whatsoever changed the effect of it. I am sure it was not the intention of any member of the conference to change the effect of it. But to some extent the conferees changed the form and made it more direct perhaps than it was before, and I think perhaps made the provision and the condition that was attached to the method of discharging civilian instructors at the academy more drastic than under the amendment of the Senator from Maryland.

Mr. POMERENE. The provision as contained in the bill as it passed the Senate reads:

Provided further, That no civilian professor who has been employed for three years or more shall be dismissed without six months' notice to him that his services will no longer be needed.

As adopted by the conferees, it has been changed to read:

That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed.

The fact remains that 118 civilian professors can be reduced to 80, if I understand this language correctly. Then there is this protection, that the authorities there are expected to liberally construe the amendment. It reads:

That in reducing the number of civilian professors no existing contract shall be violated.

Then follows the further proviso which I have just read. There is no doubt in my mind that the authorities there have the right summarily to reduce the number of instructors to 80. Of course, there are varying contracts. I can make no specific statement about them without first having had an opportunity to study the contracts, but I am quite clear that the purpose is to eliminate, so far as the present management can, the civilian instructors.

I think to some extent the conferees have tied the hands of those people; at least it calls their attention to the fact that a decent respect ought to be given to the contracts. That is about all there is to it. There will be a number of those men displaced to make room for other instructors who have had no experience, or practically no experience, in teaching. That is the whole of it.

I do not care to argue the question further, but I do not like that kind of management in our public institutions.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. POINDEXTER. Five amendments under the technical construction of the rule of the House were considered as not agreed to. They were taken back to the House. I ask that the action of the House on those amendments be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on the certain amendments of the Senate to House bill 11228, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 27, 1922.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 3, 6, 62, 92, and 93 to the bill (H. R. 11228) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 13, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert: "$200,000; for pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class 1, while on acttive duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, $2,800,000; in all, $3,000,000, which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve Force: *Provided*, That members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force and to be charged against the clothing and small stores fund: *Provided further*, That no part of the money appropriated in this act shall be used for the training of any member of the Naval Reserve Force except with his own consent. That, until June 30, 1923, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia; and, until June 30, 1923, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said act: *Provided*, That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1923, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force."

That the House recede from its disagreement to the amendment of the Senate No. 64, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "for new construction and procurement of aircraft and equipment, $6,537,000; for new construction, buildings and improvements at air stations, at a total cost not to exceed $280,000, as follows: Anacostia, D. C., $50,000; Pearl Harbor, Hawaii, $150,000; Quantico, Va., $80,000."

That the House recede from its disagreement to the amendment of the Senate No. 65, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,683,950."

That the House recede from its disagreement to the amendment of the Senate No. 86, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "together with the sum of $7,500,000, which is hereby appropriated, and in addition thereto such amount, not exceeding $8,000,000, as may be realized at face value with accrued interest by the Navy Department, for application upon the obligations of the Navy Department for 'Increase of the Navy' from any assignment, such assignment being hereby authorized, by the United States Shipping Board or the Emergency Fleet

Corporation to the Navy Department of any obligation or debt or of any note or other securities held as security therefor owing to the United States Shipping Board or the Emergency Fleet Corporation or to the United States by any contractor to whom or to a subsidiary of whom the Navy Department may be obligated on account of supplies furnished or work done on account of 'Increase of the Navy.'"

That the House recede from its disagreement to the amendment of the Senate No. 91, and concur therein with an amendment, as follows: In line 1 of said amendment, after "has," insert "heretofore."

Mr. POINDEXTER. I move that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 13, 64, 65, 86, and 91.

The amendments were concurred in.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the Senate (at 6 o'clock and 15 minutes p. m.), under the order previously entered, took a recess until to-morrow, Thursday, June 29, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 28 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

William T. Carden, of Hawaii, to be United States attorney, District of Hawaii, vice S. C. Huber, term expired.

REGISTERS OF THE LAND OFFICE.

The following registers of the land office, effective upon completion of consolidation, in accordance with the provisions of the Interior Department appropriation act approved May 24, 1922:

John W. Scott, of California, to be register of the land office at El Centro, Calif.;

Walter E. Bennett, of Montana, to be register of the land office at Great Falls, Mont.;

John Widlon, of South Dakota, to be register of the land office at Pierre, S. Dak.; and

Robert Bruce Milroy, of Washington, to be register of the land office at Yakima, Wash.

PROMOTIONS IN THE REGULAR ARMY.

To be major.

Capt. Paul Hathaway, Infantry, from June 24, 1922.

To be captain.

First Lieut. Merrick Gay Estabrook, jr., Air Service, from June 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28 (legislative day of April 20), 1922.

SECOND JUDGE OF THE CIRCUIT COURT, FIRST CIRCUIT.

Ray J. O'Brien to be second judge of the circuit court, first circuit, Territory of Hawaii.

COAST GUARD SERVICE.

Howard Wilcox to be district superintendent in the Coast Guard.

POSTMASTERS.

ALABAMA.

Noah W. Platt, Headland.

ILLINOIS.

Jacob H. Hill, Decatur.
Fred A. Griggs, Kirkland.
Mack Sparks, Mattoon.
Rebecca C. Miller, Smithfield.

IOWA.

Charles J. Rutenbeck, Lost Nation.

MINNESOTA.

Thomas Tamasek, Albany.

NEBRASKA.

Leon R. Eastman, Kimball.

NEVADA.

Thomas H. Dalton, Austin.

NEW MEXICO.

John H. Doyle, jr., Mountainair.
Lorna J. Cayot, Springer.

OHIO.

Olive M. Munn, Barton.
William W. Reed, Kent.
Charles R. White, Millersburg.

PROMOTIONS IN THE REGULAR ARMY.

Arthur Charles Perrin, to be first lieutenant, Ordnance Department.

Thomas Herbert Chapman, to be first lieutenant, Air Service.

Samuel Winchester Reeves, to be captain, Medical Corps.

Henry Nathan Blanchard, to be chaplain, with rank of captain.

Louis Aleck Craig, to be major, Field Artillery.

Kenzie Wallace Walker, to be Chief of Finance.

CORPS OF ENGINEERS.

To be second lieutenants.

Charles Joseph Barrett, jr.	Louis Jacob Rumaggi.
Otto Spaulding Tinkel.	Francis Jennings Wilson.
Maxwell Davenport Taylor.	Frank Llewellyn Beadle.
Henry James Woodbury.	Francis Eugene Cothran.

SIGNAL CORPS.

To be second lieutenants.

Robert Wayne Raynsford.	Albert Svihra.
William Field Sadtler.	Thomas Herbert Maddocks.

AIR SERVICE.

To be second lieutenants.

Edmund Clayton Lynch.	Fred James Woods.
Alfred August Kessler, jr.	Kenneth Francis Pughe.
Paschal Neilson Strong, jr.	Orval Ray Cook.
Mervin Eugene Gross.	Jamese Wrathall Spry.
Francis Borgia Kane.	Frederick William Hein.
Daniel Allen Terry.	Landon Carter Catlett, jr.
William Stevens Lawton.	Gilbert Hayden.
Richard Wilson Johnson.	Hilbert Milton Wittkop.
Benjemin Wiley Chidlaw.	Townsend Griffiss.
Howard Gillespie Davidson.	

INFANTRY.

To be second lieutenants.

Edward Shelley Gibson.	Glenn Castle Wilhide.
Francis Martin Greene.	Martin Augustine McDonough.
Edwin Norman Clark.	Thomas Varon Webb.
Francis Xavier Mulvihill.	Harry Herman Haas.
Toy Rhea Gregory.	George Edward Mitchell, jr.
De Witt Liggett McLallen.	William Henry Schildroth.
Charles Rufus Smith.	Darius Donald Thorpe.
Harold Alfred Meyer.	Clarence Dean.
Jerre Land Dowling.	Orlando Augustus Greening.
Robert Earle Blair.	James Edward McDavid, jr.
James Dunne O'Connell.	George Arthur Taylor.
Leonard Edwin Stephens.	Paul Sylvanus Graham.
Numa Augustin Watson.	Alfred Lawrence Price.
Frederick Stevens Lee.	Charles Holt Dobbs, jr.
Harry Howard Stout, jr.	David Marion Fowler.
Robert Wilkins Douglass, jr.	Charles Mehegan.
Oscar Louis Beal.	Philip Howard Raymond.
Oliver Wendell Hughes.	Oliver Perry Newman.
Robert Vincent Murphy.	Roscoe Gorea MacDonald.
Aloysius Eugene O'Flaherty, jr.	Phillips Shirley Sears.
Melville Fuller Grant.	Thomas Edward Lewis.
James Edward Rees.	Stewart Tiffany Vincent.
James Robinson Pierce.	Paul Henry Mahoney.
Lemuel Mathewson.	James Clyde Fry.
George Harold Carmouche.	Austin Folger Gilmartin.

CAVALRY.

To be second lieutenants.

Harry Evans Bodine, jr.	William Harvey Kyle.
Earl Foster Thomson.	Gilman Clifford Mudgett.
Edwin Paul Crandell.	Wesley Woodworth Yale.
Charles Hancock Reed.	John Lawson Ballantyne.
Gordon Sherman Armes.	Edwin Carlo Greiner.
Raymond Balliet Bosserman.	John Hughes Stodter.

FIELD ARTILLERY.

To be second lieutenants.

George Hamden Olmsted.	James Kenrick Whetton.
Harry Albert.	Robert Landon Taylor.
LeRoy Judson Stewart.	Stephen Cecil Lombard.
John Francis Uncles.	Robert Smith McClenaghan.
Giles Richard Carpenter.	Walter Russell Hensey, jr.

David James Crawford.	Harold Thomas Molloy.
Du Pré Rainey Dance.	Charles Perry Holweger.
John Hughes Wallace.	Blackshear Morrison Bryan, jr.
William Augustine Burns, jr.	Donald Quitman Harris.
Theodore Frederick Straub.	John Percy Kennedy, jr.
Alfred Eugene Kastner.	William Andrew Wedemeyer.
Mark McClure.	

COAST ARTILLERY CORPS.

To be second lieutenants.

Cortlandt Van Rensselaer Schuyler.	Myron Leedy.
	Alba Carlton Spalding.
Lawrence Coy Leonard.	Perry McCoy Smith.
Arthur William Glass.	Henry Edwin Tyler.
Charles Newsom Branham.	Edward Arthur Kleinman.
Arthur Alexander Klein.	William Beck Goddard, 3d.
Slator Marcellus Miller.	Donald Harold Hayselden.
Granger Anderson.	

PROMOTIONS IN THE NAVY.

To be assistant naval constructors.

Richard M. Watt, jr.	Oliver D. Colvin, jr.
Carlleton Shugg.	Robert C. Sprague.
Robert K. Wells.	Paul E. Pihl.
Mortimer E. Serat, jr.	William Webster, jr.
Ralph E. McShane.	William C. Powell.
Charles D. Wheelock.	Richmond K. Kelly.

REJECTION.

Executive nomination rejected by the Senate June 26 (legislative day of April 20), 1922.

[*Omitted from the Record of June 26, 1922.*]

POSTMASTER.

GEORGIA.

Joe B. Crane to be postmaster at Dixie, Ga.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 28, 1922.*

The House met at 12 o'clock, noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Vouchsafe, O Lord, to keep us this day without sin. Enable us to resume our work with new strength of mind and body. Direct us along the widening ways of life that lead to greater vision and broader outlook. Give restraint to all unguarded impulses and encouragement to all worthy endeavor. O bless our Nation, and may it love Thy law. Lift the light of Thy countenance upon all citizens. Do Thou help them to adjust all their differences. Bring them together in the bonds of mutual concern for the welfare, peace, and happiness of all. Preserve in our memories Thy wisdom and mercy, and may they never lie there in the spirit of ingratitude or let go unheeded. In Thy name. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

During the reading of the Journal the following occurred:

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll and the following Members failed to answer to their names:

Andrew, Mass.	Cantrill	Dunn	Husted
Andrews, Nebr.	Carter	Edmonds	Ireland
Anthony	Christopherson	Evans	James
Arentz	Clark, Fla.	Fields	Jefferis, Nebr.
Bacharach	Classon	Frear	Johnson, Miss.
Bankhead	Cockran	Free	Johnson, S. Dak.
Beck	Codd	Fulmer	Kahn
Beedy	Colton	Garrett, Tex.	Kearns
Black	Cooper, Ohio	Gilbert	Kelley, Mich.
Blakeney	Copley	Gorman	Kiess
Blanton	Crowther	Greene, Mass.	Kindred
Brennan	Dale	Greene, Vt.	Kinkaid
Britten	Davis, Minn.	Griffin	Kitchin
Brooks, Pa.	Deal	Herrick	Kleczka
Buchanan	Dickinson	Hersey	Kunz
Burtness	Drane	Hicks	Langley
Campbell, Kans.	Drewry	Hukriede	Larson, Minn.
Campbell, Pa.	Driver	Humphreys	Lawrence
Leatherwood	Olpp	Sabath	Taylor, Tenn.
Logan	Osborne	Sanders, Ind.	Ten Eyck
Longworth	Padgett	Shaw	Tilson
Luce	Parks, Ark.	Shelton	Treadway
Luhring	Patterson, Mo.	Sinclair	Tucker
Lyon	Patterson, N. J.	Sinnott	Tyson
McClintic	Rainey, Ala.	Snyder	Vestal
McSwain	Rainey, Ill.	Steagall	Ward, N. Y.
Maloney	Rayburn	Stedman	Ward, N. C.
Martin	Reber	Stevenson	Wason
Miller	Reed, N. Y.	Stiness	Webster
Montague	Riordan	Stoll	Wilson
Montoya	Roach	Strong, Pa.	Winslow
Mudd	Robertson	Sullivan	Wise
Nelson, A. P.	Robsion	Summers, Wash.	Woods, Va.
Nelson, J. M.	Rodenberg	Swank	Yates
Nolan	Rouse	Taylor, Ark.	Young
O'Connor	Rucker	Taylor, Colo.	Zihlman

The SPEAKER. Two hundred and eighty-six Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 200 ayes and 100 noes.

So the motion was agreed to.

The Clerk proceeded with the reading of the Journal.

Mr. CRAMTON. Mr. Speaker, I make the point of order that the Journal is not being read in full, and I insist on the reading of the last amendment referred to.

The Clerk proceeded with the reading of the Journal.

Mr. CRAMTON. Mr. Speaker, the conference report presented by the gentleman from Minnesota [Mr. VOLSTEAD] should be a part of the Journal. I make the point of order that the conference report (H. Rept. 9103) would be a part of the Journal, and if a part of the Journal, it should be read by the Clerk.

The SPEAKER. The Chair overrules the point of order.

Mr. CRAMTON. It is not included in the Journal?

The SPEAKER. It is not.

The Clerk completed the reading of the Journal.

The Journal was approved.

EXTENSION OF REMARKS.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type a treatise on the "Consolidation of Government science under the Board of Regents of the Smithsonian Institution." It is a paper prepared by Mr. Arthur McDonald, formerly in the Government service, and would be of interest to those who are considering the reorganization of the governmental departments.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by printing a treatise on the "Consolidation of Government science." Is there objection?

Mr. STAFFORD. Reserving the right to object, who is Mr. McDonald?

Mr. LEHLBACH. He is a distinguished savant, a scholar for many years connected with the Government, a graduate of Harvard and various European universities, and has made a life study of science as applied to the Government service.

Mr. STAFFORD. What is the title of the paper?

Mr. LEHLBACH. "Consolidation of Government science under the Board of Regents of the Smithsonian Institution."

Mr. MONDELL. Mr. Speaker, I am sure that the article is well written and useful, but it does not seem to me that it should be inserted in the RECORD. I trust that it will be given proper publicity in another way.

The SPEAKER. Objection is made.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a very brief article on "Americanization."

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. FISH. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include a very brief article on Americanization. The article is as follows:

FOREIGNERS' CHILDREN TEACH PARENTS THE ENGLISH TONGUE—EXPERIMENT BEGUN FIVE WEEKS AGO GREAT AMERICANIZATION SCHEME, SAYS ALLIED PATRIOTIC SOCIETIES HEAD.

[By Mary Margaret McBride.]

"Mother's started back to school again—real school, under a stern master who insists upon the sacredness of lesson hours, frowns at holidays, and disapproves with all the vigor of his 15 years when mother misses a word.

"Father, too, has been hanging round the classroom lately, looking a little sheepish but unmistakably interested. And grandmama, who brought out her most scornful stock of old-fashioned Russian when the lesson thing was first mentioned, now sits in on the sessions every day with undisguised enthusiasm.

"Alexander, who, by an arrangement between the Allied Patriotic Societies of New York and the board of education, has been appointed special instructor in reading and writing, is only one of a number of higher-grade school children of foreign birth who have volunteered and qualified for this task.

OWN KIN THE PUPILS.

"Pupils of the newly made teachers in every case are members of their own families, who do not speak English, and such neighbors of foreign birth as care to join the classes. Fifteen-minute English classes are held on week days and 60-minute classes on Sundays. Every tenement is suddenly a schoolroom.

"'We of the Allied Patriotic Societies believe this experiment, begun five weeks ago at P. S. 62, is one of the greatest Americanization schemes ever tried,' Dwight Braman, president of the Allied Societies and one of the prime movers in the new plan, said yesterday at a meeting of the organization.

"'It is hard to realize that there actually are men and women in New York who have been here 20 years without learning to speak a single word of English. But pathetic cases of the sort are all the time coming to our notice.

"'A most interesting instance was brought to my attention recently when a father came down to one of the courts to plead for his son, who had been arrested. The son spoke perfect English, but the father, though he had been here 18 years, still knew only his native tongue.

"'The judge sentenced the son to teach the father English.'

"According to Mr. Braman, there are about 3,000,000 foreign born in New York who need instruction in English. These include chiefly Russians, Italians, Germans, and Poles, he declares.

"'Aliens can never become citizens until they have learned English,' he pointed out. 'They can not vote in this State until they can read and write English, and they can not even obey the laws when they do not know what they are.

SEES CURB TO CRIME.

"'We believe our new system will help put down crime, and certainly it will make home life happier and will increase the respect of children for their parents.

"'Now many of the Americanized boys and girls are ashamed of their foreign-speaking fathers and mothers, who, neither reading nor writing the language, are unable to absorb the manners and customs of this new country.

"'The children are enthusiastic over the chance to become instructors, and their ardor will be further kept alive by the award of prizes to those who get best results.

"'A great many of the men now in public life started as teachers, and we are convinced this training will be of inestimable value to the boys and girls themselves, as well as the members of their classes.'

"Among the other subjects discussed yesterday at a conference of representatives of the more than 30 patriotic organizations included in the Allied Societies was a plan for establishing a school for training patriotic speakers. Already there are 10 candidates for this school.

"There will be no more formal conferences of the Allied Societies until fall, Mr. Braman announced, but some of the members will remain on the job through the summer to see that Alexander and the other youthful preceptors keep their parent-pupils in the straight and narrow path of knowledge seeking."

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with the business under the Calendar Wednesday rule.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with business under the Calendar Wednesday rule. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, I move to dispense with the business in order on Calendar Wednesday.

The SPEAKER. The gentleman from Wyoming moves to dispense with the business of Calendar Wednesday.

Mr. CRAMTON. Mr. Speaker, on that motion I ask for recognition.

The SPEAKER. There are five minutes' debate for and against.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Wyoming yield for a question?

Mr. MONDELL. Yes; but the gentleman is entitled to five minutes in his own right, and I prefer to have him use his own time.

Mr. CRAMTON. I should think the affirmative would speak first. I would simply like to ask the gentleman from Wyoming what business would be in order on Calendar Wednesday to-day?

Mr. MONDELL. A bill providing a standard flour barrel. [Applause.]

Mr. CRAMTON. Very important. Mr. Speaker, I take it the gentleman from Wyoming has the floor, and when he has concluded I wish recognition.

The SPEAKER. The gentleman from Wyoming has the right to conclude the debate.

Mr. CRAMTON. Mr. Speaker, am I recognized at this time?

The SPEAKER. The Chair recognizes the gentleman.

Mr. CRAMTON. I had supposed that the gentleman making the motion to dispense with the business of Calendar Wednesday would first give the House some idea of the reason for doing so, this being the one day, the only day, when much important business can secure recognition.

Mr. MONDELL. Well, Mr. Speaker——

Mr. CRAMTON. Well, Mr. Speaker, of course I can not yield to the gentleman as I have only five minutes.

Mr. MONDELL. I thought we all understood we were trying to get through with our business and adjourn.

Mr. CRAMTON. I decline to yield, and I hope this is not taken out of my time, although I will reserve the balance of my time and yield the floor to the gentleman if he prefers. On the other hand, Mr. Speaker, there are reasons why we should not to-day do away with Calendar Wednesday under present conditions. This administration has accomplished a great record of economy and one of our great desires in the coming month will be to demonstrate to the country that fact, and it seems to me we ought not during the closing hours of this session do away with Calendar Wednesday for the prime purpose of bringing up a bill here simply to destroy certain economies which have been effected by the Committee on Appropriations. The primary purpose of this motion is to permit the consideration of a bill to restore nearly all of 19 land offices that have been abolished by one of the appropriation bills passed only a few weeks ago. It seems to me that it is hardly in accord with the program of economy that has been so generally heralded to restore or attempt to restore useless offices that have only been abolished a few weeks ago, because it may give the country an idea that no sooner have we accomplished a piece of economy than we may be expected to regret the fact, reconsider our action, and try to overcome the result by new legislation. The Committee on Rules have before them much other important legislation. They have in their possession rules which have been reported out which are entitled to consideration, yet the program I am advised is to take up first to-day, if Calendar Wednesday is dispensed with, this bill to restore a number of useless land offices and thereby eliminate some very desirable economies which have been brought about by this House and the Congress. This ought not to be done. I yield to the gentleman from Wyoming the balance of my time, Mr. Speaker.

Mr. MONDELL. Mr. Speaker, I am in hearty agreement with the gentleman from Michigan in the effort he has made at economy as the very efficient chairman of one of the subcommittees of the Committee on Appropriations. He has done very excellent work. Gentlemen who are interested in these land offices are of the opinion that there was not sufficient consideration of all the conditions existing at the time the offices were abolished. They claim, and it is a fact, that the saving in abolishing a land office is comparatively small, because the business must be done and some officer somewhere is paid for doing it; and it matters not whether it goes to one official or another, so there is little saving. The abolishment of a land office at the most affects a saving, perhaps, of two or three thousand dollars a year in the maintenance of each office, and otherwise the expenditure goes on. The money simply goes to some other official. They call attention to the fact that abolishing of these land offices before the settlers make their final proof—and most of these settlers are ex-service men, let us remember—compels them to go long distances to make final proof on their homesteads. Gentlemen think they can prove to the House that their case is good. If they can not, the bill will not pass. This is not the only rule before the House. There are a number of rules, and if this bill is disposed of, as it ought to be, promptly, then these other matters can be considered. I do not think at this time, when we are all desirous of leaving for home, when we have passed three hundred and odd bills which the Senate has not considered,

that it is highly important that we should take a day to consider even the very meritorious bill that proposes to fix the standard for a flour barrel. I think it is a matter that might wait for a time, and in the meantime if we dispense with the Calendar Wednesday, we will take up the various rules which have been reported, we will complete the business, and endeavor to secure an adjournment on Friday.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to dispense with Calendar Wednesday.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. In the opinion of the Chair two-thirds voted in the affirmative. The Chair will count. [After counting.] Two hundred and sixteen Members are present, a quorum.

So the motion was agreed to.

PRINTING OF ARTICLE IN 8-POINT TYPE.

Mr. FISH. Mr. Speaker, I ask unanimous consent that the article which the House gave me the privilege of printing in the RECORD be printed in 8-point type.

The SPEAKER. Is there objection?

Mr. STAFFORD. Will that be in the rear of the RECORD?

Mr. FISH. In the back part of the RECORD.

There was no objection.

REINSTATEMENT OF CERTAIN LAND OFFICES.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York offers a resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 385 (Rept. 1154).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3425, "An act to continue certain land offices, and for other purposes"; that there shall be not to exceed two hours of general debate, to be divided equally between those favoring and those opposing the bill. Thereupon the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment it shall be reported back to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments, if any, without intervening motion except one motion to recommit.

Mr. CRAMTON. Mr. Speaker, I wish to make the point of order that the resolution is not privileged and not entitled to consideration by the House at this time, for the reason that the Committee on Rules did not have jurisdiction of the subject matter. No resolution or petition or anything else relating to this bill that it is now sought to make in order has been referred to that committee by the House. It would seem a fundamental proposition, Mr. Speaker, that no committee of the House will have any authority except such authority as has been granted to that committee. The Committee on Rules is, like every other committee of the House, simply an agent of the House. No committee, the Committee on Rules or any other committee, has any authority to represent the House and no jurisdiction over any matter except such as has been conferred on that committee by the rules of the House or by some special resolution of the House.

Now, Rule XI defines the powers and duties of committees, It states:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

* * * * * * *

Subdivision 47:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

That is the only jurisdiction that is given the Committee on Rules by the rules of the House, that all matters pertaining to rules, joint rules, and order of business shall be referred to the Committee on Rules. Having been referred, they have jurisdiction thereof and may make reports to the House.

Subdivision 56 provides:

The following-named committee shall have leave to report at any time on matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroads and other corporations, etc.

The Committee on Rules has the same power, but no more power than any other committee named in subdivision 56, to report at any time on matters that have been referred to them, and there is nothing in that subdivision to give them any authority to initiate legislation any more than the Committee on Public Lands has authority to report a bill that has not been referred to it with reference to the reservation of public lands, or the Committee on Territories for the admission of new States, and so forth. The same point that I am now making seems to have been last made—and I thought I had immediately at hand the reference, but I have not been able to locate it—by the gentleman from Illinois [Mr. MANN] several years ago, when the gentleman from Texas [Mr. Henry] was chairman of the Committee on Rules. When a report was made by the Committee on Rules through Mr. Henry of a certain resolution for the consideration of certain matters, the point now made by me was made at that time by the gentleman from Illinois [Mr. MANN], and the validity of the point of order was immediately conceded by Mr. Henry and the resolution withdrawn.

The SPEAKER. As the Chair recollects, Mr. Henry asked unanimous consent, and that was given. So there was no decision on the question.

Mr. CRAMTON. There was not a decision by the Chair. The gentleman from Illinois made the point of order. The gentleman from Texas, the chairman of the Committee on Rules, immediately conceded that the point of order was valid, in so many words, and thereafter sought to bring the bill in by unanimous consent, which eventually was granted to him, and in all the discussion about it there was no word by anyone indicating any contrary view with reference to the point of order, but it was conceded by the chairman of the Committee on Rules.

Mr. MONDELL. Mr. Speaker, just a word, if I may. It seems to me very clear that the gentleman's point of order is not well taken. If it is, then the Committee on Rules has been reporting rules here from time immemorial contrary to the rules of the House. But not only has the committee to my knowledge reported rules in many cases where they did not have a rule referred to them, but where Members appeared in person appealing for a rule, but the Committee on Rules has frequently brought in a rule while the business of the House was in progress, when it would have been utterly impossible to have referred a resolution to the committee. It requires the lapse of a day to refer a matter to a committee. The matter must be placed in the basket, must in due time be referred by the Speaker, must be printed, and then it goes to the committee. If it now be held that the Committee on Rules can take no action unless there shall have been a resolution for a rule passed in the basket, referred, printed, and presented to them, then we can never hope to have that prompt action by the Committee on Rules which is at times absolutely essential to the dispatch of business.

The rule which the gentleman has cited relates to a proposition of legislation. The action of the Committee on Rules provides for consideration of legislation already reported. The rule simply makes in order by the House consideration of a certain matter which a committee has reported. If I may emphasize that point, if the point of order now made by the gentleman from Michigan is sustained, then we never can have action by the Committee on Rules while the House is in session on a matter before the House. Such action is at times absolutely essential, and it has been had time out of mind.

Mr. SNELL. Mr. Speaker, I desire to take just a moment. A large amount of the argument by the gentleman from Michigan [Mr. CRAMTON] has nothing to do with the case before the House at the present time. It is a well-known fact that the Committee on Rules has a right to present rules relating to order of business at any time. This question has been before this House several times and there have been several definite and pertinent rulings made by the Chair in regard to them. I cite Fourth Hinds, sections 4359–60. These are definite and positive rulings on precisely the same question that is before the House at the present time, and so far as I am able to find there are no rulings to support the contention of the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. One word further, Mr. Speaker. There is some conflict in the decisions. Mr. Speaker Randall and Mr. Speaker Reed apparently held with the point I have made and Mr. Speaker Crisp somewhat to the contrary. Those decisions were called to the attention of the parliamentary clerk. I supposed I had the references here, but I find I have not. It is important that the question be settled on the basis of right and justice and principle, rather than entirely on the precedent set by one Speaker, with two Speakers ruling the other way.

The gentleman from Wyoming [Mr. MONDELL], attempting to discredit the point of order by discussion of an absurdity,

and he imagines certain things that do not exist. The point of order does not in any way involve any question to the effect that there must be a printing, and so forth, and that any great period of time must elapse. The rules of the House do not give the Committee on Rules any jurisdiction except jurisdiction of what has been referred to them, and this matter not having been referred to it, even so much as by a petition, I make the point of order.

The House must understand that the Committee on Rules is necessarily given great power to direct for the House what questions the House shall consider; but it might well be thought to be a dangerous power to let them go to the limit of meeting in a session either with or without a quorum——

Mr. SNELL. There was a full quorum present——

Mr. CRAMTON. And allowing a member of the committee to call out of his inner consciousness something that was not sent to that committee, and no notice given to the minority by the introduction of the rule that the Committee on Rules had it under consideration at all.

If the Chair overrules this point of order, it will permit the Committee on Rules to come into the House with rules on matters that no Member of the House has thought of except the Committee on Rules, and let them bring it immediately to the consideration of the House. That is an extraordinary power to give to a committee. It is not a necessary power. It is a simple matter for a gentleman interested in a rule to introduce a rule through the basket, thereby giving constructive notice to the House, and then the Committee on Rules can go into session and report that rule without any great delay.

The SPEAKER. The Chair thinks that on the ground of right and justice and convenience, to which the gentleman from Michigan [Mr. CRAMTON] appeals, even if there were no precedents, the Chair would be inclined to overrule the point of order, because the Committee on Rules is the executive organ of the majority of the House. If it were held that it could not act until the subject matter had been referred to it, then it would be impossible for it in the morning before a session to make a new decision and bring in a rule which is often necessary and desirable at the first meeting of the House.

As the gentleman from Wyoming [Mr. MONDELL] intimated the long practice has been for the Committee on Rules to report rules without their being referred to them. Besides this precedent of custom there are expressed decisions, referred to by the gentleman from New York [Mr. SNELL], where the point has been made. Mr. Speaker Crisp explicitly overruled the point of order, and the Chair thinks the decisions to which the gentleman refers, of Mr. Speaker Reed and Mr. Speaker Randall, can be distinguished from this case, and that this point there was not necessarily decided. Moreover, the Chair thinks the history of the rules before the revision of 1880 and after point to the same result. Therefore, both on the ground of policy and on the ground of precedent, the Chair overrules the point of order.

Mr. SNELL. Mr. Speaker, I shall not take up any time in explaining this rule. I think the House fully understands it. The Committee on Rules understood there was opposition to this legislation, but the committee thought there was evidence enough before it to show an error had been made in cutting out all these offices and that they should let the House decide the matter. Therefore the committee brought in this rule.

I yield 15 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER. The gentleman from South Carolina is recognized for 10 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, I want to state my reasons for believing that this rule should not be adopted.

The Committee on Appropriations has at times been criticized for attempting to tack legislation upon appropriation bills. This is one occasion when it did not do so. They attempted, however, to see to it that no funds were provided to carry on useless offices where the law in existence for 80 years declared that those offices should be abolished.

I want to tell the whole truth about this thing, so that the House can act intelligently upon it. About two years ago Mr. Tallman, of the General Land Office, recommended that certain offices of surveyors general be abolished. He made out such a plain case that the Committee on Appropriations recommended it, but there was too much influence in the House in behalf of surveyors general, and the offices remained. Serving as a member of the Subcommittee on Appropriations for the Interior Department this year I determined to renew that effort in order that the House might consider it and see whether the changed personnel would have any influence upon the action of the House. But the subcommittee thought otherwise. The gentleman from Idaho [Mr. FRENCH] is on that committee. The gentleman from Michigan [Mr. CRAMTON] is the very active and efficient chairman of it. They finally told me that the subcommittee would not agree to strike out the surveyors general, but they would not appropriate any money for those offices which, under the law, should be abolished.

We determined to try them one at a time, so that we would not have so many members with offices interested and that some economy might be effected. Therefore we reported to the House the plan that was devised by the gentleman from Idaho [Mr. FRENCH], who is as active a man on behalf of the interests of the West as there is in the House of Representatives to-day. That plan as devised did not provide for the abolition of all the offices that ought to be abolished under the law as it exists to-day, because we wanted to go easy with them, but it did provide for the abolition by the department of those offices for which there was least justification.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. I am sorry I can not. I want to state this case. The bill provided no appropriation for certain offices, for the existence of which there is no authority in law. That bill came into the House. Gentlemen from the West were on the floor. That limitation was in the appropriation bill, but as long as these surveyors general were up in the air no man even rose to demand a division on the adoption of the limitation that provided for the abolition of these land offices; but when the Interior Department bill went through and was signed by the President and the surveyors general were safe, then these gentlemen said, "Let us go and get these land offices restored"; and knowing that they could not have it done by the Committee on Appropriations they stepped downstairs to the Committee on the Public Lands, where all men are friends, Democrats and Republicans alike. [Applause.] That committee came into the House recommending that you remove before July 1 all danger that the department will enforce a law that has been on the statute books for 80 years and abolish these useless offices.

The gentleman from Michigan [Mr. CRAMTON] is justified in the fight he is making. Directed by this House to try to do something to protect the Treasury, he has saved more than $128,000 a year by the abolishing of useless offices, and now as you go into the campaign are you coming in through the back door of the Public Lands Committee to restore these offices and put this additional burden upon the Treasury? [Applause.] I know there are lots of people interested in this; Members from every State in which an office is located, even if not affected by the bill. They feel they must all stand together. The bill as it comes from the Senate provides for the restoring of the land office at Springfield, Mo. There are 48 acres of public land in that district, and it costs you $1,365 to look after that 48 acres of land. Think of it. Well, now, the House knows that the fight will not end here. Over at the other end of the Capitol all gentlemen are friends; there are no enemies, or at least they are friendly enemies. They provided for an office in Springfield, Mo., and the House struck it out; but you know that the bill is going to conference; and when it gets to conference the Senate will say to the House, "You added Sterling, Colo., which is almost as bad as Springfield, Mo., and if you want Sterling, Colo., to stay in the bill you have got to look out for our jobholder at Springfield, Mo.," and everybody here knows that when the report comes back, Springfield, Mo., will be in the bill.

Mr. VAILE. Will the gentleman yield? There is surely a difference between 48 acres and 6,000 acres.

Mr. BYRNES of South Carolina. Yes; but at Sterling, Colo., it costs $10,000 to collect $13,000.

Mr. VAILE. At least that was not an expense to the Government.

Mr. BYRNES of South Carolina. Not as expensive as Springfield; but it is going some when it costs $10,000 to collect $13,000.

Mr. MADDEN and Mr. WILLIAMSON rose.

Mr. BYRNES of South Carolina. I can not yield to all these gentlemen, but I will yield to the chairman of my committee.

Mr. MADDEN. While the Colorado office which is proposed to be restored has only 6,000 acres of public land in the district, the law provides that they can not have an office where there are less than 100,000 acres in the district.

Mr. BYRNES of South Carolina. The law has said for 80 years that a land office should be abolished where they have less than 100,000 acres in the district. But we did not even abolish

all those offices with less than 100,000 acres, and the question now is whether you are going to establish offices now abolished by law. What has become of the commission to abolish useless offices? Where is it? Are they responsible for this? Did the gentleman from Wyoming [Mr. MONDELL] submit this to Mr. Brown, chairman of the commission which for two years has been considering the abolition of useless offices? Did he recommend that after this Congress deliberately adopted the limitation to the appropriation bill in order to save some money to the taxpayers you should come in now as we are about to go home and restore these useless offices? Will the gentleman from the Springfield, Mo., district say, "They abolished your office, but, thanks be to goodness, I came in and saved you your $1,300 to look after your 48 acres in Springfield, Mo."? The job will be saved for the country, even if it does cost $1,300 to look after 48 acres to see that they do not run away.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will yield to my friend, as he persists.

Mr. WILLIAMSON. Is the gentleman aware that the committee have continued at least six different offices where the acreage runs as low as 4,718 acres, while you have cut out offices that have acreages from 100,000 to 360,000 acres?

Mr. BYRNES of South Carolina. They did put some in that I wanted to see go out, but we wanted to apply the knife of the surgeon, and therefore we selected the gentleman from Idaho [Mr. FRENCH], and I turned it over to him, because I have supreme confidence in him. I wanted to do it in such a way that it would do no injury to any State. He framed that proposition, and when a Member from Idaho fixes it the country ought to know that the West is looked after.

Mr. VAILE. Can not the knife of the surgeon slip?

Mr. BYRNES of South Carolina. The gentleman from South Dakota and my friend from Colorado were here on the job, because they are always here, and when that provision was adopted on the appropriation bill not a single Member even asked for a division, because they were afraid that the offices of the surveyors general, that ought to be abolished, might get slaughtered, so they determined to play rabbit and lie low until the surveyors general got through. Then when the surveyors general were safe by the signature of the President to the appropriation bill, they come in here in the closing days of the session, just before the recess, thinking that you will stand for this raid on the Treasury. It demonstrates how difficult it is to abolish an office, even when the law provides that it be abolished. [Applause.]

I yield back the remainder of my time.

Mr. BUTLER. Will the gentleman yield?

Mr. BYRNES of South Carolina. If my time has not expired, I will.

Mr. BUTLER. Did I understand the gentleman to say that for two or three years he has been endeavoring to withhold the appropriations for these land offices?

Mr. BYRNES of South Carolina. The gentleman misunderstood me. As I remember, the Appropriations Committee struck out the appropriation for the surveyors general and reported it to the House, and gentlemen got busy on both sides of the House and defeated it. The surveyors general remains safe. This year I determined to resurrect the question and give gentlemen of the House a chance to vote on it. When that was pending and threatening the gentlemen from the West consented to the abolition of the offices. They certainly did not oppose it on the floor. Now that they are no longer threatened, the surveyors general are safe, they come in and complain about the abolition of other small offices.

Mr. BUTLER. I understand that there is no authority of law for maintaining these offices.

Mr. BYRNES of South Carolina. No. The law directed the department to close them. But the money has been appropriated by Congress, and it is a poor Representative who can not go down there and induce the department to continue the offices. It keeps up the expenses of the department, and the more they have the better they seem satisfied. The only protection the people have is for you to do your duty and withhold the appropriation for these offices that are not authorized by law.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, if the gentleman from South Carolina [Mr. BYRNES] wanted to be fair, he would have argued the facts about the majority of these land offices and not selected the weakest one of the bunch, to wit, the land office at Springfield, Mo., which is not in this bill at all. Of course, it is ridiculous to maintain the land office at Springfield, with only a few acres; but it is not ridiculous to continue others with 100,000 to 500,000 acres contiguous thereto and subject to homestead entry.

All we ask is to have an opportunity to present to the House the facts with reference to this bill. This side of the House does not want the bill passed, nor does the other side unless we can show substantial grounds and reasons for it. The bill passed the Senate unanimously and was unanimously reported by the Public Lands Committee that has jurisdiction of land offices. The Committee on Rules unanimously reported the rule.

We are confronted with this fact, whether or not a few Members on the Appropriations Committee are going to legislate for the House. The Committee on the Judiciary, the Committee on Public Lands, the Committee on Indian Affairs, and 57 other committees are utterly impotent and shorn of power. The gentlemen who hold the purse strings are omnipotent to control legislation, but they should give us a chance to present our views occasionally on legislation affecting our districts. The land office in my district, to be exact, has 101,923 acres of land subject to homestead entry. It has in the Ozark reserve, near this land office, 511,616 acres, much of which is subject to entry. The total forest reserve in Arkansas totals 1,470,393 acres, whereas Nebraska has a total of only 217,808 acres.

The gentleman talks about economy. If the gentleman from Michigan, who is leading the fight against this bill, is so anxious to be economical and cut down expenses, I call attention to the heavy appropriations voted his State for Alpena Harbor, Thunder Bay River, St. Marys River, Block River at Port Huron, Frankfort Harbor, and Escanaba Harbor, Mich.

If he wants to cut off something worth while, let him pare down these appropriations and thus save much money to the Government.

Two land offices in my State and nine in the West are sought to be abolished. Give us a rule and let us argue the matter. If we do not convince you that the bill ought to pass, then vote against it upon the final roll call, but give us an opportunity to discuss it, and do not allow these demigods, these supermen, these kaisers that constitute the Appropriations Committee to dominate the legislation of this House. [Laughter and applause.] It seems that the mantle of the gentleman from Wisconsin has fallen upon or has been assumed by the gentleman from Michigan, who rises and makes the point of no quorum before the Journal is read. Deliver us from these no-quorum statesmen; we have got enough of them in this body without the gentleman from Michigan adding himself to the number. [Applause.]

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, the issue now is whether the overwhelming Republican majority in this House is going to support a committee of the House that is trying to carry out the campaign pledges of economy, or whether the committee having with your support accomplished a real economy in abolishing some useless offices is going to be reversed within two weeks and the offices put back again. We have the support of prominent men on the Democratic side of the aisle and I hope we are not going to have opposition on the Republican side of the House. The Committee on Appropriations provided in the Interior Department appropriation bill for the abolition of 19 land offices and the consolidation of officers in 21 others, making a saving of $128,000 each year from now and henceforth. That committee is attacked by the gentleman from Arkansas [Mr. TILLMAN] as attempting to assume all the legislative power of the House, taking the legislative power away from the Committee on the Public Lands, of which the gentleman from Arkansas is a member. Still the gentleman from Arkansas does not say to you, gentlemen, that for 82 years there has been a law on the statute books, section 2248, Revised Statutes, that makes illegal the continuance of any land office in a district that has less than 100,000 acres of land subject to entry.

With that law on the statute books, if there is a land office having less than 100,000 acres, then it "shall be the duty of the Secretary of the Interior to discontinue the land office of such district." If that is not a good law the gentleman from Arkansas [Mr. TILLMAN], who has been in Congress for some time and who is a member of the Committee on the Public Lands, should have sought to secure its amendment; but he has never introduced a bill to amend it. His committee has never sought to secure its amendment, and all that the Committee on Appropriations has done is, not to enact a new law, but to provide that the law on the statute books shall be lived up to, because of the offices that we have ordered closed under the Interior Department appropriation bill there were 15 out of 19 having an average of less than 100,000 acres. In fact, those 15 offices have an average acreage of only about 25,000 acres.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I regret that I can not yield at this time. One of those offices at Hugo, Colo., has 1,805 acres under its control. The Senate wants that restored, and we would have to fight that out in conference if you let this pork-barrel bill go through. There is one in Colorado of 6,191 acres that the Committee on the Public Lands thinks should be restored. Later gentlemen can explain why we should be put to a large expense to keep up a land office of 6,000 acres. Then there is one in North Dakota of 6,000 acres that they want restored. There is one at Lemmon, S. Dak.—a lemon of an office—that somebody else would like to have restored. There is another one at Timber Lake—a splendid name—in South Dakota that has 4,718 acres that they want restored, which costs more to maintain than the entire receipts of the office from fees and sale of land and everything else.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. After I conclude. There is one in New Mexico they want restored that in 1912 cost 112 per cent. There is another in North Dakota that costs 118 per cent, and another in the same State costing 123 per cent. There is another in North Dakota that costs 184 per cent, there is another in South Dakota that costs 128 per cent of all the receipts to pay the expenses of these offices, all of which they seek to restore in this pork barrel bill.

The gentleman from Arkansas [Mr. TILLMAN] talks about what Michigan gets occasionally in an appropriation bill. There is something I assume, as he states, for the St. Marys River in an appropriation bill. It is a long way from my district; but I want to remind the gentleman that the St. Marys River is not a little stream with a couple of tugs and some water hyacinths in it, but it is a connection of commerce, over whose waters more tonnage floats every season than on any other waters in the world. The gentleman criticizes us because we appropriate for navigation in St. Marys River but thinks it all right to appropriate for a land office which does not take in enough money in a year to pay the expenses of the office.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I am sorry, but I can not yield.

Mr. TILLMAN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Arkansas.

Mr. TILLMAN. The office at Harrison more than pays expenses, and that is not all.

Mr. CRAMTON. That is all I yielded for.

Mr. TILLMAN. There are 101,000 acres of land contiguous to it.

Mr. CRAMTON. Oh, Mr. Speaker, I yielded to the gentleman to correct a statement, but he refers to some statement that I did not make. I did not say anything about the office at Harrison, but I named eight or nine of these offices in this bill where it costs over 100 per cent of their receipts to pay their expenses. This is a pork-barrel bill. Members of the Senate sent it over here and this committee wants to add something to it, and when it goes to conference the only way that you can make an agreement on a pork-barrel bill of this kind is to yield to everybody all they want. It is not fair otherwise.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I am sorry. If I yield to the gentleman, I would have to yield to other gentlemen who have very interesting statements to make. The gentleman [Mr. TILLMAN] says this is the only thing the South is interested in, as if the South were particularly interested in a couple of little land offices down in Arkansas that have less than 100,000 acres of land each, when you average the amount of land under both. The only thing the South is interested in! Then, Mr. Speaker, I have been laboring under a mistaken impression. I thought the South wanted Henry Ford's Muscle Shoals proposition adopted, but the Committee on Rules has not yet found time to consider a rule for that proposition, and that committee will not, so long as pork-barrel statesmen in this House think it is more important to take care of pie in their respective districts than it is to consider things of national importance. [Applause.]

Why, the gentleman from Wyoming [Mr. MONDELL], our splendid leader, assumed to say that this would not save any money. It was gone over carefully, item by item, and every clerk was provided that was needed. Notices have gone out now from the General Land Office, and these places are being closed. Clerks are being done away with, except those that are necessary to keep up the work, and $128,000 is saved this year and will be saved every year hereafter, if this House will simply stand pat. When you once accomplish a desired reform, then I say stand pat; do not back up. I thank you. I hope this rule will be defeated and this pork-barrel legislation will go no further in this Congress.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CHALMERS. I understand there was a land office formerly in the State of Ohio, but that it has been abandoned. Would it be in order in the consideration of this bill to move to amend by reinstating that land office in Ohio?

Mr. CRAMTON. We might take what is left out of the receipts of the office at Harrison or at Hugo, Colo., or at some of these other places, and erect a monument at Steubenville, Ohio, in memory of the fact that there are places in this country that once did have land offices, but that were willing to let them go when there was no more need for them.

Mr. HARDY of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HARDY of Colorado. Why is the gentleman so unfair as to keep referring to Hugo, Colo., that had only 1,800 acres, when nobody has made any offer at any time to have it restored in this bill either in the Senate or the House.

Mr. CRAMTON. Oh, in the Senate they started out in this way: One Senator brought in a report for three land offices——

Mr. HARDY of Colorado. It was not the one at Hugo, Colo.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SNELL. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. CRAMTON. One Senator started in with three land offices, and then another Senator said, "I have a couple in my State I would like to have included," and so it went on, building itself up until finally the Senator from Missouri got up and said that Springfield is just like the rest, and that he wanted that put in. Then it came over here to the House, and the House committee put in Sterling, in the State of Colorado. There is no guaranty what Members will do on the floor when consideration of this bill is reached under the five-minute rule. It will be in order to offer an amendment to have Hugo restored, and if some of the others are restored, Hugo ought to be.

Mr. HARDY of Colorado. The gentleman's argument is based on Hugo, Colo., which nobody is asking to be restored.

Mr. SMITH of Idaho. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. SMITH of Idaho. Does not the gentleman think in the interest of efficiency it would have been much better if these offices had been abandoned next year instead of——

Mr. CRAMTON. Our committee has no legislative power, we can only provide for the appropriations for the ensuing year. I may say further that we felt sure no needed service was being interfered with. We were guided by conditions in Arizona. Arizona has 16,000,000 acres of public land unsold; 1,400,000 acres were entered last year; and the State has only one land office. They say they like it better that way, because in that one land office there is a lot of business and responsibility, and they get good men as registers and receivers, that they have competent clerks, the decisions made are sustained by the General Land Office. We thought what was good for Arizona would be good enough for Colorado, especially as we leave Colorado with seven after all this is done.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. JOHNSON of Washington. As a matter of fact is not Arizona a one-road State, you can only get into it and out of it by going to the one place where the land office is?

Mr. CRAMTON. But distances are nevertheless considerable.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Speaker and gentlemen of the House, the reason this bill is before the House is because the Committee on Appropriations puts a limitation in the Interior Department bill, which is as follows:

Provided further, That with the exception of the land offices mentioned in the last preceding proviso—

And some others—

no money herein appropriated shall be expended for the maintenance of any land office other than as is provided by this paragraph in a district having a public-land area of less than 100,000 acres or whose cost of maintenance shall exceed 33⅓ per cent of the revenues for the fiscal year ending June 30, 1921.

Now, the main reason for inserting that clause in the Interior Department bill was conception by somebody that the

President had been violating section 2248 of the Revised Statutes, which has been upon the statute books since 1840, because the language in the appropriation bill is really a reenactment, in the way of a limitation, of the language in section 2248 of the Revised Statutes passed in 1840. Now, it seems to me that right there began the mistake of the Committee on Appropriations and began the mistake of the department. The Committee on Appropriations was misled, possibly by some one in the department, as to the meaning of the language in section 2248 of the Revised Statutes, which is as follows:

Whenever a quantity of public lands remaining unsold in any land district is reduced in number of acres to less than 100,000, it shall be the duty to discontinue the office.

Now, what was the meaning of that language, "whenever the quantity of public land remaining unsold is reduced to less than 100,000 acres"? In 1840, when this statute was passed, we had just one way of disposing of public lands. They were sold outright for cash, and as soon as that sale was made the interest of the General Government in the land ceased. The incident was closed, and the General Government had no further concern about the land. What is the situation to-day? It is entirely different from the situation in 1840.

The Government does not sell outright its land to-day. It permits homestead entry upon the land and then the man has five years in which to comply with the law; he must reside upon and cultivate the land and earn a patent to the land. So during all that time it is necessary to have these land offices, to have the registers and receivers superintend and oversee these Government lands that have been entered in that way.

Mr. LAYTON. Whether they are below the 100,000 acres or not as directed by the law?

Mr. SINNOTT. I am going to explain that. If 100,000 acres of land has been entered to-day, it may be perfected under the homestead law in three or five years for the purpose of this section 2248; that is public land as far as section 2248, Revised Statutes, is concerned, until the homestead entryman makes his final proof and secures his title to the land.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Now, instead of these land offices, say Sterling, Colo., which the gentleman from Wisconsin has ridiculed, viewing the matter in that light, that land office has over 200,000 acres of public lands, Government lands, for the purpose of this statute until the final proof is made and patent is delivered to the entryman, and the decisions are to that effect. Then, again, another thing that the Appropriations Committee has entirely overlooked is the Indian lands. Take, for instance, Judge WEBSTER's case. The department made an absolute mistake in reporting upon his land office at Waterville, Wash. It first reported that the land office only had about 65,000 acres. The department or the register and receiver at the Waterville land office made an absolute mistake in reporting 65,000 acres, whereas as a matter of fact that land office has over 330,000 acres. And, furthermore, the receipts from the Indian lands, which, properly speaking, should be classified as public lands as far as section 2248 is concerned, because they are open to the public to make their homestead entry—the receipts from that land office from Indian lands were $20,538, yet according to the contention of the Committee on Appropriations the receipts were only $11,913.49. The same way with this Timber Lake land office that the gentleman ridiculed. There are 171,600 acres of unperfected homestead entries in the land office held by entrymen who require the services, attention, and supervision of a register and receiver of the land office.

That office at Timber Lake is ridiculed on account of its name, and yet the receipts from Indian lands last year were $226,202. These are some of the offices we propose to restore, not Timber Lake but Bellefourche. The Senate, it is true, inserted in its bill the restoration of 15 offices. The House committee struck out six of the Senate offices, and inserted but one—the Sterling office. So, as a matter of fact, we are merely restoring by the House bill 10 offices. The gentleman has extolled the gentleman from Idaho [Mr. FRENCH]. They left the matter to him. Mr. FRENCH came before our committee and admitted that five of these land offices were inadvertently abolished by the Appropriations Committee, and I do not think the gentleman from Michigan [Mr. CRAMTON] will deny but what some were inadvertently abolished——

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CRAMTON. The gentleman would not say that the gentleman from Idaho said that five were inadvertently abolished, and the gentleman from Michigan would not only say that five were not inadvertently abolished, but six or seven were inadvertently left out of the bill.

Mr. SINNOTT. Do not take too much of my time. I propose to read the language of the gentleman from Idaho, who had charge of the bill before your committee. What did he say before our committee?

On page 12 of the hearings he said:

Now, I would say, as to the several land offices, that we did not have all the facts that I think your committee now has.

That is the testimony of the gentleman that had charge of the abolishment of these land offices.

For instance, in the case of the Waterville office, in the State of Washington, the records of the department showed that in that land district there were, in round numbers, 65,000 acres of public land. As a matter of fact, I understand—and I think the gentleman from Washington here will be able to show it to you—the local office has indicated that the reports from the department are in error, and that instead of having 65,000 acres of public lands there were approximately 350,000 acres of public lands. I do not hesitate at all to say that, in my judgment, the committee would not have provided for that office being abolished if it could have shown that fact.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. SINNOTT. Will the gentleman from New York yield to me five minutes more?

Mr. SNELL. I yield to the gentleman five minutes more.

Mr. SINNOTT. He says:

I do not hesitate at all to say that, in my judgment, the committee would not have provided for that office being abolished if it could have known the fact.

There is one office we propose to restore.

Then the chairman asked:

That is in Judge WEBSTER's district?

Mr. FRENCH. Yes.

Mr. WILLIAMSON. That has been put into the Senate bill by amendment.

Mr. FRENCH. Probably so; but it was discovered in time to be taken care of on the appropriation bill.

Then he takes up another office. He says:

Take the case of the Bellefourche land office. A situation there has arisen that is most unusual. I do not know of any other such case, though possibly some other land district may present a parallel. There is a situation in the Bellefourche district where the public domain within the district to-day is approximately 51,000 acres, and yet there are 450,000 acres of land that have been entered upon but that are unpatented.

In other words, there are settlers upon 450,000 acres of that land who are not taken into consideration in any way by the Appropriations Committee in abolishing that office.

Then Mr. FRENCH goes on to say, on page 13:

As you will at once grasp, it is really an astounding situation to find a district where all but about one-tenth of the land has been entered upon and where nine-tenths of the lands remain unpatented.

Then Mr. VAILE asks this question:

How did it happen that you did not have those facts at the time?

Mr. FRENCH. That is a very unusual thing, Mr. VAILE, or the conditions there were very unusual. I do not want to blame anybody. Personally I did not think to inquire into that, and the question was not raised by anyone representing the Interior Department or by anyone on the committee.

* * * * * * *

The CHAIRMAN. You think that the Bellefourche office should be reinstated?

Mr. FRENCH. Yes.

The CHAIRMAN. How about the Timber Lake office?

Mr. FRENCH. I would rather not comment upon the next two land offices mentioned by Mr. WILLIAMSON, for the reason that the facts that he has submitted touching the Indian-land receipts, etc., are questions with which I am not acquainted.

He was not acquainted with the Indian-land situation, and yet the Committee on the Public Lands went into that particular feature of the case and decided the office should be restored. Then he goes on to say:

The CHAIRMAN. At the Timber Lake office the total receipts were $231,434.91, of which $226,202.45 were Indian funds, making the receipts from the public lands only $5,232.46. Now, that indicates a great deal of business, does it not?

Mr. FRENCH. Yes. But the Indian-fund receipts were not furnished by the committee. You will notice this, that under the Timber Lake office there are only 4,718 acres of public land unentered, which is a little over a quarter of a township.

The Appropriations Committee did not have these Indian-fund receipts, and did not take that into consideration, but the Committee on the Public Lands did, and Mr. FRENCH makes the same statement regarding the Del Norte office. He makes the same statement in regard to the Alliance and the Broken Bow offices, and says they were all inadvertently abolished. It was not the intention of the committee to abolish them.

Mr. LAYTON. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. LAYTON. If this bill is not passed by the House, I take it that there is no State in the West where there is any considerable amount of public land that will be deprived of one

land office, and that in many States there will be more than one within the State.

Mr. SINNOTT. I do not get the gentleman's query.

Mr. LAYTON. I will state it again. Even if this bill is not passed, I take it for granted there will be no State that has not got one land office?

Mr. SINNOTT. There will be a land office possibly in each State, with the exception of——

Mr. VAILE. The States out there are larger than Delaware.

Mr. LAYTON. Yes; but Delaware helps to pay the taxes.

Mr. SINNOTT. People will be greatly handicapped in their relation with the land offices——

Mr. TILLMAN. We could have one land office here at Washington.

Mr. SINNOTT. Yes; we could to the great emolument of Washington attorneys.

Mr. SNELL. Mr. Speaker, I think this matter has been pretty fully discussed. I want to say for the Rules Committee that the reason they granted this rule was because of the definite statement that there was evidence before the Appropriations Committee that should have been considered, and, as a matter of fact, the business of the Government in certain places would be hindered to a certain degree if these land offices were not continued, and we felt it was only proper to give them an opportunity to lay their proposition before the House and let the House act on it as they saw fit.

I move the previous question.

The SPEAKER pro tempore. The gentleman from New York moves the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. SNELL. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from New York demands a division.

The House divided; and there were—ayes 38, noes 28.

So the resolution was agreed to.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Michigan makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Evans	Kleczka	Roach
Andrews, Nebr.	Fairfield	Kunz	Robertson
Arentz	Fields	Langley	Robsion
Atkeson	Focht	Larson, Minn.	Rodenberg
Bacharach	Frear	Lawrence	Rouse
Bankhead	Free	Leatherwood	Rucker
Beck	Fulmer	Logan	Sabath
Beedy	Funk	Longworth	Sanders, Ind.
Black	Garrett, Tenn.	Lowrey	Shelton
Blakeney	Garrett, Tex.	Luce	Sinclair
Bland, Ind.	Gilbert	Lyon	Snyder
Blanton	Goldsborough	McClintic	Stedman
Brennan	Goodykoontz	McKenzie	Stevenson
Britten	Gorman	McSwain	Stiness
Brooks, Pa.	Graham, Pa.	Maloney	Stoll
Buchanan	Greene, Mass.	Mansfield	Strong, Pa.
Burtness	Greene, Vt.	Miller	Sullivan
Campbell, Kans.	Harrison	Montague	Summers, Wash.
Campbell, Pa.	Hawley	Montoya	Sumners, Tex.
Cantrill	Hays	Madd	Swank
Carter	Herrick	Murphy	Sweet
Chandler, Okla.	Hersey	Nelson, A. P.	Taylor, Ark.
Christopherson	Hicks	Nelson, J. M.	Taylor, Colo.
Clark, Fla.	Hukriede	Nolan	Taylor, N. J.
Classon	Humphreys	Olpp	Taylor, Tenn.
Cockran	Husted	Osborne	Ten Eyck
Codd	Ireland	Padgett	Tilson
Colton	Jefferis, Nebr.	Park, Ga.	Treadway
Cooper, Ohio	Johnson, Miss.	Parks, Ark.	Tucker
Copley	Johnson, S. Dak.	Patterson, Mo.	Tyson
Davis, Minn.	Jones, Pa.	Patterson, N. J.	Ward, N. Y.
Deal	Kahn	Purnell	Ward, N. C.
Dickinson	Kearns	Rainey, Ala.	Wason
Dominick	Kelley, Mich.	Rainey, Ill.	Webster
Drane	Kiess	Rayburn	Wilson
Drewry	Kindred	Reber	Wise
Driver	Kinkaid	Reed, N. Y.	Woods, Va.
Dunn	Kirkpatrick	Riddick	Yates
Ellis	Kitchin	Riordan	Young

The SPEAKER pro tempore. On this roll call 274 Members are shown to be present—a quorum.

Mr. SNELL. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER pro tempore. The gentleman from New York moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

The doors were opened.

CONTINUANCE OF CERTAIN LAND OFFICES.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3425) to continue certain land offices, and for other purposes.

The SPEAKER pro tempore. The gentleman from Oregon moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 3425, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 3425) to continue certain land offices, and for other purposes.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Oregon.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. TOWNER] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3425) to continue certain land offices, and for other purposes, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3425, which the Clerk will report by title.

The title of the bill was again read.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, can it be determined now as to who will have the control of the other hour?

Mr. SINNOTT. I will have one hour, and the gentleman from Michigan [Mr. CRAMTON], opposed to the bill, will have another hour. I will endeavor to dispose of the time equitably among the Members who favor the bill.

Mr. RAKER. Does the gentleman from Michigan desire the other hour?

Mr. CRAMTON. I shall be glad if the arrangement suggested by the gentleman from Oregon is made. I desire an hour. I will yield generously to Members on that side in opposition.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] is recognized for one hour.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. BENHAM].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. BENHAM. Mr. Chairman and gentlemen of the committee, I am not a western man, rather a mid-eastern man. Am not, at least, radically in favor of what is sometimes termed "western legislation." Sometimes I think I am oversensitive. However, I always doubt the good judgment, to say the least, of a man or set of men who are afraid of the judgment of their fellows and resort to technicalities to prevent the membership of the House from hearing discussions for and against a measure and to express their views by their votes. I might say a little more along the same line. As a member of the Committee on the Public Lands, I distinctly remember one of the bills upon which that committee has acted, about which the merits were somewhat questionable, but which was taken up at the request of the gentleman who has wasted so much time in opposition to this bill. My remembrance is that that bill was reported favorably when a minority of the committee were present. The bill was reported favorably, and I have never yet heard of the gentleman from Michigan [Mr. CRAMTON] raising a point of order against it because it may have been reported by a minority of the membership of the committee.

Mr. CRAMTON. Will the gentleman yield?

Mr. BENHAM. I yield to the gentleman from Michigan.

Mr. CRAMTON. To what bill does the gentleman refer?

Mr. BENHAM. I do not remember it by number. It was a bill introduced by the gentleman from Michigan [Mr. CRAMTON]

for the benefit of certain interests in his district. I might say further that at the request of the chairman of the committee I reported that bill, and it is one bill, among the few which I have reported, as to the merits of which I had some doubts. I acted upon it favorably, in part for the reason that I gave the gentleman from Michigan credit for sincerity. But the gentleman has not treated members of the Land Committee with the same degree of consideration.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BENHAM. I have not the time. There are several things I should like to say. The law—justly I think—provides for the discontinuance of offices that have less than 100,000 acres of land connected therewith or whose income is less than three times the expense. The membership of the special committee which has provided for the discontinuance of these offices has lost sight of one very vital consideration, which I can illustrate by example probably better than in an abstract way. I have in mind one State which has five public-land offices at the present time. Four of them are discontinued by the operation of the appropriation act. The committee thought that when two or three of the five were discontinued, it would add to the acreage attached to the other offices, and also add to the emoluments of those offices without proportionately increasing the expense. Taking this particular State—the one I have in mind—the Committee on Appropriations discontinued four of the five offices. The Committee on the Public Lands provided for the continuation of one of those four, believing that in discontinuing the three the emoluments and acreage connected therewith would be very greatly increased. The expense would be added to but little. Hence we fully believed that in providing for the continuance of one of those four the discontinuance of the three others would bring the one well within the limits of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. I yield to the gentleman one minute more.

Mr. BENHAM. I have just one more thing I should like to state. The gentleman from Michigan [Mr. CRAMTON] was very loud in his praise of another member of the subcommittee. He was sure he could not be mistaken. Yet he acknowledged that personally he knows little or nothing about the details of these land offices. The gentleman whom the gentleman from Michigan praised for his wonderful knowledge of these offices was perfectly willing to confess that the subcommittee of the Committee on Appropriations had in a few instances made mistakes. [Applause.]

Mr. CRAMTON. Mr. Chairman, understanding that the time in opposition to the bill is in my control, I yield to the gentleman from Idaho [Mr. FRENCH] 10 minutes.

Mr. FRENCH. Mr. Chairman and gentlemen, it is rather an unusual thing for members of the Committee on Appropriations to find Members of the House critical because the committee has not exceeded the authority conferred by the rules of the House. The law specifically provides that when a land office shall have less than 100,000 acres of public land tributary to it the land office shall automatically be abolished. We found that there were many land offices with much less than that acreage. Yet we did not bring in a bill that would abolish or fail to appropriate for all of those land offices.

Mr. VAILE. That would not be a reason for opposing this legislation, because we are legislating now.

Mr. FRENCH. I say it is a most unusual experience for members of the Appropriations Committee to undergo a castigation on the part of Members of the House because they have not done that which heretofore they have been severely censured for doing from time to time.

Mr. CONNALLY of Texas. Is not that because they are so much in the habit of acting beyond their authority that the House is really surprised when they do not? [Laughter.]

Mr. FRENCH. Well, it is a relief to get a licking on the other side for having refused to exceed our authority. It is interesting that although this law has been on the books for many years the Committee on the Public Lands has not brought in a bill reducing the acreage that ought to be within a land district to justify the continuation of a land office. Why does not that committee do it? Why did not the committee do that instead of reporting this bill? Here is a bill which as it passed the Senate provided for continuing one land office in a State which has less than 50 acres of public land within the entire State. The Committee on the Public Lands has not seen fit to bring in a measure reducing the acreage that can be regarded as a yardstick or standard for the maintenance of a land office.

Mr. SINNOTT. Will the gentleman yield?

Mr. FRENCH. I yield to the gentleman from Oregon.

Mr. SINNOTT. Of course, the gentleman knows that the House committee struck out that office.

Mr. FRENCH. I intended to make that clear. The House committee eliminated the Springfield, Mo., office from the bill.

Mr. MADDEN. But the gentleman knows that the bill will go to conference, and that the Senate conferees will insist on putting back that office, and the House conferees will agree to it.

Mr. FRENCH. There is that danger. Having made the observation I have, let me make a further statement. It is always interesting to the Committee on Appropriations to see the point of view of chambers of commerce, of boards of trade, of rotary clubs, and even of Members of Congress touching appropriations. This morning there came to me resolutions urging the passage of three pieces of legislation, each one of which would involve millions upon millions a year of expense, and yet at the same time a condemnation of the Congress because of the extravagance of its appropriations and the multiplication of Government institutions. How are you going to do both things? This chamber of commerce was urging appropriations in each instance amounting to millions of dollars, and at the same time urging Congress to reduce the number of Government agencies.

In that same connection my attention was called to another State convention which was held a few days ago, which went on record as condemning the Government for its extravagances, but at the same time urging the adoption of a course of action that would entail millions upon millions of dollars of expense if it were adopted. The fact of the business is that when it comes to economy we are willing to economize at the expense of the other fellow but not at the expense of ourselves.

You remember the story of little Jimmy and Johnny. When Johnny met Jimmy, Jimmy was in the throes of agony. "What is the matter?" said Johnny. Jimmy said, "I have an awful toothache." Johnny said, "If it was my tooth I would go to the dentist and have it yanked out." Jimmy said, "So would I if it was your tooth." That is all there is to this question. We are willing to economize when it is on the other fellow, but not willing to take our own medicine. I believe that the Committee on Appropriations did the right thing, in the main, when it cut down the number of land offices and refused to appropriate to maintain them, and when it recommended the consolidation of certain registrars and receivers. We have thereby saved $128,800. I believe, however, that there are four land offices mentioned in this bill that possibly we could continue during the coming year. Let me mention them in order.

In the first place, the land district including the land office at Waterville, Wash., was reported by the department to the subcommittee to have in it an acreage of about 65,000 acres. As a matter of fact, after the bill had become a law, we were told that a mistake was made somewhere between the Land Department and the local office, and instead of having 65,000 acres of land there are 350,000 acres of public land. If we had had that circumstance before us, I doubt if we would have abolished the office. It was not the fault of the committee, but was a mistake in the data furnished to the Congress. I would say that the Waterville office should be continued for the convenience of the people there.

Let me mention another, that of Belle Fourche in South Dakota. Within the land district surrounding this office the records show 51,000 acres of public land. But our attention was not called to the fact that more than 480,000 acres of land had been entered and not passed to patent. That circumstance is a most unusual situation touching land offices in the West. It means that there was something of a rush there within a few years, and personally I would like to see that land office continued for the convenience of the people.

Mr. TILLMAN. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. TILLMAN. Was the committee's attention called to the fact that in Arkansas, in my district, there was 102,000 acres subject to entry, and within a short distance there was 3,000 acres more in forest reserve, and that there are 1,500 nonprotected homestead entries?

Mr. FRENCH. We had the facts pertaining to that office to which the gentleman refers.

Mr. TILLMAN. That may not be as strong a showing as some others——

Mr. FRENCH. At the office the gentleman refers to the expenses of maintaining it amounted to 69.7 per cent of the total receipts for actual business.

Mr. TILLMAN. And yet it was a revenue producer, and did not cost the Government a cent.

Mr. FRENCH. No; but the yardstick which Congress has made is that the expenses shall not exceed a third of the rev-

enue of the office. It is not mandatory, but the yardstick is 33⅓ per cent of the revenue.

Mr. VAILE. The gentleman will remember that his committee exercised this discretion, the department did not abolish the offices.

Mr. FRENCH. No; the gentleman is correct. But I will refer to another land office where the last administration sought to abolish the office. An order was issued to abolish the office. But the order was held up for six months. At the end of six months it was set aside again, and so on for two years, and finally at the solicitation of the friends of that office the administration felt that it should rescind the order of abolishment. We were told by officers of the department that it is a very difficult thing to abolish a land office for the reason that the administration runs up against not only the influence of Members of the House and the other body but the influence of chambers of commerce and like organizations.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. VAILE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VAILE. The gentleman has made a very fair statement from his point of view. The gentleman has mentioned two offices which he thinks should be retained. Will the gentleman mention the others?

Mr. FRENCH. The gentleman's question recalls to me two offices I had not mentioned. There were two others that from the examination I made I think ought to be continued. One is in the gentleman's own State but not in his district. It is the office in Del Norte. From the standard of expenditures it did not seem that we would be justified in continuing the office, but it is brought to the attention of the House that geographically it is so situated, the mountain ranges are such, the canons and means of transportation are such that unless the office shall be continued for a while the people who have occasion to go to a land office will be inconvenienced and required to go, in some instances, several hundred miles, and I feel that we could well afford to restore that office.

There is one other office that I would like to call attention to, and that is the office at Alliance, Nebr. Here is an instance where I think the mistake is on the part of probably myself or the subcommittee. Here is an office which Congress a year ago singled out in which to combine the offices of register and receiver. Since that has been done the committee overlooked the necessity of continuing the language this year, and through inadvertence it was omitted from the provisions of the bill. As regards other land offices mentioned in the bill, as reported to the House and indicated by the Senate, very frankly I have seen no good reason for the continuance of the offices and do not think one can be advanced.

Mr. HOCH. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HOCH. Does the gentleman intend to offer an amendment to continue these offices which he speaks of?

Mr. FRENCH. I have not thought of doing that.

Mr. HOCH. I am wondering whether the committee is going to have a chance to express itself along the lines the gentleman has stated.

Mr. FRENCH. I have no doubt there will be that opportunity.

If the bill should pass providing for the continuation of the four offices I have mentioned, in my judgment the appropriation already carried in the bill, which has become a law, is ample to care for the continued offices. On the other hand, if you add the other offices to the bill, I do not believe the amount carried in the bill will be sufficient.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SINNOTT. I want to satisfy myself of the gentleman's position. The gentleman appeared before the committee and included both Alliance and Broken Bow among those inadvertently abolished?

Mr. FRENCH. Yes.

Mr. SINNOTT. But I understand the gentleman desires to have only Alliance continued.

Mr. FRENCH. That would be my judgment, and more than that, the gentleman's committee, as I understand it, has eliminated Broken Bow.

Mr. SINNOTT. Yes; we did.

Mr. FRENCH. I think that is good business. If, however, we intend to pass this bill adding five or six other land offices, and if then we take the chance of adding a few more when the bill goes to conference, then I want to say that I do not believe the appropriation passed by the House for the continuation of land offices will be sufficient to meet the situation.

If we limit the bill to about four I think the appropriation will be sufficient, because we figured our appropriation upon the basis of the officers in all of the land districts being maximum salaried; in other words, receiving $3,000 each, when, as a matter of fact, I do not think they all will receive $3,000. They are in large part dependent on the fee system, and, in my judgment, the fees they receive will not make their salaries, in some instances, greater than $2,000 or $2,500, and so in a number of instances we will be able to save from $500 to $1,000 and in that way provide a sufficient amount to care for those other four offices, if you see fit to pass a bill providing for their restoration.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. The appropriation is a lump-sum appropriation?

Mr. FRENCH. Yes.

Mr. MANN. If this bill should pass in any shape and no additional appropriation should be made at the present time the lump-sum appropriation would be available, would it not, for the maintenance of these offices until Congress has an opportunity to provide for a deficiency?

Mr. FRENCH. It would seem so to me, although I have understood the officers of the Interior Department feel that it would not be. One of the officers of the Interior Department told me that he believed it would run contrary to some of the decisions of the comptroller, and that probably it would be impossible to pay the salaries of some of the officers unless we provide a specific appropriation.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, I do not know just exactly how many acres of land are in any one of the districts involved in this bill. I do not believe there was any deep, dark conspiracy upon the part of the Committee on Appropriations to do any injustice to anyone. I think it well may have been the case that if the gentlemen in whose districts the land offices are located had not slept upon their rights, we might not have had all of this trouble. I want to say to you that I am in favor of this bill because I believe those people out there feel that it is essential and vital to their best interests. They feel that the middle of the world is the land office. They are out there making a fight for a living. They are having about the hardest time of any class of people I know of in the United States, and I am in favor of the passage of this bill for another reason, and that is because I have read and also heard it quoted from Holy Writ that in the latter days the old men shall see visions and your young men shall dream dreams, and this is the day when old men are seeing visions, I do not know how clearly, but I am thoroughly satisfied that every old woman and young woman and every young man in this country is dreaming dreams, and I think there is no such irridescent dream as that contained perhaps in the authorization of $350,000,000 to make farms out in some of those districts, which is involved in a bill that we are going to be asked to consider one of these days, the title of which is known as the Smith-McNary bill—a bill proposing to authorize $350,000,000 to try an experiment. These poor people have tried fighting the battle of their lives, to see whether they can win it. There is not much money involved, and let us help them about that. In that tragic narrative of Byron's about the Ride of Mazeppa, fleeing from the Duke of Warsaw on the unbridled Ukraine, bound to his back, we find the lines—

> Not even an ignis fatuus rose
> To make him merry with my woes;
> That very cheat had cheer'd me then!
> Although detected, welcome still,
> Reminding me, through every ill,
> Of the abodes of men.

Gentlemen, we propose to try an experiment on the part of this Government, a most incompetent supervisor, if we are to believe the recent experiences of our excursions into governmental supervision and management of business—an experiment that these poor, brave, strong-hearted men and women have been trying for years and years. We have extended their time of payment time and again, not only upon the reclamation projects but upon those lands opened under the Kinkaid Act, those lands taken for grazing, where they take up 320 acres, or under the homestead law, where they may take 120. It has been a losing game to the dreamers of dreams, and they have come to us, and what those people can not do with every private interest involved, with all of the stimulus that is the mainspring of all human effort, they say this Government can do,

and in the Smith-McNary bill it is proposed to authorize $350,000,000 with which to try the experiment. Let us give those poor people every chance we can to demonstrate whether this experiment can be made a success or if at the last it is to be a disappointing and a disheartening failure. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Chairman, I want to submit a statement touching upon the necessity and importance of the continuation of the land office offices in my district at Harrison, Ark., and the one at Camden, in the district of my colleague, Mr. PARKS, who is not present. Harrison is located in the northern portion of the State. There are contiguous to this land office nearly 102,000 acres of land unentered, so that we fall clearly within the limits of the law upon the subject of acreage, and in my judgment that is more important than is the question of expense of maintenance.

This office is not an expense to the Government. It yields more revenue than the expenses amount to. In addition to the 102,000 acres that are near to the land office there, there are forest reserves amounting to 511,616 acres a short distance from this land office. Much of this forest reserve is agricultural land. Much of it is subject to homestead entry. All that is required of an intending homesteader is to get a location in a forest reserve and show that it is agricultural land and the department will O. K. the request and he will be allowed to homestead it. In addition to that we have 1,500 unperfected homestead entries pending in this office. This information I get in a telegram from the receiver, Mr. Moore, and is, of course, authentic. So no land office has made a stronger showing than this, and in my judgment it would be unfair to intending homesteaders to discontinue this office. It is located and has been for many years in a handsome and commodious Federal building at Harrison, and the rent does not cost the Government one cent.

I call attention to the fact that there are two railroads which run through my district from west to east [illustrating on map]. One is the Missouri Pacific, running within 12 miles of the Harrison land office, traversing much of this land, and another, the Missouri & North Arkansas, running directly through Harrison in this direction [illustrating on map]. Now, they propose to move this land office to Little Rock, south of Harrison, where there is no acreage of consequence subject to entry, and they propose to take this office from where there are more than a half million acres of public land and put it at a place where there is but little land subject to entry.

Mr. MANN. Will the gentleman yield?

Mr. TILLMAN. I will.

Mr. MANN. How much acreage is there in that land district?

Mr. TILLMAN. There are 101,923 acres now subject to entry coming clearly within the law, and in addition thereto a forest reserve, much of which is subject to entry, containing an acreage of 511,616 acres. The agricultural land in this reserve can be homesteaded, and much of it is agricultural land.

Mr. MANN. And certainly comes within the provision as to acreage——

Mr. TILLMAN. Certainly, and not only that, but it does not cost the Government a penny to maintain this land office, because it pays several thousand beyond the cost of its maintenance. It does not quite fulfill the requirement, however, that the cost must not be more than 33 per cent of all the revenue, as it goes beyond that to about 66 per cent, but my contention is that the acreage subject to homestead entry is more important than the item of expense. Of course, you might save expense to the Government by consolidating this land office with the one at Little Rock. You might save expense to the Federal Treasury by concentrating them all in Washington, but the poor homesteader would suffer. You could save expense by abolishing rural or city carriers; you might save expense in a great many ways. These gentlemen are boasting of the amount of money they are saving the Government here, and they are spending vast sums for other purposes.

Congress voted $20,000,000 to give to the red Russians but not a red cent for the homesteaders; $5,000,000 to the black Liberians, but some of you seem but little interested in white home seekers. These two lines of railroad on the map run through my district. No road runs directly from Harrison to Little Rock. Every intending homesteader who has to go before the register and receiver to make proof in case of contest or on other business will have to go to Little Rock, 150 miles away. Many would not be able to do so. The land office at Camden is short on acreage, but the excess of receipts over expenditures is greater than any office considered. The percentage showing here is certainly satisfactory.

Mr. VAILE. Twenty-two per cent.

Mr. TILLMAN. Now, gentlemen, that is our case.

Mr. REED of West Virginia. Will the gentleman yield for a question?

Mr. TILLMAN. Yes.

Mr. REED of West Virginia. Will the four meritorious offices mentioned by the gentleman from Michigan [Mr. CRAMTON] absolutely fail if there is no further legislation, or is there any power of the Secretary of the Interior to continue those four meritorious offices?

Mr. TILLMAN. No; it is the law that has been quoted here, that if there are not 100,000 acres of land and the expense is more than 33⅓ per cent of the revenue yielded the office must be abolished.

Mr. REED of West Virginia. It must be abolished?

Mr. TILLMAN. Yes.

Mr. VAILE. That is discretionary with regard to the proportion of expense, but it is mandatory with regard to the amount of land.

Mr. TILLMAN. The homesteaders are always poor people, and we want to encourage, not discourage, them. I was surprised to hear the gentleman from South Carolina [Mr. BYRNES] say that a certain land office in Missouri ought to be abolished where there are only 58 acres. That is not in this bill at all. Why does the gentleman refer to that in his argument against the bill when it is not in this bill and ought not to be.

Mr. BYRNES of South Carolina. If the gentleman will yield, what I said was it was in the bill as it passed the Senate, was it not?

Mr. TILLMAN. Yes.

Mr. BYRNES of South Carolina. What I told the House was that we had to look forward to a conference, and I explained what would happen when this bill went to conference.

Mr. TILLMAN. Nothing of that kind is going to happen. The contention of the friends of the bill was that we would send the bill back to the Senate, and it will pass overwhelmingly by their agreeing to the House amendments. The Committee on the Public Lands, having jurisdiction, did the proper thing in culling out of the Senate bill 6 useless offices and providing for continuing the 10 useful and necessary offices embraced in the bill now under debate.

The Committee on Appropriations should not get too arrogant. The average member of the Committee on Appropriations bestrides this narrow hall like a colossus, and the rest of us must walk between his legs, and we can get only what crumbs he chooses to let fall. I was not consulted by any member of the Appropriations Committee when it was determined to discontinue the Harrison land office; nor was my colleague, Mr. PARKS, nor was Judge KINKAID. Mr. MADDEN is inaccurate when he says all members were notified of what his committee intended to do in the premises. It would seem that ordinary courtesy would suggest a different course.

When the Roman populace wanted a stricken gladiator killed, they turned their thumbs down. The best painting of the Emperor Nero shows him sitting in the coliseum surrounded by his lords, with his thumb turned down, while a gladiator in the arena was holding up his dripping blade for a sign from his majesty. Just in that connection and further to illustrate my point, I read from a book which is still authority in this House. In chapter 15 of the Gospel of St. Luke, I find:

> What man of you, having an hundred sheep, if he lose one of them, doth not leave the ninety and nine in the wilderness, and go after that which is lost, until he find it?
>
> And when he hath found it, he layeth it on his shoulders, rejoicing.
>
> And when he cometh home, he calleth together his friends and neighbors, saying unto them, Rejoice with me; for I have found my sheep which was lost.

Some of us have just one little Government sheep in our districts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILLMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The House has control of the time.

Mr. SINNOTT. I can not yield to the gentleman any time. I am sorry.

Mr. CRAMTON. I yield two minutes to the gentleman. I want to hear the rest about it.

Mr. TILLMAN. I thank the gentleman; he shall hear. I will now attempt to bring together the Roman Emperor, a few land-office lambs, and the gentleman from Michigan.

Judge KINKAID, of Nebraska, holds up his dripping eyes to the gentleman from Michigan [Mr. CRAMTON], who is playing the rôle of a legislative Nero, and says, "Will you not permit me to retain in my district this one little Government land office lamb; it is all we have?" And the gentleman from Michigan turns his thumb down. And the gentleman from Washington [Mr. WEBSTER] looks with pleading eyes to the gentleman

from Michigan [Mr. CRAMTON] and says, "Will you not spare my land-office lamb? I have no harbors, no rivers, no fish hatcheries even. May I not keep this one little meek-eyed lambkin?" The gentleman turns his thumb down. And I come before him and say, "It is the only thing I have in my district that the Government has ever given us; it has been there for 50 years; it is a revenue producer; it is a great accommodation to our homesteaders, and will you not allow it to live?" And he turns down both his thumbs.

It ought to be and is the policy of this Government to encourage the homesteader. He has made this a Government of home owners. He does go, must go, to the land office itself to try his contests, to consult about entering land, to prove up his entry, and if the land office is remote from him he often is unable to make or perfect his entry. Practice economy, of course, but not at the expense of the poor devil who has to build and live in a sod house on the plains or in a gray cabin on some wild mountain side.

Many of the Members in this House have been homesteaders. Scott Ferris was, GENSMAN is, MONDELL, I think, was. In the West particularly live many homesteaders, and they are the men who—

> Tore through ways of ashen alkali,
> And desert winds blew sudden, swift, and dry.
> The dust! It sat upon and filled the train,
> It seemed to fret and fill the very sky.
> Lo! dust upon the beasts, the tent, the plain,
> And dust, alas! on breasts that rose not up again.

[Applause.]

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLOUSE. Mr. Chairman, I shall not at this time undertake to discuss in detail all of the facts which I have in mind concerning the expenditure of public money in the construction of public highways. My colleague, Mr. SCOTT, and myself have introduced a resolution asking an investigation of the Tennessee Highway Commission, and what I am desirous of bringing to your attention at this time is the unconscionable discrimination that is being manifested on the part of some of the State highway commissions in the location of public roads as well as in the distribution of road machinery which is furnished to them by the Government free of charge.

I should not feel justified in criticizing the commission of any other State unless first I shall have put that of my own State in order; hence I shall call your attention to the situation as I see and believe it to be in Tennessee.

I shall take up the amount of road-building machinery that has been furnished the State highway department of Tennessee since June 1, 1919, absolutely free of charge, and which, in so far as it relates to automobile trucks, amounts to $2,261,430, according to the books of the Bureau of Public Roads in Washington.

This is but a part of the material and machinery that has been furnished by the Bureau of Public Roads, as will be seen from the letter which I received from the chief of bureau under date of June 24, 1922, in which it is stated that the actual cost to the Government would be considerable more than $4,000,000. The letter to which I refer reads as follows, and explains the photostatic pages of these books which I will insert in part as a part of my remarks:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., June 24, 1922.

HON. WYNNE F. CLOUSE,
House of Representatives.

DEAR MR. CLOUSE: Your letter of June 16, 1922, in which you asked to be advised as to the equipment furnished by the Federal Government to the Tennessee State highway department and its value or cost to the Government has been received.

There are inclosed herewith photostat copies of our ledger sheets showing the type and quantity of material, equipment, and supplies awarded to the Tennessee State highway department from the War Department's surplus. The materials awarded are entered under the column headed "Quantity" and the amount of each item actually delivered to the State is entered under the column headed "Shipped," which also gives the date of shipment.

The appraised value of the materials delivered to the State highway department of Tennessee approximates four million dollars. Its actual cost to the Government would be considerably more than that sum. In many cases we have been unable to determine what these various items cost the Government, but their value at the time shipments were made has been estimated both by the War Department and by this department and, as stated above, the total value of the materials delivered the Tennessee State highway department is about four million dollars.

Very truly yours, THOS. H. MACDONALD,
Chief of Bureau.

There has been furnished to the same highway department additional road-building materials, such as mattocks, picks, axes, nails, fence posts, wire, wheelbarrows, harness, wagons, axe and pick handles, hammers, hatchets, lanterns, oil, fuse, anvils, sledges, and a thousand and one other things necessary in the construction of public roads to the amount of approximately $2,000,000 more. What in the name of high heaven do you suppose has been done with this property? What has this highway commission accomplished with all of this material and with all of the millions of dollars that this Government has furnished in addition to the material? Why, sirs, let me tell you that up until May 31 of this year they had completed and the Government had accepted but 40 miles of road.

In my congressional district, which is by far the largest in area of any in Tennessee, they have started but two projects, and these two involve disconnected links amounting to 27½ miles.

The Government has furnished on these two projects already, saying nothing of the contribution made by the taxpayers of the counties affected, the sum total of $121,602.80, and yet these projects are less than 50 per cent completed.

Instead of taking counsel of the people and cooperating with the people, it seems that the highway commissioners of my State, as well as those of some other States, have arrogated unto themselves the right to arbitrarily, and sometimes, no doubt, for personal or partisan reasons, expend this money which is the people's without regard for economy or without regard to the wishes and interests of the masses. One of these projects to which I have referred has been under construction for more than two years, and yet when I was in that county last fall there was less than 5 miles of that road completed.

That the people of my State and the country generally may know just how liberal and how interested the Government is in the building of highways, I here insert the statement of materials, other than automobile trucks, and so forth, which have been furnished to the highway department of my State to the present time:

Materials furnished to highway department of Tennessee.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Jacks:									
Barrett cap, 15-ton	L2-1132	Apr. 17, 1920	1	OS-274771A	Apr. 20, 1920	Jacksonville, Tenn	June 7, 1920	1	
Simplex track cap, 10-ton.	L2-1132	do	1	OS-274771A	do	do	do	1	
Barrett, 15-ton	L2-1132	do	1	OS-274771A	do	do	do	1	
Barrett, No. 2	L2-1132	do	2	OS-274771A	do	do	do	2	
Axes (dozens)	L2-1132	do	2	OS-274771A	do	do	do	2	
Sledges:									
16-pound	L2-1132	do	40	OS-274771A	do	do	do	40	
18-pound	L2-1132	do	40	OS-274771A	do	do	do	30	
Jacks, 1¼-screw, No. 8	L2-1132	do	10	OS-274771A	do	do	do	10	
Hooks, carrying cant (pairs)	L2-1132	do	12	OS-274771A	do	do	do	12	
Bars, pinch, 6 to 20 pounds	L2-1132	do	80	OS-274771A	do	do	do	80	
Bars, claw, 25 pounds (dozens).	L2-1132	do	1	OS-274771A	do	do	do	12	
Picks (dozens)	L2-1132	do	40	OS-274771A	do	do	do		
				OS-274771B	do				Amd. omit, May 15, 1920.

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Shovels (dozens)	L2-1132	Apr. 17, 1920	40		Apr. 20, 1920	Jacksonville, Tenn	June 7, 1920	40	
Mattocks (dozens)	L2-1132	do	40	OS-274771A	do	do	do	40	
				OS-274771B					Amd. omit, May 15, 1920.
Pick and mattock handles (dozens).	L2-1132	do	25		Apr. 20, 1920	Jacksonville, Tenn	June 7, 1920		
Blocks, chain, 5-ton, Cyclonic.	L2-1132	do	2		do	do	do	2	
Engines, Novo, gas, 1 horsepower.	L2-1132	do	2		do	do	do		
Hoes, mortar (dozens)	L2-1132	do	2		do	do	do	24	
Shovels, post-hole (dozens).	L2-1132	do	1		do	do	do	12	
Powder, Trojan, hand-grenade (pounds) (Richard City).	L2-1149	Apr. 21, 1920	50,000			Sparta, Wis			30,000 canceled.
Detonators, No. 8	L2-1149	do	25,000			do			
Powder, Trojan, hand-grenade (pounds) (Chattanooga).	L2-1149	do	50,000	OS-181476		do	Oct. 20, 1920	30,000	
						do	Oct. 26, 1920	40,000	
Detonators, No. 8	L2-1149	do	25,000			do			
Pump, 12-inch centrifugal, with engine.	L2-1172	Apr. 30, 1920	1	OS-275047A	Apr. 20, 1920				
				OS-275047AX					Canceled May 24, 1920.
				OS-275569A	May 7, 1920				
				OS-275569B	May 22, 1920	Jacksonville, Tenn	Nov. 9, 1920	1	
Boiler, 80 horsepower	L2-1172	do		OS-275569C	Sept. 10, 1920	do	do	1	
Joints:									
Flexible, with foot valve attached for suction.	L2-1172A	June 23, 1920	1	OS-279330A	July 1, 1920	do			
				OS-279330AX	Nov. 2, 1920				Cancellation.
Flange, with pipe for discharge.	L2-1172A	do	1	OS-279330A	July 1, 1920	Jacksonville, Tenn			
Pipe, 2-inch iron, with fittings (feet).	L2-1214	May 7, 1920	3,600			Pittsburgh, Pa			
Bodies, Ford delivery, with tops and fenders.	L2-1261	May 10, 1920	10	SPD-15702 Sales, 26906		A. R. D., Columbus, Ohio.	Aug. 26, 1920	10	
Transit, Gurley, light, mountain.	L2-1336	May 11, 1920	1	Sales, 3538.		Dayton, Ohio	June 21, 1920	1	
Carts, concrete	L2-1381	May 21, 1920	15	SPD-17294 25349.		New Cumberland, Pa.	Oct. 27, 1920	15	
Cranes, 15-ton, raised pier, locomotive, compound, with spare parts.	L2-1394	do	2	ARD-1082B		Columbus, Ohio	Sept. 14, 1920	2	
Brooms, stable	L2-1433	May 24, 1920	93	18432, 37163		New York, N. Y	Apr. 7, 1921	93	
Harness, cable-trace, wheel (sets).	L2-1463	May 25, 1920	9	SPD-11587 Sales, 2491.	June 10, 1920	Jeffersonville, Ind	June 17, 1920	9	
Axes, intrenching	L2-1463	do	70	18405, Sales 24656.	June 3, 1920	do	Aug. 31, 1920	70	
Rock crusher, No. 4½, compound, with spare parts.	L2-1514	May 26, 1920	1	SPD-19639 Sales, 27429 St. 2320.		New Cumberland, Pa.	July 19, 1920	1	
T. N. T. (Livingston, 20,000 pounds; Jonesboro, 20,000 pounds).	L2-1521	do	90,000	OS-181940A	June 15, 1920	Sparta, Wis	Sept. 29, 1920	30,000	
							Jan. 28, 1920	40,000	20,000 canceled.
Detonators, No. 8	L2-1521	do	45,000						
Wagons, escort, knocked down.	L2-1559	June 3, 1920	115	SPD-18165 Sales, 26166.		Norfolk, Va	Aug. 12, 1920	35-80	
Jacks, hydraulic, 24-inch lift, 3-ton capacity.	L2-1632	June 7, 1920	36	OS-278827A	June 14, 1920	Port Clinton, Ohio	Sept. 20, 1920	36	
Steel, reinforcing, various sizes and lengths.	L2-1661	June 8, 1920	20 T.	Tr. 2352		Camp Dix, N. J	July 31, 1920	60 T.	
Carts, concrete	L2-1698	June 10, 1920	20			Camp Eustis, Va			
Derrick, 5-ton stiff legged	L2-1716Y	Sept. 22, 1920	1			SHC, Russell, Kans	Sept. 22, 1920	1	
Lanterns, folding, galvanized iron.	L2-1778	June 12, 1920	142	SPD-18773 Sales, 26986.		Philadelphia, Pa	Oct. 27, 1920	142	
Covers, escort wagon	L2-1823	June 14, 1920	197	SPD-18706 Sales, 27828.	Aug. 5, 1920	Chicago, Ill	Aug. 20, 1920	49	
Jacks, auto, screw, Pratt	L2-1921	June 17, 1920	8			Jeffersonville, Ind			Canceled Aug. 6, 1920, D. S.
Pumps, double-acting piston, force, hand (Ward).	L2-1961	do	6	SPD-12624 Sales, 27700.	July 20, 1920	Pullman, Ill	Aug. 26, 1920	6	
Mill, saw, 60-inch saw and spare parts.	L2-1971	do	1	SPD-2241 Sales, 27332.		do	Dec. 3, 1920	1	
Roller, Austin, road, 10-ton gasoline.	L2-2013	June 19, 1920	1			Portlock Yards, Va			
Belting, leather:									
2½-inch (feet)	L3-57	Mar. 11, 1922	100			Americus, Ga			Canceled Mar. 29, 1922, D. S.
4-inch (feet)	L3-57	do	100			do			
3½-inch (feet)	L3-57	do	100			do			
3-inch (feet)	L3-57	do	200			do			
Screw drivers, combination tool, Universal.	L3-58	do	20			Washington, D. C			
Lathe, engine	L3-59	do	1	SPD 21667		Columbus, N. Mex			
Bars, carpenters', wrecking	L3-112	Mar. 15, 1922	50			New Cumberland, Pa.	Apr. 8, 1922	50	
Do	L3-112	do	70			do	do	70	
Axes:									
Single bit, unhandled	L3-112	do	55			do	do	55	
Single bit	L3-112	do	370			do	do	370	
Anvils:									
Circular saw	L3-112	do	10			do	do	10	
Saw, 200-pound	L3-112	do	15			do	do	15	
Chain, coil (feet)	L3-112	do	200			do	do	200	
Do	L3-112	do	2,500			do	do	2,500	
Do	L3-112	do	500			do	do	500	
Do	L3-112	do	200			do	do	200	
Do	L3-112	do	198			do	do	198	
Bits, track, drill	L3-112	do	52			do	do	52	
Blocks, snatch, single, steel, 8-inch, for 1-inch rope.	L3-112	do	30			do	do	30	
Tools, concrete finishing (sets).	L3-112	do	38			do	do	38	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Drills, rock	L3-112	Mar. 15, 1922	100			New Cumberland, Pa.	Apr. 8, 1922	100	
Rulers, boxwood, metal edge, 18-inch.	L3-113	do	30	R. P. D., 9,540 Sales, 37,919		do Brooklyn, N. Y.	Mar. 30, 1922	30	
Cloth, emery, No. 0 (sheets).	L3-114	do	500			Fort Bliss, Tex.	Mar. 28, 1922	500	
Tongs, B. S.:									
Belt—									
22-inch	L3-115	do	25			Newport News, Va.	Apr. 4, 1922	25	
24-inh	L3-115	do	30			do	do	30	
Flat jaw, 24-inch	L3-115	do	30			do	do	30	
Gad—									
18-inch	L3-115	do	20			do	do	20	
20-inch	L3-115	do	25			do	do	25	
Pick-up, 22-inch	L3-115	do	25			do	do	25	
Horseshoe, 12-inch	L3-115		50			do	do	50	
Pick-up, 24-inch	L3-115	do	50			do	do	50	
Saws, hack:									
10-inch	L3-115	do	54			do	do	54	
14-inch	L3-115		51			do	do	51	
Forges	L3-123	Mar. 14, 1922				Atlanta, Ga.	do	10	
Cutter	L3-123	do				do	do	1,050	
Forges, portable	L3-123	do				do	do	175	
Handles, miscellaneous	L3-123	do				do	do	5,396	
Soap, harness (pounds)	L3-123	do				do	do	100	
Oil (gallons)	L3-123	do				do	do	681	
Ranges	L3-123	do				do	do	25	
Picks	L3-123	do				do	do	99	
Dividers, wing, made of steel, 8-inch.	L3-192	Mar. 17, 1922	20			New Orleans, La.	May 15, 1922	20	
Bits, gimlet, 7/16-inch (pounds)	L3-192	do	15			do	do	15	
Blocks:									
Double-sheave, 12-inch.	L3-192	do	15			do		15	
Steel, single-sheave	L3-192	do	7			do	do	7	
Tackle, single-sheave, 8-inch.	L3-192	do	20			do	do	20	
Steel, single, snatch, 6-inch.	L3-192	do	4			do	do	4	
Pick-mattocks, with handles	L3-192	do	2,000			do	do	2,000	
Rasps, horseshoe, 16-inch	L3-192	do	50			do	do	50	
Drills:									
Cordeau, handled, ¼-inch cut.	L3-192	do	50			do	do	50	
Rock, made of steel	L3-192	do	45			do	do	45	
Files, mill bastard cut	L3-192	do	25			do	do	25	
Forges, portable	L3-192	do	20			do	do	20	
Files:									
Pillar, second-cut—									
4-inch	L3-192	do	50			do	do	50	
6-inch	L3-192	do	30			do	do	30	
16-inch	L3-192	do	70			do	do	70	
12-inch	L3-192	do	30			do	do	30	
Smooth cut, 3-inch and 4-inch.	L3-192	do	30			do	do	30	
Warding smooth—									
14-inch.	L3-192	do	38			do	do	38	
12-inch	L3-192	do	30			do	do	30	
Square—Second cut, 3-inch and 4-inch.	L3-192	do	50			do	do	50	
Bastard cut—									
14-inch.	L3-192	do	100			do	do	100	
12-inch	L3-192	do	100			do	do	100	
Mill, second cut, 10-inch	L3-192	do	88			do	do	88	
Hand, Second cut, 6-inch.	L3-192	do	38			do	do	38	
Half-round—Second cut, 6-inch.	L3-192	do	50			do	do	50	
Bastard cut—									
10-inch.	L3-192	do	100			do	do	100	
14-inch	L3-192	do	100			do	do	100	
Rubber belting:									
8-inch (feet)	L3-193	do	200			Newark, N. J.	Apr. 20, 1922	200	
10-inch (feet)	L3-193	do	200			do	do	200	
11-inch (feet)	L3-193	do	100			do	do	100	
12-inch (feet)	L3-193	do	2,000			do	do	2,115	
13-inch (feet)	L3-193	do	100			do	do	(1)	
16-inch (feet)	L3-193	do	500			do	do	374	
8-inch (feet)	L3-193	do	100			do	do	114	
Awls, haft, with wrenches	L3-193	do	100			do	do		Not in stock.
Do	L3-193	do	80			do	do	35	
Augers, crank:									
1-inch bore	L3-193	do	50			do	do	50	
¾-inch	L3-193	do	30			do	do	30	
⅝-inch	L3-193	do	50			do	do	27	
⅝-inch	L3-193	do	54			do	do		Do
½-inch	L3-193	do	25			do	do	18	
7/16-inch	L3-193	do	40			do	do	40	
⅜-inch	L3-193	do	30			do	do	30	
⅜-inch	L3-193	do	40			do	do	39	
Plow:									
Erd beam bottom	L3-422	Mar. 21, 1922	1			Camp Grant, Ill.			
Walking			1						
Sulky			1						
W/2-bottom gang			1						
2-bottom gang			3						
Teeth, drag harrow			24						
Wheels:									
Internal, grinder			75						
Grinding, internal			80						
Emery, grinding			118						
Hammers, air			2						
Shares:									
Plow, 14-inch			6						
Do			13						

[1] 126 feet 7 inches.

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Plow shares, 12-inch			11						
Ratchets, reversible sheet boiler, 10-inch.	L3-576	Mar. 27, 1922	600			Newark, N. J	Apr. 20, 1922	600	
Tools, heading, assorted sizes.	L3-577	do	20			Columbus, Ohio	June 1, 1922	20	
Racking, rubber, ¼ inch thick (pounds).			700				do	686	
Nippers, farrier's (pairs)	L3-578	Mar. 27, 1922	70			New Orleans, La	May 15, 1922	70	
Nails, wire, common, 12-penny (pounds).			5,000				do	5,000	
Files, assorted			4,000				June 9, 1922	1,204	
Chisels:									
Socket, ¾-inch	L3-579	Mar. 27, 1922	40	Req. E-1192		Schenectady, N. Y	May 5, 1922	40	
Cold, ¾-inch			50				do	50	
Pumps, No. 9 Blackmere rotary.	L3-614	Mar. 24, 1922	2			Camp Holabird, Md	Apr. 5, 1922	2	
Duck, gray (yards)	L3-615	do	50			Atlanta, Ga			
Mauls, round-wood	L3-630	Mar. 23, 1922	21			Camp Funston, Kans	Apr. 21, 1922	21	
Shovels, short-handled			2,600				do	2,472	
Points, plow	L3-637	Mar. 24, 1922	11			New Orleans, La	May 15, 1922	11	
Tents, storage	L3-682	Mar. 25, 1922	31			Camp Pike, Ark	Apr. 26, 1922	31	
Shovels, short-handled			800				do	800	
Do			1,452				do	1,452	
Belting, double-ply leather, 4-inch (feet).	L3-57X	Mar. 31, 1922	100			Americus, Ga			
Belting, leather, ½ to 10 inch (feet).	L3-863	Apr. 5, 1922	300			Amatol Arsenal, N. J	May 27, 1922	300	
Cutters, pipe, assorted			25				May 12, 1922	25	
Stocks, pipe, assorted			20				do	20	
Oil:									
2 barrels, 50 gallons each (gallons).			100				do	100	
Cylinder, in steel drums, 50 gallons to drum (gallons).			200				do	200	
Pump, 3-inch suction, 3-inch discharge.			1				do	1	
Engine, gas:									
12-horsepower			1				do	1	
1½-horsepower			1				do		
Pump, rotary, 1½-horsepower.			1				do	1	
Belting, conveyors:									
6-inch, 5-ply (feet)			1,200				do	1,084	
10-inch, 7-ply (feet)			400				do	408	
10-inch, 6-ply (rolls)			10				do	10	4,463 feet.
10-inch, 7-ply (feet)			1,000				do	1,000	
6-inch, 5-ply (feet)			1,000				May 27, 1922	1,151	
Protractors, celluloid	L3-916	Apr. 7, 1922	10			Norfolk, Va	Apr. 15, 1922	10	
Rods, level, plain			20				do	20	
Scales, engineer, boxwood, flat.			40				do	40	
Edges, straight			100				do	100	
T squares, pearwood, fixed head.			5				do	5	
Bits for screw drivers	L3-116	Mar. 15, 1922	100			Newark, N. J	Mar. 28, 1922	100	
Do			100				do	100	
Levels, and plumb	L3-1168	Apr. 11, 1922	30			New Orleans, La	May 15, 1922	30	
Oil, lubricating (cans)			66				do	66	
Scales, platform			4				do	4	
Files, hand bastard cut			200				do	200	
Hammers, machinist, cross pein.			50				do	50	
Files, assorted			500				do	500	
Augers, crank:									
1-inch bore	L3-193	Mar. 17, 1922	30			Newark, N. J	Apr. 20, 1922	30	
Do	L3-193	do	20			do	do	20	
1¼-inch bore	L3-193	do	20			do	do	20	
Do	L3-193	do	30			do	do	300	
Adzes, miscellaneous	L3-193	do	1,000			do	do	1,000	
Axes:									
W/o handles, 3½-inch	L3-193	do	900			do	do	496	
Bd. cornered, broad	L3-193	do	194			do	do	194	
Broad w/o handles	L3-193	do	220			do	do	220	
SB w/o handles, 3½-inch	L3-193	do	239			do	do	228	
Hammers, cross pein	L3-194	do	51			Omaha, Nebr			
Saws, hand crosscut:									
26-inch	L3-194	do	91			do			
Do	L3-194	do	27			do			
Squares, carpenters', steel	L3-195	do	276			Boston, Mass	Apr. 12, 1922	276	
Rules, folding, carpenter	L3-195	do	20			do	do	20	
Washers, red rubber:									
5⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		Brooklyn, N. Y	Apr. 14, 1922	1,000	
6⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
3⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
4⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
4⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
2⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
2⅛-inch	L3-196	do	1,000	SPD 9777-78 Sales 38734-35		do	do	1,000	
Chisels, B. S.:									
1-inch	L3-197	do	23	SPDC-11794 Sales 39832		St. Louis, Mo	May 15, 1922	23	
1¼-inch	L3-197	do	80			do	do	80	
1½-inch	L3-197	do	30			do	do	30	
2-inch	L3-197	do	34			do	do	34	
2½-inch	L3-197	do	84			do	do	84	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Bits, drill twist	L3-197	Mar. 17, 1922	200	SPDC-11789 Sales 39833		St. Louis, Mo.	May 15, 1922	200	
Chisels, wood socket firmer:									
½-inch	L3-197	....do	50	SPDC-11787 Sales 39834		....do	....do	50	
¾-inch	L3-197	....do	44			....do	....do	44	
1-inch	L3-197	....do	144			....do	....do	144	
Files, half-round, second-cut:									
12-inch	L3-197	....do	50	SPD C-1685D-51-52.		....do	....do	50	
14-inch	L3-197	....do	50	Sales, 39835-36-37.		....do	....do	50	
Files, half-round, cabinet, 10-inch.	L3-197	....do	50			....do	....do	50	
Files, flat, bastard, metal, 8-inch.	L3-197	....do	200			....do	....do	200	
Files, metal, hard, flat, second-cut, 10-inch.	L3-197	....do	200			....do	....do	200	
Files, pillar, second-cut, 8-inch.	L3-197	....do	50			....do	....do	50	
Files, square, bastard, 4-inch.	L3-197	....do	100			....do	....do	100	
Drills, star, hand	L3-197	....do	500	SPDC-16847 Sales, 39838.		....do	....do	500	
Do	L3-197	....do	290			....do	....do	290	
Drills, stone, hand	L3-197	....do	17			....do	....do	17	
Do	L3-197	....do	6			....do	....do	6	
Do	L3-197	....do	10			....do	....do	10	
Drills, ratchet, No. 1	L3-197	....do	16			....do	....do	10	
Cans, oil, one-half gallon, screw top.	L3-197	....do	500	SPDC-16836 Sales, 39839.		....do	....do	500	
Cans, oil, 1-gallon, galvanized iron.	L3-197	....do	100			....do	....do	100	
Oil, tin, 1-gallon, stenciled "linseed" (cans).	L3-198	....do	200			Columbus, Ohio	June 1, 1922	200	
Grease, graphite (cans)	L3-199	....do	100			Richmond, Va	Mar. 31, 1922	100	
Oilers, steel copperized	L3-199	....do	150			....do	....do	150	
Oilers, copper	L3-199	....do	50			....do	....do	50	
Oilers, Eagle, steel copperized.	L3-199	....do	300			....do	....do	300	
Lead, pig (pounds)	L3-199	....do	200			....do	....do	200	
Covers, canvas, escort wagon.	L3-302	Mar. 20, 1922	25			Atlanta, Ga	....do		
Machine, milling, horizontal, Becker, No. 25.	L3-363	....do	1			Camp Jesup, Ga			
Hose, fire (feet)	L3-364	....do	500			Norfolk, Va			
Do	L3-364		350			....do			
Motors, Reliance, 1½ horsepower.	L3-365	Mar. 20, 1922	6			Camp Holabird, Md	Apr. 5, 1922	6	
Grinders, tool post (Dumere)	L3-365		10			....do	....do	10	
Bits, auger, assorted	L3-1169	Apr. 11, 1922	50			St. Louis, Mo	....do		Canceled L3-1169.
Bags, tool, canvas	L3-1169	....do	20			....do	....do		Do.
Files, metal, half-round, bastard.	L3-1169	....do	200			....do			Do.
Pots, melting, iron, 4½-inch.	L3-1169	....do	170			....do			Do.
Levels, wrought-iron, plumb:									
18-inch	L3-1170	....do	23			Newark, N. J.	May 17, 1922	23	
42-inch	L3-1170	....do	7			....do	....do	7	
36-inch	L3-1170	....do	5			....do	....do		
Shovels, short-handle	L3-1171	....do	3,000			San Antonio, Tex	Apr. 27, 1922	3,000	
Nails, wire, common, 8-penny (pounds).	L3-1171	....do	70,000			....do	....do	70,000	
Cloth, emery:									
No. 0 (sheets)	L3-1171	....do	1,000			....do	....do	1,000	
No. ½ (sheets)	L3-1171	....do	5,000			....do	....do	5,000	
No. 1½ (sheets)	L3-1171	....do	5,000			....do	....do	5,000	
Wheels, emery (carborundum).	L3-1172	....do	11			Fort Clark, Tex	....do		
Do	L3-1172	....do	39			....do	....do		
Knives, putty	L3-1114	Apr. 13, 1922	170			Chicago, Ill	....do		
Drills, assorted	L3-1114	....do	50			....do	....do		
Hammers, riveting	L3-1115	Apr. 15, 1922	300	SPD C-12873		St. Louis, Mo	....do		
Hammers, claw	L3-1115	....do	100	SPD C-12861		....do	....do		
Awls, stitching	L3-1116	Apr. 13, 1922	50			Columbus, Ohio	June 1, 1922	50	
Tents, conical	L3-1262	Apr. 14, 1922	30			Jeffersonville, Ind	Apr. 27, 1922	30	
Duck:									
Khaki (yards)	L3-1262	....do	1,029			....do	....do	1,029	
Olive drab (yards)	L3-1262	....do	1,000			....do	....do		Canceled Apr. 25, 1922.
Paper, pouncing (sheets)	L3-1355	Apr. 18, 1922	4,100	SPD C-14993		Omaha, Nebr	....do		
Belting, leather	L3-1355	....do	900	SPD C-14054		....do	....do		
Dividers, spring, 4-inch	L3-1356	....do	25			Boston, Mass	May 6, 1922	25	
Buckets, white canvas	L3-1357	....do	50			Newark, N. J.	Apr. 24, 1922	50	
Hammers, hand	L3-1358	....do	900			Norfolk, Va	Apr. 27, 1922	900	
Oilstones, wood-mounted	L3-1358	....do	180			....do	....do	180	
Levels, irons	L3-1358	....do	35			....do	....do	35	
Kits, tool	L3-1359	....do	20	SPD C-14810		St. Louis, Mo	....do		
Machines, drilling	L3-1359	....do	5	SPD C-14808		....do	....do		
Pinchers, assorted	L3-1359	....do	200	SPD C-14819		....do	....do		
Stones, assorted, carborundum.	L3-1359	....do	195	SPD C-14821		....do	....do		
Hose, water carts	L3-1360	....do	105	SPD C-14616		Chicago, Ill	....do		
Reamers, assorted	L3-1361	....do	95	SPD C-14913		St. Louis, Mo	....do		
Blades, awl	L3-1361	....do	2,200	SPD C-14911		....do	....do		
Machines, milling	L3-1362	....do	2			Camp Travis, Tex	June 1, 1922	1	
Bits, auger, assorted	L3-1169X	Apr. 27, 1922	50	SPD C-12801		St. Louis, Mo	....do		
Bags, tool, canvas	L3-1169X	....do	20	SPD C-12795		....do	....do		
Files, metal, round, bastard, assorted.	L3-1169X	....do	200	SPD C-12779		....do	....do		
Pots, iron, melting	L3-1169X	....do	170	SPD C-12793		....do	....do		
Kits, tool, Schaller forge, empty.	L3-1359X	Apr. 26, 1922	20	SPD C-14810		....do	....do		

Materials furnished to State highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Machines, drilling, post drill	L3-1359X	Apr. 26, 1922	5	SPD C-14808	.....	St. Louis, Mo.....	June 1, 1922	.....	
Pinchers, assorted.....	L3-1359X	.....do.....	200	SPD C-14819	.....	.....do.....	.....do.....	.....	
Stones, assorted:									
Carborundum.....	L3-1359X	.....do.....	20	SPD C-14821	.....	.....do.....	.....do.....	.....	
Oil.....	L3-1359X	.....do.....	90	.....	.....	.....do.....	.....do.....	.....	
Whet, farriers.....	L3-1359X	.....do.....	85	.....	.....	.....do.....	.....do.....	.....	
Washers, red rubber, assorted.	L3-1436	Apr. 24, 1922	2,840	SPD 9778-9777 Sales, 38755-38736	.....	Brooklyn, N. Y.....	May 4, 1922	2,840	
Drills, Star hand, assorted.	L3-1437	.....do.....	375	SPD C-16847	.....	St. Louis, Mo.....	.....do.....	.....	
Drills, rock, 6½ feet by 1 inch.	L3-1438	Apr. 22, 1922	150	.....	.....	New Cumberland, Pa.	May 10, 1922	150	
Belting, leather, round (feet)	L3-1439	Apr. 24, 1922	1,000	.....	.....	San Antonio, Tex.....	May 5, 1922	1,000	
Forges, folding, portable:									
Champion.....	L3-1504	Apr. 25, 1922	200	.....	.....	New Cumberland, Pa.	May 10, 1922	200	
No. 711.....	L3-1504	.....do.....	20	.....	.....	.....do.....	.....do.....	20	
Forges, Silver Manufacturing Co.	L3-1504	.....do.....	1	.....	.....	.....do.....	.....do.....	1	
Forges, engine No. 3.....	L3-1504	.....do.....	18	.....	.....	.....do.....	.....do.....	18	
Grinders, tool, Dimo grit grinder.	L3-1505	.....do.....	50	.....	.....	Schenectady, N. Y....	May 11, 1922	50	
Hammers, BS, assorted ...	L3-1506	.....do.....	841	.....	.....	Norfolk, Va.....	May 5, 1922	841	
Hooks, cant, assorted.....	L3-1506	.....do.....	150	.....	.....	.....do.....	.....do.....	150	
Selden spare parts (lot)	SSel-13	July 19, 1920	1	Tr. 9043	.....	Muscle Shoals, Ala.....	Nov. 5, 1920	1	
Do.....	SSel-13A	July 21, 1920	1	Tr. 9043	.....	.....do.....	.....do.....	1	
Tires (lot).....	ST-79	June 4, 1920	1	Tr. 9043	.....	Camp Jesup, Ga.....	June 15, 1920	1	
Do.....	ST-111	Aug. 19, 1920	1	Tr. 9043	.....	Jeffersonville, Ind.....	Oct. 1, 1920	1	
Casings, clincher, 880 centimeters by 120 centimeters (34 by 4½ inches) (35) (lot).	ST-198	Nov. 3, 1920	1	.....	.....	Camp Holabird, Md...	Dec. 14, 1920	1	
Tires (lot).....	ST-147	Sept. 28, 1920	1	.....	.....	Camp Normoyle, Tex.	May 3, 1921	1	
Do.....	ST-284	June 1, 1921	1	Tr. 2003-17	.....	Jeffersonville, Ind.....	June 16, 1921	1	
Inner tubes, 35 by 4½ inches (lot).	L2-9663	Mar. 3, 1922	1	.....	.....	Camp Jesup, Ga.....	Apr. 2, 1922	1	
Tires (lot).....	ST-406	Mar. 20, 1922	1	.....	.....	Camp Normoyle, Tex.	Apr. 1, 1922	1	
Do.....	405	.....do.....	1	.....	.....	Camp Holabird, Md...	Apr. 5, 1922	1	
Do.....	ST-412	Apr. 25, 1922	1	.....	.....	Little Rock, Ark.....	Apr. 29, 1922	1	
Tractor, Holt, 20-ton, spare parts (lot).	L2-446	Feb. 3, 1920	1	OS-271295A Amd. 271295B	Feb. 14, 1920 Sept. 2, 1920	Rock Island Arsenal, Ill.	May 18, 1920	1	
Tractor, Holt, caterpillar, 20-ton, spare parts (lot).	L2-2707	Aug. 14, 1920	1	OS-2710157A	Sept. 7, 1920	.....do.....	Sept. 23, 1920	1	
Vim, spare parts (lot).....	SVim-1	Sept. 8, 1920	1	Tr. 9043	.....	Camp Holabird, Md...	Nov. 15, 1920	1	
Cranes, spare parts for variety raised pier (boxes).	L2-4184	Mar. 1, 1921	3	SPD-E-1033	.....	Camp Kearney, N. J...	Apr. 6, 1921	3	Reshipped to Navy, Hampton, Va.
Riker, spare parts (lot).....	SRik-5	June 6, 1921	2½	.....	.....	Camp Holabird, Md...	June 20, 1921	1	
Generators (lot).....	SMisc.-21	Aug. 23, 1920	1	.....	.....	Camp Jesup, Ga.....	Sept. 1, 1920	1	
Magnetos.....	SMisc.-39	Sept. 1, 1920	9	Tr. 9043	.....	.....do.....	.....do.....	1	
Drive chains (30) (lot).....	SMisc.-49	Oct. 2, 1920	1	Tr. 9043	.....	Camp Holabird, Md...	Oct. 21, 1920	1	
Duplex governors.....	SMisc.-57	Oct. 9, 1920	14	SPD 11507	.....	.....	.....	.....	
Nash Quad:									
Spare parts (lot).....	SN-40	July 28, 1919	1	SPD 2290 and Sales 3151	Aug. 9, 1919	Detroit, Mich.....	Sept. 5, 1919	1	
Spare parts, tops and curtains (sets).	SN-93	Feb. 17, 1920	8	Tr. 9043	.....	Municipal Pier, Chicago, Ill.	Feb. 26, 1920	8	
Spare parts (lots).....	SN-127	Mar. 17, 1920	2	Tr. 9043	.....	Kenosha, Wis.....	Apr. 1, 1920	2	
Do.....	SN-190	Apr. 10, 1920	1	OS-274470	Apr. 19, 1920	Kokomo, Ind.....	.....	.....	
Spare parts, springs, comp.	SN-239	Apr. 14, 1920	93	Tr. 9043	.....	Toledo, Ohio.....	June 4, 1920	93	
Spare parts (lot).....	SN-287	Apr. 20, 1920	1	OS-275136	Apr. 29, 1920	Kokomo, Ind.....	June 30, 1920	1	
Do.....	SN-305	June 22, 1920	1	OS-275136	.....	Camp Knox, Ky.....	.....	.....	
Do.....	SN-310	July 1, 1920	1	OS-275136	.....	Camp Holabird, Md...	Aug. 18, 1920	1	
Do.....	SN-370	Oct. 5, 1920	1	.....	.....	.....do.....	.....	.....	Partially canceled Jan. 31, 1921.
Wheels (24) (lot).....	SN-385	Oct. 14, 1920	1	.....	.....	.....do.....	Oct. 30, 1920	1	
Tops.....	SN-450	Nov. 23, 1920	7	Tr. 9043	.....	Jeffersonville, Ind.....	Dec. 9, 1920	8	
Spare parts (lot).....	SN-482	Dec. 13, 1920	1	Tr. 9043	.....	ARD Columbus, Ohio	Jan. 24, 1921	1	
Tops (box).....	SN-534	Dec. 20, 1020	1	Tr. 9043	.....	Jeffersonville, Ind.....	Dec. 30, 1920	1	
Spare parts (lot).....	SN-569	Feb. 8, 1921	1	.....	.....	Toledo, Ohio.....	Mar. 1, 1921	1	
Do.....	SN-370X	Jan. 29, 1921	1	.....	.....	Brooklyn, N. Y.....	Mar. 14, 1921	1	
Packard, spare parts (lot)..	SPac-88	July 20, 1920	1	Tr. 9043	.....	Camp Holabird, Md...	Sept. 14, 1920	1	
Peerless, spare parts (lot)..	SP-13	Apr. 12, 1920	1	Tr. 9043	.....	Camp Normoyle, Tex..	May 24, 1920	1	
Do.....	SP-13A	May 14, 1920	1	Tr. 9043	.....	.....do.....	.....do.....	1	
Pierce Arrow:									
Spare parts (lot).....	SPA-27	May 21, 1920	1	.....	.....	Buffalo, N. Y.....	.....	.....	
5 ton (lot).....	SPA-82	Dec. 10, 1920	1	Tr. 9043	.....	.....do.....	Apr. 22, 1921	1	
2 ton (lot).....	SPA-104	Dec. 9, 1920	1	Tr. 9043	.....	.....do.....	.....do.....	1	
Republic, spare parts.....	SRep-2	Mar. 22, 1920	1	Tr. 9043	.....	Langley Field, Va.....	Apr. 6, 1920	1	
Do.....	SRep-11	Mar. 25, 1920	1	Tr. 9043	.....	Camp Jesup, Ga.....	Aug. 18, 1920	1	
Buick, spare parts (lot).....	SB-1	Jan. 31, 1920	1	Tr. 9043	.....	Port Clinton, Ohio....	Mar. 1, 1920	1	
Buick, spare parts, springs.	SB-14	July 24, 1920	14	Tr. 9043	.....	Camp Normoyle, Tex.	.....	.....	Canceled Aug. 5, 1920.
Dodge, spare parts (lot).....	SDG-8	Dec. 5, 1921	1	.....	.....	Camp Jesup, Ga.....	Dec. 8, 1921	1	
Ford, spare parts (lot).....	SF-2	Jan. 31, 1920	1	Tr. 9043	.....	Port Clinton, Ohio....	Mar. 1, 1920	1	
Do.....	SF-93	Aug. 3, 1920	1	Tr. 9043	.....	Muscle Shoals, Ala....	Nov. 5, 1920	1	
F. W. D. trucks, tops with curtains (1 case).	SFWD-22	Mar. 1, 1920	23	Tr. 9043	.....	Municipal Pier, Chicago, Ill.	Mar. 2, 1920	23	
F. W. D. trucks, brackets for tops (1 box) (sets).	SFWD-22	.....do.....	23	Tr. 9043	.....	.....do.....	.....do.....	23	
F. W. D. trucks, spare parts (lot).	SFWD-29	June 4, 1922	1	.....	.....	Camp Pike, Ark.....	June 8, 1922	1	
G. M. C., spare parts (lot)..	SGMC-8	July 20, 1920	1	Tr. 9043	.....	Camp Holabird, Md...	Nov. 15, 1920	1	
Heavy aviation:									
Spare parts (lot).....	SHA-30	July 8, 1920	1	Tr. 9043	.....	.....do.....	Aug. 4, 1920	1	
Front wheels (24) (lot).	SHA-45	Oct. 14, 1920	1	.....	.....	.....do.....	Oct. 30, 1920	1	
Radiators (20) (lot).....	SHA-57	Nov. 2, 1920	1	.....	.....	.....do.....	Nov. 15, 1920	1	
Spare parts (lot).....	SHA-37	Oct. 19, 1920	1	.....	.....	.....do.....	July 23, 1920	1	
Light and heavy aviation, spare parts (lot).	SA-25	July 1, 1920	4	Tr. 9043	.....	.....do.....	.....do.....	4	
Light aviation radiators (16) (lot).	SLA-13	Nov. 2, 1920	1	.....	.....	.....do.....	Nov. 15, 1920	1	
Light aviation spare parts (lot).	SLA-18	Nov. 30, 1920	1	.....	.....	Jeffersonville, Ind.....	Dec. 9, 1920	1	

Materials furnished highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Liberty, spare parts (lot)	SLib-31	June 3, 1922	1			Camp Pike, Ark	June 8, 1922	1	
Do	SLib-2	Nov. 25, 1921	1			Camp Holabird, Md	Dec. 23, 1921	1	
Do	SLib-7	Dec. 5, 1921	1			Camp Jesup, Ga	Dec. 9, 1921	1	
Compressor, Nash	L2-2331	June 28, 1920	1			Baltimore, Md			Canceled June 24, 1920; reallotted.
Bucket, conveyor, 2 lengths	L2-2331	do	1						
Pump:									
Gas-engine water	L2-2331	do	1						
Hand-suction with 2 lengths of hose.	L2-2331	do	1						
Conveyor, gravity (feet)	L2-2375	June 29, 1920	1,000			A. S. B., Norfolk, Va		1,000	
Derrick with bull wheel, Guy.	L2-2379	do	1	OS-279869A	Aug. 27, 1920	Ancor, Ohio	Oct. 13, 1920	1	
Pole, gin on rollers, 22-foot mast with winch.	L2-2379	do	1	OS-279869A	do	do	do	1	
Axes, chopping, with helves	12-2412	July 2, 1920	75	OS-279345A	July 20, 1920	Seven Pines, Va	Aug. 19, 1920	75	
Mauls, track, without helves	12-2412	do	30	OS-279345A	do	do	do	30	
Rope, manila:									
½-inch (feet)	L2-2442	July 8, 1920	8,500	OS-279818-B	Sept. 2, 1920	Augusta, Ga	Sept. 14, 1920	8,500	
¾-inch (feet)	L2-2442	do	1,200	OS-279818A	Aug. 2, 1920	do	Aug. 11, 1920	1,200	
Cord, sash ⅜-inch (feet)	L2-2442	do	4,100	OS-279818A	do	do	do	4,100	
Nails, sixpenny, finishing (100 pounds per keg.)	L2-2442	do	10	OS-279818A	do	do	do	1,000	
Tractor, 15-30 horsepower International.	L2-2467	July 12, 1920	1			Camp Humphreys, Va.	Aug. 21, 1920	1	
Sprinklers, 2-wheel water, also one 4-wheel.	L2-2467	do	2			do	do	2	
Car, dump, 24-inch gauge	L2-2467	do	1			do	do	1	
Carts, dump, 2-wheel	L2-2493	July 16, 1920	3			do	July 23, 1920	3	
Drills, steam, with tripods	L2-2493	do	2			do	do	2	
Cars, dump, revolving, 36-inch gauge.	L2-2493	do	3			do	do	3	
Rail, 25 pounds (feet)	L2-2493	do	1,200			do	do	1,200	
T. N. T. (pounds)	L2-2515	Aug. 16, 1920	300,000	OS-182026A		Charleston, S. C			Canceled Dec. 8, 1920.
Engine:									
Gasoline, 93 horsepower on truck, 6 cylinders.	L2-2537	July 21, 1920	1						Canceled Sept. 3, 1920.
Steam, 72 horsepower Chandler & Taylor, with spare parts.	L2-2537	do	1	37824	June 29, 1920	Portlock Yards, Va	Aug. 18, 1920	1	
Gears, lumber wagon, 3¼ by 10, 40-inch and 44-inch wheels.	L2-2655	Aug. 5, 1920	8	SPD 20593; Sales 28731	Nov. 13, 1920	New Cumberland, Pa.	Oct. 12, 1920	8	
Pumps, centrifugal, 2-inch intake, 2-inch discharge, Morris.	L2-2662	Aug. 6, 1920	2	H 2710198A X; OS-2710198A	Sept. 16, 1920	Chgo. Storage Depot	Nov. 17, 1920	1	Cancellation.
Hoists, air, 4-foot lift, Vulcan.	L2-2675	Aug. 7, 1920	6	SPD 3527; Sales 28478	Aug. 19, 1920	Pullman, Ill	Sept. 14, 1920	6	
Detonators, No. 8	L2-2770	Aug. 20, 1920	10,000	OS-182026A		Charleston, S. C	Aug. 24, 1920	10,000	
Crane, locomotive, 10-ton, raised pier, comp., Dravo-Doyle.	L2-2780	Aug. 24, 1920	2	E-1997		Camp Kearney, N. J	Jan. 8, 1921	2	
Shovel, Thew steam, capacity ¾ yard.	L2-2785	Aug. 17, 1920	1			Camp Knox, Ky			
Wheelbarrows	L2-2822	Aug. 26, 1920	49	OS-2710276A	Sept. 8, 1920	Jacksonville, Tenn	Nov. 20, 1920	49	
Shovels, R. P. D. H	L2-2822	do	167	OS-2710276A	do	do	do	167	
Jacks, telescopic screw, 1¾ by 14 inches.	L2-2822	do	2	OS-2710276A	do	do	do	2	
Hose, gasoline:									
2½-inch, 15-foot sections (feet).	L2-2865	Aug. 28, 1920	750	SPD 14690		Kearney, N. J			Canceled Oct. 13, 1920; L2-2865X.
2½-inch, 50-foot sections (feet).	L2-2865	do	250	SPD 14684		do			
Clamps, hose:									
2½-inch galvanized steel	L2-2865	do	210			New Cumberland, Pa			
Novo	L2-2865	do	180	SPD 14685		Kearney, N. J			
Hose, gasoline, 2½-inch, 15-foot sections (feet).	L2-2865X	Oct. 13, 1920	750	SPD 14690; Sales, 29701		A. B., Kearney, N. J	Mar. 14, 1921	750	
Clamps, hose:									
2½-inch galvanized steel	L2-2865X	do	210	SPD 13190; Sales 29702		A. R. D., New Cumberland, Pa.	Nov. 20, 1920	210	
Novo	L2-2865X	do	180	SPD 14685; Sales, 29703		A. B., Kearney, N. J	Mar. 14, 1921	180	
Engine, steam, 72-horsepower, and spare parts.	L2-2881	Aug. 31, 1920	1	50091		Norfolk, Va	Sept. 17, 1920	1	
Derrick, stiff leg, 3-ton	L2-2881	do	1			do			Canceled Oct. 9, 1920; L2-3134.
Shovels, D-handle	L2-3036	Sept. 24, 1920	490	SPD 19717; Sales, 29368		New Cumberland, Pa.	Nov. 1, 1920	490	
Fixtures, babbitting:									
Comp. for 75 and 120 horsepower Artillery tractors (set).	L2-3081	Sept. 29, 1920	1	OS-2711062A	Oct. 9, 1920	Rock Island Arsenal, Ill.	Dec. 23, 1920	1	
Do	L2-3081	do	1	OS-2711062A	do	do	do	1	
Comp. for 120-horsepower Artillery tractor (set).	L2-3081	do	1	OS-2711062A	do	do	do	1	
Derrick, stiff-leg, 5-ton	L2-3134	Oct. 9, 1920	1	SPD 269; Sales, 29588		A. R. D., Columbus, Ohio.	Jan. 3, 1920	1	
Hoist, steam:									
2-drum, 25-horsepower, Lambert.	L2-3143	Oct. 11, 1920	1			Camp McClellan, Ala			
3-drum, 15-horsepower, Mundy.	L2-3143	do	1			do			
Cable, plow steel (feet)	L2-3221	Oct. 20, 1920	1,600	Req. 3594720		Norfolk, Va	Nov. 18, 1920	1,643	
Jacks, trench	L2-3248	Oct. 21, 1920	25	Req. 5015	Nov. 12, 1920	Camp Sherman, Ohio	do	25	
Spikes, 10-inch (pounds)	L2-3262	Oct. 23, 1920	5,000	Req. 106955		A. S. B., Charleston, S. C.	Jan. 24, 1921	5,000	
Machine, magneto hand-blasting.	L2-3324	do	6	SPD 3430; Sales, 30135		Washington, D. C	Nov. 15, 1920	6	
Detectors, circuit	L2-3416	Nov. 8, 1920	6	SPD-3019; Sales, 30239		Washington, D. C	Nov. 23, 1920	6	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Track, narrow gauge, laid on ground, complete with 36 switches (yards).	L2-3505	Nov. 20, 1920	3,520	OS-2712600		Penniman, Va.	June 10, 1921	1	
Crane, locomotive, 25-ton, Ohio, 50-foot boom.	L2-3538	Nov. 24, 1920	1	OS-2712934	Dec. 20, 1920	Curtis Bay, Baltimore, Md.	Dec. 29, 1920	1	
Planimeters	P-40	Dec. 23, 1919	3			Washington, D. C.	Jan. 15, 1920	3	
Bin, crushed stone	L2-3704	Dec. 24, 1920	1	SPD-13189 Sales, 30824		Pittsburgh, Pa.	Feb. 1, 1921	1	
Pumps, hand, Red Jacket, double-action, 2-inch suction and discharge.	L2-3757	Dec. 30, 1920	15	SPD-12715 Sales, 30855		New Cumberland, Pa.	Feb. 14, 1921	15	
Chests, tool, complete with tools.	L2-3809	Nov. 20, 1920	13			Mitchel Field, Long Island, N. Y.	Dec. 11, 1920	14	
Miscellaneous road-building equipment:									
Machines, Ajax boring	L2-3864	Jan. 5, 1921	2			do	Dec. 31, 1920	2	
Blocks, 8-inch	L2-3864	do	40			do	do	40	
Handles, hatchet (crate)	L2-3864	do	1			do	do	1	
Axes (bundles)	L2-3864	do	40			do	do	290	
Adzes	L2-3864	do	25			do	do	25	
Hammers, claw	L2-3864	do	90			do	do	90	
Crowbars, 5-foot	L2-3864	do	14			do	do	14	
Squares, steel, 24 by 16 inches.	L2-3864	do	51			do	do	51	
Chisels (chest)	L2-3864	do	1			do	do	1	
Gauges, wood	L2-3864	do	200			do	do	208	
Hammers, brick (cases)	L2-3864	do	3			do	do	3	
Trowels, masons'	L2-3864	do	2			do	do	2	
Saws, hand, 9-point	L2-3864	do	70			do	do	70	
Picks	L2-3864	do	882			do	do	882	
Mattocks	L2-3864	do	313			do	do	313	
Handles, pick	L2-3864	do	47			do	do	47	
Poles, Simplex jack	L2-3864	do	32			do	do	32	
Pails	L2-3864	do	174			do	do	174	
Extinguishers, fire, 2½-gallon.	L2-3864	do	24			do	do	24	
Shovels, assorted	L2-3864	do	1,600			do	do	1,600	
Hoes, mortar	L2-3864	do	20			do	do	20	
Shovel handles, spoon bill, 8-foot.	L2-3864	do	20			do	do	20	
Wheelbarrows	L2-3864	do	24			do	do	24	
Hose, water, 1-inch	L2-3864	do	3,000			do	do	3,000	
Squares, tri and miter	L2-3864	do	120			do	do	120	
Cant hooks (boxes)	L2-3864	do	2			do	do	2	
Saws, 6-point	L2-3864	do	120			do	do	120	
Belvels, 4-foot	L2-3864	do	40			do	do	40	
Saws, 2-man crosscut	L2-3864	do	87			do	do	87	
Levels, wood, 2 by 24 inches (cases).	L2-3864	do	4			do	do	144	
Claw bars, 5-foot	L2-3864	do	3			do	do	3	
Mauls, iron with wooden faces (case).	L2-3864	do	1			do	do	1	
Handles for crosscut saws.	L2-3864	do	150			do	do	156	
Chains, towing	L2-3864	do	42			do	do	42	
Chests, steel	L2-3864	do	5			do	do	5	
Plows, road (to Rogersville).	L2-3864	do				do	do	3	
Points, plow, extra (to Rogersville).	L2-3864	do				do	do	24	
Vises, assorted (to Rogersville).	L2-3864	do				do	do	9	
Block, swage (to Rogersville).	L2-3864	do				do	do	1	
Anvil—									
Small, 58-pound (to Rogersville).	L2-3864	do				do	do	2	
Large (to Rogersville).	L2-3864	do				do	do	1	
Cans, 2-gallon (to Rogersville).	L2-3864	do				do	do	18	
Cutters, bolt, No. 3 (to Rogersville).	L2-3864	do				do	do	2	
Stocks and dies (set) (to Rogersville).	L2-3864	do				do	do	1	
Graphite, 5-pound cans (cans) (to Rogersville).	L2-3864	do				do	do	25	
Files, assorted (dozens) (to Rogersville).	L2-3864	do				do	do	12	
Rope, ¾-inch (coils) (to Rogersville).	L2-3864	do				do	do	6	
Grinders, valve (to Rogersville).	L2-3864	do				do	do	6	
Drills, breast, hand (to Rogersville).	L2-3864	do				do	do	6	
Scrapers, bearing (to Rogersville) (sets).	L2-3864	do				do	do	2	
Calipers, pocket, slide (to Rogersville).	L2-3864	do				do	do	2	
Micrometers (to Rogersville) (set).	L2-3864	do				do	do	1	
Sledges, 8 and 12 pound (to Rogersville).	L2-3864	do				do	do	30	
Heaters, quick meal (to Rogersville).	L2-3864	do				do	do	2	
Wagon, chemical, 40-gallon (to Rogersville).	L2-3864	do				do	do	1	
Lights, acetylene (to Rogersville).	L2-3864	do				do	do	10	
Tanks, gas, 60-gallon (to Rogersville).	L2-3864	do				do	do	2	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Miscellaneous road-building equipment—Con.									
Cable, steel, ¼-inch (to Rogersville) (feet).	L2-3864	Jan. 5, 1921				Mitchel Field, Long Island, N. Y.	Dec. 31, 1920	990	
Screw drivers (to Rogersville).	L2-3864	do				do	do	30	
Pumps, hand, 3-cylinder (to Rogersville).	L2-3864	do				do	do	10	
Handles, maul (to Rogersville).	L2-3864	do				do	do	48	
Caliper, pocket slide, Starrett.	L2-3886	Dec. 17, 1920	1			do	do	2	
Stove, heating	L2-3886	do	1			do	Feb. 16, 1921	1	
Lathes, Goodall-Pratt, No. 125, complete.	L2-3886	do	2			do	do		
Wheelbarrows for brick or stone.	L2-3886	do	15			do	do	2	
Frames, hack saw, No. 20	L2-3886	do	19			do	do	15	
Braces, trench	L2-3886	do	6			do	do	1	
Frames, hack saw, No. 10	L2-3886	do	1			do	do		
Tape, metallic, 100 feet, No. 506.	L2-3886	do	1			do	do		
Pots, fire	L2-3886	do	2			do	do	2	
Braces, 2,000 bits, assorted	L2-3886	do	12			do	do		
Putty, tire, 2-ounce	L2-3886	do	8			do	do		
Pumps, hand, 3-cylinder	L2-3886	do	10			do	do	10	
Cutter, bolt size, No. 3	L2-3886	do	1			do	do	1	
Pot, melting, with handle	L2-3886	do	1			do	do	1	
Ranges, gas	L2-3886	do				do	do	6	
Blocks, swage, blacksmith's	L2-3886	do	2			do	do	2	
Drills, braced, Millers Falls Co.	L2-3886	do	22			do	do	22	
Sledges, without handles	L2-3886	do	36			do	do	9	
Snips, tennis	L2-3886	do	26			do	do	26	
Grinders, valve, No. 288, Goodall-Pratt.	L2-3886	do	15			do	do	15	
Grinders	L2-3886	do	3			do	do		
Tongs, blacksmith's	L2-3886	do	8			do	do		
Hammers, ball peen, machine, assorted.	L2-3886	do	18			do	do	18	
Gauges, thickness	L2-3886	do	6			do	do	1	
Tool-box fiber	L2-3886	do	1			do	Dec. 31, 1920	1	
Levels and plumbs	L2-3886	do	25			do	do		
No. 48	L2-3886	do	3			do	Feb. 16, 1921	3	
Squares, steel, No. 3 R. I., 6 by 24.	L2-3886	do	27			do	do	5	
Chalk line, No. 24 (feet)	L2-3886	do	1,000			do	do	1,000	
Pencils, carpenter's	L2-3886	do	40			do	do	200	
Planes, block, No. 110, size 7 by 1½.	L2-3886	do	8			do	do	8	
Chisels, wood, 3 per set, ¼, ½, and 1 inch.	L2-3886	do	15			do	do	15	
Levels and plumbs, 2 by 24.	L2-3886	do	27			do	do	36	
Squares, steel:									
2 by 24 by 18	L2-3886	do	66			do	do	36	
2 by 24 by 15	L2-3886	do	9			do	do	9	
2 by 24 by 12	L2-3886	do	1			do	do	1	
Gauges:									
Socket, fiber (6 per set)	L2-3886	do	18			do		18	
Wood, ¾ inch	L2-3886	do	25			do			
Chisels, carpenter's, wood	L2-3886	do	39			do	Feb. 16, 1921	42	
Bars:									
Pinch, carpenter's, 30 inch.	L2-3886	do	8			do	do	1	
Wrecking, 30 inch	L2-3886	do	5			do			
Saws:									
Hand, 26 inch	L2-3886	do	56			do	Feb. 16, 1921	16	
Keyhole	L2-3886	do	33			do	do	10	
Hammers, carpenter's	L2-3886	do	50			do	do	1	
Used	L2-3886	do	38			do	do	9	
Staves, spoke	L2-3886	do	6			do	do	6	
Saws, carpenter's back	L2-3886	do	2			do	do		
Single sheaves, 12 inch	L2-3886	do	4			do	do		
Handles:									
Hammer	L2-3886	do	41			do	do		
Hatchet	L2-3886	do	37			do	do	37	
Saw	L2-3886	do	21			do	do	21	
Nail pullers, steel	L2-3886	do	1			do	do		
Aprons, carpenter's	L2-3886	do	5			do	do	1	
Paste, soldering	L2-3886	do	12			do	do	12	
Saws	L2-3886	do	22			do	do	22	
6 pt., used	L2-3886	do	6			do		6	
Handles, leather tipped, for wood chisels.	L2-3886	do	27			do	Feb. 16, 1921	27	
Knives, pocket, Signal Corps.	L2-3886	do	40			do	do	1	
Braces, carpenter's, ratchet	L2-3886	do	4			do	do		
Stone, oil	L2-3886	do	1			do	do	1	
Sandpaper, No. 2	L2-3886	do	208			do	do	208	
Oil cup	L2-3886	do	1			do	do	1	
Torches, blow	L2-3886	do	2			do	do	2	
Twine (ball)	L2-3886	do	1			do	do	1	
Hatchet	L2-3886	do	1			do	do	1	
Punch, leather	L2-3886	do	1			do	do	1	
Bar, plumb	L2-3886	do	1			do	do	1	
Countersinker	L2-3886					do	do	1	
Screw driver, ratchet	L2-3886	Dec. 17, 1920	50			do	Dec. 31, 1920	50	
Emery paper, various sizes	L2-3886	do	120			do	do		
Shellac, Owens	L2-3886	do	120			do	do		
Files, various sizes	L2-3886	do	12			do	Feb. 16, 1921	12	
Rope, manila:									
½-inch, 3-strand, 600-foot coil.	L2-3886	do	14			do	do	14	
¾-inch, strand, 600-foot coil.	L2-3886	do	2			do	do		

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Hose:									
60 feet per box, 2-inch suction (boxes).	L2-3928	Jan. 12, 1921	47	Sales 31273 SPD C-273		Columbus, Ohio	Mar. 10, 1921	2,280	
125 feet per box, 2-inch discharge (boxes).	L2-3928	do	72	Sales 31274 SPD C-274		do	do	9,000	
Trailers, 4-wheel	L2-3992	Jan. 18, 1921	5			Fort Benj. Harrison, Ind.	Mar. 7, 1921	5	
Lanterns, railroad, style No. 59, Rayo (new).	L2-4125	Feb. 5, 1921	140	SPD 13999 Sales 31191		Governors Island, N.Y.	Apr. 9, 1921	140	
Carts, ration	L2-4152	Feb. 15, 1921	12			Camp McClellan, Ala.	do		Canceled Mar. 7, 1921.
Spare parts for variety raised pier cranes (boxes).	L2-4184	Mar. 1, 1921	10	SPD-E1030 E1035		Camp Kearny, N. J.	Apr. 6, 1921	10	
Axes, various weights	L2-4211	Mar. 3, 1921	160	SPD E-1694 Sales 31606		Baltimore, Md	Apr. 16, 1921	160	
Lanterns, complete	L2-4211	do	16	SPD E-1589 Sales 31607		do	do	16	
Plows, large chilled patent clevison, 3-horse.	L2-4211	do	4	SPD E-1875 Sales 31700		do	Apr. 14, 1921	4	
Share, plow, chilled point, No. 1-78.	L2-4211	do	7	SPD E-1874 Sales 31609		do	do	7	
Barometers, aneroid, with case and straps.	L2-4236	do	10	SPD 13600		Chicago, Ill			Canceled Apr. 19, 1921, D. S.
Engines, gasoline:									
45-horsepower, new	L2-4256	Mar. 5, 1921	6	SPD 1671 ME		ARD Columbus, Ohio.	Mar. 29, 1921	6	
50-horsepower, new	L2-4256	do	2	SPD 1670 ME			do	2	
Covers, canvas, for ammunition bodies.	L2-4372	Mar. 11, 1921	16	RA-10421		Raritan Arsenal, N. J.	Apr. 7, 1921	16	
Setter, hydraulic tire, complete.	L2-4393	Mar. 12, 1921	1	Sales 31682 SPD 18423MV	Mar. 13, 1921	Jeffersonville, Ind	Apr. 30, 1921	1	
Motor:									
General Electric, induction, 50-horsepower, 3-phase, 60-cycle, 550-volt, 900 revolutions per minute.	L2-4450	Mar. 19, 1921	1			Phillipsdale, R. I	Mar. 23, 1921	1	
Watson induction, 35-horsepower, 3-phase, 60-cycle, 550-volt, 900 revolutions per minute.	L2-4450	do	1			do	do	1	
Motors:									
Watson, induction, 15 horsepower, 3-phase, 60-cycle, 550-volt, 1,200 revolutions per minute.	L2-4450	do	3			do	do	3	
Watson, induction, 15 horsepower, 3-phase, 60-cycle, 550-volt, 900 revolutions per minute.	L2-4450	do	2			do	do	2	
Drills, track, Buda type	L2-4461	Mar. 21, 1921	3	SPD E-1258 Sales 31858.		New Cumberland, Pa.	May 2, 1921	3	
Tapes, steel	L2-4499	Mar. 26, 1921	3			Boston, Mass	do		Canceled by War Department.
Globes, lantern, red	L2-4476	Mar. 21, 1921	150	SPD 17588 Sales 31832		Philadelphia, Pa	Apr. 29, 1921	150	
Spades, D handle	L2-4529	Mar. 29, 1921	1,100	SPD 1037GS Sales 31936		Brooklyn, N. Y	May 2, 1921	1,100	
Shovels, short handle	L2-4609	Apr. 6, 1921	200	SPD E-2711 Sales 33572		Philadelphia, Pa	Aug. 18, 1921	200	
Harness, 6-mule, jerkline (Rogersville) (sets).	L2-4615	do	35	SPD 16228 Sales 31913		Schenectady, N. Y	May 2, 1921	35	
Pads, neck collar (Rogersville).	L2-4615	do	200	SPD 19666		do	do		
Wagons, sprinkling, 450 gallons, Studebaker.	L2-4644	Apr. 9, 1921	1	SPD 10458MV Sales 32465		do	May 20, 1921	1	
Tractors, with tool box complete.	L2-4650	Apr. 11, 1921	29			Erie Proving Grounds, Port Clinton, Ohio.	Apr. 30, 1921	29	
Hose, 2-inch rubber discharge (feet).	L2-4702	Apr. 13, 1921	2,400	SPD E-1718 Sales 32368		Kearney, N. J	May 20, 1921	2,400	
Harness, 6-mule, jerkline (sets).	L2-4741	Apr. 19, 1921	200	SPD 16228 Sales 32527		Schenectady, N. Y	June 1, 1921	188	
Pads, neck collar	L2-4741	do	1,282	SPD 19666 Sales 32248		Rowen, W. Va	July 20, 1921	983	
Chassis, trailer, 3-ton, Anderson.	L2-4767	Apr. 20, 1921	30	2003-11		Camp Jesup, Ga	June 6, 1921	30	
Shovels:									
S. P., D handles, new	L2-4803	Apr. 23, 1921	1,300	SPD 2217 Sales 32428		Pittsburgh, Pa	May 19, 1921	1,296	
R. P., D handles, new	L2-4803	do	4,800	SPD 2220 Sales 32429		do	do	4,800	
Grader (Square Deal No. 7) and ditcher, Adam.	L2-4852	May 2, 1921	1	21892		Aero supply warehouse, Park Field, Millington, Tenn.	June 1, 1921	1	
Diggers, post-hole, common 6-inch, double handle.	L2-4852	do	10			do	do	10	
Grader, steel frame, with adjustable rear wheels, national reversible.	L2-4852	do	1			do	do	1	
Handles, pick, clear oak	L2-4852	do	100			do	do	100	
Poles, powder-tamping, iron rod.	L2-4852	do	15			do	do	15	
Saws, crosscut, 7 inches width at center.	L2-4852	do	15			do	do	15	
Covers, canopy (for 10-ton tractors).	L2-4902	May 5, 1921	20			Erie Proving Grounds, Port Clinton, Ohio.	May 18, 1921	20	
Tires, solid, with disk steel wheel 36 by 10, heavy aviation.	L2-4913	do	50			Camp Jesup, Ga	May 24, 1921	52	
Saws, hand rip, 28-inch, 5-point.	L2-4937	May 6, 1921	61	SPD 15573 Sales 32503		Jeffersonville, Ind	June 13, 1921	61	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Desks, Army field, new	L2-5006	May 14, 1921	36	SPD 13766 Sales 32842		Schenectady, N. Y.	June 27, 1921	33	
Handles, pick, 36-inch (carload)	L2-5038	May 24, 1921	1	SPD 15445 Sales 32861		Boston, Mass.	July 19, 1921	10,000	
Tractors, 10-ton, with hardwood box with tools, complete	L2-5058	May 25, 1921	6			Erie Proving Grounds, Port Clinton, Ohio.	May 27, 1921	6	
Covers, canopy, for 10-ton tractors	L2-5058	do	6			do	June 6, 1921	6	
Transformer	L2-5114	June 7, 1921	1	OS-2714498A	June 16, 1921	Stillwater, Minn.	do	1	
Board, switch	L2-5114	do	1	OS-2714498A	do	do	do	1	
Do	L2-5114	do	1	OS-2714498A	do	do	do	1	
Cabinet, steel, 16 by 36 inches	L2-5114	do	1	OS-2714498A	do	do	do	1	
Starter, automatic, Cutler-Hammer	L2-5114	do	1	OS-2714498A	do	do	do	1	
Regulator, pressure	L2-5114	do	1	OS-2714498A	do	do	do	1	
Sets, generating, gasoline, electric, 25-kilowatt	L2-5120	do	3	Req. E-3487		New Cumberland, Pa.	June 23, 1921	3	
Pumps, Pyr., 4 by 5 inches, with 3-horsepower Novo engine	L2-5212	June 14, 1921	7	SPD C-1724 Sales 32933		Chicago, Ill.	Aug. 10, 1921	7	
Stocks and dies, ¼-inch to 1¼-inch	L2-5303	June 18, 1921	8	SPD 786 Sales 33119	July 26, 1921	Chicago district	Aug. 12, 1921	8	
Machine, tapping, R. & S. vertical belt drive, standard equipment	L2-5344	June 22, 1921	1			Curtiss plant, Buffalo, N. Y.			
Grinder, No. 20, deep-hole chucking, belt drive	L2-5344	do	1			do	July 25, 1921	1	
Grinder, size 20-inch; Taylor & Fern	L2-5344	do	1			do	do		
Guards, No. 2 C. D., used for emery wheel	L2-5344	do	2			do	do	2	
Drill, Natco mult. spindle, 1¼-inch, 0 diameter, No. 2, Morse taper	L2-5344	do	1			do	do	1	
Grinder, 14-inch B. & S. plain, emery wheel, etc.	L2-5344	do	1			do	do	1	
Miller, 10 gibs, 25½ long, 1⅝ wide, 4-B, Becker	L2-5344	do	2			do	do	2	
Miller, 10 taper spindles, hand, Whitney	L2-5344	do	2			do	do	2	
Machine, lapping, 12-inch swing, belt drive	L2-5344	do	2			do	do	2	
Forges, portable	L2-5410	June 29, 1921	8	SPD 20117		Camp Humphreys, Va	do		Canceled WD.
Levels, engineer's	L2-5446	July 1, 1921	6			Schenectady, N. Y.	Sept. 8, 1921	6	
Transits, engineer's	L2-5446	do	3			do	do	3	
Lathe, 21 by 10, LeBlond	L2-5509	June 28, 1921	1	OS-2714549A		Kensington, Ill.	Aug. 10, 1921	1	
Bars:									
Digging and tamping—									
6-foot	L2-5519	July 8, 1921	50	SPD SE-1510 33289		Atlanta, Ga.	Sept. 22, 1921	50	
3-foot	L2-5519	do	241	SPD SE-1511		do			
Crow, pitch point—									
12-pound	L2-5519	do	265	SPD SE-1513		do			
16-pound	L2-5519	do	32	SPD SE-1517 33290		do	Sept. 22, 1921	22	
18-pound	L2-5519	do	9	SPD SE-1518 33291		do	do	9	
20-pound	L2-5519	do	29	SPD SE-1519 33292		do	do	29	
25-pound	L2-5519	do	6	SPD SE-1520 Sales 33293		do	do	6	
Wrecking—									
Straight, 30-inch	L2-5519	do	72	SPD SE-1521 33294		do	do	72	
Goose-neck, 30 inch	L2-5519	do	111	SPD SE-1523 33295		do	do	111	
Do	L2-5519	do	64	SPD SE-1524 33296		do	do	64	
Shovels, short-handle:									
Square point	L2-5519	do	2,000	SPD SE-1412 33297		do	do	2,000	
Round point	L2-5519	do	2,300	SPD SE-1413 33298		do	do	2,300	
Spades, short-handle, square point	L2-5519	do	500	SPD SE-1415 33229		do	do	500	
Drills, blacksmith, post, hand-power, Champion, No. 101	L2-5563	July 12, 1921	4	SPD E-2058 Sales 33243		Inland warehouse, Philadelphia, Pa.	Aug. 3, 1921	4	
Chests, steel, tool, 18 by 18 by 36 inches (empty)	L2-5588	July 11, 1921	18	SPD 10605-5 Man.-S-4996 P-13.		Fairfield, Ohio	Aug. 11, 1921	18	
Jacks, badger No. 5, cap. 3 T.	L2-5588	do	12	SPD 10605-1 Man.-S-4996-P-13.		do	do	12	
Grinders, Webster & Perkes	L2-5389	June 28, 1921	2	OS-2714550B		Kensington, Ill.	Aug. 10, 1921	2	
Wheels, emery, for above grinders	L2-5389	do	3	OS-2714550B		do	Aug. 11, 1921	3	
Pliers, side cutting, 8-inch	L2-6299	Aug. 10, 1921	68	OS-2714550B		Norfolk, Va.	Sept. 21, 1921	68	
Bars, wrecking	L2-6299	do	597	OS-2714550B		do	do	597	
Chisels:									
Cold, ¾-inch	L2-6299	do	31	OS-2714550B		do	do	31	
Cold, 1-inch	L2-6299	do	10	OS-2714550B		do	do	10	
Cold, 1¼-inch	L2-6299	do	10	OS-2714550B		do	do	10	
Axes, hand	L2-6299	do	120	OS-2714550B		do	do	120	
Trucks, 3 by 6 feet, Howe	L2-5654	July 12, 1921	2			Amatol Ordnance Reserve Depot, Amatol, N. J.	Aug. 4, 1921	2	
Motor, induction, 220 volt, 3 phase, 720 revolutions per minute, 10 horsepower	L2-5654	do	1			do	do	1	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Rope and pulleys (box)...	L2-5654	July 12, 1921				Amatol Ordnance Reserve Depot, Amatol, N. J.	Aug. 4, 1921	1	
Hangers, 1 barrel.....	L2-5654	....do.....	60			....do.....	....do.....	1	
Trolleys, 1 barrel.....	L2-5654	....do.....	21			....do.....	....do.....	1	
Plates, angle:									
Large, 1 keg.....	L2-5654	....do.....	16			....do.....	....do.....	1	
Small, 1 keg.....	L2-5654	....do.....	16			....do.....	....do.....	1	
Washers, square, ⅝-inch, 1 keg.	L2-5654	....do.....	195			....do.....	....do.....	1	
Switch, electric start, H 1 foot 6 inches, 1 1′ 1′ 1, 150 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Motor, induction, H 1 foot 6 inches, 250 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Press, power, consolidated, 5 by 2 feet 6 inches by 2 feet, 500 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Drill, vert. comp., 300 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Crane, 1 by 4 feet by 10 inches, 75 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Track, overhead, straight, with equipment (pieces).	L2-5654	....do.....	20			....do.....	....do.....	1	
Truck, Fairbanks, flat, 2 by 6 feet by 3 feet, 500 pounds.	L2-5654	....do.....	1			....do.....	....do.....	1	
Do.....	L2-5654	....do.....	1			....do.....	....do.....	1	
Parts for air hoist (box)....	L2-5654	....do.....	1			....do.....	....do.....	1	
Do.....	L2-5654	....do.....	1			....do.....	....do.....	1	
Track, overhead, with equipment (lot).	L2-5654	....do.....	1			....do.....	....do.....	1	
Hanger and bearing, 2 feet 6 inches drop.	L2-5654	....do.....	1			....do.....	....do.....	1	
Shaft, line, with coupling, 14 feet long by 2 7/16 diameter.	L2-5654	....do.....	1			....do.....	....do.....	1	
Hangers and bearings, complete:									
7 inches drop.....	L2-5654	....do.....	1			....do.....	....do.....	1	
8 inches drop.....	L2-5654	....do.....	1			....do.....	....do.....	1	
Shaft with collars, 1½ inch diameter by 5½ feet long.	L2-5654	....do.....	1			....do.....	....do.....		
Pulley, flat face:									
10-inch diameter by 2½-inch face, 20 pounds.	L2-5654	....do.....	1			....do.....	....do.....		
2 foot-diameter by 1 foot 2 inch face, 100 pounds.	L2-5654	....do.....	1			....do.....	....do.....		
10-inch diameter by 12½ inch face, 100 pounds.	L2-5654	....do.....	1			....do.....	....do.....		
Track, overhead, curves....	L2-5654	....do.....				....do.....	....do.....	1	
Trolleys, for overhead track (sets).	L2-5654	....do.....	2			....do.....	....do.....	2	
Tank, oil, 4 by 4 by 3 feet..	L2-5654	....do.....	1			....do.....	....do.....		
Pump for tank.....	L2-5654	....do.....	1			....do.....	....do.....		
Part, main, of tilting machine, 5 by 3 by 5 feet.	L2-5654	....do.....	1			....do.....	....do.....	1	
Scale:									
Complete, Howe, 6 by 4 foot platform.	L2-5654	....do.....	1			....do.....	....do.....	3	
4 feet 6 inches by 2 feet 3 inches, 300 pounds, Howe.	L2-5654	....do.....	1			....do.....	....do.....		
Pulley, split pr. steel:									
6 by 4 by 1 7/16 inches....	L2-5654	....do.....	1			....do.....	....do.....	1	
14 by 4 by 1 7/16 inches...	L2-5654	....do.....	1			....do.....	Oct. 21, 1921	1	3 additional crts.
18 by 4 by 1 7/16 inches....	L2-5654	....do.....	1			....do.....	....do.....	1	
6 by 2 by 1 7/16 inches....	L2-5654	....do.....	1			....do.....	....do.....	1	
Fan No. 1, Buffalo.....	L2-5654	....do.....	1			....do.....			
Radiators, 3 by 4 feet by 8 inches, 300 pounds.	L2-5654	....do.....	8			....do.....	Aug. 4, 1921	8	
Shafting, assorted lengths:									
13 feet by 10½ by 2 15/16 inches, total (pieces).	L2-5654	....do.....	2			....do.....	....do.....	2	
83 feet 6 inches by 1 15/16 inches, total (pieces).	L2-5654	....do.....	2			....do.....	....do.....	2	
12 feet 4 inches by 2 7/16 inches, total (piece).	L2-5654	....do.....	1			....do.....	....do.....	1	
12 feet 4 inches by 1 15/16 inches (piece).	L2-5654	....do.....	1			....do.....	....do.....	1	
Hanger and bearings, shaft, 30-inch drop, 2 7/16-inch bore.	L2-5654	....do.....	1			....do.....	....do.....	2	
Clutch for shaft, 12 by 10 by 1 15/16 inches.	L2-5654	....do.....	1			....do.....	....do.....	1	
Clutch, 12 by 10 by 1 15/16 inches.	L2-5654	....do.....	1			....do.....	....do.....	1	
Main part of clutch, 12 by 10 by 1 15/16 inches.	L2-5654	....do.....				....do.....	....do.....	1	
Clutch and lever, complete, 12 by 10 by 1 15/16 inches.	L2-5654	....do.....	1			....do.....	....do.....	1	
Do.....	L2-5654	....do.....	1			....do.....	....do.....	1	
Shaft and clutch, 22 feet by 2 7/16 inches.	L2-5654	....do.....	1			....do.....	....do.....	1	
Shaft, 18 feet by 2 7/16 inches..	L2-5654	....do.....	1			....do.....	....do.....	1	
Drill, track.....	L2-5654	....do.....	1			....do.....	....do.....	1	
Steel, 7/8-inch hex. C. R. open hearth (pounds).	L2-5663	July 13, 1921	300	SPD-10332-14		Curtiss plant, Buffalo, N. Y.	July 25, 1921	300	
Bars, steel, ⅝-inch, round, H. R. (pounds).	L2-5663	....do.....	400	SPD-10333-8		....do.....	....do.....	400	
Bars, steel, nickel, ¾-inch, round, C. R., in 8-foot to 14-foot lengths (pounds).	L2-5663	....do.....	1,000	SPD-10333-9		....do.....	....do.....	1,000	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Steel, round, C. D.:									
½ by 12-inch steel (pounds).	L2-5663	July 13, 1922	500	SPD-10333-11		Curtiss plant, Buffalo, N. Y.	July 25, 1921	500	
⅞ by 11-inch steel (pounds).	L2-5663	.....do.....	100	SPD-10333-12		.....do.....	.....do.....	100	
⅞ by 12-inch steel (pounds).	L2-5663	.....do.....	300	SPD-10333-13		.....do.....	.....do.....	300	
⅛ C. D. carbon 0.35 steel (pounds).	L2-5663	.....do.....	100	SPD-10333-14		.....do.....	.....do.....	100	
⅞ by 12 feet (pounds)..	L2-5663	.....do.....	100	SPD-10333-15		.....do.....	.....do.....	100	
Axes, chopping, S. B., 3½ and 4 pound, handled.	L2-5710	July 16, 1921	2,000	SPD E-3557 Sales 33398		Pittsburgh, Pa.....	Aug. 8, 1921	2,000	
Axes, round corner, 11-inch blade, broad, Canadian pattern.	L2-5710	.....do.....	600	SPD E-3561 Sales 33399		.....do.....	.....do.....	600	
Handles, pickax, new.....	L2-5735	July 18, 1921	2,000	SPD-21136 Sales 34044		Chicago, Ill.....	Sept. 8, 1921	2,000	
Saws, crosscut, two-man, w/hdle, 6-foot.	L2-5767	.....do.....	500	SPD C-2109 Sales 33582		Chicago, Ill., depot...	Aug. 19, 1921	500	
Shovels:									
Long handle, round point.	L2-5776	July 19, 1921	5,000	SPD E-3445 35454		Newport News, Va....	Aug. 25, 1921	5,000	
Short handle, square point.	L2-5776	.....do.....	3,000	SPD E-3446 Sales 33455		.....do.....	Sept. 5, 1921	3,000	
Short handle, round point.	L2-5776	.....do.....	5,000	SPD E-3448 33456		.....do.....	Aug. 26, 1921	5,000	8,000.
Barometers, aneroid.....	L2-5816	July 20, 1921	10	SPD E-2012 Req. E-3598		Schenectady, N. Y....	Aug. 8, 1921	10	
Braces:									
Bit, 10-inch.....	L2-5851	.....do.....	440	SPD E-3438 33920		B. S., Norfolk, Va.....	Sept. 3, 1921	440	
Ratchet, 8-inch, Sweet.	L2-5853	.....do.....	60	SPD SE-1409		Atlanta, Ga.....	.....	.....	Not available.
Saws, nests of 3, with handles	L2-5873	July 21, 1921	300	SPD E-3462 Sales 33487		New Cumberland, Pa.	Aug. 26, 1921	282	
Saws, one-man, crosscut, 3-foot.	L2-5911	July 22, 1921	500	SPD E-3460 Sales 33657		.....do.....	.....do.....	500	
Saws, hand, crosscut, 20-inch.	L2-5911	.....do.....	300	SPD E-2459 3459 Sales 33656		.....do.....	.....do.....	300	
Spades.....	L2-5927	.....do.....	5,000	SPD E-3447 33503		Newport News, Va....	Aug. 25, 1921	5,000	
Saws, panel, hand, steel, wooden handle.	L2-5942	.....do.....	300	SPD NE-514		Boston, Mass.....	.....	.....	
Table, for drill press, 10-inch, round.	L2-5951	July 23, 1921	1	SPD NE-514		Penniman Ord. Res. Depot, Penniman, Va.	.....	1	
Blower, forge, 24-inch, Buffalo.	L2-5951	.....do.....	1	CS-2714583		.....do.....	Sept. 13, 1921	1	
Pulley, 2½-inch face, 7-inch diameter, 1-inch bore.	L2-5951	.....do.....	5	CS-2714583		.....do.....	.....do.....	5	
Reamer, taper, assorted sizes.	L2-5951	.....do.....	4	CS-2714583		.....do.....	.....do.....	.....	
Bars:									
Bending.....	L2-5951	.....do.....	2	OS2714583		.....do.....	.....do.....	2	
Lever, 25-inch lengths..	L2-5951	.....do.....	5	OS2714583		.....do.....	.....do.....	5	
Steel, tool, for gauges, 1¼ by 6 inches (pieces).	L2-5951	.....do.....	45	OS2714583		.....do.....	.....do.....	33	
Blocks:									
Single, ½-inch rope.....	L2-5951	.....do.....	2	OS2714583		.....do.....	.....do.....	.....	
Single, 8-inch diameter sheave, 1 iron, 1 wood.	L2-5951	.....do.....	2	OS2714583		.....do.....	.....do.....	.....	
Double, iron, ½-inch rope	L2-5951	.....do.....	4	OS2714583		.....do.....	.....do.....	2	
Triple, wood, 1-inch rope.	L2-5951	.....do.....	3	OS2714583		.....do.....	.....do.....	2	
Pulleys, side wheel, japanned, block.	L2-5951	.....do.....	6	OS2714583		.....do.....	.....do.....	.....	
Chain:									
Detachable link, No. 62 (feet).	L2-5951	.....do.....	10	OS2714583		.....do.....	.....do.....	10	
Sprocket, 2½ by 2½ links (feet).	L2-5951	.....do.....	20	OS2714583		.....do.....	.....do.....	20	
Sprocket, ¾-inch (3 pieces) (feet).	L2-5951	.....do.....	40	OS2714583		.....do.....	.....	40	
G. I. plumbers (feet)...	L2-5951	.....do.....	20	OS2714583		.....do.....	.....do.....	20	
Trailers, 4-wheel, 3-ton chassis, Velie.	L2-5992	July 26, 1921	8	OS2714583		General Supply Depot, Jeffersonville, Ind.	Aug. 10, 1921	8	
Belting:									
Leather, 5-inch, 2-ply (feet).	L2-6010	July 27, 1921	285	OS2714583		Amatol Ordnance Reserve Depot, Amatol, N. J.	.....	.....	Canceled Oct. 4, 1921, W. D.
Rubber, 6-inch, 7-ply (feet).	L2-6010	.....do.....	500	OS2714583		.....do.....	.....	.....	
Rubber, 10-inch, 7-ply (feet).	L2-6010	.....do.....	1,000	OS2714583		.....do.....	.....	.....	
Spades, long handle, square pointed.	L2-6049	July 29, 1921	500	SPD E-3737 Sales 33827		Schenectady, N. Y....	Aug. 27, 1921	500	
Rope, manila, ¾-inch (pounds).	L2-6049	.....do.....	5,000	SPD E-3835 Sales 33828		.....do.....	.....do.....	5,000	
Rope, manila, ½-inch, new (pounds).	L2-6077	July 30, 1921	2,000	SPD S-276 Sales 33895		San Antonio, Tex.....	Sept. 1, 1921	2,042	
Pumps, rotary, No. 2, Blackmere.	L2-6091	Aug. 1, 1921	8	OS27146117-A	Aug. 8, 1921	Toledo, Ohio.....	Aug. 17, 1921	8	
Axes, double bit, new.....	L2-6102	.....do.....	580	SPD E-3844 Sales 33799		Schenectady, N. Y....	Aug. 23, 1921	580	
Tapes, measuring, steel, 5-foot, new.	L2-6132	Aug. 3, 1921	170	SPD W-292 Sales 34017		Fort Mason, Calif.....	Oct. 3, 1921	170	
Mattocks:									
Pick, 6-pound.....	L2-6161	Aug. 8, 1921	1,000	SPD E-3811 Sales 34143		Pittsburgh, Pa.....	Aug. 29, 1921	1,000	
L/C, 5-pound.....	L2-6161	.....do.....	500	SPD E-3812 Sales 34144		.....do.....	.....do.....	500	5-pound mattocks, delivered.
Adz eye, 5½-pound.....	L2-6161	.....do.....	400	SPD E-3813 Sales 34145		.....do.....	.....do.....	400	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Picks:									
RR, 6 to 7 pounds	L2-6161	Aug. 8, 1921	591	SPD E-3815 Sales 34146		Pittsburgh, Pa	Aug. 29, 1921	591	
Clay, 6 to 7 pounds	L2-6161	do	2,000	SPD E-3817 Sales 34147		do	do	2,000	
Tamping	L2-6161	do	92	SPD E-3816 Sales 34148		do	do	92	
Trailers, chassis, 1½-ton	L2-6206	Aug. 6, 1921	12			Camp Holabird, Md	Sept. 1, 1921	12	
Grousers for 10-ton Holly tractor.	L2-6237	Aug. 9, 1921	710			Port Clinton, Ohio	Nov. 14, 1921	710	
Axes, without handles	L2-6247	do	1,000	SPD C-2104 Sales 34069		St. Louis, Mo	Sept. 8, 1921	1,000	
Axes, short handle	L2-6248	do	1,000	SPD E-20782		Washington, D. C			Canceled Sept. 12, 1921, D. S.
Planes:									
Jointer	L2-6331	Aug. 11, 1921	100	SPD-3772 Sales 34205		Schenectady, N. Y	Sept. 13, 1921	100	
Jack	L2-6331	do	200	SPD-3773 Sales 34206		do	do	200	
Wrenches, monkey, 8-inch	L2-6372	Aug. 12, 1921	106			Jeffersonville, Ind	Sept. 21, 1921	106	
Bars, claw	L2-6372	do	100			do	do	100	
Picks, without handles	L2-6372	do	10,000			do	do	10,000	
Planes, smooth, 8-inch	L2-6372	do	1,000			do	do	1,000	
Chisels, cold	L2-6372	do	110			do	do	110	
Poles, range:									
Wood, 8 feet 2½ inches by 1 inch.	L2-6409	Aug. 16, 1921	8	SPD E-2021 Sales 12700	Aug. 19, 1921	Atlanta, Ga	Sept. 9, 1921	8	
Metal, 6 feet ¾ inch diameter.	L2-6409	do	1	SPD E-2021 Sales 12700		do	do	1	
Squares, T, maple wood, 42-inch.	L2-6409	do	2	SPD E-2021 Sales 12700		do	do	2	
Tripods for plane tables:									
16 by 16 inches	L2-6410	do	14	SPD E-2019 Req. E-3719-D		Chicago, Ill	Sept. 28, 1921	14	
15 by 15 inches	L2-6410	do	2	SPD E-2019 Req. E-3719-D		do	do	2	
Boards, plane table:									
16 by 16 inches	L2-6410	do	15	SPD E-2019 Req. E-3719-D		do	do	15	
15 by 15 inches	L2-6410	do	2	SPD E-2019 Req. E-3719-D		do	do	2	
Poles, range, wood, 8-foot	L2-6410	do	2	SPD E-2019 Req. E-3719-D		do	do	2	
Rods, level:									
Metric, Philadelphia	L2-6410	do	6	SPD E-2019 Req. E-3719-D		do	do	6	
New York	L2-6410	do	2	SPD E-2019 Req. E-3719-D		do	do	2	
Axes, without handles	L2-6486	Aug. 24, 1921	1,000	SPD C-2404 Sales 34259		St. Louis, Mo., depot	Sept. 23, 1921	1,000	
Saws, crosscut, one-man, with handle, 6 feet long.	L2-6487	do	2,000	SPD C-2109 Sales 34264		Building C, Chicago depot.	Sept. 14, 1921	2,000	
Axes, cut steel, new	L2-6488	do	2,000	SPD NE-472 Sales 34260		A. S. B., Boston, Mass.	Sept. 29, 1921	2,000	
Saws, one-man, crosscut, 3-foot.	L2-6489	do	1,000	SPD E-3460 Sales 34261		New Cumberland, Pa.	Sept. 1, 1921	1,000	
Axes, short handle, M. D. S.	L2-6490	do	1,000	SPD 20782		Washington, D. C			Do
Axes, steel, with handles:									
Double bit, new	L2-6491	do	3,000	SPD E-3784 Sales 34262		Philadelphia, Pa	Sept. 13, 1921	3,000	
Single bit, new	L2-6491	do	2,000	SPD E-3785 Sales 34263		do	do	2,000	
Saws, hand, crosscut	L2-6492	do	1,000	SPD E-3729 Sales 3457		Schenectady, N. Y	do	1,000	
Machine:									
Lapping, 12-inch swing belt drive.	L2-6495	do	1			Buffalo, N. Y	Sept. 14, 1921	1	
Milling, SC No. 95	L2-6495	do	1			do	do	1	
Screw, No. 1, tilted turret, belt drive.	L2-6495	do	1			do	do	1	
Lathe, 8 by 60 inches, L-swing, belt driven, 6-change speed.	L2-6495	do	1			do	do	1	
Grinder, 20 micrometer feed pistons.	L2-6495	do	1			do	do	1	
Sleeve, Natco, ¾-inch OD, No. 1 Morse taper.	L2-6495	do	1			do	do		
Drill:									
Multiple spindle, bearings with studs.	L2-6495	do	1			do	do	1	
Knit spindle, 13-inch, comp., cast B-750-4.	L2-6495	do	1			do	do	1	
Spindle, complete, 13-inch sleeve case.	L2-6495	do	1			do	do	1	
Drill, bronze bearing	L2-6495	do	1			do	do	1	
Grinder, plain, 10-inch, Brown & Sharpe, complete.	L2-6495	do	1			do	do	1	
Drill, main spindle housing, with shaft and change gears, complete.	L2-6495	do	1			do	do	1	
Scale beam:									
10 by 12 by 18 inches, Howe.	L2-6507	Aug. 29, 1921	1			Amatol, N. J	Sept. 10, 1921	1	
4 by 6 foot platform	L2-6507	do	2			do	do	[1] 4	
Machine, power screw setting, 3 by 9 feet by 2 inches	L2-6507	do	1			do	do	1	
Mattocks, pick, heads only	L2-6542	Sept. 3, 1921	3,000	SPD E-4267 Sales 34330		Schenectady, N. Y	Sept. 26, 1921	3,000	
Picks, railroad, heads only	L2-6542	do	2,000	SPD E-4268 Sales 34331		do	do	2,000	
Rope, manila, ½-inch (pounds).	L2-6552	do	5,585	SPD C-2365 Sales 34366		St. Louis, Mo	Oct. 1, 1921	1,112	

[1] Crates.

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Shears:									
10-inch, black japanned handles, new.	L2-6576	Sept. 6, 1921	20	SPD E-4239 Sales 34398	.....	Washington, D. C.....	Oct. 13, 1921	20	
8-inch, black japanned handles, new.	L2-6576	.....do.....	7	SPD E-4246 Sales 34399	.....	.....do.....	.....do.....	7	
Cloth, emery (quires).....	L2-6593	Sept. 3, 1921	50	OS 2714697P	.....	Penniman Ord. Res. Depot, Penniman, Va	Sept. 24, 1921	50	
Batteries, storage, Edison, 21-cell.	L2-6607	Sept. 6, 1921	4	Req. B-2235 Cl. 12800	Sept. 8, 1921	New York City, Signal Corps.	Feb. 2, 1922	4	
Chisels, cold, diamond edge, ⅜ by 6½ inches.	L2-6607	.....do.....	300	Req. B-2235 Cl. 12800	.....do.....	.....do.....	.....do.....	300	
Telephones:									
Desk, complete, Dean L. B.	L2-6607	.....do.....	2	Req. B-2235 Cl. 12800	.....do.....	.....do.....	.....do.....	2	
Field artillery, model 1910.	L2-6607	.....do.....	2	.....	.....	.....	.....do.....	.....	
Buzzer.....	L2-6619	.....do.....	3	P. R. 8674 Cl. 12799	Sept. 9, 1921	Atlanta, Ga., Signal Corps.	Sept. 22, 1921	3	
Inter. W. E.....	L2-6619	.....do.....	2	P. R. 8674 Cl. 12799	.....do.....	.....do.....	.....do.....	2	
Batteries, wet cell, Edison..	L2-6628	.....do.....	6	Req. W-1015 Cl. 12805	.....do.....	Washington, D. C., Signal Corps.	Sept. 21, 1921	6	
Rope, manila:									
¾-inch, 3-strand, in 1,200-foot coils, new.	L2-6717	Sept. 13, 1921	6,000	SPD XE-4326 Sales 34583	.....	New Cumberland, Pa.	Oct. 20, 1921	6,000	
½-inch, 3-strand, in 1,200-foot coils, new.	L2-6717	.....do.....	5,000	SPD XE-4327 Sales 34584	.....	.....do.....	.....do.....	4,962	
Shovels, malleable, D-handle, round point, No. 1, new.	L2-6717	.....do.....	2,000	SPD E-3822 Sales 34585	.....	.....do.....	.....do.....	2,000	
Wrenches, monkey:									
18-inch, railroad special, new.	L2-6717	.....do.....	500	SPD XE-4328 Sales 34586	.....	.....do.....	Nov. 26, 1921	500	
10-inch, knife handle, new.	L2-6717	.....do.....	50	SPD XE-4330 Sales 34587	.....	.....do.....	Oct. 20, 1921	40	
Shovels.....	L2-2043	June 21, 1920	7	OS-279337A	July 6, 1920	Neville Island, Pa.....	Sept. 4, 1920	.....	
Do.....	L2-2043	.....do.....	36	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	60	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	6	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	120	OS-279337A	.....do.....	.....do.....	.....do.....	.....	10 delivered.
Do.....	L2-2043	.....do.....	7	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	54	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	96	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Sledges.....	L2-2043	.....do.....	6	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	6	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Handles (spike maul No. 9).	L2-2043	.....do.....	12	OS-279337A	.....do.....	.....do.....	.....do.....	6	
Melting pot.....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Pump, centrifugal:									
No. 3.....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
No. 4.....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Vertical.....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Do.....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Shovels.....	L2-2043	.....do.....	14	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	60	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	132	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Do.....	L2-2043	.....do.....	156	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Driver, pile, incomplete....	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Chutes, concrete-pouring, 50 feet long.	L2-2043	.....do.....	4	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Hoppers, Insley concrete receiving.	L2-2043	.....do.....	2	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Cars, Koppel dump.....	L2-2043	.....do.....	2	OS-279337A	.....do.....	.....do.....	.....do.....	2	
Compressor, vertical, 2-cylinder, air.	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Pump, cylindrical, 5-inch outlet.	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Levels, Loche.....	L2-2043	.....do.....	5	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Levels, Gurley engineering, 18-inch.	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Poles, steel, octagonal, range.	L2-2043	.....do.....	2	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Poles, steel, range, 6-foot...	L2-2043	.....do.....	6	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Poles, octagonal, wood, range, 8-foot.	L2-2043	.....do.....	4	OS-279337A	.....do.....	.....do.....	.....do.....	1	
Poles, hexagonal, sight, 8-foot.	L2-2043	.....do.....	6	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Level, Loche, bronze.....	L2-2043	.....do.....	2	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Teeth, bucket, clamshell (5 in set) (sets).	L2-2043	.....do.....	1	OS-279337A	.....do.....	.....do.....	.....do.....	.....	
Hose:									
½-inch with fittings (feet).	L2-2043	.....do.....	5	OS-279337A	.....do.....	.....do.....	.....do.....	!	
¾-inch with fittings (feet).	L2-2043	.....do.....	5	OS-279337A	.....do.....	.....do.....	.....do.....	5	
½-inch rubber (feet).....	L2-2043	.....do.....	246	OS-279337A	.....do.....	.....do.....	.....do.....	246	
1½-inch rubber (feet)...	L2-2043	.....do.....	50	OS-279337A	.....do.....	.....do.....	.....do.....	50	
Posts, fence, angle, 6-foot...	L2-2045	.....do.....	25,000	37137831	June 29, 1920	A. S. B., Norfolk, Va...	Aug. 12, 1920	25,000	
Wire, black-painted, barbed (tons).	L2-2072	June 22, 1920	23	SPD 3515 Sales 27868	.....	New Cumberland.....	July 8, 1920	23	
Compasses, engineer's and cruiser's.	L2-2113	June 23, 1920	28	SPD 3039 Sales 27441	.....	Washington, D. C.....	July 14, 1921	28	
Pumps:									
Trench, Gould, 4 by 5 inch, 3-horsepower Novo engine.	L2-2162	.....do.....	7	SPD 14204 Sales 27546	July 22, 1920	Pullman, Ill.....	Aug. 26, 1920	7	
Typhoon, power, 3-horsepower gasoline engine on 4-wheel truck, F. & M. Co.	L2-2162	.....do.....	8	SPD 14635 Sales 27547	.....do.....	.....do.....	.....do.....	8	
Hills, power, 4 by 5 inch, 3-horsepower, gasoline engine, Midwest Engine Co.	L2-2162	.....do.....	4	SPD 12718 Sales 27548	July 30, 1920	.....do.....	.....do.....	4	
Gould, rotary.....	L2-2187	.....do.....	2	OS-279316A	July 1, 1920	Leaside, Ontario.....	July 24, 1920	2	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Engines, hoisting, 3-drum, 7 by 10 inch, cylinder, American.	L2-2240	June 25, 1920	4			Pullman, Ill.			
Cars, dump, 1-yard, 24-gauge, steel, V-shaped, Lakewood.	L2-2244	do	10	OS-279306A	June 30, 1920	Port Clinton, Ohio	Sept. 24, 1920	10	
Wheelbarrows	L2-2244	do	50	OS-279306	do	do	Sept. 21, 1920	50	
Engines:									
6 by 8 inch, double cylinder, double drum, hoisting, with boiler.	L2-2244	do	1	OS-279306		do	Sept. 24, 1920	1	
3-drum, hoisting, double cylinder, 7 by 10 inch, with boiler and derrick.	L2-2249	do	1	Tr. 2362		Camp Eustis, Va	Aug. 13, 1920	1	
Hoisting, single drum, with 3½ by 2 inch turbine engine, Drake.	L2-2249	do	1	Tr. 2362		do	do	1	
Winches, hand, 2 handles, 6 by 20 inch barrel	L2-2266	do	8	SPD 12623		Kearney, N. J.	Sept. 8, 1920	8	
Hoists, ½-ton, chain, C. M.	L2-2308	June 24, 1920	6			Toledo, Ohio			Canceled June 26, 1920, D. S.
Trolleys:									
½-ton, chain, C. M	L2-2308	do	3			do			Do.
½-ton, chain, Phinney & Co.	L2-2308	do	2			do			Do.
Hose:									
¾-inch, steam, reinforced, 20 feet long (piece).	L2-2043A		1			Neville Island, Pa	Aug. 3, 1920	1	
¾-inch, steam, reinforced, 18 feet long (piece).	L2-2043A		1			do	do	1	
¾-inch, steam, reinforced, 15 feet long (piece).	L2-2043A		1			do	do	1	
1-inch, steam, reinforced, 50 feet long (piece).	L2-2043A		1			do	do	1	
1-inch, steam, reinforced, 30 feet long (piece).	L2-2043A		1			do	do	1	
1-inch, steam, reinforced, 25 feet long (piece).	L2-2043A		1			do	do	1	
¾-inch, steam, reinforced, 35 feet long (piece).	L2-2043A		1			do	do	1	
¾-inch, steam, reinforced, 11 feet long (piece).	L2-2043A		1			do	do	1	
1-inch, steam, reinforced, 9 feet long (piece).	L2-2043A		1			do	do	1	
1-inch, rubber, 35 feet long (piece).	L2-2043A		1			do	do	1	
¾-inch, rubber, 10 feet long (piece).	L2-2043A		1			do	do	1	
¾-inch, rubber, 15 feet long (piece).	L2-2043A		1			do	do	1	
Pipe, soil, bell and spigot, cast iron (feet).	L2-2043A		80			do	do	80	
Hooks, brush, with handles:									
7-inch blade, used	L2-2043A		20			do	do	20	
7-inch blade, new	L2-2043A		27			do	do	27	
Chute, concrete, 11 feet, 15 inches wide at top.	L2-2043A		1			do	do	1	
Springs, spiral, for dump cars:									
9 inches high	L2-2043A		3			do	do	3	
5 inches high	L2-2043A		3			do	do	3	
Do	L2-2043A		15			do	do	15	
4½ inches high	L2-2043A		13			do	do	13	
7 inches high	L2-2043A		1			do	do	1	
6 inches high	L2-2043A		1			do	do	1	
Bender, rail	L2-2043A		1			do	do	1	
Wrench, pipe, 13½-inch, old-style Vulcan.	L2-2043A		1			do	do	1	
Hooks for pulling wheelbarrow:									
⅞ inch by 2 feet 6 inches.	L2-2043A		14			do	do	14	
⅞ inch by 1 foot	L2-2043A		1			do	do	1	
Lights, carbic, with reflectors.	L2-2043A		5			do	do	5	
Pot, fire, gasoline, Clayton & Lambert No. 11.	L2-2043A		1			do	do	1	
Tills with straps, etc., large size, paymaster's.	L2-2043A		2			do	do	2	
Pins, tent, wood:									
Small size	L2-2043A		295			do	do	295	
Large size	L2-2043A		179			do	do	179	
Digger, posthole	L2-2043A		1			do	do	1	
Hooks, rail-carrying (pairs)	L2-2043A		20			do	do	20	
Machines, track-drill	L2-2043A		3			do	do	3	
Bit, twist, ¾-inch	L2-2043A		1			do	do	1	
Gauge, steel track, standard	L2-2043A		1			do	do	1	
Level, track, wood, 6 feet 9 inches, with 2 levels.	L2-2043A		1			do	do	1	
Boots, rubber, straps and buckles attached (pairs).	L2-2043A		11			do	do	11	

Materials furnished to highway department of Tennseese—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Lanterns:									
No. 2 Dietz railroad	L2-2043A		4			Neville Island, Pa	Aug. 3, 1920	4	
No. 65 Dietz railroad	L2-2043A		3			do	do	3	
No. 75 hot blast	L2-2043A		1			do	do	1	
No. 0 Branty	L2-2043A		3			do	do	3	
Globes:									
Red, for above lanterns	L2-2043A		2			do	do	2	
White, for above lanterns	L2-2043A		1			do	do	1	
Tampers, hand, 16-inch square base	L2-2043A		3			do	do	3	
Boxes, first-aid, Nos. 3, 12, 14, with pairs of stretchers	L2-2043A		3			do	do	3	
Stretchers, extra pairs	L2-2043A		2			do	do	2	
Peavies, with hooks and handles	L2-2043A		14			do	do	14	
Hooks, cant	L2-2043A		5			do	do	5	
Rope, manila:									
1½-inch (feet)	L2-2043A		59			do	do	59	
1¼-inch (feet)	L2-2043A		50			do	do	50	
Picks, tamping	L2-2043A		194			do	do	194	
Handles, pick, tamping	L2-2043A		122			do	do	122	
Shovels, coke, Diamond brand, 19 inches wide	L2-2043A					do	do		
Adzes, foot:									
26 inches long, with handles	L2-2043A		3			do	do	3	
30 inches long, with handles	L2-2043A		3			do	do	3	
33 inches long, with handles	L2-2043A		1			do	do	1	
Without handles	L2-2043A		8			do	do	8	
Globes, ruby, No. 39, for railroad lanterns	L2-2043A		17			do	do	17	
Lanterns, railroad, without globes	L2-2043A		12			do	do	12	
Lights, carbic, No. 4, without reflectors	L2-2043A		1			do	do	1	
Do	L2-2043A		2			do	do	2	
Cabinet, oak:									
24½ by 15 by 46 inches, with 1 drawer and sliding door	L2-2043A		1			do	do	1	
26 by 15 by 30 inches, 4 drawers and 2 sliding doors	L2-2043A		1			do	do	1	
Hose:									
1½-inch buckskin (feet)	L2-2043A		50			do	do	50	
1½-inch new, Yoca, water (feet)	L2-2043A		37			do	do	37	
1¼-inch new, nitroglycerine (feet)	L2-2043A		50			do	do	50	
1¼-inch used, nitroglycerine (feet)	L2-2043A		197			do	do	197	
1½-inch Goliath, water (feet)	L2-2043A		50			do	do	50	
1½-inch Yoca, water, 4 ply (feet)	L2-2043A		50			do	do	50	
1½-inch Yoca, water (feet)	L2-2043A		50			do	do	50	
1½-inch water, salvaged (feet)	L2-2043A		50			do	do	50	
Do	L2-2043A		15			do	do	15	
Steam, ½-inch (feet)	L2-2043A		24			do	do	24	
Water (salvage), ½-inch (feet)	L2-2043A		25			do	do	25	
Steam, 2-inch (feet)	L2-2043A		15			do	do	15	
Water, 1½-inch (feet)	L2-2043A		12			do	do	12	
Screens, sand, No. 4	L2-2043A		2			do	do	2	
Hose, 1½-inch, water (feet)	L2-2043A		50			do	do	50	
Picks, clay, with handles	L2-2043A		76			do	do	76	
Hook, boat, with peavy 14 feet long	L2-2043A		1			do	do	1	
Jack:									
No. 1, Barrett	L2-2043A		1			do	do	1	
No. 2, Barrett	L2-2043A		3			do	do	3	
No. 10, Barrett	L2-2043A		22			do	do	22	
No. 20, Barrett	L2-2043A		5			do	do	5	
No. 18, Barrett	L2-2043A		2			do	do	2	
No. 2-A, Buckeye	L2-2043A		6			do	do	6	
Hooks, timber-carrying	L2-2043A		22			do	do	22	
Saw:									
7 inches wide, single tooth, crosscut, 5½ feet long, double handle	L2-2043A		1			do	do	1	
6½ inches wide, double tooth, crosscut, 6 feet long, double handle	L2-2043A		1			do	do	1	
6½ inches wide, double tooth crosscut saw, 5½ inches long, double handle	L2-2043A		2			do	do	2	
Single tooth crosscut saw, 6½ inches wide, 5½ feet long, double handle	L2-2043A		1			do	do	1	
Single tooth, crosscut saw, 6 inches wide, 5½ feet long, double handle	L2-2043A		1			do	do	1	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Saw—Continued.									
Single tooth, crosscut saw, 6½ inches wide, 5 feet long, double handle.	L2-2043A		1			Neville Island, Pa	Aug. 3, 1920	1	
Double tooth, crosscut saw, 5 inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Double tooth, crosscut saw, 5 inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Double tooth, crosscut saw, 6 inches wide, 5 feet long, double handle.	L2-2043A		1			do	do	1	
Double tooth, crosscut saw, 6 inches wide, 5 feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut saw, 7 inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut saw, 6½ inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut saw, 6½ inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Double tooth, crosscut saw, 5½ inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut 7 inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut, 7½ inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Single tooth, crosscut, 7 inches wide, 5½ feet long, double handle.	L2-2043A		1			do	do	1	
Gaskets, red rubber, 6 by 11 by $\frac{1}{16}$ inches thick.	L2-2043A		150			do	do	150	
Carbide, drum union, 100 pounds net.	L2-2043A		1			do	do	1	
Torch, pint size, pyramid	L2-2043A		1			do	do	1	
Washers, square, 5 by 5 by $\frac{5}{8}$ inches, with $\frac{7}{8}$-inch hole.	L2-2043A		88			do	do	88	
Rubber, rainbow, $\frac{3}{16}$-inch thick (pounds).	L2-2043A		10			do	do	10	
Tee, black C. I., 5-inch	L2-2043A		1			do	do	1	
Cross, C. I. black, 5 by 5 by 3 by 3 inches.	L2-2043A		1			do	do	1	
Cross, cast-iron, black, 5-inch.	L2-2043A		1			do	do	1	
Rope:									
$\frac{3}{4}$-inch, hemp (feet)	L2-2043A		10			do	do	10	
Do	L2-2043A		13			do	do	13	
Do	L2-2043A		44			do	do	44	
$\frac{1}{2}$-inch, manila (feet)	L2-2043A		376			do	do	376	
$\frac{5}{8}$-inch, hemp (feet)	L2-2043A		35½			do	do	35½	
Cans, 5-gallon, oil	L2-2043A		13			do	do	13	
Paper, sheathing:									
No. 30 Barrett, weatherproof (rolls).	L2-2043A		135			do	do	135	
No. 25 Barrett, weatherproof (rolls).	L2-2043A		25			do	do	25	
No. 40 Barrett, weatherproof (rolls).	L2-2043A		15			do	do	15	
Paper, tar, 36-inch, 4-ply (rolls).	L2-2043A		3			do	do	3	
Points, stone:									
$\frac{7}{8}$ by 12½ inches	L2-2043A		3			do	do	3	
1-inch, eyes	L2-2043A		4			do	do	4	
Punches, hand, various sizes.	L2-2043A		6			do	do	6	
Drill, stone, 1¼ by 26 inches	L2-2043A		1			do	do	1	
Frames, manhole, with covers, 4 by 3 feet by 14 inches.	L2-2043A		3			do	do	3	
Handles, jack	L2-2043A		46			do	do	46	
Braces, trench:									
Dunn	L2-2043A		47			do	do	47	
Alliance	L2-2043A		4			do	do	4	
Pipe, miscellaneous (pounds).	L2-2043A		900			do	do	900	
Mauls:									
8-pound, double-face, striking, without handles.	L2-2043A		2			do	do	2	
14-pound, double-face, striking, without handles.	L2-2043A		1			do	do	1	
12-pound, double-face, striking, without handles.	L2-2043A		1			do	do	1	
8-pound, double-face, striking, with handles	L2-2043A		6			do	do	6	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Mauls—Continued.									
10-pound, double-face, striking, with handles	L2-2043A		2			Neville Island, Pa.	Aug. 3, 1920.	2	
Scoops:									
No. 2	L2-2043A		21			do	do	21	
No. 3	L2-2043A		82			do	do	82	
No. 4	L2-2043A		7			do	do	7	
No. 5	L2-2043A		2			do	do	2	
Handles:									
No. 2 crooked Dayton shovel.	L2-2043A		12			do	do	12	
No. 2 straight Dayton shovel.	L2-2043A		18			do	do	18	
5-inch black cast-iron cross shovel.	L2-2043A		1			do	do	1	
Running trap, galvanized cast iron, 6 by 6 by 4 by 4 inches:									
With 2-inch cleanout	L2-2043A		1			do	do	1	
Drainage	L2-2043A		1			do	do	1	
Conveyors:									
6-foot section, 4-inch roller (pieces).	L2-2043A		168			do	do	168	
Curve section, 4-inch roller (pieces).	L2-2043A		58			do	do	58	
Frog section, 4-inch roller (pieces).	L2-2043A		12			do	do	12	
Supports (pieces)	L2-2043A		645			do	do	645	
6-foot section, 3 by 8 inch roller (piece).	L2-2043A		1			do	do	1	
8-foot section, 1½ by 8 inch roller (pieces).	L2-2043A		2			do	do	2	
6-foot section, 4-inch roller (pieces).	L2-2043A		500			do	do	500	
4-foot section, 4-inch roller (pieces).	L2-2043A		55			do	do	55	
1 foot 6 inch section, 4-inch roller (piece).	L2-2043A		1			do	do	1	
Supports, conveyor (pieces).	L2-2043A		205			do	do	205	
Conveyors:									
6-foot section roller (pieces).	L2-2043A		456			do	do	456	
4-foot section roller (pieces).	L2-2043A		20			do	do	20	
2-foot section roller (pieces).	L2-2043A		10			do	do	10	
Section, curved (pieces)	L2-2043A		14			do	do	14	
Bucket, automatic dumping, concrete.	L2-2043A		1			do	do	1	
Parts, miscellaneous structural steel for supports (carload).	L2-2043A		1			do	do	1	
Cable, stranded, No. 10 Brown & Sharpe gauge (feet).	L3-2048	May 10, 1922	1,000	SPD-E-3034		Dorr Field, Arcadia, Fla.			
Plugs, spark:									
Bethlehem, 5 point	L3-2048	do	200			do			
Mosler, Gnome motor	L3-2048	do	250			do			
Bolts, machine:									
¼ by 1 inch	L3-2098	do	20,000	SPD-E-11526		do			
½ by 3 inches	L3-2225	May 13, 1922	90,000	SPD-E-11527		New Cumberland, Pa.			
Pots, soldering:									
6-inch	L3-2226	do	10	SPD-W-1179		Fort Mason, Calif.			
8-inch	L3-2226	do	20	SPD-W-1179		do			
9-inch	L3-2226	do	20	SPD-W-1179		do			
Trucks, hand, 2-wheel	L3-2257	do	8			Port Newark, N. J.	May 22, 1920	8	
Sheeting, steel, black, soft, 16 gauge (sheets).	L3-2257	do	75			do	do	75	
Grease, worm-gear (67 per can) (cans).	L3-2257	do	100			do	do	100	
Chests, tool, wood, 12 by 14 inches by 9 feet.	L3-2257	do	20			do	do	20	
Sheeting:									
Metal, ⅜ by 86 by 92 inches, approximate (sheets).	L3-2257	do	120			do			
Steel, 34 by 68¼ inches, 20 gauge, approximate (sheets).	L3-2257	do	200			do	do	198	
Oil, motor cycle (barrels)	L3-2258	do	2			Metuchen, N. J.	June 1, 1922	2	
Paint, red metallic (barrels)	L3-2258	do	3			do		3	
Oil, heavy motor (barrels)	L3-2258	do	5			do	May 29, 1922	5	
Pumps, Blackmere, rotary	L3-2260	do	48			Camp Holabird, Md.	May 19, 1922	48	
Ball bearings, 1½ by ½ inch	L3-2316	do	100	SPD-NE-1244		Boston, Mass.	June 2, 1922	100	
Belting:									
Canvas, white—									
1-inch (yards)	L3-2316	do	32	SPD-NE-1323		do	do	32	
1½ inches wide (yards).	L3-2316	do	280	SPD-NE-1323		do	do	280	
Leather, ⅛-inch (feet)	L3-2316	do	100	SPD-NE-1323		do	do	100	
Calipers, inside, firm joint, 10-inch, No. 110.	L3-2316	do	5	SPD-NE-1331		do	do	5	
Handles:									
Tool	L3-2316	do	40	SPD-NE-1235		do	do	40	
Broom, assorted types, 54 inches long.	L3-2316	do	138	SPD-NE-1235		do	do	138	
Hammers, farriers', driving, 12-ounce.	L3-2316	do	51	SPD-NE-1332		do	do	51	
Hatchets, hunter handled	L3-2316	do	50	SPD-NE-1332		do	do	50	
Hinges:									
T, 42-strap	L3-2316	do	50	SPD-NE-1332		do	do	50	
Strap, 6-inch	L3-2316	do	500	SPD-NE-1332		do	do	500	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Hafts:									
Awl, sewing	L3-2316	May 13, 1922	127	SPD-NE-1327		Boston, Mass	June 2, 1922	127	
Pegging awl	L3-2316	do	1,447	SPD-NE-1327		do	do	1,447	
Hasps and staples, strap, 7½-inch.	L3-2316	do	25	SPD-NE-1279		do	do	25	
Hinges:									
Flap, butt, 1½ by 1½-inch	L3-2316	do	25	SPD-NE-1279		do	do	25	
Butt, 2-inch square	L3-2316	do	100	SPD-NE-1279		do	do	100	
Nippers, tack cutting, 12-inch.	L3-2316	do	100	SPD-NE-1344		do	do		
Rasps, horse:									
Tonged, ½-inch file, 16-inch.	L3-2316	do	66	SPD-NE-1346		do	do	66	
Plain, ½-inch file, 16-inch	L3-2316	do	108	SPD-NE-1346		do	do	108	
Deviled, edge, ½-inch file, 18-inch.	L3-2316	do	7	SPD-NE-1346		do	do	7	
Plain, ½-inch file, 16-inch	L3-2316	do	13	SPD-NE-1346		do	do	13	
Plain, ½-inch file, 18-inch	L3-2316	do	1	SPD-NE-1346		do	do	1	
Reamers, octagon:									
With B/S shank	L3-2316	do	200	SPD-NE-1279		do	do	200	
No. 385 with B/S shank	L3-2316	do	100	SPD-NE-1220		do	do	100	
Shears, bent, trimmers, saddlers', 10-inch.	L3-2316	do	100	SPD-NE-1242		do	do	100	
Tools, assorted	L3-2316	do	70	SPD-NE-1332		do	do	70	
Wheels, emery, 2½-inch	L3-2316	do	188	SPD-NE-1326		do	do	188	
Belting, cotton, 1½-inch O. D. (yards).	L3-2316	do	27	SPD-NE-1299		do	do		
Shears, grass	L3-2316	do	37	SPD-NE-1171		do	do	37	
Squares:									
Try	L3-2316	do	100	SPD-NE-1178		do	do	100	
Steel, carpenter	L3-2316	do	529	SPD-NE-1178		do	do		
Stones, oil, assorted	L3-2316	do	24	SPD-NE-1319		do	do	24	
Wheels, emery for sharpening.	L3-2316	do	5	SPD-NE-1319		do	do	5	
Dies, Nye thread-cutting, assorted sizes (sets).	L3-2357	May 15, 1922	50			Amatol Arsenal, Hammonton, N. J.	May 26, 1922	50	
Stones, oil, wood mounted, hard.	L3-2395	May 16, 1922	100	SPD-E-11282		Norfolk, Va			
Wheels, emery, 6⅛ by 1¼ inch and ½ by ⅜ by ¼ inch.	L3-2396	do	190			Watertown Arsenal, Mass.			
Vises:									
D. S., 3½-inch bench	L3-2397	do	135	SPD-C-13121		Columbus Ohio	June 1, 1922	50	
D. S	L3-2397	do	50	SPD-C-12924		do	do	50	
Shears, Dent trimmers, saddlers', 10-inch.	L3	do	135	SPD-NE-1242		Boston, Mass			
Tents, storage, with poles	L3-1561	Apr. 26, 1922	34			Jeffersonville, Ind			
Blocks, tackle, steel	L3-1643	Apr. 29, 1922	40			Columbus, Ohio	June 1, 1922	40	
Lenses, for Dietz side lamps	L3-1644	do	500			Rock Island, Ill		5	
Sledges, 11-pound	L3-1644	do	805			do			
Lamps:									
Side, right	L3-1644	do	500			do	May 8, 1922	500	
Side, left	L3-1644	do	500			do	do	500	
Tail	L3-1644	do	500			do	do		
Grease, transmission (pounds).	L3-1779	May 2, 1922	1,000			do	May 24, 1922	1,000	
Oil:									
Sperm, in 1-gallon cans (gallons).	L3-1779	do	7½			do	do		
Sperm, in 2-gallon cans (gallons).	L3-1779	do	224			do	do		
Synovial (gallons)	L3-1779	do	10			do	do		
Soluble (50 gallons to a barrel) (gallons).	L3-1779	do	400			do	do		
Mineral (gallons)	L3-1779	do	1,000			do	do		
Neutral (gallons)	L3-1779	do	132			do	do		
Tempering (gallons)	L3-1779	do	200			do	do	200	
Compensator (gallons)	L3-1779	do	294			do	do		
British buffer (gallons)	L3-1779	do	926			do	do		
Cameras, projector, McIntosh, with lens.	L3-1780	do	2			Fairfield, Ohio	May 17, 1922	2	
Batteries:									
Type B2-4	L3-1780	do	1,000			do	do	1,000	
Type BB-11	L3-1780	do	600			do	do	504	
Plugs:									
Round head	L3-1781	do	8,000			Richmond, Va	May 9, 1922	8,000	
Spark	L3-1781	do	200			do	do	200	
Spark, "Jaly"	L3-1781	do	200			do	do	200	
Do	L3-1781	do	200			do	do	2,000	
Carburetors:									
200 horsepower	L3-1781	do	12			do	do	12	
180 horsepower	L3-1781	do	1			do	do	1	
300 horsepower	L3-1781	do	1			do	do		Not available.
200 horsepower	L3-1781	do	1			do	do		Do.
Do	L3-1781	do	2			do	do		Do.
220 horsepower	L3-1781	do	2			do	do	1	
180 horsepower	L3-1781	do	2			do	do		Do.
Carburetors	L3-1781	do	13			do	do	13	
Do	L3-1781	do	19			do			Do.
Saws, keyhole	L3-1825	May 3, 1922	500			New Cumberland, Pa	May 22, 1922	500	
Gaskets, leather	L3-1826	do	3,000			Schenectady, N. Y	June 6, 1922	3,000	
Scarifier, "Acme"	L3-1826	do	1	SPD-E-11790		do	do	1	
Teeth, spare (1 set)	L3-1826	do	1	SPD-E-11790		do	do	1	
Washers	L3-1826	do	20,000	SPD-E-11796		do	do	20,000	
Wrenches:									
Monkey, 8-inch	L3-1826	do	3,000	SPD-E-11744		do	do	3,000	
Forge	L3-1826	do	1,000	SPD-E-11746		do	do	1,000	
Nippers, cutting, 14-inch	L3-1826	do	1,000	SPD-E-11703		do	do	1,000	
Lamps, carbide	L3-1896	do	100	SPD-E-11696		do	do	100	
Saws, assorted (sets)	L3-1826	do	200			do	do	200	
Strainers	L3-1826	do	100	SPD-E-11757		do	do	100	
Stones, whet, farriers', 10-inch.	L3-1826	do	1,000			do	do	1,000	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Squares, steel	L3-1826	May 3, 1922	300	SPD-E-11759		Schenectady, N. Y.	June 6, 1922	300	
Pliers, 8-inch	L3-1826	do	3,000	SPD-E-11710		do	do	3,000	
Lathe, turret	L3-1827	do	1	SPD-E-11820		Fort Monroe, Va			
Disks, Alexite	L3-1827	do	200	SPD-E-11824		do			
Duck, miscellaneous weights (yards).	L3-1855	May 4, 1922	8,900			Jeffersonville, Ind	May 11, 1922	8,900	
Heaters, oil	L3-1908	May 5, 1922	50			Metuchen, N. J	May 19, 1922	22	
Extinguishers, Childs	L3-1908	do	50			do	do	50	
Wicks, lantern	L3-1908	do	108			do	do	108	
Powder, emery (pounds)	L3-1908	do	200			do	do	200	
Duck, khaki, 42-inch (yards)	L3-1856	May 4, 1922	8,720	SPD-E-12079 Sales, 40063		Philadelphia, Pa	May 29, 1922	8,720½	
Do	L3-1856	do	2,853	SPD-E-12078		do	do	2,853	
Duck, O. D.:									
42-inch (waterproof) (yards).	L3-1856	do	5,828	SPD-E-12096 Sales 40054		do	do	5,828	
22-inch (yards)	L3-1856	do	1,439½	SPD-E-12066 Sales 40048		do	do	1,439½	
Wheels:									
Alexite	L3-1907	May 5, 1922	25			Fairfield, Ohio	May 17, 1922	25	
Alundum	L3-1907	do	2			do	do	2	
Alundum, Bab Bush	L3-1907	do	35			do	do	35	
Handles, chest (pairs)	L3-1966	May 8, 1922	18			Augusta Arsenal, Augusta, Ga.			
Funnels, copper	L3-1967	do	100			Rock Island, Ill			
Oilers:									
Copperized, 3-inch spout.	L3-1967	do	100			do	May 20, 1922	100	
Handy, Bennett	L3-1967	do	200			do	do	200	
Do	L3-1967	do	1,000			do	do	1,000	
Do	L3-1967	do	1,000			do	do	800	
Handy, flush pattern	L3-1967	do	1,000			do	do	1,000	
Guns, oil, 1 inch by 12 inch	L3-1967	do	5			do	do	5	
Bits, assorted	L3-2466	May 22, 1922	982			Atlanta, Ga	May 17, 1922	982	
Cutters, assorted	L3-2466	do	27			do	do	27	
Handles, assorted	L3-2466	do	8,545			do	do	8,545	
Dies, assorted	L3-2466	do	85			do	do	85	
Bags, coal	L3-2466	do	17			do	do	17	
Tapes, assorted	L3-2466	do	52			do	do	52	
Stones, oil	L3-2466	do	59			do	do	59	
Scrapers, tool, assorted	L3-2466	do	68			do	do	68	
Saws, hand, assorted	L3-2466	do	13			do	do	13	
Saws, crosscut	L3-2466	do	65			do	do	65	
Rakes and pokers, Brown & Sharpe.	L3-2466	do	8			do	do	8	
Mauls, assorted	L3-2466	do	3			do	do	3	
Mallets, assorted	L3-2466	do	12			do	do	12	
Pots, assorted	L3-2466	do	28			do	do	28	
Hammers, assorted	L3-2466	do	656			do	do	656	
Wrenches, assorted	L3-2466	do	172			do	do	172	
Wicks, lamp	L3-2466	do	1,961			do	do	1,961	
Hangers, barn-door	L3-2466	do	12			do	do	12	
Frames, hack-saw	L3-2466	do	11			do	do	11	
Chisels, firmer socket	L3-2466	do	55			do	do	55	
Pincers, farrier's, 14-inch	L3-2466	do	21			do	do	21	
Pipe, tubing, rubber (feet)	L3-2466	do	618			do	do	618	
Grindstone, mounted, small	L3-2466	do	1			do	do	1	
Taps, pipe	L3-2466	do	92			do	do	92	
Anvils, 400-pound, Brown & Sharpe.	L3-2466	do	4			do	do	4	
Picks, railroad	L3-2466	do	95			do	do	95	
Bars:									
Crow (loose)	L3-2466	do	237			do	do	237	
Wrecking (loose)	L3-2466	do	2			do	do	2	
Tamping and digging (loose).	L3-2466	do	71			do	do	71	
Drills	L3-2466	do	14			do	do	14	
Lanterns, assorted	L3-2466	do	51			do	do	51	
Tools, wheelwright (sets)	L3-2466	do	6			do	do	6	
Vises, bench, assorted	L3-2466	do	92			do	do	92	
Bolts, drift	L3-2466	do	656			do	do	656	
Oil, gun (gallons)	L3-2466	do	3			do	do	3	
Nails, wire, common, assorted (pounds).	L3-2466	do	4,524			do	do	4,524	
Hatchets, hand	L3-2466	do	116			do	do	116	
Jaws, wrench, Stillson	L3-2466	do	8			do	do	8	
Staples, fence, 1½-inch (pounds).	L3-2452	do	800			Picatinny Arsenal, Dover, N. J.	June 3, 1922	800	
Covering, asbestos L.C.M.S. (pounds).	L3-2452	do	2,500			do	do	2,500	
Wire, cable, copper, ½-inch (pounds).	L3-2452	do	3,000			do	do	3,000	
Stones, oil, India, medium, Nos. 2, 4, and 57.	L3-2453	do	171			Watervliet Arsenal, Watervliet, N. Y.			
Sandpaper, No. 0 and No. 00 (sheets).	L3-2453	do	2,000			do			
Cutters, bolt and wire	L3-2507	May 24, 1922	200			Norfolk, Va			
Clippers, bolt	L3-2507	do	150			do			
Cutters, bolt and wire, 9 to 30 inch.	L3-2507	do	200			do			
Braces, ratchet, bit, 8 to 12 inch.	L3-2507	do	50			do			
Gauges, marking, carpenter's.	L3-2507	do	4			do			
Mill, boring, double-head, 48-inch.	L3-2564	June 1, 1922	1			Chicago, Ill			
Lathes, engine	L3-2564	do	2			do			
Grinder, wet	L3-2564	do	1			do			
Scales, Toledo	L3-2564	do	1			do			
Machine, testing, Brinnel	L3-2564	do	1			do			
Press, drill	L3-2564	do	1			do			
Bars, steel, shafting, 16 feet long (pieces).	L3-2564	do	5			do			

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Hangers, cast-iron, with 2 7/16-inch bearing.	L3-2564	June 1, 1922	8			Chicago, Ill.			
Pumps, hand, for draining manholes.	L3-2564	do	8			do			
Cans, oil, squirt	L3-2564	do	15			do			
Bolts and nuts, machine, assorted sizes.	L3-2564	do	600			do			
Wrenches, hexagon, box, 1½-inch.	L3-2564	do	7			do			
Nuts, ¾-inch	L3-2564	do	500			do			
Screws, lag, 8 by ¾ inch	L3-2564	do	500			do			
Hammer, sledge, 14-pound	L3-2564	do	1			do			
Blocks, sheave, 3 inches to 10 inches.		do	18			do			
Hoists, chain, various sizes, ½ to 5-ton.		do	3			do			
Handles, pick		do	250			do			
Bolts and nuts, ½ inch by 1 inch.		do	300			do			
Screws, machine, assorted sizes.		do	100			do			
Nuts, hexagon, ½-inch		do	200			do			
Cuspidors		do	12			do			
Machine, milling (heads only), automatic.		do	3			do			
Furnaces		do	2			do			
Axes, apparatus, fire	L3-2589	June 2, 1922	250	SPD-5367		New Orleans, La.	June 4, 1922	250	
Tractors, Holt caterpillar, 10-ton.	L3-2603	do	17			Erie Proving Grounds, LaCrane, Ohio.			
Files, bastard, half-round, 8-inch.	L3-2716	June 8, 1922	100			Americus, Ga.			
Drills, wire gauge, assorted sizes.			3,800						
Grinder, complete			1						
Stocks and dies, Armstrong, No. 3, 1¼-inch to 2-inch.			10						
Heads, assorted			10						
Dies, assorted (sets)			94						
Do			222						
Saw, jig, complete	L3-2717	June 8, 1922	1			Kelly Field, San Antonio, Tex.			
Grinders, floor type			2						
Drills, electric, bench type			2						
Press, drill, floor type			1						
Shaper, belt drive			1						
Planer, Cincinnati	L3-2737	June 9, 1922	1	SPD-C-18764		Camp Pike, Ark.			
Levels, hand, locators, Locke.			60						
Machine, milling	L3-2857	June 12, 1922	1			Dover, N. J.			
Pump, centrifugal, 1-inch suction.			1						
Motor, small			1						
Motor, starting compensator, 12 to 15 horsepower.			1						
Boiler, vertical, 40 horsepower, Nagle.	L2-40	June 10, 1919	1	OBS-36479-a	Nov. 14, 1919	D. S. O. Cincinnati, Ohio.	Nov. 28, 1919	1	
Engine, hoisting, with boiler, 9 by 12 inches, No. 112.	L2-40	do	1	OBS-634	Sept. 20, 1919				
Mixers, concrete, Foote No. 40, Dandy.	L2-40	do	2	OBS-36909A		Jacksonville, Tenn.	Apr. 2, 1920	2	
Picks	L2-40	do	38	OS-27775A	Feb. 4, 1920	Ancor, Ohio	Mar. 9, 1920	38	
Scrapers	L2-40	do	52						
Wheelbarrows	L2-40	do	10	OS-27775	Feb. 4, 1920	Ancor, Ohio	Mar. 9, 1920	10	
Crane, auto, Byers, and clamshell bucket.	L2-49	Aug. 18, 1919	1	OBS-533	Sept. 3, 1919	Jacksonville, Tenn.	Sept. 25, 1919	1	
Bucket, clamshell	L2-49A	Aug. 28, 1919	1	OS-27763A	Feb. 3, 1920	do	Apr. 20, 1920	1	
Crane, auto, Byers	L2-49A	do	1	OBS-570Amd.	Sept. 11, 1919	do	Apr. 1, 1920	1	
T. N. T. (pounds)	L2-70	Aug. 20, 1919	125,400						
Tanks, 165-gallon, galvanized iron.	L2-124	Sept. 10, 1919	10	SPD 2741 Sales 4464	Sept. 27, 1920	Jeffersonville, Ind.	Nov. 4, 1919	10	
Pump, Barnes, plunger, and 6-horsepower engine.	L2-124	do	1						
Detonators, No. 8	L2-153	Sept. 18, 1919	7,600			Benicia, Calif.			
Hoes, mortar	L2-233X	Nov. 28, 1919	6	7626		Newport News, Va.	Feb. 23, 1920	6	This cancels ship. instr. L2-233, dated Nov. 6, 1919.
Picks, without handles	L2-233X	do	24	7626		do	do	24	
Wheelbarrows	L2-233X	do	17	7626 7820			do	21	
Mixer, concrete, Ransome	L2-233X	do	4				do	4	
Hoes, grub	L2-233X	do	24	7626			do	24	
Forks, stone	L2-233X	do	8				do	8	
Ranges, Nos. 1 and 2, Army cooks.	L2-314	Jan. 8, 1920	5	SPD 13769 Sales 11986		Camp Lee, Va.	Apr. 2, 1920	5	
Hoist, chain, Peerless, 1-ton	L2-369	Jan. 15, 1920	1	OS-27724A Amd. 27724B	Feb. 20, 1920 do	Hamilton, Ohio Indianapolis, Ind.	Apr. 20, 1920	1	
Powder, No. 3-F, black blasting (pounds).	L2-430	Jan. 28, 1920	100,000	OS-18166		Raritan, N. J.	Mar. 4, 1920	55,900	1 car diverted to Arkansas.
Tables, folding, 24 by 36 inches.	L2-502	Feb. 10, 1920	3			Atlanta, Ga.	Mar. 19, 1920	3	
Pumps, hand	L2-561	Feb. 7, 1920	43	SPD 12027 Sales 13291		Columbus, Ohio.	Apr. 21, 1920	43	
Brooms, stable, with handles.	L2-592	Feb. 6, 1920	256	SPD 849 Sales 7990		Chicago, Ill.	Apr. 5, 1920	256	
Chains:									
Antiskid	L2-640	Feb. 11, 1920	178			do			
Antiskid, Packard	L2-640X	Feb. 26, 1920	140			do	Feb. 26, 1920	140	
Pumps, gas, Midwest	L2-688	Feb. 12, 1920	3						
Shelters, trench	L2-688	do	7	SPD 13667 Sales 14471		Schenectady, N. Y.	June 15, 1920	7	
Conveyor, gravity (feet)	L2-688	do	290						
Drills, steam	L2-688	do	2						
Roofing, metal (sheets)	L2-688	do	1,781	SPD, sales		Pittsburgh, Pa.	June 15, 1920	1,781	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Table, drawing	L2-729	Feb. 19, 1920	1	OS-271499A OS-271499AX	Feb. 25, 1920				Canceled Apr. 3, 1920.
Wagons, escort	L2-768	Feb. 21, 1920	133	SPD 13146 Sales 18120 SPD 14661 Sales 18114 SPD 13146 Sales 18113		Chicago, Ill. Camp Jackson, S. C. Camp Hill, Va. Camp Wadsworth, Atlanta, Ga.	June 15, 1920 Dec. 3, 1920 May 5, 1920 June 14, 1920	1 4 68 61	
Harness:									
Double, with cable traces (sets).	L2-768	....do	400	SPD 15187 Sales 16133		Jeffersonville, Ind.	Apr. 1, 1920	400	
Cart (single) (sets)	L2-768	....do	96	SPD 17400 Sales 19736		A. S. B., New Orleans, La.	Apr. 5, 1921	87	
Chains, Stanley skid, 40 by 6 inches (sets).	L2-825	Mar. 3, 1920	20			Camp Holabird, Md.	Apr. 7, 1920	20	
Pipe:									
2-inch black iron, and assorted fittings (linear feet).	L2-870	Mar. 5, 1920	7,100			Norfolk, Va.			Canceled May 7, 1920.
3-inch black iron, and assorted fittings (linear feet).	L2-870	....do	8,000						Do.
Lanterns, railroad	L2-924	Mar. 10, 1920	232	SPD 13228 Sales 15807		Chicago, Ill.	Dec. 3, 1920	232	
Lights, carbic flare	L2-960	Mar. 12, 1920	5	OS-272324A	Mar. 19, 1920	Toledo, Ohio	June 15, 1920	5	
Cake, carbic (pounds)	L2-960	....do	500	OS-272324A	....do	....do			
Bows, wood for tops, Nash drivers' seats.	L2-1078	Apr. 5, 1920	117	OS-274270A		Detroit, Mich.	June 2, 1920	117	
Harness:									
Single	L2-765YY					Boston, Mass.	Feb. 22, 1920	10	Reshipped by Del.
Double	L2-765YY					....do	Jan. 24, 1922	38	Do.
Frames, saw, portable, with 5-horsepower gasoline engine.	O-48	Oct. 14, 1919	3			Army base, Norfolk, Va.			Cancels shipping instructions; same items dated Sept. 6, 1919.
Mixer, concrete, with gasoline engine.	O-48	....do	1			....do			
Tractors, 5-ton, Reo	O-48	....do	10			....do			
Buckets, clamshell	O-84	Sept. 16, 1919	4	SPD 11008 Sales 1869	Feb. 24, 1920	Kearny, N. J.		2	
Buckets, orange-peel	O-84	....do	2			....do			
Wagon, sprinkling	O-116	Sept. 23, 1919	1			....do			
Do	O-116	....do	3	SPD 10457 Sales 12139		A. R. D., Schenectady.	Mar. 30, 1920	2	
Drills, No. 3A Little David, air.	O-116	....do	2	OS-271782A OS-271782AX	Mar. 1, 1920	Chicago, Ill.			Canceled May 12, 1920.
Tractors, 10-ton	O-116	....do	2			Schenectady, N. Y.			
Roller, 5-ton tandem, Iroquois, steam.	O-116	....do	1			Kearny, N. J.			
Compressor, air, with Novo engine.	O-116	....do	1			A. R. D., New Cumberland, Pa.			
Tractor, plow, with spare parts, complete.	O-117X	Feb. 5, 1920	1			New Cumberland, Pa.			
Rods, level	O-179	Sept. 25, 1919	34			Kearny, N. J.			
Level, hand	O-179	....do	1			....do			
Tapes, steel	O-179	....do	20			....do			
Transits	O-179	....do	9			....do			
Mixing plant, asphalt, portable, Warren, complete.	O-196	Sept. 24, 1919	1			....do	Oct. 4, 1919	1	S. S. Liberty, and Western Scout.
Carts, 150 gallons, 2 wheel, water.	O-236	Sept. 27, 1919	10	SPD 15196 Sales 13572		Atlanta, Ga.	Apr. 27, 1920	10	
Pumps, piston, hand power	O-236	....do	24						
Tractors:									
10-ton, Holt	O-296	Oct. 13, 1919	1			A. S. B., Norfolk, Va.			This cancels shipping instructions, same items, dated Sept. 29, 1919.
5-ton, Reo	O-296	....do	3			....do			
Crane, locomotive, 10-ton, Osgood, complete.	O-332	Oct. 1, 1919	1			Marion, Ohio			
Rail, 25-pound (tons)	O-391	Oct. 8, 1919	88			A. S. B., Norfolk, Va.			
Tractors:									
5-ton, Maxwell	O-423	Oct. 6, 1919	7			Rock Island Ars., Ill.			
5-ton, Reo	O-456	Oct. 10, 1919	5			....do			
10-ton, Holt	O-456	....do	5			Port Clinton, Ohio			
Mixer, concrete	O-614	Oct. 17, 1919	1			Norfolk, Va.			S. S. Fort Stevens.
Pipe:									
2-inch, black iron (feet)	O-570	Oct. 20, 1919	5,900			....do			Canceled.
3-inch, black iron (feet)	O-570	....do	8,000			....do			Do.
Roller, motor, tandem, Austin.	O-780	Nov. 11, 1919	1	STRC-3931		....do	Nov. 18, 1919	1	S. S. West Islay.
Mixer, concrete, Rex	O-780	....do	1	STRC-3931		....do	....do	1	Do.
Plows, road	O-780	....do	2	STRC-3931		....do	....do	2	Do.
Carts, concrete, push	O-57Y	....do	2			....do			Reshipped from district 8.
Transits, engineers'	L1-22	June 4, 1919	6	SPD 2782 Sales 1366	June 23, 1919	Atlanta, Ga.		6	
Levels:									
Engineers'	L1-22	....do	10	SPD 2210 Sales 1693	July 1, 1919	Depot No. 3, Washington, D. C.	Sept. 10, 1919	7	
Abney, hand	L1-22	....do	2		....do				
Levels, rod	L1-22	....do	4		....do				
Mattocks	L1-22	....do	4,000		....do				
Buckets	L1-22	....do	500		....do				
Caps, electric blasting, tetryl, 12-foot wire.	L1-22	....do	12,000	SPD 1085 Sales 3810	July 11, 1919	P. S. O., Norfolk, Va.	Oct. 17, 1919	12,000	
Lanterns	L1-22	....do	100	SPD 273 Sales 2244	July 23, 1919	ZSO, Jeffersonville, Ind.	Aug. 18, 1919	100	
Transit and tripod, Warren & Knight.	L1-22A	Jan. 28, 1920	1	OS-27704-A	Jan. 30, 1920	Jacksonville, Tenn.	Apr. 9, 1920	1	
Level, Y, Beckman	L1-22A	....do	1	27,705	....do	O. S. D. No. 1, Toledo, Ohio.	Mar. 4, 1920	1	
Tractors, 20-ton, Holt	L1-68	June 4, 1919	40	BS-93	June 11, 1919	Holt Mfg. Co., Peoria, Ill.	July 30, 1919	40	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Typewriters, Corona	L1-119	Aug. 8, 1919	11						
Chains, Stanley, hook skid, 40 by 6 inches (sets).	L1-215	Aug. 28, 1919	7	SPD 1658 Sales 3844	Sept. 10, 1919	Camp Holabird, Md...	Nov. 19, 1919	7	
Wagons:									
Sprinkling, 450 gallons complete.	L1-215	....do....	5	SPD 11605 Sales 12138	....do....	Jeffersonville, Ind....	Feb. 17, 1920	3	
Drinking water	L1-215			SPD 15107 Sales 13384	....do....	Atlanta, Ga	Mar. 31, 1921	1	
Cases, steel, file (units)	L1-253	Sept. 2, 1919	23	SPD 15108 Sales 13385	....do....	St. Louis, Mo	....do....	2	
Pumps, steam, Duplex piston.	L2-8301	Jan. 14, 1922	4	SPD E-7041		Newark, N. J	Feb. 23, 1922	4	
Oil (5-gross cans) (cases)	L2-8302	....do....	2	SPD E-6762 Sales 37935	....do....	Brooklyn, N. Y	Mar. 18, 1922	2	
Tubing:									
Steel, ⅛ by 18 inch gauge (feet).	L2-8303	....do....	1,566		....do....	Buffalo, N. Y	Mar. 22, 1922	1,566	
Copper, ¼ by 18 inch (pounds).		....do....	200		....do....	....do....	....do....	200	
Machine, Becker	L2-8318	....do....	1	OS-2714984	Jan. 31, 1922	Raritan Arsenal, N. J..	Feb. 16, 1922	1	
Lathe, turret	L2-8319	....do....	1		....do....	Buffalo, N. Y	Jan. 18, 1922	1	
Forges, No. 71, 30 by 24 by 12 inches.	L2-8320	....do....	5	SPD 4535 Sales 37380	....do....	Pittsburgh, Pa	Feb. 27, 1922	5	
Drills, steel	L2-8321	....do....	2	SPD E-2058 Sales 37201	....do....	Philadelphia, Pa	Mar. 8, 1922	2	
Counterbores, ⅜ to 1½ inches.	L2-8233	....do....	3			Buffalo, N. Y	May 18, 1922	3	
Countersinks, machine	L2-8233	....do....	3			....do....	....do....	2	
Cutters:									
Milling, assorted	L2-8233	....do....	20			....do....	....do....	20	
Keyseat, assorted sizes	L2-8233	....do....	2			....do....	....do....	2	
Drills, twist, assorted	L2-8233	....do....	150			....do....	....do....	150	
Reamers, assorted hand-chucking.	L2-8233	....do....	25			....do....	....do....	25	
Saws, metal-slitting and wood band.	L2-8233	....do....	60			....do....	....do....	67	
Stocks, die and pipe, assorted sizes.	L2-8233	....do....	4			....do....	....do....	4	
Tongs, blacksmiths', assorted.	L2-8233	....do....	4			....do....	....do....	4	
Tools, lathe, assorted	L2-8233	....do....	100			....do....	....do....	100	
Wrenches, assorted, engineers'.	L2-8233	....do....	50			....do....	....do....	50	
Shears, tinsmith	L2-8233	....do....	6			....do....	....do....	6	
Stocks:									
Die, assorted	L2-8233	....do....	20			....do....	....do....	20	
Tool steel	L2-8233	....do....	5			....do....	....do....	5	
Tool lathe	L2-8233	....do....	10			....do....	....do....	10	
Stones:									
Carborundum	L2-8233	....do....	3			....do....	....do....	3	
Carborundum, No. 17	L2-8233	....do....	10			....do....	....do....	10	
Carborundum, No. 56	L2-8233	....do....	50			....do....	....do....	50	
Oil, India, No. 52	L2-8233	....do....	10		Jan. 31, 1922	....do....	....do....	10	
Countersinks, assorted sizes	L2-8233	....do....	6		....do....	....do....	....do....	6	
Hammer, pneumatic	L2-8233	....do....	1		....do....	....do....	....do....	1	
Handles, file	L2-8233	....do....	200		....do....	....do....	....do....	200	
Reamers, fluted chucking	L2-8233	....do....	10		....do....	....do....	....do....	10	
Dies, pipe, assorted (sets)	L2-8233	....do....	10		....do....	....do....	....do....	10	
Disks, emery, assorted	L2-8233	....do....	150		....do....	....do....	....do....	150	
Drills, twist, assorted	L2-8233	....do....	50		....do....	....do....	....do....	50	
Files, hand and pillar	L2-8233	....do....	200		....do....	....do....	....do....	150	
Calipers:									
Style No. 1	L2-8233	....do....	3		....do....	....do....	....do....	3	
Micrometer, assorted sizes.	L2-8233	....do....	15		....do....	....do....	....do....	15	
Inside and outside	L2-8233	....do....	2		....do....	....do....	....do....	2	
Chisels:									
Black Diamond Special	L2-8233	....do....	10		....do....	....do....	....do....	10	
Octagon cape	L2-8233	....do....	10		....do....	....do....	....do....	10	
Engine, gas, Dorman, 25-horsepower.	L2-8388	Jan. 17, 1922	1		....do....	Columbus, Ohio	....do....		
Harness, artillery	L2-8504	Jan. 21, 1922	50	SPD 18454	....do....	New Cumberland, Pa.	....do....		
Do	L2-8504	....do....	52	SPD 18455	....do....	....do....	....do....		
Lighters, fuse	L2-8503	....do....	357,211	Req. E. 5092	....do....	Pig Point, Va	Feb. 7, 1922		
Curve, conveyor	L2-8506	....do....	1		....do....	Schenectady, N. Y	....do....		
Machine, Hilstong drum gear.	L2-8507	....do....	3		....do....	Camp Funston, Kans..	....do....		
Carts, dump, wood	L2-8507	....do....	18		....do....	....do....	Feb. 27, 1922	18	
Paper:									
Buff (sheets)	L2-8508	....do....	3,000	SPD E-2090	....do....	Fort Sam Houston, Tex.	Feb. 8, 1922	3,000	
Tracing, cardinal (sheets)	L2-8508	....do....	3,000	SPD E-2090	....do....	....do....	....do....	3,000	
Tracing, cross section (sheets).	L2-3508	....do....	7,000	SPD E-2090	....do....	....do....	....do....	7,000	
Drills, steel	L2-8509	....do....	6	SPD E-2058 Sales 37635	....do....	Philadelphia, Pa	Mar. 22, 1922	6	
Batteries, No. 4, reserve dry cell.	L2-8510	....do....	300	SPD C-8640 37858	....do....	Camp Dodge, Iowa	Mar. 20, 1922	300	
Trowels, bricklayers'	L2-8510	....do....	200	SPD C-8665	....do....	....do....	....do....		
Belting, leather, 5-ply, 6-inch (feet).	L2-8511	....do....	1,000	SPD E-8990	....do....	Norfolk, Va	Feb. 10, 1922	1,000	
Anvils, blacksmith	L2-8512	....do....	25	SPD C-8824	....do....	Columbus, Ohio	....do....		
Wood, white pine or Norway common:									
No. 1, 2 by 24 inch by 14 feet (board feet).	L2-7787	Dec. 22, 1921	5,000			Rock Island Arsenal, Ill.	Jan. 7, 1922	5,003	
No. 1, 2 by 4 inch by 16 feet (board feet).	L2-7787	....do....	5,000			....do....	....do....	5,003	
No. 1, 2 by 6 inch by 14 feet (board feet).	L2-7787	....do....	5,000			....do....	....do....	4,998	
No. 1, 2 by 6 inch by 16 feet (board feet).	L2-7787	....do....	5,000			....do....	....do....	5,008	
No. 2, 1 by 8 inch by 16 feet (board feet).	L2-7787	....do....	8,000			....do....	Jan. 9, 1922	8,000	
No. 2, 1 by 8 inch by 10 feet (board feet).	L2-7787	....do....	1,500			....do....	....do....	1,500	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Wood, white pine, or Norway common—Contd.									
No. 2, 1 by 8 inch by 12 feet (board feet).	L2-7787	Dec. 22, 1921	10,000	.....	.....	Rock Arsenal, Ill	Jan. 9, 1922	10,000	
Harness, art lead, for 2 horses.	L2-7987	Jan. 4, 1922	50	SPD C-8342 Sales, 37,159	.....	R-5 Bay 52, Chicago, Ill.	Mar. 3, 1922	50	
Paper:									
Detail, buff, 15 by 15 drawing (sheets).	L2-7988	.....do.....	10,000	SPD E-2090	.....	Brooklyn N. Y.....	.....	.....	Canceled by DS Dec. 6, 1921.
Tracing, cardinal vellum, 15 by 15, plain (sheets).	L2-7988	.....do.....	10,000	SPD E-2090	.....	.....do.....	.....	.....	Do.
Tracing, cross section, metric grad (sheets).	L2-7988	.....do.....	10,000	SPD E-2090	.....	.....do.....	.....	.....	Do.
Batteries, No. 4 reserve dry cell, new.	L2-7989	.....do.....	495	SPD C-8640 Sales 37,304	.....	Camp Dodge, Iowa....	May 2, 1922	495	
Trowels, bricklayers', 11-inch, new.	L2-7989	.....do.....	508	SPD C-8665	.....	.....do.....	.....do.....	.....	
Belting, combination, canvas and rubber, 4-ply, 2-inch (feet).	L2-7990	.....do.....	300	SPD E-6654	.....	Norfolk, Va.....	Feb. 10, 1922	300	
Lacing, belt steel, alligator No. 35, 5/8-inch (feet).	L2-7990	.....do.....	300	SPD E-6621	.....	.....do.....	.....do.....	300	
Flatts, cement, steel, 6 by 24 inch, No. 59.	L2-7990	.....do.....	20	SPD E-6634	.....	.....do.....	.....do.....	20	
Tools, hand, concrete finishing (sets).	L2-7990	.....do.....	36	WPD E-6614	.....	.....do.....	.....do.....	36	
Jacks, ratchet, lever heighth, 25½ inches, lift 6 inches.	L2-7990	.....do.....	70	SPD E-7009	.....	.....do.....	.....do.....	70	
Blocks:									
Snatch, steel, 7-inch....	L2-7991	.....do.....	100	SPD C-8843 Sales, 37,191	.....	Columbus, Ohio.....	Mar. 2, 1922	100	
Tackle, steel, triple, 8-inch.	L2-7991	.....do.....	10	SPD C-8841 Sales, 37,190	.....	.....do.....	.....do.....	10	
Anvils, blacksmith:									
34-pound.....	L2-7991	.....do.....	20	SPD C-8824 Sales, 37,189	.....	.....do.....	.....do.....	20	
100-pound.....	L2-7991	.....do.....	10	SPD C-8825 Sales, 37,188	.....	.....do.....	.....do.....	10	
Oil cans.....	L2-8009	.....do.....	1,000	SPD E-6762 Sales, 36,707	.....	Brooklyn, N. Y.....	Feb. 11, 1922	1,000	
Mills:									
Special plain, 2½-inch face by 1-inch hole, 1 13/16-inch diameter.	L2-8066	Jan. 6, 1922	71	.....	.....	Buffalo, N. Y	Jan. 30, 1922	71	
Lathe, plain C. S. shank, 5/16-inch by ¾-inch diameter by 1½-inch, o. a.	L2-8066	.....do.....	2	.....	.....	.....do.....	.....do.....	2	
Lathe, plain, C. S. shank, 6 7/16 by 1-inch diameter by 1½-inch, o. a.	L2-8066	.....do.....	1	.....	.....	.....do.....	.....do.....	1	
Wire, cable, towing, ¾-inch (feet).	L2-8067	.....do.....	100	.....	.....	Fort Bliss, Tex.....	.....do.....	100	
Wire, cable, towing, ⅝-inch (feet).	L2-8067	.....do.....	120	.....	.....	.....do.....	.....do.....	138	
Mattocks, pick.....	L2-8067	.....do.....	927	.....	.....	.....do.....	.....do.....	927	
Pickaxes, with helves.....	L2-8067	.....do.....	1,195	SPD S-871	.....	.....do.....	.....do.....	1,195	
Duck:									
Gray, 12-ounce, 19-inch, reclaimed, 2 raw selvedges (yards).	L2-8068	Jan. 7, 1922	1,827	SPD C-10652	.....	Jeffersonville, Ind.....	Jan. 26, 1922	1,827	
Khaki, No. 9, 30-inch construction (yards).	L2-8068	.....do.....	10,000	SPD C-10659	.....	.....do.....	.....do.....	10,000	
OD W. P. No. 4-44 construction, 30 by 20 (yards).	L2-8068	.....do.....	3,620	SPD C-10669	.....	.....do.....	.....do.....	3,620	
Paulin, canvas:									
16 by 33 feet.....	L2-8069	.....do.....	10	.....	.....	Norfolk, Va.....	Jan. 30, 1922	10	
18 by 24 feet.....	L2-8069	.....do.....	5	.....	.....	.....do.....	.....do.....	5	
17 feet 6 inches by 30 feet, white.	L2-8069	.....do.....	30	.....	.....	.....do.....	.....do.....	30	
14 by 15 feet, chemically treated.	L2-8069	.....do.....	8	.....	.....	.....do.....	.....do.....	8	
12 by 14 feet, chemically treated.	L2-8069	.....do.....	4	.....	.....	.....do.....	.....do.....	4	
10 feet 6 inches by 12 feet, chemically treated.	L2-8069	.....do.....	1	.....	.....	.....do.....	.....do.....	1	
11 feet 9 inches by 14 feet 8 inches.	L2-8069	.....do.....	1	.....	.....	.....do.....	.....do.....	1	
Paper:									
Detail, buff (sheets)....	L2-7988X	Jan. 11, 1922	10,000	SPD E-2090	.....	Fort Sam Houston, Tex.	Feb. 6, 1922	10,000	
Tracing, cardinal (sheets).	L2-7988X	.....do.....	10,000	SPD E-2090	.....	.....do.....	.....do.....	10,000	
Tracing, cross section (sheets).	L2-7988X	.....do.....	10,000	SPD E-2090	.....	.....do.....	.....do.....	10,000	
Sets, generator, gasoline....	L2-8112	Jan. 9, 1922	2	SPD E-2090	.....	Camp Holabird, Md...	.....do.....	.....	
Augers, ship, with handle..	L2-8166	Jan. 10, 1922	25	SPD SE-3862	.....	Atlanta, Ga.....	Feb. 27, 1922	25	
Bars:									
Spike, pulling, heeled..	L2-8167	.....do.....	125	SPD E-7922	.....	Newark, N. J.....	May 10, 1922	125	
Crow.....	L2-8167	.....do.....	50	SPD E-7922	.....	.....do.....	.....do.....	50	
Do.....	L2-8167	.....do.....	141	SPD E-7922	.....	.....do.....	.....do.....	141	
Pinch.....	L2-8167	.....do.....	122	SPD E-7922	.....	.....do.....	.....do.....	122	
Do.....	L2-8167	.....do.....	213	SPD E-7922	.....	.....do.....	.....do.....	213	
Wrecking.....	L2-8169	.....do.....	190	SPD SE-3849	.....	New Orleans, La.....	Mar. 7, 1922	190	
Cable, steel, galvanized, nonflexible (feet).	L2-8170	.....do.....	2,227	.....	.....	Buffalo, N. Y.....	Apr. 25, 1922	2,227	
Cable, steel, galvanized, nonflexible (pounds).	L2-8170	.....do.....	235	.....	.....	.....do.....	Mar. 22, 1922	235	
Blocks, chain, Yale triplex	L2-8301	Jan. 14, 1922	5	SPD E-7006	.....	Newark, N. J.....	.....	.....	Not cleaned.
Machine, boring, No. 2.....	L2-8301	.....do.....	1	SPD E-7031	.....	.....do.....	Feb. 23, 1922	1	
Lamps, Mazda electric, 500-watt, 200-volt.	L2-8301	.....do.....	10	SPD E-7029	.....	.....do.....	.....do.....	10	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Hammers, jack	L2-8301	Jan. 14, 1922	15	SPD E-7027		Newark, N. J	Feb. 23, 1922	15	
Drills, No. 13	L2-8301	do	4	SPD E-7021		do	do	4	
Sets, generator, gas engine	L2-8301	do	6	SPD E-7022		do	do	6	
Shovels, short handle, S. P., "D" handle.	L2-7347	Nov. 29, 1921	2,000	SPD C-2285 Sales, 35827		Chicago, Ill	Dec. 27, 1921	2,000	
Helves, pickax, railroad, 36-inch.	L2-7347	do	3,000	SPD C-2950 Sales, 35828		do	do	3,000	
Axes, pick, railroad, without helves.	L2-7347	do	5,000	SPD C-2951 Sales, 35829		do	do	5,000	
Wrenches, monkey:									
10-inch	L2-7347	do	1,000	SPD C-2947 Sales, 35830		do	Dec. 20, 1921	1,000	
18-inch	L2-7350	do	322	SPD C-2309		Jeffersonville, Ind	Dec. 13, 1921	322	
Pliers, side cutting, 6-inch	L2-7350	do	1,000	SPD C-2309		do	do	1,000	
Wrenches, spanner, L. & C. wagon.	L2-7350	do	278	SPD C-6751		do	do	278	
Forges, portable, with hand blowers.	L2-7370	Dec. 1, 1921	100			Camp Holabird, Md	Jan. 26, 1922	75	
Pumps, Blackmere No. 9, rotary, complete.	L2-7370	do	30			do	do	30	
Machine, profiling	L2-7370	do	2			do	do	2	
Rope, manila:									
¾-inch, 3-strand, 1,200 coils (Maryville) (pounds).	L2-7407	Dec. 2, 1921	509	SPD E-4326 Sales, 36226		New Cumberland, Pa	Feb. 2, 1922	397	
⅝-inch, 3-strand (Maryville) (pounds).	L2-7408	Dec. 3, 1921	800	SPD NE-621 Sales, 35894		A. S. B., Boston, Mass.	Jan. 13, 1922	120	
Lanterns, railroad, No. 39, new (Maryville).	L2-7435	do	50			Brooklyn, N. Y			
Lacing, belt, rawhide, ⅜-inch (feet).	L2-7445	do	100			Buffalo, N. Y	Jan. 14, 1922	100	
Tubing, steel:									
1/16 inch by 20 gauge, welded, in 15½-inch lengths (feet).	L2-7445	do	500			do	do	500	
⅛ inch by 22 gauge, welded, in 6 to 11 foot lengths (feet).	L2-7445	do	500			do	do	500	
Oil, neat's-foot, 1-pint cans (cans).	L2-7446	Dec. 5, 1921	170	SPD S-452 Sales, 35961		San Antonio, Tex	Dec. 28, 1921	170	
Machine, pipe threading, 3-speed.	L2-7447	Dec. 3, 1921	1			Brooklyn, N. Y			
Picks, new	L2-7448	do	6,000	SPD E-4217		Newark, N. J			
Lubricant, auto transmission (barrels).	L2-7524	Dec. 7, 1921	17			Camp Holabird, Md	Jan. 16, 1922	17	
Wagons, tool, engineers':									
Caisson, Dayton	L2-7557	Dec. 8, 1921	6	SPD 3239 SP 3525 Sales, 35998		Port Newark, N. J	Jan. 6, 1922	6	
Limber, Dayton	L2-7557	do	6	SPD 3240 Sales, 35999		do	Jan. 7, 1922	6	
Picks, new, Dayton	L2-7557	do	100			do			
Rail, steel, 80-pound (Dayton) (tons).	L2-7570	Dec. 9, 1921	60	Req. E3601		Kearney, N. J	Jan. 10, 1922	60	
Spikes, Dayton (kegs)	L2-7570	do	10			do	do	10	
Scrapers, wheel, Dayton	L2-7571	do	5	SPD SC-3027		Camp Gordon, Ga			Canceled Oct. 14, 1921.
Wagons, caisson, engineer tool.	L2-7597	Dec. 12, 1921	25	SPD E-4816		New Cumberland, Pa	Mar. 31, 1922	25	
Limber, engineer tool	L2-7597	do	25	SPD E-4815		do	do	25	
Engineer, spring tools	L2-7597	do	6	SPD E-4821		do	do	6	
Transformers, General Electric Co., 60 cycles, 25 KVA.	L2-7629	Dec. 14, 1921	2			Woodbury, N. J	Jan. 20, 1922	2	
Wire, galvanized, 1/16-inch (224-pound) (feet).	L2-7629	do	500			do	do	500	
Iron, corrugated, 27½ by 84 inches, 18-gauge (sheets).	L2-7636	do	2,000	SPD 3077		New Cumberland, Pa			
Harness:									
Artillery, black, wheel, reclaimed (sets).	L2-7636	do	30	SPD 18452		do			
Russet, wheel, reclaimed (sets).	L2-7636	do	50	SPD 18453		do	May 10, 1922	50	
Black, lead, Class B (sets).	L2-7636	do	45	SPD 18454		do	do	47	
Russet, lead, Class B (sets).	L2-7636	do	52	SPD 18455		do			
Nails, roofing:									
2D (pounds)	L2-7637	do	775			Rock Island, Ill	Jan. 9, 1922	700	
American felt, No. 10, ¾-inch (pounds).	L2-7637	do	800			do	do	800	
American felt, No. 10, 1-inch (pounds).	L2-7637	do	100			do	do	100	
American felt, No. 12, ¾-inch (pounds).	L2-7637	do	200			do	do	200	
Nails, wire, common:									
4D (100-pound kegs) (pounds).	L2-7637	do	200			do	do	200	
10D (100-pound kegs) (pounds).	L2-7637	do	2,000			do	do	2,000	
16D (100-pound kegs) (pounds).	L2-7637	do	2,000			do	do	2,000	
60D (100-pound kegs) (pounds).	L2-7637	do	3,000			do	do	3,000	
Spikes, railroad, 5½ by 1/16 inch (pounds).	L2-7637	do	2,000			do	do	2,000	
Trucks, hand, 2-wheel	L2-7768	Dec. 21, 1921	6			Baltimore, Md			
Forges, w/bellows, 14½ by 15½	L2-7773	do	3	SPD SE-2699		Camp Gordon, Atlanta, Ga.	Feb. 18, 1922	3	
Anvils		do	6			do	do	6	
Spikes, railroad, 5½ by 1/16 inch (kegs).	L2-7774	do	250			Camp Kearney, N. J	Jan. 6, 1922	250	
Trucks, hydraulic, hand, platform.	L2-7775	do	2			Baltimore, Md	Jan. 18, 1922	2	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Trucks, hand, 2-wheel		Dec. 21, 1921	6			Baltimore, Md	Jan. 18, 1922	6	
Saws, hack, hand, Starrett, 18 inches long.	L2-7776	do	25			Hammonton, N. J.			
Tripods for surveyor's transits, asst.		do	6			do			
Vises, pipe, No. 1A, Erie		do	4			do	Dec. 30, 1921	4	
Belting, 5-inch, leather, 2-ply (feet).		do	100			do			
Trailers, 4-wheel, 1-ton trailmobiles, new.	L2-6730	Sept. 17, 1921	2	2003-92		Park Field, Millington, Tenn.	Nov. 14, 1921	2	
Tapes, foot measuring, ⅝-inch width, heavily sized.	L2-6757	Sept. 24, 1921	50	SPD NE-646 Sales 34906		Boston, Mass.	Nov. 8, 1921	50	
Picks, without handles	L2-6824	Sept. 29, 1921	1,000			Jeffersonville, Ind.	Oct. 11, 1921	1,000	
Trailers: Highway, 3-ton, 4-wheel, cargo bodies (Rogersville).	L2-6861	Sept. 30, 1921	2			do			Canceled by L2-6861X.
Troy, 3-ton, 4-wheel, cargo bodies (Rogersville).			2			do			
Troy, 3-ton, 4-wheel, chassis (Rogersville).			4			do			
Carbide, 2-pound cans (pounds).	L2-6887	Oct. 5, 1921	2,000	Req. 2354 Cl. 13030	Oct. 7, 1921	New York City	Oct. 11, 1921	2,000	
Wire, double lead, firing (Chattanooga) (feet).	L2-6916	Oct. 12, 1921	50,000	SPD E-2049 Req E-3915		Columbus, Ohio	Nov. 9, 1921	50,184	
Fuse, safety, time (Bickford) (feet).	L2-6915	do	5,000	SPD E-2047		Pig Point, Va	Nov. 8, 1921	[1] 1	
Fuse, lighters (Bickford) (feet).			10,000	SPD E-2048		do	do	[1] 1	
Motors, induction type 302, 7½ horsepower, 220-volt, 25-cycle, 3-phase.	L2-6914	Oct. 12, 1922	2			Amatol Ordnance Reserve Depot, Amatol, N. J.	Oct. 14, 1921	2	
Trailers: Highway, 3-ton, 4-wheel, cargo bodies (Rogersville).	L2-6861X	Oct. 14, 1921	2	Tr. 2003-112		Jeffersonville, Ind.	Nov. 16, 1921	2	
Troy, 3-ton, 4-wheel, cargo bodies (Rogersville).			2	Tr. 2003-112		do	do	2	
Troy, 3-ton, 4-wheel, chassis (Rogersville).			4	Tr. 2003-112		do	do	4	
Pliers: Combination, 7-inch	L2-6931	Oct. 13, 1921	105	SPD C-5091 Sales 35208		do	Nov. 1, 1921	105	
Flat nose, new	L2-6943	Oct. 14, 1921	170	SPD E-3832		Norfolk, Va			
Compasses, box	L2-6948	do	60	SPD E-2028 Req. E-3916		Fort Mason, Calif.	Nov. 23, 1921	60	
Machine, screw, No. 1 tilted turret, belt drive.	L2-6949	do	2			Curtiss Aero Plant, Buffalo, N. Y.	Nov. 21, 1921	2	
Gears, contour grinding, 19-inch diameter, 2½-inch face.			2			do	do	2	
Stands and rollers for screw machine, ⅞ inch diameter.			12			do	do	12	
Picks, without handles	L2-6950	Oct. 14, 1921	5,720			Jeffersonville, Ind.	Oct. 22, 1921	5,720	
Lathe, automobile, 21 inches by 8 feet, with countershafts (LeBlond).	L2-6972	Oct. 19, 1921	1	OS-2714865B OS-2714865	Dec. 6, 1921	New York City			Not available Jan. 5, 1922.
Grinder, double base, 18 by 18 inches (Greenfield)			1	OS-2714865B OS-2714865		do			Do.
Machine, milling, special, with moving arbor.			1	OS-2714865B OS-2714865		do	Jan. 16, 1922	1	
Forges, 30 by 24 by 13 inches, new.	L2-6974	Oct. 19, 1921	2	SPD-4535 Sales-35238		Pittsburgh, Pa.	Dec. 9, 1921	23	
Trailers, 1½-ton	L2-7032	Oct. 31, 1921	10			Jeffersonville, Ind.	Nov. 23, 1921	10	
Pipe, steel: ¾-inch, with fittings (feet).	L2-7033	do	12,000			Norfolk, Va	Nov. 22, 1921	[2] 14,440	
2-inch, with fittings (feet).			4,000			do	do	[2] 13,453	
Tractors, new (Mercury)	L2-7034	Oct. 31, 1921	2			Woodbury Ordnance Reserve Depot, Westville, N. J.			
Nippers: End cutters, 8-inch, new	L2-7083	Nov. 2, 1921	300			Boston, Mass.	Dec. 17, 1921	300	
14-inch, new			100	SPDNE 665 Sales 35431		do	do	100	
Pliers, 10-inch, wire-cutting, new.	L2-7084	Nov. 2, 1921	380	SPD-E-4237 Sales 35429		Washington, D. C.	Dec. 13, 1921	360	
Caps, blasting (Chattanooga).	L2-7085	do	1,800	OS-2714707-AX	Dec. 24, 1921				Cancellation.
Fuse, electric wire (Chattanooga).			1,500	OS-2714707 OS-2714707-AX	Nov. 16, 1921 Dec. 24, 1921	Camp Upton, N. Y. do			Do.
Hoists, steel, safety derrick.	L2-7086	Nov. 2, 1921	2	OS-2714784	Nov. 16, 1921	Amatol Arsenal, N. J.	Dec. 6, 1921	2	
Picks	L2-7087	do	3,000			Newark, N. J.			Canceled. Reallotted.
Mattocks, pick			2,000			do			Do.
Axes, pick, without helves			3,000			do			Do.
Compressor, air: No. 1 complete, but not connected.	L2-7145	Nov. 7, 1921	1	OS-2714828AX OS-2714828	Dec. 5, 1921 Nov. 30, 1921	American Steel & Mach Co., Kensington, Ill.			Cancellation
No. 1, two tanks, one motor and starter.			1	OS-2714828 OS-2714828AX	do Dec. 5, 1921	do			Do.
Mattocks, pick, new, 5½ to 7 pounds.	L2-7146	Nov. 7, 1921	5,000	SPD 4451 Sales 35471		New Cumberland, Pa.	Nov. 28, 1921	5,000	
Picks: Railroad, new			3,000	SPD 4440 Sales 35470		do	do	3,000	
Railroad, 7 pounds	L2-7147	Nov. 7, 1921	1,785			Norfolk, Va	Nov. 30, 1921	1,785	
Clay, 7 pounds			4,000			do	do	4,000	

[1] Boxes.

[2] Pounds.

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Mattocks, pick	L2-7087X	Nov. 7, 1921	2,000			Newark, N. J.			Canceled Dec. 22, 1921.
Axes, pick, without helves			6,000			do			Do.
Drill, air:									
Breast, No. 2, new (Little David).	L2-7200	Nov. 10, 1921	1	SPD 4528 Sales 35497		Pittsburgh Q. I. Depot, Pittsburgh, Pa.	Dec. 18, 1921	1	
No. 14, new (Little David).			2			do	do	1	
Axes, hand	L2-7201	Nov. 10, 1921	582	SPD 21051 Sales 35564		Governors Island, N. Y.	Dec. 9, 1921	580	
Stands and rollers for screw machines ⅝-inch stud, $\frac{7}{16}$-inch diameter.	L2-7202	do	2			Buffalo, N. Y.	Dec. 12, 1921	1	
Compasses, box, surveyors'	L2-7203	do	73	SPDE-2028 Req. E-4006		Fort Mason, Calif.	Nov. 30, 1921	73	
Forges, 30 by 24 by 13, new	L2-7204	do	25	SPD 4535 Sales 35496		Pittsburgh, Pa.	Dec. 18, 1921	25	
Wire, firing, double lead, feet (Clarksville).	L2-7244	Nov. 16, 1921	50,000	SPDE-2049 Req. E-4017-A	Nov. 22, 1921	Columbus, Ohio	Nov. 30, 1921	50,000	
Forges, 30 by 24 by 13, new (Clarksville).	L2-7245	do	3	SPD-E-4535 Sales 35504		Pittsburgh, Pa.	Nov. 7, 1921	3	
Lighters, fuse (Bickford) (Clarksville).	L2-7246	do	50,000	Req. E-4016	Nov. 22, 1921	Pig Point, Va.	Dec. 5, 1921	15	
Picks, new (Clarksville)	L2-7247	do	500	SPD 4440 Sales 36173		New Cumberland, Pa.	Feb. 3, 1922	500	
Mattocks, pick (Clarksville)			200	SPD 4450 Sales 36174		do	do	200	
Press, drill, 1 SP	L2-7291	Nov. 21, 1921	1	OS-2714875	Dec. 9, 1921	Springfield Armory, Springfield, Mass.	Dec. 23, 1921	1	
Miller bench, Pratt & Whitney Co.			1	OS-2714895B	Dec. 20, 1921	do			Not available.
Augers, ship, 1⅝ by 22 inches	L2-9284	Feb. 24, 1922	57			Atlanta, Ga.	Apr 12, 1922	57	
Axes:									
Chopping—									
3½-pound	L2-9284	do	500			do	do	500	
3½-pound without handles.	L2-9284	do	500			do	do	500	
4-pound with handles.	L2-9284	do	500			do	do	575	
Fire	L2-9284	do	300			do	do	300	
Hand, common, 5-inch	L2-9284	do	50			do	do	50	
Bars:									
Wrecking, carpenter, 30-inch.	L2-9284	do	60			do			
Crow, wedge point	L2-9284	do	50			do			
Digging and tamping, 7-foot.	L2-9284	do	1			do			
Tamping	L2-9284	do	12			do			
Belting, leather (feet)	L2-9284	do	100			do	Apr. 12, 1922	100	
Bits:									
Auger—									
4 to set; 5, 7, 9, 11 (sets).	L2-9284	do	2			do			
$\frac{5}{16}$-inch	L2-9284	do	30			do	Apr. 12, 1922	30	
$\frac{11}{16}$-inch	L2-9284	do	10			do			
¾-inch	L2-9284	do	5			do	Apr. 12, 1922	5	
1¼-inch	L2-9284	do	5			do	do	5	
Countersink—									
No. 2	L2-9284	do	7			do			
⅜-inch	L2-9284	do	7			do			
½-inch	L2-9284	do	7			do			
Gimlet—									
¼-inch	L2-9284	do	10			do	Apr. 12, 1922	10	
Double cut, $\frac{5}{32}$-inch	L2-9284	do	50			do	do	50	
$\frac{1}{16}$-inch	L2-9284	do	10			do	do	10	
$\frac{3}{32}$-inch	L2-9284	do	10			do	do	10	
¼-inch	L2-9284	do	10			do	do	10	
$\frac{5}{32}$-inch	L2-9284	do	20			do			
$\frac{11}{32}$-inch	L2-9284	do	10			do	Apr. 12, 1922	10	
$\frac{7}{16}$-inch	L2-9284	do	10			do			
Twist-drill—									
Bit-stock—									
¼-inch	L2-9284	do	10			do	Apr. 12, 1922	10	
$\frac{5}{16}$-inch	L2-9284	do	10			do	do	10	
$\frac{11}{32}$-inch	L2-9284	do	10			do			
½ flatted shank—									
¼-inch	L2-9284	do	10			do	Apr. 12, 1922	10	
$\frac{5}{16}$-inch	L2-9284	do	6			do			
1-inch	L2-9284	do	6			do			
⅝ flatted shank—									
$\frac{7}{16}$-inch	L2-9284	do	12			do	Apr. 14, 1922	12	
½-inch	L2-9284	do	10			do			
$\frac{9}{16}$-inch	L2-9284	do	10			do			
$\frac{11}{16}$-inch	L2-9284	do	10			do			
½ round shank—									
¼-inch	L2-9284	do	10			do			
⅜-inch	L2-9284	do	10			do			
Blades:									
Draw gauge	L2-9284	do	100			do	Apr. 12, 1922	100	
Draw gauge, 3½-inch	L2-9284	do	100			do	do	100	
Meat-saw—									
25-inch	L2-9284	do	18			do	do	18	
10-inch	L2-9284	do	26			do			
12-inch	L2-9284	do	10			do			
16-inch	L2-9284	do	24			do			
Blocks:									
Single-sheave steel for 1-inch rope.	L2-9284	do	25			do			
Double-sheave steel for 1½-inch rope.	L2-9284	do	7			do			
Triple-sheave steel for 1-inch rope.	L2-9284	do	30			do	Apr. 12, 1922	30	
Chests, commissary	L2-9284	do	8			do			

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Chisels:									
Cold, with handle, 1-pound.	L2-9284	Feb. 24, 1922	25			Atlanta, Ga	Apr. 12, 1922	23	
Firmer socket—									
1-inch	L2-9284	do	14			do	do	14	
1½-inch	L2-9284	do	10			do	do	10	
½-inch, without handle.	L2-9284	do	10			do	do	10	
¾-inch, without handle.	L2-9284	do	25			do	do	15	
Cutters:									
Beading plane—									
½-inch	L2-9284	do	3			do			
⅝-inch	L2-9284	do	3			do	Apr. 12, 1922	3	
Clinch, B. S.	L2-9284	do	10			do			
Wire, commercial	L2-9284	do	50			do			
Belting, leather (feet)	L2-8996	Feb. 9, 1922	350	SPD E-1057		Fort Bliss, Tex	Mar. 15, 1922	350	
Blocks, steel, triple, 6-inch	L2-8997	do	15	SPD E-7751 Sales 37,754		Schenectady, N. Y	Mar. 16, 1922	15	
Bits, screw driver	L2-8997	do	260	SPD E-7747 Sales 37,756		do	do	260	
Blocks, steel, triple, 6-inch	L2-8997	do	7	SPD E-7751 Sales 37,754		do	do	7	
Dies and guide:									
1¼-inch	L2-9110	Feb. 14, 1922	3			Aberdeen, Md	Mar. 7, 1922	3	
1½-inch	L2-9110	do	3			do	do	3	
2-inch	L2-9110	do	3			do	do	3	
Dies:									
Miscellaneous, pipe (sets).	L2-9110	do	2			do	do	2	
2-inch Toledo No. 1 (sets).	L2-9110	do	2			do	do	2	
1¼-inch Toledo No. 1 (sets).	L2-9110	do	2			do	do	2	
Solid reed, ¼ to 1 inch (sets).	L2-9110	do	1			do	do	1	
Dies and guides bolt, ¼ to 1 inch (sets).	L2-9110	do	7			do	do	7	
Hammers, railroad, spiking, 10-inch.	L2-9110	do	25			do	do	25	
Blocks:									
Triple	L2-9110	do	4			do	do	4	
1 sheave, wood, with 14-inch.	L2-9110	do	1			do	do	1	
2 sheaves, wood, with 8-inch.	L2-9110	do	8			do	do	8	
2 sheaves, iron, with 14-inch.	L2-9110	do	5			do	do	5	
1 sheave, iron, with 14-inch.	L2-9110	do	3			do	do	3	
Oil:									
Leather, 1-gallon can (cans).	L2-9128	do	440	SPD S-1188		Fort Sam Houston, Tex.	Mar. 4, 1922	440	
Neat's-foot, 1-pint can (cans).	L2-9128	do	1,000	SPD S-1187		do	do	1,000	
Chests, tools, without contents, Empire forge tools.	L2-9129	do	2			Camp Funston, Kans.	Apr. 21, 1922	2	
Kits, tool, for Schaller forge.	L2-9129	do	2			do	do		Not available.
Scales, platform, 300-pound.	L2-9129	do	3			do	do	3	
Stones, emery	L2-9129	do	10			do	do	10	
Wheel, emery	L2-9129	do	43			do	do	43	
Tongs	L2-9129	do	102	SPD C-8680		do	do		Do.
Wagons:									
Drinking water	L2-9129	do	8	SPD C-10343		do	Apr. 8, 1922	8	
Sprinkling	L2-9129	do	2	SPD C-8932		do	Apr. 21, 1922	2	
Saws, assorted	L2-9129	do	75	SPD C-11462		do			Do.
Picks, with handle	L2-9129	do	131	SPD C-11462		do	Apr. 21, 1922	131	
Pump, water wagon	L2-9129	do	1	SPD C-11462		do	do	1	
Picks, without handles	L2-9129	do	3,230	SPD C-11462		do	do	3,230	
Windlass, cable	L2-9129	do	3	SPD C-11462		do	do	3	
Tractors, caterpillar, 5-ton	L2-9139	Feb. 17, 1922	3			Camp Pike, Ark	Mar. 10, 1922	3	
Trailers, water tank, 300-gallon capacity.	L2-9167	do	2			Little Rock, Ark	Mar. 3, 1922	2	
Switches, ground, throw, 24-inch gauge.	L2-9168	do	25			Norfolk, Va	Feb. 23, 1922	25	
Bolts:									
Clip, 25-pound rail (pounds).	L2-9168	do	305			do	do	349	
track, 25-pound rail (pounds).	L2-9168	do	1,920			do	do	1,990	
Tripods, plane table (case).	L2-9169	do	20			Schenectady, N. Y	Feb. 28, 1922	1	
Lead (pounds)	L2-9170	do	20,000			Watertown Arsenal, Mass.	do	20,215	
Forges, Brown & Sharpe	L2-9171	do	25	SPD SE-2707		Camp Gordon, Ga	Feb. 27, 1922	25	
Harness, artillery (sets)	L2-9172	do	138	SPD C-8342 Sales 38456		Chicago, Ill	Apr. 5, 1922	139	
Batteries, No. 4 reserve dry cell.	L2-9173	do	100	SPD C-8640		Camp Dodge, Iowa			Canceled D. S.
Anvils, blacksmith:									
34-pound	L2-9174	do	38	SPD C-8824 Sales 38265		Columbus, Ohio	Apr. 29, 1922	38	
100-pound	L2-9174	do	125	SPD C-8825 Sales 38266		do	do	125	
Wire, copper, 19 gauge (spools).	L2-9248	Feb. 23, 1922	50	SPDE-4234 Sales 38455		Washington, D. C	Apr. 11, 1922	50	
Anvils, Brown & Sharpe:									
70 to 75 pounds	L2-9284	Feb. 24, 1922	11			Atlanta, Ga	Apr. 12, 1922	11	
240 to 250 pounds	L2-9284	do	4			do	do	4	
251 pounds	L2-9284	do	3			do	do	3	
Augers:									
Hollow	L2-9284	do	6			do			
2-inch	L2-9284	do	25			do			
3-inch	L2-9284	do	8			do			
Post hole, 5-inch	L2-9284	do	16			do	Apr. 12, 1922	16	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Augers—Continued.									
Rafting—									
7/16, with handle	L2-9284	Feb. 24, 1922	5			Atlanta, Ga.	Apr. 12, 1922	5	
7/16, without handle	L2-9284	do	6			do	do	6	
3/4, without handle	L2-9284	do	12			do	do	2	
Ship, 7/16, with handles	L2-9284	do	20			do			
Paper:									
Buff (sheets)	L2-8549	Jan. 24, 1922	200	SPD SE-2090 Req. E-5107		Fort Sam Houston, Tex.	Feb. 14, 1922	200	
Tracing, cardinal (sheets)	L2-8549	do	200	SPD SE-2090 Req. E-5107		do	do	200	
Meter, 3-ampere, 110 volts, 60-cycle	L2-8577	do	4			Hammonton, N. J.	Feb. 3, 1922	4	
Motors:									
1,200 revolutions per minute, 1 horsepower, 230 volts	L2-8577	do	1			do			Not available.
1,500 revolutions per minute, 2 horsepower, 230 volts	L2-8577	do	1			do			
Switch, bon, starting, galvanic, 19 amperes	L2-8577	do	1			do			
Theodolite, zenith and astronomical	L2-8578	do	1			Schenectady, N. Y.	Feb. 7, 1922	1	
Levels, Abney:									
Clinometer	L2-8578	do	5			do			Not cleared.
Hand, K. & E	L2-8578	do	4			do	Feb. 7, 1922	4	
Hand, Dietzgen	L2-8578	do	3			do	do	3	
Machines, drilling	L2-8579	do	2			Camp Gordon, Ga.			
Nails, wire, common:									
16-penny (pounds)	L2-8579	do	200			do	Feb. 27, 1922	200	
40-penny (pounds)	L2-8579	do	300			do	do	300	
Saws, crosscut	L2-8579	do	100			do	do	85	
Chisels, 1½-inch	L2-8580	do	500			Jeffersonville, Ind.	Feb. 10, 1922	500	
Braces, bit, ratchet, 8-inch	L2-8580	do	200			do	do	200	
Curve, conveyor	L2-8506X	Jan. 26, 1922	1	SPD E-5432 Sales 36999		Schenectady, N. Y.	Mar. 21, 1922	1	
Hammers	L2-8671	do	100	SPD SE-2688		Atlanta, Ga.	Feb. 27, 1922	100	
Hatchets	L2-8671	do	100	SPD SE-2071		do	do	100	
Punches, blacksmith	L2-8671	do	30	SPD SE-3752		do	do	30	
Chisels, firmer, beveled	L2-8671	do	160	SPD SE-3178		do	do	180	
Rope, ⅞-inch, manila (pounds)	L2-8671	do	4,000	SPD SE-3861		do	do	4,000	
Machines, automatic screw	L2-8672	do	2			Fort Oglethorpe, Ga.			
Duck:									
Gray (yards)	L2-8673	do	6,000	SPD 14795		Jeffersonville, Ind.	Apr. 27, 1922	6,000	
Olive drab (yards)	L2-8673	do	2,758½	SPD C-8794		do	Mar. 22, 1922	2,758½	
Gray (yards)	L2-8674	do	2,762	SPD SE-3173		Atlanta, Ga.	Feb. 2, 1922	2,767	
Olive-drab (yards)	L2-8675	Jan. 26, 1922	4,000	SPD C-10306		Jeffersonville, Ind.	Mar. 22, 1922	4,000	
Belting, leather, 5-ply, 6-inch (feet)	L2-8704	Jan. 27, 1922	500	SPD 6990		Norfolk, Va.	Feb. 10, 1922	500	
Anvils, blacksmith:									
24-pound	L2-8705	do	2	SPD C-8824 Sales 37941		Columbus, Ohio	Apr. 3, 1922	2	
100-pound	L2-8705	do	3	SPD C-8825 Sales 37942		do	do	3	
Sprayer, Liberty, Deming	L2-8706	do	1	SPD E-6763 Sales 38041	Mar. 4, 1922	Pittsburgh, Pa.			
Chisels, 1½-inch	L2-8724	Jan. 28, 1922	100			Jeffersonville, Ind.	Feb. 10, 1922	100	
Braces, bit, ratchet, 8-inch	L2-8724	do	100			do	do	100	
Planes, smooth, 8-inch	L2-8724	do	75			do	do	75	
Steel:									
Plow, 1-inch (feet)	L2-8802	Feb. 1, 1922	1,000			Brooklyn, N. Y.	Mar. 7, 1922	875	
Plow, 1½-inch (feet)	L2-8802	do	200			do			Canceled Mar. 2, 1922
Drills, rock, 1¾-inch	L2-8803	do	3			New Orleans, La.	Mar. 14, 1922	3	
Diggers, post-hole	L2-8803	do	10			do		10	
Wire, steel, galvanized (pounds)	L2-8866	do	1,500	SPD 99918		Buffalo, N. Y.	Feb. 17, 1922	1,500	
Nails, coated:									
10-penny (pounds)	L2-8866		1,312			do	do	1,312	
12-penny (pounds)	L2-8866		677			do	do	677	
40-penny (pounds)	L2-8866		500			do	do	500	
40-penny (pounds)	L2-8866		509			do	do	509	
Pins, cotter:									
Spring, bright	L2-8866		9,000			do	do	9,000	
Steel	L2-8866		10,000			do	do	10,000	
Do	L2-8866		5,000			do	do	5,000	
Do	L2-8866		10,000			do	do	10,000	
Do	L2-8866		23,000			do	do	23,000	
Nickeled	L2-8866		1,000			do	do	1,000	
Oil:									
Lubricating, spica, light (pints)	L2-8867	Feb. 1, 1922	1,000	SPD C-9693 Sales 37716		Hawthorne Warehouse, Ill.	Apr. 6, 1922	1,000	
Neat's-foot (gallons)			500	SPD C-9694 Sales 37714		do	Apr. 8, 1922	500	
Neat's-foot (pints)			1,000	SPD C-9695 Sales 37717		do	do	1,000	
Neat's-foot (gallons)			607	SPD C-9696 Sales 37715		do	Apr. 6, 1922	607	
Preventative, rust (800 pounds) (barrels)	L2-8878	Feb. 1, 1922	2	SPD E-8808		Norfolk, Va.	Feb. 23, 1922	2	
Kitchens, 2-wheel field	L2-8923	Feb. 4, 1922	4			Camp Pike, Ark.	Feb. 13, 1922	4	
Motor, electric, horsepower 25, voltage 230	L2-8888	do	1	SPD E-6619		Norfolk, Va.	Feb. 23, 1922	1	
Tools, finishing blades			255	SPD E-6614		do	do	225	
Forges, B. S	L-28889	Feb. 4, 1922	50	SPD SE-2707		Camp Gordon, Ga.	Feb. 18, 1922	50	
Machine, stock screw			1	SPD 3124		do	do	1	
Escort wagons, spare parts (sets)	L2-997	Mar. 19, 1920	133						
Attachments, lantern (per set of 2)	L2-997	do							

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Escort wagons, etc.—Contd.									
Axle:									
Front (per set of 1)	L2-997	Mar. 19, 1920		SPD-3061 Sales 23774	June 7, 1920	Jeffersonville, Ind.	June 14, 1920	133	
Hind (per set of 1)	L2-997	do		SPD-3061 Sales 23774	do	do	do	133	
Blocks, brake (per set of 2)	L2-997	do		SPD-3031 Sales 23772	do	do	do	266	
Bow (per set of 1)	L2-997	do		SPD-18426 Sales 26931		A. R. D., Columbus, Ohio.	July 17, 1920	665	
Wheel:									
Front (per set of 2)	L2-997	do		SPD-18424 Sales 26934		do	do	266	
Hind (per set of 2)	L2-997	do		SPD-18425 Sales 26933		do	July 21, 1920	266	
Class B trucks, wheels (lot)	L2-8581	Jan. 24, 1922	1			Camp Jesup, Ga.	Feb. 18, 1922	1	
Do	L2-8725	Jan. 28, 1922	1			do	do	1	
Stones, scythe	L2-9284	Feb. 24, 1922	50			Atlanta, Ga.		17	
Stones, scythe, (No. 191)	L2-9284	do	25			do			
Swages, Brown & Sharpe:									
Bottom—									
⅜	L2-9284	do	4			do			
½	L2-9284	do	18			do			
¾	L2-9284	do	17			do		17	
1	L2-9284	do	2			do			
8	L2-9284	do	12			do			
1½	L2-9284	do	28			do			
Top—									
¼-inch	L2-9284	do	7			do			
½-inch, without handle.	L2-9284	do	17			do			
½-inch	L2-9284	do	7			do		7	
⅝-inch, with handle.	L2-9284	do	15			do			
1-inch	L2-9284	do	7			do			
1-inch, without handle.	L2-9284	do	12			do		12	
Oval top and bottom—									
⅜-inch (pairs)	L2-9284	do	6			do			
½-inch (pairs)	L2-9284	do	6			do			
1¼-inch (pairs)	L2-9284	do	4			do			
Taps, pipe, ½-inch	L2-9284	do	10			do			
Tools:									
Sledge—									
11-pound	L2-9284	do	25			do			
Horseshoer's	L2-9284	do	15			do		15	
Saddler's set (sets)	L2-9284	do	6			do		6	
Do	L2-9284	do	13			do		13	
Bits, screw driver, ¾-inch.	L2-9284	do	25			do			
Tubing, rubber (feet)	L2-9284	do	200			do			
Vises:									
Bench—									
4½-inch	L2-9284	do	17			do			
No. 161½	L2-9284	do	10			do			
No. 163	L2-9284	do	10			do			
Blacksmith—									
4½-inch	L2-9284	do	10			do			
5-inch	L2-9284	do	14			do			
6-inch	L2-9284	do	12			do			
Hand, for Artillery heavy battery.	L2-9284	do	4			do			
Wheelbarrows	L2-9284	do	10			do			
Wicks:									
Lamp—									
½-inch	L2-9284	do	1,000			do		1,000	
1½-inch	L2-9284	do	500			do		500	
Hand	L2-9284	do	300			do		300	
Lantern	L2-9284	do	1,500			do			
⅝-inch	L2-9284	do	500			do			
Wrenches:									
Awl	L2-9284	do	80			do			
Fire plug	L2-9284	do	3			do		3	
Forge ½-inch by 5 inches.	L2-9284	do	6			do			
Machinist, W. & B. improved 8-inch.	L2-9284	do	25			do			
Compound, valve-grinding:									
Coarse (cans)	L2-9284	do	5			do			
Fine (cans)	L2-9284	do	5			do			
Dressing:									
Carriage top (cans)	L2-9284	do	20			do			
Harness, black (cans)	L2-9284	do	45			do			
Harness, black (gallons).	L2-9284		37			do			
Harness, black (cans)	L2-9284	do	4			do			
Do	L2-9284	do	7			do			
Harness, black (tins)	L2-9284	do	62			do			
Grease, axle (cans)	L2-9284	do	36			do			
Grease, axle (pounds)	L2-9284	do	210			do		480	
Do	L2-9284	do	63½			do			
Grease, axle (cans)	L2-9284	do	19			do			
Grease, axle (pounds)	L2-9284	do	60			do			
Oil:									
Leather, bulk (gallons)	L2-9284	do	61			do		60	
Neat's-foot (gallons)	L2-9284	do	50			do		48	
Harness, cart, single set (sets).	L2-9284	do	56			do		56	
Ranges, field, No. 1	L2-9284	do	10			do		10	
Hatchets:									
Broad, No. 1	L2-9284	do	50			do			
Broad, 4½	L2-9284	do	75			do			
Claw	L2-9284	do	25			do		25	
4-inch	L2-9284	do	188			do			
Half, No. 2, with handle.	L2-9284	do	15			do		15	
Camp, with handle, 3½	L2-9284	do	125			do		115	

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Lacing, belt, cotton	L2-9284	Feb. 24, 1922	50			Atlanta, Ga.			
Lanterns, coil:									
Armspear	L2-9284	do	100			do			
Adlake	L2-9284	do	100			do			
Dietz	L2-9284	do	100			do			
Dietz flashlight	L2-9284	do	25			do			
Lanterns, Windsor	L2-9284	do	100			do			
Mallets, wood	L2-9284	do	4			do			
Do	L2-9284	do	50			do			
Do	L2-9284	do	25			do		42	
Mallets, wood, 2½-inch	L2-9284	do	49			do		32	
Mattocks, small	L2-9284	do	200			do		234	
Mauls:									
Iron, without handle	L2-9284	do	19			do		19	
Wood	L2-9284	do	16			do		10	
Nails, roofing, tarred, ⅞-inch (pounds).	L2-9284	do	100			do			
Nails, wire, common:									
4d (pounds)	L2-9284	do	200			do			
8d (pounds)	L2-9284	do	300			do			
10d (pounds)	L2-9284	do	10,000			do			
12d (pounds)	L2-9284	do	600			do			
16d (pounds)	L2-9284	do	1,000			do			
20d (pounds)	L2-9284	do	5,000			do			
30d (pounds)	L2-9284	do	300			do			
Nozzles, hose, garden, ¾-inch (pounds).	L2-9284	do	40			do			
Pickaxes, without handles	L2-9284	do	1,000			do			
Picks:									
Ice	L2-9284	do	19			do		19	
Mattock, intrenching	L2-9284	do	34			do			
Railroad	L2-9284	do	100			do			
Pliers, saddler's, flat nose:									
8-inch	L2-9284	do	10			do		10	
10-inch	L2-9284	do	20			do			
Pots, soldering, 9-inch	L2-9284	do	6			do		6	
Reamers, half round:									
Bitstock	L2-9284	do	100			do			
5½	L2-9284	do	29			do			
Saws:									
Crosscut	L2-9284	do	50			do			
Folding	L2-9284	do	18			do		24	
38-inch	L2-9284	do	6			do			
Crosscut	L2-9284	do	100			do			
Hand—									
20-inch	L2-9284	do	18			do		18	
22-inch	L2-9284	do	8			do			
28-inch	L2-9284	do	4			do		4	
Crosscut—									
24-inch	L2-9284	do	23			do			
26-inch	L2-9284	do	100			do			
28-inch	L2-9284	do	1			do		4	
Nest, 3 to set	L2-9284	do	16 sets.			do			
Tools, crosscut	L2-9284	so	25			do			
Scrapers, box, No. 15 Dandy.	L2-9284	do	14			do		14	
Shears, reaching, 9-inch, curved.	L2-9284	do	28			do		28	
Soap, harness, 1-pound tins.	L2-9284	do	500 tins.			do		500	
Shovels, short handle:									
Round point	L2-9284	do	800			do		800	
Square point	L2-9284	do	500			do		184	
Spikes, wire, 9-inch	L2-9284	do	250 lbs.			do			
Staples, wire, 1½-inch	L2-9284	do	300 lbs.			do			
Stocks and dies, pipe (sets)	L2-9284	do	3			do		3	
Stocks, pipe, 20 inches by 22 inches.	L2-9284	do	3			do			
Dies:									
Calk, B. S	L2-9284	do	9			do	Apr. 12, 1922	9	
Setting—									
No. 4 (sets)	L2-9284	do	10			do			
No. 5	L2-9284	do	10			do			
Drills:									
Post, No. 97	L2-9284	do	3			do	Apr. 12, 1922	3	
Stone	L2-9284	do	10			do			
Stone, 22-inch	L2-9284	do	6			do			
Files, steel:									
Round—									
Bastard—									
10-inch	L2-9284	do	200			do	Apr. 12, 1922	200	
14-inch	L2-9284	do	200			do			
2d cut, 14-inch	L2-9284	do	50			do			
Saw, band, blunt, 8-inch	L2-9284	do	50			do	Apr. 12, 1922	50	
Globes, lantern:									
Clear	L2-9284	do	1,175			do			
Clear	L2-9284	do	300			do			
Grinders, tool:									
Carborundum	L2-9284	do	16			do			
Do	L2-9284	do	18			do	Apr. 12, 1922	18	
Emery	L2-9284	do	6			do	do	6	
Do	L2-9284	do	9			do	do	9	
Grindstones:									
Mounted	L2-9284	do	2			do	do	2	
Unmounted	L2-9284	do	5			do	do	5	
Hammers:									
Farriers'—									
Rounding	L2-9284	do	40			do	do	40	
Do	L2-9284	do	30			do	do	30	
Do	L2-9284	do	40			do			
Shoeing, handled	L2-9284	do	15			do	Apr. 12, 1922	15	
Driving or shoeing	L2-9284	do	75			do	do	75	
Shoeing, with handles.	L2-9284	do	75			do	do	75	
Turning, catshead	L2-9284	do	10			do			
Tinners' riveting	L2-9284	do	50			do			

Materials furnished to highway department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority. No.	Authority. Date.	Ship from—	Shipped. Date.	Shipped. Number.	Remarks.
Handles:									
Adz, 36-inch	L2-9284	Feb. 24, 1922	275			Atlanta, Ga			
Auger, wood	L2-9284	do	25			do			
Ax, 36-inch	L2-9284	do	1,800			do		240	
Ax, hand painted, 14-inch.	L2-9284	do	200			do			
Chisel—									
Socket, framing, 6-inch.	L2-9284	do	50			do			
Hot	L2-9284	do	64			do		64	
Hot, 24-inch	L2-9284	do	2			do			
Hammer—									
B. S., 14-inch	L2-9284	do	250			do			
Claw	L2-9284	do	40			do			
Machinist, 14-inch	L2-9284	do	175			do			
Hatchet, claw—									
14-inch	L2-9284	do	375			do			
15-inch	L2-9284	do	275			do			
Pick, mattock—									
33-inch	L2-9284	do	2,384			do		100	
36-inch	L2-9284	do	1,600			do		4,695	
Helves, pickax and mattock, 34-inch.	L2-9284	do	800			do			
Handles:									
Post maul	L2-9284	do	145			do		103	
Plane, jack	L2-9284	do	40			do			
Rake—									
5½-foot	L2-9284	do	90			do		90	
6-foot	L2-9284	do	40			do		40	
Saw—									
Coping	L2-9284	do	30			do		30	
Crosscut	L2-9284	do	59			do		59	
Do	L2-9284	do	500			do		500	
Screwdriver, 6-inch	L2-9284	do	50			do			
Awl—									
Sewing	L2-9284	do	50			do		50	
Sewing, Albany	L2-9284	do	266			do		266	
Sewing, No. 5	L2-9284	do	148			do			
Shovel, short	L2-9284	do	708			do		708	
Dees, malleable iron, for shovel handles.	L2-9284	do	59			do		39	
Shovel, scoop	L2-9284	do	174			do			
Hammers, sledge—									
26-inch	L2-9284	do	50			do			
28-inch	L2-9284	do	100			do		18	
Hatchets, broad, 3	L2-9284	do	100			do		108	
Ranges, field, No. 2	L2-9284	do	10			do		10	
Rope, manila:									
½-inch (pounds)	L2-9284	do	2,500			do	Mar. 14, 1922	2,500	
⅝-inch (pounds)	L2-9284	do	1,580			do	do	1,581	
¾-inch (pounds)	L2-9284	do	3,000			do	do	2,988	
Saws, circular, 17-inch	L2-9390	Feb. 27, 1922	4	SPD SE-4755		New Orleans, La	Mar. 14, 1922	4	
Shovels, long handle	L2-9390	do	356	SPD SE-4807		do	do	356	
Nozzle, hose	L2-9390	do	2			do	do	2	
Chests, farriers', blacksmith	L2-9391	do	2	SPD C-7146		Camp Funston, Kans.	Mar. 22, 1922	2	
Hooks, cant	L2-9391	do	5	SPD C-7146		do	do	5	
Mauls	L2-9391	do	114	SPD C-7146		do	do	114	
Pumps, trench	L2-9495	Feb. 28, 1922	10	SPD SE-4714		New Orleans, La	Mar. 14, 1922	10	
Wheelbarrows, steel tray	L2-9495	do	20	SPD SE-4910		do	do	20	
Levels, locators	L2-9496	do	25	SPD E-3014		Camp Pike, Ark	Mar. 15, 1922	25	
Mauls, iron, 10-pound	L2-9496	do	13	SPD E-3014		do	do	13	
Nails, 10d. (pounds)	L2-9496	do	500	SPD E-3014		do	do	500	
Paper, drawing (sheets)	L2-9496	do	300	SPD E-3014		do	do	300	
Blower, direct connection, 10-inch suction, 14-horsepower motor.	L2-9661	Mar. 3, 1922	1			Picatinny Arsenal, N. J.	Apr. 8, 1922	1	
Engine, steam:									
Small size, vertical	L2-9661	do	1			do	do	1	
Vertical	L2-9661	do	2			do	do	2	
5 by 5 inches	L2-9661	do	2			do	do	2	
6 by 6 inches	L2-9661	do	1			do	do	1	
Machines, hand screw	L2-9661	do	5			do	do	5	
Wheels, emery, 2 by 24 inches	L2-9661	do	6			do			Not available.
Oil:									
Soluble (gallons)	L2-9662	do	1,300	Wau. S-6434		Long Island Air Reserve depot.	Apr. 10, 1922	1,300	
Transil (gallons)	L2-9662	do	1,550	Wau. S-6434		do	do	1,550	
Lard (gallons)	L2-9662	do	4,300	Wau. S-5434		do	do	4,300	
Lathes, McDougal, 21 by 7 inches.	L2-9711	Mar. 4, 1922	2			Picatinny Arsenal, N. J.	Apr. 19, 1922	2	
Motor, induction, 5-horsepower.	L2-9711	do	1			do			Not shipped
Harness, artillery (sets)	L2-9734	Mar. 10, 1922	150			New Cumberland, Pa			
Do	L2-9734	do	25			do			
Saws, band	L2-9806	Mar. 7, 1922	9			Erie, Pa	Apr. 21, 1922	3	
Wheels, emery	L2-9806	do	4			do	do	4	
Do	L2-9806	do	3			do	do	3	
Do	L2-9806	do	3			do	do	3	
Reamers, machine	L2-9806	do	4			do	do	4	
Wheels, emery cup	L2-9806	do	1			do	do	1	
Do	L3-9806	do	7			do	do	7	
Wheels, emery grinding	L2-9806	do	5			do	do	5	
Taps, screw machine:									
12-28	L2-9806	do	3			do	do	3	
7-36	L2-9806	do	75			do	do	85	
14-25	L2-9806	do	7			do	do	7	
5-36	L2-9806	do	8			do	do	8	
6-40	L2-9806	do	9			do	do	9	
4-48	L2-9806	do	9			do	do	9	
3-56	L2-9806	do	29			do	do	29	
Pins, taper, steel	L2-9806	do	50			do	do	50	
Blades, saw, hack, power	L2-9806	do	30			do	do	26	
Dies, adjustable, round:									
⅜-9 (sets)	L2-9806	do	6			do	do	6	
¾-10 (sets)	L2-9806	do	5			do	do	5	

Just a few days ago I received a letter from the auditor of the State of Tennessee asking me to furnish him with a detailed statement of equipment furnished by the Government to the Tennessee State Highway Department, and in which it is stated that he is unable to get such information from the State highway department. Here is what he said to me in this connection:

STATE OF TENNESSEE,
DEPARTMENT OF STATE AUDITOR,
Nashville, June 12, 1922.

Hon. W. F. CLOUSE,
Washington, D. C.

DEAR SIR: If I remember correctly, the equipment furnished the various States for good-road purposes is distributed through the Agricultural Department, shipped to the State highway departments, and this department is desirous of securing a complete inventory of all equipment furnished the State highway department of this State, and would like, if possible, to have cost price of each item of equipment furnished by the Government to Tennessee.

We have not the act of Congress providing for a distribution of such road equipment before us and may be mistaken as to what department that distributes, whether it is the War Department or Agricultural Department, but are of the impression that it all comes from the War Department through the Agricultural.

If not asking too much of you, will be under obligations if you will see that we get this inventory, to the end that we can make a proper showing to the people of Tennessee of the equipment received from the Government and the disposition of the same, as complaint is being made against the highway department of the State, and I have been unable to secure this from the State highway department.

With best wishes, I am,
Truly your friend,

T. W. WADE, *State Auditor.*

I do not know just what is meant by the language "unable to get this information from the State highway department" in the letter of the State auditor, but this I do know: If it is because they do not have much data, then they have shown themselves to be utterly incapable of management, and if it is because they have deliberately refused to give an account, then the investigation which is asked for in the resolution introduced by my colleague and by myself, in either event, should be adopted and the matter carefully investigated to the end that the greatest good may be attained in the expenditure of the moneys which we have provided for building good roads for the next three years.

The roads upon which they are now working in my district are meritorious, but the progress is too slow. The roads upon which I hope to see work commenced and prosecuted to completion under both business and economical methods will open up a territory rich in the natural resources of the Nation, such as is to be found in Clay and Pickett and Cumberland and Fentress and Overton and other counties in my district, than which no richer soil is to be found anywhere, and where the people are of the purest strain of Anglo-Saxon blood in all the world. [Applause.]

AUTOMOBILE TRUCKS, TRACTORS, MOTOR CYCLES, AND BICYCLES.

I here insert the statement furnished me by the Bureau of Public Roads showing the number of trucks, tractors, and so forth, furnished to the State highway department of Tennessee out of surplus war material and which shows the kind and number as well as the date when shipped and the appraised value of same.

From this statement we see that there has been furnished 660 one to five ton trucks and 233 bicycles, a sufficient number to have supplied each of the 95 counties in Tennessee with seven automobile trucks, or enough to have enabled each county to carry on the work of improving their roads in an economical manner. This has not been done. If this property had been equitably distributed among the counties of my State, each county would have received, according to appraised values, the sum of $23,804.58 in automobile trucks alone.

Trucks, tractors, etc., furnished to State Highway Department of Tennessee.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
2-ton International Harvester, new.	T-71	May 24, 1919	2	6460-121	June 4, 9919	Camp Jesup, Ga.	Oct. 9, 1919	2	
3-ton Peerless, new			17			Cleveland, Ohio	June 25, 1919	17	
3-ton heavy aviation, new			21			Camp Holabird, Md	July 23, 1919	21	
2-ton Nash Quads, new			88			Chicago, Ill	July 3, 1919	83	
2-ton Nash Quads, used	T2-27	May 28, 1919	29	6651-255	June 14, 1919	Camp Jackson, S. C	July 12, 1919	29	
Do			1			Lexington, Ky			
3-ton heavy aviation, used			20			Camp Holabird, Md	July 11, 1919	20	Received Oct. 9.
2-ton Nash Quads, used			2			Port Newark, N. J	June 24, 1919	2	
Do	T2-102		2	6652-256	July 2, 1919	Park Field, Tenn			See T4.
2-ton Republic	T2-27X	Nov. 25, 1919	3	9043-57		Camp Jesup, Ga	Jan. 16, 1920	3	Unserviceable.
2-ton Nash Quads, new	T3-40	June 19, 1919	67	7282-559	July 3, 1919	Jeffersonville, Ind	Aug. 19-25, 1919.	67	Received Oct. 9.
2-ton light aviation, new			11			Camp Jesup, Ga	Aug. 22, 1919	11	
3-ton Kelly-Springfield (heavy aviation), new.			13						Canceled M. T. C., Dec. 20, 1919.
5-ton Hulbert, new			1			P. & S. O. Sq., Amboy, N. J.	Sept. 2,	1	
Packard, 3-ton	T4-40	Apr. 3, 1920	3	9043-311		Camp Jackson, S. C	Apr. 29, 1920	3	
Do		do	3	9043-89		do	May 1, 1920	3	Rated unserviceable.
Do		Feb. 9, 1920	3	9043-254		Curtiss p., Buffalo, N. Y.	Feb. 13, 1920	3	
F. W. D., 3-ton		Jan. 27, 1920	26	9043-98		Fort Benjamin Harrison, Ind.	Mar. 1, 1920	26	
Do		Dec. 18, 1919	47	9043-90		Minig Pier, Chicago, Ill.	Dec. 26, 1920	15	F. W. D. Auto Co.
Selden, 3-ton		Mar. 23, 1920	6	9043-99		Lee Hall, Va	May 20, 1920	6	
Nash, 2-ton		Mar. 12, 1920	14	9043-175		Camp Bragg, N. C	Mar. 19, 1920	14	
Velie, 1½-ton		Feb. 18, 1920	3	9043-279		Willington, Tenn	Mar. 17, 1920	3	
G. M. C. (light aviation)		Mar. 5, 1920	4	9043-54		Camp Jesup, Ga	Apr. 28, 1920	4	
Republic, 1-ton		do	4	9043-57		do	do	4	
Nash, 2-ton		do	1	9043-183		do	do	1	
Pierce Arrow, 4-ton		do	1	9043-24		do	May 5, 1920	1	
Pierce Arrow (Nashville), 5-ton.		Dec. 29, 1919	21	9043-10		Camp Holabird, Md	Feb. 18, 1920	21	
Pierce Arrow, 2-ton		Jan. 13, 1920	2	9043-72		Buffalo, N. Y	Jan. 29, 1920	2	
Pierce Arrow, Knoxville), 5-ton.		Dec. 29, 1919	4	9043-16		Camp Holabird, Md	Feb. 18, 1920	4	
Pierce Arrow (Jackson), 5-ton.		do	4	9043-10		do	Feb. 25, 1920	4	
Standard, 3½-ton		Feb. 6, 1920	4	9043-95		Buffalo, N. Y	Feb. 13, 1920	2	Canceled.
Pierce Arrow, 2-ton		Apr. 20, 1920	3	9043-101		Camp Wadsworth, S. C.	Apr. 29, 1920	3	
G. M. C., 1½-ton		May 6, 1920	1	9043-308		Jacksonville, Tenn	June 8, 1920	1	Convoyed.
G. M. C., 2-ton		do	4	9043-308		do	do	4	
G. M. C., 3½-ton		do	2	9043-308		do	do	2	
G. M. C., 5-ton		do	2	9043-308		do	June 19, 1920	2	
Republic, 2-ton		July 10, 1920	1	9043-308		do	Sept. 17, 1920	1	
Republic, 3½-ton		do	1	9043-308		do	do	1	
G. M. C., 5-ton		do	1	9043-308		do	June 8, 1920	1	
G. M. C., 3½-ton		do	1	9043-308		do	do	1	
Vim, ¾-ton		do	1	9043-308		do	do	1	
Dodge, light delivery		Apr. 2, 1921	3			Camp Jesup, Ga	Apr. 23, 1921	3	
Do	T4-40	July 25, 1921	2	2003-26		do			
Buicks	A-50		9	6928-419	Aug. 5, 1919	Sheffield, Ala	Aug. 26, 1919	9	Five to be returned canceled.

Trucks, tractors, etc., furnished to State Highway Department of Tennessee—Continued.

Item.	Requisition No.	Date.	Quantity.	Authority.		Ship from—	Shipped.		Remarks.
				No.	Date.		Date.	Number.	
Stutz			1			Jacksonville, Tenn	Dec. 30, 1919	1	Convoyed.
Franklin			1			do	do	1	
Fords	F-40	June 5, 1919	22	6795-290	June 21, 1919	Camp Knox, Ky	Oct. 9, 1919	22	
Touring	F2-40	Mar. 31, 1920	7	9043-49		Camp Jesup, Ga	May 5, 1920	7	
Light delivery	F2-40	do	7	9043-54		do	do	7	
Ambulance	F2-40	Dec. 20, 1919	12	9043-145		Newport News, Va	Jan. 23, 1920	12	
Do	F2-40	Mar. 15, 1920	6	9043-75		Fort Benjamin Harrison, Ind.	Jan. 27, 1920	6	
Touring	F2-40	Feb. 12, 1920	1	9043-279		Millington, Tenn	Mar. 7, 1920	1	
Truck	F2-40	do	1	9043-279		do	do	1	
Chassis	F2-40	do	1	9043-279		do	do	1	
Touring	F2-40	May 28, 1920	8	9043-308		Jacksonville, Tenn	July 12, 1920	8	Unserviceable.
Truck	F2-40	do	7	9043-308		do	do	7	Do.
Touring	F2-40	do	1	9043-308		do	do	1	Rated unserviceable.
Truck	F2-40	do	1	9043-308		do	Sept. 7, 1920	1	
1-ton	F2-40	Apr. 7, 1921	1	2003-11		Camp Jesup, Ga	Apr. 25, 1921	1	
G. M. C. ambulance	T4-40A	Nov. 28, 1919	8	9043-22		Camp Holabird, Md	Nov. 28, 1919	8	Unserviceable.
Nash Quad, 2-ton	T2-102	June 19, 1919	2	66652-256	July 2, 1919	Chicago, Ill		2	Chg. T4.
Kelly Springfield	T3-40	June 19, 1920	10	7282-559	do	Fort Benjamin Harrison.	Dec. 2, 1920	10	Do.
White, ¾-ton	T4-40	Apr. 7, 1921	1	2003-11		Camp Jesup, Ga	Apr. 25, 1921	1	
Dodge, patrol			2	2003-11		do	Apr. 9, 1921	2	
Riker:									
Cargo, 3-ton			9	2003-11		do	Apr. 23, 1921	8	
Dump			1	2003-11		do	Apr. 25, 1921	1	
3-ton		May 8, 1921	16	2003-16		Camp Normoyle, Tex	May 25, 1921	16	
Do	T4-40	July 25, 1921	1	2003-26	July 28, 1921	Camp Jesup, Ga	July 27, 1921	1	
F. W. D., 3-ton	T4-40	Aug. 15, 1921	16	2003-48	Aug. 30, 1921	Camp Bragg, N. C			
Studebaker bus	A2-40	Apr. 27, 1921	1	2003-14		Nitro, W. Va	May 26, 1921	1	
Motor cycles, Harley-Davidson.	L2-8731	Jan. 28, 1922	27			Camp Funston	Jan. 31, 1922	27	
Motor cycles	L2-5115	June 6, 1921	3			Camp Normoyle, Tex			
Bicycles	L2-5164	June 10, 1921	233	2003-17		Jeffersonville, Ind	July 2, 1921	233	
Standard, class B, 3-ton	T5-40	Sept. 14, 1921	12	2003-68		Camp Jessup, Ga	Oct. 12, 1921	12	
Do	T5-40	Sept. 17, 1921	10	2003-68		do	do	10	
Do	T5-40	Sept. 28, 1921	2	2003-54		Camp Bragg, N. C	Feb. 11, 1922	2	
Do	T5-40	Sept. 21, 1921	1	2003-54		Wilson Dam, Florence, Ala.			
White truck, 1½-ton	T5-40	do	1	2003-54		do			
Standard, class B:									
3-ton, Maryville	T5-40	Dec. 2, 1921	2	2003-68		Camp Jessup, Ga	Dec. 6, 1921	2	
3-ton, Dayton	T5-40	Dec. 8, 1921	4	2003-58		Fort Bliss, Tex	Dec. 14, 1921	4	
3-ton, Hamilton County	T5-40	Dec. 1, 1921	8	2003-68		Camp Jessup, Ga	Dec. 7, 1921	8	
3-ton, Knoxville	T5-40	Dec. 19, 1921	4	2003-68		Fort Bliss, Tex	Feb. 15, 1922	4	
3-ton, Dayton	T5-40	Dec. 22, 1921	2			Camp Boyd, Tex			
McMinnville	T5-40	Jan. 23, 1922	2	2003		Camp Funston, Kans	Feb. 8, 1922	2	
Bells	T5-40	do	2			do	do	2	
Crossville	T5-40	do	2			do	do	2	
Trenton	T5-40	do	4			do	do	4	
Loudon	T5-40	do	2			do	do	2	
Parson	T5-40	do	2			do	do	2	
Jackson	T5-40	do	2			do	do	2	
Nashville	T5-40	do	4			do	do	4	
Maryville	T5-40	do	2			do	Feb. 8, 1922	2	
3-ton, Jackson	T5-40	Feb. 4, 1922	4			Camp Pike, Ark	Feb. 11, 1922	4	
3-ton, Nashville	T5-40	do	6			do			
F. W. D., 3-ton	T5-40	Apr. 27, 1922	4			Camp Jackson, S. C	May 5, 1922	4	
Garford, 1½-ton	T5-40	May 15, 1922	5			Camp Knox, Ky			
Dodge, fire truck	T5-40	do	1			do			
Dodge, touring	A5-40		12	2003-68		Camp Jessup, Ga	Oct. 27, 1921	12	
Do	A5-40		9	2003-68		do	Nov. 14, 1921	9	

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, I very much regret that in the limited time allotted to me it will be impossible for me to give to this House the information which I believe will have a tendency at least to elicit the sympathy of the Members of the House toward the homesteaders who are building up the empire in the West.

I have heard to-day from the chairman of the subcommittee of the Committee on Appropriations that this was a Congress that was pledged to economy; and in this connection I want to say that I represent a constituency that believes in economy, and I am not presenting this measure for your favorable consideration with any other view than that of economy; not a false economy. I do not believe it is true economy when we deprive the citizens of this country of the rights to which they are justly entitled and subject them to hardships which they should not be called upon to bear. I do not believe that is the economy which we desire to practice.

I am glad to announce that I have been a homesteader myself. I homesteaded in eastern Colorado in 1885. I know the hardships of the homesteader's life, and therefore the situation in the land district in my own district appeals to me very strongly. In addition to having knowledge of the hardships undergone by the homestead entrymen, for 17 years I was receiver of the land office at Sterling, Colo. This land district comprises eight counties of eastern Colorado. It is two hundred and fifty-odd miles from the eastern portion of that district to the place where this office will be located if the office at Sterling is abolished, and it will work a great hardship on the homestead entrymen residing in that locality to transact their business that far remote from the office.

Those of you who are not acquainted with conditions may say that it will not be necessary for them to go to the local office to transact their business; but I say to you that it is very much more satisfactory for them to do so. They can have their final proof taken before a court of record, but that is an additional expense upon them, and while I know that the conditions reported from the department are not very flattering with reference to the continuance of the Sterling office, I want to recite what those conditions are. It is reported that there are only 6,000 acres of land subject to homestead entry. That is approximately true; but, in addition to that, gentlemen, there are over 600 homestead entrymen who are to-day holding lands upon which final proof has not been made, and these proofs must be made before patents can issue and before these lands are placed in the category of entered lands; so that with these claims pending there are now unsold public lands within that district amounting to more than 250,000 acres. So that in my view of the law and of the construction that should be placed upon the statute that was passed 80 years ago in reference to doing away with offices where the unsold lands were found to be less than 100,000 acres, it should not apply to the Sterling district.

The vacant Government lands that remain are not in contiguous bodies. They are in isolated tracts throughout the confines of the district. They will eventually be entered, and

thereby an additional number of parties will be called upon to make final proof away from their land offices and subject to expenses which they should not be subjected to. The receipts of the office last year were over $13,000. The expenses of administration were too high, I admit, and do not come within the 33⅓ per cent limit. The expenses should have been reduced, and the Secretary of the Interior would have been justified in consolidating the offices of register and receiver long before this time, thereby reducing expenditures. The recommendation that I made to the Committee on the Public Lands was that I would be glad to have the offices of register and receiver consolidated, and that is recommended in this bill, and it should be carried out in cutting down expenses for next year, which would give opportunity for these 600 entrymen to perfect their proof without inconvenience to them; it would, in addition to paying the expense of the maintenance of the office, return a revenue to the Treasury of about $6,000 or $7,000.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. TIMBERLAKE. I yield to the gentleman from Illinois.

Mr. McKENZIE. I have heard it stated that this bill, if enacted into law, will not place any additional burden on the taxpayers of the country. Is that the understanding of the gentleman from Colorado?

Mr. TIMBERLAKE. That is my understanding. It will not add to the expense. It is true that an appropriation must be made by Congress to pay the expenses, because the receipts of the office are returned to the Treasury of the United States. But in addition to the amount of money that will be necessary to retain these offices another year—and I believe confidently that within that year many of the proofs will be made——

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. TIMBERLAKE. Yes.

Mr. REED of West Virginia. Suppose the office is paying $20,000 in fees now, and the office is abolished. Would those fees be lost to the Treasury, or would they be paid somewhere else?

Mr. TIMBERLAKE. They would naturally be returned to the Treasury from some source. I want to refer to the entrymen, whose proofs are unperfected in that district. They are largely returned soldiers.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TIMBERLAKE. I will yield to the gentleman.

Mr. MANN. Will the gentleman very briefly state what advantage it is to the settlers to have a land office in that vicinity? Can they not do all this business by mail?

Mr. TIMBERLAKE. I will say to the gentleman from Illinois that they can not. They must either go to the office that has been designated to take the place of the local office in order to make their proof, or they must go before a court of record in the county where they live and pay an additional fee beyond the amount they have to return to the land office for repayment to the department, and that is from $5 to $7; usually $5.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield?

Mr. TIMBERLAKE. Certainly.

Mr. TILLMAN. The gentleman has been register and receiver of the land office himself?

Mr. TIMBERLAKE. I was receiver for 17 years in the Sterling office. The applicants for this Government land are largely at the present time returned soldiers. They were called to the service of their country by reason of the great World War. They made that sacrifice, and they have now returned, and many of them have found themselves in a condition that does not enable them to improve their land. With the serious failure of crops that we have had in recent years and the inability of banks to furnish them credit, they have not had the money with which to complete the proof, and I am begging for them an additional year, so that they can complete their entries without additional expense on their part. [Applause.]

Mr. CRAMTON. Mr. Chairman, I yield fifteen minutes to the gentleman from Kentucky [Mr. OGDEN].

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. OGDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. OGDEN. Mr. Chairman, the recent legislation for the concentration of distilled spirits into a limited number of warehouses, and which was tacked on the Treasury appropriation bill, provides that the transfer shall be made upon the initiative of the Commissioner of Internal Revenue, who shall prescribe regulations for the removal and shall also prescribe the forms and penal sums of the bonds to be executed, one to cover the liquor while in storage and the other to cover it in transit and in storage. The regulations have just been formulated, and I presume the work of concentration will begin soon.

I wish to call attention to the situation that is created by this act and the complications that will very likely follow any attempt to proceed as mapped out by the regulations. By section 5 the commissioner initiates the transfer of the spirits by directing their removal to a concentration warehouse designated by him, and as a means of carrying his order into effect he may invoke the power conferred by sections 3272, Revised Statutes, and 57 of the act of August 27, 1894. These statutes provide that the commissioner may require distilled spirits to be transferred to some other warehouse designated by him whenever, in his opinion, any distillery or other warehouse is unsafe or unfit for use, or the merchandise therein is liable to loss or great wastage, or whenever distilling shall have been suspended for a certain period and the quantity of spirits remaining in the distillery warehouse is less than a fixed number of proof gallons.

The new act extends the commissioner's powers by authorizing him to direct removal for the purpose of concentration. Hence it was deemed necessary to expressly authorize the transfer of whisky to concentration warehouses and not rely upon existing statutes to accomplish that purpose.

The purpose of the concentration is to serve the Government by cutting off the present cost of guarding the warehouses and shifting that expense and responsibility to others. The penalty part of the old statutes to which the regulations refer as embracing the power to compel the removal reads as follows:

> Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer as ascertained and determined by the commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the cost and expenses of such sale and removal, and the balance paid over to the owner of such merchandise.

Evidently if this penalty is relied upon for the authority to compel removal it will be mandatory upon the officer to sell the whisky at public auction to the highest bidder and turn it over to his possession. The duty to do so can not be evaded if the law is to be followed, because delivery is necessary to complete the sale. There is no provision in existing law and none referred to in the regulations that permits a seizure and taking possession of goods of this character for the purpose of concentration, and there is no appropriation to cover the cost incident to the transfer of liquor from one warehouse to another. The only source from which funds may be obtained under present law to defray the expenses incident to enforced removal is from the seizure and sale of the liquor and delivery thereof to the highest bidder. Is it to be presumed that the commissioner will proceed in this manner and thus defeat the very purpose of the prohibition act? Indeed, if such course were taken there would hardly be any need for the concentration warehouse.

Without the consent of the distiller to the removal, the transfer can not be lawfully effected. Then, shall it be assumed that through some agency of the Government it will be sought to compel concentration, if not under the law, then in the name of prohibition? It will be illuminating in this connection to read the evidence of Assistant Attorney General Holland, who was very ably examined by my colleague from Kentucky, Mr. JOHNSON, who, by the way, is the best-posted Member of the House on this subject:

> Mr. JOHNSON. You say the rights are found in this (the concentration legislation). I find in here the right of the commissioner to take the initiative toward removing spirits for the purpose of concentration; but, beyond taking the initiative, I do not find any authority conveyed upon him by which the removal may be concluded.
>
> Mr. HOLLAND. I think, Mr. Congressman, that I read the act the same as you do, and I entertain the same opinion that your question indicates you entertain.

Notwithstanding the plain meaning of the statute and the opinion of the Department of Justice that there is no authority of law for the use of force to compel removal, the department has incorporated in the regulations this language:

> The powers in section 3272 * * * will be invoked by the commission to compel the removal * * *.

Why this threat of force when none can be legally used? Is it the intention to intimidate the distiller and thereby obtain his consent to removal or to actually override the law and force the transfer? But if neither is the purpose, then what is the justification for putting the prohibition enforcement service before the public as inspiring claims to powers which it does not possess? Such action is certainly not in keeping with the candor and fairness that should characterize the administration of law enforcement and deserves to be denounced as being unworthy of any agency of this Government.

I do not apprehend, however, that citizens whose rights are involved will submit to having their property buffeted around by Federal officers claiming authority under statutes which are wholly inapplicable. I apprehend that injunctive relief will be sought from such threatened unlawful acts by these officers and that ultimately the Government will be forced to abandon its high-handed methods and deal with the question with due and proper regard for the rights of these citizens.

Relative to the treatment of accrued charges against distilled spirits and the cost of transportation, the regulations make the following provision:

Upon removal of spirits to a concentration warehouse, by order of the commissioner, settlement of accrued charges against such spirits and transportation costs to the concentration warehouse may be had, for example, in one of the following ways:

(a) Payment of accrued charges by the owner of the spirits to the distiller or proprietor of the warehouse from which spirits are to be removed, and payment of transportation costs by the owner.

(b) Assumption of accrued charges and transportation costs by the proprietor of the concentration warehouse to which the spirits are removed.

It would appear that the department may have in mind other ways for handling these charges, as the two given are referred to as mere "examples." It will be noted that in seeking to make a success of this undertaking the interests of both the owner and distiller are given slight, if any, consideration. The proprietor of the concentration warehouse is permitted to "assume" the accrued charges on the spirits, whether the warehouseman, to whom they are payable, consents to it or not, and, although he may be rated as slow pay, or even insolvent, he is not even required to secure the payment of these charges by collateral or otherwise. No provision whatever is made for safeguarding the distillers' interest, but he must stand by in silence while the rights guaranteed to him under the organic law of the land are trampled under foot and held in contempt. Therefore, the time has now come in the history of prohibition enforcement when public officials feel justified in doing indirectly that which they are expressly prohibited from doing directly. The people owning and having an interest in this property are not outlaws or enemies to society, but many of them are among the best citizens. They engaged in the distillery business and created their stocks under the sanction and approval of the law, and for four years or more they have waited for their Government to announce a policy that will permanently fix the status of these stocks. They are entitled to have their property rights respected and treated on a basis of fairness, and not otherwise.

The regulations failed to enumerate the items constituting the so-called "accrued charges." The warehouseman has a lien on the liquor for storage, bottling, recooperage, and insurance, and besides, under the laws of some of the States, including Kentucky, he is liable for the State, county, and municipal taxes which are assessed. It is not stated whether all or only a part of these items are included. The fact is the question is left open to doubt and perhaps litigation to the annoyance, inconvenience, and expense to the parties concerned.

There are many other elements left to conjecture which enter very largely into the removal proposal, such, for instance, as allowance for leakage or loss by unavoidable accident. We should enact a full and comprehensive statute setting forth the obligations which the distiller should bear and such burdens as the Government should assume instead of attempting to cover this large field by an extremely narrow and limited act.

I have read the bond which the proprietor of a concentration warehouse is required to execute and considering its far-reaching and exacting terms I doubt whether any solvent person would be willing to assume the obligations. However, I do not care at this time to enter upon a discussion of this feature of the question. Mr. Chairman, if concentration is the remedy and we are to proceed as outlined by the department, then I favor the Government purchasing all of the whisky contained in the warehouses of the country at a fair price, thus bringing to an end the state of uncertainty in which this question has existed since the enactment of the so-called Volstead law. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. TILLMAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, the gentleman from Illinois [Mr. MANN] a moment ago asked what is the need of these land offices and what is the necessity for maintaining them? That is the real question with which we are dealing here at the present time. If these offices are not needed, they ought not to be continued; but, on the other hand, if they are needed and if the local situation is such that the people there need the continuation of these offices, and it is to their advantage to continue them, they should be continued.

But before I deal with that question I desire to take up just for a moment some of the figures in connection with these offices, because I think some of the figures which have been given to the House are incorrect. All of the figures which I shall give you are taken from the annual report of the Commissioner of the General Land Office for the fiscal year ending June 30, 1921, which are the latest available or received directly from the local land offices, so that I have reason to believe that they are entirely accurate, or at least nearly so.

From the report it appears that the Bellefourche office had an income of $30,326.80 for 1921. The expenses were $10,205.25, so that that office turned into the Treasury $20,121.55 above all expenses. It is fair to assume that it will continue for some time to turn in a large revenue.

The same is true of every office, with one exception, that is contained in this bill.

The receipts of these offices as a whole for 1921 were $151,618.39. The total expense of operation was $80,407.76. So that the net revenue to the Government above all expenses for maintaining them was $71,210.63.

Following are the figures in detail:

Statement of income and expense and net gain to the Government in the following land offices for the year ending June 30, 1921.

Bellefourche, S. Dak.:	
Income	$30,326.80
Expense	10,205.25
Net gain	20,121.55
Westerville, Wash.:	
Income	11,913.49
Expense	8,186.27
Net gain	3,727.22
Dickinson, N. Dak.:	
Income	5,482.00
Expense	6,787.41
Net loss	1,305.41
Del Norte, Colo.:	
Income	5,129.23
Expense	3,067.18
Net gain	2,062.05
Sterling, Colo.:	
Income	13,070.18
Expense	10,802.04
Net gain	2,268.14
Clayton, N. Mex.:	
Income	18,114.71
Expense	12,657.50
Net gain	5,457.21
Fort Sumner, N. Mex.:	
Income	29,218.22
Expense	11,707.00
Net gain	17,511.22
Harrison, Ark.:	
Income	8,815.11
Expense	6,148.60
Net gain	2,666.51
Camden, Ark.:	
Income	20,135.52
Expense	4,482.85
Net gain	15,652.67
Alliance, Nebr.:	
Income	9,413.13
Expense	6,363.66
Net gain	3,049.47
Gross earnings of all land offices	151,618.39
Total expense of operation	80,407.76
Total net earning of United States	71,210.63

Mr. LAYTON. Will the gentleman yield for a question?

Mr. WILLIAMSON. Yes.

Mr. LAYTON. If there were no land offices at all it would all go into the Treasury for the benefit of the people, would it not?

Mr. WILLIAMSON. The fees would still go into the Treasury; but let me say to my friend that while this money would go into the Treasury it would not eliminate the expense. It is proposed, for instance, in my district, to eliminate the office at

Timber Lake. The entire office force has been ordered to go into the Pierre land office, to which the work of the Timber Lake office will be transferred, with the exception of the register and receiver, and these offices are consolidated in the bill, so that in the event the office is closed the saving will be nothing like what is claimed here. It has been said that the saving will be $128,000 a year if the offices in this bill are discontinued. As a matter of fact, the saving would not be over $35,000 or $40,000. The statement shows that the total operating expenses are only $80,407.76; then, how can there be a saving of $128,000? The loss to the settlers would be many times the amount that the Government can possibly save.

Now, gentlemen, why should these offices be continued? My father was a homesteader and I grew up on that homestead. When I was old enough I went still farther west and filed on a tract of land myself and proved it up. So I think I know something about homesteading conditions. I have lived among homesteaders all my life. I have practiced in the land offices and have handled a good many contest cases before those offices in the State of South Dakota. Now, gentlemen, there are pending to-day a large number of contests in most of these offices. For instance, at the Lemmon land office—which, by the way, has been cut out by this bill—there were 196 contests filed last year, and there are exactly the same reasons for trying a contest case before the officials of the land office that there are for trying lawsuits before a court and jury. For that reason alone these offices should be maintained.

There is a considerable number of contests now pending and undisposed of in all these offices. These people have the right to have those cases tried before the officials in the land office. If you abolish the land offices in my district, the people tributary to the Lemmon office will have to go an average of 195 miles overland and 325 miles by rail to reach Pierre, to which point it is proposed to transfer the business. If the Timber Lake office is abolished, they will have to travel an average of 95 miles overland and 300 miles by rail in order to reach the new office.

Mr. LAYTON. To what body for an appeal?

Mr. WILLIAMSON. They have an appeal from the local land office to the General Land Office and from the General Land Office to the Secretary of the Interior.

Mr. LAYTON. Where is the General Land Office?

Mr. WILLIAMSON. Located in Washington, D. C. My point is that if these two offices are abolished they will have to go the distances which I have mentioned to get to the nearest remaining land office. I have here a telegram from John A. Ross, register of the Bellefourche land office. Mr. Ross can not be said to be an interested party, because he retires from the office on June 30 and is not even an applicant for reappointment. I received this telegram from him the other day:

BELLEFOURCHE, S. DAK., *June 15, 1922.*

Hon. WILLIAM WILLIAMSON,
House of Representatives, Washington, D. C.:

We find from actual experience about 50 per cent of filings and proofs made before outside officers, clerks, or commissioners are erroneous and have to be rejected. This greatly increases expense to homesteaders and generally requires a trip to land office before finally straightened out. We have one proof which has been advertised four times because of such errors, and not yet completed.

JOHN A. ROSS, *Register.*
RAY L. BRONSON, *Receiver.*

Now that is simply an illustration of what happens every day when you attempt to submit the proof before inexperienced officials. These homesteaders will most of them want to go to the land office, no matter where it is located, to make their proof. It will subject each of them to an additional expense of all the way from $25 to $100 if these officers are removed. Even if they prove up before a local official they will have to pay $5 extra for making their proof, and in my district alone these additional fees and expenses will be more than enough in the coming year to maintain all the offices there.

I want to take a little time to discuss the two offices that have been stricken from the bill by the Comm ttee on the Public Lands of the House. The committee has stricken out Timber Lake and Lemmon, and I believe both offices are entitled to be retained in this bill.

While it is true that in the Timber Lake land district there are only 4,718 acres of land unentered, there are 171,600 acres of unperfected homestead entries. There are in the same district 408,373 acres proved up but not patented. The patents are held up because the people are too poor to pay for their lands. That is a fair illustration of the condition out there, and yet you are proposing to take away this land office and put these people to extra expense. The total income of the office is $231,434.91, and the total expenditure is $11,235.50. Of course these are not all earnings, because the office retains only 2 per cent of the Indian moneys collected, but by consolidating the offices of register and receiver it will be more than self-sustaining.

Now, take the office at Lemmon, S. Dak. There are 15,487 acres of land that has not been entered. There are 240,479 acres of unperfected homestead entries, so that the total acreage is over 255,000 acres. In that office there were filed in 1921 and 1922, 196 contests, of which 14 are now pending and undisposed of in the local office. In this same land district—Lemmon—there are 150,000 acres of mineral land subject to entry, upon which three oil wells are now going down. Are you going to take away this office and compel the parties to go 195 miles to get to a land office for the purpose of entering their filings?

Let me just read you what some of the people who are on the ground have to say about it. Here is a telegram from Mr. Fjetland, the editor of the local paper:

LEMMON, S. DAK., *June 13, 1922.*

Congressman WILLIAM WILLIAMSON,
Washington, D. C.:

Note that Lemmon land office is eliminated in report of committee on your bill. Should this action be sustained by House, a serious hardship will be imposed on more than 2,000 entrymen not yet proved up, whose only accessible point at all times is Lemmon. Please impress on Members that these entrymen hold more than 240,000 acres of Government land, and an accessible land office means a direct saving of thousands of dollars to them at a time when they can scarcely carry their present burdens.

O. K. FJETLAND,
Chairman of Mass Meeting.

Mr. J. A. Ross, the register of the Bellefourche office, to whom I have already referred, writes:

* * * * * * *

Economy is argued and honestly intended; but I believe that, while the Government would save some in expenses no doubt, the extra amount it would cost the people to go such long distances to transact business, the longer time they would be away from home on expenses, would be a much larger sum than the Government would save. And this expense would fall not on the whole people in the conduct of Government, but on a few pioneers, whose hard lot in opening up and developing this western country surely must excite the interest and pity of every man and woman who knows the facts of their hardships. I feel sure that, if all facts were known as you and I understand them, no change at this time would be made.

* * * * * * *

But becoming somewhat acquainted with the people and their financial condition during the almost eight years I have been here, my heart aches for them; many of them are in such financial condition that if a "fake" contest should be brought against them they could not stand the expense of defending themselves, especially at such long distances as would be imposed in a change, if tried at the land office. At best, the hard financial circumstance and short crops will drive many of those who have pioneered, toiled, and striven on these prairies to bankruptcy and ruin. I can not see how suffering can be prevented, and a change of places or the consolidation of this land office at this time with Rapid City I believe would work a hardship on many homesteaders, some living 80 miles from this office.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. SCOTT].

Mr. SCOTT of Tennessee. Mr. Chairman, my colleague [Mr. CLOUSE] and I have just introduced a resolution authorizing the Speaker of the House to appoint a select committee of five to inquire into the expenditures and distribution of moneys and properties furnished by the United States Government to the Tennessee State Highway Commission under the Federal-aid plan.

Numerous and vigorous complaints are being made by the citizens of Tennessee against alleged discriminations of the operation of the Tennessee State Highway Commission. I am authoritatively advised that the commission has refused to permit the State auditor of Tennessee to see its records. The Congress of the United States makes the Federal-aid appropriation for the specific purpose of cooperating with the States of the Union in the construction of highways, and should not permit any State highway commission to become so arrogant as to refuse to permit the records of its office to be reviewed by the representative clothed with authority, be he State or Federal official.

The taxpayers of Tennessee are entitled to know how and for what purpose their money is being expended. If the Tennessee Highway Commission has faithfully performed its duty, it should welcome an investigation, that the charge of discrimination and inefficiency might be successfully refuted and thereby restore the confidence of the people of the State.

Mr. Chairman, the blue-print report submitted by the United States Department of Agriculture, Bureau of Public Roads, giving status of expenditures on post-road projects submitted by the State of Tennessee to the Secretary of Agriculture May 31, 1922, discloses some interesting facts, which the Members of this Congress and the people of Tennessee should know. I therefore ask permission to extend this report in the RECORD.

Statement of post road projects submitted by the State of Tennessee to the Secretary of Agriculture to May 31, 1922, under the provisions of the acts of Congress of 1916, 1919, and 1921.

[United States Department of Agriculture, Bureau of Public Roads.]

NOTE.—A highway project is first submitted by the State highway department as a "project statement" which sets forth the location of the road, a general statement of the improvements contemplated, an estimate of the total cost, and a statement of the amount of Federal aid to be requested. When the project statement has been approved by the Secretary of Agriculture, the State then prepares and submits detailed plans, specifications, and estimates of cost of the project. From this data the "project agreement" is prepared and executed by the Secretary of Agriculture and the proper officials of the State.

Approval of the project statement thus designates the project as one on which Federal funds may be expended while execution of the project agreement allots a specified amount of Federal funds for expenditure on the project.

PROJECT STATEMENTS PRESENTED BY STATE (PENDING APPROVAL BY THE SECRETARY OF AGRICULTURE).

Project No.	Total cost.	Federal aid.	Miles.	Type.	County.	Name of road.	Federal aid paid.
85	$316,512.28	$158,256.14	10	Bituminous macadam	Roane	Rockwood-Kingston	

PROJECT STATEMENTS APPROVED BY THE SECRETARY OF AGRICULTURE (AWAITING SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES BY STATE).

16	$176,543.40	$88,271.70		Bridge	Montgomery	Clarksville-Dickson	
41 bal.	89,291.20	44,645.60	2.9	Bituminous macadam	Knox	Kingston Pike	
49	377,522.61	188,761.30	6.6	do	Cannon	Woodbury-County Line	
65	350,411.40	175,205.70	12.2	Pen. asphalt	Warren	County Line-McMinnville	
70	382,274.33	191,137.16	10.0	Bituminous macadam	Haywood	County Line-Brownsville	
79	46,200.00	23,100.00	0.1	Bridge	Warren and Van Buren	McMinnville-Spencer	
84	298,450.06	149,225.03	8.9	Bituminous macadam	Bledsoe	Pikeville-County Line	
7	1,720,693.00	860,346.49	40.7				

PROJECT STATEMENTS APPROVED BY THE SECRETARY OF AGRICULTURE AND FOR WHICH PLANS, SPECIFICATIONS, AND ESTIMATES HAVE BEEN RECOMMENDED FOR APPROVAL BY DISTRICT ENGINEER (INACTIVE).

None.

PROJECT STATEMENTS APPROVED BY THE SECRETARY OF AGRICULTURE AND FOR WHICH PLANS, SPECIFICATIONS, AND ESTIMATES HAVE BEEN RECOMMENDED FOR APPROVAL BY DISTRICT ENGINEER (UNDER CONSTRUCTION).

10	$454,473.94	$227,236.97	18.3	Chert	Henry	Harris-Mayfield	
37	476,312.69	238,156.34	13.5	Bituminous macadam	Campbell	County Line-Lafollette	
47A	479,797.61	239,898.80	14.5	do	Rutherford	Murfreesboro-Lavergne	
62	156,187.35	78,093.67	15.7	Chert	Lawrence	Lawrenceburg-County Line	
63	327,077.30	163,538.65	14.1	Bituminous macadam	Sumner	Gallatin	
5	1,893,848.89	946,924.43	76.1				

PROJECTS FOR WHICH AGREEMENTS HAVE BEEN EXECUTED BY THE SECRETARY OF AGRICULTURE (INACTIVE).

None.

PROJECTS FOR WHICH AGREEMENTS HAVE BEEN EXECUTED BY THE SECRETARY OF AGRICULTURE (UNDER CONSTRUCTION).

2	$68,443.78	$34,221.89	3.6	W. B. macadam and bridge	Hamilton	Chattanooga-Whitwell Pike	$10,995.61
3	131,057.41	65,528.70	10.7	W. B. macadam	Franklin	Nashville-Chattanooga Pike	29,464.56
5	38,321.91	19,160.95	2.6	do	Greene	Greenville-Newport	6,092.24
6	437,478.76	218,739.38	21.3	do	Washington	Memphis-Bristol	92,070.10
8	504,403.03	252,201.51	16.3	Bituminous macadam	Shelby	Memphis-Kerrville	165,379.99
9	145,163.71	72,581.85	7.2	Chert	Benton	Camden-Waverly	29,736.11
11A	160,960.24	80,480.11	9.9	W. B. macadam	Johnson and Sullivan	Bristol-Trade	38,414.91
12	561,412.83	279,343.99	15.7	Bituminous macadam	Union and Claiborne	Maynardville-Cumberland Gap	81,091.22
14	1,387,209.25	689,058.87	50.1	do	Grainger, Hawkins, and Sullivan.	Tate Springs-Kingsport	242,703.39
17	299,630.44	149,815.22	13.2	W. B. macadam	Overton	Livingston-Byrdstown	76,394.37
20	382,252.27	191,126.13	14.3	do	Fentress	Jamestown-Forbus	45,208.43
22	513,598.40	256,799.20	15.4	Bituminous macadam	Carroll and Weakley	McKenzie-Dresden	63,210.81
24	85,856.27	42,928.13	2.3	W. B. macadam	Marion	Chattanooga-Nashville	33,308.53
25A	710,470.92	355,235.46	19.0	Rock asphalt	Giles	Pulaski-Ardmore	200,735.60
28	646,998.16	294,114.36	14.4	Concrete	McMinn	Calhoun-Athens	175,976.50
35	369,454.13	184,727.06	10.1	do	Hamilton	Soddy-Coulterville	115,592.22
38	402,676.02	201,338.01	13.6	Bituminous macadam	White	Sparta-Crossville	39,977.27
41	434,899.53	217,499.76	12.8	Rock asphalt	Knox	Kingston Pike	88,637.64
42	192,696.45	96,348.22	8.3	Bituminous macadam	Hamblen	Morristown-Knoxville	51,748.83
46ABC	202,762.95	101,381.47	9.9	do	Dickson	Nashville-Burns	
50	551,673.70	275,836.85	15.3	do	Lincoln	Fayetteville-Shelbyville	83,507.82
52	349,443.31	174,721.65	8.3	do	Dyer	Jefferson Davis Highway	27,344.93
57	232,239.73	116,119.86	6.6	do	Madison	Upper Bells-Jackson	75,022.24
72	207,843.79	103,921.89	10.0	Chert or gravel	Marion	Chattanooga-Nashville	26,331.07
74	80,893.35	40,446.67	2.3	Bituminous macadam	Davidson	Harding Pike	8,831.17
83	69,040.80	34,520.40	0.4	Brick and gravel	Marshall	Lewisburg-Eagleville	5,619.38
26	9,166,971.14	4,548,147.59	314				1,813,354.94

PROJECTS FOR WHICH AGREEMENTS HAVE BEEN EXECUTED BY SECRETARY OF AGRICULTURE (REPORTED COMPLETE).

21	$416,145.51	$208,072.75	12.3	Chert	Carroll	Huntingdon-Camden	$89,200.09
27	88,282.92	44,141.46	20.5	Graded and drained	Lewis and Lawrence	Hohenwald-Summertown	29,888.38
2	504,428.43	252,214.21	32.7				119,088.47

PROJECTS FOR WHICH AGREEMENTS HAVE BEEN EXECUTED BY SECRETARY OF AGRICULTURE (COMPLETED AND FINAL INSPECTION MADE).

7	$193,754.89	$96,877.44	15.4	Chert	Henry	Paris-McKenzie	$49,119.71
26	458,800.24	229,400.12	11.9	Rock asphalt	Maury	Columbia-Spring Hill	188,746.74
2	652,555.13	326,277.56	27.3				237,866.45

PROJECTS FOR WHICH AGREEMENTS HAVE BEEN EXECUTED BY SECRETARY OF AGRICULTURE (COMPLETED AND PAID FOR).

4	$232,784.16	$116,392.08	12.3	W. B. macadam and gravel	Moore & Bedford	Dixie Highway	$116,392.08
13	34,648.64	17,074.32	2.8	Chert	Carroll	Paris-McKenzie	17,074.32
15	37,349.89	18,674.94		Bridge	Madison	Jackson-Brownsville	18,674.94
30	192,992.97	74,152.87	5.2	Bituminous macadam	Tipton	Hatchie River-Covington	74,152.87
32	285,289.18	134,367.51	7.7	do	Lauderdale	Ripley-county line	134,367.51
33	176,812.30	88,406.15	5.7	do	Crockett	Alamo-Bells	88,406.15
43	281,755.15	137,829.57	7.4	Bituminous concrete	Shelby	Memphis-State line	137,829.57
7	1,241,632.29	586,897.44	41				586,897.44

NOTE.—Of the serial numbers omitted from the above list No. 1 was canceled and No. 59 was disapproved by the Secretary. Nos. 18, 19, 23, 29, 31, 34, 39, 40, 44, 45, 48, 51, 53, 54, 55, 56, 58, 60, 61, 64, 66, 67, 68, 69, 71, 73, 75, 76, 77, 78, 80, 81, and 82 were not submitted.

Summary of Federal-aid operations in Tennessee to May 31, 1922.

Project agreement stage.	Number of projects.	Miles.	Total cost.	Federal aid.	
				Allotted.	Paid.
Projects completed and paid for	7	41.0	$1,241,632.29	$586,897.44	$586,897.44
Projects completed and final inspection made	2	27.3	652,555.13	326,277.56	237,866.45
Projects reported complete	2	32.7	504,428.43	252,214.21	119,088.47
Projects under construction	26	314.0	9,166,971.14	4,548,147.59	1,813,354.94
Total for agreement stage	37	415.0	11,565,586.99	5,713,536.80	2,757,207.30
Projects for which plans, specifications, and estimates have been recommended favorably by district engineer to Secretary of Agriculture, under construction	5	76.1	$1,893,848.89	$946,924.43	.....
Projects for which project statements have been approved by the Secretary of Agriculture	7	40.7	1,720,693.00	860,346.49	.....
Project statements pending approval by Secretary of Agriculture	1	10.0	316,512.28	158,256.14	.....
Total for statement stage	13	126.8	3,931,054.17	1,965,527.06	.....

Financial statement.

	Apportionment.	Value of project agreements.	Payments made by United States on project agreements.	Project statements.
Total apportionment to State by United States	$7,875,830.22	.....	.....	.....
Project agreements completed	.....	$586,897.44	$586,897.44	.....
Project agreements incomplete	.....	5,126,639.36	2,170,309.86	.....
Total, agreement stage	.....	5,713,536.80	2,757,207.30	.....
Balance of apportionment not under agreement	2,162,293.42	.....	.....	.....
Project statements approved	.....	.....	.....	$1,807,270.92
Balance for project statements	355,022.50	.....	.....	.....
Project statements pending	.....	.....	.....	158,256.14
Balance available for new work	196,766.36	.....	.....	.....

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD by printing my personal views on the merchant marine.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LAYTON. Mr. Speaker, in the matter before the House the question resolves itself primarily into the interrogation whether the Nation needs a merchant marine and why it needs it.

Before deciding this it is reasonably necessary to keep in mind certain facts which exist and which we as legislators can not evade or forget. The first fact of great importance is that the Nation has on hand a large number of vessels of various sorts and qualities, some of them fit for the purpose of merchant marine, but some unfit. Second, it costs $16,000,000 per annum to officer, equip, guard, and generally care for this fleet now owned by the Government, a fleet which, it should be borne in mind, cost the people, under the last administration, three and a half billions of dollars. Third, it is evident that these vessels must be got rid of some time by selling them either to our own people or to foreigners, unless we intend to keep them and use them under Government control.

Government control and ownership is not a very popular idea at this time, and I suspect it might as well be eliminated from consideration. We can not sell these vessels to our own people without doing something to equalize the cost difference in operation which American standards create, not only naturally but because of our laws, which compel a higher standard in the cost of operation. Now, if we sell our vessels to foreigners, advertising in advance that neither the Government of the United States nor its individual citizens will compete at the selling, which fact will be advertised by the failure to pass this bill, it follows in a common-sense fashion that without competition the fleet will be sold for a song. A $3,000,000,000 fleet will be sold for a mere tithe of its cost. If, however, a subsidy is granted, the competition will be such as to make the receipts aggregate many millions more than they otherwise would, and possibly to the extent of paying for the subsidy for at least two or three years to come, which may be time enough to establish the value of a merchant-marine service to those who now disapprove, as well as establish the necessity for the subsidy itself. If we sell this marine fleet to foreigners at a minimum price, we shall get a ridiculously petty return for what cost billions. If we put $30,000,000 a year behind the proposition as a policy of encouragement and protection, we will get more for the fleet beyond a doubt, and possibly demonstrate the necessity as well as the value of a merchant marine to the objectors of the country, without costing a penny until the demonstration is made. This is, briefly, one angle of the problem.

Another is, ought we to have a merchant marine? Personally, I believe we should. This is an age of transportation. Under modern discoveries in power and machinery, the whole world has become a great market. It makes no difference that it means transportation on the water. Transportation as a national matter must include transportation on water as well as on land. We would not let foreigners come in and buy and control our railroads or public highways, nor our internal water and coastwise trade.

I fail to understand the argument of those who say it will cost more than if we leave our Atlantic and Pacific commerce to the Jap, the Norwegian, or the British merchant marine. No doubt our coastwise traffic and even that on our rivers and canals and the Great Lakes might be cheaper if we permitted foreigners to enter into competition. But every bit of business done by foreigners is that much less done by Americans, and therefore that much less capital employed and wages paid out for the benefit of our people. Transportation on land is a prime and indispensable necessity for national commerce. If, under the Esch-Cummins law, the railroads should cease to function because profits were impossible, capital would go out of all railroads and the Government would be compelled to take them over and pay for their maintenance and operation. You gentlemen, especially from the Middle West, forget that your prosperity, your very life indeed, depends on transportation much more than those sections of the country bordering on the littoral of the continent, which in the beginning, now, and ever will furnish the people living near them transportation facilities whether the Congress cares or does not care to take an interest in the matter. I am personally amazed that the Middle West should not be more interested in transportation than any other section of the country, seeing that they have no natural transportation of any sort, and are far remote in many instances from the internal waterways which, together with the railroads, afford them their only relief. To state the problem in another way: I can not understand why the Middle West should not be the most ardent advocate of all forms of transportation inasmuch as it needs transportation most. To-day, and for a very long future, the railroads and the rivers will be the sole agencies by which the farmer, the miner, or the manufacturer of the Middle West can get his product into the marts not of the world alone but even into the congested places of the eastern sections of this country as well.

Railroad and river transportation should not be all the Middle Westerners are concerned in, unless they are satisfied to fulfill the demands of trade alone of this country and care nothing for foreign trade. If they are content to land their products on the wharves where foreigners will transport them, content because it is cheaper, it is neither patriotic nor wise. It is, on the contrary, wholly selfish, sectional, and imbued with a spirit that, carried logically into all sections of the country, means national decadence and disintegration instead of national unity and strength. In my judgment a great nation like the United States—the greatest in agriculture, the greatest in manufacturing, and

the greatest in mining—should carry its own products under its own flag into every port of trade throughout the world, for the sake of the honor of the Nation and its pride as well as the material advantages that must accrue therefrom. The late war is ended in a manner on the land. In spite of all altruism, of any idealism, there still remains the irreconcilable conflict and struggle in international trade and commerce. I am well aware of the repugnance of the dreamy indealist to such a statement; but we who still live, as well as those who will hereafter come into being, must have a chance to live, and this can be done only by being strong enough to live. Year by year our population will grow. The 100,000,000 of people of to-day will become 200,000,000 by the end of the century. Every advance made in conserving human life means a more rapid increase in population. In order to live these millions must have food, and food can only be had by labor. Whether labor is a commodity or not, it must have a living wage or the greater part of the world would starve. We might endure after a fashion by simply trading among ourselves; but this never has been done successfully, I mean prosperously and happily, by any nation we have a record of.

The greatest nations of the past owned and operated their own shipping. In fact the measure of their shipping was the measure of their power and affluence. In the late war we paid a heavy price for the lack of shipping, which would have cost most nations their national existence, and came near changing an allied victory into a German victory, thereby changing the history of man and the destiny of nations.

We have a surplus of many things—of many supremely important things, such as corn, cotton, wheat, and mineral products. A mere home market for these things would inevitably result in the decline of these productions, and so a decline of capital in the employment of labor and a decline in wages paid. Many now so employed would have to seek other employment, thus overcrowding other pursuits. No matter how beautiful the dream of life when there shall be no rivalry, no necessity for the conflict of living, it is a mere fancy and a futile hope. Such a dream is not life and never can be, except with the making of a new world, with a new humanity, and an absolute change in natural conditions. We in some way live and must live by toil and constant effort. It is the law to live by the sweat of the brow. It was the first law, and a Congress can not change it.

A millenium is a beautiful concept, but unattainable except in dreams. Of all nations, this Nation must have a market for its products because of the magnitude of its products. Therefore we must have a commanding place in international commerce, which our products of every sort demand. This must be unless we are willing to tamely and heedlessly yield that same commanding place to others who are eagerly intent upon the same purpose and who beyond a doubt, in the pursuit of that purpose, will not be afflicted by dreams of altruistic benevolence, but who will take all they can get, and take it in the most ruthless manner. Nations must strive to live as well as individuals. The same law of survival of the fittest applies equally to both.

It is the duty of Congress to furnish the same care to the Nation in all these matters as the directors of a corporation employ for the corporation which they represent. Our only reason for existence as representatives of the people is the conservation of the national interest in every legitimate and proper manner. If in doing this some section is not benefited as much as some other section, that is no reason why a body of this character should become divided and forget its duty to the national interest. There is no law passed by this body that bears equally upon all sections and confers an equal benefit upon them all. The question involved in this measure now under discussion is whether the passage of the law will prove to be a salutary measure from a national standpoint. Personally, I have always favored a subsidy on the same grounds that I favor a national post-office system, even if at the end of any fiscal year there is a deficit in the running of it, inasmuch as it is evident that the national good involved is beyond all argument when the stupendous benefits are considered.

The farmer is directly and deeply interested in a merchant marine. It is a question whether or not he is not equally interested with any other national enterprise. In order that this may be specifically shown, I am including a statement made by the National Merchant Marine Associat on, which shows how the farmers of the United States lost millions in the late war because, having no merchant marine of our own, and that of all the other nations being naturally employed in their own immediate war necessities, there were no vessels to transport our foreign products to Europe, though the need there was both constant and great and the prices high.

The statement is as follows:

During the war there was a practically unlimited market abroad for the production of American farms. For years we had relied upon foreign ships to do more than 90 per cent of our ocean transportation. Now, however, these ships were diverted to the direct war needs of the European belligerents. And there was only a handful of American ships to fall back on, for the American shipbuilding drive did not begin to produce results in measurable volume until 1919. What was the result?

The answer is found in the reports of the Secretary of Agriculture, showing the exports of farm products since the beginning of the war period. Wheat is a characteristic example. Its exportation, in bushels, has been as follows:

Fiscal year 1915	259,000,000
Fiscal year 1916	173,000,000
Fiscal year 1917	149,000,000
Fiscal year 1918	34,000,000
Fiscal year 1919	178,000,000
Fiscal year 1920	122,000,000
Fiscal year 1921	293,000,000

How the constantly dwindling supply of ocean tonnage during the war affected wheat exports progressively is plain. In 1919, however, American shipyards began to achieve quantity production; and, with facilities under our own flag available in an increasing degree, wheat shipments jumped 400 per cent over the previous year. And what is true of wheat has been true of other farm production.

Last year's exports of agricultural products, according to the Government's own figures, were valued at $2,119,000,000, or nearly half the total for all the Nation's exports. In 1917 less than a third of the aggregate was agricultural; but, with American ships in service, the proportion of farm products to the total outbound shipment is now above the pre-war level. What the effect would be of the more than $2,000,000,000 worth of excess production thrown on the home markets for lack of ocean tonnage to carry it, needs no explanation.

The share of the American farmer in the country's export trade makes the maintenance of adequate shipping facilities under the American flag more vital to him than to any other class of American producers.

I am surprised also at the report that union labor opposes the subsidy.

The aim of all labor, especially of organized labor, is, or should be, to create employment as well as conserve the interest of the unemployed. It is obvious that if we abandon all idea of a merchant marine that two results will inevitably follow: First, the practical abandonment of the shipyards of the country; second, the resulting unemployment of all Americans now employed in manning our vessels engaged in international commerce, except so far as they may obtain employment on foreign ships and get foreign wages and be under foreign conditions generally. The result in substance will be that foreign shipyards will be busy; ours will be deserted. Foreign sailors will be employed; ours will be idle. Altogether, it occurs to me that not only capital but labor itself would be practically driven away from a vast enterprise which concerns not only our national greatness and our national power, but our national opportunities for trade and commerce as well. It would be illuminating to ascertain the reason why the declaration was made by organized labor in taking this position, when everything would seem to substantiate the belief that in the very nature of things it would favor it, provided, of course, that employment and wages are desirable—the way by which millions of our people live and must live.

It is often of value in the consideration of an economic problem to ascertain if possible what "the other fellow" thinks of it, what his interest is, and what his attitude. It is very evident that from this angle of the problem our rivals in international commerce are not only deeply concerned but are in fact much opposed to the building up of a great merchant marine of the United States. This is especially true of Great Britain, which retains in active memory the knowledge that when this country gave Government aid to its shipping it equaled any merchant marine in the world, not excepting that of herself, whose command of the commerce of the world was undisputed until that time.

England has no desire to see this country support again a merchant marine. This is due not only to the loss to be sustained by her in reduced freight and passenger traffic but to the fear of the loss of power as well. The presence of the British flag flying in every port of the seven seas has been a commanding factor in not only attaining and retaining trade and commerce, but in commanding fear and respect for her power. It would be a pitiful spectacle of national weakness for this country to foolishly resolve to surrender to other nations the transportation of its products.

It would be foolish to deny that products carried in an American ship, commanded by American seamen, and flying the American flag, would have no added value nor a greater chance for barter and trade. If this is not so, why have all the great nations striven for their own merchant marine, going even to the extent of subsidizing them in order to maintain them? Without her merchant marine England would have become long ago a very unimportant power. Without it she would have

starved when the German U-boat was at work in the Great War. It was her actual salvation in that struggle. It has been a national disgrace as well as a constant national menace that this country in the face of every war emergency should have been compelled to rely on foreign shipping for water transportation.

It is proposed to scrap or sell at an astounding loss the shipping which in every emergency we stood in vital need of. Can it be seriously proposed that we suffer this loss and go back to the old conditions when foreign vessels flying foreign flags and manned by foreign seamen filled American ports, discharging and receiving cargoes? This service should be done by ourselves. There are some things connected with national interest in which the consideration of cost can not be allowed to determine the result, and this is one of them beyond a doubt. This measure involves not only the interest of the Nation in this generation but the national interest of generations to come, involving as it does national profit, prosperity, and power.

Mr. CRAMTON. Mr. Chairman, I yield to the gentleman from New York [Mr. LONDON] five minutes.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend and revise his remarks. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, in view of the constant attacks on the Republican administration, I want to incorporate in the RECORD a eulogy of the administration from a most unexpected source. [Applause.]

The Nation, one of the few valuable weeklies in the United States, and a most reliable publication, in its issue of June 21, 1922, contains under the heading "The monarchists commend Mr. Hughes," the following most interesting item:

According to the New York Russian monarchist paper, Prikarpatskaia Russ, of May 20, the "highest monarchist council" addressed the following "note" to Secretary of State Hughes indicating where the Government may expect to find support for its Russian policy:

"DEAR SIR: The highest monarchist council, heading all the Russian monarchist organizations, was deeply gratified to learn that the Government of the United States had declined all official participation at the Genoa Conference, to which representatives of the soviets had been invited by the European powers.

"The highest council of the Russian monarchists has never recognized the soviets as the legal government of Russia. It has repeatedly called the attention of the powers to the danger which menaces the world by reason of the very existence of such a destructive system based upon crime and the violation of all the spiritual and moral laws and statutes of Christian peoples.

"The highest monarchist council has deeply regretted the steps taken by the European Governments, the results of which will inevitably lead toward the recognition of the tyrants of Russia and will strengthen their rule over the unhappy country. But the truthful, eloquent, and noble voice of the United States in this affair gave new hopes to all real Russian patriots. The highest monarchist council is perfectly aware of the importance of the American point of view and the numerous good results it will bring to the whole world.

"Firmly convinced of the inevitability of the establishment of a monarchy in Russia, the highest monarchist council, in the name of the Russia that is to be, expresses its deep gratitude to the Government of the United States for the service it has rendered their fatherland, a service which resurrected Russia will never forget."

It has been my contention all along that the failure of this Government to restore friendly relations with Russia is playing into the hands of the czarists. To continue to refuse recognition to the soviet government is to refuse to recognize a fact.

At the earliest opportunity I shall take up the question at length.

For the present, utilizing the leave to extend my remarks, I shall content myself with incorporating my resolution on the subject of recognition of Russia. The resolution was introduced a year ago. Here is the resolution:

Whereas the restoration of world peace is inconceivable without the reestablishing of friendly relations with a country the territory of which extends over one-half of Europe and over one-third of Asia, and which has a population of more than 140,000,000 people; and

Whereas the Russian people, after generations of heroic effort, have overthrown the autocratic czarist government; and

Whereas the Russian people have suffered the martyrdom of nearly seven years of war, of blockading, and of excommunication by other nations; and

Whereas in order to establish normal conditions after the havoc worked by foreign and civil war it is essential that the Russian people be not only permitted to solve their complex problems without obstruction or intervention by outside powers, but that generous aid and assistance by countries with democratic institutions and democratic experience be extended to the people of Russia; and

Whereas the refusal to recognize the present government of Russia necessarily encourages professional soldiers, political adventurers, and the adherents of the czarist régime in fomenting civil war, thus intensifying the distress of a long-suffering people; and

Whereas the restoration of czarism would be inevitably followed by the oppression of religious, national, and racial minorities, by the brutal crushing of all forms of political, civil, and religious liberty, by organized pogroms and by the reestablishment of medieval institutions; and

Whereas the refusal to deal with Russia as a friendly nation is an act of injustice, is contrary to the best ideals and traditions of the American people, and is injurious to the people of the United States as well as to the people of Russia: Now, therefore be it

Resolved, etc., That the President of the United States be advised and requested, and he hereby is advised and requested, to recognize the existing Government of Russia and to reestablish friendly relations with the Government and the people of Russia.

Mr. CRAMTON. Mr. Chairman, I yield half a minute to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LOWREY. Mr. Speaker, after diligent effort to hold its membership here in sufficient number to maintain a working force, we understand that the majority is about to give up and throw the House into recess. The minority is opposed to this recess, because there are many things that ought to be attended to before it is taken. However, if our friends across the aisle are willing to accept the responsibility and go home to their constituents empty handed, who are we that we should refuse to go home also? As the humorous John Allen would have said:

We realize that the country is anxiously awaiting to hear from us. We must go home and discuss with our constituents the vital question as to whether or not we are to represent them in this House for another two years. When that is finished and—

When we can see our title clear
To two more years unfurled,
Then we can smile at Satan's rage
And face a frowning world.

Then I presume that the majority will be willing to come back and wind up its affairs, as becomes men who realize that the end is near.

But, gentlemen, at last there is a very serious side to this campaign business. A man who is capable of representing a district in Congress ought also to be capable of leading the thought and shaping the ideals of his constituency. God pity the man whose principles are so low and whose motives are so sordid that in order to win votes for himself he is willing to degrade the ideals and poison the minds of the citizens to whom he speaks or with whom he mixes.

There are many ways in which this is done, but I have observed three which seem to me peculiarly pernicious.

First, the evil which has been much discussed—and for good reason, since this Congress met—the corrupt use of money in campaigns. It seems to me to make very little difference which end of a corrupt money transaction a man may be at. He is guilty whether he gives or receives. If a man of standing and leadership is at one end of the bargain he is peculiarly guilty. For he is in position to understand what he is doing. He is not only taking advantage of a fellow man and corrupting an individual voter; he is undermining the very foundation of our Government.

The second of these pernicious evils is the use of slander and vilification. This, perhaps, is worse than the use of money. I have recently had brought to my attention a forceful article written on this subject by the Rev. L. E. Hall and published in the Southern Sentinel, a paper of my own district, on September 8, 1921. After commenting strongly and justly on the improper use of money in elections, the reverend gentleman well says:

There is another class of men equally as dangerous as the one mentioned above. They are in reality the tools of the former. I allude to those who will publish or tell a lie in order to mislead or influence some one or more to cast a vote or their votes against his or their interest, and in many instances against his or their private judgment. Of all the despicable and detestable creatures on this earth in the shape of men, the man who would, knowingly and purposely, publish or tell a lie in order to defeat one man by misleading another is the meanest and the most despicable. If I had to draw a picture of such a creature I would put a tail on it—and then apologize to the tail.

But little above the sin of the man who willfully tells what he knows to be untrue is the sin of the man who catches up scandal and repeats it without waiting to know the evidence of its truth. Yet many people seem to think that they have a perfect right to assassinate the character of a man who is in politics by the free circulation of any sort of accusation, though it be backed by no higher authority than "they tell me" or "I have heard." Unfortunately this vicious practice seems to obtain all over the country, from the election of the humblest beat official to the election of President.

Sometimes a candidate for office maliciously cultivates this infamy among the people if he thinks it will injure his opponent. In that way he seeks to escape the responsibility himself and yet to reap the tainted harvest. He forgets the awful

curse which our Master pronounced against "whoso causeth one of the least of these my little ones to stumble."

This is an evil which can not be controlled by any law except the divine law. The misuse of money may be reached; the publishing of libel may be held accountable; but the insidious spreading of rumor is hardly tangible before human law. Yet—

> Who steals my purse steals trash;
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

The man who goes out to vilify his opponent or in any way to injure unjustly and unfairly the good name of his opponent has taken something more valuable than money or office and has done a meaner thing than the man who has bought, bribed, or stolen.

Third. Possibly the most hurtful crime of the demagogue, and the wickedest, is the practice of arousing a general spirit of bitterness and suspicion among the people that he may be carried into office or position on the wave thus set in motion. Just now our country and the world are passing through the most sinister period of unrest that modern civilization has seen. It seems to me that just about the highest duty of any public man is to do all in his power to allay this unrest. The man who augments it is a menace to the peace of the world and a traitor to humanity. He threatens the direct ruin of our civilization and the destruction of free institutions.

The most important thing in the world now to every individual in the world is the maintenance of world peace. Thoughtful men everywhere realize that this is a task which challenges our best strength. With the present advancement in means of destruction—in the production of explosives and poisonous gases—one shudders to think what another world war would mean.

The world is made up of nations, nations are made up of communities; and communities are made up of individuals. Some one has recently spoken of conditions in our country as "America gone mad." Whoever or whatever excites the passions of the people fans flames which may result in general conflagration. There is everywhere a spirit of disregard for law and fretting against authority—a kind of feeling that government is oppressive and is making itself a curse rather than a blessing, and that those who are in position of authority or leadership are corrupt and oppressive and are willfully responsible for the ills that beset us. The demagogues of each political party and of each section encourage this. It is to their selfish interest to have the people believe that the men who are in responsible positions in the Government are scoundrels and tyrants and are bound together in a heartless league to exploit and oppress the masses. "They are your enemies, and we are your saviors; hence it is a virtue that you hate and destroy them and love and promote us." Such has been the cry of the demagogue from ancient Greece until now; and history has yet to record where any man or group of men who rode into elective office on such a creed as that brought good and not evil.

It behooves us to remember, gentlemen, that every one of us who goes out to talk to the people on public matters has just now a serious responsibility. We may cultivate the spirit of peace and good will, the spirit of faith, hope, and charity; or we may add our little mite to bitterness and antagonism between factions, between sections, between political parties, between races, and between classes.

I have sat and looked over this House and thought of the possibilities. We 400 men may do eternal good if we go out and pitch our campaigns on a high plane; or we may do unspeakable harm, for which we become responsible, if we go into these campaigns with no higher ideal or ambition than to get reelected. Men from this House will speak within the next few months to practically every community in America. "What will the harvest be?"

"I believe, therefore have I spoken."

I trust I may be pardoned.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. HARDY].

Mr. HARDY of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon another subject, legislation of interest to the West.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY of Colorado. Mr. Chairman, regarding this bill most all of the argument so far has been predicated upon the theory that somebody is endeavoring to have the land office at Hugo, Colo., continued, that office having within the land district but 1,800 acres and costing 280 per cent to conduct. That has been the big talk before the committee and before the Congress by some who oppose this bill. I come to talk about another office in the State of Colorado, which is quite differently situated. In the first place, let me say not a single effort has been made in the Senate or in the House or anywhere else to continue the office at Hugo. Everyone who knows anything about it knows that Hugo and any office like it ought to be closed up. The other office in Colorado that I am about to speak of is at Del Norte, in the San Luis Valley. The San Luis Valley is an empire in and of itself. It is surrounded by mountains on all sides. There are six counties within it, some of them larger than Rhode Island or Delaware. It is very hard for some of our friends here to appreciate the distances and the circumstances under which these people do their work. Delaware has been mentioned a time or two. I want to say that the public lands in this land office district of Del Norte are greater in extent than the entire area of Delaware or Rhode Island. There are in the land office district of Nel Norte 492,709 acres of vacant public land. In addition to that there are 1,135,167 acres in the forest reserve. The distances from places in this district to the office they would be attached to if this office is closed up are greater than from here to New York City in accessibility. It would take the people of some sections in that district three days to go and come from the new land office with which they would have to do business.

The people of that district, of course, never heard about this proposition until it was settled by the Committee on Appropriations. Since then from every quarter come protests against the closing up of the office. It is a matter of convenience to the people rather than the holding of any one man in his job. The figures under which this office will be closed by the Appropriation Committee are made up of last year's records, which was a very dull year in many agricultural sections and especially in the West. Activity this year is much greater than last year. Already this year entries have been made at this office to the extent of 54,774 acres, and oil and gas permits have been made covering 13,040 acres. An irrigation district has been organized and $350,000 worth of bonds have been issued covering 14,000 acres of ground, most of it still pending proof. Twenty-eight thousand acres of land are now pending designation of stock-raising homesteads. The American Legion in every part of that district has been active in settling up that territory, and has been sending in resolutions urging that the office be maintained in order to bring ex-service men to that section of the country, where public lands may still be had.

The homesteader does not ride in Cadillacs and Packards and Pullman cars. He is a poor man, usually. He is the developer. Many times he does not reap the profit of his efforts. He is often without money or stock. He is the pioneer for the people who follow after him, and we ought to make it as easy as possible for him to develop the ground and perfect his title.

The cost of this little proposition in this bill does not exceed over about $40,000. By consolidating the register and the receiver in one person and reducing the expenses, it does not amount to very much. I honestly believe that if the offices are closed up, as legislation provides, the receipts will fall off more than the cost will be to the Government if this bill passes and these land offices continue to operate. The bill ought to be passed as it is written. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman, the gentleman from Idaho [Mr. FRENCH], in his usual fair and scholarly way, has cleared away some of the smoke that seems to have accumulated around this bill. But he is not entirely right yet by any means, and I desire to clear away a little bit more. In the first place this is absolutely as clean a proposition as was ever presented in this House. Gentlemen get up here and talk about this being a "pork barrel bill." Here we in this very Congress have voted $20,000,000, without batting an eye, for the people in Russia, and now we are accused of endeavoring to pass a "pork barrel bill," because in providing necessary service for people who amply deserve it and who themselves pay the expense of it, it does provide for the salaries of a few officers, but the aggregate of those salaries does not amount to more than $40,000, the maximum salary being $3,000 and the minimum $500. It is perfectly absurd under the circumstances to talk about this being a "pork barrel bill."

We generally have the idea of a "pork barrel bill" as one where the expenditures of the Government are on a large scale and there is nothing returned. Who pays for these offices? Does Uncle Sam dig down in his pocket to pay for them? My friends, they are paid for by the poorest, the hardest working, the most miserably situated men in the world, those who ought to command our sympathy. They are paid for by the poor

devils who are trying to make a home against incredible difficulties on the public lands, on the last agricultural lands which we have left. My friends, this bill is the last stand of the agricultural public lands of the United States. Some gentlemen say, "Well, there are no land offices in my district, I am against this bill," but this is not a question of whether you have a land office in your district. Gentlemen, I appeal to your sense of fairness.

The whole country, from east of the Alleghenies, was built up by enterprising people who moved to the public lands and established their homes there and anchored themselves on the soil, so much so that now there is very little agricultural land left in the country which is at the same time both good and cheap. Right in that connection let me call attention to the fact that this is a large part of the trouble with our population to-day. There is not inducement enough to take up new land and make it productive. There is not much of it left which is attractive to the poor man. We have had to increase our homestead preemption law from 160 acres to 320, and then to 640, because there is not much cheap land left of which less than a full section will support a family. Of course we have good land, but the good land is expensive land, or it costs a great deal of money to irrigate it. This economic land situation is really at the base of our immigration problem. Formerly we had lands which would attract the sturdy, steady, self-reliant agricultural immigrant, who would bring his family, establish himself on the soil, build his home there, and help develop the community and be a worthy part of it. With the passing in large measure of such opportunities for the agricultural immigrant we are now attracting mere laborers, who do not expect to bear permanent allegiance to the new country, who go into large industries and herd together in large cities, bringing with them discontent and revolution and fomenting industrial strife. Many of these people do not have the qualifications, even if they had the desire, to become Americans.

Now it is the main and primary purpose of land offices to help establish American people on the relatively small amount of cheap and at the same time possibly productive land which still remains, to make the poor man's land available for the poor man. Of course, a few officers are necessary in order to extend this assistance in order to do this work, but the salaries of those officers are paid entirely—not by general taxation with which you are so justly concerned—but by the poor little fees which the homesteaders pay for the service which is rendered to them.

And to-day you want to abolish the service and compel the man who can hardly afford to clothe his children to travel two or three hundred miles to a distant office in order to pay these little fees into the Treasury. Gentlemen, it is a most niggardly policy. Oh, economy, economy, how many crimes are committed in thy name! What can you possibly save to the Treasury of the United States by defeating this bill and abolishing the services of these offices? Why, obviously, all the Treasury will gain will be the salaries of the 10 or 12 officers, a maximum total of some thirty to thirty-six thousand dollars, plus the rent of the offices, a maximum of some $15,000 more. You'll take many times that amount out of the pockets of poor people who deserve and ought to have the active support of their Government, for they are doing a work which is vital to the future of the country.

Right to-day when you ride through some parts of eastern Colorado and western Kansas and Nebraska with a good dinner under your vest and a good cigar between your teeth you wonder as you view the country from the back platform of an observation car at the apparent barrenness of the land. You wonder how anybody can live there. And yet all the time splendid farms are being developed, though usually the original homesteader is not the one to reap the reward. He and perhaps several successors do the hard work which some day will mean a developed and productive farm for some one else.

Go out with me to some of those homesteads and talk to my brave friends who have started them. You will see people in the direst poverty. You will wonder how they can stick it out year after year, with the most meager returns, trying to live without money, without machinery, with very little live stock, fighting droughts and prairie dogs and grasshoppers. Sometimes you will see—I have seen—a man actually spading up a tract of land because he can not afford to plow or the team to pull it.

Until this good hour it has never been the policy of the Government to extract a profit from the pitiful labors of the homesteader. In more enlightened days we tried to induce people to go upon the land. But now, if the opposition to this bill should be effectual, we shall have sacrificed that policy in order that the homesteaders may pay a paltry $50,000 into the Treasury of the United States. I hope the day is far distant when Uncle Sam will be such a penny-pinching Shylock.

Pork! My friends, this bill is as free from pork as the cabin of a homesteader is free from the odor of fresh meat. He is lucky if he gets enough canned tomatoes to keep him alive. He ought to be paid a pension for building up a home and a farm against such adverse conditions. The most absurd charge ever presented to this House is to call this, of all bills, a "pork barrel bill."

Let me correct one or two slight errors which have been made on the floor. The gentleman from Michigan, including a number of land offices which are not in this bill, stated that the average amount of acreage in those land offices altogether was 25,000. The average amount of acres in the jurisdiction of the land offices included in this bill is 154,719.

Here are the figures:

	Acres.
Bellefourche	51,580
Waterville	65,563
Dickinson	60,771
Del Norte	492,709
Sterling	6,191
Clayton	66,136
Fort Sumner	655,450
Harrison	101,923
Camden	31,919
Alliance	14,950
Total (10 offices)	1,547,192

But these figures, large as they are, do not include the very great additional amount mentioned by the gentleman from Idaho when he was referring to the mistakes the committee had made. They do not include the forest lands, they do not include the Indian lands, and they do not include the entered lands. Merely the unentered public lands give an average of nearly 155,000 acres for each of these offices.

As to the argument that the law did not authorize the continuance of these land offices, all that needs be said is that we are legislating right now. That is what Congress is for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAILE. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman, I think that in the time I have been in the Congress I have introduced two bills that have gone to the Committee on the Public Lands, and I am glad to say that both of those bills were favorably reported and eventually passed the Congress and became laws. The second one chanced to be during the present session. I attended the hearings upon it before that committee. I do not mean to say whether there was a quorum, and I did not feel that responsibility was upon me particularly. Everyone present seemed to think it was a very fine bill, and I agreed with them. The gentleman from Indiana [Mr. BENHAM] reported that bill to the House in a very fine report and a very laudatory report. I am sorry to hear from him to-day that he did not sincerely feel as enthusiastic as his report indicated. I certainly did not realize when I went before the Committee on the Public Lands and asked them to send out a very worthy measure, which only permitted the holder of land to make a little wider use of it than otherwise he could have made—as I said, I did not realize that pork-barrel principles had come to control that committee to such an extent that by securing a favorable report from that committee upon one of my bills I was not supposed thereafter at any time to oppose any bill from that committee. I think maybe if I had understood that there was to be a trade of that kind I would have given up my own little private bill. [Applause.] But I think Brother BENHAM, a splendid gentleman, only desired to have a little fun with me and wanted to bring about this little outburst.

Now, this bill originated in the Committee on Appropriations. The gentleman from South Carolina [Mr. BYRNES] said there were members of the subcommittee who felt that the surveyors general that were maintained through the West are useless, were an unnecessary expense. So Land Commissioner Tallman recommended during his administration. The gentleman from Indiana [Mr. WOOD] a year or two ago tried to get legislation abolishing them, a saving of somewhere from $40,000 to $100,000, and as chairman of the subcommittee I had in mind following up that example and doing what ought to be done, and if you will examine the hearings before the committee you will find that a great deal of attention was given to this subject.

But it developed in the course of things in the subcommittee that the committee did not all agree with my position in that, but that there was an opportunity for unanimous action of the subcommittee with reference to these land offices. Now, let us understand. I am going to submit that I do not know as much about land offices and public lands and their administration as

you gentlemen from the West do. I think, on the other hand, you ought to give me credit for sincerity, and when I am charged with the care of one of the appropriation bills it is my duty to try to eliminate anything in that bill that the individuals who want the money can not justify. So I took up this with no prejudice toward the West, no prejudice against any of these delightful gentlemen who want these land offices continued in their districts. But on the face of the facts before us, the subcommittee unanimously believed that a number of these offices ought to be abolished in the interest of public economy, and that it could be done with no loss of efficiency. And on that subcommittee were two very able men from the West—the gentleman from Oklahoma [Mr. CARTER] and the gentleman from Idaho [Mr. FRENCH]—and I requested the gentleman from Idaho to make a study of the subject. He is a student. There is no man in the House that goes more thoroughly into things than does Mr. FRENCH, of Idaho. He made a thorough study of it. He finally sat down for half a day with the chief clerk of the Land Office, going over the matter with him, and then he went over the matter carefully by himself, and came to the subcommittee with his recommendation as to what ought to be done.

Now, I think that it is due to the gentleman from Idaho [Mr. FRENCH], who comes from a State out there where I suppose some people think he ought to stand for any expenditure in his State or section whether it is necessary or not, that I am glad to say he is not that kind. He has some interest in the protection of the Treasury of the United States. But I said to Mr. FRENCH, after he got his report ready, that I think he did not cut deep enough, and I think so now because there are six or seven or eight other offices that have not been touched at all, that will be maintained next year in violation of the act of 1840, unless the Comptroller General takes notice of the situation. But Mr. FRENCH thought we ought not to be too harsh, and I felt it is hard to get through this House a bill abolishing offices even if you have a united committee back of it. So we all got back of the recommendation of the gentleman from Idaho. The gentleman from South Carolina [Mr. BYRNES] agrees with me that we ought to have gone a little deeper. But to agree with Mr. FRENCH, that was the practical thing to do. We did not take Congress by surprise. The language of the appropriation bill was plain.

The gentleman from Arkansas [Mr. TILLMAN], who used to be at the head of a university, if I remember, could have understood plainly that we were going to put his office out of business. We were not putting any shenanigan in here. The bill originated in a conservative attempt, but when you abolish some offices and leave some others, there is going to be a shadow line as to whether some offices ought to go in or not. Maybe we have abolished one or two that ought to have been continued, as the gentleman from Idaho [Mr. FRENCH] has admitted. However that may be, we followed a general policy that the House ought to indorse, and it ought not to let one or two cases that are debatable carry through a bill that is to restore ten or a dozen that are absolutely indefensible.

Mr. FESS. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. FESS. Is it true that there is no law for the continuance of these land offices?

Mr. CRAMTON. This is true; That as to 19 we abolished, 15 or 16 were maintained this current year in violation of the law and would be next year if this bill did not pass, even if we had not touched them in our bill.

Mr. FESS. Has that ever been called to the attention of the comptroller?

Mr. CRAMTON. I think not specifically; otherwise they would have been put out of business.

Mr. FESS. No doubt whatever, if there is no law for it, about their going out by his decision.

Mr. CRAMTON. There are five or six—Eureka, Calif., and several others—that if anyone spoke a word to the Comptroller General about, they will be going out of business. I hope this debate will be kept secret from the Comptroller General.

Some one has said that the figures for last year are not fair, because it was a dull year. The only available figures—the figures we have used—are the figures for the year ending June 30, 1921, and that was not such a dull year, if you please. Furthermore, the figures that I put in the RECORD as to the acreage of these several districts—those 15 or 16 that were maintained in violation of the law—see page 9190 of the RECORD, are the figures of a year ago, and any lands disposed of last year should be subtracted from those totals. So the present figures are even less than the ones we are using. One of the gentlemen has said that the average is not 25,000 acres in each of these districts but 150,000. The average in the districts that are being maintained in violation of the act of 1840 is about 25,000 acres. There are in our list three or four, including Del Norte, where there is a large acreage, but it is only mountain tops or deserts and there is nobody filing on the land, and they are not doing any business; and hence while it costs a lot of money to maintain the offices, there are no large receipts.

Mr. VAILE. Will the gentleman refer to the record of the receipts? That shows it.

Mr. CRAMTON. I am taking the figures of the Land Office.

Mr. VAILE. The Land Office figures show the receipts.

Mr. CRAMTON. I take the figures of the Land Office. The Land Office considered all these. They ought to know something about it, if I do not. They say that the only acreage to be considered is that which is open to entry, and that is a good, sensible decision.

Mr. LONDON. Will the gentleman yield for a question for information?

Mr. CRAMTON. Very briefly.

Mr. LONDON. The gentleman from California stated that these offices paid themselves. What is the necessity for an appropriation then?

Mr. CRAMTON. It is in this way. The receipts for fees and the receipts for sale of the land go into the Federal Treasury, and then appropriation is made for maintenance of the offices. Some of these offices we are debating about to-day do take care of themselves, although there are half a dozen of them here that do not bring in enough receipts to take care of themselves. There are several of them, as I have heretofore referred to, where the expenses are 112, 128, 118, and 184 per cent of the receipts, but even as to those where the receipts are more than the cost of the office let me call your attention to this, that we of the Nation in administering the national domain are entitled, and inasmuch as we are selling and leasing the land where we are getting large resources from oil leases, and so forth, to have that land service self-maintained, but it costs $1,500,000 every year out of the Federal Treasury to maintain the land service. Why? The receipts are enough, notwithstanding that we maintain all of these useless offices, but the money goes into the Reclamation Service, the money that comes from the sale of land and from leases, to such an extent that we spend about a million and a half a year to carry on the land service more than goes into the Treasury.

And then Members here say we are "trying to rape the West." Why, we are not only letting them have this money to go into the Reclamation Service to such an extent that we have to draw on the Treasury to carry on the land service, but in addition to that, when it goes into the Reclamation Service, we loan it to them for 20 years at 5 per cent per annum, and then make a present to them of the principal. That is all they have to pay, and then if they can not pay their annual installments, as they did this year, we give them extensions time and time again. I think the western Members do not want to come in here and talk about the House being so severe on the homesteader and so severe on the development of the West.

The gentleman from Utah [Mr. COLTON], who is well informed, asked an illuminating question in the Public Lands Committee hearings. They object because we consider only the lands subject to entry. They say we ought to consider other lands. The gentleman from Utah said this:

> The only particular advantage of having a land office locally is in the matter of entry, is it not, so that plats may be examined? After the land is once entered there is no particular advantage in having a land office, is there?

Why, the gentleman from South Dakota, even with all that we are doing to him, when he gets through with the bill, even in the way it stands now in the law, will have only 212,000 acres subject to entry in his State. The acreage is now probably cut down to 200,000 acres, I suppose, and we have left him two land offices to take care of 200,000 acres of land.

Now, Mr. Chairman, I realize that I have not been able to present this matter in all the detail that the House may have desired, but the big point at issue is whether the economy that we are proposing, the economy that we are trying to hold in the law, is going to interfere with the service, the proper service. Manifestly we can not have a land office at an expense of $1,000 or $2,000 a year next to every available site for a homestead. Nobody, even from Colorado, where they have more land offices than any other State in the country, would urge anything like that. On the other hand, we ought to have enough land offices to give the public reasonable service.

Now, the law has fixed certain tests. Those tests have existed for a long time. They were not fixed by me or by any other man from the East. They are tests representing the sense of Con-

gress. One of them is that when there is only 100,000 acres of land in a district, that land office should be closed. That act was enacted in 1840, when they did not have Cadillac automobiles, and methods of travel were everywhere slow. There was also the test that when the expenditures of conducting a certain office amount to over one-third of the receipts, that office may be closed in the discretion of the department.

There was the yardstick, the measure laid down. Now, there is one other test. Let us test the matter here by comparison as to what is a reasonable service. I want to refer again to the State of Arizona. If you will look at the report you will see that Arizona has only one land office. The gentleman from Arizona [Mr. HAYDEN] is in the Chamber, and he will correct me if I am wrong. Arizona has only one land office within its boundaries. There is no pressing demand from homesteaders or would-be homesteaders for any more. Arizona has over 16,000,000 acres of land available for entry. They entered last year—1921—in the State of Arizona more acres of land than any other State in the country—over 1,400,000 acres. So that it is apparent they are doing some business down there in public lands, and they have a good land office, and they are not suffering at all.

Mr. MADDEN. But these gentlemen say mountains must be crossed in the other States. Are there mountains in Arizona?

Mr. CRAMTON. I would not say anything derogatory to Arizona. I understand there are mountains in Arizona. I understand the homesteaders are no richer there than they are anywhere else. But when they go to the receiver's office they want to see there a man of capacity, who can decide an important question aright, and not somebody who is just loafing around on a sinecure, who can not decide the question aright, but must communicate with Washington for advice, or have his decision overruled.

Mr. MADDEN. The creation of these land offices is mostly a matter of patronage, is it not?

Mr. CRAMTON. Yes; they are political appointments. Most of these registers and receivers have had no previous experience and must let the clerks do the work.

An illustration of the kind of service you get at land offices is afforded by the office at Waterville, Wash., where, year after year, they reported to the General Land Office that they had less than 100,000 acres of land. When we proposed closing the office, they worked the matter up and then they claimed over 300,000 acres. What kind of inefficiency is that on the part of a register of a land office who will repeatedly underestimate, ten times, the amount of land that is under his jurisdiction? That is the kind of inefficiency I refer to. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. SINNOTT. Mr. Chairman, I will yield five minutes to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. That is, outside of this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RAKER. Mr. Chairman, the five minutes alloted to me gives me but a poor opportunity to present this question fairly to the House. The committee heard all parties fully. They heard the members of the subcommittee of the Committee on Appropriations. The gentleman having it in charge, the RECORD shows, claimed, as I understand it now, that these offices ought to be maintained. The committee up to this day has never been given an opportunity to find out who is the originator of this scheme to abolish these offices and deprive the people in these districts of a proper court in which their cases may be presented. It was denied the committee. The long history of facts presented here is not borne out either by the law or the facts. I am for this bill as reported by the Committee on the Public Lands.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. SINNOTT. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has six minutes.

Mr. SINNOTT. Mr. Chairman, I will take this time merely for the purpose of endeavoring to remove the fallacy which the gentleman from Michigan [Mr. CRAMTON] has been indulging in during the debate upon this bill. How shall we estimate the 100,000 acres which mark the line of demarcation between the further existence of a land office and its mandatory abolition under section 2248, Revised Statutes? It is the position of the gentleman from Michigan [Mr. CRAMTON] that the Indian lands shall not be counted in estimating the 100,000 acres. It is his position that when lands are once entered then they are to be subtracted from the 100,000 acres.

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. For a question.

Mr. CRAMTON. Is not my position the same as that of the Land Office?

Mr. SINNOTT. The gentleman's position is the same as that of the Land Office, and he was led into that error by the Land Office, and he is excusable for indulging in that error. I wish to cite some cases on the meaning of the words "public lands."

Mr. CRAMTON. If the gentleman will yield for one more question, if it should prove that I am wrong and that the Land Office is wrong, and a court should construe that law differently, then the provision in the appropriation act would be a nullity so far as any offices removed by that holding were concerned.

Mr. SINNOTT. Except that you have not provided a large enough appropriation to take care of those land offices under this theory—

> You take my house when you do take the prop by which it is sustained.

And in this case the prop is the appropriation.

Mr. MADDEN. That is the whole story, the appropriation. That is what they are fighting for.

Mr. SINNOTT. The first case that was decided was United States *v.* Blendaur (128 Fed. Rep. 910). In this case the court holds that Indian land, similar to the land that we are considering to-day, should be considered public land. Here is what they say about it:

> The words "public lands" are not always used in the same sense. Their true meaning and effect are to be determined by the context in which they are used, and it is the duty of the court not to give such a meaning to the words as would destroy the object and purpose of the law or lead to absurd results.

Then they go on citing a case:

> There is no statutory definition of the words "public lands," and the meaning may vary somewhat in different statutes passed for different purposes, and they should be given such meaning as comports with the intention of Congress in their use.

Now, applying that interpretation to this statute 2248, is it not reasonable to say that public land, the title to which has not passed from the Federal Government and which the entryman must live upon for three or five years, supervised by the registrar and receiver and under his jurisdiction, should be considered public land?

The next case is an Indian case, in 225 United States, page 583. I will have time to read merely from the syllabus, but the syllabus is supported by the text of the decision.

> While the phrase "public lands" is a term ordinarily used to designate lands subject to sale under general laws, it is sometimes used in a larger sense. As used in section 2 of the act of July, 1862, it includes lands within Indian reservations. Congress so intended and such has been the construction placed upon the words by the Interior Department.

Then we have another very late decision in the case of Nadeau *v.* Union Pacific Railroad Co. (253 U. S., p. 444).

The court says:

> Lands in the Delaware Diminished Indian Reservation were declared to be public lands within the intendment of the right-of-way clause, act of 1862, although then actually occupied by individual members of the tribe under assignments executed under the treaty.
>
> That case renders clear the definite purpose of Congress to treat Indian reservations subject to its control as public lands within the right-of-way provision.

Then we have the case of United States *v.* Minidoka & S. W. R. Co. (190 Fed. Rep., p. 491), a decision of the circuit court of appeals, holding that lands although entered upon by homestead settlers should be classified as public lands within the meaning of a right-of-way act through "public lands."

Applying these constructions and interpretations of the courts, there is not a land office that the House bill proposes to reestablish but what has a great many thousand acres more than the required 100,000 acres. Furthermore, we do not propose to reestablish in the House bill a solitary land office that is not more than paying its expenses, except one land office, and that is Dickinson, in North Dakota. But we abolish two other land offices in North Dakota—Williston and Minot. They may be consolidated with the Dickinson or some other office, and doubtless the consolidated office will easily pay much more than the running expenses. [Applause.]

The CHAIRMAN (Mr. MANN). The time of the gentleman has expired. The Clerk will read the bill for amendment.

The Clerk read as follows.

Be it enacted, etc., That the land offices now located, respectively, at Bellefourche, Timber Lake, and Lemmon in the State of South Dakota, Waterville in the State of Washington, Williston, Minot, and Dickinson in the State of North Dakota, Del Norte in the State of Colorado, Clayton and Fort Sumner in the State of New Mexico, Harrison and Camden in the State of Arkansas, Alliance and Broken Bow in the State of Nebraska, and Springfield in the State of Missouri, are hereby continued for and during the fiscal year commencing July 1, 1922, and thereafter, in the discretion of the President, as long as the public business at such offices shall warrant: *Provided, however*, That the President may consolidate the offices of register and receiver in any of said offices whenever he may deem it in the public interest.

With the following committee amendment:

Page 1, line 4, after the word "Bellefourche," strike out "Timber Lake and Lemmon."

Mr. RAKER. Mr. Chairman, I rise in opposition to the committee amendment. I want to make just one observation. I know that the membership of this House are so fair that they are ready and willing to act upon the matter as it really exists, without any camouflage and without a great statement that we are for retrenchment and reform and that we are economizing for the benefit of the people. You know that sounds good, but when there is nothing in it, it does not amount to much. The two legal features involved in this question have not been properly stated, and I will leave it to the fair judgment of any Member of the House. It involves the two sections in regard to the abolition of the office. I want to read to the committee section 2250 of the Revised Statutes:

Whenever the cost of collecting the revenue from the sale of the public lands in any district is as much as one-third of the volume of the whole amount of revenue collected in such district it may be lawful for the President, if in his opinion not incompatible with the public interest—

It has been determined by the Land Office in every case presented here—the report is on file—that the Secretary of the Interior says it is incompatible with the public interest to abandon these offices. So the statement made that these offices must be abandoned because the cost is more than 33⅓ per cent goes without saying that it has no foundation.

Now, on the second proposition I know the committee wants to be fair.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRAMTON. The gentleman has not understood the committee to say that the provision for closing the offices was on account of the cost being more than 33⅓ per cent, that that was mandatory?

Mr. RAKER. I understood the gentleman to so state in his answer to a question by the gentleman from Oregon.

Mr. CRAMTON. That was with reference to the provision of 100,000 acres.

Mr. RAKER. Now, section 3872 reads "whenever the quantity of public lands remaining unsold." Now, in addition to what the gentleman from Oregon said, in every one of these cases it runs from one hundred to a million and a half, and in some cases 3,000,000, acres of land in the district that is unsold. I want to call attention to the fact that much of this land is open and subject to homestead entry, and further that land withdrawn from forest protection is open to homestead entry. Therefore, in the Del Norte case there were more than a million and a half acres of land in the forest reserve, and under the law it is open to homestead entry, notwithstanding the fact that it is forest reserve land. In one case there was over 150,000 acres involved in the homestead lands and other claims that had not been disposed of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask for five minutes more.

The CHAIRMAN. The gentleman from California asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. So you have the lands that are filed upon and not sold because of the fact that the Government has not issued its patents. In some of these cases it runs up from 50,000 to 150,000 acres; you have in the forest reserve from 100,000 to 3,000,000 acres of land unsold and on which homestead entries can be made, and yet you say that under section 2248 the commissioner can abolish the land office. He can not do it, because the law does not authorize it.

These men are within their rights. The facts presented to the committee show that in each instance the department reported favorably on the legislation. Men appeared before the committee and showed the necessity of the land office in these districts so that the people might be able to do their work, and instead of abolishing the office you make them go 100 or 500 miles farther, costing them $50 or $150 to do the work. This office was established originally and kept and maintained solely and entirely by reason of the fact that it was necessary for these people to do their work. It was established so that they might file on their lands, dispose of contests, save their money for building up the home instead of paying it for traveling 100 or 150 miles—in some cases 500 miles. Is that what you call pork-barrel legislation? I want to say that this is an illustration, or demonstration, with all due respect to my lovable, good friend from Michigan, one of the members of the great Appropriations Committee, which not only put on a rider but gave these men no opportunity to present their cases, and they passed it through the House. He comes here as a special counsel, a member of the great Committee on Appropriations, and says, "I am their special counsel. Whenever we have spoken our word is final law. No man shall have a hearing; no man shall have a right to present his case, and if the whole House differs with him, you are wrong, because the Committee on Appropriations have said so."

I want to say to you, Mr. Chairman of the committee, that the record shows that not a word of evidence was taken, no hearing was had to determine whether the land offices were necessary or not by the Appropriations Committee.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRAMTON. Is it not a fact that in the Committee on Public Lands the gentleman from North Dakota [Mr. BURTNESS] said, "I think some have overlooked the fact that that legislation is on the book, and all the Appropriations Committee has done is to put the legislation that is on the books into effect." And did not the gentleman from Indiana [Mr. BENHAM] in the same committee say, "If one committee year after year has failed to do its duty, does it not give another committee, who can assume jurisdiction, at least an excuse for doing what the other committee has failed to do?"

Mr. RAKER. The gentleman from North Dakota [Mr. BURTNESS] had not gotten all the facts; we had just started in.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MADDEN. Mr. Chairman, if this was a matter of good fellowship only it would be easy for us to agree, but this is a matter affecting the Treasury of the United States, and we have, after careful consideration and consultation with the men whose districts were affected in the House, decided that the economy included in the appropriation for the Interior Department was not only essential but necessary. Nobody complained; everybody agreed. This bill went through the Senate.

Mr. SINNOTT. Who is the gentleman quoting when he said everybody agreed?

Mr. MADDEN. The bill went to the Senate, and the Senate had notice and knew that economy was the object. They knew that the land offices existed, and they knew that we proposed to close them up.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WINGO. The gentleman does not want to leave the impression which he has made. He said he consulted the gentlemen who are interested and that they agreed. The gentleman is very much in error in that statement.

Mr. MADDEN. I am not in error.

Mr. WINGO. The gentleman did not consult me.

Mr. MADDEN. It may be that we did not talk to everybody, but I said in the public-land States.

Mr. WINGO. But my State is a public-land State.

Mr. MADDEN. I know, but not generally recognized as a public-land State.

Mr. WINGO. That is the trouble. The gentleman does not know about the matter evidently.

Mr. MADDEN. I do. I know as much about it as the gentleman.

Mr. WINGO. The gentleman's statement shows that he does not.

Mr. MADDEN. I know what I am talking about, and the gentleman is unfair.

Mr. WINGO. The gentleman is unfair when he made the deliberate false statement that he consulted me.

Mr. MADDEN. I did not say that I consulted the gentleman.

Mr. WINGO. Oh, yes; you did.

Mr. MADDEN. I said the men who were interested in this matter had been consulted. I say so now. They agreed, and we abolished the offices, because they ought not to exist, and I say now that the only reason why they are proposed to be restored, except in one or two cases, is because of a matter of patronage. That is what I say, and I will prove it. There was no question about the right to abolish these places until notice went out to the men who occupied the positions, and when they found that they were going to be discharged on the

1st of July then the reform that was inaugurated upon the recommendation of the Committee on Appropriations must be reconsidered, forsooth, and so we have a bill before us for the reconsideration of the action taken by both the House and the Senate.

The bill which abolished these offices was not surreptitiously passed. It was passed after careful and deliberate consideration. Everyone had notice. The bill was here under discussion for several days, and the economy that ought to have been made was made, and I am here to say now that the bill that is before the House ought not to pass. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRAHAM of Illinois. How much will these 10 offices cost us during the next fiscal year?

Mr. MADDEN. One hundred and twenty-eight thousand dollars.

Mr. HARDY of Texas. Where does the gentleman get those figures?

Mr. MADDEN. That is what we save at the offices that we abolish.

Mr. HARDY of Colorado. That is an entirely different matter. About thirty or forty thousand dollars at the outside is the most that it will cost.

Mr. MADDEN. There are only four out of the whole lot for which any justification can be made, and in the face of the facts presented to the Committee on Appropriations when this section was under consideration those were not entitled to any consideration.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WILLIAMSON. The total expense as shown by the last report of the General Land Office of the operation of these offices for the fiscal year ending June 30, 1921, was $80,407.76.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMSON. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN], who has just left the floor, made the statement that the Members from the various States who had land offices were consulted; that they consented to the abolition of these offices. There were four offices abolished in my district, and I did not consent to the abolition of more than one of them, and that was the Gregory office, and I was given to understand that that was the only office that would be affected by the bill.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. CRAMTON. The gentleman did have some notice that the question was under consideration?

Mr. WILLIAMSON. Yes; I did have some notice, but understood from what the committee member told me that the Gregory office would be the only office affected by the bill then under consideration.

Mr. HARDY of Colorado. As a matter of fact, about being consulted, the gentleman was practically told that that was what the bill was doing.

Mr. WILLIAMSON. That was my understanding from what they told me.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. SINNOTT. Did the gentleman have any notice or knowledge of the interpretation that the committee or the department was placing upon the words "public lands"?

Mr. WILLIAMSON. Absolutely none whatever, and I do not think the committee put that interpretation upon them at that time.

Mr. RAKER. Is it not a fact that one of the subcommittee admitted before the Committee on Public Lands—oh, but the gentleman is not a member of the Committee on Public Lands?

Mr. WILLIAMSON. No.

Mr. RAKER. Then I withdraw the question.

Mr. WILLIAMSON. I would like to talk a little about these offices. Take the office of Lemmon, that has been eliminated by the House committee.

This office has now over 255,000 acres of unpatented land, or did have at the last report. There were 196 contests filed last year that had to be tried. There are 14 now pending. There are 3 oil wells going down within the Lemmon district. There are 150,000 acres of mineral land within that land district and oil filings covering 12,000 acres were made in the district in the month of May alone, and yet the opponents of this bill say there is no need of that office. One gentleman said upon the floor, the chairman of the subcommittee [Mr. CRAMTON], that the people themselves were not demanding this office. Here are petitions signed by 915 people praying for the reinstatement of one of these offices alone, besides scores of telegrams and letters which show they want them reinstated. It has been repeatedly said in this House that the saving by abolishing these offices would be $128,000, whereas the total expense of the operation for 1921 was only $80,000, and you could not by any means save more than 50 per cent, so any saving could not possibly exceed $40,000. There will be no such saving as has been stated. The Timber Lake office has over 175,000 acres of unpatented land, to which I have already called the attention of the committee. Besides this, it has over 400,000 acres of land upon which proof has been offered where issuance of patents is held up on account of the inability of the settlers to make their payments. In all fairness both this office and Lemmon should be retained. I hope the committee will vote down the amendment striking these offices from the bill.

Mr. WINGO. Mr. Chairman——

Mr. SINNOTT. Mr. Chairman, I desire to be recognized as a member of the committee in support of the amendment, as no one has spoken in favor of it.

The CHAIRMAN. The Chair will recognize the gentleman from Oregon.

Mr. WINGO. The gentleman is entitled to preference.

Mr. SINNOTT. I will give way to the gentleman from Arkansas with the understanding that I am to be recognized in support of the committee amendment.

Mr. WINGO. Mr. Chairman, of course anyone has the right to differ on a proposition, but the thing I protest against is leaving Members, who are absent necessarily, in an attitude of having agreed to the abolishing of a land office in their district when I happen to know that they did not. It is not necessary for those fighting this bill to put Members of Congress in that embarrassing attitude. It is unfair to do it; it is not right to do it. Of course, gentlemen can say Arkansas is not a public-land State. Of course, men can say that because it is not a wealthy State, but I know more about that State than those gentlemen, and I deny it. The public records show that in spite of the peculiar definition of the words "public lands" here, that in the time I have been in Congress a little over a million acres have been taken out of the forest reserves, with the Forest Service fighting it, and classed as agricultural land and thrown open to homestead entry. And there is lying this other great domain, the greater part of which can be made into successful and happy agricultural homes and can be thrown open to agricultural entry.

Any man who knows anything about the situation in one of the land offices in my State—the men who hold the positions do not appeal to me, they are Republican appointees—I am speaking of only the men who are interested, the possible homesteader. It will not cost the Government one single red penny if a man is honest and fair and will tell the facts as they are. That is all there is to it. You can retain—if the other offices are like those I am familiar with—you can retain them without costing you anything. The thing that controls me is public convenience, not the officeholders—why they have two Republican officeholders there, and do you suppose I would be asking that they be retained? That is not it. It is on behalf of the homesteader, the people who are filing or may file on lands. In one district of a gentleman who is absent, and who I know did not agree to the office being abolished, there is a great development of oil fields, a feverish activity not alone in what technically might be termed public lands, but the great mass in the forest that might become subject to homestead entry if properly classed. If a Democrat speaks for the benefit of those people is he to be charged with great ado with trying to save offices for two Republican officeholders? Why, gentlemen, it is absurd. Keep within the bounds of reason and fairness if you want to oppose the bill. You can ride roughshod over us, but if this is your idea of economy that is all right, but be fair about it.

Do not accuse Democrats of having agreed to something they did not agree to, and then in the next breath try to accuse them of saving Republican officers, and then——

Mr. JOHNSON of Washington. The gentleman understands that the distinguished chairman of the Appropriations Committee was not particularly aiming at the Democratic Members of the State of Arkansas but at the Republican Members of other States.

Mr. WINGO. The gentleman said that two of these officers were in Arkansas, and when I called his attention to it he showed as much passion as a younger man would.

Mr. SINNOTT. As nothing has been said in favor of the committee amendment in striking out Timber Lake and Lem-

mon, I would like to say a word. The Senate bill restored Lemmon and Timber Lake, in South Dakota. The House committee, after consideration of this matter, struck out Timber Lake and Lemmon and left the one office of Bellefourche. We struck out Timber Lake and Lemmon, in the State of South Dakota, for the reason, according to the strictest interpretation of the words "public lands," Timber Lake had something over 4,000 acres, and Lemmon, in the State of South Dakota, had 15,000 acres, and we thought the consolidation of those two offices with Bellefourche would give some reasonable consideration to the State. Furthermore, we felt to load this bill would kill it; and that is the reason the committee struck out Timber Lake and Lemmon, and I hope the House will uphold it.

The CHAIRMAN. The question is on agreeing to the first committee amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMSON. Division, Mr. Chairman.

The committee divided; and there were—ayes 79, noes 5.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 5 and 6, strike out "Williston, Minot, and."

Mr. CRAMTON. Mr. Chairman, I want to call to the attention of the House that Minot had 6,000 acres in the whole district and Williston 20,267 acres. And I want to call the attention of the committee to this fact, that the gentleman from Oregon and those who worked with him in the Public Lands Committee and tried to keep this bill down somewhat, find that however small the acreage and worthless the office, the gentleman representing that district is going to stand up here and demand a division, and when they get into conference with the Senate there is somebody going to stand up there for these offices in regular pork-barrel style.

In answer to the gentleman who said that we did not save $128,000 by these reductions, your subcommittee took estimates by the Land Office for the maintenance of the Land Office and for contingent expenses, and then after going over this matter in consultation with the Chief Clerk of the Land Office made a cut of $128,000 from the amount used for the current year for that purpose, on the understanding that these offices would be taken out, and there could be a saving of $128,000 unless the House sees fit to upset it.

There is a legal question involved here. And I will insert in my remarks a few lines here, if there is no objection. The Land Office—see hearings, page 63—points out that it is their holding that the words "lands unsold" mean the land that is now open to entry, and "public-land area must therefore be considered to be actually vacant, unappropriated public land." That is the holding of the Land Office.

Mr. RAKER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. RAKER. The gentleman is familiar with the statutes in the Forest Service, and that there is a statute authorizing homesteading?

Mr. CRAMTON. Let us leave the law to the Land Office, because I am too much of an easterner to be supposed to know public land law. It may be they are wrong, as the gentleman from Oregon insists. If so, there must be some way of getting into court; and once you get into court, if the court makes a different construction, the language in the appropriation bill will be construed accordingly. If the 100,000 acres means something different from what we contend, then that different construction will obtain as to the appropriation bill and these gentlemen are not hurt at all and they will not need this bill. But if we are correct—and I still think the Land Office is correct—the passage of this bill will mean a deficiency appropriation to take care of the offices provided for in this bill.

I hope this amendment, and any amendment that will tend to keep them down, will carry.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 7 to the bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code; that the Senate had receded from its amendment No. 11 to said bill.

REINSTATEMENT OF CERTAIN LAND OFFICES.

The committee resumed its session.

Mr. SINNOTT. Replying to the gentleman from Michigan, here is the argument of the Interior Department:

Lands which have been appropriated but the title to which has not not yet passed from the United States to the entryman we have not considered "unsold," since the situation with respect to such lands is analogous to private land covered by an option to purchase.

Applying that reason to the statute in question, would any landowner who gave a thousand options such as the Government has given to a thousand individuals in these land filings take his private agent away from the community? No. He would want to leave that private agent in that community so that he could look after his land and collect the installments due from time to time. And that is the reason for the Government having these local land offices, so that they can oversee and superintend the administration of the law regarding the entries.

Mr. MADDEN. The gentleman would not say it was not a sale. If I sold you a house and you paid only 25 per cent on it, you would not say that you had not bought it?

Mr. SINNOTT. I would say that, according to the provision in section 2248 of the Revised Statutes, that that land is not sold land of the United States until the title passes from the United States. Otherwise you may have several million acres of unperfected land entries in a State and not a land office to care for them.

I hope the committee amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 83, noes none.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 6 and 7, after the words "Del Norte," insert "and Sterling."

Mr. MADDEN. Mr. Chairman, if there is an unjustifiable thing in the bill it is this amendment. Here is a case where they are putting in a new office where there is only 6,100 acres of land in the district. If anybody can justify that I would like to have him try it.

Mr. TIMBERLAKE. I would like to justify it if I have opportunity.

Mr. MADDEN. I will give the gentleman an opportunity after I get through characterizing it.

Here is an opportunity for economy by leaving out this amendment. This amendment is put into the bill by the Committee on Public Lands at the request of a single Member of the House without any justification whatever, and it is as much justified as most of the other cases in the bill.

We have reached the stage where we ought, at least for a moment occasionally, to consider the public interest and not the interest of the individual anywhere. Here is a case that can not be justified on any terms whatever. Sixty-one hundred acres of land in a district, and they want a public land office and all the attendant expenses that it carries with it! And what for? Can it be for any other purpose than to give patronage to some man who wants a job? Surely the people who live within an area containing only 6,100 acres can travel beyond the boundary of that 6,100 acres to another land office if they have business with a land office.

But the Public Treasury must meet the cost and accommodate the local interests. Does anybody who advocates that sort of legislation ever think of the Public Treasury? Do they ever coordinate the great problems that must be confronted by the American people, all of which must be paid out of the pockets of the taxpayers?

It will not do to say that we live in a mountain territory; that our people can not travel beyond certain lines; that the distance is too far, the travel too hard, the facilities not adequate. We must consider the Nation once in a while. I do not ask that it be considered always, but in some cases such as this no one ever stops to consider the Nation. Those who do and who stand upon the floor of the House advocating the Nation's rights generally meet with scorn for their efforts. I protest against this sort of legislation, and I protest vigorously against the incorporation of this amendment in the bill. [Applause.]

Mr. TIMBERLAKE. Mr. Chairman and gentlemen of the House, the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], has made some very extravagant statements with reference to this amendment which has been offered by the Committee on the Public Lands in the House regarding this bill, and that is the inclusion of Sterling, Colo., land office as one that in the judgment of the committee, when the rights of the citizens there are considered, would not be justified in being continued for at least another year.

The gentleman from Illinois says that there are only 6,100 acres of land there. It is true that there are only 6,100 acres of unentered land, but those of you who were here and heard the decision read by the chairman of the committee [Mr. SINNOTT] regarding the opinion held by the court as to the provision in section 2240 of the Revised Statutes, which provided for the discontinuance of a land office where there were less than 100,000 acres, will understand that that was you should include those lands that were unsold.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. TIMBERLAKE. Yes. I yield.

Mr. MADDEN. Will the gentleman tell us how many land offices there are in Colorado, or will be in Colorado, if this does not go in?

Mr. TIMBERLAKE. I want to tell the committee that there is not another land office in my district other than the Sterling office, Hugo being discontinued without objection.

Mr. MADDEN. How many are there in the State? Are there not seven or eight?

Mr. FRENCH. There are 10, Mr. Chairman.

Mr. TIMBERLAKE. That does not alter the situation down in the district which is under consideration. That district is composed of eight large counties. The distance to travel to the land office to which the business of this office will be assigned is more than 250 miles. There are 600 unperfected homestead entries in that locality. Most of them are held by ex-service men who have not been able to make their final proof, and we are simply asking that this be continued for one year. With the consolidation of the office of registrar and receiver it will not cost the Government of the United States one dollar, for the fees paid into the office will more than twice pay the expenses of administration.

Mr. TINCHER. As I understand it, there are 96,000 acres of land to which titles have not been perfected.

Mr. TIMBERLAKE. There are over 200,000 acres the title to which has not passed from the Government.

Mr. TINCHER. Then, these men have business with the land office?

Mr. TIMBERLAKE. They surely have, and they have the right to transact their business with a land office within reasonable distance.

Mr. MADDEN. In the State of Arizona there are 16,000,000 acres of public land, and there is only one land office in that State, and nobody is complaining there.

Mr. TIMBERLAKE. I am not able to discuss the Arizona situation. I am not acquainted with it, but I was receiver of this land office for 17 years. I was a homesteader myself. I know the hardships it would entail upon these 600 unperfected homestead entries, entrymen, and women and those which will follow in taking up the additional unoccupied land. I know that they are entitled to the service which the local office will give them, and that to deprive them would do them a great injustice.

Mr. TILLMAN. The gentleman from Illinois [Mr. MADDEN] stated that Arizona has only one land office and that there are 16,000,000 acres of public land in that State. Is it not true that about 15,500,000 acres of that land are desert and mountain land that can not be entered?

Mr. TIMBERLAKE. I could not state about that.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word. With reference to this office I think it would be of interest to the committee to know that on page 41 of the hearings the gentleman from Colorado [Mr. TIMBERLAKE] estimated that the receipts of this office next year will be around $8,500 or $9,000. The expenses for the last fiscal year, 1921, were something over $10,000, and we have here a very good illustration of the way these little offices are conducted. On page 42 of the hearings the gentleman from Colorado [Mr. TIMBERLAKE] said—

> I was there last September and they had two clerks. I told the register, whom I knew very well, and he was a conscientious fellow. I said, "Is there need of your having two clerks." He said, "Do not mention it; it is awfully nice, but we could do the work." And he recalled the fact that when I was there the register and receiver did work amounting to more than twice the receipts of the office at that time and had no clerk.

That is the way these things go up, and your committee are simply trying to shut up that kind of an office.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from South Dakota.

Mr. WILLIAMSON. I want to say that for the year in which the gentleman said the expenses were $10,000 the income was more than $13,000, and there was an actual revenue turned in to the Government of $2,268.

Mr. CRAMTON. Yes; the expenses were over 80 per cent of the receipts.

Mr. SINNOTT. Mr. Chairman, I will say to the House that this is the only land office that the Committee on the Public Lands of the House added to the Senate bill. In addition to what the gentleman from Colorado [Mr. TIMBERLAKE] has stated regarding the number of unperfected entries, I may say that last year there were 728 new entries in this land office. I hope the committee amendment will be adopted.

Mr. MANN. Mr. Chairman, I would like to get a little information from one of these two gentlemen. This office took in $13,000 in receipts which indicates that they did some business.

Mr. SINNOTT. Certainly it does.

Mr. FRENCH. May I interrupt. The expenses in conducting the business was $10,802.

Mr. MANN. I was coming to that. If the office took in $13,000, it indicates that there was some business. Now, the expenses of the office are dependent very largely on the allowance made by the department here. If the expenses are too great, why do they not cut them down. If there was no occasion for so many employees in the office, why do they not cut them off. And if they do business by which they take in $13,000, to me that indicates that they are doing some business. If they require an expenditure of $10,800 to do that, it may be legitimate or it may be improper, I do not know, for no explanation has been made of that.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. MANN. Briefly.

Mr. TIMBERLAKE. Under the provisions in the bill the office of register and receiver are recommended for consolidation. The expenses of last year were unjustifiable, in my opinion, and should have been corrected. There was a wasteful expenditure in having too many clerks. I have done the business when there was much more than there is now and we had no clerks. They had two clerks. That was the fault of somebody, but the people of the district who are to be benefited by this office should not suffer from the faults of others.

Mr. MANN. It occurred to me that instead of the department recommending the office be abolished when it does a considerable amount of business, that it had better reduce the expenditures of the office and cut it down to a reasonable amount. In that case I think my friend from Michigan would not object.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I regret to take up the time of the committee at this late hour, but I do think it is rather important that we should all understand just what the situation is. I sympathize with the view of the gentleman from Michigan and the gentleman from Illinois, chairman of the Committee on Appropriations. I want to cooperate with them, and I have cooperated with them in the reduction of expenditures. They have both done perfectly wonderful work along these lines. [Applause.] They are entitled to a great deal of credit for the work that they have done.

Let us see what the situation is in regard to the land offices. How much do we save by abolishing a land office? Well, we save the rent, which may be from $50 to $100 a month—I think never more than $100 in these country towns—let us put it at $100. That is $1,200. Then you save the light and fuel. It may be that in those items you save $300 more. That makes $1,500, and that is all we save to a certainty when we abolish a land office. You may save something more, but there is no certainty that we save another penny. One thing is sure, that if there are, say, 100 homesteaders in the district who must make final proof on their land we put them to an expense not of a few hundred dollars but many thousands of dollars when we compel them to go very long distances to reach a land office. Remember these officers are all paid out of fees, and wherever the proof of entry is made somebody gets the fee. If these offices were abolished, the clerk of the court in the county or the United States commissioner in the county would accept the filing and hear the proof. The contest must be tried at the land office, and that means compelling the poor contestant to go long distances. As far as the other matters are concerned, some other officer does the work and

receives the fee. It is said that they have been employing more clerks than they should. I am inclined to think that there has been no great extravagance along that line. I doubt if there has been much.

Thirteen thousand dollars' worth of business in a land office means that the register and receiver have been busy. There are hundreds of thousands of acres on which proof must be made. They are the people who hear this proof, and if they do not some one else must. It is very much better for the Government to have the proof made before its own sworn officer rather than to have the proof made before a clerk of the court, who can not be expected to have the interest in the matter or the information in the matter that the land officer has, or before a United States commissioner, to whom the duty of taking final proof is purely incidental.

Mr. TIMBERLAKE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TIMBERLAKE. And the fee that will be charged by this clerk of a court of record or the commissioner would be an additional cost upon the entryman making final proof over that which he would have to pay if he appeared at the local office.

Mr. MONDELL. That is true.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. SINNOTT) there were—ayes 52, noes 50.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 9, after the word "Alliance," strike out the words "and Broken Bow."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "Nebraska," strike out the words "and Springfield in the State of Missouri."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer the following amendment to the section which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 1, line 3, strike out all of section 1 and in lieu thereof insert:

"That the land offices now located, respectively, at Bellefourche, in the State of South Dakota; Waterville, in the State of Washington; Del Norte, in the State of Colorado; and Alliance, in the State of Nebraska, are hereby continued for and during the fiscal year commencing July 1, 1922, and that the offices of register and receiver shall on said date be consolidated into one office.

Mr. SINNOTT. Mr. Chairman, I make the point of order against the amendment. It is really a substitute for the language reported by the committee and the bill which is already before the House and which has been agreed to.

The CHAIRMAN. The point of order is overruled.

Mr. FRENCH. Mr. Chairman, I shall not take the time of the committee in discussing this amendment at length. What it does is to provide for the maintenance of the four land offices to which I referred in the course of the general debate, where I think the evidence is such that we can well continue the office for another year. As regards the other five offices, I am of opinion that nothing has been presented to the committee that would justify continuation of those land offices. I hope that the amendment that I have offered will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—yeas 56, nays 53.

Mr. SINNOTT. Mr. Chairman, on that I demand tellers.

The CHAIRMAN. The gentleman from Oregon demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Seventeen Members—not a sufficient number—and tellers are refused.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the land office now located at Durango, Colo., is also hereby continued for and during said fiscal year, but the provisions of the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes," approved May 25, 1922, shall not apply to the said land office in so far as they relate to the consolidation of the offices of register and receiver of such land offices.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Mr. Chairman, the committee has just adopted the amendment of the gentleman from Idaho [Mr. FRENCH]. Suppose the House votes against his amendment, then will the amendments adopted by the committee heretofore, wherein they strike out certain items, stand, and the bill pass in that way?

The CHAIRMAN. It would be inappropriate for the Chairman of the Committee of the Whole House on the state of the Union to pass on a matter that will have to be decided by the Speaker of the House.

Mr. VAILE. Mr. Chairman, I have the right to offer a perfecting amendment to section 2, have I not?

The CHAIRMAN. Certainly; the gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VAILE: Page 2, line 5, strike out the word "office" and substitute in lieu thereof the word "offices," and after the word "Durango" insert the words "and Montrose"; and in line 6 strike out the word "is" and substitute in lieu thereof the word "are"; and in line 11 strike out the word "office" and substitute in lieu thereof the word "offices," so that said section shall read:

"SEC. 2. That the land offices now located at Durango and Montrose, Colo., are also hereby continued for and during said fiscal year, but the provisions of the act entitled 'An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes,' approved May 25, 1922, shall not apply to the said land offices in so far as they relate to the consolidation of the offices of register and receiver of such land offices."

Mr. VAILE. Mr. Chairman, I want to call to the attention of the Members the fact that the land offices at Durango and Montrose are both large offices. At Durango there are some 475,000 acres of public lands, and much of it is agricultural lands which might yet be taken. This is in the extreme southwest corner of the State, a rather inaccessible part of the State but a part which at the same time we believe in the near future will fill up with settlers. It seems to me that the register and receiver should not be consolidated at that point, at least yet, in view of the probable early influx of settlers. As for Montrose, the office serves seven counties, and they have an enormous amount—2,370,000 acres—of unappropriated public land. I do not think the register and receiver should be consolidated there as yet. These offices are both slightly above the 33 per cent of ratio of expense to revenue, but the revenues are very greatly in excess of the total expenses. They are very important offices, serving large communities where there is yet suitable agricultural land. These offices are not overmanned now. The registers and receivers at both places are capable and experienced men, and they have all they can do. Each of these offices, in addition to other public lands, serves large areas of Indian lands and of forest lands. The service will be greatly curtailed by consolidating the offices of register and receiver, and for at least a year both these officers should be retained.

At Montrose, with its enormous quantity of land, more than all the other offices in this bill combined, the ratio of expenses to receipts is very little over the maximum which makes it discretionary, not mandatory, to consolidate the offices, that ratio being only 38.6 per cent.

I submit herewith the figures for both offices and urge that the register and receiver be retained at each place, in accordance with the amendment which I have offered:

Montrose land office for the year 1921.

Total earnings	$36,853
Indian land receipts	8,596
Net earnings	28,257
Expenses	11,084
Commissions from sales of Indian lands	172
	10,912
Ratio—per cent	38.6
Acres of unappropriated public land	2,370,351

Durango land office for the year 1921.

Receipts	$20,272.30
Expenses	$8,691.46
Acres	474,457
Additional receipts, Indian lands	$10,320.19

Mr. SINNOTT. Mr. Chairman, I would like to be heard in opposition to the amendment. The Montrose office is something new. It was not submitted to the committee when the bill was being considered. We think that section 2 should be stricken out, for the reason that the receipts at Durango were $10,320.19 and the total expenses were $8,691.45. As far as the receipts and expenses are concerned this office stands in no better posi-

tion than the other offices, and we felt that we ought to try to do the practical thing and get some kind of a bill that we could pass through the House, and if it is going to be loaded down we might as well strike out the enacting clause right now. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. VAILE. Division, Mr. Chairman. I withdraw the demand.

The CHAIRMAN. The gentleman from Colorado withdraws his demand for a division.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out all of section 2.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That such appropriations as are sufficient to maintain said offices are hereby authorized to be made from time to time as conditions may require.

The committee amendment was read as follows:

Page 2, line 13, strike out the figure "3" and insert the figure "2."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer a substitute for the entire bill after the enacting clause.

The CHAIRMAN. The gentleman from Illinois offers a substitute for the entire bill, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. MANN: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the land offices now located, respectively, at Bellefourche, in the State of South Dakota; Waterville, in the State of Washington; Dickinson, in the State of North Dakota; Del Norte and Sterling, in the State of Colorado; Clayton and Fort Sumner, in the State of New Mexico; Harrison and Camden, in the State of Arkansas; and Alliance, in the State of Nebraska, are hereby continued for and during the fiscal year commencing July 1, 1922, and thereafter, in the discretion of the President, as long as the public business of such offices shall warrant: *Provided, however*, That the President may consolidate the offices of register and receiver in any of said offices whenever he may deem it in the public interest.

"SEC. 2. That such appropriations as are sufficient to maintain said offices are hereby authorized to be made from time to time as conditions may require."

Mr. CRAMTON. I make the point of order on the substitute that it simply attempts to restore to the bill the language which was omitted by the amendment of the gentleman from Idaho [Mr. FRENCH], the amendment adopted to section 1.

Mr. Chairman, the gentleman offers it in the form of a substitute for the entire bill. But it seems to me desirable for the Chair to know exactly the nature of the substitute which the gentleman offers. The bill before the House is in two sections. The substitute offered by the gentleman from Illinois is of two sections. Section 2 in the bill is absolutely identical, word for word, with the substitute proposed by the gentleman from Illinois. Section 1 of the bill as it stood before the committee, when the gentleman from Idaho [Mr. FRENCH] offered his amendment, was identical with the language now in section 1 of the substitute. Now, the gentleman from Illinois [Mr. MANN] knows probably better than anyone else in the House that he could not have offered a straight-out proposition to have this committee consider a second time the same proposition. The amendment offered by the gentleman from Idaho was adopted by a standing vote of the committee. It is possible to have a roll call upon it in the House. It would not have been possible for the gentleman from Illinois to have offered as an amendment to section 1 that which he now seeks to bring before us through this substitute for the full bill. In other words, he is attempting through a subterfuge to do that which could not have been done directly, and if it be possible to do that, then at any time when a bill is pending in the Committee of the Whole House, if an amendment has been adopted to any one section of the bill, and somebody in the House wants a rehearing on that particular amendment, all he has to do is at the end of a bill to offer to substitute a bill that is identical with the bill before the House, except to return certain language which the committee has already thrown out. I urge that the substitute is not in order, the House already having passed upon the elimination of the very language which the gentleman now seeks to have restored.

Mr. GARRETT of Tennessee. Mr. Chairman, I think the point of order should be sustained.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. Mr. Chairman, if this precedent be fixed now its effect will be to destroy for all time to come a vote of the House upon amendments. This proposition, Mr. Chairman, is much more far-reaching than this particular bill necessitates. This bill may or may not be important. I do not know anything about it. I have been willing to support it. I do know that if one can offer an amendment at the end of a bill wiping out all amendments that have been adopted by the committee and restore the bill as it came from the committee, you have destroyed the will of the Committee of the Whole and destroyed the possibility of the House passing upon it.

Mr. MANN. The Committee of the Whole passes upon this, does it not? How does it destroy the Committee of the Whole passing upon it?

Mr. GARRETT of Tennessee. By reason of the fact that they can not pass upon the separate amendments.

Mr. MANN. Take this case: The Committee of the Whole has agreed to three or four or more amendments to the first section of this bill and then adopted another amendment striking all of them out. Does the gentleman doubt their right to do that? They had agreed to certain amendments, and then they adopted an amendment wiping those all out. Does the gentleman doubt their parliamentary right to do that?

Mr. GARRETT of Tennessee. No; I do not.

Mr. MANN. Why is it not just the same thing?

Mr. GARRETT of Tennessee. Oh, it is quite different. Here the gentleman proposes to restore a bill that has been amended.

Mr. MANN. I do not propose to restore a bill at all. I offer a substitute to the entire bill, and, I may say, not in the language of the bill.

Mr. GARRETT of Tennessee. The gentleman never pettifogs.

Mr. MANN. I do not. When the gentleman from Michigan thought it was the same thing, I wish to say that in the language "and" is omitted.

Mr. CRAMTON. I followed it as closely as I could——

Mr. LONDON. What is the object of the substitute?

Mr. GARRETT of Tennessee. The object, in my opinion, is to fix a precedent to be used in the future for destroying the power to pass legislation.

Mr. MANN. The precedent was fixed before the gentleman from Tennessee or myself came to Congress or saw the light of day.

Mr. LONDON. What is the object of the gentleman from Illinois in offering the substitute?

Mr. MANN. I am perfectly willing to say I want to give the committee an opportunity to practically pass upon this same question again, but in a parliamentary way, and one that is in order. Now, Mr. Chairman——

Mr. GARRETT of Tennessee. Mr. Chairman——

Mr. MANN. I do not want to take the gentleman's time.

Mr. GARRETT of Tennessee. I yield to the gentleman. Mr. Chairman, the committee, of course, or the House will have its opportunity of passing upon these amendments after the committee has risen and reported the matter to the House.

Mr. MANN. Nobody knows whether the House would have an opportunity to pass upon the amendments to the bill or not if they should defeat the amendment offered by the gentleman from Idaho [Mr. FRENCH].

However, I saw this occur in the House, and it was in order. After long consideration of the bill and many amendments adopted to the bill in Committee of the Whole, when it was reported back to the House the gentleman in charge of the bill, instead of moving the previous question, moved as a substitute for the entire bill practically all of the bill with a few slight changes. A point of order was made, but, of course, it was overruled.

It is in order to offer a substitute for this bill. The fact that the Committee of the Whole has agreed to an amendment has not written that amendment into the bill. If it had, it could not have stricken out all these amendments that had already been agreed to; and the motion which I offer as a substitute is just as much in order in its way as the substitute for the first section was in order when it was offered. That was in order when it was offered, and that which I offer to the entire bill is in order when the entire bill is in committee.

That does not make a precedent. The precedent runs back to time immemorial.

Mr. GARRETT of Tennessee. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. If the amendment of the gentleman from Illinois be held in order and is adopted, then, of course, there will be only one vote, or can be only one vote.

Mr. MANN. There would be only one vote if that amendment should be agreed to by the House.

Mr. GARRETT of Tennessee. Yes; so it destroys the amendments that have already been adopted, and destroys the possibility of the House passing upon it.

Mr. MANN. The amendments that have already been adopted, all but one of them to the first section, were amendments to the text of the first section. They have all been wiped out by the amendment of the gentleman from Idaho [Mr. FRENCH], if his amendment should be agreed to by the House.

If his amendment should not be agreed to by the House, I do not know, because there was a controversy before, and I remember, if I remember correctly, that the Speaker, after he had ruled upon that subject temporarily, stated afterwards that he did not desire the ruling to positively stand. I do not know, but I think that if the amendment of the gentleman from Idaho in the House should be defeated, then the House is called upon to vote for the original Senate provision without any amendment. That is what I am trying to get the House out of—to give them a chance to do what they want to do, amend a Senate bill. The gentleman's position would be that no amendment can be submitted to the House as to the first section except the amendment of the gentleman from Idaho, and if that be disagreed to, then the House will be called upon to vote upon the original first section of the bill, still including in there all of these land offices which the majority of the House want to eliminate. I am trying to extricate the House from that difficulty.

The CHAIRMAN. The Chair is ready to rule. [Cries of "Rule!"]

Mr. FRENCH. Mr. Chairman, I want to call attention to what I understood to be some weeks ago the ruling of the Speaker reversing the very policy which the gentleman from Illinois [Mr. MANN] has referred to. As I understand it, the effect of the ruling was——

Mr. MANN. The Speaker ruled on that bill. The bill was passed, and the Speaker, as I recollect, the next day stated that he was not sure that his ruling was correct, and indicated that he thought his ruling of the day before was incorrect.

Mr. FRENCH. Yes; and if his ruling on this proposition was the same as he indicated his ruling might be, then——

Mr. MANN. No; on the contrary, the Speaker gave a chance to vote on these separate amendments in the first ruling, and afterwards retracted it.

Mr. FRENCH. The gentleman and I, I fear, are not speaking of the same amendments. I am not talking about the amendments in the original bill. I am referring to the amendments in the perfected bill, as to which I introduced my substitute.

Mr. MANN. I understand. As I understand the ruling of the Speaker, if he retracted his original ruling, then if the gentleman's amendment should go back to the House and it should be defeated, the House would be required to vote on the original bill without amendment. [Cries of "Rule!"]

The CHAIRMAN. The Chair is ready to rule. There are two methods by which substitutes for the entire bill may be offered. The first is to offer, after the first paragraph has been read, a substitute for the entire bill, with the notice that with regard to the succeeding sections of the bill as they are read a motion will be made to strike them out. That method has been used in a good many instances. In that case gentlemen will notice that, of course, there is no opportunity for amending any subsequent section of the bill, providing the substitute is agreed to.

The other method is to offer the substitute for the entire bill at the conclusion of the reading of the entire bill, as was done in this instance by the gentleman from Illinois. Of course in that case all of the amendments that have been adopted by the committee, whatever they may be, are stricken out if the substitute is adopted. If the substitute contains in effect or in actual language some of the amendments that are already agreed to, that does not deprive the mover of the substitute of the consideration of his substitute. That applies practically to the case that we have before us, in the opinion of the Chair. No matter what the effect of this substitute may be, it is the right of the committee to vote down or to support the motion of the gentleman from Illinois. The point of order is, therefore, overruled.

The question is on the substitute offered by the gentleman from Illinois.

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the substitute offered by the gentleman from Illinois in order to make clear just what the proposition is.

This bill as it left the Senate provided for the restoration of 16 offices, if I am not mistaken. The French amendment cuts the number to four and provides for the continuance of the four offices that seem most necessary to be continued. It eliminates the real pork-barrel feature but avoids any chance of discontinuing any necessary offices. It provides for the continuance of 4 instead of 16.

The Mann substitute that is now before the House proposes the continuance of 10 offices instead of 4, as the bill now stands. I hope in the interest of real economy that the Mann substitute may be defeated.

Mr. HOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOCH. The committee has perfected the first section of this bill. Now a substitute is offered for the whole bill, restoring the original language of section 1. My inquiry is this: Suppose the motion of the gentleman from Illinois prevails in the committee and then there is a separate vote in the House upon that motion to substitute, and that motion does not prevail in the House. Do we then have the original section of the bill, or do we have left the perfected section of the bill?

The CHAIRMAN. It would be improper for the Chair to venture an opinion upon a matter that is to be passed upon by the Speaker and not by the Chairman. It is for the committee to take that matter into consideration, if they desire to do so, when they vote upon the substitute.

Mr. SINNOTT. Mr. Chairman, as a member of the committee I wish to say that the committee have given this bill very careful consideration. The substitute of the gentleman from Illinois substitutes the provisions of the bill as reported by the Committee on the Public Lands. Now, it was apparent to the Committee on the Public Lands, and the gentleman from Idaho [Mr. FRENCH], who had entire charge of this matter in the Interior bill, admitted before the Committee on the Public Lands that he gave absolutely no consideration to the matter of Indian lands; that he was not familiar with that subject; that he was not familiar with the acreage of Indian lands or with the revenues coming from them; and the hearings before the Committee on Appropriations showed that they gave absolutely no consideration to the technical meaning of the words "public lands." They gave no consideration to the acreage of Indian lands. They gave no consideration to the revenue from Indian lands. The Committee on the Public Lands gave careful consideration to those matters and cut down the Senate number by six and inserted one more. I hope that the committee will adopt the substitute offered by the gentleman from Illinois [Mr. MANN].

Mr. FRENCH. Mr. Chairman, I move to amend the first section of the substitute, and offer the following amendment thereto.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment as a substitute offered by Mr. FRENCH: Strike out all of section 1 of the substitute after the enacting clause, and insert in lieu thereof the following: That the land offices now located, respectively, at Bellefourche in the State of South Dakota, Waterville in the State of Washington, Del Norte in the State of Colorado, and Alliance in the State of Nebraska, are hereby continued for and during the fiscal year commencing July 1, 1922, and thereafter the offices of register and receiver shall be consolidated in said offices.

Mr. FRENCH. Mr. Chairman, I think this is plain enough. I offer the language that was included in my former amendment.

Mr. MANN. Mr. Chairman, I move that all debate on the amendment and substitute be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Idaho.

The question was taken, and on a division (demanded by Mr. FRENCH and Mr. CRAMTON) there were 66 ayes and 61 noes.

Mr. SINNOTT. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SINNOTT and Mr. FRENCH.

The committee again divided, and the tellers reported that there were 67 ayes and 71 noes. So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois.

The question was taken, and the Chair being in doubt, the committee divided, and there were 61 ayes and 55 noes.

Mr. SINNOTT. Mr. Chairman, I call for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SINNOTT and Mr. FRENCH.

The committee again divided, and there were 84 ayes and 59 noes.

So the substitute was agreed to.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill with an amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3425) to continue certain land offices, and for other purposes, and had directed him to report the same back with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. The Chair understands that there is but one amendment.

Mr. CRAMTON. Very well, if that is the holding.

Mr. WALSH. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk again read the substitute offered by Mr. MANN.

Mr. CRAMTON. Mr. Speaker, I move to amend the amendment.

The SPEAKER. But the previous question has been ordered.

Mr. CRAMTON. The previous question has not been ordered.

The SPEAKER. The previous question is ordered by the rule.

Mr. CRAMTON. Then, I ask that the amendment be divided and a separate vote be had on each section of the amendment.

The SPEAKER. The Chair has no authority to allow the amendment to be divided.

Mr. CRAMTON. Not when it contains several sections?

The SPEAKER. No.

Mr. HOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOCH. The Committee of the Whole perfected this bill by changing section 1 and making other changes, and then adopted a substitute for the whole bill which restores the original language of the bill. If this substitute is not adopted, will we have left the original bill which is identical with the substitute, or will we have left the perfected original bill?

The SPEAKER. The Chair is told that the original bill is not identical with the substitute.

Mr. HOCH. It is identical except for the word "and."

Mr. MANN. Oh, no.

The SPEAKER. However, the Chair does not like to cross that bridge until it is reached. The Chair is disposed to think that this is reported with one amendment. There are no other amendments before the House; therefore if this amendment should be disagreed to the original bill, the Chair thinks, would be before the House.

Mr. STEPHENS. As amended.

The SPEAKER. Oh, no; not as amended. The only way the House could express itself, if it wished to amend it, would be by a motion to recommit.

Mr. TEMPLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TEMPLE. If the substitute is voted down, then would the bill come up in the original form, or would it be the perfected bill for which this substitute was offered?

The SPEAKER. The Chair thinks it would be the original bill.

Mr. MANN. It would be the original bill.

Mr. TEMPLE. This is a Senate bill with certain amendments.

Mr. CRAMTON. The Speaker means the Senate bill, in referring to the original bill?

The SPEAKER. The Senate bill. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SINNOTT) there were—ayes 77, noes 75.

Mr. CRAMTON. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on agreeing to the amendment.

The question was taken; and there were—yeas 126, nays 98, answered "present" 1, not voting 205, as follows:

YEAS—126.

Almon	Bell	Brooks, Ill.	Clague
Anderson	Benham	Browne, Wis.	Clouse
Aswell	Bond	Burke	Cole, Iowa
Atkeson	Bowers	Cable	Collier
Barbour	Briggs	Carew	Collins
Crowther	Hayden	McDuffie	Smith, Idaho
Cullen	Hays	MacGregor	Smith, Mich.
Curry	Hickey	Magee	Smithwick
Dale	Huddleston	Mann	Steagall
Darrow	Hudspeth	Martin	Stephens
Davis, Tenn.	Hull	Mead	Sumners, Tex.
Doughton	Jacoway	Millspaugh	Swing
Dunbar	Johnson, S. Dak.	Mondell	Tague
Dupré	Johnson, Wash.	Moore, Ohio	Thompson
Elliott	Keller	Moores, Ind.	Tillman
Fairfield	Kennedy	Morgan	Timberlake
Faust	King	O'Brien	Tincher
Fenn	Knutson	O'Connor	Upshaw
Fordney	Kopp	Oldfield	Vaile
Fuller	Kreider	Parker N. Y.	Vestal
Garner	Lampert	Petersen	Voigt
Gensman	Lankford	Raker	Volstead
Gernerd	Larsen, Ga.	Rankin	Weaver
Graham, Pa.	Lazaro	Reece	Wheeler
Green, Iowa	Lea, Calif.	Reed, W. Va.	Williamson
Griest	Lee, Ga.	Rhodes	Wingo
Griffin	Lee, N. Y.	Sanders, N. Y.	Wright
Hadley	Lineberger	Sanders, Tex.	Wurzbach.
Hardy, Colo.	Little	Sandlin	Wyant
Harrison	Lowrey	Scott, Tenn.	Zihlman
Haugen	Luhring	Shaw	
Hawley	McCormick	Sinnott	

NAYS—98.

Ackerman	Dowell	Kraus	Ramseyer
Ansorge	Dyer	Lanham	Ransley
Appleby	Edmonds	Layton	Ricketts
Begg	Fess	Lehlbach	Rogers
Bird	Foster	London	Rossdale
Bixler	Freeman	McFadden	Ryan
Bowling	French	McLaughlin, Mich.	Shreve
Box	Frothingham	McLaughlin, Pa.	Siegel
Bulwinkle	Funk	Madden	Snell
Burdick	Gallivan	Mapes	Speaks
Burton	Garrett, Tenn.	Merritt	Sproul
Butler	Gorman	Michaelson	Strong, Kans.
Byrnes, S. C.	Graham, Ill.	Michener	Temple
Byrns, Tenn.	Hammer	Mills	Tinkham
Chalmers	Henry	Morin	Underhill
Chandler, N. Y.	Hill	Mott	Vare
Chindblom	Himes	Nelson, Me.	Volk
Cole, Ohio	Hoch	Newton, Minn.	Walsh
Connally, Tex.	Hogan	Norton	Watson
Cooper, Wis.	Hutchinson	Paige	White, Me.
Coughlin	Ketcham	Parker, N. J.	Williams, Tex.
Crago	Kincheloe	Perkins	Winslow
Cramton	Kissel	Perlman	Woodruff
Dallinger	Kline, N. Y.	Quin	
Dempsey	Kline, Pa.	Radcliffe	

ANSWERED "PRESENT"—1.

Sisson

NOT VOTING—205.

Andrew, Mass.	Evans	Lawrence	Rosenbloom
Andrews, Nebr.	Fairchild	Leatherwood	Rouse
Anthony	Favrot	Linthicum	Rucker
Arentz	Fields	Logan	Sabath
Bacharach	Fish	Longworth	Sanders, Ind.
Bankhead	Fisher	Luce	Schall
Barkley	Fitzgerald	Lyon	Scott, Mich.
Beck	Focht	McArthur	Sears
Beedy	Frear	McClintic	Shelton
Black	Free	McKenzie	Sinclair
Blakeney	Fulmer	McLaughlin, Nebr.	Slemp
Bland, Ind.	Gahn	McPherson	Snyder
Bland, Va.	Garrett, Tex.	McSwain	Stafford
Blanton	Gilbert	Maloney	Stedman
Boies	Glynn	Mansfield	Steenerson
Brand	Goldsborough	Miller	Stevenson
Brennan	Goodykoontz	Montague	Stiness
Britten	Gould	Montoya	Stoll
Brooks, Pa.	Greene, Mass.	Moore, Ill.	Strong, Pa.
Brown, Tenn.	Greene, Vt.	Moore, Va.	Sullivan
Buchanan	Hardy, Tex.	Mudd	Summers, Wash.
Burroughs	Hawes	Murphy	Swank
Burtness	Herrick	Nelson, A. P.	Sweet
Campbell, Kans.	Hersey	Nelson, J. M.	Taylor, Ark.
Campbell, Pa.	Hicks	Newton, Mo.	Taylor, Colo.
Cannon	Hooker	Nolan	Taylor, N. J.
Cantrill	Hukriede	Ogden	Taylor, Tenn.
Carter	Humphreys	Oliver	Ten Eyck
Chandler, Okla.	Husted	Olpp	Thomas
Christopherson	Ireland	Osborne	Tilson
Clark, Fla.	James	Overstreet	Towner
Clarke, N. Y.	Jefferis, Nebr.	Padgett	Treadway
Classon	Jeffers, Ala.	Park, Ga.	Tucker
Cockran	Johnson, Ky.	Parks, Ark.	Tyson
Codd	Johnson, Miss.	Patterson, Mo.	Vinson
Colton	Jones, Pa.	Patterson, N. J.	Walters
Connell	Jones, Tex.	Porter	Ward, N. Y.
Connolly, Pa.	Kahn	Pou	Ward, N. C.
Cooper, Ohio	Kearns	Pringey	Wason
Copley	Kelley, Mich.	Purnell	Webster
Crisp	Kelly, Pa.	Rainey, Ala.	White, Kans.
Davis, Minn.	Kendall	Rainey, Ill.	Williams, Ill.
Deal	Kiess	Rayburn	Wilson
Denison	Kindred	Reber	Wise
Dickinson	Kinkaid	Reed, N. Y.	Wood, Ind.
Dominick	Kirkpatrick	Riddick	Woods, Va.
Drane	Kitchin	Riordan	Woodyard
Drewry	Kleczka	Roach	Yates
Driver	Knight	Robertson	Young
Dunn	Kunz	Robsion	
Echols	Langley	Rodenberg	
Ellis	Larson, Minn.	Rose	

So the amendment was agreed to.

The Clerk announced the following pairs:
Until further notice:
Mr. Davis of Minnesota with Mr. Sisson.
Mr. Sinclair with Mr. Carter.
Mr. Hicks with Mr. Hooker.
Mr. Burtness with Mr. Fisher.
Mr. Rodenberg with Mr. Rucker.
Mr. Sanders of Indiana with Mr. Driver.
Mr. Stiness with Mr. McClintic.
Mr. Kahn with Mr. Cantrill.
Mr. Langley with Mr. Clark of Florida.
Mr. Treadway with Mr. Cockran.
Mr. Kelly of Pennsylvania with Mr. Bankhead.
Mr. Beedy with Mr. Hawes.
Mr. Strong of Pennsylvania with Mr. Rayburn.
Mr. Christopherson with Mr. Dominick.
Mr. Robsion with Mr. McSwain.
Mr. Dunn with Mr. Thomas.
Mr. Arentz with Mr. Fields.
Mr. Taylor of New Jersey with Mr. Overstreet.
Mr. Brown of Tennessee with Mr. Wilson.
Mr. Knight with Mr. Fulmer.
Mr. Osborne with Mr. Rainey of Illinois.
Mr. Riddick with Mr. Woods of Virginia.
Mr. McArthur with Mr. Barkley.
Mr. Codd with Mr. Riordan.
Mr. Brooks of Pennsylvania with Mr. Campbell of Pennsylvania.
Mr. Wason with Mr. Kindred.
Mr. Yates with Mr. Buchanan.
Mr. Gahn with Mr. Jones of Texas.
Mr. McKenzie with Mr. Stedman.
Mr. Rose with Mr. Deal.
Mr. McPherson with Mr. Ten Eyck.
Mr. Glynn with Mr. Favrot.
Mr. Brennan with Mr. Oliver.
Mr. Taylor of Tennessee with Mr. Ward of North Carolina.
Mr. Williams of Illinois with Mr. Sullivan.
Mr. Anthony with Mr. Brand.
Mr. Shelton with Mr. Jeffers of Alabama.
Mr. Nolan with Mr. Sears.
Mr. Leatherwood with Mr. Black.
Mr. Patterson of Missouri with Mr. Drane.
Mr. Schall with Mr. Montague.
Mr. Chandler of Oklahoma with Mr. Vinson.
Mr. Webster with Mr. Gilbert.
Mr. Campbell of Kansas with Mr. Pou.
Mr. Hukriede with Mr. Wise.
Mr. Larson of Minnesota with Mr. Garrett of Texas.
Mr. Andrew of Massachusetts with Mr. Crisp.
Mr. Bacharach with Mr. Bland of Virginia.
Mr. Summers of Washington with Mr. Humphreys.
Mr. Dickinson with Mr. Sabath.
Mr. Bland of Indiana with Mr. Tyson.
Mr. Kelley of Michigan with Mr. Hardy of Texas.
Mr. Kearns with Mr. Blanton.
Mr. A. P. Nelson with Mr. Johnson of Kentucky.
Mr. Evans with Mr. Stoll.
Mr. Beck with Mr. Drewry.
Mr. Jones of Pennsylvania with Mr. Goldsborough.
Mr. Fitzgerald with Mr. Parks of Arkansas.
Mr. Frear with Mr. Tucker.
Mr. Kiess with Mr. Padgett.
Mr. Olpp with Mr. Mansfield.
Mr. Murphy with Mr. Logan.
Mr. Clarke of New York with Mr. Kitchin.
Mr. Luce with Mr. Stevenson.
Mr. Maloney with Mr. Taylor of Colorado.
Mr. Cooper of Ohio with Mr. Park of Georgia.
Mr. White of Kansas with Mr. Linthicum.
Mr. Snyder with Mr. Swank.
Mr. Kendall with Mr. Kunz.
Mr. Newton of Missouri with Mr. Taylor of Arkansas.
Mr. Roach with Mr. Lyon.
Mr. Greene of Massachusetts with Mr. Moore of Virginia.
Mr. Boies with Mr. Rainey of Alabama.
Mr. Greene of Vermont with Mr. Johnson of Mississippi.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the third reading of the bill.

Mr. CRAMTON. Mr. Speaker, on that I demand the reading of the engrossed copy of the bill.

The SPEAKER. This is a Senate bill.

The bill was ordered to be read the third time; was read the third time.

Mr. CRAMTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMTON. I am opposed to the bill. I move that the bill be recommitted to the Committee on the Public Lands with instructions to strike out section 1 thereof and amend by inserting the language which I send to the Clerk's desk and report back forthwith to the House.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRAMTON moves to recommit the bill to the Committee on the Public Lands with instructions to report the bill back forthwith amended to read as follows:

"That the land offices now located, respectively, at Bellefourche, Timber Lake, and Lemmon in the State of South Dakota, Waterville in the State of Washington, Williston, Minot, and Del Norte in the State of Colorado, and Alliance and Broken Bow in the State of Nebraska, and Springfield in the State of Missouri, are hereby continued for and during the fiscal year commencing July 1, 1922, and at the offices named the offices of register and receiver shall be consolidated in one office."

Mr. MANN. Mr. Speaker, I make the point of order that the motion offered by the gentleman is not in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Speaker Clark ruled on a number of occasions, I think, and it has become the established ruling of the House, that where a bill with an amendment was reported from the Committee of the Whole House on the state of the Union, and the amendment was agreed to by the House, it was not in order on a motion to recommit to strike out the amendment. That ruling has been followed by the present Speaker. It is a clear-cut ruling by Speaker Clark, reiterated by him on several occasions, and if I am not mistaken it was followed by the present Speaker, that where an amendment reported has been agreed to by the House it was not in order on a motion to recommit to move to strike out the amendment. A motion to recommit to the committee, of course, is in order.

Mr. CRAMTON. Mr. Speaker, I would like to be heard on the point of order. I would like to call the attention of the Speaker to the peculiar circumstances that exist in reference to section 1 of this bill. As it passed the Senate it provided for the continuance of 15 land offices. The Committee on the Public Lands of the House reported the bill to the House striking out some six or seven of these land offices and adding one additional, making a total of 10 offices to be continued in the bill as reported by the Committee on the Public Lands. Now, I want particularly to direct the attention of the Speaker to this proposition, that when we went into the Committee of the Whole House on the state of the Union certain action was taken back and forth, about which the Speaker is supposed to know nothing and about which this House is supposed to know nothing. Finally, there came out of the Committee of the Whole House on the state of the Union the Mann amendment, on which we have just voted. Now, it is the very essence of this point of order to be clear what that amendment did. That Mann amendment attached to the Senate bill provided in effect for the cutting out of six land offices carried in the Senate bill. That is what the amendment we have just voted on did. It added nothing to the Senate bill; it did not pass upon anything else in section 1 of the Senate bill except the six offices at Timber Lake and Lemmon, in the State of South Dakota; Williston and Minot, in the State of North Dakota; Broken Bow, in the State of Nebraska; and Springfield, in the State of Missouri. The Mann amendment cut out those six offices. As to the other nine which were originally in the Senate bill, the amendment made no change whatever in the Senate bill. Now, the motion to recommit which I have offered does not attempt to restore any one of those six offices stricken out by the Mann amendment. We accept the situation as to those six.

We are not trying to upset the effect of the Mann amendment at all, but we are trying now to deal with another part of section 1 that was not affected by the Mann amendment; that is to say, we want to strike out several other places and reduce the number which was originally in the Senate bill—15. In the Mann amendment it was 10, and in the motion to recommit which I have offered it is reduced to 4. In other words, I am trying to give the House a chance to cut this bill still further, and not to upset anything done by the Mann amendment, but to supplement it. I submit that the motion to recommit must be held in order.

Mr. MANN. The statement of fact has nothing to do with it. Here is the parliamentary situation——

The SPEAKER. The Chair is ready to rule. While the practical objection stated by the gentleman from Michigan [Mr. CRAMTON] is forceful, still this question has been settled by a uniform line of decisions and has been ruled upon by the present Speaker several times.

Mr. CRAMTON. Do not all those precedents have in mind that the motion to recommit would in some way seek to contravene the effect of the amendment which has been adopted, which in this case is not true?

The SPEAKER. The rule is laid down very conclusively. After the House has adopted an amendment, as it has in this case, it is not subject to amendment indirectly by a motion to recommit. The Chair thinks the only motion would be a motion to recommit without instructions.

The Chair sustains the point of order.

Mr. CRAMTON. Does the Speaker mean to rule that a motion to send to the committee with instructions to strike out one or more offices would be within his ruling? If the Chair is not ready on that I will present the motion in a definite form.

The SPEAKER. The Chair does not see how the gentleman can present it in that form. The House has adopted this amendment. It is not the act of the committee, but an act of the House, and after it has been adopted the House can not amend it.

Mr. CRAMTON. That is, it was an amendment striking out certain language.

The SPEAKER. The amendment is a substitute for the entire bill.

The Chair sustains the point of order.

Mr. WALSH. Mr. Speaker, does this motion to recommit appear in the record? It never has been reported. The House does not know the language contained in the motion.

The SPEAKER. The Chair instructed the Clerk to report it.

Mr. MANN. The Clerk proceeded to report the amendment, but I raised the question that it was subject to a point of order, and the Chair held that it was subject to a point of order.

Mr. WALSH. The Clerk did not read two lines.

Mr. CRAMTON. I think no one would object to its appearing in the record.

The SPEAKER. The Chair supposed that the motion was reported.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the balance of it may be included in the record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(For motion to recommit, see above.)

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the Chair was in doubt.

Accordingly the House divided, and there were—ayes 90, noes 83.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of no quorum.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of the passage of the bill will, as their names are called——

Mr. CRAMTON. Mr. Speaker——

The SPEAKER. The only motion in order would be a motion to adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House adjourn.

Mr. GARRETT of Tennessee. I withdraw the motion.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. Those in favor of the passage of the bill will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 98, not voting 215, as follows:

YEAS—118.

Almon	Darrow	Hardy, Colo.	Lee, Ga.
Anderson	Denison	Harrison	Lineberger
Barbour	Doughton	Haugen	Little
Bell	Dunbar	Hawley	Lowrey
Benham	Dupré	Hayden	Luhring
Boies	Elliott	Hays	McCormick
Bond	Fairfield	Hickey	McDuffie
Bowers	Faust	Hudspeth	MacGregor
Briggs	Fenn	Jacoway	Magee
Brooks, Ill.	Fordney	Johnson, S. Dak.	Mann
Burke	Freeman	Johnson, Wash.	Mead
Carew	Fuller	Keller	Millspaugh
Clague	Garner	Kennedy	Mondell
Clouse	Garrett, Tenn.	King	Moore, Ohio
Cole, Iowa	Gensman	Kline, Pa.	Moores, Ind.
Collier	Gernerd	Knutson	Morgan
Collins	Graham, Pa.	Kreider	Norton
Crowther	Green, Iowa	Lankford	O'Brien
Cullen	Griest	Larsen, Ga.	Oldfield
Curry	Hadley	Lazaro	Parker, N. Y.
Dale	Hammer	Lea, Calif.	Petersen
Raker	Shaw	Tillman	Weaver
Rankin	Sinnott	Timberlake	Wheeler
Reece	Smith, Idaho	Tincher	Williamson
Reed, W. Va.	Smithwick	Upshaw	Wingo
Rhodes	Steagall	Vaile	Wurzbach
Sanders, N. Y.	Stephens	Vestal	Wyant
Sanders, Tex.	Swing	Voigt	Zihlman
Sandlin	Tague	Volstead	
Scott, Tenn.	Thompson	Watson	

NAYS—98.

Ackerman	Davis, Tenn.	Lanham	Rogers
Ansorge	Dempsey	Lee, N. Y.	Rossdale
Appleby	Dowell	Lehlbach	Ryan
Aswell	Edmonds	London	Sears
Barkley	Fess	McFadden	Shreve
Begg	Fitzgerald	McLaughlin, Mich	Siegel
Bird	Foster	McLaughlin, Pa.	Snell
Bixler	French	Madden	Speaks
Bowling	Frothingham	Mapes	Sproul
Box	Funk	Merritt	Strong, Kans.
Bulwinkle	Gallivan	Michener	Sumners, Tex.
Burdick	Gorman	Mills	Temple
Burton	Graham, Ill.	Morin	Tinkham
Butler	Henry	Mott	Underhill
Byrnes, S. C.	Hill	Nelson, Me.	Vare
Byrns, Tenn.	Hoch	Newton, Minn.	Volk
Chalmers	Hogan	Ogden	Walsh
Chandler, N. Y.	Huddleston	Paige	White, Me.
Childblom	Hutchinson	Parker, N. J.	Williams, Tex.
Connally, Tex.	Jones, Tex.	Perkins	Winslow
Cooper, Wis.	Ketcham	Perlman	Wood, Ind.
Coughlin	Kincheloe	Quin	Woodruff
Crago	Kissel	Radcliffe	The Speaker
Cramton	Kline, N. Y.	Ransley	
Dallinger	Kraus	Ricketts	

NOT VOTING—215.

Andrew, Mass.	Evans	Larson, Minn.	Robsion
Andrews, Nebr.	Fairchild	Lawrence	Rodenberg
Anthony	Favrot	Layton	Rose
Arentz	Fields	Leatherwood	Rosenbloom
Atkeson	Fish	Linthicum	Rouse
Bacharach	Fisher	Logan	Rucker
Bankhead	Focht	Longworth	Sabath
Beck	Frear	Luce	Sanders, Ind.
Beedy	Free	Lyon	Schall
Black	Fulmer	McArthur	Scott, Mich.
Blakeney	Gahn	McClintic	Shelton
Bland, Ind.	Garrett, Tex.	McKenzie	Sinclair
Bland, Va.	Gilbert	McLaughlin, Nebr.	Sisson
Blanton	Glynn	McPherson	Slemp
Brand	Goldsborough	McSwain	Smith, Mich.
Brennan	Goodykoontz	Maloney	Snyder
Britten	Gould	Mansfield	Stafford
Brooks, Pa.	Greene, Mass.	Martin	Stedman
Brown, Tenn.	Greene, Vt.	Michaelson	Steenerson
Browne, Wis.	Griffin	Miller	Stevenson
Buchanan	Hardy, Tex.	Montague	Stiness
Burroughs	Hawes	Montoya	Stoll
Burtness	Herrick	Moore, Ill.	Strong, Pa.
Cable	Hersey	Moore, Va.	Sullivan
Campbell, Kans.	Hicks	Mudd	Summers, Wash.
Campbell, Pa.	Himes	Murphy	Swank
Cannon	Hooker	Nelson, A. P.	Sweet
Cantrill	Hukriede	Nelson, J. M.	Taylor, Ark.
Carter	Hull	Newton, Mo.	Taylor, Colo.
Chandler, Okla.	Humphreys	Nolan	Taylor, N. J.
Christopherson	Husted	O'Connor	Taylor, Tenn.
Clark, Fla.	Ireland	Oliver	Ten Eyck
Clarke, N. Y.	James	Olpp	Thomas
Classon	Jefferis, Nebr.	Osborne	Tilson
Cockran	Jeffers, Ala.	Overstreet	Towner
Codd	Johnson, Ky.	Padgett	Treadway
Cole, Ohio	Johnson, Miss.	Park, Ga.	Tucker
Colton	Jones, Pa.	Parks, Ark.	Tyson
Connell	Kahn	Patterson, Mo.	Vinson
Connolly, Pa.	Kearns	Patterson, N. J.	Walters
Cooper, Ohio	Kelley, Mich.	Porter	Ward, N. Y.
Copley	Kelly, Pa.	Pou	Ward, N. C.
Crisp	Kendall	Pringey	Wason
Davis, Minn.	Kiess	Purnell	Webster
Deal	Kindred	Rainey, Ala.	White, Kans.
Dickinson	Kinkaid	Rainey, Ill.	Williams, Ill.
Dominick	Kirkpatrick	Ramseyer	Wilson
Drane	Kitchin	Rayburn	Wise
Drewry	Kleczka	Reber	Woods, Va.
Driver	Knight	Reed, N. Y.	Woodyard
Dunn	Kopp	Riddick	Wright
Dyer	Kunz	Riordan	Yates
Echols	Lampert	Roach	Young
Ellis	Langley	Robertson	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. Sinclair (for) with Mr. Carter (against).

Mr. Hicks (for) with Mr. Hooker (against).

Mr. Burtness (for) with Mr. Fisher (against).

Mr. Ellis (for) with Mr. Rose (against).

Until further notice:

Mr. Patterson of New Jersey with Mr. Wright.

Mr. Connolly of Pennsylvania with Mr. Martin.

Mr. Moore of Illinois with Mr. Deal.

Mr. Porter with Mr. Griffin.

Mr. Kinkaid with Mr. O'Connor.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

Mr. SINNOTT. Mr. Speaker, I move to reconsider the last vote and move to lay that motion on the table.

Mr. CRAMTON. Mr. Speaker, on that I object and demand a division of the question.

The SPEAKER. The gentleman from Michigan objects to the motion to reconsider and the motion to lay that motion on the table.

Mr. CRAMTON. Mr. Speaker, if the gentleman does not bring his question to a vote I desire to give notice that I shall move to reconsider the vote by which the bill was passed.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The motion to reconsider has been made?

The SPEAKER. Yes.

Mr. MANN. If the House adjourns now, does that come up to-morrow immediately?

The SPEAKER. The Chair thinks so.

Mr. WALSH. A motion has been made to lay on the table the motion to reconsider.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] moved that the vote by which the bill was passed be reconsidered, and he also moved that that motion lie on the table.

Mr. WALSH. What is the pending motion?

The SPEAKER. It is to lay on the table the motion to reconsider.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11450. An act to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code;

H. R. 10871. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. J. Res. 337. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

MIGRATORY BIRDS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some observations on the migratory bird bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend remarks in the RECORD on the migratory bird bill. Is there objection?

Mr. KINCHELOE. Reserving the right to object, are they the gentleman's remarks?

Mr. FESS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. FESS. Mr. Speaker, my primary interest in the migratory bird bill, which was made in order by the Rules Committee, and which will doubtless secure final action this session, is not that of a hunter, although he represents a host of our citizens. In fact, this is a sport that I have never pursued. My primary interest in this legislation is to supply the grounds and provide the laws for the breeding and protection of wild life, especially birds.

With the advance of civilization wild life becomes less and less until it is entirely extinct. The fascinating stories of the American pioneer's life, living on the food of the chase, are of the bygone days. Francis Parkman's recitals of the buffalo hunts are excelled in interest only by those of our pioneer fathers, whose food supply for family subsistence demanded the rifle and powder horn as well as a keen eye and unerring aim.

Well do I remember in my boyhood days at the approach of winter the millions of migratory pigeons that clouded the sky as for days on ceaseless wing these millions of birds passed over our home toward their winter habitation. Their breeding places, with the invasion of civilization, finally gave way through the operation of the ax and spade, the shovel and plow, and their existence is now but a memory, whose story will hardly be believed to-day because of its apparent incredibility.

Wild life, including that on the wing, is rapidly passing and unless protected by such legislation as here proposed is destined to become extinct. It can be protected against the otherwise inevitable. The protection already given by the States shows that the bird life can be wonderfully increased if breeding grounds are supplied and protective laws provided. Our Secretary of Agriculture, appearing before a committee of the House, marshaled the figures and facts on this subject. In the State of Minnesota in 1919 he states that 1,800,000 wild ducks were killed with a value of at least $2,000,000. He urges this proposed Federal legislation as a conservation program in the interest of hundreds of thousands of hunters of wild life amounting to millions of dollars of food values as well as insuring the continuance of valuable natural resources. It is stated that there are 60,000,000 acres of marshland in this country which can be conserved for breeding purposes for birds without loss to agriculture. This measure proposes to utilize such stretches of country of no value for agricultural purposes for permanent breeding places for migratory birds, and to afford hunting grounds to the public. To finance the project it proposes an annual license fee of $1 to be paid by each hunter to insure the necessary funds for the purpose of purchasing these grounds, the protection of the birds, and the cost of administering the law. Those who ought to know the possibilities of the project report that this fee will doubtless produce over $1,000,000, which will be ample to care for all the needs of the enterprise.

Under the present law and migratory treaty we can neither procure the necessary domain nor guarantee necessary protection. We support only 28 full-time Federal wardens to enforce the migratory bird treaty, while for the enforcement of the State laws New York alone had, in 1920, 145 game wardens; Pennsylvania, 110; Michigan, 97; and California, 78. These States are the most advanced in bird breeding and protection.

The State of Pennsylvania owns 1,000,000 acres of land, with at least 20 public hunting grounds, with 40 game sanctuaries. The game commissioner reports that last year there were killed in these grounds 510 bear and 5,000 buck deer. He urges the cooperation of the Federal Government over the plan proposed in this measure, which democratizes the sport of hunting by permitting any person to hunt who pays his license fee. It gives equal advantage to the poor that is given to the wealthy. This bill is urgently pressed by the various State officials interested in the game laws.

In my own State our chief of the division of fish and game reports that 120 organizations indorsed this measure. In Ohio each county endeavors to maintain a game refuge tract of 1,000 or more acres, under rigid regulations of fish and game protection. Ohio is attempting in a small way what this measure proposes on a large scale. There was a time not long ago when our State was almost destitute of game because of neglect of those protective associations. To-day that State, like Pennsylvania, Minnesota, and others, is rapidly reproducing her wild life by rigid trespass laws to protect the game refuge tracts.

The hearings show a remarkably wide and general support of this legislation throughout the country. I want to see this proposal enacted into law, not only from a utilitarian point of view, which must ever be the primary ground of the legislator, but I wish to see it become law because of the sportsman viewpoint, which represents a very wide interest in our country, an interest that can not be sacrificed without distinctive loss to our people. Without some such protective legislation the conservation of this source of natural wealth is impossible and the American hunter will be only a memory. The friends of this legislation had hoped for immediate action. The Agriculture Committee reported it favorably with a recommendation of immediate passage, and the Rules Committee gave it a privileged status. This gives encouragement for early and favorable action.

CHECKS AND DRAFTS IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT.

Mr. ZIHLMAN presented the following conference report for printing in the RECORD under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1033, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

B. K. FOCHT,
F. N. ZIHLMAN,
Managers on the part of the House.
L. HEISLER BALL,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate recedes from its disagreement to the amendments of the House and agrees to the same, the effect of which is to agree to the bill in precisely the terms in which it passed the House, to wit:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft, or order in full upon its presentation, shall be guilty of a misdemeanor and punishable by imprisonment for not more than one year, or be fined not more than $1,000, or both. As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof the amount due thereon together with the amount of protest fees, if any, within five days after receiving notice in person or writing that such draft or order has not been paid. The word 'credit,' as used herein, shall be construed to mean arrangement or understanding, express or implied, with the bank or other depository for the payment of such check, draft, or order."

B. K. FOCHT,
F. N. ZIHLMAN,
Managers on the part of the House.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. CRAMTON. I object.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes on a matter relating to the business of the House.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, objection was made in the Senate to-day to a resolution that had been presented giving the assent of the Senate to an adjournment of the House. In that condition of affairs it will be necessary to present a resolution of adjournment in another form. I shall do that as soon as the business essential to be completed before the 1st of July has been disposed of. We can not tell, of course, whether the Senate will act promptly on our resolution. We hope it will. Our belief is that there is no objection in the Senate to concurring in our resolution of adjournment when we shall have passed it. If we are to adjourn Friday at an early hour it will be necessary for all Members to be present to-morrow. There are quite a number of matters to be considered, and I hope that all Members will be in their seats promptly to-morrow and remain here during the day. It will be necessary to do that if we are to adjourn Friday.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. What is expected to come up to-morrow—bills similar to the one which was considered to-day?

Mr. MONDELL. Possibly so.

Mr. McLAUGHLIN of Michigan. Some economy measure.

Mr. WALSH. We ought to meet at half past 8 in the morning if we are going to have any more bills of that kind.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until Thursday, June 29, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

659. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting a draft of a bill for the relief of Johanna Nagels Wouters, of Antwerp, Belgium, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. H. R. 11173. A bill to amend section 126 of the national defense act, approved June 3, 1916, as amended; without amendment (Rept. No. 1155). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 11492. A bill providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America; with an amendment (Rept. No. 1156). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 8533. A bill for the relief of Joe T. White; without amendment (Rept. No. 1157). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VARE: A bill (H. R. 12206) for the transmission of mail by pneumatic tubes in the city of Philadelphia, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: A bill (H. R. 12207) to amend the revenue act of 1921; to the Committee on Ways and Means.

By Mr. APPLEBY: A bill (H. R. 12208) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. STAFFORD: A bill (H. R. 12209) amending the act of June 30, 1906, as amended by the act of March 4, 1907, relating to meat and meat animal inspection; to the Committee on Agriculture.

By Mr. SEARS: A bill (H. R. 12210) to grant and confirm to the State of Florida title in and to sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes; to the Committee on the Public Lands.

By Mr. FAIRCHILD: A bill (H. R. 12211) to authorize the establishment of a Coast Guard station on the north end of City Island, Long Island Sound, New York, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Missouri: A bill (H. R. 12212) granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: Joint resolution (H. J. Res. 363) providing for the appointment of a joint committee of Congress to investigate the causes of the strike of the coal miners in the United States; to the Committee on Labor.

By Mr. WINSLOW: Joint resolution (H. J. Res. 364) supplementing the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Joint resolution (H. J. Res. 365) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. VINSON: Resolution (H. Res. 386) for the appointment by the Speaker of five Members of the House to investigate the operation of the New York Cotton Exchange and the transactions conducted thereon; to the Committee on Rules.

By Mr. SIEGEL: Resolution (H. Res. 387) for the appointment of a select committee to investigate the naturalization and Americanization of aliens; to the Committee on Rules.

By Mr. SCOTT of Tennessee: Resolution (H. Res. 388) providing that a committee of five Members of the House be appointed by the Speaker to investigate the Tennessee State Highway Commission; to the Committee on Rules.

By Mr. CLOUSE: Resolution (H. Res. 389) providing that a committee of five Members of the House be appointed by the Speaker to investigate the Tennessee State Highway Commission; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 12213) for the relief of Thomas F. McGee; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 12214) granting a pension to Emma B. Nichols; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 12215) granting a pension to Unity P. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12216) granting a pension to Margaret J. Cuthbert; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 12217) granting an increase of pension to Sarah J. White; to the Committee on Invalid Pensions.

By Mr. PERLMAN: A bill (H. R. 12218) for the relief of Bertha Baker; to the Committee on Claims.

By Mr. WINSLOW: A bill (H. R. 12219) granting an increase of pension to Mary E. Clifford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6105. By Mr. ANSORGE: Petition of the National Republican Club, of 54 West Fortieth Street, New York City, N. Y., indorsing the demand of the President for speedy action on the tariff bill and early enactment of an adequate ship-subsidy measure; to the Committee on the Merchant Marine and Fisheries.

6106. By Mr. BARBOUR: Petition of the Hanford (Calif.) Board of Trade, relative to dissolution of Southern Pacific and Central Pacific Railroads; to the Committee on Interstate and Foreign Commerce.

6107. By Mr. BRIGGS: Petition of Mr. H. J. Luhn, Galveston, Tex., and others, in support of the passage of the Towner-Sterling educational bill; to the Committee on Education.

6108. By Mr. BURROUGHS: Petition of the Merrimack Valley Retail Coal Dealers' Association, New Hampshire, Mendon P. Moore, president; Charles B. Bodwell, secretary; urging action by the Government to bring about the resumption of the mining of anthracite coal by July 15, 1922, in view of the acute situation developing in New England; to the Committee on Labor.

6109. Also, resolutions adopted at a mass meeting of citizens of Manchester, N. H., interested in the welfare of the peoples of the Near East, held on Sunday, June 18, 1922, and signed by Hon. George E. Trudel, mayor; Right Rev. Edward M. Parker; Hon. Hobert Pillsbury, for Gov. Albert O. Brown; Dr. A. S. Mangurian; Mr. D. D. Grimes; Mr. George L. Kibbee; Maj. Frank Knox; and Mr. C. W. Tobey; to the Committee on Foreign Affairs.

6110. By Mr. BURTON: Resolution from the council of the city of Cleveland favoring the completion of the Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

6111. By Mr. DALLINGER: Resolution of the faculty of the Massachusetts Institute of Technology favoring the admission into this country of students from abroad; to the Committee on Immigration and Naturalization.

6112. By Mr. DARROW: Memorial of the Philadelphia Board of Trade opposing the enactment of bill (H. R. 11604) providing that 50 per cent of incoming immigrants shall be transported in American ships; to the Committee on Immigration and Naturalization.

6113. Also, resolution of the Quaker City Fraternal Aid Society, of Philadelphia, Pa., favoring tariff legislation based on American valuation; to the Committee on Ways and Means.

6114. By Mr. KISSEL: Petition of the United States Finishing Co., New York City, N. Y., urging the passage of the Shortridge joint resolution relating to dyestuffs; to the Committee on Foreign Affairs.

6115. By Mr. RADCLIFFE: Petition of various citizens in Paterson, N. J., protesting against the passage of H. R. 9753, H. R. 4388, or S. 1948; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *June 29, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

ANTON ROSPOTNIK.

Mr. MYERS. Mr. President, before we take up the regular business of the day, the unfinished business, I ask the indulgence of the Senate for two or three minutes. I shall not take longer than that.

I report back favorably from the Committee on Public Lands, with an amendment in the nature of a substitute, the bill (S. 3594) for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co., and I submit a report (No. 797) thereon. The report was ordered yesterday by a unanimous vote of the committee. It is on a little matter of very great and urgent importance. I will only take a moment to explain it.

A few years ago there was a poor man in Montana who located on 80 acres of land. The land had been prior to that time patented to the Northern Pacific Railroad Co. It is a lieu selection. When this man applied to homestead it at the local land office the land office officials, either through ignorance or mistake, permitted him to file on it. He went on it and lived there two years before he knew it was railroad land. He put up a house and fenced it and cultivated it, and has now been on it five years and has put on a great deal of improvement and time and labor on the land. The bill which I have reported merely provides that the Secretary of the Interior shall be permitted to authorize the Northern Pacific Railway Co. in its discretion to select 80 acres of nonmineral public land elsewhere in Montana and to let this man make his final proof, if the railroad company may elect to do so.

I ask unanimous consent for the immediate consideration of the bill. It is recommended by the Secretary of the Interior, with two amendments, which were accepted by the committee and unanimously recommended by the committee. The time is getting late, and if we are going to pass the bill it must be passed now and go to the House at once.

Mr. SMOOT. I understand it is limited to public lands within Montana?

Mr. MYERS. Yes; in Montana.

Mr. SMOOT. And limited to nonmineral lands?

Mr. MYERS. Yes.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. There is none, unless it leads to discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and insert:

That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the north half northwest quarter, section 15, township 8 S., range 20 E., in the Bozeman, Montana, land district, under its mineral indemnity selection, list No. 146, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Anton Rospotnik, to be reinstated as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to a resolution (H. Res. 390) requesting the consent of the Senate to an adjournment of the House until Tuesday, August 15, 1922.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were subsequently signed by the Vice President:

H. R. 10871. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 11393. An act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress;

H. R. 11450. An act to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code;

H. R. 12073. An act to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923;

H. J. Res. 337. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922; and

H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a letter in the nature of a petition from W. H. Haffner, of Horton, Kans., praying for the enactment of legislation to amend the transportation act of 1920 so as to abolish the Railroad Labor Board on account of proposed reductions in wages of railroad workers, especially trackmen and laborers, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented a petition of sundry citizens of St. Charles and Swan Creek, in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the Wooster-Boalt Post, Grand Army of the Republic, of Norwalk, Ohio, protesting against amendment of the so-called Morgan bill granting increased pension to Civil War veterans to the sum of $72 per month, so as to confine the benefits thereof to surviving soldiers who have now or may hereafter reach the age of 80 years, which was referred to the Committee on Pensions.

Mr. CAPPER presented a resolution adopted by Key West Grange, No. 1100, Patrons of Husbandry, of Olivet, Kans., protesting against the enactment of legislation granting subsidies, which was referred to the Committee on Commerce.

Mr. ROBINSON presented a letter from Mr. Thomas H. McGrew, of Fayetteville, Ark., making suggestions as to a solution of the Mississippi River flood problem, which was referred to the Committee on Commerce.

Mr. NEWBERRY presented a petition of sundry citizens of Henderson and Owosso, in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 3760) for the relief of Timothy Fennessy; to the Committee on Claims.

By Mr. GERRY:

A bill (S. 3761) for the relief of James Moran; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 3762) granting a pension to Theobald W. Gehrmann (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3763) authorizing leaves of absence to employees in the Department of Agriculture, and for other purposes;

A bill (S. 3764) to authorize arrests for violation of laws applicable to the national forests and to protect national forest officers in the execution of their duties;

A bill (S. 3765) to authorize cooperative business methods between the Government and certain persons in the administration of national forests, and for other purposes;

A bill (S. 3766) to authorize the appointment of deputy fiscal agents in the Forest Service, Department of Agriculture, and to authorize the payment of premiums on bonds required of certain special deputy fiscal agents, and for other purposes;

A bill (S. 3767) to provide needed administrative sites for conducting Government business on the national forests;

A bill (S. 3768) to authorize the exchange of vehicles and boats, or parts thereof, used on official business by the Department of Agriculture, and for other purposes; and

A bill (S. 3769) to adjust the boundaries of the Grand Canyon Game Refuge; to the Committee on Agriculture and Forestry.

By Mr. POINDEXTER:

A bill (S. 3770) providing promotion for certain Navy Supply Corps officers; to the Committee on Naval Affairs.

By Mr. NEWBERRY:

A bill (S. 3771) granting a pension to William H. Flagler (with an accompanying paper); to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 24, 1922:

S. 154. An act for the relief of Arthur E. Rump;

S. 1087. An act for the relief of H. L. McFarlin; and

S. 1784. An act for the relief of John B. Elliott.

On June 26, 1922:

S. 156. An act for the relief of the heirs of Julio Carrazco, deceased;

S. 1730. An act for the relief of Philip S. Everest;

S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army;

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; and

S. 3291. An act for the relief of Henry Cordes.

On June 27, 1922:

S. 426. An act to amend an act entitled "An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court,' and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (36 Stat. p. 866);

S. 494. An act for the relief of Benjamin O. Kerlee; and

S. 3156. An act to amend section 70 of the Judicial Code.

On June 29, 1922:

S. 777. An act for the relief of John M. Green.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN. I desire to call up the amendments of the House to the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, which was recalled from the House the other day. I move that the Senate concur in the amendments numbered 1, 2, and 3 of the House.

The PRESIDENT pro tempore. Before that can be done it will be necessary that the vote by which the amendments were agreed to shall be reconsidered. Without objection, it is so ordered. The question now is on the motion of the Senator from Connecticut to concur in amendments numbered 1, 2, and 3.

The amendments were concurred in.

Mr. McLEAN. I move that the Senate disagree to House amendment numbered 4 and ask for a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. WATSON of Georgia and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, we have had no explanation of what the amendments are. We are certainly entitled to some explanation.

Mr. McLEAN. I will say to the Senator that the matter has been before the Senate two or three times and explained, and the explanation, I think, is very easily and very briefly made.

The bill was passed by the Senate something more than a year ago. It gives to the State banks which become members of the Federal reserve system the same privileges as the national banks on single lines of credit. The House suggested two or three unimportant amendments changing the phraseology, to which there can be no objection. The fourth amendment does add a proviso which, in the opinion of a member of the Federal Reserve Board, may create some confusion. Personally I do not think it is a very important matter, but in order that we may make no mistake about it, I thought it was worth while to

have a committee of conference appointed on the fourth amendment.

Mr. WATSON of Georgia. I would like to ask the Senator if there is anything compulsory in the amendment. In other words, is a State bank compelled to become a member of the Federal reserve system?

Mr. McLEAN. Oh, no; there is nothing compulsory about it. We want to make this system as attractive as we can and invite in all State banks that we can. It is for that reason that the bill gives to them the same privileges as the national banks will have with regard to single lines of credit.

Mr. WATSON of Georgia. I myself happen to be the president of a small State bank, and I would not like to be compelled to enter the national system or the Federal reserve system.

Mr. McLEAN. I assure the Senator there is nothing compulsory about it.

The PRESIDENT pro tempore. The Senator from Alabama is now recognized.

Mr. HEFLIN. I only wanted an explanation. I occupy the same position as the Senator from Georgia and just wanted the matter explained. I have no further inquiry at this time.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut [Mr. McLEAN] that the Senate disagree to amendment numbered 4 and request a conference with the House.

The motion was agreed to, and the President pro tempore appointed as conferees on the part of the Senate Mr. McLEAN, Mr. EDGE, and Mr. GLASS.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN. Mr. President, before the tariff bill is taken up I wish to say that I have modified my resolution as suggested by the Senator from Connecticut [Mr. McLEAN] so as to read:

Resolved, That the Federal Reserve Board is hereby requested to call upon all of such Federal reserve banks, except the Federal Reserve Bank of Atlanta, which has already reported to the Senate, to furnish to the Senate in writing all information in their possession, respectively, called for in the following questions.

I have struck out the words—

be, and they are hereby, requested, respectively, to furnish to the Senate in writing a list of the names and addresses of citizens to whom said speech was sent.

I ask unanimous consent for the present consideration of the resolution as it now reads.

The PRESIDENT pro tempore. Is there objection?

Mr. McLEAN. I understand the Senator has stricken out the request for the mailing lists?

Mr. HEFLIN. Yes.

Mr. McLEAN. And the resolution is now addressed to the Federal Reserve Board?

Mr. HEFLIN. To the Federal Reserve Board, asking it to call upon the other banks to answer who suggested that the speech be sent out, how many were sent out, and at what expense.

Mr. McLEAN. Is the Senator willing that the resolution shall go over until to-morrow? I have not considered the numerous questions very carefully. My impression is there will be no further objection, but I would like to look at it further. I do not think that I shall renew my objection to the resolution as now framed.

Mr. HEFLIN. I will let it go over until to-morrow, then.

The PRESIDENT pro tempore. The resolution will go over until to-morrow.

Mr. HEFLIN's resolution (S. Res. 308) as modified reads as follows:

Whereas it has been charged upon the floor of the Senate that each and every one of the regional Federal reserve banks of the United States has had printed and distributed at its own expense a speech delivered in the Senate by Senator GLASS, of Virginia, in which the position of Senator HEFLIN on the deflation policy of the Federal Reserve Board was assailed and criticized: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to call on all of said Federal reserve banks, except the Federal Reserve Bank of Atlanta, which has already reported to the Senate, to furnish to the Senate in writing all information in their possession, respectively, called for in the following questions:

(1) At whose instance was the speech in question of Senator GLASS sent out? (2) At whose expense was said speech printed and distributed? (3) How was the fund provided, and how many copies of said speech were sent out, and how much money was expended in printing and distributing said speech? (4) Did any member of the Federal Reserve Board suggest the printing or distribution of the said speech? (5) Was any letter sent out with said speech? If so, attach a copy to your report.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDENT pro tempore. The Secretary will report the pending amendment.

The READING CLERK. In paragraph 707, page 101, line 3, the committee proposes to strike out "1 cent" and insert "2½ cents," so as to read:

Milk, fresh, 2½ cents per gallon.

Mr. WALSH of Massachusetts. Mr. President, paragraph 707 is an important one, especially for that section of our country which adjoins the border line of Canada. The Senate committee amendment increases the rate on fresh milk from 1 cent per gallon, as provided in the House text, to 2½ cents per gallon; on sour milk and buttermilk from one-half of 1 cent to 1 cent per gallon; and on cream less than 30 per cent of butter fat the rate being 5 cents per gallon, and 30 per cent or more of butter fat the rate being 10 cents per gallon, to a flat rate of 22½ cents per gallon.

Under the Underwood Act all milk and cream in its natural state was free. Under the Payne-Aldrich Act milk was dutiable at 2 cents per gallon and cream at 5 cents per gallon. The Senate committee now proposes an increase in the rate on milk of 25 per cent over the rate provided in the Payne-Aldrich Act and an increase in the cream rate of 350 per cent over the rate provided in the Payne-Aldrich Act. In the emergency tariff act the duty on milk is 2 cents per gallon and on cream 5 cents per gallon. So that the duty fixed on milk by the Senate committee increases the rate 25 per cent, and the duty fixed upon cream by the Senate committee increases the rate 350 per cent over the emergency act.

It might be of interest in this connection to have the RECORD show the relative importance of the different uses of milk in the United States in the year 1921. Cream and butter consumed 22.4 per cent of our milk production; dairy butter, 13.8 per cent; cheese, 3.6 per cent; condensed milk, 3.7 per cent; ice cream, three-tenths of 1 per cent; powdered milk, 3.4 per cent. The total manufactured products from milk amounted to 47 per cent of our production. For household purposes, 45.7 per cent of the milk production was used; for feeding calves, 4.3 per cent; waste, loss, and so forth, 3 per cent; making the grand total of uses 100 per cent, which, of course, represents our total production.

PRODUCTION, IMPORTS, AND EXPORTS.

The estimated production of milk in the United States for 1919 was 6,285,000,000 gallons. Imports of milk for 1919 were 2,800,000 gallons, valued at $740,000, and imports of cream were 930,000 gallons, valued at $1,110,000. The value of our exports of milk and cream in 1919 was $1,800,000.

Imports of milk and cream are far below 1 per cent of our domestic production, and the exports of milk and cream have been in excess of our imports.

TRADE IN MILK AND CREAM.

This item affects solely trade between this country and Canada, particularly those sections of the United States close to the Canadian border. The New England combined requirements of dairy products—fresh milk and cream, condensed and evaporated milk, butter, and cheese—are far in excess of the local production. New England will be particularly affected, as there is a deficiency of milk and cream in that section, and if the Canadian supply is cut off the supply will have to be procured from distant sections of the United States, which will require a long haul. For some time the city of Boston and other centers have had to reach out into eastern New York and that part of Canada south of the St. Lawrence River for further supply of milk and cream. The shortage is particularly apparent during the summer months.

IMPORTS OF MILK AND CREAM UNDER THE EMERGENCY TARIFF.

During the nine months, June 1, 1920, to February 1, 1921, there was a slight decline in the imports of milk and a slight increase in the imports of cream. Imports of milk decreased from 1,245,000 gallons June 1, 1920, to February 1, 1921, to 1,096,000 gallons from June 1, 1921, to February 1, 1922. Imports of cream were 1,122,000 gallons June 1, 1920, to February 1, 1921, as against 1,123,000 gallons from June 1, 1921, to February 1, 1922.

It will be noted that the decrease in imports was comparatively slight, which goes to show that the 5 cents duty on cream and the 2 cents duty on milk were not sufficient to hold down the imports.

COST OF THE DUTY ON CREAM TO THE CONSUMERS.

In 1919 the domestic production of fresh cream for use as such was 82,247,580 gallons, and the imports were 1,111,130 gallons, making a total of nearly 83,360,000 gallons consumed in our country. If this is taxed at the rate proposed in paragraph 707, namely, 22½ cents per gallon, which amounts to an increase of 350 per cent over the Payne-Aldrich rate and over

the rate of the emergency tariff law, and the tariff rate is reflected in increased prices, the consumers of America will have to pay a total tax of $18,756,000 for this one item.

In respect to its food supplies, the New England region is in the position of England. For the great bulk—perhaps 80 per cent of its food—it is dependent upon other sections. In the case of dairy products, there is no likelihood of meeting the demand by the local production, and in view of the limited shipping radius of fresh milk and cream the best the duty can do is to distort present channels of trade. Less will be imported from Canada, more bought from more western regions, and there will be a corresponding reduction in the western exports of cheese and canned milk.

UPON WHAT THEORY CAN AN INCREASE FROM 5 CENTS TO 22½ CENTS PER GALLON ON CREAM BE JUSTIFIED?

The only argument advanced is that with sufficient protection the New England producers could reduce their production of butter and ship more cream into the markets; but this bill also proposes an increase in the duty on butter, which can not but operate to increase the market price, and therefore will not have the effect that is expected by increasing the duty upon cream. If the New England producers are now marketing their cream in the form of butter because they can get a higher price for it, is there any reason to assume that under the scale of prices for butter and cream which is proposed in this bill that they will not continue to do so? While we are putting a high duty on cream, to shut out the imports and give the New England producers a chance to charge higher prices to the consumers, we are also putting a duty on butter which will give them cause to continue marketing their cream in the form of butter, and if the consumers are to continue to use cream during the summer months, when production does not meet the demand, they will be obliged to pay the increased tax of 22½ cents per gallon for it.

Freight rates from Canada and New England points to Boston, Worcester, and Springfield, Mass., which are the distributing centers for cream and milk, are an important factor in the discussion of this question. Domestic shipments of cream to Boston are within a radius of 200 miles. Quebec shipping points are about 300 miles from Boston. The freight rate for milk within a 300 to 400 mile radius is from 56 to 62 cents per 100 pounds; for cream, 300 to 400 mile radius, 70 to 78 cents per 100 pounds; for milk, 200 to 300 mile radius, which is the radius within the confines of New England, 47 to 54 cents per 100 pounds; and for cream, 200 to 300 mile radius, 59 to 68 cents per 100 pounds. So it is to be observed that the freight rates favor the domestic producer and give him an advantage over the Canadian producer, because there is a variance of about 10 cents per 100 pounds in favor of the shorter haul. The cost of production in Canada is probably about the same as in the United States, notwithstanding the claim of the New England Milk Producers' Association and Cream Dealers' Association of Boston that the cost of production in Canada is less than in the United States. About the same living conditions prevail and about the same class of people work upon the farms and are engaged in the production of cream and milk in that section of Canada adjoining New England as in New England. So there is very little difference, if any, in the cost of production. But whatever difference may be said to exist on one side or the other, the fact is that the butter market of Canada is higher than that of the United States and that the milk market of Canada is higher than that of the United States. I read a telegram sent from Boston, dated June 28, in response to a request for information as to conditions, respectively, in the Canadian butter market and in the Boston butter market.

Canadian butter market, June 17, 36½ cents per pound; June 24, 38½. Boston market, June 21, 36½; June 28, 38½.

Then the telegram makes a very pertinent inquiry:

How much tariff is needed to equalize figures of this kind, which show the Canadian market to be about the home markets?

For years the butter market of Toronto and Montreal, Canada, has been higher than the butter market in the New England section of our country.

Mr. President, these amendments to paragraphs 707, 708, and 709 are a drive at Canada and constitute an attempt to keep out of the section of our country bordering upon the Canadian line those dairy products which naturally find a market in the large cities of New England and New York State, and possibly farther west in such centers as Detroit. It is proposed to shut out of New England the milk and cream and perhaps the butter that come from Canada. The figures show—and they are not disputed—that New England does not produce enough milk to take care of her consumption; that during the summer months we are compelled to go to Canada for our cream. This amendment is a command to the people of New England to go without cream and possibly milk during the summer months. It means an increase of 350 per cent in the rate, and that the price of cream will reach the sky limit and become absolutely prohibitive. It means that the farmers will be injured instead of benefited, because those who use cream in making, for instance, ice cream will use the unsalted butter produced by the packers as a substitute for wholesome and good cream.

Can we afford to have a quarrel with Canada or with the producers of Canada over an item of this kind? I am not asking that anyone who produces milk and cream in New England or in New York meet foreign competition, but I am asking that we be given the milk and the cream necessary to meet our reasonable demands; I am asking that we be permitted to go into the markets of Canada and buy at a reasonable price what we must have to sustain life and especially to sustain the lives of the children in our large manufacturing cities. The action of the committee is an outrageous attempt to keep up the cost of living for those who can ill afford to have this increased burden forced upon them.

Mr. DILLINGHAM. Mr. President, will the Senator allow me to make an inquiry?

Mr. WALSH of Massachusetts. Certainly.

Mr. DILLINGHAM. Where did New England get her milk prior to the adoption of the present law in 1913?

Mr. WALSH of Massachusetts. Of course, there has been a constant growth and development in New England and an increase in consumption and home producers have furnished milk in large quantities; but does the Senator from Vermont contend that there is now produced in New England sufficient milk or sufficient cream for the consumption?

Mr. DILLINGHAM. I did not rise to discuss that question; I have not examined the figures to ascertain the relative amount produced in New England and the amount that is imported from Canada.

Mr. WALSH of Massachusetts. It is very important to know that.

Mr. DILLINGHAM. But I call the attention of the Senator to the fact that under the tariff act of 1909 the importation of milk for the year 1913 was only 45,935 gallons, a very small quantity; yet New England did not seem to go hungry during that time.

Mr. WALSH of Massachusetts. The expert at my left, in answer to my inquiry, informs me that the city of Boston was dependent upon Canada in the summer months of last year for as high as 18 per cent of its supply of milk and cream.

This is a serious matter. We are talking about milk; we are talking about cream; we are talking about ice cream that the children in the mill cities of New England buy. We are talking about whether we will substitute, instead of cream, cheap butter products in making ice cream. No man on this floor can deny the fact that the production is not sufficient for the consumption. No man can assert that there is any difference in price between Canadian cream and New England cream. This is not a case of underselling the domestic producer. This is a case of penalizing people who must go beyond the borders of our land to get something to eat.

I have farming constituents who produce milk and cream, and I am sure they are not concerned about the levying of this tax, because they well know that they are not able to meet the demand, especially during the summer months, and the only time when cream comes in is during the summer months. The tables show practically no importation during the rest of the year, which means that cream is used by our people in the hot months almost as a necessity. If I were convinced that this duty would help the producers of New England, and that they were able to take care of our consumption, I would feel very different about it; but I am asking that the one and only source of supply of a very necessary food shall not be shut off from the people of New England. I am asking for the people of New England the right to have what they want and require to live. There have been enough laws passed to prevent them from having what they want to eat or what they want to drink. Here is an indirect way of passing a law to say, "You can not have milk or cream." It is a restriction upon our personal liberties which I protest.

I have said these high tariff duties are going to affect Canada. I pointed out the other day, in the address which I made here, that Canada was our best customer; that during the month of May she bought from us three times as much as Germany or Great Britain, our next best customers. It was shown yesterday that Canada purchases from us very much more fresh meats than is imported into this country. We are saying to Canada in this bill, "We want nothing from you, not even the things that slip over the border—a little milk, cream, or vegetables which the farmers can put in their wagons or automo-

biles and drive a few miles to some of the mill cities of New England." All this is stopped.

Did folly ever go further? Did an effort to deprive people of their personal liberty ever go further? There are other ways of doing it than by a plain enactment. It can be done indirectly by embargo laws and by prohibitive taxation.

Let us see, now, what is already the result of the emergency tariff law so far as business with Canada is concerned. You know, in the emergency tariff law we put some duties upon milk and cream and other farm products for the purpose of hitting Canada; but this bill provides an increase of 350 per cent over even the emergency law in the matter of taxation upon cream. Does any special volume of cream come into New England in January, February, March, April, May, November, or December? If not, then are not the facts clear and unmistakable that it is only an extra supply that the people get when they need it most—in the summer months—that comes in from Canada?

Mr. President, let me read the total United States exports to Canada in the year 1920; and I am glad that the Senator from Nebraska [Mr. HITCHCOCK] is here, because if he has reiterated one thing more than another during the course of this debate, ably and without being answered effectively by any other Senator, it is that this tariff will destroy our foreign business. Here is the proof of what the emergency tariff has done:

1920: Total United States exports to Canada, $971,852,474—about a billion dollars.

1921: $593,675,306.

A drop of 50 per cent in the things that Canada prior to last year bought from the producers and manufacturers of our own country.

How long can this go on? This bill should be entitled: "A bill to destroy the 20 per cent of export business of the manufacturers and producers of this country." This bill is a bill to limit and restrict the business of this country to the home markets, from which and out of which we have expanded long ago.

Now, let us see what the imports were from Canada. Let us see what we got by shutting out her imports under the emergency tariff law.

Total United States imports from Canada in the year 1920, $503,846,804.

Total United States imports from Canada in the year 1921, $335,441,004.

A drop of 50 per cent in our exports between 1920 and 1921, and a drop of about 40 per cent in our imports from Canada. The balance in favor of the United States for the year 1920 was $458,000,000. The balance in 1921 was $258,334,302—a drop of 50 per cent.

Under the emergency tariff law our business with Canada dropped 50 per cent; but that is not enough. It must be exterminated. The rates under discussion are intended to help do it.

Better than I can say it is the statement annexed to the figures that I have just read, which was handed to me:

Further, we can not sell goods abroad unless we buy some foreign goods. In the year 1920 we sold Canada $458,005,670 worth more of goods than we bought from Canada. Even the comparatively moderate changes of the Fordney Emergency Tariff Act have reduced that favorable balance to only about $258,000,000. Canada is naturally located for a reciprocal trade in dairy products. The principal markets of Canada are nearer to much of our dairy producing territory than are our own markets. On the other hand, the shipments from dairy territory in Canada have to travel farther to our nearest market than our domestic product. This is particularly true in the East, where Boston, Springfield, Worcester, Hartford, and New York are the nearest markets using any Canadian dairy foods. This gives us a natural advantage. Again, the butter market in Montreal averages higher than the Boston market about one-third of the time and the milk market in Toronto and Montreal averages higher than in Chicago.

I ask that the other information contained in the brief from which I have just read may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter refered to is as follows:

First. Milk and its products constitute the most absolute necessity of life, as necessary for the poor as for the rich. It would seem evident that no attempt should be made to consider them on an ad valorem basis. The share of taxation which an article of that kind should bear should be far less than on the average of imports, if, indeed, they are not strictly entitled to go on the free list.

Second. From a standpoint of protection it must be remembered that we export much more in dairy products than we import. This means that in the long run our products are seeking a higher-priced market abroad than they would get in the United States. As to milk and cream, the imports are comparatively small, and were so even when both were on the free list. As to butter, the figures for 10 years show that on the average price at which exports were valued and the average value per pound of imports we received hundreds of thousands of dollars more for the goods which were displaced by imports than we paid for those imports.

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It is admitted by the proponents of a high tariff rate that all that is needed in a protective tariff is enough tax to meet the difference between the labor cost in the United States and Canada. The United States Tariff Commission finds there is little difference in labor costs in Canada and the United States. The Milk Producers' Association have claimed various differences, one being only about 10 per cent and another about 25 per cent. We know that the first figure is nearer right. On the other hand only about 20 per cent, or one-fifth, of the cost of a pound of butter is made up of labor. Assuming 50-cent butter a very high cost figure, only 10 cents of that is made up of labor, and if there were a difference of 10 per cent on labor cost 1 cent would be adequate to meet the cost difference. We have agreed to 5 cents as a tax we are willing to let stand, but we do protest against any additional raise.

The producers, however, demand a big tax on butter, claiming that they fear competition from Europe and New Zealand. They thus fix 10 cents as a necessary price to protect the butter market, regardless of the fact that the balance of trade has been in our favor and that, as stated above, we have received more money for the goods shipped abroad than we would have received by keeping out exports and filling the home demand. Having fixed the tax on butter at 10 cents, they then proceed to harmonize the cream imports with the butter tax, claiming 35 cents a pound for 40 per cent cream. Their figures are based on the idea that a man might take a jug of cream a mile north of the international boundary, put it in a creamery just on the American side, manufacture butter, and thus evade the payment of a higher tax. They do not figure on the premium for care of sweet cream, on the cartage expenses, the long freight haul, and the freight on a hundred pounds of cream and container as compared with the small cost of shipping 35 pounds of butter.

As a matter of fact, during the years when the Payne-Aldrich bill was in force, 6 cents on butter and 5 cents on cream, and under the Underwood Act, 2½ cents on butter and cream free, butter was never manufactured from imported cream for any length of time successfully, nor has it been done under the Fordney Emergency Tariff Act, with a 5-cent tax on cream and a 6-cent tax on butter.

To meet the possible fears of producers, however, we have agreed that, whatever the butter rate, cream may be harmonized with it when imported for manufacture into butter or cheese, placing pasteurized sweet cream for consumption in the cream market at the 5-cent rate.

Fourth. Much has been said about the decadence of agriculture, especially dairying. From 1900 to 1920 the number of cattle in the country increased from 16,292,000 to 23,747,000. In 10 years past the dairy production increased from $596,413,463 to $1,481,462,091. From 1910 to 1920 the value of farms increased 90.1 per cent, the value of implements and machinery increased 184.1 per cent, the value of live stock 62.7 per cent, the equity of farms 79.1 per cent. If the producers realized it, they are seriously hurting the dairy industry and encouraging the use of substitutes for milk, butter, and cream. Their real problem is to keep the price of dairy products where people will buy them and to encourage foreign trade so that we may have a trade for our surplus.

Mr. HITCHCOCK. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. HITCHCOCK. That is to say, the figures presented by the Senator from Massachusetts show that in our attempt to prevent Canada from selling us some of her products, we have succeeded in cutting down the balance of trade in our favor, which was $450,000,000 a year, to about $258,000,000 a year?

Mr WALSH of Massachusetts. Absolutely; that is exactly what has happened, confirming what the Senator predicted as to what would be the effect of the present tariff bill on our foreign trade. If that has happened in Canada, why will it not happen in Great Britain? Why will it not happen in Germany? Why will it not happen in France? Why will it not happen in South America?

Mr. HITCHCOCK. That is to say, the same wall which our Republican statesmen are building to keep the products of other countries from being sold in the United States will prevent our products in a still greater quantity from being sold abroad?

Mr. WALSH of Massachusetts. Why, that is what their boast is, so far as this agricultural schedule is concerned. They already have the home market, because there are practically no imports. They are trivial, inconsequential. There are no imports of cream except for three months in the year. They already have the home market and some foreign market, and they are proceeding now to push away from themselves, to remove from themselves, the markets of the world in other products that others are ready to buy from us if we will let them trade with us.

There can not be any other conclusion. If you increase the prices of agricultural products, the people of other countries will not buy them so readily as if they were reasonable and cheap in price, and if you do not permit them to pay their bills in something besides gold, which they have not; if you do not permit them to pay their bills with goods or with services, those things which we can not produce profitably and cheaply in our own country, and which we need and must have, then, of course, the only result will be that we will be confining our entire activities to the home market.

I have talked longer than I intended. It is not my purpose to discuss these agricultural duties at great length. They are all based on the same principle.

Mr. HITCHCOCK. Will the Senator permit me to ask a question?

Mr. WALSH of Massachusetts. In just a moment. I am going to insist during this debate—and I know the Senator from Nebraska will join with me in it—on asking again and again and again what state of facts justifies a protective tariff

duty? Is there any state of facts which any man on the other side of the Chamber can claim to justify a tariff duty? They have pleaded every possible condition in industry as justifying a protective tariff duty. If we are exporting the product, it is justifiable. If we are producing only 5 per cent, it is justifiable. If we are producing none of it, it is justifiable. If we are producing 40 or 50 per cent, it is justifiable. If it is a trust-controlled article, it is justifiable. If it is an infant industry, it is justifiable. If it is a business which controls the purchases of the whole world, it is justifiable. Let us get some state of facts in order to find out when a protective tariff duty is justifiable.

I thought I knew the facts on which the Republicans would rely, until I heard the discussion of this bill in this body. I supposed from the history of protective tariff arguments that the theory upon which the Republicans would rely was that an industry not producing a sufficient amount to meet the American consumption should be protected by tariff duties from the competition of a comparable imported product made by cheap foreign labor—the importation of which was necessary to supply domestic consumption—in order to permit the infant industry to develop so that it could supply the entire demand; but that theory has been abandoned, and we have a tariff bill which can not be justified by any statement of facts or stretch of the imagination. That is the reason for the unpopularity of this bill; that is the reason why the Republican press of this country is complaining; that is the reason why the business men of this country are complaining. I now gladly yield to the Senator from Nebraska.

Mr. HITCHCOCK. I understood the Senator from Massachusetts to say that the cream imported for the use of the masses of the people in Massachusetts, in the industrial centers particularly, was imported from Canada during the summer and warm months only, largely for ice-cream purposes, for ice-cream cones, and so on. I would like to know whether there was any evidence adduced before the Finance Committee, of which the Senator is a member, to the effect that the cream so imported from Canada was different in any respect from the cream which came from Massachusetts or New Hampshire or Vermont? Did it bear any evidence of having been produced by pauper cows or pauper people, or was it deleterious, or was the price different from what was ordinarily charged?

Mr. WALSH of Massachusetts. Not at all. In fact, the health laws of Massachusetts require the same inspection of milk and cream which comes in from Canada and the same inspection of the place where the cream is produced as is required in our own States in New England.

Mr. HITCHCOCK. Then the old argument of pauper labor does not count. The people on the other side of the Canadian line are just the same as the people on this side, and the cows on the other side are just the same?

Mr. WALSH of Massachusetts. Absolutely.

Mr. HITCHCOCK. They produce the same cream there, and it is sold for the same price, and there is just as much reason for erecting a tariff wall between Massachusetts and New Hampshire as there would be in erecting one between New Hampshire and Canada.

Mr. WALSH of Massachusetts. Absolutely. In this instance it is a command denying the people something which they require. Most of the tariff rates on agricultural products are imposed in order to keep out commodities which can be produced in America and under some circumstances increase the price to the consumer, but in the case of cream the duty amounts to a command to stop using it. We must buy cream from Canada. The very fact that we do not import cream, except during the summer months, shows that we are dependent upon Canada. We should remember that all milk and cream dealers contract with the wholesalers by the year, and our producers would not allow the wholesalers of Worcester and Springfield and Hartford and Providence and Boston to contract with them to take cream for nine months, and in the summer months let them go to Canada. Of course, that is incredible.

There is just one argument advanced in favor of the proposed duties so far as I am able to determine. It is to the effect that if we shut out this cream some of our people in northern New England will stop making butter and will sell the cream instead of the butter to our people. The answer to that is this: That this bill puts a duty on butter as well as on cream. In fact, the figures I have show that the result of the tax upon butter and the result of the tax upon cream will be that there will be a greater inducement now to make butter than there ever has been to make cream.

I suppose the die is cast. I suppose even those from the industrial sections of our country will have to vote against this amendment because of the implied threat that if the agricultural bloc interests do not get the rates named they will penalize the manufacturing interests of the East and Middle West. The manufacturing interests of New England want no protective duty except for those industries which are in the infant class, such as the dyestuff industry and certain other industries. They must ask for duties, because you have compelled them to by taxing the raw materials.

Mr. President, I have said all I desire on this item and I yield the floor.

Mr. McCUMBER. Mr. President, in 1919 the production of fresh milk was estimated at 6,285,000,000 gallons. During the calendar year 1921 the imports amounted to 2,579,240 gallons, valued at $466,962, or 18 cents per gallon. On the importing basis that is equal to about 4½ cents per quart.

The duty on a quart under the pending bill would be equivalent to about 6 mills, but on the basis of 18 cents per gallon the rate of 2½ cents per gallon would be equal to about 14 per cent. I am speaking of the 18 cents per gallon as the selling price here.

The rate of duty under the act of 1909 was 2 cents per gallon. Under the act of 1913 it was free. The emergency tariff law laid a duty of 2 cents a gallon on that commodity. The Dingley law fixed 2 cents per gallon as the duty, and practically in all the tariff-for-protection laws the duty has been about 2 cents per gallon.

A duty of 2 cents per gallon is equivalent to one-half cent per quart. I would like to ask the Senator from Massachusetts if he thinks the American farmer, in days like these, should be compelled to get up at 3 o'clock in the morning, milk his cows, bring that milk miles, and sell it for 4½ cents a quart? Mr. President, you pay ten times that for the near beer you are buying, and you do not do any crying about it, either.

Mr. WALSH of Massachusetts. I hope the Senator does not mean that I have been buying any near beer.

Mr. McCUMBER. You buy a lot of cheap stuff, put it in a colored bottle, and you pay 20 cents for the bottle, which does not contain much more than a half pint, and you make no complaint that you are abused.

Mr. WALSH of Massachusetts. We do not give near beer to children in New England.

Mr. McCUMBER. Oh, Mr. President, look over what your people in Boston paid for their liquor prior to the adoption of the eighteenth amendment. I do not know what it has been since then—there is no way of telling; but it was four times what you paid for milk for your babies.

Mr. WALSH of Massachusetts. I pray the Senator not to open up the prohibition question.

Mr. McCUMBER. I thought perhaps with that saving you could possibly pay half a cent more on the quart for the milk you buy for your babies.

Mr. President, the only time the children in Boston did not have sufficient milk was when milk was on the free list, when you not only had to feed your babies by charity, under the Wilson-Gorman law, but you had to feed their fathers and mothers, their sisters and brothers. They have money enough now to pay a half cent more for a quart under a protective policy, and there has never been a protective period in which your children did not have all the milk they needed, whether it was 2 cents per gallon or 2½ cents, and I think the average has been 2 cents a gallon.

I do not think we need to be frightened to death about the children not getting their milk. The thing we ought to be concerned about is the fathers being able to earn the money to buy that milk. That is far more important than the little cent or 2 cents upon a gallon of milk.

But I do not for a single moment believe that it will have the slightest effect upon the cost of a quart of milk in Boston or New York. We put a duty on it in the emergency tariff law and it did not keep up the prices. Milk went down according to the demand and the supply, and it has continued to do so. The figures which I have read as to what is produced in the United States are so enormous compared with the small importations that you might cut off every gallon of importation and it would have no effect. It would not affect the price at all, in my opinion, in the great city. Where would it affect the price? Just as the Senator has said, it may be that it would affect the price of cream along the border where the contest and competition are between the Canadian farmer producing cream and the New York and New Hampshire farmers producing milk and cream along the border.

Now, there will be a little line of competition there. Undoubtedly it will raise or hold to a higher level of American prices of milk and cream along that little strip. It will benefit the American farmer a little distance from the Canadian border, but the great American farms will still produce and supply the

American cities with milk and with sufficient milk if we give them a price at which they can afford to milk their cows. That is far more important than the little matter of one penny upon half a gallon of milk.

Mr. President, I think that these duties are more than needed generally. On the milk and the cream I admit that it will have but little effect, but that little effect is in a little piece of territory where the farmer living there is entitled to protection the same as he is entitled to protection in other sections of the country.

Mr. LODGE. Mr. President, I do not agree with my colleague [Mr. WALSH of Massachusetts] about his general views on paragraph 707 or the subsequent paragraph. I shall vote for the rates offered by the committee. There is only a single point which I desire to make in regard to a peculiar condition which arises in the summer as to the use of cream. But before coming to the point to which I allude, I desire to say a word about the continual reiteration of the statement that we are destroying our foreign trade and that the emergency tariff has already destroyed our foreign trade. That is an allegation easy to make and impossible to prove, because the facts are the other way.

There has been a general decline in the world trade since the war, owing to the fact that the purchasing power of the nations has been enormously diminished. It is not peculiar to the United States; it is common to every nation which was engaged in the war. In all cases their imports and exports have declined below what they were during the feverish and unnatural stimulus of war conditions, and the only way in which to make an intelligent comparison is to take the level of pre-war prices and then determine the relation of the various nations to that pre-war level. That has been done by the Government through the Department of Commerce with the best statistics that can possibly be gathered. The result of those statistics, taking the pre-war level of 1914 at 100, shows that the United States has held its trade with less reduction than any other power, and also that the increase which has begun has progressed further in our case.

I wish to quote from the report of the Secretary of Commerce. The Secretary prefaces his statement of the figures by saying:

> As a matter of fact, when we consider the diminished purchasing capacity of the civilized world, caused by the war, we are not sure whether we are even justified in adding to our pre-war level the average pre-war normal increase to cover the period since the outbreak of the war. While this reservation may seem superfluous, there is reason to believe that it has not been sufficiently emphasized in some of the popular discussions of our foreign trade.

Taking the foreign trade of the United States, the United Kingdom, France, and Germany before and after the war and taking 100 as the 1913 level, it appears that the imports ratio of 1921 to 1913 shows the United States at 133, the United Kingdom at 112, France at 108, and Germany at 41. The exports ratio of 1921 to 1913 shows the United States at 191, the United Kingdom at 101, a difference of 90 points in our favor, France 121, and Germany 36.

Mr. President, that shows the enormous decline, of course, in the German trade, but it also shows that the United States has bought and sold far more and is far nearer the 1913 level than any other country, for the simple reason that the same conditions work the same results.

The total trade ratio of 1921 to 1913 is 164 in the United States, 107 in the United Kingdom, 114 in France, and 39 in Germany. It is not merely that we have held our trade with less diminution than any other country, but we have improved it over the pre-war basis. Despite the hard times and the general decline throughout the world of all trade, we have kept our lead and improved our situation.

I will now give some direct figures. These come from the Department of Commerce, and I shall give nothing below the thousands. In 1913 the exports of the United States were $2,364,500,000 and in 1921 they were $4,485,100,000. In the United Kingdom in 1913 the exports were $3,089,363,000 and in 1921 $3,118,686,000, showing that while we have nearly doubled our exports as compared with 1913, in the year 1921, which was the worst year from a business point of view that we have had, Great Britain has not attained to the pre-war level, and at the pre-war level she exported nearly a billion dollars more than we did.

France in 1913 exported $1,327,682,000 and in 1921 exported $1,606,570,000. It is remarkable, in my judgment, that France and Great Britain have recovered so far as they have. Germany exported in 1913 $2,403,142,000, a total of more than we exported in that year, and her exports in the year 1921 were $858,292,000. The ratio of 1921 to 1913 was, the United States 191, the United Kingdom 101, France 121, and Germany 36.

We hear a great deal about destroying our imports and therefore being unable, as we do not buy from foreign countries, to sell anything to them. In 1913 the imports of the United States were $1,893,900,000. In 1921 our imports were $2,509,000,000. In the United Kingdom the imports in 1913 were $3,741,048,000 and in 1921 were $4,182,713,000. Her imports had increased out of proportion to her exports. France imported $1,625,317,000 in 1913 and $1,755,633,000 in 1921. Germany's imports in 1913 were $2,563,185,000 and her imports in 1921 were $1,062,684,000. Her imports had not declined to the same extent as her exports. The ratio in imports was 133 for the United States, 112 for the United Kingdom, 106 for France, and 41 for Germany.

Mr. President, these very simple figures show what our trade has been during the year 1921 and that the emergency tariff has certainly had no effect whatever on our exports or imports. As for the reductions, with us, as with everybody else, they are accounted for by the decline of purchasing power throughout the world. It could not be otherwise. The emergency tariff law, while it undoubtedly caused great encouragement and helped the agricultural interests, had no effect, in my judgment, upon our general commerce with the world. In fact, Mr. President, the argument as to the destruction of our foreign trade is in no wise different from that which has come from the same sources in the Senate in previous years, and is based on the idea of the isolation of the United States. Mr. President, the whole world can not isolate the United States, and the United States has no intention of being isolated in her trade and economic relations. We can maintain our commerce, and maintain it at a higher level, considering the decline since the pre-war period, with the tariff which we propose to impose. The best thing the United States can do, in my judgment, not only for herself but for the business of the world, is to build up her own prosperity. We shall not have prosperity in this country unless, so far as possible, we maintain the scale of American living; in other words, the first thing for the United States to do in order to recover her position—I will not say "recover her position," for the United States is in a better position to-day than any other nation in the world to maintain and advance her position—is to see to it, first, that our own people are employed.

I know the difficulties which confront any action we may now take in regard to tariff duties, because there is injected into the situation a condition which we never before had to meet, and that is the situation which is caused by the depreciated currencies of the world. Such a condition casts a doubt on the accuracy of any estimate of difference in cost; it is unavoidable; but, Mr. President, I agree entirely with the position taken by the Senator from Indiana [Mr. WATSON]; if there is a doubt, I for one propose to resolve that doubt in favor of the American producer. So far as I have anything to do with it, I propose to do all I can to build up the business of the United States. That can not be done without protective duties, owing to the condition of the currencies of foreign nations as well as to the lower cost of labor abroad, it can not possibly be done unless we give the opportunity which the protective tariff will give, in my opinion, to our own operatives and farmers.

Mr. President, the pressure caused by the abnormal depreciation of currencies has been so strong that even free-trade England has been compelled to impose duties on some imported articles in order to protect her own industries against the German invasion; and although Germany is still far behind the pre-war level, she is constantly working up. She has, in addition to a lower labor cost, the great advantage—a false advantage, and one that will bring no good in the long run—the temporary advantage of a greatly depreciated currency. That makes abnormally cheap what she produces and what she exports to us.

Mr. President, I have been led away from the very small point I wished to make in regard to the pending paragraph. I am entirely in favor of the duties proposed by the committee in this instance. The only point which I think deserves consideration by the committee is that there is a seasonal period in which it is simply impossible for the crowded population of New England to get cream without importing it from Canada. That season lasts some four months. The people in New England can not get all of their cream at home; it is not as yet produced there in sufficient quantities. I wish to do everything I possibly can to help the farmers, and especially the farmers of northern New England, who need protection. I do not think the slight amendment which I propose can possibly

do any harm, and it will, in my judgment, to a certain extent be a relief in prices to the people of northern New England.

What I propose is to strike out, in paragraph 707, page 101, lines 5, 6 and 7, and in lieu thereof to insert:

Sour cream and cream imported for manufacture into butter or cheese, 22 cents per gallon—

That is substantially the rate proposed by the Senate committee—

pasteurized sweet cream for use other than manufacture into butter and cheese imported subject to the restrictions imposed and under the provisions of section —— of this act—

The adoption of the amendment will require a new section in this proposed act—

10 cents per gallon.

That is the rate carried in the bill as it came from the other House. The only reason that I have for suggesting this modification to the committee is the fact that I have stated as to the irregular supply of cream in New England, where a few hot days will create a shortage in spite of the Canadian supply; and without that supply it will be impossible practically for the masses of the people to have any cream; they will be forced to use as a substitute butter in some form.

My amendment will prevent the cream being used for any purpose except for table use; under the amendment the cream could not be used for the making of butter; and the principal purpose of the protection, as I understand, is to give to the dairymen of northern New England and northern New York a fair chance to make butter.

The Boston market, which takes the bulk of the cream imported, uses less than 4 per cent in the winter months, but the quantity runs up to 10 or 12 per cent in the summer. It is that which has led me to bring this suggestion to the attention of the committee, in the hope that they may be willing to accept the amendment and consider it. I think there is some good reason for it.

It must be remembered—what is often overlooked—that the population of the New England States, comprising a comparatively small territory, numbers 7,400,000, and with New-York, New Jersey, and Pennsylvania, which territorially make up a small portion of this great country of ours, there are 29,662,000 people, or more than a quarter of the entire population of the United States. Southern New England, where I live, is very densely populated. My own State, which has an area of only 8,000 square miles, has a population of 4,000,000; and it has seemed to me that it is not unreasonable—and certainly it can do no harm to the farmers, whom I desire in every way to protect and aid—to ask, in order to meet the seasonal difficulties, that this slight exception be made in reference to one article, taking care to provide that it shall not be converted into any other. I hope that the committee may be willing to consider that proposition.

Mr. SMITH. Mr. President, I should like to ask the Senator from Massachusetts a question. Did I understand him to say that the reduction which he proposes in the duty on cream will apply only to cream which is used for a specific purpose?

Mr. LODGE. Yes.

Mr. SMITH. And that the cream is not to be converted into some other product?

Mr. LODGE. The amendment so provides and if it should be adopted an additional section would have to be added to the bill to enforce it, so that the cream could not be used for the production of butter or cheese.

Mr. WALSH of Massachusetts. Mr. President, I ask that the amendment proposed by my colleague to the committee amendment may be read, and I should like to ask my colleague to which bracket of paragraph 707 his amendment applies? I understand it applies merely to cream.

Mr. LODGE. It applies to the latter portion of paragraph 707. I will send the amendment to the desk.

Mr. WALSH of Massachusetts. I ask that the amendment may be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment reported by the committee on page 101, line 5, after the word "cream," by striking out all of the remainder of the paragraph and to insert:

Sour cream and cream imported for manufacture into butter or cheese, 22 cents per gallon; pasteurized sweet cream for use other that manufacture into butter or cheese imported subject to the restrictions imposed and under the provisions of section —— of this act, 10 cents per gallon.

Then follows the draft of a proposed section to enforce the provisions of the amendment.

Mr. WALSH of Massachusetts. Mr. President, I understand that the only importations of cream from Canada are of the kind used for household purposes, not for butter making. The amendment of my colleague will help, but I would go further and make the rate a flat 10 per cent. I shall take pleasure in voting for the amendment, and I am sure most of my colleagues on this side of the Chamber will be glad to vote for the lower rate even if it does not go as far as desired.

Mr. HARRISON. I ask for the yeas and nays.

Mr. McCUMBER. Mr. President, I can see, I think, two serious objections to this proposal. First, there is the administrative objection. It proposes to compel the Treasury Department to determine the use for which the cream is imported and to require them to follow it through to the end to see that it is not used for any other purpose than that specified. Very well. Then, suppose that 40 gallons of cream are imported not to be used for butter, but sweet cream to be used on the table, and in the hot days of July there is a slight delay in delivery and the cream sours. It might still be used to make butter, but under the proposal of the Senator from Massachusetts, it could not be used for that purpose because the amendment seeks to inhibit its use for butter, the cream having ben imported for table use only and not for any other kind of use.

I am willing to say that I could not see very much use in putting sour milk and buttermilk in this provision at all. Candidly, I did not think it was worth the printer's ink that was used in printing it, so far as the trade is concerned; but others did think that it was important, and therefore it was included.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him?

Mr. McCUMBER. Yes.

Mr. LODGE. My amendment covers sour cream at the same rate as the committee amendment.

Mr. McCUMBER. I know, but the point that I want to make clear to the Senator from Massachusetts is this: It may be imported as sweet milk and for a purpose other than making butter. Then, suppose it sours before it can be used upon the table. What are you going to do with it?

Mr. LODGE. The loss falls on the importer, does it not?

Mr. McCUMBER. Yes; of course the loss would be on the importer; I will admit that; but especially during the hot months, with delays in moving and strikes and trouble upon trains, and so forth, that is liable to happen very often. If there really were a seasonal demand for a greater amount of cream than the farmers in New England can produce during the hot months, I would sooner see the bill changed so as to carry a lower rate of duty during those months, thus avoiding the administrative difficulties that it seems to me would necessarily arise.

Mr. SMITH. Mr. President——

Mr. McCUMBER. I yield to the Senator from South Carolina.

Mr. SMITH. I understood the Senator from Massachusetts to say that in case the milk or cream soured, or became unfit for table use, it would then be a loss to the importer. Suppose that were to occur after it had passed the importer and had been purchased by the individuals who proposed to distribute it, and it then became unfit for table use?

Mr. McCUMBER. It would then be a loss to the purchaser, because he could not use it for any other purpose than that of table use as sweet cream. In other words, he could not use it for butter.

Mr. POMERENE. Mr. President——

Mr. SMITH. I think, if the Senator will allow me, that the suggestion made by the Senator from North Dakota would be the more practicable—to have a seasonal tariff to cover the period when this material might be brought in in the proper form.

Mr. McCUMBER. That is what I have just suggested, if we have any change.

Mr. LODGE. Mr. President, the souring of cream is not confined to Canadian cream. A man may buy cream from an American farmer and it may turn sour on his hands, and he has to take that risk.

Mr. McCUMBER. But he can then make it into butter.

Mr. LODGE. Yes; if he is a dairyman he can.

Mr. McCUMBER. He can not make it into butter if it is imported for other use.

Mr. LODGE. But the man who buys it—I am speaking of the city consumer, and that is nine-tenths of our population—can not make it into butter. He loses it. It is a dead loss, of course, and he has to take his chances. I am not saying that he does not have to take a chance.

Mr. McCUMBER. Sour cream can make good butter all right.

Mr. LODGE. If it goes to a dairyman, yes; but what about the man who buys a small quantity in the city?

Mr. McCUMBER. If he has a churn, he can make it. If not, he can not.

Mr. LODGE. We have about three and a half million people who do not live on farms and can not make butter.

Mr. POMERENE. Mr. President, I suggest to the Senator from North Dakota that this cream might keep sweet under certain temperatures for 48 hours or 72 hours, but if a thunderstorm came up it would sour in 12 hours.

Mr. McCUMBER. It might.

Mr. SMITH. It would sour in an hour.

Mr. POMERENE. So we would have serious difficulty in administering it.

Mr. McCUMBER. I can see the difficulties involved in administering that provision, the cost of administration, and so forth. I would suggest that it would be far better to lower the duty during those few months than to attempt to differentiate on duties between the uses for which it is intended.

Mr. POMERENE. I invite the Senator's attention to a reduction of this entire duty so that it may be brought down to a reasonable point, and let us all vote for it.

Mr. WALSH of Massachusetts. Mr. President, may I suggest to the Senator from North Dakota that I will move as a substitute for it simply to strike out on line 5 all after the word "cream" to the end of the paragraph and insert after the word "cream" the words "10 cents per gallon during the months of June, July, August, and September." I understand that the Senator will accept that change; and I move that as a substitute, if it is agreeable to by colleague.

The VICE PRESIDENT. The Chair will suggest that there are two pending amendments that would come before that.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator from Massachusetts to the fact that, if that were done and we simply put in there the words that the Senator suggests, there would then be a duty upon cream during those months only.

Mr. SMITH. If I may make a suggestion, that can be easily remedied by providing that the rate of 22½ cents shall apply during the other months.

Mr. SMOOT. It was worded differently in the Senator's amendment, however, and that is what I wanted to call his attention to.

Mr. WALSH of Massachusetts. I thank the Senator. I will add to my amendment that during the remaining months of the year the rate of 22½ cents shall prevail.

Mr. McCUMBER. Mr. President, may I first say generally that I simply suggested that as a better plan than the one offered by the senior Senator from Massachusetts. I did not mean thereby to say that I thought that during those hot months the farmers of New England can not produce all the cream that is necessary for the New England market, provided they have a price that will justify them in saving the cream, not making it into butter but selling it as cream.

Mr. WALSH of Massachusetts. I understood the Senator to say that he would prefer to have the rate lowered for certain months of the year, to wit, the summer months.

Mr. McCUMBER. As between the two.

Mr. WALSH of Massachusetts. I understand that the Senator is opposed to the amendment of my colleague, but that he would prefer the amendment which I have offered.

Mr. McCUMBER. No; I said that if I were to have an amendment at all I should prefer the latter.

Mr. WALSH of Massachusetts. At the proper time, then, I will move the amendment that I have suggested.

Mr. HARRISON. Mr. President, is not now the time to offer a substitute?

The VICE PRESIDENT. There are two committee amendments yet to be disposed of.

The ASSISTANT SECRETARY. The pending question is on page 101, line 3, where the committee propose to strike out "1 cent" and insert "2½ cents."

Mr. WALSH of Massachusetts. Mr. President, I am not going to prolong the discussion upon this item, except to put into the RECORD a paragraph from the report of the Tariff Commission on the operation of rates in the emergency tariff law. I want to call particular attention to this language under the topic of "Milk":

> The tariff problem is a local one, confined largely to the New England States. With the expanding demand for market milk in Boston and other large New England cities, the territory supplying these cities, especially Boston, has been enlarged to include Vermont, Maine, eastern New York, and points in Quebec south of the St. Lawrence. But, according to figures compiled by the Boston Chamber of Commerce, the proportion of Boston's supply of milk coming from Canada is very small, even in the summer months—the period of largest demand. From August to October, 1919, it amounted to only about 1 per cent. Prices of milk in Boston are generally higher than in New York, Philadelphia, and western cities, but it is doubtful if restriction of imports would greatly affect prices of milk in New England because of the small proportion they have constituted of the whole supply.

It is very apparent that this increased duty on milk will not increase the price to the producer. The importations are trivial. The milk problem in New England is a transportation problem and a middleman's problem. The farmer will not get any benefit from this duty, but the middleman will get a benefit and the consumers will be punished to the extent of an increase in the price of milk.

I must ask for a yea-and-nay vote upon that item—paragraph 707.

Mr. McCUMBER. Mr. President, I want also to quote from the report of the Tariff Commission on the operation of rates in the emergency tariff act. I will insert the table on page 124, and the paragraph immediately succeeding it; but I call attention to this statement in the latter paragraph. The Tariff Commission says:

> The relatively small duty upon milk in the emergency tariff, therefore, appears to have had little influence in retarding imports. Neither is it likely materially to have affected prices because of the very small place imports have in New England's supply.

Mr. WALSH of Massachusetts. That is practically the same thing as in the recent report.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from North Dakota will be printed in the RECORD.

The matter referred to is as follows:

Canadian exports of fresh milk to the United States.[1]

Months.	Quantity.		Value.	
	1920	1921	1920	1921
	Gallons.	*Gallons.*		
June	155,235	166,787	$39,305	$36,243
July	284,993	167,843	62,065	34,616
August	133,717	116,895	36,253	24,429
September	341,293	198,829	69,318	20,153
October	106,045	47,128	33,283	34,373
November	142,105	125,845	45,927	28,024
December	67,977	111,174	24,062	26,530
January	[2]68,502	[3]70,696	[2]21,057	[3]17,603
February	[2]45,120	[3]91,111	[2]13,213	[3]22,106
Nine months ended February	1,244,987	1,096,308	344,483	244,077

[1] Weekly Bulletin, Commercial Intelligence Service, Department of Trade and Commerce, Canada. Canadian exports are given, since imports of fresh milk, by months, are grouped with imports of cream in the United States.

[2] 1921.

[3] 1922.

Imports of milk under the emergency tariff: A month by month comparison of exports of milk from Canada to the United States shows that after the passage of the emergency act, from July through November, imports decreased as compared with the amounts coming in during the corresponding months in 1920. During the nine months, June 1, 1921, to February, 1922, 1,096,308 gallons came in, compared with 1,244,987 gallons during the corresponding nine months of the previous year of free entry. The relatively small duty upon milk in the emergency tariff, therefore, appears to have had little influence in retarding imports. Neither is it likely materially to have affected prices because of the very small place imports have in New England's supply.

Mr. DILLINGHAM. Mr. President, before this vote is taken I want to refer as briefly as I may be able to do to the question which has been raised by the junior Senator from Massachusetts [Mr. WALSH] regarding New England conditions. The position he has taken, in which he has argued exclusively for the consumers in that section of the country and to the sacrifice of the producers of dairy products in New England and in the West, is a position which has been assumed by the Democratic Party for a great many years, and, naturally enough, because that party does not believe, and boldly says so, in a tariff for protection.

There are people in New England who do believe in a tariff for protection. New England has been a stronghold for the advocates of that system, and it is only through that system that New England has been able to maintain herself against the disadvantages which she suffers from location and from climate and from environment. The policy of Canada, on the other hand, has always been for free trade, so far as she is concerned, in the natural products of the Dominion. That is to say, Canada naturally enough, because her population is so much less than ours, and because our markets are so attractive to her, has always, by every effort imaginable, sought to secure the American markets for her natural products; and at the same time Canada has always maintained the stiffest tariff

wall against the products of New England and of the rest of the United States where they have been improved by human labor—the manufactures.

Going back to 1854, under the administration of Franklin Pierce, a treaty was made with Great Britain by which the natural products of Canada might have a free market in the United States. That treaty remained in force for 11 years; and the experience which the United States had under that treaty, particularly the eastern portion of the United States, was such that almost without opposition a joint resolution of Congress was adopted by which that treaty was abrogated. From that day to this Canada has been making a strong attempt to again secure an open door into the United States markets for her natural products.

During both of General Grant's administrations as President such an attempt was made, and the President sent to the Congress of the United States messages in which the matter was fully discussed and opposed, and no action was taken. The matter again came up during the administration of President Harrison, and Canada again made the attempt to open the doors of the United States for the introduction of her agricultural and dairy products, but holding all the whole stiffly to her protective policy regarding all manufactured products of the United States.

That being the case, there must be a reason for it, and if you will look at New England's development you will find that reason. Between the years 1880 and 1900, a period of 20 years, and under the protective policy of the Government there were more than 25,000 new manufacturing establishments established and put into operation in New England. New capital, amounting to more than a billion dollars, was put into these enterprises. The population increased until it now amounts to 7,400,856.

The State of Rhode Island has become a great manufacturing center; also the States of Connecticut and Massachusetts. But we have the States of Maine, New Hampshire, and Vermont, which are more purely agricultural, and for them we claim, as Republicans, that they shall be protected in their products, and that they are entitled to this market which we have built up in New England for their products, and we claim it strongly. We believe that a policy which has built up Rhode Island and Massachusetts and Connecticut as manufacturing States and to become a great consuming territory should be applied also to the agricultural States, and that they be given a reasonable protection upon their products.

Let us see what kind of a market New England makes for Canada. According to the census of 1910, New England produced one-half of all the cotton goods produced in America. She produced 60 per cent of the woolens, 50 per cent of the brass and bronze goods, 42 per cent of the jewelry, 35 per cent of the paper, wood pulp, and so forth. In fact, New England was producing substantially one-eighth of the manufactured products of the country, and, of course, that brought in a great consuming population, one demanding dairy products and foodstuffs of every kind, and New England farmers were put to their test in supplying that want.

During that period the Vermont farmer, the Maine farmer, and the New Hampshire farmer had not been prospering. They had been following the old lines of competing with the West in raising cattle and in raising grain, but with this new market created near his own door the farmer was wise enough to change his policy and suit his products to the markets that had been so built up.

How did he do it? He naturally turned to dairying, to the production of butter and milk and cream for this market. That was done to such an extent that in 1910 in the State of Vermont—with which, of course, I am better acquainted than with any other—almost every farmer had adopted a new policy. They had thoroughbred herds of cattle on their farms, they were farming scientifically, feeding scientifically, caring for their cattle scientifically; they were preparing their products scientifically, and they found that it paid, because they had this whole near-by market to supply, and the distances from the farms to the market were very short. The result was that in 1910, as the census for that year shows, Vermont alone was producing nearly one-half of all the butter that was produced in New England.

Why do they oppose letting down the tariff bars to permit Canada to come in? Let us look at that question for a moment candidly. In 1920 the population of New England as a whole was 7,400,856 souls. The last census taken in Canada, in 1911, showed that in the whole Dominion of Canada, between the two oceans, there were only 7,206,643 souls. In other words, in 1911 Canada had a population of about 200,000 less than that of New England.

To be fair with Canada, its Statesmen's Year Book shows that in 1920 the estimates of their population had gone up to 9,000,000 souls. Leave it at that. In little New England there was a market of over 7,000,000 people, which the whole Dominion of Canada, from ocean to ocean, with a population on that assumption of 9,000,000 souls, would like.

But that is not the whole story. Lying right north of New England is the dairying section of Canada. There is the Province of Quebec, which has been referred to by the junior Senator from Massachusetts. It is the old French colony of the Dominion. That Province lies directly north of and contiguous to New England. It is conveniently situated for trade with Boston and other of the great central markets. She has a population of 1,612,000, which, as I figure it roughly in my head, is about one-sixth of the population of Canada, and that is greater than that of New Hampshire, Maine, and Vermont combined.

Seventy-eight per cent of the people in that Province are French-Canadian, and they and their ancestors have occupied it from the beginning. They are one of the most industrious, careful, painstaking peoples in the world. It would be a pleasure for any of you to drive through that territory and to see the primitive way in which they live, the primitive methods of industry which prevail among them, the simplicity of their lives, and the way in which they cut down expenses and produce their goods at the least possible cost. About 22 per cent of the population is made up of English, Scotch, and Irish. It is essentially an agricultural Province, and produces 30 per cent of the entire output of farm products in the entire Dominion of Canada.

It goes further than that. In horses, cows, sheep, fruits, vegetables, meats, of animals slaughtered on the farm, and dairy products, which will mostly come in competition with Vermont's chief agricultural asset, she produces 67½ per cent of Canada's entire product.

There you have Quebec, lying directly north of New England, with a population greater than that of New Hampshire, Maine, and Vermont, producing 67½ per cent of all the products I have mentioned produced between the Atlantic and the Pacific in Canada, and she is asking the privilege of coming into the United States without paying duties, to unload her products upon our consuming population, and in competition with the New England farmers.

The Democratic Party stands for a tariff for revenue only, and I am not criticizing them; I am recognizing a fact which is stated daily on this floor and which is freely admitted by them; but because of that policy the Democratic Party has favored every proposition that has been made for the purpose of letting those products from Canada come in.

My friend the junior Senator from Massachusetts, of course, has lived in these populous communities. Of course, he is a consumer himself and has sympathy for the consuming class. I am a consumer, but I happen to live in the agricultural region of Vermont, and I know what the conditions are and am interested in them.

Let us look for a moment and see what was done under the provisions of the existing law. It will be remembered that under the Payne-Aldrich law there was a duty of 2 cents per gallon upon milk, but under the Underwood-Simmons law it comes in free. The Senate committee proposition is to place a duty of 2½ cents per gallon upon milk, not that they care to place one-half a cent upon it for any reason except that if we impose a duty of 8 cents a pound on butter, as the committee has recommended, the duty on milk should be 2½ cents per gallon to equalize the rates. I expect that the committee in adjusting all of these rates on milk, cream, and condensed milk have followed that plan.

What has been the effect of the Underwood-Simmons bill upon Canada's exports?

In the statistics relating to animals and their products we include cattle, horses, sheep, hogs, bacon, ham, mutton, pork, poultry, butter, cheese, eggs, milk, and cream. In 1912 and 1913 Canada's exports of such products to the United Kingdom amounted to $67,000,000 worth, in round numbers. They exported to the United States $22,000,000 worth, in round numbers. After the passage of the Underwood-Simmons law, in 1914 and 1915, Canada exported to the mother country $64,000,000 worth, in round numbers, and to the United States $58,000,000 worth, in round numbers, thus showing that under the Payne-Aldrich law in the years 1912 and 1913 Canada exported to the United States in animals and their products only about one-third as much as she did to the mother country, while during the two years of the Underwood-Simmons law Canada exported to the United States in animals and their products over nine-tenths as much as she did to the United Kingdom.

In other words, her surplus products instead of going so largely to Great Britain were coming to the United States.

On the question of milk I want to call attention to the effect of that law. For the seven years prior to the enactment of the Underwood-Simmons law the entire importations of milk were 486,004 gallons. That was under a 2-cent duty. Under the Underwood-Simmons law, which imposed no duty, in the next seven years the importations were over 11,092,362 gallons of milk. In other words, during the seven years from 1914 to 1920, under free trade, the importations of milk were twenty-two times greater than they were in the previous six years under the Payne-Aldrich law. That shows the effect of the Underwood-Simmons law upon the introduction of milk.

Of the 2,077,000 pounds of cream imported in 1915, 1,735,000 pounds came over the Vermont border.

So we are not without evidence that Canada not only depends upon New England as a market but is using it almost exclusively.

Coming now to the question of preserved milk, I want to call attention to some significant facts. During the seven years prior to the enactment of the present Democratic law the importations of preserved milk amounted to only 4,419,314 pounds, but with the duty taken off, in the seven years from 1913 to 1920 the amount jumped from 4,419,314 pounds annually to 152,950,000 pounds. In other words, in the seven years from 1914 to 1920 under the present law importations of condensed and evaporated milk were thirty-four and one-half times greater than they were during the seven preceding years under the Payne-Aldrich law.

Turning now to the subject of butter, we find that under the Payne-Aldrich law, which laid a duty of 6 cents per pound upon butter, in the six years prior to 1913 we imported 2,947,408 pounds, but under the existing law, where the duty was reduced to 2½ cents per pound, we imported during the next seven years, 1913 to 1920, 21,977,000 pounds of butter. It appears that in two different years, 1919 and 1920, there came in substantially one-half as much butter from Canada as was produced in New England. That made a very stiff competition.

I want to go back for a moment to what New England has had to do in order to live. I have stated that Vermont in 1910 had come to be one of the great butter-making States of the Union. When 1920 came Vermont met new conditions. Butter is produced in all parts of the country and has become a standardized product. In the meantime the demand for milk and cream in the New England markets was becoming stronger. Vermont was finding it was better to modify her policy, and so she began changing her dairy herds and putting in those that would produce a large flowage of milk, suitable for food purposes. To-day Vermont is producing less butter, but a much larger proportion of milk and cream for the market. Collection districts have been created and extended and routes established. So that every night the milk trains from northern New England are moving toward Boston collecting and carrying the milk while it is perfectly fresh. I know whereof I speak, because at my country home I am surrounded by dairy farmers, and I have seen them go out of the butter business and confine themselves more largely to the production of milk and of cream. That is our tendency to-day.

I see no need whatever for the amendment proposed by the senior Senator from Massachusetts [Mr. LODGE]. I have examined the subject and have examined it carefully. I live up in the country, and I know what our farmers do.

I know that they can produce milk for the market and that they can produce cream for the market, and they are doing it. They are already decreasing the amount of butter they are making and turning their products to meet the demand of the New England market. They are perfectly willing, when they can not compete with western butter and can get a better price for their cream and milk, to adopt new methods. It is but the exercise of common sense that they should do so. So I am standing here thus briefly to call attention to the situation in New England and to say that this is a continuation of the old fight that has been going on for more than 50 years.

Now, we have that splendid market in New England. The consumers are prospering and they can afford to pay a reasonable price for milk. In looking into the conditions of the laboring classes in New England as they exist in the labor centers there, I find that from June, 1920, to March, 1922, the decrease in the cost of living had been 22.9 per cent and from December, 1921, to March, 1922, 4.2 per cent. How is it with the price of laborers? How is it with this consuming class?

Mr. WALSH of Massachusetts. Mr. President——

Mr. DILLINGHAM. I will yield in just a moment, if the Senator please. I find that the average hourly wage between May 5, 1920, and May 15, 1921, showed a slight increase, from 88 to 91 cents an hour, or over 3 per cent. We know from our experience in the committee just what the situation is. We had manufacturers before us from every State in the Union, and when we asked them about the wages they were paying they said they were paying from 100 to 140 per cent more wages than they were prior to the World War. When we put the question to them as to how much those wages had been reduced, almost invariably the answer was about 20 per cent.

Now, we all know that wages are high in the United States. We know that in the great centers where men are working they are getting fine rates of wages. To make the plea which the junior Senator from Massachusetts [Mr. WALSH] has made in their behalf is very natural, and I am not criticizing it at all, but when he looks at the mountains of Vermont and among the lakes of Maine and New Hampshire and, as the chairman of the Finance Committee has said, looks upon a people who are up at 4 o'clock in the morning and working until it is time to go to bed at night, he surely ought to realize that it is not any more than fair that they, being Americans, paying their taxes for their schools and for their highways and for the maintenance of their municipalities, should have the New England market. Is it fair that the Province of Quebec, lying immediately north of us, contributing not a cent to our public institutions or to our welfare, should have the bars taken down in order that their products may come in free in competition with ours? I can not see it.

I now yield to the junior Senator from Massachusetts.

Mr. WALSH of Massachusetts. I simply want to direct the Senator's attention to one thought. I do not want him to misrepresent my position or that of my colleague, so far as I can speak for him, with reference to cream. I am not asking that cream be put upon the free list. I am not asking that milk be put upon the free list. I am simply asking the Senator to give us some reason—in addition to what he has already given and which has been well given—why there should be an increase of 350 per cent in the rate. My colleague by his motion and I by my motion propose an increase of 100 per cent in the rate on the small amount of cream that comes over, and I want to know why it is believed that there is such a threatened danger to the dairy industry of New England as to require an increase of 350 per cent.

Mr. DILLINGHAM. I have not figured the percentages.

Mr. WALSH of Massachusetts. Why can not the Senator accept a reasonable increase in the duty?

Mr. DILLINGHAM. I will say just this in reply to the Senator. When the war came on enormous wages were offered by the manufacturers in the Senator's own State. Those who were producing munitions of war, those who were producing woolens and the other classes of goods which went into consumption during the war, sent up to Vermont and took the boys off our farms and paid them 50 cents an hour as apprentices, simply as apprentices. A boy who could do nothing but sit before a simple lathe and watch that alone got 50 cents an hour, without any experience whatever. That went on until the agricultural regions were drained of labor and the cost of the management of farms became such that the farmers were compelled not only to pay exorbitant prices for labor but to go to large expense in putting in modern improvements. If the Senator would go into any of those States now he would find the mechanical milkers established, and in practically every stable he would see one man go through and, with the aid of machinery, milk 40 or 50 cows in a comparatively short time.

Then came another proposition. In New England we can not compete with the great West in the production of cereals. It has come to such a point that the corn that is fed to our cattle all comes from the West, with the cost of transportation charges added to the cost of the corn. So I might go on and multiply the increased expenses and show that our farmers to-day are just as hard pinched with present prices as they were before the war and are compelled to work just as hard as they were before the war in order to maintain their farms and to carry on their business. They are perfectly willing to work hard, but they are American citizens, and the rule that is applied to other classes of producers in the country they claim ought to be applied to them and to their products, and that the great advance of which the Senator speaks and which he fears may come shall not be done away with by importations from the Province of Quebec, which is a close neighbor, a very thrifty neighbor, and a very thrifty competitor.

I ask permission to have inserted as a part of my remarks a brief which has been prepared by order of the New England Dairy Tariff Committee, by W. H. Bronson, statistician, New England Milk Producers' Association; by O. M. Camburn, director of dairying, Massachusetts Department of Agriculture; and G. C. White, professor of dairy husbandry, Connecticut

Agricultural College. This brief refers to matters which I have discussed.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Without objection, permission is granted.

The brief is as follows:

BRIEF OF THE NEW ENGLAND DAIRY TARIFF COMMITTEE ON CERTAIN DAIRY PRODUCTS.

The New England Dairy Tariff Committee begs leave to present some facts which should be taken into consideration in the framing of a tariff on milk, cream, and butter. We believe that the United States producers of dairy products should be given protection equal to the difference in the cost of production between the United States and competing foreign countries. The importance of the dairy industry in New England is shown by the fact that dairy products valued at over $94,000,000 were sold from New England farms in 1919.

The cost of production secured for the New England States and the Province of Quebec for the month of April show a difference at this time in favor of Quebec of 4 cents per gallon for milk, 40 cents per gallon for cream, and 10 cents per pound for butter. It is confidently believed by the committee that the costs secured for this period are nearer together than in normal times, since the decline in the cost of labor and feed is taking place near the industrial centers more rapidly than in the outlying districts. It was also evident from the household conveniences found in the Canadian Province that dairy farming has been more profitable there, due possibly to the more general engagement of the wives and daughters in the milking and other dairy operations in Quebec.

There has been a continuous decrease in the number of farms in operation and the number of cows in New England for 30 years. This is due to only one thing—unattractive returns, often actual losses. That live-stock husbandry is necessary to the maintenance of fertility and to providing a market for roughages produced in New England is undisputed. On a general scale dairying offers the only solution to this problem.

The use of dairy products by the urban population is greatly below what it should be. This is due to two things, viz, lack of appreciation of their importance, and the difficulty of securing a fresh, uniform, wholesome product from remote regions. Business men everywhere agree that without a prosperous and thriving agriculture a contented industrial class is impossible.

1. ORGANIZATION OF THE COMMITTEE.

As a result of unfavorable conditions existing in the dairy industry, which have been developing for the past 20 years, there was brought together a representative body at Boston on February 24, 1921, to consider a tariff on dairy products, with a view to bringing these matters to the attention of the United States Congress. Representatives from practically all of the State dairymen's associations, State departments of agriculture, State granges, State agricultural colleges, and State farm bureaus of the New England States were present. In addition, the Eastern New York Milk Producers and the New England Milk Producers' Association were represented.

As a result of the action taken at this meeting, each State group selected a representative to carry out the necessary work of formulating a tariff schedule. This group consists of W. N. Cady, Vermont State Grange, chairman; O. M. Camburn, Massachusetts State Department of Agriculture, secretary; J. W. Alsop, Connecticut Dairymen's Association; H. N. Sawyer, New Hampshire Farm Bureau; M. D. Jones, Maine Agricultural College; G. R. Little, Eastern New York Milk Producers; J. J. Dunn, Rhode Island State Department of Agriculture; and W. H. Bronson, New England Milk Producers' Association.

2. THE SCHEDULE OF TARIFFS NEEDED.

For the protection of the dairy industry in New England the committee has formulated the following minimum duties: For milk, 3½ cents per gallon; for cream, 35 cents per gallon; for butter, 10 cents per pound.

3. DAIRY CONDITIONS.

In New England the number of farms, as reported by the United States census, have shown a marked decline in each State for 20 years, ranging from 11 per cent in Vermont to 24 per cent in New Hampshire since 1910. Up to the beginning of high prices for dairy products in 1915–16, the number of cows in New England had steadily declined. Dairying is the main source of income to the New England farmer. Adequate protection on dairy products would do considerable to bring agriculture in New England back to a more prosperous condition.

4. COST OF PRODUCTION.

The cost of production of dairy products in the Province of Quebec is lower than it is in the New England States.

Milk.—The cost of producing 1 gallon of 3.7 per cent milk is $0.041 cheaper in the Province of Quebec, Canada, than in the New England States. Transportation charges to Boston favor the New England producer to the amount of $0.0065 per gallon, which, when subtracted from the $0.041, leaves the difference in favor of Quebec of $0.0345 per gallon.

Cream.—Based on these costs, the cost of producing 1 gallon of 36 per cent cream is $0.40 per gallon less in Quebec than in New England. Transportation charges to Boston is $0.006 per gallon less from the New England center of production than from the Quebec center of production, which, when subtracted from the $0.40, leaves the difference in favor of Quebec of $0.394 per gallon.

Butter.—Based on the costs of milk, the cost of producing 1 pound of butter is 10 cents less in Quebec than in New England. Transportation to Boston of butter from the center of production in New England is $0.0003 per pound less than from the Quebec shipping point, which, when subtracted from the 10 cents, leaves the difference in favor of Quebec of $0.0997 per pound.

5. SPECIFIC DUTY DESIRABLE ON MILK, CREAM, AND BUTTER.

From an administrative standpoint, and due to trade practices, a specific duty on milk, cream, and butter is desirable.

6. CHANGE IN PRICE LEVEL MAKES HIGHER DUTY NECESSARY TO PROVIDE SAME PROTECTION.

In 1897, when butter sold for 20 cents per pound, a duty of 6 cents per pound was adopted. At the present price level of butter, a duty of at least 10 cents per pound would be necessary to give the same protection.

7. CANADIAN MILK AND CREAM NOT NECESSARY TO SUPPLY NEW ENGLAND'S NEEDS.

The New England farmer can supply New England's needs for milk and cream. In 1919, when 416,000 gallons of cream were shipped from Canadian points to Boston, the butter produced by New England creameries would have provided 4,500,000 gallons of 36 per cent cream, or eleven times the amount necessary to replace the Canadian shipments.

The butter production in New England would have supplied nine times the amount needed to replace Canadian cream shipments to Boston for the month of heaviest shipment—June. The butter would also have provided a large amount of additional milk if more milk had been needed.

8. BUTTER IMPORTS FROM CANADA.

Butter imports from Canada have increased from 350,000 pounds in 1913 to over 9,000,000 pounds in 1920.

9. STANDARD OF LIVING.

The standard of living in Quebec is lower than in New England when measured by the question as to whether or not the wife and daughters help milk, and higher than in New England when measured by the question as to whether or not the house has conveniences, such as running water, furnaces, and bathrooms. The presence of these latter conveniences indicates more profitable dairy production in Quebec than in New England.

Sanitary facilities for producing milk, such as ice houses and milk houses, are much less numerous in Quebec than in New England.

10. TARIFF SCHEDULES ON OTHER PRODUCTS.

The dairy farmer deserves a protection which is as effective as that applied to other industries, in order to encourage and maintain an intelligent class in the production of this most essential product, and in the preservation of farms in a high state of fertility.

11. IMPORTED OILS A MENACE TO THE DAIRY INDUSTRY.

In recent years the consumption of oleomargarine has increased tremendously until at present 1 pound is consumed to each 2 to 3 pounds of butter eaten. The importation of vegetable oils, used largely for this purpose, has increased from 82,500,000 pounds in 1912 to 435,000,000 pounds in 1920. This has been an important factor in promoting losses to dairymen throughout the country, and it may have damaged materially the health of the Nation. The New England farmer desires to see adequate protection against these products.

12. THE IMPORTANCE OF MILK IN THE DIET.

Eminent scientists and health authorities now recognize milk and its products as the most nourishing of all foods in daily use. The vitamines, present in abundance, are essential to growth, health, reproduction, and longevity. These are supplied most abundantly in fresh milk produced near the consuming centers and from cows whose ration consists of green foods for a considerable portion of the year. In these respects New England products are superior to those of Canada as a source of vitamines.

This report was prepared in its final form by order of the New England dairy tariff committee by W. H. Bronson, statistician, New England Milk Producers' Association; O. M. Camburn, director of dairying, Massachusetts Department of Agriculture; and G. C. White, professor of dairy husbandry, Connecticut Agricultural College.

Mr. WALSH of Massachusetts. Mr. President, I want to commend my good friend from Vermont for his very able presentation of the viewpoint of the producers of Vermont. It could not be better said. The Senator is not a man of many words, but what he says is always entitled to a great deal of weight and is always said directly and clearly.

If I may presume to criticize the argument of the learned Senator from Vermont, I would say that the objection to it is that he has described the burden that came upon the producers of milk and cream during the war; the increased price which they had to pay for the cereals which they fed their cattle; the increased price of wages to the laborers whom they had to hire in competition with the high-priced laborers in the industrial centers of New England; but the Senator should have remembered that we are not now legislating for war conditions. The price of labor in the industrial cities has gone down; the price of labor on the farms has gone down; the price of cereals has gone down; the price of everything has gone down; the cost of production has been reduced; the cost of labor has been reduced; and yet, in the face of that fact, the Senator from Vermont asks us to preserve to the farmers of Vermont the conditions and prices which they enjoyed during the war period.

Mr. President, it comes back to what we have observed repeatedly during the discussion of this bill; a request that the manufacturer and the producer be permitted to receive the same prices and to reap the same profits, now that the war is over, that they reaped during the war. The Senator indirectly has disclosed the demand which has appeared here again and again in the discussion of these duties. He frankly states that he wants this tremendous increase in the price of cream to enable the farmer to meet the conditions of the war, the high prices and high wages of labor. This is a move to give to the farmer who sells milk and cream the same profits and the same prices that he received during the war when he paid more for his labor and more for what he consumes.

However, it is not necessary further to prolong the discussion of this important paragraph—important to the people of New England. I want to call attention to the fact that some figures have been given to me showing that even under the emergency tariff act the prices which the farmer received for

milk were lower than before, and that protective tariff laws on farm products do not help the farmer. The problem in New England, I repeat—and I think the Senator will not differ very materially with me about this matter—is largely a problem of transportation and largely a problem of eliminating the wholesalers in the big cities, who take advantage of increased tariff duties to charge the consumer more, but the farmer gets no benefit. In my opinion the milk problem will not be satisfactorily settled, so far as the farmer is concerned, until some new arrangement is made in reference to the problem of transportation and the elimination of the middleman.

Mr. President, so far as I am concerned, I am ready to vote upon the items which are embraced in the pending paragraph.

Mr. TOWNSEND. Mr. President, I rise to call attention to a rather significant fact. I have from the beginning been very much interested in the discussion of the pending tariff bill, and I have noticed one very peculiar thing. The Democratic Senators who have occupied most of the time of the Senate in opposing the duties on manufactured articles have come from agricultural sections, but when it comes to attacking duties on agricultural commodities, duties which impose seemingly large, but not too large, rates of protection and such as favorably compare with rates upon manufactured products, Democratic opposition is presented by a Senator from a manufacturing section. That may have been simply a "happenstance," as one may say, but it seems rather remarkable to me, especially as the Senators who have spent so much time on the floor antagonizing the duties on manufactured articles are now found voting for the duties which are imposed in the agricultural schedule. It may be, as I have said, that it is purely an accident, but I can not believe it is such. To many of these eloquent Senators the tariff is evidently a local issue. To them the tariff is not so much a principle as it is a policy to be approved or opposed according as it does or does not apply to their local interests.

Mr. WALSH of Massachusetts. The Senator from Michigan certainly does not refer to me, for I have opposed the duties proposed upon manufactured products and have voted repeatedly against and have never once voted for an increased duty. I am standing on the same ground in discussing the schedule embracing agricultural products. It so happens that members of the minority of the committee have delegated the discussion of this schedule to me, but it might just as well be handled, and it would be much more abler handled, by other members of the committee.

Mr. TOWNSEND. I doubt that.

Mr. WALSH of Massachusetts. But I have been asked to represent the minority of the committee, and I am simply performing my duty as a member of the minority.

Mr. TOWNSEND. I am not finding any fault with the Senator's action. I think he has been consistent.

Mr. WALSH of Massachusetts. The Senator from Michigan has intimated that I have advocated higher duties for manufactured products; but I have not voted for one increase in the pending bill, and I have voted for every single amendment to decrease such duties. I have taken the same position regarding duties on agricultural products as I have on manufactured products.

Mr. TOWNSEND. I think the Senator from Massachusetts will agree with me, however, that the Senators who have spent most of the time discussing and opposing the tariff on manufactured products are now found voting for the duties which are proposed to be imposed in the agricultural schedule.

Mr. WALSH of Massachusetts. I think that is true.

Mr. WALSH of Massachusetts. I think the Senate is ready to vote upon these amendments. I desire only to have a roll call upon the milk and the cream items. As to the other items, I shall be satisfied with viva voce votes. I will now ask that a yea-and-nay vote be taken upon the item relative to increasing the duty on fresh milk from 1 cent to 2½ cents per gallon.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 101, paragraph 707, line 3, before the words "per gallon," the Committee on Finance proposes to strike out "1 cent" and to insert "2½ cents," so as to read:

PAR. 707. Milk, fresh, 2½ cents per gallon.

Mr. WALSH of Massachusetts. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Nevada [Mr. ODDIE] and vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Nevada [Mr. ODDIE] is necessarily absent. If present, he would vote "yea."

Mr. JONES of Washington. I inquire if the senior Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Virginia has not voted.

Mr. JONES of Washington. He is necessarily absent, and I promised to pair with him for the day. I find, however, that I can transfer that pair to the Senator from Maryland [Mr. WELLER]. I do so, and vote "yea."

Mr. ERNST (after having voted in the affirmative). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Vermont [Mr. PAGE] and let my vote stand.

Mr. DILLINGHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I observe he has not voted. I therefore transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and permit my vote to stand.

Mr. SMITH. I transfer my pair with the Senator from South Dakota [Mr. STERLING] to the Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 44, nays 18, not voting 34, as follows:

YEAS—44.

Brandegee	France	Lenroot	Poindexter
Broussard	Frelinghuysen	Lodge	Rawson
Bursum	Gooding	McCormick	Shortridge
Calder	Hale	McCumber	Smoot
Cameron	Harreld	McLean	Spencer
Capper	Johnson	McNary	Sutherland
Curtis	Jones, Wash.	Newberry	Townsend
Dillingham	Kellogg	Nicholson	Wadsworth
Edge	Keyes	Norris	Warren
Ernst	Ladd	Pepper	Watson, Ind.
Fernald	La Follette	Phipps	Willis

NAYS—18.

Ashurst	King	Sheppard	Underwood
Harris	Myers	Shields	Walsh, Mass.
Harrison	Overman	Simmons	Watson, Ga.
Heflin	Pomerene	Smith	
Jones, N. Mex.	Robinson	Trammell	

NOT VOTING—34.

Ball	Elkins	Nelson	Stanfield
Borah	Fletcher	New	Stanley
Caraway	Gerry	Norbeck	Sterling
Colt	Glass	Oddie	Swanson
Crow	Hitchcock	Owen	Walsh, Mont.
Culberson	Kendrick	Page	Weller
Cummins	McKellar	Pittman	Williams
Dial	McKinley	Ransdell	
du Pont	Moses	Reed	

So the amendment of the committee was agreed to.

THE MOTION-PICTURE INDUSTRY.

Mr. MYERS. Mr. President, I think the Senate must sometimes weary of continuous debate on the tariff bill, interesting as it is. I think a change of subjects must sometimes be refreshing. Therefore I shall ask the indulgence of the Senate for a short time only while I make some observations upon a matter of great importance and interest which relates to proposed legislation.

Moving pictures, their educational influence for good or for bad, their growing importance as a factor in our civilization, the announced determination of those controlling the industry boldly to enter politics, and the desirability of regulation by law

through censorship constitute a subject of acknowledged importance to the American people.

I have introduced in the Senate two measures relating to some phases of that subject. They were referred to committees of the Senate, where they are now pending, and I hope in the near future they may receive that degree of attention and consideration to which I believe them to be entitled and that ultimately favorable action upon them may be had.

Some months ago, when Hon. Will H. Hays, a gentleman of character, a statesman of national reputation, and a political manager of acknowledged adroitness, then a Cabinet officer of the present administration, resigned a Cabinet portfolio and accepted a position as the managerial director or advisor of the motion-picture industry of the country, with powers of unknown and somewhat undefined nature and extent, at an annual salary, as reported, of $100,000 or $150,000—I forget which—there was much speculation on the part of the public as to the cause of his being called to such work at so large a salary and as to the purposes for which it was done and what would be the nature of his work.

The owners and heads of the motion-picture industry had but recently declared, openly and boldly, that they intended to enter politics, to control or influence the election of all officials, from President to constable. There had become felt a growing tendency to regulate the motion-picture industry and its exhibitions, in the interest of good morals and wholesome education, through official censorship. Those who own and control the industry manifested pronounced opposition to any sort of official regulation or supervision, and declared it to be their intention to enter politics, with all the power and facilities of the screen for publicity and advertising, for the avowed purpose of defeating and preventing censorship of any kind. Therefore many thought Mr. Hays had been employed at such a princely salary to engineer and direct the political activities of the industry. Color was given to this idea by the report that his contract of employment extended to and was to end March 3, 1925, when it might or might not be renewed. It was charged by some that his employment was political.

What may be the nature and scope of Mr. Hays's duties has been a matter of more or less speculation to this time, and continues to be. Not a great deal of light had been had upon it until very recently.

The General Federation of Women's Clubs of the country is and for some days has been holding a national convention at Chautauqua, N. Y. Yesterday Mr. Hays appeared before the convention and addressed it upon the subject of moving pictures and the need for improvement of their moral tone—a need which is very widely felt and almost uniformly and universally admitted. It is admitted, too, to be a long-felt and very great need.

The Associated Press dispatches, appearing in this morning's newspapers, give this account of Mr. Hays's remarks in his address before the convention of Federated Women's Clubs yesterday. I read it:

CHAUTAUQUA, N. Y., June 28 (by the Associated Press).—Will H. Hays, head of the motion-picture producers and distributers of America, promised the delegates to the General Federation of Women's Clubs in session here to-night that moving pictures would be cleansed at their source.

It was the purpose of his organization, he said, "to establish and maintain the highest possible moral and artistic standards in film production and to develop the educational as well as the entertainment value and the general usefulness of motion pictures."

This purpose, he said, is not merely a vague gentlemen's agreement, but "a legal statement of a legal purpose by a legal organization, and no articles of association breathing a more important message could well be found."

After referring to the legal investment in the industry, Mr. Hays plunged into the cleaning-up process, which has been the subject most generally discussed by the federation delegates.

"There is one place, and one place only, where the evils can be eliminated and the good and great advantages of motion pictures retained," Mr. Hays said, "and that is at the point where and when the pictures are made. And it can be done there, and there make no mistake. There is no zone of twilight in this matter. The correction can be made, real evil can and must be kept out, the highest standard of art and taste and morals can be achieved, and it is primarily the duty of the producers to do it.

"It can not be done in a moment. Years of accumulation can not be removed in a day, and it can not be done in a practical manner without the support of the public, which support I know you will give."

As to the manner in which the club women can help, Mr. Hays said the easiest way was to refuse to patronize theaters that show objectionable pictures. He urged the federation to maintain a vigorous department for better films and to appoint better film committees in every community.

Mr. Hays asked his audience to judge his organization by the pictures now in process of making rather than by promises, declaring "they will be the proof either of our honesty of purpose or of our failure; of our ability to correct our evils ourselves or our inability to run our own business."

As for censorship, Mr. Hays said the American people were against it in all forms.

From that article it would appear that Mr. Hays's employment is, in part at least, for the purpose of improving the moral tone of the pictures exhibited in moving-picture shows; and I hope that may be the principal, aye, the entire scope of his employment and duties, for undoubtedly there is sad need of such improvement. If Mr. Hays is to confine his activities to that work and if his advice should be followed, he would have an opportunity to do a great work and accomplish tremendous good, and work a great reform which is badly and sadly needed.

If Mr. Hays's employment be for the purpose of improving the moral tone of the motion-picture industry, he has a tremendous undertaking and I wish him well in it and desire to help him; but I do not think he can succeed without the aid of the law in the way of official censorship. More strength to his arm, and I favor giving it in the form of censorship. He will need it. The motion-picture industry is in the hands of men who apparently are determined to coin from it all the money they can without regard to the welfare of the public; and I think their sudden zeal for working improvement in the moral tone of their business, need of which nearly everybody else realized before they did (speaking now of the owners, not Mr. Hays), arises from alarm that a revolt of the public at the character of their pictures will cause a falling off of their receipts and a diminution of their profits. In my opinion they will allow Mr. Hays, whose intentions I have no doubt are good, to improve the tone of their business just so much and so far and so long as they may think improvement will increase their profits. I am suspicious of the sudden zeal of the owners to improve the moral tone of their business.

It might not last long unless made permanent by law through censorship in the various jurisdictions of the country. I think reasonable, prudent censorship laws throughout the country, such as now prevail in some States, would greatly aid their newborn zeal to elevate the moral tone of their business, and aid to make the improvement lasting. I speak of the owners. I know Mr. Hays is only an employee; perhaps a temporary one—no one knows.

I approve of Mr. Hays's desire to improve the moral tone of the business, but I think he is mistaken when he says the American people are against censorship. A large and growing part of them favor reasonable censorship, and unless Mr. Hays be permitted to work improvement in the tone of the business more speedily and to a greater extent than I expect, there will soon be many more who favor censorship.

It looks to me as if Mr. Hays was employed to prevent censorship by making such improvement in the business as the owners will permit; but, if so, I think his employment comes too late. Furthermore, I apprehend he can only advise.

If Will H. Hays could personally censor, in advance, every film to be put on exhibition, and if his judgment would be absolutely and unquestionably accepted, and if none but films personally inspected and approved by him could be exhibited, I would feel there was no need for further censorship; but, of course, that can not be done. If the owners are to do the censoring, or employ censors of their choosing, and use their judgment about what pictures to exhibit, I am sure the dollar mark of profits will still be the censor, and that there will still be need of official censorship. I do not believe the public demand for official censorship will be stifled or satisfied by any fair promises of voluntary reform and improvement by the owners of the industry. Official censorship could be trusted much more. The public has a paramount interest in this matter. It is not all with the owners.

The motion picture is a great invention, and it has become a powerful factor for good or bad in our civilization. It has great educational power for good or bad. It may educate young people in the ways of good citizenship or in ways of dissoluteness, extravagance, wickedness, and crime. It furnishes recreation, diversion, and amusement at a cheap price to many millions of our people—largely the young. It is the only form of amusement within the means of millions. It possesses great potential possibilities for good. It may furnish not only amusement but education of a high order.

Through motion pictures the young and the old may see depicted every good motive, laudable ambition, commendable characteristic, ennobling trait of humanity. They may be taught that honesty is the best policy; that virtue and worth are rewarded; that industry leads to success. Those who live in the country or in small interior towns, and who never visit large cities, may see pictured the skyscrapers, the crowded streets, the rush and jam of metropolitan cities. Those who live in the interior, and never see the seacoast, may see on the screen the great docks and wharves of seaports and see the loading and unloading of giant ocean steamers. Those who

live in crowded cities, and never see the country or get a glimpse of country life, may have depicted to them all the beauties of rural life and scenery. All may see scenes of the luxuriant Tropics, the grandeur of Alpine Mountains, polar conditions, life in the Orient. The cities, palaces, cathedrals, ports, rural life, daily routine, scenic attractions, mode of living of every country on the globe, may be brought to our doors and eyes for a small price. The industry may be made an education to the young.

However, from all accounts, the business has been conducted, generally speaking, upon a low plane and in a decidedly sordid manner. Those who own and control the industry seem to have been of the opinion that the sensual, the sordid, the prurient, the phases of fast life, the ways of extravagance, the risqué, the paths of shady life, drew the greatest attendance and coined for them the most money, and apparently they have been out to get the coin, no matter what the effect upon the public, young or old; and when thoughtful people have suggested or advocated official censorship, in the interest of good citizenship and wholesome morals, the owners of the industry have resented it and, in effect, declared that it was nobody's business other than theirs and concerned nobody other than them what kind of shows they produced; that if people did not like their shows they could stay away from them; that it was their business, and they would conduct it as they might please. At least they have vigorously fought all attempts at censorship and resented them.

In that they are mistaken. The State has an interest in citizenship and a concern in the education of the young. The State has an interest in good morals. It regulates in many ways all of those things. The motion-picture industry vitally concerns all of those things—citizenship, education, morals—and is therefore subject to regulation by the State. It has become a public utility, and is therefore the legitimate subject of State regulation.

The State can not afford to abandon interest in its young—its future citizens. The motion-picture industry has a great power, and I think I speak truthfully and conservatively when I say it has been frightfully abused and misused, so much so that there has arisen a determined and powerful movement in favor of official censorship. The industry is trying desperately to defeat it, but I think too late. It will grow and is bound to succeed—the movement for censorship, I mean.

The industry has gone so far in defying public sentiment, and has been so flagrant in its abuse of its privileges that a public sentiment for censorship has been aroused which will not be brooked. It may be temporarily checked; it may be temporarily lulled by fair promises, but it is bound to grow, because censorship is needed and would be a good thing.

I care not how much Mr. Hays may improve the moral tone of the industry, if that be his business, and I hope he may vastly improve it, for there is need of it. I wish him all success. Censorship is needed as an assurance that there shall be no lapse into the old loose ways, no return to sensual pictures as a way of grabbing the most money. Hundreds of millions of dollars a year are spent by the public on moving-picture shows, and the State has a right to know as a positive fact, made positive by law, that the money is not spent in ways harmful to its citizenry and damaging to society.

It took the Anti-Saloon League a long time to accomplish its purposes. It met many hard knocks and fair promises, but it grew and succeeded. The sentiment for censorship of moving pictures is just forming, for the need of censorship has just begun to be seriously realized, and it will not be rebuffed by threats of political vengeance or stifled by fair promises of voluntary reform. It is kindling a fire that will not be quenched and will make itself felt. Before very long Members of Congress will begin to feel the warmth of it.

I believe that a great deal of the extravagance of the day, a great deal of the disposition to live beyond one's means, yea, a great deal of the crime of the day comes from moving pictures. Through them young people gain ideas of fast life, shady ways, laxity of living, loose morals. Crime is freely depicted in alluring colors. Lax morals are held up lightly before them. The sensual is strongly appealed to. Many of the pictures are certainly not elevating; some, at least, are not fit to be seen.

About 18 months ago, in this city, there occurred a foul and most shocking murder. There are so many such that it is hard to particularize, but I have in mind one particularly atrocious. Four youths of this city, in age from 15 to 20 years, as I recollect, stole an automobile, and in it followed an honest, peaceable, industrious barber as he was going to his loving family and quiet home after a day's work, and overtaking him one of the youths jumped out of the automobile, in a residential section of the city, and murdered him by firing a pistol at him at close range. The victim dropped dead. The youths became panic-stricken on account of close-at-hand pedestrians and fled in the stolen machine.

A year elapsed before they were discovered and arrested, with the evidence of their atrocious criminality. They admitted the crime, or at least some of them did. They admitted the motive was robbery. The district attorney did everything he could do, and I am satisfied did his full duty; but owing to the extreme youthfulness of the perpetrators and much sentiment for leniency for them, and the improbability of procuring first-degree murder verdicts against them, the young criminals were permitted to plead guilty of second-degree murder, manslaughter, and even lesser degrees of crime, and were given varying terms of imprisonment.

I have no doubt those young criminals got their ideas of the romance of crime from moving pictures. I believe moving pictures are doing as much harm to-day as saloons did in the days of the open saloon—especially to the young. They are running day and night, Sunday and every other day, the year round, and in most jurisdictions without any regulation by censorship. I would not abolish them. They can be made a great force for good. I would close them on Sunday and regulate them week days by judicious censorship. Already some dozen or more States have censorship laws, with the right of appeal to the courts, and the movement is on in many other States.

When we look to the source of the moving pictures, the material for them, the personnel of those who pose for them, we need not wonder that many of the pictures are pernicious.

The pictures are largely furnished by such characters as Fatty Arbuckle, of unsavory fame, notorious for his scandalous debauchery and drunken orgies, one of which, attended by many "stars," resulted in the death of Virginia Rappe, a star artist; William Desmond Taylor, deceased, murdered for some mysterious cause; one Valentino, now figuring as the star character in rape and divorce sensations. Many others of like character might be mentioned.

At Hollywood, Calif., is a colony of these people, where debauchery, riotous living, drunkenness, ribaldry, dissipation, free love, seem to be conspicuous. Many of these "stars," it is reported, were formerly bartenders, butcher boys, sopers, swampers, variety actors and actresses, who may have earned $10 or $20 a week, and some of whom are now paid, it is said, salaries of something like $5,000 a month or more, and they do not know what to do with their wealth, extracted from poor people, in large part, in 25 or 50 cent admission fees, except to spend it in riotous living, dissipation, and "high rolling."

These are some of the characters from whom the young people of to-day are deriving a large part of their education, views of life, and character-forming habits. From these sources our young people gain much of their views of life, inspiration, and education. Rather a poor source, is it not? Looks like there is some need for censorship, does it not? There could be some improvement, could there not?

There was recently some reference in Washington papers to a suggested effort by the Washington Chamber of Commerce or Board of Trade, one or the other, I do not recall which, to induce the Hollywood motion-picture colony to move to this community and establish itself at Great Falls, near this city. I hope it may not be done. From all accounts the Washington Chamber of Commerce or Board of Trade would better invite here a colony of lepers or an institution for the propagation and dissemination of smallpox.

Of course, I do not say all motion-picture actors and actresses are of that character. Some may be and probably are worthy people, but those mentioned seem to have been particular stars, and they and others like them seem to have given flavor to the caste. At any rate, such have no business furnishing education and inspiration to the young. There should be a weeding out. If Mr. Hays is to elevate the business, he should go to the bottom and "scrap" some of the odoriferous characters who have brought the business into disrepute. I am glad to know he has banned further exhibition of Fatty Arbuckle pictures. I give him credit for that.

Unless there be speedy and great improvement in the character of moving pictures, nation-wide censorship is not far distant. In my opinion, it should be had anyway as a safeguard and as an aid to Mr. Hays in his announced undertaking to elevate the tone of the business. He would find it a great help.

Meantime I call attention to the fact that I have introduced in the Senate a bill for a very reasonable and mild censorship law for the District of Columbia, modeled after the successful Massachusetts law, with right of appeal to the courts, which has been referred to and is pending before the Committee on

the District of Columbia; also to the fact that I have offered a resolution for an investigation of the open, bold, and brazen declarations of some of the head men of the industry that they are going into politics to defeat all legislators and legislative or congressional candidates who favor any form of censorship, however mild, and all who will not pledge themselves to oppose all forms of censorship, which resolution was referred to and is pending before the Committee on the Judiciary.

I hope early and favorable action may be had on both measures. These measures may not succeed in this Congress, but if not, and if there be not great and speedy improvement in the character of the motion-picture industry, like measures are sure to succeed in some other Congress at no distant day. The people are beginning to be concerned and aroused.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES.

Mr. CURTIS. Mr. President, I ask unanimous consent that a resolution from the House be laid before the Senate, as the Senator from Alabama is here, and he wanted to be here when it was taken up.

The PRESIDING OFFICER laid before the Senate the House Resolution 390, which was read, as follows:

Resolved, That the House of Representatives requests the consent of the Senate to an adjournment of the House until Tuesday, August 15, 1922.

Mr. CURTIS. I move that the Senate consent to an adjournment of the House until Tuesday, August 15, 1922, in accordance with the request contained in the resolution just laid before the Senate, and I ask unanimous consent for the immediate consideration of the motion.

The PRESIDING OFFICER. Is there objection?

Mr. UNDERWOOD. Mr. President, I do not intend to object, because I recognize that this is a privileged matter. Possibly it could be brought up without unanimous consent, if a motion were made, without sending it to a committee. But there is no reason to put the Senate to that trouble, because it could be taken up to-morrow if not to-day. Courtesy on the part of the Senate toward the House I think requires the immediate consideration of a request of this kind, as it is a matter of privilege, relating to the conduct of business in the House. Therefore I shall not object to the consideration of the motion. The House is entitled to have its request immediately and courteously considered.

I want to say, however, that so far as I am concerned I shall not vote for the motion. If the question of adjournment were only a matter of the House's business, of course no one could question it; but there are matters pending in the House of grave importance to the country, which concern ultimately the vote of the Senate. There is a measure of very universal interest, in reference to the proposals made about the organization at Muscle Shoals, the pending Ford proposal, which has been now reported to the House, and, I understand, is on the calendar. It would probably take but a day or two for the House to dispose of that question one way or another, and if disposed of favorably it would be in a position for the Senate to act upon it as soon as the pending tariff bill is out of the way. I am afraid that if the House adjourns now, without consideration of that question, this important measure may be sidetracked when they come back, and, feeling the grave importance of the matter, I can not get my own consent to vote for the motion. But I realize it is a matter which should be acted on without delay, so that the House may be informed as to whether the Senate concurs in its proposal or not.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. CURTIS. I ask unanimous consent that Senate Resolution 310 be taken from the table and be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. In paragraph 707, page 101, line 4, the committee proposes to strike out the words "one-half of" before "1 cent," so as to read:

Sour milk and buttermilk 1 cent per gallon.

Mr. WALSH of Massachusetts. On that item I ask only for a viva voce vote. If we may have that vote, it will mean some progress.

The amendment was agreed to.

Mr. SMOOT. Did I understand the Senator from Massachusetts to say that he desired a yea-and-nay vote on the next amendment?

Mr. WALSH of Massachusetts. No; I do not.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The next amendment was, on page 101, lines 5, 6, and 7, to strike out the words "having less than 30 per cent of butter fat, 5 cents per gallon; having 30 per cent or more of butter fat, 10," and to insert "22½," so as to read:

Cream, 22½ cents per gallon.

Mr. WALSH of Massachusetts. On that amendment, Mr. President, I want to say just a word. This is the most important amendment of all in this paragraph. This is an amendment which increases the House rate on cream 350 per cent.

I wish to read what the Tariff Commission said about cream in the pamphlet which is on the desk of each Senator, with reference to the operation of rates in the emergency tariff act:

As in the case of milk, the trade in cream has been a local one, largely confined to the New England States whose demand is increasingly exceeding the local production. But imported cream has been a much more important factor in New England's supply than imports of milk. For cream, summer is the season of greatest consumption chiefly because of the demand for ice cream.

These are not my words. These are the words of the Tariff Commission, a nonpartisan commission.

During the summer, Boston dealers have reached out farther and farther for their supplies of cream, being forced to do so by the expanding demands and the increasing specialization in market milk in the near-by districts. From August to October, 1919, imported cream made up from 10 to 18 per cent of Boston's total supply. Imports have consisted mostly of pasteurized cream for the household and hotel trade and for manufacture into ice cream. But little cream has been imported for manufacture into butter. A duty high enough to restrict imports would doubtless be reflected in an increased price in the New England States because of their considerable place in the supply.

Notwithstanding the high duty which was placed in the emergency tariff law, so necessary was it to import cream to meet the demands of the people of New England that there was an increase in the importations of cream in 1921 over the year 1920.

Mr. President, I wish to read some telegrams which have just come to my desk to-day. The first one reads as follows:

BOSTON, MASS., *June 29, 1922.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.:

More important than ever that duty on market cream be kept low enough to permit importation. New England and New York States have not produced even small fraction of enough to supply normal demand through present flush period on milk, and dealers positively obliged to import Canadian cream. Urge that you support bonding amendment to tariff on cream.

CREAM DEALERS' ASSOCIATION OF NEW ENGLAND.

These men have even asked to put an amendment on the bill putting them under bond, penalizing them if they use the cream for making butter.

Mr. POMERENE. Who are the men to whom the Senator refers?

Mr. WALSH of Massachusetts. The distributors. They express their willingness to be put under bond that "We will not use a pound of this cream except for distribution to householders; we will not use it for the making of butter."

The Boston and Suburban Milk Dealers' Association wire me as follows:

BOSTON, MASS., *June 29, 1922.*

DAVID I. WALSH,
United States Senate, Washington, D. C.:

September and October, 1921, only 2 months in past 12 since emergency tariff in effect when spread between Montreal and Boston butter markets sufficient to allow importation of Canadian butter. Higher tariff not necessary. New York and New England States not producing enough cream to supply even small part of demand. We need Canadian cream. Urge that you support bonding amendment to tariff bill.

BOSTON AND SUBURBAN MILK DEALERS' ASSOCIATION.

There is a statement from these organizations that only in two months was the Canadian butter cheaper than the New England butter.

I desire also to read a telegram from T. P. Grant Co., of Boston, as follows:

BOSTON, MASS., *June 29, 1922.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.:

Have made earnest endeavor to locate and purchase sufficient cream in New York and New England to meet our needs, but without success. Have been positively obliged to import Canadian cream. Urge that you work to keep tariff no higher than in House bill or support bonding amendment to tariff bill.

T. P. GRANT CO.

Mr. President, I shall not prolong the discussion further than to say——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. I call the attention of the Senator to the fact that his colleague, the senior Senator from Massachusetts, offered an amendment, and I think we had better submit that amendment and have it voted upon before we vote upon the pending amendment.

Mr. WALSH of Massachusetts. I think that is true.

Mr. SMOOT. Because if we agree to the pending amendment, then the Senator could not offer his amendment until the bill has reached the Senate.

Mr. WALSH of Massachusetts. I ask that the amendment of my colleague may be divided.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I arise to warn Attorney General Daugherty to look to his kidneys. The junior Senator from Missouri [Mr. SPENCER] has been offering his job to a "friend" in his own State, provided this "friend" would keep out of the race for the Senate. I have here a letter. A statement therein makes me desire to warn the Attorney General. The statement as made by the Senator from Missouri [Mr. SPENCER] is:

I do not think either the health or inclination of Mr. Daugherty will incline him to indefinite service in the position which he now honors.

I do not presume Mr. Daugherty knows he is sick. Doubtless he will be as much surprised to learn of his failing health as I was, but he had better beware, because the Senator from Missouri will have him doped and out of his job before long if he is not careful. Whether he will use soap, as was said to have been used on Mr. Morse, or whether it will be some other chemical, I am not prepared to say. I do know, however, that he is in danger of finding himself in "failing" health. The occasion, as I understand it, for his job being offered to a man in Missouri is this: The attorney general of Missouri, Mr. Barrett, wanted to run for the Senate on the Republican ticket. He lives in St. Louis. The junior Senator from Missouri also lives in St. Louis. It seems that the junior Senator from Missouri wanted the "other" candidate to come from western Missouri, not eastern Missouri. Therefore he said that if Mr. Barrett would stay out of the race and be good, he would have him in Attorney General Daugherty's place in a short time, as I said, on the theory that Daugherty's health and inclination to hold office were failing.

I have an idea that it will be good news to the country if Mr. Daugherty has made up his mind to resign. I do not say that the country wants his health to fail and I do not presume his health is failing. If he will, however, have consideration for the wishes of the junior Senator from Missouri and the law-loving people of this country and quit, he may quit with his health. Whether he quits with any credit I will, of course, leave for somebody else to say.

But the junior Senator from Missouri assured the attorney general of Missouri that both Mr. Daugherty's health and inclination were failing—that is, his inclination to hold office. I am reading from a Missouri paper under a headline of Jefferson City, June 27. The article is short. I will read it. I shall try to differentiate the news item from the letter. The headlines are:

SPENCER HELD OUT CABINET POST BAIT, BARRETT ASSERTS—LETTER, POINTING OUT POSSIBILITY OF OBTAINING UNITED STATES ATTORNEY GENERALSHIP, IS MADE PUBLIC

[By a staff correspondent of the Post-Dispatch.]

JEFFERSON CITY, June 27.—How Senator SPENCER had held out to him the alluring possibility of being appointed United States Attorney General, as bait to keep him from becoming a candidate for the Republican nomination for United States Senator, was related to-day by Attorney General Barrett in commenting upon a letter from SPENCER which was published in a St. Louis paper this morning.

Barrett made public a letter which he, too, had received from SPENCER, in which SPENCER pointed out that "A man with the record which you will have behind you as attorney general of Missouri is the most available man for Attorney General of the United States, a position which ought to go to the Central West. I do not think either the health or inclination of Mr. Daugherty will incline him to indefinite service in the position which he now honors."

Of course, I am sure that is news to Mr. Daugherty. I have not the remotest idea the junior Senator from Missouri consulted him when he "auctioned" off his job to his friend out in Missouri, provided his friend Barrett would stay out of the senatorial race.

"DON'T BREAK YOUR CONTRACT."

This letter had contained the previous statement by SPENCER that "You have made a splendid record thus far as attorney general. Do not let anything persuade you to break your 4-year contract with the people. When your term of office is ended with the added record that you will undoubtedly make, you will be in a fortunate position for many things."

Barrett declared in his statement that he would not have entered this race had not Kansas City Republicans been unable to center on one candidate, and that his last minute announcement came in response to hundreds of requests from Republicans who feared that the Kansas City candidates would threaten Republican solidarity by carrying city factional fights into the senatorial race.

"Senator SPENCER does not say whom he wants elected, but he makes it clear that he wants me defeated, and on the sole ground that I am from St. Louis. I had hoped that he would assume a more generous attitude. I gave several months of my time in 1918 to the management of his primary campaign, performing a service which few were willing to undertake."

He does not say why.

"Of course, my nomination and election would mean that Senator SPENCER at his next campaign would be met with the same argument that St. Louis should not have two Senators, but I had hoped that his sense of sportsmanship would prompt him to say that if I could overcome that obstacle now he would take his chances at overcoming it later.

REFERS TO GOLDSTEIN MOVE.

"Instead of that he wrote, urging me to forego the Senate campaign and holding out as a possible reward a place in President Harding's Cabinet. Later he persuaded his friend, Nat Goldstein, to force a resolution through the St. Louis committee, expressing opposition to the candidacy of any St. Louisan. This was accomplished by a vote of 12 to 4 after Nat had succeeded in ruling out the votes of those who held proxies.

"If Kansas City had agreed upon a nominee, I would have gladly stayed out of the race. It was because the Kansas City candidacies threatened further party troubles and a repetition of the conditions in the city election that hundreds of Republicans over the State urged that my candidacy would be a solution of the problem.

"They believe that my nomination will end the thought of dissension within the party.

"The result of the poll taken by Senator SPENCER does not tally with the reports being received by many others, and it is possible that his correspondents had particularly in mind the bits of information which they thought the Senator wanted to hear."

The SPENCER letter to Barrett was dated May 1 last. Soon after it reached the attorney general there came other indications that SPENCER was making a strong effort to prevent the attorney general from getting into the senatorial race, and as the last day for filing drew near, Mrs. Bessie Parker Brueggeman, of St. Louis, Republican national committeewoman, from Missouri and a close personal and political friend and appointee of SPENCER, telegraphed Barrett in the same vein, at the same time trying to get other Republican women to do likewise.

As I said, Mr. President, I rose merely to warn the Attorney General to beware of soap.

Mr. KING. Soft soap.

Mr. CARAWAY. The Senator from Utah suggests "soft soap." It is the kind of soap that makes one appear to have Bright's disease when he has nothing but a desire to get out of the penitentiary. I never before knew that soap was particularly effective in getting a man out of an office, but I now know and the Attorney General must know that his job is to be vacant, and the Senator from Missouri is to give it to his political friend, if he is good. I take that for granted, because I am sure the Senator from Missouri would not have said, if it were not true, that—

I do not think either the health or inclination of Mr. Daugherty will incline him to indefinite service in the position which he now honors.

And have told Barrett that he was in a fair way to get the place. I do not know what great service the Senator from Missouri has rendered the Republican Party that he should have a Cabinet position to dispose of to keep down future opposition, but evidently he has. I should like to serve notice, however, upon the Senator from Missouri and the attorney general of Missouri that there is only a piece of a term that they can have the Attorney Generalship to trade on among their political friends. In 1924 there is to be an election, and in the March following there will be no Cabinet positions open to Republicans. Unless, therefore, Mr. Barrett is willing to take only a piece of a term, he might as well run for office in Missouri and be defeated, because there is only a piece of the term that is going to be available. It is fortunate for both the Attorney General and the Senator who wants to trade on his job there is no recall or there would not be the piece of a term left. Anyway, Mr. President, in conclusion, as I began, I merely wish to say the Attorney General had better be careful of his kidneys.

Mr. SPENCER. Mr. President, I only wish to say a word, and first that the prophecy of the Senator from Arkansas to-day is precisely the same kind of a prophecy as that which he made in 1920, with a result which I am sure even he has not forgotten. The result in 1924 will be precisely as it was in 1920.

I should also like to state, Mr. President, inasmuch as the Senator from Arkansas has been good enough to bring my name into his dissertation based on some newspaper gossip in regard to the political situation in Missouri, what the fact is, since, as has not been infrequent in the past, when the fact is presented the inference sought to be drawn at once fades out of sight.

Unfortunately for the Senator from Arkansas, he is absolutely mistaken with regard to the facts; and, as to the novelty of what he has said, it is so old that it is stale.

The fact of the case is that away back in last April or the 1st of May, in a personal friendly letter to the then attorney general of the State of Missouri, who has been for many years and is now my warm personal friend, and a man for whom I have the highest esteem and in whom I have the greatest confidence, I wrote to him in connection with the senatorial situation in Missouri, into which he was intending then to enter. I stated to him frankly that, in my judgment, he had better complete the term of office to which he had been elected and in which he was, as a matter of fact, making an enviable record, and that I hoped he would complete his term of office.

I then stated in that letter, as well as I can remember it, that he was making such a record as to prove himself to be the kind of a man who would be available for the Attorney Generalship of the United States, which, in my judgment, ought to go to the Central West if the occasion ever arose to have another Attorney General.

That is all there was to it. I never spoke for the Attorney General; I never gave the slightest intimation that there was any vacancy that either ought to be created or was about to be created. I merely stated that, so far as the office of Attorney General was concerned, if ever a vacancy occurred, General Barrett was the kind of man who ought to fill such a place, and out of that molehill this mountain of mistaken inferences which has interrupted the discussion of the tariff bill has been erected. I have nothing more to say.

Mr. CARAWAY. Mr. President, the junior Senator from Missouri said that my prophecy for 1924 would be like my prophecy for 1920. Of course, the Senator dreamed that I had made a prophecy in 1920 as to what was going to happen, but he is in error. I made no prophecy as to what would happen in 1920. Everybody knew what was going to happen in 1920, just as everybody knows what is going to happen in 1924. The people are not going to repeat the mistake made in 1920. They made the big mistake in 1920 of voting as the Senator from Missouri wished, but it will be a long time before they forget and repeat it.

The Senator from Missouri says it was just a "friendly letter"; that there was no "suggestion" about taking Daugherty out of his job and giving it away. I want to read what the Senator really wrote, because he writes so many letters that he forgets; and I notice every time when any question is raised he always says, "As I remember," but he does not remember, I am sorry to say. Here is what he said:

> I do not think either the health or inclination of Mr. Daugherty will incline him to indefinite service in the position which he now honors.

Of course, it will not. But here is what the Senator meant to say: "I have inside information that Daugherty is going to be fired, and if you will be good and stay out of this race for the Senate I will have you put in his place.

Mr. SPENCER. Mr. President, will the Senator yield for a moment?

Mr. CARAWAY. With pleasure.

Mr. SPENCER. The Senator knows that that was not what I intended to say or was it even written between the lines. I never had the slightest idea then, nor have I now, that the Attorney General ever thought of resigning.

Mr. CARAWAY. Well, what was written between the lines?

Mr. SPENCER. The Senator knows that there was no suggestion of that kind in my mind. The Senator knows that the attorney general of Missouri never could have drawn such an inference from what I said, and I do not believe there is a living man, unless it is the Senator from Arkansas, who would ever draw such a conclusion from the statement made by me.

Mr. CARAWAY. Just a moment. What was in the Senator's mind?

Mr. SPENCER. I do not know from what the Senator is reading. He holds in his hand a clipping from a newspaper.

Mr. CARAWAY. I am reading from the Senator's letter.

Mr. SPENCER. I should depend——

Mr. CARAWAY. Wait a moment.

Mr. SPENCER. I thought the Senator was asking me a question.

Mr. CARAWAY. I was. What was in the Senator's mind when he wrote that sentence?

Mr. SPENCER. That is exactly what I was about to answer.

Mr. CARAWAY. Very well.

Mr. SPENCER. I should say that my recollection——

Mr. CARAWAY. No; here is the letter.

Mr. SPENCER. Will the Senator let me answer?

Mr. CARAWAY. Of course.

Mr. SPENCER. I should say that my recollection of what I wrote was far more to be relied upon than the newspaper clipping which the Senator is now holding in his hands. What was in my mind when I wrote that letter was precisely what I have already indicated. The statement was made in a personal letter to a personal friend, telling him I thought he ought to continue his present term of office, and indicating to him that he was making such a record that if there ever came a vacancy in the office of the Attorney General of the United States he was precisely the kind of a man who would be available for that position. I never then dreamed, nor do I now, that there would be any vacancy in the office of Attorney General, the place which the present Attorney General is filling with such credit to himself and honor to the Nation. I never dreamed that anybody could by any possibility of inference put into that suggestion anything except what to my mind is clear upon its face. Of course, I had no information that there was to be any resignation or vacancy, and I never dreamed of a resignation or vacancy, nor do I now.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Will the Senator from Missouri allow me to ask him a question?

Mr. SPENCER. I shall be very glad to do so.

Mr. WATSON of Georgia. Does the Senator from Missouri mean to say that the Attorney General honored himself and honored this country when he persuaded the President to pardon that Ohio violator of the Mann Act, whose victim was a little 15-year-old girl?

Mr. SPENCER. I know nothing about the multitude of the details of his great office; but I repeat to the Senator from Georgia, with all the emphasis I can put into the statement, that, in my judgment and in the judgment of the Nation, the Attorney General of the United States to-day is making a record for himself and for that office which is a credit to the Nation and an honor to himself.

Mr. WATSON of Georgia. Opinions differ widely upon that subject. Charges have been made here on the floor of the Senate, which, if the Attorney General had been a man of honor, would have been answered by him or he would have resigned. I made those charges myself, and I stand by them; and one of those charges was that he persuaded the President to grant a pardon to a 51-year-old millionaire of Ohio who debauched a little girl 15 years old in violation of the Mann Act, and who was convicted and sentenced and sent to Atlanta to serve out a term, which he did not serve because Harry Daugherty got him pardoned out.

Mr. CARAWAY. Of course the Senator from Missouri is entitled to his own opinion as to what constitutes a good Attorney General. Daugherty seems to be the kind of Attorney General that he wants. However, I want to ask the Senator from Missouri a question, if I may. I have quoted a sentence alleged to be from the Senator's letter. If it is incorrect, I should be very glad indeed if the Senator would get a copy of that letter and put it in the RECORD. The Senator has a copy of the letter in his office.

Mr. SPENCER. I do not know whether I have or not, but the effrontery of the Senator from Arkansas in asking me to put private correspondence in the CONGRESSIONAL RECORD amuses me.

Mr. CARAWAY. I know it amuses the Senator, because he will not do it.

Mr. SPENCER. I never had the faintest intention of doing it.

Mr. CARAWAY. I know that. But here is what I want to put in the Senator's mind: He says now that he never expected the Attorney General to resign, and yet this is what the Senator from Missouri is said to have written his friend Mr. Barrett. I quote:

> I do not think either the health or inclination of Mr. Daugherty will incline him to an indefinite service in the position which he now honors.

The Senator says that nobody in the world but myself would ever have thought that was an implication that the Attorney General was arranging to quit and that Barrett could get his job, and yet it does not even need to be read between the lines. The Senator from Missouri always wants to state what is between the lines, but there is no use to go between the lines in this instance. The Senator from Missouri was undertaking, so Mr. Barrett says—and the Senator from Missouri says that Mr. Barrett is a friend of his bosom; that he loves him as he loves his own good standing in the community—I am interpolating a little bit there——

Mr. SPENCER. Yes; indulging in poetic license.

Mr. CARAWAY. Yes; to some extent, and somehow when I am arguing with the Senator there is something that suggests that course to me. The Senator, according to Mr. Barrett's idea, was undertaking to persuade him to stay out of the race

for the Senate in Missouri, and in order to do so was suggesting to him that Daugherty's health was about to fail, and his inclination to hold office was also waning, "and if you will just be patient I shall be able to put you in the office of the Attorney General of the United States."

I know what a Missourian would think, because—and I apologized at one time for having that thing happen to me—I was born in Missouri. Of course I left there just as quickly as I found out where I was. I was 6 months old when I got out. If I had been a precocious child, I would have gone away much earlier.

Mr. SPENCER. Mr. President, will the Senator allow me to say a word?

Mr. CARAWAY. I will allow the Senator to say the same thing he said once before.

Mr. SPENCER. No; I was about to say that I have never heard any expression of regret from Missouri on the departure of the Senator, and I am sorry about it.

Mr. CARAWAY. I am sure that is true; and I do not like to say it, but when the term of office of the Senator expires, if he will move back from whence he came, I do not expect to hear any wails go up in Missouri. I rather expect it to happen, and I expect Pennsylvania to get back its own. Yet I have never heard of Pennsylvania "wailing" about having lost the Senator when he went to Missouri; but of course I shall not be a bit more popular in Pennsylvania for having suggested that the Senator from Missouri was born there.

Mr. SPENCER. Will the Senator yield?

Mr. CARAWAY. I yield.

Mr. SPENCER. I do not think the Senator could say anything that would affect his popularity in the State of Pennsylvania.

Mr. CARAWAY. I do not think so, after the statement I have just made. I think I kissed good-bye to every friend I had in Pennsylvania when I reminded them that the Senator from Missouri was born in that State. That, however, is aside from what we are talking about. I still want to know just exactly what the Senator did intend Barrett to understand when he said to him:

I do not think either the health or inclination of Mr. Daugherty will incline him to indefinite service in the position which he now honors.

What was it that the Senator expected Mr. Barrett to understand by that?

Mr. SPENCER. If the Senator will yield to me——

Mr. CARAWAY. I yield, with pleasure.

Mr. SPENCER. The Senator states himself out of court, even from his own quotation——

Mr. CARAWAY. I know I do.

Mr. SPENCER. Because, as a matter of fact, the attorney general of the State of Missouri has yet more than two years before his term of office is completed; and the Senator has already read how earnest I was in recommending that the attorney general of Missouri should complete his term of office, which has more than two years yet to run. So the Senator, I am sure, will see how unfortunately mistaken is his own individual interpretation, for there could not have been any immediate intention of transplanting the attorney general of Missouri to the office of Attorney General of the United States when I was so desirous that the full term of office in Missouri, with more than two years to run, should be completed.

Mr. CARAWAY. Oh, I did not mean that there was any intention, but that is what he thought.

Mr. SPENCER. I thought the Senator asked me what my intention was.

Mr. CARAWAY. Oh, no. I said, "What do you presume Barrett thought from that language?" He thought you were offering him a job.

Mr. SPENCER. I thought the Senator asked me what my intention was.

Mr. CARAWAY. Oh, no; the Senator said his intentions lay between the lines. I am satisfied that Mr. Barrett now knows what I know, that the thing was for him to stay out of the race for office and he would get nothing; but, anyhow, he would not get anything by running. The Senator from Missouri was doing his friend no real injustice by asking him to stay out of a race for office, because the senior Senator from Missouri [Mr. REED] is to be reelected in Missouri.

Mr. SPENCER. Is that another prophecy of the Senator from Arkansas?

Mr. CARAWAY. Oh, no; that is merely a statement of facts.

Mr. SPENCER. Is it equal in truthfulness with his other statements of "prophetic" facts?

Mr. CARAWAY. It is equal in truthfulness with anything that I read in the letter.

Mr. SPENCER. That may be true so far as the inference which the Senator from Arkansas draws from the letter. I am inclined to think it is.

Mr. CARAWAY. Yes, it is; and the Senator wrote the letter, and I read it as he wrote it. Anyway, let me just conclude what I started to say, that the Senator from Missouri did his friend no real injustice, whatever his intention may have been, by warning him to stay out of the race for office in Missouri this year on the Republican ticket, whatever the motive of the Senator from Missouri might have been in giving it. It would be equally applicable, I think, to nearly anybody who intends to run for office on the Republican ticket this year. There never was a time, if I may be able to say it without getting into a new controversy with my friend from Missouri, when so many Republicans discovered that their "private business" was so urgent that they have to retire from public life. Why, to pick up the roll in the House, nearly every man who has been there long enough to have a record has "discovered" all at once that business requires him to quit or else age impels him to seek rest. In other words, they know they are going to quit, and they are quitting without any controversy. There are a number of very excellent Senators on the other side of the Chamber who also had as well discovered that private business demands their attention, because they are going to be attending to their private business after the next election, whether it needs their attention or not.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator fom Utah [Mr. SMOOT] offers an amendment on behalf of the Senator from Massachusetts [Mr. LODGE], which will be stated.

The READING CLERK. On page 101, paragraph 707, it is proposed to strike out the last three lines of said paragraph, or all of lines 5, 6, and 7, and in lieu thereof to insert the following:

Sour cream and cream imported for manufacture into butter or cheese, 22 cents per gallon; pasteurized sweet cream for use other than manufacture into butter and cheese, imported subject to the restrictions imposed and under the provisions of the succeeding paragraph, 10 cents per gallon.

PAR. 707-a. For the purpose of carrying out the provisions of the foregoing paragraph relative to the importation of pasteurized sweet cream, it is provided that any importer desiring to import pasteurized sweet cream shall pay the duty provided thereon in said paragraph at the time of entry, and shall further file a bond conditioned that he shall furnish monthly a detailed and complete sworn record of all sales for the preceding month, including the name and address of each customer, and the purposes for which said cream was to be used; and in event that any of said cream has been manufactured into butter or cheese or sold for manufacture into butter or cheese, he shall pay the amount due as additional duty thereon. Such bond shall be further conditioned to comply with all the requirements of the law and all regulations of the Treasury Department in relation thereto, and shall be in such form and in a penalty to be prescribed by the Secretary of the Treasury, the penalty thereof to be paid as liquidated damages.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I ask that the amendment be divided and that separate votes be taken upon the first and second parts of the amendment. There are Members in the Chamber who are opposed to the rate of 22½ cents per gallon during the entire year for all purposes, and who want to have the amendment separated. I suppose there is no objection to that.

The PRESIDING OFFICER. The Senator has a right to demand a division of the amendment.

Mr. KING. Mr. President, a parliamentary inquiry. As I understand, an amendment has been offered to the amendment reported by the committee, the amendment just read being one which has been tendered by the senior Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. It is tendered by the Senator from Utah [Mr. SMOOT] on behalf of the senior Senator from Massachusetts [Mr. LODGE], and is offered as a substitute for lines 5, 6, and 7 of the House text.

Mr. KING. It purposes, then, to be a substitute for the entire amendment which we are now considering?

The PRESIDING OFFICER. As the Chair understands, the Senate is considering the amendment of the committee to strike out, in lines 5 and 6, the part indicated there. This, as the Chair understands, is offered as an amendment to perfect the text of the House bill before action upon the motion to strike out.

Mr. KING. I was called from the Chamber when the amendment was first tendered, and I heard only the concluding

lines. I should like to ask my colleague or the junior Senator from Massachusetts what is the purpose of it?

Mr. SMOOT. I will say to the Senator that the request of the junior Senator from Massachusetts [Mr. WALSH] is that the amendment offered by the senior Senator from Massachusetts [Mr. LODGE] be divided. The effect of that request is that instead of the rate of the committee amendment—22½ cents a gallon—the first part of the proposed amendment imposes a rate of 22 cents a gallon on cream for use other than manufacture into butter and cheese. The rest of the proposed amendment provides that the rate shall be 10 cents per gallon, and the junior Senator from Massachusetts asks that the question be divided, so that the Senate shall vote first upon the rate of 22 cents a gallon.

Mr. WALSH of Massachusetts. The first part of the amendment offered by my colleague provides that sour cream and cream used for the making of butter shall carry the rate named by the committee, 22½ cents per gallon. The second part of his amendment provides that cream used for household purposes shall carry a rate of 10 cents per gallon. Many Senators on this side, including myself, do not want to vote for the high rate of 22½ cents. I am willing to vote for the reduction if it is the best that can be obtained. Therefore I have asked that the amendment be divided in order that we may have a separate vote on each part of it.

The VICE PRESIDENT. The amendment will be divided.

Mr. POMERENE. Mr. President, I should like to ask the senior Senator from Utah a question. Under the law of 1909 the duty on cream was 5 cents a gallon. This bill makes it 22½ cents a gallon, nearly four and a half times what it was under the law of 1909. What are the circumstances which justify that?

Mr. SMOOT. Mr. President, I do not want to repeat here what the Senator from Vermont [Mr. DILLINGHAM] so well said before; but he gave the figures to the Senate in detail, with an explanation that I think nobody else could make any better, claiming in that explanation that it was absolutely necessary in order to protect the farmers along the Canadian border from the importation of cream at times when the American producer of cream ought to have the market to himself.

Mr. WALSH of Massachusetts. Mr. President, I ask for the yeas and nays on the first part of my colleague's amendment.

The yeas and nays were ordered.

Mr. KING. Mr. President, has the amendment been divided?

The VICE PRESIDENT. It has been divided.

Mr. KING. I am not ready to vote on this matter until I understand the provisions of the amendment a little further. May I inquire now of the Senator from Massachusetts [Mr. WALSH], who has been giving this schedule and this paragraph attention, whether he is willing to vote for a provision that taxes cream, whether it is sour or sweet, whether it comes in during the winter or during the summer, 22 or 22½ cents a gallon?

Mr. WALSH of Massachusetts. That is why I have asked to have it divided, because I do not intend to vote that way.

Mr. KING. That question is involved in this amendment.

Mr. WALSH of Massachusetts. I shall vote against the first half of the amendment. I shall vote for the second half.

Mr. KING. What is the first half of the amendment?

Mr. WALSH of Massachusetts. A tax of 22½ cents per gallon upon all sour cream or cream that will be used for making butter; and the second part of the amendment is a tax of 10 cents per gallon upon cream which will be used for household purposes.

Mr. KING. Of course, then the first provision of the paragraph under consideration aims at taxing cream which may be imported to make butter 22½ cents a gallon.

Mr. WALSH of Massachusetts. That is true.

Mr. KING. The object is to exclude any possible importations of cream for butter making. The purpose is to penalize those who may make oleomargarine by the imposition of a tax to penalize those who import cream to make butter in order that the domestic producer of butter may charge higher prices. People in the great congested city districts, where they have to buy all of the food which they consume, will be compelled to pay additional taxes upon butter, as well as upon other products.

Mr. POMERENE. Mr. President, I do not think the Senator from Utah has fully stated this proposition.

Mr. KING. I will be glad to have my statement supplemented.

Mr. POMERENE. We know that labor in the United States and labor in Canada are paid about the same. We know that more feed is produced in this country than in Canada. So that it resolves itself into this, that our cows in giving milk out of which the cream is produced, can not compete with the pauper cows of Canada.

Mr. KING. That is an angle, of course, which is quite alluring and lends itself to wide observation. But after all, the purpose of this amendment, as I understand it, is in line with the purpose of the bill to increase the prices of all products which enter into the lives of the people. We are to reduce wages to bring conditions down to normal, having reduced them in many industries; but we are to keep up prices. If there is a tendency for prices to respond to the laws of supply and demand, we must, by legislation, interpose artificial barriers to prevent the operation of those laws. We are, in other words, to use the power of the Government not to obtain the revenue, but to help men in their business, whether they be dairymen or manufacturers of clothes or of the thousands of commodities indispensible to the health and welfare of the people. Why not be frank and say that this is not a bill for revenue purposes; that it is a bill to exploit the American people; that it is a bill to rob and plunder; that it is a bill to impose additional burdens upon the poor, to tax them. This item, a sop for the farmers, is a thrust at the laboring men of the United States. Let the amendment as divided be stated.

The VICE PRESIDENT. The Secretary will state the first branch of the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The ASSISTANT SECRETARY. On page 101 strike out all of lines 5, 6, and 7 and insert in lieu thereof the following: "Sour cream and cream imported for manufacture into butter or cheese, 22 cents per gallon," and a semicolon.

The VICE PRESIDENT. The yeas and nays having been ordered, the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. MCKINLEY] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Indiana (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

Mr. PHIPPS. Making the same announcement as on the previous vote with reference to the transfer of my pair, I vote "nay."

Mr. OVERMAN. I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. I have a general pair with that Senator, which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. HARRISON. Making the same announcement as before, I vote "nay."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from New York [Mr. CALDER] and vote "nay."

Mr. SUTHERLAND. I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "nay."

Mr. EDGE. Making the same announcement as before, I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I have a pair with the Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. ERNST. I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Minnesota [Mr. NELSON] and vote "nay."

The result was announced—yeas 3, nays 53, as follows:

YEAS—3.

Broussard	Johnson	Lodge

NAYS—53.

Ashurst	Frelinghuysen	La Follette	Simmons
Borah	Gooding	McCormick	Smoot
Brandegee	Hale	McCumber	Spencer
Bursum	Harris	McLean	Sutherland
Cameron	Harrison	McNary	Townsend
Capper	Heflin	Newberry	Trammell
Caraway	Hitchcock	Nicholson	Underwood
Colt	Jones, N. Mex.	Overman	Wadsworth
Curtis	Jones, Wash.	Pepper	Walsh, Mass.
Dillingham	Kellogg	Phipps	Watson, Ind.
Edge	Kendrick	Poindexter	Willis
Ernst	Keyes	Pomerene	
Fernald	King	Rawson	
France	Ladd	Sheppard	

NOT VOTING—40.

Ball	Glass	Norris	Smith
Calder	Harreld	Oddie	Stanfield
Crow	Lenroot	Owen	Stanley
Culberson	McKellar	Page	Sterling
Cummins	McKinley	Pittman	Swanson
Dial	Moses	Ransdell	Walsh, Mont.
du Pont	Myers	Reed	Warren
Elkins	Nelson	Robinson	Watson, Ga.
Fletcher	New	Shields	Weller
Gerry	Norbeck	Shortridge	Williams

So the first branch of Mr. LODGE's amendment to the committee amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, on the remaining half of the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. May the Secretary report the proposed amendment to the amendment?

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. The second part of the amendment is to insert after line 7, page 101:

Pasteurized sweet cream for use other than manufacture into butter and cheese, imported subject to the restrictions imposed and under the provisions of the succeeding paragraph, 10 cents per gallon.

PAR. 707a. For the purpose of carrying out the provisions of the foregoing paragraph, relative to the importation of pasteurized sweet cream, it is provided that any importer desiring to import pasteurized sweet cream shall pay the duty provided thereon in said paragraph at the time of entry, and shall further file a bond conditioned that he shall furnish monthly a detailed and complete sworn record of all sales for the preceding month, including the name and address of each customer and the purposes for which said cream was to be used, and in event that any of said cream has been manufactured into butter or cheese or sold for manufacture into butter or cheese, he shall pay the amount due as additional duty thereon. Such bond shall be further conditioned to comply with all the requirements of the law and all regulations of the Treasury Department in relation thereto, and shall be in such form and in a penalty to be prescribed by the Secretary of the Treasury, the penalty thereof to be paid as liquidated damages.

Mr. KING. May I inquire of the distinguished Senator from Massachusetts what the effect of the adoption of the amendment will be? As I understand it, if it were adopted, it would supersede paragraph 707 and would mean that cream which came in for butter purposes would pay one rate——

Mr. LODGE. It would pay 22½ cents a gallon.

Mr. KING. And that which came in for household use would pay 10 cents a gallon.

Mr. LODGE. Cream brought in for household uses, not to be used for the manufacture of butter, would pay 10 cents a gallon. There is a long provision at the end for seeing that it is not used for butter purposes.

Mr. KING. Mr. President, a parliamentary inquiry. Is the amendment offered by the Senator from Massachusetts as in the nature of a substitute subject to amendment?

The VICE PRESIDENT. It is subject to amendment. It is a provision to strike out and insert.

Mr. LODGE. Yes; it could be construed as a substitute.

Mr. KING. I offer the following amendment to the amendment of the Senator from Massachusetts, to strike out the numerals "22½ cents"——

Mr. LODGE. That portion of the amendment has been voted on already. The amendment was divided and that part of it has been disposed of.

Mr. KING. Then I shall not press that matter.

Mr. SIMMONS. I do not know whether I understand the matter or not, but I think I do. As I understand it, the Senator from Massachusetts offered an amendment and we have divided that amendment for the purpose of voting. We voted first upon the part of the amendment, which fixes the rate at 22 cents, and the balance of the amendment, which reduces the rate to 10 cents when the cream is used for certain purposes, is to be voted upon now.

Mr. LODGE. That is correct.

Mr. KING. I presume that the Senate will take up for consideration the committee amendment imposing a rate of 22½ cents a gallon; in other words, the vote recently had will not be a final disposition of that part of the committee amendment.

Mr. LODGE. Certainly not. The committee amendment has to be voted on yet.

Mr. KING. So when we reach the committee amendment I shall offer the amendment which I have in mind.

Mr. WALSH of Massachusetts. The portion of the amendment offered by my colleague to be voted on now I think is very helpful and should be accepted. It seems to be the best that can be gotten under all the circumstances, and I shall take pleasure in voting for it.

Mr. KING. May I inquire of the Senator if the amendment shall prevail, it means, of course, 10 cents per gallon tax?

Mr. WALSH of Massachusetts. Yes.

Mr. KING. It would be far better, it would seem to me, in the interest of the consumer to have no tax at all.

Mr. WALSH of Massachusetts. If the Senator will make a motion to that effect, I shall support it; but under the circumstances we have to be practical men, and this appears to be an amendment which may get some votes on the other side of the Chamber and some on this side of the Chamber, reducing the rate from 22½ cents to 10 cents. I am going to vote for any reduction I can get. This is the first one before the Senate. After it is voted down, if it shall be voted down, I shall then vote for any other reduction that may be offered.

Mr. KING. The argument of my learned friend is plausible.

Mr. WALSH of Massachusetts. What should I do? Should I vote against a reduction to 10 cents and let the 22½-cent rate stand? If we can reduce the rate to 10 cents from 22½ cents I shall certainly vote for it.

Mr. KING. Perhaps the Senator's logic would be supported by Aristotle. However, I am opposed to a rate at all, and if I can have an opportunity under the parliamentary processes which we are now following to record my convictions I shall be very happy to do so. I do not like to vote for even a 10-cent tax upon the people of the United States who are compelled to buy cream.

The VICE PRESIDENT. The yeas and nays having been ordered, the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. McKINLEY] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from New York [Mr. CALDER] and vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and transfer. I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as on a previous vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote. I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that the Senator from Virginia [Mr. GLASS] has not voted. I have a general pair with that Senator. Making the same announcement as before regarding the transfer of my pair, I allow my vote to stand.

The result was announced—yeas 19, nays 35, as follows:

YEAS—19.

Ashurst	Harris	Kendrick	Simmons
Borah	Harrison	King	Trammell
Broussard	Heflin	Lodge	Underwood
Caraway	Hitchcock	Pomerene	Walsh, Mass.
Edge	Jones, N. Mex.	Sheppard	

NAYS—35.

Bursum	Hale	McCumber	Smoot
Cameron	Johnson	McLean	Spencer
Capper	Jones, Wash.	McNary	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Keyes	Nicholson	Wadsworth
Fernald	Ladd	Pepper	Warren
France	La Follette	Phipps	Watson, Ind.
Frelinghuysen	Lenroot	Poindexter	Willis
Gooding	McCormick	Rawson	

NOT VOTING—42.

Ball	Fletcher	Norris	Smith
Brandegee	Gerry	Oddie	Stanfield
Calder	Glass	Overman	Stanley
Colt	Harreld	Owen	Sterling
Crow	McKellar	Page	Swanson
Culberson	McKinley	Pittman	Walsh, Mont.
Cummins	Moses	Ransdell	Watson, Ga.
Dial	Myers	Reed	Weller
du Pont	Nelson	Robinson	Williams
Elkins	New	Shields	
Ernst	Norbeck	Shortridge	

So Mr. LODGE's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the committee.

Mr. WALSH of Massachusetts. On the amendment of the committee I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as to my pair that I previously made, I vote "nay."

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as previously in reference to my transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The roll call was concluded.

Mr. OVERMAN. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The result was announced—yeas 40, nays 19, as follows:

YEAS—40.

Brandegee	Fernald	Ladd	Phipps
Broussard	France	La Follette	Poindexter
Bursum	Frelinghuysen	Lenroot	Shortridge
Calder	Gooding	Lodge	Smoot
Cameron	Hale	McCumber	Spencer
Capper	Johnson	McLean	Sutherland
Colt	Jones, Wash.	McNary	Townsend
Curtis	Kellogg	Newberry	Wadsworth
Dillingham	Kendrick	Nicholson	Watson, Ind.
Ernst	Keyes	Pepper	Willis

NAYS—19.

Ashurst	Harrison	Myers	Stanley
Borah	Heflin	Overman	Trammell
Caraway	Hitchcock	Pomerene	Underwood
Glass	Jones, N. Mex.	Sheppard	Walsh, Mass.
Harris	King	Simmons	

NOT VOTING—37.

Ball	Harreld	Owen	Sterling
Crow	McCormick	Page	Swanson
Culberson	McKellar	Pittman	Walsh, Mont.
Cummins	McKinley	Ransdell	Warren
Dial	Moses	Rawson	Watson, Ga.
du Pont	Nelson	Reed	Weller
Edge	New	Robinson	Williams
Elkins	Norbeck	Shields	
Fletcher	Norris	Smith	
Gerry	Oddie	Stanfield	

So the amendment of the committee was agreed to.

Mr. WALSH of Massachusetts. Mr. President, at this point I desire to say that I have no objection to the committee amendments in paragraphs 708, 709, and 710. The committee amendments which are proposed to those paragraphs are merely of a formal character. In those paragraphs none of the House rates are increased and in one instance they have been decreased. At a later stage of the proceedings I shall offer some amendments to the House text, for I think the rates are high. I have, however, no objection to the committee amendments being now adopted.

The VICE PRESIDENT. The next amendment proposed by the Committee on Finance will be stated.

The next amendment was, on page 101, line 9, after the word "per," to strike out "pound;" and to insert "pound,"; in line 12, before the word "cents," to strike out the numeral "8" and to insert the numeral "6"; and in line 13, after the word "compounds," to insert "or mixtures," so as to make the paragraph read:

PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 1 cent per pound, sweetened, 1½ cents per pound; all other, 1½ cents per pound; whole milk powder, 3 cents per pound; cream powder, 6 cents per pound; and skimmed milk powder, 1½ cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 20 per cent ad valorem.

Mr. KING. On page 101, paragraph 708, line 12, before the word "cents," I move to amend the committee amendment by striking out the numeral "6" and inserting in lieu thereof the numeral "4."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the committee amendment.

The amendment to the amendment was rejected.

The committee amendment was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment of the Committee on Finance was, on page 101, at the beginning of line 17, to insert "and other butter substitutes," so as to make the paragraph read:

PAR. 709. Butter, 8 cents per pound; oleomargarine and other butter substitutes, 8 cents per pound.

The amendment was agreed to.

Mr. KING. Recurring, if I may, to the amendment in line 17, which has just been agreed to, I should like to inquire of the chairman of the Committee on Finance or of my colleague, the senior Senator from Utah [Mr. SMOOT], what they understand are comprised within the words "and other butter substitutes"? Would those words embrace all oils that might be so used?

Mr. McCUMBER. Not as oils, but if converted into a butter substitute and used as butter, of course, oils would be included. I know of no instance in which the oil alone may be converted into butter without further admixtures.

Mr. KING. The purpose is that if oil forms the principal ingredient of any substitute which may be spread upon the bread of the laborer, then it is to be called a substitute for butter and is to be taxed?

Mr. McCUMBER. We have taxed substitutes for butter; we have taxed oleomargarine under the internal revenue law if it is colored in any way, and if it is uncolored the tax is less; and the idea is to impose just as heavy a duty on butter substitutes as on butter itself; and for the same reason that a duty is levied on butter.

Mr. KING. I desire to know if there has been any standard definition promulgated by the Secretary of the Treasury or by the Treasury Department to determine just what would be embraced within those words?

Mr. McCUMBER. No; I think all the substitutes are sold as butter. It is not said they are real butter, but they are advertised as being just as good as or better than butter. They look like butter and are used for butter.

Mr. SMOOT. I will say that I think the existing law and the law of 1909 were better worded; but the items have been segregated for statistical purposes. The present law reads "butter and butter substitutes," and those are also the words used in the act of 1909; but under that wording it could not be ascertained how much of each of the substitutes was imported. Oleomargarine and the other substitutes were included in the same figures, and so the House decided to put oleomargarine separately and the Senate committee decided to insert the words "butter substitutes"; so that we shall get the statistical information from the Treasury Department hereafter as to what the importations of each substitute have been.

Mr. SIMMONS Mr. President. I should like to ask the senior Senator from Utah a question.

Mr. JONES of Washington. Mr. President, will the Senator from North Carolina yield to me for a moment?

Mr. SIMMONS. Yes.

Mr. JONES of Washington. I desire to say to the chairman of the committee that I have to attend a committee meeting in a few moments, and that I have been engaged in a committee meeting all morning, and have not been able to prepare the data which I desire to have. I should therefore like to ask that when paragraphs 718, 719, and 720 are reached they may go over until to-morrow or any time after to-day, when I will be ready to have them considered.

Mr. McCUMBER. We will probably reach them, but I will ask that they be passed over, if that is the Senator's wish.

Mr. JONES of Washington. I thank the Senator.

Mr. WALSH of Massachusetts. Mr. President, I was unable to hear the reply of the Senator from North Dakota to the request of the Senator from Washington.

Mr. McCUMBER. My statement was that if the Senator from Washington desired that the paragraphs mentioned by him go over until to-morrow, on account of his being busy in attendance upon a committee meeting, I would agree to do so.

Mr. WALSH of Massachusetts. Very well; I have no objection to that.

Mr. SIMMONS. Mr. President, I was about to ask the Senator from Utah a question. I assume that the committee when it reported this amendment covering oleomargarine or other butter substitutes had some information with respect to the character of the butter substitutes, but I confess that I do not know of any substitute for butter except oleomargarine.

Mr. SMOOT. Oh, Mr. President; there are a number of them.

Mr. SIMMONS. I assume that the committee had some information with regard to the matter?

Mr. SMOOT. Peanut butter is not oleomargarine, but it is a substitute for butter.

Mr. SIMMONS. I did not know that peanut butter was used as a substitute for butter.

Mr. SMOOT. Oh, certainly it is.

Mr. SIMMONS. Peanut butter is the name of it, but I did not know it was used as a substitute for butter fat.

Mr. SMOOT. The paragraph does not say "butter fat," but it is a substitute for butter.

Mr. SIMMONS. Or for oleomargarine, which is an oil fat?

Mr. SMOOT. Oleomargarine is made from a good many oils and mixtures of oils.

Mr. SIMMONS. I had in mind peanut butter; I knew of that and that is exactly what I wanted to get information concerning. Is there anything except peanut butter that will be covered by the words "other butter substitutes"?

Mr. SMOOT. There are other butter substitutes than peanut butter. There is a butter substitute of which coconut oil is the principal ingredient, and there are butter substitutes made with oils mixed with cream. A compound is a substitute for butter whenever it is made from other materials than cream and is sold as butter.

Mr. SIMMONS. Mr. President, I am under the impression that the department has ruled that the word "oleomargarine" covers all of these butters that are made out of oils, such as butter made out of peanut oil or butter made out of coconut oil.

Mr. SMOOT. I will say to the Senator that in the manufacture of oleomargarine they sometimes use not only vegetable oil but animal oil as well, and the product is a mixture. It may be made out of all vegetable oil, it may be made out of all animal oil, or it may be made out of part animal oil and part vegetable oil.

Mr. SIMMONS. Exactly. What I have in mind in asking these questions is to find out whether it is the purpose of the committee, by the insertion of these words, to impose a tax of 8 cents a pound upon peanut butter?

Mr. SMOOT. It is.

Mr. McCUMBER. Oh, no, Mr. President; because that is not regarded as a butter substitute.

Mr. SIMMONS. The Senator from Utah has just stated that it is.

Mr. McCUMBER. No. There are butter substitutes in the making of which peanut oil is used; but what we generally understand as peanut butter—that is, merely peanuts crushed and mixed with oil—is not a butter substitute at all. I call the attention of the Senator to the fact that the House omitted to put in just what was in the present law and in all previous laws; and taking out the words that are in the present law, "and other butter substitutes," might lead the department to conclude that we did not intend to include anything but oleomargarine. So the Senate committee, at the suggestion of the Tariff Commission, put in the same words that we had in all previous laws on the subject, the present law, and the Payne-Aldrich law.

Mr. SIMMONS. Then do I understand the Senator as construing these words in such a way as not to include peanut butter?

Mr. McCUMBER. Oh, certainly. This does not include peanut butter, nor apple butter, nor anything of that kind. It really is intended to mean what is generally understood to be a substitute for animal butter.

Mr. SIMMONS. I am glad to know that the Senator from North Dakota disagrees with the Senator from Utah on this matter, because I could not believe that it was the intent of the committee to impose a duty of 8 cents a pound upon what we ordinarily call peanut butter.

Mr. McCUMBER. I do not think the Senator from Utah intended to be understood that way, either; but we do have what we call a nut butter that is a substitute for butter. We have butter made from oil of peanuts with stearine, and so forth, added, and that is also a butter substitute; but peanut butter, apple butter, peach butter, and those things, of course, are not included.

Mr. SIMMONS. I think the Senator from Utah is of the same opinion still; but that is sufficient, Mr. President. I simply wanted to know what was the interpretation placed by the committee upon this additional language that they have written into the bill.

Mr. SMOOT. Mr. President, I am informed that we have no more copies of the first print of the tariff bill, H. R. 7456. I am told that there are only about three copies now in the folding room, and I ask unanimous consent that a thousand additional copies be printed for the use of the folding room.

Mr. SIMMONS. The Senator means in the same type as this?

Mr. SMOOT. The same that was printed before.

Mr. SIMMONS. The same type as this bill?

Mr. SMOOT. Yes.

Mr. SIMMONS. I am glad the Senator has made the request.

Mr. WALSH of Massachusetts. I think the request ought to be granted.

Mr. SMOOT. I placed the number at a thousand copies because the thousand copies can be printed within the limit of $200, and that amount can be ordered printed by a simple Senate resolution.

Mr. SIMMONS. Will the bill have the index annexed to it?

Mr. SMOOT. Just the same as it was originally printed.

Mr. SIMMONS. The original print did not have the index.

Mr. SMOOT. Yes; I will say to the Senator, it had the index.

Mr. SIMMONS. The original print had the index?

Mr. SMOOT. Oh, no; I mean the same as the bill of which we had a large number printed for distribution.

Mr. SIMMONS. The original copies on the desks of Senators have not the index.

Mr. SMOOT. I think the one that we have printed in large numbers had the index, and it will be printed just as it is.

Mr. SIMMONS. Mr. President, that index matter is very important. It is the copy of the bill that was printed in small type that has the index. The copy of the bill that is printed in large type has not the index. Now, the Senator is asking to have additional copies of the large print, and I should like the index to be attached.

Mr. SMOOT. I should have to have a new resolution for that. There are indexes for the large print, but they are separate. Those can be obtained, I think, at any time we wish.

Mr. SIMMONS. I know they can be obtained; we all had them in the beginning; but they are very quickly lost, and now we have to have that small print by us and use the index in that. I think if the Senator would take a little time and draw the resolution in such form as to include the index, it would be very desirable.

Mr. SMOOT. Then I will withdraw my request at this time and find out whether that can be done without too much cost and whether we can do it within the $200 limit that the law provides for a simple Senate resolution.

THE MEAT-PACKING INDUSTRY.

Mr. KENDRICK. Mr. President, day before yesterday there appeared in the RECORD, in connection with a speech of the Senator from Massachusetts [Mr. WALSH], a statement with reference to the reincorporation of Morris & Co., meat packers. This statement is rather misleading, from my viewpoint, therefore I take this occasion to say a word in reference to it, and to state what I believe to be the exact situation in connection with this reincorporation.

The statement is a quotation from the New York Times of February 3, 1921, and is headed:

> One thousand two hundred and thirty-three per cent dividend in packers' stock—Morris & Co.'s report shows unannounced capitalizing of $37,000,000 surplus.

Mr. President, this would suggest to the average reader an annual dividend of 1,233 per cent on the company's capitalization. I want to point out the fact that it is really the accumulated earnings of the company covering a period of 18 years, extending from 1903, when it was reincorporated, to 1921.

This business was initiated in Chicago in 1859. For a long time it was the largest organization of the kind and the largest industry of the kind in the country. In 1903 it was incorporated for $3,000,000. This amount is said by those who assume to know to be very much less than the actual value of the property at that time; so that the $37,000,000 included in the stock dividend represents the earnings of this company of 18 years.

In this connection, Mr. President, I ask to have inserted in the RECORD some figures showing the losses sustained by the packers during the year 1921, but I am only going to refer to them briefly.

In 1921 Morris & Co. lost $11,447,541.

In the same year Armour & Co. lost $31,709,000.

In the same year Swift & Co. lost $7,112,000.

In the same year Wilson & Co. lost $8,462,000.

I ask that these figures and the accompanying statement be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Morris & Co. in 1921, lost $11,447,541 before payment of dividend amounting to $525,000 on preferred stock—none on common stock. During 1921 their surplus was reduced approximately $12,000,000 and now is $1,299,255. Surplus in October, 1919, was $53,327,000. At the end of 1920 Morris transferred $27,000,000 from surplus account to capital stock account—this representing savings of many years. Paid no dividends on common stock 1921. The "profit" Morris & Co. were charged with making, 1921, therefore is a myth. Savings invested in machinery and equipment were simply capitalized.

Armour & Co. in 1921 lost $31,709,000 before paying from surplus dividend of $3,526,000 on preferred and $2,000,000 on common. Surplus at the beginning of the year of 1921 $80,711,000—at end of year $63,454,000. However, in 1921, reappraisal of machinery and buildings added $20,000,000 to fixed assets on books; thus loss for year actually was $20,000,000 above the $31,709,000 figures. The reappraisal was made on property purchased, buildings erected, and equipment acquired some years ago when markets generally were much lower than at present.

Swift & Co. in 1921 lost $7,112,000 before dividend out of surplus of approximately $12,000,000. Surplus reduced during year by $19,812,000.

Wilson & Co. in 1921 lost $8,462,000 before paying dividend on preferred stock of $744,000. Surplus reduced during year by $9,406,000. Paid no dividend on common stock in 1919–20–21.

Mr. KENDRICK. Mr. President, on yesterday I referred to the way in which the packers have accepted and are cooperating in the enforcement of the law supervising our market agencies; and I want to say here that the operation of this law so far has justified the faith of the friends of the legislation who endeavored so long to secure its enactment. Very recently, since the law was enacted, for the first time in the history of this industry the packers and the producers of this country have combined in their efforts, and are working harmoniously toward increasing the consumption of meat food products of the country. In doing this they are carrying out, as a part of the plan, the bringing of these food products to the consumers at the lowest possible cost. They have now established by this cooperation something very much more satisfactory in the way of relation between prices received by the producer and prices received by the wholesalers of this product—that is, the packers. There is a closer relationship to-day than there has been in the past, and these two agencies of this industry are now working hand in hand with a view of carrying that improvement to the actual consumers of the country; and before the efforts are ended we hope within the near future to bring into closer cooperation the representatives of the men who actually consume these products in the East.

The results of the legislation have been to increase good will and good standing in the industry, and as we have believed from the first it is calculated to and will undoubtedly result in a delivery of these products at a lower cost to the actual consumer, which from the beginning was the purpose sought by those who desired the enactment of the law.

Mr. WALSH of Massachusetts. Did I understand the Senator from Wyoming to say that the information which he has about Morris & Co., the packers, is to the effect that the enormous dividends which the New York Times quoted them as distributing last January, namely, over a thousand per cent, represented the earnings of 10 years?

Mr. KENDRICK. Eighteen years.

Mr. WALSH of Massachusetts. Then the facts are that they earned on their capitalization of 20 years ago about 60 per cent each year.

Mr. KENDRICK. Not necessarily. The statement was that at the time the company was organized the capitalization did not fully represent the value of the property, because it was more of a partnership than a corporation, after all, as was indicated by the Senator's own statement.

Mr. WALSH of Massachusetts. Not my statement; the New York Times statement.

Mr. KENDRICK. The New York Times statement. It is a close corporation, owned in the family, and, as it appeared to me, the statement made in the Times was more or less misleading, as it gave the impression that those people had earned 1,233 per cent as an annual earning.

Mr. WALSH of Massachusetts. I did not construe the statement to mean that. I made no comment upon it at all. I construed the article to indicate that there had suddenly come forth, which the public had discovered, this enormous capitalization dividend, which represented the earnings of a large number of years. I never thought it meant one year. So I do not think the New York Times differs very much from what the Senator said. He said that during a period of 18 years, on the capitalization, which was under the valuation of the property at that time, there was an earning amounting, as accumulated, to 1,200 per cent.

Mr. KENDRICK. The Senator in his statement made this comment:

I desire now to call attention to a newspaper article published in the New York Times in reference to the extent of the profits made by some of the packers, and to suggest to the Senate that there was not much need of increasing tariff duties that would be reflected in increased prices that the packers could charge the American consumers, or increased profits.

The impression I drew from the statement was that the stock dividends issued represented an annual earning.

Mr. WALSH of Massachusetts. I made no such statement, and the article in question gave no justification for that inference. The article reads:

The declaration of a stock dividend of 1,233 per cent is revealed in the annual report of Morris & Co., packers, made public to-day. The company has increased its capital stock from $3,000,000 to $40,000,000 by capitalizing $37,000,000 of surplus.

Of course, that means surplus over a long period of time. I read further:

The new stock consists of $27,000,000 common and $10,000,000 preferred, which is to pay 7 per cent annually and on which an initial dividend is expected to be paid within a few months.

The distribution of the new stock took place some time ago, but no announcement was made. The stockholders received 9 shares of new common and 3⅓ shares of preferred. The company is a close corporation, all the stock except a few shares held by officers being owned by the heirs of Nelson Morris, founder of the business, and the estate of Edward Morris.

I think the Senator's information that it represents the accumulated earnings and surplus of 20 years is valuable, and does help to explain the enormous dividends reported by the New York Times.

Mr. KENDRICK. My statement is made in justice to this industry, and in making the statement I also called attention to the actual losses sustained by Morris & Co. during last year, which, as I recall, represented about $11,000,000.

Mr. WALSH of Massachusetts. I am informed by people who claim to have authoritative information that there is no occasion for expressing regret for the losses of the packers, because they met with the same losses which all other business people suffered in that year on account of the tremendous slump in their inventory accounts, and that the losses are due to charging off all depreciated values in their inventory. I am further informed that the profits made in South American plants more than offset the losses which they charged off on their books for the great depreciation in the value of their stocks, which every concern in the country experienced.

Mr. KENDRICK. Mr. President, if the Senator will yield, I want to make just this statement, that the packers need no sympathy from me; but I was actuated by a disposition to be fair and just to them and correct what appeared to be, from the quotation referred to, something of a false impression as to their earnings. I know the inference I drew from it was that they were earning enormous profits, when the actual figures show that they suffered losses along with every other industry, and even with every phase of the industry with which they are connected. There is no part of the industry of which I have obtained information—certainly not that of the producers—but what has suffered as terrifically and as disastrously, I may say, for a number of years as the packers seem to have suffered this past two or three years.

Mr. WALSH of Massachusetts. The dividend referred to was distributed in the year 1920, as I understand it from that article.

Mr. KENDRICK. Nineteen hundred and twenty-one.

Mr. WALSH of Massachusetts. The newspaper clipping is of January, 1921, but it says the information first became public in the annual report for 1920.

Mr. KENDRICK. Yes.

TRICOUNTY IRRIGATION PROJECT, NEBRASKA.

Mr. McNARY. I ask unanimous consent to submit a report on behalf of the Committee on Irrigation and Reclamation. I report back favorably without amendment from that committee the joint resolution (S. J. Res. 215) providing for reinvestigation of the tricounty irrigation project, Nebraska.

Mr. NORRIS. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to make a reinvestigation of the tricounty project in Nebraska, comprising the counties of Gosper, Phelps, and Kearney, in said State, and to extend said investigation into Adams County, Nebr., with a view of ascertaining whether it is practicable to convey for irrigation purposes flood waters from the Platte River onto the lands of said counties.

For the purpose of making said investigation and survey there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000.

Mr. WALSH of Massachusetts. May I ask if the report is approved unanimously by the committee, so that there is no difference of opinion regarding it.

Mr. NORRIS. It is not only approved by the committee but the Secretary of the Interior gives it his unqualified indorsement in a letter which accompanies the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McNARY. I ask that the letter of the Secretary of the Interior be printed in the RECORD in this connection.

There being no objection, the letter of the Secretary of the Interior was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 28, 1922.

Hon. H. L. McNARY,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR: Reference is made to your letter of June 26, 1922, transmitting copy of S. J. Res. 215, with request for report.

The proposed measure is entitled "Joint resolution providing for reinvestigation of the tricounty irrigation project, Nebraska." It would appropriate from the General Treasury the sum of $5,000 for the purpose of irrigation investigations in the counties of Gosper, Phelps, Kearney, and Adams in the State of Nebraska.

I am informed that about 500,000 acres of cultivated land is involved. The rainfall in this section is inadequate, and it is proposed to supplement the rainfall by taking the flood and unused waters from the Platte River at times in the year when the water is available and storing the same in the subsoil. It is contended that through such storage of from 8 to 12 inches in the fall or spring, maximum crops can be produced with the average rainfall in that section.

I am in favor of the proposed investigation and the enactment of the resolution into law.

Respectfully,

ALBERT B. FALL, *Secretary.*

FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. Under the provisions of House bill 10101, the District of Columbia appropriation act, the Chair appoints as members, on the part of the Senate, of the Joint Committee on Fiscal Relations between the District of Columbia and the United States the Senator from Colorado, Mr. PHIPPS, the Senator from Delaware, Mr. BALL, and the Senator from Georgia, Mr. HARRIS.

SUPPLEMENTAL ESTIMATE—JOHN BURKE (S. DOC. NO. 228).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, Treasury Department, 1923, for the relief of John Burke, former Treasurer of the United States, in amount $9,100, so as to comply with provisions of existing law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TAX SIMPLIFICATION BOARD (S. DOC. NO. 232).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, Treasury Department, fiscal year 1923, for expenses of the Tax Simplification Board, $7,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, NAVY DEPARTMENT, 1922 (S. DOC. NO. 229).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, Navy Department, fiscal year 1922, for payment of court costs, $45.20, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1922 (S. DOC. NO. 230).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, War Department, fiscal year 1922, for claims for damages to or loss of private property incident to the training, practice, operation, or maintenance of the Army, $95,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES OF FEDERAL FARM LOAN BOARD (S. DOC. NO. 231).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, Treasury Department, fiscal year 1923, for salaries and expenses, Federal Farm Loan Board, $35,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had appointed Mr. EVANS, Mr. HARDY of Colorado, and Mr. WRIGHT as members, on the part of the House, of the joint committee provided for in the act approved June 29, 1922, entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disageeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

The message also announced that the House had insisted upon its amendment numbered 4 to the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reseve act, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCFADDEN, Mr. DALE, and Mr. WINGO were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a concurent resolution (H. Con. Res. 61) providing for the printing of 50,000 copies of parts 3 and 4 of House Report No. 408, being the report of the Joint Commission of Agricultural Inquiry, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 24) providing for the printing of 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government Engineers on the Improvement of the St. Lawrence River from Montreal to Lake Ontario," with amendments, in which it requested the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. SMOOT. Mr. President, I find we can print 900 copies of the tariff bill with the index attached for $200. I ask unanimous consent that there be printed 900 copies of the tariff bill, in the larger print, together with the index.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. Does the Senator intend to include the amendments which have been made so far?

Mr. SMOOT. No; I do not think we should undertake to do that.

Mr. McCUMBER. Why should we print it now? Have we not enough copies?

Mr. SMOOT. No; there are only three copies left in the document room. There are calls made on Senators and Representatives to send them out, and we have not the copies to send.

Mr. McCUMBER. It would seem to me, inasmuch as there have been quite a number of changes made, that it would be well, if we are going to print copies as late as this date, to give really the latest information on the tariff situation.

Mr. SMOOT. I hardly think we ought to do that for the purpose for which these copies are asked.

Mr. UNDERWOOD. I think the suggestion of the Senator from North Dakota would be a wise one if the amendments had been finally voted on; but those amendments have not been voted on in the Senate, and it might be misleading if we should send them out.

Mr. SIMMONS. This print is just to take the place of the bill we are using every day, and it ought to be reprinted without any change.

Mr. SMOOT. With the index added, there will be no change from the copies of the bill before us.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That 900 copies of the bill H. R. 7456 be printed, with the index attached, for the use of the Senate document room.

Mr. WALSH of Massachusetts. Mr. President, I will ask the Secretary to state the pending amendment, in order that what I may have to say about it may appear in the RECORD, following the proposed committee amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 101, line 22, after the word "Poultry" and the comma, the committee proposes to strike out "2" and insert "3," so that if amended it will read:

Birds, live: Poultry, 3 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, what I have to say on this amendment will be very brief. The Senate committee amendment increases the House rate of 2 cents per pound to 3 cents per pound on live poultry and birds. I think the increase is not justified upon the facts. I am opposed to the adoption of the Senate committee amendment. The history of the tariff legislation upon live poultry is as follows:

The Underwood Act provided a duty of 1 cent per pound for poultry and birds, and land and water fowl were free of duty. The Payne-Aldrich Act provided a duty of 3 cents a pound on live poultry, the same amount as provided in this amendment.

The proposed rate on live poultry is an increase of 200 per cent over the Underwood Act, and although the rate on poultry is the same as that provided in the Payne-Aldrich Act, there is the added provision for the same duty on birds and land and water fowls.

In 1919 our estimated production of poultry was 500,000,000 pounds. We imported only 1,500,000 pounds, about one-sixth of 1 per cent of our production. We imported one-sixth of 1 per cent of our production, and our exports were also insignificant. There seems to be no accurate estimate as to what they were. Our domestic production, if we add imports, makes our consumption about 301,000,000 pounds. If the increased tax on this one item becomes effective in increasing prices, the increase of 1 cent per pound over the House provision will exact from the consumers an increase of $3,000,000. If the increased rate over the Underwood law becomes effective, the increase to the consumers will be $6,000,000, and this over the present law.

Mr. President, we have here the same situation that we have at such length discussed in the consideration of the items of cream and milk. This increased rate is for the purpose of eliminating the small amount of poultry that comes over the Canadian border and is sold in the markets of the northeastern part of our country. Practically all of the importations are from Canada. Over 1,000,000 of the 1,500,000 pounds are from Canada; in fact, practically all of the live poultry comes from Canada, because I think the other pounds of poultry include birds other than those classified under the term "poultry."

So we are in the position of increasing the duty upon live poultry 2 cents per pound over existing law. Poultry was not included in the emergency law.

In view of the exceedingly small imports and in view of the fact that the imports are from our best customer, Canada, and in view of the fact that it is practically a local tariff issue, as the only part of the United States affected is the northeastern part, it seems to me that this rate is not justified. One-sixth of 1 per cent of our consumption of the enormous amount of 300,000,000 pounds of poultry is imported, and it is proposed to shut out the few chickens which the people in the cities and towns along the Canadian border can buy from the Canadian farmer. The same issue is involved here as in the items we have heretofore discussed. Have we any doubt, as was expressed in the discussion of the other items, that the bill intends to drive out of our markets the few products which come from our best customer, Canada, the only country that buys more of our manufactured products and even of our agricultural products than any other country?

The few agricultural products which she sells and distributes over the line we are attempting to exclude by increasing the duty 200 per cent over the present law. There can be no justification for this increased duty. No theory of protection is involved; there is nothing to exclude that will lessen the American producer's price—the imports are so small.

Mr. McCUMBER. Mr. President, the Senator from Massachusetts always assumes that if we place a tariff duty upon any product it is necessarily going to raise the price of that product just so much above its present price to equal the duty we place upon it. But it somehow or other does not work out that way. When we had a duty of 3 cents per pound under the Payne-Aldrich law live poultry averaged from 12 to 15 cents a pound. Now, with only a 1-cent duty, the importing price is 24 cents a pound. So that it is very much more than one-third higher to double what it was when we had the higher rate of duty. Of course, we all understand that many other elements enter into the question of prices, and I doubt if the tariff would do more than merely steady the price.

Under the Payne-Aldrich law there was a rate of 3 cents per pound on live poultry. In the act of 1913 the rate of duty was 1 cent per pound. The estimated production in the United States in 1919 amounted to 600,000,000 pounds. During the first nine months of 1921 the imports of live poultry amounted to 373,498,000 pounds, valued at $89,267,000, or 24 cents a pound. On the basis of 24 cents a pound the 3-cent rate is equivalent to 13 per cent ad valorem, which is certainly not a high rate of duty, considering the amount that is coming over from Canada. I doubt very much if it will have any effect whatever upon the retail price of these commodities.

But I especially want to call attention to the second clause of the paragraph:

All other, valued at $5 or less each, 50 cents each; valued at more than $5 each, 20 per cent ad valorem.

Mr. WALSH of Massachusetts. Mr. President, there is no amendment there. What is the use of discussing something we can not consider now? I have allowed three paragraphs to which I objected to pass without discussion because there was no committee amendment proposed. If the Senator is going to discuss matters which we can not vote on now, we will never make any progress. I intend at the proper time to object to some of the provisions of this bill not amended by the Senate committee, but it is a waste of time to do it now when the rules will not permit action on any amendments but Senate committee amendments.

Mr. McCUMBER. No; but I think it quite appropriate to say why the committee did not change that by either adding to or taking from. I simply call attention to what it means, namely, those at $5 or less each are really the canary birds and those that cost $5 are, for the most part, parrots. So it carries a duty of 50 cents each only upon singing birds, but it does give a very much greater tax, if it is a tax, upon the parrot—that bird which says the same thing over and over again day after day without any change. The committee without any provision of the rules was enabled to get after the parrot by giving a very much heavier duty.

Mr. POMERENE. Mr. President, what application does the Senator from North Dakota expect to make of that language?

Mr. McCUMBER. I do not want the Senator to expect any.

Mr. SIMMONS. Mr. President, I would like to ask the Senator from North Dakota in what section of the country we raise parrots and canary birds in commercial quantities?

Mr. McCUMBER. This is purely a duty for revenue both upon the singing bird and upon the noisy parrot.

Mr. SIMMONS. Is the duty on live poultry a revenue duty, or is it a protective duty?

Mr. McCUMBER. We raise live poultry all over the United States, of course.

Mr. SIMMONS. That is for protection?

Mr. McCUMBER. It is for protection along the Canadian border line, over which the live poultry is liable to come. I do not know whether any quantity would come from anywhere else than Canada. I think not.

Mr. SIMMONS. Mr. President, I wish to say just a word upon this amendment. The Senator expresses the opinion that the increase in the present duty proposed by the committee will probably not increase the price of American-grown poultry.

Mr. McCUMBER. It may maintain and hold a little better price along the Canadian border. I do not think it will affect

the price generally. I do not think anyone else thinks so, because the importations are infinitesimal as compared with the entire production.

Mr. SIMMONS. Now, Mr. President, we have the case pretty well stated. The imports are so infinitesimal that a duty levied upon the product will neither raise revenue in sufficient quantity to be really considered, nor will it materially or to any appreciable extent advance the price of poultry in the country. Even upon the border, where it is said to be intended to operate principally, its effect would not be materially or beneficially to advance the price of poultry.

What is the purpose of it then? It will produce no revenue. It will not increase the price of the poultry raised in this country. I had understood, when we enacted the emergency tariff law, that the justification for that act was that the farmers of the country were in a state of financial embarrassment, that the prices of their products had been depressed until they were selling in many instances below the cost of production, and that the high rates were justified upon the theory that a situation had been created where we were justified in using the legislative power of the Government to advance the prices of agriculture. Now, it is here proposed to further increase the rate, and we are told that it will not tend to accomplish that beneficial purpose so far as the raiser of poultry even along the border is concerned. Therefore, there is no justification for the high rates upon poultry growing out of the theory upon which we justified the emergency tariff legislation. There are none of the benefits to accrue to the farmer which we said we desired he should have and which we made the excuse for the emergency tariff legislation.

We are then told in addition that the importations of this product are so small that there is no justification which grows out of the importations for imposing this high duty. If these facts be true, and they are vouched for by the chairman of the committee, why should we write into the bill a provision which can not be justified by any theory of the tariff which has ever been advocated by either party in this country? It can not be justified upon the ground of revenue. It can not be justified upon the ground of protection.

Mr. SHORTRIDGE. Mr. President——

Mr. SIMMONS. Now if we attempt to justify it upon the ground of protection, two things would happen: First, that there were imports of a substantial character coming in competition with the domestic product; second, we would have to show that there was a difference in the cost of production or a difference in the selling prices of the foreign article and the domestic article.

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from North Carolina yield to the Senator from California?

Mr. SIMMONS. I wish the Senator would let me develop this idea, and then I will yield to him.

Mr. SHORTRIDGE. I desired to ask the Senator if there was not another element to be considered?

Mr. SIMMONS. We will discuss that after I get through with this proposition.

I want to ask the Senator from North Dakota if he contends that a hen or a duck or a turkey which is raised just across the border in Canada can be produced at a cheaper price than on the American side of the border? Is there any difference in the labor cost of producing a duck or a turkey or a chicken on one side or the other of the artificial lines which separates this country from Canada, and if there is a difference in the labor cost of producing chickens in Canada on the border line and in the United States on the border line, what is that difference? Is it 3 cents a pound or 2 cents a pound or is there any difference at all; and, if there is any difference, what is it? Did the Senator from North Dakota have before his committee any information showing the difference in the labor cost of producing chickens on the Canadian side and on the American side?

Mr. McCUMBER. Mr. President, I am not an expert in the matter of the cost of production of chickens on one side of the line as compared with the cost of producing them on the other side of the line. It may be that the cost of maintenance is a little greater on this side of the line than it is on the other side; but I can not say as to that by any close calculation. I simply know that the general cost of living of the farmer, so far as the things he has to buy are concerned, is greater in the United States than it is on the Canadian side and, therefore, he should get a little larger profit on the things that he has to sell on this side, because his expenses are greater for the ordinary articles which he must purchase than are the expenses of the farmer upon the other side of the border. So I am willing to give him a little the benefit of this little duty of 3 cents a pound if it will help him. I have stated frankly to the Senator that, while I believe it will make a little difference to the farmer living around Detroit, who has competition from across the river, and it may help the farmer in selling in little local markets along the border line of New York and possibly all along the border, nevertheless I do not think that is going to add 3 cents a pound generally to the price of poultry.

Mr. SIMMONS. So, then, Mr. President, the difference in the cost of raising chickens on the border line between this country and Canada is to be measured by the difference in the cost of living of a family in Canada and of a family in the United States; that difference in the cost of living upon the border is reflected in the labor cost of raising chickens.

I mention these things because it seems to me that this, more than any other little item which we have considered thus far in the bill, shows the utter absurdity of some of the duties in the pending bill, and shows that they have been levied without regard to any principle whatsoever, because if there is anything in the world that can be produced as cheaply in one country as it can in another, especially when those countries may be divided only by an artificial line, it is poultry. I do not know that there is anything on the other side of the line that furnishes better feeding for poultry than there is on our side of the line; I do not know that the cost of producing a chicken is any greater on the Canadian side of the line than it is on the American side of the line; the Finance Committee has not attempted to find out whether there was any such difference; and when I ask the chairman of the committee if there is any difference, he says he does not know whether there is or not. All he does know is that the cost of living may be a little higher in this country than it is over there, and as a farmer raising chickens finds his cost of living a little higher than the farmer raising chickens in Canada, we must consider that in the determination of the question of whether or not there ought to be a duty on chickens.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I desire to say that I do not want him to think for a moment that I do not contend that labor prices are higher in the United States than they are in Canada. I think they will average probably 25 per cent higher here. Our land also is higher priced, but to what extent that enters into the cost of raising the ordinary poultry upon the farm I am perfectly willing to admit that I do not know.

Mr. SIMMONS. No; I was sure the Senator did not know and had no information of that sort.

Mr. McCUMBER. Nor do I know whether it costs as much to raise a chicken in China as it does in the United States. However, we really live on a much higher plane than do Chinamen, and the Chinamen buy many things very much cheaper than we do, so I am willing to have a little duty imposed against the importation of frozen chickens from China.

Mr. SIMMONS. Does the Senator contend, then, that the Canadian chicken sells lower in this market than does the American-grown chicken?

Mr. McCUMBER. What was the Senator's question?

Mr. SIMMONS. Does the Senator contend that the Canadian chicken, which is raised on the border, sells lower in the American market than does the American-raised chicken?

Mr. McCUMBER. I should hardly think that the retailer would make a difference in the price that he would charge for chickens based on where they were raised. Undoubtedly the cost is practically the same, no matter where the chicken comes from; but, may I ask the Senator, why did the Senator put a 1-cent duty on poultry in the Underwood law?

Mr. SIMMONS. It was put on for revenue purposes. The Senator says he puts this duty on for protection purposes, and I am trying to see if I can find an element of protection that justifies it.

Mr. McCUMBER. We treble the duty, and have 1 cent protection, and the Senator desires 2 cents protection.

Mr. SIMMONS. I asked the Senator from North Dakota the direct question if this duty was levied for the purpose of revenue or for the purpose of protection, and he said it was levied for purposes of revenue. I was merely testing out the protection theory as it is applied to the chickens. Now, if we apply it to eggs which are produced in China the theory in such a case has been that those eggs come in here and undersell our eggs, and that frozen chickens from China come in and undersell our chickens; but I never have heard that contention made with reference to Canadian chickens.

The Canadian chicken neither undersells ours nor is the labor cost of producing the Canadian chicken less than ours. Therefore we have a duty here which is said to be for the pur-

pose of protection, although there is not a single element to justify protection.

Mr. President, I beg pardon for even taking the time of the Senate to call attention to so trifling a matter, and I should not have done so had it not seemed to me a good opportunity to show how utterly baseless are some of these duties upon the theory on which they are proposed to be levied. If they are levied for revenue, that is another question altogether.

Mr. McCUMBER. Mr. President, I simply wish to add to what I have said that the wholesale selling price—I am not referring to the cost of production in Canada—but the wholesale selling price in Ottawa, according to the latest figures, is about 10 per cent lower than on the American side.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. WALSH of Massachusetts. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being present, I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. GLASS. I transfer my general pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Rhode Island [Mr. GERRY] and will vote. I vote "nay."

Mr. JONES of Washington. Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. EDGE. Making the same announcement as before, I vote "yea."

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. FRELINGHUYSEN. Making the same announcement as before, I vote "yea."

Mr. SIMMONS. I desire to announce that the Senator from Mississippi [Mr. HARRISON] is temporarily absent from the Chamber. He is paired with the junior Senator from West Virginia [Mr. ELKINS]. If the Senator from Mississippi were present, he would vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 42, nays 18, as follows:

YEAS—42.

Brandegee	Frelinghuysen	Lodge	Poindexter
Broussard	Gooding	McCormick	Shortridge
Bursum	Hale	McCumber	Smoot
Calder	Johnson	McKinley	Spencer
Cameron	Jones, Wash.	McLean	Sutherland
Capper	Kellogg	McNary	Townsend
Colt	Kendrick	Nelson	Wadsworth
Curtis	Keyes	Newberry	Watson, Ind.
Edge	Ladd	Nicholson	Willis
Ernst	La Follette	Pepper	
France	Lenroot	Phipps	

NAYS—18.

Ashurst	Hitchcock	Robinson	Underwood
Caraway	King	Sheppard	Walsh, Mass.
Glass	Meyers	Simmons	Watson, Ga.
Harris	Overman	Stanley	
Heflin	Pomerene	Trammell	

NOT VOTING—36.

Ball	Fernald	Norbeck	Shields
Borah	Fletcher	Norris	Smith
Crow	Gerry	Oddie	Stanfield
Culberson	Harreld	Owen	Sterling
Cummins	Harrison	Page	Swanson
Dial	Jones, N. Mex.	Pittman	Walsh, Mont.
Dillingham	McKellar	Ransdell	Warren
du Pont	Moses	Rawson	Weller
Elkins	New	Reed	Williams

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 102, paragraph 712, "Birds, dead, dressed or undressed," after the word "Poultry" and the comma, on line 1, the committee proposes to strike out "4" and insert "6," so that, if amended, it will read:

Birds, dead, dressed or undressed: Poultry, 6 cents per pound.

Mr. WALSH of Massachusetts. Mr. President——

Mr. McCUMBER. Mr. President, will the Senator just let me make a general statement? Paragraph 711 puts live poultry at 3 cents per pound, and the change on line 1, page 102, from "4" to "6" is to make the difference in the loss—in other words, the differential between the live poultry and the dressed poultry.

I think it proper at this time to give just a little epitomized statement of importations, production, and so forth.

The act of 1909 gave a duty of 5 cents per pound on dressed poultry. The act of 1913 gave a duty of 2 cents per pound. During the fiscal year 1920 the imports were 1,765,296 pounds, valued at $753,931, or 43 cents per pound. During the first half of the fiscal year 1921—and that is as far as I have the record—the imports of dressed poultry amounted to 1,370,147 pounds, valued at $618,927, or 45 cents per pound. If the same importations continue for the last six months as in the first six months, there has been a very great increase in importations. On the basis of 45 cents per pound, the 6 cents a pound rate is equivalent to 13 per cent ad valorem.

On the second line, the paragraph as proposed to be amended reads:

All other, 8 cents per pound.

Mr. President, this means game birds, like quails, partridges, ducks, and so forth; and as we regard those game birds as a luxury rather than a necessity, we have given a very much higher rate on them—

All the foregoing, prepared or preserved in any manner and not specially provided for, 35 per cent ad valorem.

Those that are prepared or preserved in any other manner not specially provided for, as I am informed, are also products that come in under the luxury class.

Mr. WALSH of Massachusetts. Mr. President, the Senator has consumed more time than I would have consumed had I obtained the floor at the outset in explaining the opposition which the minority entertain toward this amendment.

I want to state just a few facts.

The production of dressed poultry is 600,000,000 pounds, and the importations are one-tenth of 1 per cent. We have here exactly the same conditions that were described in the discussion of the last paragraph. Here is an item where there are scarcely any imports. Whatever importations there are are from our neighbor and our best customer, Canada; and there being no revenue, there being no claim made that the increase of 2 cents per pound will be reflected in increased prices to the producer in America, nothing can be said in favor of this tariff rate except that it may give an opportunity for those who desire to do so to pretend that they are giving to the farmer what the manufacturer enjoys, the benefits of a protective duty. The difference is, however, in this instance that the protective duties are merely paper duties, while in the case of manufacturers who do not produce sufficient commodities to take care of our consumption they are invariably effective. One class, however, may be benefited, and that is the middleman or retailer. He may use this increased tariff to increase prices.

Mr. President, for the same reasons named in the discussion of the previous paragraph, I am opposed to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 2 it is proposed to strike out "20 per cent ad valorem" and to insert "8 cents per pound," so as to read:

all other, 8 cents per pound.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 4 it is proposed to strike out "22" and insert "35," so as to read:

all the foregoing, prepared or preserved in any manner and not specially provided for, 35 per cent ad valorem.

The amendment was agreed to.

The ASSISTANT SECRETARY. Paragraph 713——

Mr. GOODING. Mr. President, I ask that paragraph 713 be passed over for the present. I notice that two or three Senators who are very much interested in it are not here, and I will ask the chairman of the committee to be kind enough to pass it over.

Mr. McCUMBER. I understand, also, that one of the Senators who desires to offer an amendment to that paragraph is

not well to-day, and therefore desires it to go over, and I will consent to that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the paragraph will be passed over.

The ASSISTANT SECRETARY. Paragraph 715, black or silver foxes.

Mr. CALDER. I ask that that go over.

Mr. McCUMBER. I ask also that it may go over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

The ASSISTANT SECRETARY. Paragraph 717, honey: On line 17 the committee proposes to strike out "2½" and insert "3," so that if amended it will read:

Honey, 3 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, the House bill fixed a duty of 2½ cents per pound upon honey. The Senate committee amendment increases that rate to 3 cents per pound. The Underwood law provided for a duty of 10 cents per gallon upon honey. The Senate amendment rate of 3 cents per pound is equivalent to a duty of 35 cents per gallon; so we have the Underwood rate of 10 cents per gallon and the Senate committee amendment rate of 35 cents per gallon, an increase of 250 per cent. The Payne-Aldrich rate was 20 cents per gallon. The emergency act contained no provisions for tariff duties on honey, so the Underwood law is still operative. So we have the Payne-Aldrich rate, 20 cents per gallon; the Underwood rate, 10 cents per gallon; the House rate, about 30 cents per gallon—between 25 and 30 cents—and the Senate committee rate, 35 cents per gallon on honey.

Estimating 11.75 pounds of honey to the gallon, the rate in the Senate bill represents an increase of 250 per cent, as I have stated, over the Underwood bill, and an increase of 75 per cent over the Payne-Aldrich bill. Our production of honey amounts to about 50,000,000 pounds, and is valued at $13,000,000.

If the production in small towns and on small farms should be included, the total would approximate 150,000,000 to 250,000,000 pounds, valued at about $50,000,000. Bee keeping is a side line with many farmers and gardeners, but is gradually becoming more important as a main enterprise.

Our imports of honey are very small. From 1910 to 1914 the average was only 104,000 gallons, valued at $57,000, principally from Cuba and Mexico. In 1913 the imports were 116,000 gallons, valued at $68,000. The imports fell to 75,000 gallons during the war years. Following the reduction of the duty from 20 cents to 10 cents per gallon, the imports in 1914 declined to 75,000 gallons. Even after the passage of the Underwood law, lowering the rate 50 per cent from the Payne-Aldrich rate, the imports were reduced. During the war, of course, they increased, as all other imports of foods produced increased.

In 1920 the imports from Cuba amounted to over 40 per cent of the total. So that if this rate succeeds in shutting out this product, it is going to injure our business with that country, which gives us the second largest amount of export business, Canada being the first and Cuba the second in the amount of business per capita done with our country.

Mr. HITCHCOCK. Was there any evidence before the committee that this tariff was necessary to protect the American bee from the pauper bees of Cuba and Mexico? I suppose the pauper labor of the bees down there is threatening the existence of honeybees in the United States.

Mr. WALSH of Massachusetts. No more than there was need of a tariff to protect the chickens of America from the pauper chickens of Canada.

Mr. HITCHCOCK. There might be some argument that those chickens up in Canada scratched unusually hard and vigorously for less food than the American chicken got on account of the climate. Now, we are talking about a climate to the south of us. Is it possible that the pauper bees of Mexico and Cuba, in a climate so calculated to ease and comfort, can produce honey cheaper than the bees in the stimulating climate of the United States?

Mr. WALSH of Massachusetts. I do not think even the Senator from North Dakota would claim that.

Mr. SHORTRIDGE. May I ask the Senator from Massachusetts a question——

Mr. WALSH of Massachusetts. Certainly.

Mr. SHORTRIDGE. Responding to the thought of the Senator from Nebraska, that there are American men, women, and children employed in the care of the aforesaid bees? We are not concerned primarily with the happiness of mind of the individual bee, but we of California are thinking of the men and women engaged in that great industry.

Mr. STANLEY. Mr. President, I will say to the Senator from Nebraska [Mr. HITCHCOCK] that it is rumored that a most elaborate and scientific investigation on the part of the Tariff Commission has demonstrated that without this duty the American bee can not maintain the American standard of living. My colleague from Nebraska seems to show a startling unconcern about the busy and industrious American bee. Without this duty he would immediately drop to the low standard of living and dying, of dress and custom, in which we find the pauper bees of Europe, the uncared-for bees of Canada, the neglected bees of South America. Would you leave the bee family absolutely unprotected? Would you see the bee queen uncrowned? Would you have the bee drone uncared for? Would you leave the American bee without the protection of the law, without the wise and safeguarding ægis of this beneficent Congress? I am surprised at the brutal and callous indifference of the learned Senator from Nebraska to the happiness and the honor and the comfort of the great American bee.

Mr. HITCHCOCK. Mr. President, it had occurred to me that possibly the enervating climate of Cuba and Mexico would so detract from the activities of the bees down in those countries that it might be possible for the American bee, living, of course, in the higher standard of American life, enjoying a climate much more stimulating, to produce sufficient honey to compete successfully with the bees in those enervating climates. Is not that an argument which might be taken into account?

Mr. STANLEY. That weighs with me, and it should have weighed with the committee. Then another thing: There is a good deal in habit and environment. The American bee lives in a protected atmosphere. He works in a protected hive. He is robbed by a protected owner, and it will not be long before he will make protected honey from protected flowers, winging his way through a protected atmosphere; and perhaps sooner or later those flowers themselves will bloom under the beneficent influences of protected sunshine.

Mr. CARAWAY. Mr. President, the Senator from Nebraska evidently forgets that the bees in Canada and in Europe work longer hours than the bees over here. We do not want to compel our bees to labor as long as the bees in Canada and Europe labor.

Mr. STANLEY. I had not heard, but probably the American bee will organize under the beneficent influence of the Fordney-McCumber tariff bill. It is pathetic, though, to see the utter indifference of the Democratic Party to the welfare of the American bee. Then, when you think of the men, women, and children who are dependent upon the activities of this bee, when you think of the arduous labor in placing a bee gum under a tree, and waiting for God and nature and the energy of the bee to fill it with honey! If they were not supported in their arduous task by this wise duty, I can now see the want and the penury and the unrequited toil of the happy bee owners of California, where God sends flowers all the year around, and sunshine with each returning day, to aid the poor, unprotected bee.

Just think of it. With nothing on earth but the California climate, California flowers, and California fruits to aid a California bee to have to lead an unprotected life, helpless against the competition of some foreign bee on a sand waste down yonder in Mexico, or perhaps some other bee trying to lead a precarious life among the frozen wilds of Canada. Or perchance he should be protected against the wayward bee who happens to make a little honey in China or Japan. Oh, Mr. President, if this duty is not imposed, I see the ruin of the American bee, the desolation of American industry, and broken-hearted dwellers all over the fair and once prosperous State of California.

Mr. HITCHCOCK. Mr. President, the Senator has entirely omitted the impending menace of competition from the German bee.

Mr. STANLEY. I forgot that.

Mr. HITCHCOCK. There the mark has fallen so tremendously that no doubt the bee is able to live at far less cost than the American bee, and I have no doubt that this country will be flooded with a great importation of honey from Germany in consequence, if the Republican argument is valid.

But, Mr. President, this has been a glorious day. The Good Book describes a country of prosperity as a land flowing with milk and honey, and this afternoon will be signalized by this Republican Senate in putting a higher tariff not only upon the milk but upon the honey, so that even our prosperity is now to be subjected to a tariff.

Mr. WALSH of Massachusetts. Mr. President, the case is much worse than even the eloquent Senator from Kentucky or the able Senator from Nebraska describes it. The exports of honey are many times the imports. Compared with a total production of about 12,000,000 gallons of honey, we imported only 151,000 gallons. It is so insignificant. Our imports were

valued at $237,820 and the total American production was valued at about $50,000,000.

The exports of honey, largely to Great Britain, it seems—21 per cent going to the United Kingdom—were 1,147,000 gallons in the nine months of 1921, valued at $141,100. In every one of the years 1918, 1919, 1920, and 1921 the exports were much in excess of our imports.

In addition, our imports do not compete at all with the American-made honey. Even the salubrious climate of Cuba does not permit the bee to produce honey that competes with American honey. It is very much inferior. It is a much lower grade honey. It is called "wild" honey, in contradistinction to the cultivated honey of this country. We get back to these facts, that this is an industry producing in such large quantities that it exports a large amount of its production to foreign countries; that it is meeting with practically no competition from imports. No comparable product seeks to drive down the domestic price in the home market. There can be no justification whatever for an increase of 250 per cent.

Mr. STANLEY. Mr. President, if it is true that the cost of the production of honey to the bee or anybody else in foreign countries and in this country is practically the same; if the operation, the plant, the machinery, and so on, are practically the same, if the exports exceed the imports, I can see but one good reason why this duty is imposed. It may tend to lower the high cost of living, and enable our protectionist friends on the other side, in so far as honey is concerned, to keep their platform pledges, and lower the cost of living wherever it is possible.

Mr. WALSH of Massachusetts. Let me read just a sentence from the Tariff Information:

> The great bulk of our imports consists in wild honey from the West Indies. It is lower in price and inferior in quality compared with the domestic production. It is chiefly used by large manufacturing bakeries and confectioners.

Mr. President, when it is considered that our domestic production is 200,000,000 pounds and our exports are larger than our imports, what benefits can the agricultural interests hope to obtain from this paragraph to compensate them for the increased duty upon the things they buy?

Mr. President, I think this is so flagrant a case that we ought to have the yeas and nays on it, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHORTRIDGE. Mr. President, I listened with certain qualified admiration to the grandiloquent tribute paid to the bee falling from the lips of the Senator from Kentucky [Mr. STANLEY]. He was good enough to make reference to the State whence I come. Of course, there is a great difference between our two States. It is quite true that the climate of California is very delightful. Indeed, it is the land of eternal sunshine, whereas Kentucky is the land of eternal moonshine. As for Nebraska, I doubt whether its inclement climate would suffer any kind of a bee to survive. But we are not concerned with the happiness of the individual bee, however facetious or witty that may appear to some to be.

This is a very important industry, in which a great many American citizens, a great many in California and other of the American States, are engaged. Bees are not all wild as they are in Kentucky. They are somewhat domesticated, and it costs time and money to guard and protect them, all to the end that the product may be made available for human use. The cost of so doing in California and other American States is vastly more than the cost in other countries.

In respect to this particular item, as suggested by the committee, we are applying a doctrine which we think is economically sound; that is to say, we are seeking to make profitable an American industry, by giving it adequate protection, in order that American men and women may enjoy that prosperity. My learned friend and I now differ radically—perhaps we shall always differ radically—as to the two theories of tariff legislation. He would have the honey of other countries come in free of duty, or with a very low rate of duty. I would impose a tariff duty necessary or sufficient to equalize the cost of production here and abroad—and hence our firm, fixed difference of opinion.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I yield.

Mr. STANLEY. Has the Senator any authenticated figures on the difference in cost of production for the educated and the uneducated bee—the domesticated and the wild bee?

Mr. SHORTRIDGE. Oh, Mr. President, if my friend can come down from the heights of facetiousness——

Mr. STANLEY. I do not mean to be facetious. I am asking it in all seriousness. The Senator has applied the time-worn standard of equalizing the cost of production at home and abroad. Has he any figures or does he know of anybody else that ever had any, to show the difference in the cost of producing honey from a bee that is domesticated and from a bee that is not—the difference between the little wild bee with the long sting in Cuba and the brown Italian bee with the short sting in California?

Mr. SHORTRIDGE. If that be argument, it is argument. I am dealing with those who engage in this legitimate and important American industry. I do not wish to detain the Senate by quoting here elaborate figures or statements showing the vast amount in pounds and in value of this product. It is considerable. It is not insignificant. It is important in quantity and the number of people who are engaged in the industry. It is the industry with which we are dealing, as I am sure my learned friend from Kentucky apprehends very clearly. As to the cost of the industry here and in Mexico and in Cuba, it would be a very easy matter to show that it costs more to produce honey per pound for the market in California, for example, than in Cuba or in Mexico.

If the doctrine I am attempting to apply be time-worn, it is time-tested and time-defended; but I shall not undertake to defend that doctrine here and now. I content myself by saying that this rate of 3 cents per pound is not excessive, but less than adequate, applying the principles of protection, for which I stand.

Mr. HITCHCOCK. Mr. President, I believe I can put the statement which the Senator from California has just made into appropriate language. In fact, the thought of the disaster that is about to overtake the United States if we do not give the bee some protection has driven me to forgery and I suggest this:

> How doth the little foreign bee
> Destroy our home-made honey.
> He sends his product over here
> And takes away our money.

Mr. SHORTRIDGE. I will reply to that poetic gem, Mr. President, by saying that I would preserve the American honey eater for the American honeybee.

Mr. MCCUMBER. Mr. President, just for the sake of the record let me state that the production of honey in the United States is about 200,000,000 pounds. The import prices are from 10 to 12 cents per pound. Therefore, 3½ cents per pound would be equivalent to about 25 per cent ad valorem. The present duty is 10 cents per gallon. A gallon weighs 11.75 pounds. Therefore, the rate is a little less than 1 cent per pound. Under the Payne-Aldrich law there was a duty of 2 cents per pound. We were importing in 1910 about 1,000,000 pounds. Under the present law in 1920 we imported 9,000,000 pounds, showing a very considerable increase in the importation.

Now, so far as the California honey is concerned I doubt if there is what might be called serious competition except in the matter of displacement, because the California honey is regarded by all as being a very much superior honey, as it comes from flowers, and so forth, which are used there, and brings a much higher price in the market than the ordinary wild honey or the honey that is imported. The honey from the Gulf States, and especially the western portion, where they have many flowers of different kinds nearly all the year round, is very similar to that which comes from the Central American section, and there is some competition, of course, with that class of honey, because they both sell for about the same price.

I simply give the data to indicate as nearly as I can about what the tariff means both as to ad valorem and as to the question of any competition.

Mr. STANLEY. Mr. President——

Mr. MCCUMBER. I yield to the Senator from Kentucky.

Mr. STANLEY. As I understand the competition, if there is any, it is not between the finer qualities of honey made in this country. There is no honey that comes in competition with the fine honeys made in the central States and in California. The competition is between the lower grades of honey, the wild honey and the cheaper honeys which are imported.

Mr. MCCUMBER. I think that is correct, so far as price is concerned.

Mr. STANLEY. And also so far as quality is concerned.

Mr. MCCUMBER. To the extent that the product is displaced, there is some effect in the competition upon the value of the California product. There must necessarily be some, but the 25 per cent ad valorem duty is certainly not a high

duty upon any honey or anything which may be regarded as a luxury.

Mr. HITCHCOCK. Mr. President, is there any question here of a compensatory duty?

Mr. McCUMBER. Compensatory duty upon what?

Mr. HITCHCOCK. I understand the Senator's bill puts a duty on buckwheat. Buckwheat is used by the honey bee in producing honey, and I was wondering whether a compensatory duty was partly responsible for raising the tariff on honey.

Mr. McCUMBER. The Senator has made quite a number of similar remarks which, I think, while possibly they lend some amusement to Senators and others, do not add any more to the discussion than if he would suggest that by placing a duty on butter we are protecting the American cow against another cow and to deduce therefrom that we were making a distinction between the standard of living of the American cow and another cow. We are, nevertheless, giving protection to the farmer who produces the butter. We are giving the agriculturist, the farmer, the bee man, who uses his labor for the production of honey, a protection that we think is not excessive, but is decidedly fair.

Mr. JOHNSON and Mr. STANLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. JOHNSON. I yield to the Senator from Kentucky.

Mr. STANLEY. I was simply going to submit a few remarks on the honey proposition.

Mr. JOHNSON. I will yield to the Senator in order that he may make his remarks, because mine will deal more or less with statistics.

Mr. STANLEY. I appreciate the courtesy of the Senator from California.

Speaking in all seriousness and very briefly, if there were importers of honey who were in the business of producing honey, as a few people are in the United States, there might be some ground for the Senator's very groundless fear—and I say it with all courtesy to my accomplished friend, the junior Senator from California. Honey is produced in this country, as the Senator from California well knows, by two kinds of bees and under two conditions. There is the old-fashioned wild black bee, the fierce black little animal that takes care of himself. He makes his honey in the woods. Now, the old farmers used to go out with a little conical bee gum, as they call them—they look a good deal like a stack of poker chips, but I know the Senator from California does not know what that is. They would capture a swarm of bees and put them in this gum and go and rob the gum when the time came.

Some years ago bee raisers began cultivating the Italian bee. It is more domestic than the wild bee. The Italian bees are more easily swarmed and controlled, and in some climates they are fed in the winter. In many places the honey is produced from buckwheat, which is sowed for that purpose. In other places, where the white clover is common, they make a fine quality of honey. It is a legitimate industry, of course, like anything else.

But, as the Senator from North Dakota has said—and it is a fact—there is absolutely no honey of that kind imported into this country; there is no competition whatever. The only honey that enters this country is the honey that comes into competition with the cheap honey or the wild honey or the honey that is extracted from certain parts of the comb of the honey which is full of dead bees or is dark or discolored or otherwise not up to the standard. That honey is extracted from the comb and is used principally for making cakes and in bread and similar things in the bakery shops. In the main it is only that cheap wild honey that comes into this country.

The imposition of this duty is another illustration of the wickedness or of the stupidity or of the folly of this bill. The only purpose that this duty can possibly subserve is to enable the bee growers, like every other class in this country, to form an organization and to fix an artificially high price for honey. In the event they do so, it is proposed to say to them, "Fix the price of this edible sweet, this necessity of life, as high as you please, and you have ready to hand a tariff wall that will cover it." Neither the Senator from California nor any other Senator advocating this duty can show where there is a single bee industry in the world which is shipping a pound of honey into this country.

Mr. JOHNSON. Mr. President, we have had a very charming and delightful interlude this afternoon. I wish to congratulate my friend from Kentucky and my friend from Nebraska upon the entertainment they have afforded us, even though it be at the expense of some of those I know very well who come knocking at the door of Congress asking protection for a legitimate industry in which they are engaged. Senators may indulge as they see fit in their humorous references to the bee; they may even reach the height which the Senator from Kentucky reached in descanting upon the bee, its labors, and the like, and their imaginative flights may even become poetic like those of the Senator from Nebraska; but, after all, let me assure the Senate there is a legitimate industry in this country engaged in the production of honey. It does meet with foreign competition and, meeting with foreign competition, upon the theory upon which we on this side of the Chamber are acting, it is entitled to such protection as will enable the industry to live.

My friend from Massachusetts [Mr. WALSH] indulged in some statistics and I think he was in error in confounding, perhaps, imports and exports. Imports into this country are computed in gallons, while exports from this country are computed in pounds.

Mr. WALSH of Massachusetts. I tried to take that into consideration, I will say to the Senator from California.

Mr. JOHNSON. I think, however, the manner in which the Senator from Massachusetts stated the figures as to gallons and pounds would lead his auditors to believe that each was of like measurement.

In April, 1922, the imports of honey into this country were more than double the exports from this country, and not only does that condition exist to-day but an industry which has been thriving in the past—thriving, perhaps, upon California flowers and California sweets, thriving, of course, in that community under conditions which are incomparable with other conditions in all the world—has been of late threatened with destruction and to-day is in a very serious condition. That Senators may understand, let me respond to the humorous references of my friend from Nebraska and to those of the Senator from Kentucky by reading a telegram which came to me from Orange County, Calif. Says this telegram:

REDLANDS, CALIF., *April 18, 1922.*

Hon. HIRAM JOHNSON,
Washington, D. C.:

April Government market report quotes South American honey 5½ cents pound New York. No foundation for claim this is inferior honey. Present cost of production orange and sage honey approximately 10 cents per pound. Freight to eastern market additional. Future outlook very discouraging. Industry greatly appreciate further efforts to increase tariff.

ORANGE BELT HONEY PRODUCERS' COOPERATIVE ASSOCIATION.

That is a sample only of the telegrams which have come to me from those who are engaged in this industry in California. Because of that fact I asked the Finance Committee to increase the rate on honey in this bill from 3 to 4 cents a pound. In their wisdom the committee declined to do so. I recognize the utter futility of pressing the amendment which I presented to the committee and which I also presented to the Senate as well, with the Finance Committee opposing. So I have to be satisfied, though our people are not so, with the rate which is prescribed in the bill of 3 cents a pound.

However, let me assure Senators who have had their laugh, in which I have joined, that this is not a matter of wild bees doing various things that Senators have described so pleasantly and so delightfully to-day. This is a legitimate industry, a legitimate business, in which men have become engaged and in which and to which they have given the very best that was in them. To-day, because of importations of honey, those men find themselves confronted with disaster. That is not a matter for the laughter or the humor or the scorn of any man. My friends on the other side of the Chamber would be the last ones, I am sure, if they realized the conditions that exist in this industry, to indulge in any humor respecting the men and the women who are engaged in it or to indulge in any scornful utterances regarding their efforts. Those people are fighting for their very lives in this little industry of theirs, and, fighting for their lives in a legitimate industry, they come here asking for this protection. Three cents is not enough; 4 cents ought to be accorded them. I take the 3 cents because it is impossible, with the conditions confronting me here, to obtain more; but I beg of Senators on the other side of the Chamber, no matter how they may laugh at some of the items in this bill, no matter how they may laugh concerning the bee and its busy work, to keep in mind that after all it is a legitimate industry, requiring and legitimately asking for and legitimately entitled to protection.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Transferring my general pair with the junior Senator from Illinois [Mr. McKINLEY] to the senior Senator from Texas [Mr. CULBERSON], I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. HALE (when his name was called). Making the same announcement as on former votes as to my pair and its transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as heretofore with regard to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. BALL. I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] to the junior Senator from Iowa [Mr. RAWSON] and vote "yea."

Mr. FRELINGHUYSEN. Making the same announcement as heretofore with regard to my pair and its transfer, I vote "yea."

Mr. SUTHERLAND. Making the same announcement as on former votes with reference to my pair and its transfer, I vote "yea."

Mr. SIMMONS. I wish to announce the temporary absence from the Chamber of the Senator from Mississippi [Mr. HARRISON]. He is paired with the junior Senator from West Virginia [Mr. ELKINS]. If the Senator from Mississippi were present, he would vote "nay."

Mr. STANLEY (after having voted in the negative). I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 44, nays 14, as follows:

YEAS—44.

Ashurst	Edge	Ladd	Pepper
Ball	France	La Follette	Phipps
Borah	Frelinghuysen	Lenroot	Poindexter
Broussard	Gooding	Lodge	Shortridge
Bursum	Hale	McCumber	Smoot
Calder	Johnson	McKinley	Sutherland
Cameron	Jones, N. Mex.	McLean	Townsend
Capper	Jones, Wash.	McNary	Wadsworth
Colt	Kellogg	Nelson	Warren
Cummins	Kendrick	Newberry	Watson, Ind.
Curtis	Keyes	Norbeck	Willis

NAYS—14.

Caraway	Overman	Simmons	Walsh, Mass.
Harris	Pittman	Stanley	Watson, Ga.
Hitchcock	Pomerene	Trammell	
King	Sheppard	Underwood	

NOT VOTING—38.

Brandegee	Gerry	Nicholson	Smith
Crow	Glass	Norris	Spencer
Culberson	Harreld	Oddie	Stanfield
Dial	Harrison	Owen	Sterling
Dillingham	Heflin	Page	Swanson
du Pont	McCormick	Ransdell	Walsh, Mont.
Elkins	McKellar	Rawson	Weller
Ernst	Moses	Reed	Williams
Fernald	Myers	Robinson	
Fletcher	New	Shields	

So the committee amendment was agreed to.

Mr. MCCUMBER. Mr. President, I desire at this time to ask unanimous consent that when the Senate closes its session on this calendar day it recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, I have here the deficiency appropriation bill. I ask the Senator from North Dakota if he will lay aside the tariff bill in order to permit its consideration.

Mr. MCCUMBER. I ask that the tariff bill may be temporarily laid aside for the consideration of the deficiency appropriation bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

INVESTIGATION OF CERTAIN OIL COMPANIES.

Mr. JONES of Washington. Mr. President, if the Senator will yield to me, from the Committee on Commerce I report back favorably without amendment Senate Resolution 311, for the investigation of certain oil companies, and ask that it go to the calendar.

The VICE PRESIDENT. Without objection, the report will be received and placed on the calendar.

Mr. KING. Mr. President, will the Senator yield for the passage of this resolution? If it provokes any discussion I shall not insist. It merely asks for certain information.

Mr. WARREN. If it provokes no discussion, I will consent.

Mr. KING. It asks for certain information from the Federal Trade Commission in regard to the Dutch Shell Oil Co. and other corporations that are acquiring interests in the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Federal Trade Commission investigate and report to the Senate respecting the ownership by persons who are not citizens of the United States of the shares of the Union Oil Co., a corporation of Delaware; the Union Oil Co., a corporation of California; and the Shell Oil Co. a corporation of California; the interrelations between said corporations; the interest of said corporations in other corporations in the United States; whether or not Great Britain, the British Dominions, Holland, Rumania, or other countries having oil lands within their territories discriminate against American citizens with respect to the ownership of oil lands, or with respect to the ownership of shares in corporations which are organized to exploit and develop oil lands or engage in the production of petroleum; the acreage of oil lands in the United States which is held by lease or otherwise by said Union Oil Co., a corporation of Delaware; the Union Oil Co., a corporation of California; and the Shell Oil Co., a corporation of California, and their subsidiary and affiliated companies; the acreage of oil lands which has been acquired by said corporations or any of them within the last year; and what measures are being pursued by said corporations to further extend their holdings of oil lands within the United States.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12090) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 9, after the numerals "$271,000," to insert a colon and the following:

Provided, That the appropriation for the public printing and binding for the fiscal year 1922 is hereby made available until expended for payment of the cost of constructing necessary tunnels and conduits, laying pipes and cables, and for all other expenses, including labor and materials, necessary to connect the Capitol power plant with the Government Printing Office for the purposes herein provided.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I should like to have the attention of the chairman of the committee. I suppose the distinguished chairman has already secured permission to have the committee amendments considered first. I agree with the Senator in that, and I am glad he has done that; but unfortunately my colleague [Mr. CAMERON] and I are obliged, on a matter that is very important, to leave the Chamber soon. I have an amendment which is simply a reappropriation of an appropriation that is carried in the Indian bill for the fiscal year ending June 30, 1921.

Mr. WARREN. I understand the matter. I shall be glad to have the Senator send up his amendment and let it be read.

Mr. ASHURST. I ask to have the amendment read.

Mr. WARREN. I join in the request, on account of what the Senator stated, that it is necessary for him to leave the Chamber.

Mr. ASHURST. I thank the Senator on behalf of my colleague and myself, and I thank the committee also for their consideration in permitting this matter to be disposed of at this time.

The VICE PRESIDENT. The Senator from Arizona offers an amendment, which will be stated.

The READING CLERK. On page 12, after line 10, it is proposed to insert the following:

INDIAN AFFAIRS.

That the $150,000 reimbursable appropriated by section 2 of the act of February 14, 1920 (41 Stat. L., p. 417), for completing the construction of a dam with bridge superstructure and the necessary controlling

works, for diverting water from the Gila River for the irrigation of Indian land on the Gila River Indian Reservation, Ariz., is hereby reappropriated for the fiscal year 1923 for such purposes.

Mr. WARREN. The Senate committee has considered that amendment, and has no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, after line 20, to insert:

SENATE.

To enable the Secretary of the Senate to pay from the appropriation, "For compensation of officers, clerks, messengers, and others," for the fiscal year 1923, to the financial clerk in the office of the Secretary of the Senate, a sum sufficient to make the salary of the position $4,500 per annum.

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

For additional compensation during the fiscal year 1923 to the clerk of the Committee on Appropriations, $1,000.

The amendment was agreed to.

The next amendment was to insert, after the amendment just agreed to, the following:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The amendment was agreed to.

The next amendment was to insert, after the amendment just agreed to, the following:

For stationery for Senators, committees, and officers of the Senate, $5,000.

Mr. KING. Mr. President, may I inquire if these amendments have been printed?

Mr. WARREN. They have not, Mr. President. The Senator probably understands the situation—namely, that unless we pass this bill almost immediately it will have to go over for two months or more, and some of this money is needed right away. The situation in the other House is such that the bill must be passed to-night, so that it may be printed with the amendments and be ready for the conferees in the morning. For this reason the committee had not the time to accomplish the printing and the amendments offered are in typewriting.

Mr. KING. No doubt that condition is very satisfying to the Senators who have passed upon these items.

Mr. WARREN. These are the regular items asked for by the disbursing office, and are made necessary by legislation passed from day to day asking for investigations, and so forth.

Mr. KING. How much is added in dollars and cents in the aggregate?

Mr. WARREN. The items are separated. There is $50,000 for miscellaneous purposes, $30,000 for printing, I believe, $2,000 for printing speeches, and so on. It is in pursuance of an estimate from the office which takes care of our accounts. The Senate asked for so many investigations that $150,000 will not quite cover this class of expenditures for the fiscal year 1922.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after the amendment just agreed to, to insert:

For miscellaneous items, exclusive of labor, $50,000.

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $2,000.

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

For fuel, oil, cotton waste, and advertising, exclusive of labor, $250.

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

For driving, maintenance, and operation of an automobile for the Vice President, $400.

The amendment was agreed to.

The next amendment was, under the heading "Department of insurance," on page 6, after line 3, to insert:

RENT COMMISSION.

For salaries and expenses authorized by section 103, title 2, of the "Food control and the District of Columbia rents act," approved October 22, 1919, as amended by the act approved August 24, 1921, extending the rent commission until May 22, 1922, and the act approved May 22, 1922, extending the said commission until May 22, 1924, fiscal year 1923, $72,500.

The amendment was agreed to.

The next amendment was, on page 7, under the heading "General Accounting Office," after line 23, to insert:

For necessary employees to enable the General Accounting Office to audit the accounts for the monthly payment of pensions, as follows: Four clerks at $1,400 each, 8 clerks at $1,200 each, 5 clerks at $1,000 each, 5 clerks at $900 each, and 1 messenger at $840, fiscal year 1923, $25,540.

Mr. KING. Mr. President, I should like to inquire of the Senator the reason for this appropriation, which seems to project itself into 1923?

Mr. WARREN. That is because of late legislation, in which the Senator and others probably participated, in which it is required that all pensions shall be paid monthly instead of quarterly; and legislation of that kind requires this number of employees. The amendment has been duly recommended and comes down from the Bureau of the Budget as a necessity. There are some other items of the same general nature. We go on legislating here from time to time without thinking where we are going to land; but the Appropriations Committee has a duty to appropriate under the law and has to appropriate.

Mr. KING. Mr. President, I think the Senator's observation is quite accurate, that we go ahead here appropriating without thinking what we are doing. That is one of the complaints——

Mr. WARREN. I did not quite say that. I said that we go ahead legislating, which requires appropriations afterwards.

Mr. KING. Even with the qualification which the Senator has made, his statement is true; and I think we appropriate or pass legislation without thinking where the money is coming from. One distinguished Senator said that it was not the business of the House or of the Senate to inquire where the money was coming from; that it was the duty of the Finance Committee to raise the money, and that it is our duty to spend it. I know that the Senator from Wyoming tries to conserve the interests of the Treasury, but I do not think it can be said of the Senate, and if it were not improper I would say that it could not be said of the House, that we conserve the Public Treasury very much. I wish there were more economy.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to insert after the amendment just agreed to the following:

Contingent expenses: For office supplies (including stationery) and equipment, repairs, and maintenance, and miscellaneous items in connection with the audit of monthly pension payments by the General Accounting Office, fiscal year 1923, $3,577.

The amendment was agreed to.

The next amendment was, on page 9, to strike out lines 3 to 15, both inclusive, in the following words:

Allotments of appropriations for medical and hospital services may be made during the fiscal year 1923 by the United States Veterans' Bureau to the United States Public Health Service for the care of beneficiaries of the United States Veterans' Bureau, and incidental expenses, and such allotments shall also be available for expenditure by the United States Public Health Service for the necessary personnel, regular and reserve commissioned officers of the United States Public Health Service, clerical help in the District of Columbia and elsewhere, including all personnel, regular and reserve commissioned officers and others heretofore or hereafter detailed for duty to the United States Veterans' Bureau.

The amendment was agreed to.

The next amendment was, on page 10, after line 1, to insert:

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

The Secretary of Commerce is authorized to use any balance remaining in the appropriation for "Salaries, Bureau of Foreign and Domestic Commerce, 1922," to pay salaries of any employees of the Bureau of Foreign and Domestic Commerce for the month of June, 1922, until such time as anticipated reimbursements shall have been received from officers of the department overseas.

The amendment was agreed to.

The next amendment was, on page 11, under the heading of "Interior Department, Office of the Secretary," after line 7, to insert:

That portion of the appropriation for the Government Printing Office for the fiscal year 1922 which may be necessary to execute printing and binding for the Interior Department under orders placed with the Public Printer during the fiscal year 1922, within the total allotments to the Interior Department, Geological Survey, and Patent Office for that fiscal year, is hereby reappropriated and made available during the fiscal year 1923 for that purpose.

The amendment was agreed to.

The next amendment was, on page 11, under the heading "General Land Office," line 17, to strike out "$5,726.85," and to insert in lieu thereof $16,726.85."

The amendment was agreed to.

The next amendment was, on the same page, after line 17, under the heading "General Land Office," to insert:

Registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding $3,000 per annum each, fiscal year 1923, $45,850; for clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money, fiscal year 1923, $40,000; in all, $85,850.

Mr. KING. Mr. President, I inquire the reason for this appropriation.

Mr. WARREN. I am glad to tell the Senator.

In the Interior Department appropriation bill your committee were weak enough, perhaps, to agree with some economy proposed on the part of the House. It was proposed to close a portion of the land offices in the United States, and the legislation was so passed; but the House and Senate have concluded since then that it was an error and that it ought not to have been done, and they have by legislation attempted to cure that defect, and a large proportion of those offices will remain open during the coming year; and this amendment is to provide the necessary money. It would have been in the original Interior Department appropriation bill if it had not been stricken out. It would have been that much larger in the Interior Department bill.

Mr. KING. My recollection is that a number of land offices were closed, and I believe that some which are open ought to be closed.

Mr. WARREN. The authority rests with the Secretary of the Interior to do that at any time; but this was compulsory, as it came over to the Senate, and was allowed to pass both the House and Senate.

Mr. SMOOT. Senate bill 3425, which we passed on June 10, 1922, created these land offices which had been by law abolished.

Mr. KING. I did not know that had been passed. It was passed when I was out of the Chamber.

Mr. WARREN. An explanation is due the Senator, because it appeared as if it were out of character. It was to remedy a fault.

Mr. KING. Has it become a law?

Mr. SMOOT. I think the conference report will be here to-night from the House. I expect it here every moment. This bill has been held up for some time in order that we might know whether that was going to pass or not.

Mr. KING. I want to say to my colleague that unless some very good reasons are shown for the adoption of the conference report when it is presented, there will be some opposition to it.

Mr. SMOOT. If the bill does not pass, the money will not be used; but if it does become a law, then we will have to have this appropriation in order to pay the expenses.

Mr. KING. I hope the Senator will not ask for the consideration of that conference report until full opportunity is given to examine it. I do not want it brought up to-night.

Mr. SMOOT. It is not over here yet.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 11, line 24, to strike out "fifteen" and to insert "thirty-five," on page 11, line 25, to strike out "eighty-four" and insert in lieu thereof "sixty-four"; and on page 12, line 2, to strike out "$211,830" and in lieu insert "$219,830," so as to make the paragraph read:

PENSION OFFICE.

For additional employees from July 15, 1922, to June 30, 1923, inclusive, to enable the Bureau of Pensions to carry out the provisions of the act of May 3, 1922, for the monthly payment of pensions, at annual rates, as follows: Three supervising clerks, at $2,000 each; clerks—13 at $1,800 each, 35 at $1,600 each, 45 at $1,400 each, 64 at $1,200 each; 2 messengers, at $840 each; 3 assistant messengers, at $720 each; in all, fiscal year 1923, $211,830.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 12, after line 19, to insert:

JUDICIAL.

UNITED STATES SUPREME COURT.

For the salary of the reporter from November 1, 1921, to June 30, 1922, $5,333.33; and for his expenses during that period for professional and clerical assistance and stationery, to be paid upon vouchers signed by him and approved by the Chief Justice, $2,333.33; in all $7,666.66, from which shall be deducted such sums as may have been paid or allowed to the reporter for work done in the preparation for printing and binding of reports of decisions rendered since the opening of the October, 1921, term of the court;

For the salary of the reporter for the fiscal year 1923, $8,000; and for his expenses for professional and clerical assistance and stationery during that fiscal year, to be paid upon vouchers signed by him and approved by the Chief Justice, $3,500; in all, $11,500.

For printing and binding the official reports of the Supreme Court of the United States and advance pamphlet installments thereof during the fiscal year 1923, to be expended as required without allotment by quarters, $21,000.

Mr. KING. I observe that this is for a year which has passed.

Mr. WARREN. Part of it is passed, and part of it will be for next year. It provides differently for the pay of the reporter, because formerly he was partly paid like court clerks, who paid themselves out of fees, which would now go into the Treasury as miscellaneous funds. On the other hand, the reporter is paid a salary and certain expenses provided for in the same way. The bill providing for this has passed. I do not see the chairman of the Committee on the Judiciary present.

Mr. OVERMAN. We investigated this matter. It is what ought to have been done years ago. It saves the Government considerable expense in the printing of these reports. An investigation was made of the law-book concern which has been selling these books for at least $2.50, and wanted to raise the price to $3.

They had a contract with the reporter, and the reporter was getting twelve or fifteen thousand dollars each year. This stops all that and will give the Government the benefit. We will print the reports in the Government Printing Office and give employment to labor here in Washington and will print the reports at about half the cost at which they have been printed heretofore.

Mr. SMOOT. Six or seven years ago this same question was brought up in the Senate, and some of us thought at that time that it ought to be done to save that amount of money; but there were statements made before the Senate to the effect that this work required secrecy, that we could not get it done at the Government Printing Office, and so forth, and it was not done. Now we are trying to save this money.

Mr. WARREN. The law seems to be a very good one, and this is entirely regular.

Mr. KING. I observed the report some time ago of a controversy in which a distinguished Member of Congress from Kentucky [Mr. JOHNSON] submitted some statements which seemed to indicate that the reporter had been either charging too much or obtaining too much from the sale of the books.

Without expressing any opinion as to the merits of that controversy, may I inquire of the Senator whether this adjusts the matter?

Mr. OVERMAN. This corrects all that. Instead of getting $15,000 he will get $8,000.

The amendment was agreed to.

The next amendment was to add, after the amendment just agreed to, the following, with a heading "Navy Department":

Payment of court costs:

For payment of court costs in suit brought by Samuel J. Smith against Andrew Mellon, Secretary of the Treasury; Edwin Denby, Secretary of the Navy; and Luther E. Gregory, Chief of the Bureau of Yards and Docks, Navy Department, in the Supreme Court of the District of Columbia, in which suit judgment was rendered in favor of the plaintiff, $45.20.

The amendment was agreed to.

The next amendment was to insert, after the amendment just agreed to, with a side head, "Damage claims," the following:

To pay the claims adjusted and determined by the Navy Department under the naval appropriation act for the fiscal year 1911 on account of damages occasioned to private property by collisions with vessels of the United States Navy and for which naval vessels were responsible, certified to Congress in Senate Document No. 216 of the second session of the Sixty-seventh Congress, $3,995.06.

The amendment was agreed to.

The next amendment was to insert, following the last amendment, the head "Naval Establishment" and the side head "Scrapping of naval vessels" and the following:

For necessary expenses in connection with the care and preservation of ships whose construction has been suspended pending the taking effect of the treaty limiting naval armaments, and for expenses of handling, preserving, and inventorying material on hand or in course of fabrication for said vessels, including charges for freight, mileage, telegraph and telephone tolls, and clerical and technical services, and toward payment of bills of subcontractors for material already completed for these vessels, $5,000,000, to be available until expended.

The amendment was agreed to.

The next amendment was, to insert the side head "Reimbursement of Pittsburgh-Des Moines Steel Co." and the following:

For reimbursement to the Pittsburgh-Des Moines Steel Co., for expenses incurred under contract dated March 27, 1919, for erection of radio towers at Croix de Hins, Gironde, France, and allowed by the General Accounting Office February 8, 1922, $2,167.24.

The amendment was agreed to.

The next amendment was, to insert the side head "Naval air station site, Camp May, N. J.," and the following:

Compensation for property taken over by the President for the naval air station site at Camp May, N. J., in addition to the amount now available, $180,930.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department," on page 13, after line 18, to insert the following with a subhead, "Office of the Secretary":

Assistant to the Secretary, to perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary, fiscal year 1923, $5,000.

Mr. KING. May I inquire whether this is an additional office that was created?

Mr. WARREN. It is an office which was vacant when we passed the regular bill, so we left out $5,000 and thereby saved $5,000. It is now desired to fill the office, and I think it is very necessary.

The amendment was agreed to.

The next amendment was, on page 13, after line 26, to insert a subhead, "Tax Simplification Board," and the following:

For expenses of the Tax Simplification Board established in the Treasury Department under the provisions of section 1327 of the revenue act of 1921, approved November 23, 1921, during the fiscal year ending June 30, 1923, as authorized under paragraph 2 (e) of said act and section, $7,500, this amount, and also the $3,500 appropriated for expenses of the Tax Simplification Board by the second deficiency act of March 20, 1922, being available for personal and other services and expenses in the District of Columbia and elsewhere.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, at the top of page 14, under the subhead "Mints and assay offices," to insert:

Office of the Director of the Mint: For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director: for assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, periodicals, specimens of coins, ores, and incidentals, fiscal year 1921, $5.08.

The amendment was agreed to.

The next amendment was to insert, following the amendment just agreed to:

For examination of mints, expenses in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, fiscal year 1921, $10.80.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

PUBLIC HEALTH SERVICE.

NATIONAL HOME FOR LEPERS.

To enable the Secretary of the Treasury to continue in effect the provisions of the act entitled "An act to provide for the care and treatment of persons afflicted with leprosy, and to prevent the spread of leprosy in the United States," approved February 3, 1917, fiscal year 1923, $100,000: *Provided*, That a statement showing the expenditures made under this and former appropriations for this purpose shall be submitted to Congress on or before December 1, 1922.

The amendment was agreed to.

Mr. WARREN. Mr. President, I wish now to offer personnally an amendment which has been duly considered, but as it might seem to contain legislation I offer it as an individual Senator and ask that it may be read. I hope that it will be unanimously accepted.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. Following the amendment just agreed to the Senator from Wyoming moves to insert the subhead, "Immigration Service Hospital, Ellis Island, N. Y.," and the following:

The appropriation "Pay of personnel and maintenance of hospitals, 1923," carried under the Public Health Service, in the Treasury Department appropriation act for the fiscal year 1923, is also made available to enable the Public Health Service to operate the hospital of the Immigration Service at Ellis Island, N. Y., on the basis of the same items of expense shared by each service during the fiscal year 1922. The Immigration Service shall reimburse the Public Health Service on the basis of per capita rates fixed by the Secretary of the Treasury, and the sums received by the Public Health Service from this source shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 14, after line 21, to insert a subhead, "Federal Farm Loan Bureau," and the following:

Salaries and expenses, Federal Farm Loan Board (reimbursable): For salaries of four reviewing appraisers at not to exceed $5,000 each per annum, and the traveling expense of such reviewing appraisers, fiscal year 1923, in all $35,000: *Provided*, That on the 1st day of January, 1923, and the 30th day of June, 1923, the Federal Farm Loan Board shall assess the salaries and expenses of the positions hereby provided for, and paid during the preceding half year, against the several Federal land banks and joint-stock land banks in proportion to the gross assets of such banks at such time, and the funds collected by such assessment shall be covered into the Treasury as miscellaneous receipts.

Mr. KING. Mr. President, I would like to inquire of the Senator whether there is any law authorizing the creation of these five new positions. I know some time ago I had the matter up with some members of the board, and I understood from them that they had abandoned the idea of creating these positions.

Mr. WARREN. What does the Senator mean by positions?

Mr. KING. Reviewing appraisers at $5,000 a year.

Mr. WARREN. I have heard of it, and I know the appraisers in the different localities are doing this work. This is reimbursable to enable them to make use of the money for the appraisers' office.

Mr. KING. I shall not object to the amendment on the ground that it is general legislation. It may be that it is a wise protection to have a supervisory agency to check up the appraisements made by the local appraisers, because it is quite conceivable that the local appraisers might be inclined to look with great favor upon local valuations.

Mr. WARREN. I happen to have had communication with a new bank that was established during the past year and I know as soon as they opened they had to assent to the appointment of an appraiser in chief by the Government, independent entirely of the local appraisers, to check up and pass upon appraisements, and to go into the field so that he might know we were receiving a proper appraisement.

Mr. GLASS. I would like to ask the chairman of the committee if the amendment was sent up by the Federal Farm Loan Board?

Mr. WARREN. Oh, yes; it was sent up by the board. The chairman of the board sent it up to us.

Mr. KING. I am still not enlightened as to whether this is new legislation.

Mr. WARREN. No; it is a payment of money for additional appraisers for new banks, and making it available now instead of asking the men to do work without regular pay; it is to pay as we go and it is reimbursable.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 15, after line 5, to insert:

Relief of John Burke: To enable the Secretary of the Treasury to purchase and deliver bonds of the issues described in private act No. 70 approved June 3, 1922, entitled "An act for the relief of John Burke, former Treasurer of the United States, for loss of bonds without fault or negligence on the part of the said former Treasurer," and to further enable the Secretary of the Treasury to pay the amount of matured and accrued interest as may be due at the time of purchase and delivery of said bonds. The total cost of the bonds and the amount payable as interest shall not exceed the sum of $9,100, which sum is hereby appropriated.

The amendment was agreed to.

The next amendment was, following the amendment just agreed to, to insert, under the subhead "Public buildings":

Cape Charles (Va.) Quarantine Station: For payment to the Empire Machinery & Supply Corporation, of Norfolk, Va., for balance due on account of materials furnished in connection with construction operations at the Cape Charles quarantine station, Craney Island, Va., $199.78.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to insert, under the subhead "Medical and hospital department," the following:

For amount required to pay adjudicated award for lands condemned for use by the War Department at Walter Reed General Hospital, Washington, $44,109.22.

The amendment was agreed to.

The next amendment was, on page 18, line 15, before the words "the American" to insert "for the use of."

The amendment was agreed to.

The next amendment was, on page 19, line 3, to increase the total appropriation for settlement of claims from "$3,203,000" to "$4,103,000."

The amendment was agreed to.

The next amendment was, on page 19, line 7, to strike out "$30,000" and insert "$48,500," so as to make the additional proviso read:

Provided further, That in the event any commission or authorized committee is sent abroad to adjust the claims mentioned herein, such expenses (not to exceed $48,500) as are necessary for such commission or committee properly to perform its duties shall be payable from the funds herein extended, including traveling expenses.

The amendment was agreed to.

The next amendment was, on page 19, at the end of line 9, after the word "including," to insert:

compensation of employees in the United States and abroad, the cost of needed supplies,

The amendment was agreed to.

The next amendment was, on page 19, at the end of line 13, and before the period, to insert a colon and the following additional proviso:

Provided further, That of the total amount herein expended, a sum of not exceeding $900,000 may be applied to settlement of claims in admiralty under the provisions of the act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, arising from the operation of the Army Transport Service in foreign waters.

Mr. KING. Mr. President, may I inquire of the Senator what this refers to?

Mr. WARREN. This is not a new appropriation. The appropriation has already been made, as other matters have been made heretofore, in the settlement of certain claims abroad. The amendment refers to amounts where they have been adjudicated and where the language is changed so that they can be handled abroad and also handled here in America. It is more convenient to handle some of them here.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the numerals "357" and before the comma, to insert:

And Senate Document No. 222.

The amendment was agreed to.

The next amendment was, on page 19, line 25, to strike out "$22,844.32" and insert "$104,418.88," so as to read:

Judgments, United States courts: * * * Under the United States Housing Corporation, $104,418.88.

The amendment was agreed to.

The next amendment was, on page 30, line 1, in the total, to strike out "$120,243.26" and insert "$201,817.82."

The amendment was agreed to.

The next amendment was, on page 20, line 24, after the numerals "356" and before the comma to insert "and Senate Documents Numbered 221 and 226."

The amendment was agreed to.

The next amendment was, in the items under "Judgments, Court of Claims," on page 21, line 1, to strike out "$334,156.83" and insert "$367,655.05," so as to read:

Under the War Department, $367,655.05.

The amendment was agreed to.

The next amendment was, on page 21, line 4, to strike out "$1,157.94" and insert "$17,927.02," so as to read:

Under the Post Office Department, $17,927.02.

The amendment was agreed to.

The next amendment was, on page 21, after line 4, to insert:

Under the Department of Justice, $2,552.84.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to insert:

Under the United States Housing Corporation, $18,880.55.

The amendment was agreed to.

The next amendment was, on page 21, in line 6, after the words "in all," to strike out "$472,683.60" and insert "$584,384.29."

The amendment was agreed to.

Mr. WARREN. The Secretary has reached in the reading the subtitle "Audited claims." I wish to say that those stand as they came from the House, and are all in the general nature of judgments and are hardly open to any amendment or consideration. I ask that the reading in detail may be dispensed with and that they may be accepted as given.

The VICE PRESIDENT. Without objection, it is so ordered.

The next amendment was, on page 34, after line 4, to insert:

AUDITED CLAIMS.

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1919 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 219, reported to Congress at its present session, there is appropriated as follows:

TREASURY DEPARTMENT.

For Coast Guard, $182.48.
For pay, etc., commissioned officers and pharmacists, Public Health Service, $254.44.
For mechanical equipment for public buildings, $21.67.
For general expenses of public buildings, 55 cents.
For operating supplies for public buildings, $3.75.

WAR DEPARTMENT.

For increase of compensation, Military Establishment, $36.41.
For registration and selection for military service, $1,598.10.
For Signal Service of the Army, $23,872.50.
For pay, and so forth, of the Army, $122.29.
For mileage to officers and contract surgeons, $5.60.
For general appropriations, Quartermaster Corps, $1,600.31.
For transportation of the Army and its supplies, $12.
For supplies, services, and transportation, Quartermaster Corps, $2,817.01.
For medical and hospital department, $49.
For ordnance service, $10.
For civilian military training camps, $29.28.
For armament of fortifications, $16,500.22.

NAVY DEPARTMENT.

For pay, miscellaneous, $42.62.
For aviation, Navy, $222.78.
For pay, Marine Corps, $12.97.
For maintenance, Quartermaster's Department, Marine Corps, $650.85.
For transportation, Bureau of Navigation, $417.23.
For ordnance and ordnance stores, Bureau of Ordnance, $25.89.
For pay of the Navy, $3,182.12.
For provisions, Navy, Bureau of Supplies and Accounts, $134.87.
For maintenance, Bureau of Supplies and Accounts, $91.39.
For freight, Bureau of Supplies and Accounts, $5,220.31.
For engineering, Bureau of Steam Engineering, $298.

INTERIOR DEPARTMENT.

For Indian schools, support, $10.
For industrial work and care of timber, $12.50.
For support of Sioux of different tribes, subsistence and civilization, $6.65.

STATE DEPARTMENT.

For transportation of diplomatic and consular officers, $6.60.
For contingent expenses, foreign missions, $123.86.
For emergencies arising in the Diplomatic and Consular Service, $100.

INDEPENDENT OFFICES.

For salaries and expenses, Committee on Public Information, $15.50.

DEPARTMENT OF COMMERCE.

For miscellaneous expenses, Bureau of Fisheries, 54 cents.

DEPARTMENT OF LABOR.

For miscellaneous expenses, Bureau of Labor Statistics, $1.94.
For national security and defense, Department of Labor, $4.52.
For war labor administration, $9.60.
For miscellaneous expenses, Bureau of Naturalization, 95 cents.

DEPARTMENT OF JUSTICE.

For books for judicial officers, $5.

POSTAL SERVICE.

For railroad transportation, $41,101.65.
For Rural Delivery Service, $153.47.
For balances due foreign countries, $128,672.87.
For power boat and airplane service, $6.60.
For compensation of postmasters, $23.07.
For freight on stamped paper and mail bags, $160.
For temporary clerk hire, $3.50.
For star route service, $14.82.
For special delivery fees, $3.36.
For clerks, first and second class post offices, $156.17.
For city delivery carriers, $492.22.
For Railway Mail Service, $127.96.
For indemnities, international registered mail, $15.18.
For indemnities, domestic mail, $13.50.
For star route service, Alaska, $255.
For mail bags and equipments, $700.26.
For shipment of supplies, $12.26.
Total, audited claims, section 3, $229,624.19.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 34, line 5, to strike out the numeral "3" and insert "4," so as to read: "Sec. 4."

The amendment was agreed to.

The VICE PRESIDENT. This completes the committee amendments.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 9, after line 23, insert the following:

For the investigation, improvement, encouragement, and determination of the adaptability to different soils and climatic conditions of pecans, almonds, persian walnuts, black walnuts, hickory nuts, butternuts, chestnuts, filberts, and other nuts, and for methods of growing, harvesting, packing, shipping, storing, and utilizing the same, fiscal years 1922 and 1923, $5,000.

Mr. WARREN. This is to cure a fault in the Agricultural appropriation bill, which was supposed to contain this provision. It is, of course, legislation, but the committee are favorable if there is no objection to it.

The amendment was agreed to.

Mr. TRAMMELL. I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 9, line 23, insert the following:

For conducting such investigations of the nature and means of communication of the disease of citrus canker, and for applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, and cooperation with such authorities of the States concerned, organizations of growers, or individuals as he may deem necessary to accomplish such purpose, $150,000; and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. WARREN. Mr. President, I need not say that this is susceptible of being construed as legislation; of course, it is legisla-

tion. But it is a matter of emergency, and I understand that it is considered of importance by several of the States. I have no objection to offer, provided unanimous consent of the Senate may be given for its introduction. I do not know whether it can be protected in conference, but the committee have no hostility toward it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

Mr. TRAMMELL. I desire to have spread upon the RECORD a letter from the Department of Agriculture recommending the amendment.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, June 28, 1922.

Hon. PARK TRAMMELL,
United States Senate.

DEAR SENATOR: Dr. W. A. Taylor, Chief of the Bureau of Plant Industry, has just brought to my attention your letter of June 27, in which you state that you have introduced an amendment to be offered to the general deficiency bill, page 9, line 5: "For eradication of citrus canker in Florida, $150,000."

The Bureau of Plant Industry, as you know, is very deeply interested in this matter, and I am very glad for this opportunity to comment on the present situation as it appears to us to bear upon the eventual success of the campaign for eradicating citrus canker from this country. It had been our understanding that consideration of all appropriations needed during the new fiscal year would be delayed until after the 1st of July. In view of the intention of the House to recess in the near future consideration of any increase in funds for the eradication of citrus canker might, of course, be so seriously delayed as to occasion a breakdown in the eradication work.

Although from the outset it has been realized that the attempt to eradicate a virulent bacterial disease was an undertaking of unusual difficulty, the success which has attended the work during the past four years had led us to believe that the disease had been so largely eliminated that very material decreases in the inspection force, working not only in Florida but throughout the Gulf region, was possible. The history of the disease is, perhaps, effectively summarized by a statement of the Federal appropriations made for fighting citrus canker in cooperation with the Gulf States:

Appropriations for citrus canker.

Urgent deficiency, January, 1915	$35,000
Urgent deficiency, February, 1916	300,000
Agricultural appropriation:	
1917	250,000
1918 ($180,000 immediately available)	430,000
1919	250,000
1920	196,320
1921	109,720
1922	79,720
1923	30,000
Total	1,680,760

Unfortunately, it would now appear that we have been somewhat overconfident of our success and that by the rapid reductions recommended in the last two years we had actually lost some ground, which will result not only in individuals losing money, through the spread of the infection, but also undoubtedly would delay the final completion of the eradication work. On the 20th of May an outbreak of citrus canker in the vicinity of Davie, Broward County, Fla., was reported. This epidemic has affected approximately 700 trees, and the most serious problem in connection with this outbreak is not the number of infected trees, although this is by far the most extensive outbreak that we have had to deal with for several years, but the fact that workmen have gone from properties now known to be infected to properties located at more or less distant points. Earlier experience in the canker work leads us to class all of such properties under suspicion.

This is the second canker pocket to be found in Florida, although the one found under somewhat similar circumstances last year was more isolated and had not resulted in such serious loss by the time it was discovered. Two small outbreaks of canker have been found in Mississippi during the past two years, although neither of these have been of sufficient size to make them commercially so dangerous. One small pocket outbreak was discovered during the past season in Alabama, and scattered cases of canker are known still to occur in Louisiana and Texas.

The heavy losses resulting from such an outbreak as the present one at Davie, Fla., show that our plans for gradually working out the scattered canker pockets is likely to prove more costly to the State and Federal funds, as well as to individual citrus growers, than would a somewhat more adequately financed inspection campaign. With the funds available from State and other sources in Florida and throughout the Gulf region, the sum you have proposed for the eradication activities might prove to be adequate. After a very careful consideration of the matter, however, our experts are of the opinion that it would be in the interests of economy to urge an appropriation of $194,000 for enlarging the canker eradication work during the coming fiscal year. This recommendation is made with the expectation that it is in the interests of Florida, as well as of the Gulf region as a whole, to push to completion as rapidly as possible the canker eradication campaign. Appropriation of $194,000 would, therefore, contemplate material increase in the work in Texas, Louisiana, Mississippi, and Alabama, as well as in Florida, if such a sum can be provided.

Two methods of meeting the present emergency appear to me to deserve attention: First, the immediate consideration of the provision of funds for supporting the canker eradication activities substantially as outlined in the amendment submitted by you and reported on page 10276, CONGRESSIONAL RECORD; second, the temporary support of canker activities under the authority for interchange of appropriations given me in the appropriation act for the coming fiscal year.

I am raising this question with the chairman of the Senate Appropriations Committee, and my further action in this matter will be in accordance with his suggestions.

Sincerely,

HENRY C. WALLACE, *Secretary.*

Mr. GLASS. Mr. President, I desire to offer an amendment which is subject to a point of order, but which I think will not be objected to by the committee, to reimburse officers of the Government who paid the rent of their offices in the Panama Canal Zone when they should not have been required to do so. A bill covering the matter has already passed the Senate, as drafted by the War Department, and is recommended by the Secretary of the Interior.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 13, after line 18, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William Howard May the sum of $280.32, being the amount collected from the said William Howard May for rent of quarters while holding the office of marshal of the district of the Canal Zone.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William K. Jackson the sum of $77.13, being the amount collected from the said William K. Jackson for rent of quarters while holding the office of district attorney of the Canal Zone, said refunds to be made out of the appropriation for maintenance and operation of the Panama Canal.

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen the accounts of John H. McLean, former paymaster of the Panama Canal, and allow credit to the said John H. McLean, for payments made by him, as follows: $470.12 paid to Charles R. Williams as a refund of the amount collected from him for rent of quarters while holding the office of district attorney of the Canal Zone; $403.33 paid to Miguel A. Otero as a refund to him of the amount collected for rent of quarters while holding the office of marshal of the Canal Zone; $214.83 paid to Burt New as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone; and $114.68 paid to George A. Connolly as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone.

Mr. WARREN. The committee has no objection to the proposition. It has been fully considered.

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 15, after line 5, insert:

The Secretary of the Treasury and the General Accounting Office are hereby authorized and directed to credit in the accounts of the Treasurer of the United States certain items of unavailable funds in the sum of $15,956, now carried in the accounts of the office of the Assistant Treasurer of the United States at Boston, Mass., and in the general account of the Treasurer of the United States as unavailable funds, and representing a shortage found upon the discontinuance on October 25, 1920, of the Subtreasury at Boston, Mass., in the amount of money belonging to the United States while in the custody of said assistant treasurer, the loss of said money having occurred through no fault or negligence on the part of said assistant treasurer, as set forth in Senate Document No. 400, Sixty-sixth Congress, third session, and for this purpose the sum of $15,956 is hereby appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LODGE. Mr. President, I ask to have printed in the RECORD the letter of the Acting Secretary of the Treasury, which was submitted on February 15, 1921, and the letter of the present Secretary of the Treasury, dated May 19, 1922, in reference to the amendment to the bill which has just been agreed to.

The VICE PRESIDENT. Without objection, the letters referred to by the Senator from Massachusetts will be printed in the RECORD.

The letters are as follows:

TREASURY DEPARTMENT,
Washington, February 15, 1921.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for favorable consideration of the Congress an estimate of appropriation, in the sum of $15,956, required by the Treasury Department to enable the proper accounting officers of the Treasury Department to credit said sum in the accounts of the Treasurer of the United States, that amount being now carried in the accounts of the office of the assistant treasurer of the United States at Boston, Mass.

The subtreasury at Boston, Mass., was discontinued on October 25, 1920, and the final asset and liability statement as of that date submitted by the assistant treasurer of the United States at Boston, Mass., shows the following balances due the United States, viz.:

Shortage in shipment of unfit currency April, 1918	$2,456
Shortage in gold certificates held in reserve fund found by Treasury's representatives in discontinuing this office Oct. 25, 1920	13,500

The assistant treasurer at Boston, in the accompanying letter, sets forth the facts in the case, stating that, while he gave every attention possible to the work of his office, he had no physical contact with the moneys, and makes request for relief, in which I concur, as there appears to be no just reason why he should suffer this loss after exercising due diligence and care in the conduct of his office.

Respectfully,

S. P. GILBERT, Jr.,
Acting Secretary.

OUTSTANDING ITEMS—ASSISTANT TREASURER UNITED STATES, BOSTON, MASS.

1. Balance to the credit of the Treasurer of the United States, as shown by the books of this office at the close of business October 25, 1920. $15,956.

Above balance reported by the assistant treasurer at Boston, Mass., in final asset and liability statement dated October 25, 1920, as—

Shortage in shipment of unfit currency, April, 1918---------- $2,456
Shortage in gold certificates held in reserve fund found by Treasury's representatives in discontinuing the office, Oct. 25, 1920---------- 13,500

2. Under date of October 25, 1920, the assistant treasurer at Boston debited $86,500 as a transfer of funds to the Federal Reserve Bank of Boston. This amount has not been credited by the Federal Reserve Bank of Boston. The transfer of funds document issued therefor bears the following notation:

"Gold certificates carried in the account of the assistant treasurer as 'special gold fund,' which amount is transferred to Federal reserve bank to be held in custody and for which the receipt of the Federal reserve bank is filed with report of H. P. Huddleson."

3. Correspondence relative to above shortage of $2,456 with Mr. Broughton.

4. Superintendent of Mint, Philadelphia, has advised this office by phone that all gold coins received from the assistant treasurer at Boston have not been counted.

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TREASURY DEPARTMENT,
UNITED STATES SUBTREASURY,
Boston, Mass., January 25, 1921.

The SECRETARY OF THE TREASURY,
Washington, D. C.

DEAR MR. SECRETARY: I am bringing to your attention the amount charged to my account as assistant treasurer of the United States at Boston of $15 956, representing a shortage of $2,456, reported in shipments of currency to Washington in April, 1918, and a shortage of $13,500, found by the committee in charge of the examination and count, during the transfer of the funds in my custody to the Federal reserve bank at Boston on October 22, 1920, the date on which the Boston subtreasury was discontinued.

Both the shortages referred to above occurred in currency deposited by the Federal reserve bank between January 1, 1918, and May 1, 1918, and was a part of about $65,000,000 in gold certificates held in reserve and was largely in notes of $10 denomination.

My purpose in taking this matter up with you at this time is in the anticipation that you will arrange to submit to the present session of Congress a bill of relief to clear my account of the items in question.

I wrote you on October 22, reporting this matter, and stated that I had called upon the Secret Service agent of this department for an investigation of the office, and they have had the matter in hand since that date, but I have deferred action until now awaiting their report, which I have not seen but which has no doubt reached your department.

In connection with these discrepancies attention is called to the great volume of work which has been done at the Boston subtreasury during the past six years, constantly increasing since I took the office in 1913, the balance on hand of about $18,000,000 at that time rising to over $100,000,000, besides having the custody on more than one occasion of over $400,000,000 in coupon bonds and $25,000,000 in Federal reserve notes. Currency was received and paid out during the war in sums greater than ever before in the history of the Boston office, and many unusual duties, such as the issue of emergency currency, deposits for relief of Americans abroad, and the collection of notes for funds advanced in Europe, were placed upon this office.

The force was wholly inadequate to meet these emergencies, and many of our best men resigned to seek other employment or went into the war, some of those remaining being way beyond the age when they could be utilized with safety or allowed the responsibility necessary to conduct the work in an office of this character, although willing and anxious to do the best they could.

Oftentimes the force was from three to five clerks short and there was much difficulty during the war in securing competent help from the civil-service register, and our employees often worked overtime without additional help or compensation. The office has turned back into the Treasury over $6,000 as unexpended balance from salary appropriations, due in a measure to the inability to keep vacancies filled with competent help since 1914.

Personally I gave every attention possible to the work of the office, although I had no physical contact with the moneys, depending entirely upon the force of the employees as I found them when I took the office, or as I was able to maintain it under the existing regulations and long-established custom, to do the work in an efficient and honest manner. It is needless for me to say how much I regret this shortage, but I do not see how I could have done more to avoid it.

The first shortage occurred in April, 1918, $2,456, in a shipment of currency to Washington. It was not reported by the department until June, and it was two weeks later before the full details could be obtained.

No examination of the office had been made for nearly four years, and I repeatedly asked that such ar examination be made, without result, until the final transfer and discontinuance of the subtreasury, on October 22, 1920.

The shortage of $13,500 was in the same class of currency as the item of $2,456, but was held and not shipped to Washington under instructions from Washington to discontinue canceling and making these shipments, as had been the custom, thereby accumulating large amounts of currency in value and bulk.

The above are the facts in the case, and I shall feel greatly obliged to you if you will recommend to Congress the relief which I seek. I believe favorable action has always been granted where the Treasurer or assistant treasurer had no personal contact with the money lost.

Respectfully,

CHARLES B. STRECKER,
Former Assistant Treasurer, United States.

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TREASURY DEPARTMENT,
Washington, May 19, 1922.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to invite attention to Senate Document No. 400, Sixty-sixth Congress, third session, relative to adjustment of the accounts of the former assistant treasurer of the United States at Boston, Mass. The subtreasury at Boston, Mass., was discontinued on October 25, 1920, and the final asset and liability statement as of that date showed a balance due the United States of $15,956, which sum remains unadjusted in the accounts of the Treasurer of the United States and the accounts of Charles B. Strecker, former assistant treasurer of the United States at Boston, Mass.

It is my understanding that it has been the uniform practice of Congress to grant relief to the Treasurer of the United States and assistant treasurers of the United States in matters of this nature where there has been no personal negligence or fault on their part, the more recent cases being the following:

In 1906 there was a loss of $61,500 at St. Louis, Mo.
In 1907 there was a loss of $173,000 at Chicago, Ill.
In 1907 there was a loss of $3,000 at Boston, Mass.

The act relieving the assistant treasurer at Chicago may be found on page 1464 of volume 36, part 2, United States Statutes at Large. The act relieving the assistant treasurer at Boston is on page 347, volume 36, part 1, United States Statutes at Large, and the act relieving the assistant treasurer at St. Louis is on page 1866, volume 36, part 2, United States Statutes at Large.

There is inclosed herewith a draft of legislation which is suggested as appropriate to the case, and if an appropriation of $15,956 is made it will not involve the expenditure of any money from the Treasury but will provide for the adjustment of the accounts upon the books of the Treasury Department by bookkeeping entries necessary to close the accounts.

Very truly yours,

A. W. MELLON, *Secretary.*

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Be it enacted, etc., That the Secretary of the Treasury and the General Accounting Office be, and are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States certain items of unavailable funds in the sum of $15,956 now carried in the accounts of the office of the assistant treasurer of the United States at Boston, Mass., and in the general account of the Treasurer of the United States as unavailable funds and representing a shortage found upon the discontinuance on October 25, 1920, of the subtreasury at Boston, Mass., in the amount of money belonging to the United States while in the custody of said assistant treasurer, the loss of said money having occurred through no fault or negligence on the part of said assistant treasurer, as set forth in Senate Document No. 400, Sixty-sixth Congress, third session, and for this purpose the sum of $15,956 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. I offer an amendment which I send to the desk, and I ask the attention of the Senator from Kansas [Mr. CURTIS] to it.

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The READING CLERK. It is proposed to insert at the proper place in the bill the following:

That to carry out the provisions of the act of May 27, 1902 (32 Stat. p. 263), and other acts relating thereto and amendatory thereof, for the sale of lands in the former Uintah Indian Reservation, in the State of Utah, ceded by the Uintah and White River Tribes of Ute Indians to the United States, and for the reimbursement of the United States out of the proceeds of such sale for any moneys advanced to said Indians and the use of the remainder for their benefit, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment on the claims and rights of said Indians under the acts of Congress aforesaid to compensation for all lands in said reservation which have been set apart and reserved for forest reservation and other public uses, as if sold and disposed of under the public land laws of the United States, in accordance with the terms of the said act of May 27, 1902; and the court shall set off against any sum found due said Indians any sum or sums that shall be found to be properly chargeable under the terms of said acts of Congress, and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration; and the action herein authorized shall be conducted by the attorneys appointed by said Indians under authority of the Commissioner of Indian Affairs, dated the 1st of July, A. D. 1921, and the Attorney General shall appear and represent the United States, and in rendering judgment herein the court shall set apart such compensation to the attorneys for the Indians as it may deem reasonable and just for legal services rendered before the appropriate committees of Congress and departments of the Government and in conducting the said cause before the courts to a final determination, and said compensation shall be paid to said attorneys by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with existing law.

Mr. WARREN. Mr. President, I wish the amendment were in such shape that we could accept it, but it has been considered at length by the committee, and I have asked the advice of two Senators, one of whom was formerly chairman of the Committee on Indian Affairs and the other one the present chairman, concerning it. Those Senators agree with me that the amendment proposes legislation to a considerable extent, and, furthermore, the question which it involves is now being considered by the Committee on Indian Affairs. On the merits of the case I do not object to the amendment at all, but it embraces a class of legislation which it would be utterly useless to allow to go into the bill, as it would certainly be rejected in conference. I am, therefore, compelled to make a point of order against the amendment.

Mr. CURTIS. Mr. President, will the Senator from Wyoming withdraw his point of order for a moment?

Mr. WARREN. I will withdraw the point of order for the present.

Mr. CURTIS. I have given the claim which is involved in the proposed amendment considerable attention to-day, and

in my judgment it would be a serious mistake to allow an amendment proposing to send a claim of this kind to the Court of Claims to be inserted in the pending appropriation bill. For a long time the Indian appropriation bill was loaded with claims. After considerable effort all this class of claims was eliminated from that bill, and we now have the appropriation bills in such shape that amendments proposing to send such cases to the Court of Claims are not any longer embraced in them.

I desire to state in reference to this amendment that the act of May 27, 1902, itself provided that the Indians therein referred to should be paid $1.25 an acre for their land. The Government owes them $1.25 for every acre of land which it took; the Government ought to let the Indians know the number of acres taken and ought to pay them the money which is due them for it.

So far as I am concerned, if in the form of a bill the amendment which is now proposed to the pending bill shall be referred to me as a subcommitteeman, as I understand it has been, at the first opportunity I have I shall report it favorably; but as former chairman of the Committee on Indian Affairs and as a member of the Appropriations Committee I object to a measure of this kind being placed upon an appropriation bill. I hope we shall keep the appropriation bills free of measures of this kind and that they may be passed on their merits, which is the proper method of enacting such legislation.

Mr. KING. May I ask the Senator from Kansas if his statement is entirely accurate—I know he would not make the statement he has made unless he honestly believed it were accurate—that the law fixed the price of this Indian land at $1.25 per acre?

Mr. CURTIS. As the Senator from Utah knows, I have to-day attended three committee meetings, and I stated that I had only had time to-day to examine the law hurriedly; but, from the hasty examination I have been able to make, my recollection is that the law provides for the payment of $1.25 an acre for this land. If it does not do so, then I think the Commissioner of Indian Affairs or the Secretary of the Interior ought to negotiate with the Indians and pay them $1.25 an acre or whatever their land is worth. The price fixed in the act was $1.25 an acre for the land which was open to settlement.

Mr. OVERMAN. Mr. President, has not this matter previously been before the Court of Claims?

Mr. CURTIS. This case did not go to the Court of Claims, but was settled under an act of Congress of 1902, whereby the Indians were allotted a certain amount of land and the remainder was restored to the public domain, to be open to settlement at $1.25 an acre. The Government, however, instead of restoring the land to the public domain set aside a large number of acres for forest reservations, taking the title away from the Indians and reposing it in the Government. Of course, the Government ought to pay those Indians, without any question, what they are entitled to for the land thus taken, and they ought not to be forced to go to the Court of Claims and to wait two or three years for payment.

Mr. KING. My understanding, Mr. President, is that the controversy involves a question of fact, which can only be determined by either a court or a jury. It seems to me it would be better to have a court determine the value of the land than to have individuals do so.

Mr. CURTIS. Yes; but the act itself provided that all the land, except that allotted to the Indians, should be restored to the public domain and that the Indians should be paid $1.25 an acre for it. All that remains to be done is to have surveyed the lands over and above what was allotted to the Indians, and to pay to them whatever may thus be determined to be due them.

Mr. KING. I agree with the Senator that, if the law fixed the value of the land at $1.25 per acre, unless there was some fraud perpetrated upon the Indians, that would be the measure of their compensation.

Mr. CURTIS. I have a copy of the act here, but my recollection, after once reading it over, is that is what the law provides.

Mr. KING. I want to say that some of these acts——

Mr. SPENCER rose.

Mr. KING. If I may be pardoned—which have gone through, I will not say under whip and spur, have been in the interest of lumber companies or white people and the Indians have been robbed. So far as I am concerned, these Indians are going to have a square deal.

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. SPENCER. I am inclined to think that the price of the land was not fixed by the law; but, as a matter of fact, this very Indian claim was considered by the Court of Claims and more than $3,000,000 was awarded to the Indians for the land which was taken for forest reserves, so that, as the Senator from Kansas has intimated, there is an exact basis for determining the value per acre. It is claimed that subsequently to the finding of the Court of Claims some land was taken for additional forest reservations; but it would be a simple matter of arithmetic to find out the number of acres and, upon the same basis as the adjudication of the Court of Claims, to provide for payment. The Bureau of Indian Affairs so recommends to the Committee on Indian Affairs. They say that it would be practically useless to send this matter to the Court of Claims, for they can settle it without that expense or delay right in their own office.

Mr. CURTIS. Mr. President, I read the law very hurriedly this morning, but I find on examination that it does fix a price of $1.25 an acre, not for the land set aside but for that which is entered. Here is the provision of the law:

That the Secretary of the Interior, with the consent thereto of the majority of the adult male Indians of the Uintah and the White River Tribes of Ute Indians, to be ascertained as soon as practicable by an inspector, shall cause to be allotted to each head of a family 80 acres of agricultural land which can be irrigated and 40 acres of such land to each other member of said tribes, said allotments to be made prior to October 1, 1903, on which date all the unallotted lands within said reservation shall be restored to the public domain: *Provided*, That persons entering any of said land under the homestead law shall pay therefor at the rate of $1.25 per acre.

Mr. KING. That is not a very satisfactory explanation, and I regard it as a very unfair act. Who authorized the Government of the United States to fix $1.25 an acre for some and perhaps all of the land? The Indians are entitled, if it is taken from them, to the fair market value of the land and not to some value the Congress may fix.

Mr. CURTIS. Mr. President——

Mr. KING. I yield.

Mr. CURTIS. The Senator will probably remember that while he was a Member of the House a great many acres of land in Indian reservations were opened to settlement. The land was given to the settlers under what was known as the free homestead act. A contest ensued in the House, which lasted, if my recollection serves me right, through two sessions of Congress, during one of which and I think perhaps during both of which the Senator from Utah was a Member of the House. At last an agreement was reached that all the land which had been paid for by the Government should be opened to free homestead settlement. That affected, my recollection is, about $11,000,000 worth of land in money value, instead of about $63,000,000 worth. Then the House of Representatives adopted the plan of not opening the lands for settlement under the homestead act but of setting aside such lands as the Indians needed for their use and selling the remainder at the homestead price of $1.25. Afterwards that was changed to $2, and in one or two instances in the semiarid region it was reduced to 50 cents and 25 cents an acre. All the money thus received from the sale of those lands was placed to the credit of the individual Indians.

That is why the policy was changed so as to require that the lands be opened up at $1.25 or $2.50 an acre, or according to whatever agreement was entered into between the representatives of the Government and the Indians.

Mr. KING. Mr. President, I wish to put——

Mr. PHIPPS and other Senators. Vote!

Mr. KING. We will vote when I get through. The Senator from Colorado need not be too impatient. We will stay here a little longer.

Mr. PHIPPS. Mr. President, I call for order in the Chamber.

Mr. KING. I call for order in the Chamber. If the Senator from Colorado will be in order, I will proceed.

Mr. PHIPPS. Mr. President, I do not understand that it is the custom in this Chamber to designate a Senator from any particular State. If the Senator desires to have order, he may have it by calling for it in a proper manner.

The VICE PRESIDENT. The Senate will be in order.

Mr. KING. The Senator from Colorado having completed his learned observations, I shall proceed.

I want to put in the RECORD, Mr. President, a statement which I have not prepared, but which, so far as I can discover, is an accurate statement of the facts, or, at least, some of the facts, bearing upon this matter. I ask the attention of the able Senator from Kansas to the statement, with a view to having him modify his opposition to the amendment. It is as follows:

The proposed amendment is to carry out the provisions of the act of May 27, 1902 (32 Stats. 263), for the cession of the lands of the Uintah and White River Bands of Ute Indians in Utah to the United States.

The said act of cession provides for the sale of the ceded lands after certain allotments to the Indians in severalty, and that the proceeds of sale shall be applied, first, to the reimbursement of the United States for any moneys advanced to the Indians, and that the remainder of the fund shall be used for the benefit of the Indians.

Subsequently, October 6, 1906, and July 1, 1908, about 1,000,000 acres of the ceded lands were set apart as a forest reservation by proclamations of the President; therefore the reserved lands can not be sold as provided by the act of cession.

As the Government can not carry out the provisions of the cession act by selling the reserved lands the proposed amendment authorizes the Court of Claims to treat such lands as sold and to render judgment in favor of the Indians for the value thereof after deducting all moneys advanced to them by the United States, provided the court shall find that the Indians are now entitled to such compensation.

In other words, the proposed amendment would carry out the provisions of the act of cession, the ultimate purpose of which is to reimburse the Government for large sums advanced and to use the remainder for the benefit of the Indians.

As the proposed amendment would only carry out the provisions of the cession act and as it does not provide for a private claim it is within rule 16 of the standing rules of the Senate and not subject to a point of order. The decisions under the rule are that a claim against the Government is not a private claim unless it takes money out of the Treasury. (Decisions on Points of Order, vol. 1, pp. 100 and 101.)

A precedent for the proposed amendment is an amendment to the Indian appropriation bill of March 3, 1909 (35 Stats. 788), conferring jurisdiction upon the Court of Claims to determine the rights and claims of the confederated bands of Ute Indians to compensation for lands in their reservation in Colorado, which were set apart as forest reservations, contrary to the act of cession thereof to the United States.

A bill (S. 2951) having the same provisions as this proposed amendment was introduced by Senator SMOOT and referred to the Committee on Indian Affairs January 9, 1922.

It is not believed there is objection from any source to the merits of the proposed amendment.

If the Indians are entitled to compensation for the reserved lands they should have received it 16 years ago, when the lands were set apart as a forest reserve; and the failure of the Government to settle with them at that time has doubtless deprived them of large sums of money in the matter of interest, and this money they can not hope to recover.

The amendment does not carry an appropriation.

Mr. President, it seems to me that this amendment ought to be adopted. Of course, I confess that I have objection generally—and, unless the case is very appealing, I insist upon it—to legislation upon appropriation bills; but this measure has been before this committee. The Senator from Kansas is familiar with it. He has been upon the committee considering the Indian appropriation bill for years. Both he and the Senator from Missouri [Mr. SPENCER] seem to concede the rightfulness, the propriety, the justice of this contention. I appeal to the Senators to withdraw their objection and let it go to conference.

Mr. SPENCER. Mr. President, does not the Senator from Utah agree with me that in the first place this is clearly legislation; that it provides for a new thing which the bill did not provide for, in that the original bill did not provide for any reference to the Court of Claims, while this does provide for sending it to the Court of Claims, and therefore undoubtedly it injects new legislation? More than that, it provides that a certain firm of attorneys, heretofore selected, must prosecute this action, and that there can be no change in them, which is clearly legislation. Now, the Department of Indian Affairs reports to our committee that they have this matter under consideration and ready for adjustment, and that there is no need of sending it to the Court of Claims. On the merits of the case, why should there be any delay and added expense through sending it to the Court of Claims?

On the point of order which the Senator from Wyoming has made, it seems to me the Senator must agree that there is clearly legislation in the two particulars, at least, which I have indicated to him.

Mr. KING. Mr. President, I would not be unfrank enough—if I may be permitted that expression—to say that I am free from doubt as to whether this amendment is subject to a point of order. If I thought it were, I should so state frankly, though it were against me. If I felt the other way, I should state that fact. I am in doubt, I will say very frankly; but the justice of the claim appeals to me so strongly that I felt that I was justified in urging it, and I feel that the Senate ought to permit it to be acted upon.

Mr. CURTIS. Mr. President——

Mr. KING. I yield.

Mr. CURTIS. The Senator said a minute ago that I had had charge of this bill for some time. I beg to advise him that it was referred to me as a subcommittee, but I advised the chairman at the time they were looking the bill over that I was so busy that I could not look at it nor look after it, and I paid no attention to the matter until upon yesterday the Senator from Utah asked me if I would not kindly look over it; and since then I have taken the time to read the statute, and have reached the conclusion which I have indicated.

Mr. KING. May I make an inquiry of the Senator? I concede that it is not quite proper. He is a member of the Committee on Indian Affairs, and the Senator from Missouri is a member of the Committee on Indian Affairs and the chairman. Will the committee promptly consider this bill?

Mr. CURTIS. That would be a question for the chairman. So far as I am concerned, the very first minute that I get time away from the other duties that I have to perform I shall take up this bill, if it is before me as a subcommittee.

Mr. SPENCER. Mr. President, may I say to the Senator that we have promptly considered it, and have already appointed a subcommittee, of which the Senator from Kansas is the chairman, and that, as the Senator from Kansas says, as soon as his duties permit, he undoubtedly—as he always does, with unusual diligence—will take up that bill.

Mr. KING. May I inquire of the Senator from Wyoming if there will be another deficiency appropriation bill?

Mr. WARREN. Not, of course, this fiscal year, but——

Mr. KING. Before we adjourn?

Mr. WARREN. I dare say that between now and the time when we finally adjourn it is very likely that we shall have another. This is the third one of this session, and I have no doubt that in view of legislation that is being enacted from time to time it will be necessary to have another deficiency bill.

Mr. KING. I throw myself upon the mercy of the committee.

Mr. WARREN. I should like very much to include the matter if we can get the legislation behind it which I hope the Senator's efforts will bring forth.

Mr. KING. I tender the amendment, Mr. President.

The VICE PRESIDENT. The Chair will have to rule that it is new legislation. The point of order is well taken.

Mr. PEPPER. Mr. President, I offer the amendment which I send to the desk.

Mr. WARREN. Mr. President, the amendment about to be offered has been shown to members of the committee, and I think the appropriation ought to be made. It has been the custom to afford relief to the families of our representatives of the State Department abroad who die in the service, and that is all that this amounts to. I hope the amendment may be agreed to.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 13, after line 17, it is proposed to insert:

DEPARTMENT OF STATE.

To the duly qualified guardian of Leonore M. Sorsby, minor daughter of William B. Sorsby, late envoy extraordinary and minister plenipotentiary of the United States to Bolivia, the sum of $4,200, as reimbursement for extraordinary expenses incurred for medical attendance, nurses, hospital treatment, and transportation to the United States following a stroke of paralysis suffered by said William B. Sorsby at his post of duty, La Paz, Bolivia, from which he remained wholly disabled until his death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

ST. LAWRENCE RIVER IMPROVEMENT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 24) to print 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, relative to the improvement of the St. Lawrence River, which were, in line 2, to strike out "five" and insert "three" and, in line 6, to strike out "three" and insert "one."

Mr. UNDERWOOD. Mr. President, I should like to have the concurrent resolution read.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government Engineers on the Improvement of the St. Lawrence River from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate document room and 2,000 copies for the House document room.

Mr. LENROOT. The amendments of the House reduce the number of copies authorized by the Senate. I move that the House amendments be concurred in.

The motion was agreed to.

JOINT COMMISSION OF AGRICULTURAL INQUIRY.

Mr. LENROOT. I present the final report of the Joint Commission of Agricultural Inquiry, part 3, relating to transportation, and part 4, marketing and distribution. I ask that part 3 be referred to the Committee on Interstate Commerce and part 4 to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, it is so ordered. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Assistant Secretary read the concurrent resolution (H. Con. Res. 61), as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 50,000 of parts 3 and 4 of House Report No. 408, being the report of the Joint Commission of Agricultural Inquiry, of which 8,000 shall be for the Senate, 25,000 for the House, 1,000 shall be for the Senate document room, 2,000 for the House document room, and 14,000 for the Joint Commission on Agricultural Inquiry.

Mr. LENROOT. Mr. President, this concurrent resolution is exactly the same as the one that was passed with reference to the first two sections of the report. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

ISSUANCE OF CHECKS IN DISTRICT OF COLUMBIA.

Mr. BALL. I present the conference report on Senate bill 1033, and move its adoption.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

L. HEISLER BALL,
W. L. JONES,
Managers on the part of the Senate.
B. K. FOCHT,
F. N. ZIHLMAN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

CLAIM OF HOBOKEN, N. J.

Mr. FRELINGHUYSEN. I ask unanimous consent for the immediate consideration of Senate Resolution 254.

Mr. OVERMAN. What is it, Mr. President?

Mr. FRELINGHUYSEN. It is simply a resolution providing that the Committee on Claims may investigate the claims of the city of Hoboken in connection with the seizure of the Hoboken Docks. It provides no legislation. It is simply to ascertain the facts and make a report.

Mr. OVERMAN. Let it be read.

The reading clerk read the resolution, and, there being no objection, the Senate proceeded to its consideration.

The VICE PRESIDENT. The amendment of the committee will be stated.

The amendment was, on page 1, line 2, to strike out "Commerce" and insert "Claims," so as to make the resolution read:

Resolved, That a committee composed of three Senators, of the Committee on Claims, to be appointed by the chairman of such committee, is authorized and directed to investigate the claims of the city of Hoboken, N. J., for losses and damage sustained by such city as a result of the acquisition and retention by the United States of certain docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights, and other rights, estates, and interests therein or appurtenant thereto, on the Hudson River, formerly the property of the North German Lloyd Dock Co. and the Hamburg-American Line Terminal & Navigation Co., and to report its findings to the Senate, with such recommendations as it deems proper. Such committee is authorized to hold hearings and to sit during the recesses or sessions of the Sixty-seventh Congress, at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings and finding at a cost not exceeding $1.25 per printed page, the expenses of such investigation to be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

INTERNAL REVENUE COLLECTION DISTRICTS.

Mr. CALDER. Mr. President, I ask unanimous consent to consider Senate bill 2051. This bill has been considered several time by the Senate and objected to in the past. It provides for the appointment of 10 additional internal revenue collectors. If permission is given for its consideration, I contemplate reducing the number to one additional internal revenue collector. With that explanation, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2051) to amend section 3142 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74.

The VICE PRESIDENT. The Senator from New York offers an amendment, which will be stated.

The READING CLERK. On page 1, line 8, it is proposed to strike out "74" and insert "65," so as to make the bill read:

Be it enacted, etc., That section 3142 of the Revised Statutes is amended by adding at the end thereof a new paragraph to read as follows:

On and after July 1, 1921, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 65.

The amendment was agreed to.

Mr. KING. Mr. President, I have not objected to the consideration of this bill as amended, although I shall vote against it.

A number of years ago, when we were collecting far more revenue than we are collecting now, when if there was any necessity for increasing the number of collection districts within the United States the necessity was greater than now, some Democratic Senators and others appealed to Secretary McAdoo, urging him to ask for an increase in the number of collectors. Secretary McAdoo, who believed in economy and in efficiency, did not assent to it, and said that we ought to get along with the number of districts that then existed, and he made some rearrangements. Some States had no districts at all. Two or three States would be combined. He abolished some districts, as he had the power under the law to do; that is, he united some, and then created new districts within the maximum number of 64. I approved of the course which he then took.

A persistent effort has been made by some persons, since the change of administration, to increase the number from 64 to 74. I thought that such a movement was wrong, impolitic, and extravagant, and I opposed it, as I opposed the action of some Democrats who sought to increase the number of districts when we were collecting double the amount of revenue that we are collecting now. If we could collect seven or eight billions of dollars with 64 districts under a Democratic administration we ought to be able to collect the revenue now with 64 districts when the amount of revenue is very much less.

My good friend from New York, however, has seduced me by his blandishments and his representations until my courage has oozed away a little bit, and I have assented to the creation of one more district; but I shall vote against the bill. I think it is unnecessary. I think that if the persons in charge of the collection of the revenue would rearrange some of the districts and give New York another, as they might, and abolish some of the districts in some of the other States it would be far better.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65."

RECESS.

Mr. CURTIS. Mr. President, I move that the Senate carry out the unanimous-consent agreement and take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, June 30, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 29, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, whilst Thou art infinite and terrible in majesty, yet the divine tenderness softens the discipline of life. May we covet the courage and the strength of Him who trod the wine press alone. Be the food for our meditation, the staff for our feet, the light for our eyes, and the wisdom for our understanding. Willingly and courage sly may we always identify ourselves with the great causes for which our Government stands. Let us never shrink from any burden that implies the good and the stability of our Republic. O hasten the hour when a loyal citizenship, knit together by faith in God and love of country, shall move forward in the light and promise of a greater future for homeland and for all humankind. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OF THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 390.

Resolved, That the House of Representatives requests the consent of the Senate to an adjournment of the House until Tuesday, August 15, 1922.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Speaker, if the Senate agrees to this resolution the House would adjourn when a motion was made under the consent thus given. Of course that motion will be made when we have completed the essential business of the session.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Would it be in order for a Member at any time to rise in his seat and move to adjourn under the resolution just passed?

The SPEAKER. He would have to get recognition from the Chair in the first place.

Mr. GARNER. I understand that; but assuming that he gets recognition?

The SPEAKER. That is quite a novel proposition which the Chair would not like to decide offhand. The Chair would be slow to recognize anybody except the gentleman from Wyoming.

Mr. GARNER. I understand that and that is the reason I asked the question. It is a little dangerous procedure to place in the hands of one man, even if it is the Speaker. The motion to adjourn is a privileged matter, and we by passing this resolution place in the hands of the Speaker and the gentleman from Wyoming the sole power as to whether we can adjourn or not.

The SPEAKER. The power of making the motion, but the adjournment is in the hands of the House.

Mr. GARNER. Suppose I should rise and the Speaker should say, "For what purpose does the gentleman rise?" I should say, "For the purpose of moving to adjourn under the resolution just passed," and the Speaker should say, "The Chair does not recognize the gentleman for that purpose," and I appealed from the ruling of the Chair.

The SPEAKER. The Chair thinks that a matter of recognition is not subject to appeal.

Mr. GARNER. That is the reason that I call attention to it. I did not object to the consideration of the resolution, but I do call attention to the fact that we are placing our necks in the hands of one man—the Speaker or the gentleman from Wyoming. I think it is a dangerous thing to do. While without doubt it will be exercised with moderation, at the same time it is there.

Mr. MONDELL. Why, Mr. Speaker, the gentleman from Texas is not as accurate as he ordinarily is. The granting of consent by the Senate to an adjournment of the House does not give the Speaker or the majority leader any special authority or power. I should not want to say, for it is a matter for the Speaker to decide, whether or not at a given time any Member could move to adjourn in accordance with the action of the Senate, but whether that is true or not, the House still controls the question as to whether it will adjourn to this date or any other date.

The SPEAKER. The Chair thinks he can relieve the mind of the gentleman from Texas. The Chair thinks that this motion would not be privileged until some rule had been adopted as to the time of adjournment.

Mr. GARNER. That is my construction of it, but I wanted the opinion of the Chair.

Mr. HAWLEY. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HAWLEY. Under the resolution presented by the gentleman from Wyoming and just agreed to by the House, if it is agreed to by the Senate, could a minority adjourn, or would it require a majority?

The SPEAKER. A rule would have to be brought in and consent given.

Mr. ASWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. May I inquire whether the House will have an opportunity to vote on the adjournment in accordance with the resolution?

The SPEAKER. Certainly; and it will require a quorum, also.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had concurred in the amendment of the House of Representatives to the bill (S. 3458) providing for the building of a bridge over Niagara River.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, and for other purposes, and had concurred in the amendments of the House to the amendments of the Senate numbered 13, 64, 65, 86, and 91.

The message also announced that the Senate had agreed to the amendments of the House of Representatives numbered 1, 2, and 3 to the bill (S. 881) "to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act," had disagreed to the amendment of the House of Representatives numbered 4 to said bill, and requested a conference with the House thereon, and had appointed Mr. MCLEAN, Mr. EDGE, and Mr. GLASS as the conferees on the part of the Senate.

EXTENSION OF REMARKS.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing two letters, one from Charles F. Wood, consulting engineer, stating why the barge service on the Warrior River has lost money. There are four pages of it, it is comparatively small, and relates only to the matter in which the Government is interested.

Mr. JOHNSON of Washington. Will it be placed in the back part of the RECORD?

Mr. OLIVER. Yes.

Mr. JOHNSON of Washington. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. OLIVER. Mr. Speaker, under leave granted to extend my remarks in the RECORD in reference to the Government barge service on the Warrior River, I wish to say that the main reason why the barge service on this river continues to show loss is the fact that the waterway is not given a just and fair proportion of the joint through rates. Unquestionably an equitable division of revenue, accruing from joint rates, between the rail and barge service would establish this service at once on a profitable basis. Two informing letters received by me from Hon. Charles Francis Wood, a distinguished consulting engineer now residing at Birmingham, Ala., and who has given much study to the Warrior barge service, will prove interesting to the Members of the House, and I invite the Members to carefully read the same.

The letters are as follows:

JUNE 28, 1922.

Hon. W. B. OLIVER,
House of Representatives, Washington, D. C.

DEAR SIR: In the transportation act of 1920 Congress declared the intention of the people of these United States "to foster and preserve in full vigor both rail and water transportation."

As a part of this policy barge lines established by the Government on the Mississippi and Warrior Rivers as war emergencies were continued, public money was appropriated for their operation, and tariffs of joint rail and water rates were promulgated.

Criticism of the operation of the barge lines on these waterways has recently been voiced in Congress, both in relation to the projects themselves and the operation thereof, because the Mississippi-Warrior service has continually lost money, and the deficit has had to be made up from taxation.

This criticism is growing in volume, and an influential Senator of the United States has declared that unless the lines can be made profitable within the coming fiscal year further appropriations will be denied. The situation is critical for a development which the majority of our people believe to be vital to the future progress of our country and the prosperity of its citizens, and so an analysis of the conditions and an exposition of the reasons why the barge lines lose money is presented for your consideration.

Investigation discloses (a) that the barge lines are doing business in a large and rapidly increasing volume; (b) that they appear to be reasonably well managed; (c) that they serve a wide public; (d) that their published tariffs, averaging about 80 per cent of the all-rail rates, should be profitable; (e) that in spite of these favorable factors they lose money.

WHY?

Because the barge lines are being robbed by the railroads at their junctions as systematically and as ruthlessly as the robber bands of old held up and robbed the traffic which passed their strongholds.

These are not idle words. They are the expression of a sound conclusion inevitably forced by the official records, which show that the Railroad Administration in its last hours established a basis of division between the rail-and-water carriers of the joint rates promulgated in the tariffs and issued various rules governing these divisions which are as effective for robbery as the gun of the bandit.

One of these rules is as follows:

"If joint rates are established in connection with the water lines via junctions where divisions of the all-rail rates are effective, the rail carrier shall receive its proportion of the all-rail rates as arrived at by such divisions."

Another is:

"The rail lines shall receive beyond the nearest prorating point their established proportions of the all-rail rates."

Under these rules, as soon as the traffic began to move the railroads demanded their "local rates" as "the established proportion of the all-rail rates," thus setting at naught the published through tariffs and nullifying the mandate of Congress as expressed in the law of the land.

By this simple, shrewd, and devilish chicanery did the railroad interests cripple and hamstring the waterway traffic at its very inception, and thereby largely prevent the movement of through traffic by the barge lines, or when the barge lines get the business they are penalized and made to pay a premium for the privilege of hauling the tonnage.

Due to the fact that there were division points and more or less equitable division of rates existing at practically every crossing of the Mississippi, the application of these rules to the traffic carried by the Mississippi section has not been as blighting in its effect as on the traffic carried by the Warrior section, with the result that in spite of many handicaps the Mississippi section has built up its business to the point where it is now showing a small profit, but the Warrior section operation is hopeless unless it can secure relief from the iniquitous methods by which the railroads who are parties to its joint tariffs have eliminated even the possibility of success. There being no division points at Warrior crossings, "local rates" are demanded by the railroads on all traffic.

As an example of how completely the railroads are strangling the efforts of the people and Congress of the United States to revive a waterway commerce, the following tabulation is eloquent:

Rates on cotton in cents per 100 pounds.

Traffic—		All-rail through rate.	Rail-and-barge through rate.	Local rate to Tuscaloosa.	Loss to barge line.
Origin.	Destination.				
Ardmore, Ala.	New Orleans.	$0.925	$0.79	$1.095	$0.275
Decatur, Ala.	do.	.875	.74	1.205	.465
Flint, Ala.	do.	.875	.74	.97	.23
Cullman, Ala.	do.	.85	.715	.875	.16
Montgomery, Ala.	do.	.75	.63	.97	.34
Wetumpka, Ala.	do.	.75	.68	1.125	.445
Rock Springs, Ala.	do.	.815	.68	1.095	.415

References: Mississippi-Warrior service tariffs, I. C. C. No. A-7; Louisville & Nashville, I. C. C. A-14602, A-14573, A-14843, A-14631, A-14294.

The few examples above quoted, while taken at random from the tariffs of the Louisville & Nashville Railroad, are neither isolated nor extreme. On the contrary, the same conditions obtain in practically all tariffs of joint through rail and water rates applicable to the Warrior River section, and the same outrageous extortion is being practiced by every railroad which reaches a Warrior Barge Line terminal.

By the application of the rules of the Railroad Administration the rail carriers demand and so far are receiving on all cotton handled by the barge line a larger rate for handling the cotton a few miles to the point of interchange than they would receive if they carried the cotton all the way to its destination, while the barge line under the ruling and tariffs above not only gets nothing for hauling the cotton but pays the railroad up to $2.50 per bale for the privilege of hauling it. Is it any wonder that the barge lines are losing money? Is it any wonder that private interests hesitate to invest money in waterway transportation facilities, notwithstanding that our Government has expended millions of dollars to open our inland waterways to navigation?

And what is to be done about it? Is traffic again to be driven off our inland waterways because the Government of the United States is so impotent as to be unable to protect its own property and operations from being plundered by a gang of pirates? Are the millions which have been spent in improving the Warrior to be lost and the river revert to its abandoned condition because the rail interests have forged a modern weapon as effective for robbery as the jimmy of the burglar?

Should it be asked, Why does not the barge line get relief through the Interstate Commerce Commission, to which Congress has given power to fix rates and the division thereof, it can be answered that the petition of the barge lines has been before that tribunal for nearly two years without any indication that there is any relief in sight. On the contrary, the reports of the examiners so far rendered indicate such prorail influence as to compel the conclusion that there is a studied effort to wipe out the barge lines by foul means if inaction fails to do it.

These agencies of the Government are doomed unless the people and the Congress shall rise and demand a fair deal for the water carriers, so instead of criticizing the projects or the management thereof Congress should force a showdown and by an investigation should fix the real reason for the failure of the waterway carriers to earn a fair return and then enact drastic legislation which will insure that the water carriers shall be treated as fairly in all respects as a trunk line railroad occupying the same route would under the law have to be treated. When that is done waterway traffic will grow and prosper.

The matter is one of such wide public interest that it should command your attention and cooperation to the end that a fair deal may be had by our publicly owned water carriers, and that barge lines "of the people, for the people, and by the people" shall not perish off the water.

Yours for upbuilding,

THE WARRIOR RIVER DEVELOPMENT COMMITTEE,
By CHARLES F. WOOD, *Consulting Engineer.*

—

JUNE 29, 1922.

Hon. W. B. OLIVER,
House of Representatives, Washington, D. C.

DEAR MR. OLIVER: In compliance with my promise to furnish some data relating to the division between the water and rail carriers as recommended by the examiner in the suit now pending before the Interstate Commerce Commission, I am attaching hereto a statement showing the percentages or divisions which have been recommended for promulgation by the commission.

From a study of these percentages you will note that there is no possible principle for a basis of division which can be applied to all of them, and the more they are analyzed the more clearly they show that there is neither sense nor reason in the recommendations. On the contrary, they represent the determination of this minion of the railroads to "hog" the utmost share possible for the railroads and give the barge lines just as little as they can possibly be forced to take.

If such divisions as these are promulgated in the decision of the Interstate Commerce Commission the barge lines might as well go out of business, for there is no possible hope of profitable operation if the barge lines must accept divisions which are wholly without principle and utterly disregard the law of due compensation for service performed.

The illustrations tabulated are not isolated, but seem to be typically true of virtually all the tariffs and divisions. The barge lines are the property of and operated by the United States Government, and if relief is denied by the Interstate Commerce Commission the service must be supported by public funds or the barge lines must withdraw when they should be extending their service.

I shall be glad to furnish any additional information you may desire.

Yours truly,

CHARLES F. WOOD,
Consulting Engineer.

Statement showing through rail and water rates taken at random from the joint tariffs of various railroads, and the proportional division of the haul and rate between the railroads and the United States barge lines, as recently recommended to be established by the examiner of the Interstate Commerce Commission.

Traffic.		Class or commodity.	Barge lines.		Railroads.	
Origin.	Destination.		Distance.	Rates.	Distance.	Rates.
			Perct.	*Perct.*	*Perct.*	*Perct.*
St. Louis, Mo.	Little Rock, Ark.	First class.	73	45	27	55
Do.	Forest City, Ark.	do.	87	33	13	67
New Orleans, La.	Searcy, Ark.	do.	89	54	11	46
Do.	Dardanelle, Ark.	do.	77	25	23	75
Revenden, Ark.	New Orleans, La.	Cotton.	55	13	45	87
St. Louis, Mo.	Benton, Ark.	First class.	72	25	28	75
Do.	Little Rock, Ark.	do.	75	37	25	63
Do.	Brinkley, Ark.	do.	85	37	15	63
Do.	Whitmore, Ark.	do.	87	26	13	74
New Orleans, La.	Deckerville, Ark.	Cotton.	96	34	4	66
St. Louis, Mo.	Hot Springs, Ark.	First class.	67	35	33	65
Do.	Pine Bluff, Ark.	do.	71	35	29	65
Do.	Texarkana, Ark.	do.	93	48	7	52
New Orleans, La.	Cypress, La.	do.	83	33	17	67
Do.	Bunkie, La.	do.	87.5	33	12.5	67
St. Louis, Mo.	Alexandria, La.	do.	86	51	14	49
Do.	Donaldsonville, La.	Soap.	95	26	5	74
Do.	Franklin, La.	First class.	92	62	8	38
Do.	Jennings, La.	do.	86	53	14	47
Do.	Opelousas, La.	do.	87	51	13	49
Memphis, Tenn.	Minneapolis, Minn.	Burlap bags.	(1)			75.4
Do.	Louisville, Ky.	Cotton.	46	21	54	79
New Orleans, La.	Springfield, Mo.	Sugar.	78	35	22	65
Kansas City, Mo.	New Orleans, La.	Soap.	69	43	31	57

(1) 408 miles.

Statement showing through rail and water rates taken at random from the joint tariffs of various railroads, etc.—Continued.

Traffic.		Class or commodity.	Barge lines.		Railroads.	
Origin.	Destination.		Distance.	Rates.	Distance.	Rates
			Perct.	*Perct.*	*Perct.*	*Perct.*
New Orleans, La.	Omaha, Nebr.	Coffee	61	33	39	67
Do	Mason City, Iowa	Molasses	61	37	39	63
Milwaukee, Wis.	New Orleans, La.	Canned goods.	76	55	24	45
Green Bay, Wis.	do	Paper	71	45	29	55
Sioux Falls, S. Dak.	do	Vehicles	66	39	34	61
International Falls, Minn.	do	Paper	56	34	44	66
Wadsworth, Ohio	do	Matches	68	48	32	52
Six Lakes, Mich.	do	Beans	62	35	38	65
Greenville, Mich.	do	Refrigerators	64	35	36	65
Sterling, La.	St. Paul, Minn.	Sugar	62.5	−25	37.5	125
Do	Fort Dodge, Iowa	do	(1)	−22	.....	122
Gramercy, La.	Milwaukee, Wis.	do	74	34	26	66
McCall, La.	do	do	62	3	38	97
Biloxi, Miss.	Des Moines, Iowa	Oyster shells	73	25	27	75
Do	Kansas City, Mo.	do	75	23	25	77
Do	St. Paul, Minn.	do	63	20	37	80

[1] 1,154 miles.

REINSTATEMENT OF CERTAIN LAND OFFICES.

The SPEAKER. The unfinished business is the motion of the gentleman from Oregon [Mr. SINNOTT] to lay on the table a motion to reconsider the vote whereby the bill S. 3425 was passed. The question is on laying the motion to reconsider on the table.

The question was taken, and the motion was agreed to.

ADJOURNMENT OF THE HOUSE.

Mr. MONDELL. Mr. Speaker, I move to reconsider the vote by which the adjournment resolution was agreed to, and to lay that motion on the table.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to lay on the table a motion to reconsider the vote by which the adjournment resolution was agreed to.

The question was taken; and on a division (demanded by Mr. ASWELL) there were—ayes 82, noes 1.

Mr. ASWELL. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the resolution.

The SPEAKER. The gentleman from Louisiana makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on the motion to lay on the table a motion to reconsider the vote by which the adjournment resolution was agreed to.

The question was taken; and there were—yeas 228, nays 51, answered "present" 1, not voting 150, as follows:

YEAS—228.

Ackerman	Clarke, N. Y.	Fordney	Hickey
Anderson	Cole, Iowa	Foster	Hill
Andrews, Nebr.	Cole, Ohio	Free	Himes
Ansorge	Connolly, Pa.	Freeman	Hoch
Anthony	Cooper, Wis.	French	Hogan
Appleby	Coughlin	Frothingham	Hull
Atkeson	Crago	Fuller	Hutchinson
Barbour	Crowther	Funk	James
Begg	Cullen	Gahn	Johnson, Wash.
Benham	Curry	Gallivan	Jones, Pa.
Bird	Dale	Garner	Keller
Bixler	Dallinger	Garrett, Tenn.	Kelly, Pa.
Blakeney	Darrow	Gensman	Kendall
Bland, Ind.	Denison	Gernerd	Kennedy
Boies	Doughton	Glynn	Ketcham
Bond	Dowell	Goodykoontz	King
Bowers	Dunbar	Gorman	Kirkpatrick
Browne, Wis.	Dupré	Graham, Ill.	Kissel
Bulwinkle	Dyer	Graham, Pa.	Kline, N. Y.
Burke	Echols	Green, Iowa	Kline, Pa.
Burton	Elliott	Griest	Knight
Butler	Fairchild	Griffin	Knutson
Cable	Fairfield	Hadley	Kopp
Campbell, Pa.	Faust	Hardy, Colo.	Kraus
Cannon	Favrot	Harrison	Kreider
Carew	Fenn	Haugen	Lampert
Chalmers	Fess	Hawes	Lankford
Chandler, N. Y.	Fish	Hawley	Larsen, Ga.
Chindblom	Fitzgerald	Hays	Layton
Clague	Focht	Henry	Lea, Calif.
Lee, Ga.	Mondell	Reece	Tague
Lee, N. Y.	Moore, Ill.	Reed, W. Va.	Taylor, Colo.
Lehlbach	Moore, Ohio	Rhodes	Temple
Lineberger	Moores, Ind.	Ricketts	Timberlake
Linthicum	Morgan	Riddick	Tincher
Little	Mudd	Rodenberg	Tinkham
London	Nelson, Me.	Rogers	Towner
Luhring	Newton, Minn.	Rose	Underhill
McArthur	Newton, Mo.	Rosenbloom	Vaile
McCormick	Norton	Rossdale	Vare
McFadden	O'Brien	Ryan	Vestal
McLaughlin, Mich.	O'Connor	Sanders, N. Y.	Voigt
McLaughlin, Nebr.	Ogden	Schall	Volk
McLaughlin, Pa.	Oldfield	Scott, Mich.	Volstead
McPherson	Paige	Shaw	Walsh
MacGregor	Parker, N. J.	Shreve	Walters
Madden	Parker, N. Y.	Siegel	Watson
Magee	Patterson, N. J.	Sinnott	Weaver
Mann	Perkins	Smith, Idaho	Wheeler
Mansfield	Perlman	Smith, Mich.	White, Me.
Mapes	Petersen	Snell	Williams, Ill.
Martin	Porter	Speaks	Williamson
Mead	Purnell	Sproul	Wood, Ind.
Michaelson	Radcliffe	Stephens	Woodyard
Michener	Raker	Strong, Kans.	Wurzbach
Mills	Ramseyer	Sweet	Wyant
Millspaugh	Ransley	Swing	Zihlman

NAYS—51.

Almon	Connally, Tex.	Lanham	Sears
Aswell	Davis, Tenn.	Lazaro	Sisson
Barkley	Fisher	Lowrey	Smithwick
Bell	Goldsborough	McDuffie	Steagall
Bland, Va.	Hammer	Oliver	Thomas
Bowling	Hayden	Overstreet	Tillman
Box	Huddleston	Park, Ga.	Upshaw
Brand	Hudspeth	Pou	Vinson
Briggs	Jacoway	Quin	Williams, Tex.
Byrnes, S. C.	Jeffers, Ala.	Rankin	Wingo
Byrns, Tenn.	Johnson, Ky.	Sanders, Tex.	Woodruff
Clouse	Jones, Tex.	Sandlin	Wright
Collier	Kincheloe	Scott, Tenn.	

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—150.

Andrew, Mass.	Drewry	Leatherwood	Sanders, Ind.
Arentz	Driver	Logan	Shelton
Bacharach	Dunn	Longworth	Sinclair
Bankhead	Edmonds	Luce	Slemp
Beck	Ellis	Lyon	Snyder
Beedy	Evans	McClintic	Stafford
Black	Fields	McKenzie	Stedman
Blanton	Frear	McSwain	Steenerson
Brennan	Fulmer	Maloney	Stevenson
Britten	Garrett, Tex.	Merritt	Stiness
Brooks, Ill.	Gilbert	Miller	Stoll
Brooks, Pa.	Gould	Montague	Strong, Pa.
Brown, Tenn.	Greene, Mass.	Montoya	Sullivan
Buchanan	Greene, Vt.	Moore, Va.	Summers, Wash.
Burdick	Hardy, Tex.	Morin	Sumners, Tex.
Burroughs	Herrick	Mott	Swank
Burtness	Hersey	Murphy	Taylor, Ark.
Campbell, Kans.	Hicks	Nelson, A. P.	Taylor, N. J.
Cantrill	Hooker	Nelson, J. M.	Taylor, Tenn.
Carter	Hukriede	Nolan	Ten Eyck
Chandler, Okla.	Humphreys	Olpp	Thompson
Christopherson	Husted	Osborne	Tilson
Clark, Fla.	Ireland	Padgett	Treadway
Classon	Jefferis, Nebr.	Parks, Ark.	Tucker
Cockran	Johnson, Miss.	Patterson, Mo.	Tyson
Codd	Johnson, S. Dak.	Pringey	Ward, N. Y.
Collins	Kahn	Rainey, Ala.	Ward, N. C.
Colton	Kearns	Rainey, Ill.	Wason
Connell	Kelley, Mich.	Rayburn	Webster
Cooper, Ohio	Kiess	Reber	White, Kans.
Copley	Kindred	Reed, N. Y.	Wilson
Crisp	Kinkaid	Riordan	Winslow
Davis, Minn.	Kitchin	Roach	Wise
Deal	Klezcka	Robertson	Woods, Va.
Dempsey	Kunz	Robsion	Yates
Dickinson	Langley	Rouse	Young
Dominick	Larson, Minn.	Rucker	
Drane	Lawrence	Sabath	

So the motion to lay on the table the motion to reconsider was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Treadway with Mr. Cockran.

Mr. Langley with Mr. Clark of Florida.

Mr. Stiness with Mr. McClintic.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Hicks with Mr. Hooker.

Mr. Kahn with Mr. Cantrill.

Mr. White of Kansas with Mr. Bankhead.

Mr. Codd with Mr. Woods of Virginia.

Mr. Wason with Mr. Logan.

Mr. Cooper of Ohio with Mr. Deal.

Mr. Arentz with Mr. Rayburn.

Mr. Luce with Mr. Gilbert.

Mr. Osborne with Mr. Sumners of Texas.

Mr. Sinclair with Mr. Kindred.

Mr. Leatherwood with Mr. Tyson.

Mr. Robsion with Mr. Kunz.

Mr. Larson of Minnesota with Mr. Wilson.
Mr. Dempsey with Mr. Dominick.
Mr. Christopherson with Mr. Riordan.
Mr. Olpp with Mr. Montague.
Mr. Taylor of New Jersey with Mr. Rainey of Illinois.
Mr. Beedy with Mr. Black.
Mr. Campbell of Kansas with Mr. Ten Eyck.
Mr. Winslow with Mr. Tucker.
Mr. Ellis with Mr. Ward of North Carolina.
Mr. Evans with Mr. Lyon.
Mr. Johnson of South Dakota with Mr. McSwain.
Mr. Brooks of Pennsylvania with Mr. Drewry.
Mr. Colton with Mr. Crisp.
Mr. A. P. Nelson with Mr. Blanton.
Mr. Morin with Mr. Wise.
Mr. Brennan with Mr. Fields.
Mr. Summers of Washington with Mr. Stevenson.
Mr. Murphy with Mr. Humphreys.
Mr. Frear with Mr. Kitchin.
Mr. Brooks of Illinois with Mr. Sabath.
Mr. Kearns with Mr. Rucker.
Mr. Davis of Minnesota with Mr. Drane.
Mr. Reed of New York with Mr. Padgett.
Mr. Webster with Mr. Collins.
Mr. Nolan with Mr. Moore of Virginia.
Mr. Kiess with Mr. Buchanan.
Mr. Steenerson with Mr. Fulmer.
Mr. Taylor of Tennessee with Mr. Garrett of Texas.
Mr. Burtness with Mr. Johnson of Mississippi.
Mr. Yates with Mr. Sullivan.
Mr. Dickinson with Mr. Parks of Arkansas.
Mr. Hukriede with Mr. Stoll.
Mr. Strong of Pennsylvania with Mr. Hardy of Texas.
Mr. McKenzie with Mr. Swank.
Mr. Greene of Massachusetts with Mr. Taylor of Arkansas.
Mr. Beck with Mr. Rainey of Alabama.
Mr. Maloney with Mr. Stedman.

Mr. CRAMTON. Mr. Speaker, on this vote I voted "aye." I have a general pair with the gentleman from Oklahoma [Mr. CARTER], and I desire to withdraw my vote and answer "present."

The name of Mr. CRAMTON was called, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors.

MOVING PICTURES, COLORADO RIVER.

Mr. SWING. Mr. Speaker, I ask unanimous consent to address the House for one minute to make an announcement.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. SWING. Members of the House, I would like to make an announcement that to-night at 8 o'clock in the caucus room of the House Office Building there will be a showing of moving pictures on the Colorado River and the recent floods there, and a showing of the development of the Imperial Valley along the line of presenting facts with respect to the recommendation of the Secretary of the Interior which is pending now before the Committee on Irrigation of Arid Lands regarding the plan of developing the Lower Colorado River. The picture is entitled "Putting the collar on the Colorado River." [Applause.]

CONFERENCE REPORT ON H. R. 9527.

Mr. McFADDEN. Mr. Speaker, I call up the conference report on the bill (H. R. 9527) which proposes to amend section 5136 of the Revised Statutes of the United States relating to corporate powers of associations, and so forth.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9527) entitled "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and the amendment of the title so as to read: "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of ninety-nine years or until dissolved, and to apply said section as so amended to all national banking associations," and agree to the same.

L. T. MCFADDEN,
PORTER H. DALE,
Managers on the part of the House.
WILLIAM M. CALDER,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This amendment strikes out the word "perpetual"; and the House recedes.

On amendment No. 2: This amendment inserts the words "ninety-nine years from July 1, 1922, or from the date of its organization if organized after July 1, 1922, unless"; and the House recedes.

On amendment No. 3: This amendment inserts the word "sooner"; and the House recedes.

On amendment No. 4: This amendment inserts the word "or"; and the House recedes.

On amendment No. 5: This amendment strikes out the words "the provision of"; and the House recedes.

On amendment No. 6: This amendment strikes out the word "hereinafter" and inserts the word "hereafter."

Also the title is amended to read: "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of 99 years or until dissolved, and to apply said section as so amended to all national banking associations"; and the House recedes.

LOUIS T. MCFADDEN,
PORTER H. DALE,
Managers on the part of the House.

Mr. McFADDEN. Mr. Speaker, on May 23 the House considered this bill and provided by amendment that the charters of national banks should be in perpetuity. The bill went back to the Senate, and the Senate placed a limitation in the bill of 99 years, providing that when the third extension of charter expired that the charters which are renewed in the future shall be renewed for a period of 99 years. The conference Members of the House considered this matter very carefully and realizing the predicament they were in, the parliamentary situation being such in the Senate that we were forced to yield. I do not know that I care to discuss the bill further unless some Member of the House wants to ask some questions. That is practically the only proposition involved in this conference report, as the other amendments are slight and purely technical.

Mr. GARNER. As I understand, the House receded from its disagreement to all the Senate amendments?

Mr. McFADDEN. They were all minor perfecting amendments except the one in reference to the 99-year clause or perpetual charters.

Mr. GARNER. In other words, the House had no business disagreeing to the Senate amendments in the first place?

Mr. McFADDEN. Well——

Mr. GARNER. They receded from all, so I suppose there was no use disagreeing in the first place. You made a mistake, and the Senate pointed it out, and you receded.

Mr. McFADDEN. I think the House was perfectly right in what it did. The situation in the Senate was such that in order to get action on this bill now we have receded. Some charters of national banks begin to expire soon after July 1 next and unless this legislation is passed in some form these banks will have to liquidate.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. SMITH of Michigan. Does it affect those banks which renewed their charter three times or more?

Mr. McFADDEN. No; none have, but at the next maturity they can renew for a period of 99 years.

Mr. MacGREGOR. In other words, the Senate has taken the virtue out of the bill?

Mr. McFADDEN. The present charter term is 20 years. There have been two renewals since the law was enacted in 1860. In my own judgment it would be much better to have had it in perpetuity—yes the real virtue is out of the bill.

Mr. WALSH. The Senate has put a little virtue into the measure.

Mr. McFADDEN. I presume the gentleman from Massachusetts might consider it in that manner.

Mr. WALSH. Does this bill in any way affect the rights of the minority stockholders of banks which in the future desire to have their charters renewed under the provisions of this law? In other words, if these extensions were made the same as under previous extensions, the situation with reference to minority stockholders of banks seeking a renewal of charters will be the same only as to length of the term. Is that correct?

Mr. McFADDEN. That is the idea. There is a clause in the national bank act which provides for the protection of minority stockholders and the protection of all their rights.

Mr. WALSH. This does not in any way affect that other clause in the national bank act which protects the rights of the minority stockholders in the case of an extension of charter or renewal?

Mr. McFADDEN. No; it does not.

Mr. GARNER. It certainly does not because there is no such thing as extending a charter to perpetuity. There is no such thing as renewal of charter——

Mr. McFADDEN. I beg the gentleman's pardon. This is a limitation which we are accepting on this bill. The House passed a bill providing for a charter in perpetuity and the Senate put on a limitation of 99 years. This proposition is to accept the limitation which the Senate proposes of 99 years.

Mr. GARNER. I understand at the end of the 99 years if the gentleman from Massachusetts owned 34 per cent of a national bank and they desired a renewal they would have to get his consent.

Mr. McFADDEN. It does not work that way, because he is the minority and the majority rule. He has the right of the protection of the law for 99 years.

Mr. GARNER. Suppose, however, that the gentleman from Massachusetts was president of the bank at the end of the 99 years and undertook to renew the charter, and he owns 34 per cent of the stock, they can not renew that charter without his permission.

Mr. McFADDEN. No; they can not; the law requires the consent of two-thirds of the amount of stock to renew.

Mr. WALSH. Mr. Speaker, the gentleman's solicitude is very gratifying, but he need never fear that any such situation will arise, as far as this gentleman from Massachusetts is concerned.

Mr. HIMES. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. HIMES. As a matter of interest, will the gentleman give the idea of the Senate conferees in limiting this to 99 years and not making it in perpetuity? What was their argument?

Mr. McFADDEN. My understanding from the debate was that the Senate was loath to give a perpetual charter to any institution. In other words, they felt that they should continue to hold those rights and not give any rights away in perpetuity.

I yield one minute to the gentleman from Pennsylvania [Mr. CONNOLLY].

Mr. CONNOLLY of Pennsylvania. Mr. Speaker, I desire to speak to the House out of order in reference to having an article of my colleague from New York [Mr. RYAN] read into the RECORD.

The SPEAKER. The gentleman asks unanimous consent to address the House for one minute. Is there objection?

Mr. CONNOLLY of Pennsylvania. Mr. Speaker, I desire to have read into the RECORD an article by my colleague, the Hon. THOMAS J. RYAN, of New York, and have it printed in 8-point type.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing in 8-point type an article, which the Clerk will report by title.

Mr. WINGO. Reserving the right to object, what is it about?

Mr. CONNOLLY of Pennsylvania. Mr. RYAN has introduced a bill in reference to the Ku-Klux Klan, and has written an article in reference to that subject.

Mr. WINGO. What is it on?

Mr. CONNOLLY of Pennsylvania. On the Ku-Klux Klan.

Mr. WINGO. What is the gentleman's idea to include—the gentleman's own remarks?

Mr. CONNOLLY of Pennsylvania. It is an article written by my colleague from New York [Mr. RYAN].

Mr. WINGO. Mr. Speaker, we know that if we will permit the insertion of such articles the RECORD would be flooded from both sides. I feel I ought to object, even if gentlemen on the other side do not.

The SPEAKER. The gentleman from Arkansas objects.

Mr. McFADDEN. Mr. Speaker, does the gentleman from Arkansas desire some time?

Mr. WINGO. I would like 20 minutes.

Mr. McFADDEN. I yield 20 minutes to the gentleman.

Mr. WINGO. And I yield one minute to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Mr. Speaker, my constituents are very much interested in the proposed tariff on sugar, and in that connection I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks on the subject of tariff on sugar. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. GOLDSBOROUGH. Mr. Speaker and gentlemen of the House, an Arabian proverb has it that—

Wisdom is made up of ten parts, nine of which are silence and the tenth brevity of speech.

I am not going to talk very much—it is a pity that it is necessary to talk at all about the duty on sugar. Sugar is not a luxury which will cast its burden of duty on the rich who will not feel it. The poor man's coffee requires sugar; the bread which feeds the family of the toiler is made with sugar; the modest pudding or pie which helps out so much the ordinary steady diet would not be fit to eat without sugar; the glass of cool, refreshing drink in the home or at the soda fountain would be worse than tasteless except for sugar; the ices of summer, the cake for the children's school lunch basket, the custards, and most of the delicate nourishments for the sick and infirm could not be produced without sugar; in every home, no matter how humble or destitute, sugar is a necessity; and yet the duty on sugar is being boosted to a hitherto unknown height, and in a way which will cost the American people around $100,000,000.

We consume 9,000,000,000 pounds of sugar a year. Every bit of duty is reflected in the retail price of sugar; so an increase of 1 cent a pound in the tariff on sugar means a charge on the American people of $90,000,000.

Under the Underwood tariff the duty, to be absolutely accurate, is 1.256 cents a pound; our reciprocal treaty with Cuba favors her with a 20 per cent tariff reduction, making a tariff on Cuban sugar by the Underwood tariff of 1.0048 cents a pound.

The Underwood tariff would have eventually put sugar on the free list, where it belongs.

The rate in the new bill is 2 cents a pound, or 1.60 cents on Cuban sugar, and the program is to wait until debate is closed in the Senate and then insert a duty of 2.625 cents a pound, or 2.1 cents on Cuban sugar.

If the majority can accomplish this, they will add to the price of sugar the difference between 1.0048 cents a pound and 2.1 cents a pound, or 1.0952 cents, which on the 9,000,000,000 pounds of sugar annually used by the people of this country amounts to $98,568,000.

And what do you suppose is the argument of the richly clad, plausible, and smiling gentlemen who do obeisance to the Sugar Trust and are camped around the Capitol of the United States? Why, that this tariff is necessary to save them from bankruptcy. Do you get that clearly? To save them from bankruptcy.

The American Sugar Refining Co. since 1891 has never paid a dividend of less than $6,075,000. In 1918 and 1920 its dividend was $7,650,000; this company has paid annual dividends of as much as $13,050,000.

The Great Western Sugar Co. has paid 7 per cent on $15,000,000 of preferred stock since its organization in 1905, and in addition to dividends of from 5 to 7 per cent on $15,000,000 more of common stock declared a 42 per cent stock dividend in 1916, increasing thereby its common stock to $21,300,000, and on this common stock paid a dividend of 30 per cent in 1917, 40 per cent

in 1918, 40 per cent in 1919, and 40 per cent in 1920 (the 1921 figures are not accessible), so that on a capital of $15,000,000 the Great Western paid to its stockholders $7,440,000 in 1917, $9,570,000 in 1918, $9,570,000 in 1919, and $9,570,000 in 1920.

According to the report of the Federal Trade Commission in 1917, 98 per cent of the beet-sugar industry averaged 11 per cent net earnings on capitalization. The commission found also that many of these concerns were greatly overcapitalized.

And now, Mr. Speaker, with the permission of the House, I am going to give you the names of a few notables among the sugar lobby, together with a few marks of identification, so that you will know them as they meet you outside of this Chamber when their labors on the Senate side are over and they attempt to operate on this body after the tariff bill goes to conference. C. C. Hamlin is the bell wether of the herd; he is the special delegate of the "United States Sugar Manufacturers' Association," its former name being the "United States Beet Sugar Industry Association." In 1913, during the Senate investigation of lobbying scandals, he was shown to be receiving a salary of $15,000 a year as a lobbyist for the above-mentioned "United States Beet Sugar Industry Association."

The Michigan Sugar Co. is a concern in which the American Sugar Refining Co. holds a large stock interest. H. R. Hathaway, of Detroit, secretary and treasurer of this company, is also camping on Capitol Hill now, and is among the number haled before the Senate committee in 1913.

We are also favored with the engaging presence of W. D. Lippitt, of Denver, Colo., vice president and general manager of the Great Western Sugar Co., in which company also the American Sugar Refining Co. has a large stock interest.

The American Sugar Refining Co. at one time owned a 34 per cent stock interest in the Menominee River Sugar Co., of Michigan, and the unctuous face of George W. McCormick, its treasurer and general manager, can be seen any day far from home in the American Capital.

A. E. Carlton, one of the sugar lobby, is president of the Holly Sugar Corporation, Colorado Springs, one of the largest beet-sugar producers. I find that James H. Post and T. A. Howell are two of the directors of this company and that, strange to say, they are also president and vice president, respectively, of the National Sugar Refining Co., of New Jersey, another corporation in which the American Sugar Refining Co. holds a large stock interest.

From far away Honolulu comes Royal D. Mead, whom we had with us also in 1913, an unwelcome visitor as a part of the Sugar Trust lobby.

In 1913 Henry T. Oxnard admitted before the Senate investigating committee dispensing nearly $1,000,000 in propaganda against free sugar; he admitted also being one of the authors of a pamphlet known as "Sugar at a glance," sent broadcast over the country under the franking privileges of Senators LODGE, SMOOT, and CURTIS.

"Sugar at a glance" led to charges being brought by the Post Office Department that the high senatorial privilege was being abused in behalf of private interests.

During the preparation of the sugar schedule for the pending tariff bill this same Henry T. Oxnard has been lobbying in Washington, representing the American Beet Sugar Co., in which the ever-present American Sugar Refining Co. holds a large stock interest.

Mr. Speaker, sugar is Cuba's one sustaining crop; we have been her best customer. This proposed tariff will make it impossible for Cuba to compete—the differential between the cost of production in Cuba and this country being only about 1 cent a pound—and will strike Cuba an almost mortal blow. Cuba has been our fifth best customer. In 1920 Cuba bought $500,000,000 of American farm products and other goods. If this tariff bill passes in its form as proposed, where will Cuba get the $500,000,000 to buy our products?

George Eliot once said of some one she heard speak: "I imagine it is his fortune, or rather his misfortune, to have talked too much and too early about the greatest things."

Mr. Speaker, if of these remarks, and those recently made by me upon the "cotton" schedules of the tariff bill, it is said by some that I have talked too much or too early about important legislation, it may be proper to suggest that I have given concrete facts, names, and figures; if I am accurate in statement, the "cotton" and "sugar" schedules in the pending tariff bill are an indefensible attempt to make hard and ever harder the lot of that great part of our people who are climbing the long, long hill of poverty and of need.

Mr. WINGO. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I ask unanimous consent to speak out of order.

Mr. WALSH. What is the gentleman going to speak on?

Mr. RAKER. In regard to pending legislation before the committee of which the gentleman from Washington [Mr. JOHNSON] is the chairman, and the "gentleman from California"—myself—is also a member, on immigration.

Mr. MONDELL. Mr. Speaker——

Mr. KNUTSON. Is it a campaign speech?

Mr. RAKER. It is in regard to the question of immigration. Exceedingly important legislation in which the whole country is vitally interested.

Mr. MONDELL. Mr. Speaker, we have conference reports before the House that ought to be disposed of. There are a great many Members of the House who desire to address the House on subjects other than matters that are before the House, and such gentlemen have been told they must wait until the business of the House is disposed of. It does not seem to me fair at this stage of the game for the gentleman from California to ask to occupy the time of the House on matters that are not before the House at all.

Mr. RAKER. Let me call the gentleman's attention to this. I have taken but little time of the House, and this is a matter of great importance.

Mr. MONDELL. Mr. Speaker, I shall have to object to discussion of any matters not before the House.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may revise and extend by remarks on the bills introduced, one by Mr. JOHNSON of Washington, H. R. 12169, and one by myself, H. R. 12193.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I yield back the balance of my time.

Now, what I wanted to say to the House was in regard to these two bills. On June 26, 1922, Mr. JOHNSON of Washington, chairman of the Committee on Immigration and Naturalization of the House, introduced H. R. 12169, "A bill to limit the immigration of aliens into the United States." On June 27, 1922, I introduced H. R. 12193, "A bill to limit the immigration of aliens into the United States."

I am a member of that committee and have been for over 10 years. H. R. 12193 limits the number of aliens admissible under the immigration laws in any fiscal year to 2 per cent of the number of foreign-born persons of any nationality resident in the United States, as determined by the United States Census of 1910.

One of the vital and important provisions of this bill (H. R. 12193) is that which relates to ineligible aliens, which reads as follows:

That no alien ineligible to citizenship under the laws of the United States shall be admitted to the United States.

The bill also provides for the elimination and abrogation of what is known as the "gentlemen's agreement."

When the joint resolution which was passed by both Houses and finally approved on May 11, 1922, was under consideration by the committee of the House, it was determined to pass over at that time the two important questions last above referred to.

The Johnson and Raker bills are not identical, but there is one provision that is vital and which will be disposed of by whichever bill the committee may finally act upon, and that is the question of prohibiting hereafter the admission of all aliens ineligible to citizenship under the laws of the United States and doing away with the "gentlemen's agreement."

I am justified in saying that pending the recess, and by the time Congress begins the regular session in December, the Committee on Immigration will have prepared and ready to present to the House a bill which will carry out, in addition to other matters, the two particularly important matters above referred to. I want to take this opportunity of saying that, having been a member of this committee for over 10 years, associated with the gentleman from Washington [Mr. JOHNSON], the committee's chairman, I can with safety and assurance say that the country has a safe representative in regard to immigration legislation in the person of our chairman, Mr. JOHNSON, and that he will do all in his power and, with the aid of the other members of the committee, will be able to present to the House early in December, for the House's consideration, an immigration bill carrying out the views now demanded by the American public, and which bill will carry a provision abrogating what is known as the "gentlemen's agreement," and a further provision that no alien ineligible to citizenship under the laws of the United States shall be admitted to the United States.

I am most happy to inform the House and the country of that fact, as this is what I have been standing for, laboring incessantly, in season and out of season, to bring about such

legislation, and I confidently believe that before the close of the Sixty-seventh Congress we will see this most important piece of legislation enacted into law and placed upon our statute books.

One who has been in this contest for many years fully appreciates what this means to the West in particular and to the United States in general. It will settle once and for all a complicated and vexatious question in the right way, and one which should have been disposed of years ago. It will avoid any possible friction between America and foreign countries and the people of such foreign countries as may be affected by such legislation. The sooner that this is done the better. I hope in the near future to amplify the matter here briefly referred to.

Mr. WINGO. Mr. Speaker, I appreciate the desire of the gentlemen who are responsible for the conduct of business to expedite matters, and I shall not use all the time. Frankly, I am not interested in the controversy between the House and the Senate, which is the difference between a charter in perpetuity and one for 99 years. The Senate probably, in its wisdom, can make a distinction between 99 years and the perpetuity of a charter, and I do not complain of my colleagues on the conference committee who have yielded to that fine distinction of the Senate. I declined to sign the conference report because I am against it for another reason. The pending bill, which is covered by the conference report, is one that changes the policy of the Government with reference to charters of national banks. In 1864 the original act included a provision which is known as second in section 5736 of the statute. That is the provision that is amended by this bill. As originally passed, that paragraph of the section referring to charters of national banks reads as follows:

To have succession for a period of 20 years from its organization unless it is sooner dissolved according to the provision of its articles of association, or the act of its shareholders owning two-thirds of its stock, or unless its franchise became forfeited by reason of a violation of the law.

While the original bank act contained a provision reserving to Congress the right to alter, amend, or repeal the general law, there was no specific limitation with reference to a charter. Once granted, and vested rights having grown up under that, it was contended by some gentlemen during that first 20 years, when there was an effort made by those who opposed national banks to curtail their terms, that Congress had reserved only the general right to amend the law and granted a vested charter term of 20 years.

Mr. WALSH. But was not the act subsequently amended in the customary clause relating to altering, amending, or repealing, near the end of the act?

Mr. WINGO. I was going to come to that in sketching the history of the legislation on this subject covered by three acts. My object is to get a consecutive statement of the history of this in the RECORD, because it may become a question in the future if Congress seeks to cut down the term from 99 years to a shorter term.

In 1882, when the first 20 years was about to expire, Congress passed what was known as the extension of the corporate existence of the national bank act, which provided for a further extension of 20 years; but owing to controversies that had arisen Congress sought in the act of 1882 to settle the controverted questions.

I shall not take the time to read all of that, but I will insert it in my remarks, and I will read only that part to which I wish to direct specific attention and about which the gentleman from Massachusetts [Mr. WALSH] has just inquired. After putting on certain limitations and restrictions, it winds up with this—understand it is referring to corporate charters, not to general acts and general organization of banks:

That the succession shall continue—

That is, the succession of the charter, not the national bank act—

shall continue unless sooner dissolved according to the provisions of articles of association, or the act of its shareholders owning two-thirds of its stock, or unless its franchise became forfeited by reason of a violation of the law.

That was the old act, and then they added these words to meet the contention that had arisen:

Or unless hereafter modified or repealed.

What was to be modified or repealed? The charter, not the general banking law governing national banks. We reserved the specific right to modify the vested charter life of each bank if Congress saw fit.

Now, when the next 20-year period was about to expire again, in 1902——

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes; I yield.

Mr. WALSH. Is there not a further provision in that very act, at the very end of it, with reference to the right to alter, amend, or repeal the act?

Mr. WINGO. No. That act simply covered the question of extension, and it carried in the conclusion of it the language which I have read; and it was contended then that that was not necessary, because the general law carried the right to alter or amend the general statute, and this had solely to do with the charter life of the banks, and that Congress having reserved specifically the right to modify or repeal its charter or succession, that was sufficient.

Now, in 1902, when the 20-year period was about to expire, Congress passed another act for 20 years, and that act specifically stated—and I shall set it out in my remarks—that they should continue to possess that same right for 20 years under the limitations of the act of 1882.

Now that 20 years is about to expire again and this bill was introduced for the purpose of giving a further extension of charters to national banks. As to the question of the right of a bank to have its charter for 99 years after this act is passed, without the right of Congress to cut it down, of course, Congress could, after the passage of this act in its present language, amend the law so as to apply to a succession granted afterwards, or new banks chartered afterwards. But it is contended by reputable attorneys that the bank whose succession is extended for 99 years after the act is passed has a charter irrevocable for 99 years, except in the manner provided in the extending statute, and that extending statute, according to the provisions of this bill, does not contain the right specifically to alter, modify, or amend. You may revoke it entirely by destroying it, in the specific case of each specific charter, or by an omnibus bill you might name 50 different banks; but this bill has to do with the charter of banks under the general law governing national banks, and the question would arise on each and every specific charter of every bank extended under this act. By carefully reading this bill you will see that it carries the customary provision as to two-thirds of the stockholders, and as to the forfeiture by reason of the violation of the law, or that its charter shall be terminated hereafter by act of Congress.

Now that contention is met with this argument: That the right to terminate it and take away from it its charter entirely carries with it the right to amend the charter in subsequent legislation, if Congress should see fit to legislate otherwise hereafter. This question was specifically raised by me both in the House and in conference, and the conferees and those who are opposed to my viewpoint, some of them, frankly admit that they do want to put the charter life of the national banks beyond the control of Congress for 99 years in the case of each particular bank. They say it is necessary in order for them to act in a particular fiduciary capacity. I say it is not. I say if Congress, 20 years from now, wants to amend by general statute the charter existence of national banks, it should reserve to itself the right to restore the old 20-year bank charters; and even if it had granted a succession for 99 years, its charter life should expire in 20 years, or 50 years, or in whatever period might be fixed by the act of a subsequent Congress. That is the reason why I was opposed to signing the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Massachusetts.

Mr. WALSH. Is it the gentleman's contention that if the Sixty-ninth or Seventieth Congress should see fit to repeal the national banking act, this law, if it becomes a law, and all other legislation pertaining to national banks and their charters, these banks could continue then to do business under their charters for 99 years?

Mr. WINGO. No, I do not, because you reserve the right to terminate them. But the gentleman knows as a practical proposition we are not going to abolish the national banking system, and the only policy that will be retained by Congress in the future with reference to them is their regulation and the life of their charters. Those will be the two things. This Congress refuses to reserve the right to modify the charter existence, and says that the sole right we reserve on that question is the right to take the charter away entirely by a specific act.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. WINGO. I yield to my friend from Michigan.

Mr. SMITH of Michigan. Does this in any way change the authority of the Comptroller of the Currency to close up a bank and revoke its charter for cause?

Mr. WINGO. Oh, no. It carries the customary provision with reference to minority stockholders and with reference

to forfeiture by reason of violation of law. But I suspect that the gentleman from Michigan, good banker as he is, has the same erroneous idea that a great many others have, that the Comptroller of the Currency can easily close up a national bank and put it out of business.

Mr. SMITH of Michigan. I know that he has a good deal of authority.

Mr. WINGO. When this matter was up before, I called attention to the fact that a former Comptroller of the Currency, it was charged by a Member on this floor, was persecuting him and trying to close up his bank. You remember the controversy on the floor here. Yet that Comptroller of the Currency, with all the power he had, was not able even to have a receiver appointed for that Member's bank, and he had to give him a renewal of his charter, because the attorney for that comptroller advised him that he could not arbitrarily refuse to grant an extension of the charter, but that he had to have good reasons for doing so, as the Congress had fixed the general policy.

Mr. SMITH of Michigan. I am in harmony with some of the gentleman's views. I do not think that it injures a bank to be examined, and I see no reason why 20 or 30 years is not a pretty long time for the charter to run.

Mr. WINGO. There is only one reason for this. That is the movement on foot to destroy State banking systems in the United States and to turn the national banking system into a branch bank system and to give charters in perpetuity. Then, as the charters of country national banks expire, the Comptroller of the Currency can say, "No; I will not renew your charter, because across the street is the branch of a powerful bank only 50 miles away in a great center. That powerful bank," the comptroller would say, carrying out the announced argument of those who advocate that system, "will be more able to take care of your community than your local bank." This, as I pointed out once before, is but one step in that movement which is being steadily made to establish branch banking in the United States. I do not believe that they will be able to put it over without a very vicious fight. Your present comptroller denies that he has made any ruling, but as a matter of fact he has permitted the Riggs National Bank, in the city of Washington, to establish branches in this city. He has permitted a bank in St. Louis to establish branches in that city; and if he has authority to grant permission to have branches inside the corporate limits of a city, he has authority to grant permission to have branches within the county limits in which a bank is operating. Congress heretofore has refused upon more than one occasion to pass a bill that was recommended by the Committee on Banking and Currency to authorize what the comptroller is now permitting the Riggs National Bank and the bank in St. Louis to do. I do not refer to these banks in any way that reflects upon them. I do not blame them. If I were they, I would do what they are doing; but it is the duty of Congress in the very beginning of that movement to check it and to say that independent banking in this Nation shall not be destroyed; that the best banking system is that which is made up of local directors and stockholders, and that this system of branch banking is vicious; that it is nothing but legalized chain banking, which every honest, sincere banker is trying to drive out of the United States. The only reason why I entered my protest the other day on this matter, and the only reason I call attention to it now, is to keep up the fight against the movement to establish branch banking. I suggested to the conferees, "While you may exceed your authority, if no point of order is made on it, why not make it certain by putting in the words 'alter, amend, or repeal'?" They went off and spent a week or two consulting and consulting, and finally they came back. I do not know what they did in their last session. I was not present. For some reason they refused to put in explicit language their admitted intent. I warned them the language meant otherwise, and that gentlemen wanted it to mean otherwise, and so told me in trying to meet my objections to it. Of course, you will vote for the conference report. I am going to keep my record straight and vote against it. I am going to oppose every step that is taken in the movement to set up branch banks in this country. You may not agree to-day, but there are men on this side who now smile and say there is nothing to it who in their lives as Members of this Congress will see that I am right. You would realize it if you had the literature that I have and the addresses of bankers in this country that I have in my files who frankly admit they are advocating this very system. Go and read the testimony of the Comptroller of the Currency and my examination of him before the committee.

Go read the testimony of Eugene Meyer and my cross-examination of him. No movement can be laughed at that is supported sincerely and sincerely believed by men like the present comptroller and Eugene Meyer and other great bankers I can name who have talked with me and say that I am wrong. The experience of branch banking shows that they absorb the resources of small communities.

Mr. LINTHICUM. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. LINTHICUM. Is not there also a tendency for the larger banks to buy the smaller banks and make them into branch banks?

Mr. WINGO. Certainly, and I do not blame them. If I were a banker I would recognize the selfish interest, the selfish profits that can be made by having my bank reach out and get every bank it can. It is no reflection on the banker, but it is a reflection on Congress that it sits by and permits, step by step, this program to be carried out.

Mr. McFADDEN. Mr. Speaker, the gentleman criticizes the conferees for inserting matters not in controversy in the bill. The question that is raised is purely technical. The conferees went into it carefully, and we had advice from competent authority that we were not taking from the law any of their rights. I yield to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, there are numerous inquiries about the bill (H. R. 12) to establish a code of laws for the United States. I ask unanimous consent to extend my remarks by printing a brief statement concerning it.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WINGO. Reserving the right to object, what is the subject of the gentleman's remarks?

Mr. LITTLE. I say there are some inquiries about the bill (H. R. 12) to establish a code of laws for the United States, and I wish to print a brief statement concerning it.

Mr. WINGO. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Speaker, Members of the House have made considerable inquiry as to House bill 12, the bill to make a code of the laws of the United States, and before adjournment I am saying a few words with regard to it. That bill passed the House by unanimous vote on May 16, 1921. Some weeks later the Departments of Agriculture and the Navy offered suggestions of amendments. As soon as I learned of it I took the matter up with the legal department of the Department of Agriculture, and that department and the committee agreed on 15 perfecting amendments of minor importance, and all the others were withdrawn.

After considerable difficulty the committee got in touch with the Department of the Navy and with its attorneys went over the suggestions made by that department. Most of their suggestions were canceled, the committee agreed to some of them as being perfecting amendments, and the others are now practically disposed of by further agreement.

The House Committee on Revision of the Laws has forwarded these suggestions of amendment to the Senate Committee on Revision of the Laws. Having made the original code, we offered these suggestions as proper for amending the bill.

We have suggested to the Senate committee that a subcommittee will be glad to appear before that committee and present the reasons for the suggestions, if it is so desired, or that our committee will be glad to meet in joint committee with them and run over the few propositions that are open, which could be disposed of at any time in a few days.

Professor Wigmore, author of Wigmore on Evidence, has said of the bill that since this bill is completed there is no longer any reason why the United States laws should be continued at all in their present confused condition, and has given the bill his high approval, and many great lawyers have united in its support.

In the records of the last National Bar Association the statement is made that their committee on such matters had a hearing and presented some suggestions to the Senate committee. I have a letter from ex-Senator Wolcott, of Delaware, who was on the Revision of Laws Committee of the Senate in the Sixty-sixth Congress, in which he states that the committee had no hearing in the Sixty-sixth Congress. I have a letter from the chairman of the present Senate committee, written since the National Bar Association met, in which he states that that committee has had no hearings. So far as I am able to learn, the committee of the National Bar Association has never made one single, solitary challenge of any section of the book. There is no reason why the bill can not be passed to-morrow, so far as I have heard.

In the Sixty-sixth Congress, in addition to the usual fund, the House was good enough to authorize the committee to spend $9,000 to complete the work. I found that that amount was not needed and returned to the House contingent fund about one-third of it, amounting to about $3,500. In the present Congress some work has been done examining the bill, looking over possible mistakes, as well as going over every suggestion that has been made concerning it that could be reached, but I thought best to await the action of the Senate committee before going extensively into the work again.

If I had known that the delay would have lasted for a year and some months, I should have proceeded with the Code for the District of Columbia, as the committee did in 1874, and have had it done by this time, and we would be where we were in 1874 when all the laws of the United States were available to all its people for the only time in its history.

Herewith I present a letter from the Clerk of the House giving a statement of our funds that the House may know some of the economies practiced. The Committee on Revision of the Laws has been the most economical committee in the history of this Congress:

MAY 18, 1922.

Hon. EDWARD C. LITTLE,
Chairman Committee on Revision of the Laws,
House of Representatives, Washington, D. C.

MY DEAR COLONEL LITTLE: Replying to your verbal inquiry I am pleased to inform you that the records of this office show that in the exercise of your authority under the law to place one or two clerks on the roll within the clerk hire allowance appropriated for by Congress, since July 1, 1919, you have not availed of the lawful privilege of making designations which would have absorbed $850 (representing the so-called bonus). In other words, that much money—$850—has not been paid out but has been saved by reason of the manner in which you have used your clerk-hire allowance.

I beg to further inform you as follows concerning expenditures of the Committee on Revision of the Laws, of which you are chairman: Pursuant to resolutions adopted by the House authorizing that committee to incur expenses within certain limits in the Sixty-sixth Congress your committee was authorized to expend $9,000. Of this amount $5,793.82 was expended, leaving an unexpended balance of $3,206.18. In the Sixty-seventh Congress, that is the present Congress, your committee was authorized to expend $5,000, of which amount $595 only has been expended, leaving an unexpended balance of $4,405, or a grand total of unexpended balances for the Sixty-sixth and Sixty-seventh Congresses of $7,611.18. This, together with the $850 saving of the bonus, aggregates $8,461.18, which you in your individual capacity and as chairman of the Committee on Revision of the Laws have saved in the three years last past.

Very truly yours,

WM. TYLER PAGE,
Clerk, House of Representatives.

A very great addition to the force of the committee was my own secretary who, in addition to doing my personal work, gave many days and nights to the work of the code without charge. That lady has been my secretary for a quarter of a century, and I should fail to do justice to an industrious worker if I did not call your attention to the Review of Reviews for March, 1921, which said of her:

The chairman drafted his wife into the service, and together they began the task of preparing copy. * * * For a year and a half Colonel and Mrs. Little worked steadily with the 10 revisers who were scattered over the country. * * * There seldom was an evening when the lights of Room 109 did not stream out across New Jersey Avenue until near midnight.

Without her experienced, constant, and invaluable aid, I could not have completed that work in one Congress.

In addition to the care with which the funds assigned to the chairman of this committee have been handled, he has been able to effect great savings in other directions incidental to the work of preparing the code. If you will turn to the CONGRESSIONAL RECORD for April 10, 1920, in the speech of Congressman SLEMP, presenting to the House the fortification bill, you will find the following:

Mr. LITTLE. Every year for 32 years there has been an appropriation for a Board of Ordnance and Fortification. Some time ago, as chairman of the Committee on Revision of the Laws, while engaged in that work I discovered that there never had been any authorization for that appropriation. I called the attention of the Secretary of War to that fact, and after careful consideration he informed me that they would manage to get along without the Board of Ordnance and Fortification, and that he would not ask for any appropriation for that purpose. May I ask the gentleman what has been the result of that?

Mr. SLEMP. I will say in reply to the gentleman that the War Department withdrew the estimate of $58,500 for that board for the coming fiscal year and will return to the Treasury Department the unexpended balance in that fund of $230,000, or a total of $288,500, so that the gentleman is responsible for saving to the Treasury $288,500.

Mr. MONDELL. That is worth while.

Mr. William H. Webb, who soldiered in France, is the excellent and industrious clerk of the Committee on Revision of the Laws, and Marion Hiser is his useful assistant. The reviser in the committee's employ is a young lawyer, a graduate of the University of Kansas and of the Yale Law School, Capt. Wint Smith, of Kansas, who held that office in the Forty-seventh Regulars in France, fighting at the Marne, the Aisne, the Vesle, and the Argonne, wounded twice in action. At close quarters in the Argonne an enemy machine-gun man shot Captain Smith through the left arm as he grasped the other's gun, and Smith drove his bayonet through the man, being recommended for the distinguished service cross. He is very well equipped for the work he is now doing.

Mr. RAMSEYER. Mr. Speaker, I have prepared some remarks upon how the next war must be financed, taking two paragraphs out of the President's inaugural address as my text, and I ask unanimous consent to extend my remarks on that subject in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. RAMSEYER. Mr. Speaker, a few weeks ago I carefully reread, paragraph by paragraph, President Harding's inaugural address and his first message to Congress. In those two remarkable addresses the President outlined with some detail his policies—both foreign and domestic. Other Members on the floor of this House have ably reviewed the achievements of this administration. At this time I shall not address myself to such a review. The record speaks for itself and meets with the generous approval of fair-minded men and women everywhere.

TWO PARAGRAPHS OVERLOOKED.

With the exception of two paragraphs contained in the inaugural address, every candid reader of the two addresses to which I referred will arrive at the conclusion that the policies and suggestions for legislation outlined in those addresses have been carried out by the President and Congress or efforts are now being made to carry them out. The paragraphs that I have in mind as constituting an exception read as follows, to wit:

If, despite this attitude, war is again forced upon us, I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense. I can vision the ideal republic, where every man and woman is called under the flag for assignment to duty, for whatever service, military or civil, the individual is best fitted; where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination; but all above the normal shall flow into the defense chest of the Nation. There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation.

Out of such universal service will come a new unity of spirit and purpose, a new confidence and consecration, which would make our defense impregnable, our triumph assured. Then we should have little or no disorganization of our economic, industrial, and commercial systems at home, no staggering war debts, no swollen fortunes to flout the sacrifices of our soldiers, no excuse for sedition, no pitiable slackerism, no outrage of treason. Envy and jealousy would have no soil for their menacing development and revolution would be without the passion which engenders it.

The President has written in these two paragraphs the strongest indictment of our unscientific, unjust, and inequitable system of financing the war operations during the World War that has ever been called to my attention. The President says in substance that "if * * * war is again forced upon us," he wants—and the Nation should have—a system of financing the war, so that "not one penny of war profit shall inure to the benefit of private individual, corporation, or combination." It is evident that the President is against war profits in any shape or form—not even "one penny of war profit shall inure to the benefit" of anybody. Is it possible and practical to conduct war without war profits and war profiteers? The President is both practical and honest, and if in his judgment it were not practical and possible to so conduct war he would never have suggested that war should be conducted without war profits.

CONSCRIPTION OF BOTH MEN AND PROPERTY SUGGESTED.

I quote again the President's language. Remember, Mr. Harding is not a dreamer nor a theorist. Only things possible and practical are by him presented to Congress for consideration. He says:

I can vision the ideal republic, where every man and woman is called under the flag for assignment to duty for whatever service, military or civil, the individual is best fitted.

That is the selective draft. In event of another war we will go to conscription of men and possibly women also without a quibble. The policy of conscription of men was definitely settled as a national policy during the World War. In the next war that policy will be adopted and accepted by the people without question.

During the late war a few of us believed and advocated that the policy of conscription should apply to property as well as to men. The voice of those advocating the conscription of property and the elimination of war profits was as a voice crying

in the wilderness. It fell upon the deaf ears of those who had charge of framing revenue legislation. Little did I think at the time that so soon there would come "one mightier than I after me," take up the cause, and from the exalted position of President of the United States, submit the selfsame policy to the serious consideration of the Congress and the country. In proof whereof I quote from the inaugural address. In the second clause of the sentence, of which I just quoted the first clause suggesting selective conscription be applied to men and women, the President continues on property as follows: "Where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country" without "one penny of war profit." Call this conscription of property or commandeering property or the Government taking over and supervising the property of the Nation for war purposes—call it whatever you may, it is a radical departure from our attitude toward property during the war. It means that the Government will require property to be placed at the disposal of the Government by its owners without hope of war profits, just as men are drafted into the service without hope of financial reward. Who will dare to rise in his place and say that that is not as it should be?

WAR PROFITS INDEFENSIBLE.

During the late war there was a great deal of suppressed discontent because of the feeling and knowledge that something was inherently wrong—I use the President's language—"when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation." That something is inherently wrong with such a situation requires no demonstration. Upon the authority of a United States Senator during the war under the last administration, 23,000 new millionaires were made. Upon the authority of another United States Senator—a Democratic Senator who was very close to the last administration, and therefore ought to know—the Government claims against war grafters amount to billions of dollars. I can not vouch for the accuracy of these senatorial statements. Undoubtedly they contain much truth.

If the late war had been conducted without "one penny of war profit," as a few of us then advocated and as the President now advocates for the next war, there would not now be any necessity for the Woodruff-Johnson resolution. We would not now have on our hands all that stench, that smells to high heaven, about war graft and war grafters that flourished during the late war.

LIFE OF THE REPUBLIC THREATENED.

What are the results of the reckless, unjust, and inequitable systems of war finance such as were in force in this and other countries during the late war? For answer I cite you to the second of the two paragraphs I have quoted from the inaugural address. Because we did not have a system of war finance during the late war which the President advocates for the next war we did not have at all times that "new unity of spirit and purpose" which the President visions for the next war. Following the war we had and still have "disorganization of our economic, industrial, and commercial systems." We have "staggering war debts." Our national debt was increased from $1,000,000,000 to $26,000,000,000. The national debts of the world increased from $43,000,000,000 in 1913 to $400,000,000,000 in 1921. We have "swollen fortunes to flout the sacrifices of our soldiers." Ask any soldier for his thoughts on the men who profiteered while he was fighting in the trenches. We have had "sedition," "slackerism," and "treason," and the passions of revolution were engendered in many countries.

War grafters and war profiteers by their acts during the late war did more to shake the foundations of popular government and the institution of private property than long-haired radicals, socialists, and Bolsheviki had done by their talk for a hundred years. How will the ordinary man feel or think toward his Government when his legislators do not prohibit or his executives overlook or condone the acts of those who take undue advantage of the necessities of the Nation during the stress of war? Men must learn to realize that property as well as men must serve the Nation at war. Heretofore the greed of men had made a distinction to the advantage of owners of property. Good citizens are alarmed, and rightly so, at the growth of radical thought. Much of such thought thrives on injustice. The enactment into law of the President's suggestions to finance wars will overcome more radical thought than all repressive legislation enacted or proposed to be enacted. The people will not endure injustices. There is a limit to the people's patience. They will strike back in this country with the ballot. Every time the Oil Trust boosts the price of gasoline a cent it adds to or multiplies the votes of the most radical candidate in the field.

You know the President's recommendations for financing the next war. If you don't, read the paragraphs to which I called your attention and inform yourselves. That policy is absolutely sound. You also know the old adage, "In time of peace prepare for war." The time to act is now. Unless we enact in time of peace legislation for financing the next war on the basis of no war profits, it will not be done when the excitement of the next war is on.

LEGISLATION PROPOSED.

I am deeply interested and profoundly concerned in the preservation of modern civilization and existing institutions of government, under which we have enjoyed the greatest measure of liberty and opportunity. Modern civilization and existing Government institutions will never survive another great war financed as the late war was, with its resulting scandal, graft, profiteering, and favoritism to the wealthy classes.

In order that it may not be said that the President's suggestions relative to financing of the next war have gone by the boards unnoticed by any Member of Congress, I introduced, on May 18, House Resolution 349, providing that a special committee of the House be created, to consist of 15 Members to be appointed by the Speaker. This committee shall investigate and report to the House the best and most practical methods for financing future wars, so that no public debts shall be incurred and no war profit shall inure to the benefit of private individual, corporation, or combination to carry on war activities, and shall recommend legislation which in its opinion will carry out such purpose and secure the benefits and advantages and avoid the evils referred to in the inaugural address of President Harding. Furthermore, I urge the adoption of this resolution and the enactment of legislation to carry out the purpose of the two paragraphs in the inaugural address as a means to direct the world in the paths of peace. General Wood has repeatedly stated that nine out of ten wars are based on commercial and trade rivalries. Every student of history knows that to be a fact. In such wars there are always certain classes that benefit financially by the war, while the great mass of the people sacrifice life or property, and often both.

Recently this country led the principal countries of the world in a great forward movement for peace in the Disarmament Conference held in the city of Washington. The eyes of the world are upon us. We profess unselfishness, but other countries actuated by selfishness regard us not without suspicion. We are the wealthiest nation on earth. We have the gold supply of the world. We have strong combinations of wealth which seek advantages and concessions in the four corners of the world.

If we had on our statute books a law which would compel the wealth of the Nation to carry the financial burdens of future war without "one penny of war profit," it would mark the greatest forward step for universal peace in the history of mankind. It would assure the world that our professions of unselfishness are genuine. Other nations would follow our example, and in the future the nine out of every ten wars based on trade and commercial rivalries would be avoided.

In view of the financial and economic chaos of the world as a result of the late war and the President's recommendations for the conduct of future wars, it is squarely up to this Republican Congress to consider my resolution, or a similar resolution, appoint a committee to give it special study, and enact legislation suggested therein for the preservation and perpetuity of the Republic and for the welfare of ourselves and our posterity.

I close by again quoting from the inaugural address. The President said:

> I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense.

To find "a way" to realize that "hope," I submit my resolution for consideration to the House.

Mr. Speaker, further in support of my argument for legislation to conduct future wars without war profits, I submit for printing in the RECORD the following statements and documents:

1. House Resolution No. 349.
2. A letter of indorsement from an ex-service man.
3. Memorial of American economists to Congress regarding war finance.
4. A proposed plank for party platform.
5. National debts of the world.

HOUSE RESOLUTION NO. 349.

1. This resolution reads as follows:

House Resolution 349.

Whereas in the conduct of war, to promote national concord and unity and to avoid economic disorganization, swollen fortunes, and staggering war debts, property should be conscripted for war purposes as well as men—conscription should apply to both men and property;

Whereas, according to the leading economists of our country, it is possible and practical to support war on a cash basis by an equitable system of taxation requiring the men who stay at home to contribute their just share of the money cost of war without expectation of repayment; and that such a system of taxation would keep down the costs of war, increase the efficiency of the Nation in war, bind the people together in a new unity of spirit and purpose, and entail no financial liability on posterity;

Whereas the policy of paying for war by bond issues gives property a precedence over life, deals unjustly as between citizen and citizen, and places an unjust tax burden on posterity;

Whereas the late World War was chiefly financed by bond issues, the national debt of the United States was thereby increased from $1,000,000,000 to $26,000,000,000, and the national debts of the world from $43,000,000,000 in 1913 to $400,000,000,000 in 1921;

Whereas President Harding in his inaugural address, in outlining the policy of his administration for the conduct of war, if war is again forced upon us, said:

"If, despite this attitude, war is again forced upon us, I earnestly hope a way may be found which will unify our individual and collective strength and consecrate all America, materially and spiritually, body and soul, to national defense. I can vision the ideal Republic, where every man and woman is called under the flag, for assignment to duty, for whatever service, military or civil, the individual is best fitted; where we may call to universal service every plant, agency, or facility, all in the sublime sacrifice for country, and not one penny of war profit shall inure to the benefit of private individual, corporation, or combination, but all above the normal shall flow into the defense chest of the Nation. There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war while another is fighting, sacrificing, or dying for national preservation.

"Out of such universal service will come a new unity of spirit and purpose, a new confidence and consecration which would make our defense impregnable, our triumph assured. Then we should have little or no disorganization of our economic, industrial, and commercial systems at home, no staggering war debts, no swollen fortunes to flout the sacrifices of our soldiers, no excuse for sedition, no pitiable slackerism, no outrage of treason. Envy and jealousy would have no soil for their menacing development and revolution would be without the passion which engenders it"; and

Whereas the President's policy is based on right, justice, and sound economic principles, the enactment of legislation to put such policy automatically into effect upon a declaration of war by Congress would have a tendency to avert war, would reassure foreign nations of our unselfishness in international affairs, and, in case war became unavoidable, would guarantee a united and victorious America: Therefore be it

Resolved, That a special committee is hereby created, to be known as the War Finance Committee, which shall consist of 15 Members of the House to be appointed by the Speaker.

Said committee shall investigate and report, within one year after its appointment, to the House the best and most practical methods for financing future wars so that no public debts shall be incurred and no war profit shall inure to the benefit of private individual, corporation, or combination, and shall recommend legislation which in its opinion will carry out such purpose and which will secure the benefits and advantages and avoid the evils referred to in the inaugural address of President Harding.

Said committee shall elect its chairman, and vacancies occurring in the membership of the committee shall be filled by the Speaker.

Said committee, or any subcommittee thereof, is authorized to sit during the sessions or recesses of the House, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution, and the expenditures shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by said committee and signed by the chairman thereof.

A STRONG LETTER OF INDORSEMENT FROM AN EX-SERVICE MAN.

2. The following letter presents very ably and concisely some arguments in support of the legislation proposed in House Resolution 349:

ARGONNE POST, No. 60, AMERICAN LEGION,
OFFICE OF COMMANDER, 1215 HIPPEE BUILDING,
Des Moines, Iowa, May 27, 1922.

Congressman C. W. RAMSEYER,
House of Congress, Washington, D. C.

MY DEAR SIR: This morning's Register carries the inclosed dispatch from Washington. I am more than delighted to see that you have introduced a bill which will provide for the financing of future wars.

As commander of Argonne Post, No. 60, American Legion, I have been making a number of speeches throughout the State, and all my talks have advocated the placing, at once, upon our Federal statute books a law which will, on the declaration of war, immediately and automatically draft for service every man, woman, and child, regardless of their physical or financial condition or standing, together with all property, industries, and, in fact, all business. The speeches above referred to have been made in each case to the American Legion, together with the prominent business people of the cities and towns, and this suggestion seems to take very well with the audience.

I believe that we should never again allow ourselves to be placed in the same position as we were prior to the last war. The Government then selected certain men for duty in the Army and Navy, and allowed all other men to select the kind of employment that was most suited to their fancy. They were permitted to take jobs regardless of whether they were suited or skilled in that particular kind of work, and were allowed to select their own wage or salary for work rendered. Both capital and labor were permitted to charge exorbitant prices. One man was taken to face the hardships and rigors and dangers of war and his neighbor was permitted to select his own service, or slack, as the case may be. The soldier was forced to accept the sum of $30 a month, and all other men were allowed to charge anything they pleased. The Government paid $8, $10, and $14 a day for driving nails at Camp Dodge. There must never be any more inequalities as existed in the last war.

A system of classification can be arranged, placing in each branch of service those best fitted for that particular service. No one should escape. Men of military age and fitness should shoulder rifles, and those not of military age and fitness should be compelled to do the many other things necessary to back an army in the field. Of course, we must realize that all the industries must be continued, and to continue them means that they must be run by brains and manual labor, which must be furnished by men, women, and children who are unable and unfit for actual field service.

No one should be allowed to shirk, and no one should be allowed to make money off of the Government in time of war, and all should be paid the same wage; for instance, the factories should be taken over, and the officials and workers receive the same pay and the owners receive nothing for their investment during war time. It has been said that such a scheme is very uneconomic. Now, at best, war is an uneconomic condition. Your plan of drafting all property means simply this—that during actual hostilities no one would receive any profits from an unfortunate country at war, and that at the signing of an armistice or peace terms the war would be paid for in full, and the people would, except the soldier, be placed in status quo. As I said before, the war would be paid for at the end of it, and business and all other industries would commence at that point to run as they did before the war.

I am very glad that you have taken this matter up and hope that you will be able to push it through to a final conclusion. I know that this will be one of the most popular pieces of legislation with the soldiers, for they feel very strongly on this subject.

With kindest personal regards, I am,

Sincerely yours,

H. H. POLK,
Commander Argonne Post.

MEMORIAL OF AMERICAN ECONOMISTS TO CONGRESS REGARDING WAR FINANCE.

3. At the time of our entrance into the World War American economists memorialized Congress to adopt the policy of taxation rather than that of bond issues as the principal means of financing the expenditures of our own country in the war on which it had embarked. I regard this memorial the ablest document on war finance that was presented to Congress during the late war. It should be reread by every student of finance. Our experiences in the war confirm every principle and every warning in the memorial. The memorial, with some of the signers, follows:

We, the undersigned, teachers of political economy, public finance, and political science in American universities and colleges, respectfully urge upon Congress to adopt the policy of taxation rather than that of bond issues as the principal means of financing the expenditures of our own country in the war on which it has embarked.

The taxation policy is practicable. It will prevent the price inflation which must result from large bond issues. It is demanded by social justice. It will increase the efficiency of the Nation in the conduct of the war.

The argument in support of these statements is briefly as follows:

THE TAXATION PLAN IS PRACTICABLE.

The taxation policy is practicable because the current income of the people in any case must pay the war expenditures. The choice between bond issues and taxation is merely a choice whether the Government shall take income with a promise to repay those who furnish it or take income without such promise. The actual arms, munitions, and other equipment and supplies for use in the war, except to the small extent that they have been stored up in the past, must be produced now, during the war itself, not after the war; and, moreover, must be produced by our own people. The policy of borrowing within the country itself does not shift any part of the Nation's burden of war expenditures from the present to the future. All it does is to make possible a different distribution of the burden among individuals and social classes, to permit repayment to certain persons who have contributed income during the war by other persons after the war. If the people can support the war at all, they can do it on a cash basis. Borrowing creates nothing. Except by borrowing abroad, which we can not do, we can get nothing which we do not ourselves produce.

It may be necessary for a month or two at the outset to issue a limited amount of bonds pending the collection of increased taxes, but beyond these, which might well be made repayable within a year, no necessity for bonds exists.

TAXATION PREVENTS PRICE INFLATION.

The taxation policy and no other will enable the country to escape the enormous evils of further inflation. The present high level of prices in Europe and America is primarily due to the war bonds and the paper money issued abroad. If the United States joins on a huge scale in this policy of borrowing, prices are bound to become far higher still.

Price inflation is harmful even in times of peace. During a war it is disastrous. It increases the cost of conducting the war. It postpones victory and thus adds to the war's toll of lives as well as to its money expenditures. By every bond issue the Government enhances the prices it must pay, and thus creates the need of more bonds. The policy works against itself.

Moreover, inflation of prices works injustice between different classes of society. The burden rests chiefly upon wage earners and salary receivers, whose pay never rises as fast as prices, and upon those who receive fixed or contractual incomes. The hardship which millions of our people are already suffering from the increased cost of living will be made many fold greater if the Government issues billions of dollars of bonds to finance the war.

The manner in which bond issues inflate prices may be briefly explained. The bond policy increases the amount of bank credit, which is equivalent in effect to an increase in the currency.

For example, if the Government takes $1,000 from a man in taxes, his credit or purchasing power is lessened to the same extent as the Government's is increased. On the other hand, if the Government borrows $1,000 from him, the quantity of purchasing power in existence is greatly increased. He now has a bond worth $1,000 on which he can and very often will borrow at the bank. Say he borrows $800; to lend him $800 the bank does not have to give up 800 actual dollars. Instead, it gives him a deposit account of $800 and, inasmuch as most of those who present checks do not ask for actual cash, but have their checks credited to their deposit accounts, the bank can keep this $800 in checks floating by setting aside, say, only $200 of actual cash. In other words, this bond issue transaction has resulted in increasing the Government's credit by $1,000, in decreasing the man's credit by only

$200, and in decreasing the bank's money by only $200; that is, there has been a net increase of credit currency (checking deposit accounts) of $600, in contrast with no net increase if taxes had been adopted instead of bonds.

If the man had given up his money in taxes, he would have ceased to compete with the Government and other buyers of commodities and labor, to the extent of $1,000; but when the Government gives him a bond for his payment, he is still enabled to compete to the extent of $800. The purchasing power of society as a whole has increased by $600. This inevitably forces up prices.

The above illustrates the result of a bond issue that is taken by the public. As a matter of fact, if bonds are issued a large part of them will be taken by banks. It is likely that the Federal reserve banks will buy these bonds wholesale by giving the Government checking accounts to the extent of the bonds. This causes immediate inflation to the full amount of the checking accounts thus created; that is, inflation to 100 per cent instead of to 60 per cent of the bond issue, as outlined in the illustration above.

As the Government draws checks on these bank accounts to meet its requirements, the banks will try to recoup themselves by retailing the bonds to the public. To the extent that they succeed, the bonds get into the hands of the ultimate investor, with the resulting inflation already described. In so far as the banks are unsuccessful in this distribution, they are almost certain to issue bank notes on the basis of bonds left in their hands, and these notes will cause inflation even worse than that due to the checking accounts of the public based on bond collateral.

JUSTICE DEMANDS THE TAX POLICY.

The policy of taxation for war expenditures is demanded by justice. Apart from the injustice arising from price inflation, the policy of paying for the war by bond issues gives property a preference over life; it deals unjustly as between citizen and citizen. The question of taxation versus bonds is not merely one of economics; it is one of morals, of right against wrong.

This war is a great social enterprise. The American people have undertaken it as a people. The future welfare of the country as a whole is involved; the future welfare of every citizen is involved. It is the duty, therefore, of every citizen to share in war's burdens to his utmost. For some the duty is to fight; for others to furnish money. For all the duty is without limit of amount. The citizen who contributes even his entire income, beyond what is necessary to subsistence itself, does less than the citizen who contributes himself to the Nation.

The man who goes to the front can not be paid back the life or the limb he may lose. The man who stays at home should contribute his just share of the money cost without expectation of repayment. That the soldier or sailor who gives himself to his country should, if he be so fortunate as to return, be taxed to pay interest and repay principal to him who has contributed the lessser thing—money—is a crying injustice. If conscription of men is just and right, conscription of income is the more so; conscription of both is just and right when the Nation's life and honor are at stake.

TAXATION WILL INCREASE WAR EFFICIENCY.

The policy of taxation for war expenditures will increase the efficiency of the Nation in the war. Its effect in keeping down the cost of the war has already been pointed out. Its effect on the spirit of the people is still more important. The general recognition of the justice of requiring everyone, according to his ability, to share the burdens of war will bind the people together; the sense of injustice in the policy of borrowing will tend to drive them apart, to array class against class. Our soldiers and sailors will fight loyally in any case, but their spirit will be the more indomitable if they feel that every man who stays at home is serving the country to the utmost with his substance. An America in which every citizen, without discrimination, is called upon to do and to give all that he can, all that his powers permit, will be a united America, and a united America is bound to be victorious.

SUGGESTED FORMS OF TAXATION.

Without entering into details, concerning which opinions may differ, we recommend that among the tax measures to be adopted for the war period the following should be included:

(1) A tax which will take substantially all of special war profits.

(2) A material lowering of the present income-tax exemption.

(3) A drastic increase in the rates of the income tax, with a sharper progression in rates as incomes become larger.

(4) High consumption taxes on luxuries.

The memorial is signed by Frank T. Carleton, John Zedler, and George L. Griswold, of Albion College, Mich.; E. G. Nourse, J. S. Waterman, D. Y. Thomas, and W. C. Murphy, of University of Arkansas; E. T. Towne, J. H. Robinson, H. J. Thorstenberg, and N. M. Pletcher, of Carleton College, Mich.; Arthur E. Suffern, Lloyd V. Ballard, R. B. Way, and R. K. Richardson, of Beloit College, Wis.; F. H. Hawkins, A. W. Calhoun, N. S. B. Gras, and L. D. White, of Clark University; Everett W. Goodhue, Freeman H. Allen, F. A. MacIntyre, and Roy W. Foley, of Colgate University, N. Y.; Leon Carroll Marshall, H. G. Moulton, James A. Field, John Maurice Clark, F. D. Bramhall, W. H. Spencer, C. S. Duncan, Chester W. Wright, H. A. Millis, Glen G. Munn, J. B. Canning, Stuart M. Hamilton, Leverett S. Lyon, J. Viner, and C. C. Wardlow, of University of Chicago; Allyn A. Young, Walter F. Willcox, Herbert J. Davenport, Samuel P. Orth, R. S. Saby, A. P. Usher, Holbrook Working, Donald English, Robert A. Campbell, G. N. Lauman, H. L. Reed, F. H. Knight, C. C. Kochenderfer, and C. R. Hugins, of Cornell University; Frank H. Dixon, George R. Wicker, Chester A. Phillips, Clare Griffin, J. M. Shortliffe, Nicolas Aghnides, W. R. Gray, F. W. McReynolds, A. L. Priddy, H. W. Shelton, F. A. Updyke, E. D. Dickinson, E. C. Evans, and R. D. Kilborn, of Dartmouth College; Frank Streightoff, William M. Hudson, W. W. Sweet, and W. W. Carson, of De Pauw University (Indiana); Thomas Nixen Carver, Edwin F. Gay, Albert Busnell Hart, Lincoln F. Schaub, Paul T. Cherington, Melvin T. Copeland, William M. Cole, John Milton Gries, Warren M. Persons, E. E. Lincoln, L. P. Rice, William B. Munro, Arthur N. Holcombe, Edmund E. Day, O. M. W. Sprague, J. W. Bell, P. G. Wright, A. E. Monroe, A. H. Cole, H. H. Burbank, Oscar A. Ryder, Harry C. McCarty, and Robert L. Wolf, of Harvard University; C. M. Drucker, Howard T. Lewis, and Jesse H. Bond, of University of Idaho; M. H. Robinson, E. L. Bogart, L. E. Young, S. Litman, C. M. Thompson, F. A. Russell, C. L. Stewart, H. E. Hoagland, M. H. Hunter, H. M. Johnston, J. W. Garner, J. A. Fairlie, R. E. Cushman, R. M. Story, J. M. Mathews, P. H. Douglas, and M. N. Nelson, of University of Illinois; Ulysses G. Weatherly, William A. Rawles, Frank T. Stockton, Frank G. Bates, J. E. Moffatt, and U. H. Smith, of Indiana University; N. A. Brisco, I. A. Loos, P. S. Peirce, F. E. Haynes, C. W. Wassam, N. R. Whitney, C. R. Townsan, Leonora Arent, Benjamin F. Shambaugh, F. E. Horack, J. Van der Zee, Lorin Stuckey, and H. O. DeGraff, of State University of Iowa; Arthur J. Boynton, George E. Putnam, William M. Duffus, John Ise, Robert M. Woodbury, Harry D. Harper, Clarence A. Dykstra, and Blaine F. Moore, of University of Kansas; G. W. Stephens, J. M. Mathews, and W. S. Krebs, of University of Maine; Davis R. Dewey, of Massachusetts Institute of Technology; E. S. Todd, S. J. Brandenburg, C. T. Murchison, and T. J. Harris, of Miami (Ohio) University; Charles F. Abbott and J. A. Morgan, of Middleburg (Vt.) College; John H. Gray, E. Dana Durand, Roy G. Blakey, J. F. Ebersole, Lloyd M. Crosgrave, Albert C. James, Robert J. McFall, William W. Cumberland, William A. Paton, James W. Stehman, A. C. Hodge, William A. Schaper, Cephas D. Allin, Ben A. Arneson, William Anderson, and Percy Viesselman, of University of Minnesota; J. H. Underwood, Harry E. Smith, E. A. Spaulding, and Louis Levine, of University of Montana; Isador Loeb, H. A. Wooster, James H. Rogers, E. J. Rosenberg, W. J. Shepard, R. C. Journey, Edmond Brown, Thorstein Veblen, and H. G. Brown, of University of Missouri; W. G. L. Taylor, J. E. Le Rossignol, G. O. Virtue, G. A. Stephens, O. R. Martin, Minnie T. England, T. T. Bullock, D. F. Cole, and George E. Howard, of University of Nebraska; M. K. McKay and Conda J. Ham, of New Hampshire College; Frank L. McVey, John M. Gillette, H. Brahaling, and Stephen A. Park, jr., of University of North Dakota; James E. Boyle and W. J. Trimble, of North Dakota Agricultural College; Willard E. Hotchkiss, F. S. Deibler, Horace Secrist, W. E. Lagerquist, F. E. Richter, R. E. Heilman, A. E. Swanson, T. R. Taylor, David Himmelblau, Alfred Bays, Homer B. Vanderblue, and P. O. Ray, of Northwestern University; C. O. Ruggles and C. C. Huntington, of Ohio State University; J. A. Bexell, Hector McPherson, U. G. Dubach, Chester C. Maxey, and R. M. Howard, of Oregon Agricultural College; G. L. Zook, J. Tanger, O. Fred Boucke, A. E. Martin, and E. V. McCollough, of Pennsylvania State College; J. B. Holdsworth, Ira G. Flocken, Paul D. Converse, Howard A. Kidd, Charles Arnold, A. B. Wright, and Francis Tyson, of University of Pittsburgh; C. H. Mellby, of St. Olaf's College (Minn.); Albert S. Harding, of South Dakota State College; Murray S. Wildman, Albert C. Shitaker, Frederick B. Garver, Donald F. Grass, Stephen I. Miller, Victor J. West, Wilfred Eldred, and A. C. Lathrop, of Stanford University; Robert C. Brooks, Louis N. Robinson, and C. H. Robinson, of Swathmore College (Pa.); Edmund T. Miller, Charles G. Haines, Albert B. Wolfe, Eliot Jones, George S. Wehrwein, Spurgeon Bell, Jacob A. De Hass, Herman G. James, J. M. Preston, A. J. Tolts, W. M. Pressler, and Edward T. Paxton, of University of Texas; T. L. Kibler, J. Anderson Fitzgerald, Scott Nearing, Benjamin E. Mallory, Roy J. Colbert, and W. M. Leiserson, of Toledo University; William H. Glasson, of Trinity College (North Carolina); Herbert E. Mills, Dorothy M. Brown, and Maxwell Ferguson, of Vassar College; George G. Groat and Edward Wiest, of University of Vermont; W. M. Hunley, of Virginia Military Institute; G. D. Hancock, R. H. Tucker, N. D. Smithson, and R. G. Campbell, of Washington and Lee University; C. C. Arbuthnot, William O. Weyworth, A. R. Hatton, Raymond Moley, H. G. Hodges, J. E. Cutler, and C. E. Gehlke, of Western Reserve University; John R. Commons, R. H. Hess, Edward A. Ross, B. H. Hibbard, and William H. Kiekhoefer, of University of Wisconsin; Henry W. Farnham, Irving Fisher, Clive Day, Fred R. Fairchild, Ray B. Westerfield, H. G. Hayes, George B. Comer, and E. F. Furniss, of Yale University; Henry C. Adams, Fred M. Taylor, Charles H. Cooley, I. Leo Sharfman, George W. Dowrie, Warren S. Thompson, William F. Marsteller, Paul W. Ivey, Frank F. Kolbe, Robert G. Rodkey, Rufus S. Tucker, Wilbur P. Calhoun, Fred E. Clark, Leo Wolman, Roy B. Cowin, Herbert N. Schmitt, Nicholas E. Peterson, Charles W. Sargent, and Ray V. Leffler, of University of Michigan; Carroll W. Doten, Floyd E. Armstrong, and Martin J. Shugrue, of Massachusetts Institute of Technology; J. Murray Carroll and R. R. N. Gould, of Bates College (Maine); G. P. Wyckoff, Jesse Macy, J. W. Gannaway, W. L. Bailey, Holmes Beckwith, and E. D. Strong, of Grinnell College (Iowa); M. B. Hammond, of Ohio State University; Henry B. Gardner, J. I. Dealey, and John C. Dunning, of Brown University; D. Shaw Duncan and G. A. Warfield, of Denver University; Clyde L. King, E. M. Paterson, James T. Young, T. S. Rowe, Thomas Conway, jr., J. Russell Smith, and Simon N. Patten, of University of Pennsylvania; Milo R. Maltbie, city chamberlain, New York City; W. Jet Lauck, Washington, D. C., John B. Andrews, Solon De Leon, and Frederick Mackenzie, miscellaneous.

A PROPOSED PLANK FOR PARTY PLATFORM.

4. If "not one penny of war profit shall inure to the benefit of private individual, corporation, or combination" in the next war, those who believe in the soundness of the President's utterance should give support by indorsement in party platforms and otherwise. The following is a proposed plank for party platform:

The late war left the nations engaged in that conflict with staggering war debts, which were contracted on highly inflated values and will have to be paid with money very much deflated, thus adding greatly to the burdens of the peoples of nations heavily in debt. As the World War was financed chiefly by bond issues, the national debt of the United States was increased from $1,000,000,000 to $26,000,000,000, and the national debts of the world were increased from $43,000,000,000 in 1913 to $400,000,000,000 in 1921. The policy of paying for war by bond issues gives property a precedence over life, deals unjustly as between citizen and citizen, and places an unjust tax burden on posterity. In time of war property as well as men should be conscripted for war purposes. We urge Congress to enact legislation to finance future wars so that no public debts will be incurred and no war profits shall inure to the benefit of private individual, corporation, or combination.

NATIONAL DEBTS OF THE WORLD.

5. In conclusion, I shall submit for your study and reflection two tables prepared by Mr. O. P. Austin, now statistician of the National City Bank of New York and regarded as the leading authority on national debts. These tables show the stupendous growth of the national debts of the world. It is a well-known fact, and these tables give proof thereof, that nations did not acquire the debt habit until in very recent times. Formerly nations did not spend except out of current

receipts. Raising money to defray national expenditures by bond issues for future generations to pay is a strictly modern evil.

It appears from the first table that in 1688 Great Britain was the only nation that had acquired the debt habit. That year her national debt was $3,232,636. By 1783 her national debt had increased to $1,126,515,090. That year the following nations had no national debts: Austria, France, Germany, Italy, Netherlands, Turkey, Russia, and the United States. Here are the aggregate national debts of the world for various dates:

1793	$2,433,250,000
1820	7,299,750,000
1850	9,000,000,000
1874	22,500,000,000
1900	31,201,759,000
1913	43,362,300,000
1918	205,396,000,000
1919	295,070,000,000
1921	400,000,000,000

The year prior to the World War the national debts of the world were, in round numbers, $43,000,000,000. The war was chiefly financed by borrowing. "Pay as you go" found little favor with war statesmen. The second table shows that the total national debts of the world, or, rather, the 100 principal nations and colonies of the world, were $205,000,000,000 in 1918 and in 1919, $295,000,000,000. The national debts of the world at the end of the year 1921, by a later estimate, were a little over $400,000,000,000.

The aggregate national debts at the end of 1921 were about ten times what they were before the war and about double what they were at the time of the armistice. The United States is the only nation that was in the war that has reduced her national debt in the last two years. Last year Great Britain was the only European nation actively engaged in the war whose expenditures did not exceed the receipts.

The wealth of Great Britain in 1865 was $30,000,000,000, and in 1914, $80,000,000,000; that of France in 1865 was $25,000,000,000, and in 1914, $70,000,000,000; that of the United States in 1860, $16,000,000,000, and in 1914, $250,000,000,000.

With these figures before us, it will be observed that our national debt is less than 10 per cent of our pre-war wealth; that of Great Britain a little less than 50 per cent of her pre-war wealth; and that of France, 73 per cent of her pre-war wealth. Among the defeated powers of Austria, Hungary, and Germany, each has a national debt in excess of her national wealth. Poland came into existence as a nation since the armistice, but she in some way has piled up a national debt of $69,000,000,000, a sum far in excess of her national wealth.

The increase in the national debts of the world from $43,000,000,000 in 1913 to $400,000,000,000 in 1921 is the direct result of the reckless and short-sighted methods of financing the war, and represents almost a total economic loss. Furthermore, the debts were contracted on highly inflated values, and will be paid in the future—unless repudiation or bankruptcy intervenes—with money very much deflated, thus greatly adding to the burdens of the nations heavily in debt.

Mr. Austin prepared the first table in 1900, showing the debts of the principal nations from 1688 to 1900. The second table was prepared by him in November, 1921:

Debts of principal nations, and aggregate for all nations of the world at various dates from 1688–1900.

Dates.	Austria.	Belgium.	France.	Germany.[1]	Italy.	Netherlands.	Turkey.	Russia.	United Kingdom.	United States.	World.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1688									3,232,636		
1702									62,131,700		
1714			[2] 389,320,000						176,047,876		
1727									257,198,404		
1748									368,939,740		
1775	[3] 72,997,500								618,835,883		
1783									1,126,515,090		
1800	[4] 170,327,500			25,549,125		[5] 486,650,000			[6] 2,616,488,363	82,976,294	[7] 2,433,250,000
1820	480,323,550		[8] 689,923,705	150,861,500		[9] 700,776,000			[10] 4,381,975,905	91,015,566	7,299,750,000
1850	[11] 608,312,500		[12] 1,192,292,500			[13] 194,660,000	[14] 498,621,590	[15] 189,793,500	[16] 608,312,500	[17] 4,082,596,603	63,452,774	[11] 8,419,045,000
1870	[18] 1,464,816,500	[19] 133,147,440	2,676,575,000	[20] 115,948,000	[19] 1,386,952,500	[19] 392,434,560	447,718,000	[19] 1,459,950,000	3,896,606,550	[21] 2,331,169,956	[22] 22,410,232,000
1880		[23] 246,994,341	[24] 4,065,946,151		[25] 2,218,861,209	[23] 390,823,749		[26] 2,238,872,257	3,778,858,366	[21] 1,919,326,748	[27] 26,249,901,000
1890	[28] 1,485,292,500	[29] 383,723,525	[29] 5,031,119,096	[29] 233,932,655	[30] 2,459,237,110	[29] 442,194,523		[29] 2,827,684,692	3,361,115,568	[31] 890,784,371	
1900	[31] 1,697,255,140	[32] 504,460,000	5,800,691,814	557,626,622	2,583,983,780	466,419,294		3,167,320,000	3,060,926,304	[21] 1,107,711,257	31,201,759,000

[1] Prussia prior to 1870; figures for 1889 and 1900 are exclusive of State debts, which in 1899–1900 amounted to $2,015,958,000.
[2] 1716
[3] 1763.
[4] 1789.
[5] 1810.
[6] 1802.
[7] 1793.
[8] 1830.
[9] 1814.
[10] 1815.
[11] 1848.
[12] 1852.
[13] 1847 (figures for Sardinia).
[14] 1851.
[15] 1854.
[16] 1853.
[17] 1857.
[18] 1868.
[19] 1869.
[20] Chiefly former debt of North German Confederation.
[21] Total debt, less cash in the Treasury.
[22] 1872.
[23] 1879.
[24] 1883.
[25] 1885.
[26] 1876.
[27] 1882.
[28] 1888.
[29] 1889.
[30] 1894.
[31] 1898.
[32] 1899.

National debts of the world, in United States dollars, reduced to normal (pre-war) value of the respective currencies.

[000,000 omitted.]

Countries.	1913	1918	1919	1921
Argentina	$732	$866	$576	$758
Australia	81	1,382	1,586	1,956
Austrian States	1,349	1,824	1,854	[1] 1,859
Austria [2]	2,152	15,807	16,910	15,834
Algeria	35	[2] 35	[2] 35	[2] 35
Barbados		2	2	[1] 2
Belgium	722	[4] 1,902	1,902	4,670
Belgian Kongo	53	[4] 67	67	[4] 67
Bolivia	19	26	27	[4] 27
Brazil	[1] 664	1,145	1,133	969
British East Africa	1	2	2	[1] 2
British Guiana	4	5	5	[1] 5
British Honduras	1	1	1	1
British Colonies [6]	8	12	13	14
Bulgaria	[1] 135	900	1,432	[1] 1,432
Canada	483	1,863	2,250	2,345
Ceylon	30	27	24	[4] 24
Chile	210	228	231	240
China	969	[7] 1,061	1,886	[1] 1,886
Chosen	22	47	53	[1] 59
Colombia	24	23	23	39
Costa Rica	16	[8] 20	30	[8] 30
Cuba	67	83	84	87
Cyprus	1	1	1	[1] 1
Czechoslovakia			[1] 7,000	9,135
Denmark	96	162	210	215

National debts of the world, in United States dollars, reduced to normal (pre-war) value of the respective currencies.—Continued

[000,000 omitted.]

Countries.	1913	1918	1919	1921
Dominican Republic	[9] $13	$14	$13	[1] $13
Dutch East Indies		[1] 92	170	[1] 149
Ecuador	18	26	28	[4] 28
Egypt	459	460	469	[1] 461
Finland	34	120	357	382
France	6,346	30,400	40,000	51,000
French Colonies [6]	[5] 211	579	580	[4] 580
French Indo-China	47	[8] 47	[8] 47	[8] 47
Germany	1,194	39,200	48,552	71,000
German States	3,855	[8] 4,341	4,500	[1] 8,300
German Colonies	32	[8] 32	[8] 32	[8] 32
Gold Coast	12	16	16	[1] 12
Greece	207	248	469	812
Guatemala	[10] 18	[1] 16	17	18
Haiti	[9] 30	24	32	[1] 32
Hawaii	[1] 8	9	9	[1] 11
Honduras [11]	91	29	28	30
Hongkong	7	7	7	[1] 7
Hungary	[2] 1,731	8,514	9,412	14,200
Iceland	47	51	53	[4] 53
India, British	[5] 1,475	1,546	2,310	2,263
Italy	2,921	12,000	13,102	18,650
Jamaica	18	18	18	[1] 19
Japan	1,242	1,246	1,300	1,713
Latvia			11	[4] 11
Leeward Islands	1	1	1	[1] 1

[For foot notes see next page.]

National debts of the world, in United States dollars, reduced to normal (pre-war) value of the respective currencies—Continued.

[000,000 omitted.]

Countries	1913	1918	1919	1921
Liberia	[9] $2	$2	$2	$2
Lithuania			10	10
Luxemburg	[12] 2	[8] 9	[1] 25	[1] 25
Madagascar	18	[4] 20	20	[4] 20
Malay States:				
Federated	6	8	8	[1] 8
Other		2	2	[1] 1
Mauritius	6	6	6	[1] 6
Mexico	[5] 222	377	409	[14] 282
Morocco	60	80	[1] 103	[1] 103
Netherlands	[9] 462	652	981	1,046
Newfoundland	27	35	42	[4] 42
New Zealand	438	734	856	978
Nicaragua	9	16	10	5
Nigeria	40	41	41	57
Norway	97	197	268	[1] 314
Nyasaland		15	15	[4] 15
Panama	.3	7	7	3
Paraguay	13	14	9	9
Persia	32	41	45	46
Peru	34	28	[15] 28	[1] 29
Philippines	12	[8] 20	20	21
Poland			[1] 36,650	69,000
Portugal	948	1,290	1,294	1,880
Porto Rico	7	8	9	[1] 10
Rumania	317	1,022	4,100	5,270
Russia	[9] 4,538	[8] 22,774	[8] 22,774	[7] 22,774
Salvador	10	11	14	18
Siam	28	33	33	36
Sierra Leone	6	8	8	[1] 8
Spain	1,814	1,661	1,986	2,335
Straits Settlements	34	68	72	[4] 72
Sweden	161	268	298	340
Switzerland	23	205	341	[16] 370
Trinidad	5	8	1	[1] 1
Tunis	45	[17] 69	[17] 69	[17] 69
Turkey	676	2,000	2,310	[4] 2,310
Uganda	1	1	1	[1] 1
Union South Africa	573	781	801	[1] 847
United Kingdom	3,486	28,613	36,401	37,910
United States	1,029	17,005	25,234	23,922
Uruguay	138	164	163	172
Venezuela	35	29	27	41
Windward Islands	3	1	1	[1] 1
Yugoslavia	[13] 174	546	705	[1] 705
Total	43,362.3	205,396	295,070	382,634

[1] 1920.
[2] Includes share of Austro-Hungarian debt.
[3] 1913.
[4] 1919.
[5] 1912.
[6] Exclusive of those separately named.
[7] 1916.
[8] 1917.
[9] 1914.
[10] Exclusive of internal debt not available.
[11] Exclusive of arrears of interest stated in 1921 at $108,000,000.
[12] Serbian debt, 1913.
[13] 1910.
[14] Statement of minister of finance, June 30, 1921.
[15] 1918.
[16] Exclusive of railway debts stated at $430,000,000.
[17] 1915.

Mr. McFADDEN. Mr. Speaker, I have no further remarks to make on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. McFADDEN, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

AMENDING PARAGRAPH 10, SECTION 9, FEDERAL RESERVE ACT.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 831, insist on the House amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 831, insist on the House amendment, and agree to the conference asked for by the Senate. Is there objection?

Mr. WINGO. Reserving the right to object, is that the bill the gentleman spoke to me about where there is some question about the language?

Mr. McFADDEN. That is the one that I spoke to the gentleman about yesterday.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. McFADDEN, Mr. DALE, and Mr. WINGO.

ISSUANCE OF CHECKS, DRAFTS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on the bill S. 1033.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1033 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

B. K. FOCHT,
F. N. ZIHLMAN,
Managers on the part of the House.
L. HEISLER BALL,
W. L. JONES,
Managers on the part of the Senate.

The conference report was agreed to.

PRINTING REPORT OF JOINT COMMISSION OF AGRICULTURAL INQUIRY.

Mr. JOHNSON of Washington. Mr. Speaker, I call up House Concurrent Resolution 61.

The SPEAKER. The gentleman from Washington calls up the House concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 61.

Resolved by the House of Representatives (the Senate concurring), That there be printed 50,000 additional copies of parts 1 and 2 of House Document No. 408, being the report of the Joint Commission of Agricultural Inquiry, in four parts, of which 10,000 shall be for the Senate, 30,000 for the House, 1,000 for the Senate document room, 2,000 for the House document room, and 7,000 for the Joint Commission of Agricultural Inquiry; and that there be printed 100,000 copies of parts 3 and 4 of House Document No. 408, being the report of the Joint Commission of Agricultural Inquiry, of which 20,000 shall be for the Senate, 60,000 for the House, 2,000 shall be for the Senate document room, 4,000 for the House document room, and 14,000 for the Joint Commission of Agricultural Inquiry.

The Clerk read the following committee amendment:

Page 1, line 2, after the word "thousand," strike out lines 3, 4, 5, 6, 7, 8, 9, and in the line 10 down to the word "of" where it first occurs.

In line 10, strike out the word "Document" and insert the word "Report."

In line 12, strike out the word "twenty" and insert the word "eight."

In line 13, page 1, strike out the word "sixty" and insert "twenty-five."

Page 2, line 1, strike out the word "two" and insert the word "one."

Page 2, line 2, strike out the word "for" and insert the word "two."

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, do I understand this is offered as a privileged resolution?

Mr. JOHNSON of Washington. I think a resolution from the Committee on Printing is privileged.

Mr. WALSH. Unless it requires an appropriation. There is no provision here that the cost shall come out of the contingent fund of either House.

Mr. JOHNSON of Washington. As I understand it, the method of doing the printing is under a fund provided by an appropriation from Congress for congressional printing, and this is to come out of that fund.

Mr. WALSH. There is nothing in the resolution to that effect.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SMITH of Michigan. How are they to be distributed?

Mr. JOHNSON of Washington. That is provided for in the resolution.

Mr. WALSH. Mr. Speaker, I do not make a point of order. I only rose to make sure that the printing will be done. If we send it down with no reference as to what fund it shall come from, whether the contingent fund or some other fund, the point may be raised, and it will require a separate appropriation before the printing can be done.

Mr. JOHNSON of Washington. I think the recent appropriation for the operation of the Government Printing Office changed that method and gave us the general operating fund. In reference to the resolution, the Committee on Printing would have liked to have given the full amount asked for in the resolution, so as to provide for more than 50,000 copies of the two additional volumes of the report of the Joint Commission of Agricultural Inquiry, but the cost was considerable, owing to the fact that the third volume has in it a large

number of insert folders, large tables, and therefore the committee reduced the number, as will be seen by the amendments. The distribution as to the House and Senate is as shown in the report. That distribution will give each Member of the House from 20 to 24 copies of each of the two additional volumes of the report of the commission. The cost of the printing will be about $30,000. The Committee on Printing thought it unwise to authorize a reprint of volumes 1 and 2, for which there is considerable demand. In my opinion the report represents a great deal of hard work upon the part of the members of this joint commission, of which the gentleman from Minnesota [Mr. ANDERSON] is the chairman, and while a great deal of valuable matter has been produced, it would be impracticable for the House at this time to attempt to supply the general demand for copies of the four volumes which comprise the report.

Mr. GARNER. Could the gentleman not add to that statement by saying that the result of that labor is very beneficial to the farming element as well as the entire country?

Mr. JOHNSON of Washington. I am sure of it. The inquiry has headed up solid discussion of four or five great problems, all of which vitally affect the welfare of the people of the United States.

Mr. WALSH. Is it not a fact that this report and inquiry is the first one made under Government auspices which has collated and analyzed and brought together to a definite status a lot of valuable information which is of use and value not only to the agricultural interests but to other great interests of the country interested in transportation and banking and the movement of various products as well as the production of foodstuffs?

Mr. JOHNSON of Washington. There can be no question as to the value of the work. As I said in the beginning, the Printing Committee would have been glad to authorize the printing of a large number, but we decided it would be out of the question to attempt to supply the bulk of requests from many prominent concerns and organizations which are asking for these volumes in large lots. The National Automobile Chamber of Commerce wants several hundred. Then some great concern in Minneapolis wants several hundred. The Farm Federation wants a large number.

Mr. WALSH. How many does the farm bloc ask for?

Mr. JOHNSON of Washington. I have not heard of any requests from them, but members of that bloc will get their 24 copies of each volume, just as will other Members. The National Wholesale Grocers' Association wants to place one in the hands of each member of its association, and if it can not get them in bulk will ask each member of the association to write to his Congressman for one, so gentlemen should be a bit careful about giving their copies away prematurely. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

IMPROVEMENT OF ST. LAWRENCE RIVER.

Mr. JOHNSON of Washington. Mr. Speaker, I submit another privileged resolution, Senate Concurrent Resolution No. 24, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate Concurrent Resolution 24.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government engineers on the improvement of the St. Lawrence River from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate document room and 2,000 for the House document room.

With the following committee amendments:

Line 1, strike out "five" and insert "three," and in line 7, strike out "three" and insert "one."

Mr. JOHNSON of Washington. Mr. Speaker, this is a Senate concurrent resolution, and as originally sent to the House called for the printing of 5,000 copies of this report, which would have cost in excess of $500. The House Committee on Printing thought it best to reduce the number to 3,000, which makes the cost less than $500, and inasmuch as the resolution was before the committee we thought that the House might act upon it rather than cause Senate action on a new Senate resolution, nonconcurrent.

Mr. WALSH. Is this to be charged up against the congressional printing fund?

Mr. JOHNSON of Washington. Yes; in the same method.

Mr. WALSH. How many were printed of the first edition?

Mr. JOHNSON of Washington. I am unable to say. It was not a large number, but was distributed to all Members by the usual method. The demand is quite heavy for this. The report cuts the request to 3,000 copies. I am told that another Government has requested 1,000 copies, which are to be paid for. This is a Senate resolution and I think we should not object.

I move the previous question on the resolution and amendments.

The previous question was ordered. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. SNELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 391 (Rept. No. 1162).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11212) entitled "A bill to amend an act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided between those for and against the bill, it shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall report the bill back to the House and the previous question shall be considered ordered on the bill and amendments to final passage, without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule, if adopted, makes provision for the consideration of the bill H. R. 11212, which is intended to amend the act for the retirement of employees in the classified civil service, which was approved May 22, 1920. It has been necessary to present this at this time to take care of an emergency arising out of the summary dismissal of employees due to the reduction in the service, but none of these people have been dismissed on their own volition or on account of their own acts, and it is for the purpose of covering men who were intended to be covered when the original retirement act was passed.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. WALSH. How much will the expense of this be, if the gentleman has that information?

Mr. SNELL. The information that came before the committee was that there would be somewhere about 400 people affected by this law, and it would cost the first year probably $108,000 to $138,000, and it runs down to about $6,000 at the end of several years.

Mr. WALSH. I notice there seems to be a tendency in the committee reports of special rules that as the expense to the Government increases the time for general debate is lessened. We had an $80,000 bill up here yesterday with two hours of debate allowed. Here is a $108,000 bill with only one hour of debate allowed. I hope the gentleman is not going to pull out of his sleeve some other special rules——

Mr. SNELL. We have several others. I do not see any of the minority who want to be recognized, and I move the previous question on the adoption of the rule.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

AMENDMENT OF RETIREMENT LAW.

Mr. FAIRFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11212.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11212, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11212, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is recognized for 30 minutes.

Mr. FAIRFIELD. Mr. Chairman, I would ask the Chair to notify me when I have used 10 minutes. Mr. Chairman and gentlemen of the committee, as stated by the gentleman from New York [Mr. SNELL] in presenting the rule, this legislation is of an emergency character. The retirement bill, which became a law on the 22d of May, 1920, provided, among other things, that a man having served for 15 years and having reached the age of 70 in the miscellaneous service, 65 in the mechanic, and 62 in the Railway Mail Service would be eligible to an annuity. By the passage of that law the Congress of the United States accepted the principle of the annuity system, employees paying 2½ per cent of the funds which were needed, or estimated to be needed, the Government paying 1.06, based upon the salary which was drawn by the employee. But it is very gratifying to know that as a result of the operation of law that the receipts have been considerable in excess of the demands upon the Treasury. No appropriation has yet been necessary; we are informed that in all probability it will be a decade before any appropriation will be necessary. Personally I think it is an unwise course to pursue. I think it is unwise, and possibly dishonest, for any man to advocate upon the floor of this House a measure which he knows ultimately will cost the Government money and attempt to leave the impression that the Government will not have to pay anything. Permit me to say that the occasion for the drafting of this bill grew out of a series of hearings upon another bill, and in that series of hearings it was revealed that there were some men at least, and we did not know at that time how many, who served the Government for a period of from 15, 20, 25, and 30 years, who have not yet reached the retirement age. A drastic cut in the Navy Department suddenly dropped these men from the rolls, and having accepted the principle and in harmony with the spirit of the law that Congress adopted, and moved, I confess, by humanitarian ideas, the committee began to investigate the problem and an inquiry into the various departments, most of which is in the report, revealed that there were not over 300 men who would be affected.

These men, many of them, had a right to believe, having served so long in the Government, that they had a career and that they would not be broken off perpetually at the very period of their life when their energies were lessened, when change was impossible.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FAIRFIELD. I will.

Mr. LINTHICUM. I want to ask the gentleman upon what theory the 50 years was stricken out and 60 inserted?

Mr. FAIRFIELD. Well, it was the judgment of the committee that 50 was too low an age for the basis of annuity.

Mr. LINTHICUM. Fifteen years is required as much for a man of 50 years as it was for a man of 60 years?

Mr. FAIRFIELD. That is true.

Mr. LINTHICUM. A man who has a career in the Government service reaching the age of 50 years and serves 15 years is hardly equipped to make a living on the outside, is he?

Mr. FAIRFIELD. Well, that was a matter—of course, the original bill was for 50 years, but the committee saw fit to strike it out on the ground that they did not believe that a man of 50 who had his faculties was necessarily in such a situation that he could not seek and obtain profitable employment elsewhere.

Mr. LINTHICUM. Does not the Government feel that a man over 45 years is not equipped for Government service? After he reaches the age of 45 years he can not take the civil-service examination or enter the employment of the Government.

Mr. FAIRFIELD. I think that is true.

Mr. LINTHICUM. Why should you say that at 50 he was equipped to enter some other business and yet he is not equipped to enter the Government service?

Mr. FAIRFIELD. I do not yield any further.

Mr. RAKER. Will the gentleman yield for one question in that connection?

Mr. FAIRFIELD. I do.

Mr. RAKER. I was going to ask the same question as the gentleman from Maryland which has been covered. Between 50 and 60 there are 10 years. If a man has given 15 years' service and he becomes incapacitated before 60, say, at 52, he would not get the benefit of this law, would he? If he served 15 years and between 50 and 60 he became incapacitated, is there a valid reason why he should not be given this benefit?

Mr. FAIRFIELD. Well, I introduced the bill, and, of course, I am standing to-day with the committee and talking of the position the committee took.

Mr. LEHLBACH. I would like to answer the gentleman. The retirement law as it stands to-day provides for retirement on an annuity in the case of disability, no matter what the age of the employee, if he has a minimum of 15 years' service. Consequently the case the gentleman cites, where a man is incapacitated and has to quit work between 50 and 60 years of age, is provided for.

Mr. RAKER. What is the reason for making it 50 instead of 60 years, then? There must be some motive, and the gentleman, being the author of the bill, no matter what the committee has done, should give us his judgment and experience on that matter.

Mr. CRAMTON. Mr. Chairman, pending that, I make the point that there is no quorum present.

Mr. RAKER. I hope the gentleman will not do that.

The CHAIRMAN. The gentleman from Michigan makes the point of no quorum. Evidently there is no quorum present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Andrew, Mass.	Drane	Kitchin	Robsion
Arentz	Drewry	Kleczka	Rodenberg
Atkeson	Driver	Kunz	Rouse
Bacharach	Dunn	Langley	Rucker
Bankhead	Ellis	Larson, Minn.	Sabath
Beck	Evans	Lawrence	Sanders, Ind.
Beedy	Fields	Lazaro	Shelton
Black	Focht	Leatherwood	Sinclair
Blakeney	Frear	Logan	Snyder
Bland, Ind.	Free	Longworth	Stafford
Blanton	French	Luce	Stedman
Bowers	Fulmer	Lyon	Steenerson
Brennan	Garrett, Tenn.	McClintic	Stevenson
Britten	Garrett, Tex.	McLaughlin, Nebr.	Stiness
Brooks, Ill.	Gensman	McSwain	Stoll
Brooks, Pa.	Gilbert	Maloney	Strong, Pa.
Buchanan	Goldsborough	Martin	Sullivan
Burke	Goodykoontz	Merritt	Summers, Wash.
Burroughs	Gould	Miller	Sumners, Tex.
Burtness	Graham, Pa.	Montague	Swank
Campbell, Kans.	Greene, Mass.	Montoya	Taylor, Ark.
Cantrill	Greene, Vt.	Nelson, A. P.	Taylor, Colo.
Carter	Griest	Nelson, J. M.	Taylor, N. J.
Chandler, Okla.	Hardy, Colo.	Newton, Minn.	Taylor, Tenn.
Christopherson	Harrison	Nolan	Ten Eyck
Clark, Fla.	Herrick	Olpp	Tilson
Classon	Hersey	Osborne	Treadway
Cockran	Hicks	Padgett	Tucker
Codd	Hooker	Parks, Ark.	Tyson
Colton	Huddleston	Patterson, Mo.	Ward, N. Y.
Connell	Hukriede	Porter	Ward, N. C.
Cooper, Ohio	Humphreys	Pou	Wason
Copley	Husted	Rainey, Ala.	Webster
Crago	Ireland	Rainey, Ill.	White, Kans.
Crisp	Jefferis, Nebr.	Ransley	Wilson
Crowther	Johnson, Miss.	Rayburn	Wise
Davis, Minn.	Kahn	Reber	Wood, Ind.
Deal	Kearns	Reed, N. Y.	Woods, Va.
Dickinson	Kiess	Riordan	Yates
Dominick	Kindred	Roach	Young
Doughton	Kinkaid	Robertson	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11212, finding itself without a quorum, he had caused the roll to be called, whereupon 267 Members had answered to their names, and that he therewith handed in a list of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

Mr. FAIRFIELD. The provisions of this bill are very simple, Mr. Chairman. There are practically two of them. The first is, that a man having reached the age of 60 and having served 15 years and having been removed from the service through no delinquency of his own, shall be entitled to a certificate which will entitle him to the annuity when he has reached the age prescribed in the general law, provided that whatever he has paid in shall remain in the Treasury. And another provision is, that those who have withdrawn within recent months and who are not counted or who did not count themselves as being eligible to an annuity, and who had no prospect of getting any annuity, if they shall return what they have withdrawn and permit it to remain in the Treasury, shall have the privilege the same as the others.

Permit me to say that the data we have collected shows that not more than 300 all told, in all of the departments, have been separated who have had 15 years' service and are above 55 years of age. The greatest number is in the Navy Department that reports 196. They took the trouble to extend their investi-

gations throughout all of the places where any of the people working in the Navy were situated, and they report 196.

Mr. LINTHICUM. Just a short question. Do any of those employees of the Bureau of Engraving and Printing who are ousted come under the provisions of this bill?

Mr. FAIRFIELD. Not that I know.

Mr. LINTHICUM. Does the gentleman know?

Mr. FAIRFIELD. I have not examined it. By the way, the Bureau of Engraving and Printing reported but nine all told who would come under the provisions of this bill.

Mr. LONDON. That is on a basis of 60?

Mr. FAIRFIELD. No. That is on a basis of 55. I gathered the data for 55, or rather, my bill was drawn at 50, but I made the inquiry for 55, thinking that perhaps it would be modified, so that the data in the report, and which comprehends around close to 300 men, covers those who had reached the age of 55 years and had had 15 years of experience with the Government.

There is just one department that did not report, and that is the War Department. Of course, the World War civilian employees were very few in that department. The number enlarged enormously, but of course none of those taken in could possibly come under the provisions of this bill. But they have dismissed some 62,000, distributed all over the world, and Secretary Weeks, in replying to an inquiry, said that it would be manifestly impossible in any reasonable time for anyone to check up on the ages and the length of service of 62,000 men who have been dismissed. However, he did volunteer the statement that in his judgment there were very few people who would come under the terms of this bill. It is perhaps difficult at any time for a general law to be passed that will completely cover emergencies that might arise or to completely and specifically state in terms what the spirit and manifest purpose of the law are. I have no doubt when the Congress passed the original law that its spirit and purpose were intended to cover conditions such as we have found to exist in recent months. Therefore, I think perhaps the committee will find that the number is so limited, the obligation so real, that without much hesitation the terms of the bill will meet your approval.

I want to say another thing before I take my seat, and that is that we asked the Government actuary—and we have the figures here, I think—to make a careful analysis of the cost, and for the 300 the cost will be less than $80,000 a year. Of course, there will be costs afterwards, because the law will apply in after years. And I asked the actuary to make an estimate on the experiences of the department and from the mortality tables as to about how many would probably come under the provisions of this act, and of course that had to be an estimate. He reports but 20 the first year, and, following the mortality table, gives us what from year to year will be the increased cost in order to take care of this provision of the law.

It is well for us to remember that after 10 months there was on hand in the fund $9,000,000, on the 30th of June which closed the fiscal year of 1921, and that at the close of this fiscal year there was on hand $15,000,000. There has been a movement on the part of those who have been retired to say that money is theirs. Not a bit of it, men. That money is in the Treasury, obligated to the men who have stayed in, so that ultimately the Government will have to pay the initial obligations of whatever number is comprehended in this bill, plus the additional that may be added by virtue of those who in future years shall drop out.

Now, that is a frank, honest, fair statement. On the other hand, it is true that this bill will require no immediate appropriation. It is true that in all probability the accumulation of the fund will be sufficient to take care of retirement for a decade. It is true that the provisions of this bill will not so materially increase the cost, but that it will only reduce the time by a few months.

And now, gentlemen, it would not only be inequitable, but it would be heartless for men having the right to think that they had a vocation that would be permanent and who had come in sight of the promised land, and who find their fellows all taken care of, to ascertain that they must face the future years without any such protection as the Government should have given a quarter of a century ago. It is only because this is initial. It is because we are starting this thing. After 20 years, no matter how many men may be taken care of this way, there will be no additional cost to the Government. So I would urge that you frankly support the bill. [Applause.]

Mr. HOGAN. Mr. Chairman, will the gentleman yield for a question?

Mr. FAIRFIELD. Certainly.

Mr. HOGAN. Does this affect those who were laid off last year and discharged; not furloughed, but discharged? For instance, I have in mind a man who served 32 years, and then he was laid off.

Mr. FAIRFIELD. It goes back retroactively to the time of the enactment of the first bill, May 22, 1920.

Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has used 20 minutes.

Mr. FAIRFIELD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HAYS].

Mr. HAYS. Mr. Speaker, not desiring to discuss the pending bill, I thank the gentleman from Indiana [Mr. FAIRFIELD] for yielding me a little time for some remarks on agriculture.

More or less criticism of a purely partisan nature has been leveled at the present administration by way of charges that Congress and the President have neglected the interests of the farmer. No one who keeps posted on what is going on in Washington will be deceived by this false and insidious propaganda. Some people, however, who may not have closely followed all we have done here, and who might be misled by this palpable effort to discredit the majority party through political misrepresentation, will be interested in a brief review of the more important agricultural measures considered on this floor within recent months.

Hon. Henry C. Wallace, Secretary of Agriculture, said in a recent address:

> Never in the same length of time did Congress give more serious attention to farm needs. All of the legislation is of a constructive character and will be more helpful than is now realized.

Being the Missouri member of the Committee on Agriculture, the words of the Secretary were particularly pleasing to me. Every true Missourian must feel a profound interest in the great basic business of agriculture. Ours is one of the leading States of the Union in the quantity and value of farm production. And, with pardonable pride, I can truly assert that the district I have the honor to represent is not surpassed by any congressional district in the United States in its splendid variety of soil output. Cotton, rice, sunflowers, tobacco, alfalfa, wheat, corn, oats, potatoes, vegetables, watermelons, cantaloupes, sorghum, fruits, berries, and poultry all thrive in richest abundance. One of our newspapers carries as its suggestive motto the phrase, "The land of the big red apple and the home of the helpful hen." Our blooded cattle, hogs, horses, and sheep divide honors with the famous Missouri mule. Coming from such a region, I considered it a rare privilege to be selected for membership on the House Committee on Agriculture, and I do not know of any more agreeable committee assignment. Rarely, indeed, does any partisanship assert itself there, because our members have industriously devoted themselves to the study of big welfare problems rather than to the narrower questions of party politics. For weeks and months we have patiently heard testimony from witnesses representing every section of the country on farm problems, and those hearings spread over thousands of printed pages. Hard and continuous as this work has been, we have felt ourselves amply repaid in the consciousness of having accomplished good results.

Mr. MONDELL, the majority leader of the House, said to our committee on February 27 last:

> No committee has done as much as this committee or inaugurated so much legislation in the interest of farmers as this committee, and I have been for it all.

Aside from the legislation originating in our committee, we have given hearty cooperation in considering measures from other sources calculated to better the status of agriculture. On May 27, 1921, this Congress passed the emergency tariff act and thereby stopped the influx of agricultural imports and saved the American market to our own producers.

We passed a law of the highest importance dealing with the live-stock industry. The stockyards and the packing plants were put under the supervisory and regulatory authority of the Secretary of Agriculture. The marketing, packing, and distribution of meat animals and meat products are so controlled under that law as to prevent discriminatory and deceptive practices and to insure a square deal for the producer and the consumer.

The Voigt filled milk bill is now a law. It protects the milk producer and the milk consumer from sham imitations. The practice was becoming widespread of extracting the butter fat from milk and then rebuilding the milk with coconut oil or other vegetable oils. We were told by the best scientists that this substitute lacked the nutritive qualities so essential to child growth and body development. Unscrupulous dealers, particularly in the larger cities, imposed upon the foreign population and illiterate people by selling them this canned compound and representing it as pure whole milk. By this law we have prevented the transportation and sale of filled milk in interstate commerce.

The future trading act, which recently passed the House, is designed to prevent market gambling in wheat and other grains. The inevitable result of price manipulation on the grain exchanges has been to depress the values at the season when the farmer usually sold his wheat and to raise the values after the wheat had found its way into the hands of the speculator.

The packer act, future trading act, and an amendment to the food control act have combined to encourage farmers in broadening the system of cooperative selling. In the manufacturing business and in every other class of output the voice of the producer, based on his knowledge of cost, has been largely effective in determining the selling price of his product. But the farmer, through all the years, has carried the handicap of having other people fix the price paid to him and the price paid by him for the things he has been compelled to sell and buy. When he drove to his local market with a load of produce he was compelled to accept from the buyer a price fixed in the big central markets; and when he spent the money so received he paid the price determined where his shoes or his hat or his clothes or machinery were manufactured. We believe that these recent enactments are moving in the direction of letting farm production values be determined by the men whose investment of toil and energy have created them.

Congress has under way an elaborate scheme of financial credit for agriculture. Some of it we have already put in the statutes by legislative enactment, and hearings are being held on other bills. As to the wisdom of the revision of the general scheme of credits, let me quote from a recent address by Eugene Meyer, managing director the War Finance Corporation, delivered at Milwaukee:

> In spite of the all-important position of agriculture in the American economic structure our financial system has been developed around banking practices imported from countries which are chiefly commercial and industrial rather than agricultural. And many of our troubles have been caused by forcing agriculture to adjust itself to these banking practices instead of adapting our banking to the needs of our basic industry and synchronizing the financing of agriculture with the natural processes of production and consumption. It has been the practice to put the bulk of our crops on the market immediately after the harvest. So long as the returns were sufficient to keep the farmer in business and the hope of enhanced land values encouraged him to carry on, so long as the market had the capacity to absorb a year's supply of a farm commodity in from three to six months, the weakness of such a system was not so apparent. But the moment there was a serious disturbance in the market, with the consequent failure to distribute the carrying of the commodity all along the line from the producer to the consumer, there was put upon the farmers and the country banks that finance them a burden they were unable to carry.

We have amended the Federal reserve act so as to require that at least one member of the board shall be an actual farmer. The War Finance Corporation has been revived and extended by a recent law, so that an enormous revolving fund is available for exclusive use in making loans to live-stock and agricultural interests. We passed a law to increase the rate of interest on the bonds of Federal farm loan banks so as to make them more readily salable and without any increase of interest on the loans to the farm borrower. We passed another law transferring $25,000,000 from the Federal Treasury to the capital fund of the farm loan banks.

Other bills dealing with farm credits are pending, but none of them perhaps is of greater importance than the one relating to warehouses. It is proposed that agricultural paper up to nine months' maturity, secured by products stored in public warehouses, may be discounted with Federal reserve banks. It is proposed that nine months' paper secured by live stock in the process of fattening for market shall be accorded the same privilege. It is proposed that the paper of cooperative marketing associations evidencing advances for agricultural purposes shall be entitled to all the rediscount privileges of agricultural paper.

I have not undertaken to enumerate all that the present Congress has done for agricultural welfare, but what I have shown is sufficient to indicate the wholesome purpose and the trend of thought of the administration now charged with solving the great national problems of economic reconstruction. From the time this administration went into office until the present hour every agency, directly and indirectly, has addressed its best efforts to aiding the farmer by removing obstacles that have long been permitted to block his progress.

Mr. FAIRFIELD. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. BEGG].

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. CRAMTON. Mr. Chairman, I feel that the gentleman from Ohio is entitled to a good hearing. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Michigan makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Dunn	Lawrence	Rouse
Anthony	Ellis	Lazaro	Rucker
Arentz	Evans	Leatherwood	Sabath
Bacharach	Fields	Logan	Sanders, Ind.
Bankhead	Fish	Longworth	Sanders, N. Y.
Beck	Foster	Luce	Schall
Beedy	Frear	Luhring	Shelton
Bixler	Frothingham	Lyon	Sinclair
Black	Fulmer	McClintic	Snyder
Blakeney	Garrett, Tex.	McDuffie	Sproul
Blanton	Gilbert	McFadden	Stafford
Bond	Goldsborough	McPherson	Stedman
Brennan	Gould	McSwain	Steenerson
Britten	Graham, Pa.	Maloney	Stevenson
Brooks, Ill.	Green, Iowa	Mansfield	Stiness
Brooks, Pa.	Greene, Mass.	Martin	Stoll
Browne, Wis.	Greene, Vt.	Merritt	Strong, Pa.
Buchanan	Harrison	Miller	Sullivan
Burroughs	Hayden	Montague	Summers, Wash.
Burtness	Henry	Montoya	Sumners, Tex.
Campbell, Kans.	Herrick	Morin	Swank
Cannon	Hersey	Mott	Taylor, Ark.
Cantrill	Hicks	Mudd	Taylor, Colo.
Carter	Hooker	Nelson, A. P.	Taylor, N. J.
Chandler, N. Y.	Huddleston	Nelson, J. M.	Taylor, Tenn.
Chandler, Okla.	Hukriede	Nolan	Ten Eyck
Christopherson	Humphreys	Olpp	Tilson
Clark, Fla.	Husted	Osborne	Treadway
Classon	Ireland	Padgett	Tucker
Cockran	Jefferis, Nebr.	Park, Ga.	Tyson
Codd	Johnson, Miss.	Parks, Ark.	Vaile
Colton	Jones, Pa.	Patterson, Mo.	Vare
Connell	Jones, Tex.	Porter	Volstead
Cooper, Ohio	Kahn	Pou	Walters
Cooper, Wis.	Kearns	Pringey	Ward, N. Y.
Copley	Kelley, Mich.	Purnell	Ward, N. C.
Crisp	Kiess	Rainey, Ala.	Wason
Crowther	Kindred	Rainey, Ill.	Watson
Davis, Minn.	Kinkaid	Rankin	Webster
Davis, Tenn.	Kitchin	Rayburn	White, Kans.
Deal	Kleczka	Reber	Wilson
Dempsey	Knight	Reed, N. Y.	Wise
Dickinson	Kraus	Riordan	Woodruff
Dominick	Kunz	Roach	Woods, Va.
Drane	Langley	Robertson	Yates
Drewry	Larsen, Ga.	Robsion	Young
Driver	Larson, Minn.	Rodenberg	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and finding itself without a quorum, he had caused the roll to be called, whereupon 243 Members, a quorum, answered to their names, and he presented a list of absentees for printing in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] is recognized for 10 minutes.

Mr. BEGG. Mr. Chairman, may I yield one minute to the gentleman from Iowa [Mr. TOWNER] without losing the floor?

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

The CHAIRMAN. The gentleman from Ohio yields one minute to the gentleman from Iowa.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. TOWNER. Mr. Speaker, a new controversy has arisen over an old issue. It seems that the Legislature of Massachusetts under provisions of its law submitted to the attorney general of that State the question of the constitutionality of the law passed by this Congress and approved November 23, 1921, entitled "An act for the promotion of the welfare and hygiene of maternity and infancy," usually referred to as the Sheppard-Towner Act. Subsidiary questions were also submitted as to whether Massachusetts has the right as a State to question the constitutionality of the act; whether by accepting the act the State would waive its right to contest the validity of the act; and, if the act be considered unconstitutional, what procedure should be instituted to test its constitutionality?

In an elaborate opinion filed in answer to these questions the attorney general advises that the act is unconstitutional, that the State may raise the question, that by accepting the State would probably waive its right to contest the validity of the act, and that the most direct, if not the only, method of testing

the constitutionality of the act is by "proceedings in equity against those officials of the Federal Government who are acting or preparing to act to carry its provisions into effect."

It is further stated in the press that acting on this advice the Legislature of Massachusetts has directed its attorney general to institute proceedings to test the constitutionality of the law.

THE CONSTITUTION AND THE LAW.

The question thus raised is whether there is constitutional sanction for the maternity law. It is claimed by the contestants that the Constitution of the United States does not grant power to Congress to tax the people "for the promotion of the welfare and hygiene of maternity and infancy."

It is true, as stated by the attorney general, that the National Government has only limited and enumerated powers; that such enumerated powers are stated in Article I, section 8, of the Constitution; and that all powers not thus enumerated, or those necessary for carrying into effect the powers thus granted, are reserved to the States or the people. It is the contention of the proponents of this legislation that it is clearly and fully authorized by the first paragraph of Article I, section 8, of the Constitution. Said paragraph is as follows:

The Congress shall have power to lay and collect taxes, duties, imports, and excises to pay the debts and provide for the common defense and general welfare of the United States.

Congress by the passage of the act in question, and the President by his approval, have declared that the legislation will promote the "general welfare of the United States." If so the act is directly under the authority of a specifically stated and enumerated power granted by the Constitution to Congress.

CONSTRUCTION.

To ascertain the meaning of constitutional provisions, rules of construction based on reason and experience have been approved by the courts and should be applied when controversies arise. One of these rules is that "the aim and object as well as the causes of a provision are essential in construing it." Under this rule of construction we should have no difficulty. The principal objects and purposes of the Constitution are explicitly stated in the preamble. It is as follows:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

To promote the general welfare is thus specifically stated as one of the declared objects to be obtained by the adoption of the Constitution. It is true the preamble contains no grant of power, but that comes later when Congress in express terms is granted power to levy taxes to "provide for the * * * general welfare of the United States."

The statement in the preamble that one of the purposes for which the Constitution was ordained was to "promote the general welfare" has been sometimes disparaged. It is not claimed that a statement of purpose in the preamble is of itself authority for congressional action, but it is of great value in the interpretation of a disputed clause in the body of the Constitution.

Mr. Justice Story, in his great work on the Constitution, referring to the preamble, sections 459, 460, says:

The importance of examining the preamble for the purpose of expounding the language of a statute has been long felt and universally conceded in all juridicial discussions. * * *

There does not seem any reason why, in a fundamental law or constitution of government, an equal attention should not be given to the intention of the framers, as stated in the preamble. And accordingly we find that it has been constantly referred to by statesmen and jurists to aid them in the exposition of its provisions.

In this case we find that one of the purposes stated in the preamble is to promote the general welfare, and that statement of purpose is followed in the body of the Constitution by an express grant of power to Congress to tax and appropriate for the general welfare. It would appear unnecessary under these conditions to argue that Congress has such power.

Another rule of constitutional construction is that preceding ordinances of Government and the debates and proceedings of the convention which framed the Constitution should be considered in determining the meaning of provisions finally adopted. If this rule be applied, we shall find that in the first effort to unite the Colonies in a central government and in all the deliberations of the Constitutional Convention the predominant purpose avowed was to provide for the general welfare of the people.

In the Articles of Confederation which preceded the Constitution and which was the first association of the Colonies for governmental purposes the third article provided:

The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare.

From the first, the "general welfare" was in the minds of the makers of the Constitution, which followed the Articles of Confederation. The first resolution of the Virginia plan submitted as a basis for consideration, was as follows:

Resolved, That the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defense, security of liberty, and general welfare.

On Gouverneur Morris's suggestion, Randolph moved a substitute, the first division of which was as follows:

1. That a union of the States merely federal will not accomplish the objects proposed * * * namely, common defense, security of liberty, and general welfare.

At a subsequent period during their deliberations a resolution was adopted stating that Congress should have power "to legislate in all cases for the general interests of the Union."

When the first draft of the Constitution was prepared the clause respecting taxation stood thus: "The Legislature of the United States shall have the power to lay and collect taxes, duties, imports, and excises," without any qualification or limitation whatever. Subsequently, the limitation "to pay the debts and provide for the common defense and general welfare of the United States," was added by the unanimous action of the convention.

In the draft prepared and submitted by Charles Pinckney power was conferred on Congress to levy such imports and duties for the use of the United States as Congress should think necessary and expedient. But this on consideration was changed to a declaration of purpose that taxes might be levied and appropriations made for three great general purposes, namely, "to pay the debts and provide for the common defense and general welfare of the United States," and that, as we have seen, was the language finally adopted.

Thus it is apparent that from the first the framers of our fundamental law had in mind that one of the essential objects to be obtained by its creation was to provide for and promote the general welfare of the people.

THE DOCTRINE OF STRICT CONSTRUCTION.

The purpose to create a government that should have power to promote the general welfare is shown both by the preamble and by the resolutions and debates of the Constitutional Convention, and this purpose is confirmed by the express grant of the power to Congress to tax and appropriate for the general welfare as stated in the body of the Constitution. It would appear then, that there is not much ground for the contention that Congress has no such power. In years long past, however, a school of strict constructionists arose whose advocates ably and earnestly strove to interpret the Constitution so as to limit the powers of the general Government to the narrowest possible bounds. The State rights advocates, as they were known, did not at first advance the contention that the grant of power to tax and appropriate for the general welfare was limited to enumerated purposes, but Mr. Madison early realized that unless the power of Congress was limited to the afterwards enumerated powers, and was not in itself considered a grant of power, the doctrine of strict construction would have little chance of final adoption.

Thus, a controversy arose as to the meaning of the first paragraph of the eighth section. Three views were advanced. It was argued by some that the power granted to Congress in this paragraph was a two-fold power, first to lay and collect taxes, and second to pay the debts and provide for the common defense and general welfare, and that the second was a separate and distinct grant not dependent on the first. This view has now very little support.

A second claim was that the grant to lay taxes and make appropriations for the general welfare was limited to the specific objects afterwards enumerated, to establish post offices, to coin money, to regulate commerce, and so forth. This view was contended for by the strict constructionists.

A third, and the view best supported and now generally adopted, is that the paragraph is a distinct grant of power to levy taxes for the purpose of, or in order to "pay the debts, and provide for the common defense and general welfare of the United States."

Mr. Madison advocated that the expression that appropriations might be made for the "general welfare" was limited by the enumeration of powers contained in the same section but in separate and distinct paragraphs. He said: "But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon."

Mr. Madison in this comment in the Federalist is answering objections made to the Constitution that unlimited power to tax is granted by that provision. It requires only an inspection of the entire section to see that each of the provisions separated by

a semicolon are separate and distinct grants of power, by no means dependent or modified by other sections. The first is the power to lay and collect taxes for specific and stated purposes; the second grants Congress power to borrow money; the third to regulate commerce, and so forth.

Against the interpretation given by Mr. Madison may well be placed that stated by Mr. Jefferson in his opinion on the Bank of the United States, given in 1791. Mr. Jefferson said:

To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of providing for the general welfare. For the laying of the taxes is the power, and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes ad libitum for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.

No stronger statement in this regard has been made than by Mr. Hamilton in 1791 in his remarkable report as Secretary of the Treasury on manufactures. In this report he states the three limitations on the taxing power of Congress, viz, that all duties, imports, and excises must be uniform; that no capitation or other direct tax shall be laid except in proportion to population; and that no State shall levy an export tax or duty, and then proceeds:

These three qualifications excepted, the power to raise money is plenary and indefinite. And the objects to which it may be appropriated are no less comprehensive than the payment of the public debts and the providing for the common defense and general welfare. The terms "general welfare" were doubtless intended to signify more than was expressed in those which preceded, otherwise numerous exigencies incident to the affairs of the Nation would have been left without a provision. The phrase is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars which are susceptible neither of specification nor of definition. It is, therefore, of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce are within the sphere of the national councils so far as regards an application of money.

Mr. Justice Story, in his work on the Constitution, sections 907 and 908, discusses the question whether the power of taxation granted in section 8 was an absolute and unlimited power or whether it was limited by the stated declaration of purposes for which taxation might be imposed. He arrives at the latter conclusion, and states that the section should be interpreted to read that taxes might be imposed in order—

to pay the debts and to provide for the common defense and general welfare of the United States.

In this sense—

He adds—

Congress has not an unlimited power of taxation; but it is limited to specific objects—the payment of the public debts and providing for the common defense and general welfare. A tax, therefore, laid by Congress for neither of these objects would be unconstitutional, as an excess of its legislative authority.

Mr. Story distinctly refuses to approve the claim that the power to tax in order to provide for the common defense and general welfare was limited to subsequent provisions of section 8 of the Constitution. Regarding this contention he says:

An attempt has been sometimes made to treat this clause as distinct and independent, and yet as having no real significance per se, but (if it may be so said) as a mere prelude to the succeeding enumerated powers. * * * No person has a right to assume that any part of the Constitution is useless or is without a meaning, and a fortiori no person has a right to rob any part of a meaning, natural and appropriate to the language in the connection in which it stands.

Referring to Mr. Madison's statement that the common-defense and general-welfare clause contained only "general terms, explained and limited by the subjoined specifications," Mr. Story says:

It is assuming the very point in controversy to assert that the clause is connected with any subsequent specifications. It is not said "to provide for the common defense and general welfare in manner following, viz," which would be the natural expression to indicate such an intention. But it stands entirely disconnected from every subsequent clause, both in sense and punctuation, and is no more a part of them than they are of the power to lay taxes.

Mr. Pomeroy, in his work on Constitutional Law, sections 273, 274, 275, sanctions such interpretation of the section and says:

Thus the Congress does not possess an absolutely unlimited power of taxation. It can only resort to this high attribute for one or more of three purposes—payment of debts, the common defense, the general welfare. The defense must be common and the welfare general. But, after all, this leaves a sufficiently wide field for legislative operations. Money may be raised to pay any debts however contracted, whether now existing or to become due at a future time. Common defense and general welfare are terms of the broadest generality, and within them can be included all the objects for which governments may legitimately provide.

What measures, what expenditures will promote the common defense or the general welfare Congress can alone decide, and its decision is final. It is certainly not necessary that any particular expenditure should be spread over the whole country, to bring it within the meaning of a defense which shall be general. All the disbursements of the Government must be met by revenue of some kind and must finally be paid by some species of taxation, except that small portion which may be provided for by the sale of public property. Congress spends vast sums of money in the erection and adornment of a capital, in furnishing a scientific institution; but it is not claimed that these disbursements are not made for the general welfare. A fort in New York is for the common, not local, defense. In short, the legislature is not trammeled by these provisions; it has ample scope and verge in which to indulge its proclivities to raise and expend money.

The marvelous wisdom and prescience of the makers of our Constitution is shown by the fact that, although the supreme purpose of its creation was to promote and secure the general welfare of the people, power was not granted Congress to legislate directly for such purpose. But power was granted Congress to appropriate money for the general welfare and thus to carry out its expressed purpose without infringing upon the rights of the States, and in this way to cooperate with and aid them in promoting the general welfare of those who are at once citizens of the State and of the Nation. As Mr. Hamilton well said:

The phrase "general welfare" is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars which are susceptible neither of specification nor of definition.

This is a Nation, and Congress is its lawmaking body. The United States of America is a general government for millions of people, and its Constitution is designed to provide for them an adequate system of government, sufficient in power and scope to meet all needs and answer all demands. Is it imagined that when the creators of our fundamental law, with that marvelous wisdom which characterized the formation of that document, admitted to be the "most wonderful work ever struck off at a given time by the brain and purpose of man," did not know what they intended or what they did when they committed such power to Congress? Is it thought they did not mean what they said when they declared Congress should have the power to tax and appropriate for the general welfare? How else could they have made a National Government that could meet the demands of future ages? "Otherwise," to repeat Mr. Hamilton's words, "numerous exigencies incident to the affairs of the Nation would have been left without a provision." And to those who now contest that power think that the Supreme Court, after all these years of continual and uncontested exercise of such power, will interpret that provision of the Constitution which grants the power so as to make it senseless and absolutely ineffective? It would seem that such position is not only unreasonable but reactionary in extreme degree, and that any hope or expectation of a successful result is without reasonable prospect of fulfillment.

THE ACCEPTED INTERPRETATION.

The view as stated by Hamilton, Story, and Pomeroy has been the accepted view of America's greatest jurists and statesmen. It has been the accepted interpretation of Congress from the first. Literally hundreds of acts have been passed by Congress which have no express nor implied constitutional sanction, except that they were justified under the general-welfare clause; and from the first every President of the United States has approved such acts. No veto has ever been rendered by any President based on the grounds now urged. No suit has ever been brought contesting the right of Congress to pass appropriations for the purpose stated, and no decision of any court can be cited as authority for the position now taken against this legislation.

These facts should be given great weight, for another rule of construction approved by jurists is that the interpretation of a constitutional provision adopted and followed by the lawmaking bodies if in numerous instances and covering long periods of time is among the strongest indications of the true intent and purpose. From 1789 to 1922 there has been an unbroken line of congressional acts passed under the authority and interpretation which supports this legislation.

Mr. Justice Story, in referring to this fact, says:

In regard to the practice of the Government, it has been in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in their broad or their narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently but upon discussion, Congress has gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities; as in the relief of the St. Domingo refugees in 1794, and the citizens of Venezuela, who suffered from an earthquake in 1812.

Many other instances could be given from our earlier period, and they multiply greatly with the years. As our growth in population has increased, as the diversification and extent of

our industrial and commercial activities have extended, as our progress in scientific knowledge has enlarged our mental horizon, and especially as humanitarian and moral standards have been elevated, "public welfare" has attained an enlarged and nobler significance.

Indeed, most, in number at least, of the laws carrying appropriations which are now made must find justification for their enactment in the power granted to Congress to appropriate for the public welfare. If appropriations are not justified in the present instance, many of the present activities of the General Government would have to be discontinued.

In the Treasury Department we have established the Federal Farm Loan Board, which is making loans to farmers all over the United States. This is without any constitutional warrant, under the attorney general's opinion.

The entire Public Health Service of the Government would likewise fall under the ban. Scientific investigation and studies of diseases, the mental and industrial hygiene of children, rural sanitation, public health administration, etc.—all these activities, requiring many millions from the National Treasury, are now carried on by the General Government. If the Legislature of Massachusetts is eager to protect the taxpayers of that State, one wonders why during all these years something has not been done to stop what they now seem to consider unconstitutional exactions. Is it possible that what is constitutional under the Public Health Service is unconstitutional under the Children's Bureau? It is a somewhat remarkable thing that no serious protest has been raised against the Public Health Service, which for years has been doing the same class of work in the same way that is given the Children's Bureau in the law which is now declared unconstitutional.

Then there is the Bureau of Education; the Reclamation Service; the Bureau of Mines, and indeed, the whole Department of Agriculture and the Department of Labor; none of these has any constitutional sanction under the contention now urged against this law.

In the Department of Agriculture tens of millions are spent on such matters as farm management and farm economics; on forecasting the weather; on the care and development of live stock; on studies of plant life; on studies of insects; on crop estimates; and the distribution and marketing of farm products. The General Government also has and maintain a Bureau of Fisheries and furnishes fish to stock private streams and ponds.

In the Department of Labor the Children's Bureau is found, which has regard for the welfare of children and child life and especially questions of infant mortality, the birth rate and diseases of children, and so forth. The same department has also a Woman's Bureau which formulates standards and policies to promote the welfare of wage-earning women, to improve their working conditions, increase their efficiency, and advance their opportunity for profitable employment. The department also maintains the United States Employment Service to foster, promote, and develop the welfare of the wage earners of the United States.

The Government also supports the Smithsonian Institution, for the "increase and diffusion of knowledge among men." The United States National Museum and the National Gallery of Art are also supported from the National Treasury.

Then there is the Federal Trade Commission, charged with the supervision of private corporations; the United States Shipping Board, which is the largest shipping concern in the world engaged in the business of ocean transportation; and the War Finance Corporation, which is now furnishing funds from the National Treasury to finance the export of farm products and is lending money to farmers to enable them to profitably market their products, with a Government-furnished capital of $1,000,000,000.

In making appropriations Congress has gone far beyond these instances. When earthquakes occur, when floods come, when almost any calamity of magnitude occurs at home or abroad, we make contributions from the National Treasury in their aid. We appropriate not only for world's fairs at home but we also take money from the National Treasury to make exhibits in Brazil and elsewhere. We send seed wheat to our own drought-stricken farmers, and do not hesitate to appropriate $20,000,000 for the relief of the Russian peasants. It should be remembered that we have made appropriations for the celebration in Massachusetts of the landing of the Pilgrims, and the people of that Commonwealth have gladly received money from the National Treasury to help eradicate the chestnut blight from their forests and their parks. They have received and used national appropriations to aid their schools and to help build their roads. It is difficult to understand why all these and hundreds of other appropriations are allowed to pass with acceptance or tacit approval and all the powers of the Commonwealth are launched to defeat the beneficent operation of the maternity act.

The instances given by no means exhaust the subjects for which Congress makes appropriations, none of which has constitutional sanction other than that they are considered for the general welfare. When the attorney general brings his suit he might well consider the inclusion of these governmental activities, all of which in his view must be unconstitutional. He could as well justify himself in attempting to stop those expenditures as to attempt to stop expenditures authorized by the maternity act. By so doing he could, if successful, save hundreds of millions annually, to the great relief of the tax-burdened people of Massachusetts, so many of whom have such large incomes that they are compelled to pay the disproportionate exaction of 5.66 per cent of the total paid into the National Treasury. The immunity, if secured, from the exactions imposed by the maternity act, which carries only a little over a million dollars, would be insignificant compared with the relief that might come to the income-paying citizens of Massachusetts from the continued annual imposition of hundreds of millions equally unjustified, according to the opinion of the attorney general.

INVASION OF POLICE POWER.

Every extension of governmental activity to cure abuses or to relieve untoward conditions has been met with the same objection urged in this case, that it is an invasion of the police powers and the reserved rights of the States. But Congress has used its judgment in most cases with careful observance of constitutional limitations, and in nearly all cases the legislation has been sustained by the Supreme Court. If the objection now urged against legislation of this character were sustained and acts of a similar nature were stricken from the statutes, a great volume of beneficent law would be lost. A brief review of some of the cases of this character may be of value as indicating the nature and trend of the decisions of the Supreme Court on such legislation when attacked as an invasion of the rights of the States.

In Champion *v.* Ames (188 U. S. 321), the so-called Lottery case, it was held that Congress had power to prohibit the transportation of lottery tickets. In Hipolite Egg Co. *v.* United States (202 U. S.) the power of Congress was sustained under the pure food and drugs act to prohibit the introduction into the States of impure foods and drugs. In Hoke *v.* United States (227 U. S. 308) the constitutionality of the so-called "white slave traffic act" was sustained, in which the transportation from State to State of women for the purpose of prostitution was forbidden. In that case the Supreme Court said:

> If the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasements of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and, more insistently, of girls.

In Caminetti *v.* United States (242 U. S. 470) the Supreme Court held the act prohibiting the transportation of women from State to State for purposes of illicit intercourse was valid. In Clark Distilling Co. *v.* Railway Co. (242 U. S. 311) the "prohibition act" was sustained prohibiting the transportation of intoxicating liquors. In McCray *v.* United States (195 U. S. 27) a law laying a tax on oleomargarine when colored to resemble butter was sustained. More than 50 years ago a tax on the circulation of State banks was sustained in the case of Veazie Bank *v.* Fenno (8 Wall, 533). In Standard Oil Co. *v.* United States (221 U. S. 1, 68) the Supreme Court held the Sherman Act designed to break up combinations in restraint of trade and monopolies was valid. The rule laid down in these cases has been followed in many others, and in all of these the argument was strenuously but vainly urged that the General Government had no power to invade the reserved and police power of the States. In the decision of the White Slave case the Supreme Court held that if convenient to the exercise of its power the legislation might have the character of a police regulation.

These cases are important because they are ample and conclusive authority for the proposition that Congress may exercise a power constitutionally conferred even when it directly affects the police powers of a State. The fact should be remembered that the people of the United States are under a dual citizenship. The United States has no citizens that are not citizens of some State. The General Government in the exercise of powers conferred upon it can not legislate without affecting the citizens of a State. Once the power is granted its exercise can not be restrained because the law enacted may not be pleasing to some citizens of some State. Its judgment as to how it can best promote the general welfare of its citizens can not be nullified by the objection of a State or even of many States.

CONDITIONAL GRANTS.

The objection is urged that a grant made contingent upon acceptance with conditions constitutes an invasion of the reserved police powers of the States.

For more than half a century appropriations have been made by the General Government for purposes promoting the general welfare, and they have been made contingent upon acceptance by the States and upon conditions required by the General Government.

In 1857 Justin S. Morrill, representative in Congress from Vermont, introduced a bill providing for grants of the public lands to each State for the establishment, endowment, and maintenance of an agricultural and mechanical college. It was finally passed in 1859, and was vetoed by President Buchanan on the same grounds now urged by the attorney general against the maternity act. The bill was reintroduced, however, passed by Congress, and approved by President Lincoln in 1862. Under this act the States received either Government lands or scrip in varying ratios, provided that every State accepting the grant should maintain a technical college with certain prescribed features. Compulsory military-training work and teaching in agriculture and the mechanic arts was also required.

Under this act 10,400,000 acres of land were given the States. Massachusetts received 360,000 acres, and in 1867 complied with the conditions and established her college.

In 1887 the Hatch Act established an "experiment station" for each of these colleges, and an annual payment from the National Treasury of $15,000 was given each college which complied with certain specified conditions.

In 1890, $25,000 for the "more complete endowment and maintenance" of each of these colleges was provided, and this was increased later to $50,000. Every State in the Union has accepted, has complied with the conditions, and is receiving annual appropriations from the National Treasury.

In 1914 the Smith-Lever Act was passed, under which annual appropriations are made to the States for instruction and practical demonstration in agriculture and home economics. The annual appropriations, now at their maximum, amount to $4,580,000 each year. No State can receive its quota of these appropriations unless it appropriates an equal amount for the same purpose and complies with the conditions specified in the act.

The Smith-Hughes Act was passed in 1917. This act grants to the States amounts from the National Treasury for vocational education. The maximum annual appropriation is $7,000,000, and the allotments to the States are conditioned on a like appropriation and compliance with conditions to be met by each State.

In 1912 Congress made an appropriation of $500,000 to aid the several States in highway construction. The money was apportioned among the States, and in order to receive its allotment each State was required to contribute twice as much as it received from the Government.

In 1916 the Federal aid road law was passed. It provided for a maximum appropriation of $25,000,000 by the General Government. A State must appropriate an amount equal to its allotment and comply with the conditions specified in the act in order to receive its share. An act has just been passed by Congress appropriating $50,000,000 for the coming year, $65,000,000 for the next year, and $75,000,000 for the year following for road purposes, provided the States appropriate a like amount and comply with the conditions specified.

If the maternity act is unconstitutional then these acts are unconstitutional. None of them are unconstitutional, and neither is the maternity act unconstitutional. There can be no distinction drawn in principle between these acts and the maternity act. If they are for the general welfare, so is the materternity act. If the saving of human life is not for the general welfare, then nothing named above and nothing that can be named is for the general welfare.

PROVISIONS OF THE ACT.

In fact, most of the acts referred to are much more exacting in their requirements than is the maternity act. A brief review of its provisions will show how slight are the conditions required of the States to entitle them to share in its benefits and help to an understanding of its general scope and purpose.

The act provides for an appropriation from the National Treasury to the States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy. An authorization is made for an appropriation annually of $1,240,000, such fund to be available to such States as shall accept the provisions of the act in the proportion which the population of a State bears to the total population of the United States, provided a State shall appropriate an equal amount for the same purpose. A board is created consisting of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The Children's Bureau is charged with the administration of the act, and is directed "to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of the act."

In order to receive the benefits of the appropriations authorized, the legislature of a State is required to—

1. Accept the provisions of the act.

2. Designate or authorize a State agency to cooperate with the Children's Bureau in the administration of the act.

3. Submit plans for administration to the Children's Bureau, subject to the approval of the board.

4. It is provided that no plan shall be approved unless it provides that no official, or agent, or representative in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child. If the plans be in conformity with the act, and reasonably appropriate and adequate to carry out its purposes, they shall be approved.

5. No allotment shall be withheld from a State without the approval of the board, and when withheld the State agency may appeal to the President.

In the recital of the provisions of the act given by the attorney general in his opinion he omits to state that the act further provides that "If these plans shall be in conformity with the provisions of the act and reasonably appropriate and adequate to carry out its purpose they shall be approved by the board." Without such a provision the attorney general's statement would lead to the conclusion that the board could impose any conditions they saw fit to demand. The act particularly states that plans only reasonably appropriate and adequate shall be required. The opinion of the attorney general also omitted to give the constitution of the board; a very important matter when considering the objections which he urges.

The statement of the attorney general that the nature of the plans to be approved "are wholly undetermined except that they must have some relation to the welfare and hygiene of maternity and infancy" is not justified. The nature of the plans are not "wholly undetermined," they are specifically required to be "reasonably appropriate and adequate" to carry out the provisions of the act, only that and nothing more.

The attorney general further states that control over the conduct of the State agencies is vested in the Children's Bureau and the board by exercise of the right to withhold funds. The act provides that when an appropriation made has not been expended by a State "for the purposes and in accordance with the provisions of this act," further apportionment shall not be made until the State arranges to apply the funds which it has received for such purpose. Such action can not be taken, however, except by the order of the board, with the right to the State of appeal to the President. Could the rights of a State be more carefully guarded? Or would the attorney general approve provisions allowing the State to receive appropriations granted by the General Government for a particular purpose without provision to guard against its misuse?

The attorney general appears exceedingly anxious to make it appear that the act gives to the General Government control within the States of the administration of the law. In fairness in that connection he should have stated the concluding section of the act which provides—

> This act shall be construed as intending to secure to the various States control of the administration of this act within their respective States, subject only to the provisions and purposes of this act.

There has never been at any time a purpose on the part of the proponents of this legislation to control the States in carrying out its objects. Everything that would carry such an inference even has been excluded from the provisions of the act. Only such requirements as are absolutely necessary to protect the General Government from a misuse of the funds have been retained. It is not to control the States but to aid and encourage them and to stimulate them to activity that this legislation is designed.

ORIGIN AND JUSTIFICATION OF THE ACT.

It is difficult to understand why this legislation has been and is so persistently and bitterly attacked. Its origin is briefly this: The Children's Bureau began making investigations, as it was required to do, regarding the mortality of children arising from maternity causes. This necessarily included consideration of the maternal mortality of women. The bureau found a terrible, a disgraceful condition existing in the United States both as to mothers and children. It was found that between 200,000 and 250,000 children died each year before they had

lived 12 months. It was found that between 20,000 and 25,000 mothers died in childbirth each year. It was found that this maternal mortality rate was the highest of 17 countries of the world, and that our infant mortality rate was seventh among the nations. It was found that while in the United States we had reduced the mortality rate in typhoid cases one-half, we had reduced the rate in diphtheria cases more than one-half, and were rapidly reducing the rate in tuberculosis, there had been but slight decrease, if any, in the percentage of maternal deaths, and no decrease in the percentage of infant deaths.

It was found that more women between the ages of 15 and 45 years die from causes incident to child bearing than from any other cause except tuberculosis.

These conditions being shown, the Children's Bureau undertook a searching inquiry as to causes and as to possible means for helping conditions. It was found that the principal causes were ignorance and poverty, resulting in neglect and lack of trained help when needed. Other causes contributed, but these seemed to be the principal causes. The bureau found in seeking remedies that wherever in the United States or elsewhere systematic work and trained aid was secured, principally of an instructive, helpful, and nursing character, the mortality of both mothers and children was reduced almost immediately one-half. It was found that the lower mortality rates existing in most European countries was largely the result of Government stimulus and aid. It was found that every European nation had made some provision for the protection of maternity and infancy, and that those which had done the most had secured the best results. It was found that Great Britain had adopted a system such as this act provides of appropriations from the national treasury, contingent on like appropriations from local communities to which was committed the administration of plans approved by the central authority. Their appropriation in 1914 was £11,000, in 1918 it was increased to £200,000, and in 1921 it was £526,000, or about $2,600,000. As a result of this work they reduced their maternal mortality rate to 4.4 per 1,000 cases, while ours stands at 7.4. The chief medical officer of the Ministry of Health of Great Britain in his annual report said:

> The health of the mother and child is obviously the primary step in the health of the community. For here is the source of a nation.
> The results (of their work) have been very remarkable. The decline in the death rate of infants from 150 per 1,000 to 89 must be attributed in large measure to the action taken. It is one of the two or three most significant triumphs of preventive medicine in the present century. It is far-reaching, first because of the lives saved, secondly because of the invalidity escaped by the surviving children, and thirdly because it is a movement springing in large degree from the people themselves and resulting in a new social conscience in respect of the physical well-being of mothers and children. These are immense and permanent gains to a nation.

In the United States it was found that wherever this systematic work and trained aid was secured remarkable results followed. In New York City they have a bureau of child hygiene, which for several years has carried on in that city exactly the work which is contemplated in this act. Since the work was inaugurated it has reduced the death rate of infants due to maternity causes from 144 to less than 70 per 1,000. Dr. Josephine Baker, director of the work in New York, testified before the committee that in her opinion upon a reasonable estimate the lives of 15,000 women and 100,000 babies could be saved each year by carrying out the provisions of this law. Dr. Ellen C. Potter, of the division of child health in the State of Pennsylvania, stated before the committee that with a very limited corps of workers they reduced the rate of infant mortality 10 per cent in that State in the first year of the service. She believes that under the full operation of the maternity act the maternal mortality of mothers and children can be reduced more than one-half.

The necessity for some action was so apparent and the remedy appeared so effective when applied that the women who had charge of the child-welfare work in Washington, with help and encouragement from other child-welfare workers throughout the United States, proposed this legislation. This was the situation as it was presented to Congress, and so the bill was favorably reported from the committee by a unanimous vote. It passed the House by a vote of 279 to 39, and the Senate by a vote of 63 to 7.

This is the legislation and this the law which the Legislature of Massachusetts, on the advice of the attorney general, attacks. It is a singular incident of our current history. Most of the people of the United States will regret that such opposition has developed in a State to which we used to look for leadership in humanitarian movements.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] is recognized.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, in the consideration of this bill, which is an amendment to the retirement act, it seems to me that attention for just a minute ought to be given to the fundamental principle upon which the retirement act was founded. It would strike me that the retirement act is founded on one of two basic principles, either on the basis of a pension, where the beneficiary under the act acquires certain financial rights after a certain number of years' service and pays the premium therefor or it must be on the basis of a gratuity. It must be founded either on the principle that it is a bought-and-paid-for guaranty for a certain amount of income after a certain number of years or else it must be founded on the other principle, that it is a governmental gratuity paid to the beneficiary in lieu of and in recognition of a stipulated number of years' service. I do not believe there is a man in the House or out of it knowing anything about the retirement act who would make the claim that it is founded on the first basis, namely, that the beneficiary under the act acquires certain financial rights after a certain number of years and is in consequence granted an annuity. Hence if that is true it must be founded on the principle that the Government recognizes that the Government employee earns a certain gratuity for a stipulated number of years of service. It is with that view that I undertake to discuss this bill.

Now they have agreed to the bill and I believe that the House has accepted the principle of retirement so that no discussion is required on the retirement question. Whether it is right or wrong, or whether it should be or should not be, it is. The only thing to decide upon this proposition as I see it is what is the basis on which we started. As I said above, it is on a basis of gratuity in view of a stipulated number of years of the employee's service.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. MANN. How do you make it a gratuity owing to somebody?

Mr. BEGG. I make it on this reasoning surely, because I can see no excuse for it save one of the excuses or reasons I have given.

Mr. LONDON. Call it a deferred payment.

Mr. BEGG. All right; I will call it anything you want.

It must be a contribution, or a payment, or whatever it is, to the employee, as a recognition for faithful service performed for a stipulated number of years. Now that principle has been accepted by this Congress and by the employee. That being true, we have arbitrarily set the number of years as 30 years of service for the benefits to begin to accrue. I maintain that by every reasoning of old-age pensions, old-age insurance, or other commercial pensions the only reasoning that can be applied to that scheme of legislation is that if you are going to recognize the obligation at the end of 30 years' service, when a man has given fifteen or twenty years' service he has earned a percentage part of the gratuity that would have been earned at the end of the 30 years' service. If I am correct in that reasoning then I ought to make another statement, which seems to me to be almost a fact, that in order to avoid doing gross injustice, regardless of the bill or the amendment, the only basis on which you can calculate the responsibility of the Government to the individual is not on a basis of years of age, but rather on the basis of years of service rendered. The same argument that can be offered for the introduction of this bill cutting the age limit from whatever it is, 72, 70, 65 or 62, every single argument that can be used for cutting it from what it now is to 60 years of age can be used in favor of cutting it from 60 down to 50; and I am going to offer an amendment to do that very thing on the ground of justice, if you are going to cut it from 62 and 65 and 70 down to 60. Why? Let us see what we are doing to-day if we adopt this amendment at 60. Supposing A is 60 years and 2 months of age and has served the Government 16 years and we pass this amendment. A having served 16 years is entitled to an annuity for life from the Government.

Now, suppose B is 59 years and 11 months old. That is not an absolute monstrosity by any means. He is 59 years and 11 months old and instead of serving the Government 16 years as A has done, he has put in 27 years of faithful service. If you pass this bill to-day in this form, you cut him out. He does not get an annuity for a single hour. A gets an annuity for life, having served 16 years, and B, having served 27 or 28 or 29 years, gets nothing. A may have served the Government only 15 years and 1 month, and yet you are willing to come in and grant him a gratuity for being fortunate enough to have been born one month sooner than B. Men, we do not legislate like that. We most certainly can not afford to go into the unexplored field of granting annuities to people after they have been retired from the service on any such haphazard basis as that.

Mr. THOMAS. Will the gentleman yield?

Mr. BEGG. I had rather not yield yet.

The CHAIRMAN. The gentleman declines to yield.

Mr. BEGG. If I had my way on this proposition, after having accepted the annuity proposition which we have and which is not debatable in this bill, I would do one of two things. I would let the law stand where it is——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. I would like to have one minute more to complete my statement.

Mr. FAIRFIELD. I have no more time.

Mr. BEGG. I ask unanimous consent that I may have one minute more.

The CHAIRMAN. The Chair can not recognize the gentleman for that purpose. Gentlemen opposed to the measure are entitled to 30 minutes. The Chair will recognize anybody who is opposed to the measure.

Mr. THOMAS. Mr. Chairman, I am opposed to the measure.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky [Mr. THOMAS] for 30 minutes.

Mr. BEGG. Will the gentleman yield a little of that time to me?

Mr. THOMAS. I will yield the gentleman five minutes, if he will answer a question.

Mr. BEGG. All right.

Mr. THOMAS. I desire to ask the gentleman from Ohio if he can give any reason why a man who is employed by the Government at good wages, who has sought the job, should be pensioned by the Government any more than the farmer who makes the food that you eat or the carpenter who builds your house? Can the gentleman answer that question?

Mr. BEGG. Yes; I can answer that without any trouble.

Mr. THOMAS. The gentleman can not do it. [Laughter.]

Mr. BEGG. I will say to the gentleman from Kentucky who so kindly yielded me some extra time that that question was answered by the Congress when they adopted the retirement-pay proposition. So far as I am personally concerned, I do not believe in favoring one class of people in the country on a retirement basis any more than I do any other class.

Mr. THOMAS. You are doing it when you pass this bill.

Mr. BEGG. I grant that; but that does not enter into this question, else I would be willing to debate it with the gentleman and might be on the other side. I do not know. I should like to conclude the statement I started to make. Having accepted the retirement scheme as a fact, if I had my way in passing any amendment I would do one of two things. I would let the law stand as it is to-day, which might do an injustice to some few men, or else, if I attempted to amend it, I would so amend it that a man who had given 15 years of service and then had been separated from Government employment without any fault of his own should be entitled to a fractional part of the total annuity, such as the number of years of service bears to the total number of years required to receive the total annuity. That would avoid doing injustice to men of less age.

Mr. THOMAS. I will give the gentleman five minutes more if he will answer my question.

Mr. MANN. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. MANN. Except as a purely arbitrary matter, how does the gentleman differentiate between a man who served 15 years and 1 day and a man who served 14 years and 364 days?

Mr. BEGG. I will say in reply that there is no equity in the proposition, and if we want it to be absolutely equitable we would put it on the same basis that life insurance companies put it on, that after three years it has a cash value.

Mr. MANN. That is not the scheme we have; when we fix an arbitrary thing, it is arbitrary. The gentleman is arguing for another arbitrary matter.

Mr. BEGG. I beg the gentleman's pardon, the gentleman did not get what I said.

Mr. MANN. Oh, I got it.

Mr. BEGG. The gentleman missed fire once. When the time comes I shall offer an amendment keeping the age at 50 years.

Mr. THOMAS. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. THOMAS. The gentleman admits that this is class legislation at the expense of all other citizens, and he admits that it is an arbitrary and inequitable matter. I want to know whether he is in favor of putting through such legislation as this?

Mr. BEGG. I am for the provision that will do the least injustice.

Mr. THOMAS. I think every individual ought to stand on his own bottom.

Mr. BEGG. I am willing to stand on mine.

Mr. THOMAS. Why do you not cut out these pensions?

Mr. BEGG. Did the gentleman ever introduce a bill to repeal this retirement act?

Mr. THOMAS. No; you have 165 majority; what good would it do?

Mr. BEGG. The gentleman would have the satisfaction of knowing that he tried as hard as he could and did his best.

The CHAIRMAN. The gentleman from Kentucky has 23 minutes remaining.

Mr. THOMAS. I yield five minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS. Mr. Chairman, we already have a retirement act and I am only going to take up the time of the committee in order that I may see if I have construed that act correctly, for if I have not I will offer an amendment. As I construe the act that we now have—and I would like the attention of the gentleman from New Jersey and the gentleman from Indiana, for both of them have given this matter close study—a man who is physically unable to perform the duties of his position and who has been in that service for, say, 30 years, is entitled to retirement. I have in mind a case where a man has worked for the Government in one branch of the service for 30 years. He is not familiar with any other branch of the service. He started as a young man. For the last two or three years he has worked against the advice of his family physician, and recently on the advice of his family physician he put in his application for retirement. Every physician who has examined him says that he is absolutely unfit to go on with the work he has been doing, and that if he does so, he is risking his life. Yet, certain agents of the Government hold that because he might perform the duties of a janitor somewhere, if he could find such a position as a janitor, he is not entitled to retirement.

My construction of the law is that if this man has given the Government 30 years' service, the best of his life, 30 years of faithful and efficient service, he is entitled to retirement and to receive the pay, because from his salary, which has not been large, the Government has taken the required amount by law from that salary. I would like to ask my colleague, Mr. LEHLBACH, and my colleague, Mr. FAIRFIELD, both of whom have studied this question, if in their opinion a civilian's opinion should be taken where he has made only a superficial examination, and especially where physicians representing the Government show the man to be physically unfit to perform the duties required of him, and also if the present law does not give the man a retirement status if he is found to be totally disabled to perform the services in that branch of that service of the Government in which he is serving? If it does not, then your laws are a farce and a man is simply at the mercy of some enemy or the whim of some examiner.

Mr. LEHLBACH. The retirement law provides that after a man has been employed 15 years and has become totally incapacitated he is entitled to retire with an annuity just as if he had reached the retirement age. The term "totally incapacitated" is an administrative function and is to be construed by the authorities of the Department of the Interior that have to administer the law, taking such advice from the law department as they require. Consequently, a construction by me or by the gentleman from Florida would have nothing but an academic value. I will say in answer to the question of the gentleman, and it is my personal opinion and has no binding force, that the term "totally incapacitated" should be taken in relation to the employment of the individual under consideration. If he is a railway mail clerk and totally incapacitated for performing the work of a railway mail clerk, he comes within the term of the law, and it is a strained and unreasonable construction to say that if he is capable of performing some other and hypothetical employment of which he knows nothing he would not then come under the provisions of the law. I think that would be a strained and unreasonable construction. I think the term "totally incapacitated" relates to the employment which the man has under the Government.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. THOMAS. Mr. Chairman, I yield the gentleman three minutes more.

Mr. SEARS. Mr. Chairman, I desire to thank my colleague; he and I are in accord. I am also glad to note my colleague from Ohio indicates he is in accord with the above statement. No Member of Congress has given more thought and study to this question than these gentlemen. I will say I have found the Department of the Interior perfectly fair in all these matters, but sometimes for some reason, perhaps hoping to make a record, some clerk interprets laws that Congress has passed in a way that Congress did not intend.

Let me call attention to a fact that may be of some assistance to my colleagues. During my recent campaign Members of the House were severely criticized because of the execution of the laws rather than for their passage, because those who passed rules and regulations and those who enforced said laws did not carry out what we had endeavored to do and did not seem to grasp what we had in mind. It was for the purpose of calling the attention of the House to these matters that I rose, and I assure you it was with no desire upon my part to criticize any department, because, I repeat, I have found the departments absolutely frank and fair and desirous of doing absolute justice in all cases. As the gentlemen from New Jersey and Indiana indicate, they are in complete accord with my interpretation of the law, and, as no Member has dissented, I will not offer any amendment to the present bill, for I believe I shall receive full justice for my constituents and that you will also receive justice for yours. This can only be the result if the law is construed as we intended it should be.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Resolved, That the Senate consent to an adjournment of the House of Representatives until Tuesday, August 15, 1922, in accordance with the request contained in House Resolution 390.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House Concurrent Resolution 61.

Resolved by the House of Representatives (the Senate concurring), That there be printed 50,000 copies of parts 3 and 4 of House Report No. 408, being the report of the Joint Commission of Agricultural Inquiry, of which 8,000 shall be for the Senate, 25,000 for the House, 1,000 shall be for the Senate document room, 2,000 for the House document room, and 14,000 for the Joint Commission of Agricultural Inquiry.

AMENDMENT OF RETIREMENT LAW.

The committee resumed its session.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, is hereby amended as follows:

That any employee 50 years of age or over to whom the act of May 22, 1920, applies who shall have served for a total period of not less than 15 years and who, before reaching the retirement age as fixed in section 1 of said act shall become involuntarily separated from the service shall be granted an annuity certificate by the Commissioner of Pensions which will entitle said employee, upon reaching retirement age, to an annuity as provided in section 2 of said act: *Provided*, That the deductions made under the provisions of section 8 of said act of May 22, 1920, from such employee's salary, pay, or compensation prior to separation from the service shall remain in the civil service retirement and disability fund subject to the provisions of section 11 of said act governing the return of deductions in the case of a deceased annuitant or employee.

With the following committee amendments:

Page 1, line 7, after the word "employee," strike out the word "fifty" and insert the word "sixty."

Page 2, line 2, after the word "service," insert the words "through no delinquency on his part."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LINTHICUM. Mr. Chairman, I am in favor of this bill, but I am opposed to the committee amendment striking out "fifty" and inserting "sixty." It seems to me that if a man is in the employ of the Government for 15 years or more, necessarily starting in at the age of 34 or 35 years, serving until he is 50, he ought to be entitled to this annuity, just as much as is the man who is 60 years of age. He has paid the same amount into the fund and is separated without any fault of his. Under the civil-service regulations a man over 45 years of age can not take the civil-service examinations and enter the Government service. If, therefore, the Government contends that a man over 45 years of age is too old to enter its service, why should the Government say to a man when he is 50 years of age or over that he is not too old to enter the service of others under new régime and a new work and capable of taking care of himself on the outside? That does not seem proper, especially when you read the lines at the top of page 2:

Shall become involuntarily separated from the service through no delinquency on his part * * * shall be granted an annuity certificate by the Commissioner of Pensions—

And so forth.

He is involuntarily separated from the service and through no delinquency on his part. He has served the Government for 15 years. We ought not to strike out the word "fifty" and compel the man to be 60 years of age. I am not a follower of Doctor Osler, but I do know that when a man is 50 years of age and endeavors to enter a new employment, to take up a new line of endeavor, it is very difficult for him to procure employment. We recognize the fact that a great many men have been separated from the service recently, involuntarily on their part, largely because of the conference which was held here. Several thousand of them have been dropped from the service. Then there have been other separations, such as those in the Bureau of Engraving and Printing, where they were dismissed, though under civil service, through no fault of theirs, but purely to make room for others. If the committee wants to do justice, if it wants to be fair in this matter, if it is, as alleged, an emergency measure, it ought to adhere to what the bill originally was and say that at 50 years of age, if a man be separated from the service involuntarily, without delinquency on his part, he is entitled to this annuity. I sincerely hope the committee will look at the matter in that light. To make it 60 years of age, as amended, is making it too high entirely and ought not to be adopted.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, the only thing I want to say at this time is to call attention to the fact that if the committee amendment be adopted it will cut the retirement from 70, 65, and 62 years down to 60 years of age. If the committee amendment be defeated, then the word "fifty" will be in the bill, and that will be the age at which these men who have been let out of the Government will begin to draw annuities. The reason for the passage of this bill, as I tried to say, is to correct some apparent injustices to men who served the Government 15 years or more. The lower you make the age the less the injustice will be. In other words, if there is any argument for cutting it down to 60, the same argument lies for cutting it down to 50. Let me repeat the illustration I gave a few moments ago. Here are two men in the Government service. A is 60 years of age and 1 month. He works for the Government 15 years. If this amendment should pass, he will get an annuity for life. B is under 60 years of age—58 or 59. He has worked for the Government, we will say, 16 years or 25 or 28 years. If the bill is passed making the retirement age 60, B, with the longer service, will get nothing, while A gets a life annuity. I believe the committee wants to be fair. If we are going to change it, let us change it so as to do the least possible injustice.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. MANN. The gentleman gives an arbitrary illustration. Could not the gentleman give the same illustration of 50 years and 1 month and 49 years and 11 months?

Mr. BEGG. Absolutely.

Mr. MANN. Then what is the sense of saying 50 years?

Mr. BEGG. It is not so likely to happen; you are not liable to find 1 of that kind where you find 10 of the other.

Mr. MANN. That is a mere guess.

Mr. BEGG. No; it is not; it is knowledge of a fact in the Government service.

Mr. MANN. From my knowledge of the service, I would say that the gentleman is mistaken as to the facts.

Mr. BEGG. I would say that the men whom I have met, who have been retired under this arbitrary retirement, are all older than the gentleman's illustration, according to their statement to me. The youngest, it seems to me, in the group was around 49 years of age.

Mr. MANN. Of course, I do not doubt the statement of the gentleman about those who came to see him, but I do not assume that all have been seeking the gentleman's aid.

Mr. BEGG. No; certainly not; but common sense tells us there will be fewer under 49 than under 60.

Mr. MANN. All who have been to me have been under different circumstances.

Mr. LEHLBACH. Mr. Chairman, I do not believe that anyone will insist that the Committee on Reform in the Civil Service is inimical to the retirement system and hostile to its reasonable and proper extension in given circumstances. The gentleman from Ohio [Mr. BEGG] elaborated an argument, after having laid down as the premise of his argument something that was absolutely not so at all. The gentleman says that the retirement is not a premium system where the insurance is bought and paid for and the insurance represents the value of the premiums paid. Consequently, he said, it is a gratuity, based on length of service to the Government, by the Government to the employee.

And arguing from that basis he said that the age of the person had nothing to do with the annuity he should receive, and that for whatever service, no matter how short, the employee performed for the Government he should get a propor-

tionate part of the annuity fixed for the limit of 30 years. As a matter of fact, the theory that underlies the retirement system is this: That it is every man's duty as he goes through life during the years in which he has an earning capacity to exercise a reasonable prudence and foresight in order to accumulate, as far as his ability and circumstances will permit, a competence that will sustain him when he reaches the period when his earning capacity is gone, and that is the fundamental principle written in the retirement law itself. For that reason every employee of the Government who comes within its provisions is compelled to deposit with the Government 2½ per cent of every pay that he draws. The Government puts that in a fund, invests it, and keeps it for him so that when he reaches that age which experience best shows is the age when his earning capacity has become so impaired that he is no longer able to earn a living, that saving thus taken from his pay and thus safeguarded by the Government will provide for his old age. Now, the 2½ per cent which was fixed as a sum which reasonably and without burden could be thus subtracted from the pay of the Government employees in a majority of instances will not supply an adequate annuity to preserve from hardship the person who becomes retired, and it is for this reason that the Government obligates itself to contribute whatever sum may be necessary in each instance to make up the difference between the contributions of the employee to the annuity fixed in his case. The greater the salary of the employee and the larger the amount of his contribution the less the Government contribution, and the less the man is able to contribute by the 2½ per cent from his small pay the greater the Government contribution. So it is not simply a gratuity based on the length of service to the Government on the part of the employee, nor is it an insurance bought and paid for, but a combination of the two systems.

Now, consequently, that being the theory and that being the intent of the Government in enacting the law, there is no reason for retiring a person, no matter how long his service to the Government, who has not actually reached those years when it is deemed that his services are no longer efficient and valuable to the Government, and when in an economical administration of the Government he would be ordinarily dismissed. Therefore the argument that, if it is justice to give a proportionate retirement at 60 years we should give him a similar retirement annuity when he reaches the age of 50 or 45, has no validity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. I ask that I may proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Now, if the employees at the present time and those who have retired had been paying their proportionate part of the contribution through all the years of their service from the time they entered, there might be some reason in further liberalizing this emergency act than what the committee reported and there might be some reason for fixing 55 or 57 instead of 60 years. But until all those who were in the Government service previous to the enactment of the retirement law have been retired, the Government bears a much greater proportion of the expense of retirement than the normal proportion which the Government will pay after the retirement system has continued so long that each employee from the time he entered the service will have been making the 2½ per cent contribution. Any extension of this system at the present time increases not only the normal cost to the Government, but increases very largely what is known as the accrued cost to the Government, as the Government has to make up that which in the past the employees have not contributed, and for that reason at the present time the liberalizing of the retirement law is doubly and trebly expensive to the Government. It is for that reason that this committee, which is friendly to the system and which initiated the system and passed it in this House, has reported this bill fixing the age at 60, and the reason for fixing that age is this: This bill is an emergency measure to take care principally of those two or three hundred employees who recently have been discharged from the navy yards through a reduction in force. These men have not contributed appreciably to any retirement annuity, because they only started to contribute on August 20, 1920, and these people are mechanics. Mechanics are entitled to retire at the age of 65. Now, when a man has been 15, 20, 25, or 30 years in the Government service and has actually reached 60, 61, or 62 years of age and is within sight of the 65-year limit, it is deemed that it is just and reasonable and fair, in view of the unusual circumstances that caused this unexpected reduction of force of mechanics in the navy yards and possibly arsenals, that this bill be reported and that exception in their behalf be made and allow them a proportion of their annuity which they would receive had they continued in the service until they were 65, scaled down annually in proportion to the number of years they lack of 65 years of age.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. LEHLBACH. In just a moment. In that way the cost of the annuity to the Government will not be greater than the annuity would have been had they continued in the service and reached the retirement age.

Mr. LINTHICUM. I want to ask the gentleman if the man who reaches the age of 50 years, receiving the same salary as the man who reaches the age of 60 years, paid the same proportion of money into the fund in these two cases?

Mr. LEHLBACH. Certainly he has paid the same amount of money into the Government, but, inasmuch as the amount of the annuity the Government contributes to him when he reaches the retirement age is not proportional with his contribution, that argument has no force. They pay these people whatever is necessary to make up retirement annuity, because they have reached the age where they can no longer labor. If you say the same reason applies to a bill which says that if a man is within two or three years of the age at which there is a presumption he is no longer able to labor he should be given consideration as to a bill that considers a man who is still capable of 15 years of labor, I can not follow the gentleman's argument.

Mr. LINTHICUM. That depends on his health.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. LINTHICUM. Can the gentleman answer a question in that time?

Mr. LEHLBACH. No.

Mr. LINTHICUM. Then I ask that the gentleman be given three minutes so that he can answer a question.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from New Jersey be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I want to ask a question for information. You said there would be two or three hundred who would come under this 60-year age limit. How many would come under the 50-year age limit?

Mr. LEHLBACH. I do not know; but undoubtedly a very increased number, and it would be a very material increase not only as to the number of employees but as to the years throughout which you would have to pay them the annuity. To a man of 65 years of age you might have to pay the annuity for 10 or 15 years and to a man of 50 for 25 or 30 years, and you would have two or three times the number to pay it to. You do not know what you are doing when you are opposing the amendment which the committee is presenting here to-day. People think that because there happens to be a few million dollars of surplus in the retirement fund it must be spent immediately. Every penny of that belongs to an employee, who gets it in refund or in annuity; and every penny the Government is using out of that fund the Government has to put back with 4 per cent compound interest. The ordinary normal cost of retirement would be $4,000,000 a year. But the accrued cost increases that $10,000,000, and you are increasing that by liberalizing the law by this bill, which, however, is a proper step and a fair measure to take care of an emergency.

Mr. BURKE. What is the reason for asking for it?

Mr. LEHLBACH. I do not know, except that the money is in the Treasury.

Mr. BURKE. Is it not on account of the fact that a great number of them that are being let out of the service have reached the age of 50 years?

Mr. LEHLBACH. But we have reached those who have been let out of the service and have reached the age of 60 years.

Mr. BURKE. In what way?

Mr. LEHLBACH. By the lowering of the age limit in such cases to 60 years.

Mr. DALLINGER. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER to the committee amendment: Page 1, line 7, after the word "employee," strike out the word "sixty" and insert in lieu thereof the words "fifty-five."

Mr. DALLINGER. Mr. Chairman, the gentleman from New Jersey, the chairman of this committee, has stated that an emergency required the passage of this bill. I think that he covered the ground very fully, but the trouble with the committee amendment, striking out the word "fifty" in the original bill and inserting in place thereof the word "sixty," is that it will take care of comparatively few cases. The 300 cases to which he refers, and in regard to which data was given to the committee, are based on the number of employees who would be affected by this bill who are 55 years of age and over. Now, personally, I believe in the bill as it stands, and am opposed to the committee amendment; but if any amendment is to be made, if the bill is to have any effect at all and meet the emergency of these 300 men that are spoken of, and that the chairman of the committee says he wants to take care of, then the age limit should be made "fifty-five," according to my amendment, instead of "sixty."

Now, this emergency, Mr. Chairman and gentlemen, is this: A lot of these old employees of the Government have been discharged unexpectedly because of the disarmament program, and as the bill provides, through no fault of their own; and a good many of them have been discharged just before they would have reached the retirement age. Some of them have been in the service of the Government 25 or 30 years, and it has not been a humane thing for the Government of the United States to do, and it is not a thing that any enlightened private corporation in this day and generation would do.

In closing, I want simply to repeat that if the committee amendment is adopted it will take care of a very few cases, but the 300 cases that have been referred to will only be taken care of by the amendment to the amendment which I have offered, and which I trust will be adopted.

Mr. MANN. Mr. Chairman, the bill seems to be based upon the idea that if the Government reduces its force any place it must grant to the persons discharged an annuity for life. Well, for instance, here is the Shipping Board, which directly or indirectly has a very large force of employees. We hope—at least I do—that their services with the Government will be ended before many years go by. I do not understand that we are under any obligation, because one of them has worked for the Government, to provide to pay him a compensation or salary for every month as long as he lives. The Government takes on men and it discharges them, and it is a novel idea to me that because the Government reduces its force it has got to assume that a man discharged is incompetent to earn a living, and therefore the Government should take care of him the rest of his life. If such a proposition as that had been presented to the House when the original retirement bill was passed, I doubt whether it would have received much encouragement.

Now, I can appreciate the fact that the Government may be lenient to those who have almost reached the age of retirement after years of service. But gentlemen want to run it back; and if they want it back from 60 years to 50 years of age they might as well say 40 years or 30 years, and set down the established principle that if a man once gets in the employ of the Government for a few days and is fired because they do not need his services, he has a right to receive pay from the Government as long as he lives. Now, that might be very popular in the House if it could be applied to the House itself [laughter], but nobody proposes to try it here. I do not see why we should establish the principle that the Government is bound to maintain a man for life because he once got into the Government service.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The question was taken; and the Chair announced that the "noes" appeared to have it.

Mr. DALLINGER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts asks for a division.

Mr. MONDELL. Mr. Chairman, what was the vote on?

The CHAIRMAN. The Chair stated that it was upon the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER] to the committee amendment.

Mr. DALLINGER. Mr. Chairman, I ask that my amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Massachusetts to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER to the committee amendment: On page 1, line 7, strike out the word "sixty" and insert in lieu thereof the word "fifty-five."

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The committee divided; and there were—ayes 24, noes 54.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, after the word "employee," strike out the word "fifty" and insert in lieu thereof the word "sixty."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and the Chair announced that the "noes" appeared to have it.

Mr. LEHLBACH. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey demands a division.

The committee divided; and there were—ayes 53, noes 20.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 2, after the word "service," insert "through no delinquency on his part."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That any employee coming within the provisions of section 1 of this act shall have the right to apply for an immediate annuity in lieu of deferred annuity at the age of retirement and, if otherwise entitled, such immediate annuity shall be granted under the following conditions:

If the employee is included in class A of section 2 of the act of May 22, 1920, the immediate annuity in the case of those eligible for retirement at 70 years of age shall equal the annuity payable upon reaching retirement age less seven two-hundred-and-fortieths of such annuity for each year such employee is under the retirement age; in the case of those eligible for retirement at 65 years of age the amount to be deducted shall be seven one-hundred-and-eightieths of such annuity for each year; in the case of those eligible for retirement at 62 years of age the amount to be deducted shall be seven one-hundred-and-forty-fourths of such annuity for each year.

If the employee is included in class B, the amount to be deducted for each year shall be nineteen six-hundred-and-forty-eighths, nineteen four-hundred-and-eighty-sixths, or ninety-five one-thousand-nine-hundred-and-forty-fourths, respectively, of the full annuity.

If the employee is included in class C, the amount to be deducted for each year shall be seventeen five-hundred-and-seventy-sixths, seventeen four-hundred-and-thirty-seconds, or eighty-five one-thousand-seven-hundred-and-twenty-eighths, respectively, of the full annuity.

If the employee is included in class D, the amount to be deducted for each year shall be five one-hundred-and-sixty-eighths, five one-hundred-and-twenty-sixths, or twenty-five five-hundred-and-fourths, respectively, of the full annuity.

If the employee is included in class E, the amount to be deducted for each year shall be thirteen four-hundred-and-thirty-seconds, thirteen three-hundred-and-twenty-fourths, or sixty-five one-thousand-two-hundred-and-ninety-sixths, respectively, of the full annuity.

If the employee is included in class F, the amount to be deducted for each year shall be eleven three-hundred-and-sixtieths, eleven two-hundred-and-seventieths, or eleven two-hundred-and-sixteenths, respectively, of the full annuity.

Mr. FAIRFIELD. Mr. Chairman, I offer a committee amendment to perfect the bill.

The CHAIRMAN. The gentleman from Indiana offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FAIRFIELD: Strike out, on page 2, lines 18 to 25; on page 3, lines 1 to 25; and on page 4, lines 1 and 2, and insert the following:

"The immediate annuity for the miscellaneous employee shall be the annuity that would be granted him were he 70 years old, multiplied by the decimal 0.951945 raised to a power the exponent of which is the number of years which his age then is less than 70.

"For mechanics, letter carriers, etc., it shall be the annuity that would be granted him were he of full retirement age less seven-ninetieths of such annuity for each year between his age and 65 years.

"For railway mail clerks it shall be the annuity that would be granted him were he of full retirement age less seven thirty-sixths of such annuity for each year between his age and 62 years.

"For the purpose of computing annuities as provided in this section fractional parts of a year in respect to the age of the applicant shall be disregarded."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That this act shall include former employees coming within the provisions of the act of May 22, 1920, who have been separated from the service subsequent to August 21, 1920, under the conditions defined in section 1 hereof: *Provided*, That in the case of an employee who has withdrawn from the "civil service retirement and disability fund" his deductions under the provisions of section 11 of the act of May 22, 1920, such employee shall be required to return the amount so withdrawn with interest compounded at the rate of 4 per cent per annum before he shall be entitled to the benefits of this act.

Mr. MOORE of Virginia. Mr. Chairman, there is a committee amendment to section 3.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 4, line 6, strike out the figures "21" and insert in lieu thereof the figures "20."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. FAIRFIELD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The previous question was ordered by the rule. Is a separate vote demanded on any amendment?

Mr. DALLINGER. Mr. Speaker, I ask for a separate vote on the committee amendment to section 1, line 7, striking out "50" and inserting "60."

The SPEAKER. Is a separate vote demanded on any other amendment? If not, those amendments will be considered in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote is demanded.

The Clerk read as follows:

Page 1, line 7, after the word "employee," strike out "50" and insert "60."

The SPEAKER. The question is on agreeing to the amendment. The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. LEHLBACH. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from New Jersey asks for a division.

The House divided; and there were—ayes 53, noes 22.

Mr. VOIGT. Mr. Speaker, I make the point of order on the vote just had that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. It is apparent that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 186, nays 66, answered "present" 1, not voting 177, as follows:

YEAS—186.

Ackerman	Connally, Tex.	Green, Iowa	McLaughlin, Mich.
Almon	Coughlin	Griest	McLaughlin, Nebr.
Anderson	Crago	Hadley	McPherson
Andrews, Nebr.	Dale	Hammer	MacGregor
Ansorge	Darrow	Hardy, Colo.	Madden
Appleby	Dempsey	Hardy, Tex.	Magee
Aswell	Denison	Haugen	Mann
Atkeson	Dominick	Hayden	Michener
Barbour	Doughton	Henry	Millspaugh
Bell	Dunbar	Hoch	Moore, Ohio
Benham	Dyer	Hudspeth	Moore, Va.
Bird	Echols	Hutchinson	Morin
Bixler	Edmonds	Jeffers, Ala.	Newton, Minn.
Bland, Va.	Elliott	Johnson, S. Dak.	Newton, Mo.
Boies	Fairfield	Johnson, Wash.	Norton
Bowling	Faust	Jones, Pa.	Ogden
Box	Fenn	Jones, Tex.	Oldfield
Brand	Fess	Kelly, Pa.	Oliver
Briggs	Fisher	Kendall	Overstreet
Brown, Tenn.	Fitzgerald	Ketcham	Paige
Bulwinkle	Focht	Kincheloe	Parker, N. Y.
Burton	Fordney	Kirkpatrick	Patterson, N. J.
Butler	Foster	Kline, Pa.	Perkins
Byrnes, S. C.	Free	Kopp	Porter
Byrns, Tenn.	Freeman	Kraus	Pringey
Cable	French	Kreider	Quin
Campbell, Pa.	Frothingham	Lanham	Radcliffe
Cannon	Fuller	Lankford	Ramseyer
Chandler, N. Y.	Funk	Layton	Rankin
Chindblom	Gahn	Lea, Calif.	Ransley
Clarke, N. Y.	Garner	Lehlbach	Reece
Clouse	Garrett, Tenn.	Lineberger	Reed, W. Va.
Cole, Iowa	Gensman	Lowrey	Rhodes
Cole, Ohio	Gernerd	Luhring	Ricketts
Collier	Glynn	McDuffie	Rogers
Collins	Goodykoontz	McKenzie	Rose
Sanders, N. Y.	Snell	Tillman	Walters
Sanders, Tex.	Speaks	Timberlake	Weaver
Schall	Sproul	Tincher	White, Me.
Scott, Mich.	Steagall	Towner	Williams, Tex.
Scott, Tenn.	Stephens	Tucker	Winslow
Shaw	Strong, Kans.	Underhill	Woodyard
Shreve	Sumners, Tex.	Upshaw	Wright
Simnott	Swing	Vaile	Wurzbach
Sisson	Temple	Vestal	Wyant
Smith, Idaho	Thomas	Vinson	
Smithwick	Thompson	Walsh	

NAYS—66.

Barkley	Favrot	Kissel	Perlman
Begg	Fish	Kline, N. Y.	Petersen
Bond	Gallivan	Lampert	Baker
Bowers	Gorman	Lazaro	Riddick
Browne, Wis.	Graham, Ill.	Lee, N. Y.	Rossdale
Burdick	Griffin	Linthicum	Ryan
Burke	Hawes	London	Sandlin
Carew	Hays	McCormick	Siegel
Chalmers	Hickey	Mapes	Sweet
Cooper, Wis.	Hill	Mead	Tague
Crowther	Hogan	Mills	Tinkham
Cullen	Huddleston	Moores, Ind.	Voigt
Curry	Hull	Morgan	Volk
Dallinger	James	Mott	Woodruff
Davis, Tenn.	Keller	Mudd	Zihlman
Dowell	Kelley, Mich.	Nelson, Me.	
Dupré	Kennedy	O'Connor	

ANSWERED "PRESENT"—1.

Cramton

NOT VOTING—177.

Andrew, Mass.	Frear	Lyon	Sears
Anthony	Fulmer	McArthur	Shelton
Arentz	Garrett, Tex.	McClintic	Sinclair
Bacharach	Gilbert	McFadden	Slemp
Bankhead	Goldsborough	McLaughlin, Pa.	Smith, Mich.
Beck	Gould	McSwain	Snyder
Beedy	Graham, Pa.	Maloney	Stafford
Black	Greene, Mass.	Mansfield	Stedman
Blakeney	Greene, Vt.	Martin	Steenerson
Bland, Ind.	Harrison	Merritt	Stevenson
Blanton	Hawley	Michaelson	Stiness
Brennan	Herrick	Miller	Stoll
Britten	Hersey	Mondell	Strong, Pa.
Brooks, Ill.	Hicks	Montague	Sullivan
Brooks, Pa.	Himes	Montoya	Summers, Wash.
Buchanan	Hooker	Moore, Ill.	Swank
Burroughs	Hukriede	Murphy	Taylor, Ark.
Burtness	Humphreys	Nelson, A. P.	Taylor, Colo.
Campbell, Kans.	Husted	Nelson, J. M.	Taylor, N. J.
Cantrill	Ireland	Nolan	Taylor, Tenn.
Carter	Jacoway	O'Brien	Ten Eyck
Chandler, Okla.	Jefferis, Nebr.	Olpp	Tilson
Christopherson	Johnson, Ky.	Osborne	Treadway
Clague	Johnson, Miss.	Padgett	Tyson
Clark, Fla.	Kahn	Park, Ga.	Vare
Classon	Kearns	Parker, N. J.	Volstead
Cockran	Kiess	Parks, Ark.	Ward, N. Y.
Codd	Kindred	Patterson, Mo.	Ward, N. C.
Colton	King	Pou	Wason
Connell	Kinkaid	Purnell	Watson
Connolly, Pa.	Kitchin	Rainey, Ala.	Webster
Cooper, Ohio	Kleczka	Rainey, Ill.	Wheeler
Copley	Knight	Rayburn	White, Kans.
Crisp	Knutson	Reber	Williams, Ill.
Davis, Minn.	Kunz	Reed, N. Y.	Williamson
Deal	Langley	Riordan	Wilson
Dickinson	Larsen, Ga.	Roach	Wingo
Drane	Larson, Minn.	Robertson	Wise
Drewry	Lawrence	Robsion	Wood, Ind.
Driver	Leatherwood	Rodenberg	Woods, Va.
Dunn	Lee, Ga.	Rosenbloom	Yates
Ellis	Little	Rouse	Young
Evans	Logan	Rucker	
Fairchild	Longworth	Sabath	
Fields	Luce	Sanders, Ind.	

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Knutson with Mr. Goldsborough.

Mr. Watson with Mr. Sears.

Mr. Mondell with Mr. Lee of Georgia.

Mr. Bland of Indiana with Mr. Pou.

Mr. Longworth with Mr. Mansfield.

Mr. Edmonds with Mr. Jacoway.

Mr. Classon with Mr. Wingo.

Mr. Dunn with Mr. Park of Georgia.

Mr. Kelley of Michigan with Mr. O'Brien.

Mr. Kinkaid with Mr. Larsen of Georgia.

Mr. Patterson of Missouri with Mr. Martin.

Mr. Slemp with Mr. Johnson of Kentucky.

Mr. Tilson with Mr. Taylor of Colorado.

Mr. Ward of New York with Mr. Harrison.

Mr. CRAMTON. Mr. Speaker, I voted "yea," but have a general pair with the gentleman from Oklahoma, Mr. CARTER, and desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The amendment is agreed to. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. CRAMTON. Mr. Speaker, I desire to object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and seventeen Members present, a quorum. The bill is passed.

On motion of Mr. FAIRFIELD, a motion to reconsider the vote by which the bill was passed was laid on the table.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

The SPEAKER. A day or two ago the Chair appointed the members of a commission to investigate the fiscal affairs of the District. It seems that the President had not then signed the bill, so the Chair reappoints the members of that commission—Mr. EVANS, Mr. HARDY of Colorado, and Mr. WRIGHT.

AMENDMENT TO INTERSTATE COMMERCE ACT.

Mr. SNELL. Mr. Speaker, I have a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which will be reported by the Clerk.

The Clerk read as follows:

House Resolution 394; Report No. 1164.

Resolved, That it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 848) entitled "An act to amend section 22 of the act entitled an act to regulate commerce," approved February 4, 1887, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, equally divided between those for and against, the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the bill shall be reported to the House and the previous question considered as ordered on the bill and any amendments thereto to final disposition without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution, if adopted, provides for the consideration of S. 848, which is known as the interchangeable mileage bill. It is thought that the rights of the railroads are fully protected by the provisions of the bill. There is a general demand all over the country for the consideration of this bill at the present time, and therefore we have presented the resolution.

Mr. GARRETT of Tennessee. Will the gentleman yield me some time?

Mr. SNELL. I yield to the gentleman from Tennessee 10 minutes.

Mr. GARRETT of Tennessee. And I yield that time to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, again "the bunk Congress" unlimbers. Again a "bunk" bill. Again a pretense of doing something and yet doing nothing. Again, for cheap partisan purposes, a concession to a group demand.

The commercial travelers, like everybody else who has any sense, know that railroad passenger fares are entirely too high and that we ought to have a reduction; that the fares are even too high for the interests of the railroads themselves, as well as the people and business of the country. They felt that it would be impossible to get a reduction of fares for everybody and therefore conceived the idea that they would go out and get cheaper fares for themselves. They organized their propaganda and began activities along that line. They demanded a universal interchangeable mileage book at a price of 2½ cents per mile, or whatever other rate they could get, just so that it was a substantial reduction below what we are now required to pay, the minimum of which is 3.6 cents per mile, and from that ranges up to 10 cents per mile.

The bill to meet the demands of this militant group of commercial travelers was introduced in the Senate and was there passed, after the Senate had materially changed it and cut the heart of it. Then the bill came to the House and our Committee on Interstate and Foreign Commerce proceeded to emasculate it and remove its vital organs. But, having changed the bill so that it came to mean nothing whatever under the sun, the committee reported the bill. It was regarded as good party politics for the committee to report the bill, and so we have a bill here designed to make the commercial travelers believe that they are going to get lower fares, but which has no such real purpose and can have no such effect. The only result which this bill can possibly have is to turn a few additional votes into the Republican end of the ballot box, provided the commercial travelers do not find before the next election what has been done to them. If they do find them out in time, it will turn some votes to the other end of the ballot box, because the drummers of this country are honest, and they despise pretense, sham, and hypocrisy.

Mr. KING. Will the gentleman yield?

Mr. HUDDLESTON. Excuse me for a moment. This bill was intended by the commercial travelers to secure for themselves and for others who may desire to do a good deal of traveling and who have the money to put up a definite reduction in fares. They intended it to secure such reduction by means of a universal interchangeable mileage book.

I suppose the committee thought the commercial travelers were easy to fool, for they amended the bill by inserting the language "or scrip coupon tickets" after the mileage-book phrase. This was a complete change in the purpose of the bill, for a scrip coupon ticket is as much like a mileage book as a Kentucky saddle horse is like a spotted bull. They have no relation to each other. The mileage book is composed of units each of which is good for a mile travel. A scrip coupon ticket is composed of units to be used in place of money to purchase tickets.

Note, now, that there is no requirement that this coupon ticket shall be sold at a discount. The requirement is merely that it shall be issued "at a just and reasonable price." This language would lead uninformed people to think that it was intended to sell the coupon ticket at a discount; that a just and reasonable price for a coupon book would be less than the regular price for a ticket. But the fact is, and members of the committee know it—whether they will tell you so or not it is true, and I challenge them to deny it—that the only evidence offered before our committee showed that these coupon tickets produced no economy or saving to the railroads and can not be sold at any discount.

Therefore, if the Interstate Commerce Commission does exactly what this bill instructs them to do they will issue the coupon tickets at an increased price over the regular tickets. Instead of the commercial travelers being able to buy a coupon ticket at a discount, they will have to give a premium, because such tickets work certain losses to the railroads and they can not afford to put them out at the same price. This was all the evidence before the committee. Now, let any member of the committee deny that if he dare.

They asked for bread and we have given a stone. We have brought forth a bill pretending we are going to give the commercial travelers lower fares, and yet if they go ahead and buy a coupon ticket instead of traveling at regular fare they will have to pay a premium.

Now, that is not all that the committee put in. The amended bill provides that the Interstate Commerce Commission may, in its discretion, exempt from the provisions of this bill any carrier "where the particular circumstances shown to the commission shall justify such exemption to be made." They may exempt any carrier they want to. That means that the very purpose that the drummers had in mind, which was that they could get a book or a ticket which would be good on any railroad, is wholly defeated. It means that whenever you get into a class of railroads that charge above 3.6 cents a mile the books will be of no value, because that road has been exempted.

Now, this bill is brought forward on the pretense and under the guise that it will make a reduction in fares to people who are able to buy transportation at wholesale. If it meant any such thing, if it really meant that, no honest man could afford to vote for it, because no honest man can afford to vote to give commercial travelers or anybody else something at the expense of the general public.

The Interstate Commerce Commission has decided that railroad fares are as low as they can be made so as to yield the lawful return. If you give any group the benefit of lower fares, you have got to make up the loss out of the general public. In the dearly beloved Esch-Cummins bill we have adopted the principle that the Government will see to it that the railroads are allowed to charge such rates and fares as will cover the cost of the service they render and to provide a 5½ per cent profit on top of that. We have established that as the policy of this country. Out of whom are they going to get this cost of service and the profit—this Esch-Cummins return? They have to get it out of somebody. If Congress gives to any group a lower rate than will yield that, then the deficit has got to be made up by overcharging the general public.

I ask the committee whether it is their genuine purpose to give commercial travelers fares which are less than they reasonably and rightfully ought to pay, with the intent to make up what the railroads may lose on carrying commercial travelers out of the general public of this country?

I am in a funny quandary. If this bill meant what its sponsors want it to mean and what the committee are pretending that it means—that is, that purchasers of mileage books and coupon tickets shall ride the trains at the expense of the general public—of course I could not vote for it. On the other

hand, if it means that all such persons are to pay their own way, which, if the evidence before the committee is to be believed, will be as much or more than the general public will pay, there can be no objection to passing the bill. The thing that sticks me is I do not like to be a party to perpetrating a fraud on the commercial travelers or anybody else.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, before the authority was given to the Interstate Commerce Commission to regulate rates, there had been issued by some roads an interchangeable mileage book with limitations. That has always been regarded not only a great convenience to the public but a possible business advantage. After the authority was given to this commission the railroads discontinued the practice upon the claim, in defense against the wish or demand for a continuance of such issuance, that they had not the authority to do it.

I do not see any class legislation in this bill. Of course, it is limited to the people who travel; it is not extended to the people who do not travel. That does not make it class legislation. It is not limited to any particular class who travel. Anyone who has the price to travel may have the advantage of this provision of law. Therefore I can not understand the charge that it is class legislation.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. FESS. I can not yield. Second, it does not undertake to say what the rates shall be. This proposed law does not put them up or put them down, but it leaves the power of fixing a reasonable rate with the commission, which now has that power. All there is in this measure is that it gives a convenience to the traveling public upon a business basis. It is a great inconvenience to one to have to stand before a window and wait his turn to buy a ticket when he is going from one train to another. If he could have that ticket purchased at wholesale without that inconvenience it would be a great advantage, and anyone who travels must know that.

I do not understand the source of the objection to serving the public in making possible this convenience, because it does no harm either to the public or to the patrons or to the railroads. I understand that the law is so drafted as to protect the railroads. I do not see how the railroads are interfered with in their property rights, since there is no decree, but simply permission to the Interstate Commerce Commission. I do not see the basis of the charge that there is particular advantage to anyone or to any particular class over another. The rights of the public, which are primary in legislation, are conserved, the convenience of the traveling public is respected, and the rights of the railroads are regarded. For these reasons I voted for the rule to make this a special order, and I shall vote for the bill, not as a new venture, but rather an expansion of a practice years ago.

Mr. Speaker, every Member of this body recalls the time when the issuance of mileage books for the convenience of the traveling public was a practice pursued by most of the railroads before the Government inaugurated its policy of Government regulation. It was found to be of great service to the traveler and no loss to the company issuing it and the practice met with wide approval.

An interchangeable book was issued limited to specified roads. While this plan was designed to favor the traveling public, its restrictions for the protection of the issuing company proved somewhat burdensome. During the war the Government adopted a form of interchangeable ticket, common terminals, and consolidated ticket offices. This effort to operate the various roads as a complete system, so far as the traveler was concerned, had some distinctive advantages.

There has always been a genuine demand for an interchangeable mileage privilege. Past practices prove it is workable, and there can be no doubt of its great convenience to the man whose chief activity is on the road. Railroad management has generally considered the convenience of the traveling public and its good will as valuable assets in transportation. Much thought and effort have been exerted along these lines. The mileage book avoids the necessity of the congested ticket-office window and the loss of time waiting in line to purchase the ticket. When made interchangeable its convenience is multiplied.

The charge that it is favoritism in legislation is without force. It is a principle of business universally followed by all responsible concerns to give advantages to induce the larger sales for cash payments.

This recognition is due the commercial traveler. Here is a class of our business life which much of the time live away from home, constantly en route, whose chief outlay is to the transportation companies. His success is not confined to his home, but it represents in a most substantial way the income of the transportation lines, since the goods for which his contracts stand are transported over the railroads. His success will be reflected in the receipts of the road, not only in the actual outlay for his mileage but in freight shipped in accordance with the contracts secured. Here is an army of business boosters on the go. Taken as a whole they cover the entire Nation, if not a good portion of the world, touching every center, big or small, where business is carried on.

As purveyors of good cheer in business they can not be surpassed if conditions will permit at all, since no pessimist will either make a sale or be kept on the road by any responsible business firm. As promoters of better business morals the traveling salesman of to-day is perhaps the most influential agency for more conscience in trade than any other group of citizens connected with it.

As was said by President Harding recently, "If the commerce of America were always conscientious, there never would be a single excuse for government in American business." He was here commenting on the general complaint with which we all have great sympathy of too much government interference in business.

No one can doubt the tremendous advance in business ethics in our own country. No one will deny the constantly growing human element in all business, especially as viewed in some great enterprises like the National Cash Register, of Dayton, the Proctor & Gamble enterprise in Cincinnati, and so forth.

No one can overlook the increasingly high grade of business representatives on the road—the commercial traveler. The time was long ago that this man was commonly called a bum, because of his methods of business. Long ago the smart or sharp methods were abandoned. With better methods came a better type of representative. To-day the commercial traveler stands out as not only a good business representative, but a well-informed citizen and a genuine influence for wholesomeness within the circle in which he moves. All these have long ago been recognized as valuable items in business success.

While this proposal is a convenience to a class of business representatives, it will be in the interest of the public, and, as I see it, not detrimental to the railroads; it will be more helpful than hurtful to enterprise in the end and will prove a business asset. I see no legitimate reason from any standpoint to oppose this measure. I gladly support this rule making it in order for consideration and will as freely vote for its final passage.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 848) to amend section 22 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. BARKLEY. Mr. Speaker, pending that motion I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. Under the rule general debate is limited to one hour, and it is to be divided equally between those for and those against the bill. No one having appeared against the bill who desires to control any time, would it be in order now to make an agreement in respect to a division of time?

The SPEAKER. The Chair thinks it would be in order.

Mr. WINSLOW. Mr. Speaker, the duty of taking charge of the bill has automatically fallen to me, and I am pleased that it has. The arrangement which I supposed would be made is that if anyone opposing the bill wants time under the rule that time would be accorded, and the balance of the time would be given to those in favor of the bill. No one has appeared, so far as I know, opposed to the bill demanding time, and by arrangement which I thought I had with my colleague, the gentleman from Kentucky [Mr. BARKLEY], I had intended after we get into the Committee of the Whole to yield one-half of my time to him.

Mr. BARKLEY. That is satisfactory.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House resolve itself into

the Committee of the Whole House on the state of the Union for the consideration of Senate bill 848.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 848, with Mr. GRAHAM of Illinois in the chair.

The Clerk reported the bill, as follows:

Be it enacted, etc., That section 22 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, is hereby amended by inserting "(1)" after the section number at the beginning of such section and by adding to the section two new paragraphs, as follows, to wit:

"(2) The commission is directed to require, after notice and hearing, each carrier by rail, subject to this act, to issue at such offices as may be prescribed by the commission joint interchangeable mileage tickets at a just and reasonable rate per mile, good for interstate passenger carriage upon the passenger trains of any and all other carriers by rail subject to this act. Such tickets may be required to be issued for any distance not exceeding 5,000 miles nor less than 1,000 miles. Before making any order requiring the issuance of any such tickets the commission shall make and publish such reasonable rules and regulations for their issuance and use as in its judgment the public interest demands; and especially it shall prescribe whether such tickets are transferable or nontransferable, and if the latter, what identification may be required; and especially also to what baggage privileges the lawful holders of such tickets are entitled.

"(3) Any carrier which, through the act of any agent or employee, willfully refuses to issue or accept any such ticket demanded or presented under the lawful requirements of this act, or willfully refuses to conform to the rules and regulations lawfully made and published by the commission hereunder, or any person who shall willfully offer for carriage any such ticket contrary to the said rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed $1,000."

With the following committee amendments:

Page 1, line 3, after the figures "22," strike out the words "of the act entitled 'An act to regulate commerce,' approved February 4, 1887," and insert the words "of the interstate commerce act."

Page 1, line 5, after the word "is," strike out the word "hereby."

Page 1, line 7, after the word "paragraphs," strike out the comma and insert the words "to read."

Page 1, line 8, after the word "follows," strike out the comma and words "to wit."

Page 2, line 2, after the word "commission," strike out the word "joint," and after the word "mileage" insert the words "or scrip coupon."

Page 2, line 3, after the word "at," strike out the article "a," and after the word "reasonable" strike out the words "rate per mile" and insert the word "rates."

Page 2, line 4, at the beginning of the line, strike out the word "interstate."

Page 2, line 5, at the beginning of the line, strike out the words "any and," and after the word "all" strike out the word "other." After the word "act" insert the words "the commission may, in its discretion, exempt from the provisions of this amendatory act, either in whole or in part, any carrier where the particular circumstances shown to the commission shall justify such exemption to be made."

Page 2, line 10, after the word "issued," strike out the words "for any distance not exceeding 5,000 miles nor less than 1,000 miles" and insert the words "in such denominations as the commission may prescribe."

Page 3, line 2, at the beginning of the line, insert the words "sale or."

Amend the title.

Mr. WINSLOW. Mr. Chairman, I yield 30 minutes of my time to my colleague, the gentleman from Kentucky [Mr. BARKLEY], to follow my own use of time. To those Members present who heard my committee associate [Mr. HUDDLESTON] speak a few moments ago, I desire to say that I shall not undertake to reply to his inquiries or his statements seriatim. We are a happy family in our committee and so I do not wish to say anything that would suggest anything to the contrary. Consequently, I shall not say anything more about his talk, but shall proceed to give the real history of this bill and undertake to tell you what it is all about. If you remember anything that has been said before, you will be able to make a comparison, and if you do not remember, I hope you will pay particular attention to what I have to say.

Those who represent a large portion of the great traveling public known as the commercial travelers are undoubtedly the sponsors for this bill. They took their measure to the Senate of the United States and a bill was introduced and passed in that body. That bill came to us in the form indicated in this draft, Union Calendar 406, which is printed in ordinary type, and which is amended as indicated by the italics. Anyone can readily see in just what form it came to our committee.

We had hearings during a number of days, very interesting hearings. A great many representatives of the travelers' organizations came and stated their case. We at that time were in the midst of hearings on broader propositions affecting the transportation act, 1920. It duly occurred to the committee that we had better develop the general problem a little further with a view of gaining more information that might bear on this particular mileage book bill and so be able, maybe, to arrive at a better final judgment. We therefore postponed further hearings on this bill for a while and later on took them up again and completed them. The bill which came to us from the Senate was merely a bill to direct the Interstate Commerce Commission after a careful inquiry, after notice and hearing, to require each rail carrier coming under the interstate commerce act to issue mileage books under such regulations and conditions as the commission might see fit to establish. That is all there was to the bill.

The Senate never intended to express any opinion on the mile price of mileage or on what might have been the original base cost of mileage or to do anything other than to give direction to the Interstate Commerce Commission to issue mileage books under regulations, and so forth. That is all any proponent of the bill asked the Senate to do. The Senate did it promptly and sent the bill to us, and after hearings we came to the conclusion that the bill in its intent might have been all right, but in its form was not sufficiently comprehensive to give the traveling public, whether commercial travelers buying transportation by wholesale or others, a likely chance to buy a mileage book, so called, or a scrip book. We cast about to see what we could do for commercial travelers and those who might buy these books. The bill gives the Interstate Commerce Commission all the authority that the Senate provided be given. It gives them more also in two particulars. If you chance to have a copy of the report on this bill you will find a statement is made that the principal changes are twofold. One of the two provisions is made for the issuance of a scrip coupon book. The second is a provision for the exemption of certain rail carriers in case the Interstate Commerce Commission shall see fit to authorize the issuance of a mileage more or less in general but not universal, as applied to rail carriers. So our attention naturally and automatically came to the consideration of those two forms of books, the mileage so called on the one hand——

Mr. HUDSPETH. Will the gentleman yield for a question for information?

Mr. WINSLOW. I would like to finish the analysis.

Mr. HUDSPETH. I would like to ask if the general public could not buy these books?

Mr. WINSLOW. Anybody. I would like to finish my analysis of this bill, and then I will yield——

Mr. HUDSPETH. I will state there is a misapprehension on this side that it was confined to a certain class of travelers.

Mr. WINSLOW. It is not; the gentleman is quite right in pressing his inquiry. While this point is up let me repeat clearly what the traveling man understands. This is not a bill for a class, any class at all, but it is a bill for anybody who has the price and the desire to buy tickets at wholesale in such quantities as may be properly determined after notice and hearing by the Interstate Commerce Commission, in behalf of the buyers of wholesale transportation. Does that clear the matter? [Applause.]

Mr. HUDSPETH. It does.

Mr. WINSLOW. I want to say for the commercial travelers that they never held out that we should pass legislation which ultimately might favor them in preference to anybody else, but on the contrary they were very positive in their statements at the outset that the provision should be general for all who might desire to buy a mileage book. Now, bear in mind, gentlemen, that there are two things to consider particularly. One is the scrip coupon which in the art of transportation is a book with a lot of little pieces of scrip detachable in book form, each one of the scrip representing a definite money value without any connection with mileage whatever, just money value. Say we had 100 on a page, each one worth 5 cents, there would be $5 worth of coupons, transportation coupons in one form or another as the commission might determine regulations. The other one is in a mileage book. That is like the book of scrip except each little coupon, whether for use either on the train or for exchange at the ticket window, is good for a mile of travel; whether that mile shall cost 1 or 20 cents.

The scrip coupon is good only for the value of each particular scrip. It is important to get the differentiation in your mind to understand this bill, and once you have that, you have the whole thing.

The Interstate Commerce Commission, represented by our friend of a year or two ago, the Hon. John J. Esch, stated to the committee that they had misgivings as to their rights to order the issue of mileage book as provided by the Senate bill. That created a doubt in our minds. Various members of our committee entertained like opinions in respect of that and other legal considerations. Moreover, as the gentleman from Ohio [Mr. FESS] has told you, the fares which are allowed to be charged by railroads by the Interstate Commerce Com-

mission, which has the right to establish fares, run, usually speaking, from 3.6 cents a mile up to 6 cents.

The committee realized right away that it was impossible to issue a mileage book in justice to all the rail carriers of the country, with any definite value or charge for a mileage coupon. For instance, I take one end and go onto a road where the fare is 3.6 cents. If I had bought that coupon book on the base cost of 3.6, I could use it there, good for a mile, but if I took the same book and went on a connecting line, where the fare was 4½ cents, what would it mean? It would mean that every conductor would have to have a bookkeeper, an auditor, and a cashier, perhaps, in order to figure up what those fares would be from place to place. It would not be workable or reasonable. So what did we do to meet that situation and still give the commercial traveler every opportunity he has under the Senate bill? We made the provision that the Interstate Commerce Commission should have authority to direct the issue of a mileage book which would be usable equitably on a vast majority of the railroads which might be charging a definite and uniform mileage; but we provided for allowing the Interstate Commerce Commission to exempt a minority of the roads whose fares would be different, the idea being if they saw fit, in their wisdom, after notice and hearing, to direct the issue of a mileage book, they would see this book is good on all the railroads, each coupon for a mile, except on those eliminated. In that case you would not get a universal, interchangeable mileage book; but we have left the bill in such form that the commission, in its wisdom and in accordance with the conditions at the time they may legislate, can give the authority to direct the issue of generally interchangeable, universal mileage books and can exempt certain roads but make the coupons good on the balance of the roads of the country. So much for that.

The other one is this: Failing to find a way in which wisely to bring about the issue of a mileage book, we have provided for the issuance of a scrip book, if the commission wants to direct the issue of such in the interest and convenience of travel. In other words, the coupon has a definite value, and the commission is given authority to make rules and regulations. Under this bill the commission may establish a definite rate per mile or it may establish a definite value for scrip, or it may indicate a discount from one or the other if they choose and think it a wise thing to do.

There has been but one objection to scrip, however, and that is the scalper, and in order to forestall that sort of thing, which was a great nuisance in the old days of the joint mileage books, so called, on certain railroads, we provided an amendment in addition to the provisions of the Senate bill, which amendment provided a fine not to exceed $1,000 for anyone who shall willfully offer for sale or carriage any such coupon contrary to the commission's rules and regulations. In that way we can swoop down on the scalper if he offers any ticket for sale which he might get at a discount and then turn them for single tickets.

I believe I have covered the subject pretty generally. If not, my willing and qualified associates will take the matter up later on.

Mr. LAYTON. In accordance with the courtesy which the gentleman has said he would extend to me, I have two or three questions I would like to have answered for information.

Mr. WINSLOW. Yes, indeed.

Mr. LAYTON. I am very much in favor personally of this bill, as any traveler would be, but the question I want to ask is as follows: Were the railroads themselves consulted in the preparation of this bill?

Mr. WINSLOW. Those representing the class A railroads were present and also representatives of the so-called short lines.

Mr. LAYTON. It pretty nearly covered all I wanted to ask, but I will ask another question. The rates are fixed by law?

Mr. WINSLOW. By the Interstate Commerce Commission; that is the reason for putting the determination as to this subject in the hands of this rate-making power.

Mr. LAYTON. I understand that. Now, did the railroad attorneys or the railroads of the country agree to this, taking into consideration the absolute cost of administration?

Mr. WINSLOW. No; the railroad companies did not feel that they ought to attempt to put mileage out at a discount or the scrip out at a discount. But they were not very insistent and did not offer any final objection, and so far as I remember were willing to have the matter referred to the Interstate Commerce Commission in view of the fact that there would be notice and hearing.

Mr. LAYTON. The gentleman recognizes, of course, in the administration of this bill, if it is passed and becomes a law, that it will involve an additional administrative expense upon the railroads?

Mr. WINSLOW. That is quite so, but the objection, on the other hand, is that the increased amount of sales may offset that as they generally offset a wholesale proposition in any other line of commercial transaction.

Mr. CURRY. I notice on page 2, line 4, of the original bill you strike out the word "interstate" by a committee amendment. What authority has Congress to legislate for intrastate rates and why was the word "interstate" stricken out?

Mr. WINSLOW. For the reason that this bill covers only such railroads as are under the jurisdiction of the Interstate Commerce Commission.

Mr. CURRY. Under the reading of this bill it does cover other lines.

Mr. WINSLOW. No; it covers only those which come under the transportation act, 1920.

Mr. CURRY. Straight mileage or scrip coupon books at just and reasonable rates could have passenger rates granted upon passenger trains?

Mr. WINSLOW. Yes.

Mr. CURRY. Now you strike out "interstate," and of course the intrastate rates are subject to the Interstate Commerce Commission in interstate traffic, but in the State of New York or in the State of California or the State of Pennsylvania what authority has the Congress to legislate or give authority to the Interstate Commerce Commission to make local rates and compel them to take within the State this mileage book?

Mr. WINSLOW. I do not understand that that comes under this provision of the bill. The gentleman is talking about an interstate carrier?

Mr. CURRY. Yes.

Mr. WINSLOW. They have the privilege of establishing the rates at which they will carry them on a coupon book. What difference whether under a coupon book or without it?

Mr. CURRY. They have not the authority to fix intrastate rates?

Mr. WINSLOW. No; not unless they become a part of an interstate system.

Mr. CURRY. I do not think Congress has the authority.

Mr. WINSLOW. Yes; I think it has. We would not have brought out the bill otherwise.

Mr. CURRY. I thought there might be a difference of opinion in the committee upon that.

Mr. WINSLOW. I think I have stated it correctly, but there will be other members of the committee who will speak, most of whom are lawyers. I wish the gentleman would ask them.

Mr. CURRY. I thought the gentleman could answer that.

Mr. WINSLOW. I am not running away from the answer. There may be a detail of that sort which quite likely one of the lawyer members of the committee can answer and which it may be I am not able to answer.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Certainly.

Mr. HILL. The question has just been raised about the additional expense entailed upon the railroads by issuing such tickets or scrip.

Mr. WINSLOW. Yes.

Mr. HILL. Would it not be the case that if this were availed of to a large extent, thus entailing additional work, the large amount of money thus deposited with the railroads would compensate for that additional expense?

Mr. WINSLOW. Yes. That is one of the great claims of the proponents of the bill.

If now nobody desires to ask any questions I will yield to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. I shall not take up more than 10 minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. BARKLEY. Mr. Chairman, the necessitiy of this bill grows out of the fact that since the railroads have been returned to their owners they have to a large extent ceased to issue mileage books, as they issued them prior to the time the Government took them over.

Mr. LAYTON. The gentleman knows the extent to which the roads have been returned back to their owners?

Mr. BARKLEY. Well, I am not going to go into a discussion of that. The Government certainly does not have charge of them.

Prior to the war and prior to the time when the Government took the railroads over everybody understood that practically all of them issued mileage books. Some of those books were interchangeable for mileage over certain roads designated in the books and others were limited to passage over the road issuing the book. Of course, when the Government took the roads over they ceased any longer to issue these books, and

when the roads were turned back to their owners under the transportation act the roads did not resume the custom of issuing these mileage books for the convenience of the traveling public. Prior to the war, when these books were issued by the roads, they were issued at a reduction in the rate below the regular passenger fare. Roads that had a 3-cent regular rate issued these books, I think, at 2½ cents per mile. Some of them, I think, issued them at a rate as low as 2 cents. When the roads were taken back by the owners it was not long until the public began to notice that it was impossible to purchase these mileage books, and even where they were purchased they were not purchased with any reduction in the rate below the regular passenger fare and most of them were not interchangeable.

I think it is correct to say that very few of the roads have resumed issuing these mileage books, and still fewer of them have issued them interchangeably for use on other roads than their own. Very naturally, as a matter of convenience and economy, there began to be developed a sentiment in favor of the resumption of the practice of issuing these mileage books, and as the roads refused to do it and the Interstate Commerce Commission claimed it had no authority to compel them to do it, a request was made of Congress to pass a law that would require the roads to issue these books. Most of the bills introduced provided for a reduction of the rate below the regular passenger rate. I myself introduced a bill on the subject which provided for a reduction below the regular passenger fare; but when the Senate passed the bill some question was raised about the constitutionality of a measure which provided that Congress should stipulate that these books should be issued at less than the regular passenger rate, on the ground that Congress was thereby legislating the rate for passenger traffic in the United States. It might be argued in favor of the constitutionality of that provision that Congress, when it fixed the so-called 6 per cent guaranty, attempted to authorize the Interstate Commerce Commission to fix rates high enough to aggregate a return of 6 per cent. But be that as it may, the Senate refused to enact a law providing for any definite reduction below the particular fare or figure at the time and left that matter entirely in the discretion of the Interstate Commerce Commission.

Now, it is true, as the gentleman from Massachusetts [Mr. WINSLOW] has explained, that this bill is not drawn in behalf of any class or any group. It is true that the traveling men of the country, whose business is on the railroads, and who, of course, appreciate the convenience of a mileage book and also the convenience of economy of a slight reduction from the regular rate where they use these books, have urged this legislation. But these books will be available to the general public on equal terms. The traveling men will appreciate that economy, but in view of the difficulties that have arisen, both in the Senate and in our committee upon that point, the bill has been reported so far as the committee is concerned in the shape in which it passed the Senate, leaving it entirely to the Interstate Commerce Commission to say what a reasonable rate shall be, and providing that they shall have the power to provide a rate after hearing all the parties concerned. And that is what the men who appeared before our committee asked for, namely, a chance to go before the Interstate Commerce Commission and present their case and an opportunity whereby they could take their chances with the commission to secure a reduction in the rate below the regular rate for the issue of mileage books.

While it is true that this bill has not been drawn in behalf of any class or any particular group, yet I may say that one particular group has been perhaps more prominent in asking for the passage of this bill than others, because their business is largely on the railroads, and they appreciate more keenly the disadvantage of not having the benefit of mileage books.

But prior to the taking over of the railroads during the war these mileage tickets were accessible to everybody who had the price to pay for them, and thousands of passengers who never were numbered among what we call traveling salesmen availed themselves of the opportunity to buy these mileage books at the wholesale rates, not only as a matter of economy but as a matter of convenience.

Mr. BUTLER. Members of Congress availed themselves of that privilege.

Mr. BARKLEY. Of course, and so did many thousands of others.

Mr. UPSHAW. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Georgia.

Mr. UPSHAW. Inasmuch as it is not regarded as competent for Congress to issue a mandate to the Interstate Commerce Commission for reductions, does not the gentleman believe, in view of the recent slashing and more than one slashing of the price of labor on the railroads, that the general price of transportation ought to be reduced?

Mr. BARKLEY. Yes; I think it is true that everybody in this country has been demanding that there should be a reduction not only in freight rates but in passenger rates also. [Applause.] The Interstate Commerce Commission have met that demand in a very slight degree in so far as freight rates are concerned, but have met it in no respect as far as passenger fares are concerned. If it is to be the policy of the railroads and of the Railroad Labor Board, which is now performing functions under the transportation act, to reduce the wages of the laboring men who do the work upon the railroads, it certainly is not inconsistent to expect that if the laboring men on the railroads shall bear the entire burden of that reduction that there ought to be some benefit to the public in some way and not simply to the railroads. Of course, I am not discussing the justice of the reductions which have been made, but if they are to be put into effect, certainly the traveling public and the shipping public ought to have the benefit of whatever reductions are made in the expenses of operating the railroads.

There is one provision here about which I am not very enthusiastic, and that is one of the amendments put on by the committee. I am a little afraid that as it reads the commission may interpret it to mean that they can authorize or direct the roads to issue these coupon books or mileage books, but not both. The intention of the committee was, as I understand, that under that language they might issue either or both, and I think that ought to have been made very clear. Certainly it is not my idea that that amendment ought to restrict the commission in the issuing of the one or the other. They ought to be able to issue either or both if they wish. In other words, if they issue a coupon book it is nothing more than a wholesale book representing money and not mileage. You may tear out 25 cents or 50 cents or a dollar, and it will take you so many miles at the rate that is in force on the road. You may take that coupon book into a ticket office and exchange so much scrip for a ticket to a certain destination.

Some of the roads, I think, accept the scrip in paymont of fares and some of them require the passenger to take the book into a ticket office and exchange so many coupons for a ticket to a certain place. That results in very little convenience to the traveler, so far as that is concerned.

The CHAIRMAN. The gentleman's time has expired.

Mr. BARKLEY. I will take two minutes more. I believe if there is any doubt about that in the minds of the committee—and there is doubt in my mind—it ought to be made certain that the Interstate Commerce Commission can require the roads either to issue a coupon book calling for so many miles of travel or a coupon book calling for so much value in transportation, or both, if they see fit, and not restrict them to requiring one or the other.

Mr. Chairman, in view of this situation which has been presented to the committee and to the House I hope this measure will pass, and I hope that when it has been enacted into law the commission will see proper and find it consistent to provide for the issue of these books at a reduced rate below the regular passenger fare.

I yield 10 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman and gentlemen of the House, as a member of the committee that studied this bill and recommends its passage I would not have the impression go out, as indicated by the gentleman from Alabama, that the proponents of this measure do not understand the bill and every portion of it.

I asked the counsel for the Travelers' Association, composed of 600,000 men, whether they understood this bill to mean that rates would be lowered or if, on the contrary, whether the Interstate Commerce Commission could not, if it desired, actually raise the rates. He said that was his understanding. So this bill does but one thing—it provides a forum for the traveling men of the United States where they can be heard in asking for an interchangeable mileage book or interchangeable scrip tickets. This bill provides a place of hearing. If the national rate-making body desires to lower the rate it is for them to say upon full hearing and investigation. They may actually, if they so desire, raise the rates. So the traveling men of America, if the House passes this bill, are not being deceived. They understand exactly what the bill provides for. It is true that the original bill introduced in the Senate had a fixed rate per mile, but in the argument before the committee in the Senate and upon the floor of the Senate the proponents of this bill discovered that could not be done; that Congress could not fix rates for railroads. So when the bill came

to the House before our committee, they had abandoned that position. They understand this bill thoroughly; they want it passed; there is no misunderstanding about it, and all it does is to provide a forum, a place of hearing, for the traveling men of America.

Mr JOHNSON of Washington. Will the gentleman yield?

Mr. HAWES. Yes.

Mr. JOHNSON of Washington. I take it that the coupon book is not to be sold to traveling men alone; any man can buy a mileage book?

Mr. HAWES. Certainly.

Mr. WALSH. There is nothing in the proposed legislation that would permit the Interstate Commerce Commission by regulation to restrict people who might purchase it, is there?

Mr. HAWES. No, sir.

Mr. WALSH. It would be open to the general public?

Mr. HAWES. Yes.

Mr. WINSLOW. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. The bill before us authorizes and directs the Interstate Commerce Commission to issue what is known as interchangeable mileage books or scrip coupon tickets at reasonable rates to be good for passenger carriage on all carriers subject to the interstate commerce act, with such exceptions as the Interstate Commerce Commission shall find to be advisable owing to dissimilarity of conditions and circumstances.

Before the war it was customary for groups of railroads to issue what came to be known as interchangeable mileage books. In general their use was confined to the traveling salesman, of whom there are possibly 750,000 in this country. The purchaser bought, say, a 3,000-mile book and paid for it at the time of its purchase. If his trip was 100 miles the conductor upon the presentation of the book tore off 100 miles and returned the book with the rest of the mileage to the traveler. Purchasing in wholesale quantities, so to speak, a discount was obtained below the prevailing rate, and then in addition to this advantage the traveler did not have to waste time purchasing a ticket at every station.

The mileage books were in general use throughout the West, but were not good on all roads. In fact, in accordance with my own observation, they were interchangeable on not to exceed some five or six roads.

The war and the taking over of the roads by the Government ended the issuance of mileage books. After the return of the roads an effort was made to have the railroads reinstate the custom of issuing interchangeable mileage books. The matter was presented to the Interstate Commerce Commission, who questioned their authority to order the roads to do so. This movement was led by the various organizations of commercial travelers and they then presented the matter to Congress. Several bills were introduced in both Houses; some of them called for a universal interchangeable book at a flat rate of so much per mile. It was readily seen that this could not very well be done. In the first place, this would be the direct fixing of a rate by Congress. If this was once commenced there would be no end to it. From a practical standpoint, Congress is not fitted to be a rate-making body. It will be remembered that the previous interchangeable books were not universally interchangeable, but only so in restricted territory where conditions were the same. The present general rate is 3.6 per mile. Some of the short lines charge a higher rate, and in the western mountain country I am informed that the rate sometimes is above 5 cents per mile. Obviously it would not be fair to issue an interchangeable book and have it presented in mountain territory where the rate is 5 cents and the traveler purchased the mileage in the East at, say, 3 cents.

It was then determined to agree upon a bill which would authorize the Interstate Commerce Commission to issue the books at reasonable rates under rules and regulations and subject to exceptions. Such a bill passed the Senate, and with several amendments the same bill is now before the House. The principal amendments are these: First, we authorize the commission to issue mileage books or scrip coupon tickets as they may think advisable. The representative of one of the large commercial traveler organizations was of the opinion that the scrip plan was the better one. Such a plan could be made universal. Under the mileage-book plan the purchaser would buy 3,000 miles at so much per mile. Under the scrip plan he would buy so many dollars' worth of transportation at whatever cost per mile the company to whom he presented the scrip would charge. There are some advantages in the scrip plan; there are others in the mileage plan. It is claimed that the scrip method could be more easily used by scalpers. For these reasons the committee thought it better to put the whole proposition up to the commission.

To take care of some roads where, owing to mountainous regions or other circumstances, it would be inequitable to sell interchangeable mileage books good on those roads, we have authorized the commission to exempt certain roads from the operation of the act.

When the bill came from the Senate the mileage book so issued would be "good for interstate passenger carriage" only. This would be of little benefit to the commercial traveler.

Of the great bulk of commercial travelers most of their trips are from town to town, which would be an intrastate carriage. The mileage book would not be valid for such carriage. For example, the ordinary commercial traveler in Minnesota, the Dakotas, and Montana will travel for several weeks before crossing a State line. Some of them have their territory wholly within a State. If the Senate bill becomes a law, Mr. Smith, getting on the train at Minneapolis and going to Fargo, N. Dak., could use his mileage book, and if that book was purchased at a discount his fare to Fargo would be less than the regular fare to the extent of the discount. Mr. Jones, on the other hand, who took the same train and who sat with him during the entire journey, is getting off at Moorhead, just across the river from Fargo. Moorhead is in Minnesota. Jones's mileage book could not be used for his trip. He would have to buy a ticket, and if there was a discount in the interstate business, he would not get the benefit of any discount on his trip, which was purely intrastate. Hence the committee amendment to strike out "interstate."

It will be observed that these books are to be issued at reasonable rates and under such reasonable rules and regulations as the public interest demands. This makes them available to anyone deeming that method advisable and having the necessary funds with which to purchase transportation at wholesale.

Mr. Chairman, the gentleman from Kentucky [Mr. BARKLEY] called attention to the authorization and direction to issue "interchangeable mileage or scrip coupon tickets." He inquired as to whether use of the disjunctive "or" would restrict the commission to either mileage books or scrip and not permit them to issue both if in their judgment that should be deemed advisable. It is my own impression—others on the committee I find agree with me—that the language is clear, and that as it now reads the commission would have the authority to direct the issuance of either or both.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALSH. I notice that the bill says the commission shall make and publish such reasonable rules for the issuance and use as in its judgment the public interests demand.

Mr. NEWTON of Minnesota. Yes.

Mr. WALSH. Might not the commission under that language restrict the number of these books that will be issued by any railroad and thereby preclude the general purchase?

Mr. NEWTON of Minnesota. It does not seem to me that that would be a reasonable rule or regulation. There must be, of course, some rules and regulations in order to provide for the issuance of the mileage books, but a regulation or rule of that kind would seem to be unreasonable.

Mr. WALSH. They might restrict it to certain times of the year or to certain sections of the country.

Mr. NEWTON of Minnesota. Not unless there was a reasonable occasion for making that restriction. I can not conceive of any regulation based on the issuance of mileage books during one portion of the year and not another.

Mr. WALSH. Take a road that has a number of branches and it might restrict the number of books that it might sell to a certain territory.

Mr. NEWTON of Minnesota. Yes. Take, for example, the mountain roads, where the present rate runs as high as 5 cents per mile on certain divisions. That in itself would possibly compel the commission to make a mileage book, as distinguished from a scrip book, not passable upon those divisions of the particular road.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 3, after the figures "22," strike out the words "of the act entitled 'An act to regulate commerce,' approved February 4, 1887," and insert the words "of the interstate commerce act."

Page 1, line 5, after the word "is," strike out the word "hereby."
Page 1, line 7, after the word "paragraphs," strike out the comma and insert the words "to read," and after the word "follows," strike out the comma and the words "to wit."
Page 2, line 2, after the word "commission," strike out the word "joint," and after the word "mileage," insert the words "or scrip coupon."
Page 2, line 3, after the word "at," strike out the article "a," and after the word "reasonable," strike out the words "rate per mile" and insert the word "rates."

The Clerk then reported the following amendment:

Page 2, line 4, at the beginning of the line strike out the word "interstate."

Mr. DENISON. Mr. Chairman, I desire to be heard upon that committee amendment. The Members seem to be very impatient, and perhaps do not approve of anyone saying anything either for or against this bill. Several are calling for a vote, but I am going to take up just a moment to state my opposition to this particular committee amendment. It may not have any influence upon a single person in the House, but we have been criticized very severely of late for "passing the buck," as it is called, to the Supreme Court, for passing laws which the Supreme Court promptly holds unconstitutional. I hesitate to rise in the House and object to a bill, or any part of a bill, upon the ground that I think it is unconstitutional. When I first came here I used to be very prompt to do so, but the longer I stay here the more I hesitate to object to any bill upon the ground that it is unconstitutional. Such objection seems to be looked upon with amusement and not taken seriously. Nevertheless, I am going to record my view upon this question involved in the committee amendment on line 4, wherein the word "interstate" is stricken out.

This bill, as it came from the Senate, applied only to interstate passenger carriage upon the theory that Congress has no jurisdiction to regulate in the manner provided in this bill purely intrastate passenger rates. That has been my view all along. It was clearly the view of the Senate.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. COOPER of Wisconsin. Is not that objection of the gentleman from Illinois met by the language in lines 4 and 5 "upon the passenger trains of all carriers by rail subject to this act"?

Mr. DENISON. Not at all. We have no jurisdiction, as a matter of course, to regulate any carriers except such as are interstate carriers, but I am assuming that we have not yet reached the point where Congress will claim absolute plenary powers over all intrastate rates, even on interstate carriers.

Mr. COOPER of Wisconsin. Let me make this suggestion: You do not need the word "interstate" there in line 4, because in line 5 it is limited to carriers by rail subject to the act, and the only carriers subject to the act are interstate carriers.

Mr. DENISON. Certainly. But Congress can regulate intrastate rates on interstate carriers only to the extent specified in the transportation act.

Mr. McLAUGHLIN of Michigan. Is there not some authority over intrastate carriers in the Interstate Commerce Commission? They have some authority, so that they are covered by the act, and in some respects intrastate carriers are subject to this act.

Mr. DENISON. I am going to discuss that for a moment. Let me call the attention of the committee to this. Before the passage of the transportation act the Supreme Court held, in what is known as the Shreveport case, that Congress had the right to regulate intrastate rates in certain instances. What were they?

Now, what were they? They were when the intrastate rate caused any "unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate commerce on the other hand." That is the substance of the Shreveport decision. Now, in the transportation act we went further than that and added to the control which the Interstate Commerce Commission might exercise over intrastate rates this further provision, that whenever an intrastate rate constituted "an undue, unreasonable, or unjust discrimination against interstate commerce" the Interstate Commerce Commission might then regulate it. Section 13 of the interstate commerce act, as amended by the transportation act, gives the Interstate Commerce Commission this authority. Let me read it:

Whenever in any such investigation the commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage—

Remember, this is intrastate rates, and so forth—

causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce—

And so forth. Then the Interstate Commerce Commission may change the rate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that after five minutes debate on this amendment be terminated.

The CHAIRMAN. The gentleman from Massachusetts asks that all debate on this amendment and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Chairman, reserving the right to object, is the chairman of the committee assuming the gentleman's argument does not need answering?

Mr. WINSLOW. If the gentleman puts it up to me, I will say so in view of the action of the committee.

Mr. FESS. Will the gentleman yield for a question?

Mr. DENISON. I will yield.

Mr. FESS. I am a holder of one of these exchangeable books and I am going from Dayton to Cincinnati, which is within Ohio. If you strike out "interstate," then you could not use that book?

Mr. DENISON. Not between intrastate points.

Mr. FESS. What value would the book be to me, then, except in crossing the line?

Mr. DENISON. I will answer that by saying to my friend from Ohio that he had better ask the gentlemen who first introduced the bill and had it passed through the Senate and sent to us in that form as to what good it would do. I am trying to present my reason for thinking that it will make it unconstitutional, if we amend the bill by striking out the word "interstate."

Mr. HOCH. Will the gentleman yield?

Mr. DENISON. I will yield to the gentleman from Kansas.

Mr. HOCH. Is it not a fact that practically every intrastate rate now in effect was as a matter of fact fixed by the Interstate Commerce Commission, and if the thing was unconstitutional the very thing in effect to-day is unconstitutional? Is not that a fact?

Mr. DENISON. I do not think it is a fact.

Mr. HOCH. In Ex parte 74 proceedings before the Interstate Commerce Commission were not rates fixed upon intrastate rates as well as upon interstate rates, and did not the Wisconsin case state specifically they had that power to fix those rates?

Mr. DENISON. The Wisconsin case simply held that the transportation act was a constitutional or a valid exercise of the power under the commerce clause of the Constitution. That is all the Wisconsin case held. What I am trying to argue is this: That if we pass this bill as the committee has amended it we are going far beyond the power conferred upon the Interstate Commerce Commission by the transportation act and, I think, beyond the power of Congress under the Constitution.

Mr. BARKLEY. Will the gentleman yield?

Mr. DENISON. I would like to say one or two things more before my five minutes are up, as the time now has been limited. In other words, to accomplish the purposes of this act we are going far beyond the power conferred upon the commission by the transportation act.

The purpose of this act is to reduce fares to certain classes of persons and under certain conditions. Such a purpose is not in harmony with or included in the provisions of the transportation act for preventing discriminations between persons or localities or an undue burden upon interstate commerce. Now, I think, gentlemen, that this bill goes beyond any power heretofore conferred upon the Interstate Commerce Commission in any act of Congress, and that it goes beyond our power under the commerce clause of the Constitution. I think that striking out that word "interstate" will render this act invalid if the railroads contest it. I think in the interest of the traveling salesmen, who want this legislation, and all others we would be doing them a favor to put that word back in the act and leave it like the Senate had it. No one interested in this bill asked the committee to make this amendment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. WALSH. Is not the word "interstate" merely descriptive of the sort of transportation that the public is paying for—this passenger traffic going from one State to another?

Mr. DENISON. The act as it passed the Senate and came to us limited the use of these interchangeable mileage books to interstate tickets or carriage, and in that form I think it was valid. But the committee thought it wise to strike out that word "interstate," and I think that will render the act invalid. The railroads may never contest it. But if they do, I think this committee amendment will destroy the validity of the act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I would, but I have not any time left. Mr. Chairman, I think there should be interchangeable mileage books issued by all the railroads, and I am willing to authorize the commission to compel the railroads to issue such books if it can be done under any proper exercise of our constitutional powers. I think, however, that by striking out the word "interstate" the committee has used bad judgment and has made this bill unconstitutional, even if it was constitutional in other respects.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out the words "any and," and also strike out the word "other."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 5, after the word "act," insert "The commission may in its discretion exempt from the provisions of this amendatory act either in whole or in part any carrier where the particular circumstances shown to the commission shall justify such exemption to be made."

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the chairman of the committee why that particular amendment was inserted in the bill. It is one of exceeding importance. It would permit the commission to exempt from the provisions of this act, an amendatory act, an entire railroad, in its discretion. Why should it be possible for that commission to exercise discrimination as between railroads in a matter so important as this?

Mr. WINSLOW. The theory is this, that the scale of prices for carrying a passenger a mile vary now under the regulations of the Interstate Commerce Commission from 3.6 cents per mile, as a minimum, up to 5 cents or 6 cents a mile, and above, I think, in some instances. Now, it might be, if the commission saw fit to get out a mileage book, that they could get out one covering the great majority of the railroads of the country at 3.6 cents per mile, but other railroads could not afford to carry passengers at that price. So, in order to get out a mileage book, in case they saw fit to order the issue of one, we provided that they could indicate the roads upon which the general mileage rate would be acceptable, profitable. As some other roads could not carry at the same rate per mile, we realized there should be a right for the commission to make exemptions. Hence this provision.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 10, after the word "issued," strike out "for any distance not exceeding 5,000 miles nor less than 1,000 miles" and insert in lieu thereof "in such denominations as the commission may prescribe."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 2, insert before the word "carriage" the words "sale or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 848) to amend section 22 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. By the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

On motion of Mr. WINSLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 12073. An act to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1923;

H. J. Res. 344. Joint resolution to authorize the Secretary of the Treasury to detail four persons paid from the appropriation for the collection of customs; and

H. R. 11393. An act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3458. An act to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to the following:

To Mr. CHALMERS, for 10 days, on account of the serious illness of his brother.

To Mr. HAWLEY, for June 30, 1922, on account of public business.

LEAVE TO EXTEND REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, in this House on Thursday, June 22, attacks were made by the gentlemen from Massachusetts, Mr. TINKHAM and Mr. GALLIVAN, upon an organization known as the Anti-Saloon League, and upon Mr. Wayne B. Wheeler, the general counsel of the said league.

I have noted in the public press publication of a brief statement in reply issued by Mr. Wheeler the following day at Indianapolis while en route to Kansas City to fill a speaking engagement before the International Sunday School Convention. I have had no request for such action from anyone representing the league, but in view of the fact the original statements have appeared in the RECORD, it appeals to me that this reply should likewise be so published and I accordingly present it here. The statement reads as follows:

The last attacks by Congressmen TINKHAM and GALLIVAN on the Anti-Saloon League and prohibition enforcement are like the others, 100 per cent alcoholic. They are as baseless as the liquor traffic which they defend is lawless. The Anti-Saloon League of America obeys the election laws, and the liquor interests defy them. In order to distract attention from the activities of the outlawed traffic, wet Congressmen cry "Stop thief" and point their accusing finger at the

Anti-Saloon League. They are fooling no one but themselves, and the beer and wine brigade who are back of them. These attacks reveal the fact that there is a nation-wide wet effort to defeat Congressman VOLSTEAD, and they are using a fellow wet Republican to furnish their propaganda.

The Anti-Saloon League of America has made the fight to prevent wet organizations from defeating Congressmen who have voted against the liquor traffic. The charge that we have spent $150,000,000 is ridiculous and false. We never spend one dollar where our opponents spend fifty. The combined budgets of the legal, legislative, and executive departments of the Anti-Saloon League of America never reached $200,000 per year, and only a small part of this was spent in political campaigns.

The league has reported the funds secured and expended for political purposes as required by law. It is the only nonpartisan organization that does comply with the Federal election law. We will help to make the existing law stronger and will insist on its enforcement against the liquor organizations that now ignore it.

We challenge the wet champions and their followers to join us in the fight to sustain and enforce the law against selling liquor on American ships and to adopt a law to prevent foreign liquor-selling ships from entering the harbors of this Nation.

The time has come for a show-down by the wets on law enforcement or a shutdown on their camouflage beer and wine appeals in the name of law enforcement.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD in connection with two resolutions which I have offered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. WALSH. Nobody heard the purpose indicated.

Mr. BURKE. I have presented two resolutions, and I wish to print remarks in connection with those resolutions.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. BURKE. Mr. Speaker, on June 27 I presented two resolutions to this Congress, one authorizing the Railroad Labor Board to rescind its decision reducing the wages of approximately 1,500,000 railroad employees and the other to end the lockout of the coal miners by authorizing the President to take over the mines for a year or longer, to negotiate a satisfactory wage and working agreement with the miners' committee, and sell the coal to the public at the actual cost of production plus a reasonable return to the coal owners for the coal produced and sold.

It seems to me in the face of what is going on in this country that action should be taken on these two measures without delay. This Congress is here to function in the interest of the Nation and the people, and it should assert its authority and its power by calling a halt on the powers of greed and wealth that now have the country in its grip. Government of wealth, by wealth, and for wealth must cease and government of the people, for the people, and by the people be restored if prosperity and contentment are to come back to our people and our land.

There is discontent and dissatisfaction existing. Mills, mines, and factories are closed down; millions of men and women out of work; a large number of our ex-service men tramping the streets hungry and despairing, each and every one of them victims of the vicious system of greed and exploiting which stops the wheels of industry at will in order to starve the workers into accepting low wages and long hours of toil, as well as to break up unionism.

My office, like the office of every other Congressman here, is flooded with open-shop propaganda; propaganda that misrepresents the cause of the workers; that is sent out for no other purpose but to mislead and to influence Members of Congress to be amenable to the wishes and desires of organized wealth. I want to ask this Congress if labor has not exactly the same right to organize for its own protection and betterment that capital has? And unless organized capital wants to establish feudalism in this country why is it making such strenuous efforts to destroy labor organizations, whose object is to benefit humanity and improve the conditions of the workers?

Let us take up the situation in the coal industry. When the coal operators refused to meet with the representatives of the miners, when they refused to continue their wage and working agreement, it was for a purpose—the purpose of weakening and destroying the United Mine Workers' Association. At the time of the lockout there were 65,000,000 tons of coal on top of ground; it was thought the miners would be forced into submission before this; that the pinch of hunger and the stress of "hard times" would make them eager to get back into the mines on the operators' own terms and conditions; but the miners have endured the pinch of hunger and "hard times" for a principle, and they are just as firm to-day in their determination to assert and protect their constitutional rights as they were the day the lockout started.

The cry, however, is now going out that there is a scarcity of coal; the supply that was on hand is about exhausted, and there will in all probability soon be a move on to hold the public up for higher prices. This should not be permitted. The public has no right to bear the burden of increased coal rates in order that the profits of the operators may go up. Human rights and the necessities of humanity should take rank and precedence over property rights and enormous profits.

Whatever is going on in the coal industry to-day the operators are responsible for; they forced the situation. For the public good they should meet with the representatives of the Miners' Association and put into effect a mutual satisfactory wage and working agreement. If they will not do this, then let the Government take over the mines, formulate a satisfactory wage and working schedule with the miners' committee, mine and sell the coal at the actual cost of production, plus a reasonable return to the coal owners for the coal produced and sold.

The whole trouble is that profiteers and profiteering sprang up overnight during war days; the gold poured into their coffers. With the stoppage of war the flow of gold decreased, but not the greed and the desire to get that gold—to pile up profits, even though that greed meant crushing the workers—exploiting humanity.

And now let me touch on the pending railroad strike of maintenance of way and shop men scheduled for July 1. I hope this Congress will act on my resolution authorizing the board to rescind its wage-reduction order. These men have had handed down to them a schedule of wages that might be all right in far-off Russia or China but should not be applied in America. If American citizenship is to be up to the standard, American standards of living must be maintained. The board based its wage reduction on the un-American theory that labor is a commodity. It established a minimum-wage rate of 23 cents an hour, $1.84 a day, $563 a year. What American could or would live on such wages? What American could raise a family on such wages? What allowances did the board make for sickness or circumstances that might compel loss of time? What attention did it pay to those who appeared before it in the interest of the employees and who proved conclusively that a wage reduction was unwarranted and unjustifiable? Rents have increased; gas and electric service have not gone down; street car fares have not decreased; the cost of food is still high; and yet the man who has to work and work hard to obtain the money to purchase the necessities of life, who has little children to clothe and feed and educate, who has all he can do now to make ends meet and get along, must be the sufferer; from him and his family must be taken the toll to keep up railroad dividends.

I believe the Railroad Labor Board was intended to function as an impartial tribunal; the spirit and intent of the law was that decent living wages should be maintained; that just and fair treatment should be accorded railroad employees. If only the wishes and desires of the railroad magnates are to be considered and their views only have weight with the board, it is functioning not impartially but solely in the interest of the railroad corporations and it should be abolished. A one-sided tribunal functioning in the interest of corporate wealth, placing property rights above human rights, should be wiped out and not maintained at an expense to the taxpayers of America, and for the good of the country and the people the entire law should be repealed.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on the ship compensation bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. EDMONDS. Mr. Speaker, on June 26 there was placed by the minority leader of the House [Mr. GARRETT of Tennessee] into the RECORD a statement signed by three members of the Merchant Marine and Fisheries Committee of the House of Representatives in which 12 points were made against the proposed merchant marine act now before both Houses of Congress for consideration.

It appears that it was intended to give to the public the views of those who are opposed to this act, and it seemed fair to me that I should also express my views upon the 12 points submitted by them, as I am heartily in favor of the act, believing that it, if placed into law and operation, will in the course of a few years find this country doing from 50 to 60 per cent of its overseas carrying trade permanently, and that the revival of the American merchant marine will bring to our country

more prosperity than any single piece of legislation proposed for many years. My answers are as follows:

STATEMENT 1.

"That the passage of this bill will not 'save hundreds of millions of dollars in liquidation of our shipping assets,' as suggested by the President, but that Chairman Lasker himself does not hope to obtain more than $200,000,000 for the entire fleet; and that if this bill passes the charge upon the Public Treasury for the next 10 years would be at least $750,000,000, not to speak of the fact that the fleet would be sold for several hundred million dollars less than what would have been its pre-war cost, wholly disregarding the actual cost of the fleet."

ANSWER.

There is no authentic testimony given in the hearings upon which to base the statement that the shipping bill will cost $75,000,000 annually, neither is there any statement to show the low valuation placed upon our fleet, viz, $200,000,000, even at to-day's low prices.

As a matter of fact, operating slightly over 3,000,000 tons of shipping to-day, we are losing about $50,000,000 annually, including the care of the laid-up vessels.

There is no estimate added for the interest, depreciation, or insurance upon all vessels, which in itself amounts, if considered with proper business accounting, from $50,000,000 to $75,000,000 more.

It is proposed in the bill to endeavor to place 7,500,000 tons in operation, and, if possible, to dispose of the balance. This would give us a fleet large enough to carry from 50 to 60 per cent of our imports and exports.

When the extreme compensation, estimated at less than $50,000,000 net, is being paid, we will have about 150 per cent more of vessels operating and a material decrease in the cost we have to-day from operating the lesser tonnage.

Of course, the compensation will decrease with the tonnage operated so that it may be a few years before we reach the maximum. It is estimated that the first year of operation the cost will hardly be more than $15,000,000 net.

STATEMENT 2.

"That this bill provides for a loan to shipowners of a revolving fund of $125,000,000, such to be loaned at 2 per cent interest and for 15 years at a time, and up to two-thirds the cost of the ships upon which the loans are to be made, although the average life of a ship is estimated at 20 years; whereas, even under the Federal farm-loan system farmers are compelled to pay about 6 per cent interest, and are not allowed to borrow more than 50 per cent of the market value of their farms, which constitute permanent security."

ANSWER.

In order to have on hand and prepared for use in the naval auxiliaries necessary in event of war, it was deemed wise to encourage the construction of such vessels, by making it attractive to shipowners to build them. To do this it was arranged to loan at 2 per cent up to two-thirds of the value of ships of this character, while this is, of course, of financial advantage to the shipowner by reducing his overhead should the ship earn over the 10 per cent limitation, it will come back under the law to the Government.

STATEMENT 3.

"That this bill exempts shipowners from the payment of all Federal taxes provided the amount which would otherwise be payable as taxes is invested or set aside for investment in new ship construction."

ANSWER.

As this is only a duplication in workable shape of the Jones bill, supported by these same gentlemen, it is useless to discuss the section.

STATEMENT 4.

"That it is not even claimed by the proponents of this bill that the people will obtain any cheaper ocean freight rates, and that the bill does not pretend to provide for any sort of regulation of such rates; on the other hand, Chairman Lasker at the hearings called attention to the fact that by reason of the provision authorizing a deduction from net income taxes of 5 per cent of the freight paid on goods imported or exported in American vessels, an importer or exporter could afford to pay 4 per cent more for the carriage of his goods on American vessels than they would be carried for on foreign vessels and still save 1 per cent."

ANSWER.

No one knows better than the three gentlemen who wrote this statement that all the regulation possible to control freights, and other irregularities that might occur in an international business of this character, were taken care of in the shipping act, 1916, prepared by a Democratic committee, passed by a Democratic Congress, and signed by a Democratic President.

If there is any trouble upon this score now, it should be blamed upon the act prepared under their care.

STATEMENT 5.

"That this bill authorizes the Shipping Board to make contracts for the payment of subsidies for a period of 10 years from the date of making contract, this being admittedly for the purpose of preventing a repeal of the act by subsequent Congresses."

ANSWER.

It is manifestly impossible for us to persuade money into shipping unless there is some assurance covering a period of years that whatever is proposed for the benefit of shipping would be stable and continuous in character, and that services started will be maintained until proven successful or unsuccessful. The majority of shipping men contend that 10 years is not long enough. As to the possibility of any act of this Congress tying the hand of future Congresses so as to prevent any repeal by them, it is foolish to argue the subject with anyone who understands the laws of our country.

STATEMENT 6.

"That instead of the Shipping Board coming to Congress each year for necessary appropriations to carry out the provisions of the bill, as all other departments of the Government are required to do, this bill is so framed as to avoid this, it directing the Secretary of the Treasury to credit to the merchant marine fund certain receipts; and 'all moneys in the fund are hereby permanently appropriated for the purpose of making such payments' of voyage subsidies 'upon vouchers signed by the chairman of the board.'"

ANSWER.

It is presumed the opponents of the bill mean to intimate by this that there will be a hiding away in the Treasury Department of a fund that will never be open to the public and will be kept secret and sacred by the Shipping Board. Any student of our system knows how far this is from a possibility. Reports will be made and all the transactions will be open the same as any other public records, and the Treasury Department will see they are amply protected with proper records before any disbursements are made. Of course, all records are open to any proper committee of Congress at any time.

STATEMENT 7.

"That this bill confers upon the Shipping Board the most autocratic and unprecedented powers with respect to selling ships, making loans, making subsidy contracts, and handling enormous sums of money ever conferred upon any board, and yet the Shipping Board is feverishly employing every conceivable means to obtain such powers and opportunities."

ANSWER.

The operating portion of the Shipping Board arising out of the war emergency, if it is desired that it should function as a business must, of necessity, be clothed with rather unusual powers for a Government proposition. The competition they have to meet are both international in character and with business men who are used to decide questions upon a moment's notice. The board can not act unless equipped with power for rapid decision. This covers sales, contracts, and all the various questions that arise in the operation of the largest corporation in the world which the Shipping Board really is. Of course, realizing the possibility of failure and with the vision of the past several years of Government operation before them, they are of necessity anxious that sufficient power should be placed with them to properly carry out the conduct of the business. In drafting the bill great care was taken to look into these powers and wherever it could be done to write into law the matters placed in charge of the board, and to limit and hedge with precautions all possible matters that could be legislated for, leaving only open such as were absolutely necessary, in our opinion, to successfully operate in competition.

STATEMENT 8.

"That this bill does not require the Shipping Board to make any report or accounting to the President, the Congress, or anybody else, at any time."

ANSWER.

It was understood that the merchant marine act, 1920, took care of the accounting. If this is not so, no one on either side of the House would object to it being fully cared for and properly written in the act.

STATEMENT 9.

"That when this country was in the midst of the war, the shipping interests who are back of this bill took advantage of

the situation and ran ocean rates up on both their Government and the people as high as 1,250 per cent over pre-war rates, as admitted at the hearings by the general manager of the American Steamship Owners' Association; and made what was characterized as 'almost fabulous' profits by W. J. Love and as 'enormous' by J. B. Smull, Messrs. Love and Smull being two of the $35,000 a year experts of the Shipping Board and vice presidents of the Emergency Fleet Corporation. For instance, the American-Hawaiian Steamship Co. paid dividends of 200 per cent in 1916 and 405 per cent for 1917; the Luckenbach Steamship Co. made net profits on its capital of 236.2 per cent in 1916 and 666.9 per cent in 1917; the Pacific Mail Steamship Co. made 365.3 per cent net profit on its capital stock in 1915 to 1920; the Atlantic, Gulf & West Indies Co. made net profits greater than its capital in 1915–1920, and during 1921, the very worst time in the history of shipping, according to its own annual report, made a net income of $1,781,337, after deducting all expenses, taxes, interest, and losses on sale of Liberty bonds; the United Fruit Co. with a capital stock of $50,000,000 made net profits of $94,147,500 in 1915–1920, paid dividends of $77,080,277, and increased their surplus to $66,176,490; the Dollar Steamship Lines made net profits on its capital stock of 322.9 per cent in 1916 and 104.9 per cent in 1917; Robert Dollar, the owner of the Dollar Steamship Lines, in a recent article in Nation's Business, frankly states: 'I have always felt that a shipowner who must have "pap" from the Government does not deserve to be in the business. We do not need any advantage over the other fellow; we can take care of ourselves.'"

ANSWER.

It is acknowledged that many companies made very large profits during the war; in fact, most of the free ships in the world enjoyed their most profitable period at that time. It will be noted that, outside of the Dollar Line, the profits of the American-Hawaiian and the Luckenbach Lines are only given for 1916 and 1917. No mention is made as to the present operation of these companies, many of whose assets (ships) have so shrunken in value since the high prices of 1916 and 1917 that they have no such advantages this report would have you believe they are enjoying. An analysis of the reports of these for the two years, both of which will be found on page 2223 of the hearings, will show:

Low capitalization, large investment and surplus, profits from sale of ships, which would all help to make large dividends. Companies with profits such as these are would be the last ones to ask Government compensation, as the limitation of 10 per cent would cause a return of the compensation when such unusual profits are indicated.

The following letter received from the Pacific Mail Steamship Co., signed by the treasurer of the company, explains their position:

We refer to page 2216, part 33, report of hearings upon bills S. 3217 and H. R. 10644, to amend the mechant marine act of 1920, and extract therein quoted from report of July 31, 1919, by Chairman Hurley to the President:

"* * * perhaps most significant of all is the fact that the vessels of the Pacific Mail Steamship Co., flying the American flag, have successfully met the competition of ships paying the lowest wages on earth in the trans-Pacific trade for about 70 years."

The most significant reply to this statement, it seems to us, is an accurate report of the actual operating results of the Pacific Mail Steamship Co. during the period of its trans-Pacific services.

The trans-Pacific service was inaugurated in 1867, and to 1873, inclusive, the company was enabled to pay dividends in only two of these seven years. From 1873 to 1915, inclusively, a period of 42 years, increasing and almost continuous losses from operations occurred until in 1915 a deficit of over $11,000,000 had accrued. There was a net profit in only 18 of these years, and in only 2 did this profit amount to over 3 per cent upon the capital investment.

In the year 1915 the par value of the capital stock of the company was reduced from $100 per share to $5 per share, the stockholders thereby absorbing the enormous deficit.

From 1873 to 1920, inclusive, a period of 48 years, dividends were declared in but 9 years, which in all represented a return of less than one-half of 1 per cent upon the capital investment.

As to the United Fruit Co., their status was gone into thoroughly in the hearings, and it is surprising that the gentlemen signing this report should believe that their statement could pass without answer. The United Fruit Co. has only a comparatively small portion of their capital in ships. They are owners of tropical plantations and other activities which are exceedingly profitable. There does not seem to be any report segregating their profits, so the earnings of their ships are not as stated nor anything like the profit this statement would lead us to believe.

The same is true of the Atlantic, Gulf & West Indies Co. This company has only a few steamers operating in foreign trade; coastwise steamers do not receive compensation, and they also profit greatly from outside interests. Again, it is not possible to segregate for comparison, and the matter was clearly and fully brought out in the hearings.

As to Robert Dollar, it is well known that his steamers operate under the cheapest flag, with the cheapest crews. He personally told me in New York a short time ago that he was operating with Chinese and Japanese and had to do so in order to make a profit.

Of course, if it is the desire of the American people to operate their merchant marine as operated under other flags, wiping out the laws for safety at sea, or the nationality of seamen, the shipowner would not ask for "pap" but would do as done by Robert Dollar. It was, however, believed by the committee that what we are trying to do was to build up an American merchant marine, under the American flag, manned as far as possible by Americans, maintained at American standards, and it was our thought that this was what the American people would desire. After reading this statement perhaps we are mistaken.

STATEMENT 10.

"That most of the American steamship lines which are seeking and would receive the subsidies and other aids maintain an unnecessarily large force of high-paid executives, their salaries running as high as $100,000 a year, not only greater than the salary of the President of the United States but out of all proportion to salaries paid in any other industry, especially considering the size and the amounts invested in the enterprises. The Seager Steamship Co. is a leading American line, organized in 1907 and having operated American-flag ships to various European ports in the sharpest competition in the world; John C. Seager, sr., the president of the company, is said to be the oldest and one of the most highly esteemed shipping men in New York. John C. Seager, jr., the vice president and treasurer of the company, in a recent interview published in the Nautical Gazette, declared:

"'Steamships purchased at the present time can be operated at a profit; foreign owners are not losing money, and there is no reason why an American owner can not make a profit with his ships. The most potent factor militating against the successful operation of American ships is the large overhead, which is incurred by the payment of large salaries to unnecessary executives. With few exceptions in Britain, there are no large salaries paid to steamship men in Europe, and if this example were followed in this country the balance sheets of the industry would make a better showing.'"

ANSWER.

Of course, higher salaries prevail in the United States than in other countries. No one would dispute that. The gentlemen seem to be obsessed with the idea that $100,000 salaries are paid out broadcast in the shipping business. It does not appear anywhere in the hearings, although everyone realized that salaries were higher here than abroad.

As to the leading American line of John C. Seager, also of Oswald Garrison Villard, the editor of the Nautical Gazette, both of which authorities the gentlemen were so prone to quote during the hearings, I can only report the results of my investigations.

Oswald Garrison Villard: This man is the owner of the Nautical Gazette. He was born in Germany, and his reputation around New York is that of being a parlor "socialist." He was so intensely pro-German before we entered the Great War that he was given serious attention by the Government authorities. The attitude of his papers at that time—the New York Evening Post and the Nation—is so well known that it needs no further comment. He is carrying on the same attitude of criticism of the best American interests in the Nautical Gazette. In "Who's Who in America," in his autobiography, he states that among his principal contributions to literature were a book entitled "Germany in Battle" and a monograph on "The German Imperial Court." No one has ever considered that he knows anything about shipping.

John C. Seager: A shipping man in New York, was born in England, and it is unknown whether he is an American citizen or not. Prior to the Great War he was an agent for British shipping companies. At this time his principal employees in the shipping business are aliens. He once had a Mr. Cox, an American citizen, as port engineer, and replaced him with an Englishman. His general reputation at this port is of being very English in thought and action.

STATEMENT 11.

"That this bill authorizes the granting of subsidies and all other aids to the Standard Oil Co., the United States Steel Corporation, and other large concerns which own and operate their own ships in the transportation of their own products and does not require them to operate their ships in whole or in part as common carriers."

ANSWER.

It is true that the bill will grant subsidies to the Standard Oil Co. and other ships of corporations while carrying their own products. This payment is, however, made the object of special supervision by the board so the 10 per cent limitation of profit

clause will not be taken advantage of by the owner. It might be well to say at this point that there is no deduction allowed in taxes upon freight paid to parties transporting their own freight.

It was only after studying the subject thoroughly that it was decided to pay such compensation. The reasons were obvious. The greater number of the ships are tankers. The immense value of tankers in time of war can not be discounted by any statement. We can well afford to retain our control at the price, otherwise we might regret before many years pass the loss of these valuable naval auxiliaries. It must be remembered that it is not only the Standard Oil Co. or the United States Steel Corporation that operate these industrial ships; many other oil companies and manufacturing establishments own ships also. The object of this bill is to maintain an American merchant marine. These ships, especially the tankers, are an integral part of it, the tankers especially vital. From this viewpoint we believed our deductions were sound.

STATEMENT 12.

"That Chairman Lasker demands both subsidies and booze, insisting that even with subsidies and aids granted by the ship subsidy bill American ships can not successfully operate unless they are also permitted to run saloons aboard. If Lasker's statements as to the necessity of subsidies are to be accepted, his statements as to the necessity of the sale of booze must also be accepted. Wherefore, nothing is to be gained merely by assuming the enormous additional burdens entailed by the pending bill. Consequently, in ascertaining the 'reaction' of their constituents, Members should ascertain whether they are not only willing to confer upon the shipping interests the enormous bounties provided by the pending bill but also authorize the sale of intoxicating liquors to those who are able to sail abroad and at the same time prohibit such sales to those who remain on land. It is not merely a question of prohibition but a question of consistent law enforcement.

"It has just been announced in the press that Chairman Lasker will visit all the States in the Middle West in an effort to sell his ship subsidy bill to the farmers. If Chairman Lasker believes the propaganda which he has persistently been giving out to the effect that the farmers and the Middle West have been converted to his scheme and are actually wanting his bill passed, why does he intend to waste his time in going forth to evangelize them instead of remaining in Washington and performing his duties as chairman of the Shipping Board in an effort to improve the conditions which he delights to describe as deplorable? While we do not believe that he will find the farmers as gullible as some people in Washington, yet we realize that he is a genius in some particulars. He justly prides himself upon being a publicity expert, and we readily bear witness that he is also a promoter and schemer par excellence. He is perhaps the only man in America who could have come to Washington and captivated the President, overawed the Cabinet officers whose jurisdiction he sought to invade, chloroformed the Anti-Saloon League and prohibition commissioner, and otherwise paved the way for even the possibility of the passage of such a vicious measure as the pending ship subsidy bill, which is infinitely worse and more costly than any of the various ship subsidy bills which have been repudiated in the past."

ANSWER.

We do not believe we care to take up and answer the most of this paragraph. It needs no answer, as the public themselves are not so ignorant that they are unable to make their own deductions as to the animus back of it coming from Members of the minority party, under whose auspices this deplorable mess was generated and abandoned for the present management to clarify. Chairman Lasker needs no apology, the Shipping Board to-day knows where it is at, what it owns, and is prepared to make a monthly report of its operations, and will do so starting July 1. This we owe to Chairman Lasker and his fellow board members. Did the last administration try to give to Congress any such exposition of ability to manage?

As to the liquor sold on American ships outside of the 3-mile limit, the practice was started under the Democratic administration, and has been continued since. No doubt Congress will, when the bill is under discussion, take care of the subject ably and well; it is manifestly unfair to charge the practice of selling liquor on ships to the present board when it was only a hand-me-down from the party of the gentlemen who acquiesce in this statement.

It might be of interest to the Members to read the statement made in the Philadelphia Public Ledger, business section, June 27:

CANADA TO SELL PART OF MERCHANT MARINE—TWENTY-SEVEN OF FLEET OF SIXTY-FIVE WILL GO TO THE HIGHEST BIDDER—CANADIAN PACIFC IMPROVES SERVICE.

OTTAWA, June 26.—The Canadian Government, having burned its fingers very badly trying to build and operate a merchant marine, has decided to cut its losses and sell about one-half of its tonnage. Of its fleet of 65 vessels 27 of the smaller ones will be offered to the highest bidder. If the remaining vessels, which will continue to be operated by the Government railways, do not make a better showing, it is only a matter of time until they, too, are sold.

The loss on the fleet last year, including interest and depreciation, was a little more than $8,000,000. The fleet cost $73,000,000, or at the rate of $191 a ton. It has been decided to write down the valuation to replacement cost, or to $60 per ton, or a total reduction of about $40,000,000.

While the Government has found it necessary to sell a large portion of its tonnage, the Canadian Pacific Railway has added 100,000 tons to its fleet during the last year, and in spite of very strong competition is doing well. At the recent convention of the Canadian Manufacturers' Association it was suggested that the Government sell the whole of its tonnage to private interests, the opinion being expressed that the Canadian Pacific Railway was the only corporation that could compete with the United Fruit Co. for the West Indies trade.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, we have hoped to be able to adjourn to-morrow, but as matters now stand I think it is doubtful if we can adjourn before Saturday afternoon. The deficiency bill has just been reported by the Senate committee.

Mr. MADDEN. It is under consideration in the Senate now.

Mr. MONDELL. The gentleman from Illinois tells me that it is under consideration in the Senate now. They hope to be able to conclude the consideration of that bill to-night. If they do, and we can meet a little earlier than the usual time of meeting to-morrow, we can send that bill to conference; but even then I doubt if it will be possible to conclude the consideration of the bill, to agree to the conference report, and to close up the business to-morrow. It seems to me that we will do very well if we conclude the business and adjourn Saturday. I hope we will be able to do that. But may I suggest to gentlemen that the adjournment Saturday depends upon our having a quorum here. Gentlemen must not leave on the theory that some one else can take care of the situation. A rule for adjournment must be presented and passed. It will require a quorum, and unless a quorum is here gentlemen will be sent for, and we will remain in session until we secure a quorum, because those who are faithful enough to remain here must not be punished because other gentlemen have a disposition to leave.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I will yield.

Mr. MADDEN. I was going to say that if the Senate should pass the deficiency bill to-night it is the intention of those who will be the conferees to join the Senate committee who will be conferees and informally go over the amendments before the bill is messaged over to the House, and then get permission to go into conference, and so expedite the work as much as we can. Even if we have to work late into the night to-morrow night, it will not be our fault if we do not have the chance to get away.

Mr. SNELL. It may be possible to adjourn to-morrow night.

Mr. MONDELL. Does the gentleman think it will be possible to conclude consideration of the conference report and get it adopted in the two bodies to-morrow?

Mr. MADDEN. I hope so.

Mr. MONDELL. The gentleman from Illinois is a faithful and earnest worker, and just at this particular time he is quite optimistic.

Mr. MADDEN. I will do all I can.

Mr. MONDELL. We know the gentleman will do all that is possible to be done; but gentlemen should not arrange to leave until Saturday.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Ohio.

Mr. FESS. What will be done to-morrow prior to the presentation of the conference report on the deficiency bill?

Mr. MONDELL. The acting chairman of the Rules Committee has two rules which he intends to present as soon as he has the opportunity to do so.

We hope to dispose of all of the business before the House provided for by rules and take care of conference reports to-morrow at a reasonably early hour.

Mr. SNELL. If we get through, we can adjourn late in the evening.

Mr. MONDELL. The adjournment depends on the deficiency bill.

Mr. GARNER. Suppose there were a lockup between the House and the Senate on the deficiency bill and you could not pass it, the Senate saying you will yield to unreasonable amendments or you will not take any recess. Are you going to take the recess and give up to the Senate?

Mr. MONDELL. May I say that I understand that the committee has added comparatively little to the deficiency bill, and it is the determination of every Member of the House, I know, not to accept in the deficiency bill, by reason of the fact that we hope to recess, any provision which we would not otherwise accept.

Mr. GARNER. I hope the gentleman from Illinois will confirm that statement.

Mr. MADDEN. I do.

Mr. GARNER. I had rather stay here indefinitely than to give up to some unreasonable amendment put on the deficiency bill for the purpose of keeping us here. [Applause.]

Mr. MADDEN. So would I.

Mr. BURTON. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BURTON. Is it the expectation of the gentleman to ask that the House meet to-morrow at 11 o'clock?

Mr. MONDELL. I did; but the chairman of the Committee on Appropriations suggests that those who will be conferees on the deficiency bill will meet the Senate members early to-morrow.

Mr. MADDEN. We are going to meet at 9.30 and go through informally the amendments.

Mr. GARNER. Let me suggest, if I may, to the gentleman from Wyoming that it will undoubtedly be 12 o'clock to-morrow before the Appropriations Committee can make a report, and this chicken-feed stuff that you are bringing in is driving Members away instead of keeping them here.

Mr. MONDELL. In view of the suggestion of the chairman of the Committee on Appropriations, I doubt if anything will be gained by convening earlier than the regular hour.

BRIDGE ACROSS RED RIVER AT GRAND ECORE, LA.

Mr. BARKLEY. Mr. Speaker, I have a very urgent bridge bill that will take but a few minutes to pass and I ask unanimous consent for the present consideration of the bill H. R. 12092.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bridge bill of which the clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12092) granting the consent of Congress to the Louisiana Development Co. to construct a bridge across the Red River at or near Grand Ecore, La.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to have the bill read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Louisiana Development Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Red River at a point suitable to the interests of navigation at or near Grand Ecore, in the parish of Natchitoches, State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman when this bill was introduced?

Mr. BARKLEY. On the 20th of June.

Mr. COOPER of Wisconsin. I object.

Mr. BARKLEY. Will not the gentleman withhold his objection?

Mr. COOPER of Wisconsin. I will withhold it, but I will renew it. I do not believe in doing things by unanimous consent when we have been rushing for the last two or three weeks to get away, and especially on a bill that has been here only two weeks, while others have been on the calendar all the session. I do not believe in legislating in that way.

AMENDING PROVISO IN PARAGRAPH 10, SECTION 9, OF THE FEDERAL RESERVE ACT.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight to file the conference report on the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act, amended by the act of June 21, 1917, amending the Federal reserve act.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the conferees may have until midnight to file the conference report on the bill S. 831. Is there objection?

There was no objection.

BRIDGE ACROSS RED RIVER AT GRAND ECORE, LA.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes to explain the bridge bill just objected to.

The SPEAKER. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I wish to say that this bridge is intended to carry a pipe line across the river a few yards from the present bridge, because the company wishes to transport the natural gas flowing out of the gas wells at Monroe across the river and into Texas. It is only a pipe line. It is far above navigation, and that is all the bridge is for. The emergency arose recently when the company was organized to pipe the natural gas from the fields.

Mr. COOPER of Wisconsin. Mr. Speaker, it is remarkable that the emergency did not arise until a few days before we are about to adjourn.

Mr. ASWELL. It is only a few days ago that they found out they would have to have legislation.

Mr. COOPER of Wisconsin. A pipe-line company usually knows something about the law, and especially about getting across navigable streams. Mr. Speaker, I object.

LEGAL-TENDER NOTES SECURED BY STATE BONDS.

Mr. HIMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein certain correspondence between Mr. S. T. Gilbert, jr., Undersecretary of the Treasury, and others relative to the bill H. R. 4576, introduced by the gentleman from Pennsylvania [Mr. BURKE].

The SPEAKER. What is the subject of the bill?

Mr. HIMES. It provides for legal-tender notes secured by noninterest-bearing 25-year bonds of States or subdivisions thereof.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing therein certain correspondence between Mr. Gilbert and others relative to a bill introduced by Mr. BURKE. Is there objection?

Mr. WINGO. I reserve the right to object.

Mr. WALSH. Reserving the right to object, who is Mr. Gilbert?

Mr. HIMES. He is Undersecretary of the Treasury.

Mr. WINGO. What is the necessity for this?

Mr. HIMES. To get information to those interested in this particular bill.

Mr. WINGO. It is customary to give information to the committee that is considering the bill, is it not?

Mr. HIMES. The idea is to get the information to the whole House.

Mr. GARNER. Reserving the right to object, may I ask the gentleman a question?

Mr. HIMES. Certainly.

Mr. GARNER. Is this the same Mr. Gilbert who ought to be removed because he was appointed by the Wilson administration?

Mr. HIMES. I really do not know. I could not tell the gentleman.

Mr. GARNER. I understood that he is persona non grata so far as 150 members of the Republican Party are concerned. I should not think the gentleman would want to put anything in the RECORD that he said.

Mr. WINGO. Mr. Speaker, the course being so very good, I shall waive any objection I have.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is not this the same matter, to the insertion of which in the RECORD the gentleman's colleague [Mr. STEPHENS] objected the other day?

Mr. HIMES. Yes.

Mr. CRAMTON. Has that gentleman withdrawn his objection?

Mr. HIMES. He is present here on the floor.

Mr. CRAMTON. Oh, I did not see the gentleman. I withdraw any objection that I have.

The SPEAKER. Is there objection?

There was no objection.

The correspondence referred to is as follows:

MAY 3, 1922.

MR. CHAIRMAN AND GENTLEMEN OF THE BANKING AND CURRENCY COMMITTEE.

GENTLEMEN: On April 14, 1922, I had the honor of an audience with the President. One of the subjects discussed was H. R. 4576. The President promised to give it careful and serious consideration.

On April 21, 1922, I mailed to the President a copy of a brief of my statement to your committee on April 20, 1922, which brief the President referred to the Secretary of the Treasury for consideration.

I herewith submit copy of letter received from the Undersecretary of the Treasury, with brief submitted to the President, and copies of my letters in reply to both the President and the Undersecretary of the Treasury.

Respectfully submitted.

Yours truly, JACOB S. COXEY, Sr.

(Copy.)

UNDERSECRETARY OF THE TREASURY,
Washington, April 29, 1922.

DEAR SIR: For the Secretary of the Treasury, I acknowledge receipt of your letter of April 21, 1922, addressed to the President, and referred to this department for consideration, suggesting the issuance of legal-tender notes secured by noninteresting-bearing 25-year bonds of States or subdivisions thereof to pay for local improvements.

The adoption of your proposal is entirely out of the question. The volume of money in circulation at present is amply sufficient to meet the demands of business, and our currency needs are fully provided for under the existing system, particularly through the issue of Federal reserve notes, which are designed to expand and contract in accordance with the demands of trade. The Federal reserve banks stand ready at all times to issue Federal reserve notes on the proper security as they may be necessary to meet the country's requirements, and a shortage of currency under the present system is almost impossible.

For the Government to issue fiat money, or even to pump money into circulation in excess of business requirements, would produce most unfortunate results. The present readjustment of prices and business activity in this country and throughout the world follows a period of rapid expansion of credit and currency. An abnormal expansion of credit and currency is usually accompanied by a period of falling prices and depression in business. An increase in currency would merely result in a temporary increase in purchasing power without a corresponding increase in the volume of goods. The ultimate result would be an advance in prices or a depreciation in the buying power of the dollar. With the increased buying power which results from currency issues, many people are led to believe that wealth has increased accordingly, but the disappointment comes when the efficiency of the new buying power is seriously diminished by its mere quantity.

Public finance should be dissociated so far as possible from the monetary system. They are separate and distinct problems, and the world has learned through bitter experience that a Government's financial operations should not be allowed to interfere with its currency system if it can possibly be prevented. For a Government to meet its obligations or extend credits by issuing currency is simply a species of confiscation which is inflicted upon the public through the process of depreciating the currency. Moreover, it is a process which leaves in its wake a host of economic ills and hardships.

Very truly yours,

S. P. GILBERT, Jr.,
Undersecretary.

JACOB S. COXEY, Sr., Esq.,
Ohio Hotel, Fourteenth and H Streets,
Washington, D. C.

BRIEF SUBMITTED TO THE PRESIDENT BY JACOB SECHLER COXEY, SR., OF MASSILLON, OHIO, AND OHIO HOTEL, FOURTEENTH AND H STREETS NW., WASHINGTON, D. C., BEFORE THE BANKING AND CURRENCY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, APRIL 20, 1922, ON THE NONINTEREST-BEARING 25-YEAR BOND PLAN.

Mr. Chairman and gentlemen of the Banking and Currency Committee of the House of Representatives: House bill 4576, introduced by Mr. WILLIAM J. BURKE, of Pennsylvania, April 20, 1921, now before your committee and being considered, is known as noninterest-bearing 25-year bond plan.

That whenever any State, Territory, county, township, district, municipality, or incorporated town or village, hereafter designated "community," shall deem it necessary to make any public improvement, market roads, building homes for its citizens, or for its needs and employment for unemployed it may deposit with the Secretary of the Treasury of the United States a noninterest-bearing 25-year bond or bonds to provide for the security and issuance of legal tender Treasury notes (money) at cost (without interest) in any amount up to but not to exceed one-half of the assessed valuation of the real property, exclusive of improvements thereon, in such State, Territory, county, township, district, municipality, or incorporated town or village, such money received by such "communities" to be returned to such Secretary of the Treasury of the United States in 25 annual installments of 4 per cent each, but without interest, at such time to be retired, canceled, and not again reissued, including cancellation of such bond or bonds deposited with such Secretary, upon such return of all such installments.

[Senate Doc. No. 728, 60th Cong., 2d sess.]

The secret proceedings and debates of the Federal Convention assembled at Philadelphia, Pa., in the year 1787 for the purpose of forming the Constitution of the United States of America submitted:

MONDAY, SEPTEMBER 17, 1787.

On the adoption in convention by the unanimous order of the convention the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia being represented.

GO: WASHINGTON, *President.*
WILLIAM JACKSON, *Secretary.*

The Constitution of the United States was adopted.

On the same day, September 17, 1787, submitted as follows:

IN CONVENTION.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

GEORGE WASHINGTON, *President.*

His Excellency the President of Congress.

By the unanimous order of the Convention.

Under such Constitution of the United States the Congress may enact laws, subject to be reviewed and revision by the Supreme Court of such United States.

Article 1, section 8, clause 5 of such Constitution of the United States provides: The Congress shall have power to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

Article 1, section 10, clause 1, provides: No State shall coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts.

All of such States had, prior to such adoption and ratification of Article 1, sections 8 and 10 of such Constitution, the sovereign right to coin money, regulate the value thereof, and of foreign coin; emit bills of credit; make anything a tender in payment of debts within the boundaries of such States; therefore the necessity of such Constitutional Convention, for such States to assemble together and agree to do collectively what they could not do as individual and separate States, viz, to make a national money and emit bills of credit in payment of all debts that would be legal tender in all of such States as well as the United States.

Upon such adoption and ratification of such Constitution by such States there was a complete surrender of such sovereign right to coin money, regulate the value thereof, and to emit bills of credit, by delegating its sole right of coinage and emissions of bills of credit to the Congress of such United States. Such States by such surrender and delegation of power thereby denied to such States and deprived such States the right to develop such States, or to help by loaning money to the people of such States.

It can not be conceived by an unbiased and unprejudiced mind that these intellectual and honorable gentlemen who comprised the Constitutional Convention of 1787, just 11 years after the Declaration of Independence, would have agreed to the surrender of the right of such States to coin money, emit bills of credit for its and its people's needs without imposing a duty upon Congress to furnish a national currency that would be a full legal tender in payment of all debts in all of such States as well as such United States.

I contend a duty was thereby imposed upon the Congress to furnish a national, full legal-tender money, sufficient in amount for such States, subdivisions thereof, and its people's needs, at cost of material, labor, printing, engraving, and disbursing of such money, as well as without interest on such money.

I here cite the highest authority under the Constitution in support of my contention, as outlined by the United States Supreme Court decision, January 15, 1872 (12 Wallace, 539, and 110 U. S. Report, 448). "Congress is authorized to establish a national currency, either in coin or in paper, and to make that currency lawful money for all purposes as regards the National Government or private individuals."

SECRETARY CHASE ON THE "GREENBACK."

What is a greenback? Did you ever think what it was? Why, it is simply the credit of this great American people put in the form of money to circulate among the very people whose credit makes it good. When I was Secretary of the Treasury the question arose, How should these vast armies and navies be supplied? How should the boys be fed in the fields, the sailors in ships, and provisions be made for their support, their clothing, food, and transportation? I found the banks of the country had suspended specie payments. What was I to do? The banks wanted me to borrow their credit, or pay them interest in gold upon their credit. They did not pay any gold, or propose to pay any themselves, but they wanted me to borrow their notes. I said, No, gentlemen, this great American people is worth all of you put together. I will take the credit of the people and cut it up in the form of little bits of paper and we will circulate that paper. This is the true idea of the greenback. It is the credit and property of the American people. (Salmon P. Chase, Secretary of the United States Treasury under Abraham Lincoln.)

DEFINITION OF MONEY.

The redemption of money in commodities and services through the clearing houses of the industry of the world, from which everyone withdraws precisely the things he desires in exchange for the money he holds, is the beau ideal money under the present system of the infinite division of labor. (Moran on Money, p. 111.)

When a laborer has received his wages in money he has not received an equivalent for his services, but only something which will enable him to get what he chooses. The money, therefore, that he possesses is not the equivalent but it is the symbol, the proof, that he has rendered services or property for which he has not received an equivalent. (Macleod on Banking, p. 124.)

Money is an idea of Congress enacted into law. It is a national medium of exchange used in exchanging labor in production, and to exchange the products of labor from the producer to the consumer. It simply represents values which are created by labor or services rendered, and is a legal order for goods, and never should have or be of any value in or of itself. This is all that money is or should be. It should not get into circulation without a service being rendered or a value created. It is a representative and not a measure of value. (Coxey on Money.)

J. C. CALHOUN'S SCIENTIFIC DEDUCTION ON MONEY, 1834.

Place all the money power in the hands of a combination of a few individuals and they by expanding or contracting the currency may rise or sink prices at pleasure, and by purchasing when at the greatest depression and selling when at the greatest elevation may command the whole property and industry of the community and control its fiscal operation. The banking system concentrates and places this power in the hands of those who control it. Never was an engine invented better calculated to place the destinies of the many in the hands of the few or less favorable to that equality and independence which lies at the bottom of our free institutions.

CHAMBERS ENCYCLOPÆDIA, VOLUME 10, PAGE 136 (1881 EDITION).

The slightest modification of national laws concerning money affects every branch of trade, every industry, every investment; yet a small number of the whole people, those whose business it is to deal in money, as lenders or bankers, alone keep that close watch of legislation which enables them to control it unduly so as to promote their own interests when laws are changed, or if laws are likely to affect their interests injuriously they are the first to be aware of the effects of changes and to guard against them. That prosperity or adversity may result to a majority of an entire people by a simple act of legislation on money with a rapidity that legislation on no other subject can parallel has become obvious to all intelligent people.

Labor is prior to and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration. (Lincoln's second message.)

WASHINGTON, D. C., *May 3, 1922.*

Hon. S. P. GILBERT,
Undersecretary of the Treasury, Washington, D. C.:
(Attention of the President.)

In answer to your letter of April 29, 1922, which is in answer to my letter to the President of April 21, 1922, in which I submitted a brief to him on the noninterest-bearing 25-year bond plan. In reply I submit the following:

The Federal reserve system consisted of, on—	
June 30, 1920, member banks of State banks and trust companies	1,374
June 30, 1921, member banks of State banks and trust companies	1,595
Dec. 31, 1921, member banks of State banks and trust companies	1,614
Mar. 31, 1922, member banks of State banks and trust companies	1,638
June 30, 1920, member banks of national banks	8,025
June 30, 1921, member banks of national banks	8,150
Dec. 31, 1921, member banks of national banks	8,165
Mar. 31, 1922, member banks of national banks	8,272
June 30, 1920, total member banks of all kinds in 48 States	9,399
Mar. 31, 1922, total member banks of all kinds in 48 States	9,910
Mar. 31, 1922, total nonmember national banks outside of 48 States in Alaska, etc	4
June 30, 1920, total number of all banks reporting to the Comptroller of the Currency	30,139
With total loans and discounts (credits) amounting to	$31,256,147,000
June 30, 1914, with total loans and discounts (credits) amounting to	15,288,357,000
June 30, 1920, increase of loans and discounts (credits) in six years of	15,967,790,000
June 30, 1920, increase of Federal reserve notes in six years of	3,755,246,000
June 30, 1920, increase of Federal reserve bank notes in six years of	239,260,000
Inflated increase in loans and discounts (credits) and moneys	19,962,296,000
Decrease in national bank notes from $1,122,452,661 to $723,552,524 from 1914 to 1920, in six years of	386,900,137
Total inflation of loans and discounts (credits) and moneys in six years	19,575,395,863

All contracts, bonds, mortgages, improvements, buildings, and labor were made and expected to be paid for at maturity based upon loans and discounts (credits) allowed by such banks and moneys issued during the six-year period from June 30, 1914, to June 30, 1920, with all labor fully employed. The "pump" was working at full speed, 9,399 member bank "pumps" sucking from 12 regional banks, and they drawing such moneys from the circulation department of the United States Treasury at Washington, D. C., they in turn kept (coining) the Engraving and Printing Department running the printing presses coining and turning out to the extent of $3,994,506,000 of such Federal reserve notes and Federal reserve bank notes.

How much of such moneys issued during this six-year period was "fiat"?

Did not such loans and discounts (credits) allowed by such member banks and moneys issued by such reserve banks enable the farmers and manufacturers to "speed up" on production as well as to employ all labor?

Why the great change from all labor being fully employed during such six-year period to 6,000,000 unemployed in one-year period?

Did the "pump" refuse to work?

Did it, "the pump," become unionized? Did it strike?

Why did the Secretary of the Treasury, together with the advisory council of the Federal Reserve Board, in May, 1920, stop the further financing of the War Finance Corporation, that was authorized by Congress to use $1,000,000,000 to assist the export of American products by advancing the money to American exporters or American bankers? Such billion of money was a foundation for at least seven billions of credits.

Was it (in answer to above question put to Mr. James B. Forgan, a veteran banker of Chicago and a member of such advisory council) because the "pump" failed to function?

Or was it, as Mr. Forgan testified on December 16, 1920: "I am a member of the advisory council of the Federal Reserve Board, and I remember we had it up with the Secretary (last May), and we agreed with him at that time that a little pressure to liquidate (pay up) was necessary—some pressure was necessary, and that was part of the pressure."

Did not such deflation of—

Bank loans as follows (together with the $1,000,000,000 stoppage of the War Finance Corporation) of	$31,256,147,000
June 30, 1920, to June 30, 1921, of (credits) loans and discounts	28,932,011,000
In one year a deflation of	2,324,136,000
And of moneys, Federal and Federal reserve bank notes of	1,009,816,000
Total deflation of (credits) loans and discounts and moneys of in one year	3,333,952,000

bring about this unemployment, bankruptcy, and ruin?

Was it not on account of and because you (those in control of such system) refused to allow the "pump" to function?

Why, if the Federal reserve system in supplying the needs of business as you advise, "The volume of money in circulation at present is amply sufficient to meet the demands of business and our currency needs are fully provided for under the existing system, particularly through the issue of Federal reserve notes, which are designed to expand and contract in accordance with the demands of trade."

"The Federal reserve banks stand ready at all times to issue Federal reserve notes on the proper security as they may be necessary to meet the country's requirements, and a shortage of currency under the present system is almost impossible." Why did 37 national and 10 other than national member banks of the Federal reserve system, together with 365 nonmember State and private banks, fail during 1921?

The purpose of the noninterest-bearing 25-year bond plan is to kill some of the interest bugs that have extracted from the producers and laborers during the six-year period from 1914 to 1920, in interest and discounts, about $10,657,000,000, which went into the pockets of stockholders of 30,139 banks reporting to the Comptroller of the Currency. Such toll in the shape of interest and discounts was paid to such banks for the privilege of working, giving the magnificent sum of $60,725,000 to the Government as a franchise tax for 1920 for the privilege of plundering the people.

This system earned enough during this period of six years to pay for building a home (bank building) for the buccaneers in New York costing about $30,000,000, and one in Cleveland, Ohio, of about $11,000,000, besides accumulating 100 per cent of a surplus on the subscribed capital stock and paying 6 per cent dividend (cumulative) on the paid-in capital of such Federal reserve banks. In addition to paying such franchise tax to the Government, all member banks are required to subscribe for stock to the amount of 6 per cent of their capital and surplus and pay in 50 per cent of such subscription. Under this Federal reserve banking system such banks are becoming richer and the people poorer.

The banks did inflate prices by inflating loans, discounts (credits), and moneys during the six-year period, 1914 to 1920, and through such inflation kept all of the people fully employed.

The banks did deflate prices by deflating loans, discounts (credits), and moneys during the one-year period from 1920 to 1921, which caused bankruptcies, ruin, and 6,000,000 of unemployed.

Under such proposed noninterest-bearing 25-year bond plans the money would be issued in accordance with Article I, section 8, clause 5, of the Constitution of the United States and the Supreme Court decisions; the money would be "pumped" into the depositaries of the States, counties, townships, districts, municipalities, towns, or villages as and when needed to be paid out to the now unemployed for services rendered and material furnished for all internal improvements, building homes for its citizens, and needs of the people in production. Such money would be furnished at cost of handling, but without interest, such money to be returned in 25 annual installments of 4 per cent each and canceled when and as returned and not again reissued. Under such plan it will solve the unemployment problem, putting the idle to work in beautifying and improving when there is no demand for labor in production. It will maintain an equilibrium of prices of labor and the products of labor. It will cost the communities only the price paid for such improvements without interest, instead of paying for such improvements in interest in 25 years and still owing for the cost of the improvement and such improvement worn out. It would soon wipe out about $10,000,000,000 of State, county, township, district, municipal, town, or village and school interest-bearing bonds and save about $500,000,000 in interest annually on such bonds now outstanding to the taxpayers and reduce rents. Such Federal reserve system does not provide the moneys needed for such communities' needs (improvements), as such system will only rediscount paper with liquid securities as collateral running not to exceed 3 months, while the community bonds run for a period of 5 to 40 years.

Therefore the necessity of the noninterest-bearing 25-year bond plan. There can not be any "confiscation" under such plan. There is no "fiat" money under it, as it is secured, first, by double the value of land, exclusive of all improvements thereon; second, all money issued to be expended thereon; third, 4 per cent of all money issued retired annually through taxation; fourth, canceled by the Secretary of the Treasury when and as returned each year.

Therefore the adoption of my proposal is not "entirely out of the question" if the Constitution of the United States means anything, viz, "The Congress shall have power to coin money, regulate the value thereof, and of foreign coin." Who is the Congress? The people. Then who should the Congress coin the money for? I believe the people will answer and say, "For the needs of the Government, States, counties, townships, districts, municipalities, towns, or villages, and for the people at cost, but without interest." The adoption of such plan will immediately in all communities make work for the unemployed, homes for its citizens, credit extensions for farmers and manufacturers, greatly reduce suicides, robberies, and murders, bring joy, happiness, and contentment to millions of people in the greatest country on earth, as well as beautifying and improving it.

Hoping that you will give this explanation the serious consideration it deserves, I remain,

Yours truly,

JACOB S. COXEY, Sr.

HOTEL OHIO, *Washington, D. C.*

P. S.—Am sending the President a copy.

WASHINGTON, D. C., *May 3, 1922.*

The President, Hon. WARREN G. HARDING,
White House.

DEAR MR. PRESIDENT: I am pleased to note that from the receipt of letter under date of April 29, 1922, from the Undersecretary of the Treasury, of which find copy inclosed, you are, as per verbal promise of April 14, 1922, giving my noninterest-bearing 25-year bond bill, H. R. 4576, serious consideration, for which I thank you.

Am inclosing copy of my reply to such Secretary, with the hope that you will take the time to examine it carefully. I have given more than 28 years of study and investigation to it.

You are in the position clothed with a responsibility of deciding what is best for the people as a whole. Do not be influenced by experts that do not know as much as you do yourself about this bill.

Ask yourself the questions, Who is the Congress and the President of the United States?

Does not the Congress enact all laws to coin money?

Does not the President approve or veto all of such laws?

Now, Mr. President, does not the Congress and the President represent all of the people? If they do, then your duty is clear and plain. Coin the money at cost, without interest, for all of the people's needs.

Respectfully submitted.

Yours truly,

JACOB S. COXEY, Sr.

MAY 4, 1922.

The Committee on Banking and Currency of the House of Representatives, in executive session May 4, 1922, voted not to order the hearing of Jacob S. Coxey, sr., on (H. R. 4576) bill printed until after the proponents and opponents of such bill have been heard.

MASSILLON, OHIO, *June 15, 1922.*

The President, Hon. WARREN G. HARDING,
White House, Washington, D. C.

DEAR MR. PRESIDENT: I am pleased to inclose copy of letter from the Undersecretary of the Treasury, Washington, as of May 19, 1922, relative to H. R. 4576, providing for legal-tender notes secured by noninterest-bearing 25-year bonds of States or subdivisions thereof, referred to him, for consideration, by you.

Find inclosed copy of my answer to such letter. I hope that, at your leisure, you will give both of such letters careful and serious consideration.

I have with a great deal of care answered the Undersecretary's letter, giving my reasons why he should make a favorable report to you on such bill.

Hoping for a favorable conclusion, by both the Undersecretary and yourself, I remain,

Yours truly, JACOB S. COXEY, Sr.

—

THE UNDERSECRETARY OF THE TREASURY,
Washington, May 19, 1922.

DEAR SIR: I received your letter of no date with further reference to your suggestion that legal-tender notes secured by noninterest-bearing 25-year bonds of States or subdivisions thereof be issued in order to pay for local improvements. I have already explained in my letter of April 29, 1922, why the proposal would be impracticable and accomplish nothing.

The proposal which you make is based upon a fundamental confusion between currency and capital and disregards all the lessons of monetary history, including the striking lessons the world is getting now from the depreciation of currencies. Whatever basis public improvements might give for the issue of capital securities payable at a given date in the future, with interest meanwhile, it is clear that they do not afford a suitable basis for the issuance of paper currency which would circulate from hand to hand and would have to be redeemable on demand.

There is a wide distinction between the function of capital and the function of currency. Capital is a necessary factor in production, just as land, labor, and management are, and must come from the accumulated savings of the people. The supply of capital depends not upon the supply of money but upon the Nation's savings, that is to say, the excess of production over consumption. Capital is made available for public improvements and the development of new enterprises through investment by people who have saved, and the sound way to finance public improvement would be through the sale of investment securities to the public. It is a persistent fallacy that banks or the Government can create capital by merely issuing paper currency which adds nothing to the wealth or capital assets of the country. Capital can be created only through production and the promotion of saving. To substitute Government issues of paper currency for capital is an attempt to create something out of nothing, and every such scheme sooner or later leads to disaster. This was pointed out in the famous report of the English committee on currency and foreign exchanges, submitted in the latter part of 1919, which states: "The shortage of real capital must be made good by genuine savings. It can not be met by the creation of fresh purchasing power in the form of bank advances to the Government or to manufacturers under Government guaranty or otherwise, and any resort to such expedients can only aggravate the evil and retard, possibly for generations, the recovery of the country from the losses sustained during the war."

As a factor in production, capital receives a share of the proceeds of a productive enterprise in the form of interest. Otherwise there would be no inducement to save and to invest. New enterprises or improvements which require capital for their development frequently can not be expected to pay for themselves from their own earnings for many years. This means that some one must put money into new enterprises and wait years to get it back, and there must be some inducement for one to do this in the form of interest in the meantime. The so-called interest saving that might be made by financing expenditures through the issuance of paper currency rather than through borrowing is worse than illusory. As a matter of fact, the payment of interest is trivial as compared with the losses which would follow from the depreciation of currency. It does not take a vivid imagination to picture the chaos which would result from the issue of billions of dollars of inconvertible paper currency. As has been recently stated, "Noninterest-bearing currency is one of the world's greatest afflictions to-day. There is no greater delusion than that a cheap currency is desirable or that a cheap currency is cheap."

Currency is a medium of exchange, a mechanism for making day-to-day business transactions, and the amount needed has no direct relation to capital demands. The plan to have the Government, when it needs money for improvements, raise it by issuing currency against bonds, would not bring forth capital, but would involve an indirect tax on the whole people through the depreciation of outstanding currency and increased prices for commodities and the necessities of life. The Government can not create wealth simply by printing paper currency. The volume of currency is related to the volume of business transactions, and the general price level is largely determined by the ratio between these two. Any disturbance of this ratio by a great increase in currency would reduce its purchasing power regardless of how much real estate might be back of the currency. The issue of inconvertible or irredeemable paper money necessarily results in depreciation, and there is no form of taxation more cruel or more burdensome to the people as a whole, particularly those of small means, than depreciation of the currency and the increased cost of living which follows. Inflation at the beginning may tend to increase business activity just as a strong stimulant taken by the individual gives the individual for the time being an appearance of more than normal energy. But by a continued use of the stimulant the effects soon wear off, the subject is left exhausted and weakened, and the net result is harmful. This is the history of the inflation which prevailed during the war and the period immediately following. The prosperity which ensued was not a healthy prosperity; it was more apparent than real. There was, of course, a great demand for commodities, but the country's liquid capital was being consumed rather than saved. It was not being used, as normally, to keep up the highways, railroads, public utilities, buildings, and industrial plants. As a result, the fixed-capital equipment of the country depreciated and the economic fabric of the country was weakened. The subsequent readjustment in business was an inevitable reaction from the period of inflation and no amount of bank credit could have long prevented it. There was, in fact, an extreme disorganization of commerce and industry all over the world, resulting from the war and the disturbances which followed.

This country has already made an important recovery and substantial advances have been made recently in the prices of many basic products. In fact, many of them have risen 30 or 40 per cent or more from the low levels of some months ago and in consequence there has been an important recovery in agriculture and some other industries. Banking and financial conditions have greatly improved and there is now a sound basis for the gradual recovery of business and industry. This, the Treasury believes, should be allowed to proceed in a healthy and orderly manner, without artificial stimulants which would further disturb the situation and sooner or later lead to unfavorable reactions.

Very truly yours,

S. P. GILBERT, Jr.,
Undersecretary.

Gen. JACOB S. COXEY, Sr.,
Hotel Ohio, Washington, D. C.

—

MASSILLON, OHIO, *June 15, 1922.*

HON. S. P. GILBERT, JR.,
Undersecretary of the Treasury, Washington, D. C.
Attention of the President.

In answer to your letter of May 19, 1922, which is in answer to my letter of May 3, 1922, relative to H. R. 4576, which had been referred to the Secretary of the Treasury for consideration by the President, which provides for the issuance of legal-tender notes secured by noninterest bearing 25-year bonds of States or subdivisions thereof, to be issued to pay for all internal improvements of such States or subdivisions thereof.

Under such bill such States or subdivisions thereof would, or could, at their option, obtain legal-tender currency without interest, the Federal Government deducting 1 per cent of amount of such currency issued to pay for material, labor, printing, engraving (coining) and disbursing such currency, such Government furnishing 99 per cent of such face value of such noninterest bearing 25-year bonds deposited with such Government, in such full legal-tender currency at cost for such States or subdivisions needs, with the provision to return such currency by such States and subdivisions thereof through taxing its people's property to return such currency in 25 annual installments of 4 per cent each, but without interest, 4 per cent of such currency issued being redeemed through taxation, and such 4 per cent canceled annually.

Under our present banking system such States or subdivisions thereof issue 25 to 50 year 5 per cent interest-bearing bonds, based upon the same security, with the same taxing power of such States or subdivisions thereof as is provided for in H. R. 4576 and now being under discussion; such banks of such banking system purchase such 5 per cent interest-bearing bonds, pay for such bonds out of such banks depositors' currency deposited with such banks, on which such depositors receive 2 to 3 per cent interest for such deposits, and such banks receive 5 per cent interest upon such bonds purchased; such banks also pay for such bonds out of currency such banks receive from such Government, in the shape of National and Federal reserve bank notes, upon which such banks receive interest from such Federal Government, on interest-bearing Government bonds deposited with such Government as security for such National and Federal reserve bank notes issued by and to such banks at cost.

Under such banking system the people are being taxed by such Federal Government to pay such banks interest on such Government interest-bearing bonds deposited with such Government as security for the issuance by and to such banks of such currency issued; such banks loan such currency to such States and subdivisions thereof on such interest-bearing bonds issued by such States and subdivisions thereof; such States in turn tax its people that have just been taxed by such Federal Government, to pay 5 per cent interest to such banks for the use of such currency that you term "capital"; this is a double-headed interest "mechanism" intended and used to bleed the people through interest, as shown by the comptroler's report of the currency, as of June 30, 1920, 30,139 banks reporting owned over 11 billions of such bonds, stocks, and other securities that were purchased and paid for as heretofore explained, while such banks have a combined capital of only $2,702,000,000.

Under such banking system such States and such subdivisions thereof tax its people's property to pay interest to such banks and other purchasers of such 25-year 5 per cent interest-bearing bonds, 125 per cent of such face value of such bonds, and then will as an inheritance to the succeeding generation the privileges of paying or repudiating such principal of such bonds.

Such improvement, that such currency had been borrowed upon such interest-bearing bonds, has been worn out and has been paid for, in interest, one and one-quarter times, and such bond remains to bind such succeeding generation.

Under such proposed noninterest-bearing 25-year bond plan, the actual cost of all internal improvements and building homes for citizens will be paid for only once, without interest.

If a noninterest-bearing 25-year bond would have been issued, instead of an interest-bearing one, such bond would have been paid at the end of such 25-year period, and one-quarter of such face value of such bond in currency saved to such taxpayers of such States and such subdivisions thereof.

I fail to see the distinction in your "fundamental confusion between currency and capital" you try to make, that a "currency" issued against a noninterest-bearing 25-year bond will inflate prices and a "currency" issued against a 5 per cent interest-bearing 25-year bond—both issued against the same security of States and subdivisions thereof—will not inflate prices, the first being "currency" and the latter being "capital."

The 13 States in 1787 realized the necessity of a national full legal-tender currency, instead of 13 different kinds of State currencies that would only be legal tender within the boundaries of each States; that under the sovereign right of each State such State could coin a currency that would be legal tender within the boundaries of each State; therefore the Constitutional Convention of 1787 was held, in which was provided, in clause 5, section 8, Article I of the Constitution of the United States: "The Congress shall have power to coin money, regulate the value thereof and of foreign coin."

Clause 1, section 10, Article I of such Constitution provides: "No State shall coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debt."

The Supreme Court decision, which is final, says: "Congress is authorized to establish a national currency, either in coin or in paper, and to make that currency lawful money for all purposes as regards the National Government or private individuals."

In the year 1865 the Congress passed a law to place a tax of 10 per cent upon all State bank issues and other issues of currencies; such Supreme Court decided that in order to make a national monopoly of the issuance of currencies, that such tax was constitutional.

I am in full accord with the President when he says "that he believes in constitutional law."

The constitutional provision giving Congress the power to coin money, together with the Supreme Court decisions, brings us up to a question of a method for issuing such money to the people at cost; H. R. 4576 provides a sane, safe, practical, constitutional, and economical method of providing that currency, lawful money for all purposes, in amount sufficient for the needs of all of such States and subdivisions thereof.

I am of the firm belief that the framers of the Constitution of the United States, as well as such 13 States that ratified such Constitution, contemplated and fully expected the Congress to enact a law in accordance with such Constitution, as outlined in H. R. 4576, which would furnish such States and subdivisions thereof with a national full legal tender currency at no greater cost than such States could have coined a State currency, or else such States would not have surrendered such State sovereign right to coin money and regulate the value thereof and determine what should be legal tender within the boundaries of such States to such Federal Government.

During the six-year period from June 30, 1914, to June 30, 1920, such banks reporting to the Comptroller of the Currency, 30,139 in number, had loans and discounts (credits) of $15,288,357,000 and inflated to $31,256,147,000, a total of $15,967,790,000.

Such bank credits usually credited in a bank book and drawn on through 95 per cent of checks to 5 per cent cash, and which were a substitute for currency; during the same six-year period the Federal reserve bank notes were inflated, issued $239,260,000, and Federal reserve notes issued $3,755,246,000, a total inflation of $3,944,506,000, making a total inflation of bank credits and currencies of $19,962,296,000.

Such banks were functioning properly, supplying credits in the shape of loans and currency needed by the farmers, manufacturers, jobbers, and retailers—although the burden of interest, discounts, and commissions to obtain such credits, loans, and currency were tremendous—that enabled them to employ all labor in production and improvements. Did not such bank credits, loans as well as such currency, help to inflate prices during such six-year period?

If 95 per cent of such $31,256,140,000 of loans and discounts, bank credits, or $29,693,339,550 that were subject to check had all been currency, the same as such 5 per cent of currency, $1,562,807,450, represented as a part of such loans and discounts, as cash by such banks; would such bank credits, if it had all been currency instead of such bank credit, have made prices of labor and products any higher than such prices were during 1920?

Does not this prove conclusively that such banks are loaning 95 per cent of credit and 5 per cent in currency, but receive interest on such 100 per cent loan?

Does it not also prove that is the main cause of the bankers' opposition to noninterest bearing 25-year bond currency, because it will break the strangle hold such banks now have through interest-bearing bonds of such States and subdivisions thereof, amounting to over $10,000,000,000, on which such banks receive over $500,000,000 in annual interest payments?

When such Federal reserve notes were issued by such Federal reserve banks—only coined and held ready by the Government—against 40 per cent held in gold by such Federal reserve banks, together with a 100 per cent in commercial paper, rediscounted by such reserve banks, therefore interest received by such reserve banks upon (collateral) commercial notes, deposited and held as security by such reserve banks, for such reserve notes issued by such reserve banks.

Did such notes when issued by such reserve banks become "currency or capital"? There seems to be "a fundamental confusion," and it would be interesting to know just when and where and how the change from "currency to capital" takes place and what causes such change. Does paying interest on such currency when issued and loaned by such banks increase its value or stop price inflation when paid out for production or improvements?

If legal-tender currency is issued against a noninterest-bearing 25-year bond and is paid out to labor for services rendered and material furnished for internal improvements, would not such currency, after paying living expenses of such labor and anything above cost for such material, be "savings," therefore under your version become "capital," just as if it had been borrowed against an interest-bearing 25-year 5 per cent bond and paid to labor and for material for such improvement?

If such noninterest-bearing 25-year bond currency become savings "capital" after paying for material and labor for improvements, could not such currency, "savings," "capital," be used afterwards in employing other labor in producing the things necessary to feed, clothe, house, and all things necessary for those that were making improvements needed for all of the people?

If such noninterest-bearing 25-year bond currency were full legal tender, would it not be a "mechanism" and redeemed each time it passed from "hand to hand," paid a debt, purchased and paid for labor or things produced by labor?

When the taxpayer paid his annual taxes, sufficient to pay 4 per cent annually on such amount borrowed from such Government on such noninterest-bearing 25-year bond deposited, would not such currency paid by such taxpayer be redeemed through taxation and canceled upon the receipt of such currency by such Secretary of the Treasury?

Would not such noninterest-bearing 25-year bond currency circulate from "hand to hand" after being paid out to labor and material for improvements the same as though it had been borrowed from banks issuing it and interest paid on it? Anything "illusory" about such noninterest-bearing 25-year bond currency?

Legal-tender currency is a necessary factor not only in production but in internal improvements.

Under our system of production and distribution in 1920 we were using, according to the comptroller's report, that which was visible, of about $31,256,147,000 of bank credits, with about $4,700,000,000 of national bank, Federal reserve bank, and Federal reserve notes used as currency, none of which were legal tender, but redeemable in legal tender, and only about $346,000,000 of legal tender, which were issued by Abraham Lincoln during the Civil War.

Under your version "capital" must come from the "accumulated savings of the people." If your version is correct, why issue any more national, Federal reserve bank, and Federal reserve notes?

The people produce products, utilities, and improvements and all things necessary for their need. It takes currency to pay for labor and material in producing, transporting, and distribution. Where does such currency come from? Does it not come through an act of Congress?

Such currency should be furnished in amount sufficient for the needs of such States or subdivisions thereof at cost. Such noninterest-bearing 25-year bond currency would be unlike the foreign "irredeemable" currencies that you refer to. As such currency would only go into circulation when paid out for services rendered, labor performed, and material furnished, a dollar's worth of value would be created for every dollar of such currency paid out under such noninterest-bearing 25-year bond plan. Such States or subdivisions thereof would pay only once the actual cost for all of such public improvements, and each generation would pay in full, through taxation, for such improvements which it had created, used, and enjoyed, and not will, as an inheritance to the succeeding generation, an interest-bearing debt for an improvement that had been worn out and must be made over.

Under such noninterest-bearing bond plan it is not proposed to create "something out of nothing," as you allege, but to furnish a currency to employ labor in beautifying and improving when there is no demand for such labor in production. If such plan had been adopted when first introduced in Congress on June 15, 1894, just 28 years ago to-day, we would have billions of dollars of internal improvements to-day in the shape of market roads, etc., that we have not. Such labor has been wasted and millions of people now in destitution and want. Four million people out of work to-day means, at $3 per day, a loss of $12,000,000 per day; means that this Nation's loss in man power for the past year has been $3,600,000,000, a sufficient amount to have paid one year's expenses of such Federal Government. This is a low estimate of the loss.

Would it not have been better to have employed such unemployed on public works, which would have given them a purchasing power to the extent of such loss in man power that they have not had during such idle period?

Would we not all be enjoying such good roads and other improvements and have saved thousands of people from suicide, bankruptcy, and ruin?

If the number of dollars in circulation regulate the value of the dollar, and such Federal reserve banks issue and regulate the number of dollars to go into circulation, do not such Federal reserve banks, under such a system, regulate the value thereof? Under such circumstances the Congress, who have the power under the Constitution to coin money and regulate the value thereof, have surrendered such right to such banks.

Congress alone shall authorize and direct the coinage and issuance of all currencies or moneys; the people do not create currency, but do create value, and are paid for services rendered in creating such value, with currency coined by the Government and issued by the banks, such currency when loaned by such banks, paid out, represents value created, and if made legal tender, is a legal order for goods, or can be tendered in payment of goods or debts at any time in the future.

Congress should furnish such currency at cost without interest for the developing of the resources of such States and subdivisions thereof and for all internal improvements.

Congress should help Alaska to develop the resources of Alaska. Alaska needs $100,000,000 for developing the resources and colonization of farmers, etc. Why tax the people of the United States to appropriate money for developing Alaska?

Authorize Alaska to issue a noninterest-bearing 25-year bond for $100,000,000 and let the Government loan by issuing $100,000,000, deducting $1,000,000 to pay for material, engraving, printing, labor, and disbursing, then loan $99,000,000 full legal-tender currency to Alaska without interest, with the provision that Alaska must return $4,000,000 per annum for 25 years. This will enable Alaska to develop its resources and put people on the farms.

New York City needs about $218,000,000 for a new subway. Why should not New York City issue a 25-year noninterest-bearing bond for $220,000,000, deposit such bond with the Secretary of the Treasury of the United States, and receive from such Secretary $217,800,000 in full legal-tender currency, such Secretary retaining 1 per cent—$2,200,000—to pay for material, labor, printing, engraving (coining), and disbursing of such currency.

New York would not need to pay any banking syndicate any commission, nor pay any interest on such noninterest-bearing 25-year bonds, but pay 4 per cent annually—$8,800,000—for 25 years, either by taxing the property of the people of the city of New York, or out of the revenues of such subway when completed and in operation.

The Government would make a small profit in issuing and coining such currency.

Would not such plan be an improvement of what New York City did about 12 years ago?

New York City issued $200,000,000 of 5 per cent 50-year bonds for a subway, sold them to the Morgan syndicate, paid such syndicate a commission and are now paying $10,000,000 per year in interest, and will pay during the 50-year term $500,000,000 in interest for the use of such currency and still owe the principal of $200,000,000.

If $500,000,000 can be saved to the city of New York on $200,000,000 invested in a subway, would such interest saving be "illusory and trivial"?

New York has increased its interest-bearing debt from about $1,000,000,000 in 1910 to $1,678,000,000 in 1922. Do you think the taxpayers think this increase in debt is "illusory and trivial"?

Does such proposed plan appear to be such a "persistent fallacy" as you allege?

Would not such production of a subway promote saving not only to those that rendered service in building and furnish material for such subway?

Also a saving to the city of New York of at least 5 per cent in interest, amount of $11,000,000 per annum, and make a 5-cent fare possible and profitable.

After such $217,800,000 has been paid to labor and for material for such proposed subway, would not any excess to labor above cost of living and profit on such material be "savings capital"?

Could not such "savings capital" be invested in production?

Would not such investment be an inducement to save?

Could not such "savings capital" be invested in a production that would be profitable?

If about $4,000,000,000 in Federal reserve bank notes and reserve notes were issued during the period from 1914 to 1920 that were not legal tender but were redeemable in legal tender, what harm could

have been done if a like amount of full legal tender noninterest-bearing 25-year bond currency of States or subdivisions thereof were issued and 4 per cent of the total amount redeemed annually through taxation and canceled as redeemed?

Under our present banking system not only the amount of or volume of currency, but the amount of bank credits with it, controls the volume of business transactions, and the general price level is determined by these three and not by the currency and business transactions, as you allege, a contraction of loans, bank credits, by the banks of $2,324,136,000 and retirement of $1,009,000,000 in Federal reserve notes from June 30, 1920, to June 30, 1921, caused a drop in prices unparalleled in this country, with bankruptcy, ruin, unemployment, and suicides following.

Your Anti-Saloon League illustration of the effect of "a strong stimulant" and applying it to what happened during such six-year prosperous period, while the country was in the most prosperous condition that I have experienced and observed during a business career of over 40 years, it is interesting to note some things that happened during such prosperous period.

Did they not make Liberty bond drives, enlisting the most beautiful girls and women of the Nation in enticing people to subscribe for Liberty bonds "until it hurt"?

When everything else failed, offering kisses from the ruby lips of our American beauties if they would only buy. Who could resist the sympathetic appeal when they gazed into the sparkling eyes of such beauties, especially when they were using "a strong stimulant"? An American could not resist; he would be termed the worst kind of a slacker and a pro-German; the bankers even promised, if you would buy Liberty bonds, pay down what you could, pay them 8 per cent on the note given in payment of the loan, while you received 4 per cent on what you bought, "Liberty bonds," they would carry the loan as long as you wanted them to carry it. Did such bankers keep their promises? Ask the millions of the once holders of Liberty bonds; when their loans had been called and the bonds had been depreciated below 90 per cent by such bankers, the holders and owners were compelled to let loose, and "the subject is left exhausted and weakened."

The writer is convinced that you are familiar with the kind of "stimulant" credit and currency to administer to the confiding public, how long they should continue to take it, and just when to shut off such "stimulant" so as to get them into an "exhausted and weakened condition." Your statement that "the net result is harmful" is fully borne out by your admission, and the way it has worked out is quite obvious, "particularly those of small means have missed the 'stimulant,'" many of them basking in the sunshine and rain in the parks, traveling in box cars, engaged in holdups, murders, and, as a last resort, suicide; such is now and has been happening since your predecessor, Secretary Houston, with the Federal Reserve Board, at the order of the invisible government, used the Anti-Saloon League method of amending the Federal reserve act as of April 13, 1920, approved by Ex-President Wilson on such date, and on May 18, 1920, such Federal Reserve Board applied the "Volstead" method of shutting off the "stimulant," which produced the foregoing effect.

It is true that we used such "stimulant" during the six years of credits and currencies, from 1914 to 1920, to fasten $24,000,000,000 of interest-bearing debt in the shape of Liberty bonds upon the Government; such debt was incurred with labor at $6 per day, wheat $2.40 per bushel, cotton 40 cents per pound, wool 60 cents per pound, and other products in proportion, which now must be paid with labor at $3 per day, wheat $1.20 per bushel, cotton 16 cents per pound, wool 20 cents per pound, and other products in proportion.

Was such deflation of such prices in the interest of the producer or those that control what you term "capital"?

Such bonds have doubled in value, payable in labor or the products of labor.

The way to deflate such holders of such Liberty bonds so as to place them on the same level with labor of all kinds that have been deflated is for Congress to enact a law authorizing and directing the Secretary of the Treasury to have issued a sufficient amount of full legal-tender Treasury notes to pay such holders of bonds and other interest-bearing obligations of the Government as and when they mature.

Such proposed plan does not contemplate to invest such currency in "new enterprises," but does provide currency for all internal improvements and homes for its citizens. My mind is clear and has been vivid during the past 28 years since I first conceived the idea of a noninterest-bearing 25-year bond plan. Such currency issued under it, being a full legal tender, is not a "cheap" currency and can not be worth less than 100 per cent at all times, just as long as the Government lasts. There is no "delusion" in such a plan, as such a full legal-tender noninterest-bearing bond currency is far more valuable than national bank, Federal reserve bank, and Federal reserve notes, as such notes are not a legal tender, can not compel a creditor to accept such notes in payment of a judgment; such notes must be redeemed or exchanged for legal-tender currency or gold, as such notes are only receivable and not legal tender for debts.

You allege by a continued use of the "stimulant," "the effects soon wear off." Just as long as such banks kept discounting commercial paper, "a stimulant"—credits—of the people, they were fully employed, but on May 18, 1920, when such Federal Reserve Board sent out the order to deflate, such order being obeyed, shut off bank credits—the "stimulant"—and left 4,000,000 of labor in an "exhausted and weakened" condition. Such was the conspiracy hatched by the invisible government who gave orders to Secretary Houston and such Federal Reserve Board, and through the amendment to the Federal reserve act, approved by ex-President Wilson April 13, 1920, such board was then in position to put the screws on and make them liquidate; and on May 18, 1920, such reserve banks used the member banks in doing it by refusing any more rediscounts—"stimulant" bank credits—but instead made all pay up that could pay; those that could still pay interest such banks are carrying, and those that could not pay interest nor pay the principal are bankrupt and done for, as heretofore outlined.

It certainly is a sad but true picture.

I have given it to the Banking and Currency Committee of the House, as outlined to you, in my hearing to such committee on April 20, 1922, and will file with each member of such committee a copy of this correspondence, also a copy to the President, as he promised me on April 14, 1922, when I appealed to him to support such noninterest-bearing 25-year bond plan; at such time he promised to give it serious consideration and by his referring it to the Treasury Department for consideration, proves that he has kept his word.

It is pleasing to note that after 28 years' effort on my part for such noninterest-bearing bond plan that two of the most prominent men in this country are advocating the principle of such noninterest-bearing bond plan, Messrs. Henry Ford and Thomas A. Edison applying such plan to the financing of Muscle Shoals property.

The issue is a noninterest-bearing 25-year bond currency, issued by the States and subdivisions thereof, coined by the Federal Government, at cost to the people; or, interest-bearing bond currency, issued by the banks, coined by the Federal Government, at cost to such banks.

PEOPLE VERSUS BANKS.

Under such noninterest-bearing 25-year bond plan the people save such interest on such noninterest-bearing bonds deposited with such Government as security for such currency issued thereon, and also saves the interest on such currency issued and when being used.	Under such present interest-bearing bond plan the people are taxed by such Federal Government to pay interest to such banks on such Government interest-bearing bonds deposited as security for currency issued by such banks. The people are again taxed by such States and subdivisions thereof to pay such banks interest for the use of such currency, borrowed on such State and subdivision interest-bearing bonds, when such currency is being used.

Mr. Secretary, you are a sworn officer of the Government, just as much so as the Chief Justice of the Supreme Court of the United States. You should construe such noninterest-bearing 25-year bond plan as outlined in H. R 4576 and herein, to the best interest of the people as a whole, according to your conscience; this is a proposed law, against one now in force, but it should not prejudice your judgment and decision.

I hope that I have been able to convince you of the justness and necessity of such noninterest-bearing 25-year bond plan, so that you may make a favorable report to the President, thereby start on the way the framers of the Constitution of the United States and such thirteen States intended, when such States surrendered such right to coin money to the Congress, and when such States ratified such Constitution.

Respectfully submitted.

Yours truly, JACOB S. COXEY, Sr.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Friday, June 30, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 12120. A bill granting the consent of Congress to the county court of Lafayette County, in the State of Missouri, to construct a bridge across the Missouri River; without amendment (Rept. No. 1159). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 12121. A bill granting the consent of Congress to the county court of Saline County, in the State of Missouri, to construct a bridge across the Missouri River; without amendment (Rept. No. 1160). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 12092. A bill granting the consent of Congress to the Louisiana Development Co. to construct a bridge across the Red River at or near Grand Ecore, La.; without amendment (Rept. No. 1161). Referred to the House Calendar.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Report 1163. A report on the disposition of useless papers in the Treasury Department. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 10847. A bill for the relief of Jacob Dietch; without amendment (Rept. No. 1165). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10848. A bill for the relief of Estella W. Dougherty; without amendment (Rept. No. 1166). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 12170) to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916, and the same was referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RIDDICK: A bill (H. R. 12220) extending the provisions of section 2 of the act of May 30, 1908, to all homestead or desert-land entries of land within the former Fort Peck Indian Reservation, in Montana; to the Committee on the Public Lands.

By Mr. SCHALL: A bill (H. R. 12221) to authorize the President of the United States to call an international conference to improve the Gregorian calendar and recommend for universal adoption a common calendar to be used in the reckoning of calendar dates and in regulation of time throughout the world; to the Committee on Foreign Affairs.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 366) releasing all claims of the United States in respect to Government-owned equipment loaned to the John Ohlinger Post, No. 547, of the American Legion, at Portsmouth, Iowa, and destroyed by fire; to the Committee on Military Affairs.

By Mr. SHAW: Resolution (H. Res. 392) requesting the Secretary of War to transmit certain facts to the House of Representatives; to the Committee on Rivers and Harbors.

By Mr. PRINGEY: Resolution (H. Res. 393) directing the Attorney General to make an immediate investigation of the school fund of the Cherokee Nation of Oklahoma; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 12222) granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller; to the Committee on Claims.

By Mr. EDMONDS: A bill (H. R. 12223) for the relief of Louis Leavitt; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 12224) granting a pension to Nettie Mowry; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12225) granting an increase of pension to Henry E. Kiste; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 12226) granting a pension to Elizabeth G. Mitchell; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 12227) granting a pension to Michael V. Murray; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 12228) granting a pension to Nelson Stover; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 12229) for the relief of the Standard Oil Co. at Savannah, Ga.; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 12230) granting a pension to David Turner; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 12231) granting a pension to Ida Stout; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 12232) granting a pension to Gillis W. Webb; to the Committee on Pensions.

By Mr. MANN: Resolution (H. Res. 395) for the relief of the widow of M. R. Blumenberg; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6116. By the SPEAKER (by request): Resolution passed unanimously in the annual session of the Universalist churches of Ohio at New Madison, June 22, relative to the sale of intoxicating liquors on board ships flying the United States flag; to the Committee on the Merchant Marine and Fisheries.

6117. By Mr. BARBOUR: Petition of Accountants' Association of San Francisco, Calif., in opposition to the dissolution of the Southern Pacific and Central Pacific railroads; to the Committee on Interstate and Foreign Commerce.

6118. Also, petition of the Sacramento (Calif.) Clearing House Association, in opposition to the dissolution of the Southern Pacific and Central Pacific railroads; to the Committee on Interstate and Foreign Commerce.

6119. Also, petition of Board of Directors of Chamber of Commerce of Exeter, Calif., protesting against the dissolution of the Southern Pacific and Central Pacific railroads; to the Committee on Interstate and Foreign Commerce.

6120. By Mr. JAMES: Resolution adopted at the thirty-third annual convention of the Finnish Lutheran Church of America, at Negaunee, Mich., on June 3, 1922, indorsing the present administration in its enforcement of the Volstead law, also in its attitude toward enforcing the manufacture and sale of light wine and beer; resolution signed by J. H. Jasberg, Alfred Haapanen, and John Wargelin, committee on resolutions; to the Committee on the Judiciary.

6121. By Mr. KISSEL: Petition of National Republican Club, New York City, N. Y., urging the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

6122. By Mr. MONTAGUE: Petition of 139 citizens of the third congressional district of Virginia, protesting against the so-called Sunday observance bills; to the Committee on the District of Columbia.

6123. By Mr. RAKER: Petition of B. R. Buckingham, director bureau of educational research, the Ohio State University, Columbus, Ohio, opposing the Johnson bill (H. R. 10860) and the Shortridge bill (S. 3403); to the Committee on Immigration and Naturalization.

6124. Also, petition of board of supervisors of Sacramento County, State of California, protesting against the separation of the Southern Pacific and Central Pacific Railroad systems; to the Committee on Interstate and Foreign Commerce.

6125. Also, petitions of Red Bluff Chamber of Commerce, Red Bluff; Corning Chamber of Commerce, Corning; Board of Trustees, city of Corning; and Yuba County Chamber of Commerce, Marysville, all in the State of California, protesting against the separation of the Southern Pacific and Central Pacific Railroad systems; to the Committee on Interstate and Foreign Commerce.

6126. Also, petitions of Yuba County Farm Bureau, by C. O. Mann, president, of Marysville; San Francisco Chamber of Commerce, San Francisco; Northern California Counties Association, of Redding, all in the State of California, protesting against the separation of the Southern Pacific and Central Pacific Railroads; to the Committee on Interstate and Foreign Commerce.

6127. By Mr. RIDDICK: Petition of citizens of Livingston, Mont., urging passage of Towner-Sterling bill; to the Committee on Education.

6128. Also, petition of citizens of Garfield County, Mont., expressing opposition to Senate bill 1948, which provides for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

6129. Also, petition of citizens of Valier, Mont., expressing opposition to House bills 9753 and 4388, and Senate bill 1948, or any other Sunday observance bill; to the Committee on the District of Columbia.

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